

CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 06-10

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REZONING REQUEST FROM AGRICULTURAL (AG-2) TO RESIDENTIAL (RPD) FOR THE LAWHON SUBDIVISION RPD; ON LAND LOCATED AT THE NORTHERN TERMINUS OF WISCONSIN STREET; BONITA SPRINGS, FLORIDA (STRAP NO. 34-47-25-B2-00259.0040), ON 2.00± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. Robert A. Lawhon, Jr.'s estate. in reference to Lawhon Subdivision RPD has filed an application for Rezone 2 +/- acres from Agricultural (AG-2) to Residential (RPD) to permit six residential single-family dwelling units not to exceed a maximum building height of 35 feet.

WHEREAS, the subject property is located at the northern terminus of Wisconsin Street (Old US 41 in Bonita Springs to Pennsylvania Avenue, west on Pennsylvania to Wisconsin Street, north on Wisconsin to end of road, Bonita Springs, Florida, and is described more particularly as:

"See Schedule A"

WHEREAS, a Public Hearing was advertised and heard on September 1, 2006 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case DCI 2005-00091 who gave full consideration to the evidence available and recommended approval (5-0); 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 August 7, 2006 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 from Agricultural (AG-2) to Residential (RPD) with the following conditions:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Lawhon Subdivision Master Concept Plan," stamped received September 7, 2005, last revised 6/15/2005, except as modified by the conditions 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, buildings and structures  
Fences, walls  
Non-roofed accessory structures  
Signs in compliance with Chapter 30  
Administrative offices (Temporary, for the marketing of the development only)  
Dwelling unit (Maximum of 6 units)  
Single-family residences, conventional  
Essential services  
Essential services facility Group 1  
Excavation (No blasting)  
Water retention  
Home occupation - No outside help  
Recreational facilities  
    Personal  
    Residential accessory uses

b. Site Development Regulations

Total site area: 2.0 acres  
Maximum building height: 35 ft. (2 habitable stories)  
Minimum lot width: 72 ft.  
Minimum lot depth: 100 ft.  
Minimum lot area: 8361 sf.  
Minimum front setback: 20 ft.  
Minimum rear setback: 20 ft.  
Minimum side setback: 7.5ft.  
Minimum waterbody setback: 25 ft.  
Maximum lot coverage: 40%  
Minimum open space provided: 40%

3. 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.

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Bonita Springs Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), as well as other Bonita Springs Comprehensive Plan requirements.
5. 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.
  - a. Agricultural use is not approved as part of this rezoning and may not be established in the future, absent rezoning to an agricultural and use district. Any existing agricultural uses on the property must cease within two weeks of the approval of this rezoning.
  - b. Vegetative materials for land clearing may not be burned on-site. Any vegetation that must be removed for purposes of development must be disposed of in a properly licensed and permitted disposal site. This condition will not prohibit open burns for bona-fide agriculture provided that all conditions are met under state law and the Developer provide written notice to both the City of Bonita Springs and local residents (those living within 1,000 feet of the location of the open burn).
6. This development, including all single family residences, must comply with Florida Yards and Neighborhood Handbook as published by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS), which may be obtained at Lee County Extension Services or electronically at <http://fyn.ifas.ufl.edu>.

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 the rezoning by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.
2. The requested zoning:
  - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
  - b) is consistent with the densities, intensities and general uses set forth in the Bonita Springs Comprehensive Plan;

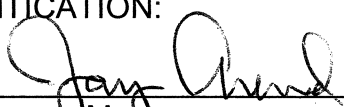
- c) is compatible with existing or planned uses in the surrounding area; and
  - d) will not adversely affect environmentally critical areas or natural resources.
3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
  4. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
  5. The proposed use 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.


**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 30<sup>th</sup> day of October, 2006.

AUTHENTICATION:

  
 \_\_\_\_\_  
 Mayor

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

APPROVED AS TO FORM:

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

Vote:

Arend	Aye	Joyce	Aye
Ferreira	Aye	Simons	Aye
Grantt	Aye	Nelson	Aye
McCourt	Absent		

Date filed with City Clerk: \_\_\_\_\_

10/30/06

EXHIBIT A  
LEGAL DESCRIPTION  
PARCEL 2

The North 137.16 feet of the South 685.83 feet of Block 59, Heitman's Bonita Springs Townsite as recorded in Plat Book 6, Page 24 of the public records of Lee County, Florida Less and Except the following:

Easterly 25 feet for Wisconsin Street

AND ALSO LESS

Commencing at the centerline of Pennsylvania Avenue and Wisconsin Street, thence Northerly along the centerline of Wisconsin Street 25.00 feet to the extension of the North Right of Way line of Pennsylvania Avenue; thence Westerly along said extension 25.00 feet to the Southeast corner of Block 59 of the recorded plats of Heitmans Bonita Springs Townsite being shown in the public records being in P.B. 6 Pg. 24 Lee County, Florida; thence run Northerly along the Westerly right of way of Wisconsin Street N 0°02'30"W 663.33 feet to the POINT OF BEGINNING; thence continue N 0°02'30"W for 22.50 feet; thence run S 89°53'50"W for 498.00 feet; thence run along the arc of a curve to the left having a radius of 65.00 feet a central angle of 133°27'50", a chord distance of 119.43 feet and a chord bearing of S 66°37'45"E for 151.41 feet; thence run along the arc of a curve to the right having a radius of 90.00 feet, a central angle of 43°27'50", a chord distance of 66.65 feet and a chord bearing of N 68°22'16"E for 68.27 feet; thence run N 89°53'50"E for 326.38 feet to the POINT OF BEGINNING being the South half of a 45 foot private road easement  
Containing 2 acres, more or less.

**Applicant's Legal Checked**

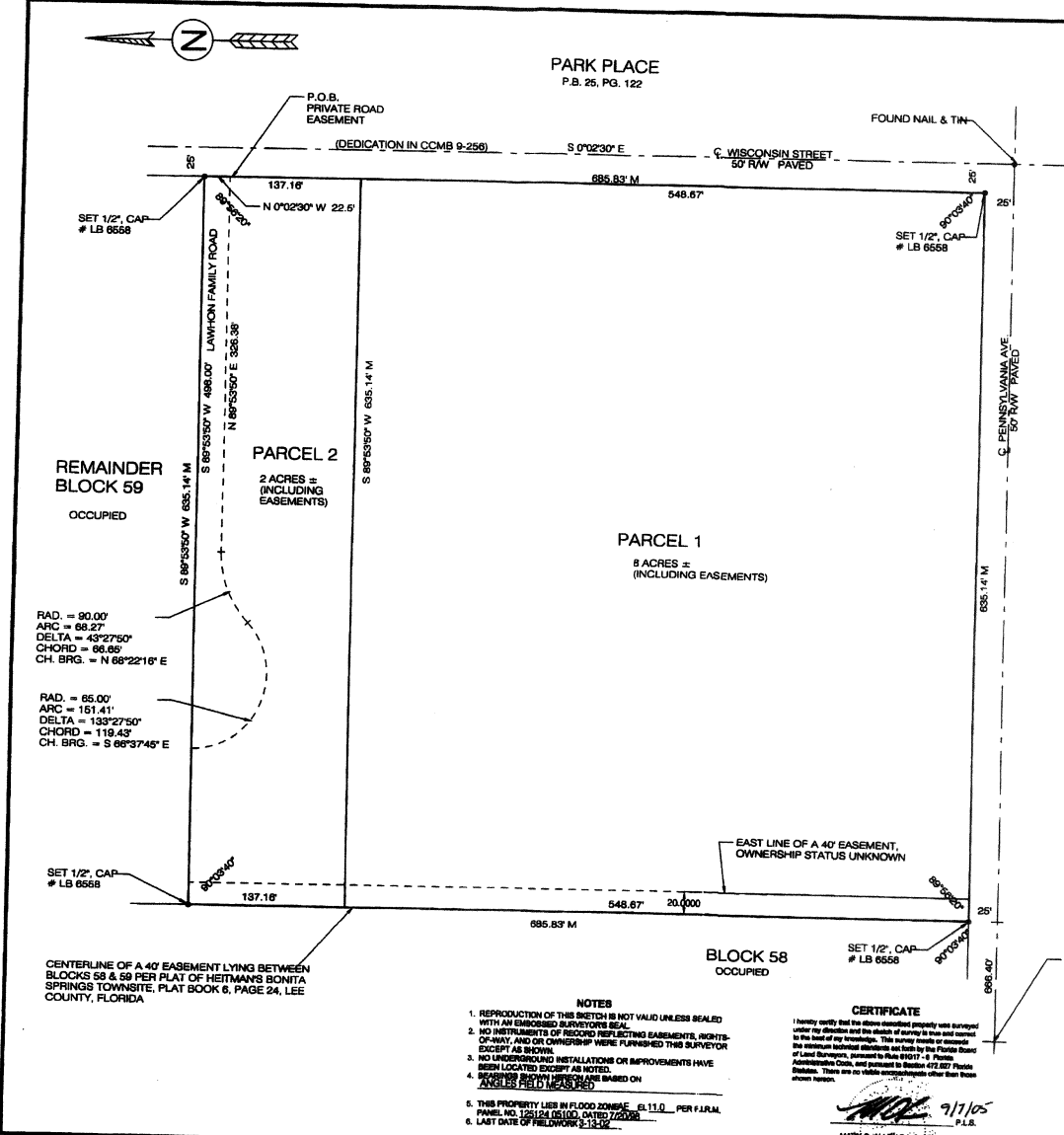
by Lgm 9/21/2005

DCI 2005-00091

RECEIVED

SEP 07 2005

ZONING



**Applicant's Legal Checked**  
 by Lgm 9/21/2005

**LEGAL DESCRIPTION PARCEL 1**  
 The South 548.67 feet of Block 59, lying west of the centerline of Wisconsin Street, Heilmann Bonita Springs Townsite as recorded in Plat Book 6, Page 24 of the Public Records of Lee County, Florida.  
 LESS AND EXCEPT the easterly 25 feet for Wisconsin Street.  
 Containing 8 acres, more or less.

**LEGAL DESCRIPTION PARCEL 2**  
 The North 137.16 feet of the South 685.83 feet of Block 59, lying west of the centerline of Wisconsin Street, Heilmann Bonita Springs Townsite as recorded in Plat Book 6, Page 24 of the Public Records of Lee County, Florida.  
 LESS AND EXCEPT the easterly 25 feet for Wisconsin Street.  
 ALSO LESS AND EXCEPT the following:  
 Commencing at the centerline of Pennsylvania Avenue and Wisconsin Street, thence Northerly along the centerline of Wisconsin Street 25.00 feet to the extension of the North Right of Way line of Pennsylvania Avenue; thence westerly along said extension 25.00 feet to the Westerly Right of Way line of Wisconsin Street; thence run Northerly along the Westerly Right of Way line of Wisconsin Street N 00°02'30" W for 653.38 feet to the Point of Beginning; thence continue N 00°02'30" W for 22.50 feet; thence run S 89°03'50" W for 488.00 feet; thence run along the arc of a curve to the left having a radius of 65.00 feet, a central angle of 133°27'50", a chord distance of 119.43 feet and a chord bearing of S 85°37'45" E for 151.41 feet; thence run along the arc of a curve to the right having a radius of 90.00 feet, a central angle of 43°27'50", a chord distance of 66.65 feet and a chord bearing of N 68°22'16" E for 66.27 feet; thence run N 89°03'50" E for 328.38 feet to the Point of Beginning, being the South half of a 45 foot private road easement.  
 Containing 2 acres, more or less.

RAD. = 90.00'  
 ARC = 68.27'  
 DELTA = 43°27'50"  
 CHORD = 66.65'  
 CH. BRG. = N 68°22'16" E

RAD. = 65.00'  
 ARC = 151.41'  
 DELTA = 133°27'50"  
 CHORD = 119.43'  
 CH. BRG. = S 85°37'45" E

CENTERLINE OF A 40' EASEMENT LYING BETWEEN BLOCKS 58 & 59 PER PLAT OF HEITMANN'S BONITA SPRINGS TOWNSITE, PLAT BOOK 6, PAGE 24, LEE COUNTY, FLORIDA

- NOTES**
1. REPRODUCTION OF THIS SKETCH IS NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
  2. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
  3. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
  4. BOUNDARIES SHOWN HEREON ARE BASED ON ANGLES AND DISTANCES.
  5. THIS PROPERTY LIES IN FLOOD ZONE # 1, PER § 11A.M., PARCEL NO. 125124 (S.100), DATED 7/20/02.
  6. LAST DATE OF FIELDWORK: 2-13-02.

**CERTIFICATE**

I hereby certify that the above described property was surveyed under my direction and the results of survey to the best of my knowledge. This survey meets or exceeds the minimum technical standards set forth by the Florida Board of Land Surveyors, pursuant to Rule 61B17, F. Ac. Prof. Statutes. There are no other exceptions other than those shown hereon.

*Mark O. Allen* 9/17/05  
 MARK O. ALLEN (P.L.S.)  
 License # 125124

**BOUNDARY SKETCH**  
**ROBERT LAWHON**

SCALE: 1" = 60'  
 DATE: 3/13/02  
 DRAWN BY: MWG  
 REVISED:  
 PREPARED BY: MARK O. ALLEN LAND SURVEYING  
 28751 OLD 41 RD. S.E.  
 BONITA SPRINGS, FLA. 34135  
 PH. (841) 992-8900

SEP 07 2005  
 PERMIT REQUIRED  
 DC12005-00091

F.B. 148, PG. 42  
 F.B. 51, PG. 6  
 F.B. 49, PG. 63

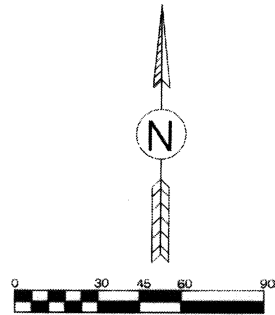
SH. 1 of 1

EXHIBIT 11-B-2, 11-B-1

**PROPERTY DEVELOPMENT REGULATIONS**

TOTAL SITE AREA = 2.0 ACRES  
 MAXIMUM BUILDING HEIGHT = 35'  
 MINIMUM LOT DEPTH = 100'  
 MINIMUM LOT WIDTH = 72'  
 MINIMUM LOT AREA = 8361 SF  
 MINIMUM FRONT SETBACK = 20'  
 MINIMUM REAR SETBACK = 20'  
 MINIMUM SIDE SETBACK = 7.5'  
 MINIMUM WATER SETBACK = 25'  
 MAXIMUM LOT COVERAGE = 40%  
 MINIMUM OPEN SPACE PROVIDED = 40%

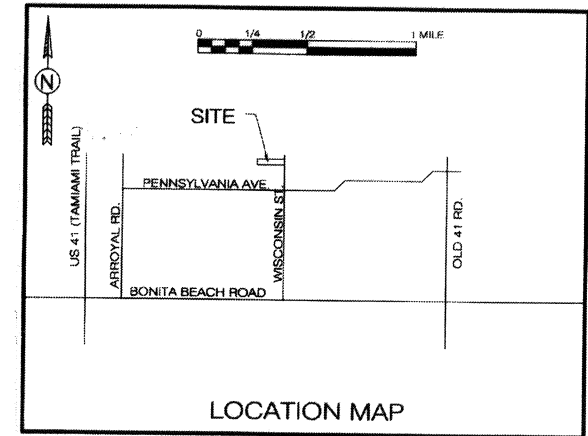
DWELLING UNITS = 6



**LEGAL DESCRIPTION**

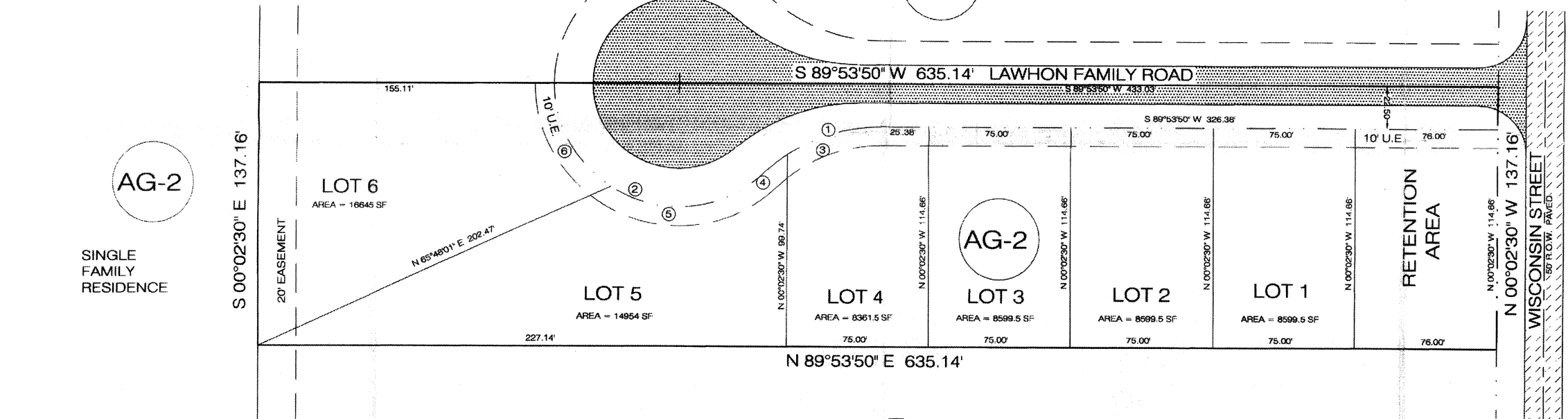
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 Commencing at the centerline of Pennsylvania Avenue and Wisconsin Street, thence Northerly along the centerline of Wisconsin Street 25.00 feet to the extension of the North Right of Way line of Pennsylvania Avenue; thence westerly along said extension 25.00 feet to the Westerly Right of Way line of Wisconsin Street; thence run Northerly along the Westerly Right of Way of Wisconsin Street N 00°02'30" W for 22.50 feet to the Point of Beginning; thence continue N 00°02'30" W for 663.33 feet to the Point of Beginning; thence run along the arc of a curve to the left having a radius of 65.00 feet, a central angle of 133°27'50", a chord distance of 119.43 feet and a chord bearing of S 89°53'50" E for 151.41 feet; thence run along the arc of a curve to the right having a radius of 90.00 feet, a central angle of 43°27'50", a chord distance of 86.65 feet and a chord bearing of N 68°22'18" E for 88.27 feet; thence run N 89°53'50" E for 326.38 feet to the Point of Beginning, being the South half of a 45 foot private road easement.

Containing 2 acres, more or less.



CURVE #	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	90.00	43°27'50"	88.27	66.65	N 68°22'18" E
2	65.00	133°27'50"	151.41	119.43	N 89°53'50" W
3	90.00	33°28'15"	52.58	51.83	N 73°09'43" E
4	90.00	9°59'35"	15.88	15.88	N 51°25'43" E
5	65.00	78°29'41"	86.78	80.48	N 84°40'50" E
6	65.00	58°36'09"	64.63	62.00	N 28°35'15" W

SINGLE FAMILY RESIDENCES



AG-2 SINGLE FAMILY RESIDENCE

AG-2

AG-2

AG-2 VACANT

TFC-2 SINGLE FAMILY RESIDENCE

**LEGEND**

- EXISTING ELEVATION (1929 NGVD) RECORD MEASURED
- PROPOSED ELEVATION
- EXISTING HYDRANT W/ VALVE
- EXISTING PAVEMENT
- PAVEMENT UNDER CONSTRUCTION
- EXISTING WATERLINE
- PROPOSED WATERLINE
- EXISTING CONCRETE
- PROPOSED CONCRETE
- CONCRETE POWER POLE
- ZONING
- RIGHT OF WAY LINE
- 3/4" WATER METER
- CHAIN LINK FENCE

- SCHEDULE OF USES**
- Accessory uses, buildings and structures
  - Fences, walls
  - Nonroofed accessory structures
  - Signs in compliance with chapter 30
  - Administrative offices
  - Dwelling Unit
    - Single family residence, conventional
  - Essential services
  - Essential service facility Group 1
  - Excavation
  - Water retention
  - Home occupation
    - No outside help
  - Recreational facilities
  - Personal
  - Residential accessory uses

APPROVED Master Concept Plan  
 Site Plan # DCI-010 Page 1 of 1  
 Subject to conditions in Ordinance 20-01-01  
 Case # DCI2005-00091  
 CITY OF BONITA SPRINGS



DCI2005-00091

DEBORAH ALLEN GRESS, P.E. # 37276

SOIL # 11 & 35 (MYAKKA FINE SAND & WABASSO SAND) PER SOIL SURVEY OF LEE COUNTY, FLORIDA

VEGETATION AND GROUND COVER 423 (OAK-PINE-HICKORY) PER FLORIDA LAND USE AND COVER CLASSIFICATION SYSTEM

**EXHIBIT IV-E, IV-C, II-F-3, II-F-4**

**LAWHON SUBDIVISION**  
**MASTER CONCEPT PLAN**  
 SCALE: 1" = 30'  
 DATE: 6/15/05  
 DRAWN BY: MARK GRESS  
 REVISED:  
**PROGRESSIVE ENGINEERING**  
 25671 CORZINE RD. S.E.  
 BONITA SPRINGS, FL 34135  
 PH. (239) 992-1619 COA #4778  
 SH. 1 of 1