

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 19-07

AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE
CHAPTER 4 (ZONING); CREATING A NEW DIVISION OF SUPPLEMENTARY
DISTRICT REGULATIONS, TO REQUIRE CERTAIN CRITERIA FOR GOLF
COURSE REDEVELOPMENT PLANNED DEVELOPMENTS; PROVIDING FOR
CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S
ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate and enforce laws that are necessary for the protection of the public; and

WHEREAS, protection of the public health, safety and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, the City of Bonita Springs recognizes a need to develop regulations to address the Redevelopment of golf courses, a development pattern which is becoming increasingly common throughout the State of Florida; and

WHEREAS, on December 27, 2017, Bonita Springs City Council approved a 12-month Moratorium on Golf Course conversions to other uses in Ordinance No. 17-21; and

WHEREAS, Ordinance No. 18-17 extended this Moratorium for six (6) months or, in the event the City Council approves an applicable amendment to the Land Development Regulations; the moratorium will remain in effect until such time as the amendment becomes effective, whichever occurs last; and

WHEREAS, at Council's direction, Community Development hosted a public input workshop on January 8, 2019 at City of Bonita Springs City Hall; and

WHEREAS, Community Development hosted additional public workshops on February 26, 2019 and February 28, 2019 at the Bonita Springs High School; and

WHEREAS, Bonita Springs City Council directed staff to prepare an ordinance creating supplemental regulations for development standards for golf course conversions and other accessory infill uses related to golf course conversions.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

SECTION TWO: That the Redevelopment of golf courses in the City of Bonita Springs' municipal boundaries shall adhere to the regulations set forth herein.

SECTION THREE: That Chapter 4, Article IV- "Supplementary District Regulations" "Reserved" of the Land Development Code of the City of Bonita Springs is hereby retitled as "Golf Course Redevelopment," and amended to read as follows:

ARTICLE VI. – SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 43- GOLF COURSE REDEVELOPMENT REGULATIONS

Sec. 4-5XX. – Intent

- (a) The purpose of these Regulations are to allow for the orderly Redevelopment of golf courses, to ensure the quality of life in the community, and mitigate negative impacts to the surrounding neighborhoods. Redevelopment of golf courses shall achieve one or more of the following development objectives:
1. Maintain and enhance the quality of life in the community by developing compatible height and density standards, controls on access management, and preventing negative visual impacts.
 2. Recognize the opportunities available to repurpose golf courses and revitalize the surrounding subdivisions with similar uses on a limited scale. These may include the inclusion of alternative recreational amenities.
 3. Encourage the retention of viable golf courses by allowing reconfiguring of fairways and redevelopment of existing facilities such as clubhouses and storm water management facilities.

Sec. 4-5XX – General Provision

- (a) All development shall be in accordance with the requirements of the City of Bonita Springs Land Development Code. Should a conflict arise between requirements contained in the aforementioned ordinances, the most restrictive requirements shall prevail.

Sec. 4-5XX Development Approval and Standards

- (a) Definition- For the purposes of these regulations, Redevelopment is defined as a change of use from an operating, defunct, or vacant portion of a golf course to another use.
- (b) Redevelopment Approval Process - Golf Courses may only be redeveloped through the Planned Development Process, as outlined in LDC 4-295, et seq. The uses and development standards within the proposal shall be limited to the uses listed within this section. The uses and zoning development standards selected by the applicant shall be listed in the rezoning ordinance without reference to any particular zoning district.
- (c) For purposes of this section, when the proposed redevelopment is within the boundary of a Planned Development, the application will be processed as an Amendment to a built Planned Development, as defined in LDC 4-295.
1. Allowable Uses: Redevelopment shall be limited to the following uses:
 - A. Residential Accessory Uses, Buildings, and Structures

- B. Dwelling Units
 - i. Single-family detached
 - ii. Townhouses
 - iii. Multifamily
 - iv. Two-family attached
- C. Residential Accessory Uses
- D. Community Garden

(d) Minimum Design Standards: The following shall be submitted with any application for Golf Course Redevelopment:

1. A Master Concept Plan that addresses and depicts the criteria listed herein.
2. Compatibility Analysis: An assessment and design study demonstrating how the proposed development is compatible with the surrounding existing development density, massing, and development pattern. The Study must contain the following:
 - A. A statement summarizing the proposal to redevelop the golf course or open space with a compatible use.
 - B. A narrative indicating how open space is retained and available for passive recreation and whether a view of the open space is provided that mitigates the impacts to real property for the property owners that surround the golf course.
 - C. A statement summarizing how the applicant's proposal will mitigate any potential impacts of the proposed land uses on schools, traffic, parks, emergency services, and utility infrastructure.
 - D. A statement summarizing the pertinent portions of any covenants, conditions, and restrictions for the development area and the applicant's intentions regarding compliance therewith.
3. Maintenance Plan- A plan to ensure maintenance is performed monthly to all portions of the property, within the Planned Development or Planned Development Amendment Application.
 - A. The plan is to address the health, safety, and general welfare of occupants of properties surrounding the subject site, to protect the neighborhood against nuisances, blight and deterioration that results from the discontinuance of golf course operations or the withdrawal from use of an open space.
 - B. The plan shall establish minimum requirements for the maintenance of the subject site, including but not limited to: redevelopment, recreational areas, and open space areas.
 - C. The plan shall be approved by the City Manager or their designee and recorded against the property at the property owner's expense.
 - D. If applicable, a statement summarizing any negotiations or arrangements with the City or surrounding development(s) in

- 1 regards to a new or amended Development Agreement for the
2 area.
- 3 E. The plan shall identify the entity responsible for the maintenance
4 and the method of funding same.
- 5 F. The plan shall be incorporated into the any Association Documents,
6 adopted for the subject property.
- 7 4. Storm water management study. A pre versus post development storm
8 water runoff analysis is required. Said analysis shall address existing
9 storm water capacity necessary to maintain or facilitate proper
10 drainage in surrounding developments shall be maintained at an
11 equivalent or improved level of service. When an Environmental
12 Resource Permit has been issued to the golf course and surrounding
13 property, redevelopment must be approved through an amendment to
14 that permit. In addition to meeting all storm water requirements
15 established by the Land Development Code, alterations to the
16 elevation of property located on or along the project perimeter, will not
17 be permitted within thirty (30) feet of the project (golf course) boundary.
- 18 5. Project Access - No gates or walls shall be permitted along a project
19 boundary. Roads and other access ways shall be shown at the time of
20 Planned Development or Planned Development Amendment.
21 Proposed roadways shall be designed to extend the existing roadway
22 network and extend or expand the existing roadway patterns.
- 23 6. Parking- Parking must meet the requirements of LDC Ch. 4 for on-site
24 parking.
- 25 7. Buffers- There shall be a minimum fifty (50) foot wide buffer between
26 the existing surrounding neighborhoods and any redevelopment. The
27 buffer shall be measured from the property line. This buffer shall
28 include screening a minimum of six (6) feet in height. The buffer shall
29 be vegetative in nature. Areas of the golf course that remain a golf
30 course after redevelopment is complete are exempt from the buffer
31 requirement.
- 32 8. Vegetated screen - A vegetated screen may be used to buffer any new
33 development from existing development around the property
34 boundaries. Existing vegetation already located within the buffer area
35 may be counted toward the required screen. In addition to LDC
36 Chapter 3, the screening is to be placed in the buffer areas as provided
37 in Section 4-5XX(d)7. A vegetated screen shall meet the requirements
38 in Chapter 3 for plantings within the screen and adhere to the
39 requirements for installation, maintenance, and irrigation of the
40 required landscaping. In addition to those requirements above, the
41 developer will install understory shrubs so as to provide a vegetated

screen six (6) feet in height with an opacity of at least eighty (80) percent within two (2) years.

9. Tree lined trail – A redevelopment proposal may propose trails or pathways within the property. If a the developer proposes to reduce the required buffer under Section 4-5XX(d)7., a minimum 12-foot wide paved trail with canopy trees planted at fifty (50) feet on-center shall be provided. The trail may include recreational amenities such as exercise equipment and benches. The paved trail shall be for the use by the general public, and dedicated to and maintained by a master association established by the developer.

10. Maximum height 35 feet- The City Council may grant a deviation to the 35 feet height limit, provided that the City Council finds that the increased height shown on the master plan results in the mass of the proposed structure being reasonably proportional to surrounding structures. In no instance shall a building height exceed 50 feet.

11. Minimum Open Space: 40% Open Space- The nature of golf course redevelopment poses concerns and opportunities that do not exist in the development or redevelopment of other property. One special area of concern is the provision of open space. The provision of open space a golf course provides can have multiple relationships with the surrounding property and a larger development's required open space. Open space must be maintained for an existing project with or without Golf Course redevelopment. Where repurposing will result in the elimination or reduction in size of a contiguous golf course or open space, the developer shall consider providing other facilities or amenities or resources that might help offset or mitigate the impact of the elimination or reduction. Open space, park and recreational areas should be spread throughout a development and connected with multiuse pathways. For golf courses that were included as part of a Planned Development that includes surrounding uses, any potential redevelopment must be approved as an amendment to a built out Planned Development. For golf courses that were not approved as a Planned Development, or with adjacent properties, any redevelopment must be approved through a Planned Development request that includes the entire golf course property. 50% of all required open space shall be green or landscape areas.

12. Minimum Road Width- To ensure appropriate buffering, the minimum width of any portion of golf course property considered for redevelopment upon which a roadway will traverse must meet the following standards for width:

A. 110 feet where there is no existing development on either side of the proposed roadway.

- 1 B. 210 feet where there existing development on one side of the
2 proposed roadway.
3 C. 310 feet where there is existing development on both sides of the
4 proposed roadway.

5 13. Deviations- The City Council may grant a deviation to the above
6 standards through the Planned Development process, provided the
7 deviation, singularly or in combination with other deviations allowed in
8 this subsection will not adversely affect the public health, safety, and
9 welfare, and does not undermine the integrity of any adjacent
10 residential zoning district uses or the purposes of the section. Any
11 deviations requested shall require the owner of real property to
12 demonstrate a bona fide need for the deviation and agree to provide
13 significant enhancements to the subject property in exchange for the
14 deviation.

15 **SECTION TWO: CONFLICTS**
16

17 Whenever the requirements or provisions of this amending ordinance are in conflict with
18 the requirements or provisions of any other lawfully adopted ordinance or statutes, the most
19 restrictive requirements shall apply.
20

21 **SECTION THREE: SEVERABILITY**
22

23 If any part, section, subsection, or other portion of this Ordinance or any application thereof
24 to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such
25 part, section, subsection, or other portion of the prescribed application thereof, shall be severable,
26 and the remaining provisions of this Ordinance, and all applications thereof not having been
27 declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares
28 that no invalid or prescribed provision or application was an inducement to the enactment of this
29 Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed
30 provision application.
31

32 **SECTION FOUR: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S**
33 **ERRORS**
34

35 It is the intention of the City Council for the City of Bonita Springs that the provisions of
36 this Ordinance shall become and be made part of the Bonita Springs Land Development Code;
37 and that sections of this ordinance may be renumbered or re-lettered and that the work
38 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
39 order to accomplish such intention; and regardless of whether such inclusion in the code is
40 accomplished, sections of this ordinance may be renumbered or re-lettered and typographical
41 errors which do not affect the intent may be authorized by the City Manager, or the City Manager's
42 designee, without need or public hearing, by filing a corrected or recodified copy of same with the
43 City Clerk.
44

45 **SECTION FIVE: EFFECTIVE DATE**
46

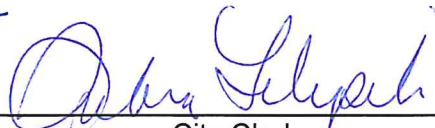
47 The effective date of this ordinance shall be thirty (30) days from its adoption date.
48

1 DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee
2 County, Florida, this 17th day of July, 2019.

3
4 AUTHENTICATION:

5 
6 _____

7 Mayor

8 
9 _____

10 City Clerk

11
12 APPROVED AS TO FORM: _____

13 City Attorney

14
15 Vote:

16 DeWitt	Aye	Quaremba	Aye
17 Forbes	Aye	Simmons	Aye
18 Gibson	Aye	Carr	Aye
O'Flinn	Aye		

19 Date filed with City Clerk: _____

12/20/19