

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20 – 02

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, PROVIDING FOR ADOPTION OF A COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE ELEMENT, ESTABLISHING THE CONSERVATION FRINGE LAND USE CATEGORY AND TO AMEND THE FUTURE LAND USE MAP FROM LEE COUNTY DENSITY REDUCTION GROUNDWATER RESOURCE (DRGR) AND WETLANDS AND CITY OF BONITA SPRINGS DENSITY REDUCTION GROUNDWATER RESOURCE (DRGR) TO CONSERVATION FRINGE; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the City Council of the City of Bonita Springs, Florida recognizes the need to plan for orderly growth and development; and

Whereas, Chapter 163, Florida Statutes provides for amendment to adopted Comprehensive Plan; and

Whereas, City Council for the City of Bonita Springs adopted the City of Bonita Springs Comprehensive Plan, as amended, in accordance with the Local Government Comprehensive Planning Act; and

Whereas, the City entered into a Settlement Agreement with BG Mine, LLC which provides for incorporation of certain annexed properties into the Bonita Springs Comprehensive Plan and the creation of a new future land use category which addresses the terms of the Settlement Agreement and the City's planning efforts to limit development in the area covered by the proposed amendment; and

Whereas, the proposed Conservation Fringe Land Use Category, attached hereto as Exhibit "A", will promote and protect public health safety and welfare and will help accomplish the goals, objectives and policies of the City Comprehensive Plan; and

Whereas, Florida Statutes §163.3181 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and

Whereas, the City has received and reviewed the proposed Amendment to the City's Comprehensive Plan, and said proposed amendment being reviewed by the City's Local Planning Agency at a duly advertised meeting on January 23, 2020, and

Whereas, the City Council has agreed with the recommendations of the Local Planning Agency that the proposed amendment complies with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendments is consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

Whereas, the City Council of Bonita Springs adopted, pursuant to Chapter 163, Part II, Florida Statutes, after holding statutorily prescribed public hearings for the adoption of the amendment being proposed and at the February 5, 2020 hearing approved a motion to transmit said proposed amendments as more particularly set forth herein.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.


Section 2. Adoption. The City of Bonita Springs Comprehensive Plan is hereby amended, which amendment consists of revising the Future Land Use Element and Future Land Use Map which is further described as Exhibit A, attached hereto and incorporated herein by reference.

Section 3. Severability. In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

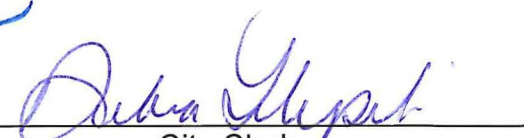
Section 4. Effective Date. This Ordinance shall become effective in accordance with Section 163.3184, F.S.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 20th day of May, 2020.

AUTHENTICATION:




Mayor



City Clerk

APPROVED AS TO FORM:

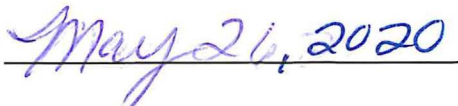


City Attorney

Vote:

Carr	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye	Purdon	Aye
Corrie	Aye		

Date filed with City Clerk:



May 26, 2020

Exhibit A

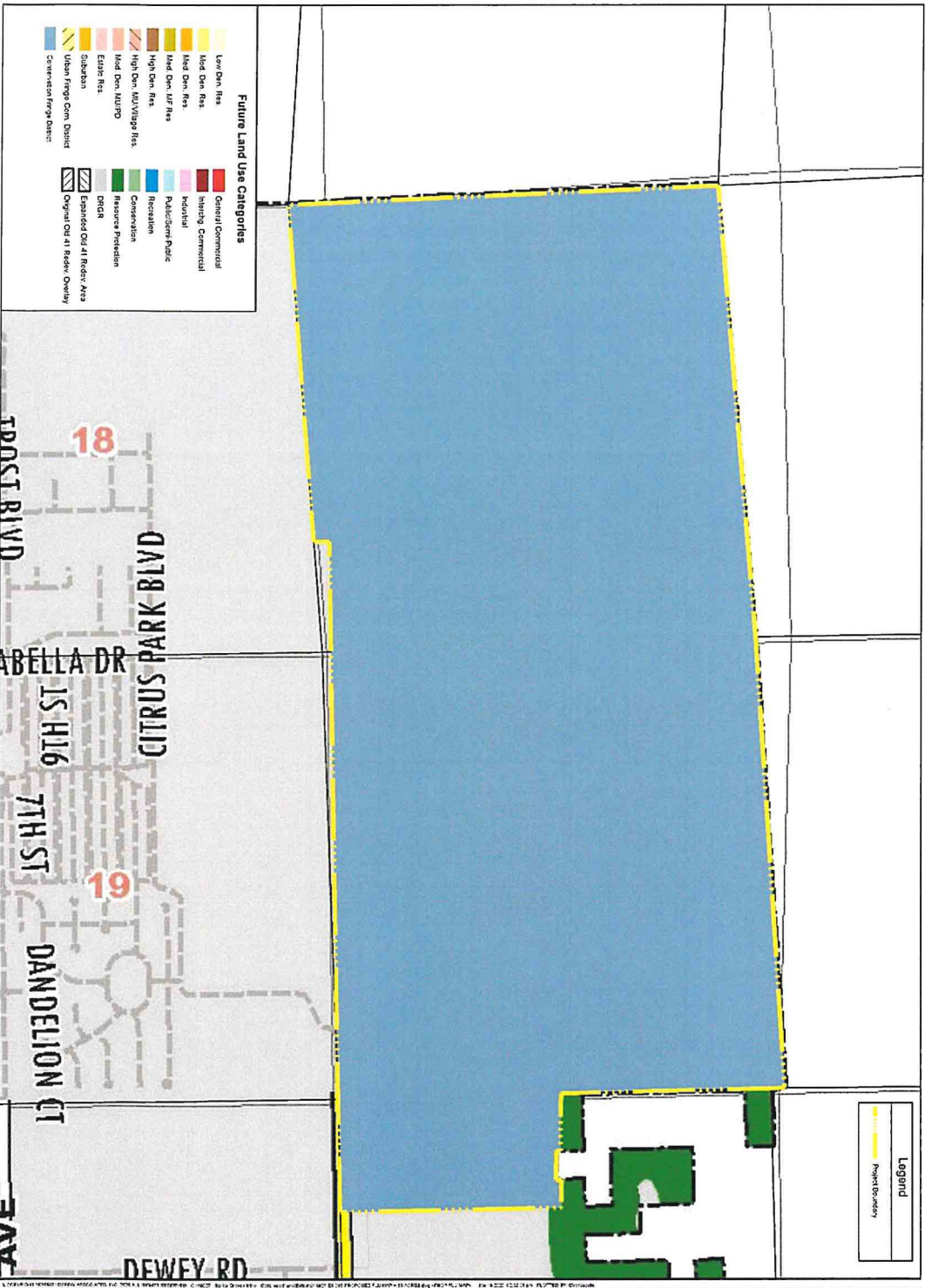
Policy 1.1.27: Conservation Fringe. This category is intended to recognize geographic areas that a) include an existing vested mining operation; and b) are adjacent or proximate to lands with significant environmental resource and habitat values. As of the date of the adoption of the Conservation Fringe District, zero (0) acres have been designated as Conservation Fringe District; although the City anticipates that approximately 1,343 acres may ultimately be designated as Conservation Fringe District. The City recognizes that existing mines provide a regional supply for lime rock needs and help to minimize the impacts of new mines on the environment, surrounding land uses and roadways. Once mining is completed, the reclamation / redevelopment of the land must occur such that it is compatible with the adjacent or proximate environmental lands. Allowable land uses are limited to conservation uses; agriculture; excavation (existing vested mining operation only); residential uses at a maximum density of 0.522 dwelling units per gross acre along with accessory amenity building and private recreational areas; public uses; non-profit public recreational uses, limited to passive recreational and educational activities such as but not limited to hiking, nature trails and similar activities requiring few or no on-site facilities which will be further defined within a planned development zoning category; and essential services needed for the health, safety, and general welfare of the community such as lift stations, utility lines, potable/non-potable wells and equipment and appurtenances necessary for such systems to furnish adequate levels of service. Notwithstanding Future Land Use Element Policy 1.1.2.c and Conservation/Coastal Management Element Policy 15.1.5, wetland and resource protection acres are eligible to be counted as part of the gross acreage for density purposes, but all density must be clustered on the permitted upland portion and/or disturbed land of an approved master concept plan for the reclamation/redevelopment plan. Contiguous property to the existing vested mining operation may be included in the Conservation Fringe District, up to a maximum of 7% of the existing vested mining operation area for residential purposes only. The cumulative total number of units for all properties designated as Conservation Fringe District shall not exceed a maximum of 700 units. Development within this Conservation Fringe District must adhere to the following innovative design and planning conditions:

1. The property (including contiguous property if applicable) shall be rezoned to a Planned Development. If the property is already zoned Planned Development, the Planned Development shall be amended to comply with the requirements of this Policy no later than completion of the existing mining operation (if applicable) but no later than 12/31/2041.
2. The Planned Development rezoning shall include a minimum of 60% open space calculated over the net project area, not including existing mining lakes and public road right-of-way, and shall implement the following, to the maximum extent feasible:

- a. Restoration and accommodation of existing and historical regional flow ways;
 - b. Restoration and accommodation of existing and historic groundwater levels;
 - c. Restoration and preservation of wetlands;
 - d. Restoration and preservation of indigenous upland habitats; and
 - e. Where applicable, provision of critical wildlife connections to adjacent conservation areas.
3. A proposed enhanced lake management plan for lakes created by mining activities shall be provided at the time of the Planned Development rezoning. The enhanced lake management plan shall be in addition to any previously approved lake management or reclamation plan for the property, and shall include, at a minimum, the following:
 - a. Application of best management practices for fertilizers and pesticides;
 - b. Provision for erosion control and lake bank stabilization;
 - c. Establishment of lake maintenance requirements; and
 - d. Establishment of an education program for any homeowners' association for the property regarding such issues as restricted lake uses, fertilizer use, lake bank planting requirements, and best management practices.
4. Through the Development Order process, a site specific ecological and hydrological restoration plan shall be developed, which shall include, at a minimum, the following:
 - a. Excavation and grading plans;
 - b. Analysis of hydrological improvements and water budget for both land surface and subsurface; and
 - c. For areas previously farmed or impacted by mining activities and proposed for preservation or conservation, replanting plans, habitat restoration plans, success criteria, and long-term monitoring and maintenance plans.
5. A Conservation Easement for each preservation area shall be platted as part of a master plat for the property and dedicated to the appropriate maintenance entity which has been approved by the City.
6. Indigenous management plans shall address human-wildlife coexistence and buffers between development areas and preservation/conservation areas.
7. Landscaping shall use Florida Friendly Planting with low irrigation requirements in Common Elements.
8. A minimum of 1.5 inches of water quality treatment shall be provided for the developed areas of the project.
9. Stormwater runoff shall be directed into treatment areas prior to discharge to mining lakes that provide additional storage for 0.5 inches of runoff for the developed area. This pretreatment of stormwater prior to entering the mining lakes will not be required if additional protective measures can be demonstrated that the stormwater discharge from the project exceeds City and State requirements.

10. Existing vested mining uses shall be eliminated within an appropriate phasing schedule as part of the Planned Development rezoning approval but no later than 12/31/2041.
11. Existing or proposed public potable water wells shall be protected.
12. On-site and off-site improvements to transportation infrastructure needed to mitigate the traffic impacts of the Planned Development rezoning shall be provided, subject to any prior agreements. These improvements shall use, insofar as is practical, low impact roadway design, linear filter marsh retention elements, and other “green” roadway design features as applicable.
13. The Planned Development project shall connect to public water and sewer service provided by Bonita Springs Utilities and shall connect to reclaimed water if available.
14. Written verification as to adequate public services for the Planned Development rezoning shall be obtained from the Bonita Springs Fire Control & Rescue District, the Lee County Sheriff’s Office, the Lee County Emergency Medical Services, and the Lee County School District.
15. The proposed Planned Development rezoning shall not result in material, detrimental impacts to existing or future potable water supply resources.
16. Golf course use is prohibited.

Final densities and non-residential uses shall be determined as part of the Planned Development rezoning process and shall be based upon a demonstration of compatibility of the proposed development with adjacent and proximate development.



- Future Land Use Categories**
- General Commercial (Red)
 - Intensely Commercial (Dark Red)
 - Neighborhood (Pink)
 - Public/Open Public (Light Blue)
 - Recreation (Light Green)
 - Conservation (Green)
 - Resource Protection (Dark Green)
 - Open Space (Light Green)
 - Expanded Old 41 Redevelopment Area (Hatched)
 - Original Old 41 Redevelopment Area (Hatched)
 - Urban Fringe Com. District (Blue)
 - Silviculture (Yellow-Green)
 - Urban Fringe Com. District (Light Blue)
 - Conservation Fringe District (Light Blue)
 - Low Den. Res. (Light Yellow)
 - Med Den. Res. (Yellow)
 - High Den. Res. (Orange)
 - High Den. Res. (Dark Orange)
 - High Den. Res. (Red-Orange)
 - High Den. Res. (Red)
 - High Den. Res. (Dark Red)
 - High Den. Res. (Very Dark Red)
 - High Den. Res. (Black)
 - High Den. Res. (Dark Blue)
 - High Den. Res. (Medium Blue)
 - High Den. Res. (Light Blue)
 - High Den. Res. (Very Light Blue)
 - High Den. Res. (White)

- Legend**
- Project Boundary (Yellow dashed line)

PROJECT TITLE
 BONITA GRANDE MINE
 LOCATION
 BONITA SPRINGS, FLORIDA
 317.50, 147.0, R20E

CLIENT
 BG MINE, LLC

PREPARED BY
 MORRIS
 DEWEY
 CONSULTANTS
 11000 W. UNIVERSITY BLVD., SUITE 200
 BOCA RATON, FL 33433
 TEL: 561-991-1000
 FAX: 561-991-1001
 WWW.MORRISDEWEY.COM

DATE	11/11/11
PROJECT NUMBER	47
DATE PLOTTED	11/11/11
DATE PRINTED	11/11/11
SCALE	AS SHOWN

PROPOSED FUTURE LAND USE MAP
 EX-000
 SCALE: 1" = 100'
 DATE: 11/11/11
 11007