

1 CITY OF BONITA SPRINGS, FLORIDA

2
3 ORDINANCE NO. 19-07

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

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

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

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

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

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

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

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32 WHEREAS, Community Development hosted additional public workshops on February 26,
33 2019 and February 28, 2019 at the Bonita Springs High School; and

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

38
39 **THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

40
41 **SECTION ONE:** The foregoing "Whereas" clauses are hereby ratified and confirmed as
42 being true and correct and incorporated herein by reference.

43
44 **SECTION TWO:** That the Redevelopment of golf courses in the City of Bonita Springs'
45 municipal boundaries shall adhere to the regulations set forth herein.

46
47 **SECTION THREE:** That Chapter 4, Article IV- "Supplementary District Regulations"
48 "Reserved" of the Land Development Code of the City of Bonita Springs is hereby retitled as "Golf
49 Course Redevelopment," and amended to read as follows:
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3 ARTICLE VI. – SUPPLEMENTARY DISTRICT REGULATIONS
4 DIVISION 43- GOLF COURSE REDEVELOPMENT REGULATIONS
5

6 Sec. 4-5XX. – Intent

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

20 Sec. 4-5XX – General Provision

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

25 Sec. 4-5XX Development Approval and Standards

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

- 1 B. Dwelling Units
- 2 i. Single-family detached
- 3 ii. Townhouses
- 4 iii. Multifamily
- 5 iv. Two-family attached
- 6 C. Residential Accessory Uses
- 7 D. Community Garden

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

- 10 1. A Master Concept Plan that addresses and depicts the criteria listed
11 herein.
- 12 2. Compatibility Analysis: An assessment and design study
13 demonstrating how the proposed development is compatible with the
14 surrounding existing development density, massing, and development
15 pattern. The Study must contain the following:
 - 16 A. A statement summarizing the proposal to redevelop the golf course
17 or open space with a compatible use.
 - 18 B. A narrative indicating how open space is retained and available for
19 passive recreation and whether a view of the open space is
20 provided that mitigates the impacts to real property for the property
21 owners that surround the golf course.
 - 22 C. A statement summarizing how the applicant's proposal will mitigate
23 any potential impacts of the proposed land uses on schools, traffic,
24 parks, emergency services, and utility infrastructure.
 - 25 D. A statement summarizing the pertinent portions of any covenants,
26 conditions, and restrictions for the development area and the
27 applicant's intentions regarding compliance therewith.
- 28 3. Maintenance Plan- A plan to ensure maintenance is performed
29 monthly to all portions of the property, within the Planned Development
30 or Planned Development Amendment Application.
 - 31 A. The plan is to address the health, safety, and general welfare of
32 occupants of properties surrounding the subject site, to protect the
33 neighborhood against nuisances, blight and deterioration that
34 results from the discontinuance of golf course operations or the
35 withdrawal from use of an open space.
 - 36 B. The plan shall establish minimum requirements for the
37 maintenance of the subject site, including but not limited to:
38 redevelopment, recreational areas, and open space areas.
 - 39 C. The plan shall be approved by the City Manager or their designee
40 and recorded against the property at the property owner's expense.
 - 41 D. If applicable, a statement summarizing any negotiations or
42 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

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

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

11 10. Maximum height 35 feet- The City Council may grant a deviation to the
12 35 feet height limit, provided that the City Council finds that the
13 increased height shown on the master plan results in the mass of the
14 proposed structure being reasonably proportional to surrounding
15 structures. In no instance shall a building height exceed 50 feet.

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

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

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

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

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

SECTION TWO: CONFLICTS

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

SECTION THREE: SEVERABILITY

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

SECTION FOUR: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS


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

SECTION FIVE: EFFECTIVE DATE


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

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.

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4 AUTHENTICATION:

5 
6 _____
7 Mayor


_____ City Clerk

8
9 APPROVED AS TO FORM: 
10 _____
11 City Attorney

12 Vote:
13 DeWitt Aye Quaremba Aye
14 Forbes Aye Simmons Aye
15 Gibson Aye Carr Aye
16 O'Flinn Aye

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18 Date filed with City Clerk: 12/2019