

CITY OF BONITA SPRINGS  
ORDINANCE NO. 19 -11

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, CONSIDERING THE REMAINING STATE MANDATED AMENDMENTS ON THE EVALUATION AND APPRAISAL REPORT; SO AS TO AMEND THE FUTURE LAND USE ELEMENT, COASTAL/CONSERVATION MANAGEMENT ELEMENT, AND THE CAPITAL IMPROVEMENTS ELEMENT; TO REVISE AND UPDATE THE REMAINING EXISTING GOALS, OBJECTIVES, AND POLICIES, AND DATA AND ANALYSIS IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the City of Bonita Springs has considered an amendment to its Future Land Use, Coastal/Conservation Management, and Capital Improvements Elements goals, objectives and policies to conform such in consideration of available data and analysis in accordance with the mandates set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the adoption is in conformance with Section 163.3184, Florida Statutes, and that such amendments are necessary and desirable; and

**WHEREAS**, the proposed amendments, 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's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bonita Springs, Florida:

**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 Council, after duly advertised public hearings of the Local Planning Agency on September, 12, 2019 who recommended approval and was transmitted to the state land planning agency on September 18, 2019, and heard by the City Council for adoption on November 20, 2019 and the date set forth below hereby adopts the Comprehensive Plan amendments contained in Exhibit "A".

**Section 3. Incorporation.** This City Council of Bonita Springs also hereby adopts and incorporates into this Ordinance the record hearing exhibits and materials considered during the amendment process.

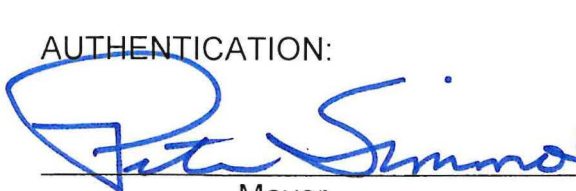
**Section 4. Conflicts.** This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists.

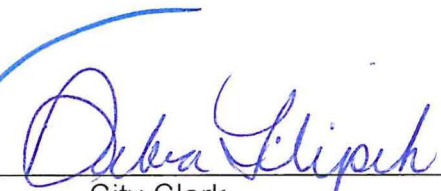
**Section 5. Severability.** In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days from the date of adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of December, 2019.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

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

Vote:

Carr	Aye	Gibson	Aye
Forbes	Aye	Quaremba	Aye
		Simmons	Nay

Date filed with City Clerk: 12/4/19

CPA19-63389-BOS

**Bonita Plan  
Remaining EAR State Mandated Amendments**

**State Coordinated Review Process**



**City Initiated Application  
and Staff Analysis**

*City of Bonita Springs  
Planning Division  
9200 Bonita Beach Road, Suite 109  
Bonita Springs, Florida  
(239) 444-6150*

LPA Public Hearing Date: September 12, 2019  
City Council Transmittal Date: September 18, 2019  
City Council Adoption Date: December 4, 2019  
Project Name: Evaluation and Appraisal Review –Remaining State  
Mandated Amendments

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*City of Bonita Springs*  
*Planning and Zoning Division*  
**STAFF REPORT FOR**  
**COMPREHENSIVE PLAN AMENDMENT**  
**COORDINATED STATE REVIEW**

CPA19-63389 -BOS

**Text Amendment**

**Map Amendment**

<b>This Document Contains the Following Reviews:</b>	
<b>X</b>	<b>Staff Review</b>
<b>X</b>	<b>Local Planning Agency Review and Recommendation</b>
<b>X</b>	<b>City Council Hearing for Transmittal</b>
<b>X</b>	<b>City Council Hearing for Adoption</b>

STAFF REPORT PREPARATION DATE: September 19, 2019

STAFF REPORT REVISION DATE: November 26, 2019

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**PART I- BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

1. Applicant: City of Bonita Springs
2. Request: This request is to adopt the remaining State-Mandated Plan Amendments. The request amends the Bonita Springs Comprehensive Plan in compliance with state requirements and based on the evaluation and appraisal review (EAR) as required by §163.3191, F.S. This request proposes amendments to the Future Land Use Element; Conservation and Coastal Management Element; and Capital Improvements Element.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. Recommendation: Staff recommends that the City commence with the transmittal process for comprehensive plan amendments (“**Attachment A**”) and if approved, transmit to the Florida Department of Economic Opportunity (FDEO) through the State Coordinated Review Process in accordance with Florida State Statute.
2. Basis and recommended findings of fact:
  - Dr. Margaret Banyan presented the Evaluation and Appraisal Review (EAR) findings to the City Council on February 17, 2016.
  - The city approved amendments are based on the EAR submitted and received by the State Land Planning Agency on March 28, 2016.

- On June 7, 2017, the City adopted several amendments to the City’s Comprehensive Plan (“City’s 2017 Plan Amendments”) that were mandated by State Law (“State-Mandated Plan Amendments”).
- The City intended to use a phased approach to complete the State-Mandated Plan Amendments.
- A third party challenged the City’s 2017 Plan Amendments, and, therefore, such amendments were not final and effective while such challenge was pending. Consequently, the City could not proceed with adopting the remaining State-Mandated Plan Amendments until such challenge was concluded in the City’s favor.
- On December 18, 2018, Administrative Law Judge Francine Ffolkes issued her Recommended Order, which rejected every issue raised by the challenger including the City’s ability to utilize a phased approach to completing the State-Mandated Plan Amendments.
- On March 18, 2019, the FDEO entered a Final Order that upheld the Recommended Order in its entirety.
- Now that the Final Order has been entered by the FDEO, the City has initiated the process to adopt the remaining State-Mandated Plan Amendments.
- This request is to adopt the remaining State-Mandated Plan Amendments.
- The request amends the Bonita Springs Comprehensive Plan in compliance with state requirements and based on the evaluation and appraisal review (EAR) as required by §163.3191, F.S.
- The amendments support and compliment other goals and policies within the Bonita Springs Comprehensive Plan.

**C. SUMMARY/BACKGROUND DISCUSSION:**

1. EXISTING CONDITIONS

The existing Bonita Springs Comprehensive Plan requires additional State-Mandated Plan Amendments as set forth in the DEO Final Order No. 19-006.

1. AFFECTED ELEMENTS OF THE BONITA PLAN.

The amendments required to ensure that the Bonita Plan is consistent with state requirements and propose changes to the Future Land Use Element; Conservation and Coastal Management Element; and the Capital Improvements Element.

## **PART II- STAFF ANALYSIS**

### **A. ANALYSIS**

Please see the attached State-Mandated Amendments Final Report by FGCU, **Attachment B.**

#### ***CONSISTENCY WITH THE BONITA PLAN***

There are existing goals, objectives, and policies that support and compliment the state-mandated amendments and the amendments as proposed are consistent with the Bonita Springs Comprehensive Plan.

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#### **NOTICE OF PROPOSED ACTION:**

This application and its appearance before the Local Planning Agency was noticed for the public. The Local Planning Agency found the request consistent with the Bonita Springs Comprehensive Plan and was scheduled before the City Council for transmittal to FDEO by the Bonita Springs City Council on September 18, 2019.

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#### **CONCLUSIONS:**

The Bonita Springs Comprehensive plan should be amended to be consistent with state requirements.

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#### **STAFF RECOMMENDATION**

Commence with the transmittal process for comprehensive plan amendments and if approved, transmit to FDEO through the State Coordinated Review Process in accordance with Florida State Statute.

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#### **ATTACHMENTS:**

- a. Proposed Text and Map Amendments
- b. State-Mandated Amendments Final Report provided by Florida Gulf Coast University

*Submitted by:*

Dr. Margaret Banyan  
Professor, FGCU

Jacqueline Genson, AICP  
Planning and Zoning Manager

Date: September 19, 2019

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: September 12, 2019

**A. LOCAL PLANNING AGENCY REVIEW**

The Local Planning Agency (LPA) met on September 12, 2019 and was presented with the options as articulated in the FGCU Staff Report (“**Attachment B**”). In addition, the LPA was presented with the EAR based amendments relating to concurrency, coastal high hazard/coastal management, and other areas. After discussion of the implications related to the options, the LPA recommended moving forward with Option 2.

No public comment was received or taken on the request.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** City Council to find the request consistent with the City of Bonita Springs Comprehensive Plan and transmit the amendment to FDEO. The motion passed 6-0.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as provided by Staff. The LPA was presented with the EAR based amendments relating to concurrency, coastal high hazard/coastal management, and other areas. After discussion of the implications for the options relative to the Coastal Management Area, the LPA recommended moving forward with Option 2.

**C. VOTE:**

**Chairman Carolyn Gallagher**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**Jeff Maturo**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**Don Colapietro**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**Rex Sims**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**Sam Vincent**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**Linda Schwartz**      \_\_\_\_\_ **Aye** \_\_\_\_\_

**PART IV – CITY COUNCIL  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: September 18, 2019

**A. CITY COUNCIL REVIEW**

The Bonita Springs City Council met on September 18, 2019 and were presented the options as articulated in the FGCU Staff Report (“**Attachment B**”). Similar to the LPA, the Council was also presented with the EAR based amendments as well as the options for addressing its coastal areas. After discussion of the implications, the Council voted unanimously to transmit the EAR based amendments as proposed, with the language reflecting Option 1.

Staff received a letter from an affected property owner’s land use consultant (“**Attachment C**”) raising concerns on how the proposed amendment could affect their property and pending rezoning action if the City adopted the Option 2 Coastal Management Area Map (Figure D of the FGCU Staff Report, “**Attachment B**”) and the new Coastal High Hazard Map (Figure B of the FGCU Staff Report, “**Attachment B**”). The same property owner’s legal counsel also attended the transmittal hearing and has requested clarification on how the amendments will affect their property as it pertains to the amendment as transmitted. City Staff is currently discussing this matter with their land use consultant.

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **COUNCIL ACTION:** Motion to transmit the amendments to FDEO. The motion passed 6-0.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The City Council accepted the findings of fact as provided by staff. Similar to the LPA, the Council was presented with the EAR based amendments as well as the options for addressing its coastal areas. After discussion of the implications for the options relative to the Coastal Management Area, the Council voted unanimously to transmit the EAR based amendments as proposed, with the language reflecting Option 1.

**C. VOTE:**

<b>Mayor Peter Simmons</b>	_____ <b>Aye</b> _____
<b>Amy Quaremba</b>	_____ <b>Abs</b> _____
<b>Greg DeWitt</b>	_____ <b>Aye</b> _____
<b>Laura Carr</b>	_____ <b>Aye</b> _____



**Peter R. O'Flinn**

\_\_\_\_\_ **Aye** \_\_\_\_\_

**Mike Gibson**

\_\_\_\_\_ **Aye** \_\_\_\_\_

**Fred Forbes**

\_\_\_\_\_ **Aye** \_\_\_\_\_

**PART V – CITY COUNCIL  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: December 4, 2019

**REQUEST:** To amend the Bonita Springs Comprehensive Plan in compliance with state requirements and based on the evaluation and appraisal review (EAR) as required by §163.3191, F.S. The EAR based amendments were received by the State Land Planning Agency on September 23, 2019. To comply with state requirements, amendments are to the Future Land Use Element; and Conservation and Coastal Management Element.

These amendments followed those adopted on June 7, 2017, (“City’s 2017 Plan Amendments”) that were mandated by State Law (“State-Mandated Plan Amendments”). The City intended to use a phased approach to complete its EAR based amendments. A third party challenge to the City’s 2017 Plan Amendments delayed the phased approach and the 2017 amendments were not final and effective while such challenge was pending.

On December 18, 2018, Administrative Law Judge Francine Ffolkes issued her Recommended Order, which rejected every issue raised and allowed the City to use a phased approach to complete the State-Mandated Plan Amendments. On March 18, 2019, the Florida Department of Economic Opportunity (“FDEO”) entered a Final Order that upheld the Recommended Order in its entirety.

Now that the Final Order has been entered by the FDEO, the City has initiated the process to adopt the remaining State-Mandated Plan Amendments.

**TRANSMITTAL:** The City Council voted to transmit (6,0) the proposed amendment as recommended by staff and the Local Planning Agency.

**AGENCY COMMENTS:** Florida State Statute 163.3184(4) sets forth the manner in which reviewing agencies, local government, or governmental agencies may comment on comprehensive plan amendments.

The Florida Department of Economic Opportunity (DEO) is responsible for plan review, coordination of reviewing agencies, and preparing comments. The DEO may provide objections, recommendations, or comments (ORC). Only objections raised in the ORC may be used as a basis for determining whether the plan amendments will be deemed by DEO to be in compliance.

The DEO determined the transmittal package was complete on September 23, 2019. On November 22, 2019, the DEO issued a letter with no objection to the proposed amendments.

South Florida Water Management District (SFWMD)

SFWMD reviews for adverse impacts to water resources. The South Florida Water Management District provided a comment relative to the status of the City's Water Supply Facilities Work Plan, which was required to be complete by June 14, 2019.

The amendments for adoption include an update to Table: 1-10, Water Supply Capital Improvements Projects (2020-2030). This information was not available at the time of transmittal. Since that time, Bonita Springs has provided updated information. Additional data and analysis for the City's Water Supply Facilities Work Plan necessitating the recommendation to "adoption with changes".

#### Florida Department of Environmental Protection (FDEP)

FDEP reviews for impacts on air and water pollution, wetland and other surface waters of the state, federal and state-owned lands and interest in lands, solid waste, and water and wastewater treatment. FDEP found no provision that would result in adverse impacts.

#### Lee County

Lee County reviews for adverse impacts to their jurisdiction. Finding none, Lee County provided no comments.

#### **PUBLIC PARTICIPATION:**

A member of the public provided comments on the transmitted changes. The community member was concerned about Policy 5.1.4 (amended as 5.2.4). The concern was that a) removal of the reference to the "Coastal High Hazard Area (CHHA) category 1 Hurricane Evacuation Area" did not rise to the level of state-required changes and that b) the City should instead reference the 2019 Evacuation Zones and Public Shelters map created by the Lee County Department of Emergency Management.

Removal of the reference to the Coastal High Hazard (CHHA) category 1 Hurricane Evacuation Area is a necessary change for the following reasons:

- Objective 5.1 defined the evacuation area as follows: CHHA Category 1 hurricane evacuation area as defined by the SWFRPC hurricane evacuation study. As noted in the FGCU Staff Report Addendum (Attachment "B"). There is no longer such an area as the "category 1 Hurricane Evacuation Area". In addition, the SWFRPC no longer creates a hurricane evacuation study.
- Based on F.S. Ch. 168.3177 (1)(f), this change was necessitated by the requirement to reference appropriate data. It states, "All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue."

- Replacing the reference to the 2019 Evacuation Zones and Public Shelters map would also be problematic. This new map is not comparable to the former studies created by the SWFRPC hurricane studies. It was created with an entirely different set of data and assumptions. It was designed to respond to all hazards, including wildfires and terrorism threats. Evacuation is now considered and designated by zone and is no longer focused solely on hurricanes. Replacing this map would be an optional change as this new policy language would significantly expand the density limits in the City and would be required to be based on new data and analysis not required by the state. Please see the FGCU Staff Report and Addendum for additional detail regarding the new basis for regional hazard planning.

The policies as presented in transmittal preserve the City’s existing protections, as was directed by Council. For additional analysis, please refer to the FGCU Staff Report Addendum (Attachment B).

**STAFF RECOMMENDATION:** Staff recommends that the City Council adopt, with changes, the amendments to the City of Bonita Springs Comprehensive Plan. Staff further recommends that the South Florida Water Management technical assistance comments be addressed during the upcoming Water Supply update (tentatively scheduled for January 2020).

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

Section to be completed after the adoption hearing.

**C. VOTE:**

<b>Mayor Peter Simmons</b>	_____
<b>Amy Quaremba</b>	_____
<b>Greg DeWitt</b>	_____
<b>Laura Carr</b>	_____
<b>Mike Gibson</b>	_____
<b>Fred Forbes</b>	_____

The City of Bonita Springs is moving to complete the” State-Mandated Amendments” to the City’s Comprehensive Plan based on its March 2016 Evaluation and Appraisal Review. The remaining update responsibilities primarily relate to coastal high hazard areas and transportation concurrency. The following discussion summarizes these amendments and presents policy options (related to the Coastal High Hazard Area).

### Transportation Concurrency

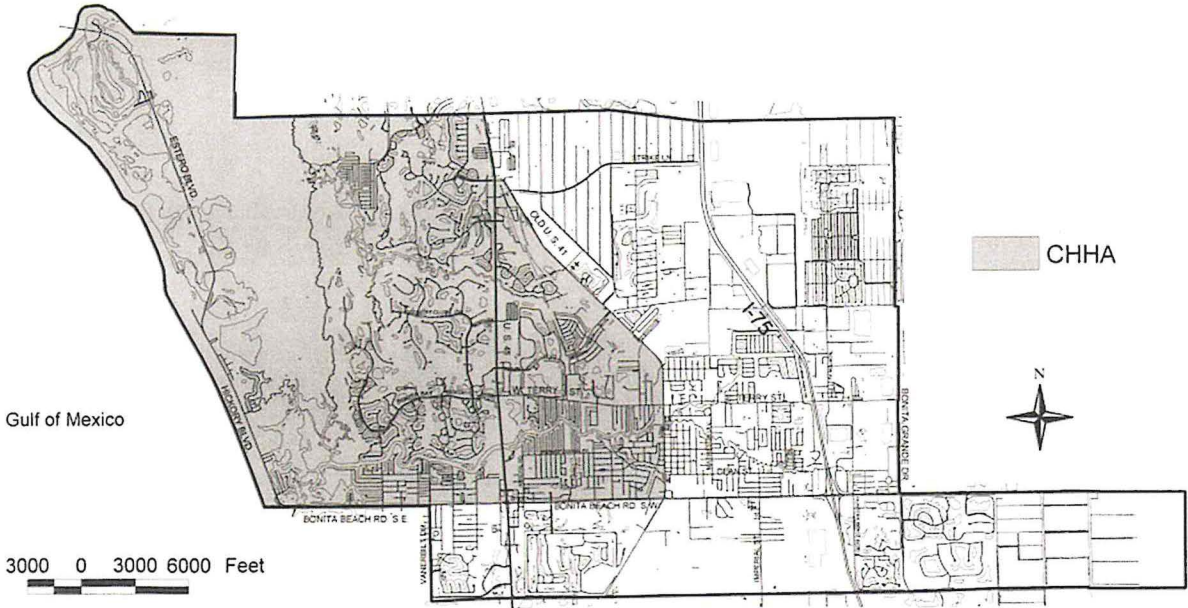
Transportation concurrency is relatively straight-forward consisting primarily of policy revisions to conform to Section 163.3180(5)(h), *Florida Statutes*, the current legal requirements for issuance of development permits, applicant contribution of proportionate share, and prohibition of payment for the additional cost of reducing or eliminating pre-existing deficiencies.

### Coastal High Hazard Area

#### City’s Comprehensive Plan Background

The coastal high hazard area amendments are more complex and pose policy choices for the City.

As depicted in Figure A below, the existing coastal high hazard area in the City’s current Comprehensive Plan (Figure 7 in the Future Land Use Element) is a blanket administrative area running from US 41/Old US 41 to the coast, excluding south of Bonita Beach Road.



SOURCE: Southwest Florida Regional Planning Council

Figure A: Existing Bonita Springs CHHA Area

The City's Comprehensive Plan includes important restrictions that apply within this existing CHHA. This includes Coastal Management Element Policy 5.1.4:

*Policy 5.1.4: Development in the CHHA Category 1 hurricane evacuation area, except as otherwise restricted by Policy 5.1.1 and the City's redevelopment project on Old U. S. 41, shall be infill only and shall not exceed the surrounding properties' density/ intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.*

#### Florida Legislature Background

In 2006, after the adoption of the City's original Comprehensive Plan, the Florida Legislature amended Section 163.3178(2)(h), *Florida Statutes*, to revise the definition of coastal high hazard areas to require:

*The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.*

In 2011, the Florida Legislature further revised the minimum requirements for coastal high hazard areas by eliminating Rule 9J-5, *Florida Administrative Code*, and removing the requirement that local governments direct population concentrations away from coastal high hazard areas.

The current requirement in Section 163.3178(2)(d), *Florida Statutes*, is that the Coastal Management Element include the following:

*(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which takes into consideration the capacity to safely evacuate the density of the coastal population proposed in the future land use plan element in the event of an impending natural disaster.*

#### Creating Consistency with State Requirements

The Department of Economic Opportunity review of the 2017 EAR-Based Amendments noted the need to address the state requirements and definition of the CHHA. This has resulted in the proposed amendments to the Future Land Use and the Conservation and Coastal Management Elements in the Comprehensive Plan.

To meet the state requirement, the staff have worked with the Florida Division of Emergency Management to obtain the most recent data to depict the elevation of the category 1 storm surge line and resulting Coastal High Hazard Area (CHHA). That map is as follows:

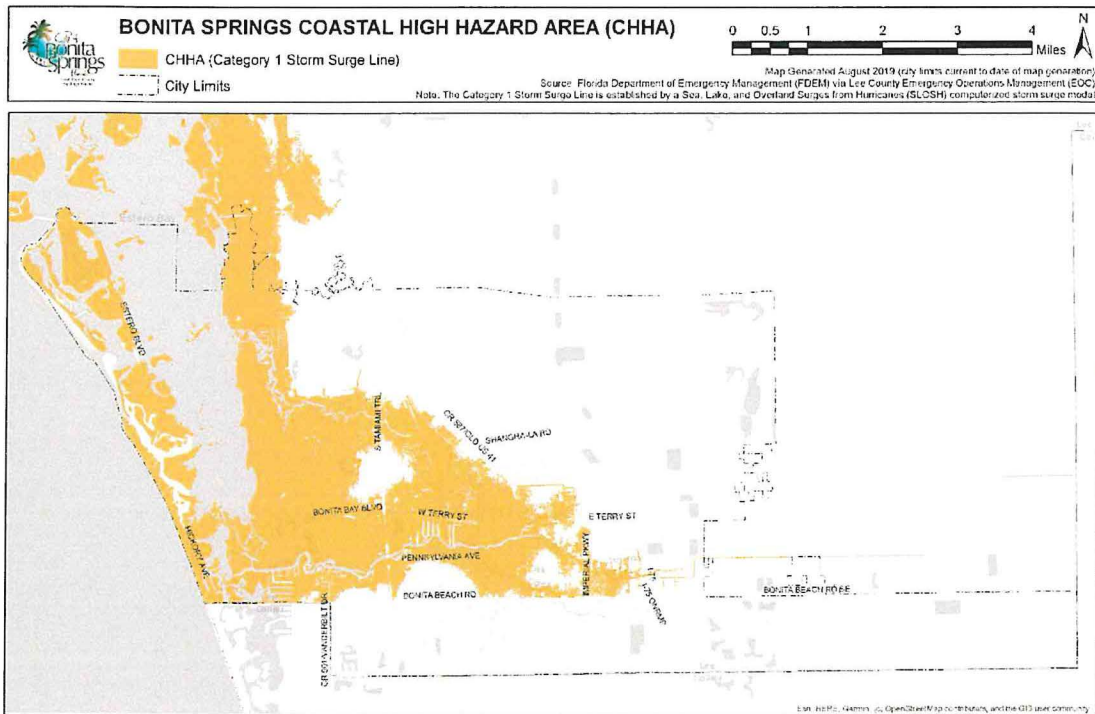


Figure B: Updated “Official” Coastal High Hazard Area (CHHA)

The Updated “Official” CHHA map in Figure B provides an irregular delineation with squiggly lines and “islands” of exclusion and extends the coastal high hazard area east of Old US 41. The Coastal High Hazard Area adopted into the City’s Comprehensive Plan must minimally include the areas identified in the SLOSH model as subject to potential storm surge in a Category 1 Storm. The Community Planning Act does not, however, preempt local strategies that exceed minimum state requirements.

Solely adopting the CHHA would significantly weaken the existing protections in the Comprehensive Plan. In light of the serious life-safety concerns, potential for destruction of private property and public infrastructure, prospect of expanded risk areas over time with sea level rise, and clarity of administration, the existing administrative area is presumed. This area and associated policies are renamed to be the Coastal Management Area (CMA). This leaves the City with two policy options related to defining the boundaries of the CMA. The option chosen, will result in Comprehensive Plan amendments to the text in the Future Land Use Element map series and the Conservation and Coastal Management goals, objectives, and policies.

*Option 1 Maintain Existing Area*

The first option would be to maintain the existing Bonita Springs CHHA Area as shown in Figure C below and retitle that area as Coastal Management Area (CMA). Option 1 would be for the City to continue with its “blanket” coastal high hazard area to include all areas seaward of US 41/Old US 41, including the 2014 annexations that were in the CHHA.

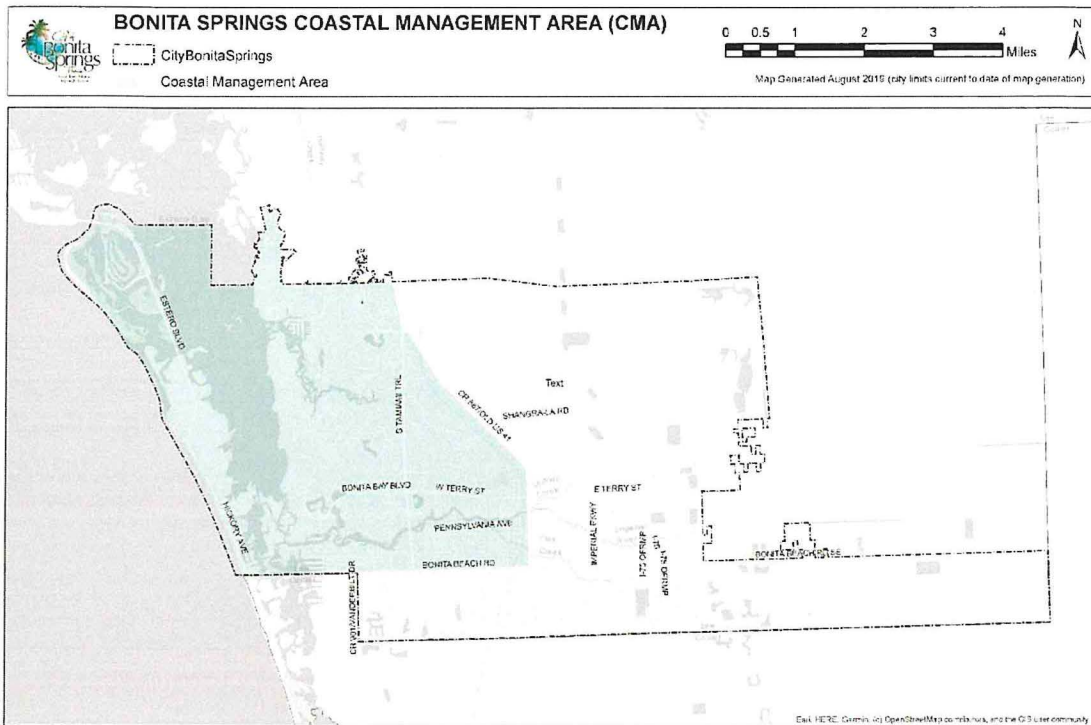


Figure C: Option 1 Maintain Historic Area

*Option 2 CMA Area Including Updated Official CHHA*

The second option would be for the City to continue with its “blanket” coastal high hazard area to include all areas seaward of US 41/Old US 41 plus any additional areas east of Old 41 as identified by the Division of Emergency Management Category 1 Storm Surge SLOSH model. The Option 2 CMA area is reflected in Figure D, below.

This expanded CMA area generally includes the City’s redevelopment overlay. However, the Comprehensive Plan Coastal Management Element Policy 5.4.1 already provides an exception to coastal high hazard density restrictions within the City’s redevelopment overlay area on Old US 41. Given the important public policy goal of revitalizing Old US 41, staff believes the exception is appropriate.



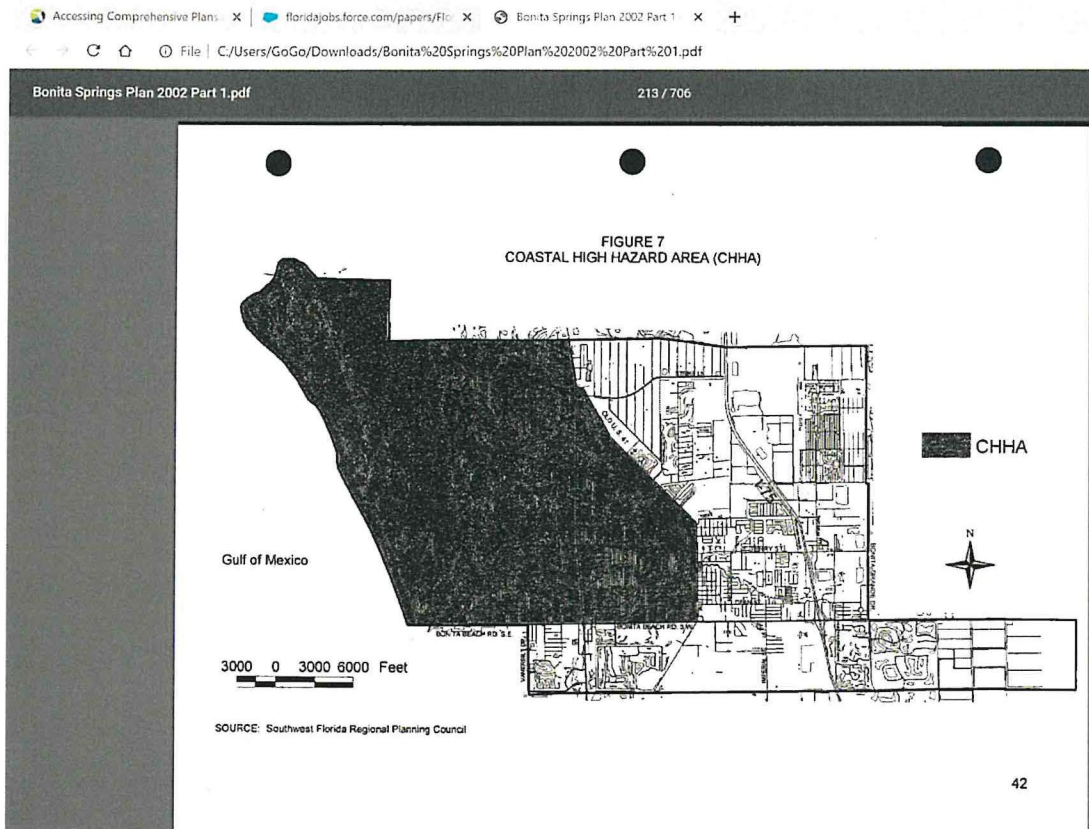


## Addendum to FGCU Staff Report

The purpose of this addendum is to provide the background for map and text language related to the CHHA and CMA areas in the Bonita Springs Comprehensive Plan.

### City of Bonita Springs 2002 Comprehensive Plan

- The 2002 adopted Comprehensive Plan for the City showed the CHHA Area as follows:



The text refers to the CHHA Hurricane evacuation area as being defined as it is today in Objective 5.1 and Policy 5.1.4. It states that the evacuation area as defined by the SWFRPC hurricane evacuation study.

The 2002 Adopted Comprehensive Plan language is as follows:

- Objective 5.1:**      **Development in Coastal High Hazard Areas** -- The City shall direct population concentrations away from the City's coastal high hazard area by limiting new development within the CHHA Category 1 hurricane evacuation area as defined by the SWFRPC hurricane evacuation study and using its land acquisition program to purchase vacant properties for open space, preservation or recreation uses.

**Policy 5.1.4:** Development in the CHHA Category 1 hurricane evacuation area, except as otherwise restricted by Policy 5.1.1 and the City's redevelopment project on Old U. S. 41, shall be infill only and shall not exceed the surrounding properties' density/ intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

## City of Bonita Springs Current Comprehensive Plan

The current (not yet adopted) Comprehensive Plan language referring to the CHHA Category 1 hurricane evacuation area still exists with some amendments as follows:

Objective 5.1: Development in Coastal High Hazard Areas - The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise by directing population concentrations away from the City's coastal high hazard area by limiting new development within the CHHA Category 1 hurricane evacuation area as defined by the SWFRPC hurricane evacuation study and using its land acquisition program to purchase vacant properties for open space, preservation or recreation uses.

Policy 5.1.4: Development in the CHHA Category 1 hurricane evacuation area, except as otherwise restricted by Policy 5.1.1 and the City's redevelopment project on Old U. S. 41, shall be infill only and shall not exceed the surrounding properties' density/ intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

## What Has Changed: The Need to Amend the Text

In 2004 and 2005, Florida experienced a number of devastating hurricanes, causing the state to look more carefully at its policies related to hurricane and hazard planning practices. There was a recognition that it is not just hurricanes that may require evacuation, but all hazards that may be man-made or natural.

Legislation at the state level required that the Division of Emergency Management to, "update all Regional Evacuation Studies in the State." And in doing so, "incorporated Emergency Management and Growth Management data needs."<sup>1</sup>

What this meant is that after 2006, the Regional Planning Council(s) no longer used their own data and planning tools but participate in a statewide process.

This resulted in the 2010 Statewide Regional Evacuation Study Program that, "was completed by regional planning council staff in all eleven regions of the State. ... Subject matter expertise was provided by section leads for the major portions of the Study. It was these leaders who ensured that the accepted methodology was utilized across the State and that each section was completed in a consistent manner."

## The 2010 Evacuation Model

The evacuation modeling methodology and framework was developed during 2008 and 2009 in coordination with all eleven Regional Planning Councils and the Division of Emergency Management.

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<sup>1</sup> SW Florida Statewide Regional Evacuation Study Program. See: [http://secureservercdn.net/72.167.25.126/679.800.myftpupload.com/wp-content/uploads/Projects/Evacuation\\_Study/V1\\_Executive\\_Summary\\_2010.pdf](http://secureservercdn.net/72.167.25.126/679.800.myftpupload.com/wp-content/uploads/Projects/Evacuation_Study/V1_Executive_Summary_2010.pdf)

The transportation section of the analysis is identical to the methodology for all eleven Regional Planning Councils and currently includes the following:

- Behavioral Assumptions
- Zone System and Highway Network
- Background Traffic
- Evacuation Traffic
- Dynamic Traffic Assignment
- Prototype Model Development

The SW Florida Regional Planning Council adopted the 2010 Statewide Regional Evacuation Study for the Southwest Florida Region. In doing so, it replaced the “previous hurricane evacuation studies completed in 2005, 2001, 1995, and 1991.”<sup>2</sup>

These studies no longer refer to a Category 1 hurricane evacuation area.

#### Current Statewide Regional Evacuation Studies

The current evacuation studies do not refer to a Category 1 hurricane evacuation area. These are now expressed as Zones A-E.

Nor is there any longer a SWFRPC hurricane evacuation study. The methodology, assumptions, and regularly updated technologies have all been updated. The study methodology is now updated statewide, and the six local regions create the evacuation study jointly. In addition, the study considers all hazards, not solely hurricanes. Further, the Lee County Department of Emergency Management creates the Evacuation Zones Map for the County.

#### Implications

As a result of these changes, the City of Bonita Springs state-required changes were necessary to Policy 5.1.4. This is for the following reason(s).

- There is no longer a SWFRPC hurricane evacuation study following the 2010 Statewide Regional Evacuation Study.
- There is no longer a Category 1 hurricane evacuation area. All hazards are now considered and are designated by zone. In other words, the evacuation study is no longer focused solely on hurricanes.
- The methodology behind the Statewide Regional Evacuation Study are consistent across the state and not locally created.
- If the City had not made a change by creating Policy 5.2.4 referring the new CMA area, it would have improperly cited an area and a study that does not exist, rendering the policy meaningless and unenforceable. As a result, this is a change was processed under the state required amendments. This helped to protect and memorialize the prior protections that the City had under its outdated CHHA area.

Future options to expand the CMA area may be considered under optional amendments to the Coastal and Conservation Management Element if there is a desire by Council to expand the administrative protections expressed in the (new) Policy 5.2.4. However, expanding the area based on the regular updates to the Statewide Regional Evacuation Studies would require additional data/analysis and

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<sup>2</sup> <http://www.spikowski.com/documents-FortMyers/FortMyersPDRP.pdf>

implications for other policies in the Comprehensive Plan. In addition, consideration should be given to the kinds of hazards the City is aiming to protect against. If the (new) Policy 5.2.4 is designed to limit density to protect against hurricanes, then the 2019 Evacuation Zones would likely not be the right tool, as it was created to consider all hazards.

## FUTURE LAND USE ELEMENT

### BONITA SPRINGS TOMORROW: THE VISION

There is great diversity in the backgrounds, ages, economic status, ethnic origins, and life styles of the citizens who live and work together while making Bonita Springs their home. Few of today's Bonita Springs residents were born here. The great majority made a deliberate and life altering choice to relocate here, in most cases because of very specific things they liked about the community when they came and, perhaps even more importantly, because of what they saw and hoped Bonita Springs would continue to be or would change into in the future. Such being the case, Bonita Springs is blessed with a very high percentage of citizens who hold strong and clear beliefs about what the future of our City should be.

Over the course of several public workshops and community visioning sessions, a broad cross-section of this diverse population was given the opportunity to share and support their individual points of view. Certain paramount themes emerged as having a strong majority support among the groups. On these important issues and goals for the future, personal differences of circumstance amongst the participants was not as significant a force as the commonality of what brought each of them to this uniquely pleasant location in the first place.

A very substantial majority of the citizens of today's Bonita Springs are in strong, basic agreement with regard to several important goals for the Bonita Springs of tomorrow.

Their vision and sentiment is that the future City of Bonita Springs should be:

1. A community of human scale, one in which we can afford to live and with which we can identify as individuals.
2. A community that actively practices its appreciation of the great natural environment that has been given to us and educates new arrivals and the young about the stewardship it requires. It should be a "green" City because of its protection of the natural systems, pristine beaches and greenways, through environmental consciousness, stringent pollution controls, and recycling. Bonita Springs should be a Florida leader in the area of municipal protection of the environment.
3. A "walkable" community that is pedestrian friendly, with interconnecting sidewalks, pathways, and publicly available transit systems accessing all neighborhoods. Vehicular traffic should move easily through a continuous, attractive street system with planted medians, featuring flowering indigenous landscape and strategically placed statuary. Welcoming features should clearly announce to travelers the location of the City limits. U. S. 41 and Bonita Beach Road should be beautiful commercial parkways to be enjoyed by Bonita Springs residents as well as those traveling through the City.
4. A community with outstanding parks and recreational facilities. Parks and natural resources should be easily accessed through a continuous system of safe, shaded walkways and bicycle paths which connect homes, shopping, and workplaces. Public access to vistas of the estuary, river, and creeks should be preserved and linear parks should wind through the natural and developed areas of the City.
5. A community with a "heart", a social center. The redevelopment of Old U. S. 41 into a vibrant "Old Town" hopefully will exceed all current expectations. The area, including Depot Park Square, can be a focus for both daytime and evening activity and a meeting place for families, teens, singles, and senior citizens. At this center of Bonita Spring's historic origin, there should be a unique mix of restaurants, retail shops and services, publicly sponsored activities, and entertainment, all complemented by the ambiance of the surrounding neighborhoods and the Imperial River.

### GOALS, OBJECTIVES AND POLICIES

**Goal 1:** A balanced land use pattern that promotes a high quality of life and allows for a variety of land uses, densities and intensities and the preservation and stabilization of existing neighborhoods; encourages mixed use development; promotes an efficient transportation system; preserves the

natural environment and economic vitality of the community; and, is consistent with the availability of essential services.

**Objective 1.1:** Designate on the Future Land Use Map a full range of land use categories of varying density consistent with the natural and built-up environment and with existing and developing growth patterns, topography and soils conditions, and the availability of essential services. Development orders shall be issued by the City only for new development or redevelopment that is consistent with the Future Land Use Map and associated Future Land Use Designations set forth in the following policies.

**Policy 1.1.1: Legal Effect** - The density and intensity limits and land use restrictions described in the following land use categories are legally binding immediately upon adoption of this Comprehensive Plan. During the preparation of the Land Development Code that will fully implement this plan, conflicts may arise with previous regulations, development approvals or zoning districts. The Administrative Section following these Goals, Objectives and Policies describes how such conflicts will be resolved.

**Policy 1.1.2: Density, Affordable Housing Density Bonus, and Wetlands Transfer of Density**

- a. While each individual land use category may include a maximum allowable density for residential uses, the actual allowable density for any given property will be stated in the Land Development Code based on, but not necessarily limited to, consideration of the following factors:
  - 1. Compatibility with surrounding existing land uses and future land use patterns;
  - 2. Vehicular access and existing and planned roadway patterns;
  - 3. Availability of public services and facilities; and,
  - 4. Environmental considerations
- b. The City shall include in its Land Development Regulations a provision for a housing density bonus to encourage private developers to include housing for low and very low income families in their development projects. This provision shall be based on the following guidelines:
  - 1. The number of additional units resulting from the granting of bonus density shall not exceed the number of rental or owner-occupied housing units allocated specifically to low and very low income households within the project
    - (a) A low income household is defined as a household whose annual income does not exceed 80% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).
    - (b) A very low income household is defined as a household whose annual income does not exceed 50% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).
  - 2. The maximum bonus density, in excess of the maximum density otherwise allowable within the future land use category, available to a given project shall be as set forth in the following schedule:

**Maximum Density Per Land Use And Maximum Density With Bonus Density**

Land Use Category	Maximum Standard Density	Maximum Density With Bonus
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Estate Residential	.33 units/acre	.33 units/acre
Low Density Residential	1.3 units/acre	1.3 units/acre
Suburban Density Residential	3 units/acre	5 units/acre
Moderate Density Residential	5.8 units/acre	7 units/acre
Moderate Density Mix/PUD	6 units/acre	9 units/acre
Urban Fringe Community	2.54 to 2.77 units/acre	2.54 to 2.77 units/acre
Medium Density One & Two Family	11.6 units/acre	11.6 units/acre
Medium Density Residential-MF	6 units/acre	10 units/acre
High Density Residential-Multifamily	10 units/acre	15 units/acre
"Old 41" Town Center Mixed-Use Redevelopment <sup>1</sup>	15 units/acre	20 units/acre
High Density Mixed Use	10 units/acre	15 units/acre

<sup>1</sup> Bonus Density provisions in the Old U.S. 41 Corridor Redevelopment Area apply to areas designated (Townhouses), Medium Residential, Multi-Family Residential, Hospitality and Mixed Use on the Old 41 Corridor Redevelopment Master Plan Overlay, including the Imperial River Landing. (See policy 1.1.11.b)

3. The City may include a provision for a cash contribution to a housing trust fund dedicated to the provision of housing for low and very low income households in lieu of the allocation of on-site units to low and very low income households.
4. Any project for which a density bonus provision is applied must meet the following criteria:
  - (a) the resulting development does not have substantially increased intensities of land use along its perimeter unless it is adjacent to an existing or approved development of a similar intensity;
  - (b) the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road;
  - (c) existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;



- (d) there will be no decrease in required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses; and,
  - (e) storm shelters or other appropriate mitigation is provided if the development is located within the Category 1 Storm Surge Area for a land-falling storm as defined by the most current Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council.
- c. Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands identified on Figure 4, Evaluated Wetlands, in the Future Land Use Map Series shall be one unit per 20 acres, except:
1. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the Administrative Section of the Future Land Use Element; and.
  2. Transfer of density provision - Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership as displayed in the following table at the maximum rate indicated. The table is cumulative in that the amounts shown are what is permitted under the land use, permitted with an affordable housing bonus and that permitted as a transfer the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

**Density Transfer - Wetlands to Uplands Per Upland Acre (All Numbers Reflect Dwelling Units Per Acre)**

Future Land Use Category	Standard Maximum Density	Maximum Additional Bonus Density	Maximum Additional Density With Transfer
Estate Residential	.33	0	0
Low Density Residential	1.3	0	0
Suburban Density Residential	3	0	0
Moderate Density Residential	5.8	0	0
Mod. Den. Res. PUD	3	3	0
Moderate Density Mix/PUD	6	3	1.5
Medium Density One & Two Family	11.6	0	0

Medium Density Residential-MF	6	4	2
Urban Fringe Community	2.54 to 2.77	0	0
High Density Residential-Multifamily	10	5	2.5
"Old 41" Town Center Mixed-Use Redevelopment	15	5	2.5
High Density Mixed Use	10	5	2.5
General Commercial, Interchange Commercial and Industrial	10	5	0

(Ord. No. 06-18, § 1, 12-6-06; Ord. No. 09-05, § 1, 4-15-09)

**Policy 1.1.3: Height** - While each individual land use category may include a maximum allowable height, the actual allowable height for any given property will be stated in the Land Development Code based on consideration of compatibility with surrounding existing land uses and future land use patterns.

**Policy 1.1.4: Allowable Uses** - The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, other uses which are similar in character, intensity and impacts to those listed may also be deemed to be appropriate.

**Policy 1.1.4.1: Gross acreages in Future Land Use Categories** – The approximate gross area identified for each future land use category is as of June 7, 2017. The City may update the approximate gross area calculations from time to time as part of major updates to the comprehensive plan, such update is not required for individual future land use map amendments.

**Policy 1.1.4.1.2 Estate Residential** - Intended to accommodate a very rural style of single family living allowing for development at a maximum density of one unit for every three acres and approximately 0 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single family homes on permanent foundation.
- b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 09-05, § 1, 4-15-09; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.5: Low Density Residential** - Intended to accommodate and preserve semi-rural type single-family residential development at a maximum density of up to 1.3 dwelling units per gross acre and approximately 1.482 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations. Clustering shall be employed to avoid clearing and other development impacts on wetlands or rare and unique upland habitats.
- b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.6: Suburban Density Residential** - Intended to accommodate and preserve single-family development at a maximum density of three dwelling units per acre; planned unit developments with single and multi-family units at a maximum density of 3 units per acre and approximately 0 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.
- b. Maximum allowable height of all residential structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.7: Moderate Density Residential** - Intended to accommodate and preserve single-family residential development at a maximum density of up to 5.8 dwelling units per gross acre and approximately 1,977 acres of gross land area in the land use category; planned unit developments at a maximum density of six units per acre; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family homes on permanent foundations.
- b. Maximum allowable height of structures shall be 35 feet from the base flood elevation to the eaves.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.8: Medium Density Residential** - Intended to accommodate areas with a mix of single-family, duplex and town homes residential development at a maximum density of up to 11.6 dwelling units per gross acre and approximately 1,056 acres of gross land area in the land use category; group homes and foster care facilities; public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations.

- b. As an alternative to a duplex structure, and in order to encourage dispersing affordable housing throughout the community, one accessory dwelling, such as a garage apartment or accessory apartment, may be located on a single lot occupied by one single-family structure, provided development of the lot remains within the maximum allowable density. Conditions on accessory dwelling units may be required within the Land Development Regulations to prevent over crowding and to ensure compatibility.
- c. Maximum allowable height of structures shall be 55 feet from the base flood elevation to the eaves.

(Ord. No. 06-18, § 1, 12-6-06; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.8.1: Medium Density Multi-Family Residential** - Intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 10 units per gross acre and approximately 1,341 acres of gross land area in the land use category; group homes and foster care facilities, public schools and other public, semi-public and recreational uses on a limited basis. This land use category is applied primarily to existing properties developed with multi-family or mobile home/recreational vehicle parks located within the **Coastal High Hazard Area Coastal Management Area (CMA)**, or lands formerly afforded a land use designation of Urban Community in the Lee Plan, or properties adjacent to existing or planned major roadways.

- a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures, on permanent foundations, cluster housing, zero lot line, townhouses, multi-family structures, and mobile homes or recreational vehicles in existing mobile home or recreational vehicle parks.
- b. Residential density shall be limited to not more than six units dwelling units per acre. If affordable housing is provided, residential density may be increased by up to four additional dwelling units per acre. This density range is consistent with the density previously afforded under the Urban Community land use designation in the Lee Plan.
- c. Commercial uses may be appropriate provided they are primarily intended to serve the residents of a mixed use project and are sensitive to nearby residential uses.
- d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.9: High Density Residential** - Intended to accommodate multi-family, modular and manufactured housing, and existing mobile home and recreational vehicle parks up to a maximum density of 15 units per gross acre and approximately 194 acres of gross land area in the land use category; group homes and foster care facilities, public schools and other public, semi-public and recreational uses on a limited basis.

- a. Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations, cluster housing, zero lot line, townhouses, and multi-family structures.
- b. Residential density shall be limited to not more than 10 dwelling units per acre. In the case of multi-family, if affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.
- c. Commercial uses may be appropriate provided they are primarily intended to serve the residents of a mixed-use project and are sensitive to nearby residential uses.

- d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.10: Moderate Density Mixed-Use/Planned Development** - Intended to accommodate and provide continued flexibility of development within mixed use and residential planned developments of up to nine dwelling units per gross acre and approximately 8,671 acres of gross land area in the land use category, having been granted development orders prior to the adoption of the City's Comprehensive Plan.

- a. Appropriate uses within this category include the full range of residential uses; residential amenities such as private golf courses and other recreation facilities; limited commercial and light industrial uses; group homes and foster care facilities; schools and other public and semi-public uses.
- b. Residential density shall be limited to not more than six units per gross upland acre and one unit per 20 gross acres of wetland, except as otherwise provided for under Policy 1.1.2 relating to transfer of density from freshwater wetlands. If affordable housing is provided, residential density may be increased by up to three additional units per acre of upland area.
- c. In areas located within the Coastal High-Hazard Management Area (CHHA-CMA), density may not be increased beyond that already approved prior to the adoption of this Comprehensive Plan.
- d. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.
- e. Residential uses may comprise up to 100% of the acreage in a planned development.
- f. In mixed-use planned developments:
  - 1. Residential uses shall comprise not less than 20% of the acreage;
  - 2. The aggregate of commercial and light industrial uses shall comprise not more than 45% of the total acreage;
  - 3. Light industrial uses shall comprise not more than 20% of the total acreage;
  - 4. Public and semi-public uses shall comprise not more than 65% of the total acreage; and
  - 5. For properties of less than two (2) acres, residential uses may be combined at various proportions with commercial and non-residential uses.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.10.1: Urban Fringe Community District.** Intended to accommodate and provide flexibility for development in areas exhibiting substantial environmental resource protection lands combined with transitional urban characteristics. In order for land to be considered for this designation, land requested to be placed in this category shall be a minimum of 100 acres within the 1,165 acres of gross land area in the land use category. Development within this category would be allowed from 2.54 to 2.77 gross dwelling units per acre. Land developed within this Urban Fringe Community District must adhere to the following innovative design and planning principles.

- 1. All new development within the Urban Fringe Community District shall be required to be zoned as a Planned Development.

2. Development within this Urban Fringe Community District will be required to cluster in order to minimize loss of native vegetation and wetland function. Developments within the Urban Fringe District are permitted to be clustered at higher than gross density as long as the gross density and maximum number of units are not exceeded for the total acreage within the Urban Fringe District. Significant natural systems, or wetlands which require preservation in order to comply with Local, State and Federal Permitting, shall be placed in the Resource Protection Future Land Use category and for purposes of the Urban Fringe Community District, shall be included in gross acreage for density calculations.
3. Development within the Urban Fringe Community District is encouraged to provide a mix of uses, including a mix of residential types, recreational amenities, civic spaces and convenience and commercial uses intended to serve residents and their guests in order to minimize trips outside the Urban Fringe Community District .
4. Development is encouraged to provide creative site designs, and clustering is required to provide for greater common open space and mixed-use development. The planning flexibility provided through the planned development process shall encourage and facilitate creative design techniques.
  - a. Residential Development. These areas shall include single and/or multiple family home site acreage, and shall include, but not be limited to, single-family attached and detached; duplexes and two-family units; and town homes and other multi-family dwelling types.
  - b. Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses.
  - c. Residential and Non-residential Development acreage may account for no more than 60% of the gross area within the Community Fringe District. Intensity/density standards for all uses within this category are set forth in the Intensity/Density Table below:

Percent Aggregate Land Use Mix Within the Mixed Use Future Land Use Map Category

Land Uses in Mixed Use	Minimum % Land Use Mix	Maximum % Land Use Mix	Maximum Density/Intensity
Residential	45%	58%	2.77 gross du/ac (3300—3600 du <sup>1</sup> )
Commercial/Non-residential <sup>2</sup>	2%	15%	.35 FAR
Open Space	40%	53%	.25 FAR

<sup>1</sup> Gross density pursuant to Policy 1.1.10.1

<sup>2</sup> Commercial uses, excluding recreational facilities (including, but not limited to, the clubhouse and ancillary facilities), will be limited to 5 total acres.

- d. Open Spaces. These areas will include preserved natural areas, buffers lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property within the Urban Fringe Community District. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject Urban Fringe Community District.
- e. The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:
  - i. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;
  - ii. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the United States Department of Agriculture Soil Conservation Services Soil Pesticide Interaction Guide to select pesticides that have a minimum potential for leaching or loss to due runoff depending on the site-specific soil conditions. Application of pesticides within 25 feet of any Corkscrew Regional Ecosystem Watershed, or other adjacent public preserve lands, is prohibited;
  - iii. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any pesticides and nutrients;
  - iv. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
  - v. The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.
- f. Any required perimeter buffer zones pursuant to Policy 1.1.10.1(5)(c)(iv) must be replanted with vegetation after construction. Revegetation must adhere to the following:
  - i. Seventy five percent of the total number of replanted trees used in buffers and landscaping must be indigenous, and fifty percent of the replanted shrubs must be indigenous;
  - ii. Plant material must conform to the standards for Florida Number 1 or better as given in Grades and Standards for Nursery Plants 1973, and Grades and Standards for Nursery Plants, Part II, Florida Department of Agriculture and Consumer Services, Tallahassee.

- iii. Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, Queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after construction.
  - g. The shorelines of any stormwater management lakes must be sinuous in configuration, and must be sloped or bermed. The littoral zones around the ponds must be planted with native wetland herbaceous plants, and trees or shrubs can be included within the herbaceous plants. At least four species must be planted. The minimum required number of plants will be one plant per linear foot of lake shoreline as measured at the control elevation water level. The littoral shelf should provide a feeding area for water dependent avian species.
  - h. Height. Maximum allowable height for residential structures shall be 60 feet from the base flood elevation to the eaves.
  - i. In order to minimize adverse impacts that construction may have on wildlife, natural environmental values, and water quality, the developer will institute appropriate measures such as full compaction of any fill material placed around newly installed structures. In addition, clubhouse(s), golf course maintenance building(s), vehicular service areas and amenity centers that include outdoor pools, tennis courts, etc., must be located a minimum of 350 feet from the boundaries of the Urban Fringe Community District that abut a conservation area. This restriction does not apply to residential buildings. Further, a conservation easement of 100 feet in length shall be placed over Zone 1, which is described in Policy 1.1.10.1.5(c)(vi)(A), which is described in Policy 1.1.10.1.5(c)(vi)(A). The easement shall allow for landscaping, water management activities, passive recreational uses and other uses as set forth in Policy 1.1.10.1.5(c)(vi)(A).
  - j. Because domestic animals can create conflicts with indigenous wildlife, no free-ranging domestic animals are permitted within the Urban Fringe Community District. All applicants for a local development order shall include a provision in their covenants and restrictions that prohibit free-ranging domestic animals. Such covenants and restrictions shall also address the implementation of a bear-proof garbage can program to minimize wildlife attractants.
- 5. All major Resource Protection areas over 20 acres in size shall be provided public vehicular access on non-gated roadways.
  - a. All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas within the Urban Fringe Community District may be relocated if all approvals are obtained from appropriate local, State and Federal agencies and (2) where the affected wetland functions are replaced on property within the Urban Edge Fringe Community District.
  - b. Where feasible, open space areas will be designed so as to provide connections between wetlands, preserve areas, and buffers on property within the Urban Fringe Community District. The design of these open spaces areas will seek to provide areas which will be integrated with on-site and adjacent preserve properties so as to enhance habitat for small mammals and wading birds. Golf courses, when constructed and maintained in compliance with this paragraph will be considered to be functional open space to the extent set forth above.



- c. The design of functional open space areas must incorporate the following design features:
  - i. A surface water management system that mimics the functions of the natural system, in accordance with the following:
    - A. All development proposals within the Urban Fringe Community District must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes.
    - B. Where no natural features of flow or ponding exist on a site within the Urban Fringe Community District, the City will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations.
    - C. Within the Urban Fringe Community District where traditional drainage structures exist (ditches, canals, dikes, etc.), the City may permit their continued existence and maintenance, but will discourage their expansion or extension.
    - D. Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.
    - E. The South Florida Water Management District must review any Development to ensure that adequate provision is made for a flowway through the proposed Urban Fringe Community District. Any changes to any ACOE or Environmental Resource Permit in effect at the time of the adoption of this Plan Amendment must ensure adequate provision for the transport of off-site flows through the property to the south, and shall address the creation of wading bird habitat.
    - F. The policies above (1.1.10.1.5(c)(i)) are not intended to prohibit any permissible surface water management solution that is consistent with good engineering practices and adopted environmental criteria.
  - ii. Any Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, queensland umbrella tree, trailing wedelia existing on the site at the time of the issuance of a development order must be removed.
  - iii. The vegetation that surrounds, or is within the open space areas should have the capacity to provide habitat for a diversity of wild life.
  - iv. For any area that drains to the Imperial River Basin, a surface water management system that is consistent with the Kehl Canal/Imperial River Basin study prepared by Agnoli, Barber & Brundage dated 1995 for the SFWMD.
  - v. Uses including, but not limited to, picnic areas, trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vita courses, bird viewing blinds/tower and interpretative facilities will be permitted within functional open areas.

vi. All development must incorporate buffers to protect adjacent natural areas from the impacts of development. The purpose of the buffer is the protect natural resources from the activities and impacts of development on property within the Urban Fringe Community District. The buffers shall be established in Zones according to the following:

A. *Zone 1* will be a minimum of 100 feet wide and will extend completely along all portions of the eastern and southern boundary of the Urban Fringe Community District. These are the areas of the Urban Fringe Community District which are adjacent to the Collier County Line. The buffer will consist of selected native upland forest plant species such as south Florida slash pine, live oak, laurel oak, and saw palmetto. Selected species will be tolerant of drought conditions, and will not require fertilizers and pesticides to promote growth and survival. Exotic plant species will be controlled by the periodic application of herbicides and mechanical removal. Wetland forest species will be used in situations where wetland functions remain on the Urban Fringe Community District and where soil and moisture conditions are suitable.

*Zone 1* will incorporate the existing water management reservoirs which are located along the southern boundaries of the Urban Fringe Community District. These reservoirs will not require additional buffering. There will be no structures erected in *Zone 1*, however, passive recreation such as hiking, bird watching and nature study will be permitted. Construction of lakes in *Zone 1* will be allowed. Existing berms and ditches will be allowed to remain in *Zone 1*.

B. *Zone 2* will be adjacent to *Zone 1* and will encompass an area that is at least 50 feet wide. This area will be free of lights and other structures such as fences, pools and sheds. The permanent placement of generators, pumps, and other fixed motors will be prohibited. Homesites may extend into *Zone 2*, but no portion of the residence itself may extend into this zone. If residential lots are incorporated into this zone, those portions of yard acreage will be planted and maintained in a fashion similar to that proposed for Buffer *Zone 1*. Passive recreation such as hiking, jogging, biking, and walking will be allowed along designated trails and boardwalk system. Golf courses and lakes may extend into this zone, but may not incorporate lights or structures other than drainage structures and cart paths. All golf course acreage in *Zone 2* will be free of lights and structures and the use of golf carts will be permitted. If water, sewer or electrical lines are placed in *Zone 2* they must be buried.

C. *Zone 3* will be parallel to *Zone 2* and will consist of residences and other infrastructure development in a 100-foot wide band. Exterior lighting in this zone may not project toward adjacent preserve land. Measures such as directional lighting, reduced-height light supports and other light abatement technology will be used.

6. Land areas amended to the Urban Fringe Community District will be tracked by the City of Bonita Springs to address the following for all property within the Urban Fringe Community District:

- i. maximum number of dwelling units,
- ii. maximum square footage of commercial,
- iii. locations of public sites, and
- iv. maximum amounts of non-public recreational uses to be provided.

- a. Every development within the Urban Fringe Community District shall enter into a Developer's Agreement with the City of Bonita Springs prior to issuance of a Development Order, in accordance with § 163.3220—3243, Florida Statutes or by any other mutually agreed upon legal instrument. The intent of the Developer's Agreement or appropriate legal instrument is to identify timing, density for the project, etc. to ensure that development matches the information tracked by the City.
  - b. The Developer's Agreement or appropriate legal instrument will require an annual review in accordance with § 163.3220—3243.
  - c. The Developer's Agreement or appropriate legal instrument will inform subsequent purchasers (excluding single lots not being subdivided) who will adhere to the requirements contained within the Developer's Agreement or appropriate legal instrument.
7. As individual zonings to RPD are submitted to the City they shall include as a minimum the following information:
  - a. A showing of the amount of units as a part of the maximum approved for the parent parcel.
  - b. A Traffic Analysis submitted in accordance with the City's TIS requirements verifying that adequate capacity currently exists or will exist prior to the issuance of any Certificates of Occupancy.
8. Any lands included or amended into the Urban Fringe Community District category must demonstrate the non-existence of urban sprawl by:
  - a. Submitting a fiscal impact study demonstrating a net fiscal benefit to the City.
  - b. Directing new growth to areas where public facilities exist, are planned within the City or County Five Year Capital Improvement Plan, or are committed to through a Developer Agreement, or otherwise assured to be funded by the appropriate agency.
  - c. Providing assurances through fiscal and other means that an amendment to the Urban Fringe Community District category will expedite any additionally needed infrastructure improvements so as to not adversely impact the surrounding community outside this District.
  - d. Requiring all development to be connected to central water and sewer.
  - e. Assure that an amendment to the Urban Fringe Community District category meets the conditions outlined in F.S. 163.3162(4) for demonstrating the non-existence of urban sprawl, including assuring that land uses and intensities of use are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel. Parcels larger than 640 acres must include appropriate new urbanism concepts such as those described in F.S. 163.3162(4).

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.10.2: Coconut Village:** Intended to accommodate marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the marina and waterfront areas of Estero Bay. Development of wet and dry slips, boat ramps and other marine related uses will provide access for public and private club members. This future land use category is applicable to areas along Estero Bay, and shall not be located on any barrier island. Proposed development within this and future land use category shall adhere to innovative design and planning principles that incorporate the protection of the natural

resources of Estero Bay while providing the recreational and boating opportunities to the City of Bonita Springs.

- a. All new development within the Coconut Village category shall be required to be zoned planned development. All density, intensity, height and types of uses will be established during the planned development rezoning process.
- b. Appropriate uses within the Coconut Village future land use category include the following:
  - i. Marina and marine accessory uses. Marina uses shall not be solely for private use.
  - ii. Limited private club use as defined in planned development process may be allowed.
  - iii. Hotels/resorts and ancillary retail, cultural, and public and private recreational uses.
  - iv. Residential dwellings when incorporated into a resort complex.
- c. Development Standards:
  - i. Development shall be located to minimize loss of environmentally sensitive areas.
  - ii. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.
  - iii. Residential uses with a resort character and lifestyle may be integrated into resort use and may share in resort amenities.
  - iv. Residential density shall be limited to not more than 6 dwelling units per acre within the approximately 17 acres of gross land area in the land use category.
  - v. Residential density calculations shall be considered for the gross project acreage regardless of other uses on the project.
- d. Height.
  - i. Buildings over 75 feet from the base flood elevation to the eaves shall be limited to a locations that do not negatively impact adjacent property view corridors or neighborhood compatibility.
  - ii. Compatibility with surrounding buildings.
- e. Locations shall have access to a transportation network with adequate capacity and sufficient and navigable access to waters of Estero Bay.
- f. Coastal High Hazard. Impacts on sheltering and evacuation resulting from development/redevelopment activities within the CHHA shall be mitigated through cooperation and coordination with Lee County Emergency Management Operations at time of local development order. If the shelter and evacuation mitigation has been provided through the Development of Regional Impact process then no further mitigation is required at the time of local development order.

(Ord. No. 14-23, § 1, 10-15-14; Ord. No. 17-08, § 1, 6-7-17)

**Editor's note**— Ord. No. 14-23, § 1, adopted October 15, 2014, amended the Comprehensive Plan by adding a new policy to be numbered 1.1.11. In order to prevent the duplication of policy numbers, the new provisions have been designated as 1.1.10.2 at the discretion of the editor.

**Policy 1.1.10.3: Annexed Areas:** Areas that have been annexed, but have not been formally placed in a City of Bonita Springs Future Land Use category, will carry forward their existing or underlying unincorporated county future land use designation until such time that the City has formally adopted Objectives, Policies, or Strategies affecting the property.

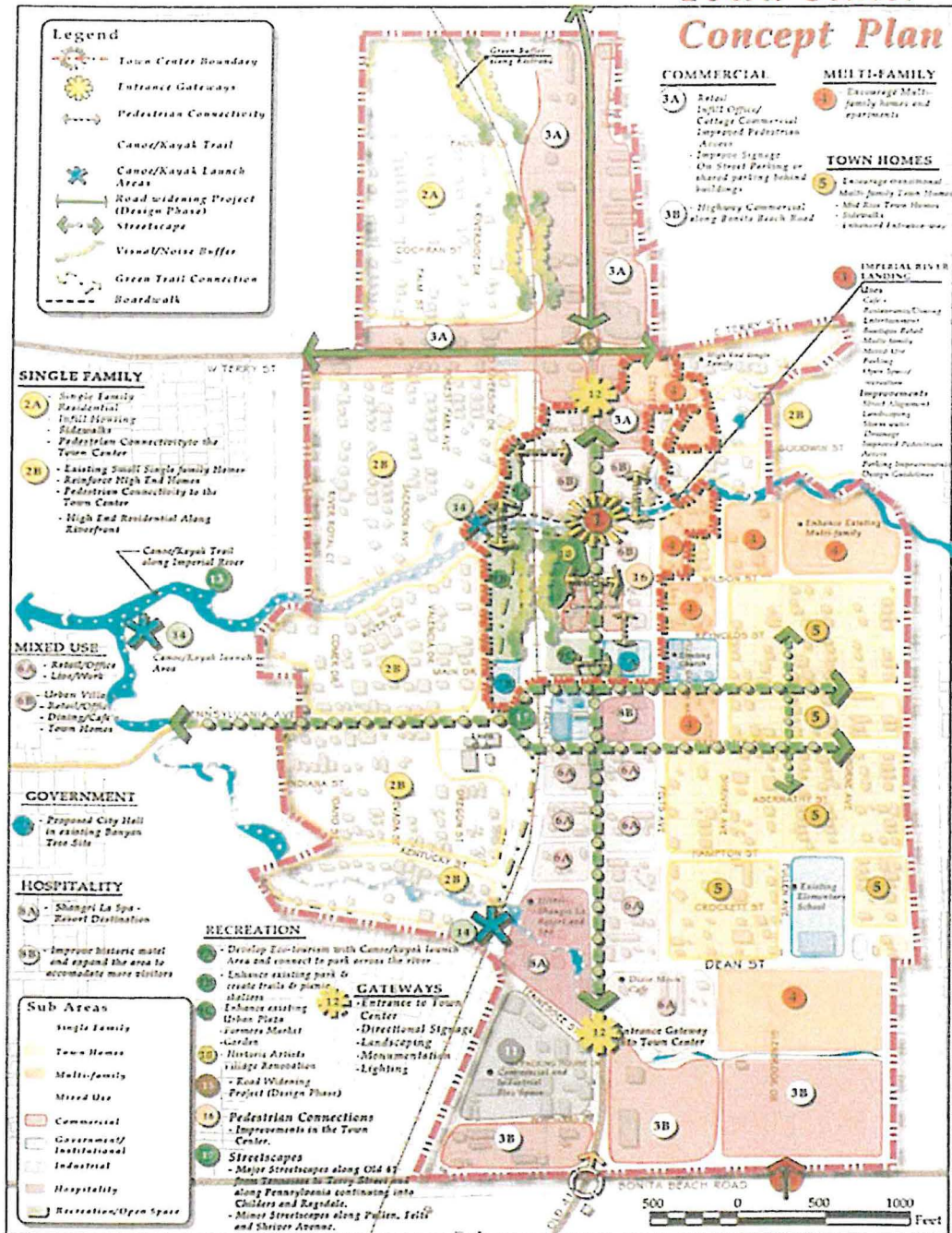
(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.11: "Old 41" Town Center Mixed-Use Redevelopment Overlay Area:** The City shall adopt the Old 41 Corridor Redevelopment Master Plan and re-designate the area previously known as the "Old 41" Town Center Mixed-Use Redevelopment Overlay Area to reflect the boundaries contained therein, which are generally located from Rosemary Drive to Bonita Beach Road between Tennessee Street/Williams Road and Dortch Avenue. Permitted uses are discussed herein and illustrated with specificity on the Old U.S. 41 Corridor Redevelopment Master Plan. The "Old 41" Town Center Mixed-Use Redevelopment Overlay Area is intended for mixed-use redevelopment as a residential, commercial, cultural and community, hospitality, industrial, recreational, and governmental center focused around the aesthetic and recreational value of the Imperial River and supported by "walk-to-town" neighborhoods. The following guidelines shall apply to planning and development within the "Old 41" Town Center Mixed-Use Redevelopment Overlay Area. This area shall hereinafter be known as the "Old U.S. 41 Corridor Redevelopment Area."

- a. The permitted land uses in the Old U.S. 41 Corridor Redevelopment Area are designated by the following Old U.S. 41 Corridor Redevelopment Master Plan, as amended by the Felts Ave Subdistrict and the Terry Street Subdistrict:

**OLD U.S. 41 CORRIDOR REDEVELOPMENT MASTERPLAN**  
 Bonita Springs, Lee County, Florida

**Town Center  
 Concept Plan**



1. Single Family Residential: Permitted uses include traditional single-family developments and accessory buildings, as well as any other uses permitted in Policy 1.1.5. Density may not exceed 5.8 units per acre.
2. Medium Density Residential (Townhouses): Appropriate residential housing types include conventional and modular constructed single-family and duplex structures on permanent foundations, cluster and zero lot line development.

3. Multi-Family Residential: intended to accommodate higher-density, multi-family housing and town homes, and to permit other uses permitted in Policy 1.1.8. Total density may not exceed 15 units per acre.
4. Commercial. Commercial uses are permitted in accordance with the permitted uses in Policy 1.1.14 and as follows, according to the Old U.S. 41 Corridor Redevelopment Master Plan Overlay:
  - a. Commercial District 3a is intended for small to medium sized business, containing street frontage. The City shall implement urban design guidelines for the streetscape and building facades.
  - b. Commercial District 3b is the high-traffic Bonita Beach Road commercial corridor and is intended for higher intensity uses.
5. Mixed-Use: Mixed-use developments are intended to permit a mix of residential uses, not to exceed 20 units per acre, with commercial, light industrial and public and semi-public uses to provide live-work opportunities for residents within the area. Individual mixed-use buildings shall be limited to properties of two acres or more and shall only be approved as a planned development. Such uses shall accommodate retail or commercial uses and residential units in the same building. Determination of the appropriate land use types, densities and intensities shall be based upon compatibility with adjacent and surrounding properties; the need for transition between projects; and the ability to maintain established levels of service. The mix of uses shall be governed by the following guidelines:

USE	MINIMUM	MAXIMUM
Residential	35%	None
Commercial	None	65% of the overall intensity of the project.
Other Non-residential uses	None	35% of the overall intensity of the project.

6. Public/Governmental: Public uses are intended to congregate public facilities at the Old U.S. 41 Corridor Redevelopment Area and encourage pedestrian activity and establish the Town Center as a destination for local citizens. Permitted uses are in accordance with Policy 1.1.18.
  - a. The City will pursue development of a public library in the Town Center area by seeking funding through the Department of State Library Construction Grant program.
7. Hospitality: Intended to encourage the restoration and/or expansion of existing historic hotels and resorts for the purpose of providing hospitality services or residential development at a density not to exceed twenty (20) dwelling units per acre.
8. Recreation: Recreational uses are intended to provide an additional attraction to draw residents and visitors to the Town Center area, and to provide green space for the residents and to buffer the visual impact of the railroad right-of-way. Permitted uses in this category shall be in accordance with Policy 1.1.17.

9. Industrial: This is intended to provide commercial and industrial mixed use space, with the commercial uses fronting the street on Old 41 and hiding the industrial properties in the rear. Permitted uses shall include light industrial, warehousing, recreation, heavy commercial and public and semi-public uses.
- b. The following requirements shall apply to the Old U.S. 41 Corridor Redevelopment Area:
  1. Density. The uses within the Old U.S. 41 Corridor Redevelopment Master Plan are limited to the following residential densities:

Use	Density
Single-family residential	5.8 du/ac
Medium Density Residential (Townhouses)	6 du/ac
Multi-family residential	10 du/ac
Commercial	
Mixed Use	15 du/ac
Hospitality	15 du/ac

The maximum densities set forth in Policy 1.1.11.a. and b. are not applicable to the Terry Street Subdistrict. The maximum densities allowable within the Terry Street Subdistrict are identified in Policy 1.1.11. b. 6.

2. Affordable Housing Bonus Density.
  - A. The City shall include in its Land Development Regulations a provision for a housing density bonus to encourage private developers to include housing for low and very low income families in their development projects. This provision shall be based on Policy 1.1.2.b.1, 3 and 4, as well as the following guidelines:
    - i. Single family developments are not eligible for the density bonus.
    - ii. Medium density developments (townhouses) are eligible for a density bonus of four (4) dwelling units per acre.
    - iii. Other residential uses are eligible for a density bonus of five (5) dwelling units per acre.
  - B. In addition to the criteria set forth in Policy 1.1.2, the City shall provide density bonuses for developers who provide one or more of the following:
    - i. Public river access.
    - ii. Unique design solutions.
    - iii. Contribution to the cost of proposed infrastructure or other improvements of the Old U.S. 41 Corridor Redevelopment Area.



3. To encourage mixed-use, when residential and commercial uses are contained within one building, the City may elect to exclude commercial square footage located on the first floor of the building when determining the number of residential units otherwise allowable. This provision is not applicable to properties located within the Terry Street Subdistrict.
4. Maximum allowable height of structures shall be 65 feet from the base flood elevation to the eaves.
5. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.
6. Terry Street Subdistrict. The boundary of the Terry Street Subdistrict is that portion of the Town Center area bounded on the south by Goodwin Street and Baxter Avenue and west of Leitner Creek.

The purpose of the Terry Street Subdistrict is to encourage development or redevelopment which blends densities, intensities, and uses permitted by the Old U.S. 41 Corridor Redevelopment Master Plan. The blending of uses includes the movement of densities, intensities, and uses permitted within the subareas depicted on the Old U.S. 41 Corridor Redevelopment Master Plan. Such redevelopment shall be pursuant to a unified planned zoning district for a mixed use planned development.

- a. A proposed mixed use development must be submitted and reviewed under a unified planned development rezoning application, and the boundary for such proposed development must be contiguous, excluding any separation by a public right-of-way, and shall be located completely within the Terry Street Subdistrict.
  - b. The maximum density of the planned development shall be 20 units to the acre. The total acreage of the proposed mixed use development may be utilized for the purpose of calculating gross residential density. Allowable density shall be determined on a case-by-case basis subject to compatibility with surrounding properties and appropriate transition to lands located outside of the Terry Street Subdistrict. The maximum density shall not be increased pursuant to a conversion of commercial floor area and/or any density bonus provisions, including, but not limited to, an affordable housing density bonus.
  - c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 0.5. The total acreage of the proposed mixed use development may be utilized for the purpose of calculating commercial FAR.
  - d. Maximum allowable height of structures shall be limited to 55 feet. Allowable height shall be determined on a case-by-case basis subject to compatibility with surrounding properties and appropriate transition to lands located outside of the Terry Street Subdistrict. For the purposes of this Subdistrict, height shall be measured as the vertical distance from 18" above the adjacent roadway to the eave line of the building.
7. Felts Avenue Sub-district: The Felts Avenue Sub-district lies south of the Imperial River, east of Felts Avenue, south to Dean Street and extends east for approximately ½ block. The purpose of the Felts Avenue Sub-district is to provide for a transitional area between intense commercial uses and medium density residential areas within the Old US 41 Redevelopment Overlay District Future Land Use Category. This area will provide for protection of adjacent lower intensity neighborhoods to the east from the impacts of more intense commercial areas to the west. Felts Avenue is a transitional area within the City's downtown redevelopment area and has an existing land use pattern of medium density

residential consisting of single family and multi-family residential dwelling units, religious facility uses, and vacant residential and municipal lands.

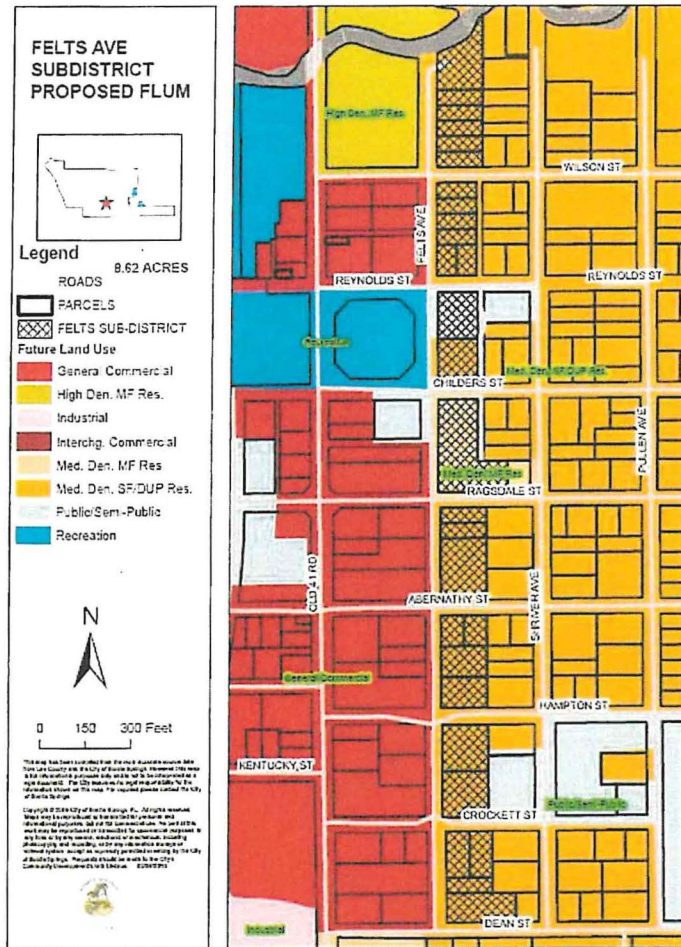
- a. In order to encourage downtown infill development, professional and home office uses, light retail and commercial uses, restaurants, recreational and cultural art related uses, and residential uses at intensities compatible with the surrounding neighborhood shall be permitted within the Felts Avenue Sub-district. All redevelopment or development must be at a size, scale and character similar to the nearby residences to the east. This designation is not intended for large-scale, parking-intensive uses that are incompatible with the scale, proportion, intensity and character of the adjacent neighborhood.
- b. Existing uses within the Sub-district are permitted in accordance with the City's Land Development Code.
- c. Density. The uses within the Felts Avenue Sub-district are limited to the following residential densities:

Use	Density
Single-family residential	5.8 du/ac
Medium Density Residential (Townhouses)	6 du/ac
Multi-family residential	10 du/ac
Commercial	0.7 F.A.R.
Mixed Use	15 du/ac
Hospitality	15 du/ac

- d. To facilitate the economic use of property while ensuring a desirable transitional area between the Old 41 commercial corridor and the adjacent single-family residential neighborhood, non-residential uses shall be permitted in accordance with the following conditions:
  - 1. Intensity and Permitted Uses. Those uses including professional and home offices, light retail and commercial, civic, recreational and cultural facilities shall be permitted at intensities compatible with the surrounding neighborhood per 6.c of this policy. While this area may be composed of a single type of use, a mixture of land uses is encouraged.
    - a. The Felts Avenue Sub-district Land Development Code regulations shall include standards which encourage the maintenance of existing neighborhood character, density and scale, while allowing compatible uses.
    - b. Infill development, redevelopment, and substantial improvements for commercial uses of existing structures within this subarea shall maintain

the character and scale of single-family homes and shall conform to the Design Standards for non-residential and residential uses in the Felts Avenue Sub-district and the Old U.S. 41 Redevelopment Overlay District, as provided in Chapter 4 of the Land Development Code.

- c. In order to protect low-density residential neighborhoods from encroachment, this designation is limited to properties identified on the Future Land Use Map. The subject area generally defines a depth of lot. Creative building and site design may be required.
2. Development Standards. The location of buildings, building additions, parking, stormwater retention and vehicular access shall be subject to the Felts Avenue Sub-district and the Old U.S. 41 Redevelopment Overlay District Land Development Code regulations. All new non-residential development shall comply with the water quality and best management practices in the Conservation/Coastal Management Element.
3. Pedestrian Connections. The City shall cooperate with property owners and local business owners to improve the pedestrian network, including the creation of a continuous sidewalk along the east side of Felts Avenue.
4. Historic Structures. For properties that may be designated as historic by the Bonita Springs Historical Preservation Board and City Council, any redevelopment or alterations to the structures must follow the standards of the Land Development Code prior to receiving architectural or development order approval.
5. Signage. Special provisions will be placed in Chapter 6 of the Land Development Code to prohibit signs on any building elevation or yard facing a residential dwelling or the Imperial River, except for nameplates and directory signs conforming to the standards for office uses facing a residential zoning district.
6. Concurrency. Redevelopment or development of vacant parcels must demonstrate that facilities and services ~~are available concurrent with the impacts of development, or when development orders and permits can be specifically conditioned on the availability of the facilities and services necessary to serve the proposed redevelopment or development. Property owners shall ensure the provision of adequate public facilities to service all anticipated development or redevelopment of any property within this area meet concurrency standards as mandated by the Capital Improvements Element.~~



(Ord. 10-07, § 2, 7-21-10; Ord. No. 06-18, § 1, 12-6-06; Ord. No. 18-09, § 1, 6-20-18)

**Policy 1.1.12: High Density Mixed-Use/Village** - Intended to encourage the development of parcels under unified ownership in the form of planned developments with a mix of residential uses up to 15 units per acre within the approximately 317 acres of gross land area in the land use category, together with commercial, light industrial and public and semi-public uses that will provide services to, and work-live opportunities for, residents within the project.

- a. Appropriate uses within this category include the full range of residential uses either freestanding or in combination with recreational amenities, limited commercial and light industrial uses developed in a manner sensitive to nearby residential uses, group homes and foster care facilities, schools and other public and semi-public uses.
- b. Residential density shall be limited to not more than 10 dwelling units per acre. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.
- c. Appropriate commercial uses include limited retail, service and office commercial provided they are primarily intended to serve and/or employ residents of the mixed-use project and the project is developed as a planned development. In mixed-use planned developments, commercial uses shall not exceed 10% and light industrial uses shall not exceed 5%, of the intensity of the entire project.

- d. To encourage mixed use, when residential and commercial uses are contained within one building, the City may elect to exclude commercial square footage located on the first floor of the building when determining the number of residential units otherwise allowable.
- e. Maximum allowable height of structures in this land use category shall be 75 feet from the base flood elevation to the eaves, except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.
- f. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.13: Neighborhood Convenience Node** - Intended to accommodate locations for low intensity commercial concentrations serving nearby residential neighborhoods in order to relieve automobile traffic on the City's major roadways.

- a. Neighborhood convenience nodes may be appropriate within a planned residential development or at a freestanding location situated on, or with direct access to, an arterial or collector roadway.
- b. The location and development shall be designed primarily to meet the convenience commercial needs of those who are likely to travel more than one mile to reach existing commercial concentrations.
- c. The most appropriate uses include the following: convenience market without gas; laundry; dry cleaning; barber/beauty/nail salon; shoe repair; restaurant; medical, insurance, travel and real estate offices; and, similar uses intended to provide for nearby residents' everyday needs, as well as residential use above ground floor nonresidential use, and public and semi-public uses.
- d. The following limitations on intensity shall apply:
  - Maximum site area: 2 acres
  - Maximum FAR: 0.25
  - Maximum height: 2 stories
- e. No neighborhood convenience node shall be identified or approved by a Small Scale Development Activity Plan Amendment until such time as the implementing regulations, which may include requirements for a unified design, are incorporated into the adopted Land Development Code.

**Policy 1.1.14: General Commercial** - Intended to accommodate a wide range of commercial uses serving the general population of the City. This designation recognizes, but is not specifically limited to, properties that have been developed, have received development approval or have been zoned for commercial use prior to the adoption of the Comprehensive Plan.

- a. Appropriate uses include a wide range of commercial retail and service uses for residents and visitors; hotels/motels; offices; light industrial uses; schools; recreation; public and semi-public uses; multi-family uses up to 10 units per acre within the approximately 1,468 acres of gross land area in the land use category; and mixed residential and commercial use in planned developments.
- b. If affordable housing is provided, residential density may be increased by up to five additional units per acre.

- c. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves except that no new structures or modification of existing structures located on the islands west of the mainland may be constructed in excess of 35 feet in height.
- d. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.15: Interchange Commercial** - Intended for uses that serve the traveling public such as automobile service/gas stations, hotel/motel, restaurants and gift shops; and a broad range of tourist-oriented, general commercial, light industrial, commercial office, and multi-family residential up to 10 dwelling units per acre within the approximately 385 acres of gross land area in the land use category.

- a. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.
- b. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.
- c. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.16: Industrial** - Intended to primarily accommodate light industrial, research, warehousing and office uses.

- a. Appropriate uses include heavy commercial, light industrial, warehousing, recreation, public and semi-public uses, and mixed-use planned development with residential density limited to 10 dwelling units per acre within the approximately 463 acres of gross land area in the land use category.
- b. If affordable housing is provided, residential density may be increased by up to five additional dwelling units per acre.
- c. Accessory commercial uses serving employees within the complex may be allowed provided the commercial uses are integrated within the industrial complex and do not exceed 5% of the intensity of the entire project.
- d. Residential use shall be allowed only in mixed-use planned developments, and shall not exceed 20% of the intensity of the entire project
- e. Maximum allowable height of structures shall be 75 feet from the base flood elevation to the eaves.
- f. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 1.2.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.17: Recreation** - Intended to recognize and accommodate existing public recreational facilities and private recreational facilities associated with, but located outside of, planned developments. Public and semi-public uses, excluding schools, are also considered appropriate within the approximately 672 acres of gross land area in this land use category.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.18: Public and Semi-public** - Intended to recognize existing locations of, and provide sites for, public and semi-public uses such as institutional or governmental buildings, schools, libraries, non-profit recreational facilities, and public and private utilities within the approximately 151 acres of gross land area in the land use category.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.19: Conservation** - Intended for uplands and wetlands that are owned and used for long-range conservation purposes within the approximately 257 acres of gross land area in the land use category. This category includes public lands required to be used for conservation purposes by some form of legal mechanism such as a statutory requirement, funding or grant conditions.

- a. Appropriate uses include wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks, their associated support facilities and services, and ancillary uses for environmental research and education; historic and cultural preservation; and water conservation lands such as aquifer recharge areas, flow ways, and potable water well fields.
- b. Uses in wetland conservation areas shall not adversely affect the ecological or hydrologic function of the wetlands.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.20: Resource Protection** - Intended to recognize the environmental sensitivity of sizeable, privately owned, vacant lands located outside of developed areas or approved planned developments and identified as wetlands using the Lee County GIS files.

- a. Appropriate uses are limited to residential use at a density of not greater than one unit per 20 gross acres and recreational uses within the approximately 1,904 acres of gross land area in the land use category that will not adversely affect the ecological or hydrologic functions of the wetlands.
- b. Specific locations of wetlands or rare and unique upland habitats not so designated on the Future Land Use Map may still be subject to development limitations associated with provisions contained in other Goals, Objectives and Policies contained in this Comprehensive Plan.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.21: Density Reduction Groundwater Resource (DRGR)** - Intended to recognize geographic areas that provide significant recharge to aquifer systems associated with existing potable water wellfields or future wellfield development. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Allowable land uses are limited to conservation uses; agriculture; residential uses at a maximum density of one dwelling unit per 10 gross acres within the approximately 4,230 acres of gross land area in the land use category (approximate acreage includes annexed Lee County DRGR lands); public uses; non-profit recreational uses and essential services needed for the health safety and general welfare of the community such as lift stations, utility lines, equipment and appurtenances necessary for such systems to furnish adequate levels of service. Policy 1.1.21 does not apply to those annexed DRGR lands that have not yet been assigned a City of Bonita Springs future land use category. Those annexed areas are subject to Policy 1.1.10.3.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.22:** In order to minimize incompatibility when commercial, industrial or more intensive land uses share a common boundary with residential land uses, lower intensity uses shall be located adjacent to residential uses and the Land Development Code shall include provisions for buffering in the form of fences, walls, vegetation or spatial buffers to minimize the impacts upon the residential use.

**Policy 1.1.23:** The City shall study and develop incentives for commercial development to provide workplace housing; such as allowing major employers and hotels to achieve greater density/intensity if on-site affordable housing is provided for employees.

**Policy 1.1.24:** In order to limit further strip commercial development, new major roadways in the City will be protected from over-commercialization.

**Policy 1.1.25:** Within one year of adoption of the Comprehensive Plan the City will prepare Land Development Regulations which implement the Comprehensive Plan and which, at a minimum:

- a. Regulate the subdivision of land to promote compatibility among adjoining uses and reduce the potential for urban sprawl by encouraging infill and redevelopment.
- b. Regulate the use of land and water consistent with this Element by including provisions:
  1. for a range of zoning districts of varying intensities matched to purpose of each district.
  2. to encourage the location of lesser intensity nonresidential uses adjacent to residential uses;
  3. for spatial and/or vegetative buffers, walls or fences, or other appropriate measures that will ensure compatibility between residential uses and more intensive nonresidential uses, to ensure compatibility of adjacent land uses;
  4. to prevent overcrowding by limiting building and impervious coverage and requiring adequate open space.
- c. Protect environmentally sensitive lands, including wetlands and rare and unique upland habitat by including provisions that limit the development footprint, requiring development only under the Planned Development provisions of the Land Development Code, and requiring use of clustering and other innovative and appropriate development techniques which shift structures and infrastructure to nonsensitive areas.
- d. Illustrate the acceptable types, dimensions and locations of signs to identify businesses.
- e. Prevent or reduce damage from periodic flooding by limiting development within the 100-year floodplain, prohibiting new mobile home parks within the **CHHACMA**, and establishing a maximum impervious surface coverage for residential and nonresidential uses.
- f. Ensure safe and convenient on-site traffic flow and vehicle parking needs through provisions that limit curb cuts, promote shared parking, encourage parking located to the rear of buildings, and facilitate pedestrian and bicycle access.
- g. Include in the requirements for development approval, consideration of topography and soil conditions to ensure that adjoining properties are protected from stormwater impacts of adjacent development and that environmentally sensitive lands are protected from the impacts of development.

**Policy 1.1.26: Rural Agriculture Overlay District:** The Rural Agriculture Overlay District lies generally north of Shangri-la Road, east of Old US 41, south of the City's northern boundary, and west of Interstate 75, as depicted on Figure 11. The purpose of the Rural Agriculture Overlay District is to provide for agricultural uses in the identified rural residential areas of the City.



- a) This area has an existing land use pattern of larger lots with lower density residential development consisting of single family dwelling units, varying types of ancillary agricultural uses, and vacant residential lands. Densities and intensities in this area are not to exceed the future land use classification designation except for those lots of record being permitted through a minimum use determination.
- b) Agricultural uses as a principal use are allowed in this overlay district as a permitted use subject to the standards provided in the land development code.

(Ord. No. 12-15, § 1, 10-17-12)

**Objective 1.2:** The City shall take the following steps to eliminate blighting influences and foster redevelopment in the "Old 41" area:

- a. Develop urban design guidelines that characterize the human scale, sense of place, and levels and types of activities envisioned for the revitalized area.
- b. Develop incentives for creative mixed-use developments where appropriate.
- c. Develop provisions to encourage preservation and adaptive reuse of historic structures.
- d. Develop provisions to encourage renovations and compatible in-fill development.
- e. Develop provisions for the employment of traditional neighborhood design in redevelopment efforts.

**Policy 1.2.1:** This City shall enforce the regulations contained herein and in the Old U.S. 41 Corridor Redevelopment Master Plan.

**Policy 1.2.2:** The City will adopt the Standard Housing Code and ensure its vigorous enforcement, either through local effort or under an arrangement whereby the City reimburses Lee County.

**Policy 1.2.3:** The City will continue to coordinate with Lee County to pursue the designation of the Old U.S. 41 Corridor Redevelopment Area as a Community Redevelopment Area ("CRA").

**Policy 1.2.4:** Property known as Riverside Park (formally Whittle Property) legally described as HEITMANS BONITA SPRINGS PB6 PG24 ALL BLKS 1+A+ BLK 2 LTS 1+2+POR 3-5+POR LTS 13-17+18+24 DESC IN OR3361 PG 494 + VAC R/W is presently designated as General Commercial (Future Land Use) and is located in the Old 41 Redevelopment Area. This property consists of approximately 2.81 acres with approximately 66% of the acreage within the ~~Coastal High Hazard Area~~CMA. Properties designated as General Commercial can be developed at a maximum of 15 dwelling units per acre. Consistent with Plan Amendment Cycle 2006-1 this entire property will be redesignated to Recreation, thereby decreasing the density that was allowed within the ~~Coastal High Hazard Area~~CMA portion of the Old 41 Redevelopment Area by 28 units. These units may be transferred to the Imperial Landing property (a.k.a Bamboo Mobile Home Site) in the Old 41 Redevelopment Area.

(Ord. No. 06-18, § 1, 12-6-06)

**Objective 1.3:** Improve the visual and aesthetic appearance of the City through the development and implementation of urban design, architectural and landscape guidelines.

**Policy 1.3.1:** The City shall prepare an Urban Design/Community Design Element to be incorporated into the Plan. This Element would be intended to describe and depict how the various physical parts of the City will work together to create the special character and livability of the community as expressed in its Vision Statement.

**Policy 1.3.2:** The City shall consider adopting the recommendations contained in the Bonita Beach Road Corridor Study.

**Policy 1.3.3:** The City shall review all applications for development orders or building permits to ensure that they comply with the Land Development Code.

(Ord. No. 09-05, § 1, 4-15-09)

**Objective 1.4:** Existing uses that are incompatible with the range, intensity and location of land uses identified on the City's Future Land Use Map shall be considered "inconsistent with the Plan" and allowed to continue but shall be reduced by attrition. No new uses shall be permitted that are inconsistent with the Future Land Use Map and land use restrictions associated with the individual land use categories.

**Policy 1.4.1:** Existing inconsistent uses shall be allowed to continue until voluntarily removed, but shall not be increased in size or intensity, and once voluntarily removed or abandoned shall not be reinstated.

**Objective 1.5: Post-Disaster Redevelopment** - Provide for the organized and healthy reconstruction of Bonita Springs after a major storm by showcasing successful local examples of flood-proofing, and by requiring redevelopment activities to meet stricter standards for flood- and wind-resistance.

**Policy 1.5.1:** Following a natural disaster, land may be redeveloped in accordance with the Future Land Use Map or, at the landowner's option, in accordance with the following "build-back" policy. This policy applies only where development is damaged by high-tide events, storm surge, flash floods, stormwater runoff, fire, hurricane or other natural disasters, and allows for the following options:

- a. Buildings/development damaged less than 50% of their replacement cost (measured at the time of damage) may be rebuilt to their original condition, subject only to current building and life safety codes; however, this threshold is reduced to 20% for buildings previously damaged by flooding of \$50,000 or more under the National Flood Insurance Program.
- b. Buildings/development damaged more than 50% of their replacement cost may be rebuilt to their legally documented actual use, density, intensity, size, height, and style provided the new construction complies with:
  1. federal requirements for elevation above the 100-year flood level;
  2. any building code requirements for flood-proofing;
  3. current building and life safety codes;
  4. Coastal Construction Control Line requirements; and,
  5. any required zoning or other development regulations (other than use, density, intensity, size, height or style) except where compliance with such regulations would preclude reconstruction otherwise intended by this policy.
- c. Redevelopment of damaged property is not allowed for a more intense use or at a density higher than the original lawful density except where such higher density is permitted under this plan and the City's land development regulations.
- d. To further implement this policy, the City may establish blanket reductions in non-vital development regulations (e.g., buffering, open space requirements, etc.) to minimize the need for individual variances prior to reconstruction. The Land Development Code may also establish procedures to document actual uses, density, and intensities, and compliance with regulations in effect at the time of construction, through such means as photographs, diagrams, plans, affidavits, permits, appraisals, tax records, etc.

(Ord. No. 17-08, § 1, 6-7-17)

**Objective 1.6: Pre-Disaster Buildback Policy** - Owners of existing developments that exceed current density or height limits may also be permitted to replace it at up to the existing lawful density or intensity prior to a natural disaster. Landowners may request this option through the planned development rezoning process, which requires a public hearing and notification of adjacent property owners. The City will approve, modify, or deny such a request based on the conformance of the specific proposal with this Comprehensive Plan, including its land use and design policies, pedestrian orientation, and natural resource criteria.

**Objective 1.7:** To maintain, protect, and where feasible restore, the City's natural environment and resources, and to protect the City's historic resources.

**Policy 1.7.1:** In order to best protect ground water resources, by year-end 2004, the City shall have completed a study to identify the types and intensity of uses that should be allowed within the DRGR area, and to determine the most effective and appropriate techniques to ensure the maintenance of adequate quantity and quality of surface and groundwater resources. The study shall include, but shall not be limited to, evaluation of the following factors in the study area:

- a. Subsurface and surface water resources.
- b. Existing uses and those having received approval prior to the adoption of the City's Comprehensive Plan.
- c. Soils, wetlands, habitats and species and their quantity and quality.
- d. The Imperial River and its historical and present floodways and flow ways.
- e. Drainage and stormwater patterns and flooding.
- f. The long term water and wastewater supply and disposal needs and plans of Bonita Springs Utilities.
- g. Resource protection measures applicable and contained in the City's Comprehensive Plan and land development regulations.
- h. Allowable uses and their density and intensity.
- i. Existing and planned infrastructure in and affecting the area.
- j. SFWMD and County ownership in and projects affecting the area.
- k. Potential positive or negative effects of possible new land uses on the resource base(s) and new or amended best environmental management practices needed by the City to further its control.

**Policy 1.7.2:** Upon completion of the study referred to in Policy 1.7.1, the City shall amend its Comprehensive Plan to identify the uses considered most appropriate in the DRGR and the resource protection measures and practices necessary to ensure its continued viability.

**Policy 1.7.3:** The City shall establish a stream protection overlay zone to improve protection for the Imperial River, Oak Creek, Leitner Creek, and the Bayside drainage area of Little Hickory Island. The overlay zone shall require the use of Best Management Practices, as established in Objective 9.3 of the Conservation/Coastal Management Element, for new development and redevelopment and will target pollution control and water conservation education to existing residents. In the meantime, new development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development. Impacting these watersheds, new development will be required to adopt Best Management Practices approved by the City which will minimize runoff and reduce pollutants and are consistent with the Best Management Practices adopted by the City under Objective 9.3 of the Conservation/Coastal Management Element

of this Comprehensive Plan, [reference Rules 62-4.242, 62-302, and 40E-4, F.A.C. and the South Florida Water Management District's *Basis of Review for ERP Applications.*]

(Ord. No. 09-05, § 1, 4-15-09)

**Policy 1.7.4:** The City shall consider establishment of a stream protection overlay zone for Spring Creek. In the meantime, new development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development. [reference Rules 62-4.242, 62-302, and 40E-4, F. A. C. and the South Florida Water Management District's *Basis of Review for ERP Applications.* ]

**Policy 1.7.5:** During the preparation of its Land Development Regulations the City shall consider expanding regulations and permitting procedures related to wetland protection measures, including the following:

- a. The City's role in permitting related to that of the South Florida Water Management District, and the Corps of Engineers and the desirability and feasibility of increasing the City's role.
- b. Regulations the City could include in its Land Development Regulations to increase wetland protection consistent with the provisions of Sections 373.016, .023, and .414, Florida Statutes.

**Policy 1.7.6:** The City shall protect its environmentally critical areas by requiring the use of Planned Development in locations exhibiting characteristics of environmentally critical areas including: (1) Areas designated as Resource Protection on the Future Land Use Map; (2) other wetlands identified on the map of Evaluated Wetlands in the Future Land Use Map Series, and; (3) rare and unique upland habitats, including sand scrub, coastal scrub and pine flatwoods identified on the Vegetation and Habitats Map contained in the Conservation/Coastal Management Element, where these habitats can be categorized as mature due to the absence of severe impacts caused by logging, drainage and exotic infestation.

Developments shall incorporate clustering or other innovative and appropriate development techniques to avoid clearing and other impacts associated with the development footprint by shifting infrastructure and other structures to appropriate nonsensitive locations.

**Policy 1.7.7:** The City shall include in its Land Development Regulations a provision to allow transfer of density from wetlands to developable contiguous uplands under common ownership, provided the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not disrupt sensitive upland habitats.

**Policy 1.7.8:** The City shall continue to use the Florida Department of State, Division of Historical Resources "Florida Master Site File" and Lee County's local register of historic places as the method of maintaining a record of local historically significant housing. Identification of other potential candidates for historical designation shall be accomplished in the following manner:

- a. Structures located within "Old Mainland Bonita Springs" for which applications for demolition, additions or renovations are submitted shall be reviewed by the City to determine whether or not the structure meets the criteria established by the Florida Department of State for inclusion in the Master Site File.
- b. If the Department of State's criteria are met, the City will nominate the structure for inclusion on the Master Site File and/or the National Register of Historic Places as applicable.

**Policy 1.7.9:** The City shall continue to protect its historic and prehistoric resources by reviewing the Planned Development provisions in its development code to ensure they include provisions that require new development to identify and preserve such resources.

**Policy 1.7.10:** The City shall take steps to ensure that its heritage of historically significant structures is preserved.

- a. Designating a City "Historic Preservation" Board to reinstate historic preservation within its municipal boundaries.
- b. Adopting a municipal Historic Preservation Ordinance.
- c. Becoming a "Certified Local Government" in order to provide access to relevant historical preservation funds.
- d. Cooperating with the Bonita Springs Historical Society and owners of designated historically significant housing to obtain funding, through the various programs operated by Lee County, for rehabilitation or restoration.
- e. Considering incentives to encourage the preservation of locally identified historic structures including provisions in its Land Development Regulations or through mechanisms such as creative adaptive reuse, relocation of the structure, tax relief or tax abatement.
- f. Pursuing funding sources for historic preservation including state grants, federal grants, tax benefits, partnerships with local banks, and revolving funds.
- g. Providing for the preservation of historically significant structures when preparing Design Standards for the "Old 41" Corridor Redevelopment Master Plan of the City.
- h. Contracting for consultation, technical assistance, and on-going staff support for the City's historic preservation program when deemed necessary by City Council.

(Ord. No. 09-05, § 1, 4-15-09)

**Policy 1.7.11:** Upon completion of the City's Parks and Recreation Master Plan, the City will begin a sign program to identify appropriate historic and prehistoric resources.

**Objective 1.8:** Ensure that population densities in the Coastal High-Hazard Management Area are not increased beyond that allowed prior to the adoption of this Comprehensive Plan.

**Policy 1.8.1:** This Comprehensive Plan has used, and all future City Evaluation and Appraisal Review (EAR) and updates shall use, the Southwest Florida Regional Planning Council's (SWFRPC) Statewide Regional Evacuation Study for the Southwest Florida Region's Hurricane Evacuation Plan for analysis purposes.

Commented [MB1]: Not included in transmittal. Propose to adopt with changes.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.8.2:** The City shall, upon receiving a request by the SWFRPC, provide the City's population and other needed City data necessary to update Southwest Florida Regional Planning Council's (SWFRPC) Statewide Regional Evacuation Study for the Southwest Florida Region of the Region's Hurricane Evacuation Plan.

**Policy 1.8.3:** The City shall continue to meet or better the Region's 18-hour, and Lee County's 24-hour, goals for evacuation time.

**Objective 1.9:** Coordinate future land uses by encouraging the elimination or reduction of uses that are inconsistent with the Local Hazard Mitigation Strategy report recommendations.

**Policy 1.9.1:** The City shall continue to participate in the Local Hazard Mitigation Strategy Working Group.

**Policy 1.9.2:** The City shall continue to:

- a. Enforce its "Flood Damage Prevention Ordinance" to reduce flood hazards in all areas of special flood hazard.
- b. Seek cooperative funding for the retrofit, relocation or acquisition of the seven repetitive loss properties in the City.
- c. Support the South Florida Water Management District's efforts to increase the storage capacity for stormwater in the Imperial River and Spring Creek watersheds.
- d. Give high priority to projects that improve the ability of current drainage systems to convey or divert stormwater flooding from the Imperial River.
- e. Attempt to improve the City's Building Code Effectiveness Rating System to reduce homeowner policy rates for new construction.

**Objective 1.10:** Coordinate with any appropriate resource planning and management plan prepared pursuant to Chapter 380, F.S. and approved by the Governor and Cabinet.

**Policy 1.10.1:** Within one year of the approval by the Governor and Cabinet of a resource planning and management plan under Chapter 380, F.S., the City shall incorporate into its Land Development Regulations measures that will further the intent of the management plan.

**Objective 1.11:** Development orders and permits for new development or redevelopment shall be issued only if public facilities and services for potable water, sanitary sewer, solid waste, and stormwater management are necessary to meet the City's adopted Level of Service (LOS) standards are available concurrent with the impacts of the development. Development orders and permits for new development or redevelopment that do not meet the adopted LOS standards for transportation, parks, and schools facilities and services will be issued provided the project meets the concurrency requirements as outlined in the Capital Improvements Element of this Comprehensive Plan.

**Policy 1.11.1:** In order to ensure the availability of public facilities and services necessary to support development concurrent with its impacts, prior to the issuance of a development order or permit, the City shall make and record determinations that there is adequate capacity to meet the following Levels of Service (LOS) standards:

- a. **Potable Water Facilities:** Within certified, franchised or designated service areas an available supply, treatment and delivery of 250 gallons per day per equivalent residential connection (ERC) and delivery of potable water at a minimum pressure of 40 pounds per square inch (psi) at the meter anywhere in the system.
- b. **Sanitary Sewer Facilities:** Within certified, franchised or designated service areas an available capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC), except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures shall have a capacity of 120 gallons per day.
- c. **Facilities for Disposal of Solid Waste:** The minimum acceptable level of service standard for availability of solid waste disposal facilities shall be 7 pounds per capita per day.
- d. **Stormwater Management Facilities:**
  1. **Existing Infrastructure/Interim Standard**

During a 3-day storm event (rainfall) accumulation of 13.7 inches or less (3-day, 100 year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.

During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.

During coastal flooding of up to 4.0 feet above mean sea level, all lanes of evacuation routes should remain passable. Emergency shelters should not be flooded.

2. Regulations of Private and Public Development. The quality of water to be discharged from new surface water management systems is, and shall remain, subject to state and regional permitting programs that determine compliance with state water quality standards. Stormwater management systems in new private and public developments (excluding improvements to existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 62-4, 62-40 and 62-302, and the rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas.
- e. Parks and Recreation Facilities:
    1. Regional Parks: 6 acres per 1,000 resident and seasonal population.
    2. Community Parks: 1 acre per 1,000 resident and seasonal population.
  - f. Roadway Facilities: The minimum acceptable peak hour/peak season/peak direction roadway levels of service shall be as follows:

I-75	D
Freeways (non FIHS)	D
Arterials*	E
Collectors*	E
Local roads	D
*Applies to both major and minor arterial/collector	

- g. The project will not increase the time necessary to evacuate the City, in the event of a hurricane, to greater than 18 hours; or,
- h. The development order or permit is specifically conditioned on the availability of the necessary facilities and services for each of the above and that said facilities are authorized when the project is authorized.

(Ord. No. 09-01, § 1, 2-18-09; Ord. No. 09-05, § 1, 4-15-09; Ord. No. 17-08, § 1, 6-7-17)

**Objective 1.12:** Designate sites that will allow for environmentally safe disposal of dredge spoil.

**Policy 1.12.1:** The City will consult with Lee County, the WCIND and appropriate agencies on a case-by-case basis to establish criteria for selection of environmentally safe and economically practical sites for dredge disposal.

**Policy 1.12.2:** In the interim, the City will continue to contract with Lee County and the WCIND for dredge disposal.

**Objective 1.13:** To coordinate the location of new and expanded sites for public educational facilities in accordance with 235.193, F.S. and 163.3177(6)(a)(3)(d), F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services.

**Policy 1.13.1:** The City shall support and facilitate coordination with the Lee County School District for the location and development of public education facilities.

**Policy 1.13.2:** The City shall coordinate with School District staff in the siting of school facilities so that their locations are consistent with the City's Comprehensive Plan.

**Policy 1.13.3:** Public educational facilities shall be an allowable use within the following land use categories: Low Density Residential, Moderate Density Residential, Medium Density Residential, High Density Residential, High Density Mixed-Use/Village, Moderate Density Mixed Use/Planned Developments, General Commercial, "Old 41" Mixed-Use Redevelopment, and Public and Semi-Public.

**Policy 1.13.4:** The City shall ensure that sufficient land is available proximate to urban residential areas, and within the land use categories in which public schools are allowed, to meet the projected need for public schools in coordination with the Lee County School Board.

**Policy 1.13.5:** The City shall, to the extent possible, endeavor to seek to collocate schools with public facilities such as parks, libraries and community centers.

**Policy 1.13.6:** The City shall participate in discussions with both the Lee County and Collier County School Boards to determine how to most effectively and efficiently serve the educational needs of the residents of Bonita Springs.

**Objective 1.14:** The City shall discourage the proliferation of urban sprawl by maintaining or increasing densities, consistent with flood hazard considerations, between Old U. S. 41 and I-75 to encourage in-fill and redevelopment.

**Policy 1.14.1:** The City will conduct the study referenced in Policy 1.7.1 to determine the land uses most appropriate in the DRGR area.

**Policy 1.14.2:** The City will allocate moderate to high densities adjacent to compatibly developed areas of the City to encourage in-fill, development and redevelopment west of I-75.

**Objective 1.15:** Establish regulations for the reduction of greenhouse gas emissions and for solar and other energy saving techniques.

**Policy 1.15.1:** By the end of 2012, the City shall implement new site lighting regulations in the Land Development Code. The purpose of these new regulations is to minimize light pollution and reduce energy consumption associated with lighting of such facilities while ensuring that the safety of residents and visitors is not compromised.

**Policy 1.15.2:** By the end of 2012, the City shall create guidelines within its Land Development Code to facilitate the development of "green buildings" in Bonita Springs without forcing excessive costs or other burdens upon developers, building owners or occupants. The guidelines will be applicable to all new residential and nonresidential buildings.



**Objective 1.16: Bonita Beach Road Corridor and Bonita Beach Road Corridor Quadrant Map:**

Establish regulations to implement the Bonita Beach Road Vision Study for the Bonita Beach Road Corridor, which is generally located between the Gulf of Mexico and the City limits to the East. The corridor serves as the main gateway to the City, and is intended for an interconnected mix of uses including commercial, civic, residential, and mixed-use development, with emphasis on compatibility, a human-scale of development, walkability and bike-ability, and a vibrant and aesthetically-pleasing streetscape.

**Policy 1.16.1:** Implement a cohesive set of provisions in the Land Development Code to provide enhanced standards for new development along the Bonita Beach Road Corridor relating to site design, access, land use, landscaping, parking requirements, interconnectivity, and mobility.

**Policy 1.16.2:** Provide for the protection and enhancement of viewsheds along Bonita Beach Road through design features and elements that emphasize the gateway character of this corridor.

**Policy 1.16.3:** Ensure that publicly-owned land and right-of-way is attractively and appropriately landscaped with a consistent design theme.

**Policy 1.16.4:** Promote use of aesthetically pleasing architectural standards, accessory structures, and additional hardscape and landscape features to create a strong sense of place along Bonita Beach Road.

**Policy 1.16.5:** New development and redevelopment projects shall be designed and developed to coordinate land uses, site design, access, and required infrastructure improvements with the mobility network identified in the Bonita Beach Road Vision Study.

**Policy 1.16.6:** Evaluate new development and redevelopment projects along the Bonita Beach Road Corridor in relationship to the "Bonita Beach Road Corridor Quadrant Map" and "Corridor Network Zones Map" to encourage appropriate land use, site design techniques, interconnectivity, and multi-modal access.

(Ord. No. 17-06, § 1, 5-3-17)

**Objective 1.17: Support walkable development patterns around transit stations.**

**Policy 1.17.1:** The CSX/Seminole Gulf rail corridor, as shown on Figure 10 of the Future Transportation Map Series, is currently used for rail freight and communication lines. This corridor is also suitable for additional transportation purposes such as hiking/biking/walking trails, commuter rail, light rail, or bus rapid transit. Transportation Element policies describe Bonita Springs' intentions for this corridor to remain intact and dedicated to multiple transportation purposes.

**Policy 1.17.2:** At the earliest opportunity, the City will amend its Future Land Use Map to designate the rail corridor into its own category. The allowable uses in this category will be established by the City consistent with existing permitted uses as well as those identified in Policy 1.17.1.

**Policy 1.17.3:** The City supports transit-oriented development (TOD) around future transit stations for commuter rail, light rail, or bus rapid transit service. TOD patterns provide higher densities and intensities in a physical form that emphasizes walkability and connectivity and provides a broad range of uses, reducing reliance on vehicle trips and parking lots.

**Policy 1.17.4:** The City will consider a new land-use planning process for transit-oriented redevelopment around potential future transit stations along the CSX/Seminole Gulf rail corridor. Stations could be placed in the Old 41 Town Center and near Strike Lane. Model procedures for station area planning and implementation are provided in the Florida TOD Guidebook, published by Florida DOT in December 2012.

(Ord. No. 17-07, § 1, 6-7-17)

**Editor's note**— Ord. No. 17-07, § 1, adopted June 7, 2017, amended the Future Land Use Element by adding a new Objective 1.16. In order to avoid duplication of Objective numbers, the objective has been renumbered as 1.17 at the discretion of the editor.

OBJECTIVES AND POLICIES NOT APPLICABLE

### **AVAILABILITY OF LAND FOR UTILITY FACILITIES**

No objective to ensure the availability of suitable land for utility facilities is necessary or applicable to the City of Bonita Springs. Bonita Springs Utilities, a private utility company, provides the vast majority of potable water and sanitary sewer services to the City. It presently owns sufficient land to accommodate future planned expansions capable of serving the City through the planning period. Solid waste disposal is provided by Lee County with adequate lands located outside the City.

## ADMINISTRATIVE SECTION

Upon adoption of the Bonita Springs Comprehensive Plan ("Comp Plan" or "Plan"), all development and all actions taken in regard to development orders shall be consistent with the Plan as adopted. All land development regulations enacted or amended after the effective date of the Comp Plan shall be consistent with the Comp Plan, except that the Bonita Springs City Council may, in its sole discretion, permit development with a greater density for projects that were submitted and under review prior to October 16, 2002, if such density was permitted under the Lee Plan and only if similar and compatible to the adjoining property. Land development regulations in existence as of the effective date of the Comp Plan that are inconsistent with the Comp Plan shall be amended through the public hearing process to conform to the goals, objectives, and policies of the Comp Plan.

Notwithstanding any other provision of this Comp Plan, an application for a development approval may be approved if an applicant has demonstrated development rights that are vested under the standards of this section. Persons or entities whose interests are directly affected by this Comp Plan have the right to request an administrative interpretation of the Plan as it affects their specific interest. Applicants must seek administrative relief by first requesting the City of Bonita Springs to grant an administrative interpretation of the Plan before they may file an action in a court of competent jurisdiction.

Such an interpretation, under the procedures and standards set forth below, shall thereafter be binding on the City of Bonita Springs and the person or entity, their heirs, assigns and any subsequent successors. Such administrative interpretations are intended to expedite and reduce disputes over Plan interpretations, provide predictability in Plan interpretations, resolve certain map or boundary disputes, and avoid unnecessary litigation. Once rendered, an administrative interpretation may be challenged by the filing of a Petition for Writ of Certiorari in Circuit Court.

- A. *Subject Matter of Administrative Interpretations* Administrative interpretations shall be provided only as to the matters set forth below. In no event shall administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Comp Plan. Administrative interpretations shall be limited to:
1. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or with a concurrent building permit application.
  2. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check shall be made prior to the issuance of such an interpretation
  3. Clarification of future land use map boundaries as to a specific parcel of property.
  4. Conflicts between existing land development approvals and this Comp Plan. Florida Statutes § 163.3167(5) recognizes the vested status of Development of Regional Impacts, or local development orders where the development has commenced and is developing in good faith. Florida Statutes § 163.3164 defines a development order as any order granting, denying, or granting with conditions an application for a development permit. A development permit includes any building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. No application for administrative determination is required for developers of Developments of Regional Impact that are developing in accordance with an approved Development of Regional Impact development order or related development orders and permits, as they are deemed consistent with the Plan, except for vested rights determinations of buildings that exceed 75 feet in height.
  5. Within 365 days from adoption of this Comp Plan, any legal owner, or beneficial owner with the authorization of the legal owner, whose interest is directly affected by the Comp Plan provisions, and owners and developers adversely affected by the Plan limitation on the height of buildings to 75 feet above flood elevation must apply for an administrative interpretation that their proposed structure is vested in accordance with the standards for administrative interpretations as set forth below. The duration for vesting of any structures

under this provision is limited to the life of the Development of Regional Impact development order or any local development order or development approval, or any extension thereto. An application for a determination of vested rights with respect to the 75 foot height limitation shall be filed on or before November 25, 2003 or the alleged vested right shall be deemed abandoned. Notwithstanding, all other vested rights applications may be filed at any time.

- B. *Procedures for Administrative Interpretations* Anyone seeking an administrative interpretation shall submit an application to the City. The City Manager, or designee, will issue administrative interpretations for applications pursuant to Section A above, except that the City Attorney shall issue administrative interpretations for (1) single-family provisions for future use or a concurrent building permit application was not approved by the City Manager, or designee and (2) vested rights determination of any existing land development approvals or limitations including vested rights to construct building that exceed 75 feet in height above flood elevation. The application shall include all the information necessary to support the request. The applicant has the burden of demonstrating that the application is appropriate as to Section A above, and that it meets the standards set forth in Section C below. The City Attorney, or the City Manager or designee, whichever is applicable, will review each application, and issue a written administrative interpretation, which may be appealed by the applicant to City Council.
- C. *Standards for Administrative Interpretations* In making the proposed determination, the City will consider, in furtherance of the guidelines contained in the Comprehensive Plan, the following criteria:
1. Wetland designations, and map boundaries: Is there a clear factual error or discrepancy?
  2. Single-family residence provision
    - a. Applicability. Notwithstanding any other provision of this Plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Comp Plan, shall be allowed to construct one single-family residence on said property PROVIDED THAT:
      - (1) Date Created:
        - (a) The lot or parcel shall have been created and recorded in the official Plat Books of Lee County prior to the effective date of the original Lee County Comp Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
        - (b) A legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
        - (c) The lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the said Comp Plan, as it existed at that time.
      - (2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel shall:
        - (a) Have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
        - (b) Have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
        - (c) Have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR
        - (d) Have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR

(e) Have been approved as part of a Planned Unit Development or Planned Development.

(3) Access and Drainage: In addition to meeting the requirements set forth above:

(a) The road that the lot or parcel fronts on must have been constructed and the lot shall be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR

(b) The lot or parcel must be located within a subdivision that was approved under Florida Statutes Chapter 177, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement shall not apply to the extent that it may result in an unconstitutional taking of land without due process.

(1) Construction Regulations. Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this Plan, the following policies shall prevail:

-1- The residential structure shall be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of residence is submitted.

-2- Lots or parcels which qualify for the right to construct a residence and which contain wetlands shall be subject to special provisions of the Wetlands Protection Ordinance.

-3- If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reappportion properties if the result of the reappointment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its non-conformity as a result of the reappointment and as long as the density will not increase.

-4- If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein shall be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.

-5- If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

-6- Transferability: This right shall run with the land and be available to any subsequent owner if the property that qualifies for the single-family provision is transferred in its entirety.

3. Vested rights clarification of any existing land development approvals or limitations to the height of buildings to 75 feet above flood elevation.

a. The vested rights determination shall be limited to rights acquired prior to adoption of the Comprehensive Plan or amendment thereto and shall vest only that development specifically and expressly contemplated by the valid "official act" of the City. An "official

act" of the City shall include official acts of the City's predecessor, Lee County. An official act includes, but is not limited to the issuance of any development order or development permit as defined by § 163.3164, F.S.

- b. The applicant shall have the burden of proof, by a preponderance of the evidence, to demonstrate that he meets the standards of (1), or in the alternative, meets the standards of (2), (3) and (4) below.

(1) There is an "official act" (as enumerated below) of the City or its predecessor, Lee County. Any one of the following may constitute an "official act" of the City or Lee County for purposes of the vested rights determination:

- (a) A building permit issued prior to the effective date of the Comprehensive Plan or land development regulations in effect at the time of filing of the vested rights application; or
- (b) One or more development permits, as defined by § 163.3164, F. S., or approvals for development issued by the City or Lee County; or
- (c) A subdivision plat recorded in the official records of Lee County, which fulfills the criteria set forth in F. S. § 380.05(18), is an "official act."

(2) This particular applicant:

- (a) Relied upon the official act in "good faith" (For example, the applicant must not have had notice or knowledge of a pending change in zoning, allowable uses or density, etc., such as if notice of the change was published, or there are active and documented efforts to develop and approve the proposed change at the time the property was purchased or expenses were incurred); and
- (b) Had a reliance that was "reasonable" (for example, an act of purchasing the property, entering into contracts or incurring additional obligations after the transmitted Comprehensive Plan was or became effective does not constitute reasonable reliance.)

(3) This particular applicant incurred such substantial obligations and expenditures that it would be highly inequitable or unjust to require that the development conform with the Comprehensive Plan in effect at the time of the filing of the vested rights application; and

(4) Development of the project for which the applicant seeks a vested rights determination has made a substantial change in position in good faith.

4. Where appropriate and necessary, administrative interpretations of wetland determinations and map boundary determinations shall be incorporated into the Plan during the next amendment cycle.

*D. Limitations on vested rights determinations.*

1. In furtherance of those guidelines listed in the Comprehensive Plan, a proposed vested rights determination shall also contain the following:

- a. A finding that the applicant has met the burden of proof for the vested rights determination; and
- b. A clear statement to specify the applicant's vested development rights; and
- c. A clear statement to the applicant that construction, when commenced, must continue in good faith.
- d. A vested rights determination is limited to the life of the Development of Regional Impact, or other local development order or development permit, or any extension thereto.

2. The vested rights determination shall be limited to rights acquired prior to adoption of the Comprehensive Plan. The vested rights determination shall vest only that development specifically and expressly permitted by the "official act" of the City Council, Lee County or their staff.
- E. *Appeals of Administrative Interpretations.* The following procedures shall apply in appealing administrative interpretations:
1. An administrative interpretation may be appealed to the City Council by filing a written request within fifteen (15) days after receipt of the written administrative interpretation, which shall be sent to the applicant by certified mail return receipt requested.
  2. The City Council shall conduct a hearing to be held within thirty (30) days after the date of receipt of a written request for an appeal. No additional evidence shall be considered by the City Council, other than what is provided in the record. The Council may adopt, overturn, or amend the administrative interpretation based on the standards set forth herein. City Council must render a written decision within thirty (30) days of the hearing.
  3. All appeals from the action of the City Council shall be to Circuit Court. The appeal must be filed within forty-five (45) days after the written decision is rendered by the City Council.

Prior to filing any claims under the Bert J. Harris, Jr., Private Property Rights Protection Act, an applicant must exhaust his or her administrative remedies under this Administrative Section before a cause of action or "action of a governmental entity" will accrue or be deemed ripe. Such exhaustion shall not include a filing of an appeal or a Petition for Writ of Certiorari in Circuit Court.

- F. *Comprehensive Plan Annotations Committee.* The City Manager, Planning Director and City Attorney, or their designees, may sit as the Comprehensive Plan Annotations Committee. The Comprehensive Plan Annotations Committee will interpret provisions in the Plan in a manner that insures that the legislative intent of the adopting City Council is understood and applied by subsequent City Councils, employees, private property owners and any other affected person. When the Comprehensive Plan Annotations Committee makes an annotation, it will do so in accordance with the generally accepted rules of statutory construction, sound legal advice and compiled in writing in a document that should be a companion to the Comprehensive Plan.

An annotation can be requested by a member of the Comprehensive Plan Annotations Committee, the City Council, any employee responsible for administering that portion of the plan, the Local Planning Agency or Zoning Adjustment Board, or by an applicant affected by that portion of the plan.

The Comprehensive Plan Annotations Committee will prepare its recommended annotation for the Local Planning Agency for review and then forward it to the City Council with any comments and recommendations of the Local Planning Agency, as it deems appropriate.

Bonita Springs City Council shall render a final decision as to the annotation, which shall be approved by resolution. The City Clerk shall keep all resolutions containing annotations and have them compiled into single document, appropriately indexed. The document shall be updated regularly and the latest version furnished to any person requesting copies of the Comprehensive Plan itself.

Any provision of the plan specifically construed in accordance with an annotation may not be interpreted or modified except by a formal plan amendment. Once adopted in accordance with these procedures, the annotation shall have the full force of local law and all persons are placed on constructive notice of it.

- G. *Administrative Challenges.* Any affected person may file a petition with the Division of Administrative Hearings pursuant to 120.569 F.S. and 120.57, F.S. to request a formal hearing to challenge whether the Comprehensive Plan or plan amendment are in compliance with

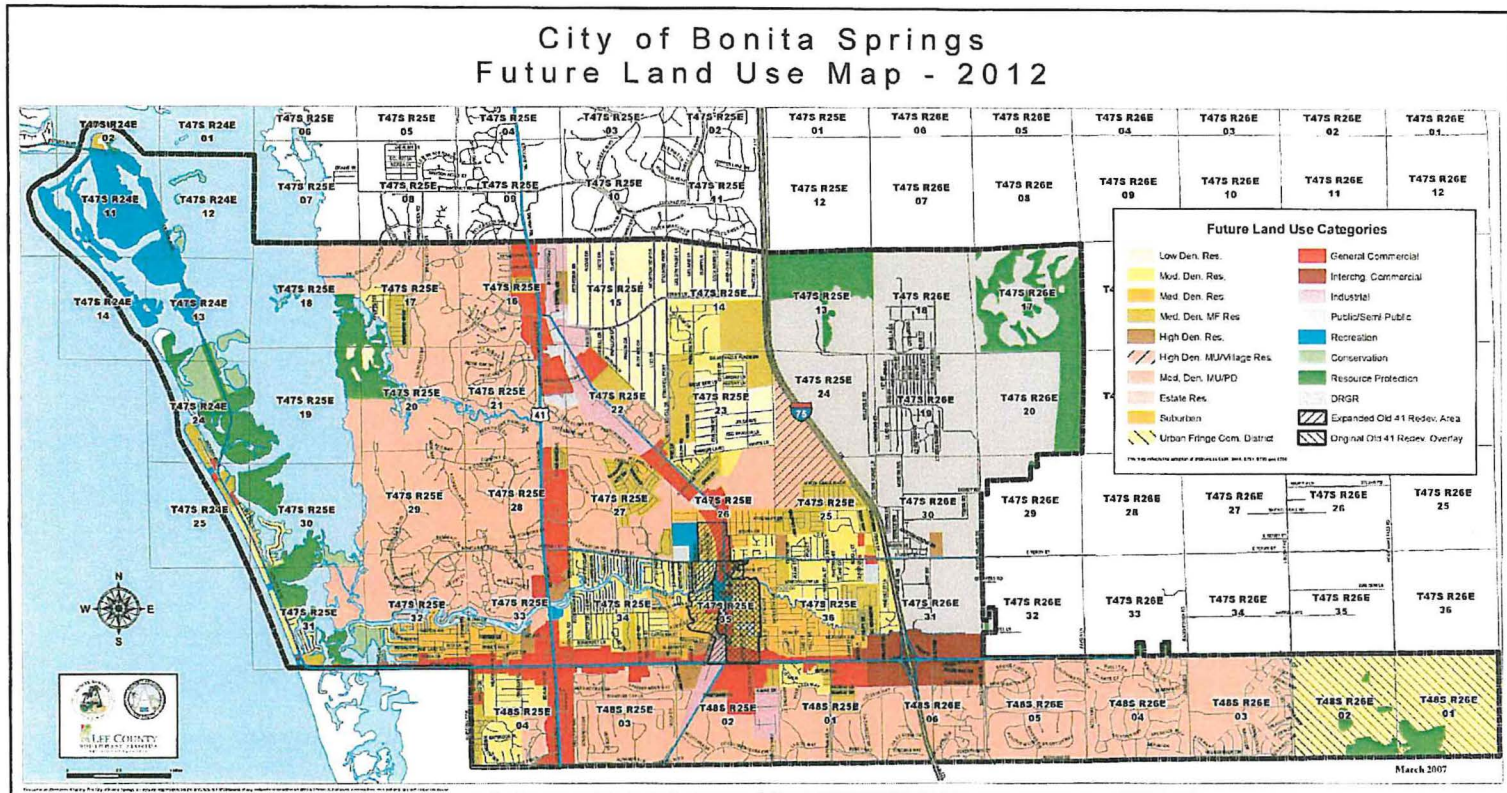
163.3184(1)(b), F.S. "In compliance" means consistent with the requirements of §§ 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

- H. At the request of an applicant, an application for zoning changes that would be required to property enact a proposed plan amendment shall be considered concurrent with the proposed plan amendment. Any zoning changes approved concurrent with a Plan amendment will be contingent on the comprehensive plan amendment becoming effective.

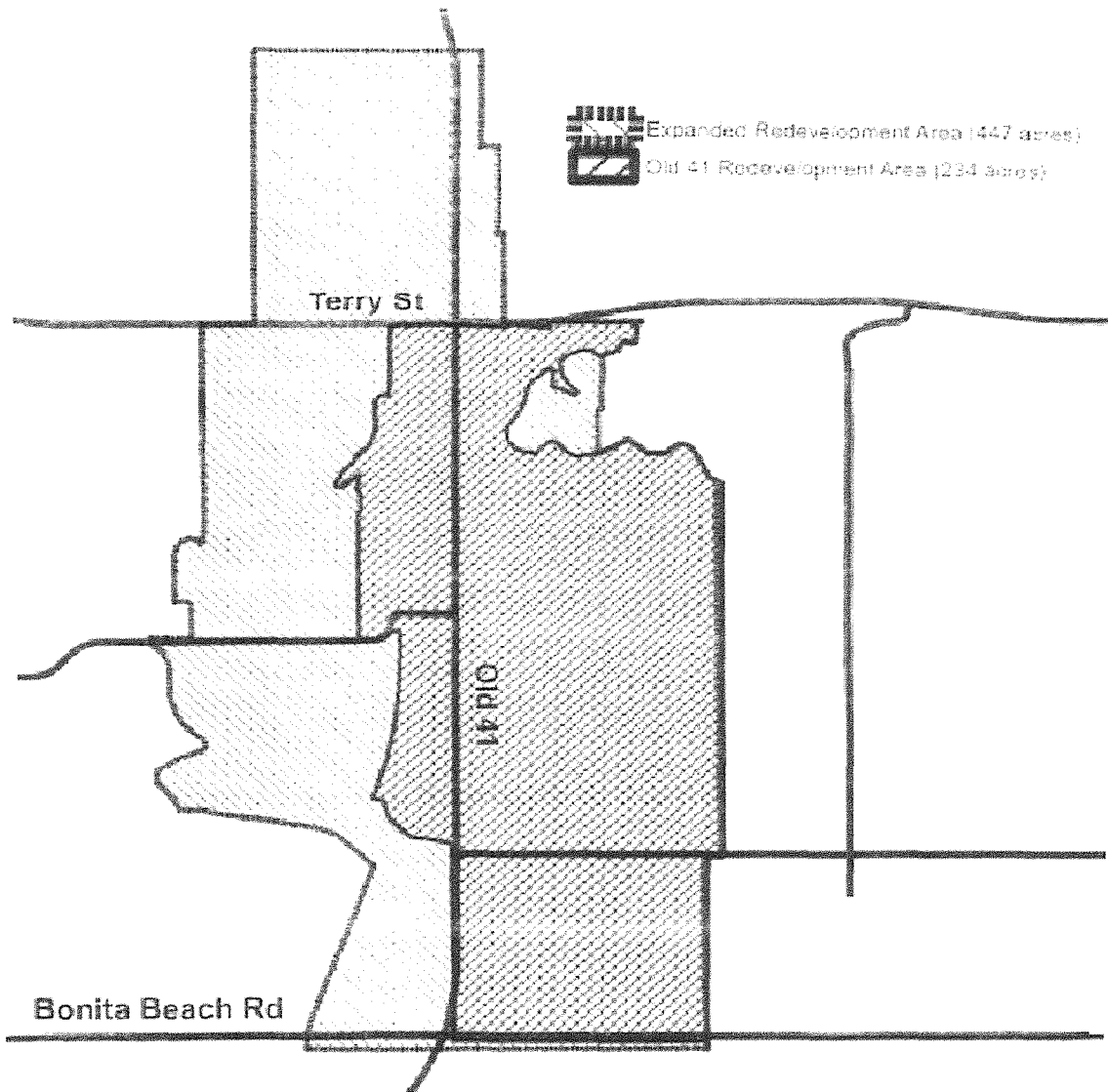
(Ord. No. 17-08, § 1, 6-7-17)



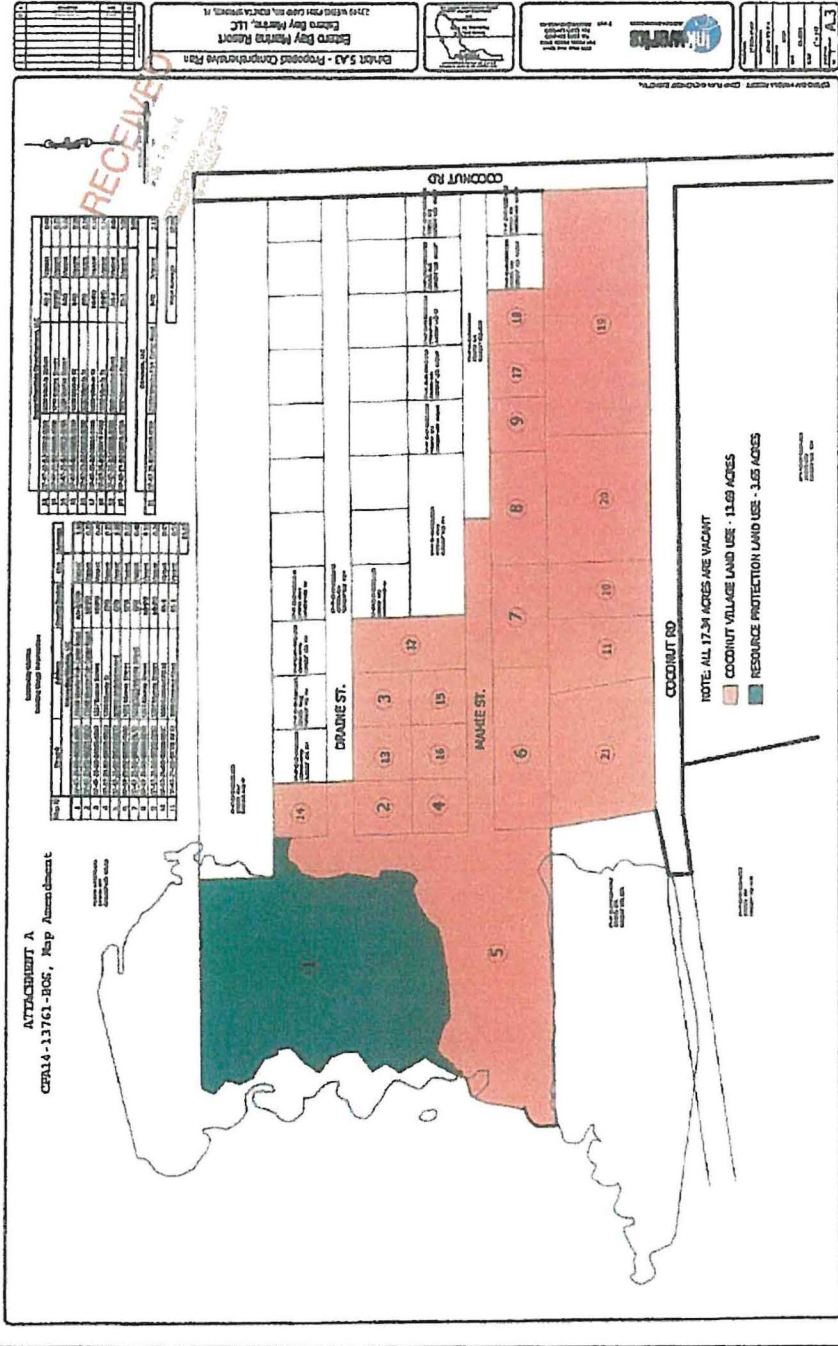
# City of Bonita Springs Future Land Use Map - 2012



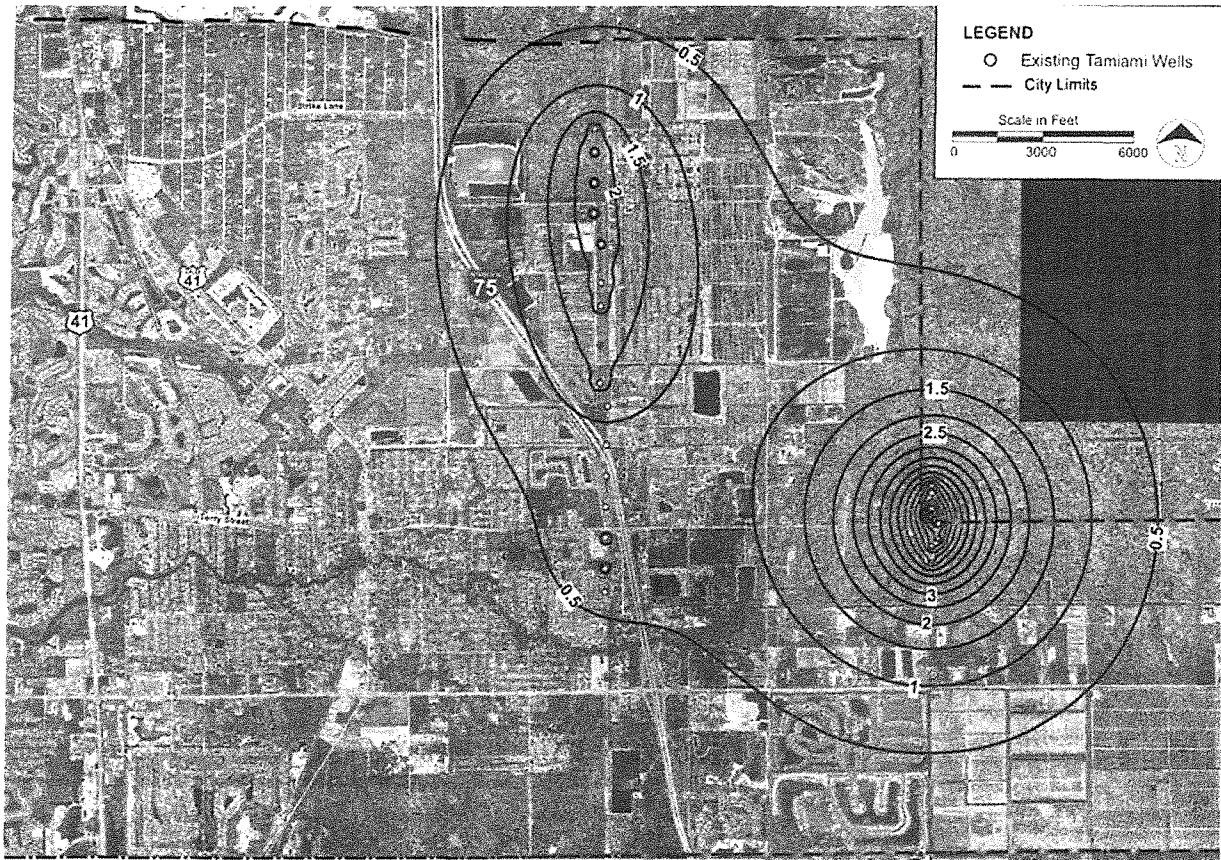
City of Bonita Springs  
Old 41 Redevelopment Map



*Old 41 Redevelopment Map - Addendum to Future Land Use Map*



Coconut Village Map - Addendum to Future Land Use Map  
(Ord. No. 14-23, § 2, 10-15-14)



SOURCE: CH2MHILL

Figure 2. Existing and Planned Potable Water Wells and Well Head Protection Areas

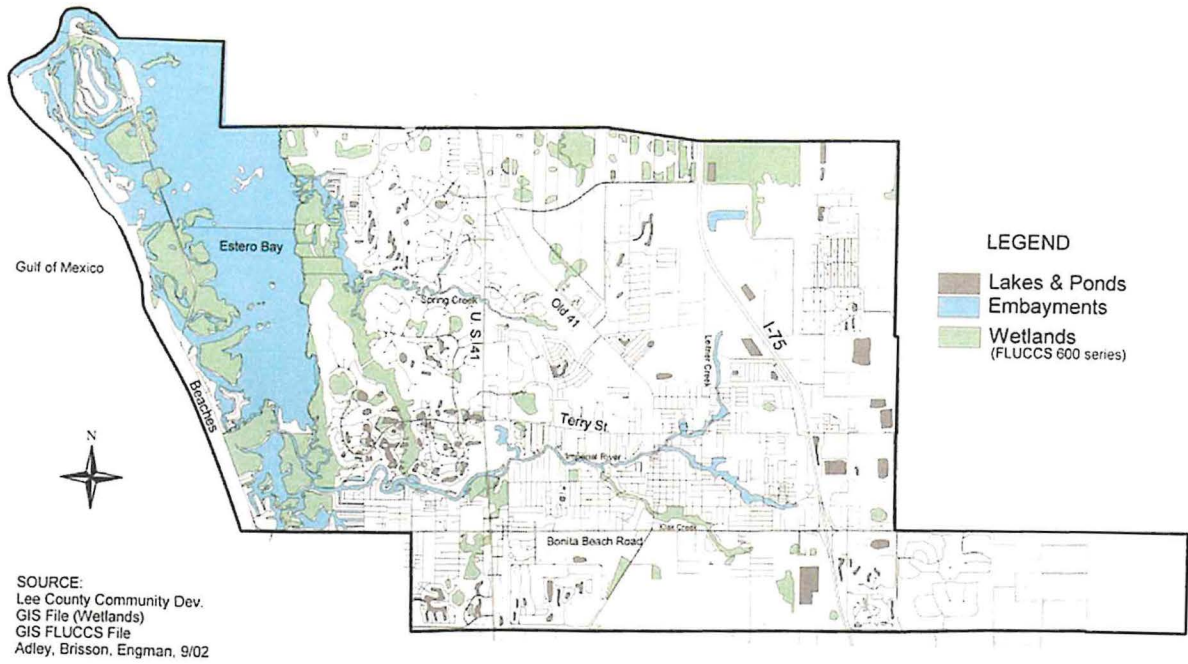


Figure 3. Beaches, Shores, Estuarine Systems, Water Bodies and Wetlands

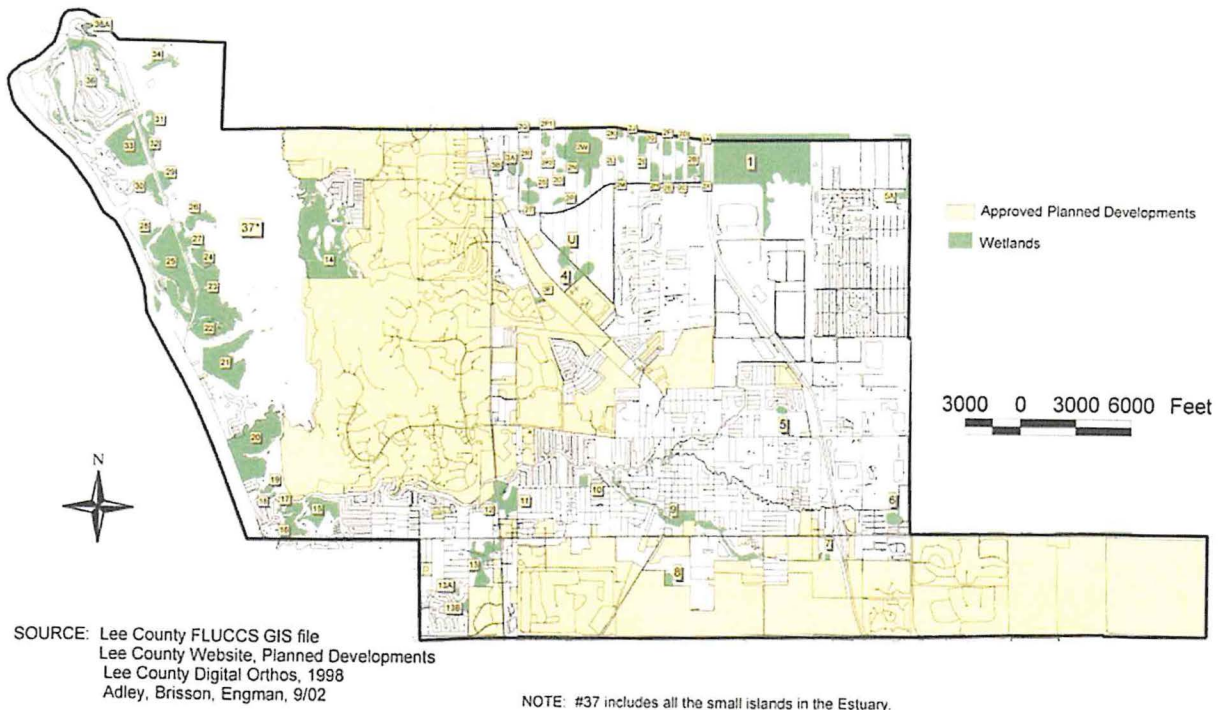
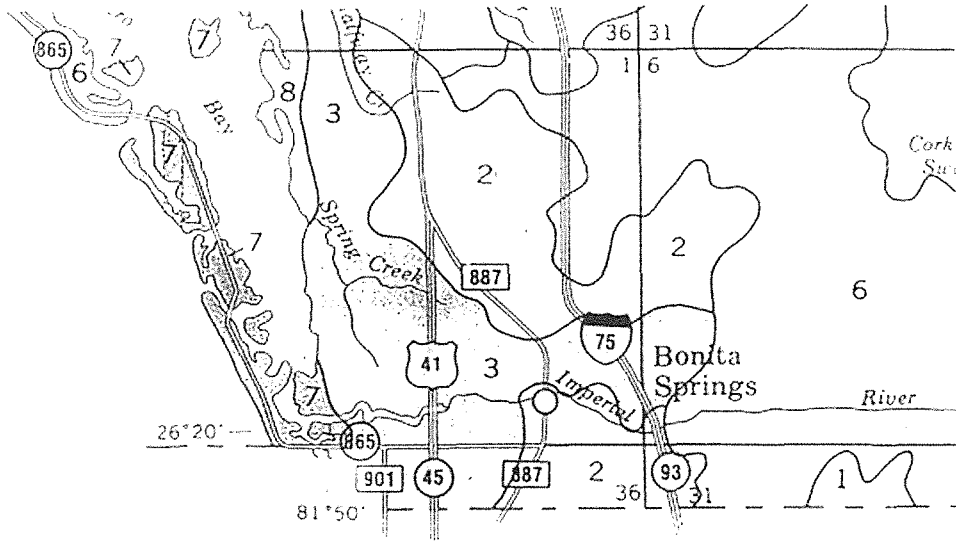


Figure 4. Evaluated Wetlands Outside of Planned Developments



LEGEND

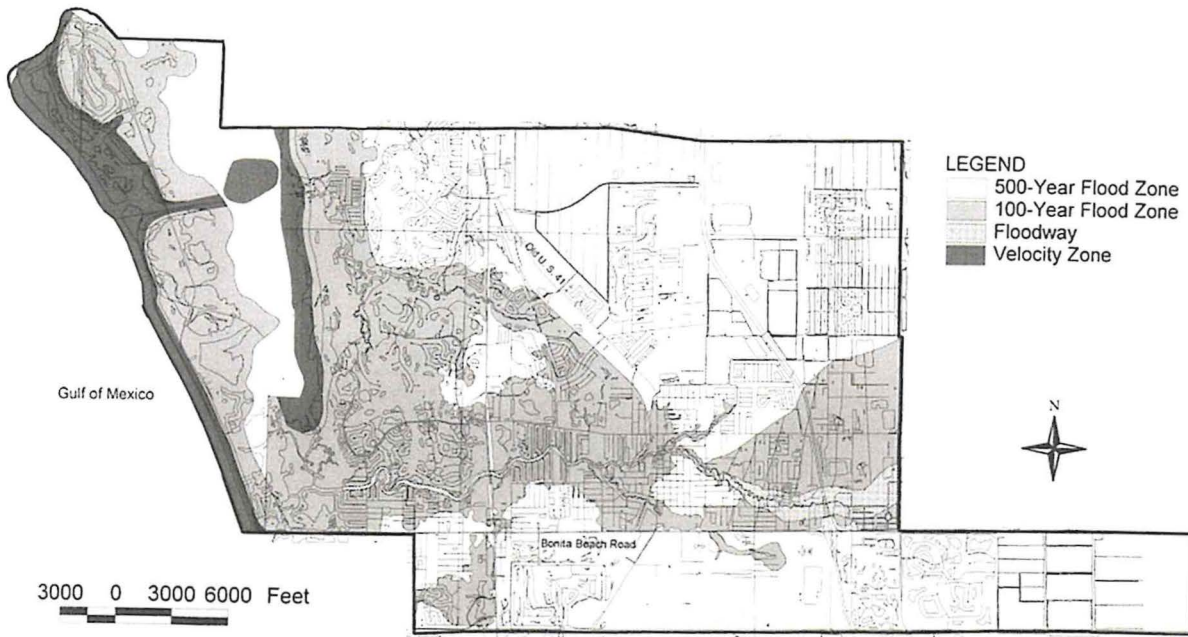
1	Immokalee-Pompano
2	Hallandale-Boca
3	Immokalee-Myaka
6	Isles-Boca-Pompano
7	Wulfer-Kesson-Captiva

Note: Each area on this map consists of more than one kind of soil. The map is meant only for general planning purposes rather than as a basis for decision on the use of specific properties.

SOURCE: Soil Survey of Lee County, Florida  
USDA/NRCS, 12/84

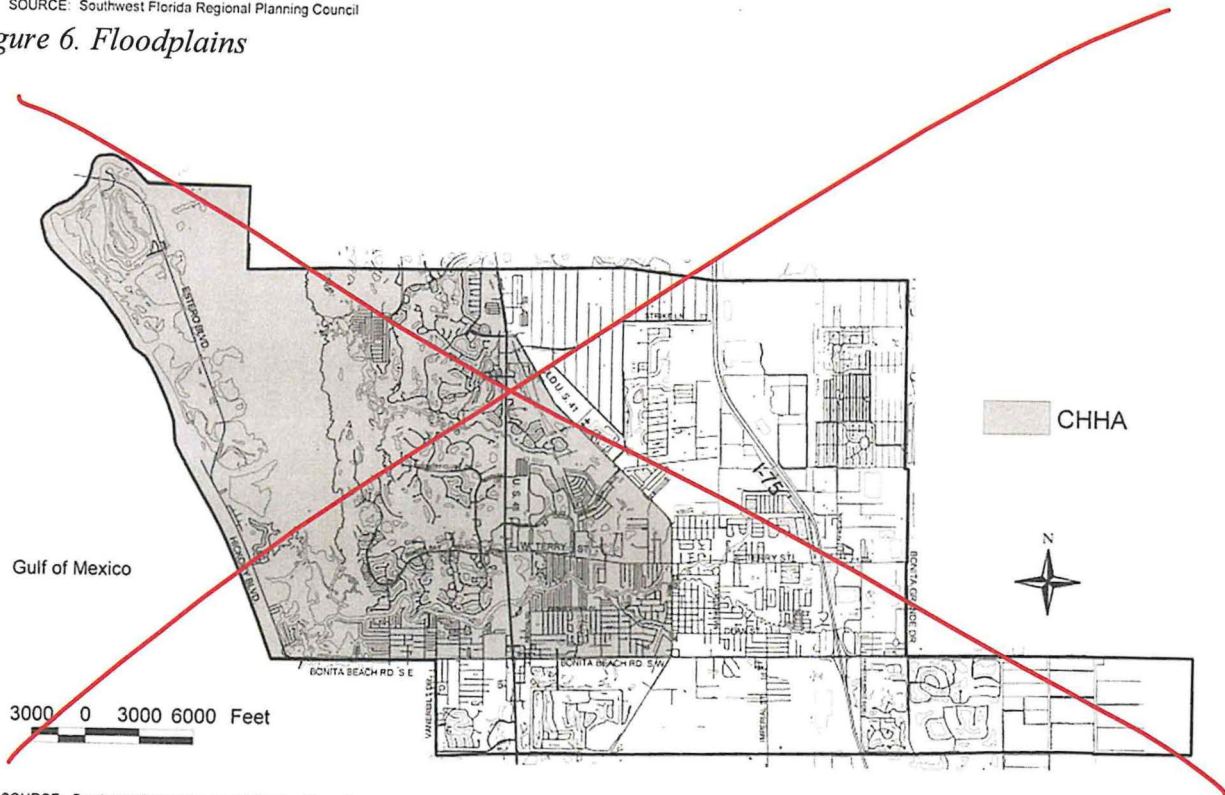
COLLIER

Figure 5. Soil Associations



SOURCE: Southwest Florida Regional Planning Council

*Figure 6. Floodplains*



SOURCE: Southwest Florida Regional Planning Council

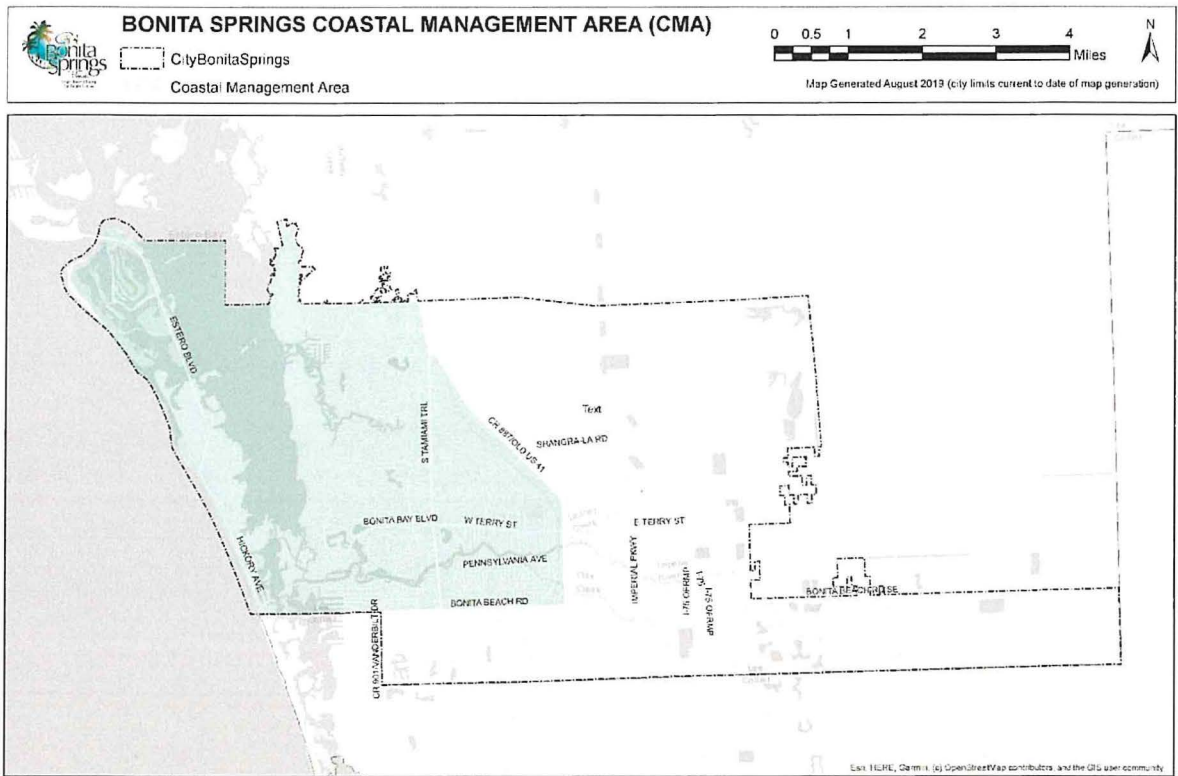
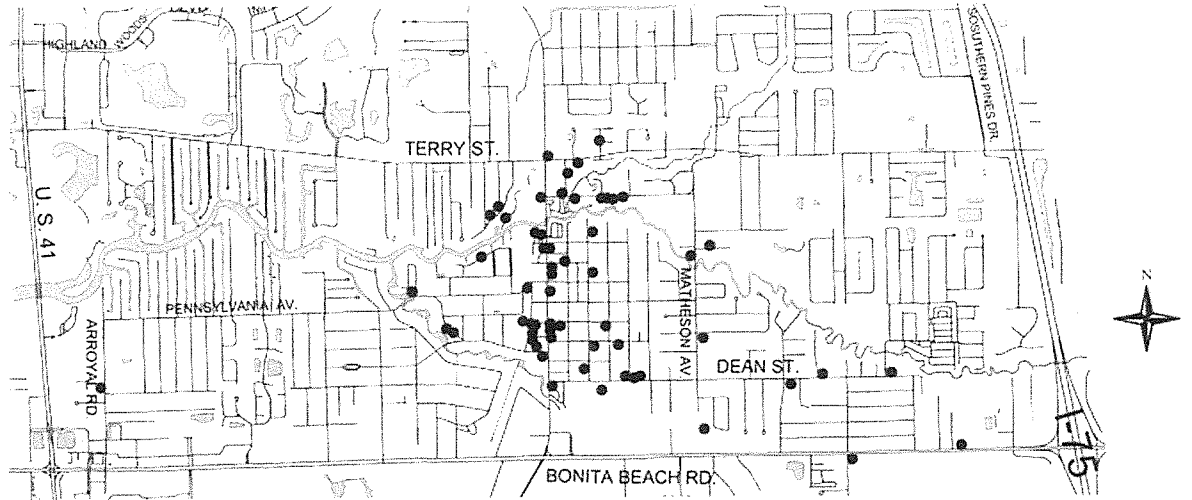


Figure 7. Coastal High Hazard Coastal Management Area (CMACHHA)

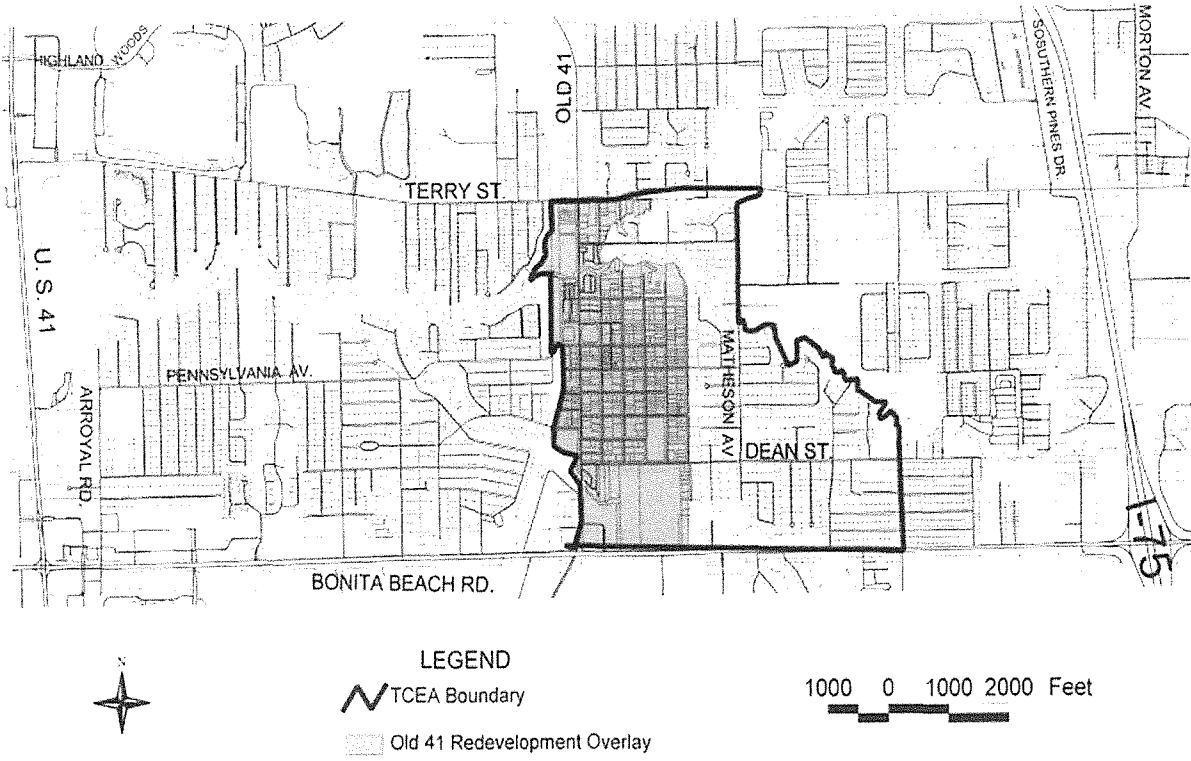




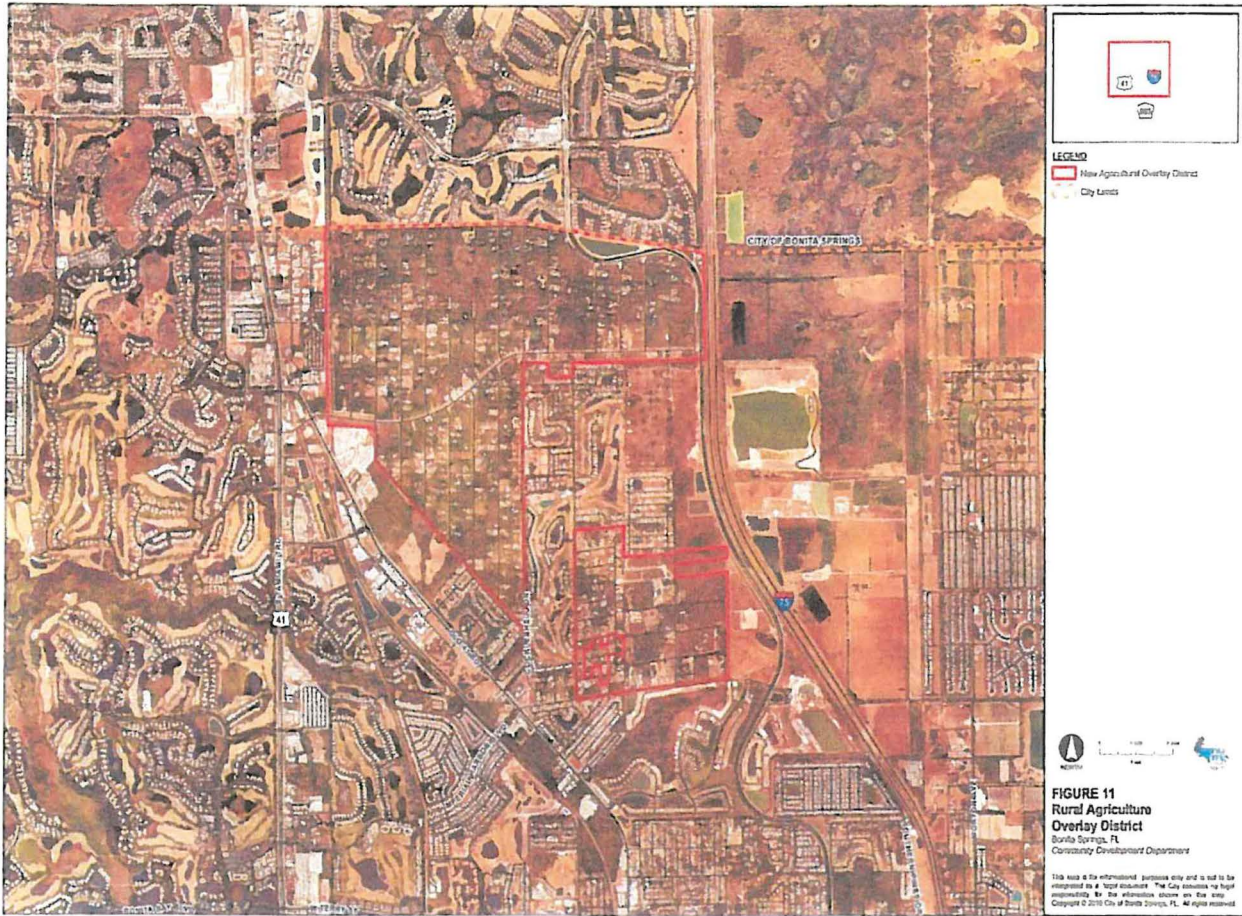
SOURCE:  
Florida Dept. of State  
Div. of Historical Resources  
"Florida Master Site File," 12/5/00

2000 0 2000 4000 Feet

*Figure 8. Locations of Historically Significant Properties*



*Figure 9. Preliminary Delineation of Potential Transportation Concurrency Area (TCEA) (Not Adopted) and "Old 41" Redevelopment Overlay Area*



*Figure 11. Rural Agriculture Overlay District*

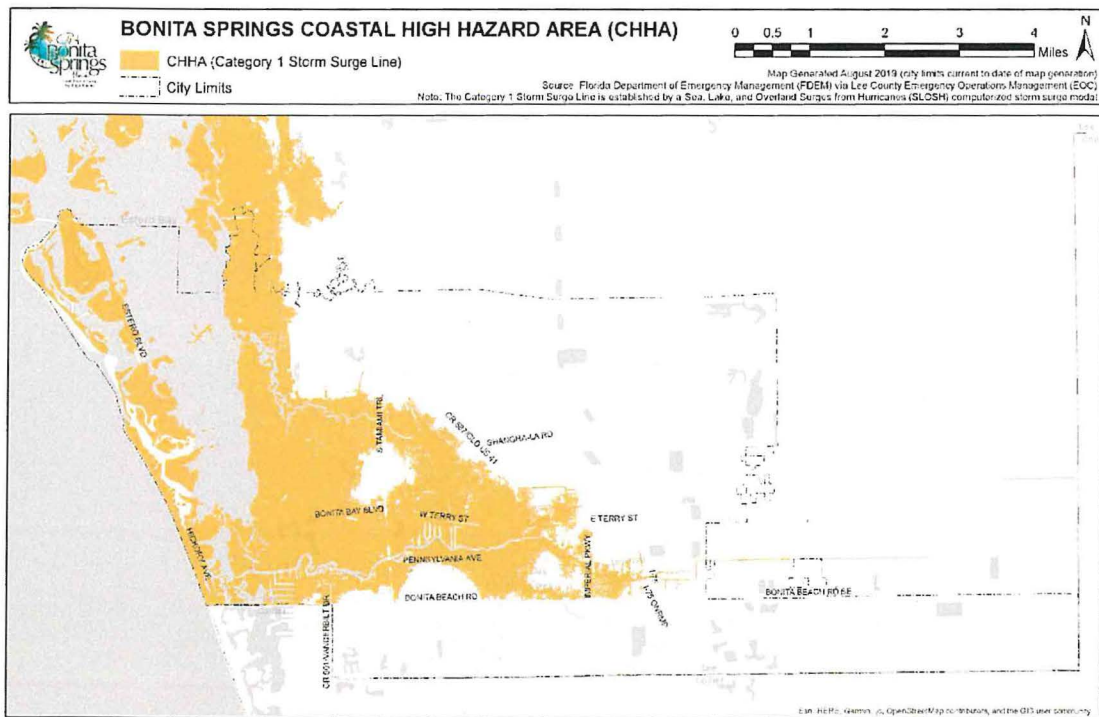


Figure 12: Coastal High Hazard Area

## CAPITAL IMPROVEMENTS ELEMENT

### GOALS, OBJECTIVES AND POLICIES

**Goal 1:** To provide public facilities and services in the City of Bonita Springs adequate to serve the needs of both existing and future development.

**Objective 1.1: Capital Improvements.** Ensure the provision of public facilities at the adopted Levels of Service by establishing a capital improvements programming and budgeting system and using the City's Levels of Service as the basic gauge of need and compliance through the City's concurrency management system and 5 year schedule of capital improvements.

**Policy 1.1.1: Capital Improvements Program (CIP).** The City shall annually prepare and adopt by ordinance a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The City shall also annually ~~evaluate and update this~~ review this Capital Improvements eElement. The following actions shall govern the development of the CIP:

a. Preparation of the CIP

1. The City Manager or ~~his~~ designee shall annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established geographic units for each facility, and the latest population projections. Based on identified current and projected deficiencies, the City Manager shall prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. The City Manager and members of the City Council will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in the City.
3. A proposed CIP shall be presented by the City Manager in conjunction with the presentation of the proposed annual operating budget. The proposed CIP shall be "balanced" (i.e., proposed expenditures shall not be greater than the amount of revenues available to fund the expenditures). Attached to the proposed balanced CIP shall be a report of the projects designated as needed, but which cannot be funded.
4. The proposed CIP shall consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the City.
5. The proposed CIP shall be reviewed by the City Council. The City Council shall by ordinance adopt the CIP approximately the same time as the adoption of the annual operating budget. The annual operating budget shall be consistent with the first year of the adopted CIP.
6. The adopted CIP will be reviewed by the City Council during periodic meetings, called to discuss the status of CIP projects. The City Manager will provide the City Council with a status report on all ongoing CIP projects prior to these meetings. The Council may amend the CIP at these meetings by ordinance after making findings of fact that the amendment is consistent with the priorities in this policy and with the City's Comprehensive Plan in general. Where an amendment to the CIP affects the first year, the annual operating budget shall also be amended so as to remain consistent with the CIP.
7. All estimates of facility or service demand used to develop specific facility plans, or an annual update of the capital improvement program, shall be based on the specific volume and location of demand represented by developments for which

local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

8. The CIP shall conform to the standards mandated by Florida Statutes.

b. Priorities for the CIP

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the City's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas;
5. Projects that provide new or additional facility capacity.

Factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

- (a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector.
- (b) The revenue-generating potential of the project.
- (c) Offers of donations of lands and/or services by the private sector and/or other governmental entities.
- (d) The availability of grants and other revenue sources from non-city revenues.
- (e) An extraordinary opportunity for the City.
- (f) The flexibility of use of the project.
- (g) Continuation of an ongoing project for which significant funds have been expended by the City in the past.
- (h) Meets the established replacement schedule for the facility/equipment.
- (i) Supports plans of the FDOT, FDEP and SFWMD.
- (j) Implement the City's Vision for a walkable and bikeable community that is pedestrian friendly with interconnecting sidewalks, pathways, and publicly available transit systems.

c. Effect of the CIP

1. After adoption of the first year's projects of the CIP, no first-year public facility project shall be constructed by the City, nor shall land be acquired for such project, except in conformity with the adopted first year of the CIP.
2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the adopted CIP. Any CIP amendment that delays or cancels a project should only be made after consideration of:
  - (a) Changes in facility needs based on more up-to-date populations projections;
  - (b) Changes in revenues compared with previous projections;
  - (c) Changes in adjusted level of service standards; and.
  - (d) Extraordinary opportunities not previously expected.
3. The City shall consider and may accept dedication of facilities contributed to the City. Where contributed facilities are not provided by city funds, they need not be included in the CIP prior to acceptance. The City may, however, establish

procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System.

d. Capital Facility Financing

1. The City should annually prepare revenue estimates to provide information about revenue sources available to support capital facility construction.
2. The City Manager shall prepare estimates of the operating and maintenance costs of each CIP project along with the capital costs of each facility.
3. The City should actively seek grant funds from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations (including operating restrictions) involved in such grants.
4. The City should investigate the feasibility of charging user fees to offset the cost of each new CIP project for which user fees could reasonably and legally be collected.
5. Capital Improvement Funds shall be anticipated at mileages that will generate sufficient revenue to make all required payments.
6. A reserve for contingency should be budgeted in each capital fund. These funds should be available for reallocation by the City Council as needed during the year to fund unexpected increases in capital costs and/or to fund additional projects which could not be anticipated in the annual CIP.
7. A reserve for cash flow will be budgeted in any fund that requires monies to be carried forward into the following year to support needed expenditures until sufficient current revenues are received.
8. The City should prepare an annual analysis of financial condition. This analysis will include consideration of capital facility financing needs and revenues available to finance such needs.
9. Capital Project budgets will only be altered in one of two ways:
  - (a) Administrative approval of transfer of funds to reserves for projects funds not required for authorized expenditures; or
  - (b) City Council approval of transfer of funds from reserves to increase a project.
10. At the end of each fiscal year, unexpended fund balances at the project level in each fund will be carried over to the subsequent fiscal year budget in an amount equal to the prior year's unexpended project budget. Any unexpended fund balance in excess of project budget will be redistributed to fund other capital obligations, if necessary. The excess fund balance shall be treated as capital reserves to be allocated in subsequent fiscal years.
11. The City will limit the amount of outstanding long-term liabilities to 10 percent of the assessed property value within the City.

(Ord. No. 17-06, § 1, 5-3-17; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.1.2:** The City shall establish replacement schedules for each of its major capital facilities and rolling stock.

**Policy 1.1.3: Level-of-Service Standards.** Level-of-service (LOS) standards shall be the basis for facility design, for setting impact fees, and for the operation of the Concurrency Management System (CMS).

**Level-of-Service Standards**

- a. Potable Water Facilities: Within certified, franchised or designated service areas an available supply, treatment and delivery of 235 gallons per day per equivalent residential connection (ERC) and delivery of potable water at a minimum pressure of 20 pounds per square inch (psi) at the meter anywhere in the system. (Cross Reference: Infrastructure Element Policy 1.1.1)
- b. Sanitary Sewer Facilities: Within certified, franchised or designated service areas an available capacity to treat and dispose of a volume of wastewater equal to 200 gallons per day per equivalent residential connection (ERC), except that facilities serving only mobile home residential structures shall have a capacity of 150 gallons per day and facilities serving only travel trailer residential structures shall have a capacity of 120 gallons per day.
- c. Facilities for Disposal of Solid Waste: The minimum acceptable level of service standard for availability of solid waste disposal facilities shall be 7 pounds per capita per day.
- d. Stormwater Management Facilities:
  - 1. Existing Infrastructure/Interim Standard
 

During a 3-day storm event (rainfall) accumulation of 13.7 inches or less (3-day, 100 year storm as defined by SFWMD), one lane of evacuation routes should remain passable (defined as less than 6 inches of standing water over the crown). Emergency shelters and essential services should not be flooded.

During a 3-day rainfall accumulation of 11.7 inches or less (3-day, 25-year storm as defined by SWFWMD), all lanes of evacuation routes should remain passable. Emergency shelters and essential services should not be flooded.

During coastal flooding of up to 4.0 feet above mean sea level, all lanes of evacuation routes should remain passable. Emergency shelters should not be flooded.
  - 2. Regulations of Private and Public Development
 

The quality of water to be discharged from new surface water management systems is, and shall remain, subject to state and regional permitting programs that determine compliance with state water quality standards. Storm-water management systems in new private and public developments (excluding improvements to existing roads) shall be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40 and 17-302, and the rule 40E-4, F.A.C. New developments shall be designed to avoid increased flooding of surrounding areas.
- e. Parks and Recreation Facilities:
  - 1. Regional Parks: 6 acres of developed regional park land open for public use per 1000 total seasonal population.
  - 2. Community Parks: 1 acre of developed standard community parks open for public use per 1000 permanent city population.
- f. Roadway Facilities: The minimum acceptable peak hour/peak season/peak direction roadway levels of service shall be as follows:

1-75	D
------	---



Freeways (nonFIHS)	D
Arterials	E
Collectors	E
Local roads	D

- g. Public School Facilities: The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.
  - a. Elementary: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - b. Middle: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - c. High: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
  - d. Special Purpose: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

(Ord. No. 08-18, § 2, 9-3-08; Ord. No. 08-19, § 2, 9-17-08; Ord. No. 09-01, § 1, 2-18-09; Ord. No. 14-06, § 2, 5-7-14; Ord. No. 14-24, 10-15-14)

**Objective 1.2: Concurrency Management System.** To ensure that public facilities are provided in conformance with the City's adopted level of service standards, the City shall adopt, maintain and enforce a concurrency management system.

**Policy 1.2.1: Enforcement of Standards.** The City shall enforce its facility level of service standards for potable water, sanitary sewer, solid waste, and drainage facilities under the concurrency requirements of Florida law upon development orders or building permits which may cause the level of service to fall below the City's adopted minimum level of service for that facility by:

- a. Withholding approval, or
- b. Proceeding with approval, upon the condition that:
  - 1. The local government with jurisdiction over the property has adopted a local comprehensive plan that is in compliance.
  - 2. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.
  - 3. The local plan includes a financially feasible capital improvements element that provides for the facilities adequate to serve the proposed development, and the local government has not implemented that element.

4. The local government has provided a means by which the landowner will be assessed a fair-proportionate share of the cost of providing the facilities necessary to serve the proposed development.
- 5.a. The landowner has made a binding commitment to the local government to pay the fair-proportionate share of the cost of providing the facilities needed to serve the proposed developments. Funds in the amount of the developer's fair-share shall be committed to the City no later than the City's approval to commence construction; or,
6. ~~5.b.~~ The landowner has entered into a statutory development agreement or legally binding agreement ("agreement") that specifies that the new development will provide for the upgraded facility. Commencement of actual construction of facilities or provision of services must be made within one year of issuance of the development permit, unless the agreement specifies otherwise; or,
76. The facilities needed to serve the new development are in place by the time a certificate of occupancy or its functional equivalent is issued.

(Ord. No. 09-01, § 1, 2-18-09; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.2: Enforcement of Standards.** The City shall enforce its facility level of service standards for transportation, parks, and schools under the requirements established by Florida law upon development orders or building permits which may cause the level of service to fall below the City's adopted minimum level of service for that facility.

**1.2.2.a Parks and Schools.** Development that may cause the level of service to fall below the City's adopted minimum level of service may proceed with approval on the condition that:

1. The facility needed to serve the new development is in place or under actual construction upon the issuance of a building permit or certificate of occupancy; or,
2. The landowner has made a binding commitment to the local government to pay the proportionate share of the cost of providing the facility needed to serve the proposed developments. Funds in the amount of the developer's share shall be committed to the City no later than the City's approval to commence construction; or,
3. The landowner has entered into a statutory development agreement or legally binding agreement ("agreement") that specifies that the new development will provide for the upgraded facility. Commencement of actual construction of facilities or provision of services must be made within one year of issuance of the development permit, unless the agreement specifies otherwise.

**1.2.2.b Transportation Facilities.** Development that may cause level of service standards to fall below the City's adopted minimum level of service may proceed with approval under the condition that it meets the requirements of Section 163.3180(5)(h) Florida Statutes (2019).

by proceeding with approval upon the condition that:

1. a) The landowner has made a statutory development agreement or other legally binding agreement ("agreement") to pay the fair share of the cost of providing the facilities needed to serve the proposed development. Funds in the amount of the

~~developer's fair share shall be committed to the City no later than the City's approval to commence construction. Or,~~

~~b) The landowner has entered into an agreement that specifies that the new development will provide for the upgraded facility. Commencement of actual construction of facilities or provision of services must be made within one year of issuance of the development permit, unless the agreement specifies otherwise.~~

~~2. For transportation facilities.~~

~~a. The local plan includes a financially feasible capital improvements element that provides for the transportation facilities adequate to serve the proposed development.~~

~~b. The transportation facilities needed to serve new development shall be in place or under actual construction no more than 3 years after issuance by the local government of a certificate of occupancy or its functional equivalent.~~

~~3. Parks and school facilities needed to serve the new development must be in place or under actual construction by the time a certificate of occupancy or its functional equivalent is issued.~~

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.3:** The City's concurrency management system shall conform to the provisions of Chapter 163, Florida Statutes by including commitments that:

- a. The City of Bonita Springs will maintain its adopted level of service standards for potable water, sanitary sewer, solid waste, stormwater management, parks and recreations, and roads.
- b. The City of Bonita Springs will demonstrate in future Capital Improvement Elements and amendments to this element that the ~~plan is financially feasible and that~~ adopted level of service standards as stated in the Capital Improvement Elements Policy 1.1.3 will be achieved and maintained.
- c. The City's concurrency management system will use a system for monitoring and ensuring adherence to the adopted level of service standards, the schedule of capital improvements, and the availability of public facility capacity. The City shall:
  1. Maintain a listing of all City adopted levels of service as listed in Policy 1.1.3.
  2. Maintain a continuous inventory of "available capacity" for each facility with an adopted level of service. "Available capacity" will consist of each facility's design capacity less the demand on the capacity committed through the issuance of prior development orders.
  3. Allow a comparison of a proposed development project's demand on each facility's "available capacity" to the City's adopted level of service for that facility and thus ascertain if the facility has sufficient available capacity to service the proposed project.
  4. The City shall issue no development orders or development permits without first consulting with Bonita Springs Utilities (the City's potable water service provider) to determine whether adequate water supplies to serve the development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. The City will also ensure that adequate water supplies and facilities are available and in place prior to issuing a certificate of occupancy or its functional equivalent.

- d. The City's concurrency management system will include standards for interpreting and using level of service standards to determine when the concurrency test must be met for development orders and permits. The City's concurrency management system will:
  1. Consider the impact the development will have on the City's facilities and will consider the type and intensity of use of the proposed development in relation to the demands the use can reasonably be expected to make on those facilities and the times when the demand can reasonably be expected to occur during the course of the development. When measuring the expected impacts of a development, the City will include only the impacts of permanent continuing demands of the development.
  2. Determine whether there will be sufficient capacity considering the "conditions" in Policy 1.2.1 and 1.2.2 for these facilities to serve the development at the time the impacts of the development will occur without causing the facilities and services to function at a level of service below the minimum levels established for them. The City will add the expected impacts of the development to the levels of use of the facility at the time of the determination. Anticipated additional use will be derived from other reasonably foreseeable factors. If this sum is less than the capacity of the facility in question to operate during the effective period at the minimum adopted levels of service and the development's projected impact is in compliance with the City's Plan, the City will certify the conclusion by a written statement.  
  
At the latest, the test for concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development including the density and intensity of development.
- e. The City's concurrency management system will be implemented through the City's Land Development Regulations and will ensure that the issuance of development orders and permits will not result in a reduction in the levels of service beyond the City's adopted level of service for the affected facility.

(Ord. No. 08-19, § 2, 9-17-08; Ord. No. 14-06, § 2, 5-7-14; Ord. No. 14-24, § 2, 10-15-14; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.4:** The City's concurrency management system will allow deferrals or exemptions only as specified below.

- a. Deferrals will be allowed only when the development application does not include a specific plan for development including the density and intensity of uses or does not request or require any authorization of development.
- b. Exemptions will include:
  1. Dwelling permits which do not impact upon the City's facilities/services having adopted levels of service.
  2. Building permits for single family, two family, and duplex buildings, as well as move-on permits for mobile homes, and recreational vehicles provided that the building or unit will be located within a subdivision or plat or other development which has a valid Certificate of Concurrency which specifically authorizes the City to issue building permits.
  3. Commercial buildings to the extent that the Certificate of Concurrency for the Final Development Order (FDO) issued prior to adoption of the City's Comprehensive Plan specifically authorized the City to issue the building permits.
  4. Permits which in themselves do not authorize construction of any building or structure which could impact the City's facility/service adopted levels of service.

5. Exemptions approved for vested rights.
  6. Any other de minimis impact consistent with FS 163,3180(5). A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a ~~singly~~-single family home on an ~~existing~~existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. No impact will be de minimis if it would exceed the adopted level of service standard of any affected designated hurricane evacuation routes.
- c. The City may grant exceptions from the concurrency requirement for transportation facilities if the proposed development is otherwise consistent with the adopted local government comprehensive plan and (1) is a project that promotes public transportation or (2) is located in an area for which the City has adopted an amendment designating the area for urban infill development, urban redevelopment, downtown revitalization, or urban infill and redevelopment, which amendment includes data and analysis demonstrating that the area(s) qualify under Florida Statutes § 163.2517.

Developments located within urban infill, urban redevelopment, existing urban service, or downtown revitalization areas or areas designated as urban infill and redevelopment areas which pose only special part-time demands on the transportation system may be excepted from the concurrency requirement for transportation facilities. A special part time demand is one that does not have more than 200 scheduled events during any calendar year and does not affect the 100 highest traffic volume hours. Prior to granting an exception the City will consider the impacts on the Florida Intrastate Highway System. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Any affected person may challenge a plan amendment establishing these guidelines and the areas with which an exception could be granted.

(Ord. No. 14-06, § 2, 5-7-14; Ord. No. 14-24, § 2, 10-15-14; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.5:** The City Manager, as a component of ~~his~~her annual review of facilities and Levels of Service, in preparing the City's annual capital improvements program, shall prepare a formal assessment of the status of the City's adopted level of service standards including:

- a. The existing demand on facilities having adopted levels of service.
- b. The capacity available to meet future demand, and
- c. The capacity of planned facilities.

Using this assessment, the City Council shall, after a public hearing, determine if there is sufficient cause to withhold or condition development orders or permits during the coming year.

Development orders or permits may only be withheld when there is insufficient capacity for potable water, sanitary sewer, solid waste, and stormwater management.

Should City Council find that sufficient capacity will be available to serve all development reasonably expected to occur during the coming year, issuance of development permits may continue.

Should the City Council find that sufficient capacity will not be available to serve all development reasonably expected to occur during the coming year, City Council shall take at least one of the following actions:

1. Prepare a comprehensive plan amendment to adjust the adopted failing level of service or,
2. Identify the types of development permits which will have an immediate large demand on the failing levels of service, and direct that permits which depend on these levels of service shall not be granted or shall be granted conditionally so occupancy is dependent upon achievement of the adopted level of service and set a schedule for the reassessment of that level of service, or
3. Immediately amend the first three years of the City's 5 year schedule of capital improvement to provide or accelerate facility improvements or other means to negate or offset any apparent deficiencies in levels of service.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.6:** To provide for a reasonable economic use of land in those rare instances where a strict application of the concurrency requirements would constitute an unconstitutional taking of property without due process of law, the City may issue a concurrency variance certificate. This certificate may be issued only in the City finds all of the following circumstances to be true:

- a. There are not sufficient facilities available to serve the development without violating minimum concurrency requirements.
- b. No reasonable use can be made of the property unless a development permit is issued.
- c. No reasonable economic use can be made of the property by conditioning the development permit upon sufficient facilities becoming available, and
- d. The request to vary from the concurrency requirements is the minimum variance that would allow any reasonable economic use of the property in question.

**Policy 1.2.7:** The City shall enforce concurrency management vested rights through implementation of its Land Development Regulations.

(Ord. No. 09-01, § 1, 2-18-09; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.8:** The City's concurrency management system shall be administered by the City of Bonita Springs or its designee.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.9:** Reserved.

(Ord. No. 14-06, § 2, 5-7-14; Ord. No. 17-08, § 1, 6-7-17)

**Policy 1.2.10:** The City shall investigate and initiate, if warranted, a Comprehensive Plan Amendment to designate a Transportation Concurrency Exception Area (TCEA) in order to accommodate redevelopment and infill along Old U S 41 between Bonita Beach Road and Terry Street and through the Comprehensive Plan review process, coordinate the City's designation of its TCEA with the DEO, FDOT, Lee County and the MPO.

(Ord. No. 14-06, § 2, 5-7-14; Ord. No. 14-24, § 2, 10-15-14; Ord. No. 17-08, § 1, 6-7-17)

**Objective 1.3: Other Financing Policies.** Establish a broad-based system of revenue regulations that ensure that new development pays at least 90% of the capital costs of the public infrastructure directly attributable to that new development.

**Policy 1.3.1:** The City's impact fees for and/or fees-in-lieu of private provision of designated public facilities shall be set to capture a substantial proportion of the full and real cost of the designated facility, and shall be reviewed and updated regularly.

**Policy 1.3.2:** Lee County shall assist any duly constituted public agency within its boundaries, at that agency's request, in developing an impact fee program to offset the impacts of new growth on that agency or jurisdiction's capital or facility requirements.

**Policy 1.3.3:** Reserved.

(Ord. No. 09-01, § 1, 2-18-09)

**Objective 1.4:** The City, shall upon adoption of this Comprehensive Plan, limit public expenditures that subsidize development within the coastal high hazard area of the City.

**Policy 1.4.1:** All further City public expenditures for new facilities within the City's coastal high hazard Category 1 hurricane evacuation area shall require a finding by the City Council that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation/open space and preservation needs or enhanced water quality measures.

**Objective 1.5:** The City shall coordinate the City's Comprehensive Plan elements' capital requirements with the City's capital improvement program.

**Policy 1.5.1:** The City Manager shall, during his preparation of the proposed Capital Improvements Program for the City Council's consideration, include those capital needs identified in the Comprehensive Plan's elements.

**Policy 1.5.2:** Capital improvements are defined to include at least any major nonrecurring expenditure for physical facilities having an estimated useful life in excess of ten years and an acquisition cost of \$25,000 or more.

**Policy 1.5.3:** The City incorporates into the Capital Improvement's Element the Lee County School District's Five Year Capital Facilities Work Plan as adopted by the Lee County School Board on 9-9-2008. Beginning with an effective date of 2008 and no later than December 1st of each year thereafter, the City shall incorporate the above into its Capital Improvement's Element. The Capital Facilities Work Plan shall identify school facility projects which are necessary to address existing deficiencies and meet future needs. The Plan shall demonstrate that the School District can achieve and maintain the adopted LOS standard for the five-year planning period supported by data and analysis demonstrating financial feasibility. Further, the Lee County School District's "Educational Plant Survey," adopted on July 30, 2008 is hereby incorporated by reference.

(Ord. No. 09-01, § 1, 2-18-09)

City of Bonita Springs, Florida  
Fiscal Year 2013-2014  
Capital Improvement Projects

Proj #	Project Name	Estimated Total Project Cost	Fund Source	Estimated Expended To Date	CIP Budget FY 13-14	CIP Budget FY 14-15	CIP Budget FY 15-16	CIP Budget FY 16-17	CIP Budget FY 17-18	5 Year Total Cost	Years 6-10; FY 18-19 to 22-23 Total	Total Project Cost
<b>DEBT SERVICE - \$55,232,619 - 2013 Year total</b>												
	General Fund		GF	6,648,225	384,140	384,220	383,700	383,770	383,830	1,919,660	1,531,110	10,101,395
	Gas Tax Bonds		GT	4,625,120	-	-	-	-	-	-	-	4,625,120
	Road Impact Fees		RdI	20,938,004	2,176,810	2,177,380	2,174,320	2,174,730	2,175,020	10,878,160	8,689,940	40,506,104
	<b>CITY DEBT SERVICE TOTAL</b>			<b>32,211,349</b>	<b>2,560,950</b>	<b>2,561,500</b>	<b>2,558,020</b>	<b>2,558,500</b>	<b>2,558,850</b>	<b>12,797,820</b>	<b>10,223,450</b>	<b>55,232,619</b>

<b>ROADWAY PROJECTS</b>												
30.201.5376010	Felts Avenue Stormwater Improvements	455,472	GR-CDBG	451,472	-	-	-	-	-	-	-	451,472
			GF	4,000	-	-	-	-	-	-	-	4,000
30.201.5376012	Implementation of Storm Water Master Plan	3,280,813	GF	27,251	200,000	633,562	250,000	270,000	400,000	1,753,562	1,500,000	3,280,813
30.201.5376300	Oak Creek Dredging	250,000	GR-State	-	250,000	-	-	-	-	250,000	-	250,000
30.201.5416133	Road Improvements - Minor Capital Projects	200,000	GT	-	20,000	20,000	20,000	20,000	20,000	100,000	100,000	200,000
30.201.5416340	Street Lighting Improvements	181,536	GT	21,860	5,000	5,000	5,000	5,000	5,000	25,000	-	46,860
			GR	134,676	-	-	-	-	-	-	-	134,676
			RdI	548,997	-	-	-	-	-	-	-	548,997
30.201.5416341	West Terry Street Improvements	1,872,398	GT	1,145,849	210,000	-	-	-	-	210,000	-	1,225,849
			Bds	21,315	-	-	-	-	-	-	-	21,315
			GF	76,237	-	-	-	-	-	-	-	76,237
	Shangri-La Paving-Windley Key to Imperial (ROW \$2.0mill, Design \$0.9mill, Construction \$3.4mill)	5,871,426	GT	1,160,588	-	-	-	-	-	-	-	1,160,588
			3 Oaks	1,000,000	-	-	-	-	-	-	-	1,000,000
			GF	1,367,559	-	-	-	-	-	-	-	1,367,559
			RdI	804,354	1,145,710	39,215	-	-	-	1,538,925	-	2,343,279
30.201.5416324	W. Shangri-La Sidewalk-to Old 41	275,000	GT	-	275,000	-	-	-	-	275,000	-	275,000
	to be assigned Bonita Beach Rd- Vanderbilt Dr to US 41 **	-	RdI	-	-	-	-	-	-	-	-	-
	to be assigned US 41 Overpass on Bonita Beach Rd (flyover) **	-	RdI	-	-	-	-	-	-	-	-	-
	to be assigned Bonita Beach Rd- Ph III-US 41 to Old 41	23,000,000	RdI	-	-	-	-	-	-	-	11,500,000	11,500,000
	to be assigned Bonita Beach Rd-I-75 to Bonita Grande Dr. ***	-	RdI	-	-	-	-	-	-	-	11,500,000	11,500,000
			Lee Cty	-	-	-	-	-	-	-	-	-
30.201.5416374	CDBG Eligible Projects	103,030	GR-CDBG	-	103,030	-	-	-	-	103,030	-	103,030
	Old 41 4 Laning-Bonita Bch Rd to Center City Line	14,380,109	RdI	76,534	500,000	-	200,000	500,000	500,000	2,000,000	12,200,000	14,276,534
			GT	-	-	-	-	-	-	-	-	-
			GF	103,575	-	-	-	-	-	-	-	103,575
30.201.5416376	Res. Sidewalk/Drainage	2,084,301	GT	354,301	400,000	200,000	200,000	100,000	100,000	1,000,000	700,000	2,054,301
			GR-CDBG	30,000	-	-	-	-	-	-	-	30,000
30.201.5416377	Asphalt Overlay	3,769,997	GT	419,997	300,000	300,000	300,000	350,000	350,000	1,600,000	1,750,000	3,769,997
30.201.5416380	Paving Unpaved Street	270,000	GF	120,000	150,000	-	-	-	-	150,000	-	270,000

\*\* Lee County Capital improvements plan includes only Phases II (Old 41 to Lime St) & III (US 41 to Old 41) of Bonita Beach Road widening; therefore, the other phases of Bonita Beach Road widening are not reflected in the Lee County CIP.  
Bds=Bonds, RdI=Road Impact Fees, Dev=Developer Agreement Fees, GT=Gas Tax, GR=Grant, GF=General Fund, 3 Oaks=Refund

City of Bonita Springs, Florida  
Fiscal Year 2013-2014  
Capital Improvement Projects

Proj #	Project Name	Estimated Total Project Cost	Fund Source	Estimated Expended To Date	CIP Budget FY 13-14	CIP Budget FY 14-15	CIP Budget FY 15-16	CIP Budget FY 16-17	CIP Budget FY 17-18	5 Year Total Cost	Years 6-10; FY 18-19 to 22-23 Total	Total Project Cost
<b>ROADWAY PROJECTS (Continued)</b>												
<b>Landscaping Projects:</b>												
to be assigned	Bonita Beach Rd-PH III-US 41 to Old 41 Enhanced Landscape	-	GF	-	-	-	-	-	-	-	-	-
30.201.5416365	Bonita Beach Rd-PH II-Old 41 to Lime St. Enhanced Landscape	125,000	GF	125,000	-	-	-	-	-	-	-	125,000
30.201.5416342	Imperial Parkway-E. Terry North to City Limits Upsize Irrigation	40,000	GF	40,000	-	-	-	-	-	-	-	40,000
30.201.5416379	Imperial Parkway-E. Terry South to Bonita Beach Rd Enhanced Landscape	157,463	GF	157,463	-	-	-	-	-	-	-	157,463
to be assigned	Imperial Parkway-Bonita Beach Rd South to City Limits Landscape	-	GF	-	-	-	-	-	-	-	-	-
30.201.5416381	E. Terry -Old 41 to Imperial Parkway Landscape	150,000	GF	-	150,000	-	-	-	-	150,000	-	150,000
to be assigned	Old 41-Rosemary Dr to US 41 Landscape	400,000	GF	-	-	400,000	-	-	-	400,000	-	400,000
to be assigned	US 41-Bonita Beach Rd South to City Limits Landscape	-	GF	-	-	-	-	-	-	-	-	-
to be assigned	US 41-Bonita Beach Rd North to Old 41 Enhanced Median Landscape	-	GF	-	-	-	-	-	-	-	-	-
30.201.5416382	Median Landscape Enhancements Logan Boulevard	4,000,000	GF	-	3,150,000	150,000	200,000	200,000	100,000	3,700,000	300,000	4,000,000
to be assigned	Logan Boulevard Landscape/Buffering	300,000	GF	-	-	-	-	300,000	-	300,000	-	300,000
	<b>Total Landscaping Projects:</b>			<b>322,463</b>	<b>3,300,000</b>	<b>550,000</b>	<b>200,000</b>	<b>400,000</b>	<b>100,000</b>	<b>4,550,000</b>	<b>300,000</b>	<b>5,172,463</b>
	<b>Roadway Projects Total</b>	<b>61,166,545</b>		<b>8,061,028</b>	<b>6,854,740</b>	<b>2,105,777</b>	<b>1,175,000</b>	<b>1,645,000</b>	<b>1,775,000</b>	<b>13,555,517</b>	<b>39,550,000</b>	<b>61,166,545</b>
	Less County Participation		Lee Cty=	-	-	-	-	-	-	-	(11,500,000)	(11,500,000)
	<b>CITY ROADWAY PROJECTS TOTAL</b>			<b>8,061,028</b>	<b>6,854,740</b>	<b>2,105,777</b>	<b>1,175,000</b>	<b>1,645,000</b>	<b>1,775,000</b>	<b>13,555,517</b>	<b>28,050,000</b>	<b>49,666,545</b>

Bds=Bonds, RdI=Road Impact Fees, Dev=Developer Agreement Fees, GT=Gas Tax, GR=Grant, GF=General Fund

<b>Road Capital Projects By Funding Source</b>												
	Road Impact Fees		RdI=	1,429,885	1,641,710	397,215	200,000	500,000	800,000	3,268,925	23,700,000	27,328,925
	2012 Revenue Bonds		Bds=	21,315	-	-	-	-	-	-	-	-
	Refund from 3 Oaks Parkway		3 Oaks=	1,000,000	-	-	-	-	-	-	-	-
	Gas Tax Funds		GT=	2,972,595	1,210,000	525,000	525,000	475,000	475,000	3,210,000	2,550,000	5,760,000
	Grant Funds		GR=	481,472	353,030	-	-	-	-	353,030	-	353,030
	General Fund		GF=	2,155,761	3,650,000	1,183,562	450,000	670,000	500,000	6,453,562	1,800,000	8,253,562
	<b>Total City Funded Road Capital Projects</b>			<b>8,061,028</b>	<b>6,854,740</b>	<b>2,105,777</b>	<b>1,175,000</b>	<b>1,645,000</b>	<b>1,775,000</b>	<b>13,555,517</b>	<b>28,050,000</b>	<b>41,605,517</b>



City of Bonita Springs, Florida  
Fiscal Year 2013-2014  
Capital Improvement Projects

Proj #	Project Name	Estimated Total Project Cost	Fund Source	Estimated Expended To Date	CIP Budget FY 13-14	CIP Budget FY 14-15	CIP Budget FY 15-16	CIP Budget FY 16-17	CIP Budget FY 17-18	5 Year Total Cost	Years 6-10; FY 18-19 to 22-23 Total	Total Project Cost
<b>PARKS, RECREATION &amp; COMMUNITY FACILITIES</b>												
31.201.5526100	Economic Development	-	GF=	-	-	-	-	-	-	-	-	-
31.201.5526300	Downtown Redevelopment (Roads \$5.7 mill, Drainage \$8.4 mill, Sidewalks \$0.8 mill, and \$1.1 mill)	16,000,000	LOAN=	-	-	13,000,000	-	-	-	13,000,000	-	13,000,000
			GF=	-	1,000,000	-	-	-	-	1,000,000	-	1,000,000
			GF=	-	1,000,000	1,000,000	-	-	-	2,000,000	-	2,000,000
31.602.5376300	Beach Renourishment	2,156,000	GF=	33,000	1,133,000	110,000	110,000	110,000	110,000	1,573,000	550,000	2,156,000
31.602.5726376	Recreation Center Improvements (602) Remodel Locker Room Facility Replace Roof (required) Replace Exterior Doors Replace Flooring Lobby & Hallways Fitness Room Expansion Remodel Restrooms @ Old Rec Bldg	655,000	GF=	-	-	75,000	-	-	-	75,000	-	75,000
			GF=	-	200,000	-	-	-	-	200,000	-	200,000
			GF=	-	25,000	-	-	-	-	25,000	-	25,000
			GF=	-	20,000	-	-	-	-	20,000	-	20,000
			CPI=	-	-	300,000	-	-	-	300,000	-	300,000
			GF=	-	-	-	35,000	-	-	35,000	-	35,000
31.602.5726385	Community Park Improvements (603) Replace Safety Net on Ball Fields Ball field Improvements	53,408	GF=	-	20,000	-	-	-	-	20,000	-	20,000
			CPI=	15,408	-	10,000	10,000	-	-	20,000	-	35,408
31.602.5726384	Community Park Shade Structure (603)	9,019	CPI=	9,019	-	-	-	-	-	-	-	9,019
31.602.5726304	Riverside Park Improvements (605) Remodel Depot Park Restrooms Free Standing Fitness Stations-Island Park Picnic Structure-Island Park Additional Restroom Facility	202,000	GR-CDB=	-	10,000	-	-	-	-	65,000	-	75,000
			CPI=	15,000	-	-	-	-	-	-	-	15,000
			CPI=	15,000	-	-	-	-	-	-	-	12,000
			CPI=	-	-	-	100,000	-	-	100,000	-	100,000
31.602.5726700	Veterans Monument (605)	93,414	Contr=	93,414	-	-	-	-	-	-	-	93,414
31.602.5726305	Community Hall Improvements (609) Community Hall Façade Landscaping Property Tot Lot Playground Remodel Community Hall Restrooms	80,000	GF=	-	20,000	-	-	-	-	20,000	-	20,000
			GF=	-	-	-	-	-	-	-	-	-
			GR-CDBG=	-	30,000	-	-	-	-	30,000	-	30,000
			GR-CDBG=	-	30,000	-	-	-	-	30,000	-	30,000
31.602.5726314	Mayhood Property Improvements (610) Dog Park	305,561	CPI=	5,561	300,000	-	-	-	-	300,000	-	305,561
31.602.5726308	Bonita Springs Soccer Complex Improvements (613) Resod all 3 Soccer Fields New Playground	70,000	GF=	16,500	16,500	17,000	-	-	-	33,500	-	50,000
			RPI=	-	20,000	-	-	-	-	20,000	-	20,000
31.602.5726383	Soccer Complex Shade Structure (613)	22,568	CPI=	22,568	-	-	-	-	-	-	-	22,568
			GF=	2,027,693	-	-	-	-	-	-	-	2,027,693
			CPI=	59,589	-	-	-	-	-	-	-	59,589
			GR-TDC=	1,267,202	200,000	-	-	-	-	200,000	-	1,467,202
			GR-FRDAP=	64,724	-	-	-	-	-	-	-	64,724
31.602.5726200	Bonita Springs River Park (621)	3,619,208	RPI=	163,081	-	-	-	-	-	-	-	163,081
			GR-State=	160,000	-	-	-	-	-	-	-	160,000
			GF=	26,350	-	-	-	-	-	-	-	26,350
31.602.5726373	Bonita Trail (622)	349,431	GF=	-	-	-	-	-	-	-	-	-
31.602.5726378	FPI - Transmissions Line Bike/Ped. Pathway	515,000	CPI=	-	-	215,000	300,000	-	-	515,000	-	515,000
31.602.5724300	Bamboo Utilities	261,986	GF=	261,986	-	-	-	-	-	261,986	-	261,986
	Non-Roadway Projects Total	24,394,595		4,263,095	4,079,500	14,727,000	555,000	110,000	110,000	19,581,500	550,000	24,394,595
	Less County Participation		Lee Cty=									
	<b>PARKS, RECREATION &amp; COMMUNITY FACILITIES TOTAL</b>			<b>4,263,095</b>	<b>4,079,500</b>	<b>14,727,000</b>	<b>555,000</b>	<b>110,000</b>	<b>110,000</b>	<b>19,581,500</b>	<b>550,000</b>	<b>24,394,595</b>
	<b>TOTAL ALL CITY CAPITAL PROJECTS</b>			<b>12,324,123</b>	<b>10,934,240</b>	<b>16,832,777</b>	<b>1,730,000</b>	<b>1,755,000</b>	<b>1,885,000</b>	<b>33,137,017</b>	<b>28,000,000</b>	<b>74,061,140</b>

GF=General Fund, CPI=Community Park Impact Fees, RPI=Regional Park Impact Fees, GR=Grant, GF-Cont=General Fund Capital Projects Contingency Funds, Contr=Contribution by Private Citizens

City of Bonita Springs, Florida  
Fiscal Year 2013-2014  
Capital Improvement Projects

Other Capital Projects By Funding Source	Funding Provided Through September 30, 2013	Funding Provided FY 13-14	Funding Provided FY 14-15	Funding Provided FY 15-16	Funding Provided FY 16-17	Funding Provided FY 17-18	Funding Required October 1, 2013 Through September 30, 2018	Funding Required Years 18-19 to 22-23	Funding Required Years 1 - 10
Community Park Impact Fees	CPI=	139,145	300,000	525,000	410,000	-	1,235,000	-	1,235,000
Regional Park Impact Fees	RPI=	163,081	20,000	-	-	-	20,000	-	20,000
Contribution by Private Citizens	CONTR=	93,414	-	-	-	-	-	-	-
Loan	LOAN=	-	-	13,000,000	-	-	13,000,000	-	13,000,000
Gas Tax Funds	GT=	-	1,000,000	-	-	-	1,000,000	-	1,000,000
Grant Funds	GR=	1,501,926	325,000	-	-	-	325,000	-	325,000
General Fund	GF=	2,227,529	2,434,500	1,202,000	145,000	110,000	4,001,500	550,000	4,551,500
<b>Total City Funded Other Capital Projects</b>		<b>4,263,095</b>	<b>4,079,500</b>	<b>14,727,000</b>	<b>555,000</b>	<b>110,000</b>	<b>19,581,500</b>	<b>550,000</b>	<b>20,131,500</b>

## CAPITAL IMPROVEMENT PLAN

Capital Projects		Funding/Revenue Source	Expected Budget Carry-over as of Sept. 30, 2018	FY 2018-2019 Adopted Budget	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Next Five Fiscal Years: FY 2023-2024 through FY 2027-2028	Total Ten Year Plan
Account	Project Description									
<b>IMPROVE STORM WATER MANAGEMENT (1st STRATEGIC PRIORITY)</b>										
30.250.538.8802	Spring Creek Restoration Plan	General Fund	435,312	325,000	-	-	-	-	-	325,000
		Loan Proceeds	-	-	2,475,000	-	-	-	-	2,475,000
30.250.538.6803	Spring Creek/Bonita Springs Golf Course Flood Improvement	Local Mitigation Strategy Grant	-	-	7,425,000	-	-	-	-	7,425,000
		<b>TOTAL</b>	-	-	9,900,000	-	-	-	-	9,900,000
30.250.538.8810	Storm Water Drainage Improvement Concepts	General Fund	126,000	-	-	-	-	-	-	-
		Capital Fund	587,500	-	-	-	-	-	-	-
30.250.538.6807	Logan Blvd Regional Floodway/Drainage	Local Mitigation Strategy Grant	-	1,782,500	-	-	-	-	-	1,782,500
		<b>TOTAL</b>	587,500	1,782,500	-	-	-	-	-	1,782,500
		Local Mitigation Strategy Grant	-	712,500	-	-	-	-	-	712,500
30.250.538.8606	Pine Lake Preserve	General Fund	237,500	-	-	-	-	-	-	-
		<b>TOTAL</b>	237,500	712,500	-	-	-	-	-	712,500
30.250.538.6808	Storm Water Utility	General Fund	99,519	180,000	-	-	-	-	-	180,000
30.270.519.4923	Ladner Creek	General Fund	13,501	-	-	-	-	-	-	-
	Land acquired for stormwater purposes	Funding to be Identified	-	-	-	-	-	5,000,000	-	5,000,000
	<b>TOTAL IMPROVE STORM WATER MANAGEMENT</b>		<b>1,498,332</b>	<b>2,980,000</b>	<b>9,900,000</b>				<b>5,000,000</b>	<b>17,680,000</b>
<b>TRANSPORTATION (2nd STRATEGIC PRIORITY)</b>										
<u>Bonita Beach Road Visioning and Quadrant</u>										
30.250.541.8316	Bonita Beach Road/US 41 Study	Gas Tax	-	-	-	-	-	-	-	-
		General Fund	182,913	-	-	-	1,982,500	2,024,797	-	4,507,297
		Gas Tax	899,888	-	-	2,000,000	-	-	-	2,800,000
30.250.541.8317	Bonita Bch Rd/US 41 Quadrant	State & Federal Agencies	-	-	-	-	-	-	11,500,000	11,500,000
		Road Impact Fee	3,750,922	2,317,500	3,750,000	1,750,000	-	-	-	7,817,500
		<b>TOTAL</b>	<b>4,835,823</b>	<b>2,317,500</b>	<b>3,750,000</b>	<b>3,750,000</b>	<b>1,982,500</b>	<b>2,024,797</b>	<b>11,500,000</b>	<b>25,324,797</b>
30.250.541.6318	Bonita Bch Rd Vision Implementation	General Fund	646,474	450,000	834,255	2,850,000	350,000	600,000	6,175,000	11,259,255
	<b>TOTAL Bonita Beach Road Visioning and Quadrant</b>		<b>5,482,297</b>	<b>2,767,500</b>	<b>4,584,255</b>	<b>6,400,000</b>	<b>2,332,500</b>	<b>2,624,797</b>	<b>17,675,000</b>	<b>36,584,052</b>
<u>Sidewalks and Multi-Use Pathways</u>										
		General Fund	481,794	-	317,000	500,000	228,000	500,000	1,800,000	3,137,000
		Gas Tax	470,858	-	-	-	-	-	-	388,000
30.250.541.6320	Multi-Use Pathways & Sidewalks	Road Impact Fee	334,189	368,000	-	-	-	-	-	368,000
		Grant - COBC	-	-	303,000	300,000	300,000	300,000	1,500,000	2,700,000
		Park Impact Fee	608,749	-	-	-	-	-	1,000,000	1,600,000
		<b>TOTAL</b>	<b>1,894,791</b>	<b>368,000</b>	<b>617,000</b>	<b>800,000</b>	<b>528,000</b>	<b>800,000</b>	<b>4,100,000</b>	<b>7,203,000</b>
30.250.541.6507	Res Sidewalks/Drainage	Gas Tax	6,368	-	-	-	-	-	1,000,000	1,000,000
30.250.541.8312	W Terry Ped/Bike Connectivity	Gas Tax	1,760	-	-	-	-	-	-	-

**CAPITAL IMPROVEMENT PLAN**

Capital Projects		Funding/Revenue Source	Expected Budget Carry-over as of Sept. 30, 2019	FY 2018-2019 Adopted Budget	FY 2018-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Next Five Fiscal Years: FY 2023-2024 through FY 2027-2028	Total Ten Year Plan							
30.250.541.6323	W. Terry St. Multi-Use Pathway	Park Impact Fee	623,960	1,200,000	400,000	-	-	-	-	1,800,000							
		Road Impact Fee	-	885,819	-	-	-	-	-	885,819							
		Grants - Other	161,503	-	-	-	-	-	-	-							
		Grant - COBG	605,729	338,994	-	-	-	-	-	338,994							
	<b>TOTAL</b>	<b>1,390,818</b>	<b>2,424,813</b>	<b>400,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,824,813</b>								
30.250.541.6324	Sun Trail	Park Impact Fee	50,000	-	-	-	-	-	-	-							
		General Fund	-	-	250,000	-	-	-	-	250,000							
	<b>TOTAL</b>	<b>50,000</b>	<b>-</b>	<b>250,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>250,000</b>								
	<b>TOTAL Sidewalks and Multi-Use Pathways</b>		<b>3,343,677</b>	<b>2,790,813</b>	<b>1,267,000</b>	<b>600,000</b>	<b>520,000</b>	<b>500,000</b>	<b>5,100,000</b>	<b>11,277,813</b>							
30.250.541.6306	Logan Boulevard	Gas Tax	-	500,000	-	-	-	-	-	500,000							
		Road Impact Fee (credits)	-	2,450,000	-	-	-	-	-	2,450,000							
	<b>TOTAL</b>			<b>2,950,000</b>					<b>2,950,000</b>								
30.250.541.6300	Minor Road, Sidewalk & Drainage Improvements	Gas Tax	-	250,000	100,000	150,000	250,000	100,000	650,000	1,700,000							
30.250.541.6308	Asphalt Overlays	Gas Tax	195,074	208,309	225,000	125,000	100,000	125,000	750,000	1,533,369							
		Gas Tax	-	30,000	40,000	25,000	30,000	50,000	175,000	330,000							
30.250.541.6319	Roadway Restriping	General Fund	22,846	-	-	-	-	-	-	-							
		<b>TOTAL</b>	<b>22,846</b>	<b>30,000</b>	<b>40,000</b>	<b>25,000</b>	<b>30,000</b>	<b>30,000</b>	<b>175,000</b>	<b>330,000</b>							
30.250.541.6321	Rail Road Crossing Improvements	Gas Tax	10,637	260,000	125,325	125,325	-	-	1,566,430	2,939,080							
	<b>TOTAL TRANSPORTATION</b>		<b>9,056,533</b>	<b>9,276,622</b>	<b>6,342,680</b>	<b>7,626,325</b>	<b>3,232,500</b>	<b>3,879,797</b>	<b>26,116,430</b>	<b>56,474,254</b>							
<b>ENVIRONMENTAL PROTECTION (4th STRATEGIC PRIORITY)</b>																	
30.000.537.6100	Water Issues/Land Acquisition from willing sellers	General Fund	-	-	200,000	-	-	-	-	200,000							
		Building Fees	57,700	-	-	-	-	-	-	-							
		General Fund	5,060	-	-	-	-	-	-	-							
	<b>TOTAL</b>	<b>61,760</b>	<b>-</b>	<b>200,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>200,000</b>								
31.911.537.6009	Beach Renourishment 2024	General Fund	313,991	110,000	110,000	110,000	110,000	110,000	550,000	1,100,000							
	<b>TOTAL ENVIRONMENTAL PROTECTION</b>	<b>\$</b>	<b>376,751</b>	<b>\$</b>	<b>110,000</b>	<b>\$</b>	<b>310,000</b>	<b>\$</b>	<b>110,000</b>	<b>\$</b>	<b>110,000</b>	<b>\$</b>	<b>110,000</b>	<b>\$</b>	<b>550,000</b>	<b>\$</b>	<b>1,300,000</b>
<b>COMMUNITY AESTHETICS: DEVELOP AND IMPLEMENT URBAN DESIGN (5th STRATEGIC PRIORITY)</b>																	
30.000.519.6000	Exotic Removal of FPL ROW Path	General Fund	-	-	10,500	-	-	-	-	10,500							
30.250.541.6314	Street Light Uniformity	Gas Tax	20,000	10,000	10,000	10,000	10,000	10,000	50,000	100,000							
30.603.512.6003	Rec. Center Security Alarm System	General Fund	7,800	-	-	-	-	-	-	-							
30.603.512.6004	Comm Park Seacoating Parking Lot	General Fund	-	-	10,900	-	-	-	-	10,900							
30.603.512.6009	Comm Park Parking Lot Lighting	General Fund	-	-	9,882	-	-	-	-	9,882							
30.604.512.6000	Pool Geothermal Heater/Chiller	General Fund	-	-	100,000	-	-	-	-	100,000							

CAPITAL IMPROVEMENT PLAN										
Capital Projects		Funding/Revenue Source	Expected Budget Carry-over as of Sept. 30, 2018	FY 2018-2019 Adopted Budget	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Next Five Fiscal Years: FY 2023-2024 through FY 2027-2028	Total Ten Year Plan
Account	Project Description									
30.605.572.6009	Riverside Parking Sealcoating Parking Lot	General Fund	-	-	11,400	-	-	-	-	11,400
30.605.572.6010	Riverside Parking Lighting to LED	General Fund	-	-	16,305	-	-	-	-	16,305
30.617.572.6001	Nature Place Shade Structure	Park Impact Fee	16,000	-	-	-	-	-	-	-
30.821.572.6000	River Park Eagle Web Camera	General Fund	-	-	15,000	-	-	-	-	15,000
30.626.572.6001	Mayhood Park Exotics Removal	General Fund	-	-	30,000	-	-	-	-	30,000
31.000.552.6311	Downtown Revitalization	General Fund	293,327	100,000	-	-	-	-	-	100,000
31.602.572.6000	Recreation Center Improvements	General Fund	49,482	-	-	-	-	-	-	-
31.602.572.6001	Fitness Expansion	Park Impact Fee	100,000	-	-	-	-	-	-	-
31.605.572.6002	Riverside Park Improvements	Park Impact Fee	151	-	-	-	-	-	-	-
31.905.572.6004	Bandshell Resod	General Fund	5,053	-	-	-	-	-	-	-
31.605.572.6006	Depot Park Playground Upgrades	General Fund	4,077	-	-	-	-	-	-	-
31.605.572.6008	Skate Park	Park Impact Fee	175,000	-	-	-	-	-	-	-
31.610.572.6004	E. Terry St Park-Dog Park	Park Impact Fee	5,824	-	-	-	-	-	-	-
31.610.572.6005	Additional Trails/Entrance	Park Impact Fee	10,079	-	-	-	-	-	-	-
31.615.572.6001	Resod Liles Hotel Plaza Lawn	General Fund	13,500	-	-	-	-	-	-	-
31.021.572.6007	River Park-US 41	Park Impact Fee	15,900	-	-	-	-	-	-	-
		Grant: TDC	268,035	-	-	-	-	-	-	-
31.626.572.6000	Mayhood Playground	Park Impact Fee	14,905	-	-	-	-	-	-	-
30.250.541.6315	East Terry Vegetative Buffer/Wall	General Fund	67,642	-	-	-	-	-	-	-
30.250.541.6900	Median Landscape Enhancement	General Fund	45,475	-	-	-	-	1,000,000	-	1,000,000
31.604.572.6000	Pool Landscaping	General Fund	75,800	-	-	-	-	-	-	-
30.270.519.4910	Highway Monuments/Welcome Signs	General Fund	200,000	-	-	-	-	-	-	-
30.270.519.4920	Flagpole along I-75	General Fund	40,000	-	-	-	-	-	-	-
30.250.541.6310	FDOT Pond on Arroyal Rd	General Fund	111,336	-	-	-	-	-	-	-
30.270.541.6322	Imperial River US 41 Bridge Beautification Project	General Fund	114,000	-	-	-	-	-	-	-
		Gas Tax	-	400,000	200,000	-	-	-	-	600,000
		Village Walk Funded	-	194,000	-	-	-	-	-	194,000
30.250.541.6325	Logan Boulevard Landscape & Lighting	General Fund	-	462,841	462,841	-	-	-	-	925,682
		TOTAL	-	1,956,841	692,841	-	-	-	-	1,719,682
30.270.519.4911	Urban Design	General Fund	325,000	100,000	50,000	-	-	-	-	150,000
<b>TOTAL COMMUNITY AESTHETICS STRATEGIC PRIORITY</b>			<b>\$ 2,021,379</b>	<b>\$ 1,266,841</b>	<b>\$ 926,826</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ 10,000</b>	<b>\$ 1,050,000</b>	<b>\$ 3,273,659</b>
<b>OTHER</b>										
30.402.613.6000	City Hall Maintenance Update/Repairs	General Fund	139,500	295,000	125,000	-	-	-	-	420,000
	City Facilities Major Repairs	General Fund	-	-	-	-	-	-	1,000,000	1,000,000

CAPITAL IMPROVEMENT PLAN										
Capital Projects		Funding/Revenue Source	Expected Budget Carry-over as of Sept. 30, 2018	FY 2018-2019 Adopted Budget	FY 2019-2020	FY 2020-2021	FY 2021-2022	FY 2022-2023	Next Five Fiscal Years: FY 2023-2024 through FY 2027-2028	Total Ten Year Plan
Account	Project Description									
	Vehicle Major Repairs and Replacement Reserve	General Fund	-	-	-	-	-	-	500,000	500,000
	Technology Equipment Replacement Reserve	General Fund	-	-	-	-	-	-	500,000	500,000
		General Fund	13,991	-	-	-	-	-	-	-
30.270.519.4909	Contingency	Park Impact Fee	36,610	-	-	-	-	-	-	-
		TOTAL	50,601	-	-	-	-	-	-	-
30.270.519.4912	Recreate Dixie Moon	General Fund	47,914	-	-	-	-	-	-	-
		<b>Total Other</b>	<b>237,015</b>	<b>295,000</b>	<b>125,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,000,000</b>	<b>2,420,000</b>
		Less: Funded by Road Impact Fee Credits	-	(2,450,000)	-	-	-	-	-	(2,450,000)
<b>TOTAL</b>			<b>\$ 13,189,010</b>	<b>\$ 11,478,463</b>	<b>\$ 17,604,406</b>	<b>\$ 7,746,325</b>	<b>\$ 3,352,500</b>	<b>\$ 3,999,797</b>	<b>\$ 34,716,430</b>	<b>\$ 78,897,923</b>
<b>FUNDING SOURCES</b>										
	General Fund	4,805,299	2,022,941	2,553,053	3,260,000	2,692,500	3,434,797	11,326,000	25,258,221	
	Road Impact Fee	4,087,111	3,569,319	3,750,000	1,750,000	-	-	-	9,086,319	
	Gas Tax	1,604,826	1,679,309	701,325	2,436,325	390,000	285,000	4,391,430	9,962,389	
	Park Impact Fee	1,658,798	1,200,000	400,000	-	-	-	1,000,000	2,660,000	
	Building Fees	57,700	-	-	-	-	-	-	-	
	Village Walk Funded (Gen. Fd)	-	194,000	-	-	-	-	-	194,000	
	Loan Proceeds	-	-	2,475,000	-	-	-	-	2,475,000	
	State and Federal Agencies	-	-	-	-	-	-	11,500,000	11,500,000	
	Grant	975,278	2,815,994	7,725,000	300,000	300,000	300,000	1,500,000	12,916,694	
	Funding to be Identified	-	-	-	-	-	-	5,000,000	5,000,000	
	<b>TOTAL</b>	<b>\$ 13,189,010</b>	<b>\$ 11,478,463</b>	<b>\$ 17,604,406</b>	<b>\$ 7,746,325</b>	<b>\$ 3,352,500</b>	<b>\$ 3,999,797</b>	<b>\$ 34,716,430</b>	<b>\$ 78,897,923</b>	

(Ord. No. 08-19, § 2, 9-17-08; Ord. No. 09-01, § 1, 2-18-09; Ord. No. 10-02, § 1, 3-3-10; Ord. No. 10-11, § 1, 12-15-10; Ord. No. 14-06, § 2, 5-7-14; Ord. No. 14-24, § 2, 10-15-14; Ord. No. 18-18, § 2, 12-19-18)

Water Supply Capital Improvements Projects (2015—2025)

Project Name	Water Source	Responsible Agencies	Funding Sources	Estimated Project Cost (\$M)	Estimated O&M (\$M)	Project Capacity (MGD)	Year Water Produced
Brackish Wellfield Phase II—3 wells	Brackish	BSU		5	0.25	3.27	2020
RO-WTP Phase II	Brackish	BSU		25	1.00	3.27	2020

Source: SFWMD LWC WSP Update

Water Supply Capital Improvement Projects (2020-2030)

Project Name	Water Source	Responsible Agencies	Estimated Project Cost (\$M)	Project Capacity (MGD)	Year Water Produced
RO WTP and Upper Floridan Wellfield Expansion Phase III	Brackish	BSU	\$42M	4 (treated)	2022
Diversification of Lower Tamiami Wellfield	Fresh	BSU	\$1M	2	2020

Source: Bonita Springs Utilities

Water Supply Capital Improvements Projects (2020-2030)

<u>Project Name</u>	<u>Water Source</u>	<u>Responsible Agencies</u>	<u>Funding Sources</u>	<u>Estimated Project Cost (\$M)</u>	<u>Estimated O&amp;M (\$M)</u>	<u>Project Capacity (MGD)</u>	<u>Year Water Produced</u>
Diversification of Lower Tamiami Wellfield	Fresh	BSU		1		2	2020
RO WTP and Upper Floridan Wellfield Expansion Phase III	Brackish	BSU		45		4	2023
Source: <a href="#">SFWMD LWC WSP Update and BSU</a>							

(Ord. No. 08-19, § 2, 9-17-08; Ord. No. 14-06, § 2, 5-7-14)

#### MONITORING AND EVALUATION

Capital Improvements planning in the City of Bonita Springs is a continuous process, with on-going involvement by citizens, staff, and elected officials. Some of the factors considered are: fluctuating revenue streams, changing facilities needs; financial markets, interest rates and public perceptions of taxation and expenditures. The Capital Improvements Element should be reviewed on an annual basis.

The City's Capital Improvements planning process is organized to establish a sound basis in planning. Annual [review and possible amendments to](#) of the Capital Improvements Element is coupled with annual adoption of the municipal budget.

The annual review will be the responsibility of the City Manager or [his](#) designee, with the involvement of the City Clerk. The City Manager will present the entire package to the City Council for review and adoption.

The review process will include an analysis of the following factors:

- a. Updates, corrections, and revisions to costs, revenues, target dates, and locations.
- b. Consistency with the other elements of the Comprehensive Plan.
- c. Actions of other agencies such as the Florida Department of Transportation and the success of intergovernmental cooperation in implementing the element.
- d. The continued validity of priority assignments.
- e. Projects completed or progress towards completion.
- f. The level of service achieved.
- g. The debt capacity of the City.
- h. Grants or private donations received or being considered.
- i. Public perceptions of the process, the necessity of projects in the 5-year program, and willingness to support Capital Improvements at the level planned.
- j. Success in achieving grants.

**Objective 3.1:** The City shall provide an appropriate response to hazardous materials accidents, spills, or leaks.

**Policy 3.1.1:** The City shall maintain a representative on the Local Emergency Planning Committee (as required by the provisions of Title III: The Federal Emergency Planning and Community Right-To-Know Act of 1986). Through this representative, the City shall continue to support and implement to the extent practicable the responsibilities set forth by the Local Emergency Planning Committee until such time as the Committee is terminated.

**Policy 3.1.2:** The City shall support the Bonita Springs Fire Control and Rescue District in the development and maintenance of a hazardous materials response team. The City will meet with the District to establish responsibilities of each and enter into an interlocal agreement with the District outlining these.

**Policy 3.1.3:** The City shall cooperate with the County to develop and maintain a hazardous material emergency response plan that complies with applicable federal and state regulations and guidelines.

**Policy 3.1.4:** The City shall support the Bonita Springs Fire Control and Rescue District in the development and maintenance of a training program for hazardous materials response. At the meeting regarding Hazardous Materials Response Team (Policy 3.1.2. preceding) the City will include a training program in the inter-local agreement.

**Policy 3.1.5:** Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances contained on the list of extremely hazardous substances published in the Federal Register shall establish an emergency notification system in the event of a release of a listed hazardous substance. Notification information will conform to requirements set forth in Section 304 of Title III: The Federal Emergency Community Right-To-Know Act of 1986.

**Policy 3.1.6:** Any new development involved in the manufacturing, production, use, application, and storage of hazardous materials or toxic substances listed in Chapter 38F-41, Florida Administrative Code (or subsequent updates), shall prepare or have available material safety data sheets (MSDS) under the Occupational Safety and Health Administration regulations and submit either copies of MDA or a list of MSDS chemicals to the Bonita Springs Fire Control and Rescue District and any other applicable fire district and to the Lee County Division of Public Safety.

**Policy 3.1.7:** The City, or appropriate agency, shall review disaster preparedness plans for all petroleum storage facilities. This review shall also include an assessment of the engineering specifications of the containment dikes at the site in a 100-year surge.

**Goal 4: Coastal Resource Protection.** To protect the natural resources of the coastal planning area from damage caused by inappropriate development.

**Objective 4.1: Environmentally Critical Areas** - Within the coastal planning area, the City of Bonita Springs shall continue to manage and regulate, on an ongoing basis, environmentally critical areas to conserve and enhance their natural functions. Environmentally critical areas include wetlands (as defined in Wetlands Goal #15) and Rare and Unique Upland Habitats. Rare and Unique Upland Habitats include, but are not limited to: sand scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. The numbered references are to the Florida Land Use and Cover Classification System (FLUCCS) Level III (FDOT, 1985).

**Policy 4.1.1:** Development shall be limited in Rare and Unique Upland Habitats and strictly controlled in wetlands (as stated in Policy 15.1.1.) in the City.

**Policy 4.1.2:** The City shall continue to support the preservation of environmentally sensitive areas in the coastal planning area by land acquisition.

**Policy 4.1.3:** The City shall continue to protect its environmentally critical areas by:

- a. Requiring the use of Planned Development (PD) for locations exhibiting characteristics of environmentally critical areas and strongly encourage the use of clustering and other innovative methods to avoid clearing and other development "footprint" impacts to the listed habitat by shifting infrastructure and units to appropriate parcel locations.
- b. Requiring planned development applications to be accompanied by:
  1. A description of existing conditions including:
    - (a) Maps or aerial photographs marked or overprinted to show soils, vegetation and ground cover, and a topographic map or a U.S.G.S. quadrangle map showing the subject property. Soils and vegetation, etc., should be classified in accordance with the USDA/NRCS System and the Florida Land Use and Cover Classification System, respectively.
    - (b) The location of any environmentally sensitive or critical area land and water including, at a minimum, wetlands and rare and unique upland habitats based upon standard environmental data and verified by a field inspection by the city staff.
    - (c) A survey of protected species, pertaining to protected species requirements.
  2. A protected species and critical area management plan.
- c. Zoning resolutions that are required as a part of the approval for rezoning will be tracked for future compliance and enforcement.

**Goal 5: Protection of Life and Property in Coastal High Hazard Areas and Coastal Management Areas.** To protect human life and developed property from natural disasters.

**Objective 5.1: Development in Coastal High Hazard Areas** - The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise by directing population concentrations away from the City's coastal high hazard area by limiting new development within the Coastal High Hazard Area (CHHA). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. CHHA Category 1 hurricane evacuation area as defined by the Southwest Florida Regional Planning Council's (SWFRPC) Statewide Regional Evacuation Study for the Southwest Florida Region hurricane evacuation study and by using its land acquisition program to purchase vacant properties for open space, preservation or recreation uses.

**Policy 5.1.1:** Comprehensive plan amendments within the CHHA must meet one of the following criteria in accordance with state statutory requirements in Section 163.3178(8)(a), F.S.

- a) The proposed amendment shall demonstrate that a 16-hour out of county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale, is maintained; or
- b) The proposed amendment shall demonstrate that a 12-hour evacuation time to shelter for a category 5 storm event is maintained, and ensure adequate shelter space is available to accommodate the additional residents of the development allowed by the proposed amendment; or
- c) The proposed amendment shall provide mitigation to satisfy the provisions of evacuation time and shelter space as defined in Policy 5.1.1(a) and (b) above. Mitigation may include payment of money, contribution of land, and/or construction of hurricane shelters and/or transportation facilities. The required mitigation shall



be addressed in a binding agreement and shall not exceed the amount required to accommodate the impacts reasonably attributable to the development.

**Objective 5.2 Development in the Coastal Management Area (CMA).** The City shall minimize flood risk that results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise in the Coastal Management Area (CMA).

**Policy 5.42.1:** Rezoning to allow higher densities shall not be permitted on barrier and coastal islands.

**Policy 5.24.2:** Shoreline development in V Zones shall be protected from flood risk, coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach renourishment, rather than by seawalls or other hardened structures that tend to hasten beach erosion. Repairs of lawfully constructed, functional, hardened structures as defined in F. S. Chapter 161 may be allowed subject to applicable state and local review and approval.

**Policy 5.42.3(a):** Through the City's Comprehensive Plan amendment process, land use designations of undeveloped areas within ~~Coastal High Hazard Areas~~ the Coastal Management Area shall be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.

~~Policy 5.1.3(b): Comprehensive plan amendments within the CHHA must meet one of the following criteria in accordance with state statutory requirements in Section 163.3178(8)(a), F.S.~~

~~1. The proposed amendment shall demonstrate that a 16-hour out-of-county hurricane evacuation time for a category 5 storm event, as measured on the Saffir-Simpson scale, is maintained; or~~

~~2. The proposed amendment shall demonstrate that a 12-hour evacuation time to shelter for a category 5 storm event is maintained, and ensure adequate shelter space is available to accommodate the additional residents of the development allowed by the proposed amendment; or~~

~~3. The proposed amendment shall provide mitigation to satisfy the provisions of evacuation time and shelter space, which may include payment of money, contribution of land, and/or construction of hurricane shelters and/or transportation facilities. The required mitigation shall be addressed in a binding agreement and shall not exceed the amount required to accommodate the impacts reasonably attributable to the development.~~

**Policy 5.241.4:** Development in the CHHA Category 1 hurricane evacuation area Coastal Management Area, except as otherwise restricted by Policy 5.1.1-5.2.1 and the City's redevelopment project on Old U. S. 41, shall be infill only and shall not exceed the surrounding properties' density/ intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

**Policy 5.42.55:** The City shall continue to target its land acquisition program to provide public access to the estuary, open space, preservation and recreation, and shall consider vacant properties in the Coastal Management Area the CHHA for public acquisition.

**Policy 5.24.6:** All development and major redevelopment in the Coastal Management Area the CHHA shall conform to the City's Flood Damage Protection Ordinance and be consistent with the flood-resistant construction requirements in the Florida Building Code and applicable flood plan management regulations set forth in 44 C.F.R. part 60.

**Policy 5.24.7:** No new mobile home parks will be allowed within the Coastal Management Area the CHHA.

**Policy 5.24.8:** Development seaward of the Coastal Construction Control Line (CCCL) shall require applicable State of Florida approval and will be consistent with Ch. 161, F.S.

**Policy 5.24.9:** New development requiring seawalls for protection from coastal erosion shall not be permitted.

**Policy 5.24.10:** Development in coastal areas shall consider site development techniques to reduce losses due to flooding and claims made under flood insurance policies issued in the state. These may include accommodation strategies, such as elevating structures, drainage improvements, or green infrastructure techniques that function to absorb or store water.

(Ord. No. 17-08, § 1, 6-7-17)

**Goal 6: Limitation of Public Expenditures in Coastal Management Area Coastal High Hazard Areas.**

To restrict public expenditures in the City's Coastal High Hazard Area (CHHA) Coastal Management Area except to maintain required service levels, protect existing residents, provide for recreation/open space and preservation uses, and install enhanced water quality measures.

**Objective 6.1: Coastal High Hazard Management Area Expenditures** - The City shall limit public expenditures that subsidize development in the Coastal High Hazard Management Area.

**Policy 6.1.1:** All further City public expenditures for new facilities within the Coastal High Hazard Management Area shall require a finding by the City Council that such expenditures are necessary to maintain required service levels, to protect existing residents, or to provide for recreation /open space and preservation needs or enhanced water quality measures.

**Policy 6.1.2:** No new causeways, public or private, shall be constructed to any islands.

**Policy 6.1.3:** No new bridges shall be constructed to undeveloped barrier islands except where needed to achieve evacuation clearance time objectives on adjoining islands connected by existing bridges. In such a case, this plan shall be amended to ensure that the ultimate development of all areas served by the new bridge is limited to levels that can safely be served by the new and existing bridges.

**Policy 6.1.4:** When state funding is required for the relocation or replacement of infra-structure currently within the Coastal Building Zone, the capacity of the replacement structure shall be limited to maintaining required service levels, protecting existing residents, and providing for recreation/open space and preservation needs or enhanced water quality measures.

**Policy 6.1.5:** The City shall extend no additional major infrastructure except for recreation/ open space and preservation needs, or enhanced water quality measures, to barrier and coastal islands beyond that which is necessary to service development that is currently allowed by zoning.

**Goal 7: Resource Protection.** To manage the City's wetland and upland ecosystem so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

**Objective 7.1: Resource Management** - The City shall implement a Natural Resource Management Program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

**Policy 7.1.1:** The City's Natural Resource Management Program shall utilize the following measures to enhance the protection of natural resources:

**Policy 7.1.1:** The City's Natural Resource Management Program shall utilize the following measures to enhance the protection of natural resources:

- a. Identified upland and wetland habitats/systems most suitable for restoration, enhancement, reclamation, and conservation.
- b. Recommending standards to the City Council for approval for development and conservation that will protect and integrate wetlands and significant areas of Rare and Unique upland habitats.
- c. Preparing standards for wetland, and rare and unique upland mitigation.
- d. Conducting a sensitive lands acquisition program, which shall consist of the following elements.
  1. A comprehensive inventory of environmentally sensitive lands shall be maintained and expanded as new data becomes available.
  2. Environmentally sensitive lands shall include wetlands, important plant communities, critical habitat for listed wildlife species, environmentally sensitive coastal planning areas; natural waterways, important water resources, storm and flood hazard areas, and rare and unique uplands.
  3. The City will adopt and implement a program to acquire lands critical to water supply, flood protection, wildlife habitat, and passive recreation.
  4. The City shall take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Fish and Wildlife Conservation Commission and by participating in land acquisition programs such as the Save Our Rivers program, the Conservation and Recreational Lands program and Lee County's 20/20 program.
  5. The City, or other appropriate agency, shall prepare a management plan for each acquired site for the long term maintenance and enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses), surface water management and restoration, ecosystems restoration, litter control, fire management, invasive exotic plant and animal control, and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.
  6. The City shall encourage the establishment of, and provide assistance to, community-based land trusts, whose purpose is the preservation and protection of the City's natural resources.
  7. Protecting natural reservations identified in the City's Parks and Recreation Master Plan.

(Ord. No. 09-05, § 1, 4-15-09)

**Policy 7.1.2:** Reserved.

(Ord. No. 09-05, § 1, 4-15-09)

**Objective 7.2: Plant communities** - The City shall continue to maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within the City.

**Policy 7.2.1:** The City shall coordinate with the county, state and regional agencies to exchange updated natural resources information.

**Policy 7.2.2:** The City shall continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands as defined in the prior "Resource Management Plan" policy, such as open space requirements that:

- a. Large developments must provide 50 percent of their open space percent requirement using existing indigenous native vegetation.
- b. A scaled open space credit for single preserve areas will be given as an incentive to preserve indigenous native upland plant communities as follows:

### INDIGENOUS VEGETATION CREDIT

Credit provided	Minimum size	Minimum width
110%	½ acre	50 feet
125%	1 acre	75 feet
150%	3 acres	150 feet

- c. An additional maximum ten percent credit will be given if the areas above include rare and unique uplands or, connection to offsite conservation or preservation areas, or upland buffers to natural water bodies.

**Policy 7.2.3:** The City shall, when providing new infrastructure, avoid disrupting the natural functions of significant natural systems within the City by using the following process:

- a. At a minimum, "Significant natural system" (SNS) shall include the estuary, including Spring Creek and the Imperial River and its tributaries, and environmentally sensitive lands as defined in Policy 7.1.1 d.2
- b. At a minimum "Infrastructure" shall include at a minimum: roads, drainage and other capital projects which have the potential to receive funding through the City's capital improvement program.
- c. Prior to the submission of any proposed capital improvement project for funding through the City's capital improvement program, the City shall:
  - 1. Compare the project's location to mapping of wetlands, habitats and other resources in the City's Comprehensive Plan in order to identify any overlap of the proposed project's location with the location of any SNS.
  - 2. If an overlap is identified in "1", above, the City shall identify alternative locations for the project so as to avoid SNS locations.
  - 3. Where avoidance of an SNS is not possible or feasible and the City intends to submit the potential project for capital improvement program funding, the City shall prepare a written review for attachment with the proposed project's supporting data. The review shall contain the following components:

- (a) The basis of the non-avoidance finding including alternatives examined and costs.
  - (b) The specific SNS(s) to be impacted.
  - (c) The project type, (e.g., ditch), and scale (e.g., 300' long, 4' wide, 1.5' deep).
  - (d) The probable impacts of the project upon the SNS, including both short-term consequences (e.g., loss of 1,200 sq. ft. of habitat) and long term consequences (e.g., lowering of water table, bisection of habitat, etc.).
  - (e) Impact mitigation measures proposed.
4. For each proposed project to be considered for funding in the City's capital improvement program, the City shall include the following information for consideration by the City Council and the public:
- (a) certification that the project avoids impacting significant natural systems within the City, or
  - (b) the written review as referred to in "C.3.", previous.

**Policy 7.2.4:** The City shall encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

**Policy 7.2.5:** The City shall maintain regulations to control the clearing of natural vegetation, including tree removal and clearing of understory, prior to the development of property or its conversion to agricultural uses, through the use of its open space requirements in Policy 7.2.2 and pursuant to Chapter 14, of the LDC its "notice of clearing" survey requirements and review contained in Administrative Code #'s 13 - 15

**Policy 7.2.6:** The City shall continue to require inventories and assessments of the impacts of development in environmentally critical areas.

**Policy 7.2.7:** The City shall continue to promote the long-term maintenance of natural systems through such instruments as conservation easements, restrictive zoning, and public acquisition.

**Policy 7.2.8:** The City shall use regulations and incentives, such as the following for preserving and planting native plant species and for controlling invasive exotic plants, particularly within environmentally sensitive areas:

- a. Landscaping requirements which state invasive exotics must be removed from development areas and the area maintained free of these exotics, and
- b. Plants on the City's list of prohibited exotic species may not be used to fulfill landscape requirements, and
- c. Credits against the landscape requirements will be given for indigenous native trees and palms preserved in place.

**Policy 7.2.9:** Development adjacent to aquatic and other nature preserves and recreation areas shall protect the natural character and public benefit of these areas including, but not limited to, scenic values for the benefit of future generations.

**Policy 7.2.10:** The City shall prohibit the planting of invasive exotic plants in landscaping requirements for land development projects. Prohibited invasive exotic plant species shall be specified in the Land Development Code and shall include, at a minimum: melaleuca, australian pine, brazilian pepper, carrotwood, chinaberry, cajeput, downy rose myrtle, cuban laurel, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, air potato, hunters robe, queensland umbrella tree and trailing wedelia.

**Policy 7.2.11:** The City shall remove invasive exotic species on its lands and shall, through the development review process, require private development to remove such species on properties undergoing development.

**Policy 7.2.12:** The City shall, when updating its land development regulations, identify incentives to encourage existing residents and owners to remove invasive exotic plants.

**Policy 7.2.13:** Physical removal of invasive vegetation versus widespread chemical treatment will be utilized for control.

**Policy 7.2.14:** Limited application of herbicides that rapidly degrade may be used on a case-by-case basis, under the supervision of certified personnel for control of nuisance and invasive non-native vegetation and to maintain native plant communities.

**Policy 7.2.15:** To ensure protection of mangroves, the City's mangrove protection regulations shall establish enforcement procedures and restoration standards for violations of the FDEP Mangrove Protection rules so as to supplement and enhance FDEP enforcement mechanism and ensure that adequate restoration is provided. The City's regulations shall:

- a. Require an FDEP permit, where applicable, prior to the alteration of any mangrove tree.
- b. Establish enforcement mechanisms for violators using: stop work order, citation, notice of violation and civil and criminal penalties.
- c. Require violators to provide a restoration plan using minimum planting standards, annual monitoring and maintenance as specified by the City.

The City shall re-evaluate and amend, if necessary, its mangrove protection regulations whenever state mangrove protection regulations are revised. The City shall oppose any efforts of other agencies to reduce or eliminate regulations relating to the protection of mangroves and other wetland areas.

**Objective 7.3: Wildlife** - The City shall continue to maintain and enhance the fish and wildlife diversity and distribution within the City for the benefit of a balanced ecological system.

**Policy 7.3.1:** The City shall encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation by including incentives in the City's open space requirements for using preserved native vegetation areas as upland buffers to natural water bodies. This incentive shall consist of a maximum of ten percent as referred to within Policy 7.2.2c.

**Objective 7.4: Endangered and Threatened Species in General** - The City of Bonita Springs shall continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

**Policy 7.4.1:** The City shall identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Fish and Wildlife Conservation Commission, as periodically updated. The City's Protected Species regulations shall be enforced to protect habitats of those listed species found in the City that are vulnerable to development by:

- a. Identifying the habitat
- b. Mapping the habitat
- c. Directing incompatible use away from the habitat
- d. Adopting a management plan if listed species are on site

There shall be a funding commitment to enforce this ordinance through the zoning and development review process.

**Policy 7.4.2:** The City shall conserve critical habitats of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

**Policy 7.4.3:** The City shall require detailed inventories and assessments of the impacts of development where it threatens habitats of endangered and threatened species and species of special concern.

**Policy 7.4.4:** The City shall restrict the use of protected plant and wildlife species habitats to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments shall protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract slated for development, except where equivalent mitigation is provided based on the recommendations of the Florida Fish and Wildlife Conservation Commission.

**Objective 7.5: Loggerhead Sea Turtles** - The City shall protect sea turtle nesting habitat.

**Policy 7.5.1:** In order to minimize the disorientation of sea turtles along the Gulf beaches the sea turtle nesting habitat protection program shall include at least the following activities:

- a. Distribute a guide for homeowners and builders which explains the detrimental effects of night-time beachfront lighting on hatchling sea turtles.
- b. Continue to examine public light sources (streetlights, security lights, beach access lights, etc.) and prepare a plan to minimize the amount of harmful light from such sources onto the beach during the nesting season.
- c. Continue to conduct an educational program to persuade residents to reduce lighting levels on the beach and to publicize other hazards to turtles from activities of people, pets, and vehicles.
- d. Continue to provide and enforce sea turtle regulations to require existing and new development to avoid the direct or indirect illumination as defined below of sea turtle nesting habitats during the nesting season; prohibit fires that will directly illuminate sea turtles habitats; require the screening of parking lots; prohibit driving at the beach during nesting season.

"Directly illuminated" means illuminated by one or more point sources of light directly visible to an observer on the beach, dune or other sea turtle nesting habitat.

"Indirectly illuminated" means illuminated by one or more point sources of light not directly visible to an observer on the beach, dune, or other sea turtle nesting habitat.

**Objective 7.6: Southern Bald Eagles** - The City shall use its bald eagle habitat protection regulations to protect Southern bald eagle nesting sites and request the County to monitor Southern bald eagle nesting activity.

**Policy 7.6.1:** The City shall maintain a policy of negotiations with owners of land surrounding eagle nests to provide an optimal management plan within which all development within critical eagle nesting habitat and buffer areas must be consistent. The management plans shall address at a minimum:

- a. A description of the land around the critical eagle nesting habitat, including locations of nest tree(s) and perch tree(s), vegetation types, and a description of the type and density of understory and canopy vegetation;
- b. A history and behavior patterns of the eagle pair;
- c. An aerial map and a map at the scale of the development which shows the location of the eagle's nest and other critical eagle nesting habitat features as well as the proposed development;
- d. The size and shape of the buffer area;

- e. Measures to reduce potential adverse impacts of the development on the nesting bald eagles;
- f. A critical eagle nesting habitat management plan, which shall include techniques to maintain viable nesting habitat. These techniques may include controlled burning, planting, or removal of vegetation, invasive exotic species control, maintaining hydrologic regimes, and monitoring;
- g. Deed restrictions, protective covenants, easements, or other legal mechanisms, ensuring that the approved management plan will be implement and followed.
- h. A commitment to educate future owners, tenants, or other users of the development about the specific requirements of the approved eagle management plan and the state and federal eagle protection laws.

The eagle technical advisory committee will consider the guidelines promulgated by FFWCC and the U.S. Fish and Wildlife Service in the review of management plans and may request technical assistance from these agencies whenever necessary.

**Policy 7.6.2:** The City shall request the County Eagle Technical Advisory Committee to conduct nest monitoring through the nesting season for all known eagle nests in the City. Information from these assessments shall be used to modify, as needed, the adopted nest guidelines and to adopt guidelines for new eagle nests documented in the City.

**Policy 7.6.3:** The City shall distribute the Committee's information to inform landowners and the general public of proper practices to minimize disturbances to eagle nests.

**Policy 7.6.4:** The City shall notify the Florida Fish and Wildlife Conservation Commission upon receipt of any application for a planned development rezoning, a development order, a notice of clearing, or a building permit for any property located within 750 feet of a nest. All available information regarding the behavior of the eagles occupying the nest will be included in the notice.

**Policy 7.6.5:** The City shall offer incentives to protect critical eagle nesting habitat through incentives that may include transfer of density within the subject property in the planned development applications, waiver of development fees and extending credit against regional park impact fees.

**Policy 7.6.6:** The City may acquire rights and interests in real property to protect critical eagle nesting habitat by receiving donation of lands, purchase of conservation easements, purchase or lease of lands and acquisition through eminent domain.

**Objective 7.7: West Indian Manatees** - The City of Bonita Springs shall ensure the protection of the West Indian Manatee.

**Policy 7.7.1:** Characterize and map important manatee habitats; identify and evaluate potential threats to important habitats; and consider management agreements to protect such habitats.

**Policy 7.7.2:** Identify areas of greatest actual or potential boat/barge mortality and/or injury, and re-evaluate existing slow or idle speed zones.

**Policy 7.7.3:** Inform and educate the public through sign posting, lectures, and regulations about Manatee protection.

**Policy 7.7.4:** Educational materials regarding manatees should be disseminated to boaters and warning signs placed in areas where both Manatee and humans congregate.

**Policy 7.7.5:** Construction and expansion of multi-slip docking facilities and boat ramps shall be encouraged in locations where there is quick access to deep, open waters where the associated increase in boat traffic will be outside areas of high manatee concentration.



**Policy 7.7.6:** The City shall work in cooperation with State, local, and private interests to develop and implement area-specific manatee protections plans.

**Policy 7.7.7:** The City shall cooperate with the County to provide a permanent funding source to assist in the enforcement of vessel regulations for manatee protection in the City.

**Policy 7.7.8:** The City shall require strict enforcement of boating speed limits and regulations in the City limits.

**Policy 7.7.9:** The City shall utilize the Boat Facility Siting Plan for Lee County to review proposed marina and other boat facility permitting requests.

**Policy 7.7.10:** The City shall cooperate with Lee County and other agencies to minimize injuries and mortality of manatees to maintain the existing population by encouraging the adoption by the State of Florida and local governments of regulations to protect the West Indian Manatees.

**Objective 7.8: Gopher Tortoises** - The City shall protect gopher tortoises through the enforcement of the protected species regulations and by cooperating with Lee County and the Florida Fish and Wildlife Conservation Commission in operating and maintaining the Hickey Creek Mitigation Park.

**Policy 7.8.1:** The City's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Fish and Wildlife Conservation Commission requirements.

**Objective 7.9: Red-Cockaded Woodpecker** - The City shall protect the red-cockaded woodpecker habitat.

**Policy 7.9.1:** The City will note and document other possible red-cockaded woodpecker sites during routine site inspections.

**Policy 7.9.2:** The City shall coordinate with the Florida Fish and Wildlife Conservation Commission to determine on a case-by-case basis the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management.

**Objective 7.10: Wood Stork** - The City shall continue to maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitats as long as the federal and state governments categorize it as a listed specie.

**Policy 7.10.1:** The City's protected species regulations shall continue to include wood storks as a Listed Species, requiring surveys for and protection of wood stork habitat. The City shall continue to maintain an inventory of documented feeding, roosting, and rooking areas for the wood stork to ensure that surveys submitted through the Protected Species Ordinance include such areas.

**Policy 7.10.2:** The City shall continue to require management plans for existing wood stork feeding, roosting, and rooking areas to utilize "Habitat Management Guidelines for the Wood Stork in the Southeast Region" (U.S. Fish and Wildlife Service, 1990).

**Policy 7.10.3:** The City shall encourage the creation of wood stork feeding areas in mandatory littoral shelf design, construction, and planting.

**Objective 7.11: Marine Productivity** - The City shall continue to support maintenance and improvement of marine fisheries productivity, and promote the conservation of fishery resources through the protection and restoration of finfish and shellfish habitat.

**Policy 7.11.1:** The City shall cooperate with Lee County to assist in creating and renourishing artificial reefs in coordination with the Florida Department of Environmental Protection and other appropriate organizations. Through the Estero Bay Agency on Bay Management the

City shall meet with Lee County and FDEP to establish a role for the City in the Artificial Reef Program.

**Policy 7.11.2:** The City shall support state and federal fisheries management programs that protect and enhance the long-term biological and economic productivity of coastal and estuaries waters and their sources for commercial and sport fisheries.

**Policy 7.11.3:** Unmarked channels or passages that have been used to traverse shallow inshore waters may be marked to reduce injury to marine sea grass beds if appropriate (subject to obtaining necessary permit approvals).

**Objective 7.12: Stream and River Protection** - The City shall ensure that the streams, rivers and estuary are protected from the negative impacts of development, such as pollution, in order to maintain or improve the water quality of the area during the planning time frame.

**Policy 7.12.1:** The City shall adopt a stream protection overlay zone for the Imperial River and Bayside drainage area of Little Hickory Island. The overlay zone shall require the use of "state of the art" Best Environmental Management techniques for new development and redevelopment and will target pollution control and water conservation education to existing residents. Within the zone the City will also:

- a. Request the USDA Natural Resources Conservation Service (NRCS) make available the services of a mobile irrigation lab to, on request of the property owner, provide expert advice on lawn watering, fertilizer, pesticide and herbicide use in the zone. The City should also request the NRCS to examine the river and its tributaries for the sources of erosion and provide specific methods and means for controlling erosion and the resulting sedimentation and shoaling in the estuary. Water conservation, erosion and pollutant control is a major goal of the Service.
- b. Prohibit outside storage of fertilizer, pesticides, and herbicides.
- c. Sponsor special pickups for disposal of hazardous containers, oil and such potential pollutants.
- d. Promote erosion control through non-structural means where natural native vegetation within flowways and natural systems will be retained to the greatest extent possible.
- e. Promote removal of invasive exotic species.
- f. Produce and/or distribute educational brochures on pollution control and other environmental topics, including Manatee protection, germane to the zone's residents.
- g. Urge existing residents to use xeriscape plants when gardening or installing new shrubbery. Require such use for new development in the zone to conserve water and reduce pollution.
- h. Allow no further channelization of remaining natural watercourses to occur.
- i. Minimize impervious surfaces where possible.
- j. Use swales for water quality benefits where possible.
- k. Target compliance and enforcement of existing environmental regulations as a top priority for regulatory agencies
- l. Involve neighborhood organizations.
- m. Use non-structural approaches versus structural approaches for water resource management solutions.
- n. Demonstrate the use of best management practices in all city road planning and construction and all other city projects in the zone.
- o. Retain the relic natural features of the tributary bank contours.

- p. Reconnect, where possible, historic natural flowways that have been diverted or severed.
- q. Allow no special accommodations for boats (e.g. no cutting of overstory vegetation, no removal of oxbows, no dredging or filling except for permitted maintenance of navigation channels).
- r. Promote programs such as the "Keep it Clean" and "Florida Yards and Neighborhoods" to minimize inputs of stormwater pollutants into the bay.
- s. Examine the City's required 25-foot setback from water bodies as it applies to the Imperial River and its tributaries for adequacy of riparian vegetation, erosion, water quality and flood protection.

**Policy 7.12.2:** The City shall consider establishment of a stream protection zone for Spring Creek. In the meantime, new development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development [reference Rules 62-4.242, 63-302, and 40E-4, F. A. C., and the South Florida Water Management District's *Basis of Review for ERP Applications*].

**Policy 7.12.3:** The City shall inform Bonita Springs Utilities to, as soon as reasonably possible, extend wastewater collection lines and connect the remaining septic tanks in the Imperial River Watershed to the utilities' central sewer service.

**Goal 8: Historic Resources.** Protect, provide access to and educate residents regarding the historic resources of the City of Bonita Springs.

**Objective 8.1:** Protect historically significant structures and properties and prehistoric resources in the City from deterioration and/or demolition.

**Policy 8.1.1:** The City will protect its historic structures as outlined in Policies 1.5.1 through 1.5.9 in the Housing Element.

**Policy 8.1.2:** The City shall continue to protect its historic and prehistoric resources by requiring that new Planned Developments identify and preserve such resources.

**Objective 8.2:** The City will provide access to, and education of, historic resources to its residents.

**Policy 8.2.1:** The City will continue efforts to redevelop the "Old 41" area in order to build community pride, attract tourism and improve the area's economic conditions.

**Policy 8.2.2:** The City will sign its historic sites and provide educational materials to City residents regarding the City's historic resources.

**Policy 8.2.3:** The City's Parks and Recreation planning shall include bike and pedestrian ways linking historic resources where possible.

**Goal 9: Estuarine Water Quality.** To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas.

**Objective 9.1: Water Quality Monitoring** - The City of Bonita Springs shall monitor the water quality of the estuarine systems for pollutants and freshwater loading so as to ensure that water quality is not degraded.

**Policy 9.1.1:** The City shall cooperate with the Lee County Division of Natural Resources Management, or its successor, to monitor estuarine water quality. The City will enter into an inter-local agreement with the County establishing the responsibilities of each for:

- a. Setting up and operating a network of water quality sampling sites to fill in gaps in the state sampling program, especially in Estero Bay.

- b. Maintaining liaison with other local, state, and federal agencies engaged in water quality monitoring, and reviewing their data, conclusions, and recommendations.
- c. Developing a system for reporting on water quality conditions and trends on a regular basis.
- d. Recommending actions that are intended to maintain or improve water quality in the estuaries to meet the Department of Environmental Protection's criteria for the appropriate class water body and preserve the "approved for shellfish harvesting" classification where applicable, while attempting to return viable "closed" (due to water quality) shell fishing areas to an "approved" status.

**Policy 9.1.2:** Development affecting coastal and estuarine water resources shall maintain or enhance the biological and economic productivity of these resources.

**Policy 9.1.3:** The City shall cooperate with the South Florida Water Management District, local utilities, and other appropriate agencies for monitoring and review of freshwater discharge affecting estuarine areas, in order to maintain the biological and chemical balances necessary for optimum productivity. The City technical staff shall meet through the Estero Bay Agency for Bay Management with the District, utilities and agencies to establish a common basis for monitoring in the City.

**Policy 9.1.4:** The City shall cooperate with the Florida Marine Patrol, U. S. Coast Guard, U. S. Army Corps of Engineers, and the Florida Department of Environmental Protection in the enforcement of pollution control standards for marinas, marine dumping, and illegal discharges from watercraft. The City shall enforce its marina pollution control standards and shall, through the agency for bay management, discuss with the agencies methods and means to prevent dumping and illegal discharges.

**Policy 9.1.5:** Installation of shore side pump-out stations at marinas that serve live-aboards shall be required to provide adequate facilities for subsequent transfer and treatment of boat sewage.

**Policy 9.1.6:** The City of Bonita Springs shall continue to cooperate with Lee County to establish baseline conditions of estuarine conditions within the City, including pollutant and freshwater loadings, and increase its ongoing water quality monitoring program.

**Objective 9.2: Watershed Management Plans.** - The City shall ensure that the watershed is protected.

**Policy 9.2.1:** The City shall utilize its procedures for reviewing all new upland development in terms of its impacts on estuarine systems.

**Policy 9.2.2:** The City, working with the County's estuarine management agency, shall assist the agency in preparing estuarine watershed management plans that maximize stormwater retention and treatment, with priority given to the Estero Bay watershed.

**Policy 9.2.3:** The City shall work with the County's estuarine watershed management agency in:

- a. Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.
- b. Reviewing the feasibility of changing canal patterns and retrofitting existing storm water collection systems in order to reduce the impact of freshwater on estuaries.
- c. Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities.

**Objective 9.3: Best Management Practices (BMPs).** To improve the freshwater quality of the Imperial River for both Dissolved Oxygen (DO) and nutrients Total Phosphorus and Total Nitrogen (TP & TN), the City shall develop a Nutrient Discharge Limitation program by 2008, setting limits as to the amount of nitrogen (N) and phosphorus (P) that can be directly or

indirectly discharged into the waters of the State within the corporate limits of the City. Specifically, the City shall adopt a numerical standard for nutrients and pollutants of concern. New developments requiring a development order after the adoption of this program shall conform to the designated LOS standards and demonstrate through independent testing that the standards are met.

**Policy 9.3.1:** The City shall require new developments requiring a development order to design stormwater treatment systems using a treatment train (multiple-method) approach incorporating multiple Best Management Practices (BMPs) to ensure the maximum potential treatment of stormwater. Such treatment train approach would require a selection of five Best Management Practices from the enclosed Table V-1 labeled Southwest Florida Basin BMPs. The site and the surface water management system design shall include: a minimum of two (2) BMPs from Group A of Table V-1; and a minimum of two (2) BMPs from Group B of Table V-1; and a minimum of one (1) BMP from Group C of Table V-1. The City will consider alternative BMPs which are not listed in Table V-1, provided that the application includes: descriptions and construction plans for the proposed BMPs; information demonstrating the effectiveness of the proposed BMPs; calculations that demonstrate that no impacts to flood protection will occur; and operation and maintenance plans for the proposed BMPs. "Best Management Practices (BMPs)" means structural and non-structural facilities or practices intended to reduce pollution either through source control or treatment of stormwater. Additionally, pre- and post-construction water quality monitoring shall be required (according to FDEP Water Quality Sampling protocol) to demonstrate whether post-development pollutant loadings are equal to or less than pre-development pollutant loadings and to assure that the numerical standard adopted by the City are attained. If monitoring indicates that the development is contributing to increased pollutant loading over predevelopment conditions, or the numerical standard has not been attained, additional BMPs will be required until monitoring indicates that loading is reduced to equal or less than pre-development and the numeric standard is attained. In all developments, there shall be no reduction in Groundwater Recharge.

TABLE V-1  
Southwest Florida Basin Best Management Practices (BMPs)

BMP	Description
<b>Group A - Site Design Source Controls and BMPs</b>	
1. Reduced Turf Coverage	<p>For projects with less than seventy-five percent (75%) impervious area within the project area, less wet detention areas or wetland and upland conservation areas established in a conservation easement, the following BMPs may be utilized:</p> <ul style="list-style-type: none"> <li>a. Projects with turf coverage of less than or equal to fifty percent (50%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for one (1) BMP.</li> <li>b. Projects with turf coverage of less than or equal to a total of thirty percent (30%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for</li> </ul>

	two (2) BMPs.
2. Native Landscape Plantings	<p>a. Projects with non-turf plantings consisting of at least fifty percent (50%) native species, of which fifty percent (50%) must be drought tolerant, shall receive credit for one (1) BMP. Native species are defined in Nelson, Gil. <i>Florida's Best Native Landscape Plants: 200 Readily Available Species for Homeowners and Professionals</i> , University Press of Florida, 2003</p> <p>b. Projects with non-turf plantings consisting of at least seventy-five percent (75%) native species, of which seventy-five percent (75%) must be drought tolerant, shall receive credit for two (2) BMPs.</p>
3. Stormwater Recycling	<p>Projects which incorporate systems for storing stormwater runoff to be used for irrigation or other reuse shall receive credit for one (1) BMP. Reuse systems must be designed with surface water management systems that ensure no impacts to flood protection or water quality treatment. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District must be designated.</p>
4. Rooftop Runoff	<p>Building rooftop runoff which will be managed using one or more of the following shall receive credit for one (1) BMP:</p> <p>a. Bioretention: building and home rooftop runoff must be discharged onto shallow landscaped depressions designed to capture the first 0.5 inches of roof runoff, which are planted with native vegetation, and backfilled with soil-rock aggregate (bioretention cell). An analysis is required of the pervious area's ability to infiltrate roof runoff and accept roof runoff from the design storm event without erosive impacts.</p> <p>b. Vegetated Roof Cover (for non-residential buildings): for engineered roofing systems that allow for the propagation of rooftop vegetation while protecting the integrity of the underlying roof, the minimum coverage of the roof area must be sixty percent (60%). A maintenance and monitoring plan shall also be submitted.</p>
5. Cisterns	<p>Building and home rooftops which direct fifty percent (50%) of their runoff into cisterns for storage and reuse shall receive credit for one (1) BMP.</p>
6. Pervious Pavement	<p>Projects which incorporate and maintain pervious or porous material on parking lots, driveways, or other applicable areas shall receive credit for one (1) BMP. The projects must include a minimum of thirty percent (30%)</p>

	<p>of non-roadway vehicle impervious area. Details of pervious pavement area foundation design, construction methods and a post construction maintenance plan shall be submitted with the permit application.</p>
<p>7. Detention/Retention Pond Side Slope Buffers</p>	<p>Projects which incorporate planted non-turf side slopes leading to stormwater detention/retention ponds located above normal water control elevation designed to prevent direct runoff from turf landscapes into ponds shall receive credit for one (1) BMP. A minimum coverage of fifty percent (50%) of the pond perimeter is required. Plans must demonstrate the area will not cause erosion impacts, will be properly maintained, and will maintain access for maintenance. Average five (5) foot wide strips planted on a minimum of two (2) foot centers with wetland and/or transitional plant species are required.</p>
<p>Group B - Stormwater Conveyance and Pretreatment BMPs</p>	
<p>1. Filter Strips/Vegetated Stormwater Inlets, or Vegetated Swales</p>	<p>a. Projects which contain vegetated buffers with less than five percent (5%) slope located between impervious areas and stormwater inlets shall receive credit for one (1) BMP. There must be a minimum of twenty (20) feet between impervious areas and inlets. The buffer area must be designed to minimize concentrating flows by spreading the flow over an area of at least five (5) feet wide.</p> <p>A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through the vegetated buffers. Areas that do not discharge through vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP. For the purposes of this table, areas of high potential pollutant discharges are defined as areas where potential pollutants are stored or transferred and include maintenance areas, trash bin areas, fueling areas, and loading docks.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the vegetated buffers described above shall receive credit for two (2) BMPs.</p>
<p>2. Vegetated (Grassed) Swales</p>	<p>Projects which utilize vegetated or grassed swales to receive stormwater runoff from roadways and parking lots, as opposed to curbs, gutters, or culverts, to convey stormwater shall receive credit for one (1) BMP. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these swales. Areas that do not discharge through these vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment</p>

	BMP.
3. Sediment Trap Structures	<p>a. Projects which incorporate the installation of baffle boxes, or equivalent proprietary designs, upstream of the primary detention/retention system, shall receive credit for one (1) BMP. Long-term operation plans must include mandatory manual or vacuum cleanout of accumulated sediments. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District must be designated and a maintenance schedule must be established.</p> <p>A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the above described baffle boxes or equivalent proprietary designs shall receive two (2) BMP credits.</p>
4. Dry Detention/Retention Pre-Treatment	<p>a. Projects with dry detention/retention pre-treatment areas constructed upstream of primary detention/retention systems shall receive credit for one (1) BMP. A minimum additional one-half (½) inch detention/retention volume is required in addition to the detention/retention volume required in the primary detention/retention system. These areas are not subject to the twenty-five percent (25%) and fifty percent (50%) volume credits provided in Section 5.2.1 of the Basis of Review for Environmental Resource Applications within the South Florida Water Management District.</p> <p>A minimum of thirty-five (35%) of the proposed project drainage area must be designed to discharge through the dry detention/retention pretreatment areas. Portions of the project that do not discharge through dry detention/retention pretreatment areas must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where seventy percent (70%) of the proposed project drainage area is designed to discharge through the dry detention/retention pretreatment areas described above shall receive two (2) BMPs.</p>
Group C - Stormwater Management System Design Enhancement BMPs	



<p>1. Extended Hydraulic Residence Time</p>	<p>Surface water management systems which provide for an extended average Hydraulic Residence Time of at least 21 days during the wet season (June - October) shall receive credit for one (1) BMP. The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water discharging from the wet detention area.</p>
<p>2. Wetlands</p>	<p>Projects which utilize on-site created wetlands in a treatment train as a polishing cell after primary treatment shall receive credit for one (1) BMP. Created wetland mitigation areas are acceptable if primary treatment is provided prior to discharge into the mitigation area. Discharges into wetlands must not adversely impact the wetlands. Potential impacts include, but are not limited to, alteration of hydroperiod, erosion, recruitment of exotic species, or other water quality impacts.</p>
<p>3. Littoral Berms/Settling Basins/Phyto-Zones within Detention Areas</p>	<p>Projects with constructed basins within detention areas (lakes) below the control elevation that provide an area for discharges into the lake to disperse, allowing pollutants to settle out of the water column prior to overflowing an earthen or rock berm, into the remainder of the detention area shall receive credit for one (1) BMP. The earthen or rock berm must be located at or below the control elevation.</p> <p>A minimum of seventy percent (70%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless there is an alternate pretreatment BMP.</p>
<p>4. Planted Filter Marsh</p>	<p>Projects designed with a planted wetland marsh just upstream of project outfall structure shall receive credit for one (1) BMP. These areas shall be designed as shallow areas with a minimum size of ten percent (10%) of the total lake area measured at the control elevation constructed within the lake and planted with wetland vegetation such that all stormwater must flow through the marsh area prior to discharging through the project outfall structure. A sump area between the marsh area and outfall structure is also required. Detailed plans of the marsh area are required that include marsh area location, dimensions, elevations, species to be planted and a maintenance plan.</p>

5. Increased Flow Path	Projects which incorporate internal levees and/or berms within the stormwater detention ponds or locate inflow and outflow structures to maximize effective treatment time by increasing the flow path distance shall receive credit for one (1) BMP. The minimum flow path distance between inflows and outflows for each pond must be twice the average width of the pond.
6. Chemical Treatment	Addition of chemicals, such as Alum, to the stormwater management system shall result in credit for one (1) BMP. Detailed plans are required on chemical injection methods, rates, mixing of chemicals and stormwater, calculations for sizing settling basin, and location of each component. Operation and maintenance plans and monitoring of the system effectiveness is also required. The operating entity shall be a government entity with resources to operate and maintain the system.

**Policy 9.3.2:** The City shall require a Post Construction Pollution Prevention Plan. "Post Construction Pollution Prevention Plan" means a document that provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source. The Post Construction Pollution Prevention Plan shall include plans for surface water management system operation and maintenance, nutrient and pesticide management, solid waste management, and/or animal/livestock waste storage and disposal if applicable. The Plan shall require maintenance, operation and annual inspection of the surface water management system. A Post Construction Pollution Prevention Plan shall be submitted as part of the application for development. If a property owners' association or other entity will be formed that is responsible for operating and maintaining the surface water management system, the Post Construction Pollution Prevention Plan shall be incorporated into the entities' Articles of Incorporation, Declaration of Protective Covenants or Deed Restrictions.

**Policy 9.3.3:** The City shall require as a condition for issuance of development orders an additional fifty (50) percent retention/detention water quality treatment over that required in Section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District. Dry detention water quality treatment systems shall not be used as the primary detention/retention component of the water management system. Primary Detention/Retention Treatment System or Component" means that portion or component of the surface water management system providing the volumetric requirements of Section 5.2.1(a) of the Basis of Review For Environmental Resource Permit Applications Within The South Florida Water Management District. Dry detention water quality treatment components shall only be incorporated as pretreatment components upstream of the primary detention/retention components of a surface water management system. Wet detention areas shall provide an average hydraulic residence time of at least fourteen (14) days during the wet season (June - October). The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water

discharging from the wet detention area. Wet detention areas shall include planted littoral zones covering a minimum of 30% percent of the wet detention areas measured at the control elevation. The depth of the littoral zone must be from one (1) foot above to three (3) feet below the control water elevation and have a slope no steeper than 4:1 (horizontal: vertical). The littoral zone must be planted at a minimum density of two (2) feet on-centers. Location of the plantings, species to be planted and a maintenance plan shall be submitted as part of the application.

**Policy 9.3.4:** The City shall participate in the Estero Bay Nutrient Management Partnership process for purposes of supporting improvements to the water quality of Estero Bay and providing public education to its citizens as it regards stewardship of the local water resources.

**Policy 9.3.5:** The City shall begin the process of reevaluating the current transfer of development rights as presently written in the Comprehensive Plan to allow for broader use of this function as an effective planning tool for protecting water quality.

**Policy 9.3.6:** The City will work with Bonita Springs Utilities (BSU) and provide incentives, such as seeking State and Federal grants, to existing developments within the DRGR areas to connect existing sanitary sewer systems to the BSU treatment plant and to remediate existing infiltration ponds abandoned as a result of this process. Further, the City and BSU shall cooperate in the planning and development of a plan to provide sanitary sewer service to all lands within the DRGR.

**Policy 9.3.7:** The quality of water to be discharged from new surface water management systems is, and shall remain, subject to Federal, State, Regional and Local permitting programs and regulations that determine compliance with Federal, State and Local water quality standards. Stormwater discharges from Developments must meet relevant water quality and surface water management standards as set forth in Florida Statutes Chapters 373 and 403, Rules 62-4, 62-40, 62-302, 40E-4, F.A.C. and by local ordinance.

**Policy 9.3.8:** The City shall require all new developments requiring a development order to meet the provisions of the SFWMD Volume IV, Basis of Review for Surface Water Management and local provisions pursuant to the Land Development Code to protect surface water quality within the City.

**Policy 9.3.9:** Private, State and Federal Grants and incentives should be sought for the development of surface water quality treatment system retrofitting projects for old surface water management systems that are not effectively managing water volume or flow, or removing nutrients and other pollutants. New and retrofitted systems should be developed to effectively manage water volume or flow, or removing nutrients and other pollutants.

**Policy 9.3.10:** The City shall periodically review the Land Development Code to ensure all rules and regulations are conducive to the implementation of water quality BMPs.

**Policy 9.3.11:** The City shall require all new residential construction and all future developments requiring a development order, to implement the provisions of the Florida Yards and Neighborhoods program.

**Policy 9.3.12:** The City shall require periodic updates of the current Wellfield Protection Ordinance no less than every 5 years.

(Ord. No. 07-04, § 1, 3-7-07)

**Goal 10: Evacuation and Shelter.** To provide evacuation and facilitate the development of shelter capabilities adequate to safeguard the public against the effects of hurricanes and tropical storms.

**Objective 10.1: Evacuation** - The City shall maintain or improve evacuation clearance times from the 2001 levels using the 2001 Southwest Florida Regional Hurricane Plan Update as guidance.

**Policy 10.1.1:** The City shall assess the impact of all new residential development upon the projected hurricane evacuation network and upon projected hurricane clearance times, and shall require mitigation either through structural (on-site, off-site shelter) provisions or through non-structural methods or techniques.

**Policy 10.1.2:** The City of Bonita Springs shall place a high priority in its capital expenditure program for Category 1 through 3 hurricane evacuation route roadway links when these links are the City's responsibility and shown to be congested and a hazard to evacuation.

**Policy 10.1.3:** The City of Bonita Springs shall urge the responsible agency to place a high priority in its capital expenditure program for Category 1 through 3 hurricane evacuation route roadway links when these links are not the City's responsibility and are shown to be congested and a hazard to evacuation.

**Policy 10.1.4:** The City shall advise Lee County (jurisdictional agency) to monitor the effects of SFWMD efforts to reduce flooding in the upper river watershed and how these efforts may reduce the flooding potential of Bonita Beach Road, one of the City's hurricane evacuation routes.

**Objective 10.2: Shelter** - The City shall increase the amount of shelter spaces in the City or the County during the planning time frame.

**Policy 10.2.1:** The percentage rate of the evacuation population to be used as the basis for in-county and on-site shelter demand shall be twenty-one (21) percent of the population at risk in the Hurricane Vulnerability Zone under a Category 3 storm hazard scenario except for those developments with Lee County or City of Bonita Springs approved Hurricane Management Plans. This rate shall also be the target shelter capacity for a program to provide an emergency shelter supply within the City and Lee County.

**Policy 10.2.2:** The City of Bonita Springs shall implement a program designed to meet the level of service stated in the prior Policy. Components of this program may include:

- a. Funding of the All-Hazards MSTU;
- b. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;
- c. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; and
- d. Coordinate with the Local Hazard Mitigation Strategy working group to act as facilitator to obtain funding for qualifying private groups to retrofit potential shelters.
- e. Support projects that fund building or retrofit projects that reduce the City's hurricane shelter space deficit.

**Policy 10.2.3:** On-site shelters shall be required to meet established standards, including provision of adequate shelter space, elevation above Category 3 hurricane storm surge flooding levels, adequate wind proofing, glass protection, emergency power where needed, water supplies, and other basic needs.

**Policy 10.2.4:** On-site shelters for the general public shall not be built on barrier or coastal islands.

**Policy 10.2.5:** The City shall determine the feasibility of evacuating residents from the Category 1 area to vertical shelters within residential, commercial, and industrial sites in the Category 2, 3, and 4 areas of the Hurricane Vulnerability Zone.

**Goal 11: Hazard Mitigation.** To provide through City plans, programs, and regulations means to minimize future property losses from natural disasters such as flooding, tropical storms and hurricanes.

**Objective 11.1:** Development Regulations - The City shall reduce the vulnerability of development in the A-Zone as defined by FEMA.

**Policy 11.1.1:** All development regulations shall be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the FEMA) be reduced.

(Ord. No. 09-05, § 1, 4-15-09)

**Policy 11.1.2:** Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, flood proofing of utilities, and appropriate requirements for structural wind resistance and floodplain management. Reference will be made to Coastal Construction Manual Vols. 1-3, FEMA, August 2011.

**Policy 11.1.3:** The City shall not permit new mobile home parks in areas of special flood hazard as defined by the Federal Emergency Management Agency.

**Policy 11.1.4:** All new residential development of more than 50 units shall be required to provide continuing information to residents concerning hurricane evacuation and shelters, through the establishment of a homeowner's or residents' association.

**Policy 11.1.5:** All new residential development of more than 100 units shall be required to formulate an emergency hurricane preparedness plan, This plan is subject to the approval of the City through the County's Division of Emergency Management.

**Objective 11.2:** The City shall use its ordinances, plans, programs and intergovernmental coordination to minimize future losses from natural disasters.

**Policy 11.2.1:** The City shall vigorously enforce its Flood Damage Prevention Ordinance.

**Policy 11.2.2:** The City shall maintain the provisions of the City's Flood Damage Prevention Ordinance that interpret the 50% improvement threshold as cumulative for any combination of repairs, rehabilitation, alterations, improvements or reconstruction project to an existing building or structure within five years be deemed "substantial improvement." A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1,000.00 each have been paid during a 10-year period.

**Policy 11.2.3:** The City shall maintain the provision in the City's Flood Damage Prevention Ordinance, which defines a structure undergoing "substantial improvement" to be brought into current base flood elevation requirements.

**Policy 11.2.4:** The City shall inform FEMA of the necessity of identifying on FEMA mapping the areas in the Imperial River Basin subject to excessive rainfall flooding.

**Policy 11.2.5:** The City shall give high priority to projects that improve the ability of current drainage systems to convey or divert stormwater flooding from areas of the City that have suffered repeated flooding events.

**Policy 11.2.6:** The City shall continue to maintain a member on the Local Mitigation Strategy working group through which the City will continue efforts to identify critical facilities that need mitigation protection due to their importance in helping the community to respond to and recover from identified hazards.

**Policy 11.2.7:** Floodproofing of critical facilities within the defined Coastal High Hazard Category 1 storm surge area shall receive priority for grant funding requests.

**Policy 11.2.8:** The City shall request its utility providers to examine the feasibility of designing water, sewer, and power infrastructure facilities so that they can function during a 500-year flood event, and evaluate the effectiveness of existing emergency power supplies to critical facilities and implement enhancements as needed to provide three to five days of functional operation.

**Policy 11.2.9:** The City shall adopt the County's Comprehensive Emergency Management Plan.

**Policy 11.2.10:** The City shall develop and carry out public information programs for hazard mitigation that emphasize its direct benefits to citizens, including the public and private sector.

**Policy 11.2.11:** The City shall continue to work with community realty associations to improve participation in the voluntary real estate disclosure program for flood hazards.

**Policy 11.2.12:** The City shall continue efforts to support funding programs that provide assistance to property owners on ways to mitigate property from identified hazards.

**Policy 11.2.13:** Immediately following any natural disaster in the City resulting in losses or costs greater than one million dollars, the City shall identify areas needing redevelopment, including those having unsafe conditions or inappropriate uses.

**Policy 11.2.14:** When updating its Comprehensive Plan, the City shall review *The Unified Local Mitigation Strategy for Lee County, Florida* and include relevant goals, objectives and policies of The Strategy into the City's plan.

**Goal 12: Post-Disaster Redevelopment.** The City shall provide for planning and decision-making to guide redevelopment during the response and recovery period following major emergencies, such as tropical storms and hurricanes.

**Objective 12.1: Intergovernmental Coordination** - The City shall use intergovernmental coordination to assist the City in guiding it's actions following a natural or technological disaster.

**Policy 12.1.1:** The City shall develop its own detailed Post-Disaster Redevelopment Plan and ordinance.

**Policy 12.1.2:** The City shall maintain it's Statewide Mutual Aid Agreement with the [FDCA Florida](#) Division of Emergency Management for participation in this method to plan, respond and recover from disasters.

**Policy 12.1.3:** The City shall enter into an Interlocal Agreement with the Bonita Springs Fire and Rescue District regarding roles in Post-Disaster Redevelopment.

**Policy 12.1.4:** The City shall continue to participate in the Local Mitigation Strategy working group to avoid, prepare for, and mitigate the effects of natural and man induced disasters. The City shall use this forum as the principal avenue to bring forward City hazard mitigation needs.

**Policy 12.1.5:** The City shall continue to use its participation in the Local Mitigation Strategy working group to actively seek funding for the City's "Repetitive Loss properties."

**Policy 12.1.6:** The City shall continue to support the South Florida Water Management District's efforts to increase the storage capacity to retain stormwater in the Estero Watershed.

**Objective 12.2:** Until such time as a more detailed Post-Disaster Redevelopment Plan is prepared specifically for the City, the following policies and priorities shall be applied to expedite post-disaster recovery and reduce the future risk to human life and public and private property, to the extent that they are consistent with, and do not conflict with, the Post-Disaster Redevelopment Plan and Ordinance of Lee County.

**Policy 12.2.1:** The City shall designate a Recovery Task Force (RTF) to develop its detailed Post-Disaster Redevelopment Plan and to serve as the primary body involved in implementing and evaluating the post-disaster response and reporting to the City Council with recommended modifications as appropriate.

**Policy 12.2.2:** The following priorities shall apply to recovery activities.

- a. The Immediate Emergency Activities - The first priority shall be the attention to life saving needs of residents, including search and rescue, debris clearance to provide

access for emergency vehicles and the provision of water, food, ice, medical care, emergency access and communications and the security of residents and possession from harm, health and temporary housing.

- b. Short Range Restoration - The second priority shall focus on the repair of minor and moderately damaged structures and operations including damage assessment and disaster declaration and the initiation of individual and public assistance programs.
- c. Long Range Reconstruction - The third phase of recovery includes the full restoration of services and the reconstruction of severely damaged homes, businesses, and infrastructure.

**Policy 12.2.3:** Rebuilding and Reconstruction Management - To allow for sufficient time for damage assessment and to identify needed changes to development practices, following a disaster, the City Council shall declare a temporary moratorium on the issuance of permits for new construction, repair to structures with minor or major damage, or the processing of new or outstanding permits or applications for rezoning, site plan reviews, or other land development or construction activities.

- a. Emergency repair activities necessary to prevent injury, loss of life, imminent collapse or other additional damage to a building or structure shall be exempt from the temporary moratorium provisions. Such emergency repairs may include, but are not necessarily limited to the following types of activities:
  - 1. Temporary roof repairs to make buildings habitable or to prevent continuing damage due to rain and wind,
  - 2. Covering exterior wall openings with plywood or plastic sheeting,
  - 3. Repairs to interior ceilings to make buildings habitable or to drain accumulated flood waters,
  - 4. Temporary shoring measures to avoid imminent collapse of a building or structure.
- b. Emergency repairs to buildings or infrastructure housing essential utility facilities, emergency communications facilities, law enforcement, fire or medical facilities shall be exempt from the temporary moratorium.
- c. The issuance of long-term repair and redevelopment activities shall be authorized only after an assessment of the full extent of the damage and a determination as to whether additional repairs are necessary to ensure compliance with applicable regulations in effect at the time the development order is rendered.

**Policy 12.2.4:** Removal, Relocation or Structural Modification of Damaged Infrastructure - Following a disaster, the City's Recovery Task Force (RTF) shall conduct an assessment and identification of those repairs or mitigation/redevelopment measures necessary to restore public facilities and infrastructure. The assessment should consider the following criteria in determining whether the facility should be relocated to a safer area; modified in such a way as to withstand future natural disasters; replaced with a new facility; repaired to its original condition prior to the disaster; or, be discontinued:

- a. Would the relocation of the facility mitigate hazards without disruption of services?
- b. Would the modification of the facility greatly reduce its exposure to natural hazards?
- c. Would replacement of the facility reduce exposure to natural hazards without disruption of service?
- d. Would repair of the facility to pre-disaster conditions increase or decrease its exposure to natural hazards?
- e. What is the economic feasibility of relocating, modifying, or replacing the damaged facility?

- f. What are the environmental impacts of relocating, modifying or replacing the damaged facility?
- g. Is the redevelopment of the public facility consistent with all applicable state, regional and local ordinances, statutes, regulations, and plans?
- h. How would redevelopment otherwise impact the general public?
- i. Could replacement, repair, or relocation of the damaged facility increase development within the CHHACMA?
- j. Would replacement, repair, or relocation of the damaged facility result in restoration or enhancement of natural resources or public access?
- k. Would replacement, repair, or relocation of the damaged facility restore essential services to the CHHA-CMA and/or address an existing deficiency identified within the City's Comprehensive Plan?
- l. Would replacement, repair, or relocation of the damaged facility restore essential services to residents?
- m. Is the damaged facility partially owned by a governmental entity other than the City?
- n. Would replacement, repair, or relocation of the damaged facility require acquisition of additional rights-of-way or easements of land?

**Policy 12.2.5:** The City shall implement the buildback policy as set forth in Objective 1.5 and Policy 1.5.1 of the Future Land Use Element.

(Ord. No. 17-08, § 1, 6-7-17)

**Policy 12.2.6:** Following a disaster, the Recovery Task Force shall assess and make recommendations to the City Council with regard to the following:

- a. Based on observed damage patterns of areas within the CHHA-CMA where structures have been twice damaged, by hurricanes or coastal storms, to greater than 50% of their replacement value, are changes to the Land Development Code or current allowable density ranges necessary?
- b. Based on observed damage patterns, should mobile home parks located within the CHHA-CMA be permitted to rebuild if a significant proportion of the units within the park have suffered major damage or have been destroyed as a result of a hurricane or coastal storm?

**Policy 12.2.7:** Upon issuance of an interagency hazard mitigation report covering the City, the Recovery Task Force shall review and recommend to the City Council inclusion in the City's Comprehensive Plan those items contained in the report deemed appropriate to the City.

**Goal 13: Intergovernmental Coordination.** The City will coordinate with all appropriate agencies to protect natural resource systems that cross governmental boundaries.

**Objective 13.1:** The City shall participate with adjacent county and city natural resource protection agencies and regional, state and federal environmental agencies in resource protection, siting of water dependant/dependent uses, and to reduce exposure to natural hazards.

**Policy 13.1.1:** The City shall continue to maintain a City representative on the Estero Bay Agency on Bay Management (ABM).

**Policy 13.1.2:** The City shall review each year the ABM "Guiding Principles" and incorporate into its Comprehensive Plan those found by the City Council to be appropriate to the City.



**Policy 13.1.3:** The City shall reevaluate its policies for protecting and enhancing natural resources upon a review of natural resource management plans that are newly adopted or revised by other agencies including the Charlotte Harbor National Estuary Program, the Estero Bay Aquatic Preserve, the SFWMD and other appropriate agencies.

**Policy 13.1.4:** The City shall maintain and renew, if necessary, interlocal agreements with Lee County, the South Florida Water Management District and other participating agencies to implement a plan for surface water management in the Imperial River and Spring Creek watersheds.

(Ord. No. 09-05, § 1, 4-15-09)

**Policy 13.1.5:** The City shall continue to utilize the SWFRPC *Boat Facility Siting Plan for Lee County* for siting of all boat facilities in the City of Bonita Springs.

**Policy 13.1.6:** The City shall continue to utilize the SWFRPC's latest hurricane evacuation plan as a basis for the City's hurricane evacuation section of the Comprehensive Plan.

**Policy 13.1.7:** The City shall continue to participate in the Local Mitigation Strategy working group.

**Goal 14: Coastal Areas.** The City shall conserve, maintain, and enhance the natural balance of ecological functions in the coastal planning area, with particular emphasis on the protection of beach and dune systems so as to retain their contribution to storm protection, natural resources, and economic development.

**Objective 14.1: Coastal Area In General** - The City of Bonita Springs shall continue to manage the coastal area to provide a balance among conservation of resources, public safety capabilities, and development.

**Policy 14.1.1:** Coastal areas with significant public value for water retention and purification, wildlife habitat, and primary productivity shall be protected through the development permitting process and enforcement of appropriate codes and regulations.

**Policy 14.1.2:** All development within the coastal area shall be compatible with protection of natural systems.

**Policy 14.1.3:** Construction of vehicular access to, and paved roads or commercial marinas on, undeveloped barrier islands shall be prohibited, as mandated by the Charlotte Harbor Management Plan.

**Policy 14.1.4:** Undeveloped barrier islands shall be maintained predominantly in their natural state. Public expenditures for infrastructure shall be limited to public parks and water quality improvement measures in such areas.

**Policy 14.1.5:** The City of Bonita Springs shall protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangroves stands, undeveloped barrier islands, beach and dune systems, aquatic preserves and undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

**Policy 14.1.6:** The City shall gather and utilize available technical criteria and supporting information necessary to guide the formulation of plans, ordinances, and regulations to ensure that development in the coastal planning area is compatible with the continued or improved functioning of natural coastal systems.

**Policy 14.1.7:** Levels of service for facilities and services within the coastal planning area shall be the same as those established for the remainder of the City. The City's Concurrency Management System shall apply in full within the coastal planning area.

**Policy 14.1.8:** Upon adoption of this Comprehensive Plan the City shall prohibit mining within the city limits of Bonita Springs to conserve its water, air and other natural resources.

**Policy 14.1.9:** The City shall notify FDOT to size the U. S. 41/Spring Creek bridge to increase flows as per the *South Lee County Watershed Plan*.

**Objective 14.2: Shoreline Stabilizing Systems** - The City of Bonita Springs shall continue to encourage the construction of environmentally compatible shoreline stabilizing systems where stabilizing systems are needed.

**Policy 14.2.1:** Construction of environmentally compatible shoreline stabilizing systems shall be allowed along the active gulf beach where necessary to protect shorelines from erosion, consistent with the requirements of Chapter 161, Florida Statutes.

**Policy 14.2.2:** Vertical seawalls shall not be constructed along natural waterways except where such a wall is the most reasonable alternative (using criteria established by ordinance), and vertical seawalls along artificial canals shall not be permitted unless an adequate littoral zone consistent with the surrounding environment is provided. Seawalls in artificial canals where 50% of the canal or greater is seawalled or for seawalls of less than 300 feet where both adjoining properties are seawalled, will be exempt for this requirement.

**Policy 14.2.3:** The City shall encourage planting of mangroves or placement of rip-rap in artificial and natural canal systems to replace existing seawalls in need of repair.

**Policy 14.2.4:** Build-back of vertical seawalls will not be permitted along natural water bodies if one or more of the following conditions exist:

- a. Build-back would cause excessive shoreline erosion or endanger shorelines of surrounding properties.
- b. Build-back would threaten wetland resources.
- c. Build-back would be a threat to public safety or block access to state-owned submerged lands.
- d. Build-back would be waterward of the existing seawall alignment on adjacent shorelines.

**Objective 14.3: Beach and Dune Systems** - Ensure the protection of the City's beaches and dunes from the impacts of development.

**Policy 14.3.1:** The Lee County Division of Natural Resources Management, or successor agency, shall be responsible for the beach and dune management program. This program shall include:

- a. Preparing beach and dune management plans, with priority to the critical erosion areas including the north end of Bonita Beach.
- b. Collecting information on available sources of beach-quality sand for renourishment, concentrating on areas which will have minimal impacts on the County's fisheries.
- c. Preparing renourishment plans for eroding areas where public facilities and access exist.
- d. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.
- e. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
- f. Educating citizens and developers about the costs and benefits of alternative beach and dune conservation approaches.

- g. Preparing a sand preservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system and discourages ocean dumping of usable sand from channel dredging.
- h. Lee County will continue to participate in the Federal Shore Project as the local sponsor and will coordinate beach renourishment activities in the City of Bonita Springs with the City.

**Policy 14.3.2:** The costs of beach renourishment programs shall be borne by the beneficiaries of those programs. Funding mechanisms for the renourishment may include, but are not limited to, the use of parks impact fees, public metered parking proceeds, tourist development taxes, Municipal Service Benefit Units (MSBUs), and beachfront property assessments as long as the title to accreted lands remains public.

**Policy 14.3.3:** The City shall support the renourishment of beaches through the use of environmentally responsible methods.

**Policy 14.3.4:** The City shall review its land development regulations to ensure that they include the most recent beach, dune and coastal vegetation protection methods identified by the Lee County Division of Natural Resources Management Beach Preservation and Management Plan.

**Policy 14.3.5:** The City shall cooperate with Lee County to continue to implement a beach preservation and management plan through the Lee County Coastal Advisory Council or successor agency.

**Goal 15: Wetlands.** The City shall maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

**Objective 15.1:** The natural functions of wetlands and wetland systems shall be protected and conserved through the enforcement of the City's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetland in accordance with F. S. 373.019.

**Policy 15.1.1:** Development in wetlands shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in wetlands is one unit per 20 acres, except that one single-family residence will be permitted on lots meeting the standards in the administration section of the Future Land Use Element of the City's Comprehensive Plan.

**Policy 15.1.2:** The City's wetlands protection regulations will be consistent with the following:

- a. In accordance with F.S. 163.3184(6)(c), the City will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a FDEP or SFWMD dredge and fill permit or exemption.
- b. No development in wetlands regulated by the State of Florida will be permitted by the City without the appropriate state agency permit or authorization.
- c. The City shall incorporate the terms and conditions of state permits into City permits and shall prosecute violations of state regulations and permit conditions through its code enforcement procedures.
- d. Every reasonable effort shall be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation shall only be permitted in accordance with applicable state standards.
- e. Mitigation banks and the issuance and use of mitigation bank credits shall be permitted to the extent authorized by applicable state agencies.

**Policy 15.1.3:** The Future Land Use Map Series shall show the approximate boundaries of wetlands in the City. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, pursuant to Rule 62-340. F. A. C., the Administration Section contained in the Future Land Use Element provides standards for an administrative interpretation.

**Policy 15.1.4:** During the preparation of its Land Development Regulations the City shall consider strengthening regulations and permitting procedures related to wetland protection measures, including the following:

- a. The City's role in permitting related to that of the South Florida Water Management District and the Corps of Engineers and the desirability and feasibility of increasing the City's role.
- b. Regulations the City could include in its Land Development Regulations to increase wetland protection beyond that currently exerted by the South Florida Water Management District or Corps of Engineers, Regulations the City could include in its Land Development Regulations to increase wetland protection beyond that currently exerted by the South Florida Water Management District or Corps of Engineers, consistent with the provisions of Sections 373.016, .023., and .414, Florida Statutes.

**Policy 15.1.5:** Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands, identified on the map of Evaluated Wetlands in the Future Land Use Map Series, shall be one unit per 20 acres, except:

- a. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the Administrative Section of the Future Land Use Element; and,
- b. Transfer of density provision - Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership at the standard underlying density permitted for the uplands, provided that the resulting upland density does not exceed that shown in the following schedule and the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

FUTURE LAND USE CATEGORY	STANDARD MAXIMUM DENSITY (Dwelling units per gross acre)	MAXIMUM UPLAND DENSITY AFTER TRANSFER (Dwelling units per gross upland acre)
Moderate Density Mixed-Use PD	6	7.5
Medium Density Multi-Family Residential	6	8
High Density Multi-Family Residential	10	12.5
High Density Mixed-Use	10	12.5

Village		
Old 41 Redevelopment Overlay	15	17.5

(Ord. No. 06-18, § 1, 12-6-06)

**Policy 15.1.6:** The natural functions of wetlands located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be maintained and not degraded; and, degraded wetlands shall be restored whenever possible.

- a. Before any alteration is allowed, a determination of the existing hydroperiod in each wetland shall be provided by the property owner. The post-development hydroperiod shall approximate pre-development hydroperiod. A wetland hydroperiod maintenance plan shall be submitted for review and approval
- b. Vegetation shall be protected in areas subject to seasonal water level fluctuations.
- c. The natural flow of water within and through contiguous wetlands shall not be impeded.
- d. Any alteration in wetlands, which results in loss of habitat, shall be mitigated in accordance with SFWMD regulations and shall ensure that the re-created wetlands provide values and functions equal to "no net loss of wetland functions" or, in case of an impacted or degraded wetland, greater than those of the wetland qualifying for alteration.
- e. For any project requiring mitigation, a wetland mitigation, maintenance, and monitoring plan based on best available technology shall be submitted for review and approval.
- f. Stormwater runoff from impervious surfaces shall be pretreated prior to its discharge into natural wetlands. Pretreatment may be in the form of underdrains, grassed swales, lake overflow, or other approved methods. Such facilities shall be designed and constructed in accordance with applicable regulations so that the discharge does not violate water quality standards or create an excessive amount of water, such that it could degrade the wetlands. Swales which route stormwater into wetlands shall be stabilized with sod or by other appropriate means.
- g. If fill is stockpiled near a wetland, appropriate sediment control measures (e.g., hay bales, silt screens, etc.) shall be employed to prevent sedimentation within the wetland. When building sites adjacent to wetlands are elevated by filling, the same erosion control requirements shall apply and the fill must be stabilized to prevent entry of sediment into the wetland.
- h. Buffers of existing upland vegetation, which are sufficient in each case to protect the values and functions of wetlands, shall be required around all or portions of wetlands to protect those systems from adverse impacts of development.

- i. To ensure permitted wetlands projects conform to the City's wetland regulations, the City shall meet with the SFWMD enforcement division to discuss what role the City may take in post-permit compliance.

**Policy 15.1.7:** All mangrove swamp wetlands (FLUCCS #612) and stream and lake swamp wetlands (FLUCCS #615) located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be afforded the highest degree of protection.

- a. The City shall nominate for purchase through the Lee County 20/20 program or any other applicable program or means of public acquisition;
  1. All privately owned mangrove swamp wetlands (FLUCCS #612) which directly abut a major public road, and
  2. Stream and lake swamps (FLUCCS #615) identified as map key #'s 3F, 4, 9, 11, and 12 on the map of evaluated wetlands contained in the Future Land Use Map Series.

Following acquisition of these wetlands, the City shall prepare an amendment to its Future Land Use Map to designate the acquired property as Conservation.

- b. Apply Policy 7.2.16 of the Conservation/Coastal Management Element, relating to mangrove protection, to all mangrove swamp wetlands, (FLUCCS #612) located within the City. Policy 7.2.16 requires an FDEP permit prior to the alteration of any mangrove tree; the use of stop work orders, citations, notices of violations and civil and criminal penalties for violators; and, requires violators to provide a restoration plan, annual monitoring and maintenance.
- c. Require any application for development in mangrove swamp wetlands (FLUCCS #612) to include all surrounding wetlands and non-wetland areas under unified control of the applicant so as to direct incompatible land uses away from wetlands by avoiding potential piecemeal development of these wetlands and the attendant loss of planning flexibility afforded by the required use of planned development in wetlands per Policy 4.1.3 of the Conservation Coastal Management Element.
- d. Require the use of planned development and clustering in all applications for development on lands containing mangrove swamp (FLUCCS #612) so as to direct incompatible land uses away from wetlands by locating development impacts onto the least sensitive area of the parcel, limiting the development footprint, and requiring use of the most sensitive development methods including the use of Best Environmental Management practices and technology in the development process.
- e. Where stream and lake swamps (FLUCCS #615) are associated with Outstanding Florida Waters or aquatic preserves, development shall be required to:
  1. Demonstrate the development is in the public interest, and
  2. Provide a Manatee Habitat Protection Plan if the wetland has a direct navigable connection to the Outstanding Florida Waters.

**Policy 15.1.8:** Where a portion of a wetland is protected through an existing development order, the City shall notify the SFWMD to stringently review any proposed alteration to the remaining wetland area to prevent loss of any of the wetland's hydrology, functions and habitat; and, if alterations must be made for exotic removal, etc., such alterations shall not negatively impact the protected wetland.

**Policy 15.1.9:** Wetland #1 as identified on the map of evaluated wetlands contained in the Future Land Use Map Series and classified as FLUCCS #621, is by far the largest freshwater wetland in the City and should be nominated for public purchase under the 20/20 program or other appropriate program; and,

- a. An average 25-foot buffer shall be required around this wetland, and
- b. No industrial or commercial land uses shall be allowed adjacent to this wetland except where such uses clearly demonstrate that through the use of Best Environmental Management Practices (BEMP), that such uses will not negatively impact the wetland.

**Policy 15.1.10:** Wetlands infested with exotics shall, where feasible, be restored to their historical hydrology, functions, and habitat.

**Goal 16: Water Quality.** To ensure that water quality is maintained or improved for the protection of the environment and people of the City of Bonita Springs.

**Objective 16.1:** The City shall take measures to maintain high water quality, meeting or exceeding State and Federal water quality standards.

**Policy 16.1.1:** Sources of water pollution shall be identified, controlled, and eliminated wherever feasible.

**Policy 16.1.2:** The City shall examine its existing Major Road System for adequate "environmentally friendly and visually attractive" water quality control systems and where they are found to be deficient:

- a. Old surface water management (SWM) systems built prior to current regulations will be retrofitted, using best available management practices, to meet current SWM standards.
- b. If the City's responsibility, place a high priority in its capital improvement program.
- c. If other agency responsibility, urge the appropriate agency to correct the deficiency.
- d. Grants or incentives should be provided for retrofitting old surface water management systems that are not effectively managing water volume or flow, or removing nutrients and other pollutants.

**Policy 16.1.3:** New development and additions to existing development shall not degrade surface and ground water quality.

**Policy 16.1.4:** The design, construction, and maintenance of artificial drainage systems shall provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

**Policy 16.1.5:** Developments which have the potential of lowering existing water quality below State and Federal water quality standards shall provide standardized appropriate monitoring data.

**Policy 16.1.6:** No garbage, hazardous waste or untreated sewage shall be discharged into coastal and interior surface waters.

**Policy 16.1.7:** The City shall protect the quality of its natural groundwater recharge area waters through application of its wellfield protection ordinance which controls activities and land uses within specified protection zones surrounding potable wellheads located within the City.

The ordinance requires that: wellfields in the City be protected from regulated substance contamination by establishing four (4) protection zones around public utility potable water wellheads based upon the time/distance which water travels through the various aquifers within the City for periods of 6 months, 1 year, 5 years and 10 years to the wellhead:

- a. Protection Zone 1: The following land uses or activities are prohibited in protection zone 1:
  - 1. The use, handling, production or storage of regulated substances associated with land uses or activities in quantities greater than those set forth.

2. Wastewater effluent disposal, except for public access reuse of reclaimed water and land application under the conditions set forth and as defined in chapter 62-610, part III, Florida Administrative Code. Where public access reuse is permitted the chloride content must be no greater than 500 milligrams per liter.
  3. Liquid waste disposal.
  4. Solid waste disposal.
  5. Earth mining.
- b. Protection Zone 2: The following land uses or activities are prohibited in protection zone 2:
1. The use, handling, production or storage of regulated substances associated with activities in quantities greater than those set forth.
  2. Wastewater effluent disposal, except that public access reuse of reclaimed water and land application under the conditions set forth and as defined in chapter 62-610, part III, Florida Administrative Code, will be permitted. Where public access reuse is permitted the chloride content must be no greater than 500 milligrams per liter.
  3. Liquid waste disposal.
  4. Solid waste disposal.
  5. Earth mining.
- c. Protection Zone 3: The following land uses or activities are prohibited in protection zone 3:
1. Any regulated activity that stores, handles, uses or produces any regulated substance in quantities greater than those set forth which does not have a valid operating permit.
  2. Wastewater effluent disposal, except that public access reuse of reclaimed water and land application under the conditions set forth in chapter, 62-610, part III, Florida Administrative Code, will be permitted. Where public access reuse is permitted the chloride content must be no greater than 500 milligrams per liter.
  3. Liquid waste disposal.
  4. Solid waste disposal.
  5. Earth mining
- d. Protection Zone 4: Any regulated activity which stores, handles, uses or produces any regulated substance in quantities greater than those set forth which does not obtain a valid operating permit is prohibited in protection zone 4.
1. Earth mining.

Certain land use exemptions are provided within the ordinance for public and quasi-public land uses and retail and office uses. These uses under conditions stated in the ordinance may however require operating permits.

**Policy 16.1.8:** Valid permits and inspection shall be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings.

**Policy 16.1.9:** The City shall cooperate with Lee County to continue its program of plugging improperly constructed wells which are detrimental to groundwater resources.

**Policy 16.1.10:** Reserved.

(Ord. No. 09-05, § 1, 4-15-09)



**Policy 16.1.11:** The City shall discuss with Lee County the absence of stormwater retention/detention controls along the barrier islands.

**Policy 16.1.12:** The City shall inform SFWMD that surface water management systems in new developments in the City will be required to utilize state-of-the-art best management practices.

**Policy 16.1.13:** The City shall, when updating its Land Development Regulations, review the erosion and sedimentation control measures to ensure the reduction of sediment entering natural areas as development takes place.

**Policy 16.1.14:** To protect groundwater recharge areas in the City's DRGR beyond the outer limits of wellfield protection zone 4 the City shall limit land uses to: conservation uses; agriculture; residential uses at a maximum density of one dwelling unit per 10 gross acres; public schools and other public uses; essential services, and non-profit recreational uses.

**Objective 16.2:** The City shall ensure the provision of infrastructure in the coastal planning area consistent with the level of service standards, areas of service and phasing of infrastructure in the City.

**Policy 16.2.1:** The level of service standard for infrastructure in the coastal planning area shall be the same as that in the City as expressed in the infrastructure, transportation and recreation elements of this plan.

**Policy 16.2.2:** The City shall inform the providers of infrastructure to phase infrastructure in the coastal planning area based on their service areas.

**Policy 16.2.3:** The City shall adopt a concurrency management system to assure that required infrastructure is phased to serve the development and redevelopment at the density proposed in the future land use plan and is available to coincide with the demands generated.

(Ord. No. 17-08, § 1, 6-7-17)

**Objective 16.3: Incorporation of Green Infrastructure into the Surface Water Management**

**System.** The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

1. Green Infrastructure: Surface water management structures that are "soft" structures such as preserved/restored flow-ways, created flow-ways, lakes with littoral plantings, swales planted with native grasses, filtration marshes, preserved/restored wetlands, created wetlands, or other similar design features.
2. Flow-way: An area of lower elevation that conveys water or has the potential to convey water. The flow-way may contain uplands, wetlands or a combination thereof. A flow-way may be natural or man-made.

**Policy 16.3.1:** The City will require new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

**Policy 16.3.2:** The City will require new developments to design their surface water management system to incorporate existing wetland systems.

**Policy 16.3.3:** The City will require substantial preservation of existing flow-ways and encourage the restoration of historic flow-ways.

**Policy 16.3.3.1:** Prior to restoring natural flow-ways and providing green infrastructure by new developments, the applicant is required to provide analysis and data, with models quantified by the best available science at the time of submittal, signed and sealed by a Florida licensed professional hydrogeologist or a Florida licensed professional engineer, demonstrating that adjacent wells and similar existing water resources will not be negatively impacted.

**Objective 16.4:** The City will take measures to ensure that groundwater and other resource quality in the Density Reduction Groundwater Resource (DRGR) area is maintained or improved.

**Policy 16.4.1:** Within one year of adoption of its Comprehensive Plan, the City shall undertake a study to identify the types and intensity of uses that should be allowed within the DRGR, and to determine the most effective and appropriate techniques to ensure the maintenance of adequate quantity and quality of surface and groundwater resources. The study shall include, but shall not be limited to, evaluation of the following factors in the study area:

- a. Subsurface and surface water resources.
- b. Existing uses and those having received approval prior to the adoption of the City's Comprehensive Plan.
- c. Soils, wetlands, habitats and species and their quantity and quality.
- d. The Imperial River and its historical and present floodways and flowways.
- e. Drainage and stormwater patterns and flooding.
- f. Long term water and wastewater supply and disposal needs and plans of Bonita Springs Utilities.
- g. Applicable resource protection measures and those contained in the City's Comprehensive Plan and Land Development Regulations.
- h. Allowable uses and their density and intensity.
- i. Existing and planned infrastructure in and affecting the area.
- j. SFWMD and County ownership in, and projects affecting, the area.
- k. Potential positive or negative effects of possible new land uses on the resource base(s) and new or amended best environmental management practices needed by the City for their control. At a minimum references will be to the FDEP "Florida Development Manual Chapter 6 Stormwater and Erosion Sediment Control BMPS for developing areas" and the University of Florida center for government responsibility "Guide to Local Groundwater Protection in Florida" Vol. 1—3.

**Policy 16.4.2:** Upon completion of the study referred to in Policy 16.3.1, the City shall prepare an amendment to its Comprehensive Plan identifying the land uses considered most appropriate in the DRGR and the resource protection measures and practices necessary to ensure its continued viability and submit this amendment for review by the Florida Department of Community Affairs and other appropriate agencies.

**Objective 16.5: Groundwater Resources.**

**Policy 16.5.1:** The City will make efforts to encourage suppliers to seek alternative, renewable sources of water other than groundwater to meet current and future needs.

**Policy 16.5.2:** The City will make efforts to promote and establish and/or require water conservation when and where feasible for current and future development.

**Policy 16.5.3:** The City will promote water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots and similar devices in all new construction and

renovations, and will comply with the appropriate water management district water use restrictions.

**Policy 16.5.4:** The City will consider developing ordinances to address water-conserving landscape installation for new construction to maximize water savings in initial design and operation of both residential and commercial sites.

**Policy 16.5.5:** The City will continue to cooperate with the South Florida Water Management District (SFWMD) in its efforts to restrict the unnecessary consumption of potable water, particularly as it relates to irrigation, lawn watering, and car washing during periods of drought, supply reduction, and other emergencies.

**Policy 16.5.6:** The City will enforce the SFWMD's lawn and landscape irrigation rule, as may be revised.

**Policy 16.5.7:** The City will make efforts to review potable water demands and work with the Water Management District, Bonita Springs Utilities and other applicable suppliers to ensure that potable water demands are considered. (Cross Reference: Intergovernmental Coordination Element, Policy 5.1.1)

**Policy 16.5.8:** The City will enforce the SFWMD's lawn and landscape irrigation rule, as may be revised.

**Policy 16.5.9:** The City shall inform residents and businesses of, and shall encourage the use of cost-effective indoor and outdoor retrofits.

**Policy 16.5.10:** The City shall coordinate local water conservation education efforts with the SFWMD, and the Lee County School Board.

**Policy 16.5.11:** The City will promote and encourage the use of low impact development techniques (such as the Florida Water Star™ program, which is a point based, new home certification program for water-efficient developments, similar to the federal Energy Star program).

(Ord. No. 08-19, § 2, 9-17-08; Ord. No. 09-05, § 1, 4-15-09)

**Goal 17: Air Quality.** The City will improve air quality, meeting or exceeding State and Federal Air Quality Standards.

**Objective 17.1:** The City shall improve current air quality to maintain the present attainment status.

**Policy 17.1.1:** The City shall prohibit mining in the City limits to reduce airborne particulates.

**Policy 17.1.2:** The City shall examine its code of ordinances to ensure there are no disincentives to the use of non polluting alternative emergency sources therein.

**Policy 17.1.3:** The City shall encourage alternative forms of transportation to reduce airborne pollutants by:

- a. Utilizing Bicycle paths and pedestrian walkways to interconnect the City's parks, shopping, work and residential areas.
- b. Urging LeeTran to continue public bus and trolley service or, if LeeTran discontinues services,
- c. Inviting private transit providers to propose alternative services they may provide to replace LeeTran services.
- d. Promoting public transit ridership and bicycle/pedestrian use of the City's paths and walkways by distributing schedules and maps of these systems' availability.

**Goal 18: Fisheries Management.** The City will cooperate with Lee County to preserve the ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County.

**Objective 18.1:** The City shall not allow degradation of estuarine water quality and commercially important fish and shellfish that depend on the estuaries.

**Policy 18.1.1:** The City shall urge the County to continue to compile and analyze data about the condition of commercial and sport fisheries, coordinated with DEP, USGS, SFWMD, and the Florida Marine Fisheries Commission.

**Policy 18.1.2:** The City shall request the County to make recommendations to appropriate agencies (such as state-level environmental and fisheries agencies) regarding the restoration and protection of commercial sport fisheries.

**Policy 18.1.3:** The City shall work with the County to continue to design and implement protective and incentive mechanisms to prevent adverse impacts to commercial and sport fisheries.

**Policy 18.1.4:** The City and the County shall jointly establish an ongoing monitoring system for estuarine water quality and its impacts on the health of recreational and commercially important fish and shellfish.

**Goal 19: Marine and Navigation Management.** The City will cooperate with Lee County to develop and implement a comprehensive marine resource management program.

**Objective 19.1: Dredge Spoil Disposal** - The City will continue to participate with other responsible agencies in the location and placement of spoil material.

**Policy 19.1.1:** The City will coordinate with the County and U. S. Army Corps of Engineers on the location and placement of spoil material that result from maintenance dredging activities with use of this material for beach renourishment where needed and financially feasible.

**Policy 19.1.2:** The City shall participate in and coordinate with the efforts of the County and the West Coast Inland Navigation District to identify existing and future dredge spoil sites in Lee County.

**Policy 19.1.3:** The City shall coordinate with the County, with recommendations from the Waterways Advisory Committee, or successor agency, and other affected agencies and persons, on an as needed basis, make application to the Army Corps of Engineers, and all other agencies as required, to maintain, where environmentally and economically feasible, existing channels and passes to the Gulf of Mexico at their authorized and/or historic depths.

**Objective 19.2: Navigational Markers** - The City shall cooperate with the County to continue its marker designation program and upkeep its computerized marker inventory.

**Policy 19.2.1:** The City will cooperate with the County, in coordination with the Florida Fish and Wildlife Conservation Commission and the U. S. Coast Guard to:

- a. Assess the conditions of unmarked channels and identify those used to traverse shallow inshore water (a practice that damages sea grass beds) and develop a program to mark these channels (if appropriate on the basis of the assessment) so as to reduce injury to sea grass beds.
- b. Study the feasibility of designating and enforcing a maximum draft for all boats in some waters and developing a rotating system whereby some areas containing valuable marine beds would be off-limits to boat traffic.
- c. Assess the feasibility of instituting a private channel maintenance assessment on properties benefiting from the channels.

**Objective 19.3: Marine Sanitation** - The City shall prevent the dumping of marine generated waste into the waters of the City.

**Policy 19.3.1:** The City shall provide for effective control of waste disposal by maintaining local marine sanitation regulations in the Land Development Code that complement the Florida Clean Vessel Act.

**Policy 19.3.2:** The City will continue to assist Federal and State agencies to maintain an inventory and promote the public awareness of existing marine sanitation facilities.

**Policy 19.3.3:** The City will continue and expand, as needed, its efforts to coordinate with appropriate law enforcement and environmental agencies in designing enforcement and education measures for current and future marine sanitation laws.

**Policy 19.3.4:** The City will provide regulations in its Land Development Code for marine sanitation and waste disposal in marinas, docks, wharfs, piers, seawalls, or other docking structures attached to real property.

**Policy 19.3.5:** The City will coordinate with the Southwest Florida Regional Harbor Board in the development of management standards for marine sanitation in anchorages.

**Policy 19.3.6:** The City shall cooperate with the Southwest Florida Regional Harbor Board to develop regional guidelines for marine sanitation systems.

**Objective 19.4: Live-Above Vessels.** Upon the completion of the Southwest Florida Regional Harbor Board Management Plan, the City will cooperate with Lee County to re-evaluate the feasibility of establishing regulations to control vessel mooring.

**Policy 19.4.1:** The County will coordinate with the Southwest Florida Regional Harbor Board to establish management standards for vessel mooring in anchorages.

**Objective 19.5: Propeller Scarring of Grass Beds** - The City shall ensure the protection of sea grass beds reduce propeller scarring of grass beds in the estuary and the pollution attendant to such scarring.

**Policy 19.5.1:** The City shall request the Lee County Sheriff's Department and the Fish and Wildlife Conservation Commission Marine Patrol to provide additional local enforcement of speed limits and boater education in the estuary.

**Policy 19.5.2:** The City will distribute boater education materials.

**Goal 20: Water Access.** Ensure public access to water.

**Objective 20.1: Public Access, Physical and Visual** - The City shall increase the public's access to waters within the City.

**Policy 20.1.1:** Upon adoption of this Comprehensive Plan, the City shall include visual and physical access to waters within the City as components of the City's parks and recreation planning.

**Policy 20.1.2:** The City shall prepare a parks/recreation master plan including visual and physical access topics.

**Policy 20.1.3:** The City shall request the Lovers Key/Carl E. Johnson State Recreation area and Lee County to remove exotic vegetation to increase visual access to the water bodies along CR 865 where feasible.

**Policy 20.1.4:** The City shall institute a land acquisition program to increase public visual and physical access to waters within the City and shall actively seek grants-in-aid and other methods of financing acquisitions including less than fee simple title, such as conservation easements.

**Policy 20.1.5:** The City shall request Lee County and the WCIND to use environmentally sensitive methods to remove shoaling which restricts boating access to the estuary.

**Objective 20.2: Scenic Waterways Program** - The City shall enhance the opportunities for physical, visual, and interpretive access to the water.

**Policy 20.2.1:** The establishment of vegetated buffer zones along waterways in the City to prevent erosion of natural shorelines, establish additional wetlands habitat, and enhance the scenery shall be preferred to the indiscriminate clearing of vegetation. These buffer zones shall be evaluated in the review of planned developments and developments of regional impact, and also by specific City regulations.

**Policy 20.2.2:** The City shall include scenic waterways as a component of its parks and recreation planning.

**Objective 20.3: Water Access In Private Developments** - The City shall encourage private landowners to provide some form of water access for the public.

**Policy 20.3.1:** The City shall cooperate with Lee County to design a program that would require and/or encourage new water-related developments to provide some form of water access (physical, visual or interpretive) for the public. The program shall be submitted to the City Council and Lee County Board of County Commissioners for formal consideration. The City's technical staff shall meet with County's technical staff to design the draft program and submit it to the governing bodies for approval. Upon approval the City shall include the program into its land development regulations.

**Goal 21: Artificial Reefs.** The City shall cooperate with Lee County to encourage maintenance and development of artificial reefs in the waters in and near Lee County.

**Objective 21.1: Artificial Reef Program** - The City shall participate on the County's artificial reef and habitat advisory committee.

**Policy 21.1.1:** The City shall participate on the County's artificial reef and habitat advisory committee.

**Policy 21.1.2:** The City shall coordinate with the appropriate advisory committee(s) on the location and construction or regulation of artificial reefs.

**Policy 21.1.3:** The City shall investigate the possibility of utilizing artificial reefs for the benefit of the commercial fishing industry.

**Policy 21.1.4:** City staff and other appropriate private and public agencies shall study the feasibility of using artificial reefs for the benefit of the commercial fishing industry.

**Goal 22: Shoreline Management.** To encourage the maintenance and development of water-dependent shoreline uses and to avoid their displacement by non-water-dependent uses.

**Objective 22.1: Commercial Water-Dependent Uses** - The City shall continue to support its programs which enhance and protect commercial water-dependent uses.

**Policy 22.1.1:** Commercial Marinas shall be zoned for marina use to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

**Policy 22.1.2:** The City shall designate the area between Imperial Shores Boulevard and the Bonita Beach Road bridge to Little Hickory Island as a marine-related water-dependent use zone. The City shall:

- a. Examine the area for general consistency with the City's marina siting criteria as identified in this Comprehensive Plan.
- b. Identify any existing impediments to potential future marine related water dependent uses.
- c. Identify potential incentives to promote such uses in the zone.
- d. Prepare a marine-related water dependent uses overlay zone in the City's land development regulations for application to the area. The intensity of the zone shall not exceed that identified on the future land use map.

**Policy 22.1.3:** The City shall encourage the maximum use of dry storage by commercial marinas when reviewing rezoning and/or development-of regional-impact applications.

(Ord. No. 09-05, § 1, 4-15-09)

**Objective 22.2: Criteria for Prioritizing Shoreline Uses** - Priority shall be given to new and substantially expanded shoreline land uses as indicated in the following policies.

**Policy 22.2.1:** Existing commercial marinas classified by the City under marina zoning shall have their rights to rebuild and expand to prevent their ~~conversion~~ to non-water-dependent uses without a public hearing.

**Policy 22.2.2:** In all other non-wetland shoreline areas, water-dependent land uses shall have priority over water-related uses. Water-related land uses that provide some form of water access for the public shall be encouraged, particularly when the site has previously provided water access for the public. (This policy shall not be interpreted as a prohibition of new land uses which are only water-related, but instead as a reminder of the diminishing opportunities for water access in the City and the desirability of maintaining and increasing such access.)

- a. Water-dependent uses: Land uses are those for which water access is essential and which could not exist without water access.
- b. Water-related uses: Land uses that might be enhanced by proximity to the water, but for which water access is not essential.

**Objective 22.3: Marina Siting Criteria** - The City of Bonita Springs shall consider the following marina siting criteria in evaluating requests for new and substantially expanded marinas, other wet slip facilities, and boat ramps in order to make efficient use of limited shoreline locations and to minimize environmental impacts.

**Policy 22.3.1:** Proposed marinas (and expansion of wet slips at existing marinas and new boat ramps) in the following areas face a variety of technical, legal, or environmental obstacles which much be addressed during the review process:

- a. Aquatic Preserve (FDEP)
- b. Outstanding Florida Waters (FDEP)
- c. Class I Waters (FDEP)
- d. Maine or Estuarine Sanctuaries (NOAA)
- e. Manatee Sanctuaries or Critical Manatee Habitats FFWCC, USFWS, COE)
- f. Approved or conditionally approved shellfish harvesting area's FFWCC)
- g. Bridge/road right-of-way easement (County DOT, State DOT)
- h. Other Endangered/Threatened Species Habitat (USFWS, FFWCC, COE)

Extra caution and consideration shall be given prior to authorizing use of areas with high environmental values.

**Policy 22.3.2:** Cumulative effects of several marinas and/or boat ramps in a small area shall be considered in the review of proposed marina projects.

**Policy 22.3.3:** Marina and/or boat ramp siting shall be consistent with the aquatic preserve management plan.

**Policy 22.3.4:** Marinas and boat ramp siting shall be consistent with the following recommendations of the FDNR Blue Ribbon Marina Committee (Final Report, January 1983):

- a. Priority should be given to the expansion of existing facilities, if environmentally sound, over new facilities.
- b. Marinas are encouraged in previously disturbed areas and in areas that have historically been used for marina-related activities.
- c. Marinas should be located as close as possible to boating demand.
- d. Marinas should be encouraged where adequate uplands are available to develop related support activities and to allow for possible future expansion.
- e. Location of marinas in highly productive marine habitats should be discouraged.
- f. Location of marinas in or near well-flushed, deep-water areas should be encouraged.
- g. Impacts upon state-designed manatee sanctuaries should be considered. Particular marina locations or design features which threaten manatees in sanctuaries should be discouraged.

**Policy 22.3.5:** The siting of all boat facilities in the City of Bonita Springs shall be consistent with the guidelines, methodologies, procedures, and policies established in the *Boat Facility Siting Plan for Lee County*. This applies to any plans for the expansion of existing facilities or the development of new facilities.

**Policy 22.3.6:** New marinas shall be designed to avoid erosion on adjacent shorelines.

**Policy 22.3.7:** Marina and boat ramp siting preference shall be given to those properties which are located in proximity to large navigable water bodies outside areas of critical manatee concern.

**Policy 22.3.8:** Marinas, multi-slip docking facilities, and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need and public purpose for the proposed facility and must provide for continued use by the general public.

**Policy 22.3.9:** New marinas should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as only minimal dredging may be considered.

**Policy 22.3.10:** Marina and boat ramp locations which minimize natural shoreline disruption are preferred.

**Policy 22.3.11:** Marina and boat ramp construction in dead-end canals are discouraged due to difficulty in meeting State water quality standards.

**Policy 22.3.12:** Proposed marinas and boat ramps shall demonstrate that the marina site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique systems.

**Policy 22.3.13:** Rezoning and DRI applications for marinas and boat ramps shall be evaluated in the context of cumulative impacts on manatees and marine resources.

**Objective 22.4: Marina Design Criteria** - The City shall utilize the following criteria in evaluating the design of new marinas or expansion of wet slip facilities at existing marinas in order to minimize negative impacts to water quality. Detailed regulations on these subjects may be contained in the City's Land Development Regulations.

**Policy 22.4.1:** Piling construction and other non-dredge-and-fill techniques shall be utilized where possible to minimize habitat destruction.

**Policy 22.4.2:** Mitigation or restoration to offset proposed adverse environmental effects will be required as a condition of approval for any new or expanded marina facilities. Mitigation/restoration is not preferred over preservation of existing resources.



**Policy 22.4.3:** To reduce dredging, docks should extend to naturally deep waters when possible. City regulations shall specify the criteria for such extensions.

**Policy 22.4.4:** Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.

**Policy 22.4.5:** Marina designs shall not reduce water quality in adjacent natural water bodies in order to accommodate an increase in water quality in the marina basin itself.

**Policy 22.4.6:** Existing navigational channels shall be used to access new marina sites where possible.

**Policy 22.4.7:** Expansion of dry storage capabilities shall be strongly encouraged to reduce dredging.

**Objective 22.5:** The Regional Planning Council will be the lead agency addressing the need for adequate sites for water-dependent uses on a regional basis.

**Policy 22.5.1:** The City will cooperate with the Regional Planning Council in addressing the need for water-dependent sites on a regional basis.

**Goal 23: Environmental Education.** An environmentally informed and educated citizenry who will thus protect the environmental resources within the City.

**Objective 23.1:** To provide better environmental protection the City shall take an active support role in environmental education and show the importance and involvement of the City in environmental protection and the need of support from its citizenry.

**Policy 23.1.1:** The City shall encourage its schools to offer environmental based contests where a City dignitary presents awards.

**Policy 23.1.2:** The City shall prepare news releases for its environmental programs and projects and encourage other agencies working in the City to do the same.

**Policy 23.1.3:** The City shall publish and/or distribute environmental protection pamphlets to its citizenry showing methods and means of controlling pollution, conserving water and such subjects.

**Policy 23.1.4:** The City shall consider sponsoring a citywide public environmental function adjacent to a major city natural resource such as the Imperial River. Environmental agencies and groups could be invited to have booths, speakers, exhibits and symposiums.

**Policy 23.1.5:** The City shall consider identifying groups, volunteers, agencies and other notable supporters of environmental actions in the City who may be provided recognition by the Mayor or other dignitaries.

**Goal 24:**

**Objective 24.1:** Encourage energy efficiency through development standards and regulations.

**Policy 24.1.1:** By the end of 2012. the City shall create guidelines within its Land Development Code to promote energy efficiency and resource conservation, Florida-friendly landscaping, low impact developments, and green building techniques to protect minerals, soils and vegetation.

(Ord. No. 09-05, § 1, 4-15-09)