

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 20-05

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS TO REZONE 67.5 +/- ACRES FROM COMMERCIAL PLANNED DEVELOPMENT (CPD) TO A MIXED-USE PLANNED DEVELOPMENT (MPD) TO ALLOW FOR A MAXIMUM OF 482 MULTI-FAMILY DWELLING UNITS (INCLUSIVE OF AN ASSISTED LIVING FACILITY) AND A 165-ROOM HOTEL AT A MAXIMUM BUILDING HEIGHT OF 65 FEET/6 HABITABLE FLOORS; AND UP TO 315,000 SQUARE FEET OF COMMERCIAL/RETAIL AT A MAXIMUM BUILDING HEIGHT OF 55 FEET/5 HABITABLE FLOORS AT THE NORTHWEST INTERSECTION OF BONITA BEACH ROAD AND BONITA GRANDE DRIVE, BONITA SPRINGS, FL 34135; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application to request to amend a portion of the previously approved Eagle Trust Commercial Planned Development (CPD), Zoning Ordinance 08-09, located within the Interchange Zone of the Bonita Beach Road Corridor Overlay, to a Mixed-use Planned Development (MPD) to allow for a maximum of 482 multi-family dwelling units (inclusive of an Assisted Living Facility) and a 165-room hotel at a maximum building height of 65 feet / 6 habitable floors; and up to 315,000 square feet of commercial/retail at a maximum building height of 55 feet / 5 habitable floors; and

WHEREAS, the subject property is located at 27800, 27910, 27940, 27960 Bonita Grande Drive and 27800, 27897, 27901, 27931, and 27937 Eagle Ridge Road, Bonita Springs, FL 34135 and is described more particularly in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, a Public Hearing was advertised and heard on August 4, 2020, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD19-62429-BOS which recommended approval (6-0), after giving full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City, and the testimony of all interested parties. The July 28, 2020 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

SECTION ONE: RECITALS

The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION TWO: APPROVAL OF REQUEST

The City Council hereby approves Petition PD19-62429-BOS to rezone the subject property to Mixed Use Planned Development, to allow for a maximum of 482 dwelling units (inclusive of an Assisted Living Facility) and a 165-room hotel at a maximum building height of 65 feet up to 6 habitable floors; and up to 315,000 square feet of commercial/retail at a maximum building height of 55 feet up to 5 habitable floors, consistent with the Master Concept Plan; detailed as follows:

Uses: The following uses will be allowed within this Mixed Use Planned Development:

Tract C:

- Accessory uses and structures
- Administrative offices
- Animals: Clinic, no outdoor cages, pens, runs, or exercise facilities
 - Control center (including Humane Society)
- Assisted living facility
- ATM (automatic teller machine)
- Auto parts store
- Automobile service stations
- Auto repair and service (4-408(c)(2)), all groups
- Bait and tackle shop
- Banks and financial establishments (4-408(c)(3)): Group I
- Bar or cocktail lounge, subject to Note (1)
- Boat parts store (no outdoor display)
- Boat repair and service (within an enclosed building)
- Boat sales (no outdoor display)
- Building material sales (4-408(c)(4)) no outdoor display
- Business services (4-408(c)(5)): Group I
- Car wash
- Cleaning and maintenance services (4-408(c)(7))
- Clothing stores, general (4-408(c)(8))
- Clubs: Commercial; fraternal, membership organization; Private
- Cold storage, pre-cooling, warehouse and processing plant, subject to Note (2)
- Community Gardens
- Computer and data processing services
- Consumption on premises, subject to Note (1)
- Contractors and builders (4-408(c)(9)), Groups I and II
- Convenience food and beverage store, limited to 24 self-service fuel pumps
- Day care center, child, adult
- Department store
- Drive-through facility for any permitted use
- Drugstore, pharmacy
- Essential services
- Essential service facilities (4-408(c)(13)): Group I

Excavation: Water retention with off-site removal of material, limited to 150,000 cubic yards for the MPD subject to **Condition 8**

Fences, walls

Food and beverage service, limited

Food stores (4-408(c)(16)): Group I

Freight and cargo handling establishments (4-408(c)(17)), subject to Note (2)

Furniture and fixtures (4-408(c)(18))

Gift and souvenir shop

Hardware store

Health care facilities (4-408(c)(19)): Groups I-IV, VI

Hobby, toy and game shops (4-408(c)(20))

Hotel/motel, limited to 165 rooms

Household and office furnishings (4-408(c)(21)), all groups

Laundry or dry cleaning (4-408(c)(22)): Groups I and II

Lawn and garden supply stores, outdoor display areas will be enclosed with decorative enclosure

Leather products (4-408(c)(23)): Group I

Library

Manufacturing – indoor only, no open storage, subject to Note (2):

- Lumber and wood products(4-408(c)(24)): Group I
- Measuring, analyzing and controlling instruments (4-408(c)(26)
- Novelties, jewelry, toys and signs (4-408(c)(27)), all groups
- Paper and allied products (4-408(c)(29)): Group I
- Stone, clay, glass and concrete products (4-408(c)(45)): Group I

Micro-breweries

Night clubs

Nonstore retailers (4-408(c)(28)), all groups

Parcel and express services

Package store

Paint, glass and wallpaper

Parks (4-408(c)(30)): Groups I and II

Parking Lot: Accessory; garage, public parking; temporary

Personal services (4-408(c)(31)): Groups I and II

Pet services

Pet shop

Pharmacy

Photofinishing laboratory

Plant nursery

Printing and publishing (4-408(c)(33))

Real estate sales office

Recreation facilities, commercial (4-408(c)(35)): Groups I and IV;

- Personal; Private—On and off-site

Rental or leasing establishment (4-408(c)(36)): Groups I and II, outdoor display will be limited to bikes during hours of operation

Repair shops (4-408(c)(37)): Groups I and II, indoor only

Research and development laboratories (4-408(c)(38)): All groups

Restaurant, fast food

Restaurants (4-408(c)(40)): Groups I and III, Group IV
Schools, commercial and noncommercial
Self-service fuel pumps, limited to 24
Signs in accordance with chapter 6 or Deviation 10 subject to **Condition**

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Social services (4-408(c)(43)): Group I
Specialty retail store (4-408(c)(44)): All groups, Note (3)
Storage: Indoor
Studios (4-408(c)(46))
Temporary uses
Theater, indoor
Used merchandise stores (4-408(c)(51)): Groups I & II
Variety store
Warehouse: Mini, private, public, subject to Note (2)
Wholesale establishment, Group III

Tract C-1:

All uses permitted in Tract C
Community residential home
Continuing care facilities
Dwelling unit: Multiple-family building, townhouse
Entrance gates and gatehouse
Models: Display center and model unit
Residential accessory uses (4-408(c)(39))

Tract P (Preserve and Open Space):

Active and passive recreation areas, such as boardwalks, fishing piers or observation decks, kayak/canoe launches, or pedestrian and nature trails

Excavation: Water retention, as shown on the MCP, with off-site removal of fill, limited to 150,000 cubic yards for the MPD subject to **Condition**

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Signs, informational

Notes:

- (1) If within 500 feet of a religious facility, school (noncommercial), day care center (child), park, or dwelling unit, if outside of the MPD, outdoor consumption of alcohol must meet the following criteria:
 - a. Live outdoor entertainment is permitted Wednesday-Sunday only, unless a special event permit is obtained.
 - b. Musicians and entertainers shall only be permitted to use the speaker system provided by the establishment.
 - c. Speakers are to be oriented in such a way so as to generally not face residential communities.
 - d. Hours of operation of outdoor seating areas shall be Noon – 10 PM, Sunday through Thursday, and Noon – Midnight, Friday and Saturday.

- (2) Limited to a maximum building area of 100,000 sq. ft. Prohibited from locating along Bonita Beach Road. Additional square footage may be approved through the special exception process.
- (3) Outdoor display associated with a specialty retail store may be approved administratively provided display areas do not face Bonita Beach Road.

Property Development Regulations: See Exhibit “C”

Conditions:

1. The project shall be consistent with the Master Concept Plan and Urban Design Plan Overlay stamped received June 2, 2020 and titled “Midtown at Bonita” prepared by Robau & Associates and Urban Arts, Inc., and attached hereto (**Exhibit “B,”** Sheets 1-3 and UD-1), except as modified by the conditions below. The approved development intensities allows for a maximum of 482 multiple family dwelling units (inclusive of an Assisted Living Facility) and a 165-room hotel at a maximum building height of 65 feet up to 6 habitable floors; and up to 315,000 square feet of commercial/retail at a maximum building height of 55 feet up to 5 habitable floors. For the purposes of this project “multiple family” is defined as duplex, multiple-family, townhouse, and two family attached dwelling units.

The developer must provide a cumulative land development summary table as a part of any local development order application.

2. All auto oriented uses located along the Bonita Beach Road frontage as defined on the Urban Design Overlay Plan (Sheet 4 of **Exhibit “B”**) shall be designed so that buildings are oriented along the frontage with drive-thru and associated stacking located along the side and rear property lines. Fueling and charging station pumps shall be oriented behind a building and not visible from the Bonita Beach Road frontage.
3. Illustrative Plan. The project shall be designed generally consistent with preliminary Illustrative Master Plan attached hereto as **Exhibit “D”** except as modified herein.
4. Architectural: The project elevations shall be designed generally consistent with preliminary artistic concepts attached hereto as **Exhibit “E”** except as modified herein.
5. Signage. Signage for this project shall be consistent with the regulations of LDC Chapter 6, unless modified by Deviation 10 and as outlined below:
 - a. Ground signs along the Bonita Beach Road and Bonita Grande Drive Intersection shall be placemaking only, identifying only the name of the

- project, insignia or motto. No tenant panel signage will be permitted on placemaking signs that abut the Bonita Beach Road/Bonita Grande Drive intersection.
- b. All signage is subject to administrative review by the City Architect during the permitting process, at which time additional modifications may be incorporated. Additionally, staff retains the right to confirm all ground signage (temporary or permanent) both internal and external to the site, for vehicle visibility requirements.
 - c. Any other sign type not listed in the proposed "Prohibited Sign Types" section, but does appear in the prohibited section of LDC Chapter Six, remains prohibited, unless specifically modified or stated herein.
6. Duration of rights. Pursuant to Section 4-303(a)(2) of the Land Development Code, the MCP will expire within 5 years of the date of approval unless, within such time frame, the Developer obtains development orders for construction of the master infrastructure (roadways, utilities, perimeter landscape buffers, stormwater lakes, and floodplain compensation lakes) serving the project. The master infrastructure may be phased so long as the development order for the final phase is obtained within said 5-year period.
7. Excess Spoil. In the event the Applicant elects to excavate lakes with a lake depth greater than 12':
- a. When the floodplain compensation lakes are being excavated adjacent to and combined with the existing Kehl canal, additional testing and/or a monitoring plan may be required to ensure that all proper BMPs are in effect, as set forth in the Storm Water Pollution Prevention Plan (SWPPP) approved by the South Florida Water Management District (SFWMD).
 - b. Reference **Exhibit F**: Conditions for removal of excavated materials offsite. This exhibit must be submitted at time of local development order.
 - c. Excavation must be concurrent with Phase 1 of the Development.
 - d. All excavation involved in the construction of the flood plain compensation lakes must be completed within 2 years of the start of any site development activities for the excavation.
 - e. Egress and ingress for removal of the excavated material from lakes shall only occur off Bonita Grande Drive, as permitted by LCDOT.
 - f. The floodplain compensation lakes and the water quality lakes shall be protected by a permeant easement recorded with the Lee County Clerk of the Court. Said easement can only be removed, vacated or otherwise amended by an action of the City of Bonita Springs City Council.
8. Environmental
- a. Prior to local development order approval, the landscape plans must include an open space table and an open space exhibit detailing how the required open space, as shown on the MCP, is being provided within the

- overall planned development. A minimum of 10% open space must be provided within each tract.
- b. If any archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The Developer will immediately contact the Florida Department of State, Division of Historical Resources, and the City of Bonita Springs and advise them of the discovery. The Developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate mitigation actions if necessary.
 - c. Twenty-two heritage trees found on the project site shall be mitigated for onsite per the Heritage Tree Impacts – Justification & Mitigation Plan dated 12/9/19 including 22 twenty foot trees and three strata of native plantings for wetland areas that interface along the Kehl Canal which will include 22 native cypress trees.
 - d. At the time of local development order, littoral planting area plans shall be sloped at a minimum of 6:1 or a less steep ratio for enhanced survivability.
 - e. When lakes are not proposed to be sinuous per LDC Sec. 3-331(d)(4) or 3-420 per approved Deviations, littoral planting shelves that mimic sinuosity shall be provided.
 - f. At the time of local development order, the Applicant shall design the stormwater treatment system to use a treatment train (multiple-method) approach incorporating multiple Best Management Practices (BMPs) per CCME Policy 9.3.1 to ensure the maximum potential treatment of stormwater before discharge into the Imperial River.
 - g. At time of local development order, the Applicant shall calculate the nutrient loading removal associated with the final lake depth, which will be at 12 ft or 20 ft. The nutrient reduction shall be calculated by using the federally and state accepted Harvey Harper methodology.
9. Engineering. At the time of local development order, the Applicant shall provide or meet the following criteria:
- a. The use of gutters, downspouts and bubblers/yard drains may be required to properly channelize and direct runoff to a suitable outfall.
 - b. To achieve both prevention of erosion and proper stormwater quality, the Applicant may be required to utilize the following: (1) Swale and berms surrounding the perimeter of the lakes and/or, (2) flatter slopes (as flat as a 6:1 slope) than currently required (4:1 slope) for lake banks and littoral planting areas (3) A greater quantity of littoral plantings than currently required and/or, (4) if necessary, other shoreline stabilization methods, such as bulkheads or rip rap.
 - c. Solid waste and recycling: The Applicant must comply with Lee County Solid Waste's requirements for solid waste and recycling service; and the solid waste compactor shall be oriented internal to the site with the disposal pick up area oriented towards the parking lot and not the main entrance. Additionally, the compactor area must provide sufficient space required for

recyclable collection. The calculation for solid waste for a dumpster versus the compactor will need to be provided at time of local development order.

10. Flood Hazard Reduction

- a. FEMA Letter of Map Revision Case No. 19-04-5595P revising the floodway boundary received preliminary approval on May 22, 2020 and is currently pending the required 90-day technical challenge period (began on June 12, 2020). Until the LOMR is effective (approximately October 13, 2020) the revised flood hazard determination may be changed. Prior to the approval of a local development order, FEMA Letter of Map Revision Case No. 19-04-5595P must be approved and in effect. Should the flood hazard determination presented in LOMR-APP dated May 22, 2020 the MPD must be revised.
- b. Due to the presence of a floodway on the property, the Applicant shall comply with all provisions of the Land Development Code relating to flood hazard reduction at the time of local development order.

11. Transportation and Multimodal

- a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions for on-site improvements consistent with the City of Bonita Springs Land Development Code may be required to obtain local development order; and
- b. Less the deviations and/or exceptions provided by this MPD approval, at the time of local Development Order, all required multimodal facilities (infrastructure, crossings, amenities, furnishings, access points, easements, etc.) both internal and external to the site, shall meet or exceed the intent of the design standards provided by Chapter 3 of the City of Bonita Springs Land Development Code, the City of Bonita Springs Bicycle Pedestrian Master Plan (PATH), the Bonita Beach Road Corridor Design Standards, and all applicable design standards except as modified herein and as required by the Bonita Springs Fire Control and Rescue District and National Fire Protection Area (NFPA).
- c. Prior to securing the first local development order for the project, the Applicant shall coordinate with LCDOT to determine the feasibility and county desire for implementing traffic calming features, such as a roundabout, in lieu of conventional turn lanes and potential signalization (when and if warranted) at the entrances along Bonita Grande Drive.

12. Lee Tran. At time of local development order, the Applicant shall coordinate with LeeTran on placement of a transit facility within the development. If an area is not immediately identified, an easement for a future LeeTran facility near the one of the project's entrances shall be identified and dedicated should demands change in the future; and

13. Lee County Department of Transportation (LCDOT)

- a. The developer is required to enter into an agreement for the fair share contribution towards a traffic signal at the intersection of Bonita Beach Road and the western access drive.
 - b. The County reserves the right and authority to modify or restrict access, turning movements, median openings and use of traffic control devices on or affecting Bonita Beach Road and Bonita Grande Drive as it deems necessary to address operational and safety issues.
 - c. A Lee County Type 'D' Limited Review Development Order (LDO) will be required for the offsite improvements within the County maintained rights-of-way (i.e., Bonita Beach Road and Bonita Grande Drive) to mitigate the traffic impacts from the proposed development. The applicant will provide the offsite improvement plans with construction level details for review and approval of the County LDO. Additional comments and revisions may be necessary for the offsite improvements on Bonita Beach Road and Bonita Grande Drive to meet the Lee County LDC requirements.
14. Access. Final access shall be determined at the time of Development Order, the Applicant shall have the right to modify the westernmost entry off Bonita Beach Road identified in the Master Concept Plan, as may be necessary, provided such modifications do not extinguish any existing legal access to abutting western parcels.
15. The Applicant shall plat the property concurrent with the approval of the local development order. The plat shall address all required easements, including a perpetual easement in favor of the City of Bonita Springs over and across the water quality lakes. Additionally, the Applicant shall prepare property owner association documents in compliance with the City's Plat Code. These covenants and restrictions shall provide for the perpetual maintenance of the water quality lakes in perpetuity.
16. This Master Concept Plan is subject to conditions set forth herein and the rules, regulations laws and codes in place at the time of Development Order and Construction Plan approval. Approval of this Planned Development is not a guarantee of future approvals.

Deviations:

1. Deviation 1 is approved requesting relief from LDC Section 3-289(a), Special access provisions for Bonita Beach Road, which requires a minimum connection separation of 660 feet for any access to Bonita Beach Road, to allow a minimum connection separation of 597.6 feet.
2. Deviation 2 is approved subject to **Condition 8c** requesting relief from LDC Sec. 3-331(d)(1)a.3., Setbacks for water retention or detention excavations, which requires a minimum setback of fifty (50) feet from any private property line under separate ownership, to allow a zero (0) foot setback from the

property line where Lakes 1 and 2 are adjacent to the Kehl Canal and a 20-foot setback from the property line for Lake 2 (as shown on the Master Concept Plan). This deviation request is from the technical standards for specific sections in LDC Chapter 3 and can be approved administratively.

3. Deviation 3 is approved subject to **Condition 11** requesting from LDC Sec. 3-303(b)(iii), Typical street design, to allow the street design as shown on the MCP. This deviation request is from the technical standards for specific sections in LDC Chapter 3 and can be approved administratively.
4. Deviation 4 is approved requesting requests relief from LDC Sec. 3-418(d)(3) Buffer requirements, which requires a minimum 10-foot wide Type A buffer between commercial uses, to allow no landscape buffer between uses internal to the property.
5. Deviation 5 is approved requesting relief from LDC Sec. 3-418(d)(3) Buffer requirements, which requires a minimum 15-foot-wide Type D buffer along rights-of-way, to allow no landscape buffer along internal rights-of-way adjacent to lakes and a five-foot wide Type A landscape buffer in other locations along internal rights-of-way.
6. Deviation 6 is approved subject to **Condition 9c** requesting relief from LDC Sec. 3-268(a) Provision of container spaces, which establishes minimum required square footages for garbage and recyclable collection, to allow for reduced square footages, if compactors are provided and approval from Lee County Solid Waste Division is obtained at time of development order.
7. Deviation 7 is approved requesting relief from LDC Sec. 4-899(a), Property development regulations, to allow a maximum block size of 601' x 658' with a maximum perimeter of 2,553' as shown on the "Option B" Master Concept Plan.
8. Deviation 8 is approved subject to **Condition 8e** requesting relief from LDC Sec. 3-331(d)(4), Excavations for water retention and detention, to allow Lake 4 to be configured as shown in Tract C-1 on Option B of the Master Concept Plan.
9. Deviation 9 is approved subject to **Conditions 1, 4, and 5** requesting relief from LDC Sec. 4-899(a), Property development regulations, to allow a maximum building height of 65 feet with no more than six stories without the additional setback required by LDC Sec. 4-1874(3)(a).
10. Deviation 10 is approved subject to **Condition 5** modifying project signage design shall be carefully integrated with site and building design to enhance the village theme for the total property without a repetitive and uniform emphasis. Creativity in the design of signs is encouraged in order to emphasize the unique character of the Bonita Grande project. The Bonita Grande MPD shall be permitted to deviate from the LDC, by permitting the following:

a. Project Identification Signs

1. One project directory sign, with a maximum of 250 square feet of sign copy per side and a maximum sign height of 25 feet, shall be permitted at the corner of Bonita Beach Road and Bonita Grande Drive. The project directory sign will feature the project name, insignia or motto of the development and up to two tenant panels.
2. Project identification signs with a maximum of 120 square feet of sign copy per side and a maximum sign height of 15 feet, shall be permitted at each project entry. Project identification signs shall be monument or wall mounted signs and feature only the project name, insignia or motto of the development and up to four tenant panels.
3. No minimum setback shall be required, except that no sign shall be located so as to create vehicular line of site obstructions.

b. Freestanding Use Monument Signs

1. Each freestanding use shall be permitted one monument sign per public road or private drive frontage.
2. Maximum permissible sign copy shall be 100 square feet per side for public road frontage and 80 square feet for private road frontage.
3. For public road frontage, the maximum height of the sign copy shall be 10 feet above finished grade. Architectural details of the sign structure may project above the 10-foot height; however, no part of the sign structure shall exceed 12 feet in height above finished grade.
4. For private drive frontage, the maximum height of the sign copy shall be 8 feet above finished grade. Architectural details of the sign structure may project above the 8-foot height; however, no part of the sign or sign structure shall exceed 10 feet in height above finished grade.

c. Permitted Sign Types

1. Wall – A sign affixed directly to or painted directly on an exterior wall or fence. Maximum sign area – Façade width by 2.50 feet. Max. sign width shall not exceed 80 percent of the width of the unit or building.
2. Projecting – Any sign which projects from and is support by a wall of a building with the display of the sign perpendicular to the building wall. Maximum sign area – the façade width by 2.5 feet up to a maximum of 100 square feet. Theatre signage may be a maximum of 200 square feet.
3. Window – A sign painted or applied to or behind a window or windows. The maximum of the aggregate sign area shall be 30 percent of the area of the window(s) where the sign will be placed.
4. Hanging – A sign attached to and located below any eave, arcade, canopy, or awning. Maximum sign area – 20 square feet (two faces of 20 square feet each).
5. Awning – A sign or graphic attached to or printed on an awning. Maximum sign area – 30 percent of the area of the awning.

6. Monument – A sign secured to a base, which is built directly upon the ground. Maximum sign area – 80 square feet, exclusive of the base.
7. Marquee – A sign usually projecting from the face of a theater or cinema, which contains changeable text to announce events. Sign area shall be compatible with the design of the theater building. Minimum height above grade – 10 feet. Minimum distance from curb – 4 feet.
8. Sandwich boards – A portable sign comprised of two sign panels hinged together at the top. Maximum sign area – 12 square feet (two faces of 12 square feet each). Sandwich board signs shall be displayed only during hours of operation for the associated business.
9. Banners – Fabric panels projecting from light, flag or banner poles. Maximum sign area – shall be proportional to the height of the pole. Banner poles shall be no more than 16 feet in height and 15 sq. ft. max (two faces of 15 sq. ft. each).
10. Temporary special event signs – a temporary window, hanging, awning, portable or banner sign utilized in conjunction with a special event within the MPD.

d. General Standards

1. Sign area: the area of any sign shall be the area of a rectangle, which encloses all elements of the sign (excluding poles and brackets) including all text and any symbols or logos.
2. Mounting height: no part of a sign which projects from a building or is mounted on a pole or bracket shall be less than 8 feet above grade.
3. Illumination: signs may be illuminated by external spot lighting or internally illuminated. Lighting shall be designed and shielded so as not to cause glare onto adjacent properties or the public right-of-way.
4. Material: signs shall be constructed of durable materials suitable to the sign type. The long-term appearance of the sign shall be a major consideration in the selection of materials.
5. Color: the color of signs shall be compatible with the colors and style of the building to which they are attached or otherwise associated. No more than three complementary colors not including white, which will not be considered a color, permitted per sign.
6. All sign structures may feature architectural treatments which shall be permitted to extend above the maximum height of the sign specified herein.

e. Prohibited Sign Types

1. Portable or mobile signs except sandwich boards;
2. Flashing or animated signs;
3. Cabinet signs;
4. Pole signs; and
5. Billboards.

SECTION THREE: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this Ordinance the record of hearings, including testimony, reports, exhibits and attachments considered as part of the application as follows:

EXHIBITS:

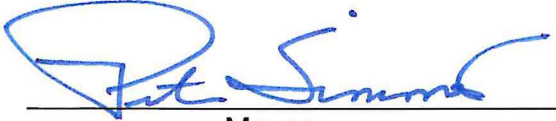
- A. Legal Description and Sketch of the Subject Property stamped received March 20, 2020
- B. Master Concept Plan stamped received June 2, 2020
- C. Property Development Regulations
- D. Illustrative Plan
- E. Artistic Renderings
- F. Excess Spoil Removal Plan

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 2nd day September 2020.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

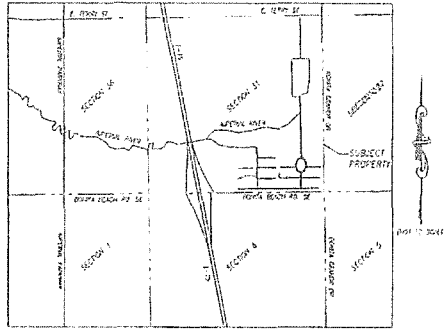
Carr Aye
Purdon Aye
Forbes Aye
Corrie Aye

Gibson Aye
Quaremba Aye
Simmons Aye

Date filed with City Clerk: 9/13/2020

[illegible]

ALTA/NSPS LAND TITLE SURVEY
A PORTION OF THE SOUTHEAST 1/4
LYING IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST,
BONITA SPRINGS, LEE COUNTY, FLORIDA



VICINITY SKETCH
(not to scale)

NOTE:
THIS SURVEY CONTAINS MULTIPLE SHEETS
AND IS NOT FULL AND COMPLETE
WITHOUT ALL OF ITS SHEETS

David S. Dagostino
PSM 5762 State of
Florida
Digitally signed by David S.
Dagostino PSM 5762 State of
Florida
Date: 2020.02.03 10:23:40
-05'00'

DRAWING SHEET INDEX

<u>SHEET NO.:</u>	<u>DESCRIPTION:</u>
1	COVER SHEET
2	LEGAL DESCRIPTIONS
3	SHEET INDEX - OVERALL LAYOUT
4	ALTA/NSPS LAND TITLE SURVEY (SOUTH PORTION)
5	ALTA/NSPS LAND TITLE SURVEY (NORTH PORTION)

FLOOD ZONE INFORMATION:

THIS PARCEL LIES IN FLOOD ZONE "AE" BASED ON FEMA FIRM NO. FAGE
15017H, DATED AUGUST 22, 2008 WITH A BASE FLOOD ZONE OF CITY OF BOWEN
SPRINGS FLOODING, NORTH AMERICAN VERTICAL DATUM OF 1982 (NAD 1982)

SURVEYOR'S NOTES

1. BEARING SHOWN ABOVE ARE TRUE BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983. 1980 ADJUSTMENT (NAD83/80) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET. COORDINATES SHOWN ARE GRID COORDINATES.

- NO DISBURSEMENTS/ADJUSTMENTS OF ACCOUNTS HAVE OCCURRED SINCE THE DATE OF THIS REPORT.
- SUBVANT INFORMATION ABOUT THE USE OF FUNDS UNDER THE RECEIVED BUDGET AND HOW EXPENDITURES WERE INCURRED AGAINST EXPENSES FOR THE BUDGETED FISCAL YEAR 1998/99. THE MAJOR 1998/99 NET DEBIT WAS CASH ON HAND.
- THE MAJOR DEBIT WAS FOR AN EXPENSE OF \$67,211.25 ON 12/31/98 AT \$2.00 PER HOUR. THE BALANCE WAS \$21,211.25.
- THE STREET ADDRESS IS:
2700 SOUTH SPRING ROAD
SOUTH SPRING, IOWA 52245
- EXPENDITURES SINCE REPORT ARE REFERRED TO THE MONTH AVERAGE VOLUME OF \$125 PER HOUR 15331 HOURS OF THE BUDGET YEAR TO THE FISCAL YEAR ENDING 12/31/99. THESE EXPENDITURES WERE FOR THE FOLLOWING PURPOSES:
- THE FISCAL CONTROLS 1997/98 WERE ON LINE.
- NO FURTHER DISBURSEMENTS HAVE OCCURRED DURING THE FISCAL YEAR OF 1998/99.
- OTHER APPROPRIATIONS WERE FIRST NOT REPORTED SINCE DATE OF REPORT.
- NO MAJOR NEW DEBITES AT THIS TIME TO REPORT.

CERTIFICATION

TO THE PROSECUTOR AT 200A CHASE THE LAW OFFICES OF PAUL A. LEONARD, P.A.; 200 CHASE SQUARE
NEW HAVEN, CONNECTICUT

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY OF WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 1916 HURDING STANDARDS OTHER REQUIREMENTS FOR ALIQUOTS AND THE SURVEY FORMS ESTABLISHED AND ADOPTED BY ALTA AND NEPE AND PREVIOUS EING 1 2 3 4 5 6 7 8 9 10 11 12

DATE OF PUT OF MVR: 02/01/2020

22

ALTA/NSPS LAND TITLE SURVEY
A PORTION OF THE SOUTHEAST 1/4
LYING IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST,
BONITA SPRINGS, LEE COUNTY, FLORIDA

SEE SHEET 5 OF 5

SEE SHEET 4 OF 5

BONITA BEACH ROAD

POINT OF BEGINNING

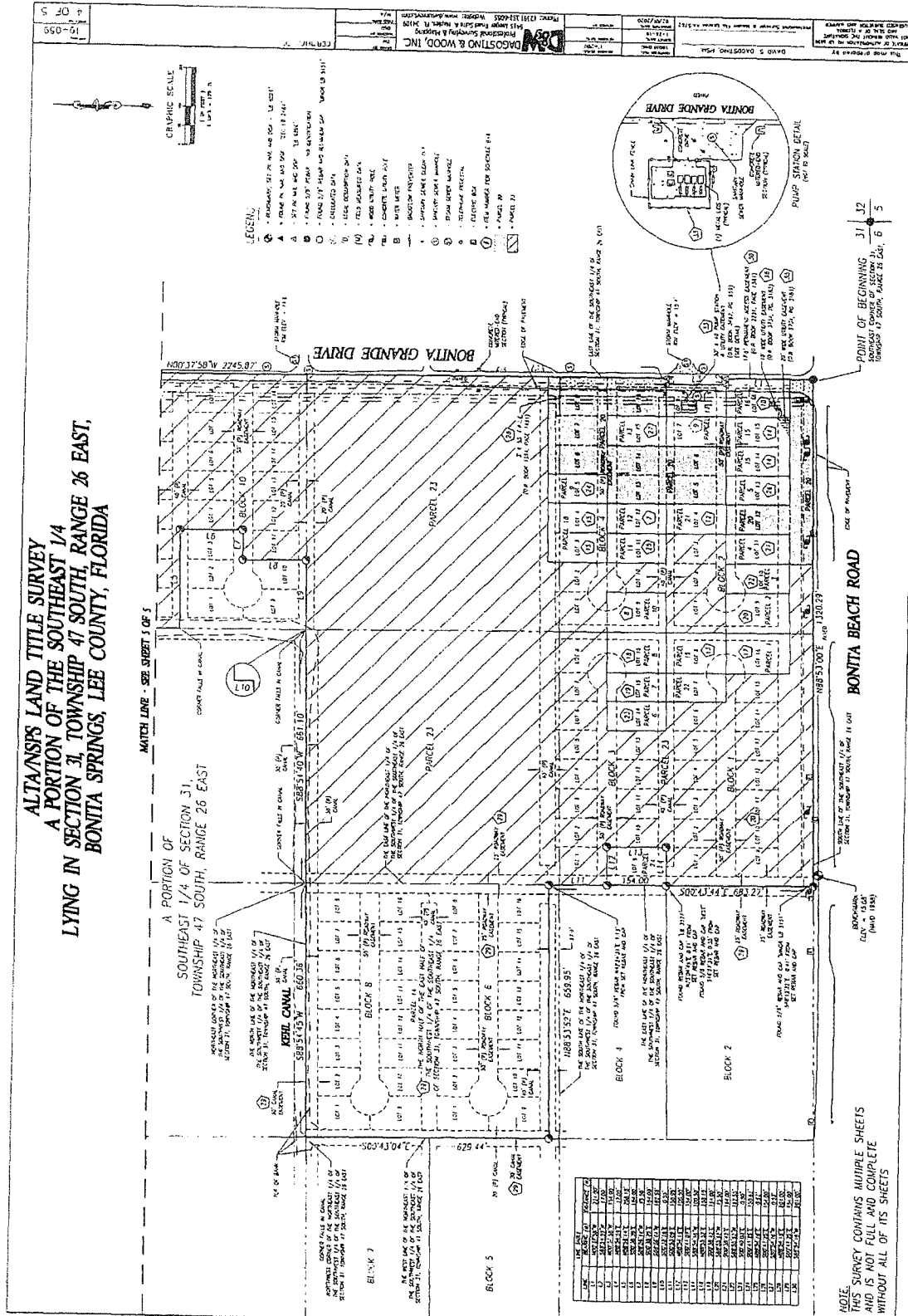
GRAPHIC SCALE
(IN FEET)
1 UNIT = 200 FT.

NOTE:
THIS SURVEY CONTAINS MULTIPLE SHEETS
AND IS NOT FULL AND COMPLETE
WITHOUT ALL OF ITS SHEETS

DAVID S. MAGOSTINO, P.M.
DAVID S. MAGOSTINO & WOOD, INC.
Professional Surveyors & Engineers
Firm No. 12345
Address: 1234 Main St., Bonita Springs, FL 34135
Phone: (813) 123-4567
Fax: (813) 123-4568
E-mail: info@dsma.com

NOTE:
THIS SURVEY CONTAINS MULTIPLE SHEETS
AND IS NOT FULL AND COMPLETE
WITHOUT ALL OF ITS SHEETS

ALTA/NSPS LAND TITLE SURVEY A PORTION OF THE SOUTHEAST 1/4 LYING IN SECTION 31, TOWNSHIP 47 SOUTH, RANGE 26 EAST, BONITA SPRINGS, LEE COUNTY, FLORIDA



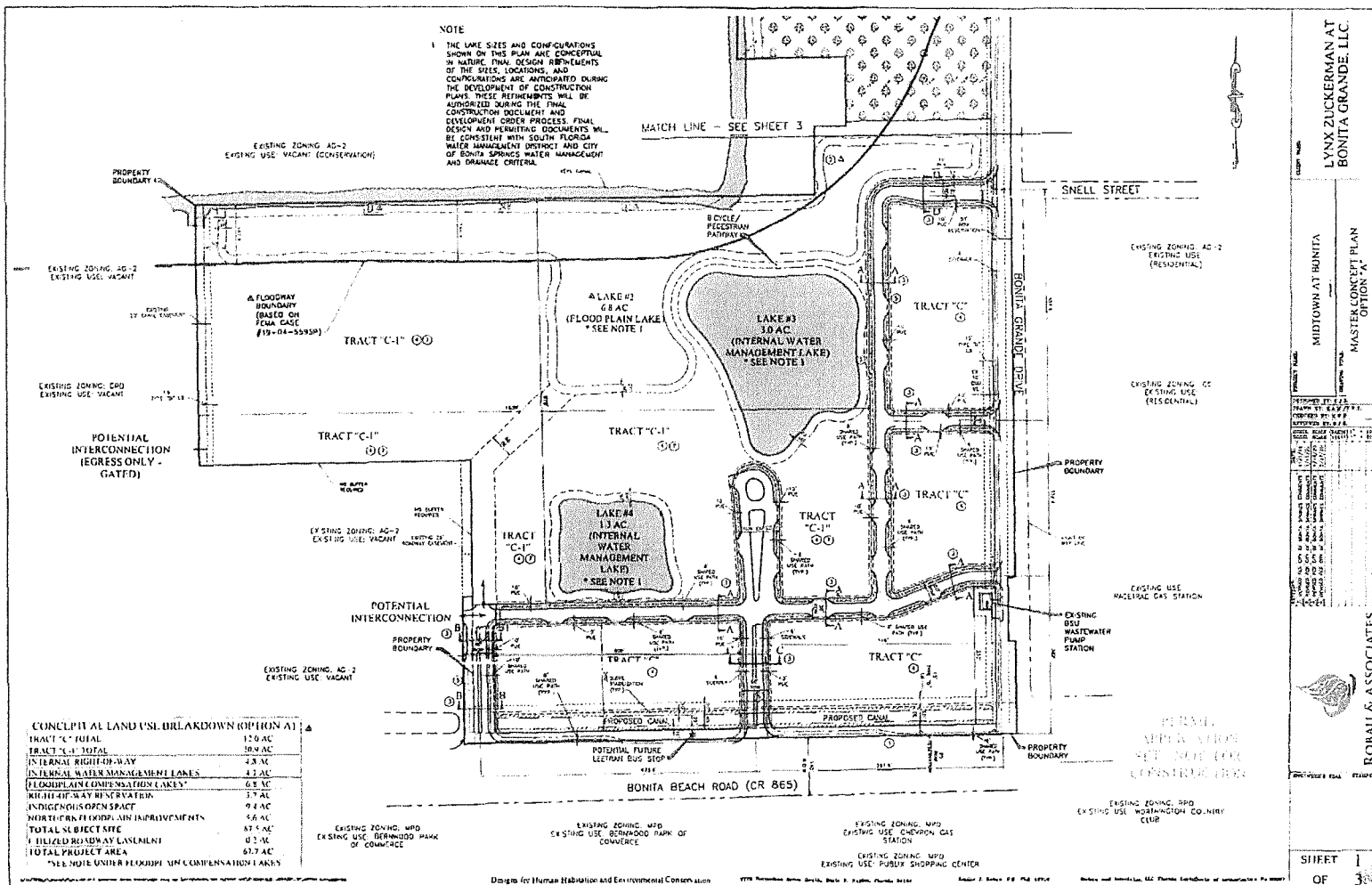
LEGEND:

- 1. BOUNDARY: SEE PL. MAP AND DEED - 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, 6J, 6K, 6L, 6M, 6N, 6O, 6P, 6Q, 6R, 6S, 6T, 6U, 6V, 6W, 6X, 6Y, 6Z, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M, 7N, 7O, 7P, 7Q, 7R, 7S, 7T, 7U, 7V, 7W, 7X, 7Y, 7Z, 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, 8N, 8O, 8P, 8Q, 8R, 8S, 8T, 8U, 8V, 8W, 8X, 8Y, 8Z, 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H, 9I, 9J, 9K, 9L, 9M, 9N, 9O, 9P, 9Q, 9R, 9S, 9T, 9U, 9V, 9W, 9X, 9Y, 9Z, 10A, 10B, 10C, 10D, 10E, 10F, 10G, 10H, 10I, 10J, 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[illegible][illegible]

NOTE:
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AND IS NOT FULL AND COMPLETE
WITHOUT ALL OF ITS SHEETS

Exhibit B
PD19-62429-BOS



PROJECT SUMMARY	
PROJECT DATA	
PROJECT NAME	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT LOCATION	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT OWNER	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT DATE	2020
PROJECT TYPE	RESIDENTIAL
PROJECT PHASE	CONCEPT
PROJECT SITE	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT AREA	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT PERMIT	LYNX ZUCKERMAN AT BONITA GRANDE, LLC
PROJECT PLAN	LYNX ZUCKERMAN AT BONITA GRANDE, LLC

REQUEST

DESIGN TO BE SUBMITTED TO THE CITY OF BONITA GRANDE, FLORIDA FOR REVIEW AND APPROVAL OF THE CITY ENGINEER.

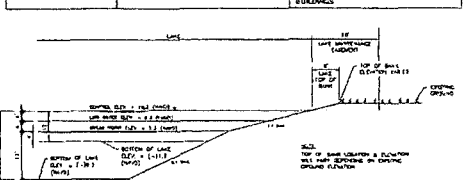
ADJACENT PROPERTY LAND USE/ZONING	
ADJACENT PROPERTY	LAND USE/ZONING
TO THE NORTH	RESIDENTIAL
TO THE SOUTH	RESIDENTIAL
TO THE EAST	RESIDENTIAL
TO THE WEST	RESIDENTIAL

PROJECT DENSITY	
PROJECT DENSITY	100 UNITS PER ACRE
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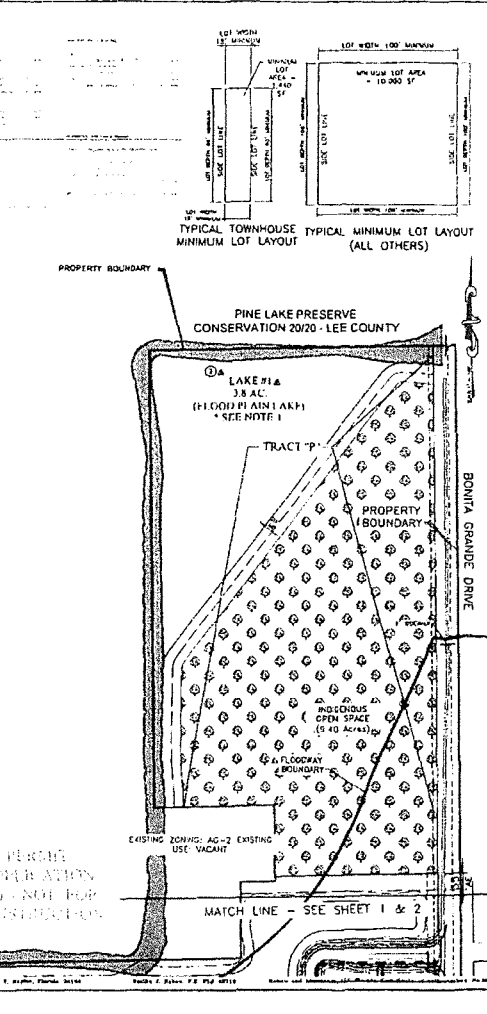
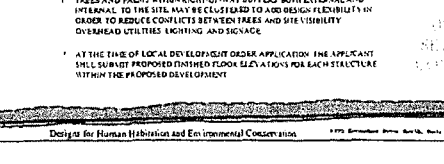
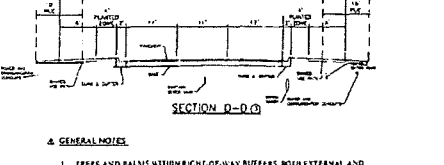
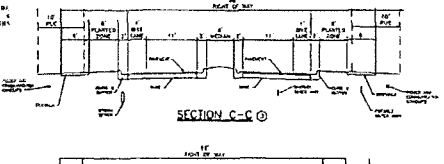
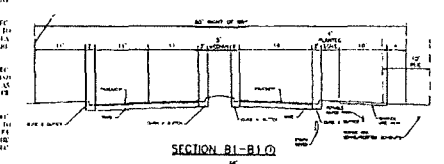
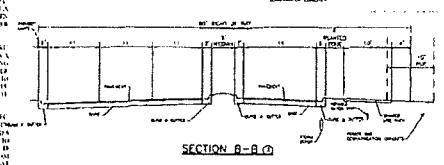
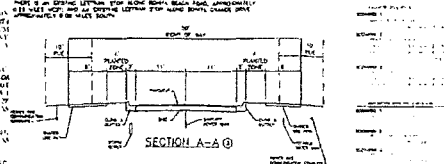
PROPERTY DEVELOPMENT REGULATIONS	
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PUBLIC TRANSIT



LYNX ZUCKERMAN AT BONITA GRANDE, LLC

MASTER CONCEPT PLAN

NIGHTOWN AT BONITA

MASTER CONCEPT PLAN

ROBAU & ASSOCIATES

MASTER CONCEPT PLAN

PROJECT NAME

PROJECT LOCATION

PROJECT OWNER

PROJECT DATE

PROJECT TYPE

PROJECT PHASE

PROJECT SITE

PROJECT AREA

PROJECT PERMIT

PROJECT PLAN

PROJECT NAME

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PROJECT AREA

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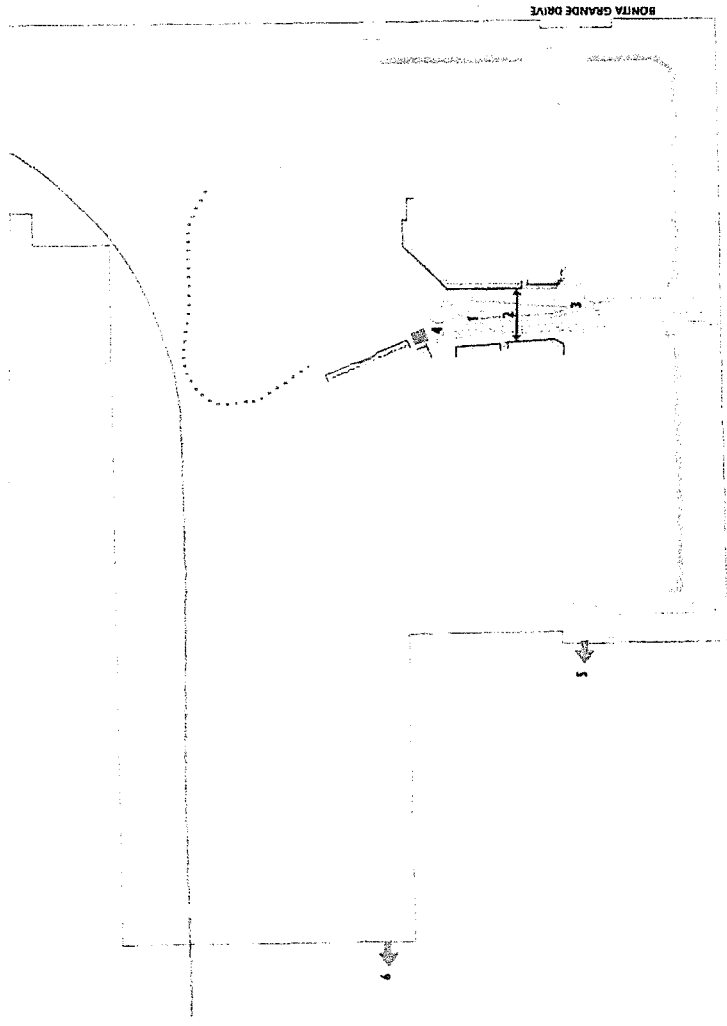
PROJECT PLAN

Design for Human Habitation and Environmental Conservation

SHEET 3 OF 3

There is a growing body of evidence that the use of the term "disability" is not only stigmatizing but also inaccurate. The term "disability" is often used to describe a person's condition, but it is not always clear what is meant by the word. The term "disability" is often used to describe a person's condition, but it is not always clear what is meant by the word. The term "disability" is often used to describe a person's condition, but it is not always clear what is meant by the word.

Revised: May 2010



BONITA BEACH ROAD

A TRUCKIAGE
 BONITA BEACH ROAD (RRR)
 FRONTAGE
 NOTE: REFER TO MOP PLAN
 FOR SHOULDER
 GREEN
 PLANT
 SCULPTED ARCHITECTURAL
 (C) (M) (E) (F)
 FUTURE STREET
 CONSTRUCTION

ANNOTATIONS (refer to #'s on Plan Diagram)

1. **THE PROBLEM** The problem was that the design of the building was not taking into account the needs of the people who would be using it. The building was designed to be a place where people could go to work, but it was not designed to be a place where people could live. The building was designed to be a place where people could go to work, but it was not designed to be a place where people could live.
2. **THE SOLUTION** The solution was to design the building to be a place where people could live. The building was designed to be a place where people could live, and it was designed to be a place where people could work. The building was designed to be a place where people could live, and it was designed to be a place where people could work.
3. **THE RESULTS** The results of the design were that the building was a place where people could live, and it was a place where people could work. The building was a place where people could live, and it was a place where people could work.
4. **THE CONCLUSION** The conclusion of the design was that the building was a place where people could live, and it was a place where people could work. The building was a place where people could live, and it was a place where people could work.

FRONTAGIS

with a small number of people. The 100,000 people who are currently employed in the health care industry are not going to be able to take care of the 100 million people who are going to need it. So, we need to find a way to train more people to take care of the elderly. We need to find a way to train more people to take care of the elderly. We need to find a way to train more people to take care of the elderly.

SONIA MACH ROADFRONTAGE:
The Office of Planning and Development

the problem that you may be able to solve. But if you're not, then you're not a problem solver. You're just a problem solver.

**PROPERTY DEVELOPMENT REGULATIONS
BONITA GRANDE MPD**

NOTE: Additional requirements depicted on the Urban Design Overlay Plan.

COMMERCIAL OR MULTI-FAMILY BUILDINGS:

Minimum Lot Area and Dimensions:

Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks:

Street:	20 feet
Internal Accessways:	5 feet
Side:	15 feet
Rear:	20 feet
Water Body:	25 feet
Preserve:	30 feet
Perimeter boundary:	Width of the required landscape buffer or ½ the building height, whichever is greater

Accessory uses and structures must comply with setbacks per LDC Section 4-923 et seq.

Maximum Lot Coverage: 40%

Maximum Building Height: 65 feet, max. 6 stories or 5 stories over parking (hotel/motel, multi-family, assisted living facilities)
55 feet, max. 5 stories (all other buildings)

TOWNHOUSE:

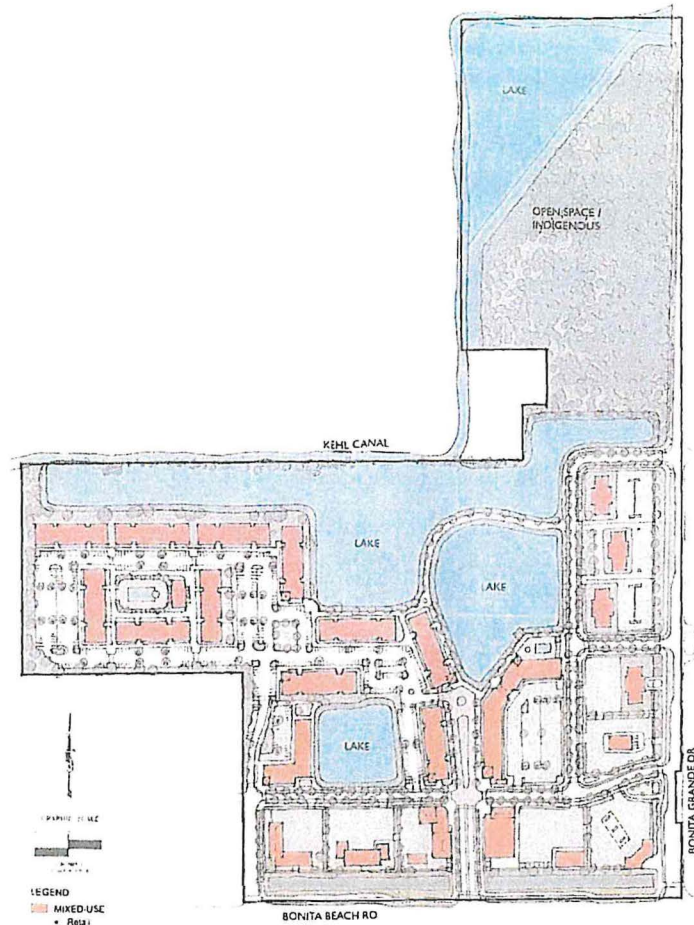
Minimum Lot Area and Dimensions:

Area:	1,440 square feet
Width:	18 feet
Depth:	80 feet

Minimum Setbacks:

Street:	20 feet
Internal Accessways:	5 feet
Side:	none
Rear:	15 feet
Water Body:	25 feet

Exhibit D
PD19-62429-BOS



- LEGEND
- MIXED-USE
- Retail
 - Restaurant
 - Commercial
 - Office
 - Hotel
 - Multi-family
 - ALF
 - Townhomes

JULY 17, 2019
REVISED NOV 4, 2019
REVISED MAY 16, 2020

MIDTOWN AT BONITA
MIXED-USE COMMUNITY
PRELIMINARY ILLUSTRATIVE MASTER PLAN

RECEIVED
CITY OF BONITA
JUN 02 2020
COMMUNITY DEVELOPMENT
DEPARTMENT



Preliminary Artist Concept, For Illustrative Purposes Only

RECEIVED
CITY OF BONITA SPRINGS
JUN 02 2020
COMMUNITY DEVELOPMENT
DEPARTMENT

Exhibit F
PD19-62429-BOS

EXCESS SPOIL REMOVAL PLAN

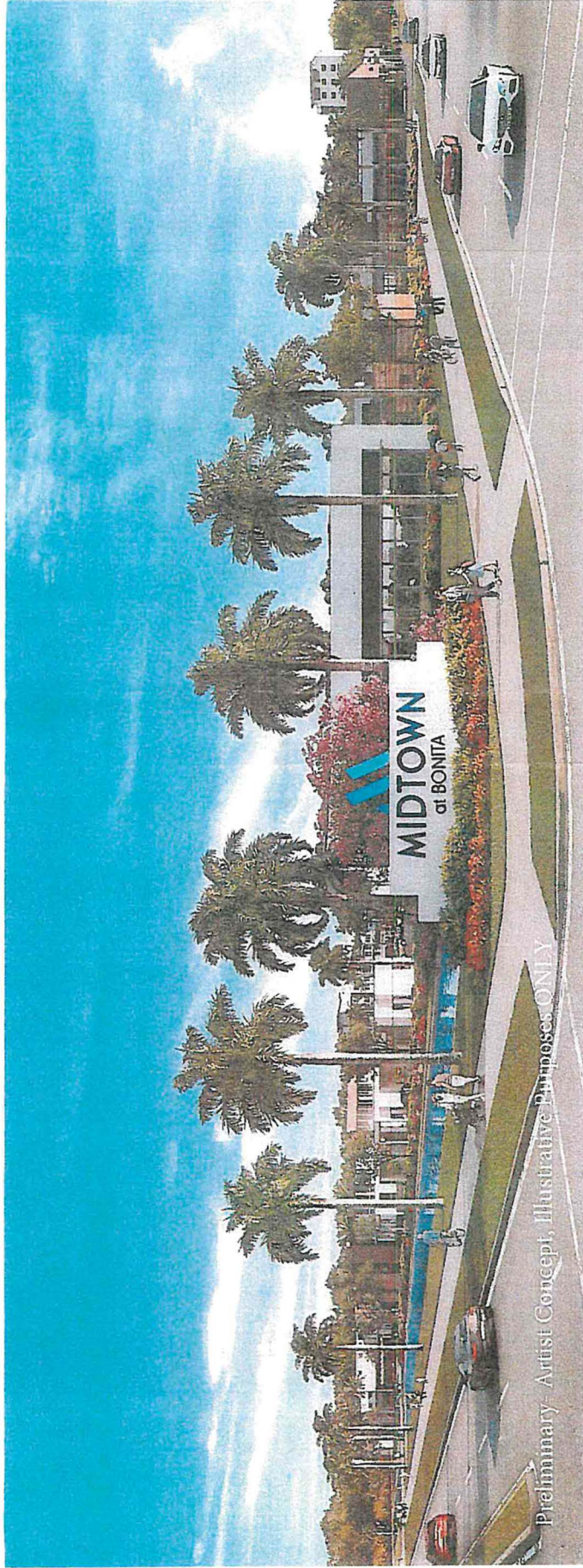
In addition to the Development Order submittal requirements, an Excess Spoil Removal Plan must be submitted and approved prior to the removal of excavated materials off site. The Plan must be prepared by and signed and sealed by a Florida Professional Engineer.

1. Provide a statement of the purpose for removing excavated material offsite.
2. Provide the approximate size and location of the area to be excavated relative to all property lines, easements, rights-of-way, and existing and proposed structures.
3. Provide lake typical cross section showing slopes, the maximum and average depth, and the controlled water elevation in the excavated area.
4. Provide the total estimated quantity excavated and quantity of material that will be hauled off-site.
5. Identifying the location of the on-site excavated material stockpiles and truck staging areas prior to leaving site.
6. Installation of the floodplain compensation lakes (Lake #1 and Lake #2 and downstream, drainage infrastructure as identified on the MCP) shall be included in the first Development Order for the project and shall be completed prior to issuance of the first Certificate of Occupancy or Certificate of Completion, as applicable, for the residential and commercial buildings.
7. The petitioner shall video tape the existing condition of the segments of Bonita Beach Road and Bonita Grande Road adjacent to the property prior to the export of any fill material. The petitioner shall video tape the condition of the segments of Bonita Beach Road and Bonita Grande Road adjacent to the property upon the completion of each lake excavation phase. Should in the course of conducting the fill export activities, the City of Bonita Springs substantiates damage to the segments of Bonita Beach Road and Bonita Grande Road adjacent to the project resulting from the fill export activities, the City of Bonita Springs shall notify the petitioner and the petitioner shall repair damage and return the roadway to conditions documented by the pre-export activity per the video tape documentation within six months of such notice, with reasonable extension due to force majeure delays.
8. Stockpile height will be determined by its proximity and impact on surrounding waterbodies, and the elevation of onsite preserves and roadways.
9. Erosion Control: Provide a Stormwater Pollution Prevention Plan (SWPPP) which includes the proposed methods to control dust, mud and debris along the proposed haul route.
10. Verify compliance with all conditions of the SFWMD ERP and water use permits relative to dewatering and excavation activities.
11. Acknowledge that all trucks must be covered when transporting spoil to offsite locations and check tailgates are secured before leaving the site.
12. A tire wash facility shall be provided at each access point.
13. 40T off-road dump trucks and on-road spoil trucks will be used to move spoil material between sites in the construction corridor.
14. Create and maintain a master property owner association or sub property owner association or community development district with the responsibility of operating and maintaining the water management system in accordance with South Florida Water Management District permit conditions and City of Bonita Springs permit conditions.
15. Trucks entering and exiting the site for the purpose of removing excavated material shall only do so from a location that is agreed between applicant and the community development reviewer. Each ingress and egress point approved for the use of trucks

removing excavated material shall have a concrete apron at the edge of public access road. Said concrete apron shall be at least 30 feet wide and run from the edge of the pavement to a point 35 feet into the property. Access points must be approved by owner of the ROW, which in this case would be Lee County DOT.

16. A traffic and road impact analysis/mitigation plan will be made by the applicant to address the following:
 - a. The proposed truck traffic volume in trips per day.
 - b. The export of fill material will be conducted in off-peak hours. Peak hours are hereby defined as weekdays between the periods of 4-6 PM.
 - c. A complete hauling route and a detailed Maintenance of Traffic (MOT) Plan shall be specified for each phase of the project. Demonstrate LCDOT approval of proposed haul routes.
 - d. Identifying the project's zone of influence, that is, the distance from the site that traffic is either generated from or attracted to.
 - e. The existing condition of the road system within the excavation project's zone of influence.
 - f. The capacity of the road system within the zone of influence to handle existing traffic, normal growth in the traffic, and additional traffic generated from the excavation project in consideration of the time frame of the traffic generation and the wheel loadings of such traffic.
 - g. The site-specific road work within the zone of influence which is necessary prior to the start of the project and which will be necessary during the project to assure that premature road failure and/or severe road damage will not occur.
 - h. All truck traffic for the removal and transportation of excess spoils should be limited to arterial roadways unless approval is granted by the City of Bonita Springs.
 - i. Installing off-site turn lanes and other on-site roadway improvements may be required.
17. Any other information deemed reasonably necessary by the Director. This includes the ability to impose additional conditions that are necessary to ensure compliance with the requirements of the Excess Spoil Removal Plan.
18. Performance guarantee requirements:
 - a. Excavations performed in conjunction with a planned unit development or subdivision development where excavated materials are removed from the boundary of the development and the excavation plan has been approved by the City manager or designee shall provide a performance bond by:
 - i. a cash deposit or certificate of deposit assigned to the City of Bonita Springs.
 - ii. an irrevocable letter of credit or surety bond. Unless otherwise approved by the City manager or designee, certificate assignments or letters of credit shall be documented on forms provided by the City of Bonita Springs.The performance guarantee posted for on-site excavation activities shall be in an amount of no less than \$25,000.00, nor more than \$1,000,000.00 computed at the rate of \$20.00 for sand and \$100.00 for rock per foot of total lake bank perimeter to be excavated to ensure compliance with the provisions of this article. Such performance guarantee shall not act to limit any guarantees required for off-site road impacts that may be necessary. The City may require this performance guarantee to be recomputed at any time during the project construction for completed, approved lakes and/or the additional excavated material.
 - b. The performance guarantee shall be executed by a person or entity with a legal or financial interest in the property and shall remain in effect until the excavation is completed in conformance with the Land Development Code and any conditions of the planned developments approval. Performance guarantees may be recorded in the official records of the Lee County Florida, and title to the property shall not be transferred until the performance guarantee is released by the City manager or designee.

- c. All performance guarantees shall be kept in continuous effect and shall not be allowed to terminate without the written consent of the City manager or designee.
- d. Should the City find it necessary to utilize the performance guarantee to undertake any corrective work related to the excavation, or to complete the excavation under the terms of this article, or to correct any off-site impacts of the excavation, the permittee shall be financially responsible for all legal fees and associated costs incurred by the City of Bonita Springs in recovering its expenses from the firm, corporation or institution that provided the performance guarantee.



CITY OF BONITA SPRINGS
JUN 02 2020
COMMUNITY DEVELOPMENT
DEPARTMENT



Preliminary Artist Concept, Illustrative Purposes ONLY

JUN 02 2020

COMMUNITY DEVELOPMENT
DEPARTMENT