

ADMINISTRATIVE AMENDMENT (PD)  
ADD20-69938-BOS  
BONITA LAKES RPD

ADMINISTRATIVE ACTION  
BONITA SPRINGS, FLORIDA

WHEREAS, Bonita Lakes Homeowners Association, Inc. has filed a request to amend City of Bonita Springs Zoning Ordinance 19-04 to eliminate Condition 3 with regards to the required mechanical equipment separation of 10' from equipment on the same or adjacent lots; and

WHEREAS, the subject property is located in Section 14, Township 47 South, Range 25 East, Bonita Springs, Florida described more particularly as:

“EXHIBIT A”

WHEREAS, the subject property is located in the Medium Density Multi-Family Residential Land Use category as designated by the City of Bonita Springs Comprehensive Plan; and

WHEREAS, the project was approved originally as a Residential Planned Development (RPD) by Bonita Springs Zoning Resolution 04-10 and subsequently amended through 10BOS-ADD00012, and Bonita Springs Zoning Ordinance 19-04; and

WHEREAS, the applicant seeks to eliminate Condition 3 of Ordinance 19-04; and

WHEREAS, Condition 3 currently states that any new mechanical equipment shall be a minimum of ten (10) feet from other mechanical equipment on the same or adjacent property; and

WHEREAS, it was the intent of Ordinance 19-04 to allow a less restrictive setback for mechanical equipment, while also maintaining suitable drainage patterns for the community, in accordance with Bonita Springs and South Florida Water Management District standards; and

WHEREAS, multiple mechanical equipment permits have been placed on-hold or have been denied by the City for failure to meet Condition 3 of Ordinance 19-04; and

WHEREAS, the home developer for the community is Toll Brothers; and

WHEREAS, the home designs included specific locations for mechanical equipment hook-ups, which could not be altered by the buyer during construction; and

WHEREAS, it would be considered an unreasonable request to require a homeowner to relocate their mechanical equipment hook-ups; and

WHEREAS, the Bonita Springs City Council has provided staff with the authority to administratively process amendments for mechanical equipment standards; and

WHEREAS, staff does not support the altogether elimination of Condition 3 of Ordinance 19-04; and

WHEREAS, staff would instead support replacing the language of Condition 3 with a more suitable and reasonable standard; and

WHEREAS, the applicant has agreed to revising the standards of Condition 3; and

WHEREAS, the subject application and plans have been reviewed by the City of Bonita Springs Community Development Department in accordance with the applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC or Zoning Resolution; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping to preservation areas; and does not otherwise adversely impact surrounding land uses; and

NOW, THEREFORE, IT IS HEREBY DETERMINED that the request to amend Condition 3 of Zoning Ordinance 19-04 is **APPROVED subject to the following conditions:**

1. Condition 3 of Ordinance 19-04 is amended and replaced as follows:

(3) Any new mechanical equipment shall be a minimum of ten (10) feet must be offset and not directly aligned with from other mechanical equipment on same or adjacent property. The offset measurement shall be no less than three (3) feet between equipment. The measurement must be indicated on the site plan and drainage exhibits provided to the City of Bonita Springs during the permitting process, as required in Conditions 5 and 6 of Ordinance 19-04.

2. All terms and conditions of Bonita Springs Zoning Ordinance 19-04 remain in full force and effect, unless specifically modified by this amendment.

3. All terms and conditions of the original zoning ordinance remain in full force and effect, unless specifically modified subsequent amendments.

4. Any change not consistent with this approval may require additional approvals from the City of Bonita Springs.

DULY signed this 2nd day of June, A.D., 2020

BY:



Jacqueline Genson, Planning & Zoning Manager  
Department of Community Development

EXHIBIT "A"

**LEGAL DESCRIPTION OF THE COMMUNITY**

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 47 SOUTH, RANGE 25 EAST;

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 14; THENCE RUN ALONG THE SOUTH LINE OF SAID SECTION 14, SOUTH 88°52'57" WEST, A DISTANCE OF 485.63 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF IMPERIAL PARKWAY, (A.K.A. THREE OAKS PARKWAY), PARCEL 266, AS RECORDED IN INSTRUMENT NUMBER 2006000159942 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID SOUTH LINE OF SECTION 14, SOUTH 88°52'57" WEST, A DISTANCE OF 2,167.28 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14; THENCE RUN ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 14, NORTH 00°24'55" WEST, A DISTANCE OF 2,557.10 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 14; THENCE RUN ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 14, NORTH 88°48'53" EAST, A DISTANCE OF 2,029.77 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF IMPERIAL PARKWAY, (A.K.A. THREE OAKS PARKWAY); THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 01°34'01" EAST, A DISTANCE OF 1,546.72 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY, 1,018.21 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 6,007.66 FEET, A CENTRAL ANGLE OF 09°42'40"; (CHORD BEARING SOUTH 06°25'21" EAST, A DISTANCE OF 1,017.01 FEET), TO THE POINT OF BEGINNING.

CONTAINING 121.37 ACRES, MORE OR LESS

CITY OF BONITA SPRINGS  
ZONING ORDINANCE NO. 19 - 04

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A BONITA LAKES HOMEOWNERS ASSOCIATION AMENDING ZONING ORDINANCE 04-10 ADDING A DEVIATION TO ALLOW ZERO FOOT SIDE YARD SETBACKS FOR MECHANICAL EQUIPMENT FOR THE BONITA LAKES RESIDENTIAL PLANNED DEVELOPMENT LOCATED AT 25580 IMPERIAL PARKWAY, BONITA SPRINGS, FLORIDA 34135; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Bonita Lakes Homeowner's Association, has filed an application to amend Bonita Springs Zoning Ordinance No. 04-10 to add Deviation 13 to allow 0' side yard setbacks for mechanical equipment, subject to certain conditions; and

**WHEREAS**, the subject property is located at 25580 Imperial Parkway, Bonita Springs, Florida, and is described more particularly as:

"See Exhibit A"

**WHEREAS**, a Public Hearing was advertised and heard on August 20, 2019, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD18-56179-BOS, which considered the evidence available and recommended approval (7-0 vote) 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 August 20, 2019 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: APPROVAL OF REQUEST**

City Council of Bonita Springs hereby approves the request to amend Bonita Springs Zoning Ordinance No. 04-10 to add a Deviation 13 to allow for 0' side yard setbacks for mechanical equipment, subject to the following conditions:

Conditions:

1. All conditions of ZO-04-10 remain in effect.
2. Deviation 13 applies only to mechanical equipment, as defined in LDC 4-1892 (7).
3. Any new mechanical equipment shall be a minimum of ten (10) feet from other mechanical equipment on same or adjacent property.
4. Generators:

- a. In addition to the above, every effort shall be made to site generators at the furthest possible distance from the abutting single-family dwelling unit's windows and/or doors; and
  - b. All generators shall have user preselected exercise times limited between the hours of 10:00 am – 4:00 pm; and
5. At time of building permit, applicants shall submit a narrative and drainage exhibit showing how the installation of the mechanical equipment does not impede flow of drainage.
  - a. The drainage exhibit shall show the following:
    - i. The location of the proposed mechanical equipment on the property and adjacent properties with full measurements.
    - ii. existing elevations; and
    - iii. drainage arrows; and
    - iv. existing landscaping; and
    - v. existing gutters; and
    - vi. any other elements that are located between homes.
6. When mechanical equipment is proposed to be located less than 4' from the property line, the following are required:
  - a. Written HOA approval of proposed location of equipment.
  - b. Approval from the adjacent neighbor for location of equipment.
  - c. An elevated, open-style platform for the mechanical equipment to ensure drainage is not obstructed. The elevated platform must provide a minimum of 1' of clearance area under the pad so drainage may pass. The area under the platform must be maintained at all times.
  - d. Gutters and downspouts on the side of the homes to reroute drainage to the front and back of the home, as required.
  - e. Install yard drain(s) and piping, as required.
  - f. Landscaping alterations to ensure proper drainage flow.
  - g. Property line survey.
  - h. A final grading/engineering inspection prior to Certificate of Completion of building permit.
  - i. Items A-H may be modified if an acceptable alternate plan is provided.

## **SECTION TWO: FINDINGS AND CONCLUSIONS**

Based upon an analysis of the application and the standards for approval of a planned development rezone, the City Council makes the following findings and conclusions:

1. The Applicant has proven entitlement to amend the Residential Planned Development (RPD) by demonstrating compliance with the Bonita Springs Comprehensive Plan, the Land Development Code, and other applicable codes and regulations.

2. Approval of this request will not place an undue burden upon existing transportation or planned infrastructure facilities. The appropriate roadway links are currently over capacity, but the traffic generated by the proposed zoning will not have a significant impact on the volume.
3. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
4. The requested planned development:
  - a. appropriately conditioned meets or exceeds all general performance and locational standards set forth for potential uses allowed by the request;
  - b. is consistent with the intensities and general uses set forth in the Bonita Springs Comprehensive Plan, while the request does not include residential density, outside of a caretaker's residence within the proposed building, and thus, the project is well below the permitted maximum density; and
  - c. is compatible with existing uses in the surrounding area.
5. Additionally, pursuant to section 4-299(a)(2) and (4) of the LDC;
  - a. The proposed use or mix of uses is appropriate at the subject location;
  - b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
  - c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

### **SECTION THREE: INCORPORATION OF RECORD**

City Council of Bonita Springs hereby adopts and incorporates into this ordinance the record hearing exhibits and attachments considered as part of the application as follows:

#### **EXHIBITS:**

- A. Legal Description and Sketch of the Subject Property
- B. Bonita Springs Zoning Ordinance 04-10

**ATTACHMENTS:**


- A. Background and Informational Analysis
- B. Application for Planned Development
- C. Example Drainage Exhibit

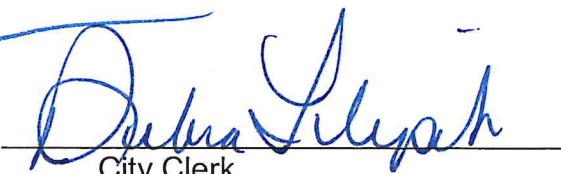
**SECTION FOUR: EFFECTIVE DATE**

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 18th day of September, 2019.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:   
\_\_\_\_\_  
City Attorney

Vote:

Carr	Aye	O'Flinn	Aye
DeWitt	Aye	Quaremba	Absent
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk: 9/12/19



Exhibit 11-B-1

EXHIBIT "A"

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