

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 22 – 01

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, PROVIDING FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS TO CREATE THE PROPERTY RIGHTS ELEMENT AS REQUIRED BY STATE LAW; AND FURTHERMORE DIRECTING TRANSMITTAL OF THE AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

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

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

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

WHEREAS, pursuant to the authority and legislative intent expressed in Sections 163.3177(6)(i), 163.3161(10) and 187.101(3), Florida Statutes, the City recognizes that government entities must respect judicially acknowledged and constitutionally protected private rights and that each local government shall include a comprehensive plan eminent to ensure private property rights are considered in local decision making; and

WHEREAS, the proposed amendment creates a Property Rights Element, attached hereto as Exhibit "A", to promote and protect public health safety and welfare and will help accomplish the goals, objectives and policies of the City Comprehensive Plan while simultaneously preserving private property rights; and

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

WHEREAS, the City has received and reviewed the proposed Amendment to the City's Comprehensive Plan, and said proposed amendment was reviewed by the City's Local Planning Agency at a duly advertised meeting on December 9, 2021, who recommended approval, and

WHEREAS, the City Council finds that that the proposed amendment complies with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendments is consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

WHEREAS,, the City Council of Bonita Springs adopted, pursuant to Chapter 163, Part II, Florida Statutes, after holding statutorily prescribed public hearings for the adoption of the amendment being proposed and at the December 15, 2021 hearing approved a motion to transmit said proposed amendments as more particularly set forth herein.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

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

Section 2. Adoption. The City of Bonita Springs Comprehensive Plan is hereby amended, which amendment creates a Property Rights Element described in Exhibit A, attached hereto and incorporated herein by reference.

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

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

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 16th day of February, 2022.

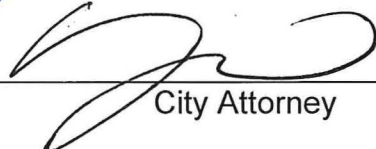
AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Carr	Aye	Quaremba	Aye
Forbes	Aye	Steinmeyer	Aye
Gibson	Aye	Corrie	Aye
Purdon	Aye		

Date filed with City Clerk: 2/16/22

Exhibit A

PROPERTY RIGHTS ELEMENT

GOALS, OBJECTIVES AND POLICIES

Goal 1. In accordance with §163.31776)(i), the following rights will be considered in local decision making, subject to state law and local ordinances:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.