

**CITY OF BONITA SPRINGS, FLORIDA**

**ORDINANCE NO. 21 - 09**

**AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO UPDATE THE THRESHOLDS FOR DEVELOPMENTS OF CITY IMPACT, PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

**WHEREAS**, in 2017, the City Council adopted amendments to the Land Development Code to update use activity groups and other defined uses that impacted conventional and planned development zoning districts; and

**WHEREAS**, the City of Bonita Springs desires to add clarifying language under Section 4-272- Developments of City Impact of Land Development Code (LDC) Chapter 4-Zoning to implement the intent of those amendments accordingly; and

**WHEREAS**, other changes include uses that would otherwise require a special exception approval; and

**WHEREAS**, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

**WHEREAS**, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

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

**Section 1.        Recitals Adopted.**

That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

**Section 2.        Amending Land Development Code**

The Bonita Springs City Code is hereby amending Chapter 4 - Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined

language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

**Section 3.**                    **SEVERABILITY**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would be adopted had such unconstitutional provision not been included therein.

**Section 4.**                    **CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs ordinance or Florida Statutes, the more restrictive shall apply.

**Section 5.**                    **CODIFICATION AND SCRIVENER'S ERRORS**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.


**Section 6.**                    **EFFECTIVE DATE**


This Ordinance shall be effective immediately upon its adoption.

**[SIGNATURE PAGE FOLLOWS]**

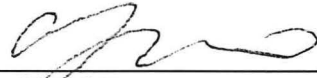
DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,  
Lee County, Florida, this 16th day of June, 2021.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

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

Vote:

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

Date filed with City Clerk: 11/22/2021

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**Sec. 4-272. Developments of city impact.**

- (a) The Bonita Plan requires developments of city impact to be developed as planned developments. These developments of city impact, defined in subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the division director determines that it is in the public interest to do so. Any request for a residential planned development (RPD) in areas designated as rural or outer islands in the Bonita Plan, which is for the purpose of increasing density over the standard density permitted, will be required to comply with special regulations set forth in sections 4-347 and 4-348 as well as the other requirements set forth in this article.
- (b) The Bonita Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as developments of city impact. The development of city impact thresholds are further categorized as major or minor planned developments as follows:
  - (1) *Major planned developments.*
    - a. A residential development of 300 or more dwelling units.
    - b. Any residential development proposing a density above the standard density range when located in areas designated as rural or outer islands by the Bonita Plan.
    - c. A commercial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area.
    - d. An industrial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area.
    - e. Mining/excavation activities on a parcel of 320 or more acres.
    - f. ~~Noncommercial schools (except Lee County School District) proposed to have over 100 students.~~
    - ~~g.f.~~ Animal or reptile exhibits, aquariums, arenas, civic centers, convention or exhibition halls, correctional facilities and prisons, fairgrounds, museums, planetaria, race tracks, regional parks, stadiums, and zoos, on ten or more acres of land.
    - ~~h.g.~~ A health care facility Group V (hospital), that is not a part of a commercial or community facility planned development.
    - ~~i.h.~~ Any other development required to apply for planned development zoning pursuant to sections 4-716 through 4-719, and as set forth in sections 4-2037 through 4-2045, pertaining to sports/amusement parks and recreational facilities.
    - ~~j.i.~~ Residential uses within the interchange commercial area as specified by the Bonita Plan.
    - ~~k.i.~~ Any combination of the above-listed land uses where the sum of the percentages of each applicable individual threshold is equal to or greater than 100 percent.
    - ~~l.k.~~ Any development of regional impact not included in subsections (b)(1)a. through h. of this section.
    - ~~m.l.~~ Any development which includes the aboveground storage of more than 40,000 gallons of petroleum.
    - ~~n.m.~~ Any proposed hotel/motel which will contain more than 200 rental units or which will exceed the equivalency factors set forth in section 4-1529(4)b., when divided by the Bonita Plan maximum standard density for the property in question.
  - (2) *Minor planned developments.*

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- a. Botanical or zoological gardens, community parks, libraries, nature centers, religious facilities (excluding place of worship), state or federal parks, on ten or more acres of land.
  - b. A health care facility Group III or #IV, social service Group III or IV community residential home, continuing care facility (CCF), or hospice, of 50 or more beds, which is not a part of a residential, commercial, or community facility planned development.
  - c. Any other development required to apply for planned development zoning as set forth in sections 4-434 through 4-685.
  - d. Except as listed below, any other application for planned development rezoning that does not meet or exceed the thresholds in section 4-272(b)(1)(a) through (l) will be reviewed as minor planned development.
    1. *Existing development.* An application for an existing development, such as a mobile home development, which has already been developed but does not conform to the regulations for a conventional district, that requests a rezoning to a planned development classification, will be reviewed in the same manner as a minor planned development, except that a traffic impact statement will not be required.
    2. *Amendments to application.* Applications for amendments to an approved major or minor master concept plan or its attendant documentation, or for the extension of a previously vacated master concept plan (for plans approved prior to December 2, 1991) will be treated procedurally as minor planned developments. These applications will require only as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.
- (c) Reserved.
- (d) Determination of development of city impact status.
- (1) Any owner wishing a determination of the development of city impact status of his property may apply to the director and pay a fee to cover administrative costs.
  - (2) Any development which is less than 80 percent of the thresholds listed in section 4-272(b)(1) is conclusively presumed not to be a development of city impact. Any development which is more than 80 percent but less than 100 percent of the appropriate threshold is rebuttably presumed not to be a development of city impact. Any development which is more than 100 percent but less than 120 percent of any threshold is rebuttably presumed to be a development of city impact. Any development which exceeds 120 percent of any threshold is conclusively presumed to be a development of city impact.
  - (3) The director will consider the following items in determining the development of city impact status of a proposed rezoning or special exception:
    - a. The compatibility of the proposed zoning district with neighboring zoning districts and uses;
    - b. The impact of the proposed zoning change on existing and proposed transportation facilities;
    - c. The impact of the proposed zoning change on other urban services, as defined in the Bonita Plan; and
    - d. The impact of the proposed zoning change on environmentally critical areas.

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- (4) For the purpose of determining whether a parcel is a development of city impact, all abutting parcels which are in common ownership or control may be identified and taken into account in both determining development of city impact status and estimating the impacts of any proposed development.
  - (5) The director's decision is an administrative decision which may be appealed in accordance with the procedure in this article.

(Ord. No. 11-02, § 3(4-341), 1-19-2011; Ord. No. 19-10 , § 1(Exh. A), 11-20-2019)