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**CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 20-01**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING SECTION 4-87 OF THE LAND DEVELOPMENT CODE TO ADJUST TERM LIMITS ON THE PLANNING COMMISSION CHAIR; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Charter provides that the City Council shall have the broadest exercise of home rule powers permitted under the state Constitution and the laws of the state; 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, Article II – Administration, Division 3 – Planning Commission, Local Planning Agency, Section 4-89 of the City's Land Development Code amending subsection (a)(2) as follows:

Sec. 4-87. – Organization and Operation.

(a) Officers and staff.

(1) The mayor shall appoint the chair and the planning commission (local planning agency) shall elect a vice-chair from among its membership. The vice-chair is authorized to perform all duties of the chair in the absence of the chair.

~~(2) No person shall act as chair for more than two consecutive years.~~

1 (3) The chair shall preside over the proceedings of the commission and shall  
2 be entitled to participate fully in all discussions, to make and second motions,  
3 and to vote.

4 (4) The chair shall cause the commission to prepare rules of procedure for the  
5 commission, and amendments to rules, for approval by the city council.

6 (b) Meetings.

7 (1) The department director shall set the time and place of the meetings of the  
8 local planning agency. However, if a meeting, once started, exceeds the time  
9 which has been scheduled for the meeting, it may be continued to a date, time  
10 and place certain, as the local planning agency shall determine. The local  
11 planning agency shall meet at least once a month, unless no business is pending  
12 before it. Additional meetings shall be held at the call of the chair or secretary  
13 and at all such other times as the members may determine.

14 (2) Any action by the local planning agency shall require the presence of a  
15 quorum. Four members shall constitute a quorum of the local planning agency. If  
16 any member shall have more than three consecutive unexcused absences, the  
17 chair shall report the matter to the city council and unless good cause is shown,  
18 the council shall remove the member.

19 (3) All meetings shall be open to the public.

20 (4) The local planning agency shall adopt procedures for public participation.  
21 Such procedures shall comply with the criteria set forth in F.S. § 163.3181.

22 (c) Voting, generally.

23 (1) Unless otherwise required by law or ordinance, action shall be taken by  
24 majority of the quorum present.

25 (2) If a majority decision cannot be obtained, or if a tie vote results from a  
26 motion to recommend to the city council that a proposed matter be approved, or  
27 to recommend that it be denied, then the matter being considered shall be  
28 deemed to have been denied, unless a majority of the members present and  
29 voting agree by motion, before the next agenda item is called, to take some other  
30 action in lieu of a denial. Such other action may be moved or seconded by any  
31 member, regardless of his vote on any earlier motion. If such other action is not  
32 agreed to be taken, the minutes of the local planning agency shall show that the  
33 motion was called and that the matter voted upon was denied.

34 (d) Records.

1 (1) The secretary shall record and transcribe minutes of all proceedings. At a  
2 minimum, such minutes shall summarize testimonies, and shall reflect the motion  
3 and the votes.

4 (2) The department staff shall keep indexed records of all meetings, agendas,  
5 findings, determinations and resolutions. Such records shall be public records.

6 **Section 3. SEVERABILITY**  
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8 The provisions of this Ordinance are severable, and it is the intention to confer the  
9 whole or any part of the powers herein provided for. If any court of competent jurisdiction  
10 shall hold any of the provisions of this Ordinance unconstitutional, the decision of such  
11 court shall not affect or impair any remaining provisions of this Ordinance. It is hereby  
12 declared to be the legislative intent that this Ordinance would be adopted had such  
13 unconstitutional provision not been included therein.  
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15 **Section 4. CONFLICTS OF LAW**  
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17 Whenever the requirements or provisions of this Ordinance are in conflict with the  
18 requirements or provisions of any other lawfully adopted City of Bonita Springs ordinance  
19 or Florida Statutes, the more restrictive shall apply.  
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21 **Section 5. CODIFICATION AND SCRIVENER'S ERRORS**  
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23 It is the intention of the City Council that the provisions of this Ordinance shall  
24 become and be made part of the Bonita Springs Code; that sections of this Ordinance  
25 may be renumbered or re-lettered and that the word "ordinance" may be changed to  
26 "section", "article", or such other appropriate word or phrase in order to accomplish such  
27 intention; and that any typographical errors which do not affect the intent may be  
28 authorized by the City Manager without need of public hearing, by filing a corrected copy  
29 with the City Clerk. It is further the intent of the City Council that the provisions of this  
30 Ordinance may be modified as a result of consideration that may arise during public  
31 hearing(s) and that such modifications shall be incorporated into the final version.  
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33 **Section 6. EFFECTIVE DATE**  
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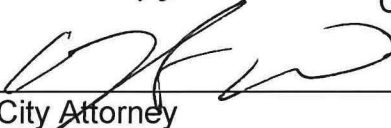
35 The effective date of this ordinance shall be thirty (30) days from its adoption date.  
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1 DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,  
2 Lee County, Florida, this 4th day of March ... , 2020.

3  
4 AUTHENTICATION:

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6 \_\_\_\_\_  
7 Mayor City Clerk

8  
9 APPROVED AS TO FORM:

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

11 Vote:

12 Carr Aye Quaremba Aye  
13 Forbes Aye Simmons Aye  
14 Gibson Aye

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17 Date filed with City Clerk: 3/10/20