

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE 20-08

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, RESCINDING THE DEVELOPMENT ORDER FOR THE BONITA BAY DEVELOPMENT OF REGIONAL IMPACT IN ACCORDANCE WITH SECTION 380.115(2), FLORIDA STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lee County adopted Ordinance 81-55, approving the Bonita Bay Planned Unit Development, which constitutes the initial development order (State DRI #6-8182-18) for the Bonita Bay Development of Regional Impact ("DRI") pursuant to Chapter 380, *Florida Statutes*, governing the development of approximately 1,400 acres of real property now located within the City; and

WHEREAS, upon the City's incorporation, the City issued a local "Development Order" for the Bonita Bay DRI in accordance with Section 380.06, *Florida Statutes*; and

WHEREAS, the entirety of the Bonita Bay DRI property is within the boundaries of the City of Bonita Springs; and

WHEREAS, Section 380.115(2), *Florida Statutes*, provides that, upon the request of the developer or landowner, the local government with jurisdiction over the previously-approved DRI development order shall rescind such development order upon a showing that all required mitigation related to the amount of development that exists on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization; and

WHEREAS, the developer of the Bonita Bay DRI, has requested rescission of the Development Order in accordance with Section 380.115(2), *Florida Statutes*; and

WHEREAS, all mitigation for any development existing within the Bonita Bay DRI as of the date hereof has been completed; and

WHEREAS, the City Council has determined that Bonita Bay's request to rescind the Bonita Bay DRI Development Order is consistent with Section 380.115(2), *Florida Statutes*, and that rescission is appropriate.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. The recitals set forth above are true and correct and are hereby ratified, confirmed, and made a part of this Ordinance.

Section 2. Bonita Bay Community Association, Inc., is successor in interest to the developer under the DRI and the requested recession of the Bonita Bay DRI Development Order is consistent with Section 380.115(2), *Florida Statutes*, and, thus, rescission is appropriate.

Section 3. The Bonita Bay DRI Development Order is hereby rescinded pursuant to Section 380.115(2), *Florida Statutes*, and shall be of no further force and effect. Such rescission, however, shall in no way affect the requirements and effectiveness of any other development agreements, governmental approvals, permits, development orders, or zoning and land use approvals for the Bonita Bay property. Future development of any vacant and non-developed lands within the Bonita Bay property shall hereafter be governed by the Bonita Bay Planned Unit Development, as amended, the City's Comprehensive Plan and the City's Land Development Code, as applicable, and any other development orders, permits, or similar zoning or land use approvals granted for the subject property.

Section 4. All terms of this Ordinance shall be considered to be dependent upon and inextricably related to all other terms, such that, if any clause, provision, or section of this Ordinance, or any portion thereof, shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire Ordinance shall be rendered void.

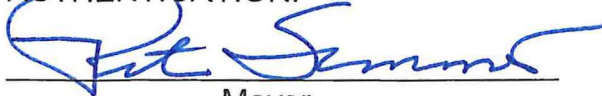
Section 5. All existing ordinances or resolutions or parts of existing ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Ordinance shall become effective immediately upon approval by the City Council.

[SIGNATURE PAGE FOLLOWS]

Duly Passed and Enacted by the City Council of the City of Bonita Springs, Lee County, Florida, this 21st day of October 2020.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Carr
Forbes
Gibson
Purdon

Quaremba
Simmons
Corrie

Date filed with City Clerk:

10/21/2020