

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 18-15

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-28, NEIGHBORHOOD MEETINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

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

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate, and enforce laws that are necessary for the protection of the public; and

WHEREAS, City Council held a workshop with the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on April 30, 2018; in which they discussed certain "Quick Fixes to the LDC," which on June 6, 2018, City Council voted on going forward with these changes, as well as other changes to the Land Development Code which will require more time and effort, such as the rewriting of Chapter 3 and 4 of its Land Development Code; and

WHEREAS, after some subcommittee meetings on initial text of the regulations, on June 19, 2018, the Zoning Board met to discuss the following amendments, hearing input from David A. Theriaque, Esquire, Theriaque & Spain, and Community Development staff, and as to Neighborhood Meetings, suggested a definition of neighborhood; add a seasonal requirement if the project may be impacted by a predominant number of property owners being out of the immediate area; extend notification time to 21 calendar days, with the Zoning Board voting 6-1 (with Zoning Board member Donnelly voting nay) to recommend going forward with this recommended change; and

WHEREAS, City Council has determined that neighborhood meetings will provide greater outreach and accessibility for citizen input, as well as providing applicants with input earlier rather than after they have expended great sums for proceeding through the application process, especially where there are public hearings; and

WHEREAS, City Council finds that adopt of this Ordinance will revise the development standards to maintain and enhance the quality of life within the City of Bonita Springs.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4

Section §4-28, neighborhood meetings, is hereby created to read as follows, with underlined language to identify the new language:

§4-28. Neighborhood meetings.

(a) Generally. The purpose of a neighborhood meeting is to educate occupants and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible.

(b) Applicability. Neighborhood meetings are mandatory for applications for a Future Land Use Map Amendment, rezoning, and special exception. The City shall not accept an application for a Future Land Use Map Amendment, rezoning, or special exception if the applicant has not conducted a neighborhood meeting. Neighborhood meetings are optional for all other applications. The applicant shall conduct a neighborhood meeting prior to filing its application with the City. The applicant shall conduct a second neighborhood meeting within thirty (30) days after the City has deemed the application to be sufficient.

(c) Procedure. If a neighborhood meeting is held by the applicant, it shall generally comply with the following procedures:

(1) Time and place. The applicant shall arrange the location of the neighborhood meeting, which shall be reasonably convenient and accessible to the owners of property located in close proximity to the land subject to the application. The facility at which the neighborhood meeting will occur must be of sufficient size to accommodate expected attendance. The neighborhood meeting shall be scheduled after 5:00 p.m. on a weekday or between 9:00 a.m. and 8:00 p.m. on a weekend day. The City Manager or her designee may grant a waiver from the requirement to hold the neighborhood meeting after 5:00 p.m. on a weekday if the applicant demonstrates, in writing, that a particular hardship or undue burden exists that prevents the applicant from holding the neighborhood meeting after 5:00 p.m. on a weekday.

(2) Notification. The applicant shall provide notification of the neighborhood meeting a minimum of twenty-one (21) calendar days in advance of the meeting by placing notice in a newspaper of general circulation and by mailing notice to all owners of property located within 1,000 feet of the land subject to the application. The list of owners within 1,000 feet of the affected property shall be obtained by the applicant from the most recent version of the property owners of record provided by the Lee County Property Appraiser. If the affected property is subject to the requirements of a property owners' association or a condominium owners' association, the applicant shall provide notice of the neighborhood meeting to such association in the same manner as stated above for property owners. The City of Bonita Springs, in care of the City Manager, shall be added to the notification mailing list for all neighborhood meetings. The notification shall state the time and place of the meeting.

(3) Conduct of meetings. At the neighborhood meeting, the applicant shall explain the development proposal including, but not limited to, the proposed uses, densities, intensities, and, if applicable, the proposed Master Concept Plan, inform attendees of the character and nature of the process for review, and respond to

comments and questions that attendees may have about the application and propose ways to resolve conflicts. Materials and exhibits shall be displayed in a format and size that can be easily viewed by the attendees of the neighborhood meeting.

(4) *Staff attendance.* City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of the City's land use regulations, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.

(5) *Written summary of pre-application neighborhood meeting.* The applicant shall include a written summary of the pre-application neighborhood meeting, as well as copies of all documents and exhibits that the applicant presented during the neighborhood meeting, with its application. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate.

(6) *Written summary of post-sufficiency neighborhood meeting.* The applicant shall comply with the requirements of section (c)(5) within ten (10) days of conducting a post-sufficiency neighborhood meeting. The written summary and copies of all documents and exhibits that the applicant presented during the neighborhood meeting shall be provided to the City Planner assigned to the application.

(7) *Response to summary.* Any person in attendance at a neighborhood meeting may submit an additional written summary indicating his or her understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information he or she deems appropriate. This written summary may include a response to the applicant's written summary of the neighborhood meeting. The written summary shall be included with the application materials, and be made available for public inspection.

SECTION TWO: CONFLICTS

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

SECTION THREE: SEVERABILITY

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reasons, such part, section, subsection, or other portion of the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or

application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision application.

SECTION FOUR: CODIFICATION, INCLUSION IN CODE & SCRIVENER'S ERRORS

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs Land Development Code; and 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 regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of same with the City Clerk.

SECTION FIVE: EFFECTIVE DATE

The effective date of this Ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of September, 2018.

AUTHENTICATION:

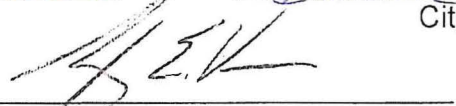


Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

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

Date filed with City Clerk: 9/7/18