

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 18-17

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, EXTENDING ORDINANCE NO. 17-21 PERTAINING TO LAND DEVELOPMENT REGULATIONS NECESSARY FOR GOLF COURSE CONVERSIONS; EXTENDING THE TEMPORARY MORATORIUM ON THE PROCESSING OF ANY APPLICATIONS FOR GOLF COURSE CONVERSIONS TO OTHER USES IN THE CORPORATE BOUNDARIES OF BONITA SPRINGS FOR THE SHORTER OF (1) 6 MONTHS OR (2) THE ENACTMENT OF A REPLACEMENT ORDINANCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, Bonita Springs is authorized to protect the public health, safety, and welfare of its residents and has the power and the authority to enact ordinances and regulations for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, the Bonita Springs City Council wishes to promote, protect, and improve the health, safety, and welfare of the citizens of the City of Bonita Springs; and

WHEREAS, the Bonita Springs City Council has determined it to be necessary to take appropriate steps, including adopting new land development regulations, with respect to golf course conversions, and on November 2, 2017, directed the Bonita Springs staff to prepare an ordinance imposing a temporary moratorium on such conversions pending adoption of such regulations; and

WHEREAS, the City Council had previously enacted Ordinance 17-21 instituting a twelve month moratorium on golf course conversions; and

WHEREAS, City staff is prepared to bring new land development regulations forward for adoption relating to golf course conversions; and

WHEREAS, the City Council finds it is in the best interest of the residents of the City to maintain the status quo and extend the moratorium for an additional six months while the Bonita Springs is preparing to adopt new land development regulations in order to prevent the occurrence of uses which may be incompatible with the intent of Ordinance 17-21 during the adoption period.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bonita Springs, Florida:

Section 1. The forgoing recitals are true and correct and are incorporated herein by this reference.

Section 2. The provisions of Ordinance No. 17-21 are hereby extended for an additional term of six (6) months unless repealed sooner. Notwithstanding the forgoing, in the event the City Council approves an applicable amendment to the Land Development Regulations, the moratorium will remain in effect until such time as the amendment becomes effective, whichever occurs last.

Section 3. This ordinance is undertaken in good faith and is not intended to restrict, prohibit or otherwise prevent a property owner from the reasonable use of their land or from developing their land in accordance adopted comprehensive plan, land development regulations, or the general ordinances and codes of the City of Bonita Springs.

Section 4. Conflict. Whenever the requirements or provisions of this amending Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

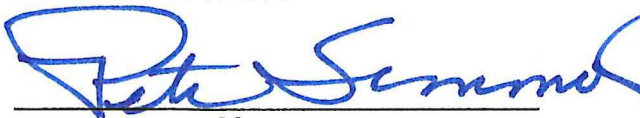
Section 5. Severability. In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Scrivener's Errors. Typographical errors which do not effect the intent may be authorized corrected by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of this Ordinance with the City Clerk.


Section 7. Effective Date. The effective date of this ordinance shall be thirty (30) days from its adoption date, pursuant to Section 29(c) of the City Charter which requires thirty (30) days after its adoption or at any later date as specified in the ordinance.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 19 day of December, 2018.

AUTHENTICATION:




Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

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

Date filed with City Clerk: 12/19/18