

**CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 17 – 07**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, SO AS TO UPDATE CERTAIN ELEMENTS TO ENCOURAGE MULTIPLE USES OF THE RAILROAD CORRIDOR; ADDING OBJECTIVES AND POLICIES TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT AND RECREATION / OPEN SPACE ELEMENT, ADDING THE CSX / SEMINOLE GULF RAIL CORRIDOR MAP TO THE TRANSPORTATION ELEMENT; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the City Council of the City of Bonita Springs, Florida recognizes the need to plan for orderly growth and development; and

**WHEREAS**, Chapter 163, Florida Statutes provides for amendment to adopted Comprehensive Plan; and

**WHEREAS**, City Council for the City of Bonita Springs adopted the City of Bonita Springs Comprehensive Plan pursuant to Bonita Springs Ordinance No. 02-16, as amended, in accordance with the Local Government Comprehensive Planning Act; and

**WHEREAS**, the Bonita Springs Comprehensive Plan provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the City of Bonita Springs Council may adopt; and,

**WHEREAS**, the amendments address potential future uses of the CSX / Seminole Gulf rail corridor through amendments adding a new objective and policies to the Future Land Use Element, adding new policies and a new map to the Transportation Element, and modifying policies in the Recreation / Open Space Element; and

**WHEREAS**, these amendments incorporate the 2013 Lee County Rail Corridor Feasibility Study prepared by the Lee County Metropolitan Planning Organization (MPO), who analyzed the long-term desirability of additional public uses in the existing CSX / Seminole Gulf railway corridor, which runs from Arcadia through DeSoto, Charlotte and Lee County, ending in far northern Collier County; and

**WHEREAS**, Florida Statutes §163.3181 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

**WHEREAS**, the City has received and reviewed the proposed Amendment to the City's Comprehensive Plan, and said proposed amendment being reviewed by the City's Local Planning Agency at a duly advertised meeting on May 12, 2016, and,

**WHEREAS**, the City Council has agreed with the recommendations of the Local Planning Agency that the proposed amendment complies with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendments is consistent with the Comprehensive Plan; and,

**WHEREAS**, the City Council of Bonita Springs transmitted, pursuant to Chapter 163, Part II, Florida Statutes, after holding statutorily prescribed public hearings for the adoption of the amendment being initially presented on April 20, 2016 and at the July 5, 2016 hearing approved a motion to transmit said proposed amendments; and,

**WHEREAS**, City Council transmitted amendments to the Bonita Springs Comprehensive Plan to Department of Economic Opportunity (DEO) and other appropriate agencies, which was assigned reference number 16-1ESR to the amendments; and

**WHEREAS**, the City received formal comments on these proposed amendments from the Florida Department of Transportation (FDOT) by letter dated August 2, 2016; and; and

**WHEREAS:** The DEO letter advised the City to act by formally choosing to adopt, adopt with changes, or not adopt the proposed amendments within 180 days of receipt of agency comments as per Section 163.3184(3)(c)1, Florida Statutes, and then to forward copies of the newly amended elements of the Comprehensive Plan to DEO and other agencies requiring notification and copies by law.

**WHEREAS**, the City Council of Bonita Springs adopted, pursuant to Chapter 163, Part II, Florida Statutes, after holding statutorily prescribed public hearings for the adoption of the amendment being presented on February 15, 2017 hearing approved a motion to adopt the said proposed amendments, with changes, as more particularly set forth herein.

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

**SECTION ONE: AMENDMENT TO THE COMPREHENSIVE PLAN**

The City of Bonita Springs Comprehensive Plan is hereby amended, with additions shown as underlining text. The amendment consists of adding a new objective and policies to the Future Land Use Element, adding new policies and a new map to the Transportation Element, and modifying policies in the Recreation / Open Space Element, which is further described as Exhibit A, attached hereto and incorporated herein by reference.

**SECTION TWO: EFFECTIVE DATE.**

This Ordinance will not become effective until 31 days after adoption. If this Ordinance is challenged pursuant to Florida Statutes §163.3187 within 30 days after


adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

**SECTION THREE: SEVERABILITY.**


If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 7<sup>th</sup> day of June, 2017.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:   
\_\_\_\_\_  
City Attorney

Vote:

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

Date filed with City Clerk: 4/9/17

# ATTACHMENT A

## AMENDMENTS TO BONITA SPRINGS COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT

### **OBJECTIVE 1.16: Support walkable development patterns around transit stations.**

**Policy 1.16.1:** The CSX / Seminole Gulf rail corridor, as shown on Figure 10 of the Future Transportation Map Series, is currently used for rail freight and communication lines. This corridor is also suitable for additional transportation purposes such as hiking/biking/walking trails, commuter rail, light rail, or bus rapid transit. Transportation Element policies describe Bonita Springs' intentions for this corridor to remain intact and dedicated to multiple transportation purposes.

**Policy 1.16.2:** At the earliest opportunity, the City will amend its Future Land Use Map to designate the rail corridor into its own category. The allowable uses in this category will be established by the City consistent with existing permitted uses as well as those identified in Policy 1.16.1.

**Policy 1.16.3:** The City supports transit-oriented development (TOD) around future transit stations for commuter rail, light rail, or bus rapid transit service. TOD patterns provide higher densities and intensities in a physical form that emphasizes walkability and connectivity and provides a broad range of uses, reducing reliance on vehicle trips and parking lots.

**Policy 1.16.4:** The City will consider a new land-use planning process for transit-oriented redevelopment around potential future transit stations along the CSX / Seminole Gulf rail corridor. Stations could be placed in the Old 41 Town Center and near Strike Lane. Model procedures for station area planning and implementation are provided in the Florida TOD Guidebook, published by Florida DOT in December 2012.

**Amendments to Bonita Springs Comprehensive Plan**  
**Transportation Element**

**OBJECTIVE 1.6:** The City shall ensure cooperative planning with surrounding municipalities, counties, the Florida Department of Transportation and the private sector.

**Policy 1.6.1:** The City shall participate in the MPO, Southwest Florida Regional Planning Council (SWFRPC) and Lee County planning processes for system-wide facility needs.

**Policy 1.6.2:** The City declares a position of interest for land use decisions affecting county and state roads shared with adjacent municipalities or counties.

**Policy 1.6.3:** The City shall explore methods by which it may offer incentives to large employers or major traffic generators which provide park and ride or other traffic reducing facilities.

**Policy 1.6.4:** The City shall continue to utilize inter-local agreements and supplements with Lee County and any other applicable entities for the financing, planning, design, construction and operation of the road system within the Bonita Springs area.

**Policy 1.6.5:** The CSX / Seminole Gulf rail corridor, as shown on Figure 10 of the Future Transportation Map Series, is hereby designated as a strategic regional transportation corridor. This designation has been recommended by the Lee County Metropolitan Planning Organization as a means for cities and counties along the rail corridor to recognize the regional nature of this asset and jointly commit to efforts to protect it in its entirety. This designation includes the designation of the rail corridor as a “transportation corridor” pursuant to F.S. 337.273. The following actions will further this designation:

- a. The City encourages Florida DOT with appropriate funding partners to purchase the real estate interests in the entire rail corridor from Arcadia to north Naples from its current owner, CSX Transportation Inc.
- b. The City will formally oppose any attempts at abandonment of the rail corridor before the U.S. Surface Transportation Board with the exception for abandonment in furtherance of the City’s initiative for hiking, biking, and walking trails; in which case the City will support use of federal rails-to-trails railbanking authority in order to preserve the corridor for possible future rail service
- c. The City will cooperate with Lee and Collier Counties, the Village of Estero, and the City of Ft. Myers in evaluating and potentially operating public transportation through their jurisdictions and creating new redevelopment opportunities near potential stations.
- d. The City will cooperate with all counties and cities along the rail corridor to pursue common goals for trails and continued freight service to the corridor’s northern terminus in Arcadia.

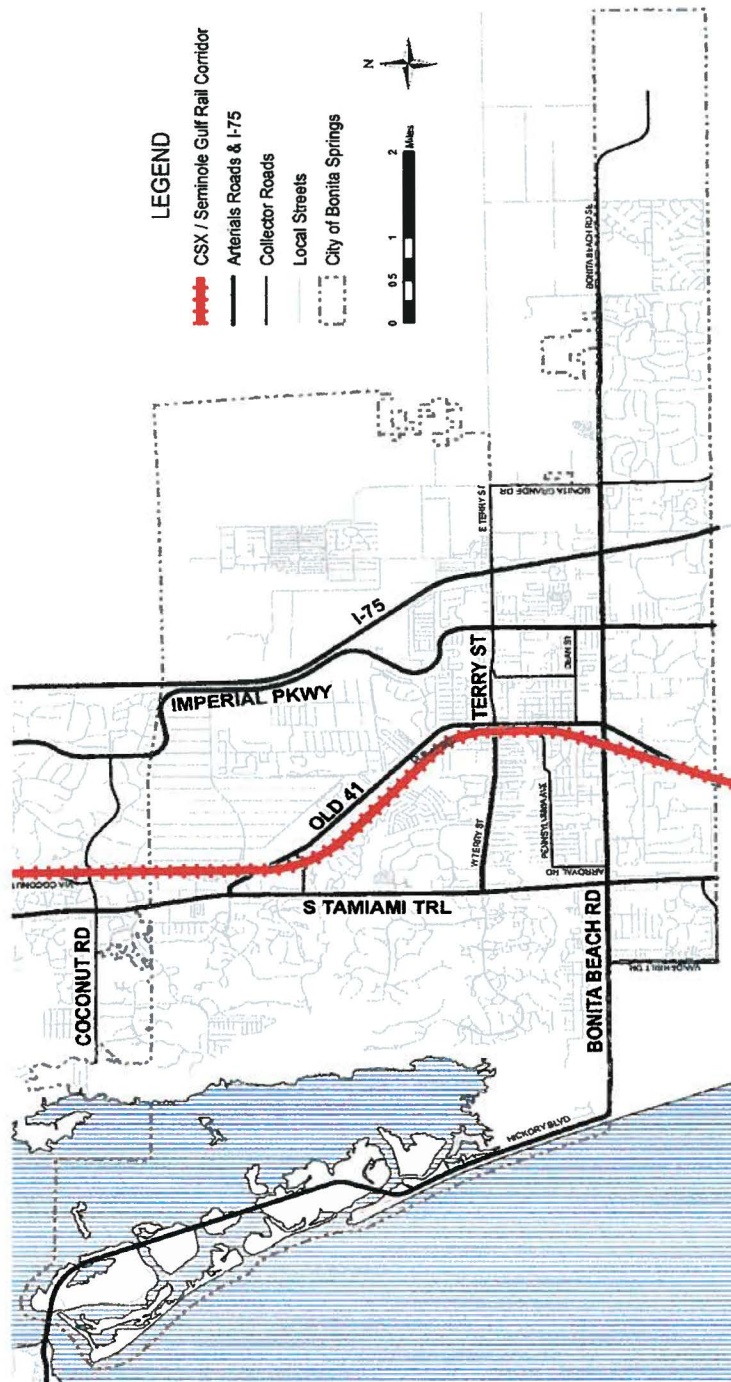
**Amendments to Bonita Springs Comprehensive Plan**  
**Transportation Element**

**Policy 1.6.6:** The City supports the vision and efforts of the Lee County Metropolitan Planning Organization as described in its Lee County Rail Corridor Feasibility Study (2013) to enhance freight capability through the entire rail corridor and on nearby industrial land, to allow hiking/biking/walking trails and paths to be added to portions of the corridor, and to add capability for commuter rail, light rail, or bus rapid transit from east Fort Myers to northern Collier County.

**Policy 1.6.7:** Future Land Use Policies 1.16.3 and 1.16.4 describe the City's support for transit-oriented redevelopment around potential future stations for commuter rail, light rail, or bus rapid transit.



**Figure 10**  
**CSX / Seminole Gulf Rail Corridor**



**AMENDMENTS TO BONITA SPRINGS COMPREHENSIVE PLAN  
RECREATION / OPEN SPACE ELEMENT**

**OBJECTIVE 1.2:** Provide adequate opportunities for all residents of the City to enjoy both active and passive recreation in the form of community, neighborhood and other special parks and facilities.

**Policy 1.2.8.1:** The City shall seek opportunities to connect its proposed trail system to the extensive systems of both Lee County and Collier County. An important link would use the CSX / Seminole Gulf rail corridor to connect to the north and south.

**Policy 1.2.15:** The City shall investigate railroad and electric power rights-of-way for their potential inclusion in the system of public bike paths and other ancillary recreational uses. Policies under Objective 1.6 of the Transportation Element describe the potential use of the CSX / Seminole Gulf rail corridor for hiking/biking/walking trails.