

**CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 17-20**

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING §3-292, TRAFFIC IMPACT STATEMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

**WHEREAS**, the Land Development Code (LDC) requires applicants for Rezoning, Special Exceptions, and Development Orders to prepare and submit Traffic Impact Statements (TIS); and

**WHEREAS**, LDC Chapter 3 establishes the criteria for when a traffic impact statement is required; and

**WHEREAS**, LDC Chapter 3 refers to Traffic Impact Statement Guidelines for the methodology and manner for which a traffic impact statements analysis is prepared; and

**WHEREAS**, Bonita Springs City Council desires to adopt its own administrative code to establish its own Traffic Impact Statement Guidelines in order to obtain information that addresses the city's infrastructure needs associated with a development's impact on the existing transportation network; and

**WHEREAS**, the City of Bonita Springs adopted Lee County Administrative Codes as implied in the City Charter §70, transitional ordinances and resolutions, until such time that the City of Bonita Springs adopts its own; and

**WHEREAS**, LDC Chapter 4 refers to the Administrative Code for the methodology and manner for which a traffic impact statement analysis is prepared at time of rezoning; and

**WHEREAS**, the City of Bonita Springs City Council will consider the adoption of its own Administrative Code to establish its own Traffic Impact Statement Guidelines for the methodology and manner for which a Traffic Impact Statements analysis is prepared; and

**WHEREAS**, Bonita Springs City Council desires to amend its LDC pertaining to traffic impact statements in order to obtain information that addresses the city's infrastructure needs associated with a development's impact on the existing transportation network; and

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Bonita Springs Land Development Code Section 3-292 are hereby amended, to read as follows, with strike-through identifying deleted language and underline identifying additional language:

## SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE

### CHAPTER 3

#### ARTICLE III. DESIGN STANDARDS AND REQUIREMENTS

##### DIVISION 2. - TRANSPORTATION, ROADWAYS, STREETS AND BRIDGES

###### **Sec. 3-292. - Traffic impact statements.**

Traffic impact statements shall survey current and anticipated background traffic conditions and public transportation in order to identify potential traffic problems posed by the proposed development. Adverse site-related traffic impacts shall be mitigated by the applicant as specified in the traffic mitigation plan (when required by the city manager or designee) and final development order. This may include proportionate fair share per LDC Sec. 2-141. - Proportionate fair share agreements. ~~If traffic generated by the proposed development will add 300 or more vehicle trips during the peak hour to the adjacent road system, the~~ The developer shall submit a traffic impact statement, providing a comprehensive assessment of the development's impact on the surrounding road system in accordance with the Administrative Code 17-076, which identifies the traffic impact statement guidelines. ~~Traffic impact statement guidelines which are available from the city manager or designee. If traffic generated by the proposed development is not expected to meet this threshold, the developer shall submit a traffic impact statement as follows:~~ All traffic impact statements must submit the following:

1. The traffic impact statement shall provide information regarding the development's traffic generation and impacts at the development's access points onto the adjacent street system. The level of detail required in a traffic statement is based on ~~the number of vehicular trips that~~ how the proposed development will effect add ~~to~~ the adjacent roadway system.
2. The traffic impact statement shall provide information regarding the development's Traffic generation and impacts at the development's access points onto the adjacent street system. The level of detail required in a traffic statement is based on ~~the number of vehicular trips that~~ how the proposed development will effect add ~~to~~ the adjacent roadway system.
3. The traffic impact statement must be prepared in accordance with the current edition of the forms, procedures and guidelines provided by the city. The developer or his representative shall assume full occupancy and a reasonable build-out of the development in the preparation of the traffic impact statement.
4. The traffic impact statement must be prepared by qualified professionals in the fields of civil or traffic engineering or transportation planning.

5. ~~The traffic impact statement shall be submitted to the city manager or designee for review of sources, methodology, technical accuracy, assumptions, findings and approval.~~ Approval of the traffic impact statement by the city manager or designee may be revoked after one year has expired since the date of approval if the assumptions upon which the traffic impact statement was approved are no longer valid. A significant change in the development proposal may result in the previous approval of the traffic impact statement being revoked at any time.

(Ord. No. 05-03, § 1(3-286), 1-19-2005, Ord. No. 17-20, §1, 11-15-17)

## **SECTION TWO: CONFLICTS**

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 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 work "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 effect 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.

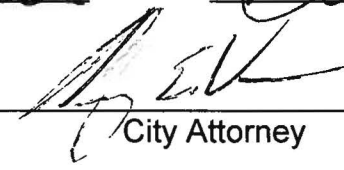
## **SECTION FIVE: EFFECTIVE DATE**

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 15<sup>th</sup> day of November, 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: 11/16/17