

**CITY OF BONITA SPRINGS
ORDINANCE NO. 16-06**

**AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE,
CHAPTER 4, AMENDING §4-227, PUBLIC PARTICIPATION, ALLOWING
PUBLIC PARTICIPATION AT COUNCIL ZONING HEARINGS;
PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY,
CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND
AN EFFECTIVE DATE.**

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;

WHEREAS, City Council finds that citizen participation in government processes is at the core of our system, where everyone will not come away totally satisfied, but they should always know they had the opportunity to express their views to Bonita Springs City Council in an appropriate manner, and have Council consider their communication as evidence in their zoning process as appropriate; and

WHEREAS, a survey of local governments have shown that Bonita Springs is an outlier among local municipalities in limiting residents rights to speak at City Council if they have not spoken at the zoning board.

**SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE
SECTION 4-227**

The City of Bonita Springs Land Development Code §4-227 is hereby amended with the addition of new language underlined and deleted text identified with strike through, as follows:

Sec. 4-227. - Public participation.

- (a) *Participation at public hearings. ~~before zoning board or local planning agency.~~ At a public hearing before the zoning board, or local planning agency, or city council, all persons will be heard. However, the meeting's chair zoning board or local planning agency has the right to refuse to hear testimony which is irrelevant, repetitive, defamatory or spurious, and to establish reasonable time limits on testimony. City Council may orally question its staff and any participant who is present about matters brought forward at its public hearing or about any testimony or physical evidence entered into the record at the public hearings prior to the Council hearing, and its attorneys about points of law or procedure.*
- (b) *~~Participation before city council; zoning matters.~~ At public hearings of zoning matters, ~~only a participant or his representative at the proceeding before the~~*

~~zoning board will be afforded the right to address the city council, but only as to the correctness of findings of fact or conclusions of law contained in the record, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the hearing before the zoning board and not otherwise disclosed in the record. The city council may orally question its staff, its attorneys and any participant who is present about matters contained in the written record and points of law or procedure.~~

(Ord. No. 11-02, § 3(4-234), 1-19-2011)

SECTION TWO: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs Ordinance, Florida Statute or federal law, the most restrictive shall apply. To the extent that any portion of the Land Development Code is in conflict herewith to this ordinance, the portion in conflict is hereby repealed to the extent of the conflict.

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 or 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 or application.

SECTION FOUR: CODIFICATION, INCLUSION IN CODE, AND 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 a 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 of public hearing, by filing a corrected or re-codified 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 18th day of May, 2016.

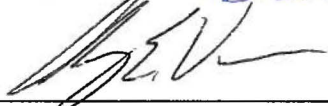
AUTHENTICATION:



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: 5/19/16