

CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE 15 - 01

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING BONITA SPRINGS LAND DEVELOPMENT CODE §3-440, REQUIRED TRANSIT FACILITIES FOR LARGE-SCALE RETAIL ESTABLISHMENTS; 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; and

WHEREAS, City Council in Ordinance No. 14-08 adopted specific regulations related to large-scale retail establishments; and

WHEREAS, City Council made corrections to the large-scale retail establishments regulations in Ordinance 14-25, but after the ordinance was prepared and advertised gave direction for transit facilities within large-scale retail establishments to be lighted; and

WHEREAS, the purpose of this ordinance is to provide the amendment to LDC 3-440, so that transit facilities within large-scale retail establishments are lighted.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3

Section 3-440 of Bonita Springs Land Development Code Chapter 3 is hereby amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

Sec. 3-440. Required transit facilities for large-scale retail establishments.

(a) *Transit facilities.* Large-scale retail establishments shall be located within one-quarter mile of an existing public transit stop, or provide for a transit stop within the development, or along the adjacent right-of-way subject to Lee Tran approval. Where the development is required to provide a transit stop, the following requirements apply:

(1) A roofed shelter. The shelter must provide weather protection for a minimum of 50 square feet;

(2) A bench or other sitting area with at least 5 linear feet of seating;

(3) The shelter is subject to architectural review by the City at the time of local Development Order application.

(4) The shelter shall be located in proximity to street lighting to provide for the security of transit patrons, or provide lighting internal to the structure where street lights do not exist at the time of shelter construction.

- (b) Lee Tran shall not use any public transit stop within a large-scale retail establishment as a transfer station, unless deemed appropriate at the time of Planned Development approval.

(Ord. No. 14-18, § 1(3-440), 7-2-2014)

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 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 part of the Bonita Springs City 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


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 7th day of January, 2015.

AUTHENTICATION:


 _____ Mayor

 _____ City Clerk

APPROVED AS TO FORM: 
 _____ City Attorney

Vote:

Nelson	Absent	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date filed with City Clerk: 1-9-15