

**Local Planning Agency  
Thursday, July 19, 2012  
8:30 A.M.  
Bonita Springs City Hall  
9101 Bonita Beach Road  
Bonita Springs, Florida 34135  
MINUTES**

I. CALL TO ORDER.

Vice Chairman Sam Vincent called the meeting to order at 8:45 A.M.

II. ROLL CALL.

PRESENT:

Sam Vincent (Vice Chairman)  
Henry Bird  
Bob Thinnes  
Fred Forbes  
Rex Sims

ABSENT:

Don Colapietro, Chairman  
Bob Mills

III. REVIEW OF THE FOLLOWING ORDINANCES FOR CONSISTENCY WITH THE BONITA SPRINGS COMPREHENSIVE PLAN:

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; RELATING TO BUILDING AND CONSTRUCTION CODES AND TO THE ESTABLISHMENT OF THE WIND BORNE DEBRIS REGION AND WIND SPEED ZONES IN LEE COUNTY; CREATING BONITA SPRINGS LAND DEVELOPMENT CODE SECTION 5-112 TO DESIGNATE WIND SPEED LINES AND A WIND BORNE DEBRIS REGION THAT COINCIDES WITH FIGURE 1606 OF THE FLORIDA BUILDING CODE; CREATING BONITA SPRINGS LAND DEVELOPMENT APPENDIX RELATED TO WIND BORNE DEBRIS REGION; RESERVING LDC SECTIONS 5 - 113 THROUGH 5-330; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

8:47:23 AM City Attorney Audrey Vance furnished a brief overview regarding the intent of the Ordinance, which is to adopt a wind map to provide a building permit variance for a small triangular area of Little Hickory to be changed from 170 mph on the state-wide map, to 160 mph wind zone, hence, building in Category 2 (residential and Commercial) would be designed to be able to withstand 160 mph instead of 170 mph. A brief discussion followed.

8:49:13 AM Board Member Rex Sims entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Henry Bird seconded; and the motion carried unanimously.

- B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING SECTIONS 3-154, ADDITIONAL REQUIRED SUBMITTALS; §3-183.FINAL INSPECTION AND CERTIFICATE OF COMPLIANCE; §3-416, LANDSCAPE STANDARDS; AND §3-420, PLANT MATERIAL STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

8:49:45 AM City Attorney Vance explained that this Ordinance was also reviewed by the Local Planning Agency (LPA) previously. Revisions have been made to change NGVD 1929 to NAVD 1988; to add language consistent with the Florida Building Code for minimum required elevations; and a clarification relating to final inspections and certificates of compliance. A clarification was also made regarding buffering and revising the scientific name of an invasive exotic. A brief discussion was held.

Board Member Sims questioned if one was going to upgrade an office building to a medical building, which would require more parking, if the language on page 10 would result in one not qualifying. Mr. Dulmer responded no, as they would look at changing the number of required parking instead of changing the landscaping. Minimum parking standards is something Staff is looking to make revisions to. He suggested changes to Chapter 4 instead of changing the regulations for landscaping within parking lots.

8:56:57 AM Board Member Fred Forbes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Sims seconded; and the motion carried unanimously.

- C. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA ADOPTING AMENDMENTS TO ITS COMPREHENSIVE PLAN INCLUDING AMENDMENTS TO THE FUTURE LAND USE MAP, TEXT CHANGES TO THE FUTURE LAND USE ELEMENT; CREATING THE RURAL AGRICULTURE OVERLAY DISTRICT; ADOPTING GOALS, OBJECTIVES AND POLICIES TO ENCOURAGE AND PROMOTE A LOCAL FOOD SYSTEM APPROACH; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8:57:15 AM City Attorney Vance explained that this Ordinance is scheduled for City Council on August 1, 2012, with a subsequent review by the Department of Economic Opportunity (DEO). This entails an amendment to the Comprehensive Plan to create the Rural Overlay

district, and for the inclusion of policies for a local food system approach.

8:58:07 AM Jackie Genson, Community Development, explained this entails the text and overlay map, as well as language for the local food system. The Staff Report (in Clerk's file) is also included and will be submitted to DEO and the associated review agencies, who will have 30 days to provide comments to the City, and depending on those comments, they will move forward with the adoption hearing. Public workshops were held. A brief discussion was held.

9:01:36 AM Board Member Forbes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Bob Thinnes seconded; and the motion carried unanimously.

- D. AN ORDINANCE AMENDING AND RESTATING CITY OF BONITA SPRINGS ORDINANCE NO. 08-17, THE CITY OF BONITA SPRINGS FLOOD DAMAGE PREVENTION ORDINANCE; REFLECTING CHANGES BY THE FLORIDA BUILDING CODE; PROVIDING FOR STATUTORY AUTHORIZATION AND FINDINGS OF FACT; PROVIDING A STATEMENT OF PURPOSE AND OBJECTIVE; DEFINITIONS; ADMINISTRATION OF THE ORDINANCE; PROVIDING GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR STANDARDS FOR AREAS IN THE B, C, AND X ZONES; PROVIDING FOR SEVERABILITY, REPEALER; CONFLICTS OF LAW, AND INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

9:02:14 AM City Attorney Vance addressed revisions to this Ordinance as set out in Green Sheet 12-07-0236 (in Clerk's file). The intent is to keep the Ordinance compliant with changes made to the Florida Building Code. They removed the BOAA (Board of Adjustment and Appeals). Changes were also made to include a clarification to "new construction."

9:03:56 AM Board Member Sims addressed properties built before Bonita was a City that do not conform. Mr. Dulmer addressed the provision relating to 50% of the value of the building, which he expounded on. City Attorney Vance referred to "Substantial Improvement or Substantial Damage Application Review" addressing the cost of the improvements, so they do not exceed 50% of the structures value (from the Lee County Property Appraiser or from a Florida Licensed Appraisal). Discussion followed.

9:17:01 AM Vice Chairman Vincent referred to Floodways on page 21 and a concern with houses built near a floodway where fill can't be brought in. His concern regards drainage off a stem wall. Mr. Dulmer stated this would entail a minor change to the grade.

Board Member Forbes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Henry Bird seconded; and the motion carried unanimously.

- E. AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE; AMENDING 4-377, PUBLIC HEARINGS; 4-381 DURATION OF RIGHTS CONFERRED BY ADOPTED MASTER CONCEPT PLAN; AMENDING THE FOLLOWING USE TABLES: 4-653, 4-694, 4-714, 4-735, 4-791& 4-934; AMENDING 4-1297 TO REQUIRE A SPECIAL EXCEPTION FOR ALL KEEPINGS OF ALLIGATORS AND OTHER CERTAIN ANIMALS; AMENDING DIVISION 16. FARM PRODUCE STANDS, U-PICK OPERATIONS, ROADSIDE STANDS TO PERMIT FARMER MARKETS AND COMMUNITY GARDENS BY AMENDING 4-1711 - 4-1715 RELATING TO FARM PRODUCE; CREATING 4-1716 FARMERS MARKETS AND 4-1717 STANDARDS FOR COMMUNITY GARDENS; AMENDING DIVISION 17. FENCES, WALLS, GATES AND GATEHOUSES BY AMENDING SECTIONS 4-1741 THROUGH 4-1744; AMENDING 4-2020 PARKING; AMENDING SECTION 4-2191, MEASUREMENT, PERMITTED ENCROACHMENTS TO PERMIT OPEN DECKS; AMENDING 4-2194 RELATED TO SETBACKS FROM BODIES OF WATER; AMENDING 4-3041 TEMPORARY USES AND CREATING 4-3105, TO PROHIBIT LARGE METAL BUILDINGS (SUPER SHEDS) IN RESIDENTIAL DISTRICTS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

9:26:05 AM City Attorney Vance addressed this Ordinance, which she stated entailed "band aid" changes primarily related to the farmer's market, along with the local food approach. She next addressed the summary of revisions prepared by Community Development. Since the last LPA meeting, Council addressed the discussion with Board Member Sims and deleted the provision that would allow City Council to allow people to obtain development orders, etc., prior to the 30 day effective date of the Ordinance. Language was also added to page 9 to allow Council to remove any uses from the Master Concept Plan before they grant any extension if those uses are no longer compatible with existing and approved development. Discussion followed on the extension time.

Board Member Forbes stated that the Ordinance indicates that MCP Extensions are now for five years, with Staff afforded the ability to grant a 2-year one time administrative extension, which would amount to a total of seven years before Council would look at potential incompatible uses. Mr. Dulmer agreed.

At the request of Board Member Bob Thinnes, Staff to place the definition of "Private Farmer's Market" within the definition section. Board Member Thinnes next referred to page 43 which addresses fences, and suggested it be clearly identified that these are fences within the building setbacks. City Attorney Vance suggested language stating that this does not apply to fences outside the setbacks. Mr. Dulmer, in response, referred to page 58 "Use of Metal Buildings in Residential Districts" (Section 4-3105), and explained this was added to prevent accessory structures that are larger than the main structure from being built. Board Member Sims stated he felt the construction of a ted shed type structure was better than what was being done now (the use of fences), because some of the fences people

put up are not very nice. He suggested revising the 240 feet total floor area to 350 feet, etc., to allow for the storage of lawn mowers and other equipment. Ms. Genson explained that the 240 feet was taken from Lee County's Ordinance as a starting point, noting that the language does include an option for the Applicant to apply for a special exception for a larger structure. After further discussion, Mr. Dulmer clarified that this only applied to building made of galvanized steel or similar materials (excluding aluminum lap or clapboard-style siding).

Council Member Thinnes entered a motion finding the Ordinance to be consistent with the City of Bonita Springs Comprehensive Plan; Board Member Bird seconded; and the motion carried unanimously. City Attorney Vance clarified the revision by the Board, which was to move the definition of "Private Farmer's Market" as requested in the definition portion.

IV. PUBLIC COMMENTS: None.

VI. NEXT MEETING. August 16, 2012, 8:30 A.M.

Shelter Workshop - Tuesday, August 21, 2012, 6:00 P.M.

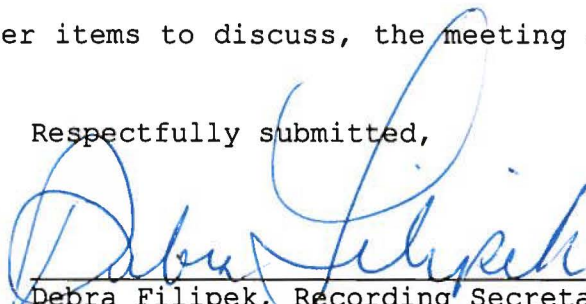
VII. APPROVAL OF MINUTES: 06/21/12

10:15:26 AM Board Member Forbes motioned approval of the Minutes; Board Member Bird seconded; and the motion carried unanimously.

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 10:15 A.M.

Respectfully submitted,

  
Debra Filipek, Recording Secretary

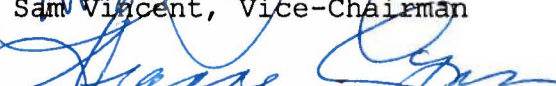
APPROVED:

LOCAL PLANNING AGENCY:

Date: 8/16/12

AUTHENTICATED:

  
Sam Vincent, Vice-Chairman

  
Dianne J. Lynn, City Clerk