

CITY OF BONITA SPRINGS
ZONING RESOLUTION NO. 18 – R03

A ZONING RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; REVIEWING ZONING ORDINANCE NO. 17-02 RELATED TO THE LANSDOWNE STREET, LLC, SPECIAL EXCEPTION FOR CONSUMPTION ON PREMISES FOR A COP-SRX ALCOHOLIC BEVERAGE LICENSE IN CONJUNCTION WITH OUTDOOR SEATING FOR THE GROUP III RESTAURANT AREAS, LOCATED AT 24851 S. TAMIAMI TRAIL, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bonita Springs City Council adopted Zoning Ordinance No. 17-02, amending the conditions in City of Bonita Springs Zoning Ordinance No. 09-03, granting Lansdowne Street, LLC a Special Exception for consumption on premises for a COP-SRX Alcoholic Beverage License in conjunction with outdoor seating for the Group III restaurant areas, as conditioned; and

WHEREAS, Section two of the ordinance limited the effect of Zoning Ordinance No. 17-02 to be initially operative for one (1) year, at which time, staff and the applicant, after receiving notice, will come back to City Council, who will consider the record, which is preserved as of the date of adoption, and any new information which occurs during the one (1) year test period. No additional application is necessary. City Council's actions in February 2018 will be by resolution, in which they will decide whether to continue the ordinance with the existing conditions, approve applicant's requested conditions or adopt additional restrictions deemed necessary as a result of the test period, or at that time, make null and void the ordinance; and

WHEREAS, City Council at their February 21, 2018 meeting considered the record as adopted on February 13, 2017 and heard on January 17, 2017 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case SPE16-33490-BOS.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

1. City Council of Bonita Springs hereby continues Zoning Ordinance No. 17-02, as currently conditioned, with the following modifications to condition 4:
 4. Live outdoor entertainment is permitted only in the location specified on "Attachment A" and under the following conditions:

- a. Live outdoor entertainment is permitted Wednesday -- Sunday only, unless a special event permit is obtained.
- b. The following day/time constraints shall be enforced, unless a special event permit is obtained:

Wednesday: 12:00 pm – 10:00 pm
Thursday: 12:00 pm – 10:00 pm
Friday: 12:00 pm – 12:00 am
Saturday: 12:00 pm – 12:00 am
Sunday: 12:00 pm – 10:00pm

- c. Noise levels shall be measured on an A-weighted network in accordance with Chapter 20, Article II of the Bonita Springs Code of Ordinances, when measured from the property line adjacent to US 41/South Tamiami Trail, the east property line abutting the eastern portion of the Bernwood Design Center, or, in the event of a noise complaint, the property line closest to the direction of the complainant. Specified to this request, no amplified music shall exceed 75 dba at the eastern or western property lines. Random testing may occur from either City staff or the Lee County Sheriff's Office.
- d. Musicians and entertainers shall only be permitted to use the speaker system provided by the establishment. Speakers are to be orientated in a way as to not generally face residential communities to the east and west and will be located on the southern portion of the building / awning (their current location) and face south. Relocation of the speakers will require appropriate approvals. The applicant will also provide, to the greatest extent possible, sound deadening equipment and angle their speakers in a manner that reduces sound travel to nearby residents. Notwithstanding the above, musicians may use monitors for purposes of hearing their music, provided that any monitors are oriented to the band.
- e. Live entertainment is permitted as long as no more than three (3) musicians are outside. Outdoor entertainment shall not include horns or drums, with exception to the type of Congo drum as presented to the City Council by the applicant at the February 21, 2018 review of this approval. Two locations have been proposed where

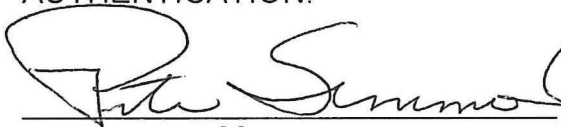
entertainers can perform. These have been shown on the applicant's exhibit IV-F, and shown as Attachment A to the staff report. Larger groups may perform inside the establishment and be broadcast outside consistent with noise standards identified within this ordinance.

- f. Music or sound that is piped in to the outdoor seating areas shall not exceed 75 dba when measured from the property line. If televisions are located outside the sounds from the televisions shall not exceed 75 dba when measured from the property line. Television screens cannot be visible or emanate glare onto any arterial, collector or local road or onto properties outside the boundaries of Exhibit A.


2. The Resolution shall take effect immediately.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 21st day of February, 2018.

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:

2/22/18