



City Hall Council Chambers
9101 Bonita Beach Road
Bonita Springs, Florida 34135

City of Bonita Springs City Council Meeting Agenda

March 6, 2024
5:30 p.m.

If you plan to address the City Council, please complete a “Public Comment Card” located on the table outside of Chambers. Completed comment cards should be submitted to the City Clerk prior to the start of the meeting.

To submit your public comment in writing, please email your name, address, and comments to CITYMEETINGS@CITYOFBONITASPRINGS.ORG. **Any written public comment must be received by 2:00 p.m. on March 5, 2024.**

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact City Clerk Mike Sheffield by calling (239) 949-6262 at least 48 hours prior to the meeting.

If a person decides to appeal a decision made by the Council on any matter at this meeting, such person must have a verbatim record of the proceeding to include the testimony and evidence upon which such appeal is to be based.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Mayor’s Welcome
7. Public Comment on Agenda Items

8. Consent Agenda:

- A. Approval of minutes from the City Council meeting held on February 21, 2024.
- B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Ian. (Green Sheet 24-03-034)
- C. Approve amendment to Supplemental Task Authorization 1 and Supplemental Task Authorization 2 issued to RJKS LLC to provide continuing procurement and related contract administration services for the City. (Green Sheet 24-03-039)
 - Opportunity for City Council Comments on Consent Agenda

9. Public Hearings:

- A. Continued from February 21, 2024 Second Reading and Public Hearing of an ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 – ZONING, TO AMEND CHAPTER 4, ARTICLE V, DIVISION 11, SUBDIVISION II, DOWNTOWN FORM-BASED CODE (SECTION 4-866) CREATING AN ADMINISTRATIVE VARIANCE PROCESS; TO AMEND CHAPTER 4, ARTICLE VI, DIVISION 17- CONSTRUCTION OF FENCES; TO ADOPT CHAPTER 4, ARTICLE VI, DIVISION 44- EMPLOYEE LIVING FACILITIES CREATING PROPERTY DEVELOPMENT REGULATIONS FOR EMPLOYEE LIVING FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (Green Sheet 24-03-036)
- B. Public hearing to consider transmittal of the proposed State-required Comprehensive Plan Amendments as determined by the City’s Evaluation and Appraisal Review (E.A.R), in accordance with §163.3184, Florida Statutes. (Green Sheet 24-03-037)
- C. Public hearing to consider transmittal of the proposed optional Comprehensive Plan Amendments as determined by the City’s Evaluation and Appraisal Review (E.A.R), in accordance with §163.3184, Florida Statutes. (Green Sheet 24-03-038)

10. City Attorney’s Items:

11. City Manager’s Items:

- A. Update on Hurricane Ian recovery.

12. Mayor and Council Member Reports

13. Public Comment

14. Adjournment



Bonita Springs Fire Control & Rescue District
Station Four Administrative Building
27701 Bonita Grande Drive
Bonita Springs, Florida 34135

**City of Bonita Springs
City Council
DRAFT Meeting Minutes**

February 21, 2024
9:00 a.m.

1. Call to Order

Mayor Steinmeyer called the meeting to order at 9 a.m.

2. Invocation

The invocation was provided by Rev. Patrick Womack of Bay Presbyterian Church.

3. Pledge of Allegiance

Mayor Steinmeyer led the Pledge of Allegiance.

4. Roll Call

The City Clerk called the roll:

Present: 7 Council Member Bogacz, Council Member Purdon, Council Member Carr, Mayor Steinmeyer, Council Member Corrie, Council Member Fullick, Deputy Mayor Forbes

Absent: 0

5. Approval of Agenda

No changes.

6. Mayor's Welcome

Mayor Steinmeyer welcomed attendees and those watching via live stream.

7. Public Comment on Agenda Items

None

8. Consent Agenda:

Council Member Corrie motioned to approve the Consent Agenda; Council Member Carr seconded. The motion carried unanimously.

A. Approval of minutes from the City Council meeting held on February 7, 2024.

B. Confirm and ratify Resolutions extending the local State of Emergency due to Hurricane Ian.

C. Approval of the Fourth Amendment to the Second Concessionaire Agreement with CGT Kayaks, Inc., to extend the term of the agreement for an additional six month term.

- D. Approval of the Special Event Permit for the Celebrate Bonita Festival 2024 and the closure of Old US 41 Road from Wilson Street to Ragsdale Street, on Saturday, April 27, 2024.
- E. Authorize staff to complete a Memorandum of Understanding with Lee County to utilize cabinet/rack space at the Emergency Operations Center.

9. Public Hearings:

- A. Second Reading and Public Hearing of an ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 – ZONING, TO AMEND CHAPTER 4, ARTICLE V, DIVISION 11, SUBDIVISION II, DOWNTOWN FORM-BASED CODE (SECTION 4-866) CREATING AN ADMINISTRATIVE VARIANCE PROCESS; TO AMEND CHAPTER 4, ARTICLE VI, DIVISION 17- CONSTRUCTION OF FENCES; TO ADOPT CHAPTER 4, ARTICLE VI, DIVISION 44- EMPLOYEE LIVING FACILITIES CREATING PROPERTY DEVELOPMENT REGULATIONS FOR EMPLOYEE LIVING FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

The Clerk read the title block into the record. Mike Fiigon, Senior Planner with Community Development, presented an overview of the proposed amendment to the Downtown Form-Based Code, stating it provides for an administrative review process for applicants who believe a variance is necessary due to extraordinary circumstances. The proposed amendment provides conditions that must be met to receive administrative approval.

Mary Zizzo, Planner II with Community Development, summarized the proposed amendment to the Fence Code, stating the proposed changes are based on feedback received from several applicants. Proposed changes include additional options for fence and landscape material and the inclusion of chain links in commercial zoning districts, provided certain conditions are met.

Next, Ms. Zizzo presented the proposed Employee Living Facilities Regulations, stating the proposed regulation includes facility standards that include location, density, and architectural design.

Council Member Corrie expressed concern with the proposed two-mile location proximity between the employee housing facility and the employer office, stating that the mileage proximity restriction is contrary to Council’s intent to achieve a live local/work local environment in the City. He proposed eliminating the mileage proximity requirement to allow employee housing anywhere it is permitted in the City.

*A discussion ensued over whether to remove the proximity requirement and adopt the ordinance at today’s meeting, or to continue the second reading/public hearing to the next meeting to allow time for further consideration. **Council Member Purdon made a motion to continue the second reading/public hearing to the next Council meeting, at 5:30 p.m., March 6; Council Member Carr seconded the motion. The motion carried unanimously.***

10. City Attorney’s Items:

- A. Approve land dedication and berm agreement as well as accept deeds from Lee County and authorize the Mayor to execute documents in furtherance of acceptance.

Deputy Mayor Forbes motioned to approve; Council Member Carr seconded the motion. The motion carried unanimously.

- B. Accept a drainage and access easement from BG Mine, LLC and authorize the Mayor to execute documents in furtherance of acceptance.

Mayor Steinmeyer motioned to approve; Council Member Carr seconded. The motion carried unanimously.

Other City Attorney Business:

City Attorney Rooney informed Council of a letter from the City's special land use counsel, Theriaque & Spain, regarding an update to service terms reflecting increased hourly rates for partners and mid/lower-level staff. Mr. Rooney advised that there had not been a rate increase since he has been the City Attorney. Council Members had no objection to the higher rates and provided direction by consensus to move forward with the updated terms.

11. City Manager's Items:

- A. Discussion regarding a City representative to the CDBG-DR Grant Funding Project Application Evaluation Committee.

Council Member Purdon motioned to nominate Mike Gibson as the City's representative on the CDBG-DR Grant Funding Evaluation Committee; Seconded by Council Member Carr. The motion carried unanimously.

12. Mayor and Council Member Reports

Council Member Bogacz commented on her recent speaking engagement at Pelican Nest regarding upcoming projects and city accomplishments.

Council Member Purdon stated that the City's legislative appropriation requests remain under consideration. City Manager Hunter added, should Council members wish to reach out to our legislative delegation in support of the City's legislative appropriation requests, this is the time to do so.

Council Member Corrie thanked staff in the Neighborhood Services Department for addressing after-hour construction issues that have been negatively impacting residents near Shangri-La Road/Cockleshell Drive.

Council Member Fullick commented on his recent presentation to the Collier County Bar Association regarding the local economy.

13. Public Comment

None

14. Adjournment

City Manager Hunter announced that Council meetings will return to City Hall beginning March. There being no further business, the meeting adjourned at 10:07 a.m.

Prepared by:

Mike Sheffield, City Clerk

APPROVED BY CITY COUNCIL

Date: _____

AUTHENTICATED

Rick Steinmeyer, Mayor

REQUESTED MOTION: Confirm and ratify Resolutions extending the Local State of Emergency due to Hurricane Ian.

REQUESTOR: Arleen M. Hunter, City Manager; Derek Rooney, City Attorney

AGENDA: Consent

STRATEGIC PRIORITY:

BACKGROUND:

Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and declared a state of emergency, pursuant to Chapter 252, Florida Statutes. As Hurricane Ian posed a serious threat to our area, an ultimate landfall directly affected the City of Bonita Springs. Consistent with Florida statutes, the following Resolutions were prepared and signed by the Mayor and staff to extend the Local State of Emergency in seven day increments.

At this time, it is appropriate for City Council to ratify the continued Local State of Emergency.

STAFF RECOMMENDATION: Approve

ATTACHMENTS:

1. Resolution No. 24-015 issued on February 19, 2024
 2. Resolution No. 24-016 issued on February 26, 2024
-

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Mike Sheffield

CITY OF BONITA SPRINGS
RESOLUTION NO. 24-015

**AN EMERGENCY RESOLUTION OF THE CITY OF BONITA
SPRINGS DECLARING A STATE OF LOCAL EMERGENCY
RESULTING FROM HURRICANE IAN; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and has declared a state of emergency, pursuant to Chapter 252, Florida Statutes; and,

WHEREAS, on September 26, 2022 the City declared a local State of Emergency ahead of the landfall of Hurricane Ian; and

WHEREAS, Hurricane Ian had a significant impact on this area, the effects of which are still being fully ascertained and include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

WHEREAS, the effects of Hurricane Ian continue to pose a serious threat to the lives and property of residents of the City of Bonita Springs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor on behalf of the City Council of the City of Bonita Springs, Lee County, Florida;

Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

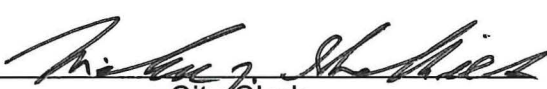
Section 3. This resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida, this 19th day of February, 2024.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney Office

Date filed with City Clerk: _____


2/21/24

CITY OF BONITA SPRINGS
RESOLUTION NO. 24-016

**AN EMERGENCY RESOLUTION OF THE CITY OF BONITA
SPRINGS DECLARING A STATE OF LOCAL EMERGENCY
RESULTING FROM HURRICANE IAN; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Governor Ron DeSantis signed Executive Orders 2022-218 and 2022-219, in response to the anticipated landfall of Hurricane Ian and has declared a state of emergency, pursuant to Chapter 252, Florida Statutes; and,

WHEREAS, on September 26, 2022 the City declared a local State of Emergency ahead of the landfall of Hurricane Ian; and

WHEREAS, Hurricane Ian had a significant impact on this area, the effects of which are still being fully ascertained and include extensive flooding, wind and water damage, not only to public infrastructure but to homes and businesses throughout the City; and

WHEREAS, the effects of Hurricane Ian continue to pose a serious threat to the lives and property of residents of the City of Bonita Springs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor on behalf of the City Council of the City of Bonita Springs, Lee County, Florida;

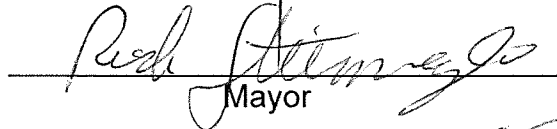
Section 1. The recitals above are hereby incorporated herein.

Section 2. The current State of Emergency is extended.

Section 3. This resolution shall take effect immediately upon adoption. Consistent with Florida Statutes §252.38(3), the duration of this state of emergency declared locally is limited to 7 days and may be extended, as necessary by resolution, in 7-day increments.

DULY PASSED AND ENACTED by the Mayor of the City of Bonita Springs, Lee County, Florida, this 26th day of February, 2024.

AUTHENTICATION:


Mayor


City Clerk

APPROVED AS TO FORM:


City Attorney Office

Date filed with City Clerk:

02/27/24

REQUESTED MOTION: Approve amendment to STA 1 and STA 2 issued to RJKS LLC to provide continuing procurement and related contract administration services for the City.

REQUESTOR: Lisa Griggs Roberson, CPA, Director of Financial and Administrative Services

AGENDA: Consent

STRATEGIC PRIORITY:

BACKGROUND: On March 1, 2023, Council adopted a Resolution to engage two qualified firms to provide Procurement Services for the City (RFP 23-02). A professional services agreement was executed with RJKS, LLC and Supplemental Task Authorization (STA) No. 1 and No. 2 were issued to facilitate payment for services.

In order to provide for continuing contractual services through this multi-year contract, staff is requesting to amend the language within the STA's as follows:

"Authorize an annual Not-To Exceed (NTE) dollar amount as approved in the budget for each fiscal year of the contract."

Funding for this contract is provided in 00.270.513.3452 Procurement Services.

STAFF RECOMMENDATION: Approve requested amendment to the language within STA's No. 1 and No. 2 via Change Orders.

ATTACHMENTS:

1. Draft Change Order No. 1 -STA 1
2. Draft Change Order No. 1 - STA 2

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	Lisa Griggs Roberson

CITY OF BONITA SPRINGS PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

(A Change Order or Supplemental Task Authorization Requires Approval by the City Manager for Expenditures under \$50,000 or Approval by the Bonita Springs City Council for Expenditures over \$50,000).

MISC. CONTRACT: Procurement Services / SOLICITATION NUMBER: RFP-23-02 STA 1

PROJECT NAME: Solicitation Services / CONTRACT NUMBER: BSC-23-04-100

CONSULTANT: RJKS / ACCOUNT NUMBER: 00.270.513.3452

REQUESTED BY: Lisa Griggs Roberson Finance/Admin. Services / DATE OF REQUEST: January 22, 2024

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant is authorized to and shall proceed with the following:

EXHIBIT A:	SCOPE OF PROFESSIONAL SERVICE:	DATED: N/A
EXHIBIT B:	COMPENSATION & METHOD OF PAYMENT:	DATED: January 22, 2024
EXHIBIT C:	TIME AND SCHEDULE OF PERFORMANCE:	DATED: N/A
EXHIBIT D:	CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTOR(S):	DATED: N/A
EXHIBIT E:	PROJECT GUIDELINES AND CRITERIA:	DATED: N/A

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

This space intentionally left blank

It is understood and agreed that the acceptance of this modification by the Consultant constitutes an accord and satisfaction. All the remaining terms in the original Agreement, remain the same.

ACCEPTED:	ATTEST:	CITY APPROVAL:
Consultant Signature	City Clerk	City Manager (Under \$50,000)
Print Name	Date	Date Approved
Address	Approved By:	Approved By:
Address	City Attorney's Office	Mayor, City Council for Bonita Springs
Date Accepted	Date Approved	Date Approved
Corporate Seal		

Exhibit A

Scope of Professional Services
Solicitation Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

Exhibit B

Compensation and Method of Payment
Solicitation Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Compensation

The compensation the Consultant shall be entitled to receive for providing and performing the supplemented or changed services, tasks or work as set forth and enumerated in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, attached hereto shall be as follows:

NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
1	Solicitation Services	\$125.00	Per hour	
TOTAL		\$125.00		

Compensation and Method of Payment – Page 2
Solicitation Services

Section 2 Summary of Change(s) in Compensation

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, the compensation the City has previously agreed to pay to the Consultant, as set forth in the Professional Services Agreement, shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation in the Basic Agreement	Adjustment(s) by Previous CO or STA Nos.	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
1	Solicitation Services	\$125.00	\$0.00	\$0.00	\$ 125.00
	Amend/Add Language as follows: "Authorize an annual Not-To-Exceed (NTE) dollar amount as approved in the budget for each fiscal year of the contract."				\$ 0.00
					\$ 0.00
					\$ 0.00
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					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTAL		\$ 125.00	\$ 0.00	\$ 0.00	\$ 125.00

Exhibit C

Time and Schedule of Performance
Solicitation Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Time and Schedule of Performance

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks or work set forth in this Change Order or Supplemental Task Authorization is as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
N/A			

Time and Schedule of Performance – Page 2
Solicitation Services

Section 2 Summary of the Impact of Change(s) in Time and Schedule of Performance on the Overall Project

Pursuant to and in consideration of the changes in the Scope of Professional Services in this Change Order or Supplemental Task Authorization, the time and schedule the City and the Consultant have previously agreed to for all of the work to be done under the Professional Service Agreement shall be changed as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
N/A			

EXHIBIT D

Consultant's Associated Sub-Consultant(s) and Subcontractor(s)
Solicitation Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Consultant has identified the following sub-consultant(s) and/or subcontractor(s) which may be engaged to assist the Consultant in providing and performing the services, tasks or work required under this Change Order or Supplemental Task Authorization:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage (Yes or No)

EXHIBIT E

Project Guidelines and Criteria
Solicitation Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

As a supplement or change to the project guidelines and criteria set forth in the Professional Services Agreement, the City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the services, tasks or work to be provided pursuant to the professional services set forth in this Change Order or Supplemental Task Authorization as follows:

(If none, enter the word "none" in the space below)

Item No. 1

None.

EXHIBIT F

**Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion**

Vendor Covered Transactions

- (1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the vendor is unable to certify to the above statement, the prospective vendor shall attach an explanation to this form.

VENDOR:

Company Name

Unique Entity ID # (from SAM.gov)

Signature

Date

Print Name

Street Address

City

State

Zip Code

For City of Bonita Springs use only

To access the debarment search: <https://www.sam.gov/SAM/> > Search Records tab > Enter DUNS number > Click Search

Company: ☐ is debarred ☐ is not debarred

Verified by:

Name

Date

CITY OF BONITA SPRINGS PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

(A Change Order or Supplemental Task Authorization Requires Approval by the City Manager for Expenditures under \$50,000 or Approval by the Bonita Springs City Council for Expenditures over \$50,000).

MISC. CONTRACT: Procurement Services / SOLICITATION NUMBER: RFP-23-02 STA 2

PROJECT NAME: Contract Management Services / CONTRACT NUMBER: BSC-23-04-101

CONSULTANT: RJKS / ACCOUNT NUMBER: 00.270.513.3452

REQUESTED BY: Lisa Griggs Roberson Finance/Admin. Services / DATE OF REQUEST: January 22, 2024

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant is authorized to and shall proceed with the following:

EXHIBIT A:	SCOPE OF PROFESSIONAL SERVICE:	DATED: N/A
EXHIBIT B:	COMPENSATION & METHOD OF PAYMENT:	DATED: January 22, 2024
EXHIBIT C:	TIME AND SCHEDULE OF PERFORMANCE:	DATED: N/A
EXHIBIT D:	CONSULTANT'S ASSOCIATED SUB-CONSULTANT(S)/SUB-CONTRACTOR(S):	DATED: N/A
EXHIBIT E:	PROJECT GUIDELINES AND CRITERIA:	DATED: N/A

Consultant certifies that it is not on the Scrutinized Companies that Boycott Israel List or engaged in a boycott of Israel. Pursuant to Florida Statute §287.135, the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of the Agreement. As provided in Florida Statute 287.135(8), if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

If this Agreement is for more than one million dollars, the Consultant certifies that it is also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S. Pursuant to Section 287.135, F.S., the City may immediately terminate this Agreement at its sole option if the Consultant is found to have submitted a false certification; or if the Consultant is placed on the Scrutinized Companies with Activities in Sudan List or Scrutinized Companies with activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria during the term of the Agreement.

As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

This space intentionally left blank

It is understood and agreed that the acceptance of this modification by the Consultant constitutes an accord and satisfaction. All the remaining terms in the original Agreement, remain the same.

ACCEPTED:	ATTEST:	CITY APPROVAL:
_____ Consultant Signature	_____ City Clerk	_____ City Manager (Under \$50,000)
_____ Print Name	_____ Date	_____ Date Approved
_____ Address	_____ Approved By:	_____ Approved By:
_____ Address	_____ City Attorney's Office	_____ Mayor, City Council for Bonita Springs
_____ Date Accepted	_____ Date Approved	_____ Date Approved
Corporate Seal		

Exhibit A

Scope of Professional Services
Contract Management Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

Exhibit B

Compensation and Method of Payment Contract Management Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Compensation

The compensation the Consultant shall be entitled to receive for providing and performing the supplemented or changed services, tasks or work as set forth and enumerated in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, attached hereto shall be as follows:

NOTE: A lump sum (LS) or not-to-exceed (NTE) amount of compensation to be paid the Consultant should be established and set forth below for each task or sub-task described and authorized in the Scope of Professional Services. Tasks to be paid on a work-in-progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (WIPP)
1	Solicitation Services	\$125.00	Per hour	
TOTAL		\$125.00		

Compensation and Method of Payment – Page 2
Contract Management Services

Section 2 Summary of Change(s) in Compensation

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in this Change Order or Supplemental Task Authorization, the compensation the City has previously agreed to pay to the Consultant, as set forth in the Professional Services Agreement, shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation in the Basic Agreement	Adjustment(s) by Previous CO or STA Nos.	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
1	Solicitation Services	\$125.00	\$0.00	\$0.00	\$ 125.00
	Amend/Add Language as follows: "Authorize an annual Not-To-Exceed (NTE) dollar amount as approved in the budget for each fiscal year of the contract."				\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTAL		\$ 125.00	\$ 0.00	\$ 0.00	\$ 125.00

Exhibit C

Time and Schedule of Performance
Contract Management Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Section 1 Change(s) in Time and Schedule of Performance

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks or work set forth in this Change Order or Supplemental Task Authorization is as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
N/A			

Time and Schedule of Performance – Page 2
Contract Management Services

Section 2 Summary of the Impact of Change(s) in Time and Schedule of Performance on the Overall Project

Pursuant to and in consideration of the changes in the Scope of Professional Services in this Change Order or Supplemental Task Authorization, the time and schedule the City and the Consultant have previously agreed to for all of the work to be done under the Professional Service Agreement shall be changed as follows:

Phase and/or Task Reference As Enumerated in Scope of Professional Services	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days for Completion From Date of Notice to Proceed
N/A			

EXHIBIT D

Consultant's Associated Sub-Consultant(s) and Subcontractor(s)
Contract Management Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

Consultant has identified the following sub-consultant(s) and/or subcontractor(s) which may be engaged to assist the Consultant in providing and performing the services, tasks or work required under this Change Order or Supplemental Task Authorization:

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Sub-Consultant Services are Exempted from Prime Consultant's Insurance Coverage (Yes or No)

EXHIBIT E

Project Guidelines and Criteria
Contract Management Services

Date: January 22, 2024

☒ Change Order Number: One (1)

☐ Supplemental Task Authorization Number: N/A

As a supplement or change to the project guidelines and criteria set forth in the Professional Services Agreement, the City has established the following guidelines, criteria, goals, objectives, constraints, schedule, budget and/or requirements which shall serve as a guide to the Consultant in performing the services, tasks or work to be provided pursuant to the professional services set forth in this Change Order or Supplemental Task Authorization as follows:

(If none, enter the word "none" in the space below)

Item No. 1

None.

EXHIBIT F

**Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion**

Vendor Covered Transactions

- (1) The prospective vendor certifies, by submission of this Agreement, that neither it nor its principles are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the vendor is unable to certify to the above statement, the prospective vendor shall attach an explanation to this form.

VENDOR:

Company Name

Unique Entity ID # (from SAM.gov)

Signature

Date

Print Name

Street Address

City

State

Zip Code

For City of Bonita Springs use only

To access the debarment search: <https://www.sam.gov/SAM/> > Search Records tab > Enter DUNS number > Click Search

Company: ☐ is debarred ☐ is not debarred

Verified by:

Name

Date

REQUESTED MOTION: (Second Reading) AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 – ZONING, TO AMEND CHAPTER 4, ARTICLE V, DIVISION 11, SUBDIVISION II, DOWNTOWN FORM-BASED CODE (SECTION 4-866) CREATING AN ADMINISTRATIVE VARIANCE PROCESS; TO AMEND CHAPTER 4, ARTICLE VI, DIVISION 17- CONSTRUCTION OF FENCES; TO ADOPT CHAPTER 4, ARTICLE VI, DIVISION 44- EMPLOYEE LIVING FACILITIES CREATING PROPERTY DEVELOPMENT REGULATIONS FOR EMPLOYEE LIVING FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE

REQUESTOR: Mike Fiigon II, Senior Planner; Mary Zizzo, Senior Planner; Jacqueline Genson, Planning and Zoning Manager

AGENDA: Public Hearing

STRATEGIC PRIORITY: N/A

BACKGROUND:

This agenda item was continued from the February 21, 2024 City Council meeting to address questions on the draft employee living facilities regulations.

The request is to amend three sections of Chapter 4 (Zoning) of the City of Bonita Springs Land Development Code (LDC). Changes are identified in yellow highlight as follows: strike-thru is removal of text and underline is the addition of text. The LPA reviewed the LDC amendments at their January 18, 2024, public hearing and provided minor comments, which are reflected in this current draft. The LPA found the LDC amendments consistent with the comprehensive plan. The first reading for this item occurred on February 7, 2024 and Council voted unanimously to move the ordinance to second reading. The second reading occurred on February 21, 2024. At that hearing, Council voted to continue this item to March 6, 2024, in order to provide Staff additional time to amend the proposed language related to employee living facilities, based on direction that was provided at the February 21st meeting. **At this time, Staff is recommending that City Council consider approving the proposed changes below listed as (1) Form Based Code Administrative Variance Process; and (2) Fence Code, and remove (3) Employee Living Facilities, which can be considered at a later date.**

1. The first request is to amend Section 4-866 of the Downtown Form Based Code to add an administrative variance process for projects that contain commercial uses and are located within a commercial transect (T4, T5, T5 Core, and Special Transect Zone Districts). The criteria for approval closely mirror the already-established variance criteria found elsewhere in the Land Development Code. However, a specific addition to the criteria for the Form Based code has been included, which requires the Applicant to demonstrate that the proposed variance is not in conflict with Section 4-866(a), Intent of the Form-based Code. Staff coordinated with DPZ CoDesign on creating this process and agreed it may be appropriate so long as requests meet the overall intent of the Form-based Code.

2. The second request is to amend the existing fence code. The proposed changes include opportunities to improve aesthetics, provides property owners additional fence and landscape material options, and provides additional standards for property owners to secure their property:
 - Allowing a second material of fencing within waterbody setbacks and within the San Carlos Estates Agricultural Overlay.
 - Allowing Director/agency discretion to reduce locational requirements for entrance gates and gatehouses.
 - Allowing service entrances for nonresidential parcels that are open during operating hours.
 - Allowing chain link in commercial zoning districts, provided they are powder coated and shielded by matching height hedges.
 - Allowing fence wings over seawalls/rip rap consistent with Florida Building Code.
3. The third request is to provide development regulations for Employee Living Facilities pursuant to Council's direction at the October 4, 2023 (Bonita Bay PUD Employee Housing Appeal). These regulations include checks for compatibility with the surrounding developments, level of impacts and an approval process.

Attached for consideration are copies of the proposed amendments and a draft ordinance.

STAFF RECOMMENDATION: Approve proposed amendments to the Downtown Form Based Code and the Fencing amendments; Remove the proposed employee housing language.

ATTACHMENTS:

1. Draft LPA Meeting Minutes
2. Draft LDC Changes
3. Draft Ordinance

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Michael Sheffield
Department Director:	John Dulmer, AICP

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 24 – __

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 – ZONING, TO AMEND CHAPTER 4, ARTICLE V, DIVISION 11, SUBDIVISION II, DOWNTOWN FORM-BASED CODE (SECTION 4-866) CREATING AN ADMINISTRATIVE VARIANCE PROCESS; TO AMEND CHAPTER 4, ARTICLE VI, DIVISION 17 – CONSTRUCTION OF FENCES; TO ADOPT CHAPTER 4, ARTICLE VI, DIVISION 44 – EMPLOYEE LIVING FACILITIES CREATING PROPERTY DEVELOPMENT REGULATIONS FOR EMPLOYEE LIVING FACILITIES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, the City of Bonita Springs desires to streamline, clarify, and otherwise update provisions of the City’s Land Development Code; and

WHEREAS, additionally, the City Council of the City of Bonita Springs desires to amend certain sections of Chapter 4 of its Land Development Code to bring it into conformity with recent decisions of the City Council including (1) administrative variances within the downtown form-based code, (2) update the City’s fence standards, and (3) establishing regulations for employee living facilities; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted as legislative findings of the City Council and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. **Amending Land Development Code**

The Bonita Springs City Code is hereby amending the pertinent provisions of Chapters 4 Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **Severability**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.

Section 4. **Conflicts of Law**

This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of the requirements of state or federal law, the more restrictive shall apply.

Section 5. **Codification and Scrivener's Errors**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; 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 that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **Effective Date**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this _____ day of _____, 2024.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: _____
City Clerk

By: _____
Mayor

Reviewed for legal sufficiency:

By: _____
City Attorney

Vote:

Carr
Purdon
Forbes
Fullick

Corrie
Bogacz
Steinmeyer

Date filed with City Clerk: _____

PART III - LAND DEVELOPMENT CODE
Chapter 4 - ZONING
ARTICLE V. - DISTRICT REGULATIONS
DIVISION 11. - REDEVELOPMENT OVERLAY DISTRICTS
Subdivision II. Downtown Form-Based Code

Subdivision II. Downtown Form-Based Code¹

Sec. 4-866. General provisions.

- (a) *Intent.* The requirements set forth in this section are intended to:
- (1) Support the goals, objectives and policies of the city's comprehensive plan and downtown district.
 - (2) Keep cognizant the elements are scale, aesthetics, predictability, and new investment.
 - (3) Capitalize on opportunities to attract the development of a variety of building types and uses in order to contribute to a robust economic base.
 - (4) Encourage mixed-use development within the downtown district in support of viable and diverse locally-oriented business and cultural institutions.
 - (5) Promote development attractive to past, present and future generations that allows them to participate in the economic growth.
 - (6) Enable a walkable streetscape and predictable, small-town urban character.
 - (7) Achieve context-based development and complete streets.
- (b) *Application of the transect zones.* The transect, as a framework, identifies a range of habitats from the most natural to the most urban. Its continuum, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity similar to that of organically evolved settlements. The standards overlap (they are parametric), reflecting the successional ecotones of natural and human communities. The transect methodology allows for a wide range of building types in each transect zone, arranged to provide balanced walkable streetscapes. This Code contains the following transect zones:
- (1) T-5 urban zone consists of higher density mixed-use buildings that accommodate retail, offices, rowhouses, and multi-family. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. The T-5 urban zone has two variations:
 - a. The core T-5 zone is used for portions of downtown fronting Old-41 and near civic open spaces such as Riverside Park and the Imperial River. These important lots shall have retail-ready ground floors to activate Old-41, as well as gallery frontages to create a walkable and shaded streetscape. Other lots in the T-5 zone, are not required to have retail-ready ground floors but may have them by option (See: section 4-487(a)(2))

¹Ord. No. 20-10 , § 2(Exh. A §§ 1—14), adopted November 4, 2020, repealed the former Subdivision II, §§ 4-866—4-872, and enacted a new Subdivision II as set out herein. The former Subdivision II pertained to Old U.S. 41 Redevelopment Overlay District and derived from Ord. No. 09-13; Ord. No. 11-02, §§ 3(4-1151)—(4-1156), January 9, 2011; Ord. No. 13-01, §§ 1(4-1151), 1(4-1152), 1(4-1153), 1(4-1154), 1(4-1155), 1(4-1155), 1(4-1156), February 6, 2013; Ord. No. 13-09, §§ 1(4-1151)—(4-1154), (4-1155(a)—(h)), (4-1156), August 7, 2013; Ord. No. 15-02, § 1, February 7, 2015; Ord. No. 15-08, § 1, April 15, 2015; Ord. No. 15-21, § 1, October 21, 2015; Ord. No. 16-01, § 1, January 20, 2016; Ord. No. 16-19, § 1, December 7, 2016.

-
- (2) T-4 general urban zone consists of a primarily residential urban fabric. It may have a wide range of building types: single-family houses, side-yard houses, rowhouses, and small apartment buildings. Live/work buildings with home occupations are allowed in small quantities. Setbacks and landscaping are variable. Most streets in their existing form lack sidewalks and curbs.
 - (3) T-3 sub-urban zone consists of low density residential areas, adjacent to higher zones that may have some mixed use. Accessory dwellings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions. The T-3 sub-urban zone has two variations:
 - a. The restricted T-3 zone is used for portions of the downtown which are sub-divisions with an HOA or areas which contain multiple historically significant buildings. The T-3 zone is for all T-3 areas not included in the restricted zone.
 - (4) Civic zone consists of civic buildings and/or civic spaces appropriate to their transect zones.
 - (5) Special districts consist of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one or more of the six normative transect zones. The existing industrial area in the southwest corner of the downtown district shall be designated as a special district with an emphasis on incubation of local businesses. City-owned parcels along the Imperial River are also designated to be a special district.
- (c) *Boundaries of the downtown district.* The boundaries of the Bonita Springs Downtown Form-Based Code are derived from the boundary found on the Old U.S. 41 Corridor Redevelopment Master Plan, with slight modifications. These expansions of the boundary are shown below as Figure 2.1-1.
- (1) *Regulating plan.* The boundaries of the downtown district shall be as outlined on Figure 2.1-1.
- (d) *Applicability.*
- (1) Unless approved through the planned development process, these standards shall apply to all new construction and substantial modifications within the downtown district. "Substantial modifications" shall be defined as any modification, alteration or repair or combination thereof, to a structure or land, which exceeds 50 percent of the combined building cost and land value, over a five-year period, as assessed by the Lee County Property Appraiser. Existing planned developments may voluntarily comply with the standards herein.
 - (2) This document shall replace all prior regulatory documents for the Downtown District of the City of Bonita Springs. Where a conflict exists between this section and other land development regulations, this section shall prevail, except for those contained within the comprehensive plan.
 - (a) Properties and/or projects located within the Downtown District but have frontage along Bonita Beach Road may be developed in accordance with the regulations of the Bonita Beach Road Corridor Overlay.
 - (3) This section may be expanded to other portions of the City of Bonita Springs, so long as their boundaries are explicitly defined under section 4-867(c) and added to Figure 2.1-1.
 - (4) Standards, activated by "shall", are regulatory in nature. Deviations from these standards shall only be permitted by variance or special exception in accordance with applicable LDC sections.
 - (5) Guidelines, activated by "should", are encouraged and recommended but not mandatory. Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.

(e) *Existing conditions.*

- (1) Existing buildings, structures, and land features that do not conform to the requirements of this downtown district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state until such time as a substantial modification is requested to 50 percent or more of the combined building cost and land value, over a five-year period, as assessed by the Lee County Property Appraiser, and as outlined in LDC 4-866(d)(1).
- (2) The adaptive re-use of a building shall not be required to comply with minimum height standards established in section 4-870.
- (3) The restoration or rehabilitation of an existing building does not require the provision of parking in addition to the existing, if less than six new spaces are required.

(f) *Administrative Variances. This section is applicable to property proposing a commercial use (or commercial uses) or property that already contains a commercial use (or commercial uses) as described in Section 4-868, Table 3.1-1, Permitted Uses, and located in the T4, T5, T5-Core, and Special Transect Zone Districts.*

- (1) An Applicant may request a variance from any of the Form Based Code Sections by completing and submitting the necessary administrative action application and required documentation listed therein.
- (2) The Applicant shall provide the specific code section and a written justification stating why they cannot comply with the code section.
- (3) The Applicant is required to provide their proposed option for consideration. Staff has the right to request additional details, plans, renderings, surveys, and other information that may be needed for the review. At minimum, a statement explaining how the proposed option does not conflict with Section 4-866(a), Intent of the Form Based Code, shall be provided.
- (4) Before the approval of a variance, Staff shall find that all of the following exist:
 - a. The proposed variance is not in conflict with Section 4-866 (a), Intent of the Form Based Code.
 - b. There are exceptional or extraordinary conditions or circumstances that are inherent to the property or building in question.
 - c. The exceptional or extraordinary conditions or circumstances are not the result of actions taken by the Applicant.
 - d. The variance, if granted, is the minimum necessary to relieve the Applicant from the assumed burden of the code section.
 - e. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (5) If Staff denies the administrative variance request, the Applicant has the right to appeal the decision, pursuant to Section 4-53(c) of the Land Development Code.

(Ord. No. 20-10 , § 2(Exh. A, § 1), 11-4-2020; Ord. No. 21-02 , § 2(Exh. A), 5-19-2021; Ord. No. 23-02 , § 2(Att.), 5-3-2023)

DIVISION 17. FENCES, WALLS, GATES AND GATEHOUSES

Sec. 4-1464. Applicability of division.

This division applies to all fences, walls, gatehouses and entrance gates that are not specifically exempted in this division. This division does not apply to seawalls (see section 4-1588 for regulations on seawalls) or to city-initiated walls related to capital improvement projects.

(Ord. No. 11-02, § 3(4-1741), 1-19-2011; Ord. No. 12-13, § 1(4-1741), 8-15-2012)

Sec. 4-1465. Construction of fences.

- (a) Except for fences used for bona fide agricultural uses that are exempt under F.S. § 604.50, all fences and walls that are over 25 inches in height must comply with established building permit procedures.
- (b) All fences and fence walls on each property must be of uniform materials, design and color. ~~Any additions to existing fences or walls that do not exceed the length of the existing fence or wall shall maintain a uniformity of materials, design and color with that of the existing fence or wall. Fences reviewed at time of local development order and deemed to be provided architecturally consistent by the City Architect may waive this requirement.~~
 - (1) An exception exists for:
 - (a) fences at or within the waterbody setback area may use an additional material to meet Section 4-1467(b)(2)a.
 - (b) Fences within the Agricultural Overlay as well as within the San Carlos Estates Water Control District are permitted up to two materials. One uniform material shall be used within the street setbacks.
- (c) All fences and fence walls must be constructed and maintained in a manner that will not detract from the neighborhood or community. Fences must not contain missing materials or components of which it was built and must remain substantially vertical so that it serves the function or aesthetic purpose for which it was built and has not been compromised to the point that the fence would present a danger of flight or destruction during severe weather.
- (d) Fences and fence walls must be constructed of conventional and traditional building materials including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or steel, vinyl, chain link or composite products manufactured specifically for fences and walls. Non-traditional materials, including, but not limited to, tires, mufflers, hubcaps, etc., are prohibited. Fabric sheets or nets, or plastic, metal or vinyl sheets or slats may not be used as part of the fence or attached to a fence for the purpose of effecting privacy or required screening.
- (e) Fences and walls must be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. Where there is an existing fence, wall or continuous landscape hedge on the adjoining parcel, this provision may be administratively waived upon written request.

-
- (f) Barbed wire, spire tips, sharp objects, hog wire, game fence, horse wire or other similar materials or electrically charged fences are prohibited in all zoning districts, except as provided below and unless exempted under F.S. § 604.50 for agricultural uses and permitted in accordance with section 4-1471.
- (1) Fence material such as, hog wire, game fence, horse wire or other similar materials may be erected but cannot be the primary material when the property is within 100 feet of any residential area or residential zoning district under separate ownership.
 - (2) Bona fide agricultural uses may use barbed wire or electrically charged fences to control livestock when located in districts permitting the raising, keeping or breeding of livestock.
 - (3) The use of barbed wire for temporary security fences around construction materials or equipment in conjunction with an active construction project may be permitted when approved by the director.
 - (4) The use of chainlink fence with three strands of barbed wire on top of the fence with six-inch spacing between the strands of barbed wire may be required or approved by the director around structures or equipment of potential hazard to residents or passersby not otherwise protected.
- (g) Electrical fences must comply with National Electrical Safety Code requirements.
- (Ord. No. 11-02, § 3(4-1743), 1-19-2011; Ord. No. 12-13, § 1(4-1742), 8-15-2012; Ord. No. 15-27, § 2, 12-2-2015)

Sec. 4-1466. Residential project walls.

- (a) For purposes of this section, a residential project fence means a wall or fence erected around a residential subdivision (but not individual lots) or development of ten or more dwelling units.
- (b) A residential project fence or wall:
- (1) May be a maximum height of eight feet around the perimeter of the project upon a finding by development services that the fence does not interfere with vehicle visibility requirements (see section 4-2251) at traffic access points.
 - (2) May include architectural features such as columns, cupolas, fountains, parapets, etc., at a height not to exceed half the fence or wall height (up to four additional feet); provided they are compatible with the project and abutting properties.
 - (3) Required or optional residential project walls must be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) with a minimum of five trees per 100 lineal feet and shrub hedges, within a minimum plantable width of 7½ feet located on the exterior side of the wall or fence.
 - a. Hedges must be planted and maintained so as to form a 36-inch-high continuous visual screen within one year after time of planting.
 - b. Trees adjacent to a right-of-way must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms adjacent to the right-of-way will add design flexibility and reduce conflicts.
 - (4) Must be constructed to ensure that historic water flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD (South Florida Water Management District) requirements.
 - (5) May not be permitted until proper documents have been recorded providing for the maintenance of the project fence and landscaping.

(Ord. No. 12-13, § 1(4-1743), 8-15-2012)

Sec. 4-1467. Location and height of fences and walls other than residential project fences.

- (a) *Setbacks.* Except as may be specifically permitted or required by other sections of this chapter or chapter 3, no fence or wall, excluding seawalls, may be erected, placed or maintained:
- (1) Within any street right-of-way or street easement.
 - (2) Closer to the Gulf of Mexico than permitted by chapter 5, article III.
 - (3) Closer than five feet to the mean high-water line along natural water bodies, including canals created from sovereign lands, except that, where the canal is seawalled, the fence may be built landward of the seawall.
 - a. An exception exists for pool barriers, which allow for fence wings to extend 18" seaward beyond a seawall or rip rap.
- (b) *Fence or wall height.*
- (1) Determination of height. Except as set forth in section 3-418 for required buffers, fence or wall height will be measured from the existing elevation of the abutting property. In rear and side yards, the building official has the discretion to allow a deviation of up to four inches in height where required to compensate for variations in grade, drainage, or weed maintenance; provided that the length of the structural materials for the fence do not exceed the permitted height.
 - (2) Except as provided for in section 4-1465(b)(1), the maximum permitted height for fences and walls is as follows:
 - a. *Residential areas.*
 1. A fence or wall located between a street right-of-way or easement and the minimum required street setback line may not exceed three feet in height, except that fences may be a maximum height of four feet so long as the fence is of open mesh screening* and does not interfere with vehicle visibility requirements (see section 4-2251) at traffic access points.

*For purposes of this section only, open mesh screening may include vertical picket-type fencing; provided that the minimum space between vertical members must be a minimum of 1½ times the width and thickness of the vertical members or bars. i.e., if the vertical members are 2¼ inches wide and three-quarters of an inch thick (total three inches), then the minimum space between them must be 4½ inches (1.5 × 3.0 = 4.5). In no case may the space between vertical members or bars be less than four inches.
 2. A fence or wall located between a side or rear lot line and the minimum required setback line for accessory buildings is limited to a maximum height of six feet. For purposes of this section, the side yard will be considered that portion of the lot extending from the minimum required street setback line to the rear lot line.
 3. A fence located within 25 feet of a body of water must be open mesh screening above a height of 3½ feet.
 - b. *Commercial and industrial areas.* A commercial fence or wall may be a maximum height of six feet around the perimeter of the commercial development upon a finding by development services that the fence does not interfere with vehicle visibility requirements at traffic access points. A commercial fence or wall up to eight feet is permitted when adjacent to residential. See also section 4-2251 and chapter 3, appendix C.

-
1. Chain link fences, barbed wire, and unpainted or unfinished block fences or walls are prohibited, except:
 - a. Chain link fence material is permitted subject to:
 1. A green or black powder coated chain link fence is proposed; and
 - ~~a.~~ 2. A continuous visual screen is installed along the exterior of the fence to match the height of the proposed fence within one year after time of planting.
 2. All walls or block fences visible from a public right-of-way or an adjacent parcel shall be architecturally finished (i.e., brick, stucco, or textured concrete masonry units) and consistent with and complimentary to the architectural character of the principal structure(s).
 3. Fences and walls may not exceed six feet in height and must not prohibit pedestrian access to the development.

An industrial fence may be a maximum height of eight feet around the perimeter of the project upon a finding by development services that the fence does not interfere with vehicle visibility requirements (see section 4-2251) at traffic access points.

- c. *Walls and fences along limited access or controlled access streets.* A wall or fence may be placed or maintained along any property line abutting a limited access or controlled access street; provided it complies with the same regulations as are set forth for residential project fences in section 4-1465.
- d. *Agricultural fences.* An open mesh or wire fence for bona fide agricultural uses may be a maximum height of eight feet along any property line in an agricultural district; provided that the fence does not interfere with vehicle visibility requirements (see section 4-2251) at traffic access points, unless exempted under F.S. § 604.50.
- e. *Community garden fences.* Fences for community gardens located in residential zoning districts AG, RS, TFC, RM, MH, RV, CFPD, CPD, RPD, MHPD, RVPD, and MPD may be a maximum height of six feet high along any property line; provided the fence does not interfere with vehicle visibility requirements at traffic access points (see section 4-2251). The design of the fence must be in compliance with this division. Barbed wire, spire tips, sharp objects or electrically charged fences are prohibited.

(Ord. No. 11-02, § 3(4-1744), 1-19-2011; Ord. No. 12-13, § 1(4-1744), 8-15-2012; Ord. No. 15-27, § 2, 12-2-2015)

Sec. 4-1468. Buffer for commercial and industrial uses.

All commercial and industrial uses shall provide a buffer as required in chapter 3.

(Ord. No. 11-02, § 3(4-1741), 1-19-2011)

Sec. 4-1469. Visibility at entrances and exits.

Any residential project fence or wall, or any fence or wall in a commercial or industrial area, which is over three feet in height between the minimum required street setback line and the street right-of-way line or easement shall be designed so as to provide unobstructed visibility for vehicles entering or exiting the property.

(Ord. No. 11-02, § 3(4-1746), 1-19-2011)

Sec. 4-1470. Construction in easements.

Nothing in this division shall be construed so as to permit the construction or placing of any construction within a public or private easement which prohibits such construction or placement.

(Ord. No. 11-02, § 3(4-1747), 1-19-2011)

Sec. 4-1471. Enclosure of high-voltage transformers and other utility equipment.

(a) All substation high-voltage transformers and any other utility structures or equipment of potential hazard to residents or passersby not otherwise protected shall be completely enclosed by a chainlink fence not less than eight feet in height. On top of the fence shall be three strands of barbed wire with a six-inch spacing in between each strand. Alternative methods may be considered in compliance with the National Electric Safety Code provided a continuous visual screen is provided to shield the equipment.

(b) Distribution transformers shall comply with National Electrical Safety Code requirements.

(Ord. No. 11-02, § 3(4-1748), 1-19-2011)

Sec. 4-1472. Entrance gates and gatehouses.

(1) The following regulations apply to entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility:

An entrance gate or gatehouse is permitted; provided that:

a. Appropriate evidence of consent is submitted from all property owners who have the right to use the subject road or from a property owner's association with sufficient authority with the responsibility to maintain;

b. If it is to be located within a planned development, it is an approved use in the schedule of uses;

c. The gate or gatehouse is located:

1. A minimum of 100 feet back from the existing or planned intersecting street right-of-way or easement or

2. The gate or gatehouse is designed in such a manner that a minimum of five vehicles or one vehicle per dwelling unit, whichever is less, can pull safely off the intersecting public or private street while waiting to enter or

3. Where, in the opinion of the Director of Community Development, traffic volumes on the intersecting street are so low that interference with through traffic will be practically nonexistent, the Director may waive or modify the locational requirements set forth in this section. If the intersecting street is City-maintained, then the Director of Public Works must concur. If the intersecting street is County-maintained, then the County Department of Transportation must concur. The decision to waive or to modify the locational requirements is discretionary and may be appealed via a public hearing variance request.

d. It is located in a manner that does not impede or interfere with the normal operation and use of individual driveways or access points.

(2) Access for emergency vehicles must be provided.

-
- a. Any security gate or similar device that is not manned 24 hours per day must be equipped with an override mechanism acceptable to the local emergency services agencies or an override switch installed in a glass-covered box for the use of emergency vehicles.
 - b. If an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle if applicable, will be the responsibility of the owner or operator of the gate.
 - (3) Extension of fences or walls to an entrance gate or gatehouse. A fence or wall may be extended into the required setback where it abuts an entrance gate or gatehouse, provided vehicle visibility requirements (see Section 4-2251) are met.
 - (4) Entrance gates that are installed solely for security purposes for nonresidential uses, and that will remain open during normal working hours, are not subject to the location requirements set forth in Subsection (1)c of this section.
 - (5) Turn-arounds. A paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book, current edition, must be provided on the ingress side of the gate or gatehouse.

The following regulations apply to entrance gates or gatehouses that control access to three or more dwelling units or recreational vehicles, or any commercial, industrial or recreational facility:

- (1) ~~An entrance gate or gatehouse not approved as part of a planned development is permitted; provided that it is not located on a publicly dedicated street or right-of-way; and:~~
 - a. ~~Appropriate evidence of consent from all property owners who have the right to use the subject road or from a property owners' association with sufficient authority is submitted; and~~
 - b. ~~The gate or gatehouse is located a minimum of 100 feet back from the intersecting street right-of-way or easement; or~~
 - c. ~~The gate or gatehouse is designed in such a manner that a minimum of five vehicles or one vehicle per dwelling unit, whichever is less, can pull safely off the intersecting street while waiting to enter; or~~
 - d. ~~The development provides right turn and left turn auxiliary lanes on the intersecting street at the project entrance. The design of the auxiliary lanes must be approved by the development services director.~~
- (2) ~~Access for emergency vehicles must be provided.~~
 - a. ~~All new electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be equipped with an electronic transmitter/receiver system capable of being programmed with a unique activation code and frequency approved by the authority having jurisdiction.~~
 - b. ~~Such code or frequency shall not be used by or provided to other gate users.~~
 - c. ~~Existing installations shall comply with 180 days subsequent to the notification date by the authority having jurisdiction.~~
 - d. ~~All electronic access control gates shall be compatible with the uniform city-wide transmitters, which transmitters are carried only within emergency service vehicles.~~

-
- ~~e. With the following exceptions, all electronic access control gates shall have a visibly marked override feature that will allow the gate to be fully opened during a power failure.~~
- ~~1. Exception 1: Any other override or back-up system acceptable to the fire district.~~
- ~~2. Exception 2: Existing installations shall be given a reasonable time period to comply as determined by the fire district.~~
- ~~f. All non-electronic access control gates to structures and properties that may require emergency services that restrict the free ingress and egress of emergency vehicles and are not constantly attended 24 hours a day shall be provided with a key box.~~
- ~~g. If an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle if applicable, will be the responsibility of the owner or operator of the gate.~~
- ~~(3) Extension of fences or walls to an entrance gate or gatehouse. A fence or wall may be extended into the required setback where it abuts an entrance gate or gatehouse; provided vehicle visibility requirements (see section 4-2251) are met.~~
- ~~(4) Turnarounds. A paved turnaround, having a turn radius sufficient to accommodate a three-point turn for a single-unit truck (SU) vehicle, as specified in the AASHTO Green Book current edition, must be provided on the ingress side of the gate or gatehouse.~~
- ~~(Ord. No. 00-13, § 1, 11-1-2000; Ord. No. 11-02, § 3(4-1749), 1-19-2011; Ord. No. 15-27, § 2, 12-2-2015)~~

Sec. 4-1473. Walls and fences along limited access or controlled access streets.

A wall or fence may be placed or maintained along any property line abutting a limited access or controlled access street; provided:

- (1) The height of the fence or wall does not exceed eight feet for industrial developments, and six feet for commercial developments except where additional fence/wall height is permitted adjacent to residential in accordance with section 4-1467; and
- (2) Vehicle visibility requirements (see section 4-2251) are met.

(Ord. No. 11-02, § 3(4-1750), 1-19-2011; Ord. No. 15-27, § 2, 12-2-2015)

Sec. 4.1474. Hedges.

Except where otherwise required or specified, where hedge(s) are proposed along a right-of-way, they shall be maintained a minimum of six feet from the paved edge of the right-of-way and shall not overhang the right-of-way. At all times, hedges shall meet site visibility requirements.

Secs. 4-147~~54~~—4-1494. Reserved.

Division 44. Employee Living Facilities Regulations

Sec. 4-2320.- General Provision and Intent

- (a) The purpose of these regulations is to allow employee living facilities for local employer companies, to ensure the quality of life in the community, and mitigate negative impacts to surrounding neighborhoods.
- (b) For purposes of this section, “employee living facilities” is a group quarter establishment provided by or at the direction of an employer company with lodging facilities to accommodate unrelated residents, who may share bedrooms, common areas, bathrooms and/or kitchen facilities, whether on a temporary basis or for permanent residency, which are owned and controlled by a employer company, for the purpose of those employees and their immediate family, who shall be directly employed by a common employer company. Employee living facilities are to be distinguished from dwelling units, vacation rentals, hotels, motels, roominghouses and boardinghouses.

Sec. 4-2321.- Location

- (a) Employee living facilities shall be a permitted use within any multi-family residential district and where multi-family dwelling units are a permitted use. Existing planned developments may administratively amend their schedule of uses to add employee living facilities.
- (b) In order to ensure that intensity of the Employee Living Facility remains consistent with other development allowed under this Chapter, all employee living facilities must comply with the zoning district provisions for the district for multi-family dwelling units and/or principal commercial structures, as applicable, as further specified in Section 4-2324.
- (c) To lessen impacts on City infrastructure, the proposed Employee Living Facility shall be located a maximum distance of two miles from the employer office facilities as measured from property line to property line, unless transportation service is provided for the occupants during office facility hours of operation.

Sec. 4-2322.- Density

Wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or kitchen facilities are not provided, density equivalents and impact fees will be calculated at the ratio of four people equals one multi-family dwelling unit.

Sec. 4-2323.- Architectural Standards

- (a) When located within residential zoning districts, shall maintain the general residential character of the district.
- (b) Exterior building materials, bulk, landscaping, fences and walls, and general design must be similar to or compatible with those of surrounding dwellings/structures, in accordance with Chapter 3.
- (c) Design of Facility. The architectural style, massing, height, location and design of parking facilities and vehicular use areas, ingress, egress, on-site circulation, landscaping, and storm water retention/detention areas shall be designed to integrate into the surrounding neighborhood, mitigate impacts of noise and traffic to levels associated with permitted uses in the zoning district, and enhance the safety of both the employee living facility residents, residential neighbors and adjacent parcels, in accordance with Chapter 3.
- (d) Parking.

- a. Where residents share communal cooking facilities, parking shall be provided at a rate of one space per four occupants.
- b. Where cooking facilities are provided per unit, parking shall be provided consistent with LDC Section 4-1732.

Sec. 4-2324.- Approval.

- (a) Zoning Determination Required. Prior to the establishment of an employee living facility, or conversion to employee living facility, the requesting managing entity or their agent shall be responsible for securing a Zoning Verification Letter. A new determination in the name of a new owner or authorized agent shall be required in the event of a change in ownership or leasehold interest in an employee living facility. A survey indicating the distance from the employer office facilities shall be provided at this time.
- (b) Development Order. A local development order is required as well as a commercial building permit. At the time of local development order, a proposed floor plan showing all sleeping, bathroom, common area and kitchen facilities shall be shown. The managing entity shall provide a notarized affidavit of compliance with the submission of all proposed development plan applications for the project ensuring compliance with this Section.
- (c) Employee Living Facility Renewal. An annual report of the list of occupants and their records of employment with the managing entity shall be maintained at all times and may be requested at any point by the City to ensure compliance.

**Bonita Springs
Local Planning Agency
Meeting Minutes (draft)
Thursday, January 18, 2024
9:00 A.M.**

Bonita Springs Fire Control & Rescue District
Station Four Administrative Building
27701 Bonita Grande Drive
Bonita Springs, Florida 34135

I. CALL TO ORDER

Chairman Jeff Maturo called the meeting to order at 9:00 a.m. and led the Pledge of Allegiance. Chairman Maturo also welcomed new LPA member Raymond Townsend.

II. ROLL CALL

Members Present: Chairman Jeff Maturo, Vice-Chairman Steve Lohan, Robert Lombardo, Daniel Dhooghe, Raymond Townsend

Members Absent: Don Colapietro, Robert Bornstein

City Clerk Sheffield made the following announcements:

- *On Jan. 17, 2024, Jeff Maturo was reappointed as the Chairman of the LPA by the City Council.*
- *LPA Member Bob Bornstein sent a notice of resignation to the City Clerk, effective Dec. 31.*

III. PUBLIC COMMENTS

None

IV. REVIEW OF THE FOLLOWING LAND DEVELOPMENT CODE AMENDMENTS FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN.

A. CHAPTER 4, ARTICLE V, DIVISION 11, SUBDIVISION II, DOWNTOWN FORM-BASED CODE (SECTION 4-866)

Mike Fiigon, Senior Planner with Community Development, provided an overview and rationale for the proposed amendment, which is to add an administrative variance review process for commercial projects located within a commercial transect to the Downtown Form-Based Code. The proposed administrative variance review process allows property owners/developers who believe that a variance is necessary due to an extraordinary circumstance or condition to apply for such a variance. The process further outlines conditions that staff must deem have been met in order to grant administrative approval, including the determination that the proposed variance is not in conflict with Section 4-866 (a), Intent of the Form Based Code.

B. CHAPTER 4, ARTICLE VI, DIVISION 17 – CONSTRUCTION OF FENCES

Mary Zizzo, Planner II with Community Development, presented an overview of the proposed changes to the fence code, stating the intent of the changes are to offer property owners with additional fence and landscape material options, additional standards to secure their property, and opportunities to improve aesthetics. Proposed changes include the addition of alternative methods for hiding high-voltage transformers (which still must follow the National Electric Safety Code) and adds the option of green or black powder coated chain link fence material subject to specific conditions.

C. CHAPTER 4, ARTICLE VI, DIVISION 44 – EMPLOYEE LIVING FACILITIES

Mary Zizzo, Planner II with Community Development, presented an overview of the general provision and purpose of the proposed regulation pertaining to Employee Living Facilities, stating that staff is bringing forth the proposed regulation at the direction of City Council, which was provided by Council on October 4, 2023, following the Bonita Bay PUD Employee Housing Appeal. The proposed Employee Living Facilities regulations include checks for compatibility with surrounding developments, level of impact, and an approval process.

Motion and Vote

Chairman Maturo made a motion to approve the three proposed LDC amendments, as they appear to be consistent with the Comprehensive Plan; Seconded by Board Member Dhooghe. The motion carried 5-0.

V. UPDATE FROM OCTOBER LPA MEETING

At the request of Clerk Sheffield, Planning and Zoning Manager Jacqueline Gensen provided a complete overview of the remaining steps in the process for subsequent adoption by City Council of the amendments that were heard today by the LPA. She further provided an update on the Wireless Communications Facilities Regulations that was heard by the LPA in October.

VI. APPROVAL OF PRIOR MEETING MINUTES:

Board Member Dhooghe made a motion to approve the minutes from the meeting held on 10/19/23; Seconded by Vice Chairman Lohan. The motion carried 4-0 (Board Member Townsend did not vote on the motion since he was not present at the October meeting.

VII. NEXT MEETING

The Clerk's office will keep members informed of the date of the next meeting.

VIII. ADJOURNMENT

Chairman Maturo thanked resigning member Bob Bornstein for his service on the LPA. He further thanked staff for providing thorough presentations and thanked the Bonita Springs Fire Control and Rescue District for the use of the facility.

There being no further items to discuss, the meeting adjourned at 9:26 a.m.

Prepared by,

Mike Sheffield, City Clerk

Approved by the Local Planning Agency on the ____ of ____, 2024.

Jeff Maturo, Chairman

REQUESTED MOTION: Public hearing to consider transmittal of the proposed State-required Comprehensive Plan Amendments as determined by the City's Evaluation and Appraisal Review (E.A.R), in accordance with §163.3184, Florida Statutes.

REQUESTOR: Derek Rooney, City Attorney; Jacqueline Genson, AICP, Planning & Zoning Manager

AGENDA: Public Hearing

STRATEGIC PRIORITY: #1 Improve Stormwater Management #2 Transportation #3 Community Aesthetics #4 Environmental Protection #5 Strengthen City Finances #7 Government Transparency #8 Economic Development

BACKGROUND:

In March 2023, the City completed the Evaluation and Appraisal Review (E.A.R.) of the City's Comprehensive Plan in accordance with §163.3191, F.S. The purpose of the EAR process, which occurs every seven years, is to determine whether plan amendments are necessary to reflect changes in state requirements during the cycle. At the conclusion of the E.A.R., the City has one year to transmit the required amendments to the State Planning Agency.

The attached supplement provided by Dr. Margaret Banyan of Portland State University provides the data and analysis of the statutory considerations and the recommended amendments. The supplement also contains a "cross walk" which summarizes the amendments to the Goals, Objectives, and Policies in the Comprehensive Plan.

On February 22, 2024, the Local Planning Agency (LPA) conducted a public hearing of the draft amendments to the Comprehensive Plan and recommended that the draft amendments, as presented, be forwarded to City Council to commence the transmittal process to the State Planning Agency for State Coordinated Review.

Pursuant to F.S. §163.3184(11), this public hearing also serves as the first reading of the ordinance to adopt the proposed amendments. Once the amendments are transmitted, the State is required to provide any comments back to the City within sixty (60) days of receipt of the proposed amendments. After any comments are received and reviewed by staff, this ordinance will be scheduled for the second public hearing for adoption within 180 days.

Dr. Banyan will be providing a brief presentation on the draft amendments and will be available to address any questions.

STAFF RECOMMENDATION: Direct staff to transmit the proposed amendments to the State Planning Agency for State Coordinated Review in accordance with §163.3184(4), Florida Statutes.

ATTACHMENTS:

1. Staff Report
2. Transmittal Package Supplement
3. Draft Ordinance
4. Recommended Amendments (Exhibit A)

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	John Dulmer

CPA24-110283-BOS

**Bonita Plan
EAR State Required Amendments**

State Coordinated Review Process



**City Initiated Application
and Staff Analysis**

***City of Bonita Springs
Planning Division
9200 Bonita Beach Road, Suite 109
Bonita Springs, Florida
(239) 444-6150***

LPA Public Hearing Date: February 22, 2024

City Council Transmittal Date: March 6, 2024

City Council Adoption Date: To be determined

Project Name: Evaluation and Appraisal Review – State Required
Amendments

City of Bonita Springs
Planning and Zoning Division
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
COORDINATED STATE REVIEW

CPA24-110283-BOS

X **Text Amendment**

X **Map Amendment**

This Document Contains the Following Reviews:	
X	Staff Review
X	Local Planning Agency Review and Recommendation
	City Council Hearing for Transmittal
	City Council Hearing for Adoption

STAFF REPORT PREPARATION DATE: February 29, 2024

PART I- BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. Applicant: City of Bonita Springs
2. Request: To amend the Bonita Springs Comprehensive Plan in compliance with state requirements and based on the evaluation and appraisal review (EAR) as required by §163.3191, F.S. The EAR was received by the State Land Planning Agency on March 23, 2023. To comply with state requirements, amendments are to the Preface, Housing Element; Infrastructure Element; Intergovernmental Coordination Element; Public School Facilities Element; and Definitions.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. Recommendation: Staff recommends that the City Council vote to transmit the proposed amendments as identified in the draft ordinance.
2. Basis and recommended findings of fact:
 - Dr. Margaret Banyan presented the Evaluation and Appraisal Review (EAR) findings to the City Council on March 1 and March 15, 2023.
 - The proposed amendments are based on the EAR notification letter received by the State Land Planning Agency on March 23, 2023.
 - The City Council authorized Staff to initiate the amendments in accordance with the EAR findings.

- The proposed amendments are limited to those required by the state, except where the state-required amendments render other parts of the plan without meaning.
- The amendments support and complement other goals and policies within the Bonita Springs Comprehensive Plan.
- The data and analysis to support the amendments are included in the Transmittal Package Supplement (Attachment A).

C. SUMMARY/BACKGROUND DISCUSSION:

1. EXISTING CONDITIONS

The existing Bonita Springs Comprehensive Plan is inconsistent with state requirements and requires amendments.

2. AFFECTED ELEMENTS OF THE BONITA PLAN.

The amendments required to ensure that the Bonita Plan is consistent with state requirements affect the Preface, Housing Element; Infrastructure Element; Intergovernmental Coordination Element; Public School Facilities Element; and Definitions.

PART II- STAFF ANALYSIS

A. ANALYSIS

Please see the attached Transmittal Package Supplement (Attachment A).

CONSISTENCY WITH THE BONITA PLAN

There are existing goals, objectives, and policies that support and complement the state-required amendments and these amendments as proposed are consistent with the Bonita Springs Comprehensive Plan.

NOTICE OF PROPOSED ACTION:

This application and its appearance before the Local Planning Agency was noticed for the public. The LPA findings will be delivered as part of the transmittal presentation to the City Council.

CONCLUSIONS:

The Bonita Springs Comprehensive plan should be amended to be consistent with state requirements.

STAFF RECOMMENDATION

Commence the transmittal process for comprehensive plan text amendments and if approved, transmit to the state's land planning agency through the State Coordinated Review Process in accordance with Florida State Statute.

SUBJECT PROPERTY

ATTACHMENTS:

1. Transmittal Package Supplement
2. Transmittal Package Cross-Walk
3. Ordinance and Amendments (Exhibit A)

Submitted by:

Jacqueline Genson, AICP
Planning and Zoning Manager

Date: February 29, 2024

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 22, 2024

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

- 1. RECOMMENDATION:** For City Council to find the request consistent with the City of Bonita Springs Comprehensive Plan and transmit the amendment to the state land planning agency.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Local Planning Agency accepted the findings of fact as provided by staff.

C. VOTE:

Chairman Jeff Maturo	_____ Absent _____
Vice-Chairman Steve Lohan	_____ Aye _____
Don Colapietro	_____ Aye _____
Robert Lombardo	_____ Aye _____
Daniel Dhooghe	_____ Aye _____
Raymond Townsend	_____ Aye _____
Vacancy	_____

**PART IV – CITY COUNCIL
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: March 6, 2024

A. CITY COUNCIL REVIEW

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. COUNCIL ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Mayor Rick Steinmeyer	_____
Jamie Bogacz	_____
Jessee Purdon	_____
Laura Carr	_____
Chris Corrie	_____
Nigel Fullick	_____
Fred Forbes	_____

**PART V – CITY COUNCIL
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING:

REQUEST:

TRANSMITTAL:

AGENCY COMMENTS:

STAFF RECOMMENDATION:

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. COUNCIL ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Mayor Rick Steinmeyer

Jamie Bogacz

Jessee Purdon

Laura Carr

Chris Corrie

Nigel Fullick

Fred Forbes

City of Bonita Springs State-Required Amendments Transmittal Package Supplement Data and Analysis

Executive Summary

The purpose of this supplement is to provide data and analysis to support the staff report and recommendations for the City of Bonita Springs comprehensive plan amendments. These amendments follow the 2023 Evaluation and Appraisal notification letter provided to the Florida state land planning agency, or Florida Department of Commerce by the deadline of April 1, 2023.

This report covers the following areas:

- Summary of changes in Florida Statutes that are relevant to the City of Bonita Springs Comprehensive Plan
- A summary of amendments to document titles, agency names, statutory requirements, statutory references, implementing authorities, and amended definitions
- Responsiveness to statutory requirements related to solar and floating solar facilities
- A summary of public participation and feedback
- An inventory, or ‘cross-walk,’ of the policy changes, including the element, policy number, summary of the amendment, and justification for the amendment

The transmittal package includes the policies recommended for amendment in strike through and underlining (Exhibit A).

Summary of Changes in Florida Statutes

The following Table summarizes the statutory changes that are relevant to the City of Bonita Springs Comprehensive Plan. The summary below is based on the 2023 EAR analysis Appendix A where a complete listing the statutory requirements appears.

Element	Reference	Relevant Statutory Requirements
Future Land Use	§163.3205, F.S.	Amend certain (agricultural) future land use categories to allow for solar facilities. §163.3205 F.S. “requires that a solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area”.
Future Land Use	§163.32051, F.S.	Identify future land use categories that are appropriate for floating solar facilities and amend policies to allow for their use. The City must determine where appropriate land use categories exist to accommodate §163.32051 F.S., that requires local governments to encourage floating solar

		facilities as appropriate use in water and land areas. Requires floating solar facility to be a permitted use in the appropriate land use categories in each local government comprehensive plan, and each local government must amend its land development regulations to promote the expanded use of floating solar facilities.
Housing	§163.3177(6)(f), F.S.	Update statutory references. Required and Optional Elements of Comprehensive Plan; Studies and Surveys (Chapter 2019-3, section 31, Laws of Florida). Updated statutory reference related to affordable workforce housing within subsection (6)(f).
Infrastructure	§163.3180, F.S.	Amends subsection (2) to alter the governmental entity that approves onsite sewage treatment and disposal systems from the Department of Health to the Department of Environmental Protection.
Public School Facilities	§163.3180, F.S.	New statutory requirement 163.3180(6)(h)2 and 163.3180(6)(h)2.c. specifies that any proportionate-share mitigation directed toward a school capacity improvement not identified in the 5-year school board educational facilities plan must be set aside and not spent until such an improvement has been identified. Comprehensive plan language reflects statutory requirements consistency.
Definitions	§163.3221(4)(b)(2) and (4)(b)(8), F.S.	Amends the definition of “development” to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.
	§163.31801, F.S.	Adds a new subsection (3) to define “Infrastructure” and “Public facilities.”
Throughout		Update reference to Department of Economic Opportunity name change (now Department of Commerce).

Responsiveness to Statutory Requirements

Amendments to the Comprehensive Plan

Recommended amendments to the Comprehensive Plan reflect statutory requirements in the categories of implementing authorities, agency names, statutory references, and definitions. These recommended amendments are important to ensure consistency with state statute. The statutory requirement related to public school proportionate-share mitigation requirements are also recommended amendments the Comprehensive Plan.

However, no amendments to the Comprehensive Plan are recommended related to solar and floating solar facilities as a permitted use by right. The data and analysis supporting this recommendation appears in the discussion below and comprises the balance of this report.

Solar Production Facilities

Florida Solar Facilities Definition

Subsection 163.3205(2), F.S., defines a solar facility as a production facility for electric power which:

- (a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.
- (b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.
- (c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

Solar Facilities Requirement and Applicability to the City of Bonita Springs

Subsection 163.3205(3), F.S., states that a solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area.

The City of Bonita Springs is in an urbanized environment without agricultural future land use categories. While many of the City's future land use categories allow agriculture as a use, such categories are not inherently envisioned as agricultural. For example, the City's Future Land Use Element Policy 1.1.26 identifies the Rural Agriculture Overlay District. This District provides for agricultural uses, but its underlying future land use is rural residential.

Statute requires the inclusion of agricultural zoning districts only within unincorporated areas. As an incorporated city, this section of the statute is not relevant to the City.

As a result of the urbanized environment without agricultural land uses or zoning districts in unincorporated areas, a solar facility is not required to be an adopted use within the City of Bonita Springs Comprehensive Plan.

Floating Solar Production Facilities

Florida Floating Solar Facility Definition

Section 163.32051, Florida Statutes, defines a floating solar facility as "a solar facility as defined in Subsection 163.3205(2), which is located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs."

Floating Solar Facilities Requirement and Applicability to the City of Bonita Springs

§163.32051 F.S., requires that the City identify future land use categories that are appropriate for floating solar facilities and amend policies to allow for their use.¹ In this consideration, the City of Bonita Springs must first determine appropriate future land use categories to accommodate floating solar.

One key feature of the statute is that §163.3205(2), F.S., defines a solar facility as a production facility for electric power. Floating solar incorporates this definition and distinguishes such a facility as being located on “wastewater treatment ponds, reclaimed water ponds, or other water storage reservoirs”.

As a production facility, there are several considerations that can help the City identify those appropriate future land use categories, if any. Understanding the size and characteristics of a floating solar production facility helps to scope the compatibility with the City’s land use categories. Compatibility is then discussed relative to the character, intensity, and impact of the use.

Floating Solar Facility Size and Characteristics

Research conducted by the City of Sarasota² revealed that there were limitations in their urban context based on the size needed for a floating solar facility to be economically viable. These facilities are often large scale, requiring, in some instances, thousands of solar panels, depending on the manufacturer. Sarasota staff noted that generally a floating solar array requires at least 2 acres of water area to produce one-megawatt of power and to be economically viable. These facilities often also require on-site battery storage systems, which increase the area of land and water to be used.

Examples of floating solar installations include:

- Altamonte Springs: A floating solar array of 2,430 panels producing one-megawatt of power
- Bartow: Duke Energy pilot project near Bartow with 1,800 floating solar modules on two acres of water.
- North Carolina: Duke Energy 1.1 megawatt floating solar facility on 2.3 acres of Big Muddy Lake at Fort Liberty (formerly Fort Bragg), North Carolina.

There are many other examples world-wide where floating solar facilities are being considered.

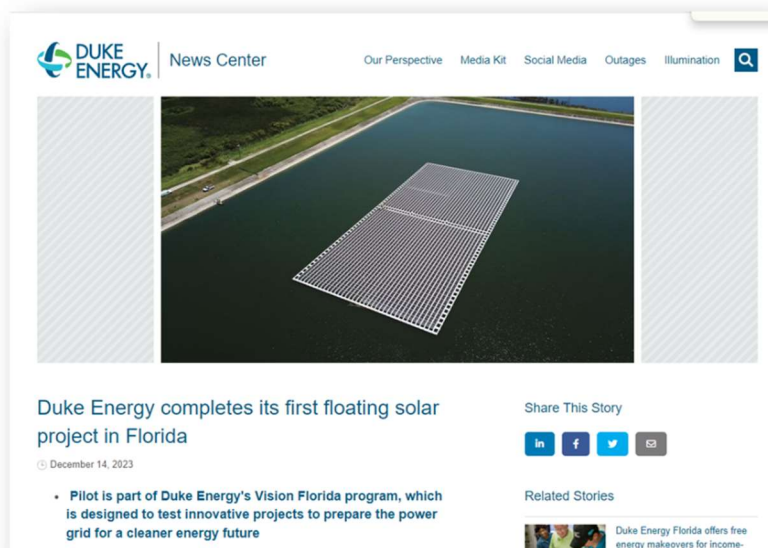


Figure 1: Duke Energy Floating Solar Project

¹ §163.32051 F.S. requires that the City, “(i)identify future land use categories that are appropriate for floating solar facilities and amend policies to allow for their use. The City must determine where appropriate land use categories exist to accommodate §163.32051 F.S., that requires local governments to encourage floating solar facilities as appropriate use in water and land areas. Requires floating solar facility to be a permitted use in the appropriate land use categories in each local government comprehensive plan, and each local government must amend its land development regulations to promote the expanded use of floating solar facilities.”

² City of Sarasota, FL. 2023. City of Sarasota Plan Amendment Transmittal, 23-PA-01 Solar Utilities, 11-14-2023.

Water depth is also a consideration, as researchers have found that a depth of greater than 13' (4 m) is highly usable and 9.84-13' (3-4 m) is usable.³ Other characteristics of viable floating solar facilities are noted in Sarasota's report, including that rectangular waterbodies are more preferred from an economic standpoint, due to the nature of their installation.

Finally, the City of Sarasota analysis also considers that general siting guidelines would imply that floating solar facilities should be located near a three-phase power line used for distribution and transmission of electricity and within 2 miles of an electrical substation.

Environmental Considerations

There are notable advantages to floating solar for green energy production where floating solar facilities reduce evaporation and are themselves cooled by water. However, the environmental impacts are mixed and more research would be helpful in this area. For example, many of these advantages are generally associated with abandoned water bodies that have already been degraded. However, there are some concerns as to leaching of heavy metals from installations⁴ and other environmental impacts to ground water in the construction, operation, and decommission stages.⁵ In addition, floating solar facilities can be linked to sunlight blocking, oil compacting, erosion, disturbance on water resources, and impact on fauna and flora.⁶ The research shows that there are ways to mitigate at least some of the impacts of floating solar installations on water quality. However, many note that more evidence is needed to fully understand the impact of floating solar facilities on the environment.

Understanding Appropriate Land Use in the City of Bonita Springs

Policy 1.1.4 in the Future Land Use element notes that, "The listing of appropriate land uses in each of the individual land use categories identifies those uses generally expected to be appropriate. However, other uses which are similar in character, intensity and impacts to those listed may also be deemed to be appropriate."

Currently, solar and floating solar facilities as uses are not defined in the City of Bonita Springs Plan or in its future land use categories. As a result, understanding the character, intensity, and impacts of floating solar facilities can help to clarify the extent to which the City should consider floating solar as a permitted use by right.

Character and Compatibility

The size of a floating solar facility, its dimensional characteristics (square installations are better), and the necessary supporting infrastructure limits the bodies of water that would be appropriate. Most of the

³ Nebey, A. H., Taye, B. Z., & Workineh, T. G. (2020). GIS-Based Irrigation Dams Potential Assessment of Floating Solar PV System. *Journal of Energy*, 2020, 1268493.

⁴ D. Mathijssen, B. Hofs, E. Spierenburg-Sack, R. van Asperen, B. van der Wal, J. Vreeburg, H. Ketelaars; Potential impact of floating solar panels on water quality in reservoirs; pathogens and leaching. *Water Practice and Technology* 1 September 2020; 15 (3): 807–811. doi: <https://doi.org/10.2166/wpt.2020.062>

⁵ Source: Gardenio Diogo Pimentel Da Silva & David Alves Castelo Branco (2018) Is floating photovoltaic better than conventional photovoltaic? *Assessing environmental impacts, Impact Assessment and Project Appraisal*, 36:5, 390-400.

⁶ Ibid.

City's water bodies are not of sufficient size, dimension, and proximity to electrical power substations. This is especially true of water bodies west of I-75.⁷

There are several remaining water bodies in the City that are in current or decommissioned mines that appear to be of sufficient size to accommodate a floating solar array. These are located close to the I-75 corridor or are east of I-75. These water bodies generally lie in the Conservation Fringe, DRGR, and Resource Protection future land use categories. A discussion of intensity and impact in these future land use categories appears below.

Intensity, Impact, and Compatibility

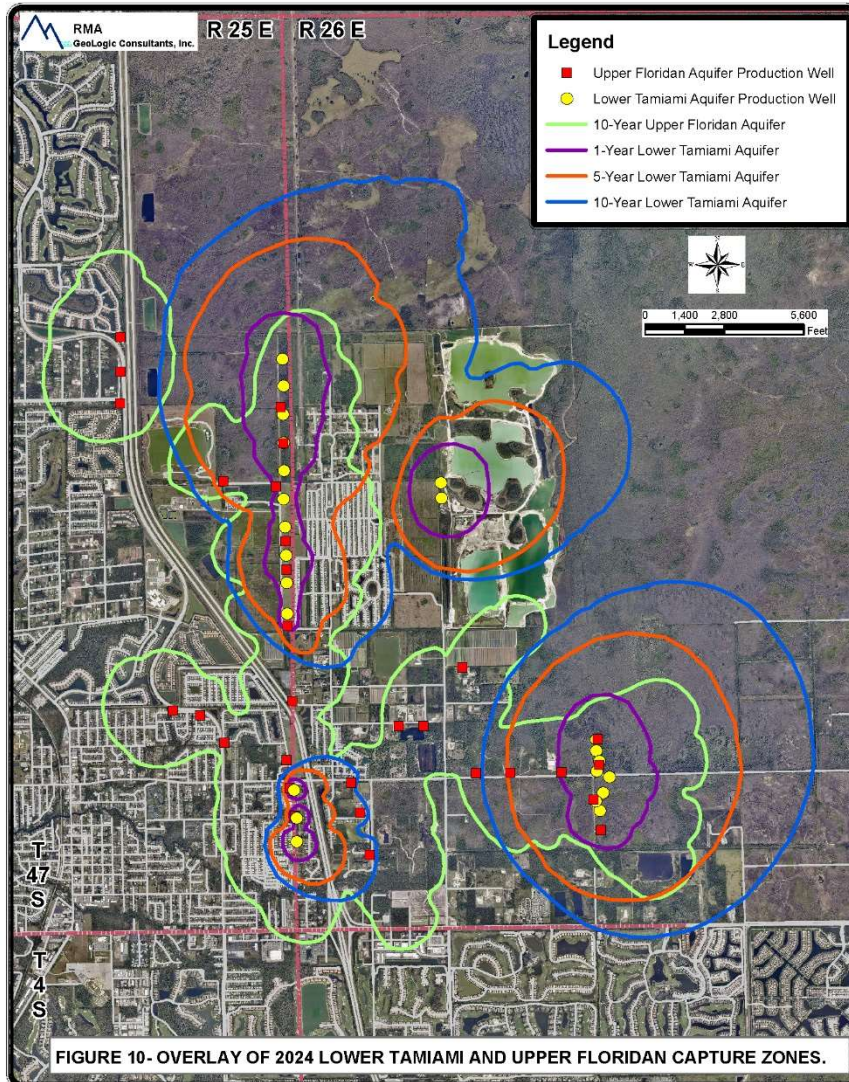
The intensity and impact of floating solar is based on its use as a production facility. Therefore, how the intensity and impact of floating solar is related to compatibility should be considered.

While there are existing retention ponds that could potentially be developed into a floating solar facility, many of these are in close proximity, or surrounded by, residential developments. The intensity and impact of the use is inappropriate for residential areas where the solar generating equipment and supporting facilities would be incompatible with residential dwellings.

Within the water wells / well head protection areas and the specific future land use categories noted above and where larger bodies of water are of sufficient size, there are incompatibility concerns. These are related to the intensity and impact of the use, as discussed below:

Existing and Planned Potable Water Wells and Well Head Protection Areas: The vast majority of the larger bodies of water east of I-75 are in the areas identified in the new Potable Water Wells and Well Head Protection areas (see map below). Because these areas are important for existing and planned drinking water, there may be impacts related to water quality. As noted above in the environmental considerations section of this report, there may be ways to mitigate those impacts, however these would likely be site specific and more studies would be helpful in definitively answering questions about water quality.

⁷ §163.32051 F.S. does not require, nor conceive of, floating solar facilities to be located in natural water bodies, such as along the intercoastal waters or creeks. As a result, natural water bodies are not considered in this analysis.



Conservation Fringe: The Conservation Fringe Future Land Use Category, Policy 1.1.27, allows for, “land uses are limited to conservation uses; agriculture; excavation (existing vested mining operation only); residential uses at a maximum density of 0.522 dwelling units per gross acre along with accessory amenity building and private recreational areas; public uses; non-profit public recreational uses, limited to passive recreational and educational activities such as but not limited to hiking, nature trails and similar activities requiring few or no on-site facilities which will be further defined within a planned development zoning category; and essential services needed for the health, safety, and general welfare of the community such as lift stations, utility lines, potable/non-potable wells and equipment and appurtenances necessary for such systems to furnish adequate levels of service.”

Policy 1.1.27 and 1.1.27(1.) requires that, “Development within this Conservation Fringe District must adhere to the following innovative design and planning conditions: 1.The property (including contiguous property if applicable) shall be rezoned to a Planned Development.

Given that the primary purpose of this land use category is conservation, the intensity associated with a floating solar facility may be more than what was originally intended. This future land use category may not ultimately be considered appropriate for floating solar for utility production, as a permitted use by right. However, floating solar facilities would more appropriately be considered as part of a planned development that would conceive of this use in relationship to the character, impact, and intensity of future development.

DRGR: The Density Reduction Groundwater Resource (DRGR), Policy 1.1.21 is described in the City of Bonita Springs Comprehensive Plan. It is, “(i)ntended to recognize geographic areas that provide significant recharge to aquifer systems associated with existing potable water wellfields or future wellfield development. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Allowable land uses are limited to conservation uses; agriculture; residential uses at a maximum density of one dwelling unit per 10 gross acres within the approximately 4,230 acres of gross land area in the land use category (approximate acreage includes annexed Lee County DRGR lands); public uses; non-profit recreational uses and essential services needed for the health safety and general welfare of the community such as lift stations, utility lines, equipment and appurtenances necessary for such systems to furnish adequate levels of service.”

The primary purpose of the DRGR future land use is associated with water recharge to aquifer systems related to wellfield or future wellfield development. Its emphasis is on land uses that are compatible with this primary purpose (conservation, recreational uses, essential services, etc.).

Nevertheless, there may be mitigating factors that could alleviate some of the environmental concerns presented by a floating solar facility. These would best be addressed through a special exception process that can offer guidance for site planning, buffering, or other considerations that may be required in the Land Development Regulations.

Resource Protection: The Resource Protection future land use category is guided by Policy 1.1.20. This land use category is, “(i)ntended to recognize the environmental sensitivity of sizeable, privately owned, vacant lands located outside of developed areas or approved planned developments and identified as wetlands using FLUCCS data from the South Florida Water Management District.

The Resource Protection land use category lists the appropriate uses as being limited to very low density residential (one unit per 20 gross acres) and recreational uses that that will not adversely affect the ecological or hydrologic functions of the wetlands.

Similar to the DRGR, there may be some environmental concerns in the Resource Protection future land use category related to floating solar production.

As a result, considerations for floating solar production facilities may best be addressed through a special exception process that can consider the character, intensity, and impacts using the context of the surrounding land uses and mitigation of environmental impacts.

Solar Facility and Floating Solar Facility Recommendation

There are no agricultural areas in the City where solar facilities are required by state statute to be a permitted use by right. In addition, the analysis shows that floating solar production facilities are not appropriate as a permitted use by right in any future land use category in the City of Bonita Springs. Given that a) there are few areas in which there are appropriately sized water bodies and that b) where there is potential for floating solar, there are conflicts in these future land use categories with the character, intensity, and impact of the use. The public feedback on this issue showed mixed results with some questioning the impacts and others supporting some consideration for the use. This implies that solar facilities and floating solar facilities may be appropriate, but this determination depends on the context. In such cases, existing land development regulations or planned development zoning may be sufficient to evaluate these uses.

Public Participation in State-Required Amendments

Evaluation and Appraisal Review City of Bonita Springs Public Input Meeting Narrative Summary February 1, 2024

A public meeting was held on February 1, 2024, regarding the Evaluation and Appraisal Review process to obtain feedback from participants on the direction of the City's Comprehensive Plan. The meeting was held in person and was also live-streamed through the City's website. The meeting format included a presentation and a public feedback session. Posters were hung around the room noting the topics and members of the public were asked to provide feedback pertaining to those topics. Public comment forms were also provided where attendees submitted additional feedback. The prompt questions associated with the topics are shown below.

1. *Which, if any, future land use categories are appropriate for floating solar facilities?*
2. *What is your feedback on public outreach tools and notice regarding Plan updates?*
3. *How should the City provide opportunities for partners to lead in affordable housing implementation?*
4. *How should the City address external pressures on its roadways to protect neighborhoods and community values?*

Question prompt #1 applied to the state-required amendments while the remainder of the prompts were intended to inform the optional amendments. Both sets of feedback are listed here as a full representation of the public record.

Floating Solar

Feedback

There was a wide variety of opinions regarding the appropriateness of solar in the City of Bonita Springs future land use categories. Participants offered the following comments, concerns, and suggestions:

- Concern about floating solar in general
- Concern about the impact of floating solar on marine life
- Concern about the safety of floating solar in water bodies
- Preference for nuclear generation over floating solar
- Suggestion to locate solar in unused or vacant land
- Suggestion to locate floating solar in retention ponds and manmade water areas
- Suggestion to create areas in new gated community developments for floating solar
- Questions regarding where additional areas for solar and floating solar could be considered

Public Outreach

Feedback

The participants offered various suggestions regarding additional tools and approaches the city could use to improve comprehensive plan meetings and update notices. Specifically the following recommendations were offered:

- Use the same email list as used to send out emergency information
- Use email, text, and radio as mediums to communicate Plan meeting notices
- Send notices to association boards
- Allow recipients to provide input by responding to the email notices

- Allow slides and presentation materials to be available in advance of meetings
- Add a link on the city website that provides information regarding the Plan meeting dates

Affordable Housing

Feedback

The participants offered a variety of recommendations on how the city could provide opportunities to its partners to support affordable housing. Specifically, the following recommendations, ideas, and suggestions were offered:

- Assist in the development of affordable housing through (1) expedited permitting, (2) bonus density for developers building low-cost housing in high-cost areas, (3) reduced impact fees for affordable developments, and (4) fees on high end developments that would be designated for rental developments
- Require developers to provide affordable housing units as a percentage of a total development project
- Encourage the development of manufactured home projects using new technology that allow low-income homeowners to obtain mortgages and insurance
- Broaden the opportunity to increase density in outlying areas and the Density Reduction Groundwater Resource (DRGR) to accommodate affordable housing needs
- Increase density within the city limits and reduce the density in the outer limits to protect wildlife corridors
- Allow affordable housing in Bamboo Village and by the dog track
- Allow Accessory Dwelling Units (ADUs)
- Affordable housing for low income and not the rich

Roadways and Community Values

Feedback

Participants offered a variety of recommendations and suggestions on how to address external pressures on its roadways to protect neighborhoods and community values. Participants offered the following comments:

- Reduce external pressures on roadways
- Create greater connectivity for pedestrians, bikes, ebikes and scooters; develop additional access roads
- Partner with Lee County to create beach access through a bridge in North Bonita
- Require developers to contribute to infrastructure
- Continue the beautification of roads, complete Bamboo Village, and do not stop the growth of Old Bonita Downtown
- Enforce no-thru truck restrictions
- Expand the mini bus beyond Bonita Springs
- Reduce residential growth and gated community development
- Protect rural areas, properties, and wildlife corridor
- Recommended repair, lighting and expansions to specific roads in City of Bonita Springs

City of Bonita Springs State-Required Amendment Cross Walk

Element	Policy #	Policy Name	Summary of Change	Justification
Preface	N/A	Index of Abbreviations	Name change / statutory reference	Department of Economic Opportunity deleted as reference
Housing	Obj. 1.1	Housing Availability	Name change / statutory reference	Statutory reference to 380.0651(1)(h) for definition of workforce housing and affordable workforce housing
<i>Housing</i>	<i>Policy 1.3.1</i>	<i>Affordable Housing</i>	<i>Name change / statutory reference</i>	Note: Policy revised in optional amendment package and therefore not revised in the state-required package. If Optional Amendments are not processed, policy would reflect name change to state land planning agency.
Housing	Policy 1.3.3		Name change / statutory reference	Revise outdated statutory reference to the current 380.0651(1)(h)
Infrastructure	Policy 1.2.1(b)		Approval authority	Change entity (Department of Health and Rehabilitative Services) to Florida Department of Environmental Protection. Approval authority amended in 163.3180(2).
Intergovernmental Coordination		Abbreviations	Name change / statutory reference	Department of Economic Opportunity deleted as reference
Public School Facilities	1.2.4		Statutory requirements	New statutory requirement 163.3180(6)(h)2 and 163.3180(6)(h)2.c. specifies that any proportionate-share mitigation directed toward a school capacity improvement not identified in the 5-year school board educational facilities plan must be set aside and not spent until such an improvement has been identified. Comprehensive plan language reflects statutory requirements consistency.
Definitions		Community Development Block Grant	Name change / statutory reference	Department of Economic Opportunity changed to state land planning agency
Definitions		Development	Amended definition	Amend definition of excluded "development" to exclude work by electric utility providers on utility infrastructure on certain rights-of-way or corridors and the creation or termination of distribution and transmission corridors.

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 24-

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, ADOPTING THE STATE REQUIRED AMENDMENTS BASED ON THE 2023 EVALUATION AND APPRAISAL REVIEW; SO AS TO AMEND THE PREFACE, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, PUBLIC SCHOOLS FACILITIES ELEMENT, AND DEFINITIONS; TO REVISE AND UPDATE THE EXISTING GOALS, OBJECTIVES, AND POLICIES, AND DATA AND ANALYSIS IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, City Council of the City of Bonita Springs, Florida recognizes the need to plan for orderly growth and development; and

WHEREAS, Chapter 163, Florida Statutes, provides for amendments to adopted Comprehensive Plans; and

WHEREAS, the City of Bonita Springs Comprehensive Plan was adopted pursuant to Bonita Springs Ordinance No. 02-16, as amended, in accordance with the Local Government Comprehensive Planning Act; and

WHEREAS, the City's Local Planning Agency reviewed the proposed Amendments to the City's Comprehensive Plan at a duly advertised meeting on February 22, 2024, and determined such amendments to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

WHEREAS, City Council has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendments are consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

WHEREAS, City Council held a public hearing for the transmittal of the proposed amendments to the State Land Planning Agency on March 6, 2024; and

WHEREAS, the City received the Objections, Recommendations, and Comments Report from the State on __ (date) ____; and

WHEREAS, the City Council held a duly advertised public hearing for the adoption of this Ordinance on __ (date) ____.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

- SECTION 1.** The City of Bonita Springs, Florida hereby adopts amendments to its current Comprehensive Plan, attached hereto as Exhibit "A" and incorporated herein by reference.
- SECTION 2.** Wherever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.
- SECTION 3.** The provisions of this Ordinance are severable, and it is the legislative intent that should any section or provision of this Ordinance, or any portion thereof, be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
- SECTION 4.** Pursuant to §163.3184(4)(e)5, the effective date of this plan amendment, if the amendment is not timely challenged, shall be upon the date that the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency (or Administration Commission, if applicable) enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this ____ day of _____, 2024.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Steinmeyer	Corrie
Bogacz	Fullick
Purdon	Forbes
Carr	

Date filed with City Clerk: _____

City of Bonita Springs

Comprehensive Plan

State-Required Amendments – Exhibit A

COMPREHENSIVE PLAN OF THE CITY OF BONITA SPRINGS FLORIDA

PREFACE

INDEX OF ABBREVIATIONS	
AADT	Annual Average Daily Traffic
ABM	Agency for Bay Management
AHC	Affordable Housing Corporation
AHP	Affordable Housing Program
ASR	Aquifer Storage & Recovery
BEBR	Bureau of Economic and Business Research, Univ. of Florida
BEMP	Best Environmental Management Practice
BSU	Bonita Springs Utilities
CCCL	Coastal Construction Control Line
CDBG	Community Development Block Grant
CDP	Census Designated Place
CEMP	Comprehensive Emergency Management Plan
CHDO	Community Housing Development Organization
CHHA	Coastal High Hazard Area
CIP	Capital Improvements Program
COE	Corps of Engineers
CRA	Community Reinvestment Act
CWA	Clean Water Act
FDEO	Florida Department of Economic Opportunity
DEP	Department of Environmental Protection
DRGR	Density Reduction Groundwater Resource
DRI	Development of Regional Impact
E	Endangered
ERC	Equivalent Residential Connection
ERP	Environmental Resource Permitting
FAC	Florida Administrative Code
FDA	Florida Department of Agriculture
FDEP	Florida Department of Environmental Protection
FDNR	Florida Department of Natural Resources
FDOS	Florida Department of State
FDOT	Florida Department of Transportation

FEMA	Federal Emergency Management Administration
FFWCC	Florida Fish & Wildlife Conservation Commission
FGCU	Florida Gulf Coast University
FHFC	Florida Housing Finance Corporation
FIHS	Federal Interstate Highway System
FLUCCS	Florida Land Use and Cover Classification System
FLUCFCS	Florida Land Use Cover and Forms Classification System
FLUM	Future Land Use Map
FPL	Florida Power & Light Co.
FS	Florida Statute
FSUTMS	Florida Standard Urban Transportation Modeling System
FWLS	U.S. Dept. of the Interior/Fish and Wildlife Service
GPD	Gallons per Day
GPM	Gallons per Minute
IPD	Industrial Planned Development
LCDOT	Lee County Department of Transportation
LIHTC	Low Income Housing Tax Credits
LMS	Local Mitigation Strategy
LRTE	Long Range Transit Element
MGD	Million Gallons per Day
MPO	Metropolitan Planning Organization
MRF	Materials Recovery Facility
MSBU	Municipal Services Benefit Unit
MSDS	Material Safety Data Sheets
MSSW	Management and Storage of Surface Water Permitting
MSTU	Municipal Services Taxing Unit
MSW	Municipal Solid Waste
NFIP	National Flood Insurance Program
NGVD	National Geodetic Vertical Datum
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
OFW	Outstanding Florida Waters
PCPP	Petroleum Cleanup Participation Program
PD	Planned Development
PSC	Public Service Commission
SCL	Seaboard Coast Line Railroad
SFWMD	South Florida Water Management District
SRPP	Strategic Regional Policy Plan
SSC	Species of Special Concern
SWFRPC	Southwest Florida Regional Planning Council

SWM	Surface Water Management
T	Threatened
TCEA	Transportation Concurrency Exception Area
TFC-2	Zoning district allowing single-family and duplex dwellings on a 7,500 square foot lot
TPD	Tons per Day
UAW	Unaccounted for Water Loss
USDA/NRCS	U.S. Dept. of Agriculture/Natural Resource Conservation Service
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	United States Geologic Survey
WCIND	West Coast Inland Navigation District
WTE	Waste-to-Energy
WTP	Waste Treatment Plant

(Ord. No. 17-08, § 1, 6-7-17)

Housing Element

Objective 1.1: Housing Availability - Provide for an amount and distribution of residential land in the City adequate to allow for a variety of housing types, including mobile and manufactured homes, and sites for affordable workforce housing, as defined in 380.0651(1)(h) ~~380.0651(3)(h)~~, F.S., and very low, low and moderate income households, sufficient to meet the infrastructure and public facility needs of current and anticipated residents.

Policy 1.3.3: The City shall support public-private partnerships in the provision of affordable housing for workforce, very low, low, and moderate income households through the implementation of the density bonus provision and the measures set forth in policy 1.3.5. Affordable housing is defined as follows:

- Very low income - less than 50% of the countywide median household income as determined by the Department of Housing and Urban Development.
- Low income - less than 80% of the countywide median household income as determined by the Department of Housing and Urban Development.
- Moderate income - less than 120% of the countywide median household income as determined by the Department of Housing and Urban Development.
- Affordable workforce housing—as established by 380.0651(1)(h) ~~380.0651(3)(h)~~, F.S.—housing that is affordable to a person who earns less than 120% of the area median income, or less than 140% of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home.

INFRASTRUCTURE ELEMENT

Policy 1.2.1: The City shall require on-site sewage disposal systems to connect to central sanitary sewer when sanitary collection lines have been installed immediately adjoining, and service is available to, the property served by the on-site system.

- a. On-site sewage disposal systems other than standard septic tank systems shall be exempt from this requirement provided that such system has maintained continuous compliance with all rules, orders, statutes, and/or regulations relating to the operation and maintenance of the facility
- b. The City may waive mandatory connection, with approval of the ~~Department of Health and Rehabilitative Services~~State Department of Environmental Protection in the event:
 - 1. The central wastewater system does not have sufficient capacity to serve the additional demand; or,
 - 2. Connection to the central wastewater system imposes an undue financial hardship if such connection is made within the specified time period.

INTERGOVERNMENTAL COORDINATION ELEMENT

EXPLANATIONS OF ABBREVIATIONS USED IN THE INTERGOVERNMENTAL COORDINATION MATRIX

Plan Elements

L	Future Land Use
I	Infrastructure
IP	Potable Water
IS	Sanitary Sewer
IW	Solid Waste
IM	Stormwater
IA	Aquifer Recharge
N	Conservation/Coastal Management
T	Transportation
H	Housing
C	Capital Improvements
G	Intergovernmental Coordination
R	Recreation

Local, State, and Federal Agencies

SWFRPC	Southwest Florida Regional Planning Council
SFWMD	South Florida Water Management District
PSC	Public Service Commission
FDOC	Florida Department of Commerce
FDEO	Florida Department of Economic Opportunity
FDEP	Florida Department of Environmental Protection
FFWCC	Florida Fish and Wildlife Conservation Commission
FDHRS	Florida Department of Health and Rehabilitative Services
FDOS	Florida Department of State/Division of Historic Resources
FDOT	Florida Department of Transportation
FDOA	Florida Department of Agriculture
COE	U.S. Army Corps of Engineers
HUD	U.S. Department of Housing & Urban Development
FEMA	Federal Emergency Management Administration
NRCS	Natural Resources Conservation Service/Lee County Soil & Water Conservation District
EPA	Environmental Protection Agency
USGS	Department of Interior/U.S. Geological Survey
DOC	Department of Commerce/Bureau of Census
FWLS	Department of Interior/U.S. Fish & Wildlife Service
LCSB	Lee County School Board
WCIND	West Coast Inland Navigation District
LC	Lee County and Departments
CC	Collier County and Departments
CCSB	Collier County School Board
CFMB	City of Fort Myers Beach
BSFCRD	Bonita Springs Fire Control Rescue District
BSU	Bonita Springs Utility
CHNEP	Charlotte Harbor National Estuary Program
EBABM	Estero Bay Agency on Bay Management

LMS	Local Mitigation Strategy Working Group
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(Ord. No. 17-08, § 1, 6-7-17)

PUBLIC SCHOOL FACILITIES ELEMENT

Policy 1.2.4: The LDRs will be amended to establish mitigation options for proposed developments that cannot meet school concurrency. Mitigation options will be effective no later than the date in which the Public School Facilities Element becomes effective. Mitigation options will be consistent with the requirements set forth in §163.3180(6)(h)2, F.S. Mitigation options may include, but are not limited to:

- a. The donation of land, or funding of land acquisition, or construction of a public school facility sufficient to offset the demand for public school facilities created by the proposed development.
- b. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost to the Board if the Charter School ceases to operate.
- c. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible work program, which satisfies the demands created by the proposed development. If mitigation can be agreed upon, the City and the School District must enter into an enforceable binding developer agreement with the developer.
- d. Relocatable classrooms shall be accepted as a mitigation option if the school district includes relocatable facilities in its inventory of student stations, provided the relocatable facilities were purchased after 1998 and the relocatable facilities meet the standards for long-term use pursuant to § 1013.20, F.S.

DEFINITIONS

Community Development Block Grant (CDBG): The Federal Small Cities Community Development Block Grant program, as administered by the Florida ~~Department of Economic Opportunity~~ state land planning agency; a competitive grant program which can fund a range of activities directed toward neighborhood revitalization, economic development, and provision of improved community facilities and services.

Development: The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

The following activities or uses shall be taken to involve "development:"

A reconstruction, alteration of the size, or material change in the external appearance of a structure on land; a change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction"; commencement of mining, or excavation on a parcel of land; demolition of a structure; clearing of land as an adjunct of construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken to involve "development":

Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way; work by any utility and other persons engaged in the distribution or transmission of gas, ~~or~~ water, or electric, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way, corridors, creation or termination of distribution and transmission corridors, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure; the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; the use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, raising livestock, or for other agricultural purposes; a change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class; a change in the ownership or form of ownership of any parcel or structure; the creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development" as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. (From § 380.04 F.S.)

REQUESTED MOTION: Public hearing to consider transmittal of the proposed optional Comprehensive Plan Amendments as determined by the City's Evaluation and Appraisal Review (E.A.R), in accordance with §163.3184, Florida Statutes.

REQUESTOR: Derek Rooney, City Attorney; Jacqueline Genson, Planning & Zoning Manager

AGENDA: Public Hearing

STRATEGIC PRIORITY:

BACKGROUND:

In March 2023, the City completed the Evaluation and Appraisal Review (E.A.R.) of the City's Comprehensive Plan in accordance with §163.3191, Florida Statutes. The purpose of the EAR process, which occurs every seven years, is to determine whether plan amendments are necessary to reflect changes in state requirements during the cycle. In conjunction with the required amendments, the City has an opportunity to adopt other optional amendments to the Comprehensive Plan through the Expedited State Review Amendment Process provided for in §163.3184, Florida Statutes.

On October 4, 2023, the City Council approved a limited scope of optional amendments to include high priority items, updates to outdated information, and a review of the Public Participation Element. The attached supplement provided by Dr. Margaret Banyan of Portland State University provides the data and analysis of the recommended optional amendments. The supplement also contains a "cross walk" which summarizes the proposed amendments to the Goals, Objectives, and Policies in the Comprehensive Plan. These optional amendments do not propose any changes to density, height restrictions, permitted uses, or the future land use map.

On February 22, 2024, the Local Planning Agency (LPA) conducted a public hearing of the draft amendments to the Comprehensive Plan and recommended that the draft amendments, as presented, be forwarded to City Council to commence the transmittal process to the State Planning Agency for Expedited Review.

Pursuant to F.S. §163.3184(11), this public hearing also serves as the first reading of the ordinance to adopt the proposed amendments. Once the amendments are transmitted, the City will receive any comments from reviewing agencies within thirty (30) days. After any comments are received and reviewed by staff, this ordinance will be scheduled for the second public hearing for adoption within 180 days.

Dr. Banyan will be providing a brief presentation on the draft amendments and will be available to address any questions.

STAFF RECOMMENDATION Direct staff to transmit the proposed amendments to the State Planning Agency for Expedited State Review in accordance with §163.3184(3), Florida Statutes

ATTACHMENTS:

1. Staff Report
2. Transmittal Package Supplement
3. Draft Ordinance
4. Recommended Amendments (Exhibit A)

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Mike Sheffield
Department Director:	John Dulmer

CPA24-110285-BOS

**Bonita Plan
EAR Optional Amendments**

Expedited Review Process



**City Initiated Application
and Staff Analysis**

***City of Bonita Springs
Planning Division
9200 Bonita Beach Road, Suite 109
Bonita Springs, Florida
(239) 444-6150***

LPA Public Hearing Date:	February 22, 2024
City Council Transmittal Date:	March 6, 2024
City Council Adoption Date:	To be determined
Project Name:	Evaluation and Appraisal Review – Optional Amendments

City of Bonita Springs
Planning and Zoning Division
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
EXPEDITED STATE REVIEW

CPA24-110285-BOS

X Text Amendment

X Map Amendment

This Document Contains the Following Reviews:	
X	Staff Review
X	Local Planning Agency Review and Recommendation
	City Council Hearing for Transmittal
	City Council Hearing for Adoption

STAFF REPORT PREPARATION DATE: February 29, 2024

PART I- BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. Applicant: City of Bonita Springs
2. Request: To amend the Bonita Springs Comprehensive Plan in compliance with state requirements and based on the evaluation and appraisal review (EAR) as required by §163.3191, F.S. The EAR was received by the State Land Planning Agency on March 23, 2023. To comply with state requirements, amendments are to the Future Land Use Element; Transportation Element; Housing Element; Infrastructure Element; Conservation/Coastal Management Element; Recreation and Open Space; Intergovernmental Coordination Element; Capital Improvements Element; Public Participation, Monitoring, Updating and Evaluation Procedures Element; Definitions Element; and Public School Facilities Element.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. Recommendation: Staff recommends that the City Council vote to transmit the proposed amendments as identified in the draft ordinance.
2. Basis and recommended findings of fact:
 - Dr. Margaret Banyan presented the Evaluation and Appraisal Review (EAR) findings to the City Council on March 1 and March 15, 2023.

- The proposed amendments are based on the EAR notification letter received by the State Land Planning Agency on March 23, 2023.
- The City Council authorized Staff to initiate the amendments in accordance with the EAR findings.
- The proposed amendments are limited to those that the City Council determined to be beneficial to consider at their October 4, 2023 meeting.
- The amendments support and complement other goals and policies within the Bonita Springs Comprehensive Plan.
- The data and analysis to support the amendments are included in the Transmittal Package Supplement (Attachment A).

C. SUMMARY/BACKGROUND DISCUSSION:

1. EXISTING CONDITIONS

The review of the City's plan showed several areas of updating and amendments that would be beneficial to consider. The proposal to provide a limited scope of updates was approved by the City Council at its October 4, 2023, meeting.

2. AFFECTED ELEMENTS OF THE BONITA PLAN.

The proposed amendments propose to ensure that the Bonita Plan is consistent with state requirements affect the Future Land Use Element; Transportation Element; Housing Element; Infrastructure Element; Conservation/Coastal Management Element; Recreation and Open Space; Intergovernmental Coordination Element; Capital Improvements Element; Public Participation, Monitoring, Updating and Evaluation Procedures Element; Definitions Element; and Public School Facilities Elements.

PART II- STAFF ANALYSIS

A. ANALYSIS

Please see the attached Transmittal Package Supplement (Attachment A).

CONSISTENCY WITH THE BONITA PLAN

There are existing goals, objectives, and policies in the Bonita Springs Comprehensive Plan that support and complement the amendments as proposed.

NOTICE OF PROPOSED ACTION:

This application and its appearance before the Local Planning Agency was noticed for the public. The LPA findings will be delivered as part of the transmittal presentation to the City Council.

CONCLUSIONS:

The Bonita Springs Comprehensive plan should be amended to accomplish city goals, promote internal consistency, reflect changed conditions and the city's current practices.

STAFF RECOMMENDATION

Commence the transmittal process for comprehensive plan amendments and if approved, transmit to the state's land planning agency through the Expedited Review Process in accordance with Florida State Statute.

SUBJECT PROPERTY

ATTACHMENTS:

- A. Transmittal Package Supplement
- B. Transmittal Package Cross-Walk
- C. Public Participation Procedures Cross-Walk
- D. Ordinance and Amendments (Exhibit A)

Submitted by:

Jacqueline Genson, AICP
Planning and Zoning Manager

Date: February 29, 2024

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 22, 2024

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

- 1. RECOMMENDATION:** For City Council to find the request consistent with the City of Bonita Springs Comprehensive Plan and transmit the amendment to the state land planning agency.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Local Planning Agency accepted the findings of fact as provided by staff.

C. VOTE:

Chairman Jeff Maturo	_____ Absent _____
Vice-Chairman Steve Lohan	_____ Aye _____
Don Colapietro	_____ Aye _____
Robert Lombardo	_____ Aye _____
Daniel Dhooghe	_____ Aye _____
Raymond Townsend	_____ Aye _____
Vacancy	_____

**PART IV – CITY COUNCIL
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: March 6, 2024

A. CITY COUNCIL REVIEW

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. COUNCIL ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Mayor Rick Steinmeyer	_____
Jamie Bogacz	_____
Jessee Purdon	_____
Laura Carr	_____
Chris Corrie	_____
Nigel Fullick	_____
Fred Forbes	_____

**PART V – CITY COUNCIL
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING:

REQUEST:

TRANSMITTAL:

AGENCY COMMENTS:

STAFF RECOMMENDATION:

**B. CITY COUNCIL RECOMMENDATION AND FINDINGS OF
FACT SUMMARY**

1. COUNCIL ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

Mayor Rick Steinmeyer

Jamie Bogacz

Jessee Purdon

Laura Carr

Chris Corrie

Nigel Fullick

Fred Forbes

City of Bonita Springs Optional Amendments Transmittal Package Supplement – Data and Analysis City Council 3-6-24

Executive Summary

The purpose of this supplement is to provide data and analysis to support the staff report and recommendations for the City of Bonita Springs optional comprehensive plan amendments. These amendments follow a review of the comprehensive plan completed in March 2023.¹ These optional amendments are subject to expedited state review.²

This report covers the following areas:

- Summary of the review process and scope of amendments
- A summary of amendments to document titles, agency names, statutory requirements, statutory references, implementing authorities, and amended definitions
- Additional recommendations beyond scope of amendments
- A summary of public participation and feedback
- An inventory or ‘cross-walk’ of the policy changes, including the element, policy number, summary of the amendment, and justification for the amendment
- An analysis of the Public Participation, Monitoring, Updating and Evaluation Procedures

The transmittal package includes the policies recommended for amendment in strike through and underlining. This package contains only those objectives and policies that are recommended for amendment, except where additional context is needed.

Review Process and Amendment Scope

The review of the City’s plan showed several areas of updating and amendments that would be beneficial to consider. The proposal to provide a limited scope of updates was approved by the City Council at its October 4, 2023 meeting. The scope of these amendments was limited to the following general categories:

1. Comprehensive Plan Updates
 - A. Inconsistencies
 - B. Goals, objectives, and policies that refer to completed actions
 - C. Outdated information and document titles

¹ Also known as the Evaluation and Appraisal Review (EAR), dated March 2023.

² Expedited State Review Amendment Process appears in §163.3184(3) and (5), F.S. This process is expedited in that reviews are limited in scope. Following transmittal, the City will provide amendments to a list of required state agencies and the state land planning agency. Reviewing agencies are allowed 30 days for comments. More information can be found at: <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents>

- D. Goals, objectives, and policies that are no longer consistent with the City's practice
- 2. Higher priority goals, objectives, and policies that would better accomplish the City's goals
- 3. Review and re-write of the Public Participation, Monitoring, Updating and Evaluation Procedures

This review process and these amendments do not propose any changes to density, height restrictions, uses, or the future land use map.

Summary of Amendments

The discussion below summarizes these amendments. Where goals, objectives, and policies may have policy implications, these are explained in more detail.

Inconsistencies, Completed Actions, and Outdated Information

The majority of recommended amendments to the comprehensive plan fundamentally preserve the City's previous policies and procedures. Maintaining an updated plan is consistent with planning requirements at the state level and allows for members of the public to track and understand the City's policies. Where goals, objectives, and policies may have more significant policy implications, these are further explained.

These are summarized below and specifically referenced in the "Optional Amendment Crosswalk":

- Name / Reference Changes: There were many instances where the name of a policy, process, or document has been updated. For example, in some cases, the reference document name has changed since the last plan update. In other instances, updated references to ensure internal plan consistency and clarity are recommended.
- Typographical Errors: The amendments proposed reflect several instances where typographical errors were corrected.
- Completed Actions: The proposed amendments reflect a number of instances where the City has completed actions suggested in either an objective or goal. In some instances, the amendment reflects continued support for an action; in other instances, the policy was removed where there was no longer a need for further implementation. Most significant among these are as follows:
 - Policies related to the DRGR. These objectives and policies required the City to complete a study and amend the DRGR land use category based on the study findings. To date, the City has considered multiple studies and has chosen not to amend the future land use category. Specifically:
 - Future Land Use Element Policy 1.7.1, Policy 1.7.2, and Policy 1.14.1
 - Conservation/Coastal Management Element Objective 16.4, Policy 16.4.1 and Policy 16.4.2
 - Infrastructure Stormwater Sub-Element Policy 1.3.3
 - Objective 1.2 Housing Element. According to the Florida Housing Data Clearinghouse, also referred to as the Shimberg Center for Affordable Housing, there are at least 10% fewer units reflecting substandard housing in the City. The objective no longer appropriately reflects the Census reference and conditions and therefore necessitates amendment.³
- Outdated Reference(s): In several areas, there are references to policies that were only relevant to the City's first comprehensive plan. These are noted as 'outdated references.' Most significant

³ <http://flhousingdata.shimberg.ufl.edu/comprehensive-plan-data/results?nid=3505>

among these appear in the Public Participation, Monitoring, Updating and Evaluation Procedures that have been rewritten (discussed below).

- Updated to meet current City practices. There were a number of goals, objectives, and policies that are no longer consistent with the City's practices. Some of these policies envisioned in the original comprehensive plan referred to the creation of overlay districts, referenced statistics and data that are no longer retrievable, or emphasize direct action by the City. The recommended amendments aim to place the City at the center of partnerships or are crafted to reflect the City's current goals. The most significant among these are:
 - Housing Element Objective 1.3. There is no data to support the percentages referenced in Objective 1.3 as a meaningful measure.
 - Housing Element Policy 1.3.1. The agencies referenced in Policy 1.3.1 no longer exist. The recommended amendment is to focus on a housing needs study that could provide a range of suggested policies and tools for the City to pursue.
 - Housing Element Policy 1.3.4, and Policy 1.3.5. These policies refer to the City as a direct and active provider of affordable housing through land purchases, loans, or other direct actions. As the City has embraced a government-light approach, the most appropriate implementing actions would center the City as a partner to affordable housing nonprofit agencies. In addition, these policies reference the Bonita Springs Housing Corporation, an agency that no longer exists.
- Inconsistency / Consistency with Statute. A number of recommended amendments are designed to create consistency with current Florida statutes and the City's practices. For example, the state has made a number of changes to the Capital Infrastructure Program requirements, including the following:
 - Public School Facilities Objective 1.1, Policy 1.4.1, Policy 1.4.2, and Maps; Intergovernmental Element Policy 1.9.3: These recommended policy amendments reflect that the state no longer requires that programs are financially feasible. In addition, the City may now adopt the facility work plan adopted by the school district by reference. The public schools facility work plan is also not subject to state review.⁴
 - Definitions. A number of new definitions are proposed that reflect consistency with statute, comprehensive plan elements, and land development regulations. Acronyms referenced in the plan are also added as new definitions.

Higher Priority Goals, Objectives, and Policies

The second category of amendments are those goals, objectives, and policies that are of a higher priority for the City and/or may be insufficient to meet the goals of the City. These include amendments to the Transportation Element and Maps

- Transportation Element: A recommended amendment to the Transportation Element Policy 1.1.7 adds Logan Boulevard to the list of constrained roads. The purpose of this amendment is to mitigate transportation impacts external to the City. Logan Boulevard is currently situated in a neighborhood context and may, in the future, experience greater pressure for widening from traffic outside of the City. Transportation Element Policy 1.1.7 recognizes that there are certain roadways that have, "scenic, historic, environmental, aesthetic, and right-of-way characteristics;

⁴ See: Capital Improvements Element requirements: <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/capital-improvements-element>

... and that reduced peak hour levels of service will be accepted as a trade-off for the preservation of scenic, aesthetic, historic, environmental, walkable, and attractive small town urban character of the community.” This policy also requires that, “development utilizing a constrained roadway shall provide multi-modal or other alternative transportation improvements as set forth in the City’s LDC.” Adding Logan Boulevard to the list of constrained roads allows the City additional control over its character and design, should it ever be widened.

- Map Updates: Among the optional recommended amendments are the Existing and Planned Potable Water Wells and Well Head Protection Areas and Floodzones/Floodplains maps in the Future Land Use Element and the City’s Long Range Transportation Map and the Existing and Future Transit Plan in the Transportation Element. These maps are updates from planning documents, reflecting the most current funding and plans.

Public Participation, Monitoring, Updating and Evaluation Procedures

The third category of recommended amendments includes a new draft of the City’s Public Participation, Monitoring, Updating and Evaluation Procedures (short title Public Participation). The Public Participation Procedures are considerably out of date with the current state requirements and references practices from the first adoption of the comprehensive plan. For example, state requirement no longer reference an Evaluation and Appraisal Review document, but require instead an Evaluation and Appraisal Notification Letter.

Due to these changes, the element is confusing as to which section one should follow. The notification, advertising, and public participation requirements are duplicated and inconsistent within the procedures. In order to ensure that residents were not losing any important protections, there are three documents provided as part of this package:

- 1) A complete strike-through and underline of the existing procedures included in the amendments
- 2) A new draft with underlining included in the amendments
- 3) A ‘cross-walk’ analysis of the procedures with reference to the new draft

Additional Recommendations

The 2023 EAR offered a number of other comments and recommendations that were optional for the City to pursue. These recommended amendments are a constrained list of those that appear there based on the categories of amendment discussed above. The proposed amendments are a good start to ensuring that the comprehensive plan is consistent, accurate, and clear. These recommendations respond to the feedback provided by the residents at the February 1, 2024 public meeting.

Additional changes may be required following the Expedited State Review process.

There were some amendments that may become a higher priority for the City in future cycles. For example, the Recreation and Open Space Element has a number of policies that require more detailed data and analysis. In addition, there will be an upcoming Water Supply Plan Update. Upon this update, policies in the Future Land Use Element (level of service), Capital Infrastructure Element, and Infrastructure Element may require amendment.

Public Participation for Optional Amendments

Evaluation and Appraisal Review City of Bonita Springs Public Input Meeting Narrative Summary February 1, 2024

A public meeting was held on February 1, 2024, regarding the Evaluation and Appraisal Review process to obtain feedback from participants on the direction of the City's Comprehensive Plan. The meeting was held in person and was also live-streamed through the City's website. The meeting format included a presentation and a public feedback session. Posters were hung around the room noting the topics and members of the public were asked to provide feedback pertaining to those topics. Public comment forms were also provided where attendees submitted additional feedback. The prompt questions associated with the topics are shown below.

1. *Which, if any, future land use categories are appropriate for floating solar facilities?*
2. *What is your feedback on public outreach tools and notice regarding Plan updates?*
3. *How should the City provide opportunities for partners to lead in affordable housing implementation?*
4. *How should the City address external pressures on its roadways to protect neighborhoods and community values?*

Question prompt #1 applied to the state-required amendments while the remainder of the prompts were intended to inform the optional amendments. Both sets of feedback are listed here as a full representation of the public record.

Floating Solar

Feedback

There was a wide variety of opinions regarding the appropriateness of solar in the City of Bonita Springs future land use categories. Participants offered the following comments, concerns, and suggestions:

- Concern about floating solar in general
- Concern about the impact of floating solar on marine life
- Concern about the safety of floating solar in water bodies
- Preference for nuclear generation over floating solar
- Suggestion to locate solar in unused or vacant land
- Suggestion to locate floating solar in retention ponds and manmade water areas
- Suggestion to create areas in new gated community developments for floating solar
- Questions regarding where additional areas for solar and floating solar could be considered

Public Outreach

Feedback

The participants offered various suggestions regarding additional tools and approaches the city could use to improve comprehensive plan meetings and update notices. Specifically the following recommendations were offered:

- Use the same email list as used to send out emergency information
- Use email, text, and radio as mediums to communicate Plan meeting notices
- Send notices to association boards
- Allow recipients to provide input by responding to the email notices

- Allow slides and presentation materials to be available in advance of meetings
- Add a link on the city website that provides information regarding the Plan meeting dates

Affordable Housing

Feedback

The participants offered a variety of recommendations on how the city could provide opportunities to its partners to support affordable housing. Specifically, the following recommendations, ideas, and suggestions were offered:

- Assist in the development of affordable housing through (1) expedited permitting, (2) bonus density for developers building low-cost housing in high-cost areas, (3) reduced impact fees for affordable developments, and (4) fees on high end developments that would be designated for rental developments
- Require developers to provide affordable housing units as a percentage of a total development project
- Encourage the development of manufactured home projects using new technology that allow low-income homeowners to obtain mortgages and insurance
- Broaden the opportunity to increase density in outlying areas and the Density Reduction Groundwater Resource (DRGR) to accommodate affordable housing needs
- Increase density within the city limits and reduce the density in the outer limits to protect wildlife corridors
- Allow affordable housing in Bamboo Village and by the dog track
- Allow Accessory Dwelling Units (ADUs)
- Affordable housing for low income and not the rich

Roadways and Community Values

Feedback

Participants offered a variety of recommendations and suggestions on how to address external pressures on its roadways to protect neighborhoods and community values. Participants offered the following comments:

- Reduce external pressures on roadways
- Create greater connectivity for pedestrians, bikes, ebikes and scooters; develop additional access roads
- Partner with Lee County to create beach access through a bridge in North Bonita
- Require developers to contribute to infrastructure
- Continue the beautification of roads, complete Bamboo Village, and do not stop the growth of Old Bonita Downtown
- Enforce no-thru truck restrictions
- Expand the mini bus beyond Bonita Springs
- Reduce residential growth and gated community development
- Protect rural areas, properties, and wildlife corridor
- Recommended repair, lighting and expansions to specific roads in City of Bonita Springs

City of Bonita Springs
Optional Policy Amendment Cross-Walk

Council Packet 3-6-24

Element	Policy #	Policy Name	Summary of Change	Justification
Future Land Use				
Future Land Use	1.1.2(b)(4)e	Density, Affordable Housing Den	Name / Reference change	Update document and reference titles
Future Land Use	1.1.2(c)	Density, Affordable Housing Den	Name / Reference change	Map reference updated
Future Land Use	1.1.10.1(f)ii	Urban Fringe Community District	Name / Reference change	Update document and reference titles
Future Land Use	Policy 1.1.25		Policy completed	Amendment reflects completed policy
Future Land Use	Objective 1.2		Policy completed	Amendment reflects completed policy
Future Land Use	Policy 1.3.1		Policy completed	Policy removed; Urban Design/Community Design Element intent is addressed in other parts of the Comprehensive Plan
Future Land Use	Policy 1.3.2		Renumbered	Renumbered to 1.3.1
Future Land Use	Policy 1.7.1		Policy completed	Policy removed. DRGR Study completed.
Future Land Use	Policy 1.7.2		Policy completed	Policy removed. DRGR Study completed.
Future Land Use	Policy 1.7.3		Updated to meet current City practice	Policy amended to reflect continued stream protection goal
Future Land Use	Policy 1.7.4		Updated to meet current City practice	Policy amended to reflect continued stream protection goal
Future Land Use	Policy 1.7.6		Name / Reference change	Update map title and other references
Future Land Use	Policies 1.7.3-1.7.11		Renumbered	Renumbered
Future Land Use	Policy 1.7.11		Policy completed	Amended / renumbered to reflect continued implementation
Future Land Use	Objective 1.9		Name / Reference change	Update document and reference titles
Future Land Use	Policy 1.9.1		Name / Reference change	Update titles
Future Land Use	Policy 1.9.2		Name / Reference change	Update document and reference titles
Future Land Use	Policy 1.14.1		Policy completed	Policy removed. DRGR Study completed.
Future Land Use	Policy 1.14.2		Renumbered	Renumbered
Future Land Use	Policy 1.15.1		Policy completed	Amendment reflects continued site lighting policies
Future Land Use	Policy 1.15.2		Policy completed	Amendment reflects continued green building policies
Future Land Use	Figure 3	Existing and Planned Potable Wa	Map update	Map update with most recent data
Future Land Use	Figure 6	Floodzones/Floodplains	Map update	Map updated with most current FIRM Map
Transportation				
Transportation	Objective 1.1		Name / Reference change	Update document and reference titles
Transportation	Policy 1.1.2		Name / Reference change	Update document and reference titles
Transportation	Policy 1.1.7		High priority policy	Addition of Logan Blvd to list of constrained roadways to better protect neighborhoods and City values
Transportation	Policy 1.4.3		Policy completed	Amended to reflect continued implementation
Transportation	Policy 1.4.4		Typo	Amended Imperial Street to Imperial Parkway
Transportation	New Policy 1.4.5		Updated to meet current City practice	Updated to reflect new recommendations re: Wayfinding Signage and Gateway Feature Master Plan
Transportation	Policy 1.5.9		Partial Update	Additional changes may be required following Expedited Review process
Transportation	Policy 2.5.1		Policy completed	Amended to reflect continued implementation
Transportation	Figure 3	City of Bonita Springs Long Range	Map update	Updated map to reflect City's transportation priorities with respect to the MPO 2045 LRTP
Transportation	Figure 4	Existing and Future Transit route	Map update	Updated map to reflect new Lee Tran service
Housing				
Housing	Objective 1.2	Housing Conditions	Objective completed	Amended to reflect continued implementation
Housing	Policy 1.2.6		Updated to meet current City practice	Policy removed. No longer City intent to prepare a neighborhood improvement plan.
Housing	Policy 1.2.7		Renumbered	Renumbered

City of Bonita Springs
Optional Policy Amendment Cross-Walk

Council Packet 3-6-24

Housing	Objective 1.3	Affordable Housing	Updated to meet current City practice	Previous objective out of date and unclear as to measurement data.
Housing	Policy 1.3.1		Updated to meet current City practice	Previous policy no longer relevant as an approach. Policy amended for continued implementation.
Housing	Policy 1.3.4		Updated to meet current City practice	Previous implementing tools and agencies no longer exist; policy updated to reflect partnerships with affordable housing providers.
Housing	Policy 1.3.5(a)		Updated to meet current City practice	Previous implementing tools and agencies no longer exist; policy updated to reflect partnerships with affordable housing providers.
Housing	Policy 1.3.5(b)		Updated to meet current City practice	Previous implementing tools and agencies no longer exist; policy updated to reflect partnerships with affordable housing providers.
Housing	Policy 1.5.1		Policy completed	Amended to reflect continued implementation
Housing	Policy 1.6.5		Policy completed	Amended to reflect continued implementation
Infrastructure				
Infrastructure	Policy 1.2.6	Sanitary Sewer SubElement	Name / Reference change	Policy amended to remove reference to the BSU CIP "Figure 5 in the Infrastructure Element Supporting Documentation" which no longer exists or is unretrievable.
Infrastructure	Policy 1.1.1	Stormwater Sub-Element	Name / Reference change	Update document and reference titles
Infrastructure	Policy 1.3.3	Stormwater Sub-Element	Policy completed	Policy removed. DRGR Study completed.
Infrastructure	Policy 1.3.4	Stormwater Sub-Element	Typo	Corrected typo
Coastal and Conservation				
Conserv/Coastal	Policy 4.1.1		Name / Reference change	Clarification of the location of policy (in Conservation Element)
Conserv/Coastal	Policy 5.2.4		Typo	Corrected typo 5-2-1 to Policy 5.2.1
Conserv/Coastal	Policy 7.2.3(a)		Typo	Corrected typo (environ-mentally to environmentally)
Conserv/Coastal	Policy 7.6.1		Name / Reference change	Clarification related to which Eagle Technical Advisory Committee
Conserv/Coastal	Policy 7.6.4		Name / Reference change	Buffer requirements referred to LDC language-LDC more restrictive
Conserv/Coastal	Objective 7.7	West Indian Manatees	Updated to meet current City practice	Updated to meet current City practice of working with partner agencies
Conserv/Coastal	Policy 7.7.1		Updated to meet current City practice	Updated to meet current City practice of working with partner agencies
Conserv/Coastal	Policy 7.7.2		Updated to meet current City practice	Updated to meet current City practice of working with partner agencies
Conserv/Coastal	Policy 7.7.9		Name / Reference change	Reference update to reflect year and author of the boat siting facilities that appear in the Lee County Manatee Protection Plan from June 2004.
Conserv/Coastal	Policy 7.12.1		Updated to meet current City practice	Policy amended to reflect continued stream protection goal
Conserv/Coastal	Policy 7.12.2		Updated to meet current City practice	Policy amended to reflect continued stream protection goal
Conserv/Coastal	Policy 9.1.6		Typo	Corrected typo
Conserv/Coastal	Policy 9.3.8		Name / Reference change	Reference updated to spell out SFWMD
Conserv/Coastal	Policy 10.2.2		Name / Reference change	Spell out MSTU
Conserv/Coastal	Objective 11.1	Development Regulations	Name / Reference change	Update reference document: FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2012
Conserv/Coastal	Policy 11.1.1		Name / Reference change	Update reference document: FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2012
Conserv/Coastal	Policy 11.1.2		Name / Reference change	Update reference document: FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2013
Conserv/Coastal	Policy 11.1.3		Name / Reference change	Update to reference Flood Hazard Reduction Ordinance
Conserv/Coastal	Policy 11.1.5		Typo	Grammatical correction
Conserv/Coastal	Policy 11.2.1		Name / Reference change	Update to reference Flood Hazard Reduction Ordinance
Conserv/Coastal	Policy 11.2.2		Name / Reference change	Update to reference Flood Hazard Reduction Ordinance
Conserv/Coastal	Policy 11.2.3		Name / Reference change	Update to reference Flood Hazard Reduction Ordinance
Conserv/Coastal	Policy 11.2.7		Name / Reference change	Update to reference the City's Coastal High Hazard Area

City of Bonita Springs
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Conserv/Coastal	Policy 11.2.9		Policy completed	Amended to reflect continued implementation
Conserv/Coastal	Policy 11.2.14		Name / Reference change	Update to reference current document title
Conserv/Coastal	Policy 12.1.3		Policy completed	Amended to reflect continued implementation
Conserv/Coastal	Policy 13.1.5		Name / Reference change	Reference update to reflect year and author of the boat siting facilities that appear in the Lee County Manatee Protection Plan from June 2004.
Conserv/Coastal	Policy 14.1.9		Name / Reference change	Amended to reference author and date
Conserv/Coastal	Policy 15.1.5		Name / Reference change	Amended to reflect map name in FLU Element
Conserv/Coastal	Policy 15.1.7 (a)2.		Name / Reference change	Amended to reflect map name in FLU Element
Conserv/Coastal	Policy 16.2.3		Policy completed	Amended to reflect continued implementation
Conserv/Coastal	Objective 16.4		Policy completed	Objective removed - subpolicies completed. Groundwater protection addressed in
Conserv/Coastal	Policy 16.4.1		Policy completed	Policy removed. DRGR Study completed.
Conserv/Coastal	Policy 16.4.2		Policy completed	Policy removed. DRGR Study completed.
Conserv/Coastal	Policy 20.1.1		Policy completed	Amended to reflect continued implementation
Conserv/Coastal	Policy 20.1.2		Policy completed	Amended to reflect continued implementation
Conserv/Coastal	Policy 20.1.5		Name / Reference change	Spell out acronym
Conserv/Coastal	Policy 22.3.3		Name / Reference change	Updated reference document
Conserv/Coastal	Policy 22.3.5		Name / Reference change	Updated reference document
Conserv/Coastal	Policy 24.1.1		Policy completed	Amended to reflect continued implementation
Recreation and Open Space				
Recreation	Policy 1.2.7		Policy completed	Amended to reflect continued support for library
Intergovernmental Coordination				
Intergovernmental	Policy 1.1.7		Name / Reference change	Spell out acronym
Intergovernmental	Policy 1.4.1		Name / Reference change	Spell out acronym
Intergovernmental	Policy 1.4.2		Name / Reference change	Coastal Resources Interagency Management Committee no longer seems to exist. Statute speaks to this issue.
Intergovernmental	Policy 1.9.2		Name / Reference change	Adopts the Lee County School District map by reference to the Lee Plan
Intergovernmental	Policy 1.9.3		Updated to reflect current statute	Financial feasibility is no longer required for school LOS
Intergovernmental	Policy 1.9.4		Name / Reference change	Removes reference to 2010 Census and replaced with decennial census
Capital Improvements				
Capital Improvement	Policy 1.1.1(c)(1)		Outdated reference	Removed outdated reference to the first year CIP of the City
Capital Improvement	Policy 1.1.1(c)(2) - 1.1.1(c)(3)		Renumbered	Renumbered
Capital Improvement	Policy 1.1.1(d)(5)		Typo	Typo correction
Capital Improvement	Policy 1.5.3		Updated to reflect current statute	Financial feasibility is no longer required for school LOS. The update to the Capital Improvements Element policy referencing the facility work plan adopted by the local school board may also be adopted by reference and is not subject to state review
Capital Improvement	CIP TABLES		Updated to reflect current statute	Most current CIP Tables updated
Public Participation Procedures				
Public Participation	E All		Outdated reference(s)	Strike through and replace all

City of Bonita Springs
Optional Policy Amendment Cross-Walk
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Definitions				
Definitions		Affordable Workforce Housing	New definition	Defined as per statute
Definitions		Constrained Road	New definition	Consistency with definition of constrained road as it appears in the Transportation Element Policy 1.1.7
Definitions		Degradation (Roadway)	New definition	Consistency with other parts of comprehensive plan
Definitions		Floor Area Ratio (F.A.R)	New definition	Acronym added
Definitions		Gap housing	New definition	Consistency with Housing Element Policy 1.8.1
Definitions		Green Building	New definition	Consistency with LDC
Definitions		LDR and LDC	New definition	Acronyms added
Definitions		MSTU	New definition	Acronyms added
Definitions		Post Construction Pollution Prevention	New definition	Consistency with other parts of comprehensive plan
Public School Facilities*				
Public School Facilities	Objective 1.1	Adequate school facilities	Updated to reflect current statute	May adopt school facilities improvements by reference
Public School Facilities	Policy 1.1.2		Updated to reflect current statute	Financial feasibility no longer required
Public School Facilities	Policy 1.1.3		Name / Reference change	update to reflect decennial census
Public School Facilities	Policy 1.1.4		Name / Reference change	update to reflect decennial census
Public School Facilities	Policy 1.2.2		Updated to reflect current statute	May adopt school facilities by reference
Public School Facilities	Policy 1.2.3		Typo	Revised GSA to CSA
Public School Facilities	Policy 1.4.1		Updated to reflect current statute	Financial feasibility no longer required; may adopt school facilities by reference
Public School Facilities	Policy 1.4.2		Updated to reflect current statute	May adopt school facilities improvements by reference
Public School Facilities	Policy 1.5.4		Typo	Corrected spelling error
Public School Facilities	Map	Concurrency Service Area Map	Removed	Can now be adopted by reference
Public School Facilities	Map	Lee County Public Schools/Vacant Land	Removed	No policies associated with map; adoption of plans by reference

*Public School Facilities Element under review with outside counsel

Bonita Springs, Florida, Comprehensive Plan
PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES

Crosswalk Notes: Existing Element Table of Contents

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PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES

PUBLIC PARTICIPATION PROCEDURES

Under the requirements of Chapter 163.3181 F. S. local governments are required to adopt procedures to provide for and encourage public participation in the comprehensive planning process. The following procedures were adopted and implemented during the preparation phase of this Comprehensive Plan.

ADOPTION OF THE CITY'S FIRST COMPREHENSIVE PLAN

PUBLIC WORKSHOPS AND PUBLIC HEARINGS

1. Prior to holding its first public workshop, the City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun the process of preparing its first Comprehensive Plan in conformance with requirements of the Community Planning Act, as amended, and Chapter 163 of the Florida Statutes. The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required public hearings will specify dates, times and locations. [A sample public notice is provided on page 3.]
2. The Local Planning Agency (LPA) will hold its first public "visioning" workshop in January of 2001 to obtain initial input from interested citizens. A second public "visioning" workshop will be held during the summer of 2001. The LPA may hold additional public workshops at various locations throughout the community during

Commented [MB1]: Moved and expanded PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES applicability (introductory paragraph)

Commented [MB2]: Entirety of section refers to historical adoption and has been removed. The historical adoption record is retained in the previous versions of the Comprehensive Plan (available through Municode)

- PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES
PUBLIC WORKSHOPS AND PUBLIC HEARINGS

the spring and summer of 2001 to appraise the public of the status of the project and to provide the opportunity for public input during the preparation process.

3. During the fall of 2001, the LPA shall hold public workshops to discuss the drafts of Goals, Objectives and Policies of the various elements of the Comprehensive Plan as they become available.
4. Each public workshop shall be advertised in a newspaper of general circulation. The advertisement shall inform the public of the general purpose of the meeting, its date, time and location.
5. The LPA is tentatively scheduled to hold its "transmittal stage" public hearing in January, 2002 to review the proposed Comprehensive Plan, hear public comments and make recommendations to the City Council for transmittal of the proposed Comprehensive Plan to the former Florida Department of Community Affairs, now referred to as State Land Planning Agency, for its review and comment. Announcement of the date of the first public hearing before the City Council (the "transmittal" public hearing) will be made at this hearing.
6. The City Council is tentatively scheduled to hold its "transmittal" public hearing in February of 2002. This public hearing will be held on a weekday at least seven days after the first advertisement is published.
7. The City Council is tentatively scheduled to hold two public hearings during the months of July and/or August 2002, to review the proposed Comprehensive Plan and to consider the recommendations of the LPA, hear public comment and adopt, or adopt with changes, the proposed Comprehensive Plan. These public hearings will be held on a weekday at least five days after the day the advertisements are published.
8. Legal advertisements for all required public hearings will be in accordance with Chapter 163.3184 (15)

INITIAL PUBLIC NOTICE

RE: BEGINNING PREPARATION OF THE CITY'S FIRST COMPREHENSIVE PLAN

In accordance with (now repealed) Rule 9J-5.004 F. A. C. and the City's Public Participation Procedures, owners of real property within the City of Bonita Springs are hereby notified that the City of Bonita Springs has begun the preparation of its first Comprehensive Plan in conformance with the requirements of the former 1985 Local Government Comprehensive Planning and Land Development Regulations Act (now Community Planning Act), as amended.

Copies of information, data, reports and summaries will be on file in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135 as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.

Commented [MB3]: Refers to historical adoption. Removed in draft revision.

AMENDMENTS TO THE COMPREHENSIVE PLAN AND EVALUATION AND APPRAISAL REVIEW

1. The City shall notify the general public of public hearings on the Comprehensive Plan, including amendments to the text or Future Land Use Map of the Comprehensive Plan, and the preparation of Evaluation and Appraisal Review. The City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun the process of considering amending its Comprehensive Plan. The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other

- PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES
AMENDMENTS TO THE COMPREHENSIVE PLAN AND EVALUATION AND APPRAISAL REVIEW

than the legal ads or classified sections. Subsequent legal advertisements regarding the required public hearings will specify dates, times and locations.

2. In addition to the above formal advertisements and required public hearings, the general public shall be kept informed through the posting of notices pertaining to the planning process in City Hall and general media reporting.
3. The City staff shall maintain a list of public hearing requirements for each type of official action and will maintain a list of advertisement schedule requirements in order to assure that required public hearings are held in accordance with Florida Statutes and the City Code.
4. Legal advertisements for all required public hearings will be in accordance with Chapter 163.3164.

PUBLIC INPUT AND COMMENTS

The following shall be applicable to the adoption of the City's first Comprehensive Plan, subsequent amendments thereto, and to the preparation of subsequent Evaluation and Appraisal Review.

1. Public comments will be encouraged and considered at each of the public workshops and hearings. Written acknowledgment of public comments will be made upon completion of a form developed for that purpose by the City. The City staff shall record and give due consideration to all public comments, both oral and written, and will make revisions, as appropriate, in response to citizens' comments.
2. The City shall maintain a mailing list of neighborhood association officers, persons having requested copies of the City's Comprehensive Plan, persons submitting written comments, and other interested parties for the purposes of informing them, in a timely manner, of public hearing dates and subject matter.
3. A news release will be issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings. Drafts and/or summaries of pertinent information will be available for public inspection and review in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135, in order to keep the residents of the City and general public informed of the progress of the Plan.
4. In the initial advertisement that puts the residents of Bonita Springs and the general public on notice regarding the development of the City's first Comprehensive Plan, proposed amendments thereto, and the preparation of Evaluation and Appraisal Review, and in subsequent news releases as necessary, the public shall be informed that written comments may be provided to the City on forms available from the Office of the City Clerk.
5. These public participation procedures shall be instituted as expeditiously as possible upon acceptance and adoption by the City Council.

ADVERTISING FORMAT

The following are the advertising requirements for the Local Planning Agency (LPA) and City Council transmittal public hearings and for the City Council adoption public hearing(s) per § 1166.041(3)(c)2.b as referenced in Chapter 163.3164.

The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified

Commented [MB4]: Moved to Notification and Advertising Procedures

Commented [MB5]: Moved to Notification and Advertising Procedures, section 3a. Physical posting of notices is no longer available Notification implies webpage or eblast messages

Commented [MB6]: Moved to Notification and Advertising Procedures

Commented [MB7]: Moved to Notification and Advertising Procedures, 1.b. Note that 163.3164 (definitions) has been corrected to 163.3184

Commented [MB8]: This new language expands public input to all plan amendments

Commented [MB9]: Moved to Public Input and Comments Section (p. 2)

Commented [MB10]: Moved to Notification Procedures

Commented [MB11]: Moved to Notification Procedures

Commented [MB12]: Removed. Refers to historical / first adoption of the Plan

Commented [MB13]: Removed. Refers to historical/ first adoption of the Plan.

- PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES
ADVERTISING FORMAT

advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The City of Bonita Springs proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The proposed ordinance may be inspected by the public at (place and times).

Interested parties are encouraged to appear at the meeting and comment on the proposed ordinance.

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

Commented [MB14]: Corrected for typos and moved to Public Hearing Advertising Format and Requirements

MONITORING, UPDATING AND EVALUATION PROCEDURES

EVALUATION AND APPRAISAL REVIEW (EAR)

UPDATING AND EVALUATION PROCEDURES

The following procedures shall be employed in the preparation of the required Evaluation and Appraisal Review (EAR).

1. The City will update appropriate baseline data upon which the Plan in effect at that time was developed. This update of the underlying base data will entail incorporation of newly available secondary data from sources such as:
 - a. Population estimates and projections from the Office of Economic and Demographic Research;
 - b. Demographic and economic data available from the most recent U. S. Census, if different from that employed in the preparation of the Plan presently in force;
 - c. Land use changes recorded by the City;
 - d. Traffic counts and capacities recorded by the Florida Department of Transportation or Lee County Department of Transportation;
 - e. Water, sewer, and solid waste generation or utilization information recorded by Lee County and the franchised utility systems providing such services within the City.
 - f. The State Comprehensive Plan, Chapter 187 F.S., Chapter 163 F.S., the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan.
 - g. Amendments to the City's Plan in the interim time period.
 - h. Other pertinent data or information which can be obtained without primary research.

- PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES
UPDATING AND EVALUATION PROCEDURES

2. The LPA will review each of the measurable objectives and policies identified in the Plan to be accomplished in the period since the Plan was adopted or updated, and will note the degree to which the such objectives or policies have been met by the City.
3. The LPA will identify the extent to which unanticipated and unforeseen problems and opportunities have occurred since the Plan was last adopted or updated as well as obstacles or problems which resulted in under-achievement of the Plan's stated goals, objectives, and policies.
4. The LPA will identify major problems of development, physical deterioration, and the location of land uses and the social and economic effect of such uses in the area as they may have changed since the Plan was last adopted or updated.
5. The LPA will review the City's Comprehensive Plan, the aforementioned updated base data, its determinations regarding the extent to which the Plan's goals, objectives and policies have been met, and any reasons for identified under-achievement, and propose new or modified goals, objectives or policies appropriate to the circumstances prevailing in Bonita Springs.
6. The LPA will review the most current versions of Chapter 197, F. S. the State Comprehensive Plan; and the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan to determine the effects any changes to these documents may have upon the City's Plan.
7. Based upon the foregoing updated data and analyses, the LPA shall identify any actions that need to be taken to address the planning issues identified and propose amendments to the City's Plan, as appropriate.

EVALUATION AND APPRAISAL REVIEW PUBLIC PARTICIPATION PROCEDURES

1. The City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Review in conformance with requirements of the Community Planning Act 163.3164, F.S., as amended. The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required Public Hearings will specify dates, times and locations.
2. At least one public hearing will be held by the Local Planning Agency (LPA) at which time it will review and consider draft materials prepared by City staff setting forth a summary of pertinent data, issues and analyses to be contained in the EAR, hear public comments and make recommendations to the City Council. Announcement of the date of the public hearing before the City Council will be made at this hearing.
3. The City Council, will hold at least two public hearings to review the proposed EAR document, consider the recommendations of the LPA, hear public comments and adopt, or adopt with changes, the EAR.

Copies of the draft EAR, as adopted by the City Council, will be forwarded to the State Land Planning Agency and will be made available to interested parties in the Office of the City Clerk.

Commented [MB15]: The appears to be a typo. Should be 187. Corrected in redraft.

Commented [MB16]: Moved to Evaluating and Appraisal Review Updating and Evaluation Procedures.

Changes to new section:

****Section 1.** Additional terminology regarding compliance with 163.3177(5) incorporated in 1. (e.g., noting the requirement to provide the state with an EAR Notification Letter and the affidavit requirements from statute).

**** Section 2.** Full review is no longer required by the state. As a result Section 2. language refers to 'may' rather than 'will'

Commented [MB17]: Included in Notification Procedures

Commented [MB18]: Included in EAR Updating and Evaluation Procedures (Section 3.)

Commented [MB19]: Included in EAR Updating and Evaluation Procedures (Section 4. - 6.)

*In compliance with state law, redraft refers to EAR Determination Letter adoption

*EAR Determination Letter would require one public hearing as it is not adopting a Comp Plan Amendment but the letter itself.

PUBLIC INPUT AND COMMENTS

1. Public comments will be considered at each of the public hearings. Written acknowledgment of public comments will be made on a form developed for that purpose by the City.
2. A news release will be issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings. Drafts and/or summaries of the pertinent information contained within the EAR and/or amendment(s) will be available for public inspection and review in the Office of the City Clerk in order to keep the residents of Bonita Springs and the general public informed of the progress of the EAR.
3. In the initial advertisements that put the residents of Bonita Springs and the general public on notice regarding the EAR and the EAR-based amendment(s), and in subsequent news releases as necessary, the public shall be informed that written comments may be provided to the City on forms available from the Office of the City Clerk.
4. The initial public notice pertaining to the preparation of the Evaluation and Appraisal Review shall take the following form:

Commented [MB20]: Moved to notification and Advertising Procedures

Commented [MB21]: Advertising Format Requirements

PUBLIC NOTICE

In accordance with the City's adopted Public Participation Procedures, owners of real property within the City of Bonita Springs are hereby notified that the City of Bonita Springs has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Review (EAR) in conformance with the requirements of the Community Planning Act, as amended. Written comments may be provided to the City on forms available from the Office of the City Clerk.

Copies of information, data, reports and summaries will be on file in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135 as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.

Commented [MB22]: Moved to Advertising Format Requirements

EAR-BASED AMENDMENTS

In accordance with Chapter 163, F. S., the City's Comprehensive Plan will be amended, based on the findings and recommendations contained in the EAR, within one year after the EAR is adopted.

Commented [MB23]: Moved to EAR Updating and Evaluation Procedures Section 7.

MEANS TO ENSURE CONTINUOUS MONITORING AND EVALUATION OF THE PLAN

City staff will prepare and maintain a matrix/timetable listing all implementing actions identified in the Comprehensive Plan and their respective due dates, as applicable, over the planning period. This matrix/timetable will be consulted and reviewed on an annual basis to facilitate timely implementation of the Plan and to "red flag" areas where implementation may not be occurring in a timely manner.

City staff will prepare an annual report evaluating the performance level of the activities of the previous year and listing any major planning issues, problems or opportunities that may have arisen during the year, or inconsistencies that may have been identified, along with a recommendation for plan amendments or policy

- PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES
MEANS TO ENSURE CONTINUOUS MONITORING AND EVALUATION OF THE PLAN

adjustments as deemed appropriate. This report will be for public review and for presentation to the LPA and City Council.

(Ord. No. 17-08, § 1, 6-7-17)

Commented [MB24]: Amended for consistency with current practice.

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 24-

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN, AS ADOPTED BY ORDINANCE NO. 02-16, AS AMENDED, ADOPTING OPTIONAL AMENDMENTS BASED ON THE 2023 EVALUATION AND APPRAISAL REVIEW; SO AS TO AMEND THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, COASTAL/CONSERVATION MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, CAPITAL IMPROVEMENTS ELEMENT, PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES ELEMENT, PUBLIC SCHOOLS FACILITIES ELEMENT, AND DEFINITIONS; TO REVISE AND UPDATE THE EXISTING GOALS, OBJECTIVES, AND POLICIES, AND DATA AND ANALYSIS IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, City Council of the City of Bonita Springs, Florida recognizes the need to plan for orderly growth and development; and

WHEREAS, Chapter 163, Florida Statutes, provides for amendments to adopted Comprehensive Plans; and

WHEREAS, the City of Bonita Springs Comprehensive Plan was adopted pursuant to Bonita Springs Ordinance No. 02-16, as amended, in accordance with the Local Government Comprehensive Planning Act; and

WHEREAS, the City's Local Planning Agency reviewed the proposed Amendments to the City's Comprehensive Plan at a duly advertised meeting on February 22, 2024, and determined such amendments to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

WHEREAS, City Council has agreed with the recommendations of the Local Planning Agency that the proposed amendments comply with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendments are consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and

WHEREAS, City Council held a public hearing for the transmittal of the proposed amendments to the State Land Planning Agency on March 6, 2024; and

WHEREAS, the City received the Objections, Recommendations, and Comments Report from the State on __ (date) ____; and

WHEREAS, the City Council held a duly advertised public hearing for the adoption of this Ordinance on __ (date) ____.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

- SECTION 1.** The City of Bonita Springs, Florida hereby adopts amendments to its current Comprehensive Plan, attached hereto as Exhibit "A" and incorporated herein by reference.
- SECTION 2.** Wherever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive shall apply.
- SECTION 3.** The provisions of this Ordinance are severable, and it is the legislative intent that should any section or provision of this Ordinance, or any portion thereof, be declared by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.
- SECTION 5.** Pursuant to §163.3184(3)(c)4, the effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency (or Administration Commission, if applicable) enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this ____ day of _____, 2024.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Steinmeyer	Corrie
Bogacz	Fullick
Purdon	Forbes
Carr	

Date filed with City Clerk: _____

City of Bonita Springs

Optional Amendments – Exhibit A

City Council 3-6-24

Future Land Use

Policy 1.1.2: Density, Affordable Housing Density Bonus, and Wetlands Transfer of Density

- a. While each individual land use category may include a maximum allowable density for residential uses, the actual allowable density for any given property will be stated in the Land Development Code (LDC) based on, but not necessarily limited to, consideration of the following factors:
 1. Compatibility with surrounding existing land uses and future land use patterns;
 2. Vehicular access and existing and planned roadway patterns;
 3. Availability of public services and facilities; and,
 4. Environmental considerations.
- b. The City shall include in its Land Development Regulations a provision for a housing density bonus to encourage private developers to include housing for low and very low income families in their development projects. This provision shall be based on the following guidelines:
 1. The number of additional units resulting from the granting of bonus density shall not exceed the number of rental or owner-occupied housing units allocated specifically to low and very low income households within the project.
 - (a) A low income household is defined as a household whose annual income does not exceed 80% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).
 - (b) A very low income household is defined as a household whose annual income does not exceed 50% of the countywide median as defined by the Department of Housing and Urban Development (DHUD).
 2. The maximum bonus density, in excess of the maximum density otherwise allowable within the future land use category, available to a given project shall be as set forth in the following schedule:

Maximum Density Per Land Use And Maximum Density With Bonus Density

Land Use Category	Maximum Standard Density	Maximum Density With Bonus
Estate Residential	.33 units/acre	.33 units/acre
Low Density Residential	1.3 units/acre	1.3 units/acre
Suburban Density Residential	3 units/acre	5 units/acre
Moderate Density Residential	5.8 units/acre	7 units/acre
Moderate Density Mix/PUD	6 units/acre	9 units/acre
Urban Fringe Community	2.54 to 2.77 units/acre	2.54 to 2.77 units/acre
Medium Density One & Two Family	11.6 units/acre	11.6 units/acre
Medium Density Residential-MF	6 units/acre	10 units/acre
High Density Residential-Multifamily	10 units/acre	15 units/acre
Downtown District	20 units/acre	N/A
High Density Mixed Use	10 units/acre	15 units/acre

3. The City may include a provision for a cash contribution to a housing trust fund dedicated to the provision of housing for low and very low income households in lieu of the allocation of on-site units to low and very low income households.

4. Any project for which a density bonus provision is applied must meet the following criteria:
 - (a) the resulting development does not have substantially increased intensities of land use along its perimeter unless it is adjacent to an existing or approved development of a similar intensity;
 - (b) the additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road;
 - (c) existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;
 - (d) there will be no decrease in required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses; and,
 - (e) storm shelters or other appropriate mitigation is provided if the development is located within the Category 1 Storm Surge Area-Zone for a land-falling storm as defined by the most current Hurricane-Storm Tide Atlas for Lee County prepared by the Florida Department-Division of Emergency Management.
- c. Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands identified on Figure 4-: Wetlands, Seagrass Beds, and Water Bodies~~Evaluated Wetlands~~, in the Future Land Use Map Series shall be one unit per 20 acres, except:
 1. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the Administrative Section of the Future Land Use Element; and.
 2. Transfer of density provision - Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership as displayed in the following table at the maximum rate indicated. The table is cumulative in that the amounts shown are what is permitted under the land use, permitted with an affordable housing bonus and that permitted as a transfer. The area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

Density Transfer - Wetlands to Uplands Per Upland Acre (All Numbers Reflect Dwelling Units Per Acre)

Future Land Use Category	Standard Maximum Density	Maximum Additional Bonus Density	Maximum Additional Density With Transfer
Estate Residential	.33	0	0
Low Density Residential	1.3	0	0
Suburban Density Residential	3	0	0
Moderate Density Residential	5.8	0	0
Mod. Den. Res. PUD	3	3	0
Moderate Density Mix/PUD	6	3	1.5

Medium Density One & Two Family	11.6	0	0
Medium Density Residential-MF	6	4	2
Urban Fringe Community	2.54 to 2.77	0	0
High Density Residential-Multifamily	10	5	2.5
Downtown District	20	N/A	N/A
High Density Mixed Use	10	5	2.5
General Commercial, Interchange Commercial and Industrial	10	5	0

Policy 1.1.10.1: Urban Fringe Community District. Intended to accommodate and provide flexibility for development in areas exhibiting substantial environmental resource protection lands combined with transitional urban characteristics. In order for land to be considered for this designation, land requested to be placed in this category shall be a minimum of 100 acres within the 1,165 acres of gross land area in the land use category. Development within this category would be allowed from 2.54 to 2.77 gross dwelling units per acre. Land developed within this Urban Fringe Community District must adhere to the following innovative design and planning principles.

1. All new development within the Urban Fringe Community District shall be required to be zoned as a Planned Development.
2. Development within this Urban Fringe Community District will be required to cluster in order to minimize loss of native vegetation and wetland function. Developments within the Urban Fringe District are permitted to be clustered at higher than gross density as long as the gross density and maximum number of units are not exceeded for the total acreage within the Urban Fringe District. Significant natural systems, or wetlands which require preservation in order to comply with Local, State and Federal Permitting, shall be placed in the Resource Protection Future Land Use category and for purposes of the Urban Fringe Community District, shall be included in gross acreage for density calculations.
3. Development within the Urban Fringe Community District is encouraged to provide a mix of uses, including a mix of residential types, recreational amenities, civic spaces and convenience and commercial uses intended to serve residents and their guests in order to minimize trips outside the Urban Fringe Community District .
4. Development is encouraged to provide creative site designs, and clustering is required to provide for greater common open space and mixed-use development. The planning flexibility provided through the planned development process shall encourage and facilitate creative design techniques.
 - a. Residential Development. These areas shall include single and/or multiple family home site acreage, and shall include, but not be limited to, single-family attached and detached; duplexes and two-family units; and town homes and other multi-family dwelling types.
 - b. Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses.
 - c. Residential and Non-residential Development acreage may account for no more than 60% of the gross area within the Community Fringe District. Intensity/density standards for all uses within this category are set forth in the Intensity/Density Table below:

Percent Aggregate Land Use Mix Within the Mixed Use Future Land Use Map Category

Land Uses in Mixed Use	Minimum % Land Use Mix	Maximum % Land Use Mix	Maximum Density/Intensity
Residential	45%	58%	2.77 gross du/ac (3300—3600 du ¹)
Commercial/Non-residential ²	2%	15%	.35 FAR
Open Space	40%	53%	.25 FAR

¹Gross density pursuant to Policy 1.1.10.1

²Commercial uses, excluding recreational facilities (including, but not limited to, the clubhouse and ancillary facilities), will be limited to 5 total acres.

- d. Open Spaces. These areas will include preserved natural areas, buffers lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40 percent of the Property within the Urban Fringe Community District. Golf course fairways will account for no more than 50 percent of the open space of the subject Urban Fringe Community District.
- e. The owners will employ management strategies in and around any golf course to address the potential for pesticide/chemical pollution of the groundwater and surface water receiving areas. The owners will comply with the goals of the Audubon Cooperative Sanctuary Program for Golf Courses. The management practices will include:
 - i. The use of slow release fertilizers and/or carefully managed fertilizer applications which are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater;
 - ii. The practice of integrated pest management when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The management program will minimize, to the extent possible, the use of pesticides, and will include the use of the United States Department of Agriculture Soil Conservation Services Soil Pesticide Interaction Guide to select pesticides that have a minimum potential for leaching or loss to due runoff depending on the site-specific soil conditions. Application of pesticides within 25 feet of any Corkscrew Regional Ecosystem Watershed, or other adjacent public preserve lands, is prohibited;
 - iii. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any pesticides and nutrients;
 - iv. The utilization of a golf course manager who is licensed by the State to use restricted pesticides and who will perform the required management functions. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater; and
 - v. The storage, mixing and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.

- f. Any required perimeter buffer zones pursuant to Policy 1.1.10.1(5)(c)(iv) must be replanted with vegetation after construction. Revegetation must adhere to the following:
 - i. Seventy five percent of the total number of replanted trees used in buffers and landscaping must be indigenous, and fifty percent of the replanted shrubs must be indigenous;
 - ii. Plant material must conform to the standards for Florida Number 1 or better as given in Grades and Standards for Nursery Plants ~~1973~~2022, and ~~Grades and Standards for Nursery Plants, Part II, authored by the~~ Florida Department of Agriculture and Consumer Services, Tallahassee, or as subsequently amended.
 - iii. Australian pine, cajeput, Brazilian pepper, downy rose myrtle, Cuban laurel, melaleuca, bishopwood, castor bean, common papaya, common snakeplant, day jessamine, hunters robe, Queensland umbrella tree, trailing wedelia may not be used as part of the revegetation of the property after construction.

[NOTE: Remainder of Policy 1.1.10.1: Urban Fringe Community District is not duplicated here. No amendments are offered for the remainder of the policy or subsections. Specifically, Policy 1.1.10.1 (4)(g.) through 1.1.10 (4)(j.) and Policy 1.1.10.1(5) through 1.1.10.1(8), including remaining subsections are recommended to remain the same.]

Policy 1.1.25: ~~Within one year of adoption of the Comprehensive Plan the City will prepare~~The City shall maintain -Land Development Regulations which implement the Comprehensive Plan and which, at a minimum:

- a. Regulate the subdivision of land to promote compatibility among adjoining uses and reduce the potential for urban sprawl by encouraging infill and redevelopment.
- b. Regulate the use of land and water consistent with this Element by including provisions:
 - 1. for a range of zoning districts of varying intensities matched to purpose of each district.
 - 2. to encourage the location of lesser intensity nonresidential uses adjacent to residential uses;
 - 3. for spatial and/or vegetative buffers, walls or fences, or other appropriate measures that will ensure compatibility between residential uses and more intensive nonresidential uses, to ensure compatibility of adjacent land uses;
 - 4. to prevent overcrowding by limiting building and impervious coverage and requiring adequate open space.

Objective 1.2: The City shall take the following steps to eliminate blighting influences and foster redevelopment in the Downtown District:

- a. Develop urban design guidelines that characterize the human scale, sense of place, and levels and types of activities envisioned for the revitalized area.
- b. Develop incentives for creative mixed-use developments where appropriate.
- c. Develop provisions to encourage preservation and adaptive reuse of historic structures.

- d. Develop provisions to encourage renovations and compatible in-fill development.
- e. Develop provisions for the employment of traditional neighborhood design in redevelopment efforts.
- f. ~~Develop and adopt~~Maintain a Form Based Code in the City's LDC to promote revitalization consistent with Policy 1.1.11.

Objective 1.3: Improve the visual and aesthetic appearance of the City through the development and implementation of urban design, architectural and landscape guidelines.

~~**Policy 1.3.1:** The City shall prepare an Urban Design/Community Design Element to be incorporated into the Plan. This Element would be intended to describe and depict how the various physical parts of the City will work together to create the special character and livability of the community as expressed in its Vision Statement.~~

Policy 1.3.21: The City shall consider adopting additional recommendations that may be contained in the Bonita Beach Road Visioning Study by Toole Design Group dated November 1, 2016.

Objective 1.7: To maintain, protect, and where feasible restore, the City's natural environment and resources, and to protect the City's historic resources.

~~**Policy 1.7.1:** In order to best protect ground-water resources, by year-end 2004, the City shall have completed a study to identify the types and intensity of uses that should be allowed within the DRGR area, and to determine the most effective and appropriate techniques to ensure the maintenance of adequate quantity and quality of surface and groundwater resources. The study shall include, but shall not be limited to, evaluation of the following factors in the study area:~~

- ~~a. Subsurface and surface water resources.~~
- ~~b. Existing uses and those having received approval prior to the adoption of the City's Comprehensive Plan.~~
- ~~c. Soils, wetlands, habitats and species and their quantity and quality.~~
- ~~d. The Imperial River and its historical and present floodways and flow ways.~~
- ~~e. Drainage and stormwater patterns and flooding.~~
- ~~f. The long term water and wastewater supply and disposal needs and plans of Bonita Springs Utilities.~~
- ~~g. Resource protection measures applicable and contained in the City's Comprehensive Plan and land development regulations.~~
- ~~h. Allowable uses and their density and intensity.~~
- ~~i. Existing and planned infrastructure in and affecting the area.~~
- ~~j. SFWMD and County ownership in and projects affecting the area.~~
- ~~k. Potential positive or negative effects of possible new land uses on the resource base(s) and new or amended best environmental management practices needed by the City to further its control.~~

~~**Policy 1.7.2:** Upon completion of the study referred to in Policy 1.7.1, the City shall amend its Comprehensive Plan to identify the uses considered most appropriate in the DRGR and the resource protection measures and practices necessary to ensure its continued viability.~~

Policy 1.7.31: The City shall ~~establish a stream protection overlay zone to improve~~continue to protect protection for the Imperial River, Oak Creek, Leitner Creek, and the Bayside drainage area of Little Hickory Island. ~~New and existing development shall. The overlay zone shall require the use of~~utilize the Best Management Practices, as established in Objective 9.3 of the Conservation/Coastal Management Element, ~~for new development and redevelopment and will targeting target~~ pollution control and water conservation education to existing residents. ~~In the meantime, n~~New development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development. Impacting these watersheds, new development will be required to adopt Best Management Practices approved by the City which will minimize runoff and reduce pollutants and are consistent with the Best Management Practices adopted by the City under Objective 9.3 of the Conservation/Coastal Management Element of this Comprehensive Plan, [reference Rules 62-4.242, 62-302, and 40E-4, F.A.C. and the South Florida Water Management District's *Basis of Review for ERP Applications*.]

Policy 1.7.42: The City shall ~~consider establishment of a stream protection overlay zone for~~maintain protection of Spring Creek. ~~In the meantime, and~~ new development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development. [reference Rules 62-4.242, 62-302, and 40E-4, F. A. C. and the South Florida Water Management District's *Basis of Review for ERP Applications*.]

Policy 1.7.53: During the preparation of its Land Development Regulations the City shall consider expanding regulations and permitting procedures related to wetland protection measures, including the following:

- a. The City's role in permitting related to that of the South Florida Water Management District, and the Corps of Engineers and the desirability and feasibility of increasing the City's role.
- b. Regulations the City could include in its Land Development Regulations to increase wetland protection consistent with the provisions of Sections 373.016, .023, and .414, Florida Statutes.

Policy 1.7.64: The City shall protect its environmentally critical areas by requiring the use of Planned Development in locations exhibiting characteristics of environmentally critical areas including: (1) Areas designated as Resource Protection on the Future Land Use Map; (2) other wetlands identified on the map of ~~Wetlands, Seagrass Beds, and Water Bodies Evaluated Wetlands~~ in the Future Land Use Map Series, and; (3) ~~R~~rare and unique Unique upland Upland habitats Habitats, including sand scrub, coastal scrub and pine flatwoods ~~-referenced identified on the Vegetation and Habitats Map contained~~ in the Conservation/Coastal Management Element, where these habitats can be categorized as mature due to the absence of severe impacts caused by logging, drainage and exotic infestation.

Developments shall incorporate clustering or other innovative and appropriate development techniques to avoid clearing and other impacts associated with the development footprint by shifting infrastructure and other structures to appropriate nonsensitive locations.

Policy 1.7.75: The City shall include in its Land Development Regulations a provision to allow transfer of density from wetlands to developable contiguous uplands under common ownership, provided the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not disrupt sensitive upland habitats.

Policy 1.7.86: The City shall continue to use the Florida Department of State, Division of Historical Resources "Florida Master Site File" and Lee County's local register of historic places as the method of maintaining a record of local historically significant housing. Identification of other potential candidates for historical designation shall be accomplished in the following manner:

- a. Structures located within "Old Mainland Bonita Springs" for which applications for demolition, additions or renovations are submitted shall be reviewed by the City to determine whether or not the structure meets the criteria established by the Florida Department of State for inclusion in the Master Site File.
- b. If the Department of State's criteria are met, the City will nominate the structure for inclusion on the Master Site File and/or the National Register of Historic Places as applicable.

Policy 1.7.97: The City shall continue to protect its historic and prehistoric resources by reviewing the Planned Development provisions in its development code to ensure they include provisions that require new development to identify and preserve such resources.

Policy 1.7.108: The City shall take steps to ensure that its heritage of historically significant structures is preserved.

- a. Designating a City "Historic Preservation" Board to reinstate historic preservation within its municipal boundaries.
- b. Adopting a municipal Historic Preservation Ordinance.
- c. Becoming a "Certified Local Government" in order to provide access to relevant historical preservation funds.
- d. Cooperating with the Bonita Springs Historical Society and owners of designated historically significant housing to obtain funding, through the various programs operated by Lee County, for rehabilitation or restoration.
- e. Considering incentives to encourage the preservation of locally identified historic structures including provisions in its Land Development Regulations or through mechanisms such as creative adaptive reuse, relocation of the structure, tax relief or tax abatement.
- f. Pursuing funding sources for historic preservation including state grants, federal grants, tax benefits, partnerships with local banks, and revolving funds.
- g. Providing for the preservation of historically significant structures when preparing Design Standards for the Downtown District.
- h. Contracting for consultation, technical assistance, and on-going staff support for the City's historic preservation program when deemed necessary by City Council.

Policy 1.7.119: Upon completion of the City's Parks and Recreation Master Plan, the City will ~~begin~~ maintain a sign program to identify appropriate historic and prehistoric resources.

Objective 1.9: Coordinate future land uses by encouraging the elimination or reduction of uses that are inconsistent with the recommendations contained in the 2022 Joint Local Mitigation Strategy Local Hazard Mitigation Strategy report recommendations, authored by Lee County Emergency Management, or as subsequently amended.

Policy 1.9.1: The City shall continue to participate in the Local ~~Hazard~~ Mitigation Strategy Working Group.

Policy 1.9.2: The City shall continue to:

- a. Enforce its "Flood ~~Damage Prevention~~Hazard Reduction Ordinance" to reduce flood hazards in all areas of special flood hazard.
- b. Seek cooperative funding for the retrofit, relocation or acquisition of the seven repetitive loss properties in the City.
- c. Support the South Florida Water Management District's efforts to increase the storage capacity for stormwater in the Imperial River and Spring Creek watersheds.
- d. Give high priority to projects that improve the ability of current drainage systems to convey or divert stormwater flooding from the Imperial River.
- e. Attempt to improve the City's Building Code Effectiveness Rating System to reduce homeowner policy rates for new construction.

Objective 1.14: The City shall discourage the proliferation of urban sprawl by maintaining or increasing densities, consistent with flood hazard considerations, between Old U. S. 41 and I-75 to encourage in-fill and redevelopment.

~~**Policy 1.14.1:** The City will conduct the study referenced in Policy 1.7.1 to determine the land uses most appropriate in the DRGR area.~~

~~**1.14.21:** The City will allocate moderate to high densities adjacent to compatibly developed areas of the City to encourage in-fill, development and redevelopment west of I-75.~~

Objective 1.15: Establish regulations for the reduction of greenhouse gas emissions and for solar and other energy saving techniques.

~~**Policy 1.15.1:** The City will continue to monitor the effectiveness of its site lighting ordinances and amend as needed in order By the end of 2012, the City shall implement new site lighting regulations in the Land Development Code. The purpose of these new regulations is to minimize light pollution and reduce energy consumption associated with lighting of such facilities while ensuring that the safety of residents and visitors is not compromised.~~

~~**Policy 1.15.2:** The City will continue to monitor the effectiveness of its green building ordinances and amend as needed in order By the end of 2012, the City shall create guidelines within its Land~~

Development Code to facilitate the development of "green buildings" in Bonita Springs without forcing excessive costs or other burdens upon developers, building owners or occupants. The guidelines will be applicable to all new residential and nonresidential buildings.

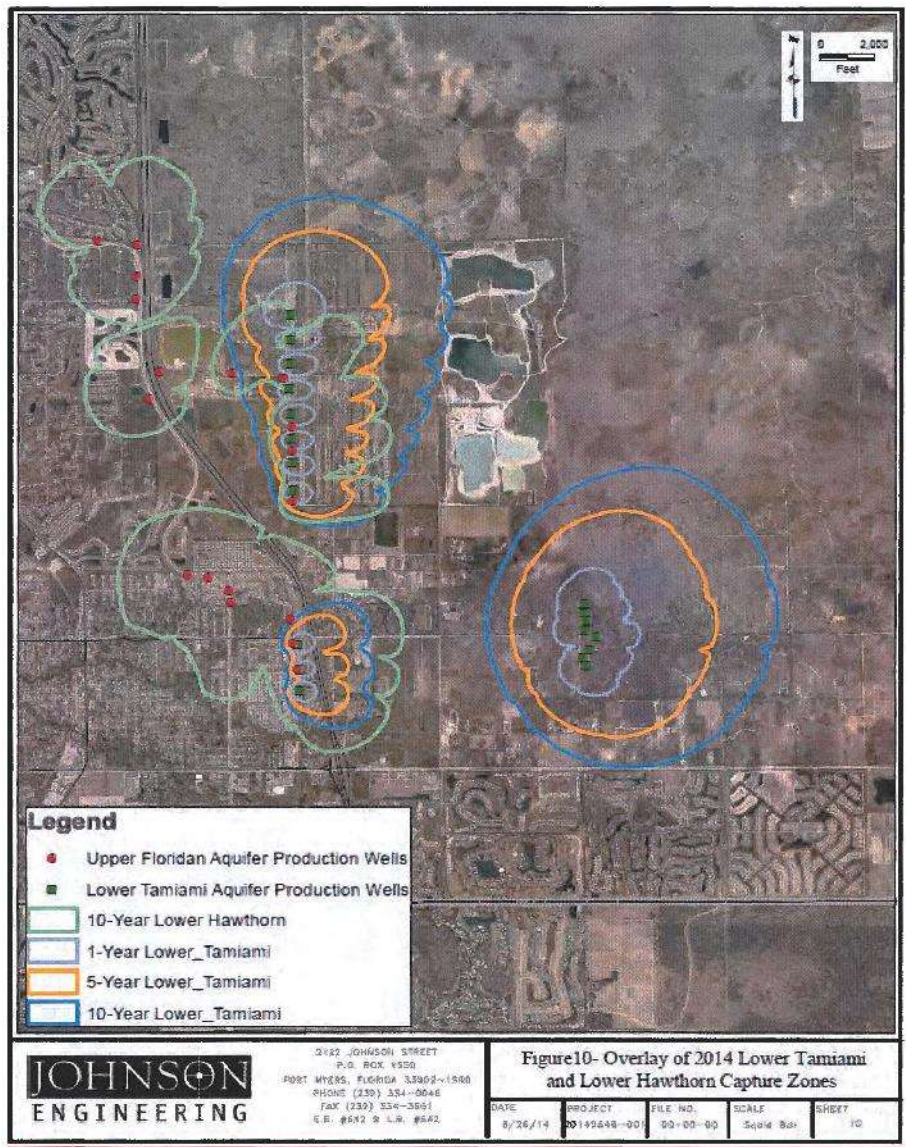


Figure 3: Existing and Planned Potable Water Wells and Well Head Protection Areas

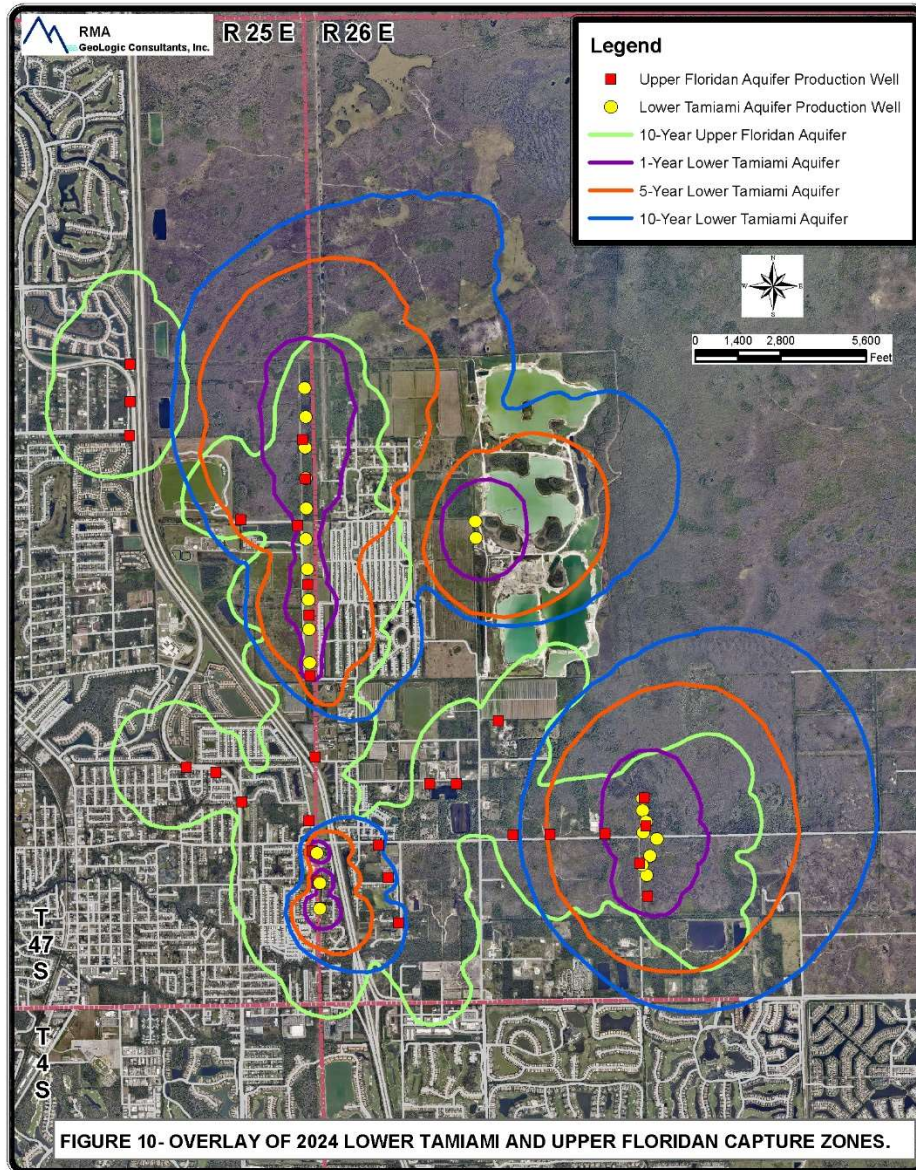


Figure 3: Existing and Planned Potable Water Wells and Well Head Protection Areas

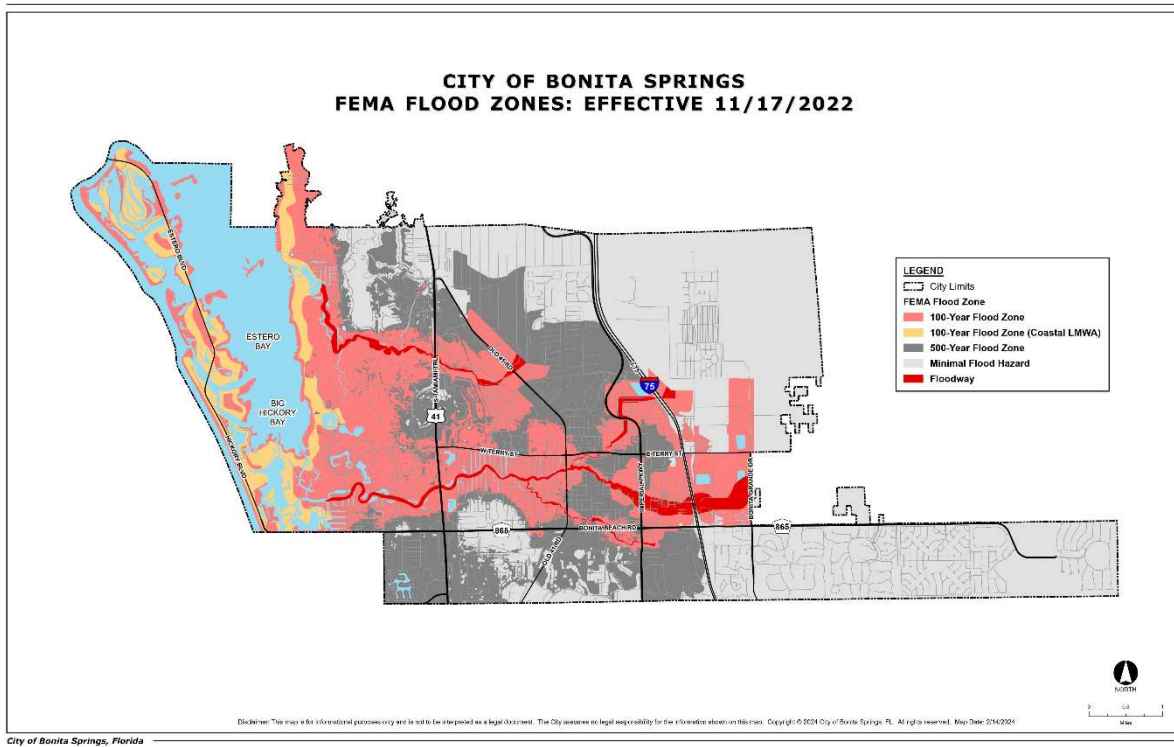
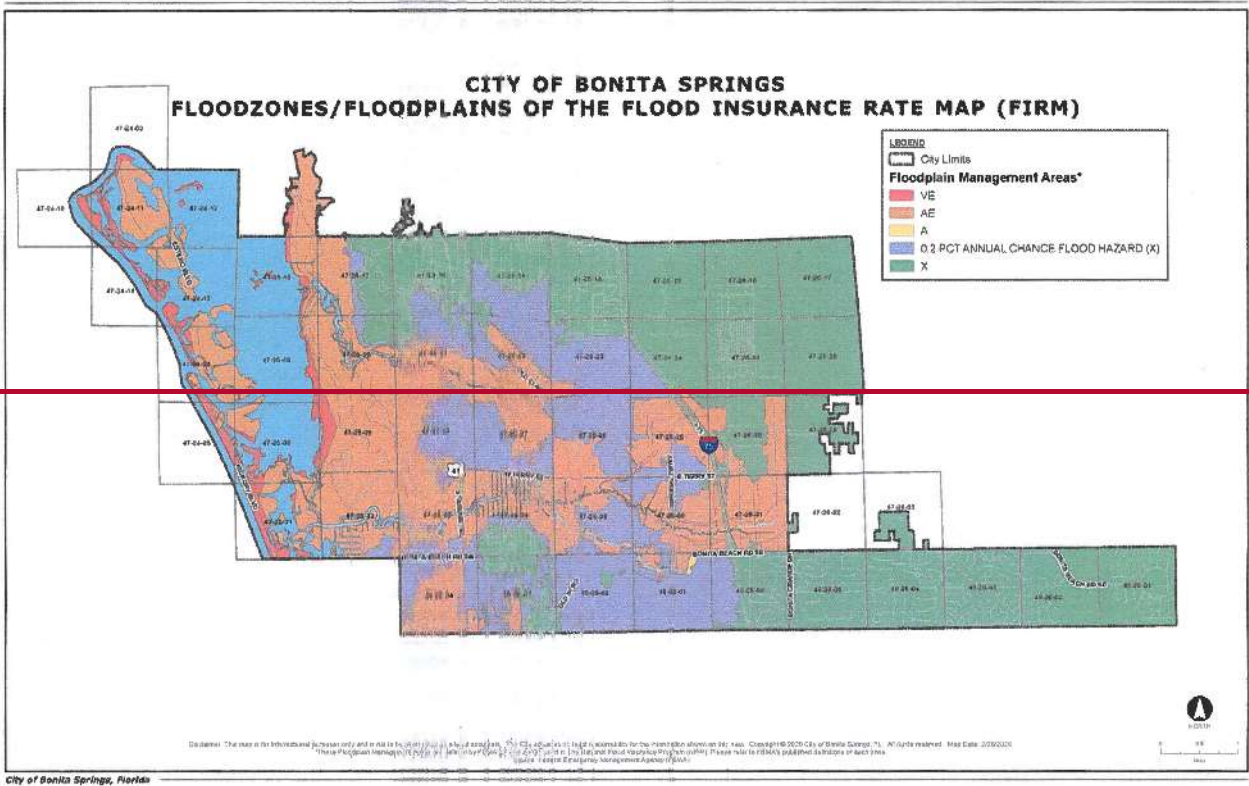


Figure 6: Floodzones/Floodplains

Transportation Element

Objective 1.1: The implementation of a safe, convenient, healthy, and energy efficient multi-modal transportation system which will be maintained and improved to accommodate the forecasted traffic demand for the year ~~2040~~ 2045 and which is consistent, to the extent possible, with the most current Long Range Transportation Plan of the Metropolitan Planning Organization (MPO), the roadway system established by Lee County, and the Adopted Five-Year Work Program of the Florida Department of Transportation (FDOT).

Policy 1.1.2: The Lee County MPO's ~~2040~~ 2045 Financially Feasible Long Range Transportation Plan series is hereby incorporated as part of the Transportation Map series for this Element of the Comprehensive Plan. Changes to the City's Future Transportation Map series may be necessary from time to time, and the City will work with the MPO to ensure any necessary changes are incorporated into the MPO Plan so that the two plans remain consistent.

Policy 1.1.7: Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, the City and Lee County have determined that certain roadway segments should not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads as a trade-off for the preservation of scenic, aesthetic, historic, environmental, walkable, and attractive small town urban character of the community. These constrained roadway segments are Hickory Boulevard from Big Carlos Pass south to Bonita Beach Road; Old U. S. 41 from the Collier County line north to Terry Street; Logan Boulevard from the Collier County line north to Bonita Beach Road, and all roadways within the Downtown District. All development utilizing a constrained roadway shall provide multi-modal or other alternative transportation improvements as set forth in the City's LDC.

Policy 1.4.3: The City shall ~~initiate development of~~ continue to implement a comprehensive "streetscape" plan which should include unifying landscape design for medians, street trees and other urban design considerations.

Policy 1.4.4: ~~Initial e~~ Emphasis shall be given to improving the appearance and aesthetics of Imperial ~~Street~~ Parkway, Bonita Beach Road, Old U. S. 41, U. S. 41, Hickory Boulevard and Vanderbilt Drive, each of which are gateways to the City.

Policy 1.4.5: The City will continue to identify opportunities to implement the City of Bonita Springs Wayfinding Signage and Gateway Feature Master Plan.

Policy 1.5.9: State facilities inside the City limits include I-75 and US 41, as provided in the most recent Lee County MPO Long Range Transportation Plan (LRTP). The ~~2040-Lee County MPO 2045~~ LRTP Needs Plan proposes the addition of managed lanes on I-75 within the City limits. widening I-75 within the City limits from six (6) to eight (8) lanes and an interchange improvement at I-75 and Bonita Beach Road. The Right-of-Way phase for the I-75 Managed Lanes project within the City limits is included in the FDOT SIS Long Range Cost Feasible Plan FY 2029-2045.

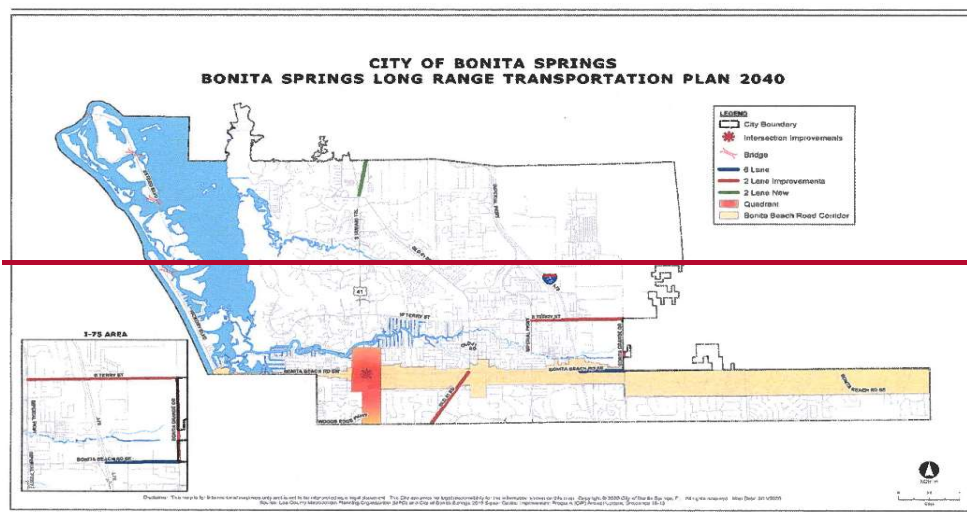
YEAR ~~2040~~ 2045 DAILY LOS ON STATE ROADWAYS

<u>Roadway</u>	<u>From</u>	<u>To</u>					
					<u>Daily Capacity</u>	<u>Daily Volume¹</u>	<u>Daily LOS</u>
<u>US 41</u>	<u>Collier County Line</u>	<u>CR 865/Bonita Beach Rd</u>	<u>6</u>	<u>E</u>	<u>56,805</u>	<u>62,711</u>	<u>F</u>
	<u>CR 865/Bonita Beach Rd</u>	<u>Terry St/Bonita Bay Blvd</u>	<u>6</u>	<u>E</u>	<u>56,805</u>	<u>62,536</u>	<u>F</u>
	<u>Terry St/Bonita Bay Blvd</u>	<u>CR 887/Old US 41 Rd/Pelican Landing</u>	<u>6</u>	<u>E</u>	<u>56,805</u>	<u>55,971</u>	<u>D</u>
	<u>CR 887/Old US 41 Rd/Pelican Landing</u>	<u>City Limits</u>	<u>6</u>	<u>E</u>	<u>56,805</u>	<u>71,179</u>	<u>F</u>
<u>I-75</u>	<u>Collier County Line</u>	<u>CR 865/Bonita Beach Rd</u>	<u>10</u>	<u>D</u>	<u>206,644</u>	<u>168,209</u>	<u>D</u>
	<u>CR 865/Bonita Beach Rd</u>	<u>City Limits</u>	<u>10</u>	<u>D</u>	<u>206,644</u>	<u>169,788</u>	<u>D</u>

Source: 2022 FDOT District 1 LOS Tables

1. 2045 Model volumes are based on 2045 Cost Feasible Model, District One Regional Planning Model
2. The daily capacities are based on FDOT LOS D standard from 2023 FDOT Multimodal O/LOS Handbook

Policy 2.5.1: Maintain and update the adopted Bonita Beach Road Corridor Network Zones Map as part of the City's future transportation system. Adopt the Bonita Beach Road "Corridor Network Zones Map" into the City of Bonita Springs Comprehensive Plan.



CITY OF BONITA SPRINGS BONITA SPRINGS LONG RANGE TRANSPORTATION PLAN 2045

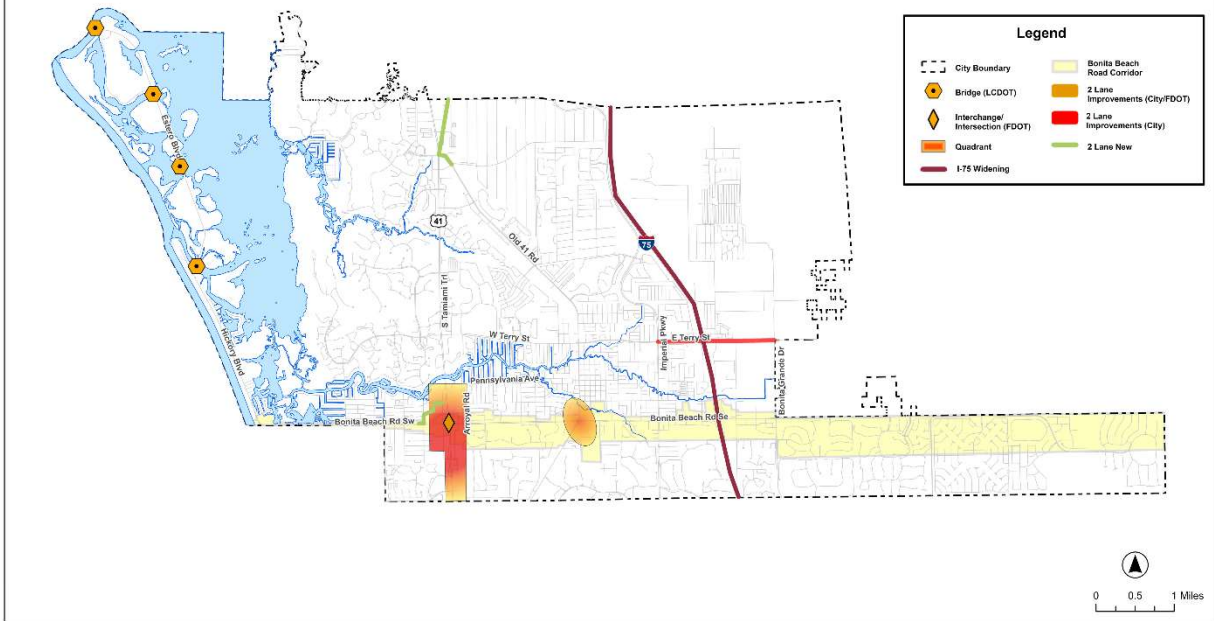
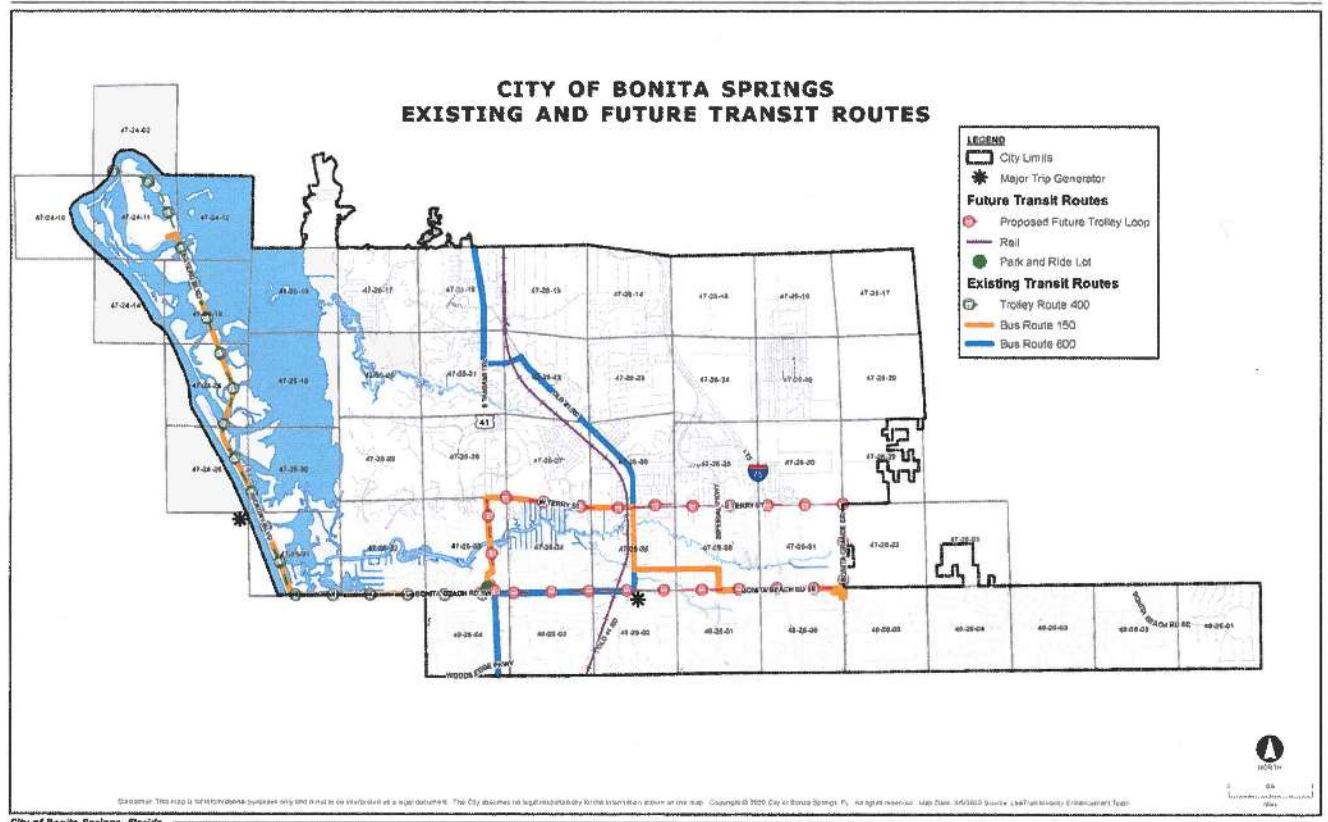


Figure 3: City of Bonita Springs Long Range Transportation Plan



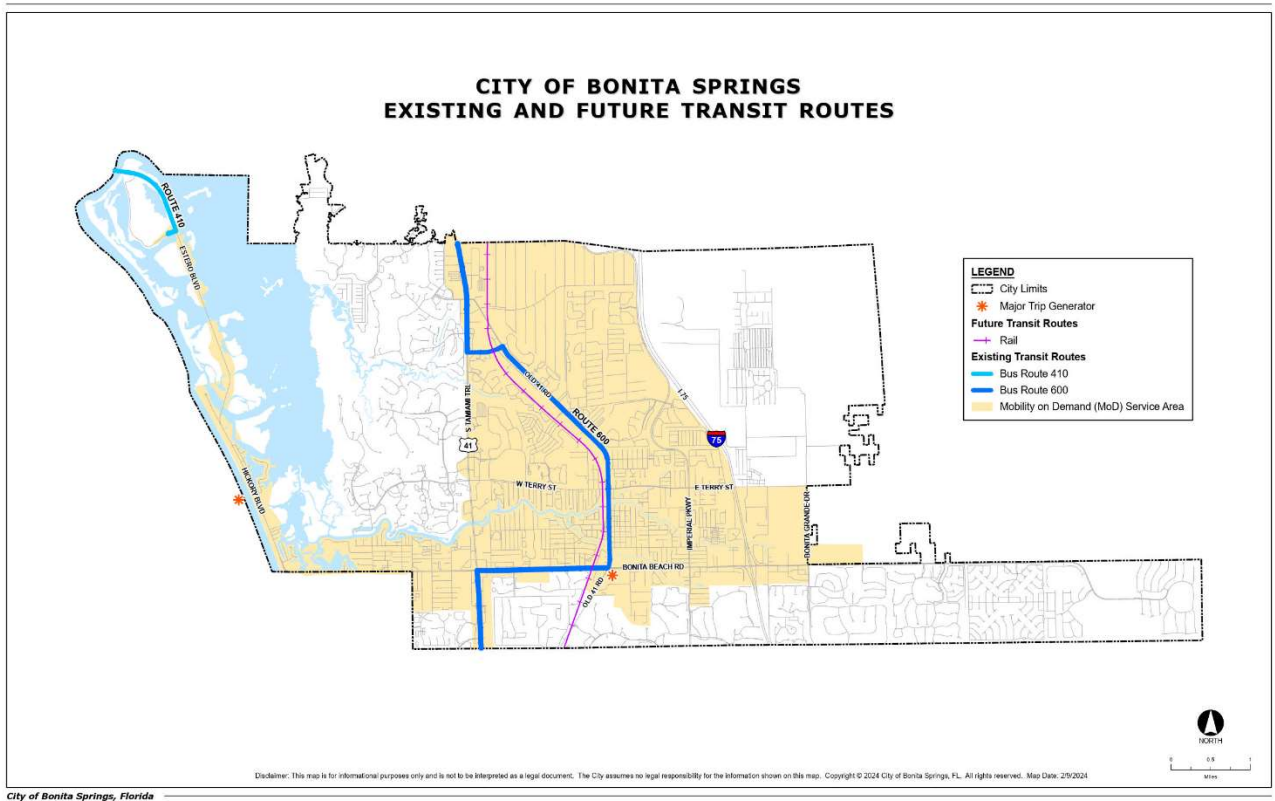


Figure 4: Existing and Future Transit Routes

Housing Element

Objective 1.2:Housing Conditions - ~~Eliminate or have improved to standard condition, by the end of the planning period, 10% of the 651 occupied~~ Monitor substandard housing units identified in the 2000 Census ~~as for continued improvement, including housing that lacks~~ lacking plumbing facilities, ~~is overcrowded, and/or requires improvements to or in an overcrowded condition, and improve the~~ structural and ~~d~~ aesthetic condition of the existing housing stock.

~~**Policy 1.2.6:** The City shall prepare a comprehensive neighborhood improvement plan for Rosemary Park based on previous studies and public participation.~~

Policy 1.2.76: The City shall continue to conserve existing housing and improve the quality of neighborhoods by emphasizing neighborhood planning, community redevelopment programs, and enforcing appropriate development regulations.

Objective 1.3:Affordable Housing — Reduce ~~the need for housing assistance in the City, by the end of the planning period, the percentage of the City's households identified as being of lower income and in need of housing assistance from 7.6% to 5.0%.~~

Policy 1.3.1: ~~Upon availability of the necessary housing, demographic and income data in the 2000 Census, the City will request the Department of Community Affairs to authorize the Shimberg Center for Affordable Housing to prepare a Housing Needs Assessment for the City of Bonita Springs. To better understand affordable housing needs and implementation strategies, the City will attempt to partner with the Shimberg Center for Housing Studies to conduct an affordable housing needs study.~~

Policy 1.3.4: The City shall stimulate production of affordable housing for the very low, low and moderate income households through the Affordable Housing Trust Fund ~~and shall meet with local lenders to develop incentives to offer opportunities for low and moderate income households to receive reduced closing costs or reduced interest rates on home mortgages or loans for needed rehabilitation or renovation and partnerships with affordable housing providers.~~

Policy 1.3.5: Among the possible methods of assisting local non-profit organizations in the provision of affordable housing for very low, low, and moderate income households, the City ~~shall may~~ undertake ~~one or more of the~~ partnerships with affordable housing providers. Affordable housing providers may utilize funds to: ~~following:~~

- a. ~~Grants~~ Provide grants, low cost loans, or deferred payment loans to certified housing development corporations or non-profit groups organizations to cover infrastructure and/or land development costs associated with new affordable housing.
- b. Make A ~~Annual~~ contributions towards the administrative costs of certified housing development corporations or non-profit groups ~~the Bonita Springs Area Housing Development Corporation or its successor to allow the Corporation~~ providing affordable housing as a means to ~~continue to~~ expand its the mission to provide decent, affordable

housing in the community. Programs may include both new construction and housing rehabilitation for lower income home ownership and rental housing, and special needs housing.

- c. Acquire land suitable for development of affordable housing, or provide low cost loans to approved housing development corporations or nonprofit organizations to cover the cost of purchasing sites for affordable housing.

Policy 1.5.1: The City shall work with its "Historic Preservation" Board to support historic ~~designate a City "Historic Preservation" Board to reinitiate historic~~ preservation within its municipal boundaries.

Policy 1.6.5: ~~By the end of 2012, the City shall create~~the City shall maintain guidelines within its Land Development Code to facilitate the development of "green buildings" in Bonita Springs without forcing excessive costs or other burdens upon developers, building owners or occupants. The guidelines will be applicable to all new residential and nonresidential buildings.

Infrastructure Element

Sanitary Sewer Sub-Element

Policy 1.2.6: The City shall request Bonita Springs Utilities (BSU) to give ~~the following priorities~~priority within its capital improvements schedule for any remaining cost feasible projects that may be needed ~~intended~~ to extend central sewer service to areas within the City now using septic tanks ~~(as identified on Figure 5 in the Infrastructure Element Supporting Documentation).~~

- a. ~~Area 1: High priority~~
- b. ~~Area 2: Moderate priority~~
- c. ~~Area 12: High priority~~

Stormwater Sub-Element

Objective 1.1: Improve stormwater management, in terms of both quantity and quality, within the City.

Policy 1.1.1: The City Council shall ~~complete its~~maintain its Stormwater Master Plans and ~~establish a~~ funding sources to begin carrying out ~~implement~~ the stormwater improvements ~~identified and recommended selected~~ in the City of Bonita Springs Stormwater Master Plan Update (Phase I), dated December 2010 and the City of Bonita Springs Stormwater Master Plan Update Phase II, dated October 2011 ~~City's Stormwater Master Plan.~~

Objective 1.3: To protect the City's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

~~**Policy 1.3.3:** Upon completion of the City's study of the Density Reduction Groundwater Resource (DRGR) area located east of I-75, amend the Future Land Use Element to include an objective and associated policies to identify the most appropriate land uses and resource protection methods in the DRGR.~~

Policy ~~1.3.3:1.3.4:~~ The City will cooperate with, and ~~crowds forward~~ relevant data to Bonita Springs Utilities for the purpose of identifying wellfields.

CONSERVATION/COASTAL MANAGEMENT ELEMENT

Policy 4.1.1: Development shall be limited in Rare and Unique Upland Habitats and strictly controlled in wetlands (as stated in Policy 15.1.1 of the Conservation/Coastal Management Element.) in the City.

Policy 5.2.4: Development in the Coastal Management Area, except as otherwise restricted by ~~5-2~~ Policy 5.2.1 and the City's redevelopment project on Old U.S. 41, shall be infill only and shall not exceed the surrounding properties' density/intensity except as allowed by existing zoning at the time of the adoption of this Comprehensive Plan.

Policy 7.2.3: The City shall, when providing new infrastructure, avoid disrupting the natural functions of significant natural systems within the City by using the following process:

- a. At a minimum, "Significant natural system" (SNS) shall include the estuary, including Spring Creek and the Imperial River and its tributaries, and environ-mentally sensitive lands as defined in Policy 7.1.1 d.2

Policy 7.6.1: The City shall maintain a policy of negotiations with owners of land surrounding eagle nests to provide an optimal management plan within which all development within critical eagle nesting habitat and buffer areas must be consistent. The management plans shall address at a minimum:

- a. A description of the land around the critical eagle nesting habitat, including locations of nest tree(s) and perch tree(s), vegetation types, and a description of the type and density of understory and canopy vegetation;
- b. A history and behavior patterns of the eagle pair;
- c. An aerial map and a map at the scale of the development which shows the location of the eagle's nest and other critical eagle nesting habitat features as well as the proposed development;
- d. The size and shape of the buffer area;
- e. Measures to reduce potential adverse impacts of the development on the nesting bald eagles;
- f. A critical eagle nesting habitat management plan, which shall include techniques to maintain viable nesting habitat. These techniques may include controlled burning, planting, or removal of vegetation, invasive exotic species control, maintaining hydrologic regimes, and monitoring;
- g. Deed restrictions, protective covenants, easements, or other legal mechanisms, ensuring that the approved management plan will be implement and followed.
- h. A commitment to educate future owners, tenants, or other users of the development about the specific requirements of the approved eagle management plan and the state and federal eagle protection laws.

The ~~Lee County e~~Eagle ~~technical-Technical advisory-Advisory committee-Committee~~ will consider the guidelines promulgated by FFWCC and the U.S. Fish and Wildlife Service in the review of management plans and may request technical assistance from these agencies whenever necessary.

Policy 7.6.4: The City shall notify the Florida Fish and Wildlife Conservation Commission upon receipt of any application for a planned development rezoning, a development order, a notice of clearing, or a building permit for any property located within ~~the buffer area defined in the City's LDC750 feet of a nest~~. All available information regarding the behavior of the eagles occupying the nest will be included in the notice.

Objective 7.7: West Indian Manatees - The City of Bonita Springs shall ensure the protection of the West Indian Manatee ~~through partnerships with appropriate agencies~~.

Policy 7.7.1: ~~Work with partner agencies to C~~characterize and map important manatee habitats; identify and evaluate potential threats to important habitats; and consider management agreements to protect such habitats.

Policy 7.7.2: ~~Work with partner agencies to H~~identify areas of greatest actual or potential boat/barge mortality and/or injury, and re-evaluate existing slow or idle speed zones.

Policy 7.7.9: The City shall utilize the ~~Boat Facility Siting Plan~~Marine Facility Siting Requirements in the Lee County Manatee Protection Plan, by Lee County, dated June 2004, or as subsequently for Lee County amended to review proposed marina and other boat facility permitting requests.

Policy 7.12.1: The City shall ~~adopt a stream protection overlay zone for the~~continue to protect the Imperial River and Bayside drainage area of Little Hickory Island. The ~~overlay zone shall require the~~ use of "state of the art" Best Environmental Management techniques for new development and redevelopment and will target pollution control and water conservation education to existing residents. Within the zone the City will also:

- a. Request the USDA Natural Resources Conservation Service (NRCS) make avail-able the services of a mobile irrigation lab to, on request of the property owner, provide expert advice on lawn watering, fertilizer, pesticide and herbicide use in the zone. The City should also request the NRCS to examine the river and its tributaries for the sources of erosion and provide specific methods and means for controlling erosion and the resulting sedimentation and shoaling in the estuary. Water conservation, erosion and pollutant control is a major goal of the Service.
- b. Prohibit outside storage of fertilizer, pesticides, and herbicides.
- c. Sponsor special pickups for disposal of hazardous containers, oil and such potential pollutants.
- d. Promote erosion control through non-structural means where natural native vegetation within flowways and natural systems will be retained to the greatest extent possible.
- e. Promote removal of invasive exotic species.
- f. Produce and/or distribute educational brochures on pollution control and other environmental topics, including Manatee protection, germane to the zone's residents.
- g. Urge existing residents to use xeriscape plants when gardening or installing new shrubbery. Require such use for new development in the zone to conserve water and reduce pollution.
- h. Allow no further channelization of remaining natural watercourses to occur.
- i. Minimize impervious surfaces where possible.
- j. Use swales for water quality benefits where possible.
- k. Target compliance and enforcement of existing environmental regulations as a top priority for regulatory agencies
- l. Involve neighborhood organizations.
- m. Use non-structural approaches versus structural approaches for water resource management solutions.
- n. Demonstrate the use of best management practices in all city road planning and construction and all other city projects in the zone.
- o. Retain the relic natural features of the tributary bank contours.
- p. Reconnect, where possible, historic natural flowways that have been diverted or severed.
- q. Allow no special accommodations for boats (e.g. no cutting of overstory vegetation, no removal of oxbows, no dredging or filling except for permitted maintenance of navigation channels).

- r. Promote programs such as the "Keep it Clean" and "Florida Yards and Neighborhoods" to minimize inputs of stormwater pollutants into the bay.
- s. Examine the City's required 25-foot setback from water bodies as it applies to the Imperial River and its tributaries for adequacy of riparian vegetation, erosion, water quality and flood protection.

Policy 7.12.2: The City shall ~~consider establishment of a stream protection zone for~~continue to protect Spring Creek water quality. ~~In the meantime, a~~New development shall be required to ensure that the volume of stormwater runoff shall be no greater than that existing prior to development and that the quality of stormwater runoff shall be at least as good as that existing prior to development [reference Rules 62-4.242, 63-302, and 40E-4, F. A. C., and the South Florida Water Management District's *Basis of Review for ERP Applications*].

Policy 9.1.6: The City of Bonita Springs shall continue to cooperate with Lee County to establish baseline conditions of estuarine conditions within the City, including pollutant and freshwater loadings, and increase ~~it~~its ongoing water quality monitoring program.

Policy 9.3.8: The City shall require all new developments requiring a development order to meet the provisions of the SFWM District South Florida Water Management District Volume IV, Basis of Review for Surface Water Management and local provisions pursuant to the Land Development Code to protect surface water quality within the City.

Policy 10.2.2: The City of Bonita Springs shall implement a program designed to meet the level of service stated in the prior Policy. Components of this program may include:

- a. Funding of the All-Hazards MSTU (Municipal Services Taxing Unit);
- b. An impact fee or fee in lieu for new residential developments, with appropriate credits for the construction of on-site shelters outside of category 1 areas;
- c. Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside Category 1 areas of the Hurricane Vulnerability Zone; and
- d. Coordinate with the Local Hazard Mitigation Strategy working group to act as facilitator to obtain funding for qualifying private groups to retrofit potential shelters.
- e. Support projects that fund building or retrofit projects that reduce the City's hurricane shelter space deficit.

Objective 11.1: Development Regulations - The City shall reduce the vulnerability of development in the A-Zone as defined by FEMA in the FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2011 or the most current document available.

Policy 11.1.1: All development regulations shall be reviewed and revised to require that the vulnerability of future development in the A-Zone (as defined by the FEMA in the FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2011 or the most current document available) be reduced.

Policy 11.1.2: Regulations and incentives will be examined for additional setbacks in critical erosion areas, conservation and enhancement of dunes and vegetation, flood proofing of utilities, and appropriate requirements for structural wind resistance and floodplain management. ~~Reference will be made to Coastal Construction Manual Vol. 1-3, FEMA, June 2000As referenced in the FEMA Coastal Construction Manual, Vol. 1 & 2 dated August 2011 or the most current document available.~~

Policy 11.1.3: The City shall not permit new mobile home parks in areas of special flood hazard as defined by ~~the Federal Emergency Management Agency~~ in the City of Bonita Springs Flood Hazard Reduction Ordinance.

Policy 11.1.5: All new residential development of more than 100 units shall be required to formulate an emergency hurricane preparedness plan, ~~and~~ This plan is subject to the approval of the City through the County's Division of Emergency Management.

Policy 11.2.1: The City shall vigorously enforce its City of Bonita Springs Flood Hazard Reduction Ordinance ~~Flood Damage Prevention Ordinance.~~

Policy 11.2.2: The City shall maintain the provisions of the City of Bonita Springs Flood Hazard Reduction Ordinance ~~City's Flood Damage Prevention Ordinance~~ that interpret the 50% improvement threshold as cumulative for any combination of repairs, rehabilitation, alterations, improvements or reconstruction project to an existing building or structure within five years be deemed "substantial improvement." A repetitive loss property is defined as one for which two or more National Flood Insurance Program (NFIP) losses of at least \$1,000.00 each have been paid during a 10-year period.

Policy 11.2.3: The City shall maintain the provision in the City of Bonita Springs Flood Hazard Reduction Ordinance ~~City's Flood Damage Prevention Ordinance~~, which defines a structure undergoing "substantial improvement" to be brought into current base flood elevation requirements.

Policy 11.2.7: Floodproofing of critical facilities within the defined Coastal High Hazard ~~Category 1 storm surge area~~ Area shall receive priority for grant funding requests.

Policy 11.2.9: The City shall ~~adopt~~ remain consistent with the County's Comprehensive Emergency Management Plan.

Policy 11.2.14: When updating its Comprehensive Plan, the City shall review the 2022 Lee County Joint Local Mitigation Strategy ~~The Unified Local Mitigation Strategy for Lee County, Florida~~ and include relevant goals, objectives and policies of The Strategy into the City's plan.

Policy 12.1.3: The City shall ~~enter into~~ maintain an Interlocal Agreement with the Bonita Springs Fire and Rescue District regarding roles in Post-Disaster Redevelopment.

Policy 13.1.5: ~~The City shall continue to utilize the~~ The City shall utilize the Marine Facility Siting Requirements in the Lee County Manatee Protection Plan, by Lee County, dated June 2004, or as subsequently amended, WFRPC Boat Facility Siting Plan for Lee County for siting of all boat facilities in the City of Bonita Springs.

Policy 14.1.9: The City shall notify FDOT to size the U. S. 41/Spring Creek bridge to increase flows as per the *South Lee County Watershed Plan* authored by the South Florida Water Management District and Lee County, January 20, 2011.

Policy 15.1.5: Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands, identified on Figure 4: Wetlands, Seagrass Beds, and Water Bodies ~~the map of Evaluated Wetlands~~ in the Future Land Use Map Series, shall be one unit per 20 acres, except:

- a. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the Administrative Section of the Future Land Use Element; and,
- b. Transfer of density provision - Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership at the standard underlying density permitted for the uplands, provided that the resulting upland density does not exceed that shown in the following schedule and the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

Policy 15.1.7: All mangrove swamp wetlands (FLUCCS #612) and stream and lake swamp wetlands (FLUCCS #615) located in the City, as identified in the wetland inventory and evaluation contained in the Conservation/Coastal Management Element, shall be afforded the highest degree of protection.

- a. The City shall nominate for purchase through the Lee County 20/20 program or any other applicable program or means of public acquisition;
 1. All privately owned mangrove swamp wetlands (FLUCCS #612) which directly abut a major public road, and
 2. Stream and lake swamps (FLUCCS #615) identified as map key #'s 3F, 4, 9, 11, and 12 on the Figure 4: Wetlands, Seagrass Beds, and Water Bodies ~~map of evaluated wetlands map~~ contained in the Future Land Use Map Series.

Following acquisition of these wetlands, the City shall prepare an amendment to its Future Land Use Map to designate the acquired property as Conservation.

Policy 16.2.3: The City shall ~~adopt~~ maintain a concurrency management system to assure that required infrastructure is phased to serve the development and redevelopment at the density proposed in the future land use plan and is available to coincide with the demands generated.

~~Objective 16.4:~~ The City will take measures to ensure that groundwater and other resource quality in the Density Reduction Groundwater Resource (DRGR) area is maintained or improved.

~~Policy 16.4.1:~~ Within one year of adoption of its Comprehensive Plan, the City shall undertake a study to identify the types and intensity of uses that should be allowed within the DRGR, and to determine the most effective and appropriate techniques to ensure the maintenance of adequate quantity and quality of surface and groundwater resources. The study shall include, but shall not be limited to, evaluation of the following factors in the study area:

- ~~a. Subsurface and surface water resources.~~
- ~~b. Existing uses and those having received approval prior to the adoption of the City's Comprehensive Plan.~~
- ~~c. Soils, wetlands, habitats and species and their quantity and quality.~~
- ~~d. The Imperial River and its historical and present floodways and flowways.~~
- ~~e. Drainage and stormwater patterns and flooding.~~
- ~~f. Long term water and wastewater supply and disposal needs and plans of Bonita Springs Utilities.~~
- ~~g. Applicable resource protection measures and those contained in the City's Comprehensive Plan and Land Development Regulations.~~
- ~~h. Allowable uses and their density and intensity.~~
- ~~i. Existing and planned infrastructure in and affecting the area.~~
- ~~j. SFWMD and County ownership in, and projects affecting, the area.~~
- ~~k. Potential positive or negative effects of possible new land uses on the resource base(s) and new or amended best environmental management practices needed by the City for their control. At a minimum references will be to the FDEP "Florida Development Manual Chapter 6 Stormwater and Erosion Sediment Control BMPS for developing areas" and the University of Florida center for government responsibility "Guide to Local Groundwater Protection in Florida" Vol. 1—3.~~

~~Policy 16.4.2:~~ Upon completion of the study referred to in Policy 16.3.1, the City shall prepare an amendment to its Comprehensive Plan identifying the land uses considered most appropriate in the DRGR and the resource protection measures and practices necessary to ensure its continued viability and submit this amendment for review by the Florida Department of Community Affairs and other appropriate agencies.

Policy 20.1.1: ~~Upon adoption of this Comprehensive Plan, the~~The City shall include visual and physical access to waters within the City as components of the City's parks and recreation planning.

Policy 20.1.2: The City shall ~~prepare~~maintain a parks/recreation master plan including visual and physical access topics.

Policy 20.1.5: The City shall request Lee County and the WCIND (West Coast Inland Navigation District) to use environmentally sensitive methods to remove shoaling which restricts boating access to the estuary.

Policy 22.3.3: Marina and/or boat ramp siting shall be consistent with the 2014 Estero Bay Aquatic Preserve Management Plan authored by the Estero Bay Aquatic Preserve and Florida Department of Environment Protection~~aquatic preserve management plan.~~

Policy 22.3.5: The siting of all boat facilities in the City of Bonita Springs shall be consistent with the guidelines, methodologies, procedures, and policies established in the Lee County Manatee Protection Plan, by Lee County, dated June 2004, or as subsequently amended~~Boat Facility Siting Plan for Lee County~~. This applies to any plans for the expansion of existing facilities or the development of new facilities.

Policy 24.1.1: ~~By the end of 2012, the~~The City shall ~~create~~maintain guidelines within its Land Development Code to promote energy efficiency and resource conservation, Florida-friendly landscaping, low impact developments, and green building techniques to protect minerals, soils and vegetation.

Recreation and Open Space Element

Policy 1.2.7: The City will ~~pursue development of~~continue to support a public library in the Town Center area by seeking funding through the Department of State Library Construction Grant program.

Intergovernmental Coordination Element

Policy 1.1.7: The City will meet with the Bonita Springs Fire Control and Rescue District to discuss the following issues and enter into an interlocal agreement identifying the services to be provided and the responsibility of the City and the District:

- a. Information Exchange
- b. Need for involvement of the District early in the City's Development Review Process
- c. Coordination of long range planning efforts
- d. Emergency Management and Hazardous Materials procedure
- e. Technical assistance for future fire and rescue station locations
- f. Methods to improve the District's and the City's ISO (Insurance Services Office) ratings
- g. Fire impact fee shortfalls
- h. "911" Enhancements
- i. Enforcement of fire prevention code
- j. Minimum housing separation

Policy 1.4.1: The City shall continue to coordinate with the WCIND (West Coast Inland Navigation District) and Lee County to locate spoil disposal sites on a project-by-project basis.

Policy 1.4.2: Where conflicts arise between the City and a public agency regarding location of spoil sites or facilities of county-wide significance, the City shall seek resolution ~~through the Coastal Resources Interagency Management Committee's dispute resolution process or that of the Southwest Florida Regional Planning Council~~ pursuant to §186.509, F.S.

Policy 1.9.2: The City, in conjunction with the School District, will annually review the Public School Facilities Element and ~~maintain a~~incorporates, by reference, Lee County Educational and School District Facilities ,map long range public school facilities map series as adopted by the Lee County School District and documented in the Lee Plan.,including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five year planning period and the long range planning period.

Policy 1.9.3: Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated January 16, 2008 and the adoption of amendments to the City Comprehensive Plan. No LOS will be amended without a showing that the amended LOS is ~~financially feasible,~~ supported by adequate data and analysis, and can be achieved and maintained within the period covered by the School Districts Five-Year Capital Facilities Plan.

Policy 1.9.4: The School District staff and City staff will discuss the need to amend the CSAsConcurrence Service Areas (CSAs), as contained in the Bonita Springs Plan, prior to the initiation of the annual regular amendment cycle following the release of the ~~2010decennial~~-census data. School District staff will informally present any proposed modification to City staff for initial comments and

input. The School District will be the lead agency and will make application for an amendment to the Bonita Springs Comprehensive Plan.

Capital Improvements Element

Policy 1.1.1: Capital Improvements Program (CIP). The City shall annually prepare and adopt by ordinance a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The City shall also annually review this Capital Improvements Element. The following actions shall govern the development of the CIP:

a. Preparation of the CIP

1. The City Manager or designee shall annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established geographic units for each facility, and the latest population projections. Based on identified current and projected deficiencies, the City Manager shall prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. The City Manager and members of the City Council will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in the City.
3. A proposed CIP shall be presented by the City Manager in conjunction with the presentation of the proposed annual operating budget. The proposed CIP shall be "balanced" (i.e., proposed expenditures shall not be greater than the amount of revenues available to fund the expenditures). Attached to the proposed balanced CIP shall be a report of the projects designated as needed, but which cannot be funded.
4. The proposed CIP shall consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the City.
5. The proposed CIP shall be reviewed by the City Council. The City Council shall by ordinance adopt the CIP approximately the same time as the adoption of the annual operating budget. The annual operating budget shall be consistent with the first year of the adopted CIP.
6. The adopted CIP will be reviewed by the City Council during periodic meetings, called to discuss the status of CIP projects. The City Manager will provide the City Council with a status report on all ongoing CIP projects prior to these meetings. The Council may amend the CIP at these meetings by ordinance after making findings of fact that the amendment is consistent with the priorities in this policy and with the City's Comprehensive Plan in general. Where an amendment to the CIP affects the first year, the annual operating budget shall also be amended so as to remain consistent with the CIP.
7. All estimates of facility or service demand used to develop specific facility plans, or an annual update of the capital improvement program, shall be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.
8. The CIP shall conform to the standards mandated by Florida Statutes.

b. Priorities for the CIP

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the City's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas;
5. Projects that provide new or additional facility capacity.

Factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

- (a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector.
- (b) The revenue-generating potential of the project.
- (c) Offers of donations of lands and/or services by the private sector and/or other governmental entities.
- (d) The availability of grants and other revenue sources from non-city revenues.
- (e) An extraordinary opportunity for the City.
- (f) The flexibility of use of the project.
- (g) Continuation of an ongoing project for which significant funds have been expended by the City in the past.
- (h) Meets the established replacement schedule for the facility/equipment.
- (i) Supports plans of the FDOT, FDEP and SFWMD.
- (j) Implement the City's Vision for a walkable and bikeable community that is pedestrian friendly with interconnecting sidewalks, pathways, and publicly available transit systems.

c. Effect of the CIP

~~1. After adoption of the first year's projects of the CIP, no first-year public facility project shall be constructed by the City, nor shall land be acquired for such project, except in conformity with the adopted first year of the CIP.~~

~~21.~~ It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the adopted CIP. Any CIP amendment that delays or cancels a project should only be made after consideration of:

- (a) Changes in facility needs based on more up-to-date populations projections;
- (b) Changes in revenues compared with previous projections;
- (c) Changes in adjusted level of service standards; and.
- (d) Extraordinary opportunities not previously expected.

~~32.~~ The City shall consider and may accept dedication of facilities contributed to the City. Where contributed facilities are not provided by city funds, they need

not be included in the CIP prior to acceptance. The City may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System.

d. Capital Facility Financing

1. The City should annually prepare revenue estimates to provide information about revenue sources available to support capital facility construction.
2. The City Manager shall prepare estimates of the operating and maintenance costs of each CIP project along with the capital costs of each facility.
3. The City should actively seek grant funds from federal, state, and other sources where available and when appropriate for capital facility construction. Consideration will be given to limitations (including operating restrictions) involved in such grants.
4. The City should investigate the feasibility of charging user fees to offset the cost of each new CIP project for which user fees could reasonably and legally be collected.
5. Capital Improvement Funds shall be anticipated at ~~mileages~~ millages that will generate sufficient revenue to make all required payments.
6. A reserve for contingency should be budgeted in each capital fund. These funds should be available for reallocation by the City Council as needed during the year to fund unexpected increases in capital costs and/or to fund additional projects which could not be anticipated in the annual CIP.
7. A reserve for cash flow will be budgeted in any fund that requires monies to be carried forward into the following year to support needed expenditures until sufficient current revenues are received.
8. The City should prepare an annual analysis of financial condition. This analysis will include consideration of capital facility financing needs and revenues available to finance such needs.
9. Capital Project budgets will only be altered in one of two ways:
 - (a) Administrative approval of transfer of funds to reserves for projects funds not required for authorized expenditures; or
 - (b) City Council approval of transfer of funds from reserves to increase a project.
10. At the end of each fiscal year, unexpended fund balances at the project level in each fund will be carried over to the subsequent fiscal year budget in an amount equal to the prior year's unexpended project budget. Any unexpended fund balance in excess of project budget will be redistributed to fund other capital obligations, if necessary. The excess fund balance shall be treated as capital reserves to be allocated in subsequent fiscal years.
11. The City will limit the amount of outstanding long-term liabilities to 10 percent of the assessed property value within the City.

Policy 1.5.3: The City incorporates by reference into the Capital Improvement's Element the Lee County School District's ~~Five Year Capital Facilities Work~~educational facilities work plan-Plan as adopted by the Lee County School Board ~~on 9-9-2008~~and as subsequently amended. Beginning ~~with an effective date of 2008 and no later than December 1st of each year thereafter, the City shall incorporate the above into its Capital Improvement's Element.~~ The ~~educational facilities work plan~~Capital Facilities Work Plan shall identify school facility projects which are necessary to address existing deficiencies and meet future needs. The Plan shall demonstrate that the School District can achieve and maintain the adopted LOS standard for the five-year planning period supported by data and analysis ~~demonstrating financial feasibility.~~ Further, the Lee County School District's "Educational Plant Survey," adopted on July 30, 2008 is hereby incorporated by reference.

EXHIBIT A - CAPITAL IMPROVEMENT PLAN								
as of October 1, 2020								
Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Total Ten Year Plan
Account	Project Description							
IMPROVE STORM WATER MANAGEMENT (1st STRATEGIC PRIORITY)								
30.250.538.6810	Quinn/Downs/Dean/Imperial Storm Wtr Improve	State Legislative Appropri.	750,000	-	-	-	-	750,000
		General Fund	1,000,000	-	-	-	-	1,000,000
30.250.538.6100	Land acquired for storm water purposes	HMGP Grant	7,050,000	-	-	-	-	7,050,000
		Funding to be identified	-	-	-	-	5,000,000	5,000,000
		TOTAL	8,050,000	-	-	-	5,000,000	13,050,000
30.250.538.6811	Bio-Reactor Phase II	General Fund	150,000	-	-	-	-	150,000
30.250.538.6812	Big Bend Road Drainage	Gas Tax	65,978	379,378	-	-	-	445,354
TOTAL IMPROVE STORM WATER MANAGEMENT			\$ 9,015,978	\$ 379,378	\$ -	\$ -	\$ 5,000,000	\$ 14,395,354
TRANSPORTATION (2nd STRATEGIC PRIORITY)								
Bonita Beach Road Visioning and Quadrant:								
		State & Federal Agencies	-	-	-	-	11,500,000	11,500,000
30.250.541.6317	Bonita Bch Rd/US 41 Quadrant	Road Impact Fee	-	1,500,000	1,500,000	1,573,741	-	4,573,741
		TOTAL	-	1,500,000	1,500,000	1,573,741	-	16,073,741
30.250.541.6318	Bonita Bch Rd Vision Implementation	General Fund	750,000	250,000	250,000	250,000	250,000	7,925,000
TOTAL Bonita Beach Road Visioning and Quadrant			750,000	1,750,000	1,750,000	1,823,741	250,000	23,998,741
Sidewalks and Multi-Use Pathways:								
30.250.541.6320	Multi-Use Pathways & Sidewalks	Road Impact Fee	443,233	-	-	-	-	443,233
		Grant - CDBG	332,389	300,000	300,000	300,000	300,000	3,032,389
		Park Impact Fee	-	-	-	-	-	1,000,000
		TOTAL	1,090,160	300,000	300,000	300,000	300,000	4,790,160
30.250.541.6334	Maddox Lane Sidewalk	Road Impact Fee	334,671	-	-	-	-	334,671
30.250.541.6336	Imperial Shores Blvd Sidewalk	Road Impact Fee	-	-	-	-	-	1,022,867
		General Fund	250,000	-	-	-	-	250,000
30.250.541.6323	W. Terry St. Multi-Use Pathway	Road Impact Fee	764,705	-	-	-	-	764,705
		TOTAL	1,014,705	-	-	-	-	1,014,705
30.250.541.6324	Sun Trail (Rails to Trails)	Road Impact Fees	200,000	282,332	-	-	-	482,332
		General Fund	-	-	-	-	-	1,000,000
		TOTAL	200,000	282,332	-	-	-	1,482,332
30.250.541.6331	Pine Ave. Multi-use Pathway	Road Impact Fees	-	-	-	-	-	558,128
30.250.541.6338	W. Terry Street South Sidewalk	Road Impact Fees	-	110,137	330,410	500,000	755,664	4,196,211
TOTAL Sidewalks and Multi-Use Pathways			2,639,536	692,469	630,410	800,000	1,055,664	13,399,074
to be assigned	Dean Street	Road Impact Fee	-	-	-	-	-	2,624,892
30.250.541.6327	Goodwin Street	Gas Tax	57,788	-	354,968	-	-	412,754
		Road Impact Fees	407,742	2,284,442	1,929,476	-	-	4,621,680
30.250.541.6300	Minor Road, Sidewalk & Drainage Improvements	Gas Tax	400,000	-	-	-	350,000	2,600,000
		General Fund	-	400,000	350,000	-	-	1,100,000
30.250.541.6308	Asphalt Overlays	Gas Tax	240,000	-	-	-	125,000	1,115,000
		General Fund	-	200,000	200,000	125,000	-	525,000
30.250.541.6319	Roadway Restriping	Gas Tax	-	-	189,987	189,987	-	1,322,909
		General Fund	-	250,000	-	-	189,987	438,987

CAPITAL IMPROVEMENT PLAN									
as of October 1, 2020									
Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2025-2026 through FY 2029-2030	Total Ten Year Plan
Account	Project Description								
30.250.541.6321	Rail Road Crossing Improvements	Gas Tax	-	-	126,325	200,000	-	1,566,430	1,892,755
30.250.541.6343	Bridge Maintenance	Gas Tax	224,672	75,000	75,000	50,000	50,000	200,000	674,672
30.250.541.6342	Traffic Calming	Gas Tax	45,000	45,000	25,000	15,000	15,000	250,000	395,000
30.250.541.6328	Decorative Street Lights conversion to LED	Gas Tax	479,661	-	-	-	-	-	479,661
TOTAL TRANSPORTATION			\$ 5,244,399	\$ 5,696,911	\$ 5,630,164	\$ 3,552,728	\$ 2,034,651	\$ 33,342,252	\$ 55,501,105
ENVIRONMENTAL PROTECTION (4th STRATEGIC PRIORITY)									
30.000.537.6105	Environmentally Sensitive Land Acquisitions	General Fund	200,000	200,000	200,000	200,000	200,000	1,000,000	2,000,000
30.611.537.6000	Beach Renourishment 2024	General Fund	110,000	110,000	110,000	110,000	110,000	550,000	1,100,000
TOTAL ENVIRONMENTAL PROTECTION			\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 1,550,000	\$ 3,100,000
COMMUNITY AESTHETICS: DEVELOP AND IMPLEMENT URBAN DESIGN (5th STRATEGIC PRIORITY)									
30.603.572.6008	Comm Park Sealcoating and Stop Replacements at Parking Lot	General Fund	37,000	13,500	-	-	-	-	50,500
30.603.572.6009	Comm Park Parking Lot Lighting to LED	General Fund	-	-	12,000	-	-	-	12,000
30.605.572.6009	Riverside Park Sealcoating and Stop Replacements on Parking Lot	General Fund	20,000	-	-	-	-	-	20,000
30.605.572.6010	Riverside Park Lighting to LED	General Fund	-	16,000	-	-	-	-	16,000
30.621.572.6020	River Park Landscaping and Lighting Enhanc.	TDC Grant	270,000	-	-	-	-	-	270,000
30.628.572.6001	Mayhood Park Exotics Removal	General Fund	25,000	-	-	-	-	-	25,000
31.000.552.6311	Downtown Redevelopment	General Fund	85,000	-	-	-	-	-	85,000
31.605.572.6008	Skate Park	FDEP/LWCF Grant	279,849	-	-	-	-	-	279,849
30.610.572.6021	Dog Park Trail Overlay	General Fund	45,000	-	-	-	-	-	45,000
30.603.572.6015	Baseball Complex Master Plan for Design & Construction Phase I	General Fund	550,000	-	-	-	-	500,000	1,050,000
30.604.572.6001	Pool and Fountain Resurfacing	General Fund	65,000	-	-	-	-	-	65,000
30.602.572.6022	Small Recreation Building Improvements	Park Impact Fees	-	100,000	-	-	-	-	100,000
		General Fund	60,000	-	-	-	-	-	60,000
# to be assigned	Dog Beach Park	TDC Grant	-	-	-	-	-	2,100,000	2,100,000
# to be assigned	Community Hall Site & Amenities Master Plan	Park Impact Fees	-	-	-	-	500,000	-	500,000
# to be assigned	Dog Park Restroom Facility	Park Impact Fees	-	-	300,000	-	-	-	300,000
30.250.541.6315	East Terry Vegetative Buffer/Wall	General Fund	282,358	-	-	-	-	-	282,358
30.250.541.6906	Median Landscape Enhancement	General Fund	750,000	75,000	425,000	-	-	4,000,000	5,250,000
30.604.572.6023	Pool Roof Replacement	General Fund	50,000	-	-	-	-	-	50,000
30.270.573.4928	Acquisition of Public Art	General Fund	50,000	-	-	-	-	-	50,000
30.604.572.6024	Pool Family Restroom	Park Impact Fees	100,000	-	-	-	-	-	100,000
30.270.519.4910	Highway Monuments/Welcome Signs	General Fund	-	250,000	250,000	250,000	-	-	750,000
30.270.519.4920	Flagpole along I-75	General Fund	-	50,000	-	-	-	-	50,000
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Page 2 of 3									

CAPITAL IMPROVEMENT PLAN								
as of October 1, 2020								
Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2025-2026 through FY 2029-2030
Account	Project Description							Total Ten Year Plan
30.270.541.6322	Imperial River US 41 Bridge Beautification	General Fund	-	-	100,000	100,000	100,000	-
		General Fund	100,000	100,000	-	-	-	200,000
30.270.519.4912	Goodbread Grocery (AKA Dixie Moon)	FL Historic Resources Grant	-	200,000	-	-	-	200,000
		TOTAL	100,000	300,000	-	-	-	400,000
30.250.541.6325	Logan Boulevard Landscape & Lighting	Gas Tax	-	-	-	-	-	700,000
		General Fund	-	-	-	200,000	-	200,000
31.602.572.6000	Recreation Center Expansion and Improvements	Park Impact Fees	-	-	300,000	-	-	300,000
30.270.572.6000	Additional Soccer Fields	Park Impact Fees	100,000	-	-	-	-	100,000
# to be assigned	Sealcoating Soccer Mami Fields Parking	General Fund	-	17,000	-	-	-	17,000
# to be assigned	Sealcoating Soccer Complex Parking	General Fund	-	17,000	-	-	-	17,000
30.270.519.4911	Urban Design	General Fund	100,000	200,000	200,000	-	-	500,000
TOTAL COMMUNITY AESTHETICS STRATEGIC PRIORITY			\$ 2,969,207	\$ 1,040,500	\$ 1,587,000	\$ 550,000	\$ 600,000	\$ 7,300,000
TOTAL			\$ 2,969,207	\$ 1,040,500	\$ 1,587,000	\$ 550,000	\$ 600,000	\$ 7,300,000
OTHER CAPITAL EXPENDITURES								
30.270.519.4924	City Facilities Major Repairs	General Fund	-	60,000	-	-	-	250,000
30.402.513.6400	Cameras in Council Chambers	General Fund	118,381	-	-	-	-	118,381
30.615.572.6019	Liles Roof Replacement & Stucco Repairs	General Fund	75,000	-	-	-	-	75,000
30.270.519.4927	Security Upgrades in City Facilities	General Fund	65,000	-	-	-	-	65,000
30.270.519.6400	Vehicle Major Repairs and Replacement	General Fund	55,000	75,000	75,000	-	-	550,000
30.240.513.6401	Technology Equipment	General Fund	50,000	30,000	30,000	30,000	30,000	500,000
Total Other			363,381	165,000	105,000	30,000	30,000	1,300,000
TOTAL			\$ 17,902,965	\$ 7,591,787	\$ 7,632,164	\$ 4,442,728	\$ 2,974,651	\$ 48,492,252
FUNDING SOURCES								
		Funding/Revenue Source	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2024-2025 through FY 2028-2029
		General Fund	5,042,739	2,315,500	2,202,000	1,615,000	878,987	14,625,000
		Road Impact Fee	2,150,351	4,176,911	3,759,886	2,073,741	755,664	6,705,887
		Gas Tax	1,827,637	499,376	770,278	453,987	540,000	6,161,365
		Park Impact Fee	200,000	100,000	600,000	-	500,000	1,000,000
		State and Federal Agencies	-	-	-	-	-	11,500,000
		State Legislative Approp	750,000	-	-	-	-	750,000
		Grants	7,932,238	500,000	300,000	300,000	300,000	3,600,000
		Funding to be Identified	-	-	-	-	-	5,000,000
TOTAL			\$ 17,902,965	\$ 7,591,787	\$ 7,632,164	\$ 4,442,728	\$ 2,974,651	\$ 48,492,252

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
IMPROVE STORM WATER MANAGEMENT (1st STRATEGIC PRIORITY)										
30.250.538.6100	Land acquired for stormwater purposes	Planning	General Fund	-	-	-	-	-	-	-
			Federal Appropriations	-	-	-	-	-	-	-
			HMGP Grant	-	-	-	-	-	-	-
			Project Total	-	-	-	-	-	-	-
30.250.538.6110	Quinn/Downs/Ocean Neighborhood Buy-out	Construction	Grant-FDEM	-	-	-	-	-	-	1,218,358
			General Fund	-	-	-	-	-	-	1,899,777
			Project Total	-	-	-	-	-	-	3,058,085
30.250.538.6806	Pine Lake Preserve	Construction	Grant-FDEM	-	-	-	-	-	-	220,701
			General Fund	-	-	-	-	-	-	44,190
			Project Total	-	-	-	-	-	-	265,191
30.250.538.6807	Lugan Blvd Regional Floodway/Drainage	Design	General Fund	-	-	-	-	-	-	147,356
			Grant-LMS-FDEM	-	-	-	-	-	-	1,647,793
			Grant-LMS-FEMA	-	-	-	-	-	-	-
			Project Total	-	-	-	-	-	-	1,795,349
30.250.538.6809	Spring Creek/Menita Springs Golf Course Flood Improvement	Design	General Fund	4,017,483	912,828	-	-	-	-	9,541,004
			Stormwater Fee	700,000	700,000	-	-	-	-	4,200,000
			Grant-LMS-FDEM	-	-	-	-	-	-	-
			Legislation Appropriation	5,400,000	-	-	-	-	-	5,400,000
			Project Total	10,117,483	1,612,828	-	-	-	-	19,141,024
30.250.538.6810	Quinn/Downs/Ocean West of Imperial Drain Improvements	Design	Grant-FDEM	-	-	-	-	-	-	189,338
			General Fund	-	-	-	-	-	-	11,013,956
			Project Total	-	-	-	-	-	-	11,203,474
30.250.538.6811	Bio-Reactor Phase II	Construction	General Fund	350,000	150,000	-	-	-	-	587,148
			Grant-FDEM	-	-	-	-	-	-	-
			Project Total	350,000	150,000	-	-	-	-	587,148
30.250.538.6812	Big Bend Road Drainage	Construction	Gas Tax	-	-	-	-	-	-	-
			General Fund	-	-	-	-	-	-	26,893
			BNL Payback	-	-	-	-	-	-	37,400
			Project Total	-	-	-	-	-	-	64,293
30.250.538.6813	Citrus Park Drainage Project PH I	Construction	General Fund	-	-	-	-	-	-	-
			Grant-FDEM	-	-	-	-	-	-	-
			Project Total	-	-	-	-	-	-	-
30.250.538.6108	Acquisition/Demolition Pre-Disaster Mitigation (PDM) Home Buy Out	Design	General Fund	884,473	-	-	-	-	-	884,473
			Grant-PDM 75%	3,545,467	-	-	-	-	-	3,545,467
			Project Total	4,431,940	-	-	-	-	-	4,431,940
30.250.538.6215	Equipment Storage Facility	Planning	General Fund	350,000	-	-	-	-	-	350,000

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
				Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Years	Total Ten Year
Account	Project Description	Project Phase	Funding/ Revenue Source	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029 to 2032-2033	Plan
To be determined	Bonita Beach (Hickory Island) Home Elevation-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	875,000	-	-	-	-	875,000
			Grant-HMGP FEMA 75%	-	2,625,000	-	-	-	-	2,625,000
			Project Total	-	3,500,000	-	-	-	-	3,500,000
To be determined	Bonita Beach (Hickory Island) Neighborhood Acquisition/Demolition-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	1,375,000	-	-	-	-	1,375,000
			Grant-HMGP FEMA 75%	-	4,125,000	-	-	-	-	4,125,000
			Project Total	-	5,500,000	-	-	-	-	5,500,000
To be determined	Central Bonita Springs Neighborhood Home Acquisition/Demolition-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	1,375,000	-	-	-	-	1,375,000
			Grant-HMGP FEMA 75%	-	4,125,000	-	-	-	-	4,125,000
			Project Total	-	5,500,000	-	-	-	-	5,500,000
To be determined	Central Bonita Springs Neighborhood Home Elevation-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	1,875,000	-	-	-	-	1,875,000
			Grant-HMGP FEMA 75%	-	5,625,000	-	-	-	-	5,625,000
			Project Total	-	7,500,000	-	-	-	-	7,500,000
To be determined	IBE/Quinn/Downs/Ocean Neighborhood Home Acquisition/Demolition-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	3,000,000	-	-	-	-	3,000,000
			Grant-HMGP FEMA 75%	-	9,000,000	-	-	-	-	9,000,000
			Project Total	-	12,000,000	-	-	-	-	12,000,000
To be determined	IBE/Quinn/Downs/Ocean Neighborhood Home Elevation-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	2,000,000	-	-	-	-	2,000,000
			Grant-HMGP FEMA 75%	-	6,000,000	-	-	-	-	6,000,000
			Project Total	-	8,000,000	-	-	-	-	8,000,000
To be determined	Imperial Acres Neighborhood Home Acquisition/Demolition-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	3,000,000	-	-	-	-	3,000,000
			Grant-HMGP FEMA 75%	-	9,000,000	-	-	-	-	9,000,000
			Project Total	-	12,000,000	-	-	-	-	12,000,000
To be determined	Imperial Acres Neighborhood Home Elevation-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	1,250,000	-	-	-	-	1,250,000
			Grant-HMGP FEMA 75%	-	3,750,000	-	-	-	-	3,750,000
			Project Total	-	5,000,000	-	-	-	-	5,000,000
To be determined	Morton Avenue Stormwater and Multi Use Highway Project-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match	-	585,000	1,165,000	1,750,000	-	-	3,500,000
			Grant-HMGP FEMA	-	2,310,000	3,195,000	4,665,000	-	-	10,500,000
			Project Total	-	2,925,000	4,660,000	6,415,000	-	-	14,000,000

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding / Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
To be determined	Spring Creek Neighborhood Home Acquisition/Demolition-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match Grant-HMGP FEMA 75%	- -	1,375,000 4,125,000	- -	- -	- -	- -	1,375,000 4,125,000
			Project Total	-	5,500,000	-	-	-	-	5,500,000
To be determined	Spring Creek Neighborhood Home Elevation-FEMA Hazard Mitigation Grant Program (HMGP)	Design	Grant-CDBG-DR 25% match Grant HMGP FEMA 75%	- -	1,250,000 3,750,000	- -	- -	- -	- -	1,250,000 3,750,000
			Project Total	-	5,000,000	-	-	-	-	5,000,000
	Total Improvement Storm Water Management			\$ 15,249,423	\$ 74,187,928	\$ 4,660,000	\$ 6,415,000	\$ -	\$ -	\$ 124,396,504
TRANSPORTATION (2nd STRATEGIC PRIORITY)										
Bonita Beach Road Visioning and Quadrant:										
			General Fund	-	-	-	-	-	-	23,677
30.250.541.631.7	Bonita Bch Rd/US 41 Quadrant	Design	Park Impact Fee Road Impact Fee	1,859,010 -	1,394,257 -	4,182,772 -	2,034,327 -	2,034,327 -	- -	48,769 18,611,029
			Project Total	1,859,010	1,394,257	4,182,772	2,034,327	2,034,327	-	18,683,475
30.250.541.631.8	Bonita Bch Rd Vision Implementation	Planning	General Fund	-	-	-	-	-	1,000,000	1,859,511
30.250.541.633.9	Politen Landing/US41/US41 Intersection Improvements	Study	General Fund	125,000	125,000	-	-	-	-	250,000
	Total Bonita Beach Road Visioning and Quadrant			1,984,010	1,519,257	4,182,772	2,034,327	2,034,327	1,000,000	20,792,986
Sidewalks and Multi Use Pathways:										
			General Fund	-	-	-	-	-	-	749,020
30.250.541.632.0	Multi-Use Pathways & Sidewalks	Planning	Road Impact Fee Grant - CDBG	- -	- -	- -	- -	- -	- -	1,500,000 1,000,000
			Park Impact Fee Project Total	- -	- -	- -	- -	- -	- 2,500,000	1,000,000 3,249,020
			General Fund	-	-	-	-	-	-	74,715
30.250.541.632.3	W. Terry St. Multi Use Pathway	Construction	Gas Tax Park Impact Fee Road Impact Fee	- - -	- - -	- - -	- - -	- - -	- - -	899,968 607,379 896,888
			Project Total	-	-	-	-	-	-	2,665,170
30.250.541.632.4	San Trinit (Rd's to Trails)	Planning	Park Impact Fee Road Impact Fees	- -	- -	- -	- -	- -	- -	50,000 4,938,995
			Project Total	-	-	-	-	-	-	4,988,995
			Gas Tax	-	-	-	-	-	-	271,281
30.250.541.632.7	Goudwin Street, Sidewalk & Drainage	Design	General Fund Road Impact Fees	- 821,924	- 1,000,000	- 400,000	- 400,000	- -	- -	1,492,220 5,836,966
			Project Total	821,924	1,000,000	400,000	400,000	-	-	7,605,467

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding / Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
30.250.541.6300	Minor Road, Sidewalk & Drainage Improvements	Recurring	General Fund	150,000	350,000	-	-	-	-	766,712
			Gas Tax	-	-	350,000	350,000	350,000	1,750,000	2,800,000
			Project Total	150,000	350,000	350,000	350,000	350,000	1,750,000	3,566,712
30.250.541.6331	Pine Ave. Multi-use Pathway	Design	Road Im Dist Fees	-	-	-	-	-	-	-
			Grant CDBG-DR	-	-	858,130	-	-	-	858,130
			Project Total	-	-	858,130	-	-	-	858,130
30.250.541.6333	Bonita Dr Pathway-Old 41 to Streetsboro Ln	Completed	Park Impact Fee	-	-	-	-	-	-	-
			Road Im Dist Fee	-	-	-	-	-	-	-
			General Fund	-	-	-	-	-	-	-
30.250.541.6334	Maddox Lane Sidewalk	Construction	Project Total	-	-	-	-	-	-	-
			Park Impact Fee	-	-	-	-	-	-	-
			Road Im Dist Fee	-	-	-	-	-	-	-
30.250.541.6336	Imperial Acres Blvd Sidewalk	Construction	Project Total	-	-	-	-	-	-	-
			Road Im Dist Fee	-	-	-	-	-	-	-
			Gas Tax	-	-	-	-	-	-	-
30.250.541.6337	Dean Street Path & Sidewalk	Planning	BSJ	-	-	-	-	-	-	145,472
			General Fund	-	-	-	-	-	-	314,338
			Project Total	-	-	-	-	-	-	279,514
30.250.541.6338	W. Terry Street South Sidewalk	Design	General Fund	-	-	-	-	-	-	-
			Road Im Dist Fee	-	-	-	-	-	-	2,624,892
			Project Total	-	-	-	-	-	-	2,624,892
30.250.541.6338	W. Terry Street South Sidewalk	Design	Road Im Dist Fees	500,000	755,660	1,000,000	1,500,000	-	-	4,136,354
			Park Impact Fee	-	-	-	-	-	-	49,342
			Project Total	500,000	755,660	1,000,000	1,500,000	-	-	4,185,896
30.250.541.6348	Cockleshell Sidewalk	Construction	Park Impact Fee	-	-	-	-	-	-	-
30.250.541.6346	Old 41 & Sulfur Lane Intersection Improvements	Planning	General Fund	-	-	-	-	-	-	415,000
			Road Impact Fees	356,260	-	-	-	-	-	1,224,474
			Project Total	356,260	-	-	-	-	-	1,639,474
30.250.541.6347	Old 41 & BB Rd Quadrant	Planning	Road Impact Fees	333,260	-	-	-	-	5,261,900	9,779,831
30.250.541.6340	Rosemary Drive Multi-Use Pathway	Planning	Road Im Dist Fees	-	-	-	-	-	-	1,530,790
			Grant - CDBG	-	486,075	486,075	486,075	-	-	2,058,225
			Project Total	-	486,075	486,075	486,075	-	-	3,589,015
30.250.541.6364	E. Terry Street Multi-use Pathway	Planning	Road Im Dist Fees	-	-	-	-	-	-	1,785,192
			Grant - CDBG	-	800,000	-	-	-	-	17,831,932
			Project Total	-	800,000	-	-	-	-	19,617,124
Total Sidewalks and Multi-use Pathways				2,167,444	3,391,743	3,094,203	2,736,073	350,000	12,076,792	63,164,961

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
30.250.541.6308	Asphalt Overlays	Recurring	Gas Tax	500,000	200,000	125,000	125,000	200,000	750,000	2,400,000
30.250.541.6319	Roadway Restriping	Recurring	Gas Tax	185,990	185,990	100,000	100,000	186,990	944,940	1,873,022
30.250.541.6328	Decorative Street Lights conversion to LED	Construction	Gas Tax	50,000	-	-	-	-	-	73,187
30.250.541.6342	Traffic Calming	Construction	Gas Tax	15,000	15,000	50,000	50,000	50,000	250,000	570,000
30.250.541.6343	Bridge Maintenance	Recurring	Gas Tax	25,000	25,000	25,000	25,000	50,000	400,000	1,041,603
30.250.541.6349	Furresler Drive Drainage	Planning	General Fund Gas Tax	600,000	-	-	-	-	-	1,354,007
			Project Total	600,000	-	-	-	-	-	2,268,545
30.250.541.6357	Old 41 Bike Ped Improv. Terry	Planning	General Fund Grant - CDBG-GR	-	-	541,612	3,014,618	4,500,000	1,629,235	7,000,000
			Project Total	-	541,612	3,014,618	4,500,000	1,629,235	-	9,085,465
30.250.541.6358	Paradise Road Bike Ped Improvements	Planning	Road Impact Fees	200,000	663,675	2,000,000	9,970,188	-	-	12,933,863
To be determined	Cochran Rd ROW Improvements	Planning	General Fund	-	-	-	-	-	100,000	100,000
To be determined	Pennsylvania Ave Corridor Drainage & Operational Improvements	Planning	Grant-CDBG-GR	-	-	1,000,000	1,000,000	4,000,000	14,000,000	20,000,000
			Total Transportation	\$ 5,730,444	\$ 6,545,269	\$ 13,591,595	\$ 20,540,590	\$ 6,592,552	\$ 29,521,792	\$ 135,003,572
COMMUNITY AESTHETICS: DEVELOP AND IMPLEMENT URBAN DESIGN (3rd STRATEGIC PRIORITY)										
30.000.519.6000	Exotic Removal of PHL ROW Path	Planning	General Fund	-	-	-	-	-	-	10,500
30.250.541.6310	HDO: Pond on Ameyal Rd	Planning	General Fund	-	-	-	-	-	-	87,168
30.250.541.6315	East Terry Vegetative Buffer/Wetland	Construction	General Fund	-	-	-	-	-	-	-
30.250.541.6906	Median Landscape Enhancement	Design	General Fund	-	-	-	-	-	-	761,261
30.270.519.4910	Highway Monuments/Welcome Signs	Planning	General Fund	250,000	-	-	-	-	-	1,336,130
30.270.519.4911	Urban Design	Planning	General Fund	100,000	-	-	-	-	1,000,000	1,466,024
30.270.519.4912	Goodbread Grocery	Planning	General Fund	-	-	-	-	-	-	498,097
30.270.519.4920	Flagpole along I-75	Planning	General Fund	-	-	-	-	-	-	90,000
30.270.541.6322	Imperial River US 41 Bridge Sanitification	Planning	General Fund	-	100,000	100,000	100,000	-	2,000,000	2,414,000
30.270.545.6355	Parking Garage Feasibility	Planning	General Fund	-	-	-	-	-	-	50,000
30.270.572.6000	Additional Soccer Fields	Design	General Fund Park Impact Fees	275,000 400,000	-	-	-	-	-	2,900,000
			Project Total	675,000	-	-	-	-	-	3,697,300
30.270.572.6360	City Wide Park Lighting Conversion LED	Design	General Fund	150,000	150,000	150,000	150,000	150,000	2,000,000	2,788,500

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding / Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
30.270.573.1928	Acquisition of Public Art	Planning	General Fund	50,000	-	-	-	-	-	188,000
30.270.575.6014	Everglades Wonder Gardens Gate upgrades	Construction	General Fund							99,684
30.602.572.6022	Small Renovation Building Improvements	Planning	General Fund	-	-	-	-	-	-	60,000
30.603.572.6008	Conroe Park Sealing and Sign Replacements at Parking Lot	Construction	General Fund	50,000			-	-	-	108,733
30.603.572.6015	Baseball Complex Master Plan for Design & Construction Phase II	Construction	General Fund	900,000					750,000	4,038,482
30.603.572.6017	Conroe Park Hardscape/Futsal Pavilion Resurfacing	Planning	General Fund	-	-	-	-	160,000	-	100,000
30.603.572.6350	Community Park Tennis Court Resurfacing	Planning	General Fund	45,000	-	-	-	-	-	58,360
30.603.572.6361	Community Park Playground Surface Resurfacing	Construction	General Fund	30,000			-	-	400,000	574,015
30.604.572.6000	Poo: Geothermal Heating/Chiller	Construction	General Fund							
30.604.572.6001	Poo: and Fountain Resurfacing	Construction	General Fund	20,000	-	-	-	-	-	100,000
30.604.572.6023	Poo: Road Replacement	Construction	General Fund							
30.604.572.6024	Poo: Family Restroom	Design	Park Impact Fees	-	-	-	-	-	-	-
30.605.572.6009	Riverside Park Sealing and Sign Replacements at Parking Lot	Construction	General Fund	45,000			-	-	-	64,462
30.605.572.6010	Riverside Park Lighting to LED	Planning	General Fund	-						
30.605.572.6013	Hardscape Sidewalk/brick paver and flag pole holder replacement	Construction	General Fund				-	-	-	36,000
30.605.572.6205	Hardscape Renovations & Updates	Construction	General Fund			200,000	-	-	-	275,000
30.605.572.6351	Depot Park Playground Expansion	Design	General Fund Park Impact Fee	-	-	-	-	-	3,000,000	3,250,000
			Project Total						3,000,000	3,250,000
30.605.572.6356	Island Park Entrance Improvements	Design	Park Impact Fee							525,973
30.605.572.6359	Hardscape Lawn Artificial Turf	Construction	General Fund	80,000						430,000
30.609.572.6025	Former Community Hall & Banyan Tree Park	Planning	General Fund Park Impact Fee	-			500,000	1,000,000	1,400,000	2,482,195
			Project Total	-			500,000	1,000,000	1,600,000	4,082,195
30.610.572.6016	Dog Park Shade Structures	Construction	Park Impact Fee				-	-	-	14,653
30.610.572.6021	Dog Park Trail Overlay	Construction	General Fund	-	-	-	-	-	-	45,000
30.610.572.6026	Dog Beach Park	Design	Grant-TUC	-					2,100,000	2,100,000

CAPITAL IMPROVEMENT PLAN												
Fiscal Year 2023-2024												
Account	Project Description	Project Phase	Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan		
30.6125/2.6909	Hickory Blvd N & Hickory Circle ROW Landscaping	Design	General Fund	80,000	500,000	-	-	-	-	580,000		
30.6135/2.6032	Soccer Complex Concession & Restroom Building Renovation	Construction	General Fund	250,000	-	-	-	-	-	250,000		
30.6135/2.6029	Sealcoating Soccer Complex Parking	Planning	General Fund	-	-	-	-	-	-	4,159		
30.6155/2.6019	Liles Roof Replacement & Stucco Repairs	Construction	General Fund	30,000	-	-	-	-	-	152,718		
30.6155/2.6200	Liles Hotel & Plaza wall exterior	Design	General Fund	75,000	-	-	-	-	-	90,210		
30.6175/2.6001	Nature Place updates & Expansions	Construction	Park Impact Fee	-	-	-	-	-	250,000	250,000		
30.6205/2.6028	Sealcoating Soccer Marri Fields Parking	Planning	General Fund	-	-	-	-	-	-	9,780		
30.6205/2.6352	Marri Fields Install. Water & Sewer	Design	General Fund	30,000	-	-	-	-	-	216,421		
To be determined	Marri Fields Underground Utilities	Planning	General Fund	-	-	-	-	-	100,000	100,000		
30.6225/2.6362	Calum's Honita Trail Extension	Planning	General Fund	-	-	-	-	-	750,000	750,000		
30.6285/2.6001	Mayhond Park Exotics Removal	Construction	General Fund	-	-	-	-	-	-	60,250		
30.6295/2.6353	Oak Creek Kayak Launch	Design	General Fund	-	300,000	-	-	-	-	300,000		
31.00055/2.6311	Downtown Redevelopment	Construction	General Fund	-	-	-	-	-	-	78,381		
31.6025/2.6000	Recreation Center Expansion and Improvements	Construction	General Fund	200,000	-	-	-	-	-	200,000		
			Park Impact Fees	-	-	-	-	-	-	300,000		
			Project Total	200,000	-	-	-	-	-	500,000		
31.6035/2.6001	Community Park Improvements	Construction	General Fund	-	-	-	-	-	-	-		
31.6045/2.6000	Poo Landscaping	Planning	General Fund	-	-	-	-	-	-	-		
			General Fund	-	-	-	-	-	-	-		
			General Fund	310,000	-	-	-	-	-	1,579,126		
31.6045/2.6002	Chi Joon's Activity Pool & Family Restroom	Planning	Park Impact Fees	-	-	-	-	-	-	1,046,041		
			Project Total	310,000	-	-	-	-	-	2,625,167		
			FDEP / LWCF Grant	-	-	-	-	-	-	752,328		
31.6055/2.6000	Skate Park	Construction	Park Impact Fee	-	-	-	-	-	-	-		
			Project Total	-	-	-	-	-	-	152,328		
			Park Impact Fee	-	-	-	-	-	-	4,233		
31.6105/2.6005	Additions: Trails/Entrance	Construction	Grant-TRC	-	-	-	-	-	-	50,616		
			Park Impact Fee	-	-	-	-	-	-	10,655		
			General Fund	-	-	-	-	-	-	35,500		
31.6215/2.6007	River Pk US 41	Complete	Project Total	-	-	-	-	-	-	97,771		
			Bonita Reh Rd/Imporia Parkway Gateway Feature	Planning	General Fund	538,000	500,000	-	-	-	-	1,038,000
			To be determined	Parks Master Plan Update	Planning	General Fund	-	-	-	-	-	250,000
Total Community Aesthetics Strategic Priority				\$ 3,998,000	\$ 1,550,000	\$ 450,000	\$ 750,000	\$ 1,250,000	\$ 14,200,000	\$ 36,750,000		

CAPITAL IMPROVEMENT PLAN										
Fiscal Year 2023-2024										
Account	Project Description	Project Phase	Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033	Total Ten Year Plan
ENVIRONMENTAL PROTECTION (4th STRATEGIC PRIORITY)										
30.000537.6105	Environmentally Sensitive Land Acquisitions	Planning	General Fund	100,000	100,000	100,000	100,000	100,000	1,000,000	2,000,000
30.611537.6000	Beach Renourishment Ord 12-05	Recurring	General Fund	110,000	110,000	110,000	110,000	110,000	600,000	1,979,100
30.250535.6301	Sanitary Sewer Conversion Lakes of San Souci	Design	General Fund	475,000	-	-	-	-	-	475,000
			Grant-FDEP	950,000	-	-	-	-	-	950,000
			BSU	475,000	-	-	-	-	-	475,000
			Project Total	1,900,000	-	-	-	-	-	1,900,000
30.250535.6302	Sanitary Sewer Conversion San Village	Design	General Fund	1,075,000	-	-	-	-	-	1,025,000
			Grant-FDEP	2,050,000	-	-	-	-	-	2,050,000
			BSU	1,025,000	-	-	-	-	-	1,025,000
			Project Total	4,100,000	-	-	-	-	-	4,100,000
Total Environmental Protection				\$ 6,210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 210,000	\$ 1,600,000	\$ 9,979,100
STRENGTHEN/ENHANCE CITY FINANCES (5th STRATEGIC PRIORITY)										
To be Determined	Disaster Reserve Allocation	Recurring	General Fund	-	350,000	350,000	350,000	350,000	350,000	1,750,000
Total Strengthen/Enhance City Finances				\$ -	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,750,000
GOVERNMENT TRANSPARENCY INCREASE OUTREACH/ACCESSIBILITY TO CITIZENS (7th STRATEGIC PRIORITY)										
30.240513.6400	Technology Enhancements	Construction	Building Fee Fund	-	-	-	-	-	-	759,399
30.240539.6354	Technology Infrastructure Planning	Planning	General Fund	250,000	-	-	-	-	-	250,000
			Grant	-	-	-	-	-	-	-
			Project Total	250,000	-	-	-	-	-	250,000
Total Government Transparency Strategic Priority				\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,009,399
OTHER CAPITAL PROJECTS										
30.240513.6401	Technology Equipment	Recurring	General Fund	50,000	75,000	75,000	-	-	500,000	882,726
30.240513.6402	Back ups for Server Data	Planning	General Fund	-	-	-	-	-	-	14,812
30.270519.4924	City Facilities Major Repairs	Construction	General Fund	1,600,000	2,000,000	500,000	2,000,000	2,000,000	8,500,000	17,963,086
30.270519.4927	City Facilities Security Upgrades	Construction	General Fund	-	75,000	75,000	75,000	75,000	375,000	684,578
30.270519.4938	City Hall Generator Replacement	Planning	General Fund	-	-	-	-	-	-	677,715
30.270519.4936	City Hall Sewer Lateral Repair Asphalt Overlay	Planning	General Fund	-	-	-	-	-	-	379,214
30.631572.6210	Old Library	Construction	General Fund	500,000	500,000	-	-	-	-	1,567,960
30.270519.6400	Vehicle Major Repairs and Replacement	Recurring	General Fund	75,000	75,000	75,000	75,000	75,000	550,000	978,913
30.270519.6401	Elevator City Hall	Planning	General Fund	-	-	-	-	-	300,000	342,953
30.402513.6400	Cameras in Council Chambers	Construction	General Fund	-	-	-	-	-	-	1,653
Total Other Capital Projects				2,225,000	2,725,000	725,000	2,150,000	2,150,000	10,225,000	23,493,629
TOTAL CAPITAL IMPROVEMENT PLAN				\$ 33,572,867	\$ 35,568,097	\$ 19,986,595	\$ 30,415,590	\$ 12,462,552	\$ 55,896,732	\$ 332,385,079

CAPITAL IMPROVEMENT PLAN									
Fiscal Year 2023-2024									
Account	Project Description	Project Phase	Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033
FUNDING SOURCES									
			Funding/ Revenue Source	Fiscal Year 2023-2024	Fiscal Year 2024-2025	Fiscal Year 2025-2026	Fiscal Year 2026-2027	Fiscal Year 2027-2028	Fiscal Years 2028-2029 to 2032-2033
			General Fund	14,191,956	6,372,828	1,735,000	3,460,000	3,960,000	23,525,000
			Gas Tax	775,990	425,990	650,000	650,000	636,990	4,094,940
			Grants	6,545,467	74,252,687	10,018,823	12,401,075	5,629,235	17,600,000
			Road Impact Fee	4,076,454	3,013,592	7,502,772	13,904,515	2,034,327	7,026,792
			Park Impact Fee	400,000	-	-	-	-	2,850,000
			Stormwater Fee	700,000	700,000	-	-	-	-
			Bus Stop Fees	-	-	-	-	-	-
			State Legislative Appropri.	5,400,000	-	-	-	-	-
			DSO-Bonita Springs Utilities	1,500,000	-	-	-	-	-
			TOTAL	\$33,872,867	\$85,568,097	\$19,986,595	\$30,415,590	\$12,462,552	\$55,396,732
						Year 1 to 5 Budgeted Expenditures		\$182,005,701	
									\$ 332,385,079

PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES

~~PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES~~

~~PUBLIC PARTICIPATION PROCEDURES~~

~~Under the requirements of Chapter 163.3181 F. S. local governments are required to adopt procedures to provide for and encourage public participation in the comprehensive planning process. The following procedures were adopted and implemented during the preparation phase of this Comprehensive Plan.~~

~~ADOPTION OF THE CITY'S FIRST COMPREHENSIVE PLAN~~

~~PUBLIC WORKSHOPS AND PUBLIC HEARINGS~~

- ~~1. Prior to holding its first public workshop, the City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun the process of preparing its first Comprehensive Plan in conformance with requirements of the Community Planning Act, as amended, and Chapter 163 of the Florida Statutes. The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required public hearings will specify dates, times and locations. [A sample public notice is provided on page 3.]~~
- ~~2. The Local Planning Agency (LPA) will hold its first public "visioning" workshop in January of 2001 to obtain initial input from interested citizens. A second public "visioning" workshop will be held during the summer of 2001. The LPA may hold additional public workshops at various locations throughout the community during the spring and summer of 2001 to appraise the public of the status of the project and to provide the opportunity for public input during the preparation process.~~
- ~~3. During the fall of 2001, the LPA shall hold public workshops to discuss the drafts of Goals, Objectives and Policies of the various elements of the Comprehensive Plan as they become available.~~
- ~~4. Each public workshop shall be advertised in a newspaper of general circulation. The advertisement shall inform the public of the general purpose of the meeting, its date, time and location.~~
- ~~5. The LPA is tentatively scheduled to hold its "transmittal stage" public hearing in January, 2002 to review the proposed Comprehensive Plan, hear public comments and make recommendations to the City Council for transmittal of the proposed Comprehensive Plan to the former Florida Department of Community Affairs, now referred to as State Land Planning Agency, for its review and comment. Announcement of the date of the first public hearing before the City Council (the "transmittal" public hearing) will be made at this hearing.~~
- ~~6. The City Council is tentatively scheduled to hold its "transmittal" public hearing in February of 2002. This public hearing will be held on a weekday at least seven days after the first advertisement is published.~~
- ~~7. The City Council is tentatively scheduled to hold two public hearings during the months of July and/or August 2002, to review the proposed Comprehensive Plan and to consider the recommendations of the LPA, hear~~

public comment and adopt, or adopt with changes, the proposed Comprehensive Plan. These public hearings will be held on a weekday at least five days after the day the advertisements are published.

8. ~~Legal advertisements for all required public hearings will be in accordance with Chapter 163.3184 (15)~~

INITIAL PUBLIC NOTICE

RE: BEGINNING PREPARATION OF THE CITY'S FIRST COMPREHENSIVE PLAN

~~In accordance with (now repealed) Rule 9J-5.004 F. A. C. and the City's Public Participation Procedures, owners of real property within the City of Bonita Springs are hereby notified that the City of Bonita Springs has begun the preparation of its first Comprehensive Plan in conformance with the requirements of the former 1985 Local Government Comprehensive Planning and Land Development Regulations Act (now Community Planning Act), as amended.~~

~~Copies of information, data, reports and summaries will be on file in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135 as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.~~

AMENDMENTS TO THE COMPREHENSIVE PLAN AND EVALUATION AND APPRAISAL REVIEW

1. ~~The City shall notify the general public of public hearings on the Comprehensive Plan, including amendments to the text or Future Land Use Map of the Comprehensive Plan, and the preparation of Evaluation and Appraisal Review. The City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun the process of considering amending its Comprehensive Plan. The advertisement shall also inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required public hearings will specify dates, times and locations.~~
2. ~~In addition to the above formal advertisements and required public hearings, the general public shall be kept informed through the posting of notices pertaining to the planning process in City Hall and general media reporting.~~
3. ~~The City staff shall maintain a list of public hearing requirements for each type of official action and will maintain a list of advertisement schedule requirements in order to assure that required public hearings are held in accordance with Florida Statutes and the City Code.~~
4. ~~Legal advertisements for all required public hearings will be in accordance with Chapter 163.3164.~~

PUBLIC INPUT AND COMMENTS

~~The following shall be applicable to the adoption of the City's first Comprehensive Plan, subsequent amendments thereto, and to the preparation of subsequent Evaluation and Appraisal Review.~~

1. ~~Public comments will be encouraged and considered at each of the public workshops and hearings. Written acknowledgment of public comments will be made upon completion of a form developed for that purpose by the City. The City staff shall record and give due consideration to all public comments, both oral and written, and will make revisions, as appropriate, in response to citizens' comments.~~

- ~~2. The City shall maintain a mailing list of neighborhood association officers, persons having requested copies of the City's Comprehensive Plan, persons submitting written comments, and other interested parties for the purposes of informing them, in a timely manner, of public hearing dates and subject matter.~~
- ~~3. A news release will be issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings. Drafts and/or summaries of pertinent information will be available for public inspection and review in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135, in order to keep the residents of the City and general public informed of the progress of the Plan.~~
- ~~4. In the initial advertisement that puts the residents of Bonita Springs and the general public on notice regarding the development of the City's first Comprehensive Plan, proposed amendments thereto, and the preparation of Evaluation and Appraisal Review, and in subsequent news releases as necessary, the public shall be informed that written comments may be provided to the City on forms available from the Office of the City Clerk.~~
- ~~5. These public participation procedures shall be instituted as expeditiously as possible upon acceptance and adoption by the City Council.~~

~~ADVERTISING FORMAT~~

~~The following are the advertising requirements for the Local Planning Agency (LPA) and City Council transmittal public hearings and for the City Council adoption public hearing(s) per § 1166.041(3)(c)2.b as referenced in Chapter 163.3164.~~

~~The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:~~

~~NOTICE OF (TYPE OF) CHANGE~~

~~The City of Bonita Springs proposes to adopt the following ordinance: (title of the ordinance).~~

~~A public hearing on the ordinance will be held on (date and time) at (meeting place).~~

~~The proposed ordinance may be inspected by the public at (place and times).~~

~~Interested parties are encouraged to appear at the meeting and comment on the proposed ordinance.~~

~~Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.~~

~~MONITORING, UPDATING AND EVALUATION PROCEDURES~~

~~EVALUATION AND APPRAISAL REVIEW (EAR)~~

UPDATING AND EVALUATION PROCEDURES

The following procedures shall be employed in the preparation of the required Evaluation and Appraisal Review (EAR):

1. The City will update appropriate baseline data upon which the Plan in effect at that time was developed. This update of the underlying base data will entail incorporation of newly available secondary data from sources such as:
 - a. Population estimates and projections from the Office of Economic and Demographic Research;
 - b. Demographic and economic data available from the most recent U. S. Census, if different from that employed in the preparation of the Plan presently in force;
 - c. Land use changes recorded by the City;
 - d. Traffic counts and capacities recorded by the Florida Department of Transportation or Lee County Department of Transportation;
 - e. Water, sewer, and solid waste generation or utilization information recorded by Lee County and the franchised utility systems providing such services within the City.
 - f. The State Comprehensive Plan, Chapter 187 F.S., Chapter 163 F.S., the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan.
 - g. Amendments to the City's Plan in the interim time period.
 - h. Other pertinent data or information which can be obtained without primary research.
2. The LPA will review each of the measurable objectives and policies identified in the Plan to be accomplished in the period since the Plan was adopted or updated, and will note the degree to which the such objectives or policies have been met by the City.
3. The LPA will identify the extent to which unanticipated and unforeseen problems and opportunities have occurred since the Plan was last adopted or updated as well as obstacles or problems which resulted in under achievement of the Plan's stated goals, objectives, and policies.
4. The LPA will identify major problems of development, physical deterioration, and the location of land uses and the social and economic effect of such uses in the area as they may have changed since the Plan was last adopted or updated.
5. The LPA will review the City's Comprehensive Plan, the aforementioned updated base data, its determinations regarding the extent to which the Plan's goals, objectives and policies have been met, and any reasons for identified under achievement, and propose new or modified goals, objectives or policies appropriate to the circumstances prevailing in Bonita Springs.
6. The LPA will review the most current versions of Chapter 197, F. S. the State Comprehensive Plan; and the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan to determine the effects any changes to these documents may have upon the City's Plan.
7. Based upon the foregoing updated data and analyses, the LPA shall identify any actions that need to be taken to address the planning issues identified and propose amendments to the City's Plan, as appropriate.

EVALUATION AND APPRAISAL REVIEW PUBLIC PARTICIPATION PROCEDURES

1. The City shall place an advertisement in a newspaper of general circulation to notify the real property owners of Bonita Springs, Florida and the general public that the City has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Review in conformance with requirements of the Community Planning Act 163.3164, F.S., as amended. The advertisement shall also inform the public that

~~copies of information, data, reports, and summaries will be on file in the Office of the City Clerk for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Subsequent legal advertisements regarding the required Public Hearings will specify dates, times and locations.~~

- ~~2. At least one public hearing will be held by the Local Planning Agency (LPA) at which time it will review and consider draft materials prepared by City staff setting forth a summary of pertinent data, issues and analyses to be contained in the EAR, hear public comments and make recommendations to the City Council. Announcement of the date of the public hearing before the City Council will be made at this hearing.~~
- ~~3. The City Council, will hold at least two public hearings to review the proposed EAR document, consider the recommendations of the LPA, hear public comments and adopt, or adopt with changes, the EAR.~~

~~Copies of the draft EAR, as adopted by the City Council, will be forwarded to the State Land Planning Agency and will be made available to interested parties in the Office of the City Clerk.~~

~~PUBLIC INPUT AND COMMENTS~~

- ~~1. Public comments will be considered at each of the public hearings. Written acknowledgment of public comments will be made on a form developed for that purpose by the City.~~
- ~~2. A news release will be issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings. Drafts and/or summaries of the pertinent information contained within the EAR and/or amendment(s) will be available for public inspection and review in the Office of the City Clerk in order to keep the residents of Bonita Springs and the general public informed of the progress of the EAR.~~
- ~~3. In the initial advertisements that put the residents of Bonita Springs and the general public on notice regarding the EAR and the EAR-based amendment(s), and in subsequent news releases as necessary, the public shall be informed that written comments may be provided to the City on forms available from the Office of the City Clerk.~~
- ~~4. The initial public notice pertaining to the preparation of the Evaluation and Appraisal Review shall take the following form:~~

~~PUBLIC NOTICE~~

~~In accordance with the City's adopted Public Participation Procedures, owners of real property within the City of Bonita Springs are hereby notified that the City of Bonita Springs has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Review (EAR) in conformance with the requirements of the Community Planning Act, as amended. Written comments may be provided to the City on forms available from the Office of the City Clerk.~~

~~Copies of information, data, reports and summaries will be on file in the Office of the City Clerk, City Hall, 9220 Bonita Beach Road, Suite 111, Bonita Springs, Florida 34135 as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.~~

~~EAR-BASED AMENDMENTS~~

~~In accordance with Chapter 163, F. S., the City's Comprehensive Plan will be amended, based on the findings and recommendations contained in the EAR, within one year after the EAR is adopted.~~

~~MEANS TO ENSURE CONTINUOUS MONITORING AND EVALUATION OF THE PLAN~~

~~City staff will prepare and maintain a matrix/timetable listing all implementing actions identified in the Comprehensive Plan and their respective due dates, as applicable, over the planning period. This matrix/timetable will be consulted and reviewed on an annual basis to facilitate timely implementation of the Plan and to "red flag" areas where implementation may not be occurring in a timely manner.~~

~~City staff will prepare an annual report evaluating the performance level of the activities of the previous year and listing any major planning issues, problems or opportunities that may have arisen during the year, or inconsistencies that may have been identified, along with a recommendation for plan amendments or policy adjustments as deemed appropriate. This report will be for public review and for presentation to the LPA and City Council.~~

~~(Ord. No. 17-08, § 1, 6-7-17)~~

Outline of New Element [Outline *will not be included in amendments*]

1. Public Participation Procedures (and applicability of procedures)
2. Notification and Advertising Procedures
 - a. Advertising Format
 - i. Evaluation and Appraisal Review
 - ii. Public Hearing Requirements
3. Public Input and Comments
4. Updating and Evaluation and Appraisal Review Procedures
5. Continuous Monitoring and Evaluation of the Plan

PUBLIC PARTICIPATION, MONITORING, UPDATING AND EVALUATION PROCEDURES

Under the requirements of Chapter 163.3181 F. S. local governments are required to adopt procedures to provide for and encourage public participation in the comprehensive planning process, including text and map amendments to the Comprehensive Plan and to the preparation of Evaluation and Appraisal Review (EAR). These procedures also set forth the public notice and input requirements for the Local Planning Agency (LPA) and City Council transmittal and adoption public hearings.

Notification and Advertising Procedures

1. The City shall notify the real property owners of Bonita Springs, Florida and the general public of the following:
 - a. That the City has begun the process of amending its Comprehensive Plan or beginning the Evaluation and Appraisal Review in conformance with requirements of the Community Planning Act 163.3164, F.S., as amended.
 - b. Public hearings on the Comprehensive Plan, including amendments to the text or maps of the Comprehensive Plan, and the Evaluation and Appraisal Review. Legal advertisements for required public hearings will be in accordance with Chapter 163.3184.
2. Notification shall consist of an advertisement in a newspaper of general circulation. The advertisement shall inform the public that copies of information, data, reports, and summaries will be on file in the Office of the City Clerk, City Hall, 9101 Bonita Beach Road, Bonita Springs, FL 34135, for public inspection and review as they become available. The advertisement shall be placed in a section of the newspaper other than the legal ads or classified sections. Legal advertisements regarding the required public hearings will specify dates, times and locations.
3. In addition to formal advertisements described above, the general public shall be kept informed of public hearings through:
 - a. The posting of notices through regular City channels and general media reporting, and
 - b. A mailing list of neighborhood association officers, persons having requested copies of the City's Comprehensive Plan, persons submitting written comments, and other interested parties for the purposes of informing them, in a timely manner, of public hearing dates and subject matter, and
 - c. A news release issued to newspapers of general circulation prior to the public hearings to advise the public of the availability of the materials to be considered during the public hearings.
4. The City staff shall maintain a list of public hearing requirements for each type of official action and will maintain a list of advertisement schedule requirements in order to assure that required public hearings are held in accordance with Florida Statutes and the City Code.

Advertising Format and Requirements

Evaluation and Appraisal Review Format and Requirements

In accordance with the City's adopted Public Participation Procedures, owners of real property within the City of Bonita Springs are hereby notified that the City of Bonita Springs has begun updating its Comprehensive Plan and is preparing the Evaluation and Appraisal Review (EAR) in conformance with the requirements of the Community

Planning Act, as amended. Written comments may be provided to the City on forms available from the Office of the City Clerk.

Copies of information, data, reports and summaries will be on file in the Office of the City Clerk, City Hall, 9101 Bonita Beach Road, Bonita Springs, FL 34135 as they become available. The public may review and inspect such materials as are available during the hours of 8:30 AM and 5:00 PM, Monday through Friday.

Public Hearing Advertising Format and Requirements

The following are the advertising requirements for the Local Planning Agency (LPA) and City Council transmittal public hearings and for the City Council adoption public hearing(s) per §166.041(3)(c)2.b, F.S., as referenced in Chapter 163.3164.

The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The City of Bonita Springs proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The proposed ordinance may be inspected by the public at (place and times).

Interested parties are encouraged to appear at the meeting and comment on the proposed ordinance.

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

Public Input and Comments

The following shall be applicable to the transmittal and adoption of amendments to the City's Comprehensive Plan and to the preparation of the Evaluation and Appraisal Review.

Public comments will be encouraged and recorded at each of the public workshops and hearings. The City staff shall give due consideration to all public comments, both oral and written, and will make revisions, as appropriate, in response to citizens' comments.

Evaluation and Appraisal Review Updating and Evaluation Procedures

The following procedures shall be employed in the preparation of the required Evaluation and Appraisal Review (EAR):

1. The City will comply with §163.3191, F.S., requiring that at least once every 7 years, each local government shall evaluate its comprehensive plan to determine if plan amendments are necessary to reflect a minimum planning period of at least 10 years as provided in §163.3177(5) or to reflect changes in state

- requirements since the last update of the comprehensive plan, and notify the state land planning agency as to its determination. This notification will be known as the evaluation and appraisal notification letter or EAR Notification Letter. The EAR Notification Letter will include a separate affidavit, signed by the mayor, attesting that all elements of the comprehensive plan comply with §163.3177(5). The affidavit must also include a certification that the adopted comprehensive plan contains the minimum planning period of 10 years, as provided in §163.3177(5), and must cite the source and date of the population projections used in establishing the 10-year planning period.
2. In addition to compliance with §163.3191, F.S., the City may, from time to time, undertake a full review of the comprehensive plan and update baseline data as appropriate.
- a. This update of the underlying base data may entail incorporation of newly available secondary data from sources such as:
 - i. Population estimates and projections from the Office of Economic and Demographic Research, or other population estimates as defined and allowed by §163.3177(1)(f)(3.), F.S.;
 - ii. Demographic and economic data available from the most recent U. S. Census, if different from that employed in the preparation of the Plan presently in force;
 - iii. Land use changes recorded by the City;
 - iv. Traffic counts and capacities recorded by the Florida Department of Transportation or Lee County Department of Transportation;
 - v. Water, sewer, and solid waste generation or utilization information recorded by Lee County and the franchised utility systems providing such services within the City.
 - vi. The State Comprehensive Plan, Chapter 187 F.S., Chapter 163 F.S., and the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan.
 - vii. Amendments to the City's Plan in the interim time period.
 - viii. Other pertinent data or information which can be obtained without primary research.
 - b. The LPA may review each of the measurable objectives and policies identified in the Plan to be accomplished in the period since the Plan was adopted or updated, and may note the degree to which the such objectives or policies have been met by the City.
 - c. The LPA may identify the extent to which unanticipated and unforeseen problems and opportunities have occurred since the Plan was last adopted or updated as well as obstacles or problems which resulted in under-achievement of the Plan's stated goals, objectives, and policies.
 - d. The LPA may identify major problems of development, physical deterioration, and the location of land uses and the social and economic effect of such uses in the area as they may have changed since the Plan was last adopted or updated.
 - e. The LPA may review the City's Comprehensive Plan, the aforementioned updated base data, its determinations regarding the extent to which the Plan's goals, objectives and policies have been met, and any reasons for identified under-achievement, and propose new or modified goals, objectives or policies appropriate to the circumstances prevailing in Bonita Springs.
 - f. The LPA may review the most current versions of Chapter 187, F. S. the State Comprehensive Plan; Chapter 163 F.S.; and the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan to determine the effects any changes to these documents may have upon the City's Plan.
 - g. Based upon the foregoing updated data and analyses, the LPA may identify any actions that need to be taken to address the planning issues identified and propose amendments to the City's Plan, as appropriate.
3. At least one public hearing will be held by the Local Planning Agency (LPA) at which time it will review and consider draft data and analysis materials prepared by City staff setting forth a summary of pertinent data, issues and analyses identified in the EAR, hear public comments, and make recommendations to the City

Council as to compliance with §163.3191, F.S. and the preparation of the EAR Notification Letter.

Announcement of the date of the public hearing before the City Council will be made at this hearing.

4. The City Council, will hold at least one hearing to review the proposed EAR data and analysis, consider the recommendations of the LPA, and hear public comments prior to approving the EAR Notification Letter to be forwarded to the State Land Planning Agency.
5. Copies of the EAR Notification Letter and the EAR data and analysis will be made available to interested parties in the Office of the City Clerk.
6. If required, and in accordance with Chapter 163, F. S., the City's Comprehensive Plan will be amended within one year after the EAR Notification Letter is provided to the state land planning agency. Subsequent amendments to the Comprehensive Plan will comply with the process for adoption of comprehensive plan or plan amendments as described in §163.3184, F.S.

Means to Ensure Continuous Monitoring and Evaluation of the Plan

City staff will prepare and maintain a matrix/timetable listing all implementing actions identified in the Comprehensive Plan and their respective due dates, as applicable, over the planning period. This matrix/timetable will be consulted and reviewed on an annual basis to facilitate timely implementation of the Plan. City staff will monitor the performance level of the activities of the previous year and provide recommendations for plan amendments or policy adjustments as deemed appropriate.

(Ord. No. 17-08, § 1, 6-7-17)

Definitions

Affordable Workforce Housing: Housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home (§380.0651(1)(h), F.S.

Constrained Road: A segment of roadway that, due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, should not be widened and which reduced peak hour levels of service will be accepted as a trade-off for the preservation of scenic, aesthetic, historic, environmental, walkable, and attractive small town urban character.

Degradation (Roadway): Degradation shall mean the reduction of the level of service of a roadway to a level below the level of service standard for that roadway; in cases where the roadway is functioning below the level of service standard, degradation shall mean a significant increase in traffic volume.

F.A.R.: Floor Area Ratio.

Gap housing: Housing affordable to persons earning more than 80% and up to but not exceeding 150% of the median income, using 30% of that income for the purchase of housing.

Green Building: Green building means a designation given to buildings that have achieved the requirements of a green building rating system defined in this green building program, as defined in the City's Land Development Code.

Land Development Regulations (LDR) or Land Development Code (LDC): Includes local zoning, subdivision, building, and other regulations controlling the development of land. (§ 380.031 F.S.)

MSTU: Municipal Services Taxing Unit

Post Construction Pollution Prevention Plan: "Post Construction Pollution Prevention Plan" means a document that provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source.

Public School Facilities Element

Objective 1.1: Adequate school facilities - Maintain adequate school facilities in Lee County Schools by adopting a concurrency management system to address the need for correction of existing school facility deficiencies through a specific level of service standards for public schools in order to ensure that there is adequate school capacity for all existing and expected High School, Middle School, Elementary School, and Special Purpose students. ~~Incorporate and Maintain a PSFE Map, Map 2, Adopt, by reference, the Lee County School District's Educational and School District Facilities map and as subsequently amended that depicts the existing educational and Public School District facilities in Lee County. This Map also generally depicts the anticipated location of educational and ancillary plants anticipated over the five year and long term planning period.~~

Policy 1.1.2: Any modification of public school Level of Service (LOS) standards must be accomplished by amending the Interlocal Agreement dated January 16, 2008 and the adoption of amendments to the City's Comprehensive Plan. No LOS will be amended without a showing that the amended LOS is ~~financially maintained~~ within the period covered by the School District's Five Year Capital Facilities Plan.

Policy 1.1.3: The City will adopt, by reference the ~~School Board's~~ current ~~School Choice Subzone Zone~~ boundaries as depicted on ~~PSFE Map 1~~ the Lee County Educational and School District Facilities map, as Concurrency Service Areas (CSA's) ~~;-).~~ CSA's exclude multizone magnet schools and special centers. Concurrency for new development will be measured against capacity in the three Student Assignment Zones (West Zone, East Zone, and South Zone) ~~depicted on Map 1~~. Following the release of ~~the 2010 decennial~~ census data, Lee County and the School District will evaluate expanding the number of CSA's to utilize the CSA Sub-Zone geography as the basis for measuring school concurrency. The following procedures shall be used for modifying a CSA map:

- a. The School District will transmit a proposed CSA map modification with data and analysis to support the change to the Cities, the County, and the Capital Outlay Committee (COC). Any proposed change to a CSA shall require a demonstration by the School District that the change complies with the public school LOS standard and that utilization of school capacity is maximized to the greatest extent possible.
- b. The Local Government and the COC will review the proposed modification of the CSA and send their comments to the School District within 45 days of receipt of the proposed change.
- c. The modification of a CSA shall be effective upon adoption by the School Board.

Policy 1.1.4: School District staff and City staff will discuss the need to amend the CSA's, as contained in the Bonita Springs Comprehensive Plan, prior to the initiation of the annual regular amendment cycle following the release of ~~the 2010 decennial~~ census data. School District staff will informally present any proposed modification to City of Bonita Springs' staff for initial comments and input. The School District will be the lead agency and will submit and present an application for an amendment to the City's Comprehensive Plan to change the CSA's.

Policy 1.2.2: With the assistance of the School District, Lee County will annually identify available school capacity as part of its concurrency management report. The report will identify total school capacity. Total school capacity includes existing capacity and the capacity created by school improvements programmed in the first three years of an adopted School District Capital Improvement Program. The School District will annually transmit to the County: a copy of the adopted School Capital Improvement Program; student enrollment by school type by CSA; and, capacity information by school type by CSA. This information will also be incorporated into the City's Comprehensive Plan by reference.

Policy 1.2.3: All proposed residential development activity (local development order requests) will be reviewed against the available total capacity by school type as identified in the annual concurrency report for the specific CSA in which the proposed development is located.

- a. If capacity is available or appropriate mitigation has been agreed to by the City and the School District, a concurrency certificate may be issued, valid for three years.
- b. If capacity is not available within the affected GSACSA, contiguous CSAs are reviewed for available capacity.
- c. If capacity is available in the contiguous CSAs, the School District shall verify available capacity in the adjacent CSAs and a concurrency certificate may be issued, valid for three years.
- d. If capacity is not available in the contiguous CSAs, the School District shall indicate the development is not in compliance with the adopted LOS and offers the developer a 90-day negotiation period for mitigation.

A concurrency certificate may be renewed for an additional 3 year period and may be extended twice for a 2 year period consistent with the existing provisions of the Land Development Code applicable to Development Orders.

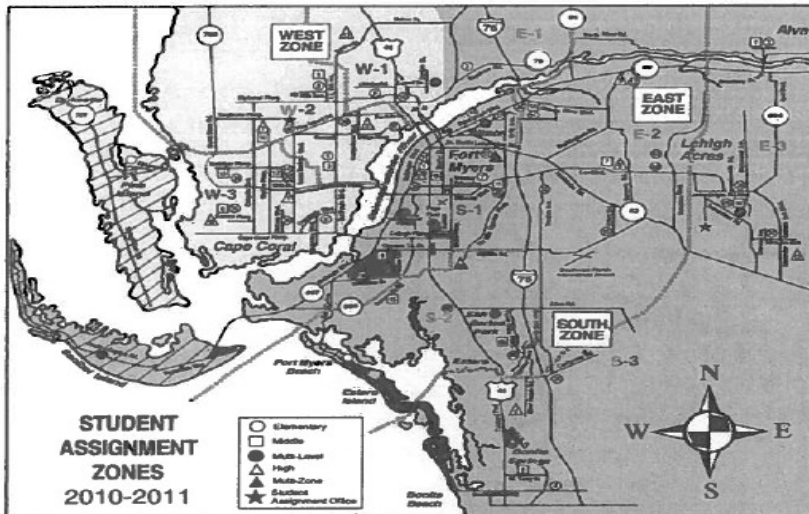
Policy 1.4.1: The City will, ~~annually~~ incorporate by reference into the Capital Improvements Element the "Summary of Capital Improvements Program" and "Summary of Estimated Revenue" tables from the School District's annually adopted Five-Year Capital Facilities Plan, which shall identify school facility capacity projects which are necessary to address existing deficiencies and meet future needs and demonstrate the School District can achieve and maintain the adopted LOS standard for the five-year planning period supported by data and analysis ~~demonstrating financial feasibility~~.

Policy 1.4.2: The City, in conjunction with the School District, will annually review the Public School Facilities Element and ~~maintain~~ adopt, by reference thea long-range Lee County public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period.

Policy 1.5.4: The City of Bonita ~~Sprigs~~ Springs, in conjunction with the School District, shall seek opportunities to co-locate schools with public facilities, such as parks, libraries and community centers, as the need for these facilities is identified.

**2010-2011 City of Bonita Springs Public School Facilities Element Update
Map 1 - Concurrency Service Areas /Student Assignment Zones
2010-2011 Map**

THE SCHOOL DISTRICT OF LEE COUNTY



Free school bus transportation is provided for students who live beyond two miles from their assigned school. Students residing in barrier island boundary areas of Fort Myers Beach, and Pine Island will attend their barrier island elementary school. Students residing in barrier island boundary area of Sanibel Island will attend their barrier island elementary and middle school.

WEST ZONE
Student Assignment Office
Cape Coral

Elementary Schools	
Caloosa (U)	5
Cape	6
Diplomat (U)	8
Gulf	16
Hansoth Creek	17
Hector A. California, Jr. (U)	40
J. C. Williams (U)	19
Littleton (U)	9
NFL Academy for the Arts (K-8) (A) (U)	23
Patriot	44
Pelican	26
Skyline	30
Trident (U)	34
Tropic Isles	38
Middle Schools	
Caloosa	3
Challenger	17
Diplomat	5
Gulf	8
Mariner	10
NFL Academy for the Arts (K-8) (A) (U)	23
Trident	13
High Schools	
Cape Coral (IB)	1
Ida S. Baker (C)	10
Island Coast	13
Mariner	7
North Fort Myers (A)	6

SOUTH ZONE
Student Assignment Office
Fort Myers

Elementary Schools	
Allen Park	1
Bonita Springs (U) (A)	4
Colonial (U)	7
Edison Park (A)	11
Franklin Park (U) (U)	13
Heights (IB)	18
Orangewood	26
Pinecroft	28
Ray V. Polk (U)	41
Rayma C. Page (U)	42
San Carlos Park (U) (A)	29
Spring Creek (U)	31
Tanglewood Riverside	33
Three Oaks	36
Village	39
Middle Schools	
Bonita Springs	2
Cypress Lake (A)	4
Fort Myers Middle Academy (U) (T)	16
Lindgren (IB)	15
Paul Laurence Dunbar	11
Three Oaks (U)	12
High Schools	
Cypress Lake (A)	2
Dunbar Zone Magnet (T)	3
Estero	4
Fort Myers (IB)	5
South Fort Myers (CL)	11

EAST ZONE
Student Assignment Office
Lehigh Acres

Elementary Schools	
Alva	2
Bayshore (U)	3
Edgewood Academy (U)	10
G. W. H. Hips	45
Galaxy	15
Harris Marsh	43
Lehigh	20
Monterey	14
Mirror Lakes (U)	22
James Stephens Academy (U) (IB) (K-8)	6
Orange River	24
River Hall (U)	12
Sunshine	32
Tice	37
Tredline (U)	35
Veterans Park (K-8) (A) (U)	27
Middle Schools	
Alva	1
Lehigh Acres (U)	14
James Stephens Academy (U) (IB) (K-8)	6
Oak Hammock	18
Varsity Lakes (U)	7
Veterans Park (K-8) (A) (U)	27
High Schools	
Dunbar (T)	3
East Lee County (C)	12
Lehigh Senior (A)	6
Riverdale (IB)	9

(A) Arts Program; (C) Comprehensive Program; (IB) International Baccalaureate;
(T) Technology Program; (U) this school has a uniform clothing policy

