

**AGENDA ITEM SUMMARY**

**REQUESTED MOTION:**

First reading and public hearing of the following Ordinance:

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING §4-1315 RELATED TO THE AFFORDABLE HOUSING BONUS DENSITY PROVISIONS IN THE ZONING CHAPTER; REQUIRING GREEN CONSTRUCTION FOR RESIDENTIAL UNITS ELIGIBLE FOR AFFORDABLE HOUSING BENEFITS; OTHER MINOR CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

The Ordinance will be scheduled on October 21, 2015 at 9:00 a.m., City Council Chambers, for its Second Reading and Public Hearing.

**MEETING DATE:** October 7, 2015

<b>AGENDA:</b>		<b>REQUIREMENT/PURPOSE: (Specify)</b>	<b>REQUESTOR OF INFORMATION:</b>
<input type="checkbox"/>	PRESENTATIONS	STATUTE	Jennifer Hagen, Planner – LEED-AP Community Development And Audrey E. Vance, City Attorney
<input type="checkbox"/>	CONSENT	X ORDINANCE 4-1315	
X	PUBLIC HEARING	ADMIN. CODE	
<input type="checkbox"/>	APPEALS	OTHER	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS		
<input type="checkbox"/>	CITY ATTORNEY		
<input type="checkbox"/>	CITY MANAGER		

**BACKGROUND:**

On March 26, 2014 City Council directed staff to prepare an application for the City's participation in the Florida Green Building Coalition's "Green Local Government Standards" program. To maximize the total credits achievable to meet the standards outlined in the program, on August 5, 2015 City Council authorized staff to prepare certain ordinances. City Council gave permission to advertise the ordinance on September 16, 2015.

The purpose of this ordinance is to document that affordable housing projects be mandated as "green." Staff has been in close communication with Habitat for Humanity and they already implement these green programs. There were other minor changes, such as reference to households rather than families and allowing, at the discretion of the Community Development director, waiving the affordable participation agreement and bond, when actual bonus density awarded is only one dwelling unit.

The LPA reviewed the ordinance on October 1, 2015, and found it consistent with the comprehensive plan with changes.

Attachment: Draft Ordinance

**IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? X YES NO**

**IF YES, WHICH STRATEGIC OBJECTIVE?** Priority #1 Maintain and Enhance the Quality of Life

**STAFF RECOMMENDATIONS:**

Hold the first reading of the ordinance, with public comment, and advertise the ordinance for its Second Reading and Public Hearing on October 21, 2015 at 9:00 a.m.

**REVIEWED BY:**

**City Manager:**

**City Attorney:**

**City Clerk:**

**Department Director:**

**COUNCIL ACTION:**

- APPROVED**
- DENIED**
- DEFERRED**
- OTHER**

CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 15-\_\_

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING §4-1315 RELATED TO THE AFFORDABLE HOUSING BONUS DENSITY PROVISIONS IN THE ZONING CHAPTER; REQUIRING GREEN CONSTRUCTION FOR RESIDENTIAL UNITS ELIGIBLE FOR AFFORDABLE HOUSING BENEFITS; OTHER MINOR CHANGES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council is the governing body in and for the City of Bonita Springs, a municipal corporation of the State of Florida; and

WHEREAS, Chapter 166, Florida Statutes, authorizes City Council acting for the City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the exercise of its powers; and

WHEREAS, the City of Bonita Springs desires to increase the level obtained by the City of Bonita Springs participation in the Florida Green Building Coalition's "Green Local Government Standards" program in such a way as to promote the community and obtain the highest standard of living; and

WHEREAS, City Council has determined that developments that take the opportunity to increase density through the affordable housing bonus density provisions should be required to build certified green housing for any residential units eligible for affordable housing bonus density as a critical part of its sustainability strategy.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4**

Section 4-1315 of the Bonita Springs Land Development Code is hereby amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

Subdivision III. - Affordable Housing Bonus Density Provisions

Sec. 4-1315. - Eligibility for program.

- (a) A developer may be eligible to exceed the standard density range for a particular land use category if:
- (1) The additional dwelling units that are achieved through the bonus density program are available only to eligible families households in a site specific manner as described in section 4-1317; or

**DRAFT FOR DISCUSSION PURPOSES**

**DATE PREPARED: September 28, 2015**

Page 1 of 3

U:\City Attorney\Ordinances\2015\15-\_\_ Amend LDC 4-1318 Affordable Housing Bonus Density - Green Bldg Standards.docx

- (2) The developer makes a cash contribution to the Affordable Housing Trust Fund as described in section 4-1318
- (b) The maximum bonus density a given area of land may be eligible for is set forth in the Bonita Plan.
- (c) All requests for participation in the program must comply with and be consistent with the Bonita Plan and all other applicable federal, state and regional laws and regulations and must be designed so that:
  - (1) The resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity;
  - (2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;
  - (3) There will be no decrease in required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses; and
  - (4) Storm shelters or other appropriate mitigation is provided if the development is located within the Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council.
  - (5) All dwelling units constructed as a bonus density are mandated green, as outlined in the Green Building Program Ordinance.
- (d) Parcels of land of one-half acre or less. Where the total actual bonus density will consist of only one dwelling unit and the developer agrees to participate in the program, a copy of the agreement required by section 4-1317(b)(1) and the bond required by section 4-1317(b)(2) may be waived upon written request by must be provided to the planning Community Development director prior to approval of the bonus density.
- (e) Assisted living facilities whose annual rental rates, including all services, do not exceed the levels established for eligible families households will be eligible for bonus density consistent with the applicable land use category. Where the cash-contribution density bonus option is used, the cash contribution must be applied for each dwelling unit or its equivalent unit built above the standard density.

(Ord. No. 06-15; Ord. No. 11-02, § 3(4-1516), 1-19-2011)

## **SECTION TWO: CONFLICTS**

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

## **SECTION THREE: SEVERABILITY**

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any

**DRAFT FOR DISCUSSION PURPOSES**

**DATE PREPARED: September 28, 2015**

Page 2 of 3

U:\City Attorney\Ordinances\2015\15-\_\_ Amend LDC 4-1318 Affordable Housing Bonus Density - Green Bldg Standards.docx

reasons, such part, section, subsection, or other portion of the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision application.

**SECTION FOUR: CODIFICATION, INCLUSION IN CODE & SCRIVENER'S ERRORS**

It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs Land Development Code; and that sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not effect the intent may be authorized by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION FIVE: EFFECTIVE DATE**

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this \_\_ day of \_\_\_\_\_, 2015.

AUTHENTICATION:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney

Vote:

Nelson	Simmons
McIntosh	Gibson
Martin	Lonkart
Slachta	

Date filed with City Clerk: \_\_\_\_\_