

REQUESTED MOTION: (First Reading) AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO UPDATE THE THRESHOLDS FOR DEVELOPMENTS OF CITY IMPACT, 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: John Dulmer, Jacqueline Genson, Community Development

AGENDA: First reading of an ordinance

STRATEGIC PRIORITY: 8 (Economic Development)

BACKGROUND: This amendment is to clarify standards under the Section 4-272- Developments of City Impact of Land Development Code (LDC) Chapter 4-Zoning. The first change includes noncommercial schools and the second includes the changes to the Health Care Facilities consistent with changes that took place in Ordinance No. 17-03.

Noncommercial schools

This section of chapter 4 requires a planned development for noncommercial schools (except for the Lee County School District) that are proposed to have over 100 students. Currently, noncommercial schools are permitted by special exception in certain zoning districts (regardless of student capacity), by right (100 students or less in the Community Facilities, CF-2 district), or by a planned development (100 students or more on ten acres in the Community Facilities, CF-2 district). Therefore, any request for a noncommercial school with 100 students or more will require review and approval through a special exception or planned development rezoning process (public hearing process).

Health Care Facilities

This amendment updates the use group number references for Health Care Facilities Groups II and III to reflect changes that were approved in Ordinance 17-03.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Amendment Package in Strike-through/Underline format
-

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: John Dulmer

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

Sec. 4-272. Developments of city impact.

- (a) The Bonita Plan requires developments of city impact to be developed as planned developments. These developments of city impact, defined in subsection (b) of this section, if not already zoned for the use desired, must be rezoned only to the most applicable planned development category. Other proposed developments, regardless of size, may seek a planned development designation where the developer desires and the division director determines that it is in the public interest to do so. Any request for a residential planned development (RPD) in areas designated as rural or outer islands in the Bonita Plan, which is for the purpose of increasing density over the standard density permitted, will be required to comply with special regulations set forth in sections 4-347 and 4-348 as well as the other requirements set forth in this article.
- (b) The Bonita Plan provides that certain owner-initiated rezonings and special exceptions meeting specified thresholds will be reviewed as developments of city impact. The development of city impact thresholds are further categorized as major or minor planned developments as follows:
- (1) *Major planned developments.*
- a. A residential development of 300 or more dwelling units.
 - b. Any residential development proposing a density above the standard density range when located in areas designated as rural or outer islands by the Bonita Plan.
 - c. A commercial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area.
 - d. An industrial development or activity located on a parcel of ten or more acres or that includes 100,000 square feet or more of floor area.
 - e. Mining/excavation activities on a parcel of 320 or more acres.
 - ~~f. Noncommercial schools (except Lee County School District) proposed to have over 100 students.~~
 - ~~g-f.~~ Animal or reptile exhibits, aquariums, arenas, civic centers, convention or exhibition halls, correctional facilities and prisons, fairgrounds, museums, planetaria, race tracks, regional parks, stadiums, and zoos, on ten or more acres of land.
 - ~~h-g.~~ A health care facility Group V (hospital), that is not a part of a commercial or community facility planned development.
 - ~~i-h.~~ Any other development required to apply for planned development zoning pursuant to sections 4-716 through 4-719, and as set forth in sections 4-2037 through 4-2045, pertaining to sports/amusement parks and recreational facilities.
 - ~~j-i.~~ Residential uses within the interchange commercial area as specified by the Bonita Plan.
 - ~~k-j.~~ Any combination of the above-listed land uses where the sum of the percentages of each applicable individual threshold is equal to or greater than 100 percent.
 - ~~l-k.~~ Any development of regional impact not included in subsections (b)(1)a. through h. of this section.
 - ~~m-l.~~ Any development which includes the aboveground storage of more than 40,000 gallons of petroleum.
 - ~~n-m.~~ Any proposed hotel/motel which will contain more than 200 rental units or which will exceed the equivalency factors set forth in section 4-1529(4)b., when divided by the Bonita Plan maximum standard density for the property in question.
- (2) *Minor planned developments.*

-
- a. Botanical or zoological gardens, community parks, libraries, nature centers, religious facilities (excluding place of worship), state or federal parks, on ten or more acres of land.
 - b. A health care facility Group III or IV, social service Group III or IV community residential home, continuing care facility (CCF), or hospice, of 50 or more beds, which is not a part of a residential, commercial, or community facility planned development.
 - c. Any other development required to apply for planned development zoning as set forth in sections 4-434 through 4-685.
 - d. Except as listed below, any other application for planned development rezoning that does not meet or exceed the thresholds in section 4-272(b)(1)(a) through (l) will be reviewed as minor planned development.
 - 1. *Existing development.* An application for an existing development, such as a mobile home development, which has already been developed but does not conform to the regulations for a conventional district, that requests a rezoning to a planned development classification, will be reviewed in the same manner as a minor planned development, except that a traffic impact statement will not be required.
 - 2. *Amendments to application.* Applications for amendments to an approved major or minor master concept plan or its attendant documentation, or for the extension of a previously vacated master concept plan (for plans approved prior to December 2, 1991) will be treated procedurally as minor planned developments. These applications will require only as much information as is needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have occurred since the original application.
- (c) Reserved.
- (d) Determination of development of city impact status.
- (1) Any owner wishing a determination of the development of city impact status of his property may apply to the director and pay a fee to cover administrative costs.
 - (2) Any development which is less than 80 percent of the thresholds listed in section 4-272(b)(1) is conclusively presumed not to be a development of city impact. Any development which is more than 80 percent but less than 100 percent of the appropriate threshold is rebuttably presumed not to be a development of city impact. Any development which is more than 100 percent but less than 120 percent of any threshold is rebuttably presumed to be a development of city impact. Any development which exceeds 120 percent of any threshold is conclusively presumed to be a development of city impact.
 - (3) The director will consider the following items in determining the development of city impact status of a proposed rezoning or special exception:
 - a. The compatibility of the proposed zoning district with neighboring zoning districts and uses;
 - b. The impact of the proposed zoning change on existing and proposed transportation facilities;
 - c. The impact of the proposed zoning change on other urban services, as defined in the Bonita Plan; and
 - d. The impact of the proposed zoning change on environmentally critical areas.

-
- (4) For the purpose of determining whether a parcel is a development of city impact, all abutting parcels which are in common ownership or control may be identified and taken into account in both determining development of city impact status and estimating the impacts of any proposed development.
 - (5) The director's decision is an administrative decision which may be appealed in accordance with the procedure in this article.

(Ord. No. 11-02, § 3(4-341), 1-19-2011; Ord. No. 19-10 , § 1(Exh. A), 11-20-2019)

REQUESTED MOTION: (First Reading and Public Hearing) AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO AMEND SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING; 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: John Dulmer, Jacqueline Genson, Mike Fiigon II, Community Development

AGENDA: Public Hearing

STRATEGIC PRIORITY: 5, Community Aesthetics; 8 Economic Development

BACKGROUND: This land development code (LDC) amendment includes changes to three separate areas of LDC Chapter 4-Zoning. Changes to the Downtown Form-Based Code (FBC) and Bonita Beach Road Corridor Overlay were not addressed in the most recent amendments approved on May 20 due to statutory requirements for advertising. A brief summary and overview of each area is included below.

Downtown Form-Based Code, Sec. 4-868-Uses

As explained previously, the Downtown Form-Based Code represents a shift from focusing mainly on uses, to instead focusing primarily on-site design and site functionality. A small use table was included as part of the code revisions and has been amended with this draft to better reflect where churches/places of worship are able to practice. The revisions are in line with the provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA). At this time, this is the only proposed change to the use table for the Downtown District.

Bonita Beach Road Corridor Overlay, Sec. 4-898-Permitted Uses

The Bonita Beach Road Corridor Overlay District was approved in December of 2019. Since that time, Staff has identified changes based on input from the existing business community and discussions with potential businesses that want to locate here. These changes include adding uses by right and/or special exception, modifying permitted uses and uses by special exception, prohibiting uses, and modifying/including footnotes that further regulate uses. No verbiage changes have been made to the footnotes relative to density or intensity of uses in the Coastal Management Area.

Division 26- Parking

Staff has included changes to several sections that encourage and support shared parking infrastructure, reduces impervious surfaces, and reduces urban heating. For this section, Staff compared parking regulations from other jurisdictions within the region and has recommended several amendments that support those efforts. Changes also include regulations that support multiple modalities (standard vehicles, compact vehicles, electric vehicles, scooters, etc.) and opportunities for an Applicant to request alternative parking requirements.

The LPA will review the amendment package on June 10, 2021. Staff will provide a summary of the LPA recommendation at the June 16, 2021 second reading and public hearing.

STAFF RECOMMENDATION: Move to the second reading and public hearing.