

**CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE NO. 10 – 07**

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, SO AS TO ESTABLISH THE FELTS AVENUE SUB-DISTRICT TO THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; 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, the 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, and Rule 9J-5, Florida Administrative Code provide for amendment to adopted Comprehensive Plan; and

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

WHEREAS, the Bonita Springs Comprehensive Plan provides for adoption of Plan Amendments with such frequency as may be permitted by applicable state statutes, in accordance with such administrative procedures as the City of Bonita Springs Council may adopt; and,

WHEREAS, Florida Statutes §163.3181 further provides an opportunity for individuals to participate in the plan amendment public hearing process; and,

WHEREAS, the City has received and reviewed the application for a Text and Map Amendment to the Future Land Use Element of the City's Comprehensive Plan, and said proposed amendment being reviewed by the City's Local Planning Agency at a duly advertised meeting on February 18, 2010, and submitted by staff application, which determined such application to be consistent with the Comprehensive Plan and appropriate to the future land uses within the City; and,

WHEREAS, Bonita Springs City Council upholds the recommendations of the Local Planning Agency that the proposed amendment does comply with the requirements of Chapter 163, Florida Statutes, Part II, and that the proposed amendment is 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

amendment on March 3, 2010; and

WHEREAS, the City received on June 4, 2010 from the State Land Planning Agency and responded to the Objections, Recommendations, and Comments Report; and

WHEREAS, the City Council of Bonita Springs adopted, pursuant to Chapter 163, Part II, Florida Statutes, after holding statutorily prescribed public hearing for the adoption of the amendment being proposed at a July 15, 2010 hearing, approved a motion to adopt said proposed amendment as more particularly set forth herein.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS

SECTION ONE: **SHORT TITLE.**

THIS ORDINANCE shall be known as the “Felts Avenue Sub-district” pursuant to the provisions of Florida Statutes §163.3187.

SECTION TWO: **FUTURE LAND USE TEXT MAP AMENDMENT**

The Bonita Springs Comprehensive Plan Future Land Use Element and Future Land Use Map, as currently applicable in the City of Bonita Springs, is hereby amended by to add the Felts Avenue Sub-district as described in the application for the Large Scale Comprehensive Plan Amendment, Applicant City of Bonita Springs.

In addition, the above-mentioned Application and Analysis, along with all attachments and the original Bonita Springs Comprehensive Plan Amendment Application for this amendment are hereby adopted as Support Documentation for the Comprehensive Plan, as currently applicable in the City of Bonita Springs.

SECTION THREE: **EFFECTIVE DATE.**


This Ordinance will not become effective until 31 days after adoption. If this Ordinance is challenged pursuant to Florida Statutes §163.3187 within 30 days after adoption, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

SECTION FOUR: **SEVERABILITY.**

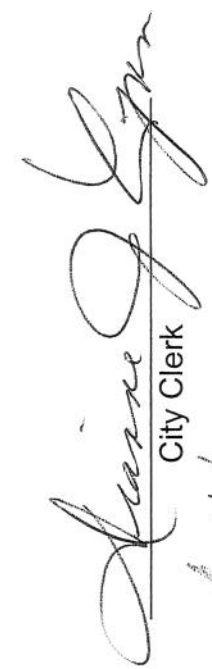
If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Florida this 21st day of July, 2010.

AUTHENTICATION:




Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney


Vote:

Nelson	Aye	Spear	Aye
McIntosh	Aye	Simons	Aye
Martin	Aye	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: 7-22-10

I CERTIFY THAT THIS IS A CORRECT
AND TRUE COPY OF AN OFFICIAL
PUBLIC RECORD FILED WITH THE
CITY CLERK OF BONITA SPRINGS,
FLORIDA.

BONITA SPRINGS CITY CLERK



City Clerk

Date: 7-27-10

6. Felts Avenue Sub-district: The Felts Avenue Sub-district lies south of the Imperial River, east of Felts Avenue, south to Dean Street and extends east for approximately ½ block. The purpose of the Felts Avenue Sub-district is to provide for a transitional area between intense commercial uses and medium density residential areas within the Old US 41 Redevelopment Overlay District Future Land Use Category. This area will provide for protection of adjacent lower intensity neighborhoods to the east from the impacts of more intense commercial areas to the west. Felts Avenue is a transitional area within the City's downtown redevelopment area and has an existing land use pattern of medium density residential consisting of single family and multi-family residential dwelling units, religious facility uses, and vacant residential and municipal lands.

a. In order to encourage downtown infill development, professional and home office uses, light retail and commercial uses, restaurants, recreational and cultural art related uses, and residential uses at intensities compatible with the surrounding neighborhood shall be permitted within the Felts Avenue Sub-district. All redevelopment or development must be at a size, scale and character similar to the nearby residences to the east. This designation is not intended for large-scale, parking-intensive uses that are incompatible with the scale, proportion, intensity and character of the adjacent neighborhood.

b. Existing uses within the Sub-district are permitted in accordance with the City's Land Development Code.

c. Density. The uses within the Felts Avenue Sub-district are limited to the following residential densities:

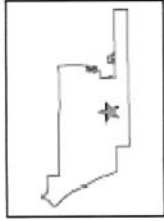
<u>USE</u>	<u>DENSITY</u>
Single-family residential	5.8 du/ac
Medium Density Residential (Townhouses)	6 du/ac
Multi-family residential	10 du/ac
Commercial	0.7 F.A.R.
Mixed Use	15 du/ac
Hospitality	15 du/ac

d. To facilitate the economic use of property while ensuring a desirable transitional area between the Old 41 commercial corridor and the adjacent single-family residential neighborhood, non-residential uses shall be permitted in accordance with the following conditions:

1. Intensity and Permitted Uses. Those uses including professional and home offices, light retail and commercial, civic, recreational and cultural facilities shall be permitted at intensities compatible with the surrounding neighborhood per 6.c of this policy. While this area may be composed of a single type of use, a mixture of land uses is encouraged.

- a. The Felts Avenue Sub-district Land Development Code regulations shall include standards which encourage the maintenance of existing neighborhood character, density and scale, while allowing compatible uses.
 - b. Infill development, redevelopment, and substantial improvements for commercial uses of existing structures within this subarea shall maintain the character and scale of single-family homes and shall conform to the Design Standards for non-residential and residential uses in the Felts Avenue Sub-district and the Old U.S. 41 Redevelopment Overlay District, as provided in Chapter 4 of the Land Development Code.
 - c. In order to protect low-density residential neighborhoods from encroachment, this designation is limited to properties identified on the Future Land Use Map. The subject area generally defines a depth of lot. Creative building and site design may be required.
2. Development Standards. The location of buildings, building additions, parking, stormwater retention and vehicular access shall be subject to the Felts Avenue Sub-district and the Old U.S. 41 Redevelopment Overlay District Land Development Code regulations. All new non-residential development shall comply with the water quality and best management practices in the Conservation/Coastal Management Element.
 3. Pedestrian Connections. The City shall cooperate with property owners and local business owners to improve the pedestrian network, including the creation of a continuous sidewalk along the east side of Felts Avenue.
 4. Historic Structures. For properties that may be designated as historic by the Bonita Springs Historical Preservation Board and City Council, any redevelopment or alterations to the structures must follow the standards of the Land Development Code prior to receiving architectural or development order approval.
 5. Signage. Special provisions will be placed in Chapter 6 of the Land Development Code to prohibit signs on any building elevation or yard facing a residential dwelling or the Imperial River, except for nameplates and directory signs conforming to the standards for office uses facing a residential zoning district.
 6. Concurrency. Redevelopment or development of vacant parcels must demonstrate that facilities and services are available concurrent with the impacts of development, or when development orders and permits can be specifically conditioned on the availability of the facilities and services necessary to serve the proposed redevelopment or development. Property owners shall ensure the provision of adequate public facilities to service all anticipated development or redevelopment of any property within this area.

FELTS AVE SUBDISTRICT PROPOSED FLUM



Legend

- 8.62 ACRES
- ROADS
- PARCELS
- FELTS SUB-DISTRICT
- Future Land Use
 - General Commercial
 - High Den. MF Res.
 - Industrial
 - Interchg. Commercial
 - Med. Den. MF Res
 - Med. Den. SF/DUP Res.
 - Public/Sem-Public
 - Recreation



0 150 300 Feet

This map was prepared under the direction and supervision of the City Engineer and is not to be construed as a warranty of accuracy or a representation of the City's policy. The City is not responsible for any errors or omissions on this map. The City is not responsible for any damages or losses resulting from the use of this map. The City is not responsible for any actions taken by any person or entity based on this map. The City is not responsible for any actions taken by any person or entity based on this map.

