

CITY COUNCIL
CITY OF BONITA SPRINGS
WEDNESDAY, OCTOBER 4, 2006
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
BONITA SPRINGS, FLORIDA 34135
MINUTES

I. CALL TO ORDER.

Mayor Jay Arend called the meeting to order at 5:30 P.M.

II. PUBLIC COMMENT ON AGENDA ITEMS (EXCEPT FOR FIRST READING OF ZONING ORDINANCES).

Al Mueller suggested that Sections 6 and 7 of the proposed Fireworks Ordinance be stricken.

Richard Steinmeyer also commented on the Fireworks Ordinance, informing Council of fireworks he and his mom observed on his porch, explaining that much of the debris landed on their porch and property of which he had to clean up.

III. FIRST READING OF THE FOLLOWING ZONING ORDINANCES:

- A. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REZONING REQUEST FROM AGRICULTURAL (AG-2) TO RESIDENTIAL (RPD) FOR THE LAWHON SUBDIVISION RPD; ON LAND LOCATED AT THE NORTHERN TERMINUS OF WISCONSIN STREET; BONITA SPRINGS, FLORIDA (STRAP NO. 34-47-25-B2-00259.0040), ON 2.00± ACRES; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Audrey Vance read the title block of the Zoning Ordinance into the record, stating that if approved a second reading would be scheduled for Monday, October 30, 2006 at 9:00 A.M.

Council Member Martha Simons motioned approval of moving forward with a second reading of the Zoning Ordinance on Monday, October 30, 2006 at 9:00 A.M.; Council Member John Joyce seconded; and the motion carried unanimously.

- B. A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A REQUEST BY BAYSIDE IMPROVEMENT CDD; FINDING THAT PROPOSED CHANGES TO THE DRI DEVELOPMENT ORDER DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; SPECIFIC CHANGE LOCATED AT 4650 COCONUT ROAD, ESTERO, FLORIDA, (STRAP NO. 08-47-25-00-00003.000), ON 1.45 +/- ACRES; PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Vance read the title block of the Zoning Ordinance into the record, stating that if approved a second reading would be scheduled for Monday, October 30, 2006 at 9:00 A.M.

Council Member Joyce motioned approval of moving forward with a second reading of the Zoning Ordinance on Monday, October 30, 2006 at 9:00 A.M.; Council Member Pat McCourt seconded; and the motion carried unanimously.

IV. PUBLIC HEARING:

- A. FIRST READING OF THE FOLLOWING ORDINANCE: AN ORDINANCE OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA CALLING FOR A SPECIAL ELECTION BY MAIL BALLOT TO EXTEND THE TERRITORIAL LIMITS OF THE CITY OF BONITA SPRINGS, FLORIDA, BY THE ANNEXATION OF AN UNINCORPORATED TRACT OF LAND LYING CONTIGUOUS TO AND BEING IN THE SAME COUNTY AS THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; DESCRIBED AS SECTION 29, TOWNSHIP

47 SOUTH, RANGE 26 EAST (LESS AND EXCEPT THAT PORTION PREVIOUSLY ANNEXED INTO THE CITY OF BONITA SPRINGS); ASSIGNMENT TO CITY COUNCIL DISTRICT 1; PROVIDING BALLOT QUESTION TEXT; AUTHORIZING THE SUPERVISOR OF ELECTIONS TO CONDUCT A MAIL BALLOT ELECTION; PROVIDING AN EFFECTIVE DATE. (GREENSHEET NO. 06-10-0456)

Tori Polinitza, a resident of Rio Grande Drive, spoke in support of the annexation of Section 29. She explained that there were many benefits of becoming a resident of the City, include having a voice in City government, code enforcement, more services, and tax benefits.

Janet Dachuk, also a resident of Rio Grande Drive, urged Council support of the annexation of Section 29.

Tim Jones, Assistant County Attorney and Paul O'Connor were in attendance to address the annexation Ordinance. They claimed that they never received a copy of the letter sent to the Chairman of the Board of County Commissioners. They also did not receive notice of the Ordinance being on the agenda until a week ago.

Richard Ritani, also a property owner in Section 29, but resident of Cape Coral, requested a clarification on how annexation would benefit him.

Council Member Richard Ferreira motioned approval of moving forward with a second reading of the Ordinance Wednesday, October 18, 2006; Council Member Joyce seconded; and the motion carried unanimously.

V. FIRST READING OF THE FOLLOWING ORDINANCE (NO PUBLIC COMMENT):

- A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, PROVIDING A REGULATORY MECHANISM TO ENFORCE THE PROVISIONS OF FLORIDA STATUTES CHAPTER 791 REGARDING THE SALE AND USE OF FIREWORKS; PROVIDING DEFINITIONS SUPPLEMENTAL TO THOSE IN FLORIDA STATUTES CHAPTER 791; PROVIDING THAT THE PURCHASER OF ANY FIREWORKS PRODUCE DOCUMENTATION SHOWING EXEMPTION FROM, OR COMPLIANCE WITH, THE REQUIREMENTS OF THE FLORIDA STATUTES; PROVIDING THAT A SELLER OF FIREWORKS MUST OBTAIN A PERMIT FROM BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT PRIOR TO ENGAGING IN ANY SALES; REGULATING THE STORAGE AND SALE OR USE OF SPARKLERS; ESTABLISHING RECORD KEEPING REQUIREMENTS ON VENDORS OF FIREWORKS WITHIN BONITA SPRINGS; ESTABLISHING PENALTIES FOR MULTIPLE CONVICTIONS OF VIOLATIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, ADDITIONS OR DELETIONS THAT MAY ARISE AS A RESULT OF MATTERS RAISED AT THE PUBLIC HEARING OR IN CONSULTATION WITH RESPONSIBLE AUTHORITIES, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 06-10-0458)

Council Member Simons motioned approval of moving forward with a second reading of the Ordinance on Wednesday, October 18, 2006; Council Member Ben Nelson seconded; and the motion carried unanimously.

VI. SECOND READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 34 (ZONING); AMENDING SECTION 34-735 (USE REGULATIONS TABLE FOR MOBILE HOME DISTRICTS); SECTION 34-736 (PROPERTY DEVELOPMENT REGULATIONS TABLE); PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 06-10-0457)

Council Member Alex Grantt motioned approval of the Ordinance; Council Member Joyce seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 06-11**

- B. (GREENSHEET NO. 06-10-0459) AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 34 (ZONING); AMENDING SECTION 34-691 – 34-710 (ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS) SO AS TO PERMIT PUBLIC PARKING BY SPECIAL EXCEPTION; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

Council Member Grantt motioned approval of the Ordinance; Council Member Nelson seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 06-12**

- C. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING SECTION 3-415 (OPEN SPACE) TO SALVAGE SABAL PALMS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE. (GREENSHEET NO. 06-10-0460)

Council Member Nelson motioned approval of the Ordinance; Council Member Simons seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 06-13**

VII. PUBLIC COMMENT: None

VIII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 6:55 P.M.

Respectfully submitted,

Debra Muchler, Recording Secretary

APPROVED:

BONITA SPRINGS CITY COUNCIL:

Date: _____
AUTHENTICATED:

Jay Arend, Mayor

Dianne J. Lynn, City Clerk