

# ADMINISTRATIVE ACTION REQUEST SUPPLEMENT I

## ADMINISTRATIVE AMENDMENT DEVIATION FROM CHAPTER 3 OF THE LDC

Community Development Dept. | 9220 Bonita Beach Road, Ste. 111 | Bonita Springs, FL 34135 | (239) 444-6150 | [Permitting Help Desk Email Address](#)

**If the request is for an administrative deviation from Chapter 3 (Development Standards) of the Land Development Code, please submit the "Application for Administrative Action" form and the following:**

1. Present use of the property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Current use of adjacent property:

North: \_\_\_\_\_

\_\_\_\_\_

East: \_\_\_\_\_

\_\_\_\_\_

South: \_\_\_\_\_

\_\_\_\_\_

West: \_\_\_\_\_

\_\_\_\_\_

3. Background Information:

A. Has a public hearing for any purposes been held regarding the subject property within the last 12 months?

YES  NO

B. If yes, please provide the following information regarding the hearing:

1. Name of Applicant: \_\_\_\_\_

2. Date of Hearing: \_\_\_\_\_

3. Type of Request: \_\_\_\_\_

4. Result of Hearing: \_\_\_\_\_

C. Has an application for a Development Order been filed with Community Development?  YES  NO

D. If yes, please provide the following information:

1. Name of Applicant: \_\_\_\_\_

2. DO Application Number: \_\_\_\_\_

3. Current status of the Development Order application: \_\_\_\_\_

Specific Request: Section(s) of ordinance from which the administrative deviation approval is sought (check all sections that apply):

- 3-268 and 3-493 (refuse and solid waste disposal facilities and enclosures)
- 3-291 (connection separations)
- 3-302(j) (intersection designs)
- 3-302(k) (cul-de-sacs)
- 3-302, Table 1 (ROW widths - public streets)
- 3-302, Table 1 (ROW widths private streets)
- 3-302(e), Table 2, (Minimum construction specifications for street improvements)
- 3-302(g) (horizontal curves)
- 3-303 (Complete Streets Design)
- 3-325 (swale sections)
- 3-331(d)(1)a.3 (Setbacks for water retention/detention excavations from private property)
- 3-392(c) (water mains)
- 3-417(b) (Indigenous native veg.)
- 3-418(c) (Landscaping of parking and vehicle use areas)
- 3-438 (mass transit facilities)
- 3-497 (building design standards for large-scale retail establishments)

ADDITIONAL SUBMITTAL REQUIREMENTS: Please submit the following:

1. \_\_\_\_\_ A completed "Application for Administrative Action" form, provided by Community Development and this Supplement form.
2. \_\_\_\_\_ A written statement explaining the proposal and why the administrative deviation is needed (See explanatory notes for required contents of letter).
3. \_\_\_\_\_ One (1) copy of full size plan (24" x 36") and one (1) reduced copy (8.5 x 14"), both sealed by a registered professional engineer, that accurately reflects the applicant's alternative proposal (not required for deviations from sections 3-417(b)(3) or 3-418(c)).
4. \_\_\_\_\_ For deviations from sections 3-417(b)(3) and 3-418(c). One (1) copy of full size plan (24" x 36") and one (1) reduced copy (8.5 x 14"), both sealed by a registered landscape architect, that accurately reflects the applicant's alternative proposal.
5. \_\_\_\_\_ Any other materials and/or calculations requested by the Director of Community Development to aid in the decision.

**NOTE: ACCEPTANCE OF AN APPLICATION FOR AN ADMINISTRATIVE VARIANCE IN NO WAY GUARANTEES ITS APPROVAL. UPON REVIEW OF THE APPLICATION, IF THE DIRECTOR DETERMINES THAT THE REQUESTED VARIANCE IS BEYOND THE SCOPE OF LDC SECTION 3-81 AND THAT A PUBLIC HEARING FOR THE VARIANCE IS REQUIRED, THEN ALL FEES PAID TOWARD THE ADMINISTRATIVE APPLICATION MAY BE APPLIED TOWARD AN APPLICATION FOR PUBLIC HEARING OF THE REQUESTED VARIANCE.**

**IN THE EVENT THE DIRECTOR DENIES THE REQUEST THE APPLICANTS ONLY RECOURSE IS TO APPLY FOR A PUBLIC HEARING VARIANCE, NO FEES PAID FOR THE ADMINISTRATIVE VARIANCE WILL BE REFUNDED OR APPLIED TOWARDS THE PUBLIC HEARING.**

## GENERAL NOTES

When submittals are made requests for deviations may be submitted contemporaneously with the applicant's original development order application, or at any time thereafter, so long as the application has not been withdrawn. [3-104(d)]

All requests for an administrative deviation permitted by section 3-81 of the Land Development Code shall submit a completed "Application for Administrative Action form" and this Supplemental Form I.

No application will be accepted unless complete. The applicant is responsible for the accuracy of all information contained in the application and for all data submitted herewith. Any additional expenses necessitated due to inaccurate or incomplete information will be borne by the applicant.

The applicant, or his duly appointed representative, must be available to answer any questions.

Appeal of director's decision. The director's final decision may be appealed in accordance with the procedures in the zoning chapter of the LDC. [3-81f]

Variations. Requests to deviate from the terms of those sections of this chapter that are not listed in on this form must be filed in accordance with the procedures set out for variances in the Land Development Code. Applicants for administrative deviations that have been denied by the director may also apply for variances in accordance with this section. [3-81(g)]

For developments that have received zoning as a planned development, specific variances or deviations from the terms of these regulations will not be required if such variances or deviations were approved as part of the schedule of deviations attendant to the master concept plan. Any requests for variances or deviations not included on the approved master concept plan will be processed as set forth in Section 3-81.

## EXPLANATORY NOTES FOR SUPPLEMENT I

### Item

1. The Director of Development Services is authorized to grant deviations only from the technical standards in the sections listed. [3-81]

### Additional Submittal Requirements

2. Explain exactly what is proposed in place of the LDC regulation and why the administrative deviation is requested. Provide an explanation as to how the administrative deviation satisfies the following required criteria FOR EACH DEVIATION REQUESTED. Applicant must also provide documentation that the requested relief is the minimum required.

- a. That the alternative proposed to the LDC standards is based on sound engineering practices [not applicable to sections 3-417(b) (Indigenous native vegetation), 3-418(c) (Landscaping of parking and vehicle use areas), and 3-441-3-443 (Public Transit)].
- b. That the alternative proposed to the standards set forth in LDC sections 3-417(b)(3) and 3-418(c) is based on sound landscaping practices.
- c. That the alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested.
- d. That the granting of the deviation is not inconsistent with any specific policy directive of the City of Bonita Springs City Council, any other ordinance or any Bonita Plan provision.
- e. For Sections 3-27-3-439 (Public Transit), that the required facility would unnecessarily duplicate existing facilities.

Regardless of proof of all of the elements herein stated, a development otherwise prohibited will not be allowed by deviation nor will a deviation be granted because of the presence of non-conformities. The granting of a deviation is a matter of discretion and not of right.