

**Local Planning Agency
Agenda
Thursday, June 13, 2019
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135**

- I. CALL TO ORDER.
- II. ROLL CALL.
- III. REVIEW OF THE FOLLOWING ORDINANCES FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN:
 - A. AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING; CREATING A NEW DIVISION OF SUPPLEMENTARY DISTRICT REGULATIONS, TO REQUIRE CERTAIN CRITERIA FOR GOLF COURSE REDEVELOPMENT PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

PUBLIC COMMENTS:

- B. AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); CREATING A NEW SECTION UNDER ARTICLE V, DIVISION 2, "THE BONITA BEACH ROAD DESIGN STANDARDS; CHAPTER 4 (ZONING) ARTICLE V DIVISION 10, CREATING A NEW DIVISION OF SUPPLEMENTARY DISTRICT REGULATIONS, ESTABLISHING CRITERIA FOR DEVELOPMENT AND REDEVELOPMENT ALONG THE BONITA BEACH ROAD CORRIDOR; AMENDING CHAPTER 4 (ZONING) ARTICLE V DIVISIONS 5, 6, 7 and 8, USE TABLES; AMENDING CHAPTER 4 (ZONING) ARTICLE III DIVISION 1 PLANNED DEVELOPMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

PUBLIC COMMENTS:

- C. AN ORDINANCE REPEALING AND REPLACING BONITA SPRINGS CODE SECTIONS 4-2124 THROUGH 4-2132, TEMPORARY USES; PROVIDE FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

PUBLIC COMMENTS:

IV. NEXT MEETING. Thursday, July 11, 2019

V. APPROVAL OF MINUTES: 08/09/18

VI. ADJOURNMENT.

Any person requiring special accommodations at any of the meetings because of a disability or physical impairment should contact Meg Weiss, Director of Administrative Services at 239-949-6262, at least 48 hours prior to the meeting.

If a person decides to appeal a decision made by the Board in any matter considered at this meeting/hearing, such person may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based.

NOTE: THIS MEETING IS TELEVISED ON COMCAST, CHANNEL 98. MEETINGS CAN BE VIEWED AND AGENDAS ARE AVAILABLE AT WWW.CITYOFBONITASPRINGS.ORG

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 19-__

AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); CREATING A NEW DIVISION OF SUPPLEMENTARY DISTRICT REGULATIONS, TO REQUIRE CERTAIN CRITERIA FOR GOLF COURSE REDEVELOPMENT PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate, and enforce laws that are necessary for the protection of the public; and

WHEREAS, protection of the public health, safety, and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, the City of Bonita Springs recognizes a need to adopt regulations to address the redevelopment of golf courses, a development pattern which is becoming increasingly common throughout the State of Florida; and

WHEREAS, on December 27, 2017, the Bonita Springs City Council approved Ordinance No. 17-21 which imposes a 12-month Moratorium on Golf Course conversions to other uses ; and

WHEREAS, Ordinance No. 18-17 extended the Moratorium for six (6) months or, in the event the City Council approves an applicable amendment to the Land Development Regulations; the Moratorium will remain in effect until such time as the amendment becomes effective, whichever occurs last; and

WHEREAS, at the direction of the Bonita Springs City Council, Community Development hosted a public input workshop on January 8, 2019 at City of Bonita Springs City Hall; and

WHEREAS, Community Development hosted additional public workshops on February 26, 2019, and February 28, 2019 at the Bonita Springs High School; and

WHEREAS, the Bonita Springs City Council directed staff to prepare an ordinance creating supplemental regulations for development standards for golf course conversions and other accessory infill uses related to golf course conversions.

THE CITY OF BONITA SPRNGS HEREBY ORDAINS:

SECTION ONE: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by reference.

SECTION TWO: The redevelopment of golf courses in the City of Bonita Springs' municipal boundaries shall adhere to the regulations set forth herein.

SECTION THREE: Chapter 4, Article IV- "Supplementary District Regulations" "Reserved" of the Land Development Code of the City of Bonita Springs is hereby retitled as "Golf Course Redevelopment," and amended to read as follows:

DRAFT FOR DISCUSSION PURPOSES

DATE PREPARED: MAY 8, 2019

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ARTICLE VI. – SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 43- GOLF COURSE REDEVELOPMENT REGULATIONS

Sec. 4-5XX. – Intent

- (a) The purpose of these Regulations is to allow for the orderly redevelopment of golf courses, to ensure the quality of life in the city and to mitigate negative impacts to the adjacent and surrounding use(s). Redevelopment of golf courses shall achieve one or more of the following development objectives:
1. Maintain and enhance the quality of life in the city by developing height and density standards that ensure the proposed redevelopment is compatible with the existing adjacent and surrounding use(s), controls on access management, and preventing negative visual impacts.
 2. Recognize the opportunities available to repurpose golf courses and revitalize the surrounding subdivisions with residential uses on a limited scale. These may include the inclusion of alternative recreational amenities.
 3. Encourage the retention of viable golf courses by allowing reconfiguring of fairways and redevelopment of existing facilities such as clubhouses and storm water management facilities.

Sec. 4-5XX – General Provision

- (a) All development shall be in accordance with the requirements of the City of Bonita Springs Land Development Code. Should a conflict arise between requirements contained in these golf course redevelopment regulations and the City's Land Development Code, the most restrictive requirements shall prevail.

Sec. 4-5XX Development Approval and Standards

- (a) Definition- For the purposes of these regulations, redevelopment is defined as a change of use from an operating, defunct, or vacant portion of a golf course to another use.
- (b) Redevelopment Approval Process - Golf Courses may only be redeveloped through the Planned Development Process, as outlined in LDC 4-295, et seq. The uses and development standards within the proposed redevelopment shall be limited to the uses listed within this section. The uses and zoning development standards selected by the applicant shall be listed in the rezoning ordinance without reference to any particular zoning district.
- (c) For purposes of this section, when the proposed redevelopment is within the boundary of a Planned Development, the application will be processed as an Amendment to a built Planned Development, as defined in LDC 4-295.

1. Allowable Uses: Redevelopment shall be limited to the following uses:

i. Residential Accessory Uses, buildings, and structures

a. Dwelling Units

1. Single-family detached
2. Townhouses
3. Multifamily
4. Two-family attached

b. Residential Accessory Uses

c. Community Garden

(d) Minimum Design Standards: The following documents shall be submitted with any application for Golf Course Redevelopment:

1. A Master Concept Plan that addresses and depicts the criteria listed herein.
2. Compatibility Analysis: An assessment and design study demonstrating how the proposed development will be compatible with the density, massing, and development pattern of adjacent and surrounding existing development. The Compatibility Analysis must contain the following:
 - A. A statement summarizing the proposal to redevelop the golf course or open space with a compatible use.
 - B. A narrative indicating that open space is retained and available for passive recreation and whether a view of the open space is provided that mitigates the impacts to real property for the property owners that surround the golf course.
 - C. A statement summarizing how the applicant's proposal will mitigate impacts of the proposed land uses on schools, traffic, parks, emergency services, and utility infrastructure.
 - D. A statement summarizing the pertinent portions of any covenants, conditions, and restrictions for the development area and the applicant's intentions regarding compliance therewith.
3. Maintenance Plan- A plan to ensure maintenance is performed monthly to all portions of the property, within the Planned Development [Amendment] Application.
 - i. The plan shall address the health, safety, and general welfare of occupants of properties adjacent to and surrounding the subject site, to protect the neighborhood against nuisances, blight, and deterioration that result from

- the discontinuance of golf course operations or the withdrawal from use of an open space.
- ii. The plan shall establish minimum requirements for the maintenance of the previous golf course, including, but not limited to: redevelopment, recreational areas, and open space areas.
 - iii. The plan shall be approved by the City Manager or his or her designee and recorded against the property at the applicant's expense.
 - iv. If applicable, a statement summarizing any negotiations or arrangements with the City or surrounding development(s) in regards to a new or amended Development Agreement for the area.
 - v. The plan shall identify the entity responsible for the maintenance and the method of funding same.
 - vi. The plan shall be incorporated into the any existing newly created Association Documents, adopted for the subject property.
4. Storm water management study. A pre- versus post-development storm water runoff analysis is required. Said analysis shall address existing storm water capacity necessary to maintain or facilitate proper drainage in adjacent and surrounding properties and shall be maintained at an equivalent or improved level of service. When an Environmental Resource Permit has been issued for the golf course and surrounding property, redevelopment must be approved through an amendment to that permit. In addition to meeting all storm water requirements established by the Land Development Code, alterations to the elevation of property located on or along the project perimeter will not be permitted within thirty (30) feet of the project (golf course) boundary. Deviations from this standard must show no ponding or flooding issues will occur as a result of the proposed grading and/or filling.
5. Project Access - Except for the entrance/exit of the proposed redevelopment to help control access, no gates or walls shall be permitted along the proposed redevelopment's boundary. Roads and other access ways shall be shown at the time of Planned Development [Amendment]. Proposed roadways shall be designed to extend the existing roadway network and extend or expand the existing roadway patterns.
6. Parking- Parking must meet the requirements of LDC Ch. 4 for on-site parking.

7. Buffers- The proposed redevelopment shall include a minimum fifty (50) foot wide buffer along the perimeter of the proposed redevelopment's property lines adjacent to existing uses. The minimum buffer may be reduced to a thirty (30) foot wide buffer through the preparation of a betterment plan that uses mature landscaping that exceeds the two (2) year growth criteria, established for standard buffers, at the time of planting. This buffer shall include screening a minimum of six (6) feet in height. The buffer shall be vegetative in nature. Areas of the golf course that remain a golf course after redevelopment is complete are exempt from the buffer requirement.
8. Vegetated screen - A vegetated screen may be used to buffer any new development from existing development around the property boundaries. Existing vegetation already located within the buffer area may be counted toward the required screen. In addition to LDC Chapter 3, the area in which the screen is located is required to be a minimum of fifty (50) feet in width. A vegetated screen shall meet the requirements in Chapter 3 for plantings within the screen and adhere to the requirements for installation, maintenance, and irrigation of the required landscaping. In addition to those requirements above, the developer will install understory shrubs so as to provide a vegetated screen six (6) feet in height with an opacity of at least eighty (80) percent within two (2) years. The vegetative screen is to be located on the inward boundary of the buffer. Vegetation is to be located on the inward boundary of the buffer.
9. Tree lined trail – A redevelopment proposal may propose trails or pathways within the property. If the developer proposes to reduce the boundary buffer to thirty feet, a minimum twelve (12) foot wide paved trail with canopy trees planted at thirty (30) feet on-center. The trail may include recreational amenities such as exercise equipment and benches. The paved trail shall be for the use by the general public, and dedicated to and maintained by a master association established by the developer. The area in which the trail is located shall be a minimum of thirty (30) feet in width.
10. Maximum height 35 feet - The City Council may grant a deviation to the thirty-five (35) feet height limit, provided that the City Council finds that the increased height shown on the master plan results in the mass of the proposed structure being reasonably proportional to surrounding structures. In no instance shall a building height exceed fifty (50) feet.
11. Minimum Open Space: 40% Open Space - The nature of golf course redevelopment poses concerns and opportunities that do not exist in the development or redevelopment of other property. One special area

of concern is the provision of open space. The provision of open space a golf course provides can have multiple relationships with the adjacent and surrounding properties and a larger development's required open space. For golf courses that were included as part of a Planned Development that includes surrounding uses, any potential redevelopment must be approved as an amendment to a built out Planned Development and the minimum percentage of open space provided. For golf courses that were not approved as a Planned Development, or with adjacent properties, any redevelopment must be approved through a Planned Development request that includes the entire golf course property. Seventy-Five (75) percent of all required open space shall be green or landscape areas. This does not alleviate the required open space percentage required as part of an existing Planned Development.

12. Deviations - The City Council may grant a deviation to the above standards through the Planned Development process, provided the deviation, singularly or in combination with other deviations allowed in this subsection, will not adversely affect the public health, safety, and welfare, and will not undermine the integrity of any adjacent single-family residential zoning district uses or the purposes of these golf course redevelopment regulations. Any deviations requested shall require the applicant to demonstrate a bona fide need for the deviation and agree to provide significant enhancements to the subject property in exchange for the deviation.

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 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 AND 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 affect 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 ____, 2019.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

DeWitt	_____	Quaremba	_____
Forbes	_____	Simmons	_____
Gibson	_____	Carr	_____
O'Flinn	_____		

Date filed with City Clerk: _____

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 19-__

AN ADDITION TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); CREATING A NEW SECTION UNDER ARTICLE V, DIVISION 2, "THE BONITA BEACH ROAD DESIGN STANDARDS; CHAPTER 4 (ZONING) ARTICLE V DIVISION 10, CREATING A NEW DIVISION OF SUPPLEMENTARY DISTRICT REGULATIONS, ESTABLISHING CRITERIA FOR DEVELOPMENT AND REDEVELOPMENT ALONG THE BONITA BEACH ROAD CORRIDOR; AMENDING CHAPTER 4 (ZONING) ARTICLE V DIVISIONS 5, 6, 7 and 8, USE TABLES; AMENDING CHAPTER 4 (ZONING) ARTICLE III DIVISION 1 PLANNED DEVELOPMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate and enforce laws that are necessary for the protection of the public; and

WHEREAS, protection of the public health, safety and welfare is a legitimate public purpose recognized by the courts of Florida; and

WHEREAS, Bonita Beach Road being the gateway to the City, the City Council of Bonita Springs recognizing a need to develop regulations to address the Development and Redevelopment standards that promote the City's Vision thereby protecting and promoting the health, safety and welfare of the community; and

WHEREAS, On December 3, 2014, the Bonita Springs City Council directed City Staff to prepare an RFP/Q for visioning services for the City to move toward planning for "complete streets," whereby the City of Bonita Springs would plan for the Bonita Beach Road Corridor; and

WHEREAS, the Bonita Springs City Council received the Bonita Beach Road Visioning Study in November 2016 prepared by Toole Design Group; and

WHEREAS, the Bonita Beach Road Visioning Study along with the Quadrant Plan for Network Enhancement Alignment prepared by McMahon and Associates, was incorporated into an amendment of the Comprehensive Plan approved by City Council on May 3, 2017 (Ordinance 17-06); and

WHEREAS, the Bonita Springs City Council retained DPZ CoDesign to evaluate and suggest appropriate design standards and land uses compatible with the vision; and

WHEREAS, in June 2017, a challenge was filed to Ordinance 17-06, whereupon City Council enacted a temporary moratorium on development to preserve the status quo, prevent inconsistent development, until the comprehensive plan amendments become effective, and any required LDC changes to be processed; and

WHEREAS, during this moratorium period, City Staff was still able to process development orders and prepare land development code (LDC) amendments as prescribed in the moratorium ordinance; and

WHEREAS, the temporary moratorium expired on May 21, 2019; and

WHEREAS, Ordinance 17-06 includes policy language to create LDC amendments to implement the vision for the Bonita Beach Road Corridor and the two key quadrant areas; and

WHEREAS, the Bonita Springs City Council authorized staff on May 15, 2019 to prepare LDC amendments to implement the vision for Bonita Beach Road Corridor; and

WHEREAS, the basis of these LDC amendments stem from the Bonita Beach Road Visioning Study (Toole Design Group), Quadrant Plan for Network Enhancement Alignment (McMahon and Associates), and the Bonita Beach Road Land Use Study (DPZ CoDesign); and

THE CITY OF BONITA SPRNGS HEREBY ORDAINS:

SECTION ONE: AMENDMENTS:

The City of Bonita Springs is hereby amended, which amendments consist of changes to Chapter 3 of the Land Development Code, Chapter 4 of the Land Development Code which are further described in exhibit "A" attached which are attached hereto and incorporated herein by reference.

SECTION TWO: CONFLICTS:

All sections or parts of sections of the City of Bonita Springs Code of Ordinances in conflict herewith are intended to be repealed to the extent of the conflict. 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 requirement shall apply.

SECTION THREE: SEVERABILITY:

If any section, subsection, clause or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

SECTION SIX: EFFECTIVE DATE:

The effective date of this ordinances shall be thirty 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 _____. 2019

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr:
Dewitt:
Forbes:
Gibson:

O'Flinn:
Quaremba:
Simmons:

Date Filled with the Clerk: _____

EXHIBIT "A"

Sec. 3-303. – Bonita Beach Road Corridor Design Standards.

1. The Bonita Beach Road is divided into 5 distinct design districts or zones. Each of these zones embrace and enhance the functionality and usability of the Roadway and its adjoining interconnections.
 - a. Beach Zone - This zone is located between Hickory Boulevard and Vanderbilt Road.
 - b. Commercial Zone – This is located between Vanderbilt Road and the Railroad Tracks, and between Race Track Road and Imperial Boulevard
 - c. Historic Zone – This zone is located between the Railroad tracks and Race Track Road.
 - d. The Interstate Zone – This zone is located between Imperial Boulevard and Bonita Grande Road. Has also been referred to as the "Gateway Zone".
 - e. Community Zone – This Zone is located between Bonita Grande Road and the eastern limits of Bonita Beach Road.

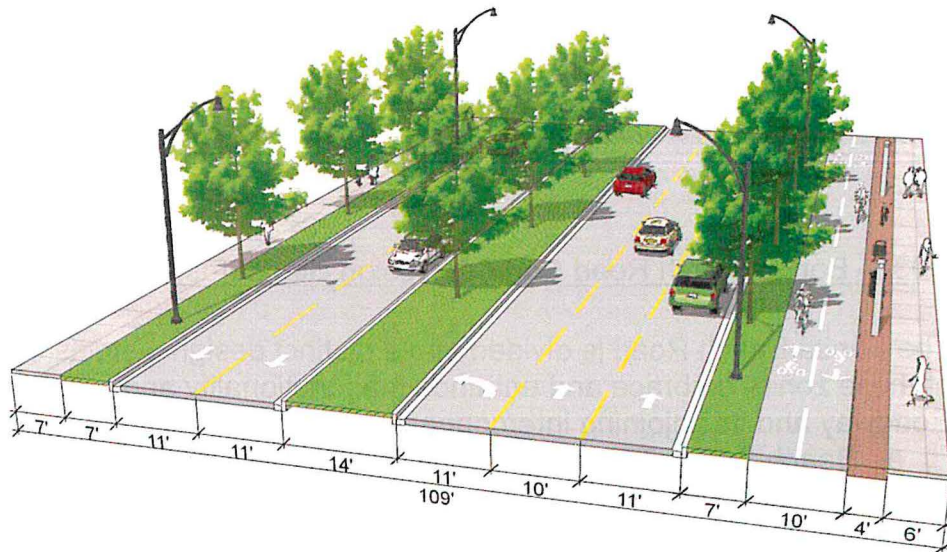
2. The standards set forth in this section are supplemental to those contained in sections 3-302 and 3-303 of this chapter.
3. Bonita Beach Road cross sections. The following typical street cross-sections are illustrative design requirements for each of the each of the Bonita Beach Road Zones. All cross-section drawings reflect closed drainage facilities as set forth in this section.

Beach Zone

Insert Image

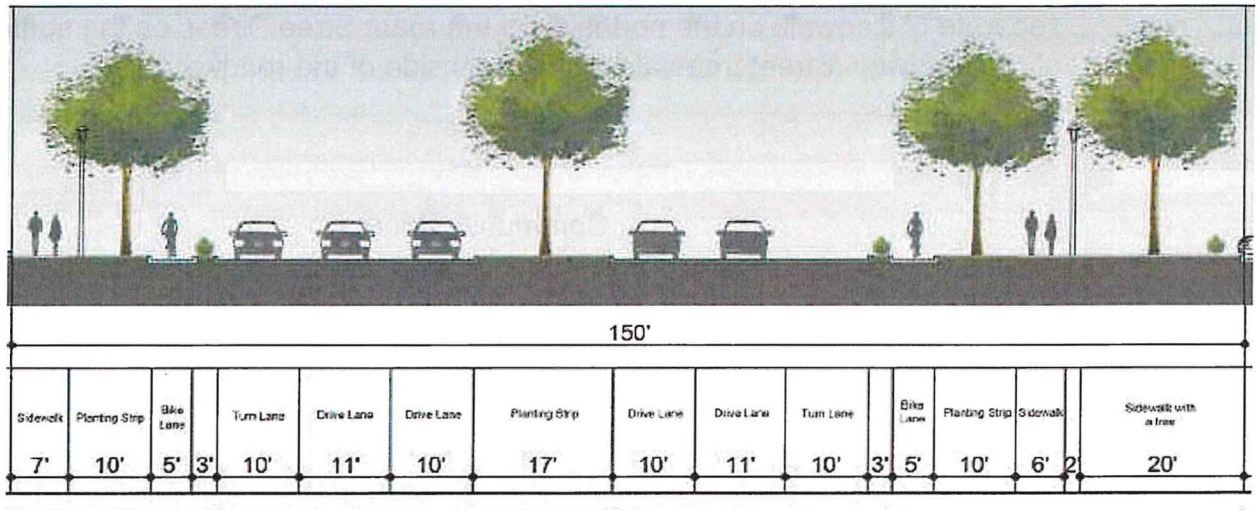
Design Features of the Beach Zone: 4 lanes of traffic (maximum) median, a 10' two-way multi-modal path separated from a 6' pedestrian sidewalk with a 2' amenity area on the northside of the roadway. A separate 6' sidewalk on the southside of the road. Street Trees along the north side of the roadway.

Commercial Zone



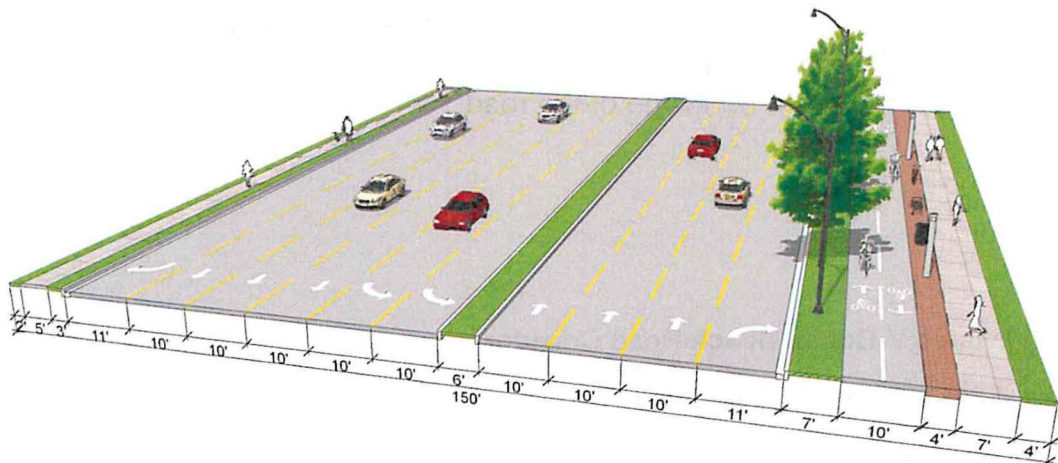
Design Features of the Commercial Zone: 5 lanes of traffic (maximum) landscaped median, a 10' two-way multi-modal path separated from a 6' pedestrian sidewalk with a 4' amenity area on the southside of the roadway. A separate 7' sidewalk on the north side of the road. Street Trees in the median and along the north and south sides of the roadway.

Historic Zone



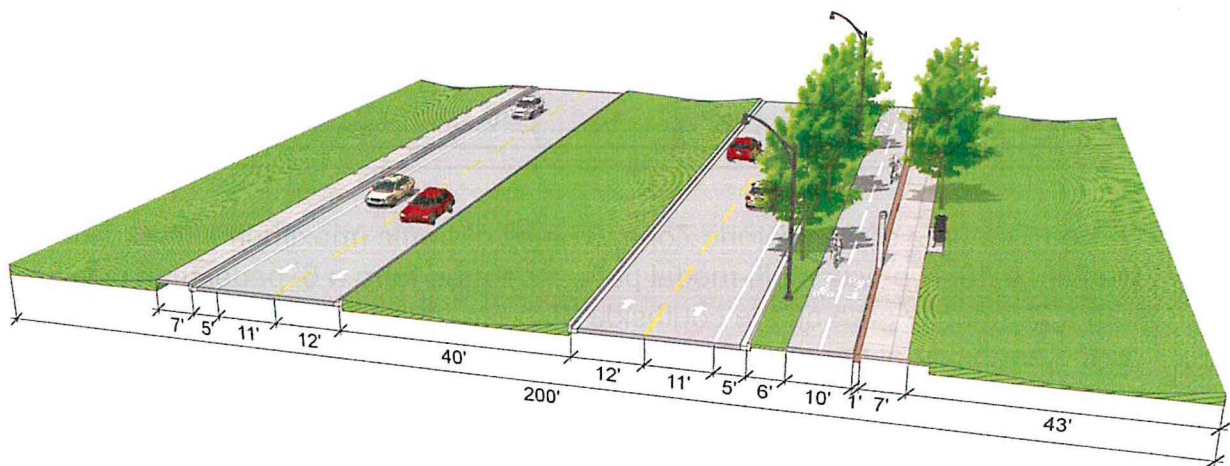
Design Features of the Historic Zone: 6 lanes of traffic (maximum) landscaped median, a 10' two-way multi-modal path separated from a 6' pedestrian sidewalk with a 2' amenity area on the southside of the roadway. A separate 7' sidewalk on the northside of the road. Street Trees in the median and along the north and south sides of the roadway.

Interstate or Gateway Zone



Design Features of the Interstate or Gateway Zone: 10 lanes of traffic (maximum) landscaped median, a 10' two-way multi-modal path separated from a 7' pedestrian sidewalk with a 4' amenity area on the southside of the roadway. A separate 5' sidewalk on the northside of the road. Street Trees on the southside of the roadway. Street trees along the southside of the roadway.

Community Zone



Design Features of the Community Zone: 4 lanes of traffic wide median used for drainage, a 10' two-way multi-modal path separated from a 7' pedestrian sidewalk with a 1' amenity area on the southside of the roadway. A separate 7' sidewalk on the northside of the road.

Subdivision V-Bonita Beach Road Corridor

Sec. 4-896. - Purpose and intent.

The intent of the Bonita Beach Road Corridor District is to guide future growth and redevelopment along the Bonita Beach Road Corridor within zones, quadrants, and nodes as identified in the Bonita Plan, Bonita Beach Road Visioning Study and Bonita Beach Road Land Use Report. The Bonita Beach Road Corridor District is intended to support urbanized development patterns that

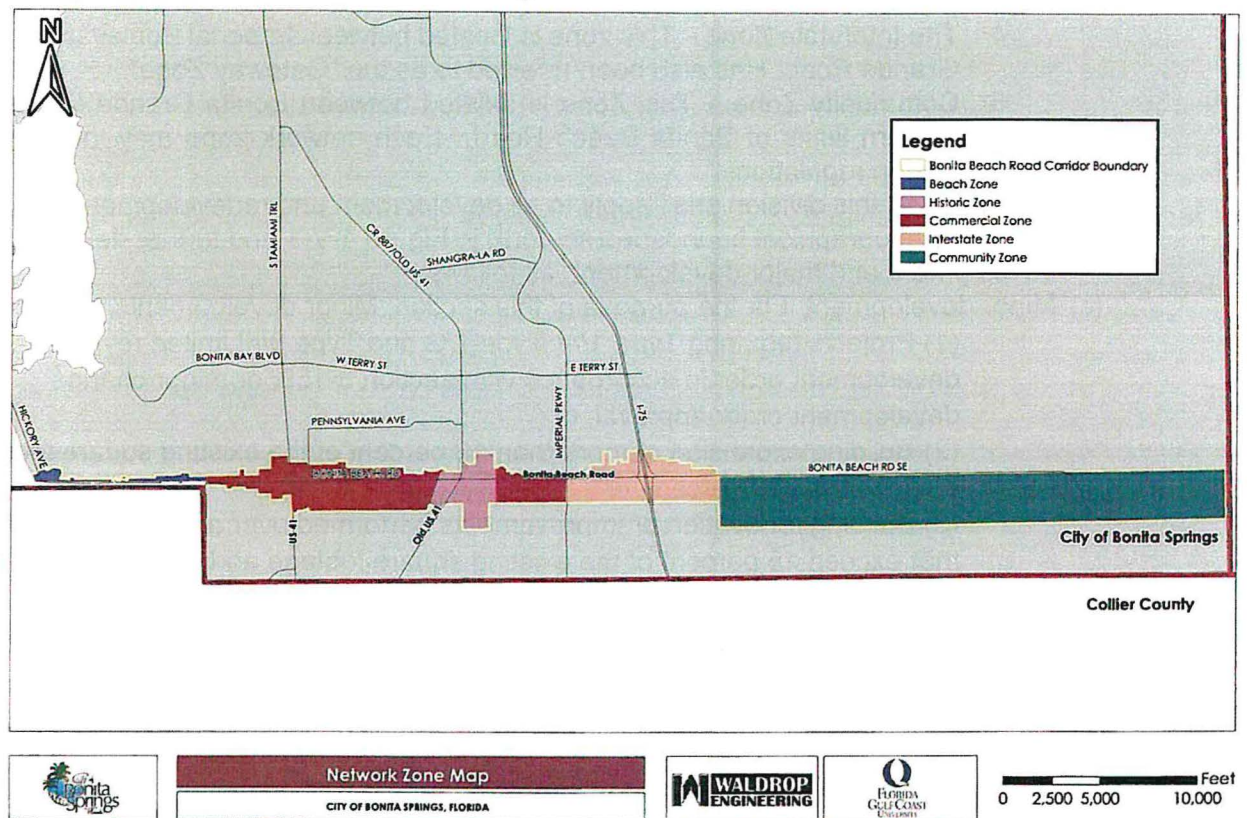
focus on human-scale development, an appropriate mixture of land uses, site design, interconnectivity, mobility, architectural standards, and a vibrant and aesthetically-pleasing streetscape.

4-897-Applicability

- (a) Development and redevelopment within the Bonita Beach Road Corridor District are defined by four (4) distinctive zones as described herein and graphically depicted in figure 4-V-1.
 - 1. Beach Zone – This zone is located between Hickory Boulevard and Vanderbilt Road.
 - 2. Commercial Zone – This is located between Vanderbilt Road and the Railroad Tracks, and between Race Track Road and Imperial Boulevard
 - 3. Historic Zone – This zone is located between the Railroad tracks and Race Track Road.
 - 4. The Interstate Zone – This zone is located between Imperial Boulevard and Bonita Grande Road. Has also been referred to as the “Gateway Zone”.
 - 5. Community Zone – This Zone is located between Bonita Grande Road and the eastern limits of Bonita Beach Road. Each network zone may include specific design regulations.
- (b) Provisions of this division shall apply to all development and redevelopment located within the geographical boundaries set forth in Figure 4-V-1 and further defined as minor development and major development, as follows:
- (c) Minor development. For the purpose of this section, Minor developments, are defined as:
 - (1) Projects requiring Type 1/A, Type 7/G and Type 9/I Limited review development order in accordance with section 3-159, or minor change development order approval; or
 - (2) Building expansion of more than 15 percent of the existing square footage, but less than 50 percent; or
 - (3) Building renovation or improvements performed over a period of five years that exceed 15 percent of the existing square footage and less than 50 percent of the current assessed value of the structure.
- (d) Major development. For the purpose of this section, Major developments are defined as:
 - (1) New construction requiring local development order approval or an amendment to an existing development order (including large and small projects as defined in chapter 3; or
 - (2) Building expansion of more than 50 percent of the existing square footage; or
 - (3) Building renovation or improvements performed over a period of five years that exceed 50 percent.
- (e) Exemptions:
 - 1. Planned Developments that have reached 80% build out (based on building square footage or number of dwelling units) are exempt from these regulations and shall abide by the terms, conditions and zoning established in their Planned Development Ordinance.

2. Planned Developments that have reached more than 50% but less than 80% build out (based on building square footage or number of dwelling units) are exempt from these regulations for a period of 3 years from the adoption of these regulation (approx. Oct 2022) after which any unbuilt structures shall be subject to the use regulation set forth herein.
3. Planned Developments that have reached less than 50% of (based on building square footage or number of dwelling units) shall be subject to the use regulation set forth herein.
4. Planned development that have not constructed any buildings or infrastructure shall bring their master concept plan into compliance with the regulations contained in this subdivision.
5. All Planned developments in the Community Zone.

Figure 4-V-1



Sec. 4-898. - Permitted uses.

Use regulations for the Bonita Beach Road Corridor district are as follows:

- (a) All developments categorized as developments of city impact shall be rezoned to a planned development pursuant to sections 4-272(a) and 4-272(b).

TABLE 4-898. USE REGULATIONS FOR PLANNED DEVELOPMENT DISTRICTS

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Accessory uses and structures	4-923 et seq., 4-2012 et seq., 4-1588, 4-1840 et seq.	P	P	P	P
Accessory apartment	Note (1), 4-929	P	P	P	P
Administrative offices		P	P	P	P
Amateur radio antennas and satellite earth stations	4-927	SE	SE	SE	SE
Amusement park		SE	SE	SE	SE
Animals:					
Clinic or kennel	4-1071 et seq.	SE	SE	SE	-
Control center (including Humane Society)		SE	SE	SE	SE
Assisted living facility	4-1280 et seq., 4-1182	P	P	P	P
ATM (automatic teller machine)		P	P	P	P
Auto parts store		P	P	P	-

Automobile service stations		SE	SE	SE	SE
Auto repair and service (4-408(c)(2)), all groups	4-1098	SE	SE	SE	SE
Bait and tackle shop		P	P	P	P
Banks and financial establishments	(4-408(c)(3)):				
Group I		P	P	P	P
Bar or cocktail lounge	4-1020 et seq.	SE	SE	SE	SE
Bed and Breakfast		P	P	P	P
Boats:					
Boat parts store		P	P	P	P
Boat ramps and dockage (not marinas)		P	P	P	P
Boat rental		-	-	-	P
Boat repair and service	4-1099, 4-2069 et seq.	SE	SE	SE	SE
Boat sales		SE	SE	SE	SE
Boat storage, dry		SE	SE	SE	SE

Broadcast studio, commercial radio and television	4-1215 et seq.	P	P	P	P
Building material sales (4- 408(c)(4))	4-2069 et seq.	SE	SE	SE	-
Business services	(4-408(c)(5)):				
Group I		P	P	P	P
Group II		P	P	P	P
Bus station/depot	4-1153 et seq.	SE	SE	SE	SE
Caretaker's residence		P	P	P	P
Car wash		SE	SE	SE	-
Cemetery, columbarium, mausoleum		P	P	P	-
Clubs:					
Country		P	P	P	P
Commercial		P	P	P	P
Fraternal, membership organization	4-1818	P	P	P	P
Private	4-1818	P	P	P	P

Communication facilities, wireless	4-1215 et seq.	P/SE	P/SE	P/SE	P/SE
Community Gardens	4-1435	AA	AA	AA	AA
Community residential home		P	P	P	SE
Consumption on premises	4-1020 et seq.	P	P	P	P
Continuing care facilities	4-1414	P	P	P	P
Contractors and builders	(4-408(c)(9)) P 4-1099, 4-2069 et seq.				
Group I		P	P	P	P
Group II		P	P	P	—
Convenience food and beverage store	(6)	SE (6)	SE (6)	SE (6)	SE (6)
Cultural facilities (4-408(c)(10))		P	P	P	P
Day care center, child, adult		P	P	P	P
Dormitory		P	P	P	P
Drive-through facility for any permitted use		SE	SE	SE	SE

Drugstore, pharmacy		P	P	P	P
Dwelling unit:					
Duplex, single- family		P	P	P	P
Two-family attached		P	P	P	P
Townhouse, multiple-family building		P	P	P	P
Zero lot line		P	P	P	P
Entrance gates and gatehouse	4-1841 et seq.	P	P	P	P
Emergency medical service (ambulance station)		P	P	P	P
Emergency operations center		P	P	P	P
Essential services	4-1362 et seq., 4- 1841 et seq.	P	P	P	P
Essential service facilities (4- 408(c)(13)):					
Group I	4-1362 et seq., 4- 1841 et seq., 4- 1840 et seq.	P	P	P	P

Group II	4-1362 et seq., 4-1841 et seq., 4-1840 et seq.	P	P	P	P
Group III	4-1362 et seq., 4-1841 et seq., 4-1840 et seq.	SE	-	-	-
Excavation:					
Water retention	4-1380	P	P	P	P
Fences, walls	4-1841 et seq.	P	P	P	P
Fire station		P	P	P	P
Fishing piers		P	P	P	P
Flea market:					
Open		SE	SE	SE	SE
Indoor		SE	SE	SE	SE
Food and beverage service, limited		P	P	P	P
Food stores (4-408(c)(16)):					
Group I		P	P	P	P
Group II		P	P	P	P
Funeral home and mortuary (with or without a crematory)		P	P	P	-

Gasoline dispensing system, special		SE	SE	SE	SE
Gift and souvenir shop		P	P	P	P
Golf course		P	P	P	P
Golf driving range		P	P	P	P
Government maintenance facility		P	P	P	P
Hardware store		P	P	P	P
Health care facilities	(4-408(c)(19)):				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Group IV		P	P	P	P
Group V		SE	SE	SE	SE
Group VI		P	P	P	SE
Heliport or helistop		SE	SE	SE	SE
Hobby, toy and game shops	(4-408(c)(20))	P	P	P	P

Home care facility		P	P	P	
Home occupation	4-1495 et seq.	P	P	P	P
Hospice		P	P	P	P
Hotel/motel	4-1528 et seq.	P	P	P	P
Household and office furnishings Group I	(4-408(c)(21)),	P	P	P	P
Housing units for employees only		SE	SE	SE	SE
Laundry or dry cleaning	(4-408(c)(22)):				
Group I		P	P	P	P
Lawn and garden supply stores	4-1792	P	P	P	P
Library		P	P	P	P
Manufacturing of:					
Food and kindred products	(4-408(c)(15)):				
Group I	Note (3)	P	P	P	P
Micro-breweries	Note (3); 4-1023 et seq.	P	P	P	P
Marina	4-1587	-	-	-	P
Mini-warehouse		SE	SE	SE	-

Motion picture production studio		P	P	SE	-
Multi-slip docking facility		-	-	-	EO
Night clubs	4-1020 et seq.	P	P	P	P
Office - Business		P	P	P	P
Parcel and express services		P	P	P	P
Package store	4-1020 et seq.,	P	P	P	P
Paint, glass and wallpaper		P	P	P	P
Parks	(4-408(c)(30))				
Groups I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Parking lot:					
Accessory		P	P	P	P
Commercial		SE	SE	SE	SE
Garage,		P	P	P	P
Temporary	4-1734	P	P	P	P
Personal services	(4-408(c)(31)):				
Group I		P	P	P	P

Group II		P	P	P	P
Group III		P	P	P	-
Group IV		P	-	P	-
Pet services		P	-	P	P
Pet shop		P	P	P	P
Pharmacy		P	-	P	P
Place of worship	4-1762 et seq.	P	P	P	P
Police or sheriff's station		P	P	P	P
Post office		P	P	P	P
Printing and publishing (4-408(c)(33))		P	P	P	P
Real estate sales office	4-1662 et seq., 4-2095	P	P	P	P
Recreational facilities: Commercial	(4-408(c)(35))				
Groups I, III, and IV		P	P	P	P
Religious facilities	4-1762 et seq.	P	P	P	P

Rental or leasing establishment (4-408(c)(36)):					
Group I	4-1099, 4-2069 et seq.	P	P	P	P
Group II	4-951 et seq., 4-1099, 4-2069 et seq.	P	-	P	-
Group III	4-1099, 4-2069 et seq.	-	-	P	-
Repair shops (4-408(c)(37)):					
Group I		P	P	P	P
Group II		P	P	P	P
Residential accessory uses (4-408(c)(39))	4-923 et seq.	P	P	P	P
Restaurant, fast food		P	P	P	SE
Restaurants	(4-408(c)(40)):				
Groups I and III		P	P	P	P
Group II		P	P	P	P
Group IV		P	P	P	P
Retail General not connivance	-	P	P	P	P-

Schools:					
Commercial	(4-408(c)(42)) 4-1970	P	P	P	P
Noncommercial	4-1970	P	P	P	P
Self-service fuel pumps	Note (5)	SE	SE	SE	
Signs in accordance with chapter 6		P	P	P	P
Social services (4-408(c)(43)):	4-2190 et seq.				
Group I		P	P	-	-
Group II		-	-	P	-
Specialty retail	(4-408(c)(44)):				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Storage:					
Indoor only	4-2069 et seq.	P	P	P	-
Storage, open	4-2069 et seq.	P	-	-	-
Studios (4-408(c)(46))		P	P	P	P

Temporary uses	4-2124 et seq.	P	P	P	-
Theater, indoor	4-2037 et seq.	SE	SE	SE	SE
Timeshare units		P	P	P	P
Transportation services	(4-408(c)(50)):				
Group I		SE	SE	P	P
Group II		SE	SE	SE	SE
Group III		SE	SE	SE	SE
Group IV		SE	SE	SE	SE
Used merchandise stores	(4-408(c)(51)):				
Group I		P	P	P	P
Variety store		P	P	P	P
Vehicle and equipment dealers	(4-408(c)(52)):				
Groups I, II and III		SE	SE	SE	-
Group IV		SE	-	-	-
Warehouse:					
Mini-warehouse		P	P	SE	-
Private		P	P	SE	-

Public		P	P	SE	-
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Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) Uses anticipated include boat rentals (inflatable's, sailboats, jet skis, windsurfers and the like) food stands, rental of cabanas and beach furniture, outdoor amusements including balloonist, seaplane rides, ski tows and similar activities, fishing and sightseeing piers and towers.
- (3) Uses that include an ancillary manufacturing component of less than 1,000 square feet are permitted when clearly incidental and subordinate to a permitted principal use on the same premises. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development area.
- (4) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 4-1662 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.
- (5) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (6) Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998, will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises, but additional new pumps will not be permitted.

Sec. 4-889. - Site design standards

1. Property Development Regulations

	Special Notes or Regulations	Commercial Zone	Historic Zone	Interstate Zone	Beach Zone
Maximum Block Size	Note (1)	375' by 375', Maximum Block perimeter 1500'	375' by 375', Maximum Block perimeter 1500'	375' by 375', Maximum Block perimeter 1500'	375' by 375', Maximum Block perimeter 1500'

Setbacks:					
Minimum Street (feet)	Note (2)	20'	15'	20'	15'
Maximum Street (feet)	Notes (2) and (3)	25'	25'	25'	25
Side (feet)		15'	15'	15'	15
Rear (feet)		20'	20'	20'	20
Water body (feet):	4-1892 et seq., Note (4)				
Gulf of Mexico	In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.				
Special regulations:					
Animals, reptiles, marine life	4-1045 et seq.				
Consumption on premises	4-1020 et seq.				
Docks, seawalls, etc.	4-1588				
Essential services	4-1362 et seq.				
Essential service facilities (4-408(c)(13))	4-1362 et seq., 4-1841				
Fences, walls, gatehouses, etc.	4-1841 et seq.				
Nonroofed accessory structures	4-1894(c)(3)				
Railroad right-of-way	4-1895				
Maximum height (feet)	4-1871 et seq. Note: Special height limitations apply to all uses located within Bonita Beach and Bonita Beach Road	35	35	35	35

	Corridor. See section 4-1874				
Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%

- (1) Projects exceeding three (3) acres in size shall submit a block layout plan.
- (2) Accessory structures such as arcades or plazas and courtyards may meet the intent of this requirement. Existing non-conforming developments shall redevelop by incorporating covered sidewalks with arcades and shade trees.
- (3) Projects located along secondary streets or internal project streets are not subject to a minimum street setback.
- (4) The maximum street setback for projects located along slip lanes may be measured from the back of sidewalk.
- (5) Projects with proper bulkhead techniques may request a zero (0') foot setback for pedestrian boardwalks and outdoor seating.

2. Additional Design Standards:

- a) All drive-thru facilities and their associated stacking shall not be located along any exterior frontage.
- b) Lighting. Building mounted or free standing luminaires (bollards or light poles) shall be provided along frontage lines and/or street rights-of-way. All applicants must submit a photometric plan in accordance with section 3-269.
- c) Parking requirements.
 1. All uses shall provide the minimum required parking as set forth in Sec. 4-1732 except as modified herein. Maximum parking spaces are limited no more than 15% more than the minimum required.
 2. The required spaces may be reduced by the city manager or designee if supported by a parking study submitted by the applicant.
 3. On-street parking along a corresponding frontage(s) of the site shall count 100 percent towards the parking requirements.
 4. Adjacent property owners are encouraged to share parking facilities in accordance with 4-1730.
 5. An applicant may provide a valet parking program for commercial and mixed-use projects to offset a maximum of 50 percent of the required parking spaces. Valet parking programs may not be utilized to offset parking requirements for stand-alone residential development.
 6. Bicycle racks shall be provided in accordance with section 3-438. (Rack provision may be shared by different businesses within each block.). Parking

ratios within urban areas may be reduced by using a 3 to 1 ratio (three bicycle parking stalls to one vehicular parking space).

d) Parking placement.

1. On-street parking is encouraged along all intersecting streets with the exception on Bonita Beach Road.
2. Surface parking lots shall not be permitted on a frontage line or within 30 feet of the frontage line within the Commercial, Historic, and Beach Zone. One full bay of parking is permitted along frontage lines within the Interstate Zone. Setbacks for shared parking along side and rear property lines is zero feet.
3. On-site parking within the Beach, Commercial, and Historic Zone will be restricted to the side or rear yards of those properties fronting Bonita Beach Road. In the case of side yard parking, the parking area shall be a minimum of five feet behind the front build-to line and a street wall or opaque screen, shall be provided at the right-of-way line or build-to line, whichever is further removed from the roadway. Such street wall or opaque screen shall be no taller than four feet.
4. Buffering adjacent property. Required right-of-way buffer plantings may be planted in the street right-of-way or roadway easement subject to review and approval of the applicable city, county, state, or special district entities. The applicant shall enter into a maintenance agreement to properly maintain the required buffer.

e) Continuous shaded bike facilities and pedestrian facilities

1. All development shall meet the standard set-forth in chapter 3 of the Land Development Code
2. Buffering adjacent property. Required right-of-way buffer plantings may be planted in the street right-of-way or roadway easement subject to review and approval of the applicable city, county, state, or special district entities. The applicant shall enter into a maintenance agreement to properly maintain the required buffer.
3. When a covered walkway along a building frontage or right-of-way is not provided, tall or medium trees or palms are required to establish continuous shade.

f) Streetscape amenities. Developments must incorporate sidewalks, benches, street furniture, planters, and other pedestrian amenities in their design. All accessories such as railings, trash receptacles, street furniture and bicycle racks must be complimentary to and consistent with the architectural design of principal building(s) within the development.

g) Dumpsters. Dumpsters shall be screened from off-premises view and not located on frontage lines. Screening materials shall be compatible with the building design. Existing dumpsters that are visible from the right-of-way, adjoining property, or pedestrian walkway must be screened. Wherever possible, dumpsters may be shared between property owners. If a particular property by its use does not require a dumpster or when it can be demonstrated that a dumpster is not required, then the garbage receptacles or containers must be screened from view.

3. Site Specific Regulations:

Within the Bonita Beach Road Corridor there are 3 Gateways or Nodes that announce a place of arrival. They are located at

- The intersection of Bonita Beach Road and Tamiami Trail.
- The intersection of Bonita Beach Road and Old U.S. Road 41.
- Bonita Beach Road between Imperial Parkway and Interstate 75.

All development and redevelopment of these areas shall incorporate the following design standards:

- a) Use of internal and external block patterns.
- b) Building that address the adjacent roadway and embrace pedestrian and other non-automobile access.
- c) Provide for interconnectivity to adjacent parcels thru pedestrian ways and parking areas.
- d) Buildings fronting Bonita Beach Road, Tamiami Trail, Old U.S. Road 41 and Imperial Parkway shall have a minimum of 70% Glazing.

The following figures are provided as an illustrative guide, to assist in the site and architectural design of new development and redevelopment in the Bonita Beach Road Corridor.

Bonita Beach Road and Tamiami Trail (NODE)

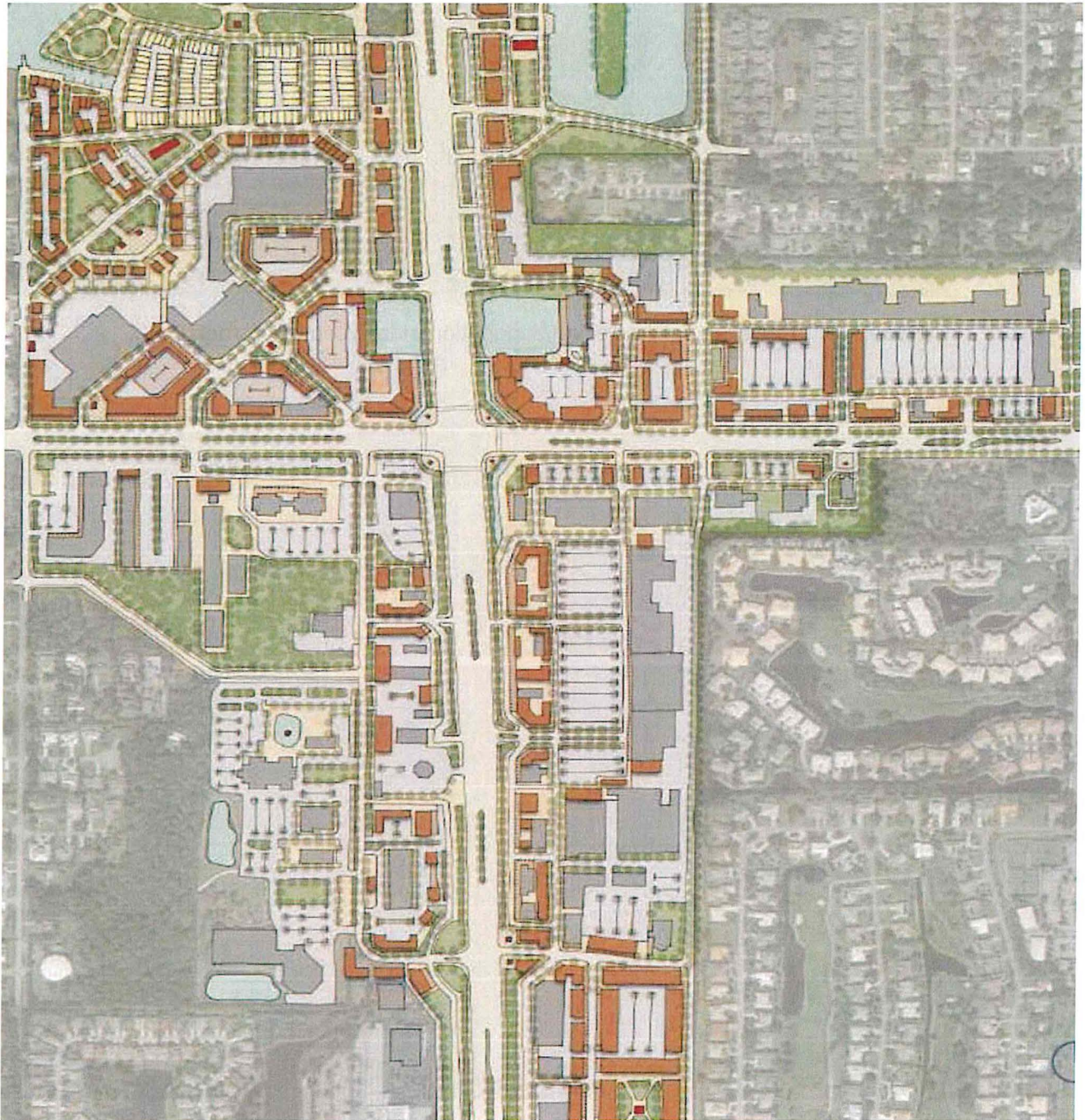


Figure 4-V-10 – Intersection of Tamiami Trail and Bonita Beach Road

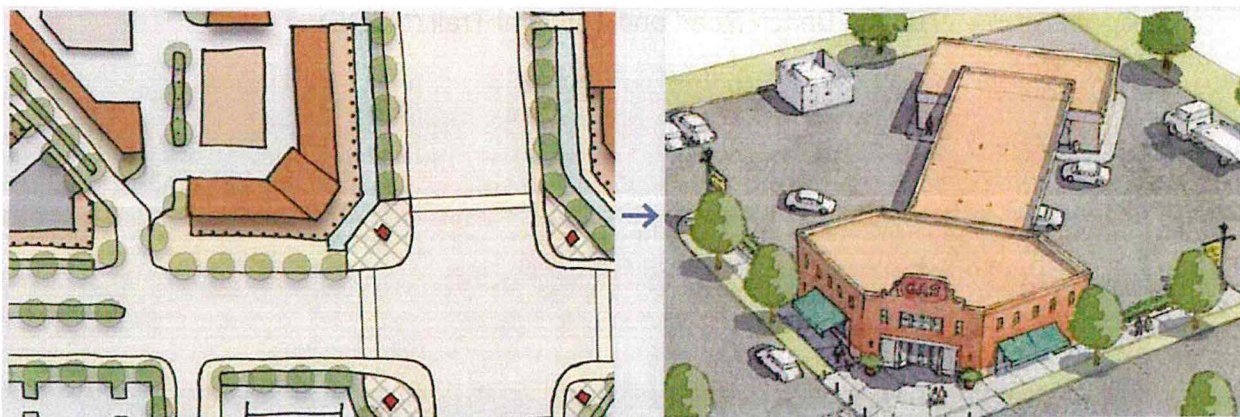


Figure 4-V-11 Redevelopment design suggestion at intersection corner.

Bonita Beach Road and Old U.S. Road 41 (NODE)



Figure 4-V-12 Intersection of Old U.S. Road 41 and Bonita Beach Road.

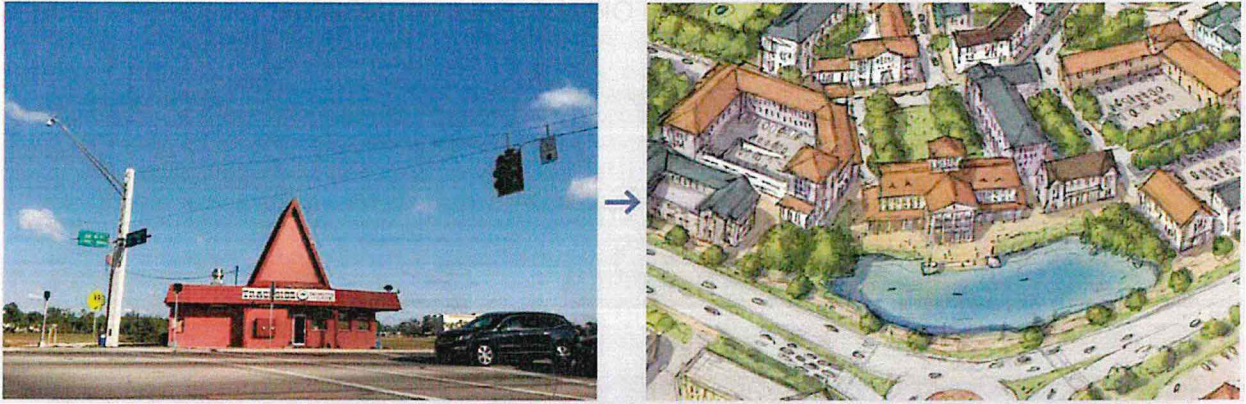


Figure 4-V-13 illustrative redevelopment potential.

I-75 Gateway - Bonita Beach Road between Imperial Parkway and Interstate 75 (NODE)



Figure 4-V-14 illustrative design for redevelopment

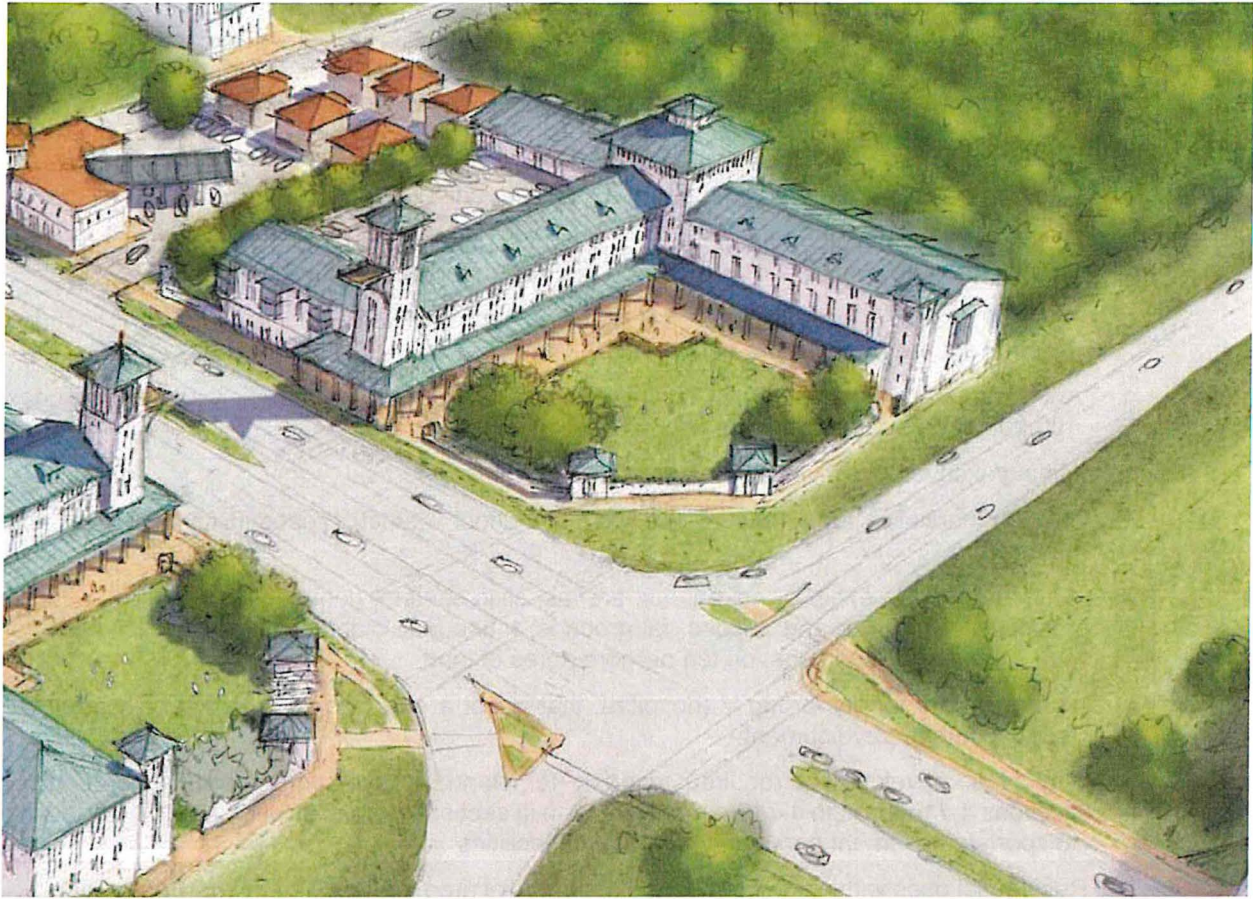


Figure 4-V-15 illustrative design for I-75 interchange.

LAND DEVELOPMENT CODE CHAPTER 4

ARTICLE III. - PLANNED DEVELOPMENTS

DIVISION 1. - GENERALLY

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 an 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. 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. A health care facility Group V (hospital), that is not a part of a commercial or community facility planned development.
- i. 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. Residential uses within the interchange commercial area as specified by the Bonita Plan.
- k. 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. Any development of regional impact not included in subsections (b)(1)a. through h. of this section.
- m. Any development which includes the aboveground storage of more than 40,000 gallons of petroleum.
- n. 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 II or III, 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.

~~(e) Bonita Beach Road Corridor. To further the purpose and intent of the Bonita Beach Corridor Plan, the following uses must have planned development zoning if located within the Bonita Beach Road Corridor on a lot or parcel larger than one acre:~~

~~(1) All uses set forth in subsections (a) and (b) of this section.~~

~~(2) The following uses regardless of the existing zoning:~~

- ~~a. Automobile service station.~~
- ~~b. Automotive repair and service, Groups I and II.~~
- ~~c. Bar or cocktail lounge.~~
- ~~d. Boat storage, dry.~~
- ~~e. Building materials, sales.~~
- ~~f. Bus station/depot.~~
- ~~g. Car wash.~~
- ~~h. Cold storage warehouse and processing plant.~~
- ~~i. Communication towers.~~
- ~~j. Contractors and builders, Group III.~~
- ~~k. Convenience food and beverage store.~~
- ~~l. Farm equipment sales, storage, rental, service.~~
- ~~m. Farm machinery tractor repair.~~
- ~~n. Feed or fertilizer, mixing and sales.~~
- ~~o. Fish house, wholesale.~~
- ~~p. Flea market, open or indoor.~~
- ~~q. Freight and cargo handling establishments.~~
- ~~r. Gasoline dispensing system, special.~~
- ~~s. Hatcheries, poultry.~~

- ~~t. Manufacturing, all types.~~
- ~~u. Mass transit depot.~~
- ~~v. Mobile home dealers.~~
- ~~w. Motion picture production studios.~~
- ~~x. Nightclubs.~~
- ~~y. Processing and warehousing.~~
- ~~z. Recreational facilities, commercial, Group III.~~
- ~~aa. Recycling facility.~~
- ~~bb. Resource recovery facilities.~~
- ~~cc. Rental or leasing establishments, Groups I, III, IV.~~
- ~~dd. Repair shops, Groups III, IV, V.~~
- ~~ee. Restaurants, fast food.~~
- ~~ff. Specialty retail shop, Group III.~~
- ~~gg. Storage, open.~~
- ~~hh. Theaters, indoor or drive-in.~~
- ~~ii. Transportation services, Groups II, III, IV, V.~~
- ~~jj. Truck stop (interchange only).~~
- ~~kk. Trucking terminal.~~
- ~~ll. Used merchandise stores, Groups III and IV.~~
- ~~mm. Vehicle and equipment dealers, Groups I, II, III, IV, V.~~
- ~~nn. Warehouse, mini-warehouse.~~
- ~~oo. Wholesale establishments, all groups.~~

(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)

ARTICLE V. - DISTRICT REGULATIONS

DIVISION 5. - CF COMMUNITY FACILITIES DISTRICTS

Sec. 4-632. - Purpose and intent.

- (a) The purpose and intent of the community facilities districts is to accommodate and provide opportunities for the suitable location of community services and facilities which are not approved as part of a planned development.
- (b) There are four CF districts provided for in this division:
- (1) CF-1, which is primarily to accommodate cultural facilities.
 - (2) CF-2, which is primarily to accommodate social and limited health related services.
 - (3) CF-3, which is primarily government service facilities.
 - (4) CF-4, which is temporarily retained pending rezonings.

(Ord. No. 11-02, § 3(4-811), 1-19-2011)

Sec. 4-633. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any community facility district for any purpose other than as provided in section 4-634, pertaining to use regulations for community facility districts, and section 4-635, pertaining to property development regulations for community facility districts, except as may be specifically provided for in article VII (nonconformities) of this chapter, or in section 4-406.

(Ord. No. 11-02, § 3(4-812), 1-19-2011)

Sec. 4-634. - Use regulations table.

Use regulations for the community facilities districts are as follows:

TABLE 4-634. USE REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF-1	CF-2	CF-3	CF-4
Administrative offices		P	P	P	P
Assisted living facility	Note (1), 4-1182	-	P	-	-
Animal control facility (Humane Society)	Note (2)	-	-	EO/SE	-
Animal or reptile exhibits		SE	-	-	-

Art galleries, noncommercial		P	-	-	-
Aquariums		SE	-	-	-
Boat ramps	Note (5)	EO/SE	EO/SE	EO/SE	-
Botanical gardens		P	P	-	-
Caretaker's residence		SE	SE	SE	SE
Cemetery, columbarium, mausoleum		P	P	-	-
Clubs:					
Country		P	P	-	-
Fraternal		-	SE	SE	-
Private		P	P	P	-
Communication facility, wireless	4-1215 et seq.	Refer to 4-1215 et seq. for regulations.			
Consumption on premises	4-1020 et seq.	-	AA/SE	AA/SE	-
Day care center:					
Adult		-	P	P	-
Child		-	SE	P	-
Emergency medical services (ambulance)	Note (2)	-	-	P	-
Emergency operations center	Note (2)	-	-	P	-
Entrance gates and gatehouse	4-1841 et seq.	P	P	P	P

Essential services	P	P	P	P	
Essential service facilities (4-408(c)(13)):					
Group I	4-1362 et seq.	P	P	P	P
Group II	4-1362 et seq.	SE	SE	SE	-
Excavation:					
Oil or gas		SE	SE	SE	SE
Water retention	4-1380 et seq.	P	P	P	P
Fire station	Note (2)	-	-	P	-
Forestry tower	Note (2)	-	-	P	-
Government agencies, offices only, restricted to maximum of 500 square feet of floor area		-	P	P	-
Health care facilities (4-408(c)(19)):					
Group I	Note (1)	-	P	-	-
Group II	Note (1)	-	P	-	-
Group III	Note (1)	-	P		
Group IV	Note (1)	-	-	EO	P
Group V	Note (1)	-	-	EO	P
Group VI	Note (1)	-	P	P	-
Helistop	4-982 et seq.	SE	SE	SE	-

Historical sites		P	P	P	-
Hospice	Note (1), - 4-1182	P	-	P	
Library		P	P	-	-
Maintenance facility (government)	Note (2)	-	-	EO/SE	-
Mass transit depot or maintenance facility	Note (5)	-	-	EO/SE	-
Museums		P	-	P	-
Parking lot:					
Accessory		P	P	P	P
Temporary		P	P	P	-
Parks (4-408(c)(30)):					
Group I	Note (2)	P	P	P	P
Group II	Note (2)	P	P	P	-
Group III	Note (2)	P	P	P	-
Place of worship	4-1762 et seq.	-	P	-	-
Planetarium	SE	-	-	-	
Police station	Note (2)	-	-	P	-
Post office	Note (2)	-	-	P	-
Recreational facilities:					
Personal		P	P	P	-

Private—On-site		EO/SE	EO/SE	EO/SE	-
Private—Off-site		EO/SE	EO/SE	EO/SE	-
Religious facility	Note (2), 4-1762 et seq.	-	SE	-	-
Restaurant (4-408(c)(40)), Group II	Note (3)	P	P	P	-
Sanitary landfill	IPD only, 4-1551 et seq.	-	-	EO	-
School, noncommercial:					
Lee County School District	4-1970	-	P	-	-
Other	Note (2), 4-1970	-	P	-	-
Signs in accordance with chapter 6		P	P	P	P
Sheriff stations	Note (2)	-	-	P	-
Social services (4-408(c)(43)):					
Group IV	Note (6)	-	SE	-	SE
Group V	Note (6)	EO	P	-	-
Specialty retail store(4-408(c)(44)), Group I	Note (3)	P	P	P	-
Storage, indoor only		P	P	P	-
Temporary uses		P	P	P	-
Zoos		SE	-	-	-

Notes:

- (1) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, or which changes the use, must request and be approved as a PD. See section 4-272 and Table 4-740.
- (2) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres or that changes the use must request and be approved as a PD. See section 4-272 and Table 4-740.
- (3) Permitted only when clearly subordinate to the permitted use of the property and when conducted wholly within the principal building.
- (4) Noncommercial only.
- ~~(5) If located within the Bonita Beach Road Corridor, this use permitted only by Planned Development (PD) zoning on parcels larger than one acre.~~
- (6) New facilities of 16 or more beds, or the expansion of an existing facility that will bring the number of beds to 16 or more, or which changes the use, must request and be approved as a PD. See division 38 of this chapter.

(Ord. No. 01-18; Ord. No. 03-15; Ord. No. 11-02, § 3(4-813), 1-19-2011; Ord. No. 13-05, § 4-813, 4-3-2013; Ord. No. 17-03, § 1, 2-1-2017)

Sec. 4-635. - Property development regulations table.

Property development regulations for the community facilities districts are as follows:

TABLE 4-635. PROPERTY DEVELOPMENT REGULATIONS FOR COMMUNITY FACILITIES DISTRICTS

	Special Notes or Regulations	CF-1	CF-2	CF-3, CF-4
Minimum lot dimensions and area:		Except as may be set forth in the referenced sections for specific uses, there are no minimum lot area or dimensions required, provided that the area is of sufficient size to accommodate the proposed use as well as all setbacks, parking, open space, drainage and buffering requirements of this chapter and any other applicable development regulations.		
Minimum lot area:				
Place of worship	4-1762 et seq.			
Religious facility	4-1762 et seq.			
All other				

Minimum lot width (feet)				
Minimum lot depth (feet)				
Minimum setbacks:	Note (1) 4-1892 et seq., 4-1020 et seq.	Variable according to the functional classification of the street or road. See section 4-2192.		
Street (feet)				
Side yard (feet)		15	15	15
Rear yard (feet)	4-1892 et seq.	25	25	25
Water body (feet):	4-1892 et seq.			
Gulf of Mexico		50	50	50
Other		25	25	25
Special regulations:		Refer to the sections of specified for exceptions to the minimum setback requirements listed in this table.		
Animals, reptiles, marine life	4-1045 et seq.			
Consumption on premises	4-1020 et seq.			
Docks, seawalls, etc.	4-1865			
Essential services	4-1362 et seq.			
Essential service facilities (4-408(c)(13))	4-1362 et seq., 4-1841			

Fences, walls, gatehouses, etc.	4-1841 et seq.			
Nonroofed accessory structures	4-1894(c)(3)			
Railroad right-of-way	4-1895			
Maximum height (feet)	4-1871 et seq.	35	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.		
Maximum lot coverage (percent of total lot area)		35%	35%	35%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets are permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 4-1892 et seq.

(Ord. No. 11-02, § 3(4-814), 1-19-2011)

Secs. 4-636—4-658. - Reserved.

DIVISION 6. - COMMERCIAL DISTRICTS

Sec. 4-659. - Purpose and intent.

- (a) *Generally.* The purpose and intent of the conventional commercial districts is to regulate the continuance of certain land uses and structures lawfully existing as of August 1, 1986, which were originally permitted by the county zoning regulations of 1962, as amended, or 1978, as amended, and to encourage and guide new commercial development in accordance with the goals, objectives and policies set forth in the Bonita Plan. Commercial development shall be permitted where requisite infrastructure exists or can feasibly be extended. Subsequent to August 1, 1986, with the exception of

rezonings to recognize and accommodate existing developments, no parcel of land of ten or more acres in size shall be rezoned to any of the conventional commercial districts.

- (b) *C-1A, C-1 and C-2 commercial districts.* The purpose and intent of the C-1A, C-1 and C-2 districts is to regulate the continuance of commercial and select residential land uses and structures lawfully existing in the C-1A, C-1 and C-2 districts as of August 1, 1986, and as originally permitted by the county zoning regulations of 1962, as amended, and 1978, as amended, respectively. Subsequent to February 4, 1978, no land or water shall be rezoned into the C-1A, C-1 or C-2 districts. In no case shall new development be permitted in any existing C-1A, C-1 or C-2 district which is not consistent with the Bonita Plan.
- (c) *C-2A commercial district.* The purpose and intent of the C-2A district is to recognize and provide for the continuation of most commercial and residential uses as set forth in the C-2 zoning district use regulations but prohibiting the industrial and manufacturing uses permitted by the C-2 district. This district is not available to landowners through normal procedures, but shall be used only by the city council on its own initiative to achieve the purpose stated in this subsection.
- (d) *CN-1 neighborhood commercial district.* The purpose and intent of the CN-1 district is to permit the designation of suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature, and to facilitate their proper development and use. It is anticipated that locating small retail and service establishments in close proximity to low to moderate-density residential land uses will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users. It is further intended that substantial buffering and other design techniques shall be used to prevent negative impacts on nearby or adjacent residential or lower-intensity land uses.
- (e) *CN-2 neighborhood commercial district.* The purpose and intent of the CN-2 district is to permit the designation of suitable locations for consumer-oriented commercial facilities of moderate scale, including neighborhood shopping centers, and to facilitate their proper development and use. Such facilities include the functions of CN-1 commercial places, but the greater floor area and the broader mix of goods and services available results in a wider market or service area, a larger population served, and a greater impact on surrounding land uses. The primary uses provided for include retail trade in food, drugs, sundries, hardware and similar items, and the provision of personal services.
- (f) *CC community commercial district.* The purpose and intent of the CC district is to permit the designation of suitable locations for medium to large-scale consumer-oriented commercial facilities, particularly for multiple-occupancy complexes known as community or regional shopping centers, and to facilitate their proper development and use. In addition to the retail sale of consumer goods, this district is intended to permit a wide range of services, financial and other, including business and professional offices, all arranged in discrete commercial centers or evolving business districts. Such centers or districts differ from neighborhood commercial facilities in concentrating a greater floor area of use and a broader mix of goods and services in order to serve a wider market or service area and a larger population. This is expected to create greater impact on surrounding land uses and therefore require buffering and designed gradients of intensity adjacent to less intense uses.
- (g) *CG general commercial district.* The purpose and intent of the CG district is to permit the designation of suitable locations for and to facilitate the proper development and use of consumer-oriented commercial facilities which are of a type or scale which are not suited for and do not generally seek locations in neighborhood, community or regional shopping centers. Such uses frequently consist of a single principal building containing sales, administration, repair services or manufacture; often rely on large ground areas for storage or display of goods; and are relatively insensitive to the impacts of adjacent land uses while generating substantial impacts on their neighbors. High visual exposure and easy accessibility, usually from arterial roads or suburban highways, are important.
- (h) *CS-1 special commercial office district.* The purpose and intent of the CS-1 district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for

standard office space for various purposes, and a minimum level of retail sales and personal services required to provide convenient access to goods and services for the workforce and clientele. While it is recognized that such uses will demand easy access from arterial or high-volume collector roads, this district is intended to be used to separate and buffer residential and other low- or medium-intensity land uses, such as schools or parks, from higher-intensity commercial and light industrial land uses.

- (i) *CS-2 special commercial office district.* The purpose and intent of the CS-2 district is to permit the designation of suitable locations for the proper development of standard office space for various purposes, as well as a number of other low-impact uses that can be allowed by special exception in particular circumstances. This district is intended to be used to separate and buffer residential and other low- or medium-intensity land uses, such as schools or parks, from higher-intensity commercial and light industrial land uses.
- (j) *CT tourist commercial district.* The purpose and intent of the CT district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short-term or seasonal residents. The term "accommodations," as used in this subsection, is intended to include housing, various amenities, including recreational facilities, and local retail trade in goods and services, both general and specific to the locality or attractor or principal activities. Areas designated tourist commercial are expected to be located near or adjacent to an attractor of tourism such as gulf beach frontage, theme parks, major public or private parks and other recreational or scenic resources.

(Ord. No. 11-02, § 3(4-841), 1-19-2011)

Sec. 4-660. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in any conventional commercial district for any purpose other than as provided in section 4-661, pertaining to use regulations for conventional commercial districts, and section 4-662, pertaining to property development regulations for conventional commercial districts, except as may be specifically provided for in article VII (nonconformities) of this chapter, or in section 4-406.

(Ord. No. 11-02, § 3(4-842), 1-19-2011)

Sec. 4-661. - Use regulations table.

Use regulations for conventional commercial districts are as follows:

TABLE 4-661. USE REGULATIONS FOR CONVENTIONAL COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2	CN-1	CN-2	CC	CG	CS-1	CS-2	CT
Accessory apartment	Note (1), 4-929	P	P	P	-	-	-	-	-	-	-

Administrative offices		P	P	P	P	P	P	P	P	P	P
Aircraft landing facilities, private:											
Lawfully existing:											
Expansion of aircraft landing strip, heliport or heliport landing pad	4-982 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
New accessory buildings	4-982 et seq.	P	P	P	P	P	P	P	P	P	P
New:											
Aircraft landing strip and ancillary hangars, sheds and equipment	4-982 et seq.	-	-	-	-	-	-	-	-	-	-
Heliport	4-982 et seq.	-	-	-	-	-	-	-	-	-	-
Helistop	4-982 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Amateur, radio antennas and satellite earth stations when accessory to an	4-927	Refer to 4-927 for regulations.									

existing principal use											
Amusement park, less than ten acres		-	-	-	-	-	-	-	-	-	-
Animals:											
Clinic	4-1071 et seq.	-	P	P	-	-	P	P	-	-	-
Kennel	4-1071 et seq.	-	-	P (3)	-	-	-	P(3)	-	-	-
Control center (including Humane Society)		P	P	P	-	-	-	P	P	SE	-
Assisted living facility	4-1182 et seq.	-	-	-	-	-	-	-	-	-	P (13)
ATM (automatic teller machine)		P	P	P	P	P	P	P	P	SE	P
Auto parts store:											
No installation service	Note (2)	P	P	P	-	P	P	P	-	-	-
With installation service	Note (2)	-	P	P	-	-	P	P	-	-	-
Automobile service station	Note (2), {22}	-	P	P	-	P	P	P	-	-	SE

Auto repair and service (4-408(c)(2)):											
Group I	Note (2), (22)	-	P	P	-	-	P	P	-	-	-
Group II	Note (2), (22)	-	-	P	-	-	-	SE	-	-	-
Bait and tackle shop		P	P	P	P	P	P	P	-	SE (5)	P
Banks and financial establishments (4-408(c)(3)):											
Group I		P	P	P	-	P	P	P	P	P(16)	P
Group II		-	-	-	-	-	P	P	-	-	-
Bar or cocktail lounge		-	AA/SE	AA/SE	-	-	AA/SE	AA/SE	-	-	AA/SE
Bed and breakfast		-	P	P	-	-	-	-	-	SE	P
Boardinghouse		-	P	P	-	-	-	-	-	SE	P
Boats:											
Boat parts store		P	P	P	-	P	P	P	-	-	-
Boat ramp		EO/SE	EO/SE	P	-	-	P	P	-	-	P
Boat rental		P	P	P	-	P	P	EO	-	-	P (7)

Boat repair and service	4-1099, 4-2069 et seq., Note (2)	-	-	-	-	-	-	-	-	-	-
Boat sales	Note (2)	-	P	P	-	-	-	P	-	-	-
Boat storage, dry, not exceeding 18 feet above grade	Note (2), (21) and (22)	-	P	P	-	-	-	P	-	-	-
Boat storage, dry, exceeding 18 feet above grade	Note (2), (21) and (22)	-	SE	SE	-	-	-	SE	-	-	-
Broadcast studio, commercial radio	4-1215 et seq.	-	-	P	-	-	P	P	-	-	-
Building materials sales (4-408(c)(4))	Note (2)	-	-	P	-	-	-	P	-	-	-
Business services (4-408(c)(5))											
Group I		P	P	P	-	P	P	P	P	P (8)	P
Group II		-	P	P	-	-	-	P	-	-	-
Bus station/depot	4-1153 et seq. Note (2), (22)	-	-	P	-	-	SE	P	-	-	-

Caretaker's residence		-	SE	SE	-	-	SE	SE	-	-	-
Car wash	Note (2), (22)	-	P	P	-	-	P	P	-	-	-
Cleaning and maintenance services (4-408(c)(7))		P	P	P	-	-	P	P	P	P	-
Clothing stores, general (4-408(c)(8))	Note (4)	P	P	P	-	-	P	P	-	-	P
Clubs:											
Country	-	-	-	-	-	-	-	-	-	-	
Commercial	-	-	-	P	-	-	P	EO		SE	-
Fraternal	4-1818	-	P	P	-	-	P	EO	-	SE	P
Membership organization	4-1818	-	P	P	-	-	P	EO	-	-	-
Private		-	-	-	P	P	P	-	-	SE	P
Cold storage warehouse and processing plant (including pre-cooling)	Note (14), (22)	-	-	P	-	-	-	-	-	-	-
Commercial fishery		-	-	EO	-	-	-	-	-	-	-

Commercial use of beachfront seaward of the water body setback line	4-2271	SE (7)	SE (7)	SE (7)	-	-	SE (7)	SE (7)	-	-	SE (7)
Community residential home		P	P	P	-	-	-	-	-	-	-
Communication facility, wireless	4-1215 et seq.										
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE	AA/SE
Contractors and builders (4-408(c)(9)):											
Group I		P	P	P	-	-	P	P	-	-	-
Group II		-	P	P	-	-	P	P	-	-	-
Group III	Note (2), (22)	-	-	-	-	-	-	P	-	-	-
Convenience food and beverage store	Note (2), (22)	P (19)	P (19)	P (19)	-	SE (19)	P	P	-	-	SE (19)
Cultural facilities (4-408(c)(10))		-	P	P	-	-	-	-	-	-	P

Day care center, adult, child		P	P	P	P	P	P	EO	-	-	P
Department store	Note (4)	P	P	P	-	-	P	P	-	-	-
Dormitory		-	-	-	-	-	-	-	-	-	P
Drive-through facility for any permitted use		P	P	P	-	SE	P	P	SE	SE	P
Drive-in theater		-	-	-	-	-	-	-	-	-	-
Drugstore, pharmacy	Note (4)	P	P	P	-	P	P	P	-	-	-
Dwelling unit:											
Duplex		P	P	P	-	-	-	-	-	P	-
Single-family		P	P	P	-	-	-	-	-	P	-
Two-family attached		P	-	-	-	-	-	-	-	-	-
Townhouse		EO	-	-	-	-	-	-	-	-	-
Mobile home		-	-	-	-	-	-	-	-	-	-
Multiple-family building		EO	P	P	SE (10)	SE (10)	-	-	SE (10)	SE (10)	P
Entrance gates and gatehouse	4-1472	P	P	P	P	P	P	P	P	P	P

Emergency medical service (ambulance)		P	P	P	-	-	-	P	P	SE	-
Emergency operations center		P	P	P	-	-	-	P	P	SE	-
Essential services	4-1362 et seq.	P	P	P	P	P	P	P	P	P	P
Essential service facilities (4-408(c)(13)):											
Group I	4-1362 et seq.	P	P	P	P	P	P	P	P	P	P
Group II	4-1362 et seq.	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Excavation:											
Mining		-	-	-	-	-	-	-	-	-	-
Water retention	4-1380 et seq.	P	P	P	P	P	P	P	P	P	P
Oil or gas		SE	SE	SE	SE	SE	SE	SE	SE	-	SE
Farm equipment, sales, storage, rental, service	Note (2), (22)	-	-	-	-	-	-	P	-	-	-

Feed or fertilizer, mixing and sales	Note (14), (22)	-	-	-	-	-	-	-	-	-	-
Fire station		P	P	P	-	-	-	P	P	SE	-
Fish house, wholesale	Note (14), (22)	-	-	P (11)	-	-	-	-	-	-	-
Flea market:											
Open	Note (2), (22)	-	-	SE	-	-	-	SE	-	-	-
Indoor	Note (2), (22)	-	P	P	-	-	P	P	-	-	-
Food and beverage service, limited		SE	SE	SE	SE	SE	SE	SE	-	SE	-
Food stores (4-408(c)(16)):	Note (4)										
Group I		P	P	P	P (12)	P	P	P		-	P
Group II		P	P	P	-	P	P	P		-	-
Forestry tower		P	P	P	-	-	-	P	P	SE	-
Fraternity house		-	-	-	-	-	-	-	-		P
Freight and cargo handling establishments (4-408(c)(17))	Note (14), and (22)	-	-	-	-	-	-	-	-	-	-

Funeral home or mortuary:											
No cremation		P	P	P	-	-	P	P	P	SE	-
With cremation		-	-	-	-	-	-	P	P	SE	-
Gasoline dispensing system, special	Note (14), (22)	-	-	-	-	-	-	-	-	-	-
Government maintenance facility		P	P	P	-	-	-	P	P	SE	-
Hardware store	Note (4)	P	P	P	P	P	P	P	-	-	-
Health care facility (4-408(c)(19)):											
Group I		P	P	P	-	P	P	P	P	P	-
Group II		-	-	-	-	-	-	-	P(13)	SE(13)	-
Group III									P(13)	SE(13)	-
Group IV		P	P	P	-	P	P	P	P	SE(13)	-
Group V		-	-	-	-	-	-	-	P(13)	SE(13)	-
Group VI							P	P			
Heliport or helistop		See Aircraft facilities, private.									

Hobby, toy, game shops (4-408(c)(20))	Note (4)	P	P	P	-	P	P	P	-	-	-
Home care facility		P	P	P	SE	SE	-	-	SE	SE	P
Home occupation:											
No outside help	4-1495 et seq.	P	P	P	P	P	-	-	P	P	P
With outside help	4-1495 et seq.	AA	AA	AA	AA	AA	-	-	AA	AA	AA
Hotel/motel:	4-1528 et seq.	-	P	P	-	-	-	-	-	SE	P
Household and office furnishings (4-408(c)(21)):	Note (4)										
Group I		P	P	P	-	-	P	P	-	-	-
Group II								P	-	-	-
Laundry or dry cleaning (4-408(c)(22)):											
Group I		P	P	P	-	P	P	P	-	-	P
Group II		-	-	P	-	-	-	-	-	-	-

Lawn and garden supply store	4-1792 Note (4)	P	P	P	-	-	P	P	-	-	-
Library		P	P	P	-	P	P	P	-	-	P
Manufacturing of:	Note (14)										
Apparel products (4-408(c)(1))	Note (22)	-	-	P	-	-	-	-	-	-	-
Dairy products (excluding fluid milk)	Note (22)	-	-	P	-	-	-	-	-	-	-
Electrical machinery and equipment (4-408(c)(11))	Note (22)	-	-	P	-	-	-	-	-	-	-
Fabricated metal products (4-408(c)(14)), Group III	Note (22)	-	-	P	-	-	-	-	-	-	-
Food and kindred products (4-408(c)(15)), Group I	Note (22)	-	-	P	-	-	-	-	-	-	-
Leather products (4-408(c)(23)), Group II	Note (22)	-	-	P	-	-	-	-	-	-	-

Lumber and wood products (4-408(c)(24)), Group I and II	Note (22)	-	-	P	-	-	-	-	-	-	-
Measuring, analyzing and controlling instruments (4-408(c)(26))	Note (22)	-	-	P	-	-	-	-	-	-	-
Novelties, jewelry, toys and signs (4-408(c)(27)), all groups	Note (22)	-	-	P	-	-	-	-	-	-	-
Rubber, plastics, and fiberglass products (4-408(c)(41)), Group II	Note (22)	-	-	P	-	-	-	-	-	-	-
Marina	4-1587	EO	EO	EO	-	-	-	EO	-	-	EO
Marina, ancillary uses		EO	EO	EO	-	-	-	EO	-	-	EO
Mass transit depot or maintenance facility (government-operated)	Note (2), (22)	P	P	P	-	-	-	P	P	SE	-

Mobile home dealers	Note (2); {22}	-	-	P	-	-	-	SE	-	-	-
Model:											
Home	4-1662 et seq.	P	P	P	-	-	-	-	-	-	SE
Unit	4-1662 et seq. Note (2)	P	P	P	-	-	-	-	-	-	SE
Display center	4-1662 et seq. Note (2)	-	P	P	-	-	P	P	-	-	SE
Multislip docking facility		-	P	P	-	-	-	-	-	-	P
Night clubs	4-951 et seq. 4-1020 et seq. Note (2), {22}	-	AA/SE	AA/SE	-	-	AA/SE	AA/SE	-	-	AA/SE
Nonstore retailers (4-408(c)(28)), all groups	Note (2)	P	P	P	-	-	P	-	-	-	-
Package store	4-1020 et seq. Note (4)	P	P	P	P	P	P	P	-	-	P
Paint, glass and wallpaper	Note (4)	P	P	P	-	-	P	P	-	-	-

Parks (4-408(c)(30)) Groups I		P	P	P	-	-	P	P	-	-	P
Group II		SE	SE	P	-	-	-	P	-	-	P
Group III		SE	SE	P	-	-	-	P	-	-	P
Parking lot:											
Accessory		P	P	P	P	P	P	P	P	P	P
Commercial		-	SE	SE	-	-	SE	SE	-	-	-
Garbage, public parking		-	SE	SE	-	-	SE	SE	-	-	-
Temporary	Note (14), 4-2132	P	P	P	P	P	P	P	P	P	P
Personal services (4-408(c)(31)):											
Group I		P	P	P	P	P	P	P	-	SE (5)	P
Group II		P	P	P	-	-	P	P	-	-	P
Group III	Note (5)	P	P	P	-	-	P	P	SE	SE(5)	P
Group IV	Note (2)	P	P	P	-	P	P	P	-	-	-
Pet services		P	P	P	-	-	-	P	-	-	-
Pet shop	Note (4)	P	P	P	-	P	P	P	-	-	-
Pharmacy	Note (4)	P	P	P	P	P	P	P	-	-	-

Place of worship	4-1762	P	P	P	P	P	P	P	P	P	P
Plant nursery	4-1792	P	P	P	-	-	-	P	-	-	-
Police or sheriff's station		P	P	P	-	-	-	P	P	SE	-
Post office		P	P	P	-	-	-	P	P	SE	-
Printing and publishing (4-408(c)(33))		-	-	P	-	-	-	EO	-	-	-
Processing and warehousing	Note (14); (22)	-	-	P	-	-	-	-	-	-	-
Racetracks (4-408(c)(34)): Group I and II	CPD only	-	-	-	-	-	-	-	-	-	-
Recreation facilities											
Commercial (4-408(c)(35)):											
Group I		P	P	P	-	-	P	P	-	-	P
Group III	Note (20 and 22)	-	P/SE	P/SE	-	-	-	-	-	-	P/SE
Group IV	Note (20)	-	-	-	-	-	P/SE	P/SE	-	-	P/SE
Personal		P	P	P	P	P	-	-	-	-	-
Private											

On-site		P	P	P	-	-	P	-	-	-	P
Off-site		SE	P	P	-	-	-	-	-	-	P
Recycling facility	Note (14), (22)	-	-	SE	-	-	-	SE	-	-	-
Religious facilities	4-1762 et seq.	-	-	P	-	P	P	P	P	SE	SE
Rental or leasing establishments											
Group I	4-1099, 4-2069 et seq. Note (22)	P	P	P	-	P	P	P	-	-	P
Group II	4-1099, 4-2069 et seq.	P	P	P	-	P	P	P	-	-	P
Group III	4-1099, 4-2069 et seq. Note (2), (22)	-	P	P	-	-	P	P	-	-	P(17)
Group IV	4-1099, 4-2069 et seq. Note (2), (22)	-	-	-	-	-	-	-	-	-	-
Repair shops (4-408(c)(37)):											
Group I		P	P	P	P	P	P	P	-	-	P

Group II		P	P	P	-	-	P	P	-	-	-
Group III	Note (2), (22)	-	-	P	-	-	-	P	-	-	-
Group IV	Note (2), (22)	-	-	P	-	-	-	P	-	-	-
Group V	Note (2), (22)	-	-	-	-	-	-	-	-	-	-
Research and development laboratories (4-408(c)(38)):											
Group II		-	-	P	-	-	P	-	P	SE	-
Group IV		-	-	P	-	-	-	-	-	-	-
Residential accessory uses (4-408(c)(39))		P	P	P	P	P	-	P	P	P	P
Restaurant, fast food	Note (2), (22)	-	P	P	-	-	P	P	-	-	P
Restaurants (4-408(c)(40)):											
Group I		P	P	P	-	P	P	P	-	SE (5)	P
Group II		P	P	P	-	P	P	P	SE	SE (5)	P
Group III		P	P	P	-	P	P	P	-	SE (5)	P
Group IV		-	P	P	-	-	P	P	-	SE (5)	P

Roadside stand	4-1432	TP	TP	TP	TP	TP	TP	TP	TP	TP	TP
Roominghouse		-	-	-	-	-	-	-	-	SE	P
Schools, commercial (4- 408(c)(42))	4-1970	P	P	P	-	-	P	P	P	SE	-
Self-service fuel pumps	Note (18)	SE	SE	SE	-	SE	P	P	-	-	SE
Signs in accordance with chapter 6		P	P	P	P	P	P	P	P	P	P
Social services (4-408(c)(43)):											
Group I		P	P	P	-	-	P	-	P	-	-
Group II		-	-	-	-	-	-	-	-	-	-
Group III		-	-	-	-	-	-	-	-	-	-
Group IV		-	-	-	-	-	-	-	-	-	-
Group V		-	-	-	-	-	-	-	-	-	-
Specialty retail shops (4- 408(c)(44)):	Note (4)										
Group I		P	P	P	P	P	P	P	SE	SE (5)	P
Group II		P	P	P	-		P	P	-		
Group III	Note (2), (22)	P	P	P	-	-	P	P	-	-	-

Stable, commercial	4-1045 et seq.	-	-	-	-	-	-	-	-	-	-
Storage:											
Indoor only	4-2069 et seq.	P	P	P	P	P	P	P	P	P	P
Storage, open	4-2069 et seq. Note (2), (22)	-	P	P	-	-	P	P	-	-	-
Studios (4-408(c)(46))		P	P	P	-	-	P	EO	-	SE	P
Supermarket	Note (4)	P	P	P	-	P	P	P	-	-	P
Temporary uses	4-2124 et seq.	P	P	P	-	P	P	P	P	-	P
Theater:											
Indoor	4-2037 et seq. Note (2), (22)	-	EO	EO	-	-	P	P	-	-	P
Drive-in	CPD or MPD only 2-2037 et seq. Note (2), (22)	-	-	EO	-	-	-	-	-	-	-
Timeshare units		EO	SE	SE	-	-	-	-	-	-	P
Transportation services (4-408(c)(50)):											

Group I	Note (2); (22)	-	-	P	-	-	-	-	-	-	-
Group II	Note (2); (22)	-	-	P	-	-			-	-	-
Group III	Note (2); (22)	-	-	P	-	-	P	P	-	-	-
Group IV	Note (2); (22)	-	-	P	-	-	-	P	-	-	-
Group V	Note (2); (22)	-	-	P	-	-	-	-	-	-	-
Truck stop	Note (14); (22)	-	-	-	-	-	-	P	-	-	-
Trucking terminal, motor, rail, air, including warehousing of goods awaiting shipment, parking, and storage of rolling stock	Note (14); (22)	-	-	-	-	-	-	-	-	-	-
Used merchandise stores (4-408(c)(51)):	Note (4)										
Group I		-	P	P	-	P	P	P	-	-	-

Group I, limited to indoor display only		P	-	-	-	-	-	-	-	-	-
Group II		-	P	P	-	-	P	P	-	-	-
Group III	Note (22)	-	P	P	-	-	P	P	-	-	-
Group IV	Note (22)	-	-	P	-	-	-	P	-	-	-
Group V	Note (14)	-	P	P	-	P	P	P	-	-	-
Variety store	Note (2)	P	P	P	-	P	P	-	-	-	-
Vehicle & equipment dealers (4-408(c)(52)):											
Group I	4-1099 Note (2), (22)	-	P	P	-	-	-	P	-	-	-
Group II	4-1099 Note (2), (22)	-	P	P	-	-	P	P	-	-	-
Group III	4-1099 Note (2), (22)	-	P	P	-	-	-	P	-	-	-
Group IV	4-1099 Note (2), (22)	-	P	P	-	-	-	P	-	-	-
Group V	4-1099 Note (2), (22)	-	-	-	-	-	-	P	-	-	-

Warehouse:											
Mini-warehouse	Note (2), (22)	-	-	P	-	SE	SE	SE	-	-	-
Private	Note (2), (22)	-	-	P	-	-	-	-	-	-	-
Public	Note (2), (22)	-	-	P	-	-	-	-	-	-	-
Wholesale establishments (4-408(c)(53)):											
Group I	Note (2), (22)	-	-	-	-	-	-	-	-	-	-
Group II	Note (2), (22)	-	-	-	-	-	-	-	-	-	-
Group III	Note (2), (22)	-	P (15)	P	-	-	P (15)	P (15)	P (15)	P (15)	P (15)
Group IV	Note (2), (22)	-	P (15)	P (15)	-	-	P (15)	P (15)	-	-	-

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) If located within the U.S. 41 Overlay District, special exception approval required. See section 4-891.
- (3) Permitted only if completely enclosed within a building.
- (4) Establishments exceeding 40,000 square feet require PD zoning. See section 4-1560 et seq.
- (5) Limited to 500 square feet when in conjunction with one dwelling unit on the same premises.
- (6) Use only permitted when clearly incidental to a hotel or motel.

- (7) The following uses may be permissible seaward of the water body setback line only by special exception boat rentals (inflatables, sailboats, jet skis, windsurfers and the like), foodstands, rental of cabanas and beach furniture, outdoor amusements, including boat balloonist, and seaplane rides, water ski tows, parasail tows and similar activities, fishing and sightseeing piers and towers.
- (8) Bail bonding, blood banks, blood donor stations and caterers permitted only by special exception.
- (9) Excluding fast food restaurants for which drive-through facilities are permitted by right.
- (10) The total square footage of the residential uses shall not exceed the total square footage of all existing and proposed commercial uses on the subject property, and the total number of residential units shall not exceed the number of units permitted by the Bonita Plan, whichever is less.
- (11) Not permitted within 500 feet of the nearest residence.
- (12) Excluding supermarkets.
- (13) New facilities of 50 or more beds, or the expansion of an existing facility that will bring the number of beds to 50 or more, requires PD zoning. See section 4-272 and Table 4-740.
- (14) Use is prohibited within U.S. 41 Overlay District. See section 4-891.
- (15) Limited to those commodities and products which are permitted to be sold at retail, provided that parking meets the requirements for retail sales.
- (16) Automatic teller machines may only be approved by special exception.
- (17) Limited to rental of passenger cars, vans, and pickup trucks less than three-quarter ton capacity. Maintenance activities limited to washing, waxing, vacuuming and minor repairs but excluding activities classified as Automotive repair and service Groups I and II. See section 4-408(c)(2).
- (18) Two pumps are permissible as an accessory use to businesses (other than a convenience food and beverage store which is listed separately) to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (19) Limited to eight pumps unless a greater number is approved as part of a special exception or as specifically approved in the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998, will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises but additional new pumps will not be permitted.
- (20) Facilities proposed for ten or more acres or the expansion of an existing facility that will bring the number of acres to ten or more acres must request and be approved as a special exception.
- (21) For purposes of this use only, grade is the average elevation of the street or streets abutting the property. Average elevation of the street is measured along the centerline of the streets, at the points of intersection of the streets with the lot lines (as extended) and the midpoint of the lot frontage.
- (22) ~~If located within the Bonita Beach Road Corridor, this use permitted only by Planned Development (PD) zoning on parcels larger than one acre. On parcels one acre or less in area, special exception approval is required.~~

(Ord. No. 01-18; Ord. No. 03-15; Ord. No. 11-02, § 3(4-843), 1-19-2011; Ord. No. 13-05, § 4-843, 4-3-2013; Ord. No. 14-12, § 1, 6-4-2014; Ord. No. 14-18, § 2, 7-2-2014; Ord. No. 15-27, § 2, 12-2-2015; Ord. No. 17-03, § 1, 2-1-2017)

Sec. 4-662. - Property development regulations table.

Property development regulations for conventional commercial districts are as follows:

TABLE 4-662. PROPERTY DEVELOPMENT REGULATIONS FOR COMMERCIAL DISTRICTS

	Special Notes or Regulations	C-1A	C-1	C-2	CN-1	CN-2	CC, CG	CS-1	CS-2	CT
Maximum density	Note (1)				(2)	(2)		(2)	(2)	
Minimum lot area and dimensions:	4-1921, 4-1922, 4-1841									
Minimum lot size:										
Residential uses (square feet):										
First two units in same building		7,500	7,500	7,500	-	-	-	-	5,000	7,500
Each additional unit in same building		-	3,000	2,000	-	-	-	-	-	2,000
Nonresidential uses (square feet):										
Corner lot		7,500	7,500	10,000	10,000	10,000	20,000	20,000	5,000	20,000
Interior lot	7,500	7,500	7,500	10,000	10,000	10,000	20,000	20,000	5,000	20,000
Lot width (feet)		75	75	75	75	100	100	100	50	100
Lot depth (feet)		100	100	100	100	100	100	100	100	100

Minimum setbacks:	4-926 et seq. and 4-1892 et seq.									
Street (feet)	Note (3)	Variable according to the functional classification of the street or road. See section 4-1893.								
Side yard (feet)	Notes (3) and (5)	15	15	15	15	15	15	20	10	20
Rear yard (feet)		25	25	25	20	20	25	20	20	25
Water body (feet):	4-1894 et seq.									
Gulf of Mexico		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.								
Other		25	25	25	25	25	25	25	25	25
Special Regulations:		Refer to the sections specified for exception or additions to the minimum setback requirements listed in this table								
Animals, reptiles, marine life	4-1045 et seq.									
Consumption on premises	4-1020 et seq.									
Dairy products (SIC 202)	4-2014									
Docks, seawalls, etc.	4-1588									
Essential services	4-1362 et seq.									

Essential service facilities (4-408(c)(12))	4-1362 et seq., 2-1841									
Fences, walls, gatehouses, etc.	4-1841 et seq.									
Fertilizer mixing	4-2014									
Hotel/motel	4-1528 et seq.									
Nonroofed accessory structures	4-1894(c)(3)									
Railroad right-of-way	4-1895									
Outdoor storage or display of merchandise	4-2069 et seq.									
Maximum height (feet)	4-1871 et seq.	35	35	35	35	35	35	35	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.								
Maximum lot coverage (percent of total lot area)		40%	40%	40%	40%	40%	40%	40%	50%	40%

Notes:

- (1) Residential development shall not exceed that density permitted by the Bonita Plan for the land use category in which the property is located.
- (2) The minimum lot area required for nonresidential uses shall be applicable to combined commercial and residential living units approved by special exception in the same manner as if the residential use did not exist.
- (3) Modifications to required setbacks for arterial or collector streets are permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 4-1892 et seq.
- (4) Reserved.
- (5) No side yard setback is required from common lot line for two-family attached or townhouse.
- (6) Reserved.
- (7) Reserved.
- (8) No outdoor display or storage of merchandise shall be permitted in the CN-1 or CN-2 district.
- (9) Lot coverage applies to structures only.
- (10) Truck terminals shall be required to comply with the setback requirements as set forth in Table 4-719

(Ord. No. 03-15; Ord. No. 11-02, § 3(4-844), 1-19-2011)

Secs. 4-663—4-682. - Reserved.

DIVISION 7. - CM MARINE-ORIENTED DISTRICTS

Sec. 4-683. - Purpose and intent.

CM marine commercial district. The purpose and intent of the CM district is to permit the designation of suitable locations for and to ensure the proper development and use of land and adjacent waters for commercial marinas and other uses incidental to such facilities. The principal uses of land at these locations shall be limited to waterfront-dependent uses required for the support of recreational boating and fishing. The marina siting and design criteria to be used are those set forth in the Bonita Plan.

(Ord. No. 11-02, § 3(4-871), 1-19-2011)

Sec. 4-684. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the marine-oriented districts for any purpose other than as provided in section 4-685, pertaining to use regulations for marine-oriented districts, and section 4-686, pertaining to property development regulations for marine-oriented districts, except as may be specifically provided for in article VII (nonconformities) of this chapter, or in section 4-406.

(Ord. No. 11-02, § 3(4-872), 1-19-2011)

Sec. 4-685. - Use regulations table.

Use regulations for marine-oriented districts are as follows:

TABLE 4-685. USE REGULATIONS FOR MARINE ORIENTED DISTRICTS

	Special Notes or Regulations	CM
Administrative offices		P
Amateur radio antennas and satellite earth stations when accessory to an existing principal use	4-927	Refer to 4-927 for regulations
Bait and tackle shop		P
Bar or cocktail lounge	4-1020 et seq. Note (9)	AA/SE
Boat parts store		P
Boat ramps		P
Boat rental		P
Boat repair and service	4-1099, 4-2069 et seq. Note (1)	P
Boat storage:		
Dry: Not exceeding 18 feet above grade	Notes (8) and (9)	P
Dry: Exceeding 18 feet above grade	Notes (8) and (9)	SE
Boatyard	Note (9)	-
Clubs, private	Note (2)	P
Communication facility, wireless	4-1215 et seq.	

Consumption on premises	4-1020 et seq.	AA/SE
Docking or mooring facilities	4-1588	P
Entrance gates and gatehouse	4-1841 et seq.	P
Essential services	4-1362 et seq.	P
Essential service facilities (4-408 (c)(13)):		
Group I	4-1362 et seq.	P
Group II	4-1362 et seq.	SE
Excavation:		
Water retention	4-1380	P
Oil or gas		SE
Fire station		-
Fish market, enclosed		-
Freight and cargo handling establishments (4-408(c)(17))	Note (9)	-
Gift and souvenir shop		P
Heliport for emergency medical services		-
Hotel/motel	4-1528 et seq.	SE
Laundromat		P
Marina	4-1587	P
Parks (4-408(c)(30)), Groups I, II, and III		P

Parking lot:		
Accessory		P
Temporary	4-1734 Note (5)	P
Place of worship	4-1762 et seq.	P
Recreational facilities:		
Commercial (4-408(c)(35))		-
Personal		P
Private—on-site		P
Private—off-site		-
Rental establishments, Group I (4-408(c)(36))	Note (9)	P
Residential uses	Note (6)	P(6)
Residential accessory uses (4-408(c)(39))	Note (7)	P(7)
Restaurant (4-408(c)(40)):		
Group I		P
Group II		P
Group III		P
Sale of fuel and lubricants		P
Sanitary facilities (restrooms and showers for transient persons; pump-out facilities for onboard sanitation; wastewater holding pretreatment or treatment)		P

School, commercial (4-408(c)(42))	4-1970 Note (4)	P
Signs in accordance with chapter 6		P
Storage:		
Indoor only	4-2069 et seq.	P
Open	4-2069 et seq. Note (9)	P
Temporary uses	4-2124 et seq.	P
Transportation services (4-408(c)(50)), Group I and II	Note (9)	P
Vehicle and equipment dealers (4-408(c)(52)), Group III	4-1099 Note (9)	P

Notes:

- (1) Minor boat repair only.
- (2) Limited to yacht or sailing clubs, youth-oriented boating clubs, and U.S. Coast Guard power squadrons.
- (4) Limited to marine-oriented schools.
- (6) Limited to caretaker's residence only.
- (7) In conjunction with approved caretaker's residence only (see note (6)).
- (8) For purposes of this use only, grade is the average elevation of the street or streets abutting the property. Average elevation of the street is measured along the centerline of the streets, at the points of intersection of the streets with the lot lines (as extended) and the midpoint of the lot frontage.
- (9) ~~If located within the Bonita Beach Road Corridor, this use permitted only by Planned Development (PD) zoning on parcels larger than one acre in area. On parcels one acre or less in area, special exception approval is required.~~

(Ord. No. 01-18; Ord. No. 03-15; Ord. No. 11-02, § 3(4-873), 1-19-2011; Ord. No. 17-03, § 1, 2-1-2017)

Sec. 4-686. - Property development regulations table.

Property development regulations for marine-oriented districts are as follows:

**TABLE 4-686. PROPERTY DEVELOPMENT REGULATIONS FOR
MARINE-ORIENTED DISTRICTS**

	Special Notes or Regulations	CM
Minimum lot area and dimensions:	4-1921, 4-1922, 4-1464	
Lot area (square feet)		20,000
Lot width (feet)		100
Lot depth (feet)		100
Minimum setbacks:		
Side yard (feet)	4-1892 et seq.	20
Rear yard (feet)	4-1892 et seq.	20
Street (feet)	Note (2), 4-1892 et seq.	Variable according to the functional classification of the street or road. See section 4-2193(b).
Water body (feet):	Note (3), 4-1892 et seq.	
Gulf of Mexico		50
Other		25
	4-1871 et seq.	35
Maximum height (feet)		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874

Maximum lot coverage (percent of total lot area)		40%
Special regulations:		Refer to the section specified for exceptions to the minimum setback requirements listed in this table.
Animals, reptiles, marine life	4-1045 et seq.	
Consumption on premises	4-1020 et seq.	
Docks, seawalls, etc.	4-1588	
Essential services	4-1362 et seq.	
Essential service facilities (4-408(c)(13))	4-1362 et seq., 4-1841	
Fences, walls, gatehouses, etc.	4-1464 et seq.	
Hotel/motel	4-1528 et seq.	
Nonroofed accessory structures	4-1894(c)(3)	
Railroad right-of-way	4-1895	

Notes:

- (1) Reserved.
- (2) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 4-1892 et seq.
- (3) Boat service buildings or boat service structures may be built up to the mean high-water line.

(Ord. No. 11-02, § 3(4-874), 1-19-2011)

Secs. 4-687—4-715. - Reserved.

DIVISION 8. - I INDUSTRIAL DISTRICTS

Sec. 4-716. - Purpose and intent.

- (a) Generally. The purpose and intent of the industrial districts is to regulate the continuance of certain land uses and structures lawfully existing as of August 1, 1986, which were originally permitted by the county zoning regulations of 1962, as amended, or 1978, as amended. It is also the purpose and intent of the industrial districts to encourage industrial growth in accordance with the goals, objectives and policies set forth in the Bonita Plan, and to guide most industrial growth into areas where required infrastructure exists or can be feasibly extended.
- (b) It is the intent of this chapter that any proposed industrial development which requires a rezoning, and which meets or exceeds one or more of the following criteria, must be rezoned only to an IPD industrial planned development:
 - (1) Any development exceeding the thresholds set out in section 4-203.
 - (2) Any development involving the manufacturing of the following products, regardless of the land area involved:
 - a. Chemicals and allied products Groups I and II (excluding cosmetics, perfumes, etc.) (section 4-408(c)(6)).
 - b. Fabricated metal products Group I (section 4-408(c)(14)).
 - c. Lumber and wood products Groups V and VI (section 4-408(c)(25)).
 - d. Paper and allied products Group I (section 4-408(c)(30)).
 - e. Petroleum manufacturing (section 4-408(c)(33)).
 - f. Primary metal industries (section 4-408(c)(34)).
 - g. Research and development laboratories Group III (section 4-408(c)(40)).
 - h. Rubber and plastic products Group I (section 4-408(c)(43)).
 - i. Stone, clay, glass and concrete products Group IV (section 4-408(c)(47)).
 - j. Textile mill products Group III (section 4-408(c)(49)).
 - (3) Refuse and trash dumps.
 - (4) Sanitary landfills.
 - (5) Salvage yards or junkyards.
 - (6) Auto wrecking yards.
 - (7) Resource recovery facilities to produce energy.
- (c) IL light industrial district. The purpose and intent of the IL district is to permit the designation of suitable locations for and to facilitate the proper development and use of areas devoted to various light industrial and quasi-industrial commercial uses. While it is presumed that most industrial processes will take place within enclosed buildings, any activity not taking place within a building shall take place within a yard enclosed by an opaque wall or fence.
- (d) IG general industrial district. The purpose and intent of the IG district is to permit the designation of suitable locations for and to facilitate the proper development and use of areas devoted to various heavy industrial uses which have the potential of producing extensive adverse impacts on surrounding land uses or resources. Such uses include those which produce noise, odors or increased hazards of fire, or are generally incompatible with lower-intensity land uses.

(Ord. No. 11-02, § 3(4-901), 1-19-2011)

Sec. 4-717. - Applicability of use and property development regulations.

No land, body of water or structure may be used or permitted to be used and no structure may hereafter be erected, constructed, moved, altered or maintained in the industrial districts for any purpose other than as provided in section 4-718, pertaining to use regulations for industrial districts, and section 4-719, pertaining to property development regulations for industrial districts, except as may be specifically provided for in article VII (nonconformities) of this chapter, or in section 4-406.

(Ord. No. 11-02, § 3(4-902), 1-19-2011)

Sec. 4-718. - Use regulations table.

Use regulations for industrial districts are as follows:

TABLE 4-718. USE REGULATIONS FOR INDUSTRIAL DISTRICTS

	Special Notes or Regulations	IL	IG
Administrative offices		P	P
Agricultural services: office/base operations	Note (9)	-	-
Aircraft landing facility, private:			
Lawfully existing:			
Expansion of aircraft landing strip or helistop or heliport landing pad	4-982 et seq.	SE	SE
New accessory buildings	4-982 et seq.	P	P
New:			
Aircraft landing strip or heliport, ancillary hangers, sheds and equipment	4-982 et seq.	SE	SE
Helistop	4-982 et seq.	SE	SE

Amateur radio antennas and satellite earth stations when accessory to a principal use	4-927	Refer to 4-927 et seq. for regulations	
Animals:			
Animal clinic	4-1071 et seq.	P	P
Animal kennel, when completely enclosed within a building	4-1071 et seq.	P	P
Control center (including Humane Society)	4-1071 et seq.	P	P
ATM (automatic teller machine)		P	P
Automobile repair and service (4-408(c)(2)):			
Group I	4-1098 Notes (12) and (13)	P	P
Group II	4-1098 Notes (12) and (13)	P	P
Bar or cocktail lounge	4-1020 et seq. Note (12)	SE	SE
Blacksmith shop	Note (9)	P	P
Boat ramps		EO/SE	EO/SE
Broadcast studio, commercial radio and television	4-1215 et seq.	P	P
Building materials sales (4-408(c)(4))	4-2069 et seq. Notes (12) and (13)	P	P
Business services (4-408(c)(5)):			

Group I		P	-
Group II		P	P
Bus station/depot	4-1153 et seq. Notes (12) and (13)	P	P
Caretaker's residence		SE	SE
Caterers		P	P
Cleaning and maintenance services (4-408(c)(7))		P	P
Cold storage warehouse and processing plant (including pre-cooling)	Notes (12) and (14)	P	P
Communication facility, wireless	4-1215 et seq.	Refer to 4-1215 et seq. for regulations	
Computer and data processing services		P	P
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE
Contractors and builders (4-408(c)(9)):			
Group I		P (1)	P
Group II		P (1)	P
Group III	4-1099, 4-2069 et seq. Notes (12) and (13)	P (1)	P
Day care center, child	Note (10)	SE	-
Dumps, refuse and trash	IPD only, 4-1551 et seq., Note (9)	-	-

Emergency medical service (ambulance station)		P	P
Emergency operations center		P	P
Entrance gates and gatehouses	4-1464 et seq.	P	P
Essential services	4-1362 et seq.	P	P
Essential service facilities (4-408(c)(13)):			
Group I	4-1362 et seq.	P	P
Group II	4-1362 et seq.	SE	SE
Group III	4-1362 et seq. CFPD, IPD or MPD only	EO	-
Excavation:			
Mining	4-1400 et seq.	-	-
Water retention	4-1380	P	P
Oil or gas		SE	SE
Farm equipment, sales, storage, rental or service	4-1099, 4-2069 et seq. Notes (12) and (13)	-	-
Farm machinery and tractor repair	Note (12)	-	-
Fire station	Note (2)	P	P
Flea market, open	Notes (12) and (13)	SE	-

Freight and cargo handling establishments (4-408(c)(17))	4-2069 et seq., Notes (9), (12) and (14)	SE	P
Gasoline dispensing system, special	Notes (12) and (14)	P	P
Government maintenance facility	Note (2)	P	P
Hatcheries, poultry	Notes (9) and (12)	-	-
Health care facility, Group IV (4-408(c)(19))	Note (4)	SE	SE
Health club or spa		P	P
Heliport or helistop	4-982(b)	See Aircraft landing facilities, private	
Junkyard or salvage yard	IPD only, 4-1551 et seq., Note (9)	-	-
Landfills, sanitary	IPD only, 4-1551 et seq., Note (9)	-	-
Laundry or dry cleaning (4-408(c)(22)), Group II		P	P
Machine shop		P	P
Manufacturing, repair or wholesale sales of:	Note (14)		
Apparel (4-408(c)(1))	Notes (9) and (12)	P	P
Boats	Notes (9) and (12)	SE	P
Chemicals and allied products (4-408(c)(6))	IPD only, Notes (9) and (12)	EO	EO
Cosmetics, perfumes, etc.	Notes (9) and (12)	P (5)	P (5)

All other chemicals	IPD only, Notes (9) and (12)	-	EO
Electrical machinery and equipment (4-408(c)(11))	Notes (9) and (12)	P	P
Fabricated metal products (4-408(c)(14)):			
Group I	IPD only, Notes (9) and (12)		
Group II	Notes (9) and (12)	SE	P
Group III	Notes (9) and (12)	-	P
Food and kindred products (4-408(c)(15)):			
Group I	Notes (9) and (12)	P	P
Group II	Notes (9) and (12)	SE	P
Group III	Notes (9) and (12)		P
Furniture and fixtures (4-408(c)(18))	Notes (9) and (12)	P	P
Leather products (4-408(c)(23)):			
Group I	Notes (9) and (12)	P	P
Group II	Notes (9) and (12)		P
Lumber and wood products (4-408(c)(24)):			
Group I	Notes (9) and (12)	P	P

Group II			P
Group II	IPD only, Notes (9) and (12)	-	EO
Machinery (4-408(c)(25)):			
Group I	Notes (9) and (12)	P 6)	P
Group II	Notes (9) and (12)		P
Group III	IPD only, Note (9)	-	
Measuring, analyzing and controlling instruments (4-408(c)(26))	Notes (9) and (12)	P	P
Novelties, jewelry, toys and signs (4-408(c)(27)), Groups I and II	Notes (9) and (12)	P	P
Paper and allied products (4-408(c)(29)):			
Group I	Notes (9) and (12)	P	P
Group II	IPD only, Note (9)	-	-
Petroleum (4-408(c)(32))	IPD only, Note (9)	-	-
Rubber, plastics, and fiberglass products (4-408(c)(41)):			
Group I	IPD only, Note (9)	-	EO
Group II	Notes (9) and (12)	P	P
Stone, clay, glass or concrete products (4-408(c)(45)):			

Group I	Notes (9) and (12)	P	P
Group II	Notes (9) and (12)	-	P
Group III	Notes (9) and (12)	P (8)	P
Group IV	IPD only, Note (9)	-	-
Textile mill products (4-408(c)(47)):			
Tobacco (4-408(c)(48))	Notes (9) and (12)	-	P
Transportation equipment (4-408(c)(49)):			
Group II	Notes (9) and (12)	SE	P
Groups I, III and IV	Notes (9) and (12)	-	P
Marina	4-1587	EO	EO
Mass transit depot or maintenance facility (government)	Note (12)	P	P
Message answering service		P	P
Mini-warehouse	Notes (12) and (13)	P	P
Mobile home dealers	4-1099 Notes (12) and (13)	P	P
Motion picture production studios	Notes (9) and (12)	P	P
Night club	4-951 et seq., 4-1020 et seq. Notes (12) and (13)	SE	SE
Nonstore retailers (4-408(c)(28)), all groups	Note (13)	P	P

Oxygen tent services		P	P
Parcel and express services		P	P
Parking:			
Accessory		P	
Garage, public		-	-
Temporary	4-1734	P	P
Parks (4-408(c)(30)), Group I	Note (2)	P	P
Personal services (4-408(c)(31)), Group III		P	P
Photofinishing laboratory	Note (9)	P	P
Place of worship	4-1762 et seq.	P	P
Police or sheriff station	Note (2)	P	P
Post office	Note (2)	P	P
Printing and publishing (4-408(c)(33))		P	P
Processing and warehousing	Notes (12) and (14)	P	P
Recreational facilities:			
Commercial (4-408(c)(35)):			
Group I		-	-
Groups III and IV	Note (12) for Group III	P	P
Personal		P	P

Private—On-site		P	P
Private—Off-site		SE	SE
Recycling facility (df)	Notes (12) and (14)	P	P
Religious facilities	Note (2), 4-1762 et seq.	P	P
Rental or leasing establishments (4-408(c)(36)):			
Group II	4-951 et seq., 4-1099, 4-2069 et seq.	P	P
Group III	4-1099, 4-2069 et seq., Notes (12) and (13)	P	P
Group IV	4-1099, 4-2069 et seq., Notes (9), (12) and (13)	P	
Repair shops (4-408(c)(37)):			
Groups I and II		P	P
Groups III, IV and V	Notes (9), (12) and (13)	P	P
Research and development laboratories (4-408(c)(38)):			
Group I	Note (9)	-	-
Groups II and IV		P	P
Group III	IPD only, Note (9)	-	-
Restaurant (4-408(c)(40)):			
Group I		P	P

Group II	4-1020 et seq.	P	P
Resource recovery facilities:			
Recovery facilities to produce energy	IPD only	-	EO
Recovery facilities, other	4-2069 et seq. Note (12)	SE	SE
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises		P	P
Roadside stand (defined in section 4-1430)	4-1429 et seq.	TP	TP
Schools, commercial (4-408(c)(42))		P	P
Schools, noncommercial:			
Lee County School District	4-1970	P	P
Other	4-1970	-	-
Self-service fuel pumps	Note (11)	-	P(11)
Signs in compliance with chapter 6		P	P
Social services (4-408(c)(43)), Group II	Note (9)	P	P
Storage:			
Indoor	4-2069 et seq.	P	P
Open	4-2069 et seq. Note (12)	P	P
Studios (4-408(c)(46))		P	P

Transportation services (4-408(c)(50)), Groups III, IV and V	Notes (12) and (13)	P	P
Trucking terminal	4-1099 Notes (12) and (14)	SE	P
Vehicle and equipment dealers (4-408(c)(52)):			
Group III	4-1099 Notes (12) and (13)	P	-
Group IV	4-1099 Notes (12) and (13)	P	P
Group V	4-1099 Notes (12) and (13)	P	P
Warehouse:			
Mini-warehouse	Notes (12) and (13)	P	P
Private	Notes (12) and (13)	P	P
Public	Notes (12) and (13)	P	P
Wholesale establishment (4-408(c)(53)):			
Group III	4-2069 et seq. and (12)	P	P
Group IV	4-2069 et seq. and (12)	P	P
Wrecking yard:			
Auto	IPD only 4-1551 et seq., Note (9)	-	-

Other	IPD only, 4-1551 et seq., Note (9)	-	-
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Notes:

- (1) Excluding asphalt or concrete batch plants that were not lawfully existing as of February 4, 1978.
- (2) New facilities of ten or more acres or expansion of an existing facility to ten or more acres requires PD zoning. See section 4-272.
- (3) Limited to agricultural products, livestock and equipment.
- (4) Expansion of an existing facility to over 50 beds requires PD zoning unless otherwise approved as part of another planned development. See section 4-272.
- (5) Limited to manufacturing of cosmetics, perfumes and other toilet preparations only.
- (6) Limited to assembly of the finished product from its component parts.
- (7) Limited to paperboard containers and boxes only.
- (8) Limited to small custom-designed concrete products produced in molds, such as decorative architecture or ornamental features commonly associated with residential uses.
- (9) The use is subject to the special setback regulations as set forth in section 4-2014, minimum required setbacks.
- (10) Family day care home exemption. F.S. § 166.0445 exempts family day care homes from needing the special exception. See section 4-195(e)(9).
- (11) Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.
- (12) ~~If located within the Bonita Beach Road Corridor, this use permitted only by Planned Development (PD) zoning on parcels larger than one acre in area. On parcels one acre or less in area, Special Exception approval is required.~~
- (13) If located within the U.S. 41 Overlay District, special exception approval is required. See section 4-891.
- (14) Use is prohibited if located within the U.S. 41 Overlay District. See section 4-891.

(Ord. No. 01-18; Ord. No. 03-15; Ord. No. 11-02, § 3(4-903), 1-19-2011; Ord. No. 15-27, § 2, 12-2-2015; Ord. No. 17-03, § 1, 2-1-2017)

Sec. 4-719. - Property development regulations table.

Property development regulations for industrial districts are as follows:

TABLE 4-719. PROPERTY DEVELOPMENT REGULATIONS FOR
INDUSTRIAL DISTRICTS

	Special Notes or Regulations	IL	IG
Minimum lot area and dimensions:	4-1921, 4-1922, 4-1841		
Located in an industrial subdivision:			
Minimum lot size (acres unless otherwise noted)		20,000 sq. ft.	20,000 sq. ft.
Lot width (feet)		100	100
Lot depth (feet)		100	100
Freestanding, not within an industrial subdivision:			
Minimum lot size (acres)		2	2
Lot width (feet)		200	200
Lot depth (feet)		200	200
Minimum setbacks:	4-1892 et seq.		
Street (feet)	Note (1)	Variable according to the functional classification of the street or road. See section 4-1893.	
Side yard (feet)	Note (1)	20	20
Rear yard (feet)		15	25
Residential property (feet)	4-2014	25 feet unless a greater setback is required as set forth in section 4-2014.	

Water body (feet):	4-1892 et seq.		
Gulf of Mexico		In accordance with chapter 6, article III, or 50 feet from mean high water, whichever is the most restrictive.	
Other (feet)		25	25
Special regulations:		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.	
Animals, reptiles, marine life	4-1045 et seq.		
Consumption on premises	4-1020 et seq.		
Docks, seawalls, etc.	4-1588		
Essential services	4-1362 et seq.		
Essential service facilities (4-408(c)(13))	4-1362 et seq., 4-1841		
Fences, walls, gatehouses, etc.	4-1841 et seq.		
Nonroofed accessory structures	4-1894(c)(3)		
Railroad right-of-way	4-1895		
	4-1871 et seq.	35	35
Maximum height (feet)		Note: Special height limitations apply to all uses located within Bonita Beach and Bonita Beach Road Corridor. See section 4-1874	
Maximum lot coverage (percent of total lot area)		40%	40%

Notes:

- (1) Modifications to required setbacks for collector or arterial streets is permitted only by variance. Modifications for solar or wind energy purposes, are permitted only by special exception. See section 4-1892 et seq.

(Ord. No. 01-18; Ord. No. 11-02, § 3(4-904), 1-19-2011)

Secs. 4-896—4-900. - Reserved.

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1 **SECTION ONE: CODE AMENDMENT**

2
3 The City Council hereby amends the Bonita Springs City Code; Part III, Land
4 Development Code, Chapter 4, Zoning, Article VI Supplemental District Regulations,
5 Division 37, Subordinate and Temporary Uses, Subdivision II, Temporary Uses, as
6 follows with underlined portions representing additions and ~~strikethroughs~~ representing
7 deletions:

8
9 ~~Sec. 4-2124. Generally.~~

10
11 ~~(a) Purpose. The purpose of this subdivision is to specify regulations~~
12 ~~applicable to certain temporary uses which, because of their impact on surrounding land~~
13 ~~uses, require a temporary use permit.~~

14 ~~(b) Permit required. No temporary use shall be established until a temporary~~
15 ~~use permit has been obtained from the department. A special event permit or a mobile~~
16 ~~food vendor permit may also be required in addition to the temporary use permit.~~

17 ~~(c) Lighting. No permanent or temporary lighting shall be installed without an~~
18 ~~electrical permit and inspection.~~

19 ~~(d) Time limit.~~

20 ~~(1) All uses shall be confined to the dates specified by the director, on the~~
21 ~~temporary use permit; provided, however, that:~~

22 ~~a. Except as provided in sections 4-2126 through 4-2130, the director may not~~
23 ~~authorize a temporary use for the more 30 days; and~~

24 ~~b. If no time period is specified on the temporary use permit, then the~~
25 ~~temporary use permit will expire and the use be abated within 30 days from the date of~~
26 ~~issuance.~~

27 ~~(2) A temporary use permit may not be renewed or reissued to the same~~
28 ~~applicant or on the same premises for a similar use more than four times per year,~~
29 ~~except for community gardens as described in section 4-1435, unless otherwise~~
30 ~~approved pursuant to a special event permit or a mobile food vendor permit.~~

31 ~~(3) Permits for mobile food vendors will be limited in time by section 4-2155,~~
32 ~~permit required and permits for sales of fireworks pursuant to Ordinance No. 06-14, as it~~
33 ~~may be amended.~~

34 ~~(e) Hours of operation. Hours of operation shall be confined to those specified~~
35 ~~in the permit.~~

36 ~~(f) Cleanup. The site shall be cleared of all debris at the end of the temporary~~
37 ~~use and all temporary structures shall be removed within 48 hours after termination of~~
38 ~~the use. A signed contract with a disposal firm shall be required as a part of the~~
39 ~~application for a temporary use permit to ensure that the premises will be cleared of all~~
40 ~~debris during and after the event, as well as proof of adequate insurance naming the~~
41 ~~city as additional insured.~~

42 ~~(g) Traffic control. Traffic control as may be required by the county sheriff's~~
43 ~~department and public works shall be arranged and paid for by the applicant.~~

44 ~~(h) Damage to public right-of-way. A right-of-way permit may be required for~~
45 ~~any improvements in the right-of-way or access connection, with proof of adequate~~
46 ~~insurance naming the city as additional insured or a cash bond based on public works~~

requirements shall be posted with city to ensure the repair of any damage resulting to any public right-of-way as a result of the event.

~~Sec. 4-2125. Carnivals, fairs, circuses and amusement devices.~~

~~(a) Location of amusement devices and other structures.~~

~~(1) Setback from street for amusement devices. No use consisting of amusement devices shall be located closer to a street right-of-way line or street easement than 25 feet, or a distance equal to the height of the amusement device, whichever is greater.~~

~~(2) Setback from bodies of water for amusement devices. No amusement device shall be located closer to a bay, canal or other body of water than 50 feet from the Gulf of Mexico or 25 feet from any other body of water, or a distance equal to the height of the amusement device, whichever is greater.~~

~~(3) Setbacks from side and rear property lines for amusement devices. All amusement devices shall be set back from side and rear property lines a minimum distance equal to the greater of:~~

~~a. The setbacks established for the zoning district in which located;~~

~~b. The height of the device; or~~

~~c. A minimum of 100 feet from any property zoned RS, TF, TFC, RM, MH, RPD or MHPD, or any existing residential use.~~

~~(4) Setbacks from habitable structures for amusement devices. All amusement devices shall be set back from habitable structures a distance which is at least equal to the height of the device.~~

~~(5) Placement of amusement devices in easement. Nothing contained in this chapter shall be construed as permitting placement of any amusement device within a utility easement or other easement prohibiting such placement.~~

~~(6) General setback requirements. Other structures associated with carnivals, fairs or circuses shall be set back in accordance with the setbacks established for each individual zoning district.~~

~~(b) Off-street parking. Refer to section 4-1732(4)r for off-street parking requirements.~~

~~(c) Hours of operation. The hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., unless otherwise extended by the director in writing.~~

~~(d) Special event permit. In addition to a temporary use permit, a carnival, fair, circus or amusement device shall be subject to the provisions of the special event permit, as applicable.~~

~~Sec. 4-2126. Christmas tree sales.~~

~~(a) Christmas tree sales may be permitted in any agricultural, commercial or industrial district, provided that:~~

~~(1) No parking lot required for another use shall be used for display of trees; and~~

~~(2) Temporary off-street parking for at least five vehicles shall be provided utilizing an existing or approved parking lot entrance or driveway.~~

1 ~~(b) The maximum length of time for display and open lot sales shall be 45~~
2 ~~days.~~

3
4 ~~Sec. 4-2127. Temporary contractor's office and equipment storage shed.~~

5
6 ~~A contractor's office or construction equipment shed may be permitted in any~~
7 ~~district where use is incidental to an ongoing construction project with an active building~~
8 ~~permit or development order. Such office or shed shall not contain sleeping or cooking~~
9 ~~accommodations. The contractor's office and construction shed shall be removed within~~
10 ~~30 days of the date of final inspection for the project.~~

11
12 ~~Sec. 4-2128. Horse shows and exhibitions.~~

13
14 ~~(a) A horse show or exhibition may be permitted at a boarding or commercial~~
15 ~~stable for special occasions, including, but not limited to, dressage shows, exhibitions~~
16 ~~and contests.~~

17 ~~(b) A temporary use permit shall be required for those horse shows and~~
18 ~~exhibitions, at commercial stables, where more than 15 horses (outside entrants)~~
19 ~~participate at any one time.~~

20 ~~(c) The maximum length of time for such use shall not exceed 15 days.~~

21
22 ~~Sec. 4-2129. Temporary use of mobile home.~~

23
24 ~~(a) *Rehabilitation or construction of residence following disaster.*~~

25 ~~(1) If fire or other emergency as defined in F.S. § 252.34 renders a single-~~
26 ~~family residence unfit for human habitation, the temporary use of a mobile home, travel~~
27 ~~trailer or park trailer located on the single family lot during rehabilitation of the original~~
28 ~~residence or construction of a new residence may be permitted subject to the~~
29 ~~regulations set out in this section.~~

30 ~~(2) The maximum duration of the use is 18 months or 540 days after the date~~
31 ~~the President of the United States issues a disaster declaration. If no disaster~~
32 ~~declaration is issued, then the maximum duration of the use is six months. The director~~
33 ~~may extend the permit once for a period not to exceed 60 days in the event of~~
34 ~~circumstances beyond the owner's control. Application for an extension must be made~~
35 ~~prior to expiration of the original permit. Additional extensions may be granted only by~~
36 ~~the city council approval.~~

37 ~~(b) *Rehabilitation or construction of a damaged business, commercial or*~~
38 ~~*industrial uses following disaster.*~~

39 ~~(1) Business, commercial or industrial uses, damaged by a major or~~
40 ~~catastrophic disaster necessary for the public health and safety or that will aid in~~
41 ~~restoring the community's economic base, may be permitted to use a mobile home or~~
42 ~~similar type structure to carry out their activities until the damaged structure is rebuilt or~~
43 ~~replaced according to applicable development or redevelopment regulations.~~

44 ~~(2) The maximum duration of the temporary use is nine months or 27 days~~
45 ~~after the date the President of the United States issues a disaster declaration. If no~~
46 ~~disaster declaration is issued, then the maximum duration of the use is six months. The~~

1 director may extend the permit once for a period not to exceed 60 days in the event of
2 circumstances beyond the owner's control. Application for an extension must be made
3 prior to expiration of the original permit. Additional extensions may be granted only by
4 city council approval.

5 (c) ~~Construction of residence in AG district.~~

6 (1) ~~A temporary mobile home may be permitted to be emplaced on a lot during~~
7 ~~construction of a conventional single-family dwelling in the agricultural district.~~

8 (2) ~~The mobile home must be removed from the property within ten days of the~~
9 ~~issuance of the certificate of occupancy, or expiration of the building permit for the~~
10 ~~conventional dwelling, whichever occurs first.~~

11 (d) ~~Conditions for use.~~

12 (1) ~~Required water and sanitary facilities must be provided.~~

13 (2) ~~The mobile home, travel trailer or park trailer must be removed from the~~
14 ~~property within ten days after the certificate of occupancy is issued for the new or~~
15 ~~rehabilitated residence, business, commercial or industrial use or upon expiration of the~~
16 ~~temporary use permit, whichever occurs first.~~

17 (3) ~~Placement or setting of the mobile home, travel trailer or park trailer must~~
18 ~~comply with chapter 6, article IV, pertaining to floodplain management.~~

19
20 Sec. 4-2130. ~~Temporary telephone distribution equipment.~~

21
22 ~~Telephone distribution equipment may be granted a temporary permit during~~
23 ~~planning and construction of permanent facilities, provided that:~~

24 (1) ~~The equipment is less than six feet in height and 300 cubic feet in volume;~~
25 ~~and~~

26 (2) ~~The maximum length of the use shall be six months, but the director may~~
27 ~~extend the permit for a period not to exceed six additional months in the event of~~
28 ~~circumstances beyond the control of the telephone company. Application for an~~
29 ~~extension shall be made at least 15 days prior to expiration of the original permit.~~

30
31 Sec. 4-2131. ~~Ancillary temporary uses in parking lots.~~

32
33 (a) ~~The following ancillary temporary uses may be permitted in parking lots~~
34 ~~upon application and issuance of a temporary use permit (see section 4-199):~~

35 (1) ~~Seasonal promotions.~~

36 (2) ~~Sidewalk or parking lot sales.~~

37 (3) ~~Fairs and carnivals (see section 4-2125).~~

38 (4) ~~Tent sales.~~

39 (5) ~~Flea markets by nonprofit organizations.~~

40 (b) ~~In approving a temporary permit, the director shall require that the area of~~
41 ~~the lot to be used is clearly defined and that the use will not obstruct pedestrian and~~
42 ~~vehicular movements to portions of the lot not so used.~~

43 (c) ~~Some of these uses may also require other permits, including a special~~
44 ~~events permit, fireworks sales, etc.~~

45
46 Sec. 4-2132. ~~Temporary parking lots.~~

1
2 Temporary parking lots may be permitted in commercial and industrial zoning
3 districts, provided that they are in compliance with section 4-1732.
4

5 Sec. 4-2124. - Temporary uses.

6 (a) General. Certain uses are temporary in character. They vary in type and degree,
7 as well as the length of time involved. The purpose of this section is to specify
8 regulations applicable to certain temporary uses which, because of their impact on
9 public infrastructure, services, and surrounding land uses, require a temporary use
10 permit. Unless otherwise specified in these zoning regulations, the following
11 regulations shall govern temporary uses. No temporary use identified herein shall
12 be exempt from the permit requirement except in accordance with this section.

13 (1) Unless approved by the community development director, a temporary use
14 cannot occupy on-site parking required by these land development regulations
15 to accommodate the ordinary parking requirements of the existing structures
16 and uses on the property. Only surplus or otherwise unused parking may be
17 occupied for the temporary use and such use must itself have sufficient parking
18 for the anticipated traffic it generates.

19 (2) For the purposes of this section the following terms shall have the associated
20 meanings:

21 Footprint shall mean the area impacted by the temporary use as measured from
22 the outside line of all the area devoted to the use, or the drip line of a tent or
23 cover under which the use is conducted, whichever is greater.

24 Sale(s) shall be considered to include any form of commercial transaction,
25 including fund raising activities by charitable and nonprofit organizations or
26 school groups.

27 (3) Temporary use permits shall only be issued within the zoning districts for which
28 the use is allowed by right or for those uses which have been permitted by
29 special exception. For example, temporary use permits for commercial, sales,
30 or services uses shall not be issued in residential districts.

31 (4) Temporary use permits are restricted to those activities and locations listed on
32 the application and all temporary uses shall be confined to the dates and times
33 specified in the permit. A separate temporary use permit is required for each
34 temporary use. Hours of operation of temporary uses subject to this section
35 shall be limited to 8:00 a.m. to 9:00 p.m., Sunday through Thursday, and 8:00
36 a.m. to 11:00 p.m. on Friday and Saturday.

37 (5) No permanent or temporary lighting may be installed without an electrical permit
38 and inspection. Temporary lighting used to illuminate the outdoor event after
39 dusk shall be designed and arranged to reflect away from adjacent properties.

40 (6) Any temporary structures or exhibits to be constructed must be permitted in
41 conjunction with the temporary use permit and subject to all other permit and
42 inspection requirements of applicable city codes and state law.

1 (7) No activity, temporary tent, mechanical device, temporary sanitary facility, or
2 animal associated with any outdoor temporary use shall be closer than one
3 hundred (100) feet from any residentially zoned property.

4 (8) One (1) temporary sign advertising the event may be erected on the property in
5 compliance with Chapter 6 of the Bonita Springs Land Development Code.

6 (9) Traffic control may be required by the City of Bonita Springs Public Works, Lee
7 County DOT or law enforcement and must be arranged and paid for by the
8 applicant.

9 (10) The applicant may be required to obtain approval from the Bonita Springs
10 Fire and Rescue District and/or Lee County Emergency Medical Services
11 (Fire/EMS) and employ, at the applicant's cost, any mitigation measures
12 required.

13 (11) Before any temporary use permit is issued for motor vehicle or
14 recreational vehicle sales, the applicant must furnish the city with a copy of a
15 current motor vehicle dealer or recreational dealer's license as required by F.S.
16 ch. 320.

17 (12) Any Type 1 or Type 2 temporary use that will, in the determination of the
18 community development director, require more parking spaces than allotted on
19 the subject property, will be required to obtain a special exception.

20 (13) The site of the temporary use must be cleared of all debris at the end of the
21 use, and all temporary structures must be removed no later than forty-eight (48)
22 hours after the termination of the use. A signed contract with the county's
23 garbage collection franchisee, or a notarized letter that the property
24 owner/applicant is responsible for the clean-up of the site, may be required as
25 part of the application for the temporary use permit.

26 (b) *Applicability.* Any person or entity that desires to conduct any temporary use
27 described in this section or determined by the community development director to
28 be similar in nature to those described herein, unless specifically exempted herein,
29 shall be required to submit an application for a permit, and obtain the permit before
30 conducting the use. A permit issued to a corporation, organization, or entity shall
31 suffice for the persons engaging in the use on the site on behalf of the corporation,
32 organization, or entity. The owner(s) of the property upon which the temporary use
33 is to be conducted shall be bound by the terms of the permit, and shall signify
34 consent to the permit by signing the permit application before it is issued.

35 (1) Examples of temporary uses regulated by this section may include, but are not
36 limited to, the following:

37 a. Outdoor sales, parking lot sales or tent sales of merchandise, products,
38 services or other commercial activities.

39 b. Event uses, such as fairs, carnivals, circuses, and expositions or fair
40 associations chartered in accordance with F.S. ch. 616.

41 c. Fund raising events conducted offsite by charitable organizations, nonprofit
42 corporations, or school groups, as well as promotions, sales and other

- activities by charitable organizations, nonprofit corporations, or school groups.
- d. Seasonal and holiday related promotions and sales, including Christmas tree sales, pumpkin sales, fireworks sales, and the like.
 - e. Temporary religious or revival activities.
 - f. Neighborhood and community-wide yard sales and garage sales.
 - g. Any other temporary use similar in nature to the ones listed above, as determined by the zoning official.
- (2) Exemptions: The permit requirement of this section shall not apply to the following types of uses, provided that such uses shall be required to meet all other requirements of law, including but not limited to obtaining building or sign permits for temporary structures or signage:
- a. Yard or garage sales conducted on residential parcels; provided that the use does not exceed any of the requirements of a Type 1 permit nor exceed two (2) calendar days in length.
 - b. Grand opening sales by resident merchants connected with the grand opening of a permanent use at the premises, including outside food and beverage vending; provided such use does not exceed three (3) consecutive calendar days.
 - c. Temporary outdoor storage in residential districts, incidental to and exclusively in association with the construction of a principal structure and only while a valid building permit is in effect.
 - d. Such temporary uses which are extensions of a principal permitted use on-site and which are to be conducted on the premises but outside the principal structure in which those uses are permitted to occur; provided such use does not exceed five (5) consecutive calendar days. Examples of which include, but are not limited to:
 - 1. Religious or revival activities conducted on-site but outside the structures of the place of worship.
 - 2. Sidewalk sales, clearance, or tent sales conducted on-site by a resident merchant but outside the principal permitted structures for such use.
 - 3. School events conducted on-site but outside the principal permitted structures for such use.
- (c) *Type 1 permit.*
- 1 A Type 1 permit shall be required for any temporary use occupying a footprint up to one thousand five hundred (1,500) square feet.
 - 2 No property shall have, or be a site of, more than six (6) Type 1 temporary uses in a calendar year. No Type 1 temporary use shall continue for more than five

(5) consecutive calendar days; however, such uses may run concurrently (i.e. up to thirty (30) days) without incurring additional permit fees.

(d) Type 2 permits.

(1) A Type 2 permit shall be required for any temporary use occupying a footprint greater than one thousand five hundred (1,500) square feet.

(2) No property shall have, or be a site of, more than three (3) Type 2 temporary uses in a calendar year.

(3) No Type 2 temporary use shall continue for more than ten (10) consecutive calendar days; however, such uses may run concurrently (i.e. up to twenty (20) days) without incurring additional permit fees.

(4) The final ten (10) day permits shall not run concurrently and must be spaced at least five (5) months apart.

(e) Security Required. In addition to applicable permit fees, any Type 2 temporary use permit shall require the applicant to provide security in the amount of fifty thousand dollars (\$50,000.00), in the form of a surety bond, issued by a surety authorized to do business in the State of Florida, or an irrevocable letter of credit issued by a Florida financial institution, or in the form of a cash security. The security shall be in favor of the city, and benefit any person who shall suffer any loss that is provided for and recoverable under this subsection. The security shall be released ninety (90) calendar days following the conclusion of the temporary use upon the submittal of an affidavit from the applicant to the city, and the acceptance of said affidavit by the city, that all conditions of the security have been met. The conditions of such security shall be that:

(1) The applicant shall comply fully with all provisions of the Bonita Springs Code and all other applicable county, state, or federal laws regarding the temporary use sought; and

(2) The applicant has, to the city's satisfaction, mitigated any damages or impacts caused or created by the temporary use.

(f) Application procedure and review. All applications for a temporary use permit shall be submitted to the community development director a minimum of fifteen (15) working days prior to the proposed use. The community development director shall grant or deny a temporary use permit or may grant a temporary use permit subject to suitable conditions, safeguards, and stipulations within seven (7) working days. If denied, the community development director shall state the reasons in writing to the applicant.

(g) Application process and fees.

(1) Application. The applicant shall ensure that the application is accurate and complete. Any intentional misrepresentations on the application by the applicant shall be grounds for denying the permit. The application shall be made on a form acceptable to the community development director and shall include the following:

- a. The name, address and telephone number of the applicant; and
- b. The address and legal description of the property where the temporary use will be held. If the property is not owned by the applicant, the name, address and telephone number of the owner(s) of the property and notarized authorization of all property owner(s) of record or their authorized agents, for use of the property; and
- c. The date(s) of the event and hours of operation; and
- d. The nature of the existing uses on the property along with the proposed temporary use; and
- e. Calculation required parking for existing use(s) as well as anticipated parking needs, including overflow; and
- f. The business tax receipt (BTR) of the applicant, if applicable; and
- g. A site plan, drawn to scale, indicating the following:
 1. Vehicular and pedestrian access onto the property; and
 2. Location and use of any existing structures on the property; and
 3. Location of any existing and proposed sanitary facilities; and
 4. Location and amount of current and anticipated parking areas, including overflow.
- h. For all Type 2 permits, the following additional application requirements shall be provided:
 1. A letter from the Lee County Sheriff setting forth the Sheriff's determination whether any additional security or police service is necessary and the arrangement that has been made to accommodate that need; and
 2. A letter from the Bonita Springs Fire and Rescue District setting forth a determination on whether any additional fire or rescue service is necessary and whether an arrangement has been made to accommodate that need; and
 3. A letter from the Bonita Springs Public Works Department or Lee County Department of Transportation setting forth a determination on whether any additional roadway plans are necessary and whether an arrangement has been made to accommodate that need;
 - a. If a road closure is less than 24-hour period, the roadway level-of-service impact on the roadway cannot be quantified due to these special events. However, the event coordinator should submit the proposed maintenance of traffic plan at least thirty (30) days prior to the event so that public works staff can visit the subject location and make suggestions before issuing the Public Works Department approval. Once public works department issues the approval, it is responsibility of the event coordinator to work with the fire/EMS and

1 sheriff's office on the needed support from those departments to
2 safely execute the special event.

- 3 b. If the special event needs a road closure for more than 24-hours
4 (other than for an emergency event), applicant needs to attach a
5 maintenance of traffic (MOT) plan (must be signed by a licensed
6 engineer in the State of Florida) with the permit application for the
7 review by the public works department at least forty-five (45) days
8 prior to the event. This will allow the public works department to
9 properly review the application, work closely with the appropriate
10 agencies and issue a public service announcement (PSA) about
11 the road closure.

12 (2) In reviewing an application the community development director shall take the
13 following factors into account:

- 14 a. Ensure that the proposed temporary use complies with all the requirements
15 of this section; and
16 b. Review the compatibility of any proposed use with surrounding uses,
17 ensuring that any anticipated nuisances or incompatible features involved
18 are suitably separated from adjacent uses; and
19 c. Ensure that the proposed temporary use will not create any vehicular
20 parking or circulation problems, or will result in excessive vehicular traffic
21 being generated or diverted onto residential streets.

22 (h) Temporary contractor's office and equipment storage shed.

- 23 A. contractor's office or construction equipment shed may be permitted in any
24 district where use is incidental to an ongoing construction project with an active
25 building permit or development order. Such office or shed shall not contain
26 sleeping or cooking accommodations. The contractor's office and construction
27 shed shall be removed within 30 days of the date of final inspection for the
28 project.

29 (i) Horse shows and exhibitions.

- 30 a A horse show or exhibition may be permitted at a boarding or commercial stable
31 for special occasions, including, but not limited to, dressage shows, exhibitions
32 and contests.
33 b A temporary use permit shall be required for those horse shows and exhibitions,
34 at commercial stables, where more than 15 horses (outside entrants) participate
35 at any one time.
36 c The maximum length of time for such use shall not exceed 15 days.

37 (j) Temporary use of mobile home.

- 38 a Rehabilitation or construction of residence following disaster.

1 1 If fire or other emergency as defined in F.S. § 252.34 renders a single-
2 family residence unfit for human habitation, the temporary use of a mobile
3 home, travel trailer or park-trailer located on the single-family lot during
4 rehabilitation of the original residence or construction of a new residence
5 may be permitted subject to the regulations set out in this section.

6 2 The maximum duration of the use is 18 months or 540 days after the date
7 the President of the United States issues a disaster declaration. If no
8 disaster declaration is issued, then the maximum duration of the use is six
9 months. The director may extend the permit once for a period not to
10 exceed 60 days in the event of circumstances beyond the owner's control.
11 Application for an extension must be made prior to expiration of the original
12 permit. Additional extensions may be granted only by the city council
13 approval.

14 b *Rehabilitation or construction of a damaged business, commercial or industrial*
15 *uses following disaster.*

16 1 Business, commercial or industrial uses, damaged by a major or
17 catastrophic disaster necessary for the public health and safety or that will
18 aid in restoring the community's economic base, may be permitted to use a
19 mobile home or similar type structure to carry out their activities until the
20 damaged structure is rebuilt or replaced according to applicable
21 development or redevelopment regulations.

22 2 The maximum duration of the temporary use is nine months or 27 days after
23 the date the President of the United States issues a disaster declaration. If
24 no disaster declaration is issued, then the maximum duration of the use is
25 six months. The director may extend the permit once for a period not to
26 exceed 60 days in the event of circumstances beyond the owner's control.
27 Application for an extension must be made prior to expiration of the original
28 permit. Additional extensions may be granted only by city council approval.

29 c *Construction of residence in AG district.*

30 1 A temporary mobile home may be permitted to be emplaced on a lot during
31 construction of a conventional single-family dwelling in the agricultural
32 district.

33 2 The mobile home must be removed from the property within ten days of the
34 issuance of the certificate of occupancy, or expiration of the building permit
35 for the conventional dwelling, whichever occurs first.

36 d *Conditions for use.*

37 1 Required water and sanitary facilities must be provided.

38 2 The mobile home, travel trailer or park trailer must be removed from the
39 property within ten days after the certificate of occupancy is issued for the
40 new or rehabilitated residence, business, commercial or industrial use or
41 upon expiration of the temporary use permit, whichever occurs first.

3 Placement or setting of the mobile home, travel trailer or park trailer must
2 comply with chapter 6, article IV, pertaining to floodplain management.

3 (k) Temporary telephone distribution equipment.

4 Telephone distribution equipment may be granted a temporary permit during planning
5 and construction of permanent facilities, provided that:

6 1 The equipment is less than six feet in height and 300 cubic feet in volume;
7 and

8 2 The maximum length of the use shall be six months, but the director may
9 extend the permit for a period not to exceed six additional months in the
10 event of circumstances beyond the control of the telephone company.
11 Application for an extension shall be made at least 15 days prior to
12 expiration of the original permit.

13 (l) Temporary parking lots.

14 Temporary parking lots may be permitted in commercial and industrial zoning districts,
15 provided that they are in compliance with section 4-1732.

16
17 **SECTION TWO: SEVERABILITY**

18
19 The provisions of this ordinance are severable, and it is the intention to confer
20 the whole or any part of the powers herein provided for. If any Court of competent
21 jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the
22 decision of such Court shall not affect or impair any remaining provisions of this
23 ordinance. It is hereby declared to be the legislative intent that this ordinance would be
24 adopted had such unconstitutional provision not been included therein.

25
26 **SECTION THREE: CONFLICTS OF LAW**

27
28 Whenever the requirements or provisions of this ordinance are in conflict with the
29 requirements or provisions of any other lawfully adopted City of Bonita Springs
30 ordinance or Florida Statutes, the more restrictive shall apply.

31
32 **SECTION FOUR: SCRIVENER'S ERRORS**

33
34 It is the intention of the City Council that the provisions of this ordinance may be
35 amended to correct typographical errors which do not affect the intent may be
36 authorized by the City Manager without need of public hearing, by filing a corrected
37 copy with the City Clerk.

38
39 **SECTION FIVE: EFFECTIVE DATE**

40
41 The effective date of this ordinance shall be thirty (30) days from its adoption
42 date.

1
2 DULY PASSED AND ENACTED by the City Council of the City of Bonita
3 Springs, Lee County, Florida, this ___ day of July, 2019.
4

5 AUTHENTICATION:
6

7 _____
8 Mayor

_____ City Clerk

9
10 APPROVED AS TO FORM: _____

11 City Attorney

12 Vote:

13 Carr

O'Flinn

14 DeWitt

Quaremba

15 Forbes

Simmons

16 Gibson

17
18 Date filed with City Clerk: _____
19
20
21

**Local Planning Agency
Thursday, August 9, 2018
9:00 A.M.
Bonita Springs City Hall
9101 Bonita Beach Road
Bonita Springs, Florida 34135
MINUTES**

I. CALL TO ORDER.

Chairman Sam Vincent called the meeting to order at 9:03 A.M.

II. ROLL CALL.

Chairman Vincent and all Board Members were in attendance, but with Board Member Don Colapietro with an excused absence. There were no members of the public in attendance.

III. REVIEW OF THE FOLLOWING ORDINANCES FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN:

9:06:34 AM City Attorney Audrey Vance furnished an overview of the Ordinances, all three of which were considered quick fixes subsequent to a meeting held between the Zoning Board and City Council. She further explained and read into the record the title blocks of all three Ordinances.

AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); AMENDING \$4-326, DEVIATIONS FROM GENERAL ZONING REGULATIONS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

9:11:42 AM City Attorney Vance furnished a brief overview of this Ordinance, which will require the Applicant to show there is a public benefit to the public for each request they submit. Jackie Genson, Community Development, also addressed the Board. Board Member Carolyn Gallagher suggested keeping in "protect health, safety and welfare." Staff to keep in. Board Member Rex Sims addressed the need for more specificity. Discussion was held.

9:50:45 AM Board Member Linda Schwarz entered a motion finding the Ordinance consistent with the City of Bonita Springs Comprehensive Plan; Board Member Meg Jacobson seconded; and the motion carried 5-1 (Board Member Rex Sims dissenting).

and

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-371, ALLOCATION OF DENSITY AND INTENSITY FOR MIXED USE DEVELOPMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

9:52:47 AM Ms. Genson explained that at the joint City Council workshop, and prior that, there has been concern with some of the recent mixed use planned developments that aren't necessarily vertically mixed use - what she would call "horizontal mixed use". When those occur those applications were using the density for the entire project area to calculate all the residential units and clustering them on one side, but then allowing them to also utilize the floor area ratio for that property as well to do the non-residential development. That was termed the "double dipping of density and intensity" in mixed-use projects. This standard is to set forth standards that does not allow that provision, and when we do have mixed use projects, how they are to go ahead and calculate the density and intensity of those uses to ensure that there is no double dipping occurring. A lengthy discussion was held.

10:22:58 AM Chairman Vincent entered a motion to isolate the downtown area, or portions of it, from this requirement, because the DPZ study is yet to come. He further addressed and discussion was held.

10:33:47 AM Chairman Vincent entered a motion finding the Ordinance consistent with the Comprehensive Plan, excluding the Old 41 Overlay; Board Member Jeff Maturo seconded; and the motion carried unanimously.

And

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE 4 (ZONING); CREATING §4-28, NEIGHBORHOOD MEETINGS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

10:37:57 AM City Attorney Vance introduced this Ordinance and provided an overview.

10:46:10 AM Chairman Vincent questioned a trigger - was it the size of the project, etc. Ms. Genson responded no, as it was only if filing a land use change or special exception. Discussion was held. Board Member Sims addressed concerns with meetings in ADA approved facilities, availability of the

facility, proper parking and recording of meetings. Discussion was held.

Board Member Maturo motioned finding the Ordinance consistent with the Comprehensive Plan; Board Member Linda Schwartz seconded; and the motion carried unanimously.

V. NEXT MEETING. Thursday, September 13, 2018

VI. APPROVAL OF MINUTES: July 12, 2018

Board Member Sims motioned approval of the minutes; Board Member Maturo seconded; and the motion carried unanimously.

VII. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 11:30 A.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:

LOCAL PLANNING AGENCY:

Date: _____

AUTHENTICATED:

Sam Vincent, Chairman