

Notice of a Public Meeting
Local Planning Agency
Agenda
Thursday, June 10, 2021
City of Bonita Springs City Hall
9101 Bonita Beach Rd SE
Bonita Springs, Florida 34135
9:00 A.M.

To submit your public comment in writing, please email the City at CITYMEETINGS@CITYOFBONITASPRINGS.ORG Any written public comment must be received by 4:00 P.M. on June 9, 2021.

I. CALL TO ORDER.

II. ROLL CALL.

A. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO UPDATE THE THRESHOLDS FOR DEVELOPMENTS OF CITY IMPACT, PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND AN EFFECTIVE DATE. (GREENSHEET NO. 21-06-120)

B. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO AMEND SEC. 4-898 – PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868 – USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26- PARKING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (21-06-121)

C. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE; CHAPTER 7—ENVIRONMENT, NATURAL RESOURCES AND MARINE FACILITIES, STRUCTURES AND EQUIPMENT—ARTICLE XII—DOCK AND SHORELINE STRUCTURES.

III. PUBLIC COMMENTS.

V. NEXT MEETING.

VI. APPROVAL OF MINUTES. April 22, 2021

VII. ADJOURNMENT.

ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS AT ANY OF THE MEETINGS BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT LISA ROBERSON, FINANCE DIRECTOR, AT 239-949-6262, AT LEAST 48 HOURS PRIOR TO THE MEETING. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS TO BE MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

Sec. 4-272. Developments of city impact.

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

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

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

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

Downtown Form-Based Code

Sec. 4-868. Uses.

- (a) *Permitted uses.* Uses which are permitted by-right in the downtown.
- (1) Table 3.1-1 indicates which uses shall be permitted within each transect zone.
- (b) *Restricted uses.* Uses which shall require a special exception within the downtown.

TABLE 3.1-1. PERMITTED USES										
Use	Subcategory	T3-R	T3	T4	T5	T5-C	SD-IRD	SD-DID	C-OS	C-I
Residential	Single-family detached (All)	P	P	P						
	Single-family attached (All)			P	P	P	P	P		
	Two-family dwellings (All)		P*	P	P	P				
	Accessory dwellings	P	P	P	P	P		P		
	Mixed-use dwellings (All)				P	P	P	P		
	Extra occupancy rental house (All)				P	P	P	P		
	Group home (All)				P	P	P	P		
	Multi-family up to 6 units per building			P	P	P	P	P		
	Multi-family over 6 units per building				P	P	P	P		
	Long-term care facilities			P	P	P	P	P		

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
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Commercial****	All commercial uses over 2,000 sf				P	P	P	P		
	All commercial uses under 2,000 sf			P**	P	P	P	P		
Lodging	Bed & breakfast up to 6 rooms			P	P	P	P	P		
	Lodging establishment up to 12 rooms				P	P	P	P		
	Lodging establishment over 12 rooms				P	P	P	P		
Manufacturing	Workshops and small industry							P		
Public, institutional	All educational uses									P
	Public use		P	P	P	P	P	P		P
	Minor public facilities	P	P	P	P	P	P	P	P	P
	Major public facilities					P	P	P	P	P
	Neighborhood support/recreation facilities		P	P	P	P	P	P	P	P
	Places of worship or assembly			P	P	P	<u>P</u>	<u>P</u>		
	Community facilities	P	P	P	P	P	P	P	P	P

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	Parks and recreation (all), outdoor amphitheaters	P	P	P	P	P	P	P	P	P
	Open lands						P		P	
Misc.	Parking garages, lots, and structures			P	P	P	P	P		P
	Outdoor vendor				P	P	P	P	P	P
	Accessory buildings	P	P	P	P	P	P	P	P	P
	Mobile food vendor							P		
	Mobile food vendor park***					P				
	<p>* Only for Cottage Court assemblages</p> <p>** Only in cases of owner-occupancy (Live-work). Exception for owner-occupancy and max of 2,000 sf if the lot fronts Terry St/Bonita Beach Rd.</p> <p>*** Requires special exception</p> <p>**** Uses subject to special setback or distance regulations elsewhere in the LDC, other than the on-premises consumption of alcohol, must adhere to those regulations.</p>									

(Ord. No. 20-10 , § 2(Exh. A, § 3), 11-4-2020)

Bonita Beach Road Corridor Overlay

Sec. 4-898. Permitted uses.

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

- (a) All uses of land are subject to comprehensive plan (the Bonita Plan) and the future land use plan map.
- (b) 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).

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TABLE 4-898. USE REGULATIONS FOR THE BONITA BEACH ROAD CORRIDOR OVERLAY

	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
Administrative offices		P	P	P	P
Amateur radio antennas and satellite earth stations	4-927	SE	SE	SE	SE
Amusement park		SE	SE	SE	-
Animals:					
Clinic or kennel	4-1071 et seq.	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	- <u>P</u>
<u>Kennel</u>	<u>4-1071 et seq.</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	-
<u>Pet Day Care</u>	<u>4-1071 et seq.</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Control center (including Humane Society)		SE	SE	SE	-
Assisted living facility	4-1280 et seq., 4-1182	P	P	P	SE
ATM (automatic teller machine)		P	P	P	P

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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 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	4-1215 et seq.	P	P	P SE	-

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
radio and television					
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	SE <u>P</u>	SE
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	-
<u>Cleaning and maintenance services (4-408(c)(7))</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Clothing stores, general (4-408(c)(8))</u>	<u>Note (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Clubs:					
Country		P	P	P	P
Commercial		P	P	P	P

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Fraternal, membership organization	4-1818	P	P	P	P
Private	4-1818	P	P	P	P
Communication facilities, wireless	4-1215 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Community Gardens	4-1435	AA	AA	AA	AA
Community residential home		P	P	P	SE
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Continuing care facilities	4-1414	P	P	P	SE
Contractors and builders	4-408(c)(9), 4-1099, 4-2069 et seq.				
Group I		P	P	P	P
Group II		P	P	P	-
Convenience food and beverage store	Note (5 3)	SE	SE	SE	SE
Cultural facilities (4-408(c)(10))		P	P	P	P

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Day care center, child, adult		P	P	P	P
Dormitory		SE	SE	SE	SE
<u>Department store</u>	<u>Note (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SE</u>
Drive-through facility for any permitted use		SE	SE	SE	SE
Drugstore, pharmacy		P	P	P	P
Dwelling unit:					
Single-family	Notes (7 <u>4</u>) and (8 <u>5</u>)	-	P	-	P
Duplex	Notes (7 <u>4</u>) and (8 <u>5</u>)	-	-	<u>P</u> <u>=</u>	P
Two-family attached	Notes (7 <u>4</u>) and (8 <u>5</u>)	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	P
Townhouse, multiple-family building	Note (8 <u>5</u>)	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	SE

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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.	SE	SE	SE	SE
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	-

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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		SE	SE	SE	SE
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		SE	SE	SE	SE
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

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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
<u>Hospice</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Hotel/motel	4-1528 et seq.	P	P	P	P
Household and office furnishings Group I	4-408(c)(21)	P	P	P	P
Laundry or dry cleaning	4-408(c)(22)				
Group I		P	P	P	P
Lawn and garden supply stores	<u>Note (2)</u> ; 4-1792	P	P	P	SE
Library		P	P	P	P
Manufacturing of:					
Food and kindred products, Group I, <u>4-408(c)(15)</u>	4-408(c)(15) , <u>Note (2 6)</u> ; <u>4-2014</u>	P	P	P	P
Micro-breweries	<u>Note (2 6)</u> ; 4-1023 et seq.	P	P	P	P

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Marina	4-1587	-	-	-	EO
Mini-warehouse		SE	SE	SE	-
<u>Model home</u>	<u>4-1662</u>		<u>AA/SE</u>		<u>AA/SE</u>
<u>Model unit</u>	<u>4-1662</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Motion picture production studio		P	P	SE	SE
Multi-slip docking facility		-	-	-	SE/EO
Night clubs	4-1020 et seq.	P	P	P	SE
Office—Business		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)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		SE	SE	SE	SE
Parking lot:					
Accessory		P	P	P	P
Commercial		SE	SE	SE	SE
Garage, Private		P	P	P	P
Garage, Public		SE	SE	SE	SE
Temporary	4-1734	P	P	P	P

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Personal services	4-408(c)(31)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Group IV		P	-	P	-
Pet services		P	P	P	P
Pet shop		P	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))	Note (2 <u>6</u>)	P	SE	P	SE
Real estate sales office	<u>Note (7)</u> , 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
<u>Groups III and IV</u>		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Religious facilities	4-1762 et seq.	P	P	SE	SE

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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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
<u>Research and development laboratories (4-408(c)(38)):</u>					
<u>Group II</u>	<u>Note (8)</u>	<u>P</u>	<u>P</u>	<u>P</u>	=
<u>Group IV</u>	<u>Note (8)</u>	<u>P</u>	<u>P</u>	<u>P</u>	=
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

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
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	<u>Note (9)</u> , 4-1970	P/ <u>SE</u>	P/ <u>SE</u>	P/ <u>SE</u>	P/ <u>SE</u>
Self-service fuel pumps	Note (4 <u>10</u>)	SE	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	-	-
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.	SE	-	-	-
Studios (4-408(c)(46))		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Temporary uses	4-2124 et seq.	P	P	P	<u>P</u>
Theater, indoor	4-2037 et seq.	SE <u>P</u>	SE <u>P</u>	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		SE	SE	SE	-
Private		SE	SE	SE	-
Public		SE	SE	SE	-
Wholesale establishments					

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
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	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Group III	Note (6 8)	P	SE	P	-

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) Establishments exceeding 40,000 square feet require PD zoning. See section 4-1560 et seq.
- (3) 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.
- (4) Any single-family, duplex, or two-family residential buildings fronting and/or visible from Bonita Beach Road shall meet the design requirements set forth in Chapter 3, Article IV. - Design Standards and Guidelines for Commercial Buildings and Developments until June 30, 2021.
- (5) Any increase in density and intensity is limited by Goal 5 of the Conservation/Coastal Management Element. Unless approved and located within a planned development, the property development regulations for residential development along the Bonita Beach Road Corridor District shall be as follows:

Single-family: RS-1 residential single-family district
Duplex/Two-Family Attached: TFC-2 residential two-family conservation district
Townhouse/Multiple-family: RM-2 multiple-family district
- (6) Uses that include an ancillary manufacturing component of less than 1,500 square feet are permitted when clearly incidental and subordinate to a permitted principal use on the same premises. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials. All operations must be conducted within a fully enclosed building. 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 building. The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the building. Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.
- (7) 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.
- (8) Wholesale establishments, Group III and Research and Development. Uses less than 3,000 square feet in size per business are permitted as a part of a business/office park and/or shopping center. The use must be enclosed within a building and 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.
- (9) Noncommercial schools with 100 students must request a special exception.
- ~~(2) Uses that include an ancillary manufacturing component of less than 1,500 square feet are permitted when clearly incidental and subordinate to a permitted principal use on the same premises. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials. All operations must be conducted within a fully enclosed building. 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 building. The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the building. Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.~~
- ~~(3) 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.~~

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- ~~(4) 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.~~
- ~~(5) 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.~~
- ~~(6) Wholesale establishments, Group III. Uses less than 3,000 square feet in size per business are permitted as a part of a business park and/or shopping center. 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.~~
- ~~(7) Any single family, duplex, or two family residential buildings fronting and/or visible from Bonita Beach Road shall meet the design requirement set forth in the City Land Development Code Article IV. —Design Standards and Guidelines for Commercial Buildings and Developments.~~
- ~~(8) Any increase in density and intensity is limited by Goal 5 of the Conservation/Coastal Management Element. Unless approved and located within a planned development, the property development regulations for residential development along the Bonita Beach Road Corridor District shall be as follows:~~
 - ~~Single family: RS 1 residential single family district~~
 - ~~Duplex/Two Family Attached: TFC 2 residential two family conservation district~~
 - ~~Townhouse/Multiple family: RM 2 multiple family district~~

(Ord. No. 19-10 , § 1(Exh. A), 11-20-2019)

DIVISION 26. PARKING

Sec. 4-1723. Applicability of division.

- (a) *New developments.* All residential and nonresidential uses are required to provide off-street and on-street parking spaces in accordance with the regulations specified in this division.
- (b) *Existing developments.*
 - (1) Existing buildings and uses with existing off-street parking spaces may be modernized, altered or repaired without providing additional parking spaces; provided there is no increase in total floor area or capacity. Modernization of parking spaces for compliance with the Americans with Disabilities Act (ADA) of 1990 that result in a reduction of required parking may be reviewed and approved as part of the local development order review based section 4-1735. Buildings damaged in excess of 50 percent must comply with all applicable regulations.
 - (2) Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.
 - (3) When the use of a building is changed to a different use that is required to have more parking than exists, the additional parking must be provided.
- (c) *On-street parking.* The director may approve parking to back out into rights-of-way ~~in residential developments~~ subject to the following limitations:
 - (1) Residential developments
 - (1-a) The street must be a privately owned and maintained, low-volume, local street.
 - (2-b) All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.
 - (3-c) Parking spaces may be perpendicular or at a 30 or 45 degree angle to the roadway, and must comply with the parking space dimensions set forth in section 4-1728(1); The director may require surfacing to comply with section 4-1729(a) or (b), depending on the type of amenity being serve.
 - (4-d) The director's decision is final and may not be appealed.
 - (2) Downtown District
 - (a) Parking spaces may be perpendicular, at a 30 or 45 degree angle to the roadway, or parallel, and must comply with the parking space dimensions set forth in section 4-1728(1);
 - (b) Requests are subject to review by the city engineer/public works manager in accordance with section 3-303.

(c) Parking shall comply with the locational standards set forth for each Transect in the Downtown District.

- (d) *Developments on islands without vehicular access to mainland.* Developments located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable are not required to comply with this division.

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

Sec. 4-1724. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive-up. The terms "drive-up" and "drive-through" are synonymous.

Employees means the regular working staff, paid, volunteer or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain or service a given facility or use under normal levels of service.

Electric vehicle means any motor vehicle register to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles include battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles

Electric vehicle charging level means the standardized indicator of electrical force or voltage at which the battery of an electric vehicle is recharged.

Electric vehicle parking space means an off-street parking space that is equipped with an electric vehicle charging station.

Electric vehicle charging station means battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

High turnover applies to parking lots wherein vehicles are parked for relatively short periods of time, ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered to be high turnover.

Low turnover applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave their cars for periods of four or more hours while attending special events, or overnight parking in residential developments.

Parking aisle means an accessway within a parking lot that provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five or more vehicles.

Parking lot entrance means the accessway that provides ingress or egress from a street right-of-way or easement to a parking lot.

Parking space means an area of land designed or intended for parking one vehicle. Parking spaces are designated as handicapped spaces or standard spaces, depending on the purpose of the space.

(Ord. No. 11-02, § 3(4-2012), 1-19-2011)

Sec. 4-1726. Parking plan.

A parking plan is required for all uses, except single-family residence, duplex, two-family attached and single-family mobile home dwelling units, and must be submitted for review and approval in accordance with chapter 3. Developments which are not required to be reviewed and approved in accordance with chapter 3 must submit plans to community development prior to issuance of a building permit. The plan must accurately designate the required parking spaces, parking aisles and parking lot entrance, as well as the relation of the off-street and on-street parking facilities to the uses or structures such facilities are designed to serve.

(Ord. No. 11-02, § 3(4-2014), 1-19-2011)

Sec. 4-1727. Location and design generally.

The location and design of all parking lots must embody the following provisions:

- (1) *Location.* All required parking spaces must be provided on the same premises and within the same or similar type zoning district as the use they serve.
- (2) *Design.*
 - a. All parking lots must be designed in accordance with the setback, buffer, landscaping and drainage requirements set forth in chapter 3.
 - b. If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of all ~~commercial and industrial~~ nonresidential uses. Such lighting must be so arranged and directed to eliminate glare on any other use as set forth in chapter 3.
 - c. All individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a specific garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed only by employees of the facility.
 - d. All parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.
 - e. In any parking lot where more than one tier of parking spaces will be developed, a pedestrian system must be provided which accommodates safe and convenient pedestrian movement.
 - f. In parking areas containing twenty (20) or more parking spaces, up to ten (10) percent of the parking spaces may contain compact spaces of the total parking requirement. Compact spaces shall be grouped together and each shall be identified as a "Compact Space" through pavement markings. Compact spaces shall not be located in high turnover areas which are in close proximity to main building entrances.
 - g. In parking areas containing twenty (20) or more parking spaces, up to five (5) percent of the parking spaces may contain motorcycle/scooter spaces of the total parking requirement. These spaces shall be grouped together and shall be identified as a "Motorcycle/Scooter" through pavement markings.
 - h. Electric vehicle charging stations. Charging stations and the provision of electronic vehicle parking are strongly encouraged. See section 4-1728 of the division.

(3) Interconnectivity. To the extent practicable, adjoining parking and loading areas serving nonresidential buildings shall be interconnected.

(Ord. No. 11-02, § 3(4-2015), 1-19-2011)

Sec. 4-1728. Dimensional requirements; delineation of parking spaces.

In addition to satisfying all other provisions of this division, the arrangement and spacing of off-street parking lots and on-street must conform to the following requirements:

(1) *Parking space dimensions.* Individual parking space dimensions are as follows:

- a. Disabled parking (all): 12 feet by 18 feet. Parking access aisles must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. In multi-tenant shopping centers, the disabled parking spaces shall be distributed throughout the site. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990.
- b. High and low turnover parking lots:
 1. 90-degree parking: Nine feet by 18 feet.
 2. 30-, 45- or 60-degree parking: 8½ feet by 18 feet.
 3. Parallel parking: Eight feet by 22 feet.
 4. Compact parking: Sixteen feet by 8 feet.
 5. Motorcycle/Scooter spaces: Nine feet by 6 feet.

(2) *Delineation of spaces.*

a. *Paved parking lots.*

1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces. Parking spaces for persons with disabilities must be prominently outlined with blue paint, and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.
2. Parking spaces which do not abut a curb, fence, wall or other structure must be provided with a parking block set two feet from the end of the parking space.

b. *Unpaved parking lots.*

1. Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.

2. If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.
 - c. *Temporary parking lots.* (See section 4-1734) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.
- (3) *Minimum aisle widths.* Minimum aisle widths are as follows:

Angle of Parking	Aisle Width	
	One-Way (feet)	Two-Way (feet)
Parallel	12	20
30	12	22
45	12	22
60	18	24
90	22	24

(4) Parking angle. Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

- a. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.
- b. Parking design may vary between individual parking areas provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.

(5) Electric vehicle parking and charging stations. If specifically designed and identified with appropriate markings and/or signage as outlined in this Section, the following design standards, in addition to all other design standards set forth in this section shall apply.

- a. Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines and curbs and/or wheel stops.
- b. Each electric vehicle parking space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devised (MUTCD) of the Federal Highway Administration.
- c. Each electric vehicle charging station shall be subject to the architectural provisions of chapter 3.
- d. Each electric vehicle charging station shall be equipped with a sign that includes the following information:
 1. Voltage and amperage levels;

2. Any applicable usage fees;
 3. Safety information; and
 4. Contact information for the owner of the charging station to allow a consumer to report issues relating to the charging station.
- e. Electric vehicle charging stations shall contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground surface.
 - f. Electric vehicle charging stations shall be screened from view from any abutting rights-of-way, with the exception of alleys.
 - g. Electric vehicle charging stations shall be maintained in good condition, appearance and repair.

(Ord. No. 11-02, § 3(4-2016), 1-19-2011)

Sec. 4-1729. Parking lot surface.

(a) *High turnover parking lots.*

- (1) *Parking aisles.* Except as provided in subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dust free, all-weather surface.
- (2) *Parking spaces.* All parking spaces, except those seaward of the coastal construction control line, must have a paved, dust free, all-weather surface from the aisle to the parking block or curb. All handicapped parking spaces, including handicapped parking spaces seaward of the coastal construction control must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding handicapped parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the community development director.

(b) *Low turnover parking lots.*

- (1) Alternative surfaces may be permitted; provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
- (2) Handicapped spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.
- (3) Use of alternative surfaces may be approved through the local development order review process as outlined in chapter 3 and may be allowed under the following conditions:

1. The parking area meets all of the dimensional requirements of this section and the parking spaces are delineated by parking block, curb, or in an alternate fashion;
2. The unpaved area is contained by an approved barrier curb of sufficient size to prohibit erosion of surface material into the storm sewer or paved area; and
3. The owner shall provide and adhere to a maintenance plan that addresses how the parking will be maintained in a neat, graded, dust-free condition, useable for parking.

The city retains the ability to require the paving of any parking or circulation element subsequent to a finding that the lot is not being properly maintained or it no longer functions in a safe and convenient manner in its unpaved condition.

- (c) *Temporary parking lots.* Temporary parking lots do not need to be surfaced, and may be maintained as a grass area or in a dustfree manner.
- (d) *Reservation of spaces for future use.*
 - (1) When a use or activity is required by this chapter to provide more than ten high turnover parking spaces, the community development director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use; provided:
 - a. The applicant clearly shows the reserved parking spaces on the site plan;
 - b. The reserved parking areas are not counted towards the minimum open space or landscaping or buffering requirements of this chapter or chapter 3;
 - c. All drainage facilities must be calculated and built as though the reserved parking areas were impervious surfaces; and
 - d. The reserved parking areas may not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.
 - (2) If the property owner decides to pave the reserved area for parking, he must submit the original site plan or development order approval to the community development director, who is authorized to approve the paving; provided paving does not include new entrances onto a public street. If the parking areas does involve new entrances, then a limited review development order is required.
- (e) *Director discretion.*
 - (1) The community development director is authorized to permit high turnover parking lots, including parking lot aisles, to meet the surfacing standards for low turnover parking lots (section 4-1729(b)) under the following circumstances:
 - a. The proposed parking lot will contain no more than 25 spaces;

- b. The proposed alternative surface will be adequately drained; and
 - c. The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.
- (2) This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990.
- (3) The director's decision is discretionary in nature and may not be appealed pursuant to section 4-124(a).

(Ord. No. 11-02, § 3(4-2017), 1-19-2011)

Sec. 4-1730. Joint use of parking lots.

- (a) Administrative approval. Except where specifically approved as part of a planned development district, joint use of parking lots will be permitted only after approval by the community development director. An applicant for joint use of parking lots must submit the following information on the form provided by the city.
- (1) A notarized statement identifying all property owners involved; indicating the use of each property; the extent of the activities on each parcel and the demand for parking; and the times these parking demands will occur.
 - (2) A draft joint use parking agreement specifically identifying the designated spaces that are subject to the agreement, including a statement indicating that the parties understand that these designated spaces cannot be counted to support any use other than that identified in the agreement. This agreement must also identify the current property uses, property owners, and the entity responsible for maintenance of the parking space area.
 - (3) Written agreements, covenants, contracts and the like acceptable to the city attorney's office, that ensure that the parking area is to be used jointly and establish the responsibility for maintenance. Upon approval of the agreement by the city attorney's office, the written joint use parking agreement must be recorded in the county public records at the applicant's expense.
 - (4) A backup plan to provide sufficient parking if the joint agreement is violated by either party.
 - (5) Violation of the agreement for joint use of off-street parking is sufficient grounds for revocation of the administrative approval.
- (b) Shared parking lots must be within 300 feet of each use. Shared parking lots may not be separated from the use by a street right-of-way or easement designated as an arterial or a collector roadway, exceeding 25 feet in width. Shared parking lots that are separated by an accessway or local road, two (2) lanes or less, must include marked, safe pedestrian access connecting the two parking lots.

- (c) No part of a parking lot used, designed or intended to satisfy required parking for any use may be used to offset the parking requirements for another use, unless the peak parking demands of the uses clearly occur at different times.

Ord. No. 11-02, § 3(4-2018), 1-19-2011; Ord. No. 12-17, § 1(4-2018), 12-19-2012)

Sec. 4-1731. Other use of parking lots.

Except as provided in this section and in section 4-2131, required off-street parking areas may not be utilized for the sale, display or storage of merchandise, or for repair, dismantling or servicing of vehicles or equipment.

- (1) This must not be interpreted to prohibit a residential property owner from the occasional servicing of his own noncommercial vehicle or conducting normal residential accessory uses.
- (2) The following structures and uses may be approved by the director provided that a site plan is submitted showing that the structure will not reduce the parking spaces required for the principal use, create a traffic or pedestrian hazard, and all other requirements of this division and this LDC are met:
 - a. Aluminum can or other similar receiving machines or facilities.
 - b. Automatic teller machines (ATMs).
 - c. ~~Video rental kiosks.~~
 - d. Other similar uses which do not interfere with the use of the parking lot.

(Ord. No. 11-02, § 3(4-2019), 1-19-2011; Ord. No. 12-17, § 1(4-2019), 12-19-2012)

Sec. 4-1732. Required spaces.

All uses permitted under this chapter are subject to the following minimum requirements below. For uses not listed, the director shall consider the requirements for similar uses or through a parking needs analysis.

- (1) *Dwelling, housing and living units.* For all common parking lots, in addition to the spaces required in this subsection, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking.
 - a. *Single-family, duplex, two-family attached and mobile home units.* The minimum requirement is two spaces for each dwelling unit. Stacking of vehicles in the driveway is permitted.
 - b. *Townhouses.* Minimum requirements are as follows:
 1. For townhouses with individual parking driveways on each lot, two spaces per dwelling unit. Stacking of vehicles in the driveway is permitted.

2. For townhouses sharing a common parking lot, two spaces per dwelling unit. Stacking of vehicles in the driveway is not permitted.
 - c. *Multiple-family buildings.* Stacking of vehicles is not permitted. Minimum requirements are as follows:
 1. Studio or efficiency: 1.25 spaces per unit.
 2. One bedroom 1.5: spaces per unit.
 3. Two bedrooms: 1.75 spaces per unit.
 4. Three or more bedrooms: two spaces per unit.
 - d. *Assisted living facilities (section 4-1182), continuing care facilities (section 4-1183), health care facilities, Groups I and II (section 4-408(c)(19), social services, Groups III and IV (section 4-408(c)(4) and other similar uses).*
 1. Any living unit designed as a dwelling unit and intended primarily as a self-care facility will be treated as a dwelling unit and will be required to provide parking spaces as set forth in section 4-1732(1)a through c for similar type dwelling units. For purposes of this section, a microwave oven or other cooking facilities such as a toaster or a hot plate using 115-120 volt electrical service do not constitute customary cooking facilities. Where the living units are maintained under unified control and the residents are not capable or permitted to bring or operate private vehicles on the same premises, community development may authorize up to a 75 percent reduction in required parking spaces; provided sufficient parking is provided for employees and visitors.
 2. Living units which do not contain customary cooking facilities within the individual units but instead have a central kitchen for food preparation and where meals are served in a central dining area or individual rooms must calculate parking requirements as follows: one parking space per four residents or four beds (whichever is greater), plus ten percent. Where the living units are maintained under unified control and the residents are not capable or permitted to own or operate private vehicles on the same premises, community development may authorize up to a 75 percent reduction in required parking spaces; provided sufficient parking is provided for employees and visitors.
 - e. *Group quarters, excluding living units subject to section 4-1732(1)d.* The minimum requirement is one parking space per bedroom or one space per two beds, whichever is greater.
 - f. *Hotels and motels.* See division 19 of this article.
- (2) *Commercial uses.*

- a. *Animal clinics.* The minimum requirement is five spaces per veterinarian plus one space per employee.
- b. *Animal kennels.* The minimum requirement is five spaces.
- c. *Automotive repair and service (excluding "drive-in oil change establishments"); automotive service stations.* The minimum requirement is four spaces per service bay plus one space per employee. Drive-in oil change establishments must provide 1.5 parking spaces per service bay. In addition to the parking spaces, there must be two stacking spaces per service bay or five stacking spaces per site, whichever is greater. Each service bay may count as one stacking space.
- d. *Banks and financial establishments.* The minimum requirement is one space per 500 square feet of total floor area. See also subsection (2)h of this section pertaining to drive-up facilities.
- e. *Bars and cocktail lounges, nightclubs.* The minimum requirement is 21 spaces per 1,000 square feet of total floor area. See also subsection (2)m of this section, pertaining to restaurants, and subsection (5) of this section.
- f. *Barbershops, beauty shops, massage establishments, massage parlors, etc.* The minimum requirement is three spaces per operator (chair) or one space per 100 square feet of gross floor area, whichever is greater, with a minimum of five spaces.
- g. *Car washes.* The minimum requirement is 1.5 spaces per car wash stall or space, plus drive-up facilities (see subsection (2)h of this section). Each individual car wash stall or space may count as one of the required two parking spaces per stall.
- h. *Drive-up facilities.* Any commercial establishment providing drive-up service windows or stalls must provide separate vehicle stacking for those uses. For the purpose of this section, a stacking unit is defined as 18 feet in length and nine feet in width. The total number of stacking units required will be based on the type of business, as follows:
 - 1. Banks and financial establishments: Stacking lanes to accommodate five cars per window.
 - 2. Car wash: Stacking to accommodate one car per service stall or five cars, whichever is greater.
 - 3. Restaurants: Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board or ordering station.
 - 4. Other:
 - (i) Photo drop-off, laundry drop-off or other similar type drop-off facilities: Stacking for three cars.

- (ii) All other: Stacking to accommodate five cars per service lane.
- i. *Funeral homes.* There must be at least one parking space per four seats, or four spaces per 250 square feet of chapel area, whichever is greater. (See subsection (7) of this section.)
- j. *Offices, excluding medical.* This category includes offices of all types not specifically listed elsewhere, including, but not limited to, business services Group I, contractors and builders, insurance companies, personal services, Group IV, social services, Group I, and other similar offices. The minimum requirement is one space per 300 square feet of total floor area.
- k. *Offices, medical and health care facilities, Group III.* The minimum requirement is 4.5 spaces per 1,000 square feet of total floor area.
- l. *Mobile food vendors.* The minimum requirement is three spaces per vendor.
- m. *Restaurants/bakeries.*
 - 1. *Restaurants/bakeries.* When a store such as a bakery provides seating for customers to eat the bakery products made on the premises, the store must provide a minimum of one parking space per table or 50 square feet of seating area (whichever is greater) in addition to one space per employee.
 - 2. When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required. In all other cases, parking will be as follows: The minimum requirement is 14 spaces per 1,000 square feet of total floor area, with outdoor seating calculated at the same rate.
 - 3. *Restaurants, fast food.* The minimum requirement is 13 spaces per 1,000 square feet of total floor area plus one space per four outdoor seats, except as provided for in section 4-1733. See also subsection (2)h of this section pertaining to drive-up facilities.
 - 4. *Restaurant, carry out.* The minimum requirement for restaurants that do not provide a seating area or on-premise consumption of food is three spaces per 1,000 square feet of total floor area.
- n. *Retail or business establishments, freestanding.* This subsection applies to individual retail or business establishments on separate parcels. The minimum number of parking spaces required will be as specified in this subsection, but in no case may be less than five spaces. Retail establishments proposing drive-up facilities must also meet the requirements of subsection (2)h of this section.
 - 1. *Building materials and sales (retail).* The minimum requirement is one space per 300 square feet of indoor sales and office area, plus one space per employee.

2. *Convenience food and beverage stores.* The minimum requirement is one space per 200 square feet of total floor area. If more than 20 percent of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking for this area will be calculated the same as a fast-food restaurant. One parking space per four pumps will be credited against the required parking, where applicable.
 3. *Small products or commodities.* This category includes stores specializing primarily in small (hand held) products, and is intended to include clothing stores; department stores; drugstores; food stores; hardware stores hobby, toy and game shops; package stores; personal services, Groups I and II, excluding barbershops, beauty shops, massage establishments massage parlors, and health clubs and spas which are listed separately, specialty retail shops Groups I, II and III, used merchandise stores, Group I; variety stores; and other similar type stores. The minimum parking requirement is one space per 250 square feet of total floor area, excluding required parking for areas within the principal building used only for dead storage and not available to the public.
 4. *Large products or commodities.* This category includes stores specializing in large products, and is intended to include auto or boat parts; household/office furnishings, Groups I and II; paint, glass and wallpaper; specialty retail stores, Group IV; used merchandise stores, Groups II and III; vehicle and equipment dealers, Group II; and other similar type establishments. The minimum parking requirement is 2.5 spaces for each 1,000 square feet of total floor area. Required parking for areas within the principal building used only for dead storage and not available to the public will be computed at the rate of one space per 1,000 square feet of dead storage.
 5. *Very large products or commodities.* This category includes establishments specializing in very large products, and is intended to include household/office furnishings, Group III; mobile home dealers; used merchandise stores, Group IV; vehicle and equipment dealers, Groups I, III, IV and V; and other similar very large products. The minimum parking requirement is one space per 700 square feet of total floor area, plus one space per 1,500 square feet of outdoor area used for sales or display.
- o. *Schools and studios, commercial.*
1. *Schools, commercial.* The minimum requirement is two spaces per 100 square feet of classroom floor area.
 2. *Studios.* The minimum requirement is one space per 300 square feet of total floor area.

(3) *Commercial/industrial uses.*

- a. *Manufacturing.* The minimum requirement is one space per employee, based upon the largest shift. If there is more than one shift, 1.5 spaces per employee must be provided based upon the largest shift. Five additional spaces must be provided for customers.
- b. *Processing and warehousing.* The parking requirement is the same as required for manufacturing.
- c. *Services not listed elsewhere.* This category is intended for those service-oriented businesses which do not normally generate customer traffic but often maintain a fleet of company vehicles. Uses include business services, Group II; cleaning and maintenance services; contractors and builders; essential service facilities service centers; non-store retailers, and repair shops, Groups II, III and IV. The minimum parking requirement is three spaces, plus parking for company vehicles and employee parking.
- d. *Terminal, freight.* The minimum requirement is one space per 2,000 square feet of total floor area, with a minimum of five spaces
- e. *Warehousing, private.* The minimum requirement is one space per 2,000 square feet of total floor area, with a minimum of five spaces.
- f. *Warehousing, public.* The minimum requirement is one space per 1,000 square feet of total floor area, with a minimum of five spaces.
- g. *Warehousing, mini-warehouses.* The minimum requirement is one space per ten storage cubicles, with a minimum of five spaces.
- h. *Wholesale establishments.* The minimum requirement is 1.25 spaces per 1,500 square feet of total floor area.

(4) *Miscellaneous uses.*

- a. *Airports, landing strips and heliports.* The required minimum number of parking spaces for these facilities will be determined by the director.
- b. *Bowling alleys.* The minimum requirement is six spaces for each lane, plus additional spaces for ancillary uses (see subsection (5) of this section).
- c. *Clubs; fraternal or membership organizations.* See *Meeting halls*.
- d. *Day care centers.* The minimum requirement is two spaces per employee in addition to adequate and safe provisions for loading and unloading of clients.
- e. *Educational institutions, including public, private and parochial.*
 - 1. *Public schools.* Parking must be provided in compliance with state law.
 - 2. *Private or parochial schools.*

- (i) *Elementary and middle schools.* The minimum requirement is one space per employee plus one space for every 40 students.
- (ii) *High schools.* The minimum requirement is one space per employee plus one space for every ten students.
- (iii) *Colleges, universities and trade and vocational institutions.* The minimum requirement is one space per employee plus sufficient space for student parking as the director deems necessary.

Where public use of an auditorium or other place of assembly within a school is likely, an additional one space for every six seats must be provided.

- f. *Essential service facilities.* The minimum requirement is one space per employee on the largest shift.
- g. *Golf courses.* Six spaces per hole (see subsection (5) of this section). However, where restaurants are made an integral part of the golf course facility, additional parking for the restaurant will be required in accordance with subsection (2)m.1 of this section to the extent that the parking requirement for the restaurant exceeds the parking requirement for the golf course.
- h. *Hospitals (health care facilities, Group IV).* The minimum requirement is one space per bed, excluding bassinets and gurneys, plus one space per employee on the largest shift.
- i. *Marinas and other water-oriented uses.*
 - 1. *Boat slips:* Two spaces per three slips.
 - 2. *Boat ramps:* For each boat ramp, ten parking spaces with dimensions of ten feet wide by 40 feet long to accommodate a vehicle and boat trailer.
 - 3. *Dry storage:* One space per four unit stalls.
 - 4. *Charter or party fishing boat services:* One space per three people based on maximum passenger capacity of the boats using the dock or loading facility.
 - 5. *Local cruise ships:* One space per two people based on the maximum passenger and crew capacity of the ship. Local cruise ships are ships that usually leave port and return in less than 24 hours and that usually provide at least one meal, gambling or other entertainment for customers.
 - 6. *Other uses:* Other uses including accessory or ancillary marina uses such as restaurants, bars or lounges, boat sales, etc., must be calculated separately in compliance with this division.
- j. *Meeting halls and other places for group assembly not otherwise listed.* The minimum requirement is one space per 100 square feet of floor area (for facilities with fixed seats, refer to *Recreation facilities, indoor*).

- k. *Miniature golf.* The minimum requirement is two spaces per hole for the first nine holes, plus one space per hole for each hole in excess of nine holes.
- l. *Museums, art galleries, libraries and other similar uses not covered elsewhere.* The minimum requirement is three parking spaces per 1,000 square feet of total floor area.
- m. *Places of worship and religious facilities.* Refer to division 27 of this article
- n. *Recreation facilities, indoor.*
 - 1. Gymnasiums, health clubs and similar type recreational establishments wherein large floor areas are required to accommodate equipment for individual users. Four parking spaces per 1,000 square feet of total floor area.
 - 2. All other indoor recreational facilities not specifically listed: One parking space per 100 square feet of total floor area.
- o. *Recreation facilities, outdoor, commercial.* To be determined by the director if the use is not listed in this section.
- p. *Tennis courts, commercial.* The minimum requirement is two spaces per court plus one space per three spectator seats. (See subsection (7) of this section).
- q. *Theaters, auditoriums, skating rinks, stadiums, arenas and other similar places of public assembly not covered elsewhere.* The minimum requirement is one parking space per three seats plus one space per employee. (See subsection (7) of this section). If the facility also contains uses such as restaurants (excluding concession stands), bars or lounges, or other retail facilities, parking for these uses must be calculated separately.
- r. *Flea markets.*
 - 1. Indoor: The minimum requirement is one space per 100 square feet of total floor area.
 - 2. Other: The minimum requirement is five spaces per rental space or booth.
- s. *Carnivals, fairs and amusement attractions and devices.*
 - 1. The minimum requirement is ten parking spaces provided for each amusement device.
 - 2. If the uses are located in an existing parking lot, the parking lot must have enough spaces to comply with the minimum requirements for both the principal use and the carnival, fair or amusement attraction or device. Prior to obtaining a temporary use permit (see division 37 of this article) for the temporary use of a parking lot for a carnival, fair or amusement attraction or device, the applicant must submit a site plan showing there will be no net

- loss or reduction in the number of parking spaces required for any existing principal use that relies on the parking lot.
3. The uses may not be located in an existing parking lot that is already nonconforming as to the number of spaces needed for the existing uses.
- t. *Community gardens.* Off-street parking is not required for gardens on property less than 20,000 square feet in lot area. A low turn-over parking area must be provided for gardens over 20,000 square feet in lot area. Parking areas must be maintained as a grass area or in a dustfree manner.
- (5) *Combined uses.* The number of parking spaces required for combined uses is the total of the spaces required for each separate use established by this schedule, except as provided in section 4-1730 and as follows:
- a. Multiple-occupancy complexes. This subsection applies to shopping centers and other complexes where two or more different uses are located and which all share a common parking area. Specifically excluded from this subsection are:
1. Theaters located outside of shopping centers or in shopping centers smaller than 100,000 square feet;
 2. Bowling alleys; and
 3. Bars and cocktail lounges and restaurants located outside of shopping centers or in shopping centers smaller than 50,000 square feet.
- b. Minimum requirements are as follows:
1. Total floor area of 25,000 square feet or less: Four spaces per 1,000 square feet (or major fraction thereof) of total floor area.
 2. Total floor area of 25,000 square feet but less than 600,000 square feet: 4.5 spaces per 1,000 square feet (or major fraction thereof) of total floor area.
 3. Total floor area of 600,000 square feet or more: Five spaces per 1,000 square feet (or major fraction thereof) of total floor area.
- (6) *Uses not specifically listed.* Parking for uses not specifically mentioned in this chapter must be the same as uses most similar to the one sought, it being the intent to require all uses to provide off-street parking.
- (7) *Bench and pew seating.* In stadiums, sports arenas, churches and other places of public, 24 inches of seating facilities will be counted as one seat for the purpose of computing off-street parking requirements. See division 27 of this article.
- (Ord. No. 11-02, § 3(4-2020), 1-19-2011; Ord. No. 12-13, § 1(4-2020), 8-15-2012; Ord. No. 12-17, § 1(4-2020), 12-19-2012)

Sec. 4-1735

Opportunities for reduction of parking requirements shall be reviewed through a parking needs analysis. A developer may request a parking needs analysis parking during the local development order and/or building permit process by using the following method:

a. Submittal requirements

1. Preapplication Meeting. A property or business owner who wishes to have a parking needs analysis approved must schedule a preapplication meeting to determine specific application requirements and an acceptable methodology.
2. Contents. A parking needs analysis shall include one or more of the following:
 - a. If the Institute of Transportation Engineers (ITE) Reference Manual entitled Parking Generation allows a lesser number of parking spaces for the proposed use or a use of similar characteristics, then the number of parking spaces required for a development may be reduced.
 - b. Estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or the Traffic Institute, or industry standards based on data collected from geographic areas and uses or combinations of uses which are the same or comparable to the proposed area and use.
 - c. An operational procedure which indicates that the full parking requirement is not needed, and a guarantee of continuity of such procedure.
 - d. Actual parking counts for the building or site which indicate that the full number of parking spaces are not required due to parking peak demands occurring at different times. Such counts must be taken during the peak hours of the peak season.
3. Statement of remedies. Any parking needs analysis shall include a statement of the remedies which will be available if it is determined that the full number of parking spaces as required by this section is needed. The remedy shall demonstrate that it can be implemented within a 60-day period.
4. Preparation. If for any reason a traffic impact statement is required, the parking needs analysis shall be prepared by the registered professional engineer who prepared the traffic impact statement. If a traffic impact statement is not required, the parking needs analysis may be prepared by the owner or petitioner. The parking needs analysis shall be conducted according to the methodology agreed upon at the preapplication meeting and shall include all documentation agreed upon at the preapplication meeting.

c. If the number of spaces approved by the parking needs analysis is found to be insufficient, the city manager or designee shall notify the property owner by certified mail that remedies must be implemented within 60 days. The city manager or designee shall make a determination of insufficient parking by one of the following methods:

(1) Monitoring of the parking;

(2) Increased parking in the right-of-way caused by insufficient parking on site for that property; or

(3) Verified complaints of parking on neighboring properties.

Secs. 4-~~17365~~ —4-1761. Reserved.

Note: Text in underline has been added, ~~striketrough~~ text removed, green text moved (in whole or in part) to a different section.

Definitions will be moved to Chapter 9. Application requirements will be moved to the Dock and Shoreline Permit Application document.

ARTICLE XII. - DOCK AND SHORELINE STRUCTURES

DIVISION 1. - GENERALLY

Sec. 7-354. - ~~Definitions~~ Intent, Purpose, and Applicability.

It is the intent and purpose of this article to provide for the adequate securing of moored vessels and to provide safe access by users for routine maintenance and use while minimizing the impact on the navigability of the waterway, native marine habitat, listed species, and the use and view of the waterway by surrounding property owners. It is further the intent of this article to provide reasonable access for vessel, seawall, and dock maintenance. The terms and provisions of this article apply to the city's corporate area.

~~The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:~~

Sec. 9-27. - Definitions

Access walkway means the portion of a structure that allows access from land to the mooring area of a docking facility or from land to a fishing pier or from land to a kayak launch terminal platform.

~~Areas of special concern (ASC) means those areas as identified and described in the Lee County Manatee Protection Plan.~~

Benthic Species Survey Assessment means an assessment of the animals and plants that live on or in the bottom of a body of water and that is performed during spawning season. Supporting data are in the form of but are not limited to: benthic habitat species maps that depict the topography, photos, acoustic surveys, and an analysis of sedimentary samples beneath the body of water that provide data sufficient to determine the presence of shellfish and seagrass beds necessary for the habitat of benthic species to reproduce or feed.

Boat means a vehicle or vessel designed for operation as a watercraft propelled by sail or one or more electric or internal combustion engines. Boats include motorized personal watercraft. For the purposes of the Lee County Manatee Protection Plan, non-mechanically Personal, manually powered watercraft such as canoes and kayaks are not considered boats covered by this definition. See also Vessel or Watercraft. Boats include motorized personal watercraft.

Boat canopy means a non-permanent roofed structure installed over or adjacent to water to provide a covered mooring or storage place for boats.

~~Boat facility means a public or private structure or operation where boats are moored or launched, including commercial, recreational and residential marinas, and boat ramps.~~

Boat ramp means a structure, manmade or altered natural feature, or an inclined and stabilized surface extending into the water from the shore, which facilitates the launching and landing of boats into a waterbody or from which trailered watercraft boats can be launched and retrieved.

Boathouse means a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft boats.

Director means the director of the department of community development, or his successor or designee, except when otherwise stated.

~~*Ditch* means a manmade trench or canal that was built for a non-navigational purpose. (See 33 CFR 329.24 for definition of navigable waterways.)~~

Docking facility means a water-oriented structure(s) designed primarily for the launching, retrieval, storage or mooring of watercraft boats. A docking facility may consist of an access walkway, finger pier, marginal dock, terminal platform, boat lift, boat ramp, or any combination of these structures where permitted.

Egress and ingress means, for the purposes of the county Manatee Protection Plan, a continuous pathway of deep water that vessels would most likely travel between a facility and a marked channel.

Exterior property line means the side lot line or riparian property line separating two or more lots or parcels under common ownership from the adjoining lots or parcels under separate ownership.

Finger pier means a dock landing that branches from an access walkway or terminal platform to form a watercraft boat slip and provide direct access to watercraft boat moored in the slip.

Fishing Pier includes observation deck.

Hazard to navigation means a watercraft boat or structure erected, under construction or moored that obstructs the navigation of watercraft boat proceeding along a navigable channel or obstructs reasonable riparian access to adjacent properties.

Invasive exotic vegetation means the category 1 invasive plant list as amended by the Florida Exotic Pest Plant Council. Major plant species from this list include Australian pine (*Casuarina* spp.), Brazilian pepper (*Schinus terebinthifolius*), paper or punk tree (*Melaleuca quinquenervia*), beach naupaka (*Scaevola frutescens* or *Scaevola taccada*) and earleaf acacia (*Acacia auriculiformis*).

Kayak Launch means a structure that may be used for storing and/or launching kayaks, canoes, paddle boards or other non-motorized vessels.

Lawfully has the same meaning as set forth in section 4-2.

~~*Linear shoreline* means the mean high water line in tidally influenced areas and the ordinary high water line along waterways that are not tidally influenced. This definition does not apply to shorelines artificially created after October 24, 1989, through dredge and fill activities (such as boat basins or canals). Shorelines artificially created before October 24, 1989, must have been permitted in accordance with the regulations in effect at that time. Shoreline along manmade ditches (such as mosquito control, flood control ditches, etc.) will not qualify as linear shoreline, regardless of the date of construction unless verifiable documentation of regular navigational use prior to July 1, 2004, exists. For purposes of the Manatee Protection Plan, linear shoreline will be calculated using survey quality aerial photographs or by accurate field survey. The calculation of linear shoreline for purposes of this chapter is based upon shoreline owned or legally controlled by the property owner.~~

Littoral zone means the shallow-water region of a waterbody where sunlight penetrates to the bottom.

Manatee Protection Plan means the Lee County Manatee Protection Plan, dated June 17, 2004, approved by the board of county commissioners on June 29, 2004, as it may be amended from time to time.

Mangrove means any specimen of the species black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), or red mangrove (*Rhizophora mangle*).

Marginal dock means a dock that runs immediately parallel and adjacent to the shoreline or shoreline vegetation. The term "marginal dock" includes docks with a maximum access walkway length of 25 feet to a dock running parallel to the shoreline and adjacent to wetland vegetation.

Marina has the meaning provided in section 4-2.

Marine resources means natural resources found in brackish and salt water areas such as mangroves, seagrasses, oyster beds and other hard-bottom habitats.

Mean high water means the average height of the high waters over a 19-year period. For shorter periods of observation, the term "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean high water line means the intersection of the tidal plane of mean high water with the shore.

Mean low water means the average height of the low waters over a 19-year period. For shorter periods of observation, the term "mean low water" means the average height of the low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

~~*Mean low water line* means the intersection of the tidal plane of mean low water with the shore.~~

~~*MFSE* means the marine facilities siting element of Lee County's Manatee Protection Plan.~~

Mooring area means the portion of a docking facility used for the mooring of boats ~~watercraft~~.

~~*Multi-slip docking facility* has the meaning provided in section 4-2.~~

Navigable channel means the area within a natural waterbody that has a minimum of three feet of water depth at mean low water. (See 33 CFR 329.24 for definition of navigable waterways.)

~~*Open water* means, for the purposes of the Manatee Protection Plan, wide water bodies or water adjacent to passes and gulf passes within the city, to include Big Hickory Pass, the southern portion of Big Carlos Pass and New Pass.~~

Ordinary High Water Line means the intersection of the tidal plane of ordinary high water with the shore as applied to artificial water bodies.

Public service marina means a marina that generally leases wet storage to the general public on a first come, first serve basis, and also offers services such as the provision of supplies, sewage pump-out, repair of boats and wet or dry storage.

Retaining wall means a vertical bulkhead constructed landward of the mean high-water line and wetland vegetation.

~~*Single-family dock* means a fixed or floating structure, including moorings, used for berthing buoyant vessels, that is an accessory use to an existing or proposed single-family residence, with no more than two boat slips per residence when located in a natural waterbody. A shared single-family dock approved in accordance with this LDC may contain up to four boat slips.~~

Slip or watercraft-slip means a space designed for the mooring or storage of a single boat ~~watercraft~~, regardless of size, which includes wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall or the number of parking spaces for boat ramps. Fishing piers ~~Piers authorized only for fishing or observation~~ are not considered wet slips.

~~*Structure* refers to any water-oriented facility and includes, without limitation, any dock, boardwalk, floating dock, fishing pier, wharf, observation deck, deck, platform, boathouse, mooring piling, riprap, revetment, seawall, bulkhead, retaining wall, jetty, groin, geotextile tube, boat lift, davit or boat ramp, or any other obstacle, obstruction or protrusion used primarily for the landing, launching or storage of watercraft, erosion control and shoreline stabilization, or for water-oriented activities.~~

Submerged aquatic vegetation (SAV) means fresh, saline (seagrass) or brackish submerged vegetation, not to include macroalgae, that may be used by manatees for food.

Terminal platform means the part of a docking facility connected to and generally wider than the access walkway that is used both for securing and loading a boat ~~vessel~~.

~~*Vessel* means a motor-propelled or artificially propelled vehicle and every other description of boat, watercraft, barge and airboat (other than a seaplane), used or capable of use as a means of transportation on the water, including jet skis. See *Boat* or *Watercraft*.~~

~~Warm water refuge~~ means known areas of warm water discharge, deep water or natural springs where manatees congregate in the wintertime for thermoregulation. Known or recognized warm water refuges are listed in the Manatee Protection Plan.

~~Waterbody~~ means all artificial and natural bodies of water, as those terms are defined in section 4-2, and all adjacent wetlands, as defined in section 7-190.

~~Watercraft~~ means any vehicle designed for transporting persons or property on, in or through water. See ~~Boat or Vessel~~.

Work means and includes, but is not limited to, all dredging or disposal of dredge material, excavation, filling, construction, erection or installation, or any addition to or modification of a structure on a waterway.

~~(Ord. No. 14-02, § 7-41, 2-19-2014)~~

~~Sec. 7-355. -- Violations and penalty.~~

- ~~(a) Any person doing work in violation of this article or any approval or permit issued in accordance with this article is subject to prosecution through the city code enforcement process described in chapter 2. Any affected party, including the city, may seek a civil injunction to enjoin work on a structure conducted in violation of this article, in addition to or in lieu of initiating or pursuing code enforcement action.~~
- ~~(b) Each day work continues on any structure without the appropriate permits constitutes a separate offense.~~

~~(Ord. No. 14-02, § 7-42, 2-19-2014)~~

~~Sec. 7-356. -- Applicability of article.~~

~~The terms and provisions of this article apply to the city's corporate area.~~

~~(Ord. No. 14-02, § 7-43, 2-19-2014)~~

~~Sec. 7-357. -- Compliance with applicable regulations.~~

~~Permits issued in accordance with this chapter or development orders for work do not eliminate the need to obtain all applicable state and federal agency permits. Except when issued in conjunction with a transfer of a watercraft slip, city approval does not constitute a property right.~~

~~(Ord. No. 14-02, § 7-44, 2-19-2014)~~

Sec. 7-355.8. - Permits and variances required.

- (a) A permit is required prior to starting any work addressed by this article. Any repairs of 50 percent or greater of the current assessed value of existing structures or the proposed expansion of or addition to a nonconforming structure as addressed in this Section, shall require the entire docking facility to be brought into conformance with the requirements of this article.
- (b) Permit applications must be submitted in writing on an appropriate form to the department of community development, and contain the following:
 - (1) ~~The names, addresses, and telephone numbers of the property owners;~~ Information required on the application;

- (2) ~~The name, address and telephone number of the property owner's agent, if applicable; A fee, as established by the City;~~
- (3) ~~Written authorization from the property owner to the agent, if applicable;~~ All necessary state and federal agency permits which shall be obtained prior to commencement of development; and
- (4) ~~The property street address; Any other information necessary to meet the criteria of this article;~~
- (5) ~~The property STRAP number;~~
- (6) ~~A site plan, showing the following:~~
 - a. ~~The proposed location of the work relative to riparian property lines; and~~
 - b. ~~Dimensions and side setbacks of all proposed structures or work;~~
- (7) ~~All necessary state and federal agency permits shall be obtained prior to commencement of development, unless a submerged lands lease is required from the state department of environmental protection, in which case city approval is required first; and~~
- (8) ~~A fee, as established by the city.~~
- (c) Work relating to industrial, commercial or multifamily projects may require a development order in accordance with chapter 3 and construction drawings sealed by a professional engineer (P.E.) or registered architect. All development order applications will be reviewed for compliance with this article.
- (d) The director has the discretion to require:
 - (1) Construction drawings sealed by an appropriately qualified professional engineer, or registered architect; and/or
 - (2) A boundary or record survey, including labeled delineation of riparian lines, sealed by a professional surveyor and mapper (PSM) identifying the property boundary, and ~~or~~ riparian extensions into the waterbody in relation to construction or work. Lots at the canal terminus or at a bend of a canal must show the radius of the waterway. See Figure 7.1. The survey submitted to meet ~~this~~ these criteria must be certified to the City of Bonita Springs; and/or
 - (3) A post-construction as-built survey, sealed by a PSM and certified to the city, prior to issuance of a certificate of completion for any permit under this section.
- (e) The director may conduct on-site inspections to determine if the proposed work or structure meets the required minimum standards.
- (f) A permit is required to repair or replace an existing structure. The director has the discretionary authority to exempt minor repairs such as decking.
- (g) The director can authorize minor design alteration necessary to comply with the Americans with Disabilities Act such as handrails.
- (h) Permit approvals granted under this section will be based upon the information submitted by the applicant. An approval under this section does not constitute a legal opinion regarding the riparian rights boundaries of the subject property or adjacent property, and may not be used to substantiate a claim of right to encroach into another property owner's riparian rights area.
- (i) ~~Issuance of a permit for new construction, reconfiguration, or the repair of an existing structure that changes the configuration in a manner not consistent with the terms and conditions of the Manatee Protection Plan is prohibited.~~ Variances from the requirements of this article may be requested in accordance with section 4-124(2)31(b) as long as the variance requested is consistent with the Manatee Protection Plan.

~~(Ord. No. 14-02, § 7-45, 2-19-2014)~~

~~Sec. 7-359. Variances.~~

- ~~(a) Variances from the requirements of this article may be requested in accordance with section 4-124(2). City council may grant a variance from the provisions of this article only upon finding the following criteria have been met:~~
- ~~(1) The granting of a variance will not threaten or create an undue burden upon the health, safety and welfare of abutting property owners or the general public;~~
 - ~~(2) The requested variance is necessary to relieve an unreasonable burden placed upon the applicant by applying the regulations in question to his property;~~
 - ~~(3) The variance requested is consistent with the Bonita Plan and the Manatee Protection Plan.~~
- ~~(b) Requests for variances involving historic resources, as defined in chapter 5, may be obtained in accordance with sections 5-150 and 5-151.~~

~~(Ord. No. 14-02, § 7-46, 2-19-2014)~~

~~Sec. 7-360. Exemption from setback requirement.~~

~~Any structure permitted under this article will not be subject to the 25-foot setback requirements from a bay, canal or other waterbody set out in chapter 4.~~

~~(Ord. No. 14-02, § 7-47, 2-19-2014)~~

~~Sec. 7-361. Nonconforming structures.~~

~~A nonconforming structure may be repaired, replaced or altered if the size, dimensions and location of the structure are and will remain in compliance with existing regulations, including the Manatee Protection Plan and section 7-385(b)(4), regarding seawalls. Nonconforming structures may be altered if, in the opinion of the director, the proposed work will not cause an increase in the nonconformity.~~

~~(Ord. No. 14-02, § 7-48, 2-19-2014)~~

~~Secs. 7-362—7-380. Reserved.~~

DIVISION 2. - LOCATION AND DESIGN

Sec. 7-38156. - ~~Docking facilities and boat ramps~~ Work in this division will be permitted in accordance with the following regulations:

- (a) ~~Turbidity~~. All structures must be placed so as to provide the least possible impact to aquatic or wetland native shoreline vegetation.
- (b) During work that will generate turbidity, turbidity screens must be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

Sec. 7-357. - PRIMARY STRUCTURES Docks, Fishing Piers, Kayak/Canoe Launch, Boat Ramps.

Docking facilities will be permitted in accordance with the following regulations:

- (a) Multi-slip commercial and residential facilities (greater than 4 slips)
 - (1) The general screening process in the Manatee Protection Plan will be used to identify desirable locations for new marine facilities, as well as to evaluate the redesign and expansion of existing sites. The results of the screening process will also result in a determination of the maximum number of slips that may be approved at a requested location. The screening, design, and

location criteria ~~is~~ are set forth in chapter 4, the Manatee Protection Plan and Bonita Plan Objective 22.3 and 22.4, with its associated policies.

- (2) In order to reduce the pollution from copper bottom paint and bilge water, all new or modified multifamily or commercial docking facilities shall be required to install one boat lift per slip, ~~when the slip is put in use to moor boats.~~ Slips that contain boats with a gross weight of over 10,000 pounds are not required to have boat lifts and ~~B~~boats are required to be stored on boat lifts when not in use. ~~Additionally, s~~Slips used to moor boats less than 24 hours are not required to install boat lifts.
- (3) Except when a reduced water depth for a public service marina has been approved by variance, there must be a minimum depth of one foot clearance between the deepest draft of a boat vessel (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g., seagrasses) at mean low water, with a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways. ~~The hearing examiner City Council may grant a variance to the minimum water depth for a public service marina in accordance with section 4-124(2), only upon finding the request is consistent with the provisions of Lee County Manatee Protection Plan.~~
- (4) Transfer of (~~watercraft~~ boat) slip credits (TSC).
 - a. ~~Transfer of slips.~~ The Manatee Protection Plan provides for the transfer of ~~watercraft~~ boat slips when certain requirements are satisfied.
 - b. Credits from shorelines with legally existing docks. The Manatee Protection Plan contains provisions that may give credit for the removal of legally existing docks.
 - c. Procedural rules for creating transfer watercraft slip credit under the Lee County Manatee Protection Plan. Until such time the city finds it necessary to adopt its own regulations, it will use Lee County regulations ~~Administrative Code Section 13-24~~ to guide credit issuance. The city may also consider transfer of slips outside of its jurisdiction by interlocal agreement with another government.
- (5) All multi-slip and marina docking facilities, except boat davits, in or adjacent to natural waterbodies must be set back a minimum of 25 feet from all adjoining side lot lines.

(b) Single-family and duplex.

(1) Number of slips.

- a. No more than one ~~private single-family watercraft~~ boat mooring dock with two slips is permitted per single-family lot, and no more than two watercraft mooring docks with up to four slips is permitted per duplex on a single lot in natural waterbodies. If a parcel abuts both a natural waterbody and an artificial waterbody, one slip may be allowed on each waterbody.
- b. A shared property line dock can be permitted for up to four slips with a joint use agreement ~~in compliance with subsection (8) of this section.~~

(2) Length of docks.

- a. ~~No private single-family dock structure, including mooring area, may be permitted or constructed in a natural or artificial waterbody to exceed any of the following lengths as measured from the mean high water line seaward:~~
 - a. 200 feet;
 - b. 25 percent of the navigable channel width. In artificial waterbodies, the navigable channel is measured from mean high waterline to mean high waterline. Watercraft Boat mooring areas that are waterward of the dock will be deemed ten feet in width; ~~or~~
- b. Docks and their associated watercraft mooring areas in the Estero Bay Aquatic Preserve shall not exceed 20 percent of the waterway width measured from Mean High Water Line to Mean High Water Line.

- c. No structure addressed by this section shall extend further into a closed waterbody, such as a lake, than where a reasonable water depth for a single vessel mooring is achieved, and in no event shall such depth exceed five (5) feet during normal hydrological conditions unless existing natural conditions of the waterbody necessitate a greater water depth to allow safe mooring conditions.
- d. The director may permit administrative deviations from the length allowed by this subsection (2) based upon the following criteria:
 - e. Up to 300 feet, if the director, in his sole discretion, finds that:
 - 1. The proposed dock has been approved by all applicable state and federal agencies; and
 - 2. The increased length will not result in a hazard to navigation; and
 - 3. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and
 - 4. A site plan and benthic species survey assessment conducted between June 1 and September 30, demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

(3) Design and Maximum dimensions.

- a. Structures permitted by this section ~~Docking facilities in natural waterbodies~~ must comply with the following maximum dimensional requirements: The application of these regulations is illustrated in Figures 7-1 through 7.3, ~~Private Single-Family Dock Structure Plan View.~~
 - 1. The access walkway to the docking facility shall not exceed 4 feet in width and finger piers 3 feet in width.
 - 2. In the Estero Bay Aquatic Preserve, the terminal platform shall not exceed 160 square feet.
 - 3. In all other natural waterbodies, the docking facility shall not exceed 500 square feet over water, including any boathouse or boat canopy, or both.
 - 4. In artificial canals, the docking facility shall not exceed 1000 square feet, including any boathouse or boat canopy, or both.

5.

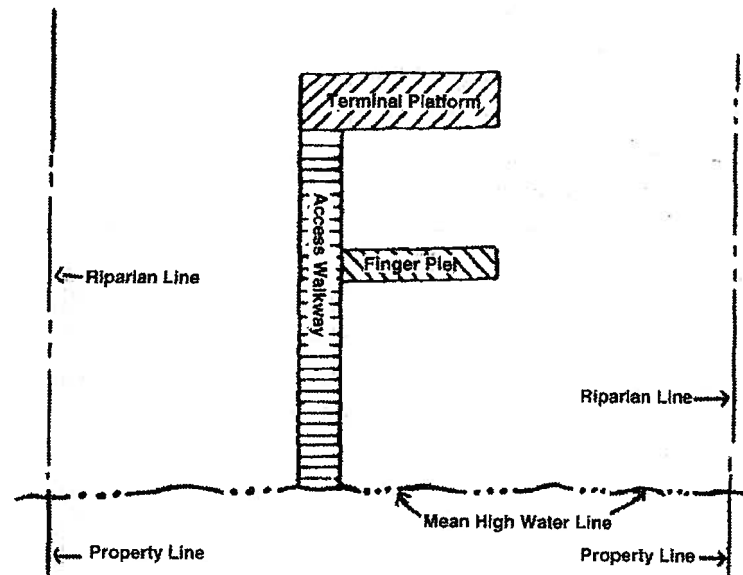


Figure 7-1. Private Single Family Structure Plan View

PRIVATE SINGLE FAMILY STRUCTURE

Access walkway	4 feet wide
Terminal platform	160 square feet
Finger piers	3 feet wide

- b. ~~The term "Marginal docks" includes docks with~~ may have a maximum access walkway length of 25 feet to a dock running parallel to the shoreline and immediately adjacent to any existing wetland vegetation.
- c. Docks and other structures permitted in this section may not protrude over land more than necessary to provide access to the structure and allowed uses. In no case will this portion of the dock be raised higher than the grade of the adjacent uplands
- d. Single-family residential boat ramps or kayak launches cannot exceed 15 feet in width.
- e. The design and construction of fishing piers or kayak launch structures must:
 1. Prohibit ~~watercraft~~ boat mooring;
 2. Provide access walkways and terminal platforms at five feet above mean high water, except that the terminal end of a kayak/~~canoe~~ structure used for launch ~~kayaks/canoes~~ structure may be constructed lower than five feet above mean high water;
 3. Include a "~~No boat mooring~~" sign placed facing the water on the terminal platform of the structure; and
 4. Must not exceed ~~260~~160 square feet for the terminal platform for fishing piers or ~~observation decks~~; and
 5. Must not exceed ~~460~~80 square feet for the terminal platform for kayak/~~canoe~~ launch structures; and
- f. Docks, fishing piers and kayak launches may be combined so long as they do not exceed a total square footage of that allowed by each section above and State and Federal permits can be obtained as applicable. Only one structure as permitted in this section shall be allowed per lot unless the lot abuts both a natural and artificial waterbody.
- g. Hardened ~~H~~handrails or handrails and "No Mooring" signage shall ~~may~~ be required to prohibit the mooring of ~~watercraft~~ boats in any area not designated as a watercraft slip. Handrails must be permanently maintained. The material and design for the handrail must discourage watercraft mooring.
- h. All wood pilings shall be wrapped from ~~that are located within one foot above of the mean high-water line~~ to one foot below the sediment line with ~~must be wrapped in~~ PVC so as to reduce the leaching of wood preservation materials
- i. Plastic or marine-resistant materials shall be used on all docks in the tidal range. Except for pilings in the tidal range, wood should not be used for construction of any dock or related facility.
- j. Boardwalks over or adjacent to waterbodies shall meet all of the following criteria:
 1. Shall be ADA compliant.
 2. Shall have hardened handrails.
 3. If part of a development, may require architectural review and shall be compliant with any other part of the City's regulations and applicable Zoning ordinances or resolutions.
 4. Shall be designed, constructed, and maintained to avoid adverse effects to the water body.
 5. Shall be no higher than five feet above the ordinary high water line or MHWL except and only where necessary to make a connection to the upland shore.
 6. Vertical elements such as pilings and railings shall extend no higher than 4 feet above the boardwalk surface and shall not include or accommodate screen houses or other enclosed structures.

k. ~~The director has the discretion to permit a dock of greater~~ may permit administrative deviations from the design and dimensions than allowed by this subsection if (3) based upon the following criteria:

1. ~~The primary access to the property is by watercraft~~ boat; or
2. ~~The proposed dock has been approved by all applicable state and federal agencies~~ No reasonable alternative access exists; and
3. ~~The increase will not result in a hazard to navigation; and in the dock dimensions is the minimum necessary to meet the needs of the property owner.~~
4. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and
5. A site plan and benthic species survey assessment conducted between June 1 and September 30, demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

(4) *Setbacks.*

- a. ~~All multi-slip and marina docking facilities, except boat davits, in or adjacent to natural waterbodies must be set back a minimum of 25 feet from all adjoining side lot lines.~~
- b. ~~All private single family docking facilities~~ structures ~~in natural waterbodies must be set back from all adjoining side lot and side riparian lines as follows:~~
 1. ~~Marginal docks, boat lifts, and mooring pilings—No less than ten feet.~~
 2. ~~All other boat mooring docks, fishing piers or combination thereof—No less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.~~
 3. ~~Boat lifts and mooring pilings—No less than ten feet.~~
- b. All docks, fishing piers, or combination thereof, in artificial waterbodies shall have a side setback requirement of 5 feet.
- c. ~~Side setback requirements can be reduced if:~~ All boat ramps and kayak launches must be set back ten feet from all adjoining side lot and side riparian lines.
 1. ~~Adjoining property owners execute a written agreement in recordable form, agreeing to a setback less than that required or to a zero setback; and~~
 2. ~~Placement of the dock in accordance with the setback agreement will not result in greater environmental impacts than compliance with the regulations set forth in this subsection (4).~~
- d. The director, in his discretion, may permit administrative deviations from the setbacks required by this subsection (4) ~~if the facility is located as close to the required setback as possible and~~ subject to the following:
 1. ~~The width of the subject parcel is not wide enough to permit construction of a docking facility, perpendicular to the shoreline at the midpoint of the shoreline property line, without a deviation; or~~
 2. ~~Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources or will not cause greater damage than will occur if the deviation is not granted; and~~
 2. The decreased setback will not create a hazard to navigation; and
 3. Adjoining property owners execute a written agreement in recordable form, agreeing to a setback less than that required or to a zero setback; and

4. A benthic species survey assessment may be required for this determination if marine resources are expected to be found in the subject area. The director's decision under this subsection can be appealed through the procedure set forth in section 4-124(1) or the applicant may seek a variance in accordance with section 7-359.

e. ~~All boat ramps must be set back ten feet from all adjoining side lot and side riparian lines.~~

(5) *Location.*

- a. Docking structures in natural or artificial waterbodies that create a hazard to navigation are prohibited.
- b. Boat ramps and kayak launches located in a manner that will result in a change in the mean high-water line are prohibited.
- c. Docks located at the end of a canal ~~may~~ will require a survey sealed by a PSM depicting the riparian area. The dock must be designed to allow for adequate ingress/egress and mooring within the subject property's riparian area.
- d. A minimum canal width of 40' is required for docking facilities including boat lifts unless the boat lift is of diagonal style to pull the boat completely over land or davits are used.
- e. Docking facilities will be placed at the most impacted area of the property as long as the other criteria of this section can be met. If impacts to natural resources such as mangroves cannot be avoided, replacement may be required as described in Section 7-361.

(6) *Minimum water depths.*

- a. ~~Single-family docking facilities.~~ There must be a minimum depth of one foot clearance between the deepest draft of a boat (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation or other marine resources (e.g., seagrasses) at three feet mean low water for all ~~watercraft boat slips on private single-family docking facilities~~ in natural waterbodies.
- b. ~~Multi-slip docking facilities or marinas.~~ ~~Except when a reduced water depth for a public service marina has been approved by variance, there must be a minimum depth of one foot clearance between the deepest draft of a vessel (with the engine in the down position) and an unvegetated bottom or the top of submerged aquatic vegetation (e.g., seagrasses) at mean low water, with a minimum water depth of at least four feet within mooring areas, turning basins, and ingress and egress pathways. The hearing examiner may grant a variance to the minimum water depth for a public service marina in accordance with section 4-124(2), only upon finding the request is consistent with the provisions of Lee County Manatee Protection Plan.~~

~~(7) Interest in land to support residential dock/facility approval.~~ In order to obtain a permit for a residential dock and related facilities, the property owner/applicant must have a recorded right to access the water meeting the following criteria:

- a. ~~A deed describing the residential lot with at least one boundary being the waterway along which the dock facility is proposed. The lot described must be a buildable lot with sufficient square footage to meet city requirements, except as provided in section 4-925(b)(2)d; or~~
- b. ~~A recorded easement granting access to the waterbody for purposes of constructing and using a dock/facility meeting the following criteria:~~
 1. ~~The easement must be over land contiguous to the residential lot such that an extension of the side lot lines will allow access to the water beyond the rear lot line;~~
 2. ~~The easement must be for the benefit of a residential lot that is a buildable lot under city regulations; and~~

- ~~3. The easement must be necessary to gain access to the waterbody over and through waterway buffer and maintenance areas required for development approval under chapter 3.~~
- ~~(8) *Joint use agreements.* Adjacent property owners seeking approval for a shared docking facility must submit a draft joint use agreement to environmental sciences. The agreement must be approved by the city attorney's office prior to permit issuance, and must:~~
- ~~a. Identify each party by name, including mailing address. The parties must be the owners of the property abutting each other that will benefit from the dock facility.~~
 - ~~b. Identify the physical location of the subject parcels, including STRAP numbers, a legal description and accompanying sketch.~~
 - ~~c. Identify the specific location of the docking facilities, including the name of the waterbody, the dimensions of the facilities, and the dimensions of the land that will be used in conjunction with the facilities.~~
 - ~~d. Provide, as an attachment to the agreement, a detailed sketch of the facility identifying the various docking facilities, subject property boundaries and the upland area intended to be encumbered by the normal use of these facilities. This sketch must be consistent with the statements made to comply with subsection (8)c of this section.~~
 - ~~e. Specifically identify those areas that will be the subject of access easements to provide access (ingress/egress) to the docking facilities from each of the benefitted parcels. Depending on the facilities and parties involved, these easements may be reciprocal in nature. The easements must be specifically granted to each party named in the agreement and must run with the land (i.e., be part of the title to the primary residential parcel) in perpetuity. Grant of dock easement rights to parcels that do not abut the docking facility parcel is prohibited.~~
 - ~~f. Provide, as an attachment, a sketch prepared by a registered PSM, based on the legal description and identifying the access easements granted.~~
 - ~~g. Indicate who will be responsible for the cost of construction and maintaining the facilities. This can be accomplished by inclusion of cost sharing provisions.~~
 - ~~h. Indicate that the parties understand and agree to abide by all applicable federal, state and local regulations pertaining to the construction, maintenance and use of the facilities.~~
 - ~~i. Be submitted as a draft to environmental sciences for review by staff and the city attorney's office prior to recording.~~
 - ~~j. Be recorded in the public records at the applicant's cost. In order to satisfy the minimum recording requirements imposed by the Florida Statutes, there must be two witnesses to each party's signature and each party must acknowledge the agreement before a notary public. Additional requirements can be found in F.S. § 695.26. A copy of the recorded agreement or a document identifying the recording information must be submitted to the city prior to permit issuance.~~
- ~~(9) *Wood pilings to be wrapped.* All wood pilings that are located within one foot of the mean high-water line must be wrapped in PVC so as to reduce the leaching of wood preservation materials.~~
- ~~(10) *Approved materials.* Plastic or marine resistant materials shall be used on all docks in the tidal range. Except for pilings in the tidal range, wood should not be used for construction of any dock or related facility.~~

~~(Ord. No. 14-02, § 7-71, 2-19-2014)~~

~~Sec. 7-382. Dock boxes.~~

~~Dock boxes on private single-family docking facilities may not exceed three feet in height and 100 cubic feet in size. Dock boxes do not require building or marine facility permits.~~

~~(Ord. No. 14-02, § 7-72, 2-19-2014)~~

~~Sec. 7-383. Fishing piers or observation decks.~~

~~Fishing piers, observation decks or kayak/canoe structures may be permitted in areas where water depth is insufficient for watercraft mooring. Kayak/canoe structures are for use with non-motorized watercraft. Fishing piers, observation decks and kayak/canoe structures must meet the following criteria:~~

~~(1) Design. The design and construction must:~~

- ~~a. Prohibit watercraft mooring;~~
- ~~b. Provide access walkways and terminal platforms at five feet above mean high water, except that the terminal end of a kayak/canoe structure used for launching kayaks/canoes may be constructed lower than five feet above mean high water;~~
- ~~c. Provide fixed handrails, including intermediate rails, installed around the perimeter of the structure, except for the terminal end of a kayak/canoe structure;~~
- ~~d. Include a "no boat mooring" sign placed facing the water on the terminal platform of the structure; and~~
- ~~e. Be set back from all adjoining side lot and riparian lines no less than 25 feet on natural water bodies. In manmade waterbodies, no setback is required.~~

~~(2) Dimensions. The design and construction:~~

- ~~a. Must provide access walkways that do not exceed a total of four feet in width in natural waterbodies;~~
- ~~b. Must not extend waterward more than 200 feet from the mean high waterline;~~
- ~~c. Must not exceed 260 square feet for the terminal platform for fishing piers or observation decks;~~
- ~~d. Must not exceed 160 square feet for the terminal platform for kayak/canoe structures; and~~
- ~~e. Must not extend waterward more than 25 percent of the navigable channel width.~~

~~(Ord. No. 14-02, § 7-73, 2-19-2014)~~

~~Sec. 7-384. Boathouses.~~

~~(a) The following regulations apply to all boathouses associated with private single-family residential uses, except where specifically superseded by other provisions of this article:~~

~~(1) Location.~~

- ~~a. Boathouses must be constructed adjacent to or over a waterway. Any boathouse constructed over land must be located, in its entirety, within 25 feet of the mean high water line.~~
- ~~b. Boathouses over submerged bottoms containing areas of dense seagrasses or shellfish beds are prohibited.~~
- ~~c. Boathouses, boat lifts and davits designed with mooring inside the structure may not extend beyond 25 percent of the width of a navigable channel.~~

~~(2) — **Setbacks.** The minimum setbacks for boathouses measured from side lot lines and riparian lot lines to the nearest point of the structural beam of the boathouse roof are as follows:~~

- ~~a. — **Natural waterbodies** — 25 feet.~~
- ~~b. — **Artificial waterbodies** — Ten feet.~~

~~When a boathouse is constructed on or adjacent to two or more adjoining lots under common ownership and control, the setbacks will be measured from the exterior property lines.~~

~~(3) — **Design criteria.**~~

- ~~a. — **Maximum area.** A boathouse may not encompass more than 500 square feet of roofed area.~~
- ~~b. — **Height.** The maximum height of a boathouse is 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse.~~
- ~~c. — **Permitted uses.**~~
 - ~~1. — Use of a boathouse for living or fueling facilities is prohibited.~~
 - ~~2. — Up to 25 percent of the total roofed area of a boathouse can be used for storage of items that relate directly to the use and maintenance of watercraft. Items that do not relate directly to the use and maintenance of watercraft may not be stored in a boathouse.~~
- ~~d. — **Decking.** Access walkways not exceeding four feet in width are permitted in the area under the roof of a boathouse located over water. Additional decking in the area under the roof of a boathouse is prohibited.~~
- ~~e. — **Enclosure.**~~
 - ~~1. — Boathouses located over a waterbody or adjacent to a natural waterbody must be open-sided. Safety rails that are 42 inches or less are permitted.~~
 - ~~2. — Boathouses located adjacent to an artificial waterbody must meet the following requirements:~~
 - ~~(i) — The boathouse must be open-sided if the proposed side setback is between ten and 25 feet.~~
 - ~~(ii) — The boathouse may be open-sided or enclosed with wood lattice, chainlink fencing or other fencing materials if the side setback is 25 feet or more.~~

~~(4) — **Wind load standards.** All boathouses must comply with the building code wind load standards as adopted in chapter 3.~~

~~(b) — The application of the regulations is illustrated in Figure 7-2, Boathouse Plan Review.~~

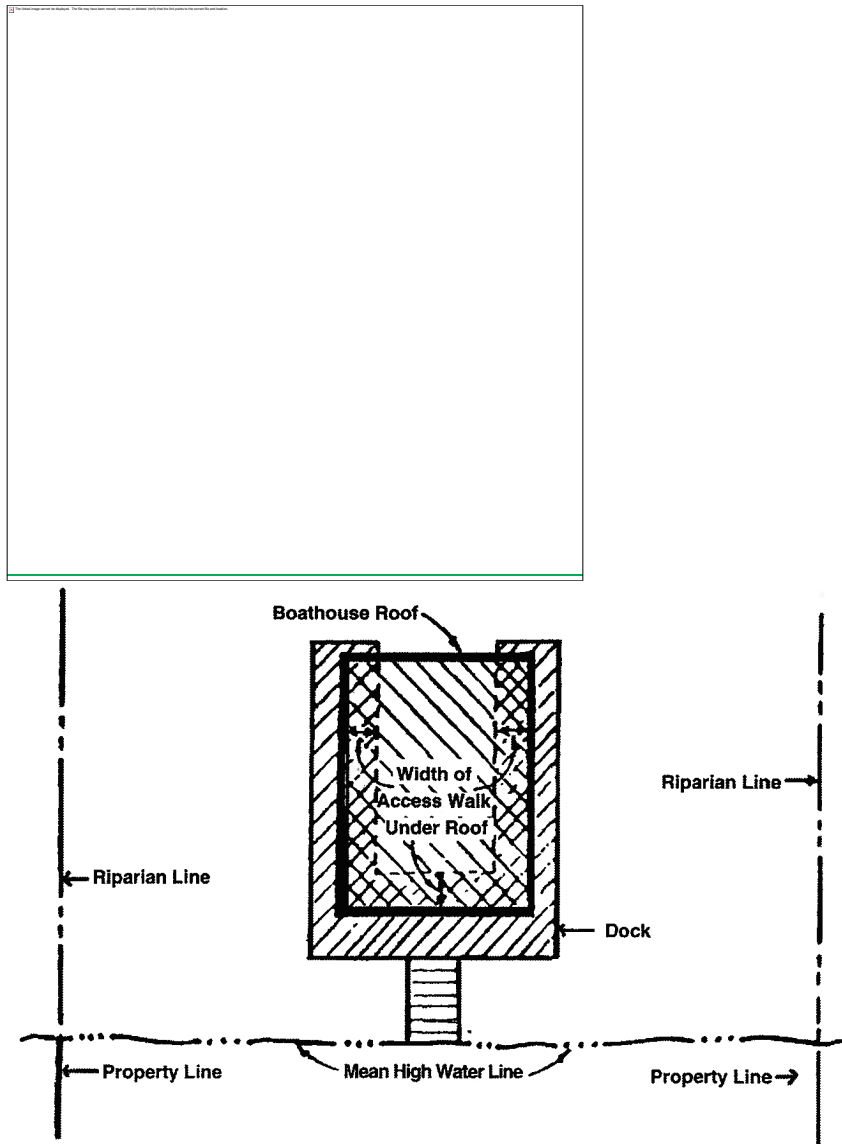


Figure 7-2. Boathouse Plan Review

(Ord. No. 14-02, § 7-74, 2-19-2014)

Sec. 7-38558. - Seawalls, retaining walls and riprap revetment.

- (a) Riprap rock or other similar approved material must be placed waterward along 50 percent of the linear length of a new or replacement seawall where not prohibited by state or federal agencies. This riprap is not required where it would interfere with designated watercraft boat tie-up areas. The rock must be placed a minimum of three feet in height above the bottom, waterward of the seawall, or up to the mean high-water line. The rock must be a minimum average size of 12 inches in diameter.
- (b) Seawalls on artificial waterbodies and retaining walls.
 - (1) Seawalls may be permitted in an artificial canals except for V Flood Zones with a minimum of 50 percent of the bank having seawalls, or for a linear distance less than 300 feet where both adjoining properties have seawalls. A new or replacement seawall must be installed in line with the existing seawall(s) with no more than a maximum of two feet above the adjacent seawall(s).

vertically transitioning at no greater than a forty-five-degree angle or a return wall is used to sufficiently provide for the break in grade at the property line. Replacement seawalls may be installed alignment or adjoining seawalls and placed no greater than one foot waterward of an existing seawall. Until the backfill area is stabilized, silt fence or sod must be placed immediately landward of the seawall cap to minimize erosion into the water.

- ~~(2) Riprap rock or other similar approved material must be placed waterward along 50 percent of the linear length of a new or replacement seawall where not prohibited by state or federal agencies. This riprap is not required where it would interfere with designated watercraft tie-up areas. The rock must be placed a minimum of three feet in height above the bottom, waterward of the seawall, or up to the mean high water line. The rock must be a minimum average size of 12 inches in diameter.~~

~~(bc)~~ *Seawalls on natural waterbodies.*

- ~~(1) The Bonita Plan, through policy 14.2.1, allows for environmentally compatible shoreline stabilizing systems along the gulf beaches where necessary to protect shoreline from erosion. The Bonita Plan, through policy 5.1.9, does not permit seawalls for new development.~~

- ~~(2) New or expanded seawalls are not allowed along natural waterbodies, including the Gulf of Mexico, however:~~

- ~~(3) Hhardened structures, including, but not limited to, geotextiles tubes, groin, fencing and other similar structures, may be permitted along natural waterbodies, if emergency situations exist, as determined by the local building official. Hardened structures are also subject to state and/or federal determination, and the project must be acceptable to the state department of environmental protection and the U.S. Army Corps of Engineers.~~

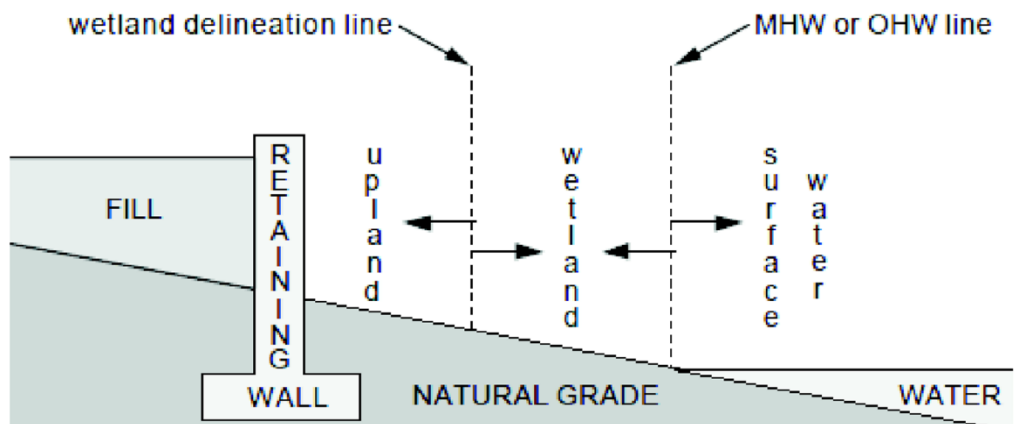
- ~~(4) Lawfully existing seawalls along natural waterbodies may be maintained or repaired and may be replaced with the same type structure, built no more than a maximum of two feet above the existing seawall height, vertically transitioning at no greater than a forty-five-degree angle when adjacent to existing seawalls at a lower height or a return wall is used to sufficiently provide for the break in grade at the property line. to the same dimensions and in the same location as the previously existing structure. Replacement seawalls may be placed no greater than one foot waterward of an existing seawall if the seawall will not be waterward of the existing seawall alignment on adjacent shorelines. Until the backfill area is stabilized, silt fence or sod must be placed immediately landward of the seawall cap to minimize erosion into the water. Seawalls must be maintained or replaced with a different hardening structure.~~

~~(ed)~~ *Retaining walls. Retaining walls must be setback a minimum of five feet from the mean high water line or landward of any wetland vegetation.*

- ~~(1) A retaining wall may be built as an alternative to a vertical seawall, provided that all activities, including dredging, filling, slope grading, or equipment access and similar activities and all portions of the wall are located at one of the following distances, whichever is further:~~

- ~~a. Five feet landward of the mean high water line, or~~
- ~~b. Landward of any wetland vegetation, or~~
- ~~c. Landward of a wetland area adjacent to surface water as depicted in the image below.~~

Figure 7.4 Cross-section of retaining wall



- (e) *Drainage systems.* French drains or other drainage systems that divert water from going over the retaining wall and/or seawall are required on all new or replacement seawalls and retaining walls and must be approved by the city. See Figure 7-35. The drainage system must run the entire length of the seawall or retaining wall

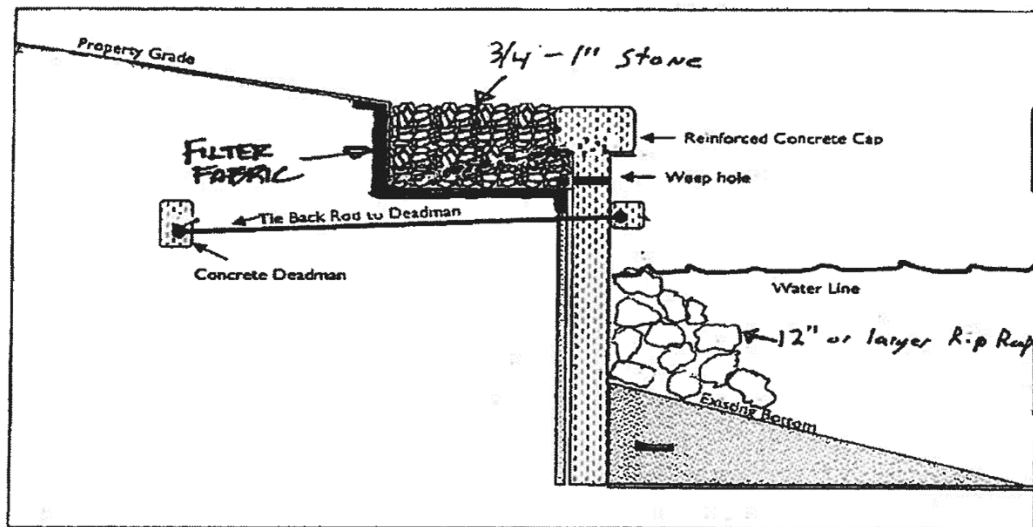


Figure 7-3.5- Drainage System

- (ef) *Riprap revetment.*

- (1) Riprap must be located and placed so as not to damage or interfere with the growth of wetland vegetation.
- (2) Material used for riprap should be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed at a 45-degree angle or less on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap must be clean and free of debris deemed harmful to the environment and public safety. Riprap shall not be cemented together.

- (3) ~~Mangroves or other approved wetland vegetation must be planted three feet on center in compliance with section 7-387(b)(2) for added shoreline stabilization and ecological benefit within the riprap. Other wetland mitigation techniques may be considered in lieu of vegetation planting. No vegetation planting is required for riprap revetments constructed in artificial upland canals with a minimum of 50 percent of the bank having seawalls, or for a linear distance less than 300 feet where both adjoining properties have seawalls.~~
- (e) ~~Drainage systems. French drains or other drainage systems that divert water from going over the retaining wall and/or seawall are required on all new or replacement seawalls and retaining walls, and must be approved by the city. See Figure 7-3. The drainage system must run the entire length of the seawall or retaining wall.~~

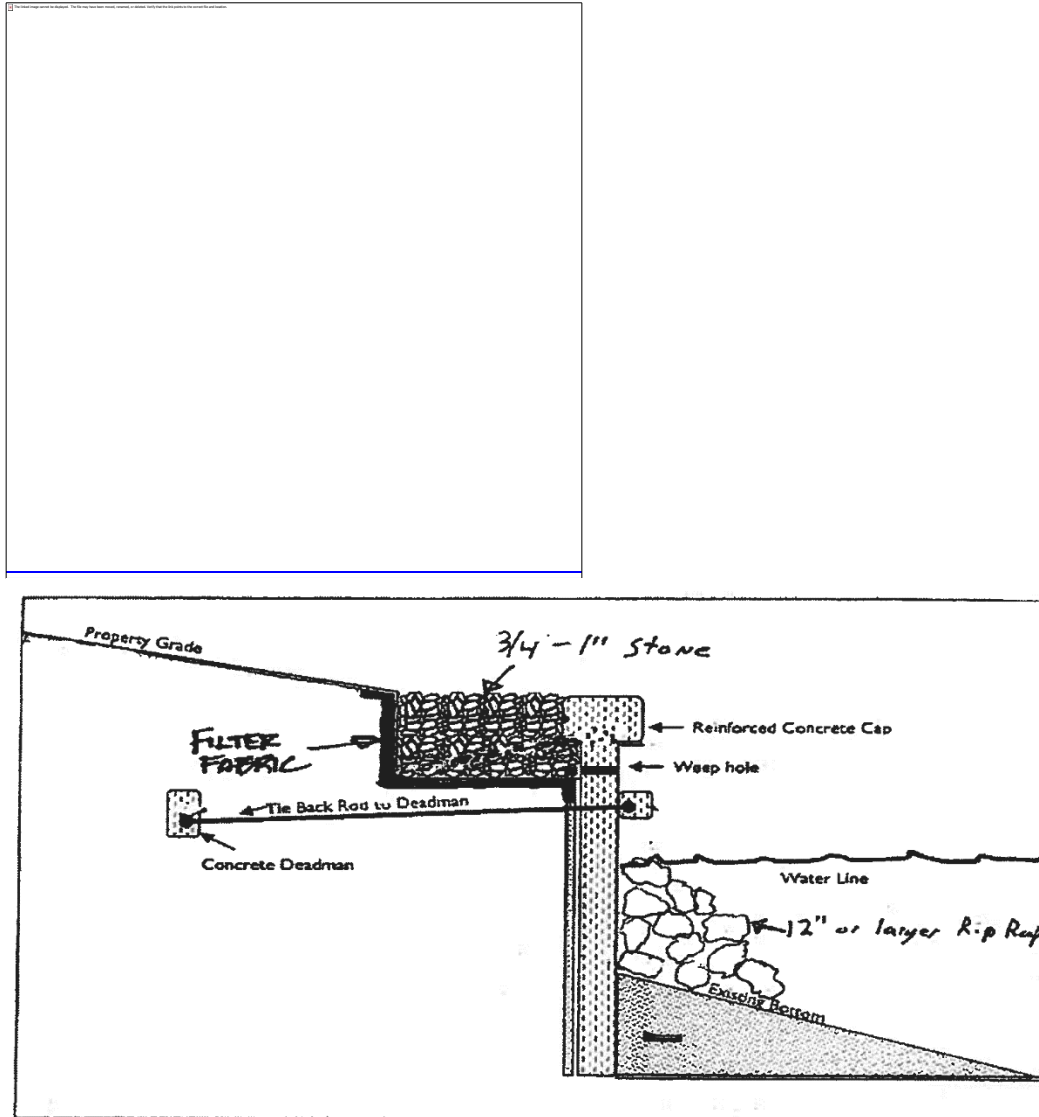


Figure 7-3. Drainage System

(Ord. No. 14-02, § 7-75, 2-19-2014)

Sec. 7-359. ACCESSORY STRUCTURES – Boathouses, boat canopies, and dock boxes.

- (a) The following regulations apply to all boathouses and boat canopies associated with private single-family and duplex residential uses, except where specifically superseded by other provisions of this article. No new multi-family or commercial boathouses/canopies will be permitted. The term boathouse within this section shall include boat canopies except where specifically distinguished.

(1) Location.

- a. ~~Boathouses—~~Must be constructed adjacent to or over a waterway. Any boathouse constructed over land must be located, in its entirety, within 25 feet of the mean high-water line.
- b. ~~Boathouses—~~Must not be constructed over submerged bottoms containing areas of dense seagrasses or shellfish beds are prohibited submerged aquatic vegetation or other marine resources. A benthic species survey assessment may be required.
- c. ~~Boathouses, boat lifts and davits designed with mooring inside the structure may~~Must not extend beyond 25 percent of the width of a navigable channel.

(2) Setbacks.

- a. The minimum setbacks for boathouses measured from side lot lines and riparian lot lines to the nearest point of the structural beam of the boathouse roof are as follows:
 - a1. Natural waterbodies—no less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.
 - b2. Artificial waterbodies—Ten feet.
- b. When a boathouse is constructed on or adjacent to two or more adjoining lots under common ownership and control, the setbacks will be measured from the exterior property lines.
- c. Side setbacks may be reduced according to the administrative deviation process outlined in 7-357(b)(4)d.

(3) Design criteria, Dimensions, and Use.

- a. ~~Maximum area—~~A boathouse may not encompass more than 500 square feet of roofed area. Up to 500 square feet of boathouse or boat canopy is allowed per lot.
- b. ~~Height—~~The length of a boat canopy shall not exceed 35 feet.
- c. ~~Permitted uses—~~The maximum height of a boathouse is 20 feet above mean high water, as measured from mean high water to the highest point of the boathouse. The height of a boat canopy shall not exceed 12 feet, measured from the highest point of the canopy to the height of the dock walkway.
- d. Use of a boathouse for living or fueling facilities is prohibited.
- e. Up to 25 percent of the total roofed area of a boathouse can be used for storage of items that relate directly to the use and maintenance of watercraft boat. Items that do not relate directly to the use and maintenance of watercraft boat may not be stored in a boathouse.
- f. ~~Decking—~~Access walkways not exceeding four feet in width are permitted in the area under the roof of a boathouse located over water. Additional decking in the area under the roof of a boathouse is prohibited.
- g. Enclosure.
 1. Boathouses located over a waterbody or adjacent to a natural waterbody must be open-sided. Safety rails that are 42 inches or less are permitted.
 2. Boathouses located adjacent to an artificial waterbody must meet the following requirements:

- (i) The boathouse must be open-sided if the proposed side setback is between ten and 25 feet.
 - (ii) The boathouse may be open-sided or enclosed with wood lattice, chain-link fencing or other fencing materials if the side setback is 25 feet or more.
 - 3. The sides of a boat canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18 inches shall be permitted on the sides.
 - h. Fishing piers shall not be covered by a boathouse or boat canopy.
 - (4) *Wind load standards.* All boathouses must comply with the building code wind load standards as adopted in chapter 310 of the Code of Ordinances.
 - (5) Boat canopies shall meet the requirements of Awnings and Canopies in the Florida Building Code.
- (b) The application of the regulations is illustrated in Figure 7-2.6, Boathouse Plan Review.

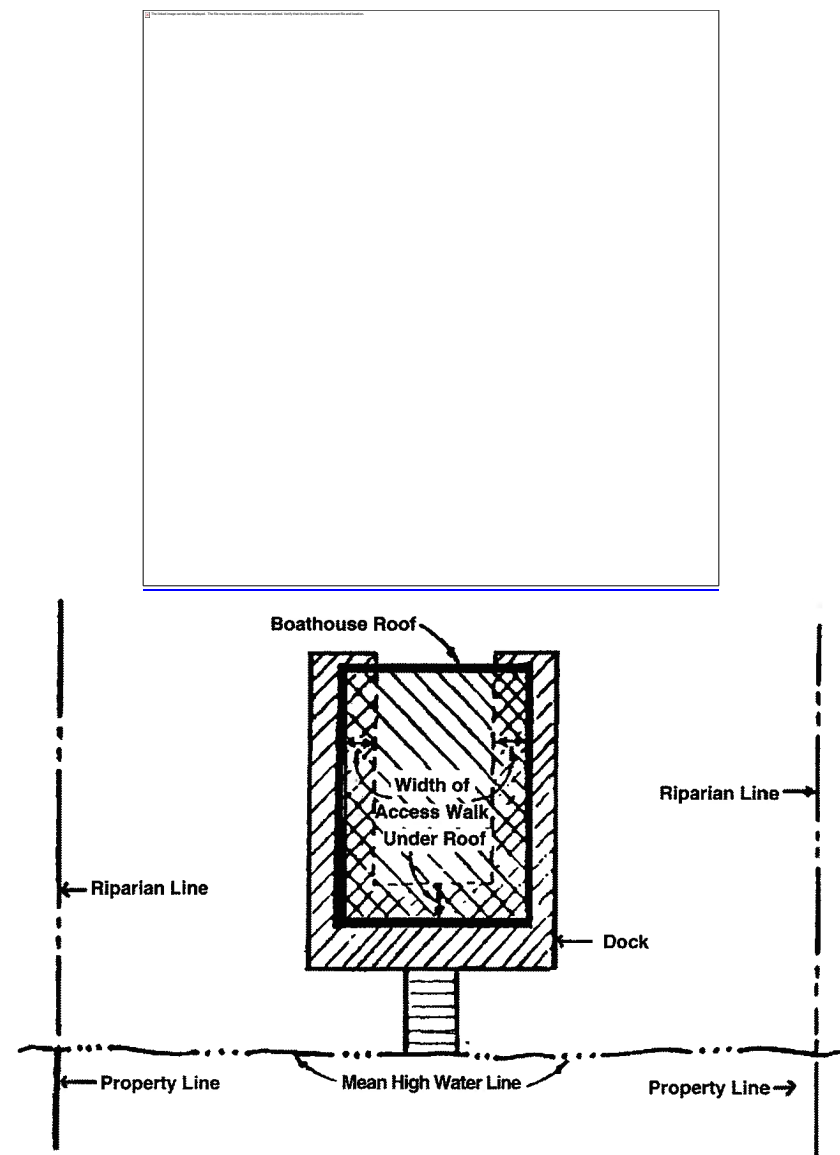


Figure 7-2.6- Boathouse Plan Review

- (c) Dock boxes on private single-family and duplex residential docking facilities may not exceed three feet in height and 100 cubic feet in size. Dock boxes do not require building or marine facility permits.

(Ord. No. 14-02, § 7-75, 2-19-2014)

Sec. 7-38660. - Dredging; new and maintenance.

- (a) ~~All dredging limits must be clearly defined. No new dredging for boat access will be permitted.~~
- (b) ~~Methods to control turbidity and dispose of dredging spoil must be indicated. All maintenance dredging of existing navigational channels shall meet the following standards:~~
- (1) ~~No additional dredging is to be performed than is necessary to restore the canal or channel to original design specifications.~~
 - (2) ~~There shall be in no case any dredging seaward of the mean high water line for the sole and primary purpose of providing fill for any area landward of the mean high water line.~~
 - (3) ~~There shall be no drilling for oil or gas wells, excavation for minerals, except the dredging of dead oyster shells as approved by the department of environmental protection, and no erection of any structures unless such activity is associated with activity authorized by this article.~~
 - (4) ~~No dredge material is allowed to be deposited on a single-family residential lot.~~
 - (5) ~~Dredging must be confined to the area adjacent to existing or proposed docks that would be occupied by a boat approaching, departing, or moored to the dock.~~
 - (6) ~~Disturbance of productive substrates, such as oyster bars, may require mitigation. If so, a mitigation plan will be arranged with the director.~~
 - (7) ~~Removal of intertidal or subtidal sediment, organisms, or vegetation from the littoral zone immediately adjacent to a seawall or beneath a dock will not be permitted. The width of this zone will be determined after a site visit by the director.~~
 - (8) ~~Dredging will not be permitted adjacent to a proposed or newly constructed dock if the dock could have been designed to avoid the need for dredging. Such design measures include positioning the dock appropriately along the shoreline, as well as bridging near shore shoal areas.~~
 - (9) ~~If spoil material will be transported, a self-contained truck must be used.~~
 - (10) ~~The maximum depth of maintenance dredging shall not exceed below five feet mean low water.~~
 - (e11) ~~Dredging that is permitted for commercial or multifamily projects must provide a bathymetric grid/survey of post dredging depth at no less than ten-foot intervals and be prepared, signed, and sealed by a PSM or professional engineer prior to final inspection.~~
- (d) ~~Public beach renourishment projects will not require a city dredging permit.~~

(Ord. No. 14-02, § 7-76, 2-19-2014)

Sec. 7-38761. - ~~Turbidity; protection of v~~Vegetation Protection, Removal, and Mitigation.

- (a) ~~Turbidity. All structures must be placed so as to provide the least possible impact to aquatic or wetland vegetation. During work that will generate turbidity, turbidity screens must be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.~~
- (b) ~~Protection of vegetation and marine resources.~~
- (1) ~~Permit conditions. Conditions for the protection of shoreline vegetation can be placed on permits issued in accordance with this article. The conditions can include the method of designating and protecting mangroves to remain after construction and replacement planting for mangroves~~

~~removed due to construction.~~ Mangrove removal in conjunction with construction of riprap revetments, seawalls, or retaining walls along natural waterbodies is prohibited.

(2) ~~Mangrove replacement and plantings.~~ Native wetland vegetation removal necessary for construction of docking facilities is limited to the minimum extent necessary. To the greatest extent possible, the docking facility including access walkway must be located to:

- a. ~~For each mangrove removed due to construction, three mangroves must be replanted at an alternate location on the subject property. If planting on the subject property is not appropriate, alternative forms of mitigation, such as payment into a mitigation bank, may be allowed. Use existing natural openings;~~
- b. ~~Mangrove plantings must be container grown, no less than one year old, eight inches in height and have a guaranteed 80 percent survivability rate for at least a five year period. Mangrove plantings must be planted three feet on center. Mangrove replanting is required if the 80 percent survivability rate is not attained. Use areas infested with invasive exotic vegetation identified as a Category 1 invasive plant list as amended by the Florida Exotic Pest Plant Council;~~
- c. ~~Mangroves shall be planted in two rows on staggered three-foot centers. The first row should be located six inches below the mean high water line, and the second row shall be located six inches above the mean high water line. Avoid larger mangroves native wetland vegetation; and~~
- d. ~~Provide a maximum width of four feet and a maximum height of eight feet above the level of the walkway base.~~

(3) ~~Mangrove removal.~~ Submerged aquatic vegetation and other marine resources. Seagrass and other marine resources shall be protected through the following standards:

- a. ~~Mangrove removal in conjunction with construction of riprap revetments, seawalls, or retaining walls along natural waterbodies is prohibited.~~ Where marine resources are likely to be found in the vicinity of proposed structures covered under this article, a benthic species survey assessment shall be required prior to issuance of any project approval or permit. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native shoreline vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.
- b. ~~Mangrove removal necessary for access walkway construction is limited to the minimum extent necessary to gain access to the dock facility. To the greatest extent possible, the access must be located to:~~ All proposed dock facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds, except where a continuous bed of seagrasses exists on the shore of the property and adjacent to the property.
 - ~~1. Use existing natural openings;~~
 - ~~2. Use areas infested with invasive exotic vegetation;~~
 - ~~3. Avoid larger mangroves; and~~
 - ~~4. Provide a maximum width of four feet and a maximum height of eight feet above the level of the walkway base.~~
- c. Where docking facilities are within 10 feet of seagrass beds such docks shall comply with the following conditions:
 1. Access walkways must be elevated at least 5 feet above mean high water; and
 2. Planking is limited to a maximum width of 8 inches, minimum spacing of 1/2 inch between planks after shrinkage, or be designed using alternative materials that provide equal or better light penetration to the bottom of the waterbody.

(b) Vegetation removal and mitigation.

- (1) For each native shrub or tree removed due to construction, replacement shall be required at a 3:1 ratio for mangroves and 1:1 ratio for other wetland vegetation along the shoreline or at an alternate location on the subject property in accordance with the requirements below. If replanting on the subject property is not appropriate, alternative forms of mitigation, such as payment into a mitigation bank, may be allowed.
- (2) For rip rap installation projects, mangroves or native wetland shrubs or trees will be planted for every three feet of open shoreline in accordance with the requirements below.
- (3) Plantings shall have an 80 percent survivability rate for at least a five-year period. Annual replanting is required if the 80 percent survivability rate is not attained for the first five years. After five years, an 80 percent coverage of the planting area is required.

<u>Project Site Location/Type</u>	<u>Type of Plant</u>	<u>Size</u>	<u>Spacing</u>	<u>Location</u>
<u>East of Old 41</u>	<u>Native wetland shrub</u>	<u>1 gallon</u>	<u>2' o.c.</u>	<u>At MHWL</u>
<u>All Permits with Vegetation Removal other than Mangroves</u>	<u>Native wetland shrub</u>	<u>3 gallon</u>	<u>3' o.c.</u>	<u>At MHWL</u>
	<u>Native wetland tree</u>	<u>4'/10-15 gallon</u>	<u>10' o.c.</u>	<u>Site Dependent</u>
<u>West of Old 41</u>	Mangrove	8" Container grown	2 rows Staggered 3' o.c.	6" below MHWL At MHWL

(Ord. No. 14-02, § 7-77, 2-19-2014)

~~Sec. 7-388. Marina design and location.~~

- ~~(a) Community development will use Bonita Plan Objective 22.4 and its associated policies for marina design criteria, and will coordinate with Lee County for the Manatee Protection Plan. The City may, by interlocal agreement, provide for the transfer of any watercraft slip credits pursuant to Lee County Administrative Code 13-21.~~
- (b) In order to reduce the pollution from copper bottom paint and bilge water, all new or modified multifamily or commercial docking facilities shall be required to install one boat lift per slip, when the slip is put in use to moor boats. Slips that contain boats with a gross weight of over 10,000 pounds are not required to have boat lifts. Additionally, slips used to moor boats less than 24 hours are not required to install boat lifts. Boats are required to be stored on boat lifts when not in use.

(Ord. No. 14-02, § 7-78, 2-19-2014)

~~Sec. 7-389. Facility siting criteria.~~

The general screening process in the Manatee Protection Plan will be used to identify desirable locations for new marine facilities, as well as to evaluate the redesign and expansion of existing sites. The results of the screening process will also result in a determination of the maximum number of slips that

~~may be approved at a requested location. The screening criteria is set forth in chapter 4, the Manatee Protection Plan and Bonita Plan Objective 22.4, with its associated policies.~~

~~(Ord. No. 14-02, § 7-79, 2-19-2014)~~

~~Sec. 7-390. Transfer of (watercraft) slip credits (TSC).~~

- ~~(a) Transfer of slips. The Manatee Protection Plan provides for the transfer of watercraft slips when certain requirements are satisfied.~~
- ~~(b) Credits from shorelines with legally existing docks. The Manatee Protection Plan contains provisions that may give credit for the removal of legally existing docks.~~
- ~~(c) Procedural rules for creating transfer watercraft slip credit under the Lee County Manatee Protection Plan. Until such time the city finds it necessary to adopt its own regulations, it will use Lee County Administrative Code Section 13-21 to guide credit issuance. The city may also consider transfer of slips outside of its jurisdiction by interlocal agreement with another government.~~

~~(Ord. No. 14-02, § 7-80, 2-19-2014)~~

~~Sec. 7-3962. – Beach/dune walkovers.~~

Walkovers must be constructed in a manner that minimizes disturbance to the dune and beach system and existing vegetation. Vegetation impacted during construction must be replaced with similar native vegetation suitable for beach and dune stabilization. The construction of dune walkovers may not occur during the marine turtle nesting season, May 1 through October 31.

~~(4a) Florida Department of Environmental Protection (FDEP).~~

- ~~a.(1) Prior to issuance of a county permit, the applicant must provide a copy of the FDEP permit approval for the walkover.~~
- ~~b.(2) The conditions and requirements set forth in this section are in addition to and supplement the FDEP permit guidelines.~~

~~(2b) General design.~~

- ~~a.(1) The walkover must be constructed and located in existing natural openings, if available. The walkover must extend to the seaward edge of the existing line of vegetation and the terminal end must be perpendicular to the shoreline to prevent possible sea turtle entrapment.~~
- ~~b.(2) Decks, platforms or lights are not permitted on beach/dune walkovers.~~

~~(3c) Design criteria for single-family developments.~~

- ~~a.(1) The maximum width of the walkover structure is four feet. Railings are limited to a handrail with no more than two center guard rails.~~
- ~~b.(2) The posts for the walkover structure must be a maximum of four inches in diameter and may not be encased in concrete.~~

~~(4d) Design criteria for multifamily and /commercial developments.~~

- ~~a.(1) The maximum width of the walkover is six feet. If more than one walkover is permitted, they must be spaced a minimum of 100 feet apart.~~
- ~~b.(2) The pilings for the walkover must be a maximum of six inches in diameter.~~

~~(Ord. No. 14-02, § 7-81, 2-19-2014)~~

~~Secs. 7-3962—7-410. – Reserved.~~

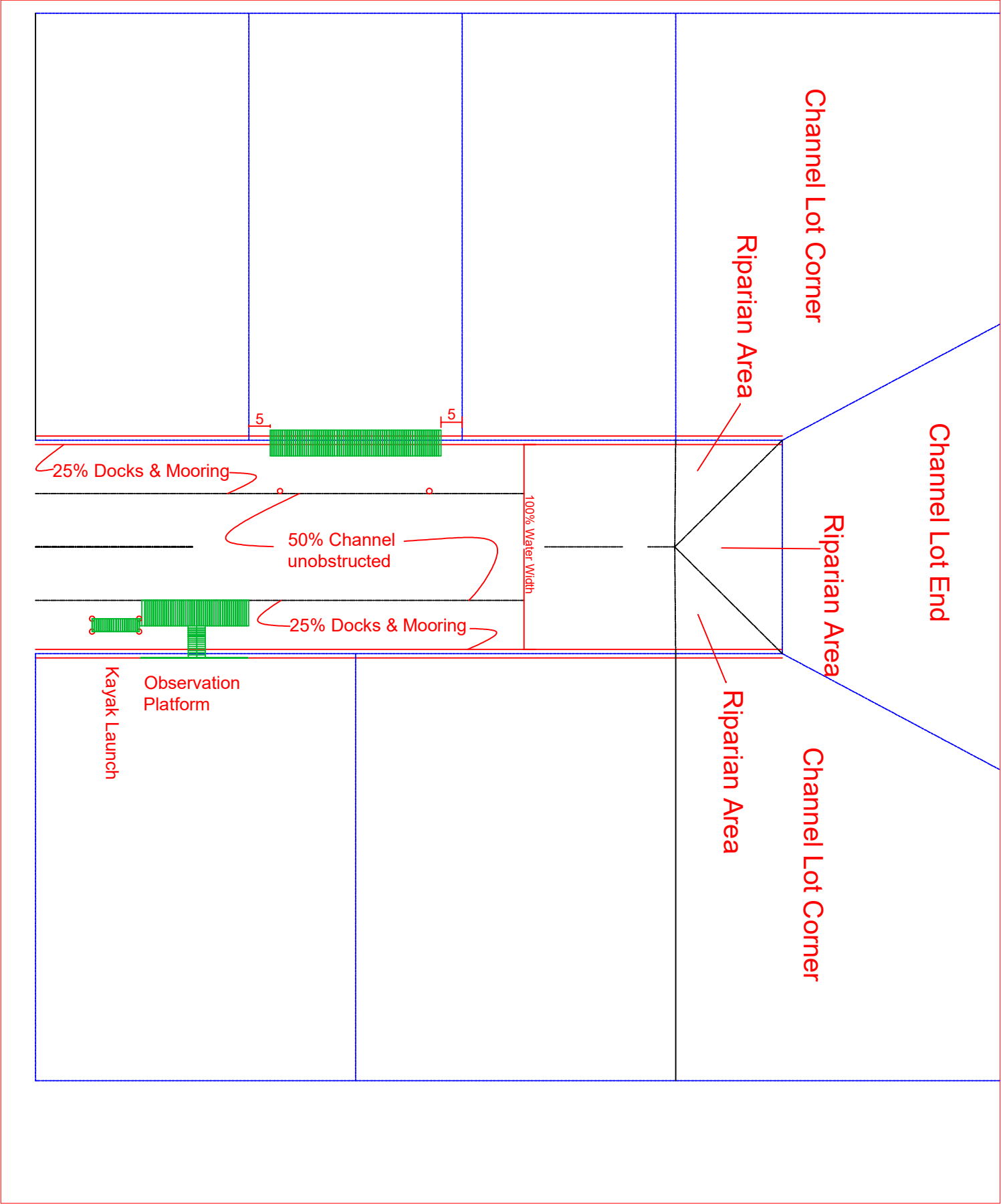
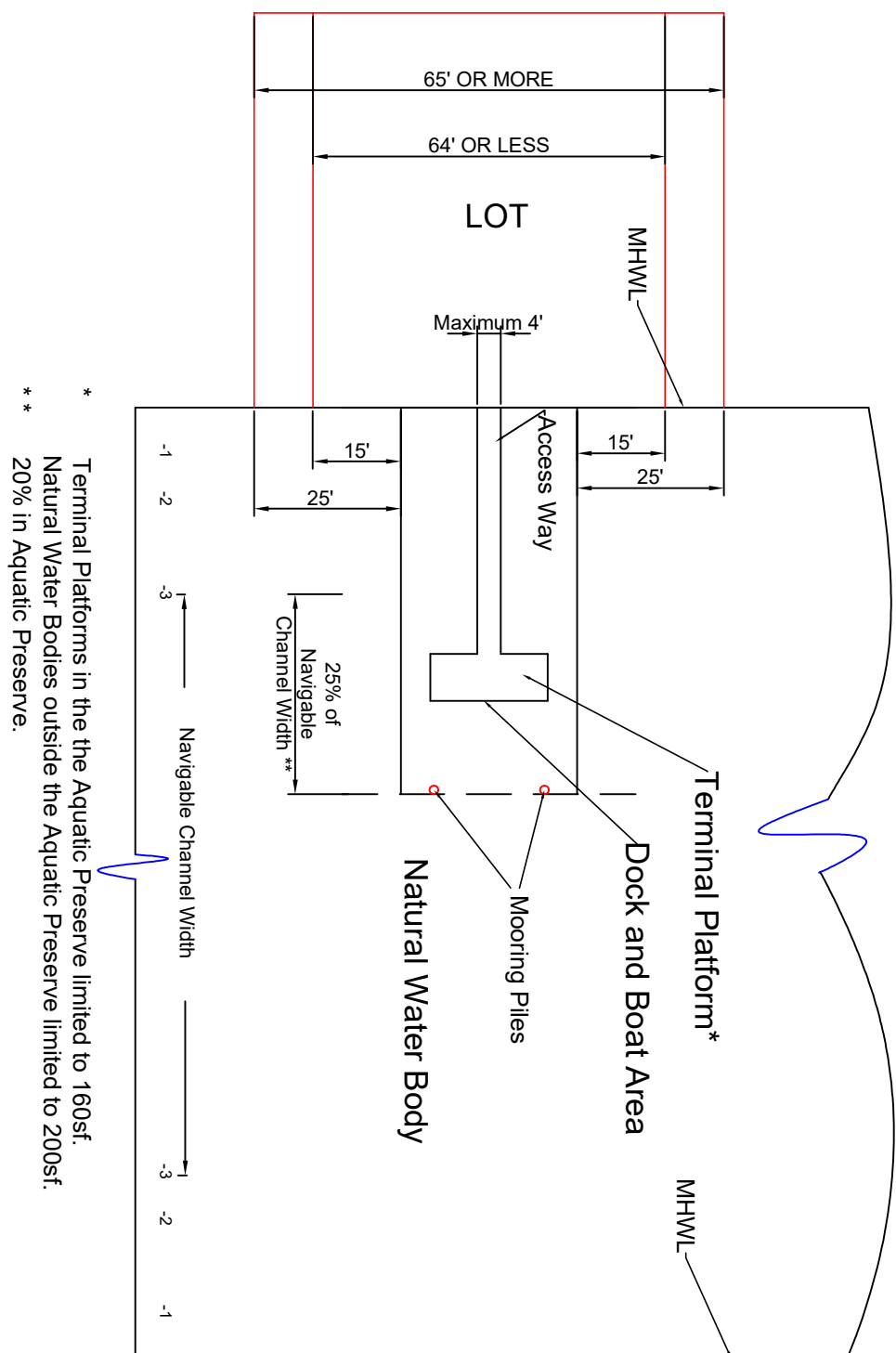


Figure 7.1



- * Terminal Platforms in the the Aquatic Preserve limited to 160sf.
- * Natural Water Bodies outside the Aquatic Preserve limited to 200sf.
- ** 20% in Aquatic Preserve.

Figure 7.2

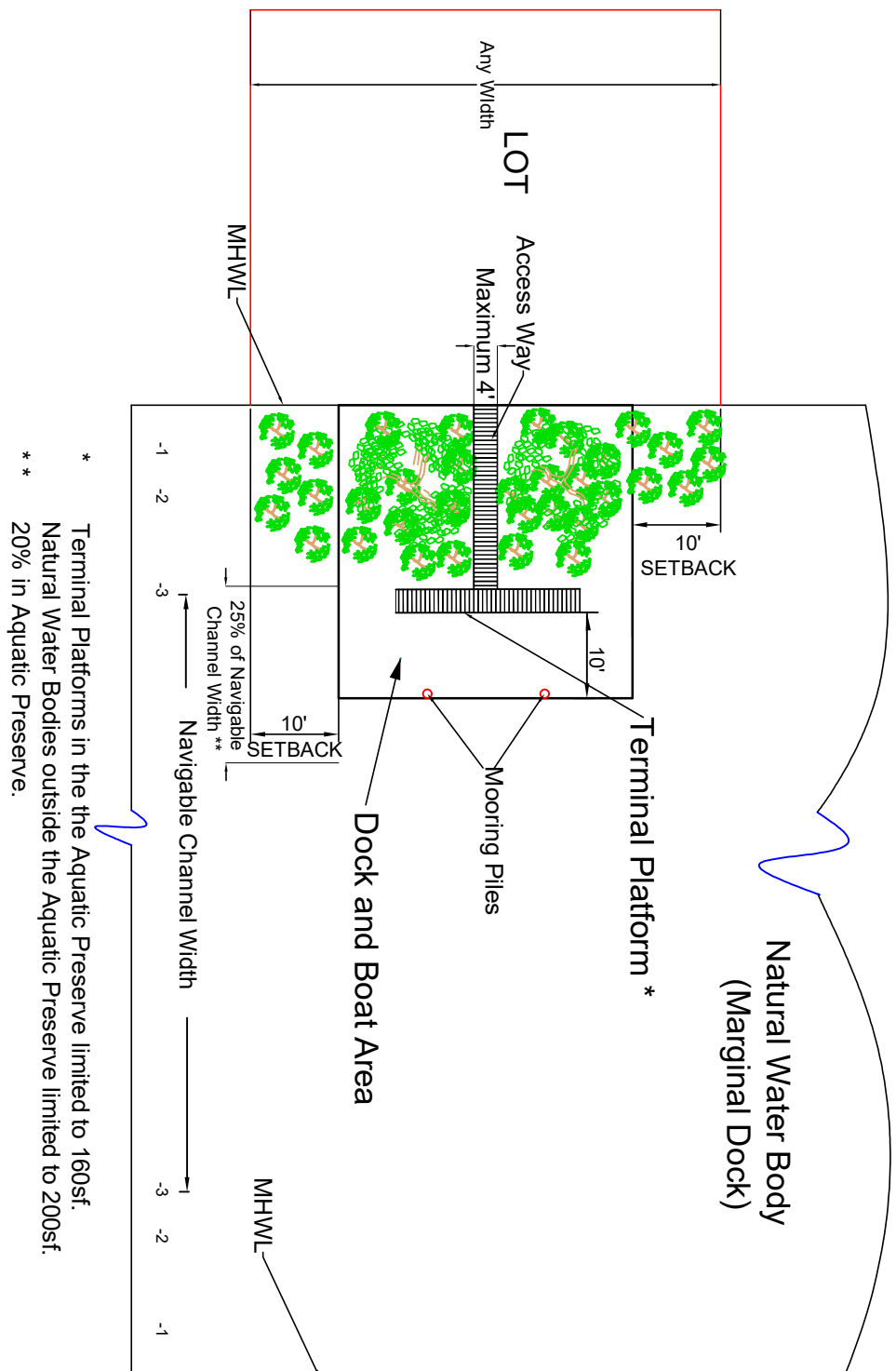


Figure 7.3



**Notice of a Communications Media Technology (“CMT”) Public Meeting
Local Planning Agency
MINUTES
Bonita Springs Recreation Center
26740 Pine Avenue
Bonita Springs, Florida 34135
Thursday, April 22, 2021
9:00 A.M.**

I. CALL TO ORDER.

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

II. ROLL CALL.

Members in attendance: Vice-Chairman Don Colapietro, Board Member Robert Bornstein, Board Member Rex Sims, Board Member Linda Schwartz, Board Member Sam Vincent.

Absent: Chairman Jeff Maturo.

III. APPOINT A DEPUTY CHAIRMAN.

Board Member Sam Vincent put forth Board Member Robert Bornstein for Deputy Chairman. Board Member Linda Schwartz made a motion; Vice-Chairman Don Colapietro seconded; the motion passed.

IV. REVIEW OF THE FOLLOWING: Read into record by Board Member Sam Vincent.

- A. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 2—ADMINISTRATION, CHAPTER 3--DEVELOPMENT STANDARDS, CHAPTER 4—ZONING, CHAPTER 5—HISTORIC PRESERVATION, AND CHAPTER 6--SIGNS; TO ADDRESS INTERNAL INCONSISTENCIES AND CLARIFY STANDARDS AS A RESULT OF THE ADOPTION OF THE DOWNTOWN FORM-BASED CODE FOR THE DOWNTOWN DISTRICT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

- John Dulmer, Community Development, provided the introduction stating how the enforcement of standards had exposed the additional need for further clarification, even necessary new standards that needed incorporation into the Land Development Code (LDC). The two amendments before the LPA committee were being presented as Community Development looked to provide more clarity and better define relatively new ordinances such as Old 41 and Beach Roads standards. Mr. Dulmer stated that they were looking for a quick change to assist with enforcement.
 - Mike Fiigon, Community Development, presented a summary stating that the amendments were relatively minor. The new form-based code had been in use for approximately six months, and Community Development was starting to see how it moved when it was applied on the ground. A few inconsistencies were identified, which was normal for a new code.
 - Mr. Fiigon provided an example of how the LDC had scattered throughout an outdated reference such as the Old 41 Redevelopment Overlay, which needed to be replaced with "Downtown District." There were also areas of duplications that needed to be made clearer and more concise.
 - Mr. Fiigon stated that greater clarification was needed to the applicability section for the Downtown District and changes must be calibrated so that the code did what it was designed to effectively do. Community Development looked to move away from uses overall and focus more on form, site design, and functionality. A Use Table was still being used, and the current LDC was very use heavy.
 - Additional examples were provided demonstrating necessary changes or clarity needed from the previous version of the code such as the criteria for bonus density which needed a more concise layout. Signage and enforcement concerns were discussed, and that Community Development was working closely with the City Attorney's office and Neighborhood Services to make the standards more enforceable.
- B. AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4—ZONING, TO CLARIFY LANGUAGE FOR PROPERTIES ZONED PLANNED DEVELOPMENT THAT WANT TO VOLUNTARILY DEVELOP AND/OR REDEVELOP UNDER THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.**
- Mike Fiigon explained that many projects were zoned Planned Development. No two Planned Development Zoning Districts were the same. He referenced the Bonita Beach Road (BBR) corridor. Mr. Fiigon stated that the overlay was designed to be a more holistic all-encompassing approach. The BBR corridor needed the same language of standards that already existed for the other overlay districts.
 - Board Member Robert Bornstein stated his belief that properties existed in the downtown area that he considered blights on Bonita Springs. Owners of certain properties were not exhibiting care for their properties. Board Member Bornstein was skeptical that the

downtown area would draw people to walking and spending money if the area were not presentable. Mr. Fiigon responded that when the code kicked in, the standard of exterior would change. Board Member Bornstein asked if the enforcement would be an aggressive approach. Mr. Fiigon stated it would not be a sweeping standard, but the form-based code would be the starting point. Board Member Bornstein expressed concern that if the City were not more aggressive, people would not conform to the standard. Mr. Fiigon replied that there were incentives to maximize use of the property such as the ability to achieve a higher density on the property. He further stated that the new form-based code established standards but was not designed to be a full-scale change; internal inconsistencies needed to be addressed. Board Member Bornstein asked if there were an aggressive approach by Community Development or the City to update these changes. Mr. Fiigon stated that when the code was being drafted, downtown business owners and residents were able to participate initially in creating the code. Board Member Bornstein expressed concerns about Bonita Beach Road and felt an upgrade was seriously needed.

- Board Member Sam Vincent stated that with the slow pace of Government, changes would not occur quickly. He believed the new form-based code pointed them in the right direction. Board Member Vincent had been using the new code and believed it would be very successful.
- Items A and B. Board Member Robert Bornstein entered a motion to approve the proposed amendments; Board Member Linda Schwartz seconded; the motion passed unanimously.

RESULT:	PASSED [5-0]
MOTION BY:	Robert Bornstein, Board Member
SECOND BY:	Linda Schwartz, Board Member
AYES:	Bornstein, Colapietro, Sims, Schwartz, Vincent
NAYS:	None

V. NEXT MEETING.

TBD.

VI. APPROVAL OF MINUTES 03/25/21.

Board Member Rex Sims motioned for approval; Board Member Don Colapietro seconded; motion passed. Board Member Robert Bornstein remarked that he had made comments on transportation and concerns for Bonita Beach/Terry Roads that he wanted specifically attributed to in the minutes. Board Member Bornstein then reiterated those concerns. John Dulmer responded that Lee County DOT, Collier County DOT, and the City were discussing options and some type of resolution would be forthcoming.

VII. ADJOURNMENT.

There being no further items to discuss, Board Member Sam Vincent adjourned the meeting at 9:29 A.M.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS LOCAL PLANNING AGENCY:

Date: _____

AUTHENTICATED:

Chairman Jeff Maturo

DRAFT