

- iii. Each column is summed vertically in the green row;
- iv. The adjusted minimum required parking spaces is the highest result within the green row.

Use Using Shared Parking	Min. Spaces	Mon—Fri 8 a.m.—6 p.m.		Mon—Fri 6 p.m.—12 a.m.		Mon—Fri 12 a.m.—8 a.m.		Sat—Sun 8 a.m.—6 p.m.		Sat—Sun 6 p.m.—12 a.m.		Sat—Sun 12 a.m.—8 a.m.	
		%	sp*	%	sp	%	sp	%	sp*	%	sp	%	sp
Residential	sp (spaces)	60%	sp*.6	100%	sp	100%	sp	80%	sp*.8	100%	sp	100%	sp
Lodging	sp	70%	sp*.7	100%	sp	100%	sp	70%	sp*.7	100%	sp	100%	sp
Restaurant/Bar	sp	70%	sp*.7	100%	sp	10%	sp*.1	70%	sp*.7	100%	Sp	20%	sp*.02
Retail	sp	90%	sp*.9	80%	sp*.8	5%	sp*.05	100%	sp	70%	sp*.7	5%	sp*.05
Office, Industrial	sp	100%	sp	20%	sp*.2	5%	sp*.05	5%	sp*.05	5%	sp*.05	5%	sp*.05
Assembly	sp	40%	sp*.4	100%	sp	10%	sp*.1	80%	sp*.8	50%	sp*.5	50%	sp*.5
Religious	sp	10%	sp*.1	5%	sp*.05	5%	sp*.05	100%	sp	5%	sp*.05	5%	sp*.05
Required:	sum	sum		sum		sum		sum		sum		sum	

(6) Vehicular parking lot design.

- a. Parking lots must have a minimum vertical clearance of eight feet, and 15 feet where the facility is to be used by trucks or for loading or along a garbage collection path.
- b. Parking deck floor levels shall align with floor levels of attached habitable space
- c. Compact stalls may account for up to 40 percent of off-street spaces in each parking lot.
- d. Drive aisles must meet the minimum size requirements as specified in Table 5.9-6.
- e. Parking stalls must meet the minimum size requirements as specified in Table 5.9-7.

Parking Angle	Aisle: One-Way Single Loaded	Aisle: One-Way Double Loaded	Aisle: Two Way Double Loaded
90 deg.	23 ft. min.	23 ft. min.	23 ft. min.
60 deg.	12.8 ft. min.	11.8. ft. min.	19.3 ft. min.

45 deg.	10.8 ft. min.	9.5 ft. min.	18.5 ft. min.
Parallel	10 ft. min.	12 ft. min.	20 ft. min.

TABLE 5.9-7. PARKING STALL MINIMUM SIZES

Stall Type	Stall Width	Stall Length
Standard Stall	8.5 ft. min.	18 ft. min.
Compact Stall	8 ft. min.	15 ft. min.
Parallel Stall	8 ft. min.	22 ft. min.

(7) *Vehicular parking lot landscaping.*

- a. Parking lot landscaping is required as specified in the City's Land Development Code.
- b. Bicycle parking location and access: T5
 1. On-street bicycle parking spaces may be provided by the city. Allocation of shared spaces towards individual requirements is determined by the city.
 2. Minimum required bicycle parking may be provided as follows:
 - i. Provided by the city, on-street or in shared parking lots within 400 feet of the use;
 - ii. Provided on-site independent of the city;
 - iii. Both provided from the city and on-site.
 3. Off-street bicycle parking must be located within buildings or behind or to the side of buildings relative to front lot lines.

(8) *Required bicycle parking.*

- a. Bicycle parking is required in the amounts specified in Table 5.9-8, and as follows:
 1. A minimum percentage of spaces must be enclosed for each use;
 2. Enclosed spaces for multi-family residential must be located:
 - i. In a common area on the ground floor;
 - ii. In the ground floor of a separate structure on the same site;
 - iii. In the ground floor of an attached structure.
 3. A maximum percentage of spaces may be located on-street for each use.

TABLE 5.9-8. BICYCLE PARKING

Use	Minimum Spaces	Enclosed	On-Street Spaces
Multi-family residential	.5 per bedroom	40% min.	0% max.
Restaurant/Bar	1/2,000 sf	0% min.	100% max.
General commercial	1/2,000 sf	0% min.	100% max.
Office	1/4,000 sf	20% min.	80% max.
Light industry/Workshop	4	0% min.	100% max.
Industrial	4	0% min.	100% max.
Lodging	1 per 4 keys	60% min.	40% max.
Education and assembly	1/3,000 sf	0% min.	100% max.

(j) *Fences and walls—Fencing and walls.*

(1) The following fencing is prohibited:

- a. Electric, barbed wire, razor wire, hog wire, rolled wire, or other types of hazardous fencing;
- b. Chain link fencing;
- c. Any wire smaller in size than 12 gauge.

(2) Fence and wall height is limited as specified in Table 5.10-1 and as follows (see Table 5.10-3 for terminology):

- a. Frontage fencing and walls must be located as follows:
- b. Fencing and walls must be a minimum of four inches from public sidewalks in all instances.
- c. Fencing and walls must be within three feet of frontage lines.
- d. Fencing and walls over three feet in height must be set back from the street-side edge of sidewalks as least two feet plus the minimum sidewalk width specified by FDOT for the street type designation.
- e. Where the desired appearance is fencing and walls with zero setback from sidewalks, a sidewalk extension may be provided on the private lot, in which case a control joint is required to separate the public and private sidewalks.
- f. Fencing and walls along side and rear property lines within frontages is considered frontage fencing and walls.

(3) Fence and wall materials are limited as specified in Table 5.10-2.

(4) Metal and iron fencing must be black.

- (5) Masonry walls may be combined with decorative metal or wrought iron with the masonry portion below and optionally forming pillars.

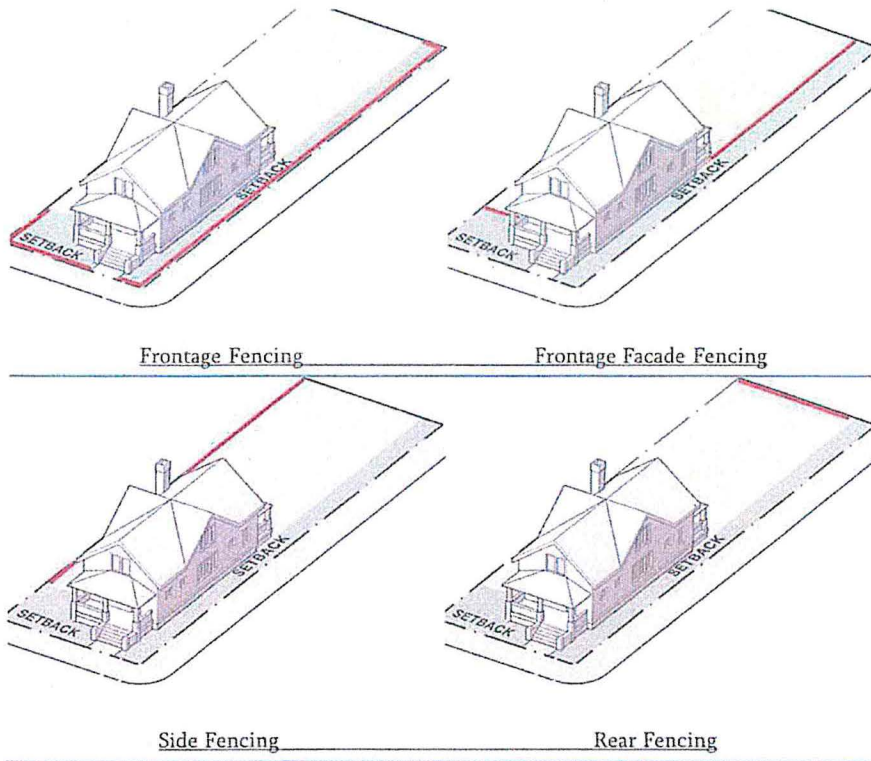
TABLE 5.10-1. MAXIMUM FENCE AND WALL HEIGHT

Zone	Frontage Fencing	Frontage Facade	Side	Rear	Rear Alley
T5	4 ft. at seating areas	8 ft.	8 ft.	8 ft.	8 ft.
T4	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.
T3.2	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.
T3.1R	n/a	5 ft.	5 ft.	5 ft.	4 ft.

TABLE 5.10-2. FENCE AND WALL MATERIALS

Zone	Masonry	Decorative Metal or Wrought Iron	Wood or Approved Alt.
T5	Permitted; Stain or stucco required.	Permitted; 70% opaque max.	Permitted; Paint or stain required Prohibited
T4	Permitted; Stain or stucco required.	Permitted; 40% opaque max.	Permitted; Paint or stain required.
T3.2	Prohibited	Permitted	Permitted; Paint or stain required.
T3.1R	Prohibited	Prohibited	Permitted

TABLE 5.10-3. FENCING TERMINOLOGY



(k) *Accessory dwelling units.*

- (1) Accessory dwelling units (ADUs) are permitted where specified in section 4-868: Use.
- (2) ADUs may be provided in the following locations:
 - a. Within or attached to the primary dwelling structure;
 - b. Above a free-standing garage;
 - c. As an independent, free-standing accessory dwelling.
- (3) ADUs are limited to a maximum area of 800 square feet.
- (4) ADUs must have an entry independent of the primary dwelling, accessible from a sidewalk or from a rear alley where possible.

(l) *Exterior lighting.*

- (1) General.
 - a. Fluorescent and compact fluorescent lights are prohibited on the exterior of structures, including within open porches and stoops.
 - b. Exterior lights should have a color temperature below 3,200 kelvin.
 - c. Exterior lighting must include controls to automatically extinguish lighting when sufficient daylight is available.
 - d. Exterior lighting should include controls to automatically lower lighting lumens by 30 percent or more after 10:00 p.m., except in the following conditions in T5;
 1. Landscape lighting where a single exterior luminaire is provided such as at residential front doors; and motion activated lighting.

([Ord. No. 20-10](#), § 2(Exh. A, § 5), 11-4-2020)

Sec. 4-871. - Architectural character.

(a) *Building materials* (~~from Old 41 Redevelopment Urban Core~~).

- (1) The exterior finish material on all facades of a building or project shall be consistent around the project. A building or project may utilize any number of wall materials provided they respect the following guides:
 - a. Primary materials include any materials (not including windows, doors, or storefront materials, awnings and such) that face the majority of the building facade. Such materials include but are not necessarily limited to brick, wood or hardboard siding, stucco, stone, concrete, and finished concrete block. The primary materials shall not include any materials listed as secondary materials.
 - b. Secondary materials are those that complement the primary materials but are limited to 20 percent or less of the materials on the facade.
 - c. Accent materials are very limited in quantity and are for accent purposes only.
 - d. Materials that may constitute secondary or accent materials include, but not limited to:
 1. Corrugated metals or corrugated metal panels.
 2. Unpainted or natural concrete block.
 3. Metal standing seam or raised panels.
 4. Wood siding.
 - e. Prohibited materials include vinyl or aluminum lap siding or other imitation materials; and mirrored or reflective materials.
 - f. Project or building architects may present in lieu submittals to the reviewer for variations from the above for both use of materials and colors.
 - g. All stucco, metal, and wood at galleries, porches, stoops, and balconies visible from a public way shall be primed and painted. Wood floor decking may be stained or left unpainted.
- (2) Exterior colors. Effective March 1, 2013, all development, redevelopment, renovation and restoration projects within the Downtown District (~~Old U.S. 41 Redevelopment Urban Core~~) must follow the designated color palette as set forth in section ~~4-887~~ [4-880](#), ~~Exhibit IV of the Comprehensive Plan~~, specifically designated as Sherwin Williams Exterior Coastal Colors for Southern Shores and Beaches, or paint from another manufacturer of similar color and quality. In addition to the designated color palette, owners of property may also consider the exterior pastel colors as also set forth in ~~Exhibit IV~~ in section ~~4-887~~ [4-880](#). Owners of property within the applicable area shall paint their buildings to conform to the aforesaid color palette in accordance with the following procedures:
 - a. There are 24 sets (three colors each) in the palette, and ten pastel shades. The painting of building exteriors will use the body, trim and accent from the same set in the approved palette colors. If a property owner selects one of the ten pastel shades for the body of the structure, the owner will comply with the following guidelines:
 1. The body of the structure should have a base lighter than any selected trim or accent, unless the trim or accent is painted white.
 2. No more than two additional colors should be selected in a darker pastel or white for trim and accent.
 3. Not all architectural styles are appropriate for pastel colors. Pastel colors may be attractive on Florida (Cracker) Vernacular Architecture, Post-War Modern and Art Deco design. The

reviewer may deny the use of the pastel shades if it is incompatible with the existing or planned structure intended to be painted, subject to city council review.

4. The reviewer is authorized to approve minor "shading" variations in palette colors that may be caused by the use of paint from different manufacturing companies. Any other change in palette colors may be approved on a case-by-case basis.
5. Buildings in single ownership, including sheds and accessory structures, shall be of uniform facade and trim color, with exception to gazebos.
6. Upon the completion of the exterior painting of any building, the property owner shall provide community development with a color facade photograph (preferably by email).
7. The city may adopt an incentive plan for property owners to paint the entire exterior of their building by administrative code.
8. It is not the intent of implementing the color palette to discourage placement of any murals, as approved by the arts in public places board.

(b) *Openings and walls.*

(1) *Massing and composition.* The size of a building is independent of its scale. The scale can be modified by articulation.

- a. Overly long buildings should be broken down to a scale comparable to that of the buildings on the rest of the block face. This can be accomplished by articulating the overall building height while keeping a uniform story height. This shall be mandatory for buildings which are a result of a lot assemblage where the principal frontage is over 100 feet in length. Building wall articulations in plan, such as recesses and projections, shall be limited to four per each 100 feet length.
- b. Scale is most effectively modified when the various integral elements of the facade (windows, balconies, loggias and parapets) support the articulation.
 1. Architects should avoid too many individual elements on a single elevation
 2. Architects shall use a small number of well-built elements for all openings and attachments.
- c. The frontages of new buildings shall be harmonious with the block face on both sides of its street. The existing buildings will provide the design context unless they are non-conforming or non-contributing. Applicants are expected to provide drawn and/or photo documentation of the block faces with the frontage proposed building drawn within its urban context.

(2) *General composition.*

- a. Residential structures shall have a limit for facade openings. 15—35 percent of an individual facade area can be used for openings (except for ground floor storefronts, see Tables 5.1-1 and 5.1-2)
- b. Opening should be evenly spaced along a facade to create a harmonious composition
- c. Window and door header heights should be consistent along a facade
- d. Windows and doors should be recessed from the facade; not attached to the exterior

(3) *Glazing.*

- a. Storefronts shall not have tinted (greater than ten percent), mirrored, reflective, or colored glass on doors or windows.
- b. Storefronts shall have vertically proportioned lights/panes.

(4) *Doors.*

- a. All storefront doors shall remain unlocked during business hours

- b. Garage doors shall be in accordance with section 4-870(i).

(5) *Windows.*

- a. Shall be vertically proportioned and rectangular in shape.
 - b. Shall use vertically proportioned panes.
 - c. Should use vertical subdivisions to break up horizontality of window assemblages.
 - d. Window sills shall be a minimum of 36" above grade for ground floor buildings.
 - e. Bay windows shall extend to the ground or be supported by wood or concrete brackets of appropriate scale. Sides shall return to the building wall at a 45° or 90° angle. Bay window walls may be faced in wood or hardboard siding.
 - f. *Prohibited:* Window-mounted air conditioning units; applied door or window moldings.
 - g. All shutters should be operable and useable.
1. If non-operable, the shutters shall be of proportions which are identical to an operable shutter for the window. Shutters shall be made of wood or constructed of composite PVC in louvered panel, solid panel, or board-and-batten construction. Molded PVC shutters are prohibited.

(6) *Arches and piers.*

- a. Arches and piers shall be made of stuccoed concrete/masonry and shall be no less than 12 inches in thickness. Wood structural posts shall be no less than six inches by six inches nominal dimension.
- b. Piers, columns, and posts shall be spaced to form square or vertically proportioned bays.
- c. Arches shall have columns/bases which are no wider than 20 percent of the arch opening.
- d. Height of arch springline shall be located at the same or a higher elevation than the storefront header.
- e. Segmented arches shall have the radius of the segment equal to the width of the opening. Full arches shall have the radius of the arch equal to one-half the width of the opening.

(c) *Screening.*

- (1) No rooftop mounted mechanical equipment shall be visible as viewed from any public right-of-way at ten-foot eye level. All such equipment shall be screened by an appropriate method.

(d) *Roofs.*

- (1) *Visible roofs.* Buildings with **sloped** roofs visible from any public right-of-way shall have symmetrical pitched roofs with slopes no less than 5:12. Porches and first floors and dormers may have shed roofs with pitch no less than 2:12. **Flat roofs shall provide parapets sufficient to screen mechanical equipment from any public right-of-way.**
- (2) *Roof materials.* Roof materials should be appropriate for the function they are to serve as well as appropriate to the overall expression of the building or project. Standing seam metal is the recommended material for sloped roofs.
- (3) *Prohibited:* Skylights in pitched roofs when visible from the street; Precast cornice moldings.

(e) *Porches, stoops and balconies.*

- (1) Porches, stoops, and balconies shall be made of stuccoed concrete/masonry or wood. Stucco finish shall match building wall finish. Flooring at entry stoops, porches, and steps shall be made of wood, exposed concrete, concrete pavers, brick, or colored cement tile. Tile and brick selection is subject to approval of reviewer.

- (2) Porch and stoop roofs may be exposed or closed with wood deck or panel-and-batten ceiling.
- (3) Stoops are permitted at all building entries and may be covered by roofs, awnings or canopies. Stoops shall be no greater than eight feet in length or depth.
- (4) Balconies may be recessed into the main volume of a building for a maximum 50 percent of their depth. Any part of a balcony that projects beyond the building wall shall be structurally supported by concrete beams or profiled sills, or wood beams or brackets of appropriate scale.

(Ord. No. 20-10, § 2(Exh. A, § 6), 11-4-2020)

Sec. 4-872. - Storefronts and signage.

- (a) *Unified storefront design:* The storefront windows, doors, signage, awnings, details and lighting shall be designed as a unified composition.
 - (1) *Storefront walls:* Storefronts shall be built of wood, brick, concrete siding, stone, custom metal work or steel frame. Storefronts shall not be constructed of extruded aluminum frames or panels.
 - (2) *Storefront windows:* First floor facades shall be a minimum of 70 percent clear glass as measured between the floor and ceiling including the glass area of the front door. Storefront glass shall be clear with no more than ten percent tinted. Reflective glass shall not be permitted along any commercial street. In flood-prone areas, glazing should not extend below the prescribed height to allow for easier flood proofing of the commercial space without having to raise the entire finish floor above the flood line.
 - (3) *Entrance doors:* Storefront entrance doors shall be recessed to allow the door to swing out without obstructing pedestrian flow on the sidewalk. Each tenant space shall have at least one three-foot wide door at the main entry. Storefront entrances shall be encouraged at building corners. Where appropriate, sliding or folding doors that allow the activity of the business to open adjacent to and onto the public sidewalk may be installed for restaurants and food services. Rear and side doors facing service alleys and parking lots are encouraged, but not required.
 - (4) *Bulkheads:* Storefronts shall have a minimum 12-inch high masonry kick plate or bulkhead along all street frontages. Storefront bulkheads shall be a maximum of 36 inches above the adjacent sidewalk except for when required for flood-proofing within the Imperial River floodway. Bulkheads shall be designed as an integral component of the overall storefront.
 - (5) *Sign bands:* Storefronts shall have a horizontal sign band at the top of the first floor window. Sign bands shall be an integral design with the storefront's elevation and details, and may be a contrasting color to the building. Sign bands may be up to ~~42~~ 18 inches in height and may extend the entire length of the storefront. Sign bands shall not be internally illuminated but may be externally lit subject to the approval of the city.
 - (6) *Security gates and shutters:* Solid metal security gates and solid roll-down shutters shall not be permitted. Interior link or grill security devices may be permitted if they can be completely enclosed or hidden from view when not in use, and subject to the approval by the city.
 - (7) *Design for tenant flexibility:* The design of first and second floor commercial spaces should anticipate restaurant requirements. Accommodation for restaurant venting and sewage utilities such as grease traps and interceptors should be designed into the building. Designs shall anticipate potential commercial power and gas load needs. In addition, buildings shall provide maximum clear space between interior columns for the ground floor retail and activity spaces.
 - (8) *Store heights:* All first floors of commercial buildings shall have a minimum of 14-foot tall ceilings as measured between the finished floor and finished ceiling.
 - (9) *Outside commercial uses:* Temporary exterior commercial uses, seating, dining and displays along the storefront's adjacent sidewalks are encouraged subject to approval by the city. All temporary displays shall maintain a minimum clear pedestrian walkway of five feet.

- (10) Galleries at retail frontage in T-5 zone shall be continuous along frontage and made of metal. Decking at second- and third-story floors shall be made of wood, and railing shall be made of metal.
 - (11) *Awning materials:* Canvas, glass or metal awnings are encouraged and should be coordinated with the top edge of the ground floor windows and doorframes.
 - (12) *Awning configuration:* Awnings shall be a metal armature stretching a non-translucent membrane without side or bottom soffit panels. They shall consist of sloping squares or rectangles without side or bottom soffit panels and shall not be backlit from under or inside. Edgeless awnings are encouraged. External lighting of awnings may be permitted with the approval by the city.
 - (13) Awnings shall be a minimum of 60 inches wide by 60 deep, and shall not extend closer than two feet to the edge of the adjacent street curb. All awnings shall be integral to the overall design of the storefront and shall respect vertical column and window spacing. Awnings shall be at least seven feet high from the adjacent sidewalk.
 - (14) Round, half domed and plastic awnings are prohibited. Awnings shall not be used as signs, except as noted below, and shall have a maximum slope of 1:3 from the building to the edge. Awnings shall have a maximum of two colors subject to the approval by the city.
 - (15) Outdoor dining areas on sidewalk and public rights-of-way shall be allowed subject to the following standards:
 - a. Outdoor dining areas shall be separated from public walkways and streets using railings, wrought-iron fences, planters, and landscaping; and
 - b. A minimum unobstructed pedestrian path of at least six feet wide shall be provided along public rights-of-way.
- (b) *Exempted signs.*
- (1) ~~The signs specified in this section are exempt from signage regulations other than those in this section and may be erected without a sign permit. The signs specified in this section shall not require a sign permit provided that the sign complies with the standards prescribed hereunder:~~
 - (1) ~~Changeable copy, in accordance with LDC Sec 6-4(c)(1), maintenance in accordance with Sec 6-4(c)(2), or the repainting of a sign shall not require a sign permit provided no structural and electrical changes are made.~~
 - (2) ~~Changing copy, maintaining, or repainting a sign are exempt, provided structural and electrical changes are not made without a permit.~~
 - (3) ~~(2) Signs erected entirely within the confines of a nonresidential or mixed-use site shall not require a sign permit, provided the sign cannot be viewed from streets or common property.~~
 - (4) ~~(3) Address and residential identification signs as defined in LDC Sec. 6-2:~~
 - a. ~~Any identification sign at the entrance of a single-family residence or affixed to a mailbox, such as a sign which bears only the street number, mailbox number, or name of the occupant of the premises.~~
 - (5) ~~(4) Holiday decorations, provided the decorations comply with LDC Sec. 6-6(1)(g-h):~~
 - a. ~~Holiday decorations, flags, streamers, and similar.~~
 - (6) ~~(5) Flags, in accordance with LDC Sec. 6-6(1)(d):~~
 - a. ~~A flag of any nation, government, sports team, or nonprofit organization which is deployed from a permanent freestanding or wall-mounted flagpole or, with respect to the United States flag, in a manner acceptable for the display of the national ensign as set forth in the U.S. Flag Code.~~
 - (6) ~~Governmental and public safety signs, in accordance with LDC 6-6(1)(f):~~

(7) ~~Official signs.~~ A-frame signs provided the signs are utilized in accordance with the regulations of Table 7.6-1 and 7.6-2;

a. ~~Any sign erected by the City of Bonita Springs.~~

b. ~~Any sign erected by a government.~~

c. ~~Public utility and traffic signs.~~

(8) ~~Reserved.~~

(9) (8) Residential construction signs, subject to the following:

a. ~~Subject to the following:~~

1. ~~Signage may only identify contractor of subcontractor name, address, phone number, and license number.~~

2. ~~The contractor is allowed one sign with a maximum area of four square feet and may be attached to the construction barrier or on a post in the ground.~~

3. ~~Each subcontractor is allowed one sign with a maximum area of four square feet~~

4. ~~Signs may only be erected after a building permit has been issued.~~

5. ~~Signage must be removed within five days of the final inspection.~~

a. ~~One construction sign shall be permitted per construction project on each street frontage.~~

~~The sign shall be erected no more than five days prior to any construction of the project, shall be confined to the site of construction, and shall be removed prior to the issuance of a certificate of occupancy.~~

b. ~~Construction signs may denote the architect, engineer, contractor, subcontractor, owner, future tenant, financing agency, or other persons performing services or labor or supplying materials to the premises.~~

(10)(9) Residential rental signs, subject to the following:

a. ~~Subject to the following:~~

1. ~~One sign may be attached to the house or mounted in the yard, provided that all signs must be removed once the residence is rented for a 60-day period of longer. or fastened to a stake mounted in the yard and one additional sign facing a golf course or lake frontage.~~

2. ~~Rental signs may be permanently attached to the house, signs mounted in yards must be removed once the house is rented for a 60-day period or longer.~~

3. 2. ~~Signs are limited to one square foot four square feet in area.~~

(11) (10) ~~Warning and instructional signs.~~

a. ~~Any warning sign, non-advertising signs (e.g. "no trespassing," "no dumping"), or non-advertising symbol posted property sign, as defined in LDC Sec. 6-2, which pertains to the parcel of property upon which it is located, provided any such sign does not exceed four square feet in copy area and is not illuminated.~~

b. ~~Any special instruction sign (e.g. "open," "closed," "hours of business," "no smoking") business information sign, as defined in LDC Sec. 6-2, provided any such sign does not exceed eight square feet four square feet in copy area.~~

(12) (11) ~~Miscellaneous signs.~~

a. ~~Any memorial sign, or tablet, in accordance with 6-6(1)(I); gravestone, or commemorative plaque.~~

- b. Any generic, architectural feature that is designed, integrated, and constructed as part of a building in accordance with a building permit or local development order approved by the City.
 - c. ~~Any sign which is integrated into or on a point of sale purchase display.~~
 - d. ~~Any sign carried by a person.~~
- (c) *Prohibited signs and sign locations.* The following signs specified in this section are prohibited.
- (1) ~~The signs specified in this section are prohibited.~~
- a.1. Billboards (replacements subject to LDC Ch.6).
 - b.2. Any sign advertising products or articles that are not manufactured, assembled, processed, repaired, serviced or sold on the premises.
 - e.3. Two or more signs that convey a single, cumulative advertising message, part of which is contained on each sign in the series.
 - d. 4. Illuminated, animated, moveable, or inflatable signs.
- 1. ~~Animated signs.~~
 - 2. ~~Inflatable signs.~~
 - 5.3. Any sign that simulates emergency lights on emergency vehicles, traffic-control signals or devices, directional, informational, or warning signs erected by the POA, a government, utility, or similar agency.
 - 4.6. Any sign that uses an intermittent light or lights, including flashing lights, beach lights, strobe lights, rotating beacons, chasing lights, or zip lights.
 - 5. ~~Any sign placed on a wall or fence, independent of a building.~~
 - 6.7. Any sign that is wind or power operated including flags, streamers, pinwheels, and balloons.
 - 7.8. No signs may be located in a way that causes a hazard to pedestrian or vehicular traffic.
- i. a. Temporary signs at street intersections are limited to 30 inches in height within a triangle measured 30 feet from the intersection along each right-of-way.
 - ii. b. No permanent sign may be located within a triangle measured 30 feet from the intersection along each right-of-way.
- (d) *Permitted signs.*
- (1) *General.*
- a. Unless explicitly exempted in LDC Sec. 4-872(b) of this chapter, a permit is required for all other signs permitted under this chapter. After original permit approval, no sign shall be moved or altered without additional approval.
 - b. Signs must conform with the following standards, as specified in Table 7.6-1 and illustrated in Table 7.6-2:
 - 1. Sign type limitations by zone;
 - 2. The height and area of the sign;
 - 3. The number of signs per site;
 - 4. The height of sign copy.
 - b.c. Exterior signs must be made of durable, weather resistant materials.

~~c. A permit is required for all signs permitted under this section.~~

~~d. No sign, once approved, may be moved or altered without additional approval, excluding maintenance, copy changes, or repainting required to restore a sign to its original, approved condition.~~

(2) *Clearance.*

a. Signs must provide the following clearance:

1. A minimum of nine feet over pedestrian ways;
2. A minimum of 13.5 feet over vehicular travel ways and parking aisles.

b. Signs located along streets must be a minimum of two feet from a curb, ramp, driveway, light pole, street sign, or fire hydrant.

(3) *Removal.*

a. Signs must be removed as specified in Table 7.6-1, and as follows:

1. (P) Permanent; Signs do not require removal.
2. (O) Occupancy; Signs must be removed within seven days of the end of tenant occupancy.
3. (B) Business; Signs must be removed when the business is closed.
4. (T) Temporary; Signs must be removed within the time period specified by sign type.
5. Any moveable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

~~(4) Sign templates.~~

~~a. The permitting and inspections department supplies templates for open house, model home, and under construction signs.~~

~~(5) 4) Illumination.~~

a. Internal sign illumination is limited to window and wall signs within storefronts.

b. Light sources must be mounted, shielded, and pointed towards the sign face to eliminate spill-over glare onto any adjacent streets, properties, or skyward.

~~c. Exposed bulbs or lamps must not exceed the equivalent of 25 watts of incandescent light.~~

~~(6) EMC/EMU signs.~~

~~a. EMC/EMU signs are permitted for use on ground signs for churches and POA facilities.~~

~~b. Each image must remain static for a minimum of eight seconds.~~

~~c. Transitions must be instantaneous, without intervening flashing, animation, or movement of any kind.~~

~~d. Signs must be equipped with automatic dimming technology.~~

~~e. Signs must not exceed 0.3 foot candles above ambient light measured at a distance of 200 feet.~~

(e) *Requirements by sign type.*

(1) *Band signs.*

a. Band signs may be located above tenant storefronts, below second story windows, and beneath the building cornice or coping.

b. Band sign copy must be at least six inches from building corners.

(2) *Banner signs.*

- a. Banner signs must be made of flexible materials such as cloth, canvas, and vinyl.
 - b. Banner signs may be hung on the side of a building or suspended from a portion of a building structure.
- (3) *Commercial construction signs.*
- a. Signs are limited to identification of the architect, contractor, sub-contractor, landscaper, and financier.
 - b. Signs must be removed within five days of the final inspection.
 - c. Signs may only be erected after a building permit has been issued.
 - d. Signage must not be above four feet from street grade.
- ~~(4) Commercial rental signs.~~
- ~~a. All commercial rental signs require ACC approval.~~
- ~~(5) 4) Corner signs.~~
- a. Corner signs are only permitted at building corners where each facade is along a street.
 - b. Corner signs may extend up to six feet above parapets.
- ~~(6) 5) For sale.~~
- a. Signs must be removed within seven days of closing
- ~~(7) Garage sale, yard sale, estate sale, and moving signs.~~
- ~~a. Signs and stakes provided by the permitting and inspections department must be used, limited to five signs per sale.~~
 - ~~a. Signs are valid for ten days from the date of sale and must not be reused.~~
 - ~~b. Signs may be erected one day prior to the sale and must be removed within five hours of the end of the sale.~~
 - ~~c. Signs must not be altered.~~
- ~~(8) 6) Ground signs.~~
- a. Ground signs are limited to the following locations:
 1. Forecourts.
 2. SD-DID.
 3. C-OS.
 - b. The bottom of the sign must be within two feet of sidewalk grade.
 - c. Ground signs must be set back a minimum of ten feet from property lines.
- ~~(9) 7) Marquee signs.~~
- a. Marquee signs may be used for lodging and movie theaters. The ACG City Architect may permit marquee signs for additional businesses upon request.
- ~~(10) 8) Projecting signs.~~
- a. Projecting signs must be erected on a wall of a building.
 - b. Projecting signs may project up to four feet from the wall of the building on which it is erected.
- ~~(11) 9) Open house, model home.~~
- ~~a. An annual permit is required.~~
 - b. Signs must be free standing on a stake or frame and cannot exceed four square feet.

- c. The business name must be identified on signs, two in[ch] copy minimum.
- ~~d. Balloons, streamers and other types of decoration may not be used.~~
- E d. Signs are allowed for three consecutive days in any one week.
- F e. Up to four signs may be located off site provided such signs are not located in any right of way.

(12 10) Window signs.

(13) Window signs may be:

- a. Letters painted directly on the window;
- b. Hanging signs hung interior of the glass;
- c. Vinyl applique letters applied to the window, consisting of individual letters or graphics with no visible background.

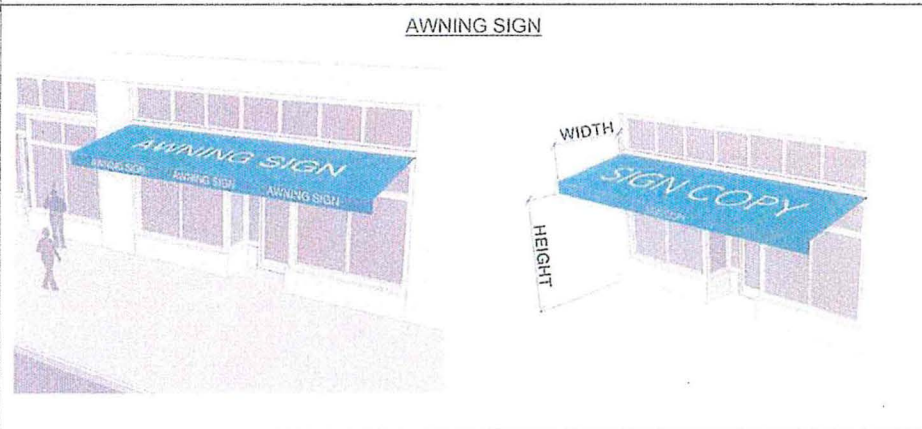
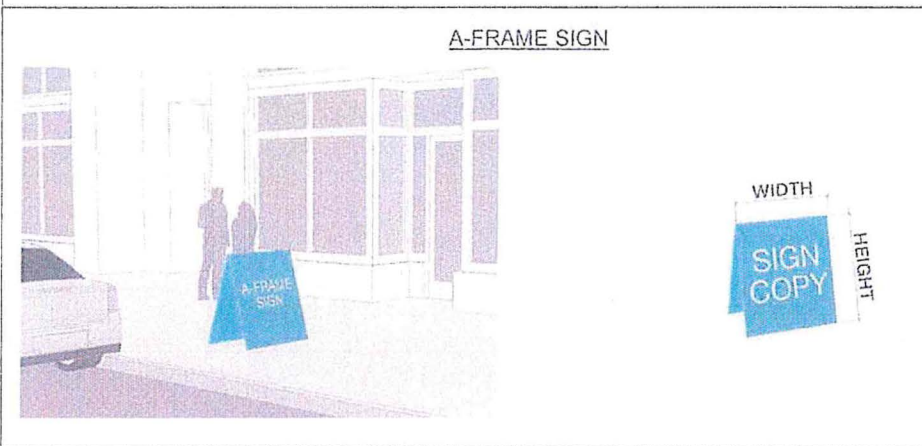
~~(14) Wayfinding signs.~~

- ~~a. Wayfinding signs must be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.~~

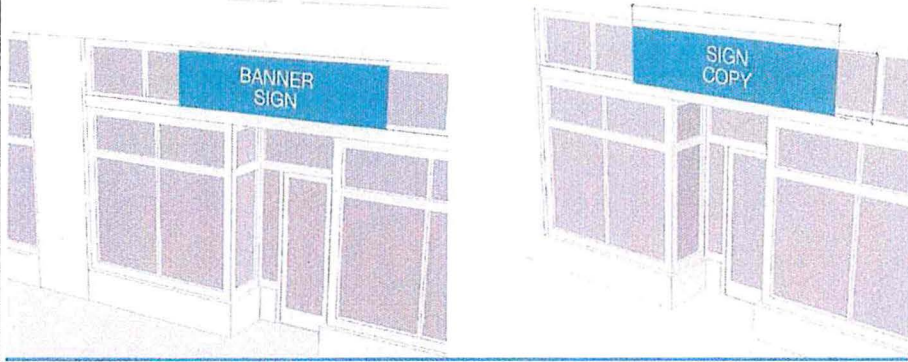
Sign	SD	T3	T4	T5	Period	Number of signs (Max.)	Sign Area (Max.)	Copy Height (Max.)
A-Frame	✓		✓	✓	B	1 per tenant	9 sf. each side	n/a
Awning	✓		✓	✓	O	1 sloping plane, plus 1 valence per awning	75% of sloping plane; 75% area of awning valence	16 in. on sloping plane; 8 in. on valence
Banner/ <u>blade flags</u>	✓		✓	✓	T	1 per event	per ACC <u>LDC Ch. 6</u>	per ACC <u>LDC Ch. 6</u>
Canopy	✓		✓	✓	P	1 per canopy	2 sf. per linear foot of shopfront	30 in.
Commercial Construction				✓	T	1 per construction	32 ft.	n/a
Corner	✓		✓	✓	P	1 per building	40 sf.	n/a
For Sale	✓	✓	✓	✓	T	1 per lot plus <u>1 per golf or lake frontage</u>	<u>3 4</u> sf. each side, 60 in. above grade	n/a
Ground	✓				P	1 per frontage	36 sf. each side	n/a
Hanging	✓		✓	✓	P	1 per tenant	6 sf. each side	n/a
Marquee	✓		✓	✓	P	1 per entry	n/a	n/a
Mural	✓		✓	✓	P	1 per frontage	n/a	n/a

Projecting	✓		✓	✓	P	1 per tenant	6 sf. each side	8 in.
Open House Estate Sale Model Home	✓	✓	✓	✓	T	1 per lot	3-4 sf. each side, 30 in. above grade	n/a
Wall Sign	✓		✓	✓	O	1 per frontage	3 sf. per linear ft.	18 in.
Window	✓		✓	✓	O	1 per window	25% of glazed area	12 in.
Yard	✓	✓	✓	✓	T	1 per 50 feet of frontage	6 sf. each side	n/a

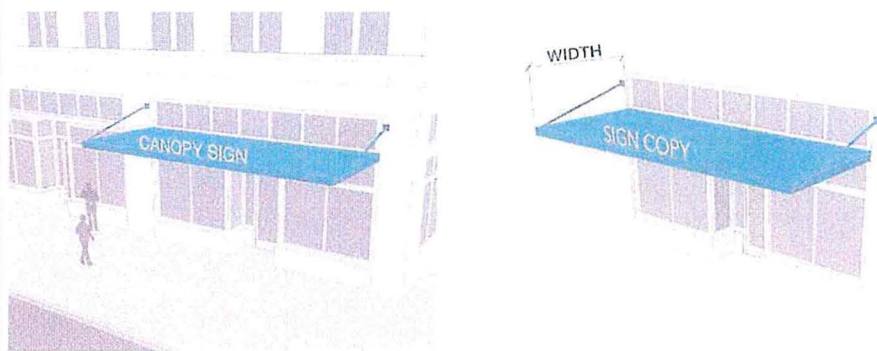
TABLE 7.6-2. SIGN TYPES ILLUSTRATED



BANNER SIGN



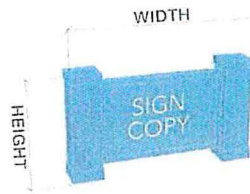
CANOPY SIGN



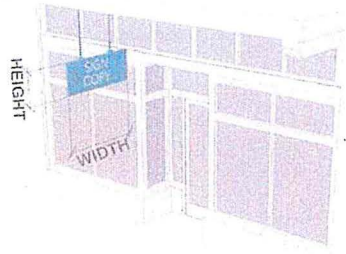
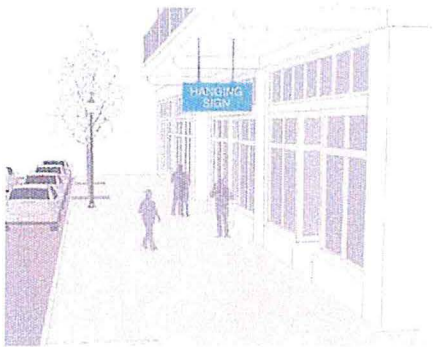
CORNER SIGN



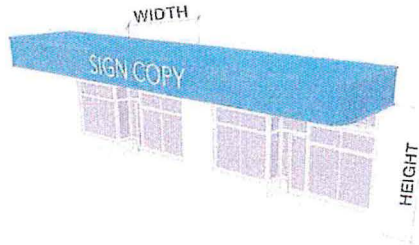
GROUND SIGN (*SPECIAL DISTRICTS ONLY)



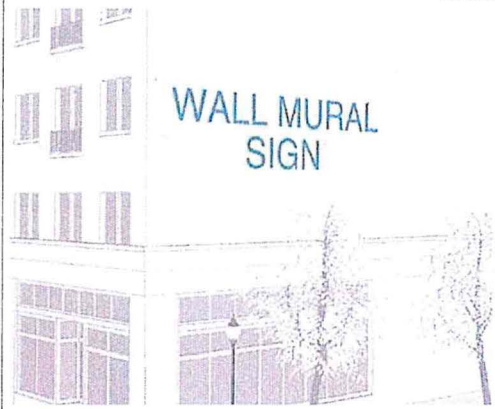
HANGING SIGN



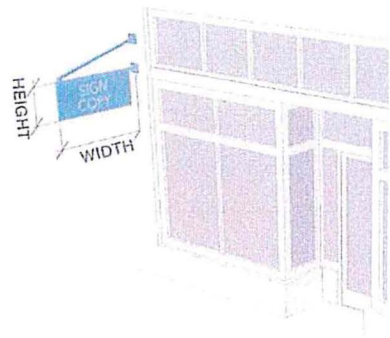
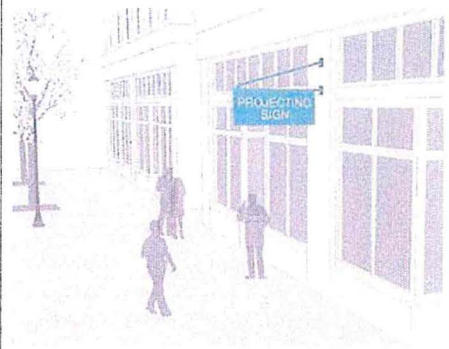
MARQUEE SIGN



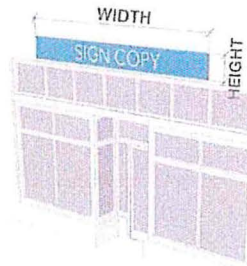
MURAL SIGN

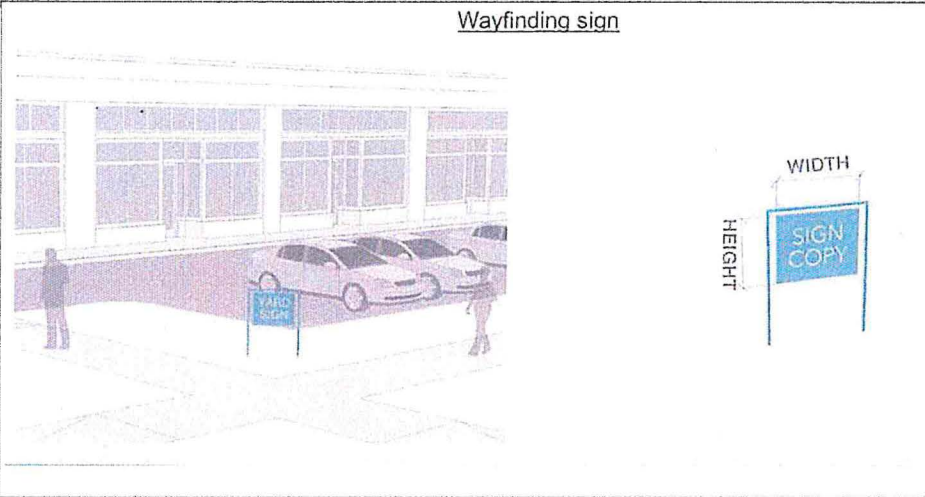


PROJECTING SIGN



WALL SIGN





([Ord. No. 20-10](#), § 2(Exh. A, § 7), 11-4-2020)

Sec. 4-873. - Landscape standards and guidelines.

(a) *Landscape in the public right-of-way.*

- (1) Due to the unique development standards of the Old U.S. 41 Redevelopment Zone within the city, landscape and buffering standards must be reviewed and approved according to these standards. In the event of conflicts with other sections of this zoning code, the provisions of this section shall take precedence and shall supersede other sections of this Land Development Code. However, the provisions of this section shall not be construed to take precedence over the state building code.
- (2) When a covered walkway along a building frontage or right-of-way is not provided, tall or medium trees or palms are required to establish continuous shade.
- (3) For buildings with shared walls or a zero side setback, landscaping is not required for that portion of the property line.
- (4) Unless specifically prohibited due to building design and location, building perimeter plantings will be required. Property owners or registered agents may apply for administrative relief, plant the trees and/or shrubs in decorative pots, or have landscaping relocated to a different portion of

the project site. Trees and shrubs required shall adhere to the species and sizes pursuant to Chapter 3 of the Comprehensive Plan.

- (5) Projects may receive administrative approval to reduce the width of required buffers and/or relocate required plantings on-site as part of the development order process.
- (6) Existing landscaping that does not comply with the provisions of this Code must be brought into conformity, to the maximum extent possible, when the building/site is modified or expanded, or the building has been vacant for a period of one year or more and a request for certificate of use for a new local business tax is made.

(b) *Landscape on private property.*

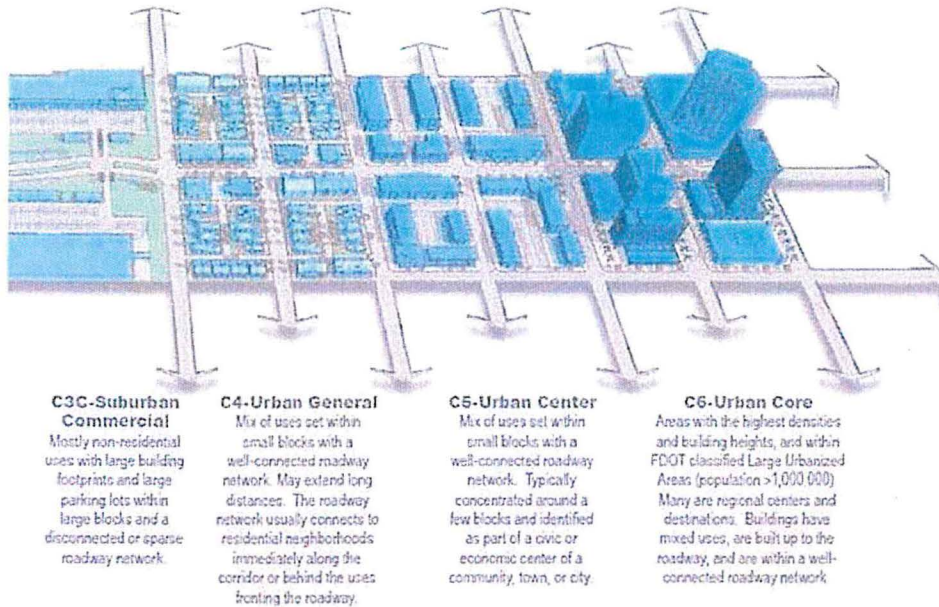
- (1) These landscape standards and guidelines apply to all projects within the Old U.S. 41 District area.
- (2) These landscape standards and guidelines apply to all areas of the site plan that are not covered under the streetscape and plaza design guidelines of the Land Development Code.
- (3) All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. (All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.)
- (4) Landscaped areas shall require protection from vehicular encroachment. Community development will inspect all landscaping and no certificates of occupancy and use or similar authorization will be issued unless the landscaping meets the requirements provided herein.
- (5) All landscaped areas shall provide an automatic irrigation water supply system or as an alternate, an irrigation system consistent with Florida friendly landscape plans, to the extent the irrigation plan conforms to the Florida Yards and Neighborhoods Program, as administered by the University of Florida Institute of Food and Agricultural Sciences.
- (6) The property owner, or his agent, shall be responsible for the maintenance of all onsite landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All existing and newly landscaped properties shall receive an initial landscape/irrigation inspection to ensure compliance with these standards and guidelines.

(Ord. No. 20-10, § 2(Exh. A, § 8), 11-4-2020)

Sec. 4-874. - Thoroughfare standards and guidelines.

(a) *Context classification.*

- (1) The Context Classification system, as developed by FDOT and described within the FDOT Complete Streets Manual, shall be adopted to identify place and guide streets and other transportation features, and to allow transportation to support adjacent land uses. See Figure 9.1-1 depicting context classification zones.
- (2) Streets shall be classified in accordance with the FDOT Context Classifications.



(b) *Street design.*

- (1) Design of local streets shall be guided by the Florida Greenbook, Chapter 19 Traditional Neighborhood Design.
- (2) Where a greenway of at least five feet exists, driveway approaches and curb cuts shall not be permitted to interrupt the sidewalks.
- (3) *Sidewalks.* Sidewalks shall be required on all street frontages in residential, nonresidential, commercial and industrial developments in accordance with standards established by the engineering division of the city's public works and facilities and the Florida Greenbook.
- (4) *Driveways and curb cuts.* Driveway, driveway approaches and curb cut requirements shall be as follows:
 - a. *Single-family residential types.* Driveway and curb cut widths for single-family residential types shall be a minimum of ten feet up to a maximum of 22 feet in width.
 - b. *Multifamily, mixed use and non-residential types.* Driveway and curb cut widths for multifamily and non-residential types shall be a minimum of 12 feet up to a maximum of 24 feet in width.
- (5) Driveway and curb cut spacing on a single property shall be a minimum of 42 feet with the following exception:
 - a. Lots less than 42 feet wide shall be exempt from driveway spacing requirements.

([Ord. No. 20-10](#), § 2(Exh. A, § 9), 11-4-2020)

Sec. 4-875. - Special assemblage plans.

- (a) The purpose of special assemblage plans is to allow parcels or groupings of multiple abutting parcels greater than two acres in size, and/ or multiple abutting parcels fronting Old 41, within the Downtown district to be master planned so as to allow greater integration of public and private improvements and infrastructure, to enable greater Thoroughfare connectivity, to encourage a variety of building types,

heights, and massing and streetscape design, and/or greater flexibility so as to result in higher or specialized quality building and tree preservation within the downtown to further the intent of this Code as expressed in section 4-866(a).

- (b) A special assemblage plan shall not alter the permitted uses listed in Table 3.1.1 for its transect zone, nor the density allocations outlined in section 4-869 that are based on those found within the comprehensive plan. The total acreage of the proposed special assemblage plan may be utilized for the purpose of calculating gross residential density. ~~The maximum density shall not be increased pursuant to a conversion of commercial floor area and/or any density bonus provisions, including, but not limited to, an affordable housing density bonus.~~ Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 0.5. The total acreage of a proposed mixed-use development may be utilized for the purpose of calculating commercial FAR.
- (c) General.
 - (1) The single or multiple owner(s) of abutting properties in excess of two acres, and/or multiple abutting parcels fronting Old 41, (excluding any separation by a public right-of-way) within the downtown district, may apply to the community development department for a special assemblage plan.
 - (2) A special assemblage plan shall include a map of any proposed new thoroughfares and any standards that deviate from requirements of the downtown form-based code.
 - (3) A special assemblage plan shall assign at least 12 percent of its aggregated lot area to civic open space. A civic building site may be located within or adjacent to the open space or at the axial termination of a significant thoroughfare. The developer shall be responsible for constructing the public improvements within the special assemblage plan, including but not limited to new and/or altered open spaces and thoroughfares.
 - (4) Development within the special assemblage plan shall be pursuant to a recorded development agreement that will establish the allocation of thoroughfares and open spaces and building areas, and the creation and retention of the public benefits.
 - (5) Unless a building is specifically approved as part of the special assemblage plan, any building shall be reviewed by the planning staff prior to issuance of a building permit.
 - (6) A Special assemblage plan may include:
 - a. Build-to-lines that differ from transect zone setback requirements.
 - b. A terminated vista location, requiring that the building be provided with architectural articulation of a type and character that responds to the location.
 - c. A (pedestrian) passage, requiring a minimum ten foot wide pedestrian access be reserved between buildings.
 - d. A preservation plan acceptable to the planning department for any historic resources in the area of the special assemblage plan.
 - (7) Additional design guidelines.
 - a. A parking management program that enables shared parking among public and private uses.
 - b. Assemblages shall contain a mix of building types. No building type shall be used more than three times unless treated with a different massing and facade.
 - c. Flexible allocation of development capacity and height, (excluding density) on individual sites within the special assemblage plan shall be allowed so long as the capacity or height distribution does not result in development that is out of scale or character with the surrounding area, and provides for appropriate transitions. Maximum allowable height of structures shall be limited to 60 feet. Allowable height shall be determined on a case-by-case basis subject to compatibility with surrounding properties and appropriate transition to lands located outside of the Terry Street subdistrict. For the purposes of this special assemblage

plan, height shall be measured as the vertical distance from 18" above the adjacent roadway to the eave line of the building.

(8) Procedure for approval.

- a. A pre-application meeting with city staff is required, prior to submitting an application for a special assemblage plan.
- b. Submittal requirements: The applicant shall provide a detailed site plan depicting the proposed layout, structure types, height, setbacks, open space, pedestrian/sidewalk locations, parking and vehicular use areas (including thoroughfares), transect boundaries, proposed density/intensity, and other applicable attributes that may be required by the city. The applicant shall additionally provide architectural renderings of the proposed building types throughout the site. These drawings shall be drawn to scale and shall provide elevations from all sides. The applicant shall also provide a boundary survey, a narrative that outlines the project, and a completed administrative action application for a special assemblage plan/special transect zone district plan.
- c. Review of documentation: Staff will have up to 20 business days to perform its review. The review clock will not start until all the documents outlined in 4-875(c)(8)a. have been provided by the applicant. If approved, staff will issue a letter of approval, which may include zoning, building, or development conditions. This letter, along with a copy of the approved documents and plans will go to city council to be ratified as a consent agenda item. If denied, staff will issue a letter that explains the reasons for denial. The applicant may appeal the decision in accordance with the Land Development Code.
- d. If approved by staff and ratified by city council, the applicant shall then go through the standard local development order/building permit process for the city.

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

Sec. 4-876. - Special transect zone districts.

- (a) Unless the property is owned by the city, special transect zone districts shall follow the regulations of 4-875(c)(8) for review and approval. In the event that the assemblage of property within the special transect district exceeds two acres, all standards in section 4-875: special assemblage plans, shall apply.

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

Sec. 4-877. - Procedures for review.

- (a) Design review meeting and submission requirements for the downtown district (~~Old U.S. 41 Redevelopment Urban Core~~):
 - (1) Excluding special assemblage plans and special transect zone district plans, if a project complies with all the requirements of this Code, it will be approved administratively by right.
 - (2) The review process is to help guide the planning and design of projects and buildings within the downtown district governed by the Table 2.1-1 Regulating Map (~~Urban Core of the Old U.S. 41 Corridor Redevelopment Area as defined in the master plan~~). The intent of the review is to strive to create a genuine downtown area with well-designed and sensible buildings that work together harmoniously, while the individual buildings themselves are different. The city's objective is to encourage high quality development that will be of benefit to its residents and others for generations to come. The purpose of the review is to encourage a design approach and product that is compatible with southwest Florida's cultural and geographical context. The design process should incorporate the natural and manmade environmental conditions, as well as the social and economic milieu that any development within or near the town center needs to accommodate.

The review is to encourage good design and good buildings that fit within the context of the downtown area.

- (3) Consistent with section 3-487(e) of the Land Development Code a reviewer will offer advice and recommendations concerning the applications for each specific development.
- (4) When any property owner has a project requiring new, rehabilitated or remodeled building within the downtown district the applicant must submit during the design phases of any project, including hardscape improvement designs proposed on any properties within the area, regardless of whether a building is involved (for example, the proposed layout of a parking lot).
- (5) The owner or authorized representative shall attend the review meeting if this is a major impact project. A review meeting may be needed for a minor impact project, depending on the submitted materials.
- (6) A minor-impact project is one that does not involve structural changes except replacement with identical materials. It can be accommodated by either an informal meeting or by providing the reviewer with simple illustrations, drawings, or diagrams that clearly indicate the intent of the design of the project in its relation to the streetscape. The reviewer can then determine whether a meeting is necessary. Examples of a minor impact project include the addition of a sign, an awning, replacing of windows or doors, or the repainting of a facade, or other such minor improvement to a building. An owner, or tenant, or a representative thereof, such as a sign company, awning company, graphics firm, etc., may make the presentation to the reviewer for the applicant, if needed.
- (7) All other projects not considered minor shall be deemed major impact projects. For any architectural projects determined to have a major impact, the Florida-licensed architect or engineer responsible for the design of the building or the project and its buildings shall make submissions and presentations to the reviewer. For a planning concept project, the Florida planner or planning entity, the Florida-licensee.

(Ord. No. 20-10, § 2(Exh. A, § 12), 11-4-2020)

Sec. 4-878. - Supplemental regulations/special topics.

(a) *Flood criteria and frontages.*

- (1) All new construction and major renovations shall be subject to the most current FEMA floodway information.
- (2) This may involve the raising of residential first floors above the required height, or flood-proofing of commercial spaces

(b) *Abandoned street ROWs.*

- (1) There are several abandoned right-of-ways within the downtown. All were at one time accessible vehicular streets
- (2) The city should make an effort to use these ROW's as opportunities for restoring connectivity within downtown. Not all may need to be restored as vehicular streets
 - a. Abandoned ROWs in areas of critical connectivity should be converted to vehicular streets
 - b. Abandoned ROWs which are greater than 300 feet (a typical block) in length should be converted to pedestrian and bicycle paths or linear parks
 - c. Abandoned ROWs which are un-important to the surrounding connectivity should be converted into pocket parks.

(c) *Abandoned alley ROWs.*

- (1) There are numerous blocks in downtown that once had rear alleyways

- a. The city should try to reactivate these alleys where possible
 - b. Developers should be encouraged to restore alleyways where possible
- (d) CSX ROW.
- (1) The existing rail line owned by CSX is an active right-of-way.
 - a. It is understood this ROW may be abandoned in the future. In this scenario, the city should use the ROW as a linear park and pedestrian/cycling path which connects.

(Ord. No. 20-10., § 2(Exh. A, § 13), 11-4-2020)

Sec. 4-879. - Definitions.

(a) *Definitions of building uses.*

Accessory building: an accessory dwelling with an accessory unit.

Accessory unit: means an apartment not greater than 800 square feet sharing ownership and utility connections with a principal building; it may or may not be within an accessory dwelling. See Table 10 and Table 17. (Syn: Ancillary unit).

Affordable housing: means dwellings consisting of rental or for-sale units that have a rent (including utilities) or mortgage payment typically no more than 30 percent of the income of families earning no more than 80 percent of median incomes by family size for the county. (Alt. definition: Rental or for-sale dwellings that are economically within the means of the starting salary of a local elementary school teacher.)

Allée: means a regularly spaced and aligned row of trees usually planted along a thoroughfare or path.

Apartment: means a residential unit sharing a building and a lot with other units and/or uses; may be for rent, or for sale as a condominium.

Arcade: means a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.

Attic: means the interior part of a building contained within a pitched roof structure.

Avenue (AV): means a thoroughfare of high vehicular capacity and low to moderate speed, acting as a short distance connector between urban centers, and usually equipped with a landscaped median.

Awning: means a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.

Backbuilding: means a single-story structure connecting a principal building to an accessory dwelling.

Base density: means the number of dwelling units per acre before adjustment for other functions and/or TDR. See *Density*.

Bed and breakfast: means an owner-occupied lodging type offering one to five bedrooms, permitted to serve breakfast in the mornings to guests.

Bicycle lane (BL): means a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping.

Block: means the aggregate of private lots, passages, rear alleys and rear lanes, circumscribed by thoroughfares.

Block face: means the aggregate of all the building facades on one side of a block.

Brownfield: means an area previously used primarily as an industrial site.

By right: means characterizing a proposal or component of a proposal that complies with the Code and is permitted and processed administratively, without public hearing. See *Warrant and special exception*.

Civic: means the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic building: means a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

Civic parking reserve: means parking structure or parking lot within a quarter-mile of the site that it serves.

Civic space: means an outdoor area dedicated for public use. Civic Space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enfronting buildings.

Civic zone: means designation for public sites dedicated for civic buildings and civic space.

Commercial: means the term collectively defining workplace, office, retail, and lodging functions.

Common yard: means a planted private frontage wherein the facade is set back from the frontage line. It is visually continuous with adjacent yards. See Table 7.

Configuration: means the form of a building, based on its massing, private frontage, and height.

Corridor: means a lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal transect zone.

Cottage: means an edgeyard building type. A single-family dwelling, on a regular lot, often shared with an accessory building in the back yard.

Cottage court: means an assemblage of cottages in which the site(s) can be master-planned in order to provide the common/shared courtyard at the front of the site.

Courtyard building: means a building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb: means the edge of the vehicular pavement that may be raised or flush to a swale. It usually incorporates the drainage system.

Density: means the number of dwelling units within a standard measure of land area.

Design speed: means is the velocity at which a thoroughfare tends to be driven without the constraints of signage or enforcement. There are four ranges of speed: Very low: (below 20 MPH); Low: (20—25 MPH); Moderate: (25—35 MPH); High: (above 35 MPH). Lane width is determined by desired design speed.

Developable areas: means lands other than those in the C-OS transect.

Disposition: means the placement of a building on its lot.

Dooryard: means a private frontage type with a shallow setback and front garden or patio, usually with a low wall at the frontage line. (Variant: Lightwell, light court.)

Drive: means a thoroughfare along the boundary between an urbanized and a natural condition, usually along a waterfront, park, or promontory. One side has the urban character of a thoroughfare, with sidewalk and building, while the other has the qualities of a road or parkway, with naturalistic planting and rural details.

Driveway: means a vehicular lane within a lot, often leading to a garage.

Edgeyard building: means a building that occupies the center of its lot with setbacks on all sides.

Effective parking: means the amount of parking required for mixed use after adjustment by the shared parking factor.

Effective turning radius: means the measurement of the inside turning radius taking parked cars into account.

Elevation: means an exterior wall of a building not along a frontage line.

Encroach: means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

Encroachment: means any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public frontage, or above a height limit.

Expression line: means a line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony. (Syn: Transition line).

Extension line: means a line prescribed at a certain level of a building for the major part of the width of a facade, regulating the maximum height for an encroachment by an arcade frontage.

Facade: means the exterior wall of a building that is set along a frontage line. See *Elevation*.

Forecourt: means a private frontage wherein a portion of the facade is close to the frontage line and the central portion is set back.

Frontage: means the area between a building facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.

Frontage line: means a lot line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lot lines.

Function: means the use or uses accommodated by a building and its lot, categorized as restricted, limited, or open, according to the intensity of the use.

Gallery: means a private frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.

Green: means a civic space type for unstructured recreation, spatially defined by landscaping rather than building frontages.

Greenfield: means an area that consists of open or wooded land or farmland that has not been previously developed.

Greenway: means an open space corridor in largely natural conditions which may include trails for bicycles and pedestrians.

Greyfield: means an area previously used primarily as a parking lot. Shopping centers and shopping malls are typical greyfield sites. (Variant: Grayfield).

Highway: means a rural and suburban thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural transect zones (T-1, T-2, and T-3).

Home occupation: means non-retail commercial enterprises. The work quarters should be invisible from the frontage, located either within the house or in an accessory dwelling. Permitted activities are defined by the restricted office category.

House: means an edgeyard building type, usually a single-family dwelling on a large lot, often shared with an accessory building in the back yard. (Syn: Single).

Infill: means noun new development on land that had been previously developed, including most greyfield and brownfield sites and cleared land within urbanized areas. (Verb—to develop such areas).

Inn: means a lodging type, owner-occupied, offering six to 12 bedrooms, permitted to serve breakfast in the mornings to guests.

Layer: means a range of depth of a lot within which certain elements are permitted.

Linear pedestrian shed: means a pedestrian shed that is elongated along an important mixed use corridor such as a main street. A linear pedestrian shed extends approximately ¼ mile from each side of the corridor for the length of its mixed use portion. The resulting area is shaped like a lozenge. (Syn: Elongated pedestrian shed).

Liner building: means a building specifically designed to mask a parking lot or a parking structure from a frontage.

Live-work: means a mixed use unit consisting of a commercial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry. See *Work-live*. (Syn: Flexhouse).

Lodging: means premises available for daily and weekly renting of bedrooms.

Lot: means a parcel of land accommodating a building or buildings of unified design. The size of a lot is controlled by its width in order to determine the grain (i.e., fine grain or coarse grain) of the urban fabric.

Lot line: means the boundary that legally and geometrically demarcates a lot.

Lot width: means the length of the principal frontage line of a lot.

Main civic space: means the primary outdoor gathering place for a community. The main civic space is often, but not always, associated with an important civic building.

Manufacturing: means premises available for the creation, assemblage and/or repair of artifacts, using table-mounted electrical machinery or artisanal equipment, and including their retail sale.

Marquee: means a metal or wood protective projection usually over a building entrance or storefront. (Syn: Canopy).

Meeting hall: means a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of ten square feet per projected dwelling unit within the pedestrian shed in which it is located.

Mixed use: means multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by warrant.

Mobile food vendor: means a person or business selling foods other than fresh fruits or vegetables from a mobile food vehicle, mobile food cart or food stand.

Mobile food vendor park: means a site approved through a special exception to allow for permanent location for three or more mobile food vehicles. Such sites must include required infrastructure and public seating for all vehicles serving in the park.

Net site area: means all developable land within a site including thoroughfares but excluding land allocated as civic zones.

Office: means premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Open space: means land intended to remain undeveloped; it may be for civic space.

Park: means a civic space type that is a natural preserve available for unstructured recreation.

Parking structure: means a building containing one or more stories of parking above grade.

Passage (PS): means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.

Path (PT): means a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space, ideally connecting directly with the urban sidewalk network.

Pedestrian shed: means an area that is centered on a common destination. Its size is related to average walking distances for the applicable community unit type. Pedestrian sheds are applied to structure communities. (Syn: Walkshed, walkable catchment).

Planter: means the element of the public frontage which accommodates street trees, whether continuous or individual.

Plaza: means a civic space type designed for civic purposes and commercial activities in the more urban transect zones, generally paved and spatially defined by building frontages.

Principal building: means the main building on a lot, usually located toward the frontage.

Principal entrance: means the main point of access for pedestrians into a building.

Principal frontage: means on corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. Prescriptions for the parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner lot. See *Frontage*.

Private frontage: means the privately held layer between the frontage line and the principal building facade.

Public frontage: means the area between the curb of the vehicular lanes and the frontage line.

Rear alley (RA): means a vehicular way located to the rear of lots providing access to service areas, parking, and accessory dwellings and containing utility easements. Rear alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear lane (RL): means a vehicular way located to the rear of lots providing access to service areas, parking, and accessory dwellings and containing utility easements. Rear lanes may be paved lightly to driveway standards. The streetscape consists of gravel or landscaped edges, has no raised curb, and is drained by percolation.

Rearyard building: means a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. (Var: Rowhouse, townhouse, apartment house).

Recess line: means a line prescribed for the full width of a facade, above which there is a stepback of a minimum distance, such that the height to this line (not the overall building height) effectively defines the enclosure of the enfronting public space. (Var: Extension line).

Regulating plan: means a zoning map or set of maps that shows the transect zones, civic zones, special districts if any, and special requirements if any, of areas subject to, or potentially subject to, regulation by the Code.

Residential: means characterizing premises available for long-term human dwelling.

Retail: means characterizing premises available for the sale of merchandise and food service.

Retail frontage: means frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use. See *Special requirements*.

Road (RD): means a local, rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural transect zones (T3).

Rowhouse: means a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line. See *Rearyard building*. (Syn: Townhouse, single-family attached).

Secondary frontage: means on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.

Setback: means the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures. (Var: Build-to-line).

Shared parking factor: means an accounting for parking spaces that are available to more than one function.

Shall: means indicates code standards which are regulatory in nature. Deviations from these standards shall only be permitted by variance or special exception.

Shopfront: means a private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

Should: means indicated code standards which are encouraged and recommended but not mandatory.

Sidewalk: means the paved section of the public frontage dedicated exclusively to pedestrian activity.

Sideyard building: means a building that occupies one side of the lot with a setback on the other side. This type can be a single or twin depending on whether it abuts the neighboring house.

Special district (SD): means an area that, by its intrinsic function, disposition, or configuration, cannot or should not conform to one or more of the normative community unit types or transect zones specified by the SmartCode. Special districts may be mapped and regulated at the regional scale or the community scale.

Special exception: means a ruling that would permit a practice that is not consistent with either a specific provision or the intent of this Code. Special exceptions are usually granted by the board of appeals in a public hearing.

Special flood hazard area: means a designation by the Federal Emergency Management Agency (FEMA) that may include the V (velocity) zones and coastal A zones where building construction is forbidden, restricted, or contingent upon raising to the base flood elevation.

Square: means a civic space type designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally disposed.

Standard pedestrian shed: means a pedestrian shed that is an average ¼ mile radius or 1,320 feet, about the distance of a five-minute walk at a leisurely pace. See *Pedestrian shed*.

Stepback: means a building setback of a specified distance that occurs at a prescribed number of stories above the ground.

Stoop: means a private frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Story: means a habitable level within a building, excluding an attic or raised basement.

Street (ST): means a local urban thoroughfare of low speed and capacity.

Streetscreen: means a freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: Streetwall).

Substantial modification: means alteration to a building that is valued at more than 50 percent of the replacement cost of the entire building, if new.

Swale: means a low or slightly depressed natural area for drainage.

T-zone: means transect zone.

TDR: means transfer of development rights, a method of relocating existing zoning rights from areas to be preserved as open space to areas to be more densely urbanized

Terminated vista: means a location at the axial conclusion of a thoroughfare. A building located at a terminated vista designated on a regulating plan is required or recommended to be designed in response to the axis.

Thoroughfare: means a way for use by vehicular and pedestrian traffic and to provide access to lots and open spaces, consisting of vehicular lanes and the public frontage.

Townhouse: means See *Rearyard building*. (Syn: Rowhouse).

Transect: means a cross-section of the environment showing a range of different habitats. The rural-urban transect of the human environment used in the SmartCode template is divided into six transect zones. These zones describe the physical form and character of a place, according to the density and intensity of its land use and urbanism.

Transect zone (T-zone): means one of several areas on a zoning map regulated by the SmartCode. Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and public frontage.

Turning radius: means the curved edge of a thoroughfare at an intersection, measured at the inside edge of the vehicular tracking. The smaller the turning radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Two-family dwelling: means two residential units sharing a single lot and having the massing, appearance, and setbacks of a single-family dwelling and where each unit is assigned its own yard space. These units can be attached side-by-side, sharing a party wall, or occur one above the other. (Syn: Duplex, two-family attached).

Warrant: means a ruling that would permit a practice that is not consistent with a specific provision of this Code, but that is justified by its intent. Warrants are usually granted administratively by the city.

Work-live: means a mixed use unit consisting of a commercial and residential function. It typically has a substantial commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. See *Live-work*. (Syn: Live-with).

Yield: means characterizing a thoroughfare that has two-way traffic but only one effective travel lane because of parked cars, necessitating slow movement and driver negotiation. Also, characterizing parking on such a thoroughfare.

Zoning map: means the official map or maps that are part of the zoning ordinance and delineate the boundaries of individual zones and districts. See *Regulating plan*.

(Ord. No. 20-10, § 2(Exh. A, § 14), 11-4-2020

4-880: Color Palette

Color Palette Based on Sherwin Williams Exterior Coastal Colors for Southern Shores and Beaches and the following additional pastel colors as approved by City Council.

	<u>Body</u>	<u>Trim</u>	<u>Accent</u>
<u>Set No. 1</u>	<u>Festoon Aqua</u> <u>SW 0019</u>	<u>Polar Bear</u> <u>SW 7564</u>	<u>Sassy Green</u> <u>SW 6416</u>
<u>Set No. 2</u>	<u>Bee's Wax</u> <u>SW 7682</u>	<u>Pure White</u> <u>SW 7005</u>	<u>Virtual Taupe</u> <u>SW 7039</u>
<u>Set No. 3</u>	<u>Chrysanthemum</u> <u>SW 6347</u>	<u>Buff</u> <u>SW 7683</u>	<u>Underseas</u> <u>SW 6214</u>
<u>Set No. 4</u>	<u>Banana Cream</u> <u>SW 6673</u>	<u>Extra White</u> <u>SW 7006</u>	<u>Roycroft Brass</u> <u>SW 2843</u>
<u>Set No. 5</u>	<u>Repose Gray</u> <u>SW 7015</u>	<u>Pure White</u> <u>SW 7005</u>	<u>Indigo Batik</u> <u>SW 7602</u>
<u>Set No. 6</u>	<u>Rain</u> <u>SW 6219</u>	<u>Nantucket Dune</u> <u>SW 7527</u>	<u>Homestead Brown</u> <u>SW 7515</u>
<u>Set No. 7</u>	<u>Neutral Ground</u> <u>SW 7568</u>	<u>Urban Putty</u> <u>SW 7532</u>	<u>St. Bart's</u> <u>SW 7614</u>
<u>Set No. 8</u>	<u>Rustic Adobe</u> <u>SW 7708</u>	<u>Canvas Tan</u> <u>SW 7531</u>	<u>Oakmoss</u> <u>SW 6180</u>
<u>Set No. 9</u>	<u>Concord Buff</u> <u>SW 7684</u>	<u>Greek Villa</u> <u>SW 7551</u>	<u>Artifact</u> <u>SW 6138</u>
<u>Set No. 10</u>	<u>Creamy</u> <u>SW 7012</u>	<u>Tawny Tan</u> <u>SW 7713</u>	<u>Riverway</u> <u>SW 6222</u>
<u>Set No. 11</u>	<u>Cottage Cream</u> <u>SW 7678</u>	<u>Dover White</u> <u>SW 6385</u>	<u>Distance</u> <u>SW 6243</u>
<u>Set No. 12</u>	<u>Oyster Bay</u> <u>SW 6206</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Harvester</u> <u>SW 6373</u>
<u>Set No.13</u>	<u>Koi Pond</u> <u>SW 7727</u>	<u>Alabaster</u> <u>SW 7008</u>	<u>Tea Chest</u> <u>SW 6103</u>

<u>Set No. 14</u>	<u>Classic Sand</u> <u>SW 0056</u>	<u>Modern Gray</u> <u>SW 7632</u>	<u>Classic French Gray</u> <u>SW 0077</u>
<u>Set No. 15</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Townhall Tan</u> <u>SW 7690</u>	<u>Garden Spot</u> <u>SW 6432</u>
<u>Set No. 16</u>	<u>Dockside Blue</u> <u>SW 7601</u>	<u>Extra White</u> <u>SW 7006</u>	<u>Restoration Ivory</u> <u>SW 6413</u>
<u>Set No. 17</u>	<u>Natural</u> <u>SW 7542</u>	<u>Classic Light Buff</u> <u>SW 0050</u>	<u>Sealskin</u> <u>SW 7675</u>
<u>Set No. 18</u>	<u>Gray Clouds</u> <u>SW 7658</u>	<u>Reflection</u> <u>SW 7661</u>	<u>Rocky River</u> <u>SW 6215</u>
<u>Set No. 19</u>	<u>Cavern Clay</u> <u>SW 7701</u>	<u>Bittersweet Stem</u> <u>SW 7536</u>	<u>Fiery Brown</u> <u>SW 6055</u>
<u>Set No. 20</u>	<u>Honeycomb</u> <u>SW 6375</u>	<u>Crisp Linen</u> <u>SW 6378</u>	<u>Saguaro</u> <u>SW 6419</u>
<u>Set No. 21</u>	<u>Crème</u> <u>SW 7556</u>	<u>Tatami Tan</u> <u>SW 6116</u>	<u>Urbane Bronze</u> <u>SW 7048</u>
<u>Set No. 22</u>	<u>Ecru</u> <u>SW 6135</u>	<u>Burlap</u> <u>SW 6137</u>	<u>Polished Mahogany</u> <u>SW 2838</u>
<u>Set No. 23</u>	<u>Meadowlark</u> <u>SW 7522</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Earthen Jug</u> <u>SW 7703</u>
<u>Set No. 24</u>	<u>Lanyard</u> <u>SW 7680</u>	<u>Navajo White</u> <u>SW 6126</u>	<u>Rocky River</u> <u>SW 6215</u>
<u>Pastel 1</u>	<u>Elder White</u> <u>SW 7014</u>	<u>Pastel 6</u>	<u>Watery</u> <u>SW 6478</u>
<u>Pastel 2</u>	<u>Lei Flower</u> <u>SW 6613</u>	<u>Pastel 7</u>	<u>Aloe</u> <u>SW 6464</u>
<u>Pastel 3</u>	<u>Hearts of Palm</u> <u>SW 6415</u>	<u>Pastel 8</u>	<u>Comfort Gray</u> <u>SW 6205</u>
<u>Pastel 4</u>	<u>Jonquil</u> <u>SW 6674</u>	<u>Pastel 9</u>	<u>Fawn Brindle</u> <u>SW 7640</u>

<u>Pastel 5</u>	<u>Accessible Beige</u> <u>SW 7036</u>	<u>Pastel 10</u>	<u>Blissful Blue</u> <u>SW 6527</u>
-----------------	---	------------------	--

Secs. 4-881—4-885. - Reserved.

Sec. 4-1023. - Sale or service for on-premises consumption.

(a) *Approval required.* The sale or service of alcoholic beverages for consumption on the premises is not permitted until the location has been approved by the city as follows:

(1) *Administrative approval.* The director of the department of community development may administratively approve the sale or service of alcoholic beverages for consumption on the premises when in conjunction with the following uses, if the proposed use satisfies the requirements set forth in this division. When circumstances so warrant, the director may determine administrative approval is not the appropriate action and that the applicant must instead apply for approval as a special exception. Such circumstances may include the previous denial by the director or by a hearing board of a similar use at that location, the record of public opposition to a similar use at that location, and similar circumstances. When the director has approved a request for consumption on the premises at a location where the actual building has not been constructed, the director may not approve another request for consumption on the premises within one year's time, which could potentially violate the distance requirements. If the first building is completed within less than one year, and it can be shown the second use would not violate the prescribed distance requirements, the director may approve the second location subject to all other requirements contained in this division.

- a. Bars, cocktail lounges, or night clubs located in commercial and industrial zoning districts that permit bars, cocktail lounges or night clubs; provided the standards set forth in subsections (b)(1) and (3) of this section are met;
- b. Bowling alleys; provided the standards set forth in subsections (b)(2)a and (b)(3) of this section are met;
- c. Clubs and fraternal or membership organizations located in commercial and industrial zoning districts, where permitted; provided the standards set forth in subsections (b)(2)f and (b)(3) of this section are met;
- d. Cocktail lounges in golf course, tennis clubs or indoor racquetball clubs; provided the standards set forth in subsections (b)(2)d and e and (b)(3) of this section are met;
- e. Hotels/motels; provided the standards set forth in subsections (b)(2)c and (b)(3) of this section are met;
- f. Restaurants Groups II, III and IV, and restaurants with brew pub license requirements; provided the standards set forth in subsections (b)(2)b and (b)(3) of this section are met; and
- g. Charter, party fishing boat or cruise ship; provided the standards of section (b)(3) are met. The COP approval is specific to the charter, party fishing boat or cruise ship operating from a specific location and does not run with the land nor is it transferrable.

(2) *Special exception.*

- a. A special exception for consumption on the premises is required for:

1. Any establishment not covered by subsection (a)(1) of this section; or
 2. Any establishment which provides outdoor seating areas for its patrons consuming alcoholic beverages; except a Group II, III or IV restaurant may have outdoor seating approved administratively; provided the outdoor seating area is not within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership.
 - b. The burden of proof that the grant of the special exception will not have an adverse affect on surrounding properties lies with the applicant.
 - c. A single special exception for consumption on the premises for a shopping center in a conventional zoning district is sufficient to permit consumption on the premises in every restaurant that exists or may be established within the center.
- (3) *Planned developments and planned unit developments.*
- a. No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on the master concept plan and is included on the schedule of uses.
 - b. If consumption on the premises is shown as a permitted use on the approved schedule of uses for a shopping center, no administrative approval for consumption on the premises is required for restaurants within the center.
 - c. Consumption on the premises for other uses within planned developments and planned unit developments require administrative approval or a special exception.
- (4) Old U.S. 41 redevelopment urban core Downtown District. The sale or service of alcoholic beverages for consumption on the premises in the Old U.S. 41 Redevelopment Urban Core Downtown District is regulated as follows:
- a. Administrative approval is necessary for indoor consumption on premises associated with a Bed and Breakfast ~~tavern or microbrewery~~. A special exception is required for consumption on premises in associated outdoor seating areas for these establishments. These establishments are not subject to the location standards set forth in subsection (b)(2) and (b)(3).
 - b. Administrative approval is required for consumption on premises in indoor and outdoor seating areas associated with restaurants, Groups II—IV; breweries, taverns, bars and cocktail lounges within the T5-Core, T5, SD-DID, and SD-IRD Transects. These establishments are not subject to the location standards set forth in subsection (b)(2).
 - c. All other uses and establishments not explicitly listed above that propose consumption on premises within the urban core Downtown District's Regulating Plan are subject to applicable approval process as set forth in this section.
- (b) *Location and parking.*
- (1) *Prohibited locations.*
- a. Except as may be exempted in subsections (a)(1) or (b)(2) of this section, no establishment for the sale or service of alcoholic beverages for consumption on the premises may be located within 500 feet of:
 1. A religious facility, school (noncommercial), day care center (child) or park;
 2. A dwelling unit under separate ownership, except when approved as part of a planned development; or
 3. Another establishment primarily engaged in the sale of alcoholic beverages for consumption on the premises, excluding those uses listed under subsection (b)(2) of this section. Distance must be measured from any public entrance or exit of the establishment in a straight line to the nearest property line of the religious facility, school (noncommercial), day care center

(child), dwelling unit or park, or to the closest public entrance or exit of any other establishment primarily engaged in the sale of alcoholic beverages.

- b. Where an establishment for the sale of alcoholic beverages is located in conformity with the provisions of this subsection, and a religious facility, school (noncommercial), day care center (child), park or dwelling unit is subsequently established in the proximity of the existing establishment, then the separation requirements will not apply.
- (2) *Exceptions to location standards.* Exceptions to location standards are as follows:
- a. Bowling alleys, provided that:
 1. There are no signs, or other indication visible from the outside of the structure concerned, that beer or wine or other malt and vinous beverages are served;
 2. The bowling alley is in a fully air conditioned building with at least 10,000 square feet of floor space under one roof and where both uses are owned by the same entity;
 3. The building contains at least 12 alleys available for bowling. The facilities for the service of food and beverages must be in an area separate from the alleys. The facility for the service of food and beverages must contain at least 2,000 square feet of usable floor space and must accommodate at least 60 patrons at tables; and
 4. The building is at least 500 feet, measured as provided in this subsection, from the uses described in subsections (b)(1)a.1 and (2) of this section.
 - b. Restaurants Groups II, III and IV; provided:
 1. The restaurant is in full compliance with state requirements;
 2. The restaurant serves cooked, full-course meals, prepared daily on the premises; and
 3. Only a service bar is used and the sale or service of alcoholic beverages is only to patrons ordering meals, or, if the restaurant contains a cocktail lounge for patrons waiting to be seated at dining tables, the lounge must be located so that there is no indication from the outside of the structure that the cocktail lounge is within the building.
 - c. Hotels/motels; provided that:
 1. The hotel/motel contains at least 100 guest rooms under the same roof and that nightclubs, cocktail lounges or bars are located within the hotel or motel and under the same roof; and
 2. The exterior of the building must not have storefronts or give the appearance of commercial or mercantile activity visible from the highways.

If the use contains windows visible from the highway, the windows must be of fixed, obscure glass. Access to the nightclub, cabaret, cocktail lounge, or bar must be through the lobby. Additional entrances are not permitted unless the additional entrance or door opens into an enclosed courtyard or patio. The additional entrance may not be visible from the street. A fire door or exit is permitted so long as the door or exit is equipped with panic type hardware and is maintained in a locked position, except in an emergency.
 - d. Golf course clubhouses; provided that:
 1. The golf course consists of at least nine holes, a clubhouse, locker rooms and attendant golf facilities, and comprises in all at least 35 acres of land.
 2. Failure of the club to maintain the golf course, clubhouse and golf facilities will automatically terminate the privilege of the cocktail lounge and sale of beer from the refreshment stands.
 - e. Tennis clubs and indoor racquetball clubs; provided that the club is chartered or incorporated or owns or leases and maintains a bona fide tennis club or four-wall indoor racquetball club consisting of not less than:
 1. Ten regulation-size tennis courts;
 2. Ten regulation-size four-wall indoor racquetball courts;

3. A combination of tennis courts and four-wall indoor racquetball courts numbering ten; or
4. Clubhouse facilities, pro shop, locker rooms and attendant tennis or racquetball facilities, all located on an abutting tract of land owned or leased by the club.

There may be no signs or other indications visible from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

f. Clubs and fraternal or membership organizations provided:

1. The club or organization conforms to all the requirements of F.S. ch. 561 and other applicable state laws; and
2. There are no signs or other indications visible from the exterior of the clubhouse, building or structure that alcoholic beverages are served.

- (3) *Parking.* Restaurants providing alcoholic beverages for consumption on the premises must comply with the parking requirements set forth in section 4-1732(2)l. Any bar or cocktail lounge must provide parking in accordance with section 4-1732(2)e. All other uses must meet the parking requirements of the principal use. Parking for consumption on the premises in the Old U.S. 44 redevelopment urban core Downtown District is subject to the provisions of LDC sSection 4-870.

(c) *Procedure for approval.*

(1) *Administrative approval.*

a. *Application.* An applicant for a consumption on the premises permit must submit the following information on the form provided by the city:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the owner of the premises, if not the applicant.
3. A notarized authorization from the property owner to apply for the permit.
4. Location by STRAP and street address.
5. Type of state liquor license being requested.
6. A site plan, drawn to scale, showing:
 - (i) The property in question, including all buildings on the property and adjacent property.
 - (ii) Entrances to and exits from the building to be used by the public.
 - (iii) A parking plan, including entrances and exits.
 - (iv) The floor area of the building and proposed seating capacity. If a restaurant is proposing a bar or lounge for patrons waiting to be seated in the restaurant, the floor area and seating area of the lounge must be shown in addition to the restaurant seating area.
7. A city map marked to indicate all property within 500 feet of the building to be used for consumption on the premises.
8. A notarized affidavit executed by the applicant indicating that no religious facilities, day care centers (child), noncommercial schools, dwelling units or parks are located within 500 feet of the building.

b. *Findings by director.* Prior to permit approval, the director must conclude all applicable standards have been met. In addition, the director must make the following findings of fact:

1. There will be no apparent deleterious effect upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises.
2. The premises are suitable in regard to their location, site characteristics and intended purpose. Lighting must be shuttered and shielded from surrounding properties.

(2) *Special exception.*

- a. Applications for special exception must be submitted on forms supplied by the city and must contain the same information required for administrative approval.

- b. Advertisements and public hearings must be conducted in accordance with the requirements set forth in article II of this chapter.
- (d) *Temporary one-day permit.*
 - (1) *Intent; applicability.*
 - a. It is the intent of this subsection to require nonprofit and for-profit organizations and establishments to obtain a one-day temporary alcoholic beverage permit for the sale of alcoholic beverages at the specific location where an event is held. This subsection pertains to, but is not necessarily limited to, the following uses:
 - 1. Grand openings or open houses at residential, commercial or industrial developments;
 - 2. Special outdoor holiday or celebration events at bars and restaurants;
 - 3. Weddings and other special occasions at clubhouses;
 - 4. Political rallies or events;
 - 5. Block parties; and
 - 6. Carnivals.
 - b. Only 12 temporary alcoholic beverage permits may be issued per year to a specific location. If more than 12 permits are sought per year for a specific location, then the location must obtain a permanent alcoholic beverage special exception. If the event for which the temporary alcoholic beverage permit is sought continues for longer than one day, the applicant may petition the director for an extended permit. A temporary alcoholic beverage permit may not be issued for more than three days.
 - (2) *Procedure for approval.*
 - a. Any owner, lessee or tenant seeking approval for consumption on the premises for a temporary alcoholic beverage permit, must submit a written request to the department of community development. The written request must include:
 - 1. The name and address of the applicant;
 - 2. A general description of the exact site where alcoholic beverages are to be sold and consumed;
 - 3. The type of alcoholic beverages to be sold and consumed; and
 - 4. A fee in accordance with the adopted fee schedule.
 - b. The director will render a final decision within ten working days. The decision will be in the form of approval, approval with conditions or denial. The director may forward the request to other appropriate agencies for comment.
 - c. The city council will review all requests for temporary alcoholic beverage permits where an event will run longer than three days. Under no circumstances will a temporary alcoholic beverage permit be issued for more than ten days.
- (e) *Expiration of approval.* After the following time periods, the administrative or special exception approval of a location for the sale and consumption of alcoholic beverages on the premises granted in accordance with this section will expire and become null and void:
 - (1) In the case of an existing structure, the approval will expire six months from the date of approval, unless, within that period of time, operation of the alcoholic beverage establishment has commenced. For purposes of this subsection, the term "operation" is defined as the sale of alcoholic beverages in the normal course of business.
 - (2) In the case of a new structure, the approval will expire one year from the date of approval unless, within that period of time, operation of the alcoholic beverage establishment has commenced. The director may grant one extension of up to six months, if construction is substantially complete.
- (f) *Transfer of permit.* Alcoholic beverage permits, excluding permits for bottle clubs and as noted in section 4-1023(a)(1)i, issued by virtue of this section is a privilege running with the land. Sale of the

real property will automatically vest the purchaser with all rights and obligations originally granted to or imposed on the applicant. The privilege may not be separated from the fee simple interest in the realty.

- (g) *Expansion of area designated for permit.* The area designated for an alcoholic beverage permit may not be expanded without filing a new application for an alcoholic beverage permit in accordance with the requirements contained in this chapter. The new application must cover both the existing designated area as well as the proposed expanded area. All areas approved must be under the same alcoholic beverage permit and subject to uniform rules and regulations.
- (h) *Nonconforming establishments.*
 - (1) *Expansion.* A legally existing establishment engaged in the sale or service of alcoholic beverages made nonconforming by reason of the regulations contained in this section may not be expanded without a special exception. The term "expansion," as used in this subsection, includes the enlargement of space for the use and uses incidental thereto, the expansion of a beer and wine bar to include intoxicating liquor, as that term is defined by the Florida Statutes, and the expansion of a bar use to a nightclub use. Nothing in this subsection may be construed as an attempt to modify any prohibition or diminish any requirement of state law.
 - (2) *Abandonment.* Any uses, created and established in a legal manner, which thereafter become nonconforming, may continue until there is an abandonment of the permitted location for a continuous six-month period. For purposes of this subsection, the term "abandonment" means failure to use the location for consumption on the premises purposes as authorized by the special exception, administrative approval, or other approval. Once a nonconforming use is abandoned, it cannot be reestablished, unless it conforms to the requirements of this chapter, and new permits are issued.
- (i) *Revocation of permit or approval.*
 - (1) City council has the authority to revoke an alcoholic beverage special exception, administrative approval, or other approval upon any of the following grounds:
 - a. A determination that an application for special exception or administrative approval contains knowingly false or misleading information.
 - b. Violation by the permit holder of any provision of this chapter, or violation of any state statute which results in the revocation of the permit holder's state alcoholic beverage license by the state alcoholic beverage license board or any successor regulatory authority.
 - c. Repeated violation of any city ordinance at the location within the 12-month period preceding the revocation hearing.
 - d. Failure to renew a state liquor license, or written declaration of abandonment by the tenant and owner of the premises if under lease, or by the owner himself if not under lease.
 - e. Abandonment of the premises. An establishment which continually maintains (renews) its state liquor license, even though it has suspended active business with the public, will not be deemed to have been abandoned for purposes of this subsection.
 - f. Violation by the permit holder of any condition imposed upon the issuance of the special exception or administrative approval.
 - g. Violation of any of the minimum standards of the special exception.
 - (2) Prior to revoking an administrative approval, special exception, or other approval for alcoholic beverages, the city council must conduct a public hearing at which the permit holder may appear and present evidence and testimony concerning the proposed revocation. At the hearing, the city council may revoke the permit if a violation described in this subsection is established by a preponderance of the evidence. The permit holder must be notified of the grounds upon which revocation is sought prior to any hearing, and must be given notice of the time and place of the hearing in the same manner as set forth in article II of this chapter.

- (3) When an alcoholic beverage permit is revoked in accordance with the terms of this subsection, the city may not consider a petition requesting an alcoholic beverage permit on the property for a period of 12 months from the date of final action on the revocation.
 - (4) Upon written demand of the city council, any owner or operator of an establishment with a COP license must make, under oath, a statement itemizing the percentage of his gross receipts from the sale of alcoholic beverages. Failure to comply with the demand within 60 days of the demand date is grounds for revocation of the special exception, administrative approval, or other approval.
- (j) *Appeals.* All appeals of decisions by the director must be in accordance with the procedures set forth in article II or article III of this chapter for appeals of administrative decisions.
- (k) *Bottle clubs.*
- (1) All bottle clubs operating under a valid special permit are deemed nonconforming on the effective date of the ordinance from which this section is derived.
 - (2) All nonconforming bottle clubs must discontinue their use no later than 12 months from the effective date of the ordinance from which this section is derived.
 - (3) No new bottle clubs will be allowed in any zoning district. This subsection supersedes and repeals any existing city regulations in conflict herewith.

(Ord. No. 11-02, § 3(4-1264), 1-19-2011; Ord. No. [16-19](#), § 1, 12-7-2016)

Sec. 4-1218. - Permissible wireless facility locations.

Wireless communications facility may be permitted only as indicated below and in accordance with the provisions of this chapter. Regardless of the process required, the applicant must comply with all applicable submittal, procedural and substantive provisions of this chapter. Variances or deviations from the requirements of this division may be granted only in accordance with the requirements of section 4-1225 for a variance.

- (1) Antenna supporting structures shall only be approved in the locations and through the process indicated in Table 4-1221.
- (2) Broadcast antenna-supporting structures in excess of 25 feet will only be allowed within an agricultural zoning district by special exception and must address the requirements of section 4-1225. Broadcast studios are not allowed in the agricultural zoning district and must comply with all other applicable zoning and development regulations.
- (3) All antennas proposed to be mounted on existing buildings or structures as the first wireless communications antenna placement on the building or structure and their ancillary appurtenances and equipment enclosures, require administrative review as set forth in section 4-1219(c).
- (4) Wireless communications facilities are prohibited in wetlands.
- (5) Wireless communications facilities are prohibited in the density reduction groundwater resource (DRGR) future land use areas, environmentally critical zoning districts and the ~~Old 41 Redevelopment Overlay~~ Downtown District, except for:
 - a. Stealth wireless communication facilities;
 - b. Surface-mounted and flush-mounted antennas on existing buildings or structures;
 - c. Collocations on existing facilities.

The design of any facility proposed in these areas must be reviewed in accordance with the provisions of sections 4-1219 and 4-1221.

- (6) Stealth wireless communications facilities must apply for administrative review as set forth in section 4-1219(c).

- (7) Collocations on an antenna-supporting structure that increases the overall height of the existing structure, but do not increase the height above the applicable height allowed by Table 4-1221, must apply for a special exception review. Collocations that increases the overall height of the existing building or non-antenna-supporting structure or, for collocations on an existing antenna-supporting structure, increase the overall height above the applicable height allowed by Table 4-1221 must apply for a variance review in accordance with the requirements of section 4-1225. The variance shall be to review only the increase in height, not the antenna placement itself, the ancillary appurtenances that do not increase the height or the equipment enclosures.

(Ord. No. 03-15; Ord. No. 11-02, § 3(4-1444), 1-19-2011; Ord. No. 15-07, § 1, 3-18-2015)

Sec. 4-1221. - Development regulations.

- (a) The development regulations set forth herein apply to all wireless communications facilities as indicated.

- (1) Where permissible, antenna-supporting structures.

TABLE 4-1221. PERMISSIBLE TOWER HEIGHTS, TYPES, LOCATIONS AND APPLICABLE REVIEW PROCESS

Land Use (Notes 1, 2, 3)	Tower Type	Maximum Overall Height Allowed by Administrative Approval	Overall Height Allowed by Special Exception (Note 4)
Residential	Stealth	35 feet	35.1 feet—75 feet
	Camouflaged	35 feet	35.1 feet—75 feet
Commercial	Stealth	75 feet	75.1 feet—125 feet
	Camouflaged	65 feet	65.1 feet—110 feet
	Monopole	50 feet	50.1 feet—75 feet
Industrial	Stealth	100 feet	100.1 feet—149 feet
	Camouflaged	90 feet	90.1 feet—149 feet
	Monopole	80 feet	80.1 feet—149 feet
	Self-Support	75 feet	75.1 feet—149 feet
	Guyed	75 feet	75.1 feet—149 feet
	Lattice	75 feet	75.1 feet—149 feet

Other	Stealth	35 feet	Over 35 feet
	Camouflaged	35 feet	Over 35 feet
	Monopole	35 feet	Over 35 feet
	Self-Support	35 feet	Over 35 feet
	Guyed	35 feet	Over 35 feet
	Lattice	35 feet	Over 35 feet

Notes:

1. Antenna supporting structures over 35 feet may be approved administratively in accordance with the above table only when located at least 500 feet, as measured from the property line, from any residentially-zoned property or property having a residential land use.
2. Additional regulations may apply (See section 4-1221(d)(2) regarding height).
3. See *Land Use* definition provided in section 4-1216.
4. Roof-mounted, flush-mounted and surface-mounted antennas on existing buildings or structures can be administratively approved, up to the maximum height allowed in the land use category or the height previously permitted for the building, provided that the antennas and any associated equipment is stealth or camouflaged in design, and architecturally and aesthetically compatible with the existing building or structure housing the antennas and equipment.

(b) *District impacts minimized.*

- (1) *Generally.* Antenna-supporting structures must be located in a manner that is consistent with the city's interest in land use compatibility, within and between zoning districts, as set forth in section 4-399 et seq.
- (2) *Siting priorities.* In order to justify the construction of an antenna-supporting structure, the applicant must demonstrate that higher ranking alternatives in the following hierarchy, do not constitute reasonable, compatible or feasible alternatives. Such demonstration must include a statement of position, qualifications, and experience by a qualified radio frequency engineer.
 - a. Surface-mounted antennas on existing facilities.
 - b. Roof-mounted antennas on existing facilities.
 - c. Stealth wireless communication facility, or antennas collocated or combined with a stealth facility.
 - d. Collocated or combined antennas.
 - e. Antenna-supporting structure, monopole.
- (3) *Proliferation minimized for nonexempt wireless facilities.*
 - a. *Generally.* No antenna-supporting structure will be permitted, unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure or by construction of a stealth facility.

- b. *Additional documentation.* Additional documentation may also be submitted to demonstrate compliance with this section:
 - 1. That no existing buildings or structures within the geographic search area meets the applicant's radio frequency engineering requirements;
 - 2. That no building or structure within the geographic search area has sufficient structural strength to support the applicant's radio frequency engineering requirements; or
 - 3. That there are other radio frequency engineering factors that render stealth, surface-mounted, roof-mounted or collocated wireless communication facilities unfeasible.
- (4) *Land use priorities.* In order to justify locating a proposed antenna-supporting structure within a land use lower in the hierarchy below, the applicant must adequately demonstrate that siting alternatives within higher ranked districts, beginning with subsection (2)a. of this section, are not reasonable or feasible. This demonstration must include the submission of a statement of position, qualifications, and experience by a qualified radio frequency engineer.
 - a. Commercial.
 - b. Industrial.
 - c. Mixed use/planned development.
 - d. Residential.
 - e. Density reduction groundwater resource, resource protection, public/semi-public and the Old 41-Redevelopment Overlay Downtown District.
- (c) *Visual impacts minimized.*
 - (1) *Generally.* Antennas must be configured in a manner that is consistent with the character of the surrounding community and must be of a color that blends with the structure to which it is attached, so that adverse visual impacts on adjacent properties are minimized.
 - (2) *Antenna type priorities.* In order to justify the use of an antenna type lower in the hierarchy below, the applicant must adequately demonstrate that higher-ranked alternatives in the following hierarchy, beginning with subsection (2)a. of this section, are not reasonable or feasible.
 - a. Flush-mounted.
 - b. Panel.
 - c. Whip.
 - d. Dish.
 - (3) *Stealth facilities.*
 - a. No stealth facility may have antennas or ancillary equipment that are readily identifiable as wireless communications equipment.
 - b. Stealth facilities must be designed so they are reasonably consistent with the surrounding built or natural environment. In order to determine compliance with this requirement, the city will consider the following criteria:
 - 1. Overall height;
 - 2. The compatibility of the proposed facility with surrounding built and natural features;
 - 3. Scale;
 - 4. Color;
 - 5. Extent to which the proposed facility blends with the surrounding environment;
 - 6. Extent to which the proposed facility has been designed to reasonably replicate a non-wireless facility; and
 - 7. Extent to which the proposed facility is not readily identifiable as a wireless communications facility.

(4) *Camouflage, screening, and placement.*

- a. *Color.* Antenna-supporting structures and ancillary appurtenances, including transmission lines, must maintain a galvanized gray finish or other contextual or compatible color as determined by the city, except as otherwise required by the FAA or FCC.
- b. *Fencing.* The developer of a wireless communication facility must install a fence or wall not less than eight feet and not more than ten feet in height from finished grade to enclose the base of the antenna-supporting structure and equipment enclosures associated with any wireless communication facility. Access to the antenna-supporting structure must be controlled by a locked gate. The fence must be constructed in accordance with section 4-1465. Not more than three strands of barbed wire, spaced six inches apart, may be allowed above the fence.
- c. *Landscaping.*
 1. A landscaped buffer of at least ten feet in width must be planted along the entire exterior perimeter of the fence or wall required by subsection (c)(4)b of this section. Where the proposed antenna-supporting structure will be located adjacent to a residential or public recreational use, or a lot within a residential zoning district, the landscaped buffer must be at least 15 feet in width.
 2. A buffer required by this section must contain sabal palms planted one foot on center, and a double hedge row of native shrubs. Section 3-422, planting standards, must be met. The hedge must be maintained at a minimum height equivalent to the fence height.
 3. Where these regulations would require existing facilities to meet current landscaping requirements, the director may reduce or eliminate such requirements if the director determines that the requirements would be unreasonable, unfeasible or otherwise inequitable under the circumstances. The director's decision is discretionary and may not be appealed. Applicants may apply for a variance from the landscaping requirements herein.

(5) *Other facilities.*

- a. Roof-mounted facilities must be camouflaged by a parapet or other device, or otherwise situated so as to screen its visual impact along each sight line.
- b. Transmission lines placed on the exterior of a building must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached, as determined by the city.
- c. Surface-mounted antennas must be placed no less than 15 feet from the ground and may not exceed the height of the building or structure to which they are attached. When proposed for placement on a building, antennas must be camouflaged or otherwise shielded within an appropriate material that is the same color as, or a color consistent with, the building to which they are attached, as determined by the city.

(d) *General property development regulations.*

(1) *Setbacks.*

- a. *New facilities.* All new antenna-supporting structures must meet the setback requirements for the zoning district in which they are proposed or a distance equal to their overall height from all lot lines of the fee property on which they are proposed, whichever is greater; unless a greater distance is required as a condition of the approval. A deviation may be requested when the applicant can sufficiently demonstrate that the greater setback is not needed.
- b. *Replacement facilities.* In accordance with the development review process set forth in section 4-1219 and consistent with F.S. § 365.172, setback requirements for replacement wireless communication facilities may be reduced by up to 50 percent. No replacement facility may be placed closer to a lot line than the wireless communication facility it is replacing.

- c. *Stealth wireless communications facilities, ancillary appurtenances, and equipment enclosures.* Stealth wireless communications facilities, ancillary appurtenances, and equipment enclosures must meet the minimum setback requirements for the zoning district in which they are proposed. Setback requirements for stealth facilities may be reduced if necessary to reduce the visual impact or enhance the compatibility of the proposed facility on adjacent properties and the surrounding community.

(2) *Height.*

- a. All antenna-supporting structures must comply with the requirements of sections 34-1008 and 34-1010 of the Lee County Land Development Code.
- b. Antenna-supporting structures on the barrier islands or within the outer islands future land use areas may not exceed 35 feet, or the special height limits set forth in section 4-1874, whichever is less.
- c. Roof-mounted antennas, attachment devices, equipment enclosures or ancillary appurtenances may be placed on commercial, institutional, industrial, common element and multifamily buildings at least 35 feet in height and may not extend more than 20 feet above the roofline of the building on which it is attached. Antennas exceeding the height of the existing building or structure must be either stealth or camouflage in design.
- d. Collocations may not increase the existing overall height of an antenna-supporting structure.
- e. In all other cases, the overall height of an antenna-supporting structure approved in accordance with section 4-1219 may not exceed 149 feet, except as provided below:
 - 1. FCC approved AM broadcast antenna-supporting structures may not exceed 250 feet in overall height.
 - 2. All other FCC approved broadcast antenna-supporting structures may not exceed 500 feet.
 - 3. Stealth facilities must be consistent with the scale and aesthetic qualities of the proposed facility, and consistent with the character of the surrounding community.
- f. In no event may the provisions set forth in section 4-1873 apply to wireless communication facilities, except for stealth.
- g. The overall height of ground-mounted equipment or equipment enclosures may not exceed 12 feet.
- h. Private aircraft and helicopter landing facilities. Antenna-supporting structures proposed within a designated notification height boundary of a private aircraft or helicopter landing facility, as specified on the Airspace Notification Map, will be limited to the height specified by that boundary, according to the proposed facility's distance from the runway or landing facility.

(e) *Construction.*

- (1) *Type of construction.* Broadcast facilities may utilize lattice or guyed antenna-supporting structures. All other wireless facilities must construct its towers in accordance with Table 4-1221.
- (2) *Accommodation of future collocations.*
 - a. Antenna-supporting structures should be designed to accommodate future collocations.
 - b. The applicant must submit a shared use plan that commits the owner of the proposed antenna-supporting structure to accommodating future collocations where reasonable and feasible in light of the criteria set forth in this section.
- (3) *Lighting.*
 - a. Except for security lighting and site lighting, other types of lights, signals or illumination will only be permitted on an antenna-supporting structure or ancillary appurtenances where lighting is required by the FAA, FCC, the city, or the county mosquito control district.

- b. *Security lighting.* Security lighting and site lighting may be placed in association with an approved equipment enclosure. Site lighting must remain unlit, except when authorized personnel are present at the facility. Security lighting and site lighting must be shielded to prevent light trespass.
- c. *Required lighting.*
 - 1. All antenna-supporting structures 150 feet or greater in height aboveground level must be artificially lighted and maintained pursuant to the technical requirements of the Federal Aviation Administration's current Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended, or other appropriate aviation authority, unless pre-empted by FAA or FCC regulations. All lighting must be approved in conjunction with the development order for the facility.
 - 2. If the height of a structure under construction equals or exceeds the height at which permanent obstruction lights are required by the FAA, FCC or the division of development services, temporary high or medium intensity flashing lights must be installed at that level in accordance with Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, as amended.
- (4) *Notice of commencement of construction.* Forty-eight hours before commencing construction of an antenna-supporting structure, and within 48 hours after the antenna-supporting structure construction reaches its maximum height, the county port authority, sheriff's office, emergency medical services, the local fire district and the county mosquito control district must be notified by the entity constructing the antenna-supporting structure. Notice must include the location of the antenna-supporting structure tied to the state plane coordinate system for the Florida West Zone (North American Datum of 1983/1990 Adjustment).
- (5) *Floor area.* Floor area will be calculated based on the total impervious surface associated with an equipment enclosure. Floor area may not exceed 400 square feet per antenna array, not to exceed 2,500 square feet total area, without approval by special exception provided that the floor area meets all applicable setbacks and lot coverage requirements.
- (f) *Signage.*
 - (1) Signs on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall are prohibited, unless permitted in accordance with this subsection.
 - (2) If high voltage is necessary for the operation of proposed wireless communications facilities, "High Voltage-Danger" and "No Trespass" warning signs not greater than one square foot in area must be permanently attached to the fence or wall at intervals of not less than 40 feet and upon the access gate, or as otherwise required by the FAA or FCC.
 - (3) A sign not greater than one square foot in area must be attached to the access gate that includes the following information:
 - a. Federal registration number, if applicable;
 - b. Name of property owner, facility owner, providers, and contact person; and
 - c. An emergency contact number for the contact person.

(Ord. No. 03-15; Ord. No. 11-02, § 3(4-1447), 1-19-2011; Ord. No. 15-07, § 1, 3-18-2015)

Sec. 4-1313. - Administration and enforcement of subdivision; verification of income.

- (a) The city manager or designee will be responsible for maintaining public records of:
 - (1) All dwelling units constructed pursuant to the bonus density program;
 - (2) All such dwelling units that are occupied by eligible households, where applicable;

- (3) Complaints of violations of the bonus density program that are alleged to have occurred and the disposition of all those complaints;
 - (4) A list of all eligible households who have participated in the bonus density program, where applicable;
 - (5) All such improvements, both on and off site, which are constructed pursuant to the bonus density program; and
 - (6) Such other records as the city manager or designee believes may be necessary or desirable to monitor the success of the program and the degree of compliance therewith.
- (b) The developer or the subsequent owner of dwelling units obtained via the density bonus program using the affordable housing site-specific density bonus (option 1) set forth in section 4-1317 must submit the following eligible household income verification reports to the planning director so that they may monitor the program for compliance.
- (1) Verification of the incomes of the households occupying units must be:
 - a. On a form provided by the city;
 - b. Notarized; and
 - c. Submitted annually for ten years from the date that the certificate of occupancy is issued for the unit in question.
 - (2) For owner-occupied units, the income verification forms must be submitted once prior to the issuance of a certificate of occupancy and each time thereafter that the unit is sold during the following ten-year period.
 - (3) For a renter-occupied unit, the income verification forms must be submitted once prior to the issuance of the certificate of occupancy for the unit in question and annually for the next ten years.
- (c) The city manager or designee is hereby delegated the responsibility and authority for enforcing the provisions of this subdivision in cooperation with such other agencies of the city as the city manager or designee may request.
- (d) The planning director will maintain a list, open to the public, of units available to eligible households by the bonus density program. Developers must inform the planning director when units are occupied by eligible households so that these units may be removed from the list.
- ~~(e) For site-specific density bonuses in the Old US 41 Redevelopment Overlay District (option 3), the city manager or designee will enforce this subdivision through the local development order approval process and a binding bonus density agreement as set forth in subsection 4-1320(g).~~

(Ord. No. 16-01, § 1, 1-20-2016)

Sec. 4-1315. - Eligibility for program.

- (a) A developer may be eligible to exceed the standard density range for a particular land use category if:
 - (1) The additional dwelling units that are achieved through the bonus density program are available only to eligible households in a site specific manner as described in section 4-1317; or
 - (2) The developer makes a cash contribution to the Affordable Housing Trust Fund as described in section 4-1318; or
 - ~~(3) The additional dwelling units that are achieved through the provision of site design features and/or developer contributions in accordance with the bonus density program for the Old U.S. 41 Redevelopment Overlay District (option 3).~~
- (b) The maximum bonus density a given area of land may be eligible for is set forth in the Bonita Plan.

- (c) All requests for participation in the program must comply with and be consistent with the Bonita Plan and all other applicable federal, state and regional laws and regulations and must be designed so that:
- (1) The resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity, ~~or where such densities are permitted in accordance with the Old U.S. 41 Redevelopment Overlay Downtown District;~~
 - (2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest;
 - (3) There will be no decrease in required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses; and
 - (4) Storm shelters or other appropriate mitigation is provided if the development is located within the Coastal High Hazard area, which is defined as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council.
 - (5) All dwelling units constructed as a bonus density are mandated green, as outlined in the green building program ordinance.
- (d) Parcels of land of one-half acre or less. Where the total actual bonus density will consist of only one dwelling unit and the developer agrees to participate in the program, a copy of the agreement required by section 4-1317(b)(1) and the bond required by section 4-1317(b)(2) may be waived upon written request by the community development director prior to approval of the bonus density.
- (e) Assisted living facilities whose annual rental rates, including all services, do not exceed the levels established for eligible households will be eligible for bonus density consistent with the applicable land use category. Where the cash contribution density bonus option is used, the cash contribution must be applied for each dwelling unit or its equivalent unit built above the standard density.

(Ord. No. [16-01](#), § 1, 1-20-2016)

Sec. 4-1316. - Approval of density increases.

- (a) Administrative approval of density increases in conventional zoning districts. The department city manager or designee may administratively approve the use of housing bonus density to increase the density of a proposed development in a conventional zoning district, ~~including the Old U.S. 41 Redevelopment Overlay District zoning classifications set forth in section 4-866, exhibit I;~~ provided that:
- (1) The request does not exceed the maximum total density allowed by the Bonita Plan for the applicable land use category; and
 - (2) The city manager's or designee's written findings conclude that the proposed development:
 - a. Is in compliance with the Bonita Plan;
 - b. Is zoned for the type of dwelling units to be constructed;
 - c. Is designed so that the resulting development does not have substantially increased intensities of land uses along its perimeter, unless adjacent to existing or approved development of a similar intensity, ~~or where such densities are permitted in accordance with the Old U.S. 41 Redevelopment Overlay District;~~
 - d. ~~Is in a location outside of the Coastal Management Area Category 1 Storm Surge Zone for a land-falling storm as defined by the October 1991 Hurricane Storm Tide Atlas for Lee County prepared by the Southwest Florida Regional Planning Council (except within the Downtown District Old U.S. 41 Redevelopment Area, as permitted in the Bonita Plan, and as approved by city council) or that the developer has provided sufficient storm shelter or other appropriate mitigation;~~ [G2]
 - e. Is in a location where existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest; and
 - f. Will not decrease any required open space, buffering, landscaping and preservation areas or cause adverse impacts on surrounding land uses.
 - (3) The city manager or designee's written approval may contain reasonable conditions to mitigate any adverse impacts that could otherwise be created by the density increase. The city manager's or designee's decision may be appealed according to the provisions for appeals of administrative decisions.
- (b) Planned development zoning districts. An application for a planned development rezoning district may request bonus density concurrently with the rezoning application where the master concept plan clearly shows the location of the additional density and the conditions for approval set forth appropriate commitments to ensure compliance with this division. An existing planned development's approved density may be increased using the bonus density program by amending the planned development approval pursuant to section 4-302. The applicant must submit, as part of the submittal documents, a revised master concept plan that clearly shows the location of the proposed additional density, and must also provide additional information as is needed to describe the changes in impact that the increased density will have over that which was contained in the application for the original approval.
- (c) Rezoning. If a property owner or developer applying for rezoning intends to use the bonus density program to increase densities above the Bonita Plan standard density range, the application for the rezoning, and the contract required by sections 4-1317(b)(1) and 4-1318(c), where applicable for options 1 and 2, may be submitted at the same time for concurrent review. The maximum density may not exceed the maximum total density for the land use category in which the property is located. The application process, including the use of bonus density, will follow the same procedures applicable to any other rezoning case.
- (d) If the use of bonus density has been approved, a developer may choose one of the two options set forth in sections 4-1317 and 4-1318 for the provision of affordable housing site-specific density bonus (option 1) or cash contribution density bonus (option 2). ~~Where projects are located within the Old U.S.~~

~~41 Redevelopment Overlay District, the developer may also choose option 3 as set forth in section 4-1320 for the provision of eligible improvements.~~

(Ord. No. 16-01, § 1, 1-20-2016)

~~Sec. 4-1320.—Regulations and processes for bonus densities within the Old U.S. 41 Redevelopment Overlay District (option 3).~~

- ~~(a) In addition to affordable housing site-specific bonus density (option 1) and cash-contribution bonus density (option 2), projects located within the Old U.S. 41 Redevelopment Overlay District are eligible for bonus density via the provision of on-site or off-site design features and public improvements ("improvements") as set forth herein.~~
- ~~(b) All developments that seek bonus densities must adhere to the regulations set forth in this section and the Bonita Plan.~~
- ~~(c) Approval procedures. Bonus density will be reviewed and approved in accordance with section 4-1316 of this subdivision.~~
- ~~(d) The developer must provide one or more eligible on- and/or off-site improvement(s) as set forth in subsection (e) below, and demonstrate the value of the improvement(s) meet or exceed the contribution per unit rate as set forth in the administrative code for the total number of bonus density units proposed. The contribution per unit rate is based on the current fair market value of the land by evidence of a bona fide sales contract or a current property appraisal prepared by a qualified professional that appraises the entire development of a planned development as to the value per unit increased. Once the current fair market value of the land is ascertained, the contribution per unit rate will be specified in the schedule contained in the administrative code, as may be amended from time to time.~~
- ~~(e) The value of the eligible improvements must be based upon a signed and sealed/certified opinion of probable cost prepared by a professional engineer, architect, landscape architect, or other registered professional. The land costs directly related to the area of the improvement(s) may be included in the total value of proposed improvements.~~
- ~~(f) The following are eligible improvements for projects seeking bonus density in the Old U.S. 41 Redevelopment Overlay District subject to the review and approval by the city manager or designee on a project-specific basis:
 - ~~(1) Civic space, to be maintained by the developer or their assign, including landscape and hardscape features.~~
 - ~~(2) Public art contribution or construction of public art feature on-site or on adjacent public lands. The proposal and location must be reviewed and approved by the Art in Public Places Advisory Board.~~
 - ~~(3) Public access to the Imperial River and its tributaries, which, at a minimum, must include a dock feature and public seating/benches. The developer is responsible for all costs for the design, permitting and construction of the dock and/or public access elements. Where projects seeking bonus density are located on the Imperial River or its tributaries, this design feature must be provided and is not optional.~~
 - ~~(4) Enhanced building perimeter plantings and/or green roofs.~~
 - ~~(5) LEED Silver or Florida Green Building Coalition Green Certification for the principal structure.~~
 - ~~(6) Other design enhancement or infrastructure improvement determined to be of public benefit and approved by the city manager or designee, including, but not limited to: off-street parking; land donation; stormwater management areas; pedestrian infrastructure; provision of a Lee Tran shelter or enhancements to an existing Lee Tran stop or shelter in the overlay district; and/or~~~~

relocation and rehabilitation of a historical structure, subject to the review and approval of the historic preservation board and city manager or designee.

- (g) Development order plans and master concept plans must clearly delineate compliance with the above on-site design features or infrastructure improvements and provide density calculations in accordance with this section. In addition, the developer must execute a bonus density agreement or similar binding contract with the city council, in a form approved by the city attorney's office that binds the developer to the contribution and conditions set forth in subsections (c)(1) and (c)(2) of this section. The development order plans and binding agreement must be recorded in the public record with the clerk of courts.
- (h) The above improvements must be provided in addition to all requirements for development in the Old U.S. 41 Redevelopment Overlay District set forth in the Land Development Code and the Bonita Plan. Improvements that are provided to meet the minimum requirements of the Land Development Code may not be applied to the calculation of eligible improvements for bonus density.

(Ord. No. [16-01](#), § 1, 1-20-2016)

Sec. 4-2157. - Prohibited locations.

- (a) Mobile food vending is prohibited on all parcels zoned for residential uses, except as authorized under this Code pursuant to the special event or temporary use permit. Notwithstanding, mobile food vending may also be authorized at clubhouse or other portion of a residential community separate from the residences with the authorization of the homeowners association.
- (b) Mobile food vending is prohibited on Little Hickory Island, except as authorized under this Code pursuant to the special event or temporary use permit.
- (c) Mobile food vending is prohibited within the ~~Old Downtown District~~ on the future land use map except as authorized in LDC Sec. 4-868 and under this Code pursuant to ~~the~~ a special event or temporary use permit.

(Ord. No. 13-02, § 1(4-3065), 2-20-2013; [Ord. No. 20-05](#), § 2, 10-7-2020)

Sec. 5-206. - Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent or discourage the ordinary maintenance and repair of the exterior elements of any historic resource or any property within a designated historic district when such maintenance and repair do not involve a change of design, appearance (other than color) or material, and do not require a building permit. Any proposed change to the exterior colors of a designated historic resource, or a contributing property within a designated historic district as may be created and located within the ~~Old 41 Redevelopment overlay Downtown District~~, shall conform to the provisions of section 4-869(3)e.4(c)(5), as may be amended, renumbered or replaced, relating to the ~~Old 41 Redevelopment Downtown District~~ design standards, and shall be reviewed and approved by the city's architect in accordance with any designated color palette adopted by city council.

(Ord. No. 02-05, § 1(22-241), 4-17-2002; Ord. No. 06-08, § 1(5-241), 8-16-2006; Ord. No. 09-02, § 1(5-241), 3-4-2009; Ord. No. 13-20, § 1(5-241), 12-18-2013)

Sec. 6-2. - Definitions and rules of construction. [JG3]

- (a) In case of any difference of meaning or implication between the text of this chapter and any other law or regulation, this chapter controls.
- (b) The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises indicated on the sign.

Advertising message means that copy on a sign describing commodities, products or services being offered to the public, whether for a commercial or noncommercial purpose.

Animated sign means a sign composed of moving parts or lights or lighting devices that change color, flash, alternate illumination, show motion, movement or otherwise change the appearance of the sign. The term "animated sign" does not include electronic changing message centers or revolving signs as defined in this section.

Announcement sign means a temporary sign announcing a project to be under construction or an intended use of the premises.

Area of sign. Refer to section 6-69, pertaining to measurement of sign area.

Awning means a roof-like cover, made of cloth, canvas or other similar material, that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. See also *Canopy* and *Marquee*.

Awning sign means a sign placed or installed on the hanging border or other area of an awning. See section 6-6(1)a.

Balloon sign means any inflatable sign or nonporous bag of tough, light material filled with a gas often lighter than air so as to rise and/or float in the atmosphere, designed to be used as an advertising device for any business or promotional event.

Banner means any sign, other than an official flag, made of cloth, paper or fabric of any kind and suspended by one or more strings or ropes, which is used to attract attention, whether or not imprinted with words or characters. Depending on shape and size, also referred to as a blade sign or feather sign. See *Pennant*.

Beacon light means any light with one or more beams, capable of being directed in any direction, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically; or a fixed or flashing high-intensity light.

Bench sign means signs which are attached to benches that are placed on or along public rights-of-way and are off-site advertising signs.

Billboard means outdoor advertising signs erected or maintained upon which advertising messages may be displayed and which advertise firms and organizations that, along with their goods, products or services, are not located on the same premises as the sign, and whose surface is sold, rented, owned or leased for the display of advertising material. Consistent with F.S. § 70.20, Bonita Springs has the authority to create a ban or partial ban on new billboard signs, and regulate so as to not provide new rights for the billboard. Billboards that are being removed as part of a relocation for a replacement billboard under section 6-148(11) must be at least the minimum size as set forth in section 6-148(c). Signs designated as a billboard are excluded from the definitions of other sign types.

Bonita Beach Road Corridor means all property located within Lee County fronting on Bonita Beach Road from the south end of Little Hickory Boulevard to the terminus of the Bonita Springs city limits east of I-75 or as designated on the map in the Bonita Beach Road Corridor Study.

Building face or wall. See *Facade*.

Bulletin board means a sign which identifies an institution or organization on the premises on which it is located and which contains the names of individuals connected with it and general announcements of events or activities occurring at the institution or similar messages. The term "bulletin board" does not include movie theaters or other similar commercial activities.

Bus shelter sign means signs that are attached or placed within approved bus shelters located on or along public rights-of-way. Bus shelter signs are off-site advertising signs.

Business affiliation sign means signs displayed upon the premises denoting professional and trade associations with which the occupant is affiliated, including each credit card accepted by the occupant.

Business information sign means signs providing information to customers such as the business hours and telephone number, and "open" or "closed," "shirts and shoes required," "no soliciting" or "no loitering" signs.

Cabinet sign means a wall sign contained completely within a box, frame or similar enclosure, typically a sign that is internally backlit with a plastic or Plexiglas face.

Canopy means a permanent roof-like shelter open on four sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign means any permanent sign attached to or constructed in or on a canopy.

Changeable copy sign (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

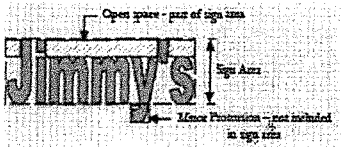
Changing sign (automatic). See *Electronic changing message center*.

Commercial advertising sign means any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising the legal or exact firm or organization name or the name of the business carried on therein or thereat, or for advertising any service or product actually and actively being offered for sale therein or thereon.

Construction sign means a sign erected at a building site that displays the name of the project and identifies the owner, architect, engineer, general contractor, financial institutions and other firms involved with the design or construction of the project.

Copy (permanent and temporary) means the wording or pictures on a sign surface, either in permanent or removable letter form.

Copy area means the entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement or decoration on a facade or wall sign.



Development sign means a sign designed and intended to advertise and promote the sale or rental or lease of lots or homes in any residential development, and also in commercial areas for sale or rental or lease of units in the development.

Directional sign means a ground or wall sign located within, or at the exit or entrance of a parcel or development.

Directory sign means any sign which gives the name, address or occupation of persons or businesses located on the premises.

Double-faced sign means a single plane with items of information identical on both sides and mounted as a single structure.

Double-tier billboard means two billboards that are stacked one above the other so that one is higher than the other and both are visible in the same direction.

Electronic changing message center means a sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lampbank.

Electronic generated copy means the copy on a sign which is capable of changing the copy through computer technology, using light emitting diodes or any other emerging technology.

Emitting sign means any sign designed to emit visible smoke, vapor, particles or odor, or which produce noise or sounds capable of being heard, even though the sounds produced are not understandable sounds.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall include the painting of wall signs.

Facade means the face of a building most nearly parallel with the right-of-way line under consideration. The term "facade" includes the area of the building between principal front building corners from the ground to the roofline.

Face of sign means the entire area of a sign on which copy could be placed.

Figure-structured sign means a sign sculptured, inflated or otherwise constructed in the caricature or shape of an animal (including human beings) or vegetable, whether fictional or real, which is used to attract or draw attention to a business or commercial establishment.

Flag means a sign made of material secured on one side from a flagpole such that the sign material hangs when not set in motion by the movement of air.

Flagpole means a freestanding, ground-mounted structure or a structure mounted to a building, or to the roof of a building and used for the sole purpose of displaying a flag.

Flash means an entry or exit mode in an electronic changing message center with any single frame that repeats two or more times consecutively without change.

Flashing sign means a sign or any part thereof that contains an intermittent or flashing light source, or that includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs, such as public service time, temperature and date signs or electronically controlled message centers, are classed as changing signs, not flashing signs.

Freestanding sign means a sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or object other than the sign structure for support, as used in section 6-40.

Frontage means the distance measured along a public street right-of-way or a private street easement between the points of intersection of the side lot lines with the right-of-way or easement line.

Government sign means any sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

Height of sign. See section 6-70, pertaining to measurement of sign height.

Human sign or living sign means a sign held by or attached to a human being or living creature for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, or product.

Identification sign means any sign where the matter displayed is used only to indicate the name, address, number of building or character of the primary land use.

Illuminated sign means any sign which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Individual letter sign means any sign made of self-contained letters that are mounted on the face of a building.

Instructional sign means a sign located entirely on the property to which it pertains and which is intended to provide direction to pedestrians or vehicular traffic or to control parking on private property.

Examples include "entrance" signs, "exit" signs, "one-way" signs, "pedestrian walk" signs, "handicapped parking" signs, etc.

Interstate highway interchange area sign means on-site signage visible from interstate highways providing travelers with identification of the following services: fuel, food, lodging, camping and repair.

Licensed contractor means a person holding a valid contractor's license class A or B issued to him by the state or local construction board.

Logo means a federally or state registered trademark.

Maintain means to preserve from decline, keep in an existing state or retain in possession or control.

Marquee means any board or other permanent roof-like structure which projects from a wall of a building, usually above an entrance. See *Awning* and *Canopy*.

Marquee sign means a sign mounted, painted or attached to a marquee.

Monument sign means a freestanding permanent sign where the base of the sign structure is on the ground. The width at the top of the sign structure can be no more than 120 percent of the width of the base.

Motion picture sign means a sign capable of displaying moving pictures or images in conjunction with an outdoor advertising structure, accessory sign or advertising statuary visible from any public street or sidewalk.

Multiple-story building means a structure with three or more finished floor levels.

Mural means an original work of art that is one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that is permitted as a public installation by the city's art in public places board.

Neon sign means any sign formed by luminous or gaseous tubes in any configuration.

Off-site sign means any sign relating in its subject matter to commodities, products, accommodations, services or activities on premises other than the premises on which the sign is located.

On-site sign means any sign relating in its subject matter to the commodities, products, accommodations, services or activities on the premises on which it is located.

Pennant means any flag-like piece of cloth, plastic or paper attached to any staff, cord, vehicle, building or other structure at only one or two edges, with the remainder hanging loosely.

Permanent sign means any sign to be displayed for an indefinite period as permitted by this code.

Placemaking means the process of constructing signs that draw the attention to places that people want to enjoy, and thus, brings the intended user to the development rather than identifying individual users within the development in piecemeal fashion.

Plane means any surface capable of carrying items of information, such as a rectangle, square, triangle, circle or sphere; or any area enclosed by an imaginary line describing a rectangle, square, triangle or circle, which includes freestanding letters, numbers or symbols.

Pole sign means a sign that is affixed, attached, or erected permanently on a pole that is not itself, an integral part of or attached to a building or structure, and that puts the base of the sign more than 12 inches above the adjacent grade.

Polyester film window graphics means graphic presentations applied to windows and created by applying combinations of dyed, metalized, translucent and near-opaque polyester films in overlapping layers, resulting in a reflective poster-like display in daylight and a back-lit display at night, when normal interior room lighting is on. Polyester film window graphics may include lettering, logos, picture images, decorative borders and back-up films.

Portable sign means any mobile or portable sign or sign structure that is not permanently attached to the ground or to any other structure. The term "portable sign" includes trailer signs, A-frame signs, sandwich signs, beacon lights, balloon signs, and vehicles whose primary purpose is advertising.

Posted property sign means signs used to indicate "no trespassing," "beware of dog," "no dumping" and other similar warnings.

Premises means any property owned, leased or controlled by the person actively engaged in business and so connected with the business as to form a contiguous component or integral part of it; or owned, leased or controlled by a person for living accommodations.

Professional nameplate means an identification sign bearing only the name, address and the occupation of the occupant.

Projecting sign means any sign which is affixed to any building wall or structure and extends more than 12 inches horizontally from the plane of the building wall.

Promotional sign means a sign posted to advertise a special event such as a bazaar, dance, art show, craft show, etc.

Public body means any government or governmental agency of the United States, the state, the county or the city.

Pylon sign means a freestanding sign permanently affixed to the ground by two or more poles or other supports but not having the appearance of a solid base.

Real estate sign means any structure, device, display board, screen, surface or wall, with characters, letters or illustrations placed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed shall be used solely for the purpose of offering for sale or lease, or for rent, the exact property upon which the sign is placed.

Replacing means rebuilding, enlarging or any change in size or structure other than repainting and repair to electrical apparatus or repairing parts thereof for maintenance purposes.

Residential nameplate means an identification sign bearing only property numbers, street addresses, mailbox numbers, estate names or names of the occupants of the premises.

Revolving sign means any sign so erected or constructed as to periodically display different copy changes through the revolving of face panels; provided that the changes shall occur not more than four times in any 60-second period of time.

Roof sign means any sign or other street graphic erected or constructed and maintained on the roof covering, above the eaves of a building.

Sandwich board/sidewalk sign means a sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of the letter "A" when viewed from the side.

Seawall sign means any sign with characters, letters, figures, designs or outlines painted on the face of the bulkhead or seawall.

Semipublic body includes churches and civic and other organizations operating as nonprofit organizations serving a public purpose or service.

Shopping center means a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

Sign means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from

any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the city.

Sign, legal means a sign that conforms to the current provisions of this code.

Sign, illegal means a sign that was never lawfully existing or has lost its nonconforming status. See section 3-39.

Sign, nonconforming means a sign lawfully existing at the time of adoption, revision, or amendment of the land development ordinance which no longer conforms to the land development standards because of said revision or amendment.

Sign structure means any structure which supports, has supported or is capable of supporting a sign, including a decorative cover.

Snipe sign means a sign of any material, including paper, cardboard, wood and metal, when tacked, nailed or attached in any way to trees, telephone poles or other objects where such sign may or may not apply to the premises. The term "snipe sign" includes cardboard signs on sticks.

Statutory graphic means graphics required by a law of the city, county, state or United States government.

Swinging sign means a sign, installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary sign means any sign to be displayed for a limited period as specified elsewhere in this code.

Twinkle means an entry or exit mode in an electronic changing message center with a frame that has stationary text, and where lamps or pixels appear to twinkle on and off randomly.

Under-canopy or under-marquee sign means a sign suspended below the ceiling of a canopy or marquee.

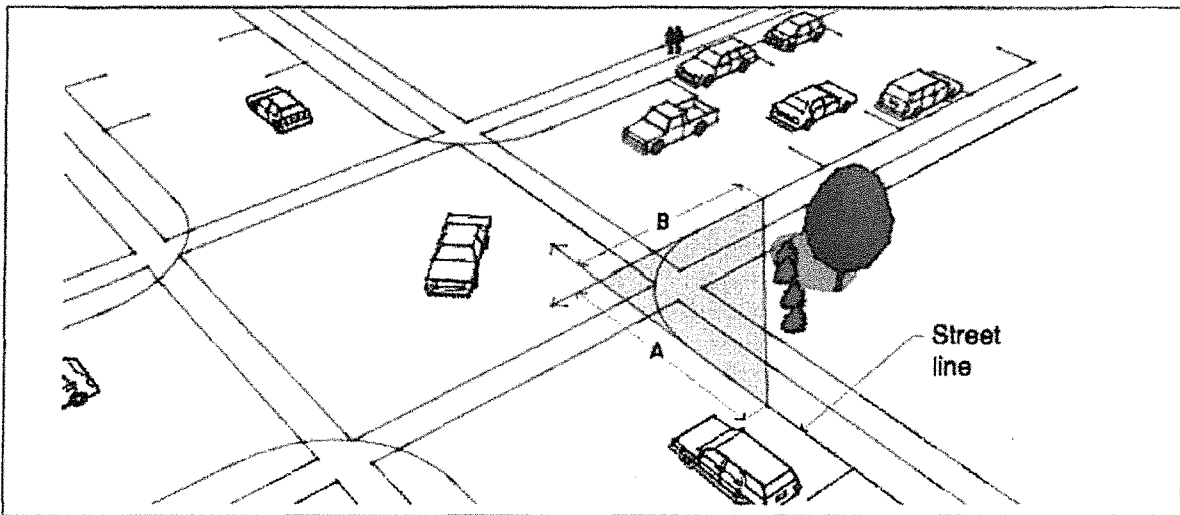
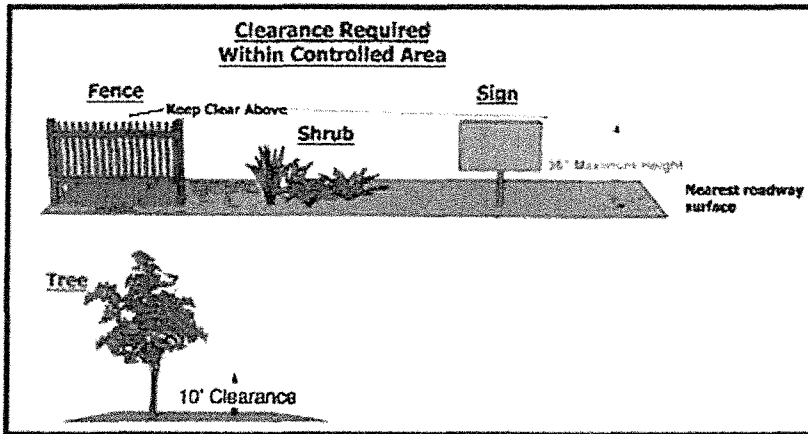
Unified sign plan means land, under unified control, to be planned and developed as a whole in a single development or a programmed series of development phases.

~~*Urban Core District* means that area as depicted in Exhibit II of LDC section 4-866.~~

Vision triangle means a triangular-shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See graphic "Vision Triangle".

EXHIBIT VISION TRIANGLE:

At intersections of driveways or parking lot entrances with a street, no obstruction shall be planted or erected which materially obstructs the driver's view of approaching traffic and/or pedestrians.



Wall-mounted sign means any permanent sign mounted on and approximately parallel to the face of the building wall and projecting not more than 12 inches from the plane of the wall.

Window sign means a sign mounted inside or outside of a window for display to the public passersby, excluding displays of merchandise.

Zoom means an entry or exit mode in an electronic changing message center with a frame that starts by bringing the text on from the center in an explosion type mode.

(Ord. No. 12-07, § 2(6-2), 7-18-2012; Ord. No. 15-03, § 2, 1-7-2015)

Sec. 6-5. - Prohibited signs.

The only advertising signs permitted in the city, are those expressly authorized by the provisions of this chapter. The following types of signs are prohibited, but this enumeration does not limit the general prohibition set forth in this subsection:

- (1) Any sign that is not designed, located, constructed or maintained in accordance with the provisions of this chapter, is not compatible with the objectives of this chapter, or does not meet the requirements of applicable city, state and federal codes.
- (2) Lights and signs that resemble any traffic control device, official traffic control signs or emergency vehicle markings.

- (3) Signs or other advertising matter, as regulated by this chapter, erected at the intersection of any streets or in any street right-of-way in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, the sign may interfere with or obstruct the view of any authorized traffic sign, signal or device; or which uses words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse vehicular traffic.
- (4) Abandoned signs as defined in this chapter.
- (5) Animated signs as defined in this chapter, except where allowed by sections 6-6 or 6-111(b)(7).
- (6) Emitting signs as defined in this chapter, except where allowed by sections 6-6 or 6-111(b)(7).
- (7) Balloons, including all inflatable air signs or other temporary signs that are inflated with air, helium or other gaseous elements, except where allowed by sections 6-6 or 6-111(b)(7) and under three and one-half feet in diameter.
- (8) Banners, pennants or other flying paraphernalia, except an official federal, state or city flag, and one symbolic flag not to exceed 15 square feet in area for each institution or business, or except where allowed by sections 6-6 or 6-111(b)(7).
- (9) Bench signs, except as permitted in section 6-147.
- (10) Billboards, except as permitted in section 6-148.
- (11) Changing signs (electronic changing message centers and electronic generated copy).
- (12) Figure-structured signs as defined in this chapter, except where allowed by sections 6-6 or 6-111(b)(7).
- (13) Human signs — also known as sign spinners, walkers, wavers, twirlers or sandwich men; any form of advertising where a person becomes an integral part of a sign.
- (14) Motion picture signs.
- (15) Murals, except in the Old 44 redevelopment overlay **Downtown Ddistrict** and as permitted by the Bonita Springs Arts in Public Places Board Ordinance.
- (16) Parking of advertising vehicles; signs on vehicles when the vehicle is placed in a location not normally expected for such vehicles, and the location apparently has the primary purpose of attracting attention or providing advertising in addition to that permitted for legal wall and/or freestanding signs on the site.
- (17) Pole or pylon signs, are prohibited except interchange signs as set forth in section 6-114.
- (18) Portable signs, except as permitted in sections 6-6 or 6-111(b)(1)b.
- (19) Projecting signs as defined in this chapter.
- (20) Roof signs as defined in this chapter.
- (21) Signs with any lighting or control mechanism which causes radio or television or other communication interference.
- (22) Signs erected, constructed or maintained so as to obstruct or be attached to any firefighting equipment or any window, door or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
- (23) Signs, except "posted property" signs that are permitted in section 6-6(1)o, which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (24) Any sign which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public street, except as may otherwise expressly be authorized by this chapter.
- (25) Snipe signs as defined in this chapter.

- (26) Unshielded illuminated devices that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties.
- (27) Window signs that collectively cover more than 30 percent of the window glass surface area.
- (28) Any sign, including billboard or other signs as described in this chapter, using light emitting diodes (LED) or any other new technology of electronic generated copy. This prohibition excludes back-lighting of signs or using LED's for illumination of landscaping or lighting plans.
- (29) Monument signs that contain more than one background color.

(Ord. No. 12-07, § 2(6-5), 7-18-2012; Ord. No. 15-03, § 2, 1-7-2015)

Sec. 6-148. - Billboards.

Billboards are permitted along I-75 and any arterial street within the city, subject to the following limitations:

- (1) *Location.*
 - a. Except as provided in this section, billboards are permitted in any zoning district, provided the area is shown on the city comprehensive plan as industrial or interchange areas.
 - b. No new billboard (relocated billboards under subsection (11) of this section shall not count as new billboards) will be permitted along:
 1. Imperial Parkway Corridor from the city's northern corporate boundaries to the city's southern corporate boundaries. This prohibition includes any other roads which are not stated in this subsection but are located within this corridor. This prohibition specifically contemplates the future renaming of Imperial Parkway.
 2. Bonita Beach Road.
 3. Proposed 951 Corridor. This prohibition includes any other roads which are not stated in this subsection but are located within this corridor. This prohibition specifically contemplates the future renaming of the Proposed 951 Corridor.
 4. Old U.S. 41, from Bonita Beach Road north to new U.S. 41.
 5. U.S. 41.
 6. Any future arterial road, or existing arterial, collector or local roads.
- (2) *Separation.* Minimum distance separation will be as follows:
 - a. Within industrial/business and intensive business areas, 2,000 feet from any other billboard on the same side of the street.
 - b. Within interchange areas, 1,320 feet from any other billboard on the same side of the street.
- (3) *Size.* No billboard may be less than 72 square feet in area per face or more than 400 square feet in size. Embellishments may not extend more than four feet from the top edge or more than two feet from any one side edge.
- (4) *Height.* Billboards may not exceed a height of 20 feet when placed at the sign setback line set forth in subsection (5) of this section, except that, for every two feet the sign is placed back from the required setback line, the height of the sign may be increased by one foot, to a maximum height of 30 feet.
- (5) *Setbacks.* All billboards must be set back a minimum of ten feet from any property line and any building as measured between the closest point of the sign to the property line or building.
- (6) *Roof signs.* Billboards are prohibited on any roof portion of any building.
- (7) *Copy area.* The billboard advertisement shall cover the entire copy area of the billboard.
- (8) *Maximum number of signs per structure.* Each billboard structure shall be limited to a single sign, which may be single- or double-faced, but side-by-side or vertically stacked (double-tier) signs shall be prohibited.
- (9) *Illumination.* Billboards may be illuminated; provided that, if external lighting such as floodlights, thin-line or gooseneck reflectors are used, the light source shall be directed onto the face of the sign and shall be effectively shielded so as to prevent beams or rays of light from being directed into any portion of the street right-of-way.
- (10) *Revolving signs.* Billboards may be a revolving sign as defined in this chapter, but shall not consist of animation, with any electronically generated copy, or flashing devices.
- (11) *Replacements.* Existing billboards which as of July 1, 2009, met the size requirement of 6-148(3) will be considered a legal structure, the city shall allow such a sign to be replaced and reconstructed in substantially the same location for equivalent sign structures now meeting the

requirements of this chapter. This may include relocation to another parcel, as long as the proposed relocated area on the different parcel meets the separation requirements (minimum distance of 2,000 feet from another billboard on the same side of the street). [JG4]The proposed location for any replacement must first exhaust the opportunity of being placed on the same road. If such location is not feasible, the relocated billboard must be placed in the same land use, or of a more intensive land use, as compared to the billboard's original location. The face of the sign may not be increased in size or height or structurally modified at the point of relocation in a manner inconsistent with the current building code and this sign code. Administrative setback variances are permitted in accordance with sections 4-2324 and 4-2325.

(Ord. No. 12-07, § 2(6-183), 7-18-2012; Ord. No. 15-03, § 2, 1-7-2015)