

**Notice of a Public Meeting
Local Planning Agency
Agenda
June 8, 2023
City of Bonita Springs City Hall
9101 Bonita Beach Rd SE
Bonita Springs, Florida 34135
9:00 A.M.**

If you plan to address the Local Planning Agency, please complete a “Public Comment Card” located on the table outside of Chambers. Completed comment cards should be submitted to the City Clerk who sits to the left of the podium prior to the start of the meeting.

To submit your public comment in writing, please email the City at CITYMEETINGS@CITYOFBONITASPRINGS.ORG Any written public comment must be received by 4:00 P.M. on June 7, 2023.

The City of Bonita Springs will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income, or marital status. To request an ADA-qualified reasonable modification at no charge to the requestor, please contact Lisa Roberson by calling (239) 949-6262 at least 48 hours prior to the meeting.

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC COMMENTS
- IV. REVIEW OF THE FOLLOWING LAND DEVELOPMENT CODE AMENDMENTS FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN.
 - A. CHAPTER 4, SEC. 4-1052-BACKYARD HENS
 - B. CHAPTER 7, ARTICLE II, SEA TURTLES
 - C. CHAPTER 7, ARTICLE II, DOCK AND SHORELINE STRUCTURES
- V. UPDATE FROM APRIL LPA MEETING (LDC CHAPTER 4 AMENDMENTS)
- VI. NEXT MEETING-TENTATIVELY SCHEDULED FOR JULY 20, 2023
- VI. APPROVAL OF MINUTES
- VII. ADJOURNMENT



COMMUNITY DEVELOPMENT OFFICE MEMORANDUM

To: Local Planning Agency members and Derek Rooney, City Attorney

CC: Mike Sheffield, City Clerk and John Dulmer, Community Development Director

From: Jacqueline Genson, AICP and Laura Gibson, CEP, Environmental Specialist

Date: June 1, 2023

RE: Land Development Code (LDC) Amendments to Chapter 4 - Zoning, Section 4-1052- Backyard Hens and Chapter 7- Environment, Natural Resources and Marine Facilities, Structures and Equipment

This memorandum provides a brief summary of the Land Development Code (LDC) amendments to Chapter 4 Zoning, Section 4-1052-Backyard Hens and Chapter 7 Article II Sea Turtles and Article XII Dock and Shoreline Structures.

Changes are identified as follows: strike-thru is removal of text and underline is the addition of text. City Council has authorized staff to pursue these changes that support food sustainability, environmental protection efforts and community aesthetics. The LDC amendments are tentatively scheduled for City Council on May 17, 2023 (first reading and public hearing for Backyard Hens), June 7, 2023 (first reading and public hearing for Dock and Shoreline Structures and Sea Turtles) and on June 21, 2023 (second reading and public hearing for all three amendments).

BACKGROUND:

LDC CHAPTER 4, Section 4-1052 Backyard Hens

The City of Bonita Springs Backyard Hen Program began in 2015 as a pilot program to test the need and viability for allowing a limited number of permit holders, capped twenty-five (25) households, the ability keep up to four (4) hens on property, subject to corresponding permitting approval and regulatory standards. Roughly a year thereafter, the City Council at the time chose to fully adopt and codify the program, electing to the leave the twenty-five (25) household limit in place.

On May 3, 2023, City Council directed staff to prepare an ordinance to remove the limit of households allowed to have backyard hens. Staff has revised and updated the current regulation(s) to remove the twenty-five (25) household permit holder limit and updated code language for clarity and consistency

LDC CHAPTER 7, Article II-Sea Turtles and XII-Dock and Shoreline Structures

The Article XII amendments include changes needed as a result of widespread dock reconstruction from Hurricane Ian and minor items that need clarification from implementation of the most recent code amendments. The Article II amendments include changes from the state updated model ordinance and staff recommended changes for protection of sea turtles and their nesting habitat. A brief summary and overview of each area of change is included below.

Article XII

Sec. 7-358. Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks. (d) Setbacks

This change removes the 10-foot boat slip side setback requirement on artificial waterbodies and replaces it with a limitation on riparian area for dock structures and boat mooring areas. The change seeks to promote safe egress and ingress of boats while protecting riparian access and navigability of the waterways.

Changes from 2021 Amendments

- Sec. 7-356, 7-359, 7-362 - Make language more clear and concise.
- Sec. 7-359 - Clarify the placement of retaining walls to prevent areas of erosion and protect adjacent wetland areas.
- Sec. 7-358, 7-360, 7-361 - Provide flexibility for temporary placement of dredge material and benthic surveys

Article II

The entire article is proposed to be repealed and replaced with the state updated model ordinance language and additional staff recommendations.

The updated model ordinance emphasizes the appropriate design and implementation of coastal lighting systems to ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety. The revised article also incorporates the latest lighting technology and design that minimizes the negative effects of artificial lighting on nesting and hatchling sea turtles and provides more specificity on how to bring existing lighting into compliance than the existing language provides.

Lastly, the revisions include non-lighting-based protections for sea turtle nesting habitat which are in line with regulations in place by the state (Florida Department of Environmental Protection) and surrounding municipalities.

Sec. 4-1052. Backyard Hens.

- (a) *Purpose.* The City of Bonita Springs allows a ~~limited number of~~ permits for "backyard hens" that are kept in the backyards of single-family or duplex residential units under certain conditions. ~~At any time, only 25 households within the City of Bonita Springs may be permitted for backyard hens.~~
- (b) *Letter of determination for backyard hens.* The city manager or designee will review and approve applicants utilizing the Letter of Determination process at a fee of ~~\$50.00~~ 25.00, where applicants are selected based on meeting specific criteria contained in the backyard hens permit approved by this section.
- (1) Residents must apply for a Letter of Determination to allow hens in backyard coops.
 - (2) Community Development will issue a Letter of Determination, subject to subsection (c) of this section.
- (c) *Permit requirements.*
- (1) Applicants of single-family or duplex dwellings within the City of Bonita Springs may apply for a Letter of Determination by submitting an application, a site plan indicating proposed coop location, and preliminary plans for the covered coop to the Community Development Department. Community development has the final authority to approve or deny permit a permit. A staff representative will review the application and perform a site visit prior to final permit approval.
 - (2) Up to four (4) hens are allowed at a single-family or duplex residence.
 - (3) No sale of eggs or chicken products. Eggs should be consumed by household.
 - (4) Roosters are prohibited.
 - (5) Townhome, multi-family and similar units are prohibited from keeping hens.
 - (6) Hens must be contained within a covered chicken coop and fenced pen area. The coop and fenced pen area must be located in the rear half of the residential lot behind the principal structure. It shall be unlawful for any person to allow hens to run at large upon the streets, alleys, or other public places of the city, or upon the property of any other person.
 - (7) The coop and fenced pen area shall meet or exceed the zoning district's setbacks for accessory structures for the subject property and must be set back a minimum of 20 feet from any adjacent residential principal structure or accessory structure that contains a residential unit which is off the subject property (unless the adjacent neighbor agrees in writing to a lesser setback or a waiver of these requirements). ~~, and meets the zoning district's setbacks for accessory structures for the subject property.~~
 - (8) The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors (odor must be undetectable at property line), excessive noise, or any other condition which could potentially cause a nuisance (i.e., the coop should be cleaned frequently). The coop shall be visually screened from view by the adjoining parcel (e.g., plants, fencing, or placed so it is out of sight). Stored feed must be secured in metal containers to prevent mice and other pests.
 - (9) No slaughtering of the hens is allowed on the subject site.
 - (10) As long as the coop is movable or prefabricated and is 12 square feet or less, no building permit is required. Stationary or affixed coops larger than 12 square feet will require an accessory structure building permit, a condition of which may be required to be removed upon ceasing to keep an active permit for over six months.
 - (11) If a resident decides not to continue with their permit, if the permit is revoked pursuant to section (4), or this section is repealed, the resident is responsible for finding appropriate homes for the hens.
 - (12) If this section is repealed, the city will mail notices to each active permit holder advising that they will need to relocate their hens, providing them at least 60 days' notice from the adoption of any ordinance repealing the backyard hens permit.
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(d) *Revocation and transfer of permits.*

(1) *Revocation.* A permit may be revoked by the city for the following reasons:

- a. Inactivity. If a permit holder fails to obtain hens within six months of obtaining the permit.
- b. Inactivity. If a permit holder discontinues maintaining hens for a six-month period.
- c. If, after notice and reasonable time in which the grounds for revocation may be corrected, the resident fails to comply with any of the standards in this section, any condition of approval, or the diagram or plans.
- d. Revocation may also occur if there are more than three separate complaints occurring in a 90-day period arising from the backyard hens, such as loud noise at night, offensive smells, or roaming at large.
- e. If revoked, neither the resident nor anyone else on the same premises may reapply for a period for 12 months from the date of revocation. All hens must be removed from the property during any time the permit is revoked.

(2) *Transfer.* A permit issued pursuant to this section shall not be transferred to a subsequent property owner. Any subsequent property owner will be required to reapply for a permit pursuant to this section if the subsequent property owner wants backyard hens.

~~(3) *Priority status.* Any active permit holder who relocates to a new location may apply for a backyard hen permit with a priority status of not having to be waitlisted behind property owners who do not currently have a permit. The reason is to allow continuity of ownership for existing hens in Bonita Springs.~~

~~(4)~~(3) *Property owner withdrawal of consent.* The property owner may withdraw its consent to the permit at any time by submitting a letter instructing the city to cancel the permit. The letter must include evidence that the permit holder received notice of this withdrawal and the cancel date for the permit. The property owner may reinstate consent within 30 days from the cancel date, otherwise, a new permit application must be submitted to accommodate backyard hens.

(e) *Enforcement.* ~~Community Development will refer cases~~ Violations will be referred to the city's ~~code enforcement department~~ Neighborhood Services (Code Enforcement) Department when a person maintains hens on their property without a permit or violates the provisions of this section. Any person who violates any section of this section or fails to comply with any of its requirements may be prosecuted through the city's code enforcement process. The code enforcement officers may, in addition, or alternatively, to pursuing criminal penalties or seeking injunctive relief, bring violations before the code enforcement hearing examiner, in accordance with all of the provisions of, and pursuant to, the enforcement procedures established under section 2-107-et seq. Each separate occurrence of a violation of this section shall constitute a separate violation and shall be punishable as such.

ARTICLE II. SEA TURTLES¹

DIVISION 1. GENERALLY

Secs. 7-19—7-39. Reserved.

DIVISION 2. SEA TURTLE CONSERVATION

~~Sec. 7-40. Purpose and applicability of division.~~

~~The purpose and intent of this division is to protect endangered and threatened sea turtles along the Gulf of Mexico beaches in the city. This division protects nesting sea turtles and sea turtle hatchlings from the adverse effects of artificial lighting, provides overall improvement in nesting habitat degraded by light, and increases successful nesting activity and production of hatchlings on the beaches, as defined in this division.~~

~~(Ord. No. 01-06, § 1(14-71), 4-4-2001)~~

~~Sec. 7-41. Definitions.~~

~~When used in this division, the following words, terms and phrases have the meanings set forth below, except where their context clearly indicates a different meaning:~~

~~*Administrator* means the city manager, or his designee, who is responsible for administering the provisions of this division.~~

~~*Artificial lighting or illumination* means light emanating from a manmade point source (see *Point source of light*).~~

~~*Beach* means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves as more particularly described in section 7-49.~~

~~*Beach equipment* means any manmade, furniture, apparatus or paraphernalia designed, manufactured, intended for use or actually used on the beach or in the adjacent tidal waters. Examples include chairs, cabanas, lounges, benches, tables, tents, umbrellas, sailing vessels, canoes, kayaks, paddle vessels, jet skis, sailboards, surfboards, concession storage units, fishing gear, sporting equipment, and floatables.~~

~~*Bug type light* means any yellow-colored incandescent light bulb that is specifically treated in such a way so as to reduce the attraction of bugs to the light, but does not include bug-killing devices.~~

~~*Construction* means the carrying out of any building, clearing, filling, excavating or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, the term "construction" refers to the act of constructing or the result of construction, and includes reconstruction or remodeling of existing buildings or structures.~~

¹State law reference(s)—Coastal areas used by sea turtles and rules for protection, restriction on local rules, F.S. § 161.163.

Cumulatively illuminated means illuminated by numerous artificial light sources that as a group directly or indirectly is visible from or illuminates any portion of the beach, dune or other sea turtle nesting habitat.

Decorative lighting means lighting used for aesthetic reasons, primarily landscaping.

DEP means Florida Department of Environmental Protection or successor agency.

Development has the same meaning stated in section 9-27.

Directly illuminated means illuminated by one or more point sources of light directly visible to an observer on the beach, dune, or other sea turtle nesting habitat.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation.

Existing development means completed development having received official approval in the form of a certificate of compliance, final building permit inspection, or other final governmental approval as of January 31, 1998, or development that was completed prior to the adoption of those requirements.

FWC means Florida Fish and Wildlife Conservation Commission or successor agency.

Ground-level barrier means any vegetation, natural feature or artificial structure rising from the ground intended to prevent beachfront lighting from shining directly, indirectly, or cumulatively onto the beach, dune, or other sea turtle nesting habitat.

Hatchling means any individual of a species of sea turtle, within or outside of a nest, that has recently hatched from an egg.

Indirectly illuminated means illuminated by one or more point sources of light not directly visible to an observer on the beach, dune, or other sea turtle nesting habitat.

Low-profile lighting means a light fixture, which places the low wattage source of light no higher than 48 inches above grade and is designed so that a point source of light does not directly, indirectly, or cumulatively illuminate sea turtle nesting habitat.

Mechanical beach cleaning means the one-time-only act of cleaning the beach with a motor-powered vehicle and beach cleaning equipment that must be approved by the DEP following a storm or fish kill event.

Nest means an area where sea turtle eggs have been naturally deposited or subsequently relocated by an authorized permittee of the FWC.

Nesting season means the hours from 9:00 p.m. until 7:00 a.m. during the period of May 1 through October 31 of each year.

New development means construction of new buildings or structures as well as renovation or remodeling of existing development, and includes the alteration of exterior lighting, occurring after the adoption of the ordinance from which this division is derived.

Point source of light means a manmade source of emanating light, including, but not limited to, incandescent, tungsten iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high-pressure sodium and low-pressure sodium light sources, as well as, lanterns, torches, campfires and bonfires.

Sea turtle means any marine dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as a nesting habitat, including *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp's ridley). For purposes of this division, sea turtle is synonymous with marine turtle.

Sea turtle nesting habitat means the beach, any adjacent dunes or areas landward of the beach used by sea turtles to deposit sea turtle eggs.

Tinted glass means any glass treated to achieve an industry approved, inside to outside light transmittance value of 45 percent or less.

(Ord. No. 01-06, § 1(14-72), 4-4-2001)

~~Sec. 7-42. Violations, enforcement of division and penalty.~~

~~(a) — Violations.~~

~~(1) — Failing in any respect to comply with the provisions of this division.~~

~~(2) — A rebuttable presumption that there is a violation of this division exists when:~~

~~a. — A shadow is created or cast by artificial lighting directly, indirectly, or cumulatively illuminating an opaque object in sea turtle nesting habitat during the nesting season; or~~

~~b. — The disorientation or mortality of a nesting sea turtle or sea turtle hatchling is caused by artificial lighting directly, indirectly, or cumulatively illuminating sea turtle nesting habitat during the nesting season.~~

~~(b) — Enforcement and penalty. Violations of this division will be prosecuted in accordance with chapter 2, article VII. The city may take action against the property owner, occupant or person otherwise responsible for causing the violation. In addition to code enforcement action, the city may pursue other legal means of obtaining compliance, including civil and criminal remedies, that are available by law.~~

(Ord. No. 01-06, § 1(14-73), 4-4-2001)

~~Sec. 7-43. Exemptions from division.~~

~~(a) — Research or patrol vehicles. Only authorized permittees of the DEP and FWC, and law or code enforcement officers conducting bona fide research or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season, so long as appropriate red-colored filters are used to ensure the safe operation of their vehicles.~~

~~(b) — Handicapped access. A wheelchair equipped with special beach friendly tires or approved conveyance for a person with a disability, which is actually used by the person with the disability, may operate on the beach during the nesting season.~~

~~(c) — Mechanical beach cleaning. During the nesting season mechanical beach cleaning requires a valid DEP beach cleaning permit, and must not occur before 9:00 a.m., may not disturb any sea turtle nest, and may only be performed following a storm or fish kill event.~~

~~(d) — Administrative exemptions. The administrator may authorize, in writing, any activity or use of lighting otherwise prohibited by this division for a specified location and period of time. The authorization must be for the minimum duration and applicants must make all reasonable efforts to minimize the amount of lighting from any point sources of light. Applicants must have prior approval by DEP, office of beaches and coastal systems before any administrative exemptions may be granted.~~

(Ord. No. 01-06, § 1(14-74), 4-4-2001)

~~Sec. 7-44. Existing development.~~

~~Existing development must ensure that a sea turtle nesting habitat is not directly, indirectly, or cumulatively illuminated by lighting originating from the existing development during the nesting season. The point source of light, any reflective surface of the light fixture, or cumulative glow must not be directly visible from the beach. Also, existing development must incorporate and follow the measures outlined in section 7-48(d) to reduce or eliminate interior light emanating from doors and windows visible from the beach, dune or other sea turtle nesting habitat. The reviewing staff will take into consideration the need for balancing pedestrian safety when reviewing any site lighting.~~

Sec. 7-45. New development.

New development must comply with the following requirements:

- (1) Artificial lighting must conform to the requirement of section 7-44. The reviewing staff will take into consideration the need for balancing pedestrian safety when reviewing any lighting plan.
- (2) A lighting plan must be submitted to the city for review prior to the earlier of building permit or development order issuance for all new development on the barrier islands identified in section 7-49, as follows:
 - a. For new development seaward of the coastal construction control line (CCCL), as defined in section 4-2 of this LDC, a copy of a DEP-approved lighting plan is required.
 - b. For new development landward of the coastal construction control line (CCCL), a lighting plan is required for all commercial and industrial development, and for all multi-story developments in multi-family zoning districts.
 - c. The location, number, wattage, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources, including landscape lighting, must be included on the lighting plan. A city-approved lighting plan is required before a building permit will be issued.
 - d. Exterior light fixtures visible from the beach and sea turtle nesting habitat are considered appropriately designed if:
 1. Completely shielded downlight only fixtures or recessed fixtures having 25-watt yellow bug type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used, if they are in compliance with section 7-44.
 2. All fixtures are mounted as low in elevation as possible through the use of low-mounted wall fixtures, low bollards, and ground-level fixtures.
 3. All exterior lighting must be installed in such a manner and be so shielded that the cone of light will fall, substantially, within the perimeter of the property. Through the use of shielding and limitation upon intensity, ambient light traveling outward and upward, producing a sky glow, must be reduced to the greatest extent possible without unduly interfering with the intent and purpose of the exterior lighting in the first place.
 4. Decorative lighting, including, but not limited to, uplighting, is not permitted seaward of the coastal construction control line (CCCL).
 - e. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, must be installed on all windows and glass doors visible from the beach and must be included on the building permit plans.
 - f. Parking lot lighting must use poles no higher than 12 feet in height with shoebox-style fixtures. The minimum wattage of high pressure sodium or low pressure sodium bulbs is permitted. Low pressure sodium is recommended. Low profile lighting, such as bollards no greater than 48 inches in height and step lighting is encouraged.
 - g. Illuminated signs must conform to the requirements of this section. Reverse lighting signs are recommended, where the background is opaque and the letters/logo are illuminated from within the sign. If exterior lighting is used to illuminate the sign, the lights must be downlights with shields and louvers to pin-point the light. The use of neon is not permitted.

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- (3) ~~Prior to the issuance of a certificate of occupancy (CO), the exterior lighting of new development must be inspected after dark by the city, with all exterior lighting turned on, to determine compliance with an approved lighting plan and this division.~~

(Ord. No. 01-06, § 1(14-76), 4-4-2001)

Sec. 7-46. Publicly owned lighting.

Streetlights and lighting at parks and other publicly owned beach access areas are subject to the following requirements:

- (1) ~~The beach must not be directly, indirectly, or cumulatively illuminated by newly installed or replaced point sources of light.~~
- (2) ~~Artificial lighting at parks or other public beach access points must conform to the provisions of section 7-44.~~

(Ord. No. 01-06, § 1(14-77), 4-4-2001)

Sec. 7-47. Additional regulations affecting sea turtle nesting habitat.

- (a) ~~Fires.~~ Fires are prohibited during the nesting season.
- (b) ~~Driving on the beach.~~ Driving or operating any engine powered vehicle, machine or implement, including any battery or electrical powered vehicle, machine or implement on sea turtle nesting habitat, specifically including the beach, is prohibited during the nesting season, except as allowed under section 7-43.
- (c) ~~Parking.~~ Vehicle headlights in parking lots or areas on or adjacent to the beach must be screened utilizing ground-level barriers to eliminate artificial lighting directly, indirectly, or cumulatively illuminating any sea turtle nesting habitat.
- (d) ~~Beach equipment.~~ From May 1 through October 31, all beach equipment must be removed from the beach as follows:
- (1) ~~All beach equipment must be removed from the beach between the hours of 9:00 p.m. and 7:00 a.m.~~
- (2) ~~The beach equipment must be moved behind the dune line and must not be placed on or destroy any dune vegetation. Where no dune line is present, a line will be projected from the closest areas on either side where such vegetation does exist.~~

(Ord. No. 01-06, § 1(14-78), 4-4-2001)

Sec. 7-48. Guidelines for mitigation and abatement of prohibited artificial lighting.

- (a) ~~Appropriate techniques to achieve lighting compliance include, but are not limited to, fitting lights with hoods or shields, utilizing recessed or down fixtures with low wattage bulbs, screening light with vegetation or other ground-level barriers, directing light away from sea turtle nesting habitat, utilizing low-profile lighting, turning off artificial light during the nesting season, motion detectors set on the minimum duration, spraying reflective surfaces within fixtures or globes on fixtures with a flat black grill or oven paint, and lowering the light intensity of the lamps to 25-watt yellow bug lights. Although plastic sleeves for fluorescent bulbs may help to reduce the amount of artificial light to an acceptable level if the bulbs are of sufficiently low wattage, additional shielding is still required as sea turtles are more sensitive to the wavelengths of fluorescent light.~~

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- (b) ~~Opaque shields for lights covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on its seaward side may be installed so that the light source or any reflective surface of the light fixture is not visible from a sea turtle nesting habitat.~~
 - (c) ~~Floodlights, uplights, spotlights, and decorative lighting directly, indirectly, or cumulatively visible from sea turtle nesting habitat should not be used during the nesting season.~~
 - (d) ~~Appropriate techniques to eliminate interior lighting directly, indirectly, or cumulatively illuminating the beach, include, but are not limited to, applying window tint film to windows, using tinted glass, moving light fixtures away from windows, closing blinds or curtains, and turning off unnecessary lights.~~

~~(Ord. No. 01-06, § 1(14-79), 4-4-2001)~~

~~Sec. 7-49. Gulf of Mexico beaches description.~~

- (a) ~~*Lover's Key group of islands, including Black Island.* Lover's Key group of islands includes those beaches westerly from that point beginning at the northernmost point bearing due north of the westernmost lands of the island group fronting on the Gulf of Mexico to a point being the southernmost point of the island group bearing due south; provided, however, that said northernmost and southernmost point that are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~
- (b) ~~*Big Hickory Island.* Big Hickory Island includes those beaches westerly from that point being the northernmost point of the island bearing due north to that point of the island in Big Hickory Pass being the southernmost point bearing due south; provided, however, that said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~
- (c) ~~*Little Hickory Island (Bonita Beach).* Little Hickory Island includes those beaches westerly from that point being the northernmost point of the island bearing due north to that point being the county line on the south; provided, however, that the said northernmost and southernmost points are subject to change as a result of natural erosion and accretion occurring to the beaches over time.~~

~~(Ord. No. 01-06, app. B, 4-4-2001)~~

~~Secs. 7-50—7-71. Reserved.~~

Sec.7-40. - Purpose and Objective

The purpose and intent of this Article is to protect nesting and hatchling sea turtles on the beaches in the City of Bonita Springs by ensuring that the nesting habitat is not degraded by artificial light and other humanmade impacts to nesting habitat in an effort to facilitate successful nesting activity and hatching events. In order to further the objective of full implementation, this Article also includes provisions designed to educate residents and beach users on the benefits of appropriate coastal lighting and provides for regular inspections to ensure compliance with the acceptable lighting standards.

Sec.7-41. – Definitions

When used in this division, the following words, terms and phrases have the meanings set forth below, except where their context clearly indicates a different meaning:

Administrator means the city manager, or designee, who is responsible for administering the provisions of this division.

Artificial Lighting means light emanating from a human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

Beach equipment means any manmade furniture, apparatus or paraphernalia designed, manufactured, intended for use or actually used on the beach and/or in the adjacent tidal waters. Examples include, without limitation, chairs, cabanas, lounges, benches, tables, tents, umbrellas, sailing vessels, canoes, kayaks, paddle vessels, jet skis, sailboards, surfboards, concession storage units, fishing gear, sporting equipment, and floatables.

Certified Wildlife Lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

Construction means the carrying out of or result of any building, clearing, filling, excavating or substantial improvement in the size or use of any structure or the appearance of any land, including reconstruction or remodeling of existing buildings or structures.

Cumulatively Visible means light from numerous artificial light sources that collectively can be seen by an observer standing anywhere on the beach.

Directly Visible occurs when glowing elements, lamps, globes, or reflectors of an artificial light source can be seen by an observer standing anywhere on the beach.

Foot-Candle means the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

Frontal Dune means the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Full Cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90° as determined by photometric test or certified by the fixture manufacturer.

Fully Shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

Ground-level Barrier means any vegetation, natural feature or artificial structure rising from the ground intended to prevent beachfront lighting from shining directly, indirectly, or cumulatively onto the beach, dune, or other sea turtle nesting habitat.

Indirectly Visible means light reflected from glowing elements, lamps, globes, or reflectors of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

Lighting plan means plan view and cross section drawings describing location, number, wattage, wavelength, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources, including, but not limited to, artificial lighting affixed to permanent structures, outdoor lighting, pool lighting, and internally or externally lighted signs.

Long Wavelength means a lamp or light source emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

Low-profile lighting means a light fixture, which places the low lumens source of light no higher than 48 inches above grade and is designed so that a point source of light does not directly, indirectly, or cumulatively illuminate sea turtle nesting habitat.

Mechanical beach cleaning (or raking) means the act of cleaning the beach with a motor-powered vehicle and beach cleaning equipment.

Nest means an area where sea turtle eggs have been naturally deposited or subsequently relocated by an authorized permittee of the FWC.

Nesting Season means sea turtle nesting on the beaches of the City of Bonita Springs during the period of May 1 through October 31 of each year. Nesting season may be extended before or after these dates on an annual basis based on nesting activity observed in the City.

New construction means all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas, or lighting systems, including the change or resumption of land use.

Nighttime means the locally effective time period between sunset and sunrise during nesting season.

Non-egress Lighting means exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.

Outdoor Area means any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting, etc.

Sea Turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempi*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.

Sea Turtle Nesting Habitat means all sandy beaches adjoining the waters of the Gulf of Mexico and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

Take means an act that actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

Temporary Lighting means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

Tinted glass means any glass modified via tinting, film or other material to reduce the inside to outside light transmittance value.

Sec. 7-42. – Applicability; Sea Turtle Lighting District

- (a) An overlay district, known as the Sea Turtle Lighting District, is hereby established within the City of Bonita Springs, which shall include all properties within the City of Bonita Springs that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties.
- (b) The provisions of this Article apply to new and existing artificial lighting visible from the beach from all buildings and related infrastructure, including streetscapes, parking lots, outdoor areas, landscaping, as well as public parks and recreational areas and all other activities within the City of Bonita Springs which may adversely affect sea turtle nesting habitat.
- (c) The provisions of this Ordinance are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The Administrator may approve any such proposed alternate provided it:
 - (1) Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
 - (2) Is otherwise satisfactory or complies with the intent of this Ordinance; and
 - (3) Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets the intent of this Article. This sub-section shall not have the effect of waiving the lumen caps specified in this Article; and
 - (4) Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.

Sec. 7-43. – Annual Public Notice

At least thirty days prior to the commencement of every sea turtle nesting season, the City of Bonita Springs shall provide notice to affected persons of the provisions contained in this Ordinance via mailing or City website.

Sec. 7-44. – General Lighting Provisions

- (a) The following standards for artificial light sources and other activities conducted in sea turtle nesting habitat

are intended to help minimize harmful effects of light pollution in sea turtle nesting areas during nighttime hours of sea turtle nesting season. The use of Certified Wildlife Lighting will provide the highest level of protection for nesting sea turtles and their hatchlings. Certified Wildlife Lighting refers to lighting fixtures and bulbs reviewed and approved through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>. Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, must be installed and maintained according to the approved conditions of use to achieve the light pollution reduction objectives of this Ordinance.

- (b) New construction refers to all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use. The most protective lighting standards apply to new construction visible from the beach.
- (c) Existing artificial lighting refers to lighting fixtures, sources and systems operating prior to the effective date of this ordinance. Existing lights and light sources that are visible from the beach shall be replaced or modified to conform to standards given in Section 7-50. In order to bring existing lighting systems into future compliance with this Article, standards for new coastal construction shall be applied when permits are sought for new structures or the alteration, movement, enlargement, replacement or installation of new lighting systems.

Sec. 7-45 Exterior and Interior Lighting Affixed to New Structures, New Construction and Improvements to Existing Structures

- (a) All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
- (b) As an exception to subsection (a) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.
- (d) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
- (e) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass or window film applied to glass with an inside to outside light transmittance value of forty-five percent (45%) or less.
- (f) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.
- (g) Prior to the issuance of a certificate of occupancy (CO), lighting of new construction must be inspected by the City after dark and with all lighting turned on in order to determine compliance with an approved lighting plan and this division.

Sec. 7-46 - Outdoor Areas

- (a) All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required foot-candles.
- (b) Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low-level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
- (c) As an exception to subsection (a) above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.
- (d) Internally or externally illuminated signs shall be designed, positioned, shielded and/or screened in such a manner that they do not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (e) Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (f) Fire pits and any other object emitting flames, including gas-lit fire tables, located on the seaward and shore-perpendicular sides of any structure shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach. Bonfires, bonfire pits, and tiki torch like fire posts are prohibited within seaturtle nesting habitat during sea turtle nesting season.
- (g) Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

Sec. 7-47 - Parking Areas and Roadways

- (a) All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.
- (b) Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
- (d) Lighting of parking areas and roadways shall consist of either:
 - 1. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - 2. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or

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3. Pole-Mounted Lights, if required, shall adhere to the restrictions located in subsection 7-47(e).
- (e) Pole-mounted lights shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:
- a. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,
 - b. Mounted at the minimum height required to meet the minimum light level requirement, and
 - c. Downward-directed onto non-reflective surfaces.
- (f) Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

Sec. 7-48 - Pool Areas

- (a) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- (b) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- (c) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in this Ordinance.
- (d) Underwater lighting of pools or spa light shall:
 - (1) Be mounted horizontally in the wall; and
 - (2) Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach; and
 - (3) Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

Sec. 7-49 - Beach Access Points and Dune Walkovers

- (a) Lighting of public or private beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.
- (b) Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

Sec 7-50 - Existing Exterior and Interior Lighting

- (a) Reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures:

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- (1) Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;
 - (2) Replace fixtures having an exposed light source with fully shielded fixtures;
 - (3) Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;
 - (4) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (5) Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
 - (7) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
 - (8) Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;
 - (9) Remove or disable any fixture not required for minimum lighting purposes which cannot be brought into compliance with the provisions of these standards.
- (b) Take one or more of the following measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:
- (1) Apply window tint or film that meets the light transmittance standards for tinted glass;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

Sec. 7-51 – Special Events, Motor Vehicles, and Temporary Lighting

- (a) Lighting associated with a special event or private event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.
- (b) The operation of all motorized vehicles, except as exempted herein, shall be prohibited on the beach at nighttime during sea turtle nesting season.
1. Research or patrol vehicles. Only authorized permittees of the DEP and FWC, and law or code enforcement officers conducting bona fide research or investigative patrols, may operate a motor vehicle on the beach or in sea turtle nesting habitat during the nesting season, so long as appropriate red-colored filters are used to ensure the safe operation of their vehicles.

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2. Handicapped access. A wheelchair equipped with special beach friendly tires or approved conveyance for a person with a disability, which is actually used by the person with the disability, may operate on the beach during the nesting season.
 3. Mechanical beach cleaning. During the nesting season mechanical beach cleaning requires a valid DEP beach cleaning permit, and must not occur before 9:00 a.m., may not disturb any sea turtle nest, and may only be performed following a storm or fish kill event.
 4. Administrative exemptions. The administrator may authorize, in writing, any activity or use of lighting otherwise prohibited by this division for a specified location and period of time. The authorization must be for the minimum duration and applicants must make all reasonable efforts to minimize the amount of lighting from any point sources of light. Applicants must have prior approval by DEP, office of beaches and coastal systems before any administrative exemptions may be granted.
- (c) Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
- (d) All other temporary construction lighting shall be:
- (1) Inclusive of all the standards of this Section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
 - (2) Turned off during nighttime in sea turtle nesting season, or if authorized during sea turtle nesting season, shall only be allowed from 7:00am to 9:00pm and must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section, and
 - (3) Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
 - (4) Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
- (e) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

Sec. 7-52. Additional regulations affecting sea turtle nesting habitat.

- (a) Beach equipment. From May 1 through October 31, all beach equipment must be removed from the beach between the hours of 9:00 p.m. and 7:00 a.m. The beach equipment must be moved behind the dune line and must not be placed on or destroy any dune vegetation. Where no dune line is present, beach equipment must be stored landward of the 1978 Coastal Construction Control Line.
- (b) Irrigation. Only temporary above ground irrigation may be installed on the seaward side of the 1978 Coastal Construction Control Line and within sea turtle nesting habitat and must be removed no later than one year from the date of planting. Temporary irrigation must be turned off within 50 feet of a sea turtle nest.
- (c) Other uses and activities. Any accessory structures or landscaping alterations to the beach and dune area seaward of the primary structure or 1978 Coastal Construction Control Line shall be approved by the City with a Beach and Dune permit meeting the following requirements:

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- (1) Limited to 1000 square feet as allowed by the Florida Department of Environmental Protection. FDEP permitting required.
 - (2) No items or materials that may cause entrapment or harm to nesting sea turtles or hatchlings, such as mesh-type garden netting, shall be permitted.
 - (3) The area of alteration may be limited for the preservation of sea turtle nesting habitat based on the historical limits of nesting activity.
 - (4) Herbicides, pesticides and other regulated chemicals shall not be applied in this area.
 - (5) Restoration shall be required for any unpermitted human alteration activities. A restoration plan for the beach and dune area shall be reviewed and approved with the City's Beach and Dune Permit.

Sec. 7-53. -Violations and Enforcement.

- (a) Violations of this division will be prosecuted in accordance with Chapter 2, Article XI of this Code. The city may take action against the property owner, occupant or person otherwise responsible for causing the violation. In addition to code enforcement action, the city may pursue other legal means of obtaining compliance, including civil and criminal remedies, that are available by law.

ARTICLE XII. DOCK AND SHORELINE STRUCTURES¹

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DIVISION 2. LOCATION AND DESIGN

Sec. 7-356. ~~Work in this division will be permitted in accordance with the following regulations.~~ Shoreline and Water Quality Protections.

- (a) All structures must be placed so as to provide the least possible impact to aquatic or native shoreline vegetation and benthic resources.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

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Sec. 7-358. Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks.

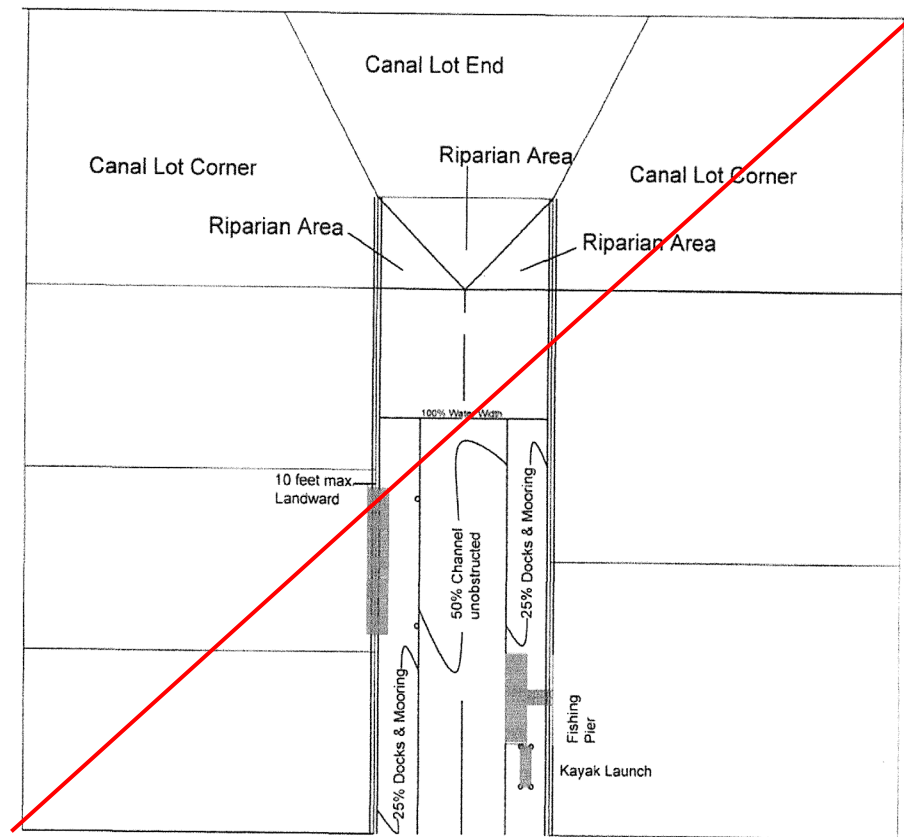
- (b) *Length of docks.*

- (4) The director may permit administrative deviations from the length allowed by this subsection (2) based upon the following criteria:
- a. The proposed dock has been approved by all applicable state and federal agencies; and
 - b. The increased length will not result in a hazard to navigation; and
 - c. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and, except for closed waterbodies.
 - d. If the increase in length results in an area over water of 500 square feet or greater, a benthic species survey assessment conducted between June 1 and September 30 ~~shall be provided~~ may

¹Ord. No. 21-08 , § 2(Exh. A), adopted October 20, 2021, amended Article XII in its entirety to read as herein set out. Former Article XII, §§ 7-354—7-361, 7-381—7-391, pertained to similar provisions, and derived from Ord. No. 14-02, §§ 7-41—48, 7-71—81, February 19, 2014.

be required demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

(c) *Design and maximum dimensions.*



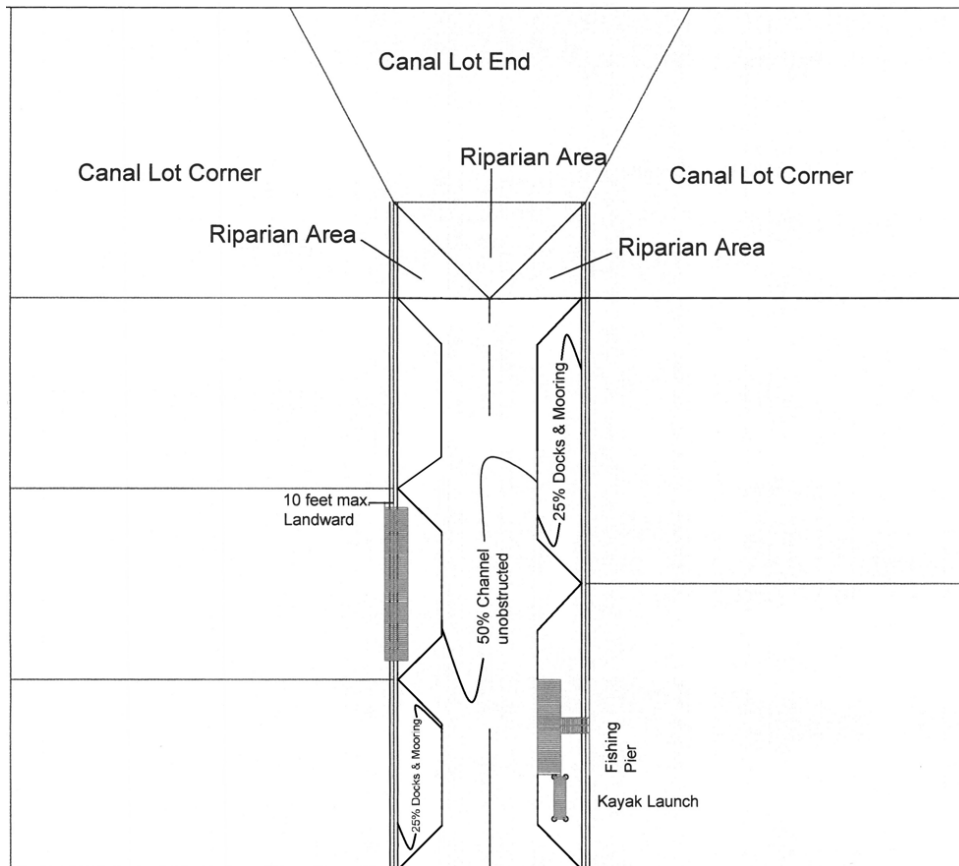


Figure 7-1

- (3) Dock facilities, fishing piers, kayak launch structures, boardwalks, or any combination thereof with 500 square feet or greater over water ~~shall~~ may be required to provide a benthic species survey assessment if benthic resources are expected to be found. If the assessment shows resources will be impacted, adjustment to the site plan or a mitigation plan will be required. An assessment will not be required for closed waterbodies such as lakes.

(d) *Setbacks.*

- (1) All structures in natural waterbodies must be set back from all adjoining side lot and side riparian lines as follows:
- Marginal docks, boat lifts, and mooring pilings—No less than ten feet.
 - All other boat mooring docks, fishing piers, boardwalks, or combination thereof—No less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.
- (2) Except for lots abutting the end or ~~corner~~ inside bend of a canal, all boat ~~ships~~ docking facilities in artificial waterbodies shall be limited to the angled riparian area per Figure 7.1 in that the riparian lines from the side property lines shall extend into the waterbody from the property corners at a 45-degree

angle from the shore line. The lines shall terminate at twenty-five percent of the waterway width have a side setback requirement of ten feet.

- (3) All boat ramps must be set back ten feet from all adjoining side lot and side riparian lines.
- (4) The director, in his discretion, may permit administrative deviations from the setbacks required by this subsection (d) subject to the following:
 - a. Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources or will not cause greater damage than will occur if the deviation is not granted; and
 - b. The decreased setback will not create a hazard to navigation; and
 - c. Adjoining property owners execute a written agreement in recordable form, agreeing to a setback less than that required or to a zero setback.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-359. Seawalls, retaining walls and riprap revetment.

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(d) *Retaining walls.*

- (1) A retaining wall may be built as an alternative to a vertical seawall, provided that all activities, including dredging, filling, slope grading, or equipment access and similar activities and all portions of the wall are located ~~at one of the following distances, whichever is further:~~
 - a. ~~Five feet landward of the mean high water line, or~~
 - b. ~~Landward of any wetland vegetation, or~~
 - c. completely Landward of any wetland vegetation or a jurisdictional wetland area adjacent to surface water as depicted in the image below.

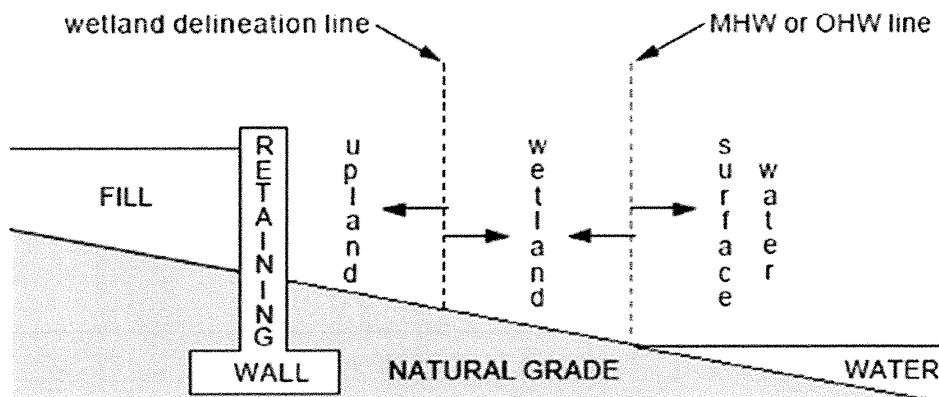


Figure 7-4 Cross-section of retaining wall

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(g) *Riprap revetment.*

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- (1) Riprap must be located and placed so as not to damage or interfere with the growth of wetland vegetation.
 - (2) Material used for riprap should be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed at ~~a 45-degree angle or less~~ no steeper than a 2:1 slope on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap must be clean and free of debris deemed harmful to the environment and public safety. Riprap shall not be cemented together.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-360. Accessory structures—Boathouses, boat canopies, and dock boxes.

.....

- (1) *Location.*
 - a. Must be constructed adjacent to or over a waterway. Any boathouse constructed over land must be located, in its entirety, within 25 feet of the mean high-water line.
 - b. Must not be constructed over submerged bottoms containing areas of dense submerged aquatic vegetation or other marine resources. Where benthic resources are expected to be found, a ~~A~~ benthic species survey assessment shall be required for all boathouses or boat canopies, with an area of 500 square feet over water or when the combined square footage of the docking facility and boathouse or boat canopy exceeds 500 square feet over water.
 - c. Must not extend beyond 25 percent of the width of a navigable channel.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-361. Dredging.

- (b) All dredging of existing navigational channels shall meet the following standards:

- (4) No dredge material is allowed to be ~~deposited~~ retained on a single-family residential lot except in conjunction with an approved building permit utilizing the fill material. In no case will hydraulic pumping of dredge material onto residential lots be allowed. Erosion control measures shall be provided to contain the dredge material.
- (6) A benthic species survey assessment may be required ~~shall be provided~~. If the assessment shows resources will be impacted, a mitigation plan will be required.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-362. Vegetation protection, removal, and mitigation.

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- (b) *Vegetation removal and mitigation.*

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- (2) For ~~rip rap~~ riprap installation projects, mangroves or native wetland shrubs or trees will be planted for every three feet of open shoreline in accordance with the requirements below.



**Local Planning Agency
MINUTES
City of Bonita Springs City Hall
9101 Bonita Beach Rd. SE
Bonita Springs, Florida 34135
Thursday, April 20, 2023
9:00 A.M.**

I. CALL TO ORDER.

Chairman Jeff Maturo called the meeting to order at 9:00 A.M.

II. ROLL CALL.

Members in attendance: Chairman Jeff Maturo, Board Member Robert Lombardo, Board Member Daniel Dhooghe, Board Member Steve Lohan and Board Robert Bornstein

Absent: Board Member Don Colapietro, and Board Member Lane Morlock

III. PUBLIC COMMENTS

None

IV. Introduction of New City Clerk.

V. Appointment of Vice Chair.

Chairman Maturo made a motion to nominate Board Member Steve Lohan as Vice-Chair; Seconded by Board Member Daniel Dhooghe; Passed unanimously.

VI. REVIEW OF THE FOLLOWING LAND DEVELOPMENT CODE AMENDMENTS FOR CONSISTENCY WITH THE CITY OF BONITA SPRINGS COMPREHENSIVE PLAN.

- A. SEC. 4-555 - USE REGULATIONS TABLE AND 4-556 - PROPERTY DEVELOPMENT REGULATIONS TABLE WITHIN THE MOBILE HOME RESIDENTIAL DISTRICT**

Jackie Genson, Community Development, discussed amendments.

B. SEC. 4-866 - GENERAL PROVISIONS AND SEC. 4-872 - STOREFRONTS AND SIGNAGE FOR THE DOWNTOWN FORM-BASED CODE

Mike Fiigon, Community Development, discussed amendments and answered questions from the Board.

Board Member Lombardo questioned restrictions and advertising.

Chairman Maturo asked about mitigating traffic.

Board Member Lohan had questions regarding emergency issues relating to traffic and signage on fencing.

C. SEC. 4-898 - PERMITTED USES AND SEC. 4-899 - SITE DESIGN STANDARDS WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT

Mike Fiigon, Community Development, discussed amendments.

Board Member Lombardo made a motion to approve recommendations; Board Member Bornstein seconded; Passed Unanimously.

VII. UPDATE FROM FEBRUARY 22, 2023 LPA MEETING (EVALUATION APPRAISAL REVIEW)

Jackie Genson stated the City Council submitted their changes to the State.

VIII. TENTATIVE MEETING SCHEDULE FOR REMAINDER OF YEAR

Jackie Genson stated the meetings are held the third Thursday of the month or fourth Thursday after the second City Council Meeting of the month.

IX. NEXT MEETING.

Tentatively Scheduled for May 18, 2023.

X. APPROVAL OF MINUTES: February 22, 2022

Board Member Lohan made a motion to approve the minutes; Seconded by Board Member Bornstein. Passed unanimously.

XI. ADJOURNMENT.

There being no further items to discuss, the meeting adjourned at 9:23am.

Respectfully submitted,

Mike Sheffield, City Clerk

Approved by the Local Planning Agency on the ____ of ____, 2023.

Jeff Maturo, Chairman

Draft