

NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, MAY 5, 2021
5:30 P.M.
CITY COUNCIL MEETING
BONITA SPRINGS RECREATION CENTER
26740 PINE AVENUE
BONITA SPRINGS, FLORIDA 34135

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. May 4, 2021.

1. Call to order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Mayor's Welcome
7. Public Comment on Agenda Items
8. Consent Agenda: (Note: Items on the Consent Agenda will be considered as one unless a specific item is removed by a Council Member for separate discussion.)
 - A. Approve Resolution accepting Coastal Concrete Products LLC d/b/a Coastal Site Development as the lowest responsive, responsible bid for the West Terry Street Pathway Extension Project RFB 21-07 in the amount of \$815,122.00 to include Base Bid including Alternate Bids A & B, and to execute Agreement upon approval of all documents. (Greensheet No. 21-05-085)
 - B. Authorize approval of Resolution to purchase (2) 64HP & (1) 225HP Power Unit(s) Tier 4 Trailer-Mounted Pumps being funded by Direction Administrative Costs (DAC) in the amount of \$289,143.00 (Greensheet No. 21-05-084)
 - C. Approve a contract amendment with Alta Planning, Inc., to provide support in the preparation of the RAISE (Rebuilding America Infrastructure with Sustainability and Equity) grant application and authorize staff to submit for the Terry Street Corridor Project with the City Manager as designated Authorized Official Representative (AOR). (Greensheet No. 21-05-087)
 - D. Review of the March Capital Improvement Projects Quarterly Financial Report. (Greensheet No. 21-05-086)
- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS
9. Mayor and Council Member Items

10. First reading of the following Ordinances:

- A. An Ordinance of the City of Bonita Springs, Florida, amending Bonita Springs Land Development Code Chapter 2 –Administration, Chapter 3 – Development Standards, Chapter 4 – Zoning, Chapter 5 – Historic Preservation, and Chapter 6 – Signs; to address internal inconsistencies and clarify standards as a result of the adoption of the Downtown Form-Based Code for the Downtown District; providing for conflicts of law, severability, codification, scrivener’s errors, and modifications that may arise from consideration at public hearing and an effective date. (Greensheet No. 21-05-089)
- B. An Ordinance of the City of Bonita Springs, Florida amending the Bonita Springs Land Development Code, Chapter 4 – Zoning, to clarify language for properties zoned Planned Development that want to voluntarily develop or redevelop under the Bonita Beach Road Corridor Overlay District standards; providing for conflicts of law, severability, codification, scrivener’s errors, and modifications that may arise from consideration at public hearing and an effective date. (Greensheet No. 21-05-091)
- C. An Ordinance of the City of Bonita Springs Florida, amending the Bonita Springs City Code, Chapter 34 – streets, sidewalks and other public places, article ii – uses of rights-of-way, relating to dangerous use of rights-of-way; providing for the prohibition of stopping or standing in a median that is not a sufficient pedestrian refuge; providing for the prohibition of physical interaction between a pedestrian and an occupant of a motor vehicle that is not legally parked; providing for enforcement; providing for conflicts of law, severability, codification, scrivener’s errors, and modifications that may arise from consideration at public hearing and an effective date. (Greensheet No. 21-05-088)

Short recess, if needed

11. City Attorney’s Items

- A. Consider a Letter of Intent from Hovland Real Estate regarding Imperial Crossing. (Greensheet No. 21-05-092)

12. City Manager’s Items

- A. Discussion of preferred development characteristics for the Imperial Crossing development opportunity. (Greensheet No. 21-05-090)

13. Mayor and Council Member Reports

14. Approval of Minutes: None

15. Public Comment

16. Adjournment

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

REQUESTED MOTION: Approve Resolution accepting Coastal Concrete Products LLC d/b/a Coastal Site Development as the lowest responsive, responsible bid for the West Terry Street Pathway Extension Project RFB 21-07 in the amount of \$815,122.00 to include Base Bid including Alternate Bids A & B, and to execute agreement upon approval of all documents.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: #5 Community Aesthetics

BACKGROUND:

Alternate Bid A – Improvement between the railroad ROW westward to N. Riverside Drive.

Alternate Bid B – Bonita Springs Utilities (BSU) to provide water line improvement in this area and will be conducted through a Joint Project Agreement (JPA) with BSU pending approval of BSU Board on May 4, 2021. BSU will reimburse the City for Improvements via the JPA.

April 15, 2021 – City staff received two (2) sealed bids for West Terry Street Pathway Extension Project RFB 21-07.

Coastal Concrete Products, LLC	\$815,122.00
Pavement Maintenance, LLC	\$1,311,814.00

STAFF RECOMMENDATION: Staff recommends accepting lowest responsive, responsible bid from Coastal Concrete Products, LLC in the total bid amount of \$815,122.00.

ATTACHMENTS:

1. Bid Comparisons
2. Resolution
3. BSU JPA

Funding: Multi-Use Pathway & Sidewalks 30.250.541.6320 and

W. Terry Pathway Extension Pine Avenue to Railroad 30.250.541.6335

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

Coastal Concrete

WEST TERRY ST PATHWAY EXT.

3/30/2021

Pay Item Number	Item Description	Estimated	Unit	Unit Cost	Cost
ROADWAY					
101-1	MOBILIZATION	1.0	LS	\$45,500.00	\$ 45,500.00
102-1	MAINTENANCE OF TRAFFIC	1.0	LS	\$18,500.00	\$ 18,500.00
102-2	MESSAGE BOARDS ALLOWANCE	1.0	NTE	\$8,000.00	\$ 8,000.00
104-10-3	SEDIMENT BARRIER	1,000.0	LF	\$2.00	\$ 2,000.00
104-18	INLET PROTECTION SYSTEM	11.0	EA	\$100.00	\$ 1,100.00
110-1-1	CLEARING AND GRUBBING	0.35	AC	\$25,500.00	\$ 8,925.00
110-4-10	REMOVAL OF EXISTING CONCRETE	420.0	SY	\$30.00	\$ 12,600.00
120-1	REGULAR EXCAVATION	76.0	CY	\$40.00	\$ 3,040.00
120-6	EMBANKMENT (IN PLACE)	24.0	CY	\$65.00	\$ 1,560.00
160-4	TYPE B STABILIZATION	240.0	SY	\$40.00	\$ 9,600.00
327-70	MILLING EXISTING ASPHALT PAVEMENT (3/4" AVG.)	2,970.0	SY	\$6.50	\$ 19,305.00
331-2	ASPHALTIC CONCRETE SURFACE COURSE S-3 3/4"	130.0	TN	\$250.00	\$ 32,500.00
425-1-521	INLETS, DT BOT, TYPE C, <10'	9.0	EA	\$5,500.00	\$ 49,500.00
425-2-071	MANHOLE- TYPE P-7, ALT B	3.0	EA	\$5,400.00	\$ 16,200.00
425-4	MODIFY/ADJUST INLET	2.0	EA	\$2,800.00	\$ 5,600.00
430-175-115	PIPE CULVERT,OPTIONAL MATERIAL,ROUND, 15" S/CD	38.0	LF	\$90.00	\$ 3,420.00
430-175-118	PIPE CULVERT,OPTIONAL MATERIAL,ROUND, 18" S/CD	619.0	LF	\$90.00	\$ 55,710.00
430-175-215	PIPE CULVERT,OPTIONAL MATERIAL,ELLIP., 15" S/CD	79.0	LF	\$125.00	\$ 9,875.00
430-175-218	PIPE CULVERT,OPTIONAL MATERIAL, ELLIP., 18" S/CD	42.0	LF	\$150.00	\$ 6,300.00
430-964-5	PIPE CULVERT, 12" SDR 35 PVC	55.0	LF	\$90.00	\$ 4,950.00
436-1-2	12" SLOT DRAIN	225.0	LF	\$250.00	\$ 56,250.00
520-1-10	CONCRETE, TYPE F CURB	565.0	LF	\$26.00	\$ 14,690.00
522-2	CONC SIDEWALK 6" THICK	646.0	SY	\$48.00	\$ 31,008.00
527-2	DETECTABLE WARNINGS (INSET/WET SET TYPE)	140.0	SF	\$30.00	\$ 4,200.00
700-1-51	SINGLE POST SIGN, RELOCATE	6.000	AS	\$350.00	\$ 2,100.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS	69.000	EA	\$50.00	\$ 3,450.00
711-11-121	THERMOPLASTIC, STD, WHITE, SOLID, 6"	980.000	LF	\$2.00	\$ 1,960.00
711-11-123	THERMOPLASTIC, STD, WHITE, SOLID, 12"	210.000	LF	\$5.00	\$ 1,050.00
711-11-124	THERMOPLASTIC, STD, WHITE, SOLID, 18"	80.000	LF	\$6.00	\$ 480.00
711-11-125	THERMOPLASTIC, STD, WHITE, SOLID, 24"	76.000	LF	\$8.00	\$ 608.00
711-11-221	THERMOPLASTIC, STD, YELLOW, SOLID, 6"	635.000	LF	\$2.00	\$ 1,270.00
711-11-224	THERMOPLASTIC, STD, YELLOW, SOLID, 18"	40.000	LF	\$6.00	\$ 240.00
711-11-241	THERMOPLASTIC, STD, YELLOW, 6'-10' SKIP, 6"	40.000	LF	\$2.00	\$ 80.00
711-11-231	THERMOPLASTIC, STD, YELLOW, 10'-30' SKIP, 6"	180.000	LF	\$2.00	\$ 360.00
711-14-160	THERMOPLASTIC, PREFORMED, WHITE, MESSAGE	9.000	EA	\$350.00	\$ 3,150.00

WEST TERRY ST PATHWAY EXT.

3/30/2021

Pay Item Number	Item Description	Estimated	Unit	Unit Cost	Cost
ROADWAY					
BASE BID - ROADWAY					
Subtotal=					\$ 435,081.00

Pay Item Number	Item Description	Estimated Quantity	Unit	Unit Cost	Cost
BID ALTERNATE #A					
110-1-1	CLEARING AND GRUBBING	0.04	AC	\$35,000.00	\$ 1,540.00
110-4-10	REMOVAL OF EXISTING CONCRETE	106.0	SY	\$30.00	\$ 3,180.00
120-1	REGULAR EXCAVATION	179.0	CY	\$40.00	\$ 7,160.00
120-6	EMBANKMENT (IN PLACE)	86.0	CY	\$65.00	\$ 5,590.00
160-4	TYPE B STABILIZATION	74.0	SY	\$40.00	\$ 2,960.00
425-1-521	INLETS, DT BOT, TYPE C, <10'	2.0	EA	\$5,500.00	\$ 11,000.00
430-175-115	PIPE CULVERT, OPTIONAL MATERIAL, ROUND, 15" S/CD	8.0	LF	\$115.00	\$ 920.00
430-964-5	PIPE CULVERT, 12" SDR 35 PVC	20.0	LF	\$115.00	\$ 2,300.00
436-1-2	12" SLOT DRAIN	90.0	LF	\$250.00	\$ 22,500.00
520-1-10	CONCRETE, TYPE F CURB	220.0	LF	\$30.00	\$ 6,600.00
522-2	CONC SIDEWALK 6" THICK	180.0	SY	\$48.00	\$ 8,640.00
526-1-2	CLAY BRICK PAVERS	21.2	SY	\$115.00	\$ 2,438.00
527-2	DETECTABLE WARNINGS (INSET/WET SET TYPE)	6.0	SF	\$30.00	\$ 180.00
700-1-51	SINGLE POST SIGN, RELOCATE	2.000	AS	\$350.00	\$ 700.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS (DEDUCT)	-12.000	EA	\$5.00	\$ (60.00)
711-11-121	THERMOPLASTIC, STD, WHITE, SOLID, 6" (DEDUCT)	-220.000	LF	\$2.00	\$ (440.00)
711-11-124	THERMOPLASTIC, STD, WHITE, SOLID, 18" (DEDUCT)	-80.000	LF	\$7.00	\$ (560.00)
	LANDSCAPE/IRRIGATION ALLOWANCE	1.000	NTE	\$15,000.00	\$ 15,000.00
BID ALTERNATE #A					Subtotal= \$ 89,648.00

PROJECT TOTAL BASE BID(ROADWAY & LANDSCAPING)	\$ 592,659.00
PROJECT TOTAL (BASE BID INCL. ALT A)	\$ 682,307.00
PROJECT TOTAL (BASE BID INCL. ALT B)	\$ 725,474.00
PROJECT TOTAL (BASE BID INCL. ALT. A & ALT B)	\$ 815,122.00

THE CITY RESERVES THE RIGHT TO SELECT AND AWARD THE BASE BID ONLY OR INCLUDING THE PROPOSED ALTERNATE BID, WHICH EVER IS CONSIDERED TO BE IN THE BEST INTEREST OF CITY. IN ORDER TO BE CONSIDERED FOR AWARD, THE CONTRACTOR MUST BID THE BASE BID AND ALTERNATE. FAILURE TO BID IN THE AFOREMENTIONED MANNER WILL BE CONSIDERED NON RESPONSIVE AND WILL CONSTITUTE A REASON FOR DISQUALIFICATION.



Oak Hammock Office Park at Whiskey Creek
 6200 Whiskey Creek Drive
 Fort Myers, Florida 33919
 Office: (239) 985-1200
 Web: www.HoleMontes.com / www.HMEng.com
 Florida Certificate Of Authorization No. 1772

MATERIAL COSTS

Project Number: 2019026-02-WT Streetscape

Date: 2/22/2021

TREES (Florida No. 1)										
QTY	SYM	NATIVE	NATIVE	BOTANICAL	COMMON	SPECIFICATIONS	ZONE	SPACING	PRICE	COST
										\$0.00
TREE TOTAL:										\$0.00

FLOWERING TREES (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
2	SSU	0	NO	Senna surallensis	Glaucous Cassia	10'-12"H x 4'-5"S, 2'Cal, 25G	9b-11a	Note-	\$650.00	\$1,300.00
FLOWERING TREE TOTAL:										\$1,300.00

PALMS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
8	ACRH12	0	NO	Archontophoenix alexandrae	King Alexander Palm	8'-9"GW, 12'-13"CT, 18'-19"OA, SS, Full Head	10b-11a	Note-	\$1,400.00	\$8,400.00
2	RE	0	YES	Roystonea elata	Florida Royal Palm	5'GW, 10'-12"CT, 22'-24"OA, Full Head, Buttressed Trunk	10a-11a	Note-	\$1,400.00	\$2,800.00
2	SP	0	YES	Sabal palmetto	Cabbage Palm	10'-16"CT, 18"Min Cal, Staggered Heights, Fully Booted	8a-10b	Note-	\$500.00	\$1,000.00
3	HL5	0	NO	Hyophorbe lagenicaulis	Bottle Palm	5'-8"OA, 10G, Specimen	10b-11a	Note-	\$600.00	\$1,800.00
PALM TOTAL:										\$14,000.00

ACCENTS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
7	CRQ10	0	NO	Crinum augustum 'Queen Emma'	Queen Emma Crinum Lily	36"H x 36"S, 10G	8a-11a	Note-	\$85.00	\$595.00
ACCENT TOTAL:										\$595.00

SHRUBS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
3	LM7	0	YES	Leucophorax morrisii	Key Thatch Palm	7'-8"OA, 25G, Specimen	10b-11a	Note-	\$825.00	\$2,475.00
17	BOUG	0	NO	Bougainvillea spp. 'Helen Johnson'	Helen Johnson Bougainvillea	24"H x 18"S, 3G	10a-11a	Note-	\$12.00	\$204.00
188	CHR	0	YES	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	24"H x 18"S, 3G	9a-11a	Note-	\$11.00	\$2,068.00
14	SES	0	YES	Serenoa repens 'Silver'	Silver Saw Palmetto	12"H x 12"S, 3G	8a-10b	Note-	\$75.00	\$1,050.00
SHRUB TOTAL:										\$5,797.00

GROUND COVERS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
226	ARG	0	NO	Arachis glabrata	Perennial Peanut	12"H x 12"S, 3G	8b-11a	Note-	\$8.00	\$1,808.00
197	AGF	0	NO	Agapanthus africanus	Lily of the Nile	18" HT X 12"S, 3G	8a-10	Note-	\$8.00	\$1,576.00
GROUND COVER TOTAL:										\$3,384.00

LITTORAL (Florida No. 1)										
QTY	SYM	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST	
LITTORAL TOTAL:										\$0.00

ANNUALS										
QTY	SYM	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST	
ANNUALS TOTAL:										\$0.00
TOTAL COST:										\$25,076.00

SOD / MULCH / IRRIGATION / ANCILLARY (You can not add or delete any rows or columns you can only change the data in cells with a yellow background)

SOD					
QTY SF	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SF PRICE	COST
2,100	Stenotaphrum secundatum 'Floratum'	Floratum SL Augustine	3" Cut Sod, Full Matt, Uniform Edges	\$2.00	\$4,200.00
					\$0.00
					\$0.00
SOD TOTAL:					\$4,200.00

MULCH					
QTY SF	MULCH	SPECIFICATIONS	CY	UP / CY / BALE	COST
5,000	Via Mulch (Blended Compost)	Forestry Resources, Inc. Min. 2" Min. Depth after watering. No Debris	200.00	\$35.00	\$7,000.00
					\$0.00
MULCH TOTAL:					\$7,000.00

IRRIGATION SYSTEM						
QTY / LF	MATERIAL	MANUFACTURE	TYPE	SPECIFICATIONS	UNIT PRICE	COST
143	(QTY) Sprays	Hunter	Pro-Spray	See Plans	\$40.00	\$5,720.00
9	(QTY) Bubblers	Hunter	Bubbler	PCB-20	\$50.00	\$450.00
11	(QTY) Valves	Hunter	Valve	(9)-2-1/2" Zone Valves (2)-3" Gate Valves	\$550.00	\$6,050.00
886	(LF) Mainline		LF	2-1/2" Schedule 40	\$20.00	\$17,760.00
533	(LF) Sleeving		LF	3" Schedule 40	\$19.00	\$10,127.00
1400	(LF) Laterals		LF	PVC 1120/1220, Class 200	\$18.00	\$25,200.00
175	Directional		PER LF	Boring	\$125.00	\$21,875.00
					\$0.00	\$0.00
IRRIGATION TOTAL:					\$87,182.00	

ANCILLARY ITEMS						
QTY	SF	MATERIAL	MANUFACTURE	SPECIFICATIONS	UNIT PRICE/CY	COST
2		Refuse containers	Lakeside	LS602-02	\$3,200.00	\$6,400.00
1		Bike Rack	ANOVA	Model: LBRSPSURF	\$1,500.00	\$1,500.00
1		Light Pole	Energy Light Inc	10SQ4FDB Direct Bury	\$1,500.00	\$1,500.00
1		LED Solar Light	Superior Lighting	SOL-DTD-30W-50K-NEO	\$1,500.00	\$1,500.00
3		Benches	Lakeside	Grass Back 67" (Blue Ash)	\$4,800.00	\$14,400.00
						\$0.00
QTY	SF	MATERIAL	MANUFACTURE	SPECIFICATIONS	UNIT PRICE/SF	COST
315		Brick Pavers	Tremron or Approved Equal	Heritage Color	\$28.00	\$8,820.00
						\$0.00
						\$0.00
					ANCILLARY TOTAL:	\$34,120.00

TOTAL SOD / MULCH / IRRIGATION / ANCILLARY COST: \$182,502.00

TREE TOTAL: \$0.00
 FLOWERING TREE TOTAL: \$1,300.00
 PALM TOTAL: \$14,000.00
 ACCENT TOTAL: \$595.00
 SHRUB TOTAL: \$5,797.00
 GROUND COVER TOTAL: \$3,384.00
 LITTORAL TOTAL: \$0.00
 ANNUAL TOTAL: \$0.00
 SOD TOTAL: \$4,200.00
 MULCH TOTAL: \$7,000.00
 IRRIGATION TOTAL: \$87,182.00
 ANCILLARY TOTAL: \$34,120.00

*GRAND TOTAL: \$157,578.00

West Terry Multi-Use Pathway Extension Utility Adjustments Bid Tabulation					
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
Section 1	EARTHWORK				
BSU-1	8" Water Main Removal	64	LF	\$35.00	\$2,240.00
BSU-2	Sod	325	SF	\$2.00	\$650.00
Section 2	PAVEMENT				
BSU-3	Roadway Trench Restoration	250	SY	\$80.00	\$20,000.00
Section 3	POTABLE WATER CONSTRUCTION				
BSU-4	Valve Removal and Tee Plug	2	EA	\$750.00	\$1,500.00
BSU-5	Furnish and Install Water Main	165	LF	\$85.00	\$14,025.00
BSU-6	Furnish and Install 8" Valve	2	EA	\$3,400.00	\$6,800.00
BSU-7	Furnish and Install 12" Valve	3	EA	\$9,500.00	\$28,500.00
BSU-8	Furnish and Install 12" x 8" Tee	4	EA	\$4,500.00	\$18,000.00
BSU-9	Furnish and Install 1" water service	2	EA	\$1,500.00	\$3,000.00
BSU-10	Grout Existing Water Line for Abandonment	170	LF	\$30.00	\$5,100.00
Section 4	SANITARY SEWER CONSTRUCTION				
BSU-11	Valve Adjustments	1	EA	\$3,500.00	\$3,500.00
BSU-12	Protection of Force Main	5	EA	\$1,500.00	\$7,500.00
Section 5	MISCELLANEOUS				
BSU-13	Mobilization/Demobilization	1	LS	\$7,500.00	\$7,500.00
BSU-14	Pre and Post Construction Videos	1	LS	\$3,500.00	\$3,500.00
BSU-15	Survey Layout & Record Drawings	1	LS	\$3,500.00	\$3,500.00
BSU-16	Maintenance of Traffic	1	LS	\$7,500.00	\$7,500.00
	BID ALTERNATE B			TOTAL	\$132,815.00

Pm 1

WEST TERRY ST PATHWAY EXT.

3/30/2021

Pay Item Number	Item Description	Estimated	Unit	Unit Cost	Cost
ROADWAY					
101-1	MOBILIZATION	1.0	LS	\$194,000.00	\$ 194,000.00
102-1	MAINTENANCE OF TRAFFIC	1.0	LS	\$173,254.75	\$ 173,254.75
102-2	MESSAGE BOARDS ALLOWANCE	1.0	NTE	\$8,000.00	\$ 8,000.00
104-10-3	SEDIMENT BARRIER	1,000.0	LF	\$2.00	\$ 2,000.00
104-18	INLET PROTECTION SYSTEM	11.0	EA	\$125.00	\$ 1,375.00
110-1-1	CLEARING AND GRUBBING	0.35	AC	\$254,500.00	\$ 89,075.00
110-4-10	REMOVAL OF EXISTING CONCRETE	420.0	SY	\$15.00	\$ 6,300.00
120-1	REGULAR EXCAVATION	76.0	CY	\$30.00	\$ 2,280.00
120-6	EMBANKMENT (IN PLACE)	24.0	CY	\$75.00	\$ 1,800.00
160-4	TYPE B STABILIZATION	240.0	SY	\$115.00	\$ 27,600.00
327-70	MILLING EXISTING ASPHALT PAVEMENT (3/4" AVG.)	2,970.0	SY	\$4.30	\$ 12,771.00
331-2	ASPHALTIC CONCRETE SURFACE COURSE S-3 3/4"	130.0	TN	\$185.00	\$ 24,050.00
425-1-521	INLETS, DT BOT, TYPE C, <10'	9.0	EA	\$2,715.25	\$ 24,437.25
425-2-071	MANHOLE- TYPE P-7, ALT B	3.0	EA	\$4,769.00	\$ 14,307.00
425-4	MODIFY/ADJUST INLET	2.0	EA	\$2,581.00	\$ 5,162.00
430-175-115	PIPE CULVERT,OPTIONAL MATERIAL,ROUND, 15" S/CD	38.0	LF	\$113.65	\$ 4,318.70
430-175-118	PIPE CULVERT,OPTIONAL MATERIAL,ROUND, 18" S/CD	619.0	LF	\$112.25	\$ 69,482.75
430-175-215	PIPE CULVERT,OPTIONAL MATERIAL,ELLIP., 15" S/CD	79.0	LF	\$119.00	\$ 9,401.00
430-175-218	PIPE CULVERT,OPTIONAL MATERIAL, ELLIP., 18" S/CD	42.0	LF	\$127.00	\$ 5,334.00
430-964-5	PIPE CULVERT, 12" SDR 35 PVC	55.0	LF	\$132.75	\$ 7,301.25
436-1-2	12" SLOT DRAIN	225.0	LF	\$393.55	\$ 88,548.75
520-1-10	CONCRETE, TYPE F CURB	565.0	LF	\$21.65	\$ 12,232.25
522-2	CONC SIDEWALK 6" THICK	646.0	SY	\$85.30	\$ 55,103.80
527-2	DETECTABLE WARNINGS (INSET/WET SET TYPE)	140.0	SF	\$25.00	\$ 3,500.00
700-1-51	SINGLE POST SIGN, RELOCATE	6.000	AS	\$170.00	\$ 1,020.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS	69.000	EA	\$4.00	\$ 276.00
711-11-121	THERMOPLASTIC, STD, WHITE, SOLID, 6"	980.000	LF	\$1.95	\$ 1,911.00
711-11-123	THERMOPLASTIC, STD, WHITE, SOLID, 12"	210.000	LF	\$3.00	\$ 630.00
711-11-124	THERMOPLASTIC, STD, WHITE, SOLID, 18"	80.000	LF	\$5.00	\$ 400.00
711-11-125	THERMOPLASTIC, STD, WHITE, SOLID, 24"	76.000	LF	\$6.50	\$ 494.00
711-11-221	THERMOPLASTIC, STD, YELLOW, SOLID, 6"	635.000	LF	\$1.50	\$ 952.50
711-11-224	THERMOPLASTIC, STD, YELLOW, SOLID, 18"	40.000	LF	\$5.00	\$ 200.00
711-11-241	THERMOPLASTIC, STD, YELLOW, 6'-10' SKIP, 6"	40.000	LF	\$1.50	\$ 60.00
711-11-231	THERMOPLASTIC, STD, YELLOW, 10'-30' SKIP, 6"	180.000	LF	\$1.50	\$ 270.00
711-14-160	THERMOPLASTIC, PREFORMED, WHITE, MESSAGE	9.000	EA	\$300.00	\$ 2,700.00

WEST TERRY ST PATHWAY EXT.

3/30/2021

Pay Item Number	Item Description	Estimated	Unit	Unit Cost	Cost
ROADWAY					
BASE BID - ROADWAY				Subtotal=	\$ 850,548.00

Pay Item Number	Item Description	Estimated Quantity	Unit	Unit Cost	Cost
BID ALTERNATE #A					
110-1-1	CLEARING AND GRUBBING	0.04	AC	\$340,450.00	\$ 14,979.80
110-4-10	REMOVAL OF EXISTING CONCRETE	106.0	SY	\$32.00	\$ 3,392.00
120-1	REGULAR EXCAVATION	179.0	CY	\$25.00	\$ 4,475.00
120-6	EMBANKMENT (IN PLACE)	86.0	CY	\$35.00	\$ 3,010.00
160-4	TYPE B STABILIZATION	74.0	SY	\$75.00	\$ 5,550.00
425-1-521	INLETS, DT BOT, TYPE C, <10'	2.0	EA	\$2,715.15	\$ 5,430.30
430-175-115	PIPE CULVERT,OPTIONAL MATERIAL,ROUND, 15" S/CD	8.0	LF	\$370.35	\$ 2,962.80
430-964-5	PIPE CULVERT, 12" SDR 35 PVC	20.0	LF	\$132.70	\$ 2,654.00
436-1-2	12" SLOT DRAIN	90.0	LF	\$393.55	\$ 35,419.50
520-1-10	CONCRETE, TYPE F CURB	220.0	LF	\$45.00	\$ 9,900.00
522-2	CONC SIDEWALK 6" THICK	180.0	SY	\$76.30	\$ 13,734.00
526-1-2	CLAY BRICK PAVERS	21.2	SY	\$30.00	\$ 636.00
527-2	DETECTABLE WARNINGS (INSET/WET SET TYPE)	6.0	SF	\$25.00	\$ 150.00
700-1-51	SINGLE POST SIGN, RELOCATE	2.000	AS	\$168.00	\$ 336.00
706-3	RETRO-REFLECTIVE PAVEMENT MARKERS (DEDUCT)	-12.000	EA	\$3.95	\$ (47.40)
711-11-121	THERMOPLASTIC, STD, WHITE, SOLID, 6" (DEDUCT)	-220.000	LF	\$1.15	\$ (253.00)
711-11-124	THERMOPLASTIC, STD, WHITE, SOLID, 18" (DEDUCT)	-80.000	LF	\$4.20	\$ (336.00)
	LANDSCAPE/IRRIGATION ALLOWANCE	1.000	NTE	\$15,000.00	\$ 15,000.00
BID ALTERNATE #A				Subtotal=	\$ 116,993.00

PROJECT TOTAL BASE BID(ROADWAY & LANDSCAPING)	\$	958,550.58
PROJECT TOTAL (BASE BID INCL. ALT A)	\$	1,075,543.58
PROJECT TOTAL (BASE BID INCL. ALT B)	\$	1,153,402.58
PROJECT TOTAL (BASE BID INCL. ALT. A & ALT B)	\$	1,270,395.58

THE CITY RESERVES THE RIGHT TO SELECT AND AWARD THE BASE BID ONLY OR INCLUDING THE PROPOSED ALTERNATE BID, WHICH EVER IS CONSIDERED TO BE IN THE BEST INTEREST OF CITY. IN ORDER TO BE CONSIDERED FOR AWARD, THE CONTRACTOR MUST BID THE BASE BID AND ALTERNATE. FAILURE TO BID IN THE AFOREMENTIONED MANNER WILL BE CONSIDERED NON RESPONSIVE AND WILL CONSTITUTE A REASON FOR DISQUALIFICATION.



Oak Hammock Office Park at Whiskey Creek
 6200 Whiskey Creek Drive
 Fort Myers, Florida 33919
 Office: (239) 985-1200
 Web: www.HoleMontes.com / www.HMEng.com
 Florida Certificate Of Authorization No. 1772

MATERIAL COSTS

Project Number: 2019026-02-WT Streetscape

Date: 2/22/2021

TREES (Florida No. 1)										
QTY	SYM	NATIVE	NATIVE	BOTANICAL	COMMON	SPECIFICATIONS	ZONE	SPACING	PRICE	COST
										\$0.00
TREE TOTAL:										\$0.00

FLOWERING TREES (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
2	SSU	0	NO	Senna surralensis	Glauca Cassia	10'-12'H x 4'-5'S, 2"Cal, 25G	9b-11a	Note-	\$392.00	\$784.00
										\$0.00
FLOWERING TREE TOTAL:										\$784.00

PALMS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
6	ACRH12	0	NO	Archontophoenix alexandrae	King Alexander Palm	6'-9"GW, 12'-13"CT, 18'-19"OA, SS, Full Head	10b-11a	Note-	\$1,277.00	\$7,662.00
2	RE	0	YES	Roystonia elata	Florida Royal Palm	5'GW, 10'-12"CT, 22'-24"OA, Full Head, Buttressed Trunk	10b-11a	Note-	\$1,210.00	\$2,420.00
2	SP	0	YES	Sabal palmetto	Cabbage Palm	10'-16"CT, 18"Min Cal, Staggered Heights, Fully Booted	8a-10b	Note-	\$280.00	\$560.00
3	HL5	0	NO	Hyophorba lagenicaulis	Bottle Palm	5'-6"OA, 10G, Specimen	10b-11a	Note-	\$504.00	\$1,512.00
										\$0.00
PALM TOTAL:										\$12,154.00

ACCENTS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
7	CRQ10	0	NO	Crinum augustinum 'Queen Emma'	Queen Emma Crinum Lily	36"H x 36"S, 10G	8a-11a	Note-	\$50.50	\$353.50
										\$0.00
ACCENT TOTAL:										\$353.50

SHRUBS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
3	LM7	0	YES	Leucolithrix mortisii	Key Thatch Palm	7'-8"OA, 25G, Specimen	10b-11a	Note-	\$728.00	\$2,184.00
17	BOUG	0	NO	Bougainvillea spp. 'Helen Johnson'	Helen Johnson Bougainvillea	24"H x 18"S, 3G	10a-11a	Note-	\$10.65	\$181.05
188	CHR	0	YES	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	24"H x 18"S, 3G	9a-11a	Note-	\$10.10	\$1,899.80
14	SES	0	YES	Serenoa repens 'Silver'	Silver Saw Palmetto	12"H x 12"S, 3G	8a-10b	Note-	\$56.00	\$784.00
										\$0.00
SHRUB TOTAL:										\$5,047.85

GROUND COVERS (Florida No. 1)										
QTY	SYM	BOTANICAL	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST
226	ARG	0	NO	Arachis glabrata	Perennial Peanut	12"H x 12"S, 3G	8b-11a	Note-	\$5.60	\$1,265.60
197	AGF	0	NO	Agapanthus africanus	Lily of the Nile	18" HT X 12"S, 3G	8a-10	Note-	\$5.60	\$1,103.20
										\$0.00
GROUND COVER TOTAL:										\$2,368.80

LITTORAL (Florida No. 1)										
QTY	SYM	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST	
										\$0.00
LITTORAL TOTAL:										\$0.00

ANNUALS										
QTY	SYM	NATIVE	BOTANICAL	COMMON	SPECIFICATION	ZONE	NOTES	PRICE	COST	
										\$0.00
ANNUALS TOTAL:										\$0.00

TOTAL GDST: \$20,704.15

SOD / MULCH / IRRIGATION / ANCILLARY (You can not add or delete any rows or columns you can only change the data in cells with a yellow background)

SOD					
QTY SF	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SF. PRICE	COST
2,100	Stenotaphrum secundatum 'Floritam'	Floritam St. Augustine	3" Cut Sod, Full Matt, Uniform Edges	\$1.12	\$2,352.00
					\$0.00
					\$0.00
SOD TOTAL:					\$2,352.00

MULCH					
QTY SF	MULCH	SPECIFICATIONS	CY	UP / CY / BALE	COST
5,000	Vita Mulch (Blended Compost)	Forestry Resources, Inc. Min. 2" Min. Depth after watering. No Debris	200.00	\$23.55	\$4,710.00
					\$0.00
MULCH TOTAL:					\$4,710.00

IRRIGATION SYSTEM						
QTY / LF	MATERIAL	MANUFACTURE	TYPE	SPECIFICATIONS	UNIT PRICE	COST
143	(QTY) Sprays	Hunter	Pro-Spray	See Plans	\$24.85	\$3,553.55
9	(QTY) Bubblers	Hunter	Bubbler	PCB-20	\$33.60	\$302.40
11	(QTY) Valves	Hunter	Valve	(9)-2-1/2" Zone Valves (2)-3" Gate Vales	\$442.40	\$4,866.40
888	(LF) Mainline		LF	2-1/2" Schedule 40	\$15.15	\$13,453.20
533	(LF) Slewling		LF	3" Schedule 40	\$10.50	\$5,596.50
1400	(LF) Laterals		LF	PVC 1120/1220, Class 200	\$2.45	\$3,430.00
175	Directional		PER LF	Boring	\$106.50	\$18,637.50
					\$106.50	\$0.00
					\$0.00	\$0.00
IRRIGATION TOTAL:						\$49,839.55

ANCILLARY ITEMS					
QTY SF	MATERIAL	MANUFACTURE	SPECIFICATIONS	UNIT PRICE/CY	COST
2	Refuse containers	Lakeside	LS602-02	\$2,576.00	\$5,152.00
1	Bike Rack	ANOVA	Model: LBR5PSURF	\$1,920.00	\$1,920.00
1	Light Pole	Energy Light Inc	10SQ4FDB Direct Bury	\$2,008.00	\$2,008.00
1	LED Solar Light	Superior Lighting	SOL-DTD-30W-50K-NEO	\$1,452.13	\$1,452.13
3	Benches	Lakeside	Grass Back 67" (Blue Ash)	\$4,032.00	\$12,096.00
					\$0.00
QTY SF	MATERIAL	MANUFACTURE	SPECIFICATIONS	UNIT PRICE/SF	COST
315	Brick Pavers	Tremron or Approved Equal	Heritage Color	\$24.65	\$7,764.75
					\$0.00
					\$0.00
ANCILLARY TOTAL:					\$30,392.88

TOTAL SOD / MULCH / IRRIGATION / ANCILLARY COST: \$87,294.43

TREE TOTAL: \$0.00
 FLOWERING TREE TOTAL: \$784.00
 PALM TOTAL: \$12,154.00
 ACCENT TOTAL: \$353.50
 SHRUB TOTAL: \$5,047.85
 GROUND COVER TOTAL: \$2,368.80
 LITTORAL TOTAL: \$0.00
 ANNUAL TOTAL: \$0.00
 SOD TOTAL: \$2,352.00
 MULCH TOTAL: \$4,710.00
 IRRIGATION TOTAL: \$49,839.55
 ANCILLARY TOTAL: \$30,392.88

*GRAND TOTAL: \$108,002.58

West Terry Multi-Use Pathway Extension Utility Adjustments Bid Tabulation					
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
Section 1	EARTHWORK				
BSU-1	8" Water Main Removal	64	LF	\$26.25	\$1,680.00
BSU-2	Sod	325	SF	\$2.55	\$828.75
Section 2	PAVEMENT				
BSU-3	Roadway Trench Restoration	250	SY	\$85.00	\$21,250.00
Section 3	POTABLE WATER CONSTRUCTION				
BSU-4	Valve Removal and Tee Plug	2	EA	\$1,828.00	\$3,656.00
BSU-5	Furnish and Install Water Main	165	LF	\$73.90	\$12,193.50
BSU-6	Furnish and Install 8" Valve	2	EA	\$2,182.40	\$4,364.80
BSU-7	Furnish and Install 12" Valve	3	EA	\$3,778.10	\$11,334.30
BSU-8	Furnish and Install 12" x 8" Tee	4	EA	\$1,690.15	\$6,760.60
BSU-9	Furnish and Install 1" water service	2	EA	\$2,635.00	\$5,270.00
BSU-10	Grout Existing Water Line for Abandonment	170	LF	\$20.20	\$3,434.00
Section 4	SANITARY SEWER CONSTRUCTION				
BSU-11	Valve Adjustments	1	EA	\$560.00	\$560.00
BSU-12	Protection of Force Main	5	EA	\$1,120.00	\$5,600.00
Section 5	MISCELLANEOUS				
BSU-13	Mobilization/Demobilization	1	LS	\$28,800.00	\$28,800.00
BSU-14	Pre and Post Construction Videos	1	LS	\$5,000.00	\$5,000.00
BSU-15	Survey Layout & Record Drawings	1	LS	\$14,500.00	\$14,500.00
BSU-16	Maintenance of Traffic	1	LS	\$69,620.05	\$69,620.05
	BID ALTERNATE B			TOTAL	\$194,852.00

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

APPROVE RESOLUTION AWARDING THE WEST TERRY STREET PATHWAY EXTENSION PROJECT RFB 21-07 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, COASTAL CONCRETE PRODUCTS, LLC D/B/A COASTAL SITE DEVELOPMENT, IN THE AMOUNT OF \$815,122.00 TO INCLUDE BASE BID INCLUDING ALTERNATE BIDS A & B, AND TO EXECUTE AGREEMENT UPON APPROVAL OF ALL DOCUMENTATION.

WHEREAS, City staff advertised for the West Terry Street Pathway Extension Project and received two (2) sealed bids,

Coastal Concrete Products, LLC	\$815,122.00
Pavement Maintenance, LLC	\$1,311,814.00

WHEREAS, the lowest responsive and responsible submittal was from Coastal Concrete Products, LLC in the amount of \$815,122.00 for Base Bid, including Alternate A & Alternate B:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, Coastal Concrete Products, LLC d/b/a Coastal Site Development;

Section 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of May 2021

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr _____	Corrie _____
Purdon _____	Quaremba _____
Forbes _____	Steinmeyer _____
Gibson _____	

Date filed with City Clerk: _____

CITY OF BONITA SPRINGS
and
BONITA SPRINGS UTILITIES, INC.

JOINT PROJECT AGREEMENT FOR
UTILITY INSTALLATION

THIS AGREEMENT, made and entered into this _____ day of _____, 2021, by and between CITY OF BONITA SPRINGS, a political subdivision of the State of Florida, hereinafter referred to as “City”, and **BONITA SPRINGS UTILITIES, INC.**, a Florida not for profit corporation, hereinafter referred to as “BSU”, each individually a “PARTY” and collectively the “PARTIES”.

WITNESSETH:

WHEREAS, City is improving a portion of the City bicycle and pedestrian facility network designated as “Bicycle/Pedestrian Facilities – West Terry Street” and referenced herein as the “Pathway Extension Project”, and

WHEREAS, BSU maintains potable water transmission and wastewater collection infrastructure within the limits of the Pathway Extension Project and, these mains referred to collectively herein as “BSU Mains”, and

WHEREAS, construction of the Pathway Extension Project requires relocation of a portion of the BSU Mains in conflict with the project, such utility relocation work designated hereinafter as “Utility Work”, and

WHEREAS, BSU is responsible for all costs attributable to Design, Permitting, Construction Engineering and Inspection, and Construction of the Utility Work, referred to hereafter as “Cost of Utility Work”,

WHEREAS, the City is responsible for all costs associated with Design, Permitting, Construction Engineering and Inspection, and Construction of the Pathway Extension Project, hereinafter referred to as “Cost of the Pathway Extension Project”,

WHEREAS, BSU has requested the City to include in the construction contract for the Pathway Extension Project certain plans and specifications furnished by BSU for the Utility Work; and

WHEREAS, the City has included plans for the Utility Work in its Request for Bid Documents as Bid Alternate C and has requested bids associated with such Utility Work;

WHEREAS, the City has reserved the right to award a contract associated with Bid Alternate C and has further reserved the right to reject all bids associated with Bid Alternate C;

WHEREAS, the City and BSU have determined that it serves a public purpose and is in the public interest to enter into this JOINT PROJECT AGREEMENT FOR UTILITY INSTALLATION (hereafter "JPA") providing for such work.

NOW, THEREFORE, in consideration of the above premises and other good and valuable consideration, the receipt whereof is hereby acknowledged, and in further consideration of the mutual covenants hereinafter contained, it is agreed by the parties as follows:

1. In the event the City awards a contract with respect to the Utility Work (subject to the reasonable approval of BSU as set forth below), BSU's obligations under this JPA shall not arise unless and until the Addendum to City of Bonita Springs Request for Bid, or other similar agreement relating to the Utility Work, has been fully executed on behalf of the Contractor, the City and BSU.
2. BSU shall be responsible for reimbursing the City for all expenses incurred by the City attributable to the construction of the Utility Work as set forth in Bid Alternate C, along with any additional engineering or design work attributable to the Utility Work.
3. The City shall coordinate with BSU on the award of the bid alternate to the lowest responsive and responsible bidder, so determined on the sum of the base bid plus additive alternate for Utility Work. BSU shall have the right to reject the additive alternate Utility Work bid for reasons, which may include but not be limited to an "unbalanced bid" to the detriment of BSU. For the purpose of this Agreement, an "unbalanced bid" shall include: excessive unit pricing, other unfair pricing for materials or labor, or a disproportionate allocation of cost to BSU for the actual construction performed. In the event BSU rejects the lowest responsive and responsible bidder's Utility Work additive alternate, BSU shall make other arrangements to have the Utility Work completed in coordination with the City's work.
4. The coordination of BSU's Utility Work with that of the City's work, their contractors, subcontractors, and other utility relocation contractors associated with this project will be the responsibility of the City, and BSU shall cooperate fully in this matter. All information required for Change Orders, Supplemental Agreements or Requests for Information pertaining to BSU's Utility Work or otherwise related to subject matter of this Agreement shall be promptly furnished to the City by BSU. BSU shall have the

right to approve or reject any and all proposed Change Orders or Supplemental Agreements pertaining to BSU's Utility Work in its absolute discretion.

5. BSU, at its sole expense, will furnish all inspection services and supervision for the installation of pipe, valves and appurtenances, placement of pipe bedding, backfill and all pipe testing of the BSU Utility Work, and will also furnish City with progress reports and daily records, approved quantities and amounts for periodic and final pay estimates. The provisions of this section shall not be interpreted to mean or suggest that BSU is assuming responsibility for the means and methods of construction, or for implementing safety procedures, with respect to the Utility Work. This provision is solely intended to confirm that, to the extent the City is obligated or permitted to perform inspection or supervision services pursuant to its contract with Contractor, BSU shall be assuming responsibility for such services with respect to the Utility Work.
6. All adjustments, relocations, repairs and incidentals required to be performed to the existing BSU utilities within the project limits and not included in this Contract shall be the sole responsibility of BSU. All such work shall be coordinated with the construction of this project in a manner that will not cause delay to the work. BSU shall have the right to retain its own forces, including outside contractors, in connection with the performance of such adjustments, relocations, repairs and incidental work.
7. BSU agrees that it will, upon the execution of this Agreement and notification of the final bid cost for BSU's Utility Work, set aside in an appropriate an Account, the Cost of the Utility Work plus a 10% BSU controlled contingency. Every thirty (30) days the City will submit an invoice to BSU detailing the Utility Work performed. BSU shall have the right to inspect all work associated with any invoice and shall have the right to advise City and Contractor of any appropriate corrective work required with respect to the Utility Work. BSU shall not be obligated to make payment associated with any work to which it has provided the City with a timely objection and the City shall be responsible for communicating all such objections to Contractor and otherwise ensuring that Contractor undertakes corrective work in a timely fashion. Upon review and approval of the invoice by BSU, BSU will pay the City within 15 days. BSU's obligation to make payment shall be conditioned upon the City providing BSU with any and all appropriate documentation reasonably required by BSU to confirm the amounts owing, as well as appropriate lien or bond waiver forms and a Final Contractor's Affidavit in connection with the final invoice. BSU's obligation to make payment to the City shall be limited specifically to the amount of the Contractor's invoice specifically associated with the Utility Work. In the absence of change orders, BSU's total payment obligation shall be limited to the pricing attributable to the Utility Work as set forth in the approved Bid Alternate C.
8. The City will notify BSU promptly upon being advised by Contractor that the Utility Work is Substantially Complete. BSU will be afforded a sufficient opportunity to inspect and test all aspects of the Utility Work and advise of any defects or punchlist items to be addressed. Upon completion and acceptance of the work, BSU shall own, control, maintain, and be responsible for all BSU utility facilities (potable water and wastewater infrastructure) associated with the work described herein, in accordance with the Franchise Agreement between the City and BSU created by Ordinance No. 02-14, and as amended. The City shall own, control maintain, and be

responsible for all conflict structures in the storm water drainage network where BSU infrastructure intersects the storm water drainage network at a conflicting elevation.

9. Upon completion of the work, the City shall, at the earliest date practicable, furnish BSU copies of its final and complete billing of all costs incurred in connection with the work performed hereunder, such statement to follow as closely as possible the order of the items contained in BSU'S portion of the Construction Contract. The final billing shall show the description and site of the project; the date on which the first work was performed; the date on which the earliest item of billed expenses was incurred; the date on which the last work was performed or the last item of billed expenses was incurred; and the location where the records and accounts bill can be audited. Adequate reference shall be made in the billing to City records, accounts or other relevant documents. All cost records and accounts shall be subject to audit by a representative of either the City or BSU.
10. This Agreement, together with the Addendum to City of Bonita Springs Request for Bid agreement (or such other similar agreement as may be executed by the City, Contractor and BSU with respect to the Utility Work) as well as the terms of the Contract between The City and Contractor (along with all design plans, specification, schedules and similar agreements incorporated into any of the foregoing) constitutes the entire understanding between the PARTIES, and any previous Agreements whether written or oral, shall be superseded by the Agreement with the exception of the agreement between BSU and the City known as the Franchise Agreement By, Between and Among Bonita Springs Utilities, Inc., the City of Bonita Springs, Florida, and Lee County, the terms of which shall not be affected by this Agreement.
11. This Agreement may be amended upon the concurrence of both PARTIES and executed with the same formalities as this original Agreement.
12. The PARTIES agree that by execution of this Joint Project Agreement, the City will not be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for by Section 768.28, Florida Statutes.
13. This Joint Project Agreement shall be governed by and construed in accordance with the laws of the State of Florida.
14. The term of this Agreement shall be from the date first written above, and shall continue until terminated by either PARTY. Either PARTY may terminate this Agreement by giving the other PARTY ninety (90) days written notice of termination.
15. Nothing in the Joint Project Agreement or any of the other Contract Documents shall be interpreted or construed as creating an agency or joint venture relationship between the City and BSU. Rather, this Joint Project Agreement is merely intended to memorialize the rights and obligations of the parties hereto with respect to the Utility Work.

IN WITNESS WHEREOF, the PARTIES hereto have caused these presents to be

executed by their duly authorized officers and their official seals hereto affixed, the day and year first above written.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement on the dates shown below to be effective the day and year first shown above.

Bonita Springs Utilities, Inc., a
Florida not for profit corporation

By: _____

Date: _____

ATTEST:

City of Bonita Springs
Bonita Springs, Florida

BY: _____

BY: _____

REQUESTED MOTION: Authorize approval of Resolution to purchase (2) 64HP & (1) 225HP Power Units(s) Tier 4 Trailer-Mounted Pumps being funded by Direct Administrative Costs (DAC) in the amount of \$289,143.00 and approve budget amendment to fund purchase.

REQUESTOR: Matt Feeney, Assistant City Manager

AGENDA: Consent

STRATEGIC PRIORITY: #1 – Improve Stormwater Management

BACKGROUND:

The City anticipates it will receive +/- \$300,000 of FEMA funding to be used to purchase two (2) 64HP and one (1) 225HP Power Units(s) Tier 4 Trailer-Mounted Pumps for flood management. The solicitation was developed with a timeline that accounted for rainy season and the anticipated release of FEMA DAC Funding. Funding to purchase these pumps is expected to come from excess Direct Administrative Cost (DAC) from FEMA.

City advertised for and received two sealed bids on April 8, 2021, for the Tier 4 Trailer-Mounted Pumps.

D & D Machine & Hydraulics, Inc. \$289,143.00	MWI Pumps \$290,691.00
---	------------------------

At this point FEMA has not released the DAC Funds. It is unclear as to whether the DAC Funds can be used to reimburse the City for purchases made prior to the release of the funds. In the event FEMA does not allow for reimbursement, the DAC funds can be used for another eligible purchase, such as generators.

STAFF RECOMMENDATION: Approve Resolution

ATTACHMENTS:

1. Letter to Florida Division of Emergency Management (FDEM)
2. Resolution/Budget Transfer

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Matt Feeney, Assistant City Manager

Council Action: Approved ___ Denied ___ Deferred ___ Other _____



November 6, 2020

Ms. Melissa Shirah
Deputy Bureau Chief/SPAO
Bureau of Recovery
Florida Division of Emergency Management
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

Peter Simmons
Mayor

Amy Quaremba
Council Member
District One

Jesse Purdon
Council Member
District Two

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

Michael Gibson
Council Member
District Five

Fred Forbes, AIA
Council Member
District Six

Arleen M. Hunter
City Manager
(239) 949-6267

Derek P. Rooney
City Attorney
(239) 949-6254

City Clerk
(239) 949-6248

Public Works
(239) 949-6246

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

Community Development
(239) 444-6150

Dear Ms. Shirah,

The City of Bonita Springs (the "City") respectfully requests approval for the use of excess Direct Administrative Cost (DAC) funding, which was obligated by FEMA under the Federally-Funded Subaward and Grant Agreement contract Number Z0505 and executed by the City on November 8, 2018.

Expected Excess Direct Administrative Costs

FEMA has obligated \$416,111.42 as Direct Administrative Costs. The City has incurred direct administrative costs in the amount of \$112,793.83. The expected excess direct administrative cost is \$303,317.59.

Background

Multiple areas of the City experienced severe flooding due to Hurricane Irma. Therefore, the City is requesting that the excess DAC funding be used to purchase mobile hydraulic pumps, which would assist with mitigating the impact of future flooding situations.

Scope of Work

The scope of work is to procure mobile hydraulic pumps and related equipment to place them in service.

Amount of Project

The pumps and the related equipment are anticipated to cost approximately \$300,000.

Estimated Completion

It is anticipated that the acquisition of the pumps will be completed no later than May 31, 2021, upon completion of a 2CFR compliant procurement process. The anticipated milestones are as follows:

Milestones	Anticipated Completion Dates
1. Develop solicitation documents	December 31, 2020
2. Issue solicitation documents	January 13, 2021
3. Responses due on the solicitation	February 10, 2021
4. Selection of vendor	March 3, 2021
5. Purchase finalized	May 31, 2021

The City expects that this equipment will be very effective in mitigating future flooding in several areas within our City. Please let me know if further information is needed. We look forward to receiving approval to proceed with this procurement solicitation so that the pumps are in place before next year's peak rainfall period.

Very truly yours,

Matt Feeney
Assistant City Manager

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

APPROVE RESOLUTION TO AUTHORIZE PURCHASE OF (2) 64HP & (1) 225HP POWER UNITS(S) TIER 4 TRAILER-MOUNTED PUMPS BEING FUNDED BY DIRECT ADMINISTRATIVE COSTS (DAC) IN THE AMOUNT OF \$289,143.00 TOTAL BID AMOUNT OF \$452,197, APPROVE BUDGET AMENDMENT TO FUND PURCHASE AND AUTHORIZE THE MAYOR TO SIGN AGREEMENT, PENDING APPROVAL OF ALL DOCUMENTATION.

WHEREAS, City staff anticipates it will receive +/- \$300,000 of FEMA funding to purchase (2) 64HP & (1) 225HP Power Units(s) Tier 4 Trailer-Mounted pumps.

WHEREAS, City staff advertised for and received two sealed bids on April 8, 2021

D & D Machine & Hydraulics, Inc. \$289,143.00	MWI Pumps \$290,691.00
---	------------------------

WHEREAS, the lowest responsive and responsible submittal was from D & D Machine & Hydraulics, Inc. in the amount of \$289,143.00

WHEREAS, Section 46(d) of the City Charter allows the transfer for all or part of any unrestricted appropriations from one department to another and funding is available for purchase in the unassigned general fund balance:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. To enter into an agreement with the lowest responsive and responsible bidder, D & D Machine & Hydraulics, Inc.;

Section 2. A budget transfer of \$289,143 into 00.250.537.6400 funded from the General Fund unassigned fund balance which was budgeted in non-departmental unappropriated reserves for Fiscal Year 2020-2021 approved in Resolution 20-95.

Section 3. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of May 2021

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr ____
Purdon ____
Forbes ____
Gibson ____

Corrie ____
Quaremba ____
Steinmeyer ____

Date filed with City Clerk: _____

REQUESTED MOTION: Approve a contract amendment with Alta Planning, Inc. to provide support in the preparation of the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant application and authorize staff to submit for the Terry Street Corridor Project with the City Manager as the designated Authorized Official Representative (AOR).

REQUESTOR: Matt Feeney, Assistant City Manager and Elly Soto McKuen, Senior Project Manager

AGENDA: Consent

STRATEGIC PRIORITY: 1) Improve stormwater management, 2) Transportation, 3) Strengthen City Finances, 4) Environmental Protection, 5) Community Aesthetics and 8) Economic Development

BACKGROUND: The U.S. Department of Transportation (USDOT) announced the Notice of Funding Opportunity for RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Transportation grants. The RAISE grant was formerly known as the TIGER and BUILD program. The department has appropriated \$1 billion in funds for the FY2021 RAISE Transportation grants program and will be awarded on a competitive basis for surface transportation infrastructure projects that will have a significant local or regional impact. The grant will fund a maximum of 80% of the project cost, with the remaining 20% from the City.

Staff recommends requesting funds for the Terry Street Complete Street Project. Staff submitted BUILD applications in previous years and received a "Recommended" designation by USDOT staff, the Secretary only approved funding for the "Highly Recommended" projects.

The Terry Street Complete Street Project consists of the design and construction of a 12'-wide non-motorized multi-use path with a five-foot buffered bicycle lane connecting residential neighborhoods to recreational, educational and cultural facilities. The pathway is bound on the west by Old 41 Road and on the east by Bonita Grande Drive. The improvements will be within the City's existing road right-of-way leveraging large uninterrupted expanses. The West Terry Street Multi-Use Pathway Project from Edenbridge Court to Pine Avenue has recently been completed utilizing grant funds from US Housing and Urban Development Community Development Block Grant (CDBG) and Florida Department of Environmental Protection (DEP) Recreational Trail Funds (RTF) and General Funds to construct that section of Terry Street. USDOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project.

Alta Planning, Inc. has extensive experience with all components of the RAISE grant program and has worked with staff on the previous applications. Alta's expertise will be used to complete the Benefit Cost Analysis and construction costs portions of the application. Alta's application proposal is \$ ____.

The application is due on July 12, 2021 and submitted electronically through Grants.Gov. One of the forms that must be submitted certified that the Authorized Official Representative (AOR) the information provided in the application is true and correct and can bind the City in the application process. Staff is requesting that the City Manager be designated as the AOR for the submittal process.

STAFF RECOMMENDATION: Approve a contract amendment with Alta Planning, Inc. to provide support in the preparation of the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant application and authorize staff to submit for the Terry Street Corridor Project with the City Manager as the designated Authorized Official Representative (AOR).

ATTACHMENTS:

1. Grant Announcement
2. Alta Planning Proposal

3. Council Letter of Support
4. Resolution for RAISE Matching Funds

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Matt Feeney

Council Action: Approved __ Denied __ Deferred __ Other _____



RAISE Discretionary Grants

U.S. Secretary of Transportation Pete Buttigieg Announces Availability of \$1 Billion to Modernize and Create New American Infrastructure

WASHINGTON – The U.S. Department of Transportation (DOT) today published a Notice of Funding Opportunity (NOFO) to apply for \$1 billion in Fiscal Year (FY) 2021 discretionary grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants. RAISE, formerly known as BUILD and TIGER, has awarded over \$8.935 billion in grants to projects in all 50 states, the District of Columbia and Puerto Rico since 2009.

“In communities across the country, there is tremendous need for transportation projects that create high-quality jobs, improve safety, protect our environment, and generate equitable economic opportunity for all Americans,” said U.S. Secretary of Transportation Pete Buttigieg. “With RAISE grants, we are making those needed investments in our communities' future.”

Projects for RAISE funding will be evaluated based on merit criteria that include safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership. Within these criteria, the Department will prioritize projects that can demonstrate improvements to racial equity, reduce impacts of climate change and create good-paying jobs.

For this round of RAISE grants, the maximum grant award is \$25 million, and no more than \$100 million can be awarded to a single State, as specified in the appropriations act. Up to \$30 million will be awarded to planning grants, including at least \$10 million to Areas of Persistent Poverty.

To ensure that the benefits of infrastructure investments benefit communities large and small the Department will award an equitable amount, not to exceed half of funding, to projects located in urban and rural areas, respectively.

The program is highly competitive with 680 projects funded out of over 9700 applications. It is one of the few DOT discretionary programs for which regional and local governments can directly compete for multimodal transportation funding.

To provide technical assistance to prospective applicants, DOT is hosting a series of webinars during the FY 2021 RAISE grant application process. To register for the webinars, visit www.transportation.gov/RAISEgrants/outreach. The deadline to submit an application is July 12, 2021 at 5pm Eastern.

Exhibit A

Scope of Professional Services
Multi-Use Pathway Design
RAISE Transportation Discretionary Grant Assistance
Terry Street Complete Street Program

Date: 4/29/2021

Change Order **No: NIA**

X Supplemental Task Authorization No: 3

Section 1 Changes to Professional Services

The Scope of Professional Services as set forth in Exhibit A of the Professional Services Agreement, referred to hereinbefore is hereby supplemented or changed, so that the Consultant shall provide and perform the following professional services, tasks or work as a supplement to or change to the Scope of Services previously agreed to and authorized.

Section 2 Tasks

Pursuant to the general scope of the basic services stated herein above, the Consultant shall perform all services and/or work necessary to complete the following task(s) and/or provide the following item(s) which are enumerated to correspond to the task(s) and/or item(s) set forth in Compensation and Method of Payment.

TASK 1 - RAISE Transportation Discretionary Grant Assistance- Terry Street Complete Street

Program Sub-Task 1 - Project Initiation and Work Planning

Upon receiving a Notice to Proceed, Alta will attend a kickoff meeting with the City and partners to review:

- Roles and responsibilities
 - Core grant production team
 - Other team members who will be actively involved in the project
 - External partners and what will be needed from them
- The selected project, including the project extent(s), potential conceptual design elements, order of magnitude cost estimates and site control status
- Background information, supporting materials and data
- Existing data/materials to be reviewed by Alta
 - Needed data/materials to be generated or gathered by the City (including a review of inputs needed for the BCA)

At this meeting, Alta will lead a discussion to evaluate the project's strengths and weaknesses with respect to the selection criteria and other constraints, including environmental permitting. Alta will provide guidance on the elements of the project that best meet the grant criteria and innovative elements that can make the application more competitive. Based on this discussion, the team will develop a brief description that highlights this project's unique strengths to guide the grant writing framework.

Sub-Task 2- Project Concept Refinement

Immediately upon approval of the work plan, Alta will work with the City to refine proposed project extents and conceptual design elements of the proposed project. Alta will assess opportunities and constraints associated with the corridor(s) and recommend specific improvements.

Sub-Task 3- Cost Estimates and Construction Schedule

Alta will update the detailed construction cost estimates for all project components to be included in the grant application. The cost estimate will include a project schedule and estimates prepared by project phase (i.e., design, environmental permitting, right-of-way acquisition, construction and ongoing maintenance) and will be used as an input into the Benefit Cost Analysis, as well as the application narrative and project budget. Alta will provide consultation on the best format of the cost estimate and schedule information.

Sub-Task 4 - Benefit Cost Analysis

Alta will update the Benefit Cost Analysis (BCA) with minor edits to the previously developed SCA for the FY2020 Bonita BUILD grant application. Alta will work with existing data already incorporated into the SCA. New data will be primarily associated with updates to project costs. The SCA will quantify the positive impacts of the project and the SCA will demonstrate the project's utility across grant selection criteria, providing support to the narrative description of the project. Alta will follow USDOT guidelines to measure, in dollar terms, the project's net present value (NPV) to society as calculated from the stream of costs and benefits that will result from building the project. This analysis will result in estimates of reduced carbon and particulate emissions and resulting from the project.

Sub-Task 5 - Draft Grant Application

Alta will provide minor refinement of the grant application narrative based on the updated SCA results and background/supporting information provided by the City. The edits will focus on material updates to the construction segments, as well as customizing the text to fit the RAISE grant selection criteria. Alta will also utilize graphics already developed for the previous BUILD grant application, with room to develop up to one (1) rendering, and one (1) GIS map.

The draft report will be organized based on the grant application outline suggested in the RAISE FY2021 NOFA and will highlight how the selected project speaks to the primary and secondary selection criteria as defined by the USDOT. The draft grant application will include the grant narrative, the SCA results, and an inventory of required supporting materials and attachments (e.g. letters of support), as provided by the City.

Sub-Task 6 - Final Grant Application

Alta will work closely with the City project manager to revise the draft application to create a second draft document based on a consolidated set of non-contradictory city comments, including all final supporting materials and attachments. Alta graphic designers will integrate the final grant application narrative with SCA results and supporting photos, maps, and graphics into a customized layout to create a graphically appealing final product. The final document will be provided in PDF format to the City, who will officially submit it to the USDOT through the required online portal.

Project Budget

Bonita Springs RAISE Grant Assistance

TASK	Alta Planning + Design									Task Hours	Total Task Fee
	Principal-in-Charge	Project Manager	Senior Planner	Senior Engineer	Engineer	Planning Associate	GIS Analyst	Designer	Graphics		
	\$225	\$195	\$163	\$225	\$130	\$142	\$97	\$97	\$152		
1 Project Initiation and Work Planning	2	5	4	0	0	0	0	0	2	11	\$2,381
1.1 Kick Off Meeting	1	1							2	2	\$724
1.2 Work Plan Development	1	2	2							5	\$941
1.3 Coordination/Progress Update Calls		2	2							4	\$716
2 Project Concept Refinement	1	2	2	1	2	0	0	4	0	12	\$1,814
2.1 Project Extent and Conceptual Design Refinements	1	2	2	1	2			4		12	\$1,814
3 Cost Estimates & Construction Schedule	1	4	0	3	8	0	0	0	0	16	\$2,720
3.1 Cost Estimates		2		2	8					12	\$1,880
3.2 Project Construction Schedule	1	2		1						4	\$840
4 Benefit-Cost Analysis	1	1	24	0	0	10	0	0	0	36	\$5,752
4.1 Benefit Cost Analysis	1	1	24			10				36	\$5,752
5 Draft Grant Application	3	6	22	0	0	2	4	8	16	61	\$9,311
5.1 Narrative	2	4	16			2	4	8		36	\$5,286
5.2 Document Layout	1	2	6						16	25	\$4,025
6 Final Grant Application	2	4	8	0	0	1	0	0	6	21	\$3,588
6.2 Draft 2 to Client and Revisions	1	2	4			1			4	12	\$2,017
6.3 Final Application	1	2	4						2	9	\$1,571
Staff Hours	10	22	60	4	10	13	4	12	24	124	\$25,566
Reimbursable Expenses & Travel											\$0
Project Total	\$2,250	\$4,290	\$9,780	\$900	\$1,300	\$1,846	\$388	\$1,164	\$3,648		\$25,566



DATE

Honorable Peter Buttigieg
Office of the Secretary of Transportation
Office of Infrastructure Finance and Innovation
1200 New Jersey Avenue, SE
Washington, DC 20590

9101 Bonita Beach Road
Bonita Springs, FL 34135
Tel: (239) 949-6262
Fax: (239) 949-6239
www.cityofbonitasprings.org

RE: City of Bonita Springs Terry Street Complete Street Project – FY2021 RAISE Grant Application

Rick Steinmeyer
Mayor

Dear Honorable Buttigieg:

Amy Quaremba
Council Member
District One

The City of Bonita Springs City Council is pleased to submit this letter of support on behalf of our constituents for the FY2021 U.S. Department of Transportation (USDOT) RAISE application.

Jesse Purdon
Council Member
District Two

The City’s RAISE grant application will design and construct a complete street facility along the Terry Street Corridor. Components of the project include a 12-foot-wide multi-use path with a 5-foot buffered bicycle lane, shared lane bicycle markings, pedestrian refuges, a modern roundabout, pedestrian bridges, stormwater improvements and underground utilities. The City’s request will continue to build on our \$30 million Downtown Improvement Project investment that incorporated the Complete Streets concept.

Laura Carr
Council Member
District Three

Chris Corrie
Council Member
District Four

The City adopted a Complete Streets policy in 2014, joined the USDOT Secretary’s Mayors Safety Challenge in 2015, undertook several complete street visionary projects beginning in 2015 and developed a bicycle/pedestrian master plan in 2016.

Michael Gibson
Council Member
District Five

In 2017, the Smart Growth America organization, in partnership with the National Complete Streets Coalition recognized the City of Bonita Springs as one of 12 communities to receive national recognition for the Downtown Improvement Project.

Fred Forbes, AIA
Council Member
District Six

The City has received numerous awards from the community coalition advocating for complete streets in Lee County, BikeWalkLee. I, and other City Council members, have tirelessly worked to implement the Complete Streets Program throughout the community.

Arleen M. Hunter
City Manager
(239) 949-6267

Bonita Springs, along with the other jurisdictions and Lee County Government have been working collaboratively over the past nine years to implement complete street policies, adopt and implement bicycle/pedestrian and safety action plans, as well as filling the gaps in our bicycle/pedestrian network.

Derek P. Rooney
City Attorney
(239) 949-6254

This application is a component of a much larger vision and effort by the City to make our community walkable and bikeable. We strongly support and ask for the Department’s investment in our community. Thank you for considering our request.

City Clerk
(239) 949-6248

Public Works
(239) 949-6246

Sincerely,

Neighborhood Services
(239) 949-6257

Parks & Recreation
(239) 992-2556

Rick Steinmeyer
Mayor

Community Development
(239) 444-6150

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 21 –

RESOLUTION OF THE CITY OF BONITA SPRINGS FLORIDA DOCUMENTING THE REQUIRED CITY MATCH FOR THE U.S. DEPARTMENT OF TRANSPORTATION RAISE GRANT APPLCIATION FOR TERRY STREET COMPLETE STREET PROJECT AND PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the Consolidated Appropriations Act, 2021 appropriated \$1.0 billion to be awarded by the U.S. Department of Transportation for National Infrastructure Investments; and

WHEREAS the appropriation stems from the program funded and implemented pursuant to the RAISE Transportation Grant (Rebuilding American Infrastructure with Sustainability and Equity); and

WHEREAS the deadline for submission of the grant application is July 12, 2021; and

WHEREAS City Council approved submission of the grant application on May 5, 2021 for the Terry Street Complete Street Project; and

WHEREAS the grant application requires documentation of the applicant’s commitment for the required 20% match for the project; and

WHEREAS the projected construction cost for the Terry Street Complete Street Project is estimated at \$14.0 million which would require a match of \$2.8 million.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

Section 1. The City, if funded through the U.S. Department of Transportation BUILD application, will commit the required 20% match in order to complete the project.

Section 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of May 2021.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Forbes
Gibson
Quaremba
Corrie

Steinmeyer
Carr
Purdon

Date filed with City Clerk: _____

REQUESTED MOTION: Review of the March Capital Improvement Projects Quarterly Financial Report

REQUESTOR: Lisa Griggs Roberson, Finance Director

AGENDA: Consent

STRATEGIC PRIORITY: 7) Government Transparency

BACKGROUND:

Attached is the Capital Improvement Projects Quarterly Report as of March 31, 2020.

This report categorizes the capital projects by the City Council's adopted Strategic Priorities.

As of the report date, the total Capital Improvement Project budget, including carry-over from the prior year and current year amendments, is \$77,125,664. Project expenditures for fiscal year to date total \$5,454,073.

This report is provided for informational purposes.

STAFF RECOMMENDATION:

Receive report.

ATTACHMENTS:

1. Capital Improvement Projects Quarterly Financial Report

REVIEWERS:

City Manager:	Arleen Hunter
City Attorney:	Derek Rooney
City Clerk:	Debra Filipek
Department Director:	Lisa Roberson

Council Action: Approved Denied Deferred Other _____

CAPITAL IMPROVEMENT PROJECTS QUARTERLY FINANCIAL REPORT as of March 31, 2021

Account	Project Description	Funding/Revenue Source	Budget Carry-over from FY 2019-2020	Budget as Originally Adopted 2020-2021	Budget As Amended 2020-2021	Year to Date Expenditures 2020-2021	Budget Variance
<u>IMPROVE STORM WATER MANAGEMENT (1st STRATEGIC PRIORITY)</u>							
30.250.538.6100	Land acquired for storm water purposes	General Fund	2,665,261	1,000,000	3,665,261	371	3,664,890
		HMGP Grant	-	7,050,000	7,050,000	-	7,050,000
		TOTAL	2,665,261	8,050,000	10,715,261	371	10,714,890
30.250.538.6106	East Bonita Springs Stormwater Improvement	Loan Proceeds - B	6,678	-	-	-	-
30.250.538.6110	Quinn/Downs/Dean Buyout Program	Grant - CDBG-DR	5,000,000	-	5,000,000	1,813	4,998,187
30.250.538.6802	Spring Creek Restoration Plan	General Fund	-	-	-	3,180	(3,180)
30.250.538.6806	Pine Lake Preserve	General Fund	370,000	-	370,000	473	369,527
		Grant - Local Mitigation	580,000	-	580,000	282,410	297,590
		TOTAL	950,000	-	950,000	282,883	667,117
30.250.538.6807	Logan Blvd Regional Floodway/Drainage	General Fund	564,829	-	564,829	-	564,829
		Grant - Local Mitigation	1,762,500	-	1,762,500	62,047	1,700,453
		TOTAL	2,327,329	-	2,327,329	62,047	2,265,282
30.250.538.6808	Storm Water Utility	General Fund	34,360	-	34,360	3,480	30,880
30.250.538.6809	Spring Creek/Bonita Springs Golf Course Flood Improvement	General Fund	2,450,030	-	2,450,030	-	2,450,030
		Grant - Local Mitigation	7,425,000	-	7,425,000	74,794	7,350,206
		TOTAL	9,875,030	-	9,875,030	74,794	9,800,236
30.250.538.6810	Quinn/Downs/Dean/ Imperial Pky Stormwater Improvements	General Fund	-	-	-	-	-
		State Legislative Approp	-	750,000	750,000	-	750,000
		Grant - CDBG-DR	11,021,919	-	11,021,919	-	11,021,919
		TOTAL	11,021,919	750,000	11,771,919	-	11,771,919
30.250.538.6811	Felts Ave. Bio-Reactor Phase II	General Fund	250,000	150,000	400,000	-	400,000
		Grant - FDEP	400,000	-	400,000	49,134	350,866
		TOTAL	650,000	150,000	800,000	49,134	750,866
30.250.538.6812	Big Bend Road Drainage	Gas Tax	-	65,978	65,978	1,071	64,907
<u>TRANSPORTATION (2nd STRATEGIC PRIORITY)</u>							
<u>Bonita Beach Road Visioning and Quadrant:</u>							
30.250.541.6317	Bonita Bch Rd/US 41 Quadrant	General Fund	182,913	-	182,913	-	182,913
		Gas Tax	899,988	-	899,988	-	899,988
		Road Impact Fee	8,572,164	-	8,572,164	-	8,572,164
		TOTAL	9,655,065	-	9,655,065	-	9,655,065
30.250.541.6318	Bonita Bch Rd Vision Implementation	General Fund	133,048	750,000	883,048	23,538	859,510
TOTAL Bonita Beach Road Visioning and Quadrant			9,788,113	750,000	10,538,113	23,538	10,514,575

CAPITAL IMPROVEMENT PROJECTS QUARTERLY FINANCIAL REPORT as of March 31, 2021

Account	Project Description	Funding/Revenue Source	Budget Carry-over from FY 2019-2020	Budget as Originally Adopted 2020-2021	Budget As Amended 2020-2021	Year to Date Expenditures 2020-2021	Budget Variance
Sidewalks and Multi-Use Pathways:							
30.250.541.6320	Multi-Use Pathways & Sidewalks	General Fund	-	-	-	-	-
		Gas Tax	-	314,538	314,538	-	314,538
		Grant - CDBG	-	332,389	323,104	-	323,104
		Road Impact Fee	-	443,233	443,233	-	443,233
		Park Impact Fee	-	-	-	-	-
		TOTAL	-	1,090,160	1,080,875	-	1,080,875
30.250.541.6323	W. Terry St. Multi-Use Pathway	General Fund	475,000	250,000	725,000	-	725,000
		Grant - FDEP	200,000	-	200,000	200,000	-
		Grant - CDBG	16,247	-	55,511	55,511	-
		Road Impact Fee	1,542,886	764,705	2,307,591	1,620,001	687,590
		Park Impact Fee	834,084	-	834,084	114,438	719,646
		TOTAL	3,068,217	1,014,705	4,122,186	1,989,950	2,132,236
30.250.541.6324	Sun Trail	Road Impact Fee	4,467,668	200,000	4,667,668	11,333	4,656,335
		Park Impact Fee	50,000	-	50,000	-	50,000
		TOTAL	4,517,668	200,000	4,717,668	11,333	4,706,335
30.250.541.6331	Pine Ave. Multi-use Pathway	Grant - CDBG	13,545	-	-	-	-
30.250.541.6332	Cochran St./ Pauling Lane Multi-use Pathway	Grant - CDBG	1,900	-	-	-	-
30.250.541.6333	Bonita Drive Pathway-Old 41 to Streetsboro Lane	General Fund	23,677	-	23,677	-	23,677
		Grant - CDBG	21,659	-	3,904	3,904	-
		Road Impact Fee	932,741	-	932,741	450,952	481,789
		Park Impact Fee	48,769	-	48,769	-	48,769
		TOTAL	1,026,846	-	1,009,091	454,856	554,235
30.250.541.6334	Maddox Lane Sidewalk	Road Impact Fee	7,556	334,671	342,227	2,477	339,750
		Park Impact Fee	316,656	-	316,656	-	316,656
		TOTAL	324,212	334,671	658,883	2,477	656,406
30.250.541.6335	W. Terry St Pathway Extension East of Pine Ave. to Railroad	Grant - CDBG	6,064	-	-	53,594	(53,594)
		General Fund	17,634	-	17,634	-	17,634
		Gas Tax	478,127	-	478,127	-	478,127
		TOTAL	501,825	-	495,761	53,594	442,167
30.250.541.6336	Imperial Shores Blvd Sidewalk	Road Impact Fee	4,758	-	4,758	-	4,758
30.250.541.6337	Dean St Sidewalks/Infra Mosaic	General Fund	141,843	-	141,843	-	141,843
		Road Impact Fee	-	-	-	-	-
		TOTAL	141,843	-	141,843	-	141,843
30.250.541.6345	Cockleshell Sidewalk Glen Haven	Park Impact Fee	134,153	-	134,153	-	134,153
TOTAL Sidewalks and Multi-Use Pathways			9,734,967	2,639,536	12,365,218	2,512,210	9,853,008

CAPITAL IMPROVEMENT PROJECTS QUARTERLY FINANCIAL REPORT as of March 31, 2021

Account	Project Description	Funding/Revenue Source	Budget Carry-over from FY 2019-2020	Budget as Originally Adopted 2020-2021	Budget As Amended 2020-2021	Year to Date Expenditures 2020-2021	Budget Variance
30.250.541.6300	Minor Road, Sidewalk & Drainage Improvements	Gas Tax	4,267	400,000	404,267	-	404,267
30.250.541.6308	Asphalt Overlays	Gas Tax	190,721	240,000	430,721	-	430,721
30.250.541.6319	Roadway Restriping	Gas Tax	250,000		250,000	-	250,000
30.250.541.6321	Rail Road Crossing Improvements	Gas Tax	353,255		353,255	-	353,255
30.250.541.6327	Goodwin St Pedestrian & Drainage	Gas Tax	-	57,788	57,788	-	57,788
		Road Impact Fee	-	407,742	407,742	-	407,742
		TOTAL	-	465,530	465,530	-	465,530
30.250.541.6328	Decorative St Lights LED conversion	Gas Tax	-	479,661	479,661	410	479,251
30.250.541.6343	Bridge Maintenance	Gas Tax	-	224,672	224,672	-	224,672
30.250.541.6342	Traffic Calming	Gas Tax	-	45,000	45,000	-	45,000
30.250.541.6908	Logan Boulevard	Gas Tax	-	-	-	-	-
ENVIRONMENTAL PROTECTION (4th STRATEGIC PRIORITY)							
30.000.537.6100	Water Issues/Land Acquisition from willing sellers	General Fund	205,060	-	205,060	-	205,060
		Building Fees - A	57,700	-	57,700	-	57,700
		TOTAL	262,760	-	262,760	-	262,760
30.000.537.6105	Environmentally Sensitive Land Acquisitions	General Fund	-	200,000	200,000	-	200,000
30.611.537.6000	Beach Renourishment 2024	General Fund	528,588	110,000	638,588	-	638,588
COMMUNITY AESTHETICS: DEVELOP AND IMPLEMENT URBAN DESIGN (5th STRATEGIC PRIORITY)							
30.000.519.6000	Exotic Removal of FPL ROW Path	General Fund	10,500	-	10,500	-	10,500
30.250.541.6310	FDOT Pond on Arroyal Rd	General Fund	87,168	-	87,168	-	87,168
30.250.541.6314	Street Light Uniformity	Gas Tax	2,321	-	2,321	-	2,321
30.250.541.6315	East Terry Vegetative Buffer/Wall	General Fund	67,642	282,358	350,000	2,785	347,215
30.250.541.6325	Logan Boulevard Landscape & Lighting	General Fund	297,982	-	297,982	42,750	255,232
		Gas Tax	-	-	-	-	-
		TOTAL	297,982	-	297,982	42,750	255,232
30.250.541.6906	Median Landscape Enhancement	General Fund	11,261	750,000	761,261	-	761,261
30.270.519.4910	Highway Monuments/Welcome Signs	General Fund	300,000	-	300,000	-	300,000
30.270.519.4911	Urban Design	General Fund	22,925	100,000	122,925	37,500	85,425
30.270.519.4912	Goodbread Grocery (AKA Dixie Moon)	General Fund	200,148	100,000	300,148	145	300,003
30.270.519.4920	Flagpole along I-75	General Fund	40,000	-	40,000	-	40,000
30.270.519.4932	Dean St. Kayak Launch	Park Impact Fee	12,222	-	12,222	-	12,222
30.270.541.6322	Imperial River US 41 Bridge Beautification Project	General Fund	114,000	-	114,000	-	114,000
30.270.572.6000	Additional Soccer Fields	Park Impact Fees	-	100,000	100,000	-	100,000

CAPITAL IMPROVEMENT PROJECTS QUARTERLY FINANCIAL REPORT as of March 31, 2021

Account	Project Description	Funding/Revenue Source	Budget Carry-over from FY 2019-2020	Budget as Originally Adopted 2020-2021	Budget As Amended 2020-2021	Year to Date Expenditures 2020-2021	Budget Variance
30.270.573.4928	Acquisition of Public Art	General Fund	-	50,000	50,000	-	50,000
30.270.575.6014	Everglades Wonder Gardens Café	General Fund	99,684	-	99,684	-	99,684
30.602.572.6022	Small Recreation Building Improvements	General Fund	-	60,000	60,000	-	60,000
30.603.572.6008	Comm Park Sealcoating Parking Lot	General Fund	15,000	37,000	52,000	4,125	47,875
30.603.572.6015	Baseball Complex Master Plan	General Fund	209,417	550,000	828,567	720,272	108,295
30.604.572.6000	Pool Geothermal Heater/Chiller	General Fund	100,000	-	100,000	-	100,000
30.604.572.6001	Pool & Fountain Resurfacing	General Fund	-	65,000	65,000	-	65,000
30.604.572.6023	Pool Roof Replacement	General Fund	-	50,000	50,000	-	50,000
30.604.572.6024	Pool Family Restroom	Park Impact Fees	-	100,000	100,000	-	100,000
30.605.572.6009	Riverside Park Sealcoating Parking Lot	General Fund	15,000	20,000	35,000	6,088	28,912
30.605.572.6013	Bandshell Area Improvements, Sidewalk/brick paver and flag pole holder replacement	General Fund	36,009	-	36,009	-	36,009
30.605.572.6017	Riverside Park Bandshell Security	General Fund	-	-	-	-	-
30.610.572.6016	Dog Park Shade Structures	Park Impact Fee	14,653	-	14,653	-	14,653
30.610.572.6021	Dog Park Trail Overlay	General Fund	-	45,000	45,000	-	45,000
30.617.572.6001	Nature Place Shade Structure	Park Impact Fee	18,000	-	18,000	-	18,000
30.621.572.6020	River Park Landscaping & Lighting Enhancement	TDC Grant	-	270,000	270,000	-	270,000
30.628.572.6001	Mayhood Park Concrete & Exotics Removal	General Fund	35,250	25,000	60,250	-	60,250
31.000.552.6311	Downtown Redevelopment	General Fund	288,294	85,000	373,294	77,009	296,285
31.602.572.6000	Recreation Center Improvements	General Fund	-	-	-	-	-
31.603.572.6001	Community Park Improvements	General Fund	14,015	-	14,015	-	14,015
31.604.572.6000	Pool Landscaping	General Fund	41,474	-	41,474	-	41,474
31.605.572.6004	Bandshell Resod/Re-grade	General Fund	-	-	-	-	-
31.605.572.6008	Skate Park	FDEP/LWCF Grant	-	279,849	279,849	-	279,849
		Park Impact Fee	278,583	-	278,583	-	278,583
		TOTAL	278,583	279,849	558,432	-	558,432
31.610.572.6004	E Terry St Park-Dog Park	Park Impact Fee	5,824	-	5,824	-	5,824
31.610.572.6005	Additional Trails/Entrance	Park Impact Fee	7,133	-	7,133	-	7,133
31.615.572.6001	Resod Liles Hotel Plaza Lawn	General Fund	19,563	-	19,563	19,550	13
31.621.572.6007	River Prk-US 41	General Fund	36,500	-	36,500	-	36,500
		Grant - TDC	50,616	-	50,616	-	50,616
		Park Impact Fee	15,900	-	15,900	-	15,900
		TOTAL	103,016	-	103,016	-	103,016
31.628.572.6000	Mayhood Playground	Park Impact Fee	14,905	-	14,905	-	14,905
TOTAL COMMUNITY AESTHETICS STRATEGIC PRIORITY			\$ 2,481,989	\$ 2,969,207	\$ 5,520,346	\$ 910,224	\$ 4,610,122

CAPITAL IMPROVEMENT PROJECTS QUARTERLY FINANCIAL REPORT as of March 31, 2021

Account	Project Description	Funding/Revenue Source	Budget Carry-over from FY 2019-2020	Budget as Originally Adopted 2020-2021	Budget As Amended 2020-2021	Year to Date Expenditures 2020-2021	Budget Variance
GOVERNMENT TRANSPARENCY: INCREASE OUTREACH/ACCESSIBILITY TO CITIZENS (7th STRATEGIC PRIORITY)							
30.240.513.6400	Technology Enhancements- Community Development Building Permits	Building Fee Fund	1,112,000	-	1,112,000	73,700	1,038,300
TOTAL GOVERNMENT TRANSPARENCY STRATEGIC PRIORITY			\$ 1,112,000	\$ -	\$ 1,112,000	\$ 73,700	\$ 1,038,300
OTHER							
30.240.513.6401	Technology Equipment Replacement Reserve	General Fund	180	50,000	50,180	7,959	42,221
30.270.519.4909	Contingency	General Fund	1,811	-	1,811	-	1,811
		Park Impact Fee	36,610	-	36,610	-	36,610
		TOTAL	38,421	-	38,421	-	38,421
30.270.519.4924	City Facilities Major Repairs	General Fund	1,632,859	-	1,855,892	1,343,985	511,907
30.270.519.6400	Vehicle Major Repairs and Replacement Reserve	General Fund	69,532	55,000	92,782	-	92,782
30.270.519.4927	Security Upgrades in City Facilities	General Fund	-	65,000	65,000	-	65,000
30.402.513.6400	Cameras in Council Chambers	General Fund	-	118,381	118,381	103,274	15,107
30.615.572.6019	Liles Roof Replacement & Stucco Repairs	General Fund	-	75,000	75,000	-	75,000
Total Other			1,740,992	363,381	2,295,656	1,455,218	840,438
TOTAL			\$58,978,229	\$17,902,965	\$77,125,664	\$ 5,454,073	\$71,671,591
FUNDING SOURCES							
		General Fund	11,808,457	5,042,739	17,111,629	2,396,484	14,715,145
		Gas Tax	2,178,679	1,827,637	4,006,316	1,481	4,004,835
		Grant	26,499,450	7,932,238	34,422,403	783,207	33,639,196
		Road Impact Fee	15,527,773	2,150,351	17,678,124	2,084,763	15,593,361
		Park Impact Fee	1,787,492	200,000	1,987,492	114,438	1,873,054
		Building Fees	1,169,700	-	1,169,700	73,700	1,096,000
		Loan Proceeds	6,678	-	-	-	-
		State Legislative Approp.	-	750,000	750,000	-	750,000
TOTAL			\$58,978,229	\$17,902,965	\$77,125,664	\$ 5,454,073	\$71,671,591
<p>A. CIP 30.000.537.6100 Water Issues/Land Acquisition from willing seller Building Fee funding source has environmental restrictions, i.e., Option 2 which was exercised by the developer requires that if a fee in lieu is paid to the City of Bonita Springs, the City must purchase, restore, and maintain 0.825 acres of Pine Flatwoods (or higher, oak scrub) to mitigate for this indigenous area. This fee in lieu payment was received under Zoning Ordinance No. 15-03.</p> <p>B. Loan Proceeds were approved to fund repayment of the City debt on January 20, 2021.</p>							

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

REQUESTOR: John Dulmer, Mike Fiigon II, Jacqueline Genson, Jay Sweet, Community Development

AGENDA: First Reading

STRATEGIC PRIORITY: 5 (Community Aesthetics); 8 (Economic Development)

BACKGROUND: In November of 2020, The City of Bonita Springs adopted the Form-Based Code (FBC) for the Downtown District. At that time, it was explained that the code represented a significant shift in how to develop downtown and that if/when needed, staff would periodically bring back amendments for clarification purposes. The amendments contained herein represent some of the “glitches” that have been found in the FBC and other sections of the Land Development Code related to the FBC and Downtown District.

The LPA reviewed the amendment package on April 22, 2021 and voted unanimously for approval.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Draft Ordinance
2. Amendment Package in Strike-through/Underline format

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: John Dulmer

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 21 – __

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

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, the City Council adopted the Form-Based Code for the Downtown District; and

WHEREAS, the City of Bonita Springs desires to add clarifying language such as specific development standards to implement the intent of those amendments accordingly; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapters 2, 3, 4, 5 and 6 of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and

underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **SEVERABILITY**

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

Section 4. **CONFLICTS OF LAW**

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

Section 5. **CODIFICATION AND SCRIVENER'S ERRORS**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Lee County, Florida, this 12th day of May, 2021.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Carr
Purdon
Forbes
Corrie

Gibson
Quaremba
Steinmeyer

Date filed with City Clerk: _____



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

I. CALL TO ORDER.

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

II. ROLL CALL.

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

Absent: Chairman Jeff Maturo.

III. APPOINT A DEPUTY CHAIRMAN.

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

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

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

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

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

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

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

V. NEXT MEETING.

TBD.

VI. APPROVAL OF MINUTES 03/25/21.

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

VII. ADJOURNMENT.

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

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:
BONITA SPRINGS LOCAL PLANNING AGENCY:

Date: _____

AUTHENTICATED:

Chairman Jeff Maturo

DRAFT

Sec. 2-101. - Concept, definition and establishment of development rights.

- (a) Legal concept. The transfer of development rights idea is based upon the property law concept that the right to develop real estate is one of the bundle of rights included in fee simple ownership of land. Fee simple ownership of real estate allows the owner to sell, lease or trade any one or more, or all of the bundle of rights to their property. This bundle includes the right to use, lease, sell, or abandon the property or any of its components of ownership when not retained by a previous owner such as mineral, oil, gas, air, or development rights. All rights of ownership are subject to the limitation and legislative powers of the local government.
- (b) Development rights defined. A development right is an appurtenant right of landownership. When lawfully established, a development right has an economic value separate from the land itself. It can be subject to reasonable regulation by local government under its police powers. The development right can be transferred by the owner to another property, through gift or sale. The landowner may sell the development rights and still retain the title to the land and the right to use the surface of the land on a limited basis.
- (c) Establishment of development rights.
 - (1) For the purposes of this article, the owner of any vacant or undeveloped parcel of land or portion of a parcel designated wetlands by the comprehensive plan may transfer the development rights allocated to the parcel of land to any person at any time, subject to the provisions of subsection (c)(2) of this section.
 - (2) Development rights may only be transferred to those parcels or portions of parcels designated as receiving parcels. The maximum number of development rights that may be transferred to the receiver parcel must be determined in accordance with the following: Development in freshwater wetlands located in residential land use categories shall be limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in freshwater wetlands, identified on the Map of Evaluated Wetlands in the Future Land Use Map Series, shall be one unit per 20 acres, except:
 - a. One single-family residence will be permitted on lots meeting the single-family residence provision contained in the administrative section of the Future Land Use Element; and
 - b. Transfer of density provision. Owners of identified freshwater wetlands may transfer densities to contiguous uplands under common ownership at the standard underlying density permitted for the uplands; provided that the resulting upland density does not exceed that shown in the following schedule and the area receiving the density transfer will be, thereafter, compatible with existing or planned development on adjacent lands and not negatively impact sensitive upland habitats and species.

Future land use category	Standard maximum density (dwelling units per gross acre)	Maximum upland density after transfer (dwelling units per gross upland acre)
Moderate Density Mixed-Use PD	6	7.5
Medium Density Multifamily Residential	6	8
High Density Multifamily Residential	10	12.5

High Density Mixed-Use Village	10	12.5
Old 41 Redevelopment Overlay	15	17.5

(Ord. No. 05-02, § 3(2-146), 1-5-2005; Ord. No. 13-21, § 1(2-146), 12-18-2013)

Sec. 2-571. - Fee schedule for planning and zoning; cost recovery; waiver and adjustment process.

- (a) The city council hereby adopts a schedule of reasonable fees to reasonably accommodate the costs of planning and zoning applications in accordance with this Code.
- (b) City council specifically reserves the right to waive all or a portion of any of the planning and zoning fees for specific projects or geographic location based on determination of city council by resolution.
- (c) City council may update these application fees from time to time to coincide with the cost of providing the staff to review and process the work.

COMMUNITY DEVELOPMENT FEE SCHEDULE

Effective November 1, 2017

Cost Recovery Deposit

Effective for any proposed comprehensive plan amendments, rezonings or development orders that will go to public hearings after November 1, 2017, Community Development is hereby authorized to establish an account for the costs of additional review time by outside consultants that are specialized for certain issues related to specific areas. The deposit is in addition to the fixed fees contained in the fee schedule. Planning and Zoning applications will not be scheduled for public hearings until all outstanding balances are paid. Development Review applications will not be issued and/or approved until all outstanding balances are paid. Any funds remaining upon completion of the rezoning or development order will be returned to the applicant. The amounts below are an estimate, with the actual cost being higher or lower, depending on the complexity of the project. In the event the deposit is insufficient, the applicant will be required to deposit additional funds in the account so as to complete the review of the application. The initial deposit is as follows:

Application	Cost Recovery Deposit [JG1]
Comprehensive Plan Map Amendment	\$2,000.00 - \$2,500.00
Comprehensive Plan Text Amendment	\$2,000.00 - \$2,500.00
DRI Review - New Application	\$5,000.00
DRI - Modification. Amendment. Build-out.	\$3,000.00

Extension ¹ , Abandonment, NOPC	
Rezoning/Planned Developments	\$2,000.00 <u>\$2,500.00</u>
Development Orders	\$1,000.00
Other	Comm. Development Director on a case-by-case basis

⁽¹⁾ Excludes statutory or legislative amendments

COMMUNITY DEVELOPMENT FEE SCHEDULE
Effective November 1, 2017

Comprehensive Planning and Land Use	
Comprehensive Planning	
Administrative Map Determination	\$500.00/each
Administrative Text Determination	\$500.00/each
Map Amendments	\$8,000.00 + \$20.00/district
Text Amendment	\$3,000.00
Small-Scale Amendment (10 or more acres)	\$2,500.00
Comprehensive Plan Documents	
Future Land Use Map	\$15.00
City of Bonita Springs Plan Codification	\$35.00
Planning Determination Appeals	
Planning Determination Appeals	\$700.00

Zoning	
Developments of Regional Impact	
Abandonment	\$2,000.00
DRI/AMDA Base Fee	
	\$10,000.00
DRI/Area Master Plan Base Fee	
	\$8,500.00
DRI/Florida Quality Development Base Fee (DRI fees in addition to rezoning fee)	
	\$10,000.00
Notice of Proposed Change	
	\$5,000.00
DRI/PD Ordinance Review	
	\$3,000.00
Substantial Deviation Determination/Changes	
	\$7,500.00
DRI Time Extension (Non-Substantial Deviation)	
	\$1,000.00
Essentially Built-Out Process	
	\$2,500.00
Land Development Code Amendments	
Land Development Code Text Amendment	
	\$3,000.00
Planned Developments	
Industrial Planned Development/Excavation	
	\$10,000.00 + \$60.00/acre *
Major PD Base Fee	
	\$10,000.00 + \$60.00/acre *
+ Each Added District	
	\$1,500.00

Minor PD Base Fee	\$5,000.00 + \$60.00/acre *
+ Each Added District	\$800.00
Administrative Major Amendments and Changes (Supplement H)	\$1,750.00
Administrative Minor Amendments and Changes (Supplement H)	\$1,250.00
PD Amendments (Public Hearing)	\$5,000.00
Master Concept Plan Extensions	\$2,000.00
Master Concept Plan Recording Fee	See cost for Electronic Recording Fees
Final Plan Approval	\$1,000.00
*Minimum acreage fee is one acre, rounded off to nearest 1/10 acre if over 1 acre in size.	
Rezoning and Special Exceptions	
Rezoning (Conventional)	\$3,000.00
Special Exception - Accessory Apartment	\$500.00
Special Exception - Excavation	\$5,000.00 + \$60.00/acre
Special Exception - Tower	\$5,000.00
Special Exception - Consumption on Premises	\$1,500.00
Special Exception - Other	\$5,000.00
Variance	

Dock (Administrative)	\$500.00
Dock (Public Hearing)	\$1,500.00
Residential - First request	\$750.00
Residential - Additional requests	\$150.00
Commercial - First request	\$1,500.00
Commercial - Additional requests	\$250.00
Sign	\$1,500.00
City Council	
Rehearing Request	\$265.00
New Hearing	\$350.00
Appeal	\$700.00
Continuance (Scheduled and Advertised)	Actual cost deducted from Advertising Escrow
Deferrals (Scheduled and Not Advertised)	No Charge
Withdrawal	No Charge
Bonus Density	
Bonus Density (options 1 and 3)	No Charge
Bonus Density (option 2)	\$2,100.00/application

Administrative Actions	
Setback Variance (Supplement A)	\$500.00
Commercial Lot Split (Supplement B)	\$750.00
Consumption on Premises (Supplement C)	\$500.00
Consumption on Premises - Over the Counter	\$25.00
Ordinance Interpretation (Supplement E)	\$500.00
Wireless Communication Facility	\$1,000.00
Encroachment into an Easement (Supplement G)	\$500.00
Placement of Model Homes, Units, or Display (Supplement J)	\$500.00
Dock and Shoreline Structures (Supplement K)	\$500.00
Redevelopment District (Supplement L)	\$300.00
Community Gardens (Supplement M)	\$100.00
Joint Use of Parking (Supplement N)	\$500.00
Wireless Communication Facility (Supplement O)	\$1,500.00
Bed and Breakfast (Supplement P)	\$250.00
Historic District	

Administrative Relief	\$500.00
Appeal to City Council	\$135.00
Home Occupations	
Home Occupation	\$25.00
Minimum Use/Single-Family Determinations*	
Minimum Use/Single-Family Determinations (Supplement C)	\$150.00
*No fee if MUD is applied for as part of a City of Bonita Springs building permit application.	
Appeal (Planning Determination)	\$75.00
Zoning Verification Letter	
Standard Review Letter	\$75.00
Full Review Letter	\$200.00 and \$25.00 per hour for staff research time over 1½ hours
Temporary Uses	
Temporary Sign/Banner Permit	\$25.00
Temporary Use, Carnival, Christmas Tree Sales, Circus, Construction Trailer, Fireworks, Parking Lot, and Roadside Stand	\$150.00
Temporary Use Permit w/o Tent	\$25.00
Hen Permit	\$25.00

Mobile Food Vendor	\$100.00/site
Outdoor Dog Dining	\$25.00/restaurant
Shelter Use Permit	
Shelter Operational Use Permit	\$1,000.00
Annexation	
Annexation Petition Request	\$1,325.00
Voluntary Annexation	
Downtown Redevelopment Area	
Major Project Reviews	\$0.00
Minor Project Reviews	\$0.00
Color Palette Review	\$25.00
Zoning Building Permit Review and Inspection Fees	
These fees will only be assessed when a building permit fee is not paying for the services	
Zoning Review (e.g., Virtual office location, building inspection)	\$25.00
Zoning Inspection	\$25.00
Development Services	

Development Orders	
Application Base Fee	\$8,000.00 + \$60.00/acre*
MDO (Mining Development Order) Base Fee	\$5,000.00 + \$60.00/acre*
Downtown District	\$1,000.00 + \$60.00/acre*
Re-submittal	\$500.00 (Second and over)

Amendment	\$1,750.00
Amendment Re-submittal	\$500.00 (Second and over)
Applicant Request/Deferral (hold) Action	\$50.00
Extension (must be requested prior to expiration date)	\$500.00
Minor Change	\$500.00
Re-inspection Fee	\$100.00
Operations Renewals (Mining)	\$3,000.00

*Minimum acreage fee is one acre, rounded off to nearest 1/10 acre if over 1 acre in size.

Development Order Recording Fee	See cost for Electronic Recording Fees
Development Orders Limited Review	
Agricultural Use Excavation (Type X)	\$250.00*
Limited Review (or Exemption) Amendment	\$250.00

Limited Review Amendment Resubmittal	\$100.00
Operations Renewals (Excavation/Mining)	\$3,000.00
Re-submittal	\$250.00
Types A, B, C, and D	\$500.00
Types E, F, and G	\$350.00
Types H and I	\$1,500.00
Type 99 (Letter of Transmittal)	\$100.00
Type 99 Resubmittal	\$50.00
Unity of Title	\$250.00

Limited Review Development Order Recording Fee	See cost for Electronic Recording Fees
Re-inspection Fee	\$100.00
Administrative Deviations	
LDC Sec. 3-81 Base Fee (Supplement I)	\$500.00
Additional Request	\$75.00
Drainage Plans (Building Permit Review and Inspection Fees)	
Drainage Plans Review	\$50.00

Drainage Inspection	\$50.00
Concurrency Extensions	
Concurrency Renewals	\$250.00
Extra Plans to be Stamped	
Extra Plans to be Stamped	\$50.00
Appeal to City Council	
City Council Appeal	\$500.00
Road Maintenance Application	
Road Maintenance Application	\$645.00
Plat	
Base Fee (resubmittals free)	
Preliminary	\$1,000.00 + \$50.00/lot or tract
Final	\$1,000.00 + \$50.00/lot or tract
Plat (Mylar) Recording Fee	\$100.00
*Refer to the county clerk of court fee schedule for all applicable recording fees.	
Vacation	
Of Plat (no right-of-way)	\$600.00

Of Drainage Easement	\$600.00
Of ROW, of plat with ROW	\$1,000.00 + \$10.00/lot or tract
Of Utility Easements	\$300.00
*Refer to the county clerk of court fee schedule for all applicable recording fees.	
FEMA	
Letter of Map Revision - All types	\$500.00
Community Acknowledgement Form (single lot or structure)	\$50.00
Built in Compliance (a.k.a. Grandfather) Letter	No fee
Community Acknowledgement Form (multiple lot or structure)	\$75.00/lot with a cap of \$2,000.00/subdivision within the same application
FEMA No Rise Certification Letter	\$250.00
Community Acknowledgement Letter (limited review)	\$50.00
Blasting	
Blasting Base Fee	\$300.00 + \$275.00/acre
Environmental Sciences	
Vegetation Permits	
Environmental Permit Inspection/Re-inspection	\$55.00

Vegetation Removal Permit	No Fee
Tree Removal	\$55.00 for first tree and \$55.00 for all trees after the first tree
Tree Permit After Removal	\$110.00
Tree Delegation Program	\$50.00
Agricultural Clearing	\$50.00*
Consistent with F.S. § 163.3162, upon proof by applicant, the city will not charge a fee on agricultural activity, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted by FDEP, FDACS or SFWMD as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the USDA, ACOE or EPA.	
Coastal Construction Control Line (CCCL)	
CCCL Non-contravene Letter	\$50.00
Miscellaneous Fees	
Research	
Color Palette Review	\$25.00
Research	\$25.00/hour
Statutory Extensions	
Statutory Extensions (Res. 12-020 & 12-054)	\$200.00, unless a specific statutory exemption precludes payment. It is a separate fee for each approval type (i.e., MCP, DRI, DO, Concurrency, etc.)
Miscellaneous Fees	

Application Refunds	\$25.00 processing fee
Community Development Districts (per FL ST.)	\$15,000.00
Development Agreement (Original Agreement, Ord. 06-17)	\$5,000.00 + advertising costs
Development Agreement Amendment	\$1,500.00 + advertising costs
Document Copies	
<p>The prices below are for copying using City equipment, done in house. If there is extensive printing (e.g., a file or series of files that would take more than 15 minutes of staff time to print) that is sent for outside reprographics, the requestor is required to pay the actual cost of the printing. An advance deposit of 50 percent is required for any copying where the estimated miscellaneous copying fees are expected to exceed \$25.00. Failure to pay any past due miscellaneous fees above \$5.00 will require for the requestor to become current with the amount owed before the city will comply with any other public records request requiring copying or other replication services, including certification.</p>	
Photocopies (using City equipment)	15¢ per single-sided page (or 20¢ for double-sided), and postage
24x36	\$5.00/page
USB Flash Drive	\$10.00 per USB (8 GB)
CD	\$10.00, and \$5.00 for additional copies of same information
Extensive Staff Time	BSC 536-289
Maps	
<p>The costs below include the charge for labor and overhead associated with their duplication.</p>	
Future Land Use	\$15.00

Planned Developments	\$15.00
8.5 x 11	\$3.00
8.5 x 14	\$14.00
11 x 17	\$5.00
Larger than 11x17	\$15.00
Customized	\$25.00
Public Notification Fees (Planning and Zoning Applications, Res. 09-037)	
Sign Posting	\$5.69/each
Mailed Notice Letters	\$1.50/each
Newspaper Block Advertisement	\$1,000.00 (escrowed - with a refund in the event actual costs do not exceed the escrowed amount and applicant responsible for any additional cost).
Continuance for Comp Plan Change	Actual cost if applicant-initiated continuance to cover the costs of re-notification, if necessary)
Electronic Recording Fees	
<p>Any documents that community development will record for applicants will be assessed the actual costs for recording/filing by the county clerk of courts based on their current schedule of the clerk's service charges and fees, along with the submission fee charged by Simplifile to permit the city to use the Simplifile Electronic Recording System and the fee for using a credit card. Community Development will determine which documents it will permit to use the Electronic Recording System so that employee time in processing this convenience is not abused. In the event more than 15 minutes is necessary for city employees (Finance or Community Development) to process any one document, an additional charge may be assessed for this convenience at the same rate as research (\$25.00 per hour). No refunds of fees are permitted once a document is recorded.</p>	

(Ord. No. 13-11, § 1 (Att.), 8-7-2013; Ord. No. [17-18](#), § 1(Exh. 1), 9-20-2017)

Editor's note— Ord. No. 17-18, § 1(Exh. 1), adopted Sept. 20, 2017, changed the title of § 2-571 from "Fee schedule" to "Fee schedule for Planning and Zoning; cost recovery; waiver and adjustment process". This historical notation has been preserved for reference purposes.

Sec. 3-303. - Complete streets design.

(a) Typical street design. All roadways will be designed and constructed in accordance with this subsection.

Table 3: Complete streets requirements.

PUBLICLY AND PRIVATELY MAINTAINED STREETS ⁽¹⁾										
	Lane Width	Design Speed (MPH)	Landscape Median	Sidewalk	Separated Multi-Use Path	On-Street Separated Bike Lane	Street Trees	Planted Strip ⁽³⁾	Furnishing Zone	Street Lighting
Arterial ⁽²⁾	11'—12'	35—55	16'—50'	8'-10'	11'—12'	7'	R	6'—8'	4'—6'	R
Collector	11'—12'	25—45	16'—35'	8'—10'	11'—12'	7'	R	5'	4'—6'	R
Local	10'—11'	15—25	0'—20'	6'—8'	10'—12'	5'—7'	R	5'	4'—6'	R

NOTES:

R = Required

⁽¹⁾ Subject to provisions of Administrative Code Bicycle Pedestrian Facilities (AC-06-11-04), as amended.

⁽²⁾ See subsection 3-304 for roadway design requirements for the Bonita Beach Road Corridor Context Zones.

⁽³⁾ A 4-foot planted strip may only be permitted within the Downtown **District Redevelopment area**. A minimum of 5-feet is required in all other areas.

(b) [Developer requirements.] The developer must provide the required complete streets improvements as applicable to the project in accordance with Table 3 above, except where the proposed minimum dimensions and complete streets requirements cannot be provided due to constrained rights-of-way and/or other development constraints. In the case of constraints, a schedule of improvements will be applied to the roadway design, as prioritized by the city manager, or designee based upon the following priority elements and dependent upon the roadway classification and improvements proposed or existing on adjacent properties.

At the discretion of the city manager, or designee, a deviation may be administratively approved from this section in accordance with the criteria set forth in LDC Section 3-81.

(i) Arterial roadway priority elements.

- (a) Posted speed of 35—55 mph.
 - (b) Closed drainage.
 - (c) 11-foot-wide minimum travel lanes. 12 ft. outside lane should be provided where there is a Type "F" vertical curb.
 - (d) Bicycle and pedestrian facilities—A minimum bike lane width of seven feet, and a minimum sidewalk width of eight feet are required on both sides of the right-of-way. A minimum 11foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. See diagram in subsection [d] below.
 - (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of six feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure.
 - (f) Median treatment—Medians are encouraged to be provided where sufficient right-of-way exists. Where provided, the minimum median width must be at least 16-feet wide to accommodate landscaping.
 - (g) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone in encouraged.
- (ii) Collector roadway priority elements.
- (a) Posted speed of 25—45 mph.
 - (b) Closed drainage.
 - (c) Eleven-foot wide minimum travel lanes. 12 ft. outside lane should be provided where there is a Type "F" vertical curb.
 - (d) Bicycle and pedestrian facilities—A minimum bike lane width of 7 feet, and a minimum sidewalk width of eight feet are required on both sides of the right-of-way. A minimum 11foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. A marked on-street shared bike lane with optional vertical hardened separator may be provided in lieu of an on-street separate bike lane on roadways where travel speeds are posted at 25 mph or less. See diagram in subsection [d] below.
 - (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of five feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure.
 - (f) Median treatment—Medians are encouraged to be provided where sufficient right-of-way exists. Where provided, the minimum median width must be at least 16-feet wide to accommodate landscaping.
 - (g) On-street parking—Desirable in areas with street-oriented, pedestrian scale development, especially retail development, but not required.
 - (h) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone in encouraged.
- (iii) Local roadway priority elements.
- (a) Posted speed of 20—25 mph.
 - (b) Closed drainage.
 - (c) 10 to 11-foot-wide minimum travel lanes.

- (d) Bicycle and pedestrian facilities—A minimum bike lane width of five feet, and a minimum sidewalk width of six feet are required on both sides of the right-of-way. A minimum 11-foot wide multi-use path may be permitted in lieu of the on-street, separated bike lane and sidewalk. A marked on-street shared bike lane may be provided in lieu of an on-street separate bike lane on privately maintained local roadways where travel speeds are posted at 25 mph or less. See diagrams in subsection [d] below.
- (e) Planting strips—Planted areas separating the travel lanes from the pedestrian facilities must be a minimum of five feet in width, and demonstrate that the plantings do not conflict with sidewalk and utilities infrastructure. In the **Downtown District Redevelopment Area**, minimum planted area may be reduced to two feet in width.
- (f) On-street parking—Desirable in areas with street-oriented, pedestrian scale development, especially retail development, but not required.
- (g) Furnishing zone—For segments of the roadway currently used, or planned to be bicycle and pedestrian-oriented based upon the type of development and/or provision of pedestrian access to and from the development, a sidewalk amenity, furnishing zone is encouraged.

Sec. 3-487. - Applicability.

- (a) Zoning districts. Provisions of this article are applicable in the following zoning districts, as provided for below.
 - (1) Commercial zoning districts.
 - (2) Nonresidential planned development districts, and nonresidential components of any planned development district.
 - (3) Residential districts, excluding single-family, duplexes and other two-family units.
 - (4) Industrial districts, when the site is located on an arterial or collector road, as described by the transportation element of the comprehensive plan.
 - (5) Agricultural districts, excluding single-family units and agricultural uses.
- (b) New buildings and projects. All new buildings and projects shall comply with the provisions of this article.
- (c) Rebuilding or major structural repairs. All additions and renovations of a building or site shall comply with this article to the extent outlined as follows:
 - (1) In the case of building facade renovation where such addition, renovation, or redevelopment exceeds 50 percent of the wall area of any existing facade, all facades shall be made to comply with these standards.
 - (2) In the case of an addition or renovation to, or redevelopment of, an existing building or project, where the cost of such addition, renovation, or redevelopment exceeds 50 percent of the assessed value of the existing structure or 25 percent of the square footage of the existing structure, the existing building and the site improvements shall be brought into conformity. For purpose of assessed value, the value of land is excluded from the calculations.
 - (3) The term renovation shall not be applied to maintenance repairs to an existing building.
- (d) Required site development or improvement plan. See Development Order Application, Exhibit V-G and Architectural Review Checklist.
 - (1) Compliance with the standards set forth in this article shall be demonstrated by submittal of architectural elevations, site development plan, floor plan, roof plan, and other applicable drawings or site improvement plan, in accordance with section 3-135.
 - (2) Architectural drawings shall be signed and sealed by a licensed architect, registered in the state, who is directly responsible for the production of those drawings and designs.
 - (3) Architectural review requirements. Applicants meeting the threshold requirements of this article will be required to attend a preapplication meeting with a city-designated design reviewer who will offer advice and recommendations concerning the applications of the various standards of this article for each specific

development. Except for any requirements that are mandated in sections 3-486 through 493, the design reviewer will provide non-mandatory advice and recommendations in order to provide a comprehensive guide for building design and site development within the city.

- (4) Submittal drawings as required by the development order.
- (e) ~~Old 41 Redevelopment area~~ Downtown District design standards.
 - (1) This subsection, the "City of Bonita Springs, Old 41 Redevelopment Area Design Standards," is applicable to the ~~Old 41 Redevelopment Design district~~ Downtown District. The boundary of the ~~Old 41 Redevelopment Design Review district~~ is the approximately 447 acres located in the downtown proposed redevelopment project area and which are generally located from Rosemary Drive to Bonita Beach Road between Tennessee Street/Williams Road and Dortch Avenue, as described in the Bonita Plan, Future Land Use Element Policy 1.1.11.
 - (2) Architectural review requirements. Applicants meeting the threshold requirements of this article will be required to attend a preapplication meeting with the city architect and department of community development who will offer advice and recommendations concerning the applications of the various standards of this article for each specific development. Except for any requirements that are mandated in LDC Sec. 4-866 et. seq. and sections 3-486 through 493, the design reviewer will provide recommendations in order to provide a comprehensive guide for building design and site development within the city within 30 days from the date that the preapplication is requested.
- (f) [Repainting.] Any repainting of buildings must comply with section 3-489(n), excluding single-family, two-family and duplex units.

(Ord. No. 05-03, § 1(3-601), 1-19-2005; Ord. No. 08-10, 4-16-2008; Ord. No. [15-05](#), § 1, 2-18-2015)

Sec. 3-391. - Minimum standards for all developments.

- (a) Building classes. Building classes for purposes of this section are as follows:
 - (1) One- and two-dwelling unit developments.
 - (2) Multifamily developments with three to six dwelling units per building and not exceeding two stories in height.
 - (3) Multifamily developments with more than six dwelling units per building, or more than two stories in height, and all commercial areas.
 - (4) All industrial areas.
 - (5) Hazardous storage areas (as defined in the state building code).
- (b) Fire department access. Except as noted in this subsection, buildings that fall into the classes set forth in subsections (a)(3) through (5) of this section, and any unusual and potentially hazardous circumstances as determined by the fire official, shall provide a 20-foot-wide fire department access lane in the rear of such building. This shall be an identified stabilized surface adequate to carry the load of fire apparatus. Exceptions to this requirement are as follows:
 - (1) Buildings provided with a complete automatic fire sprinkler system.
 - (2) Where, in opinion of the fire chief and the district fire official, due to the size, construction, location or occupancy of a building, the access width may be reduced or omitted.
- (c) Fire flows. Fire flows for all developments shall be determined according to this division before the issuance of a development order. The engineer, contractor or installer of water supply systems in new developments shall demonstrate, by actual test, that the capacity of the water supply system will meet fire protection design requirements. A fire flow of the existing public water system shall be made before the issuance of a development order. Fire flow tests shall be witnessed by the fire department and other authorities having jurisdiction who desire to do so.

- (d) After July 1, 2015, any building designed to be constructed with a zero lot line (to the sidewalk) in the Downtown ~~Redevelopment~~ District or Felts Overlay District may be required during the development order process to provide additional fire protection features, consistent with Florida FPC-NFPA-1, § 18.2.3.1.4.

(Ord. No. 05-03, § 1(3-384), 1-19-2005; Ord. No. [15-18](#), § 1, 7-15-2015)

Sec. 4-746. - Mixed-use planned developments.

- (a) All mixed-use planned developments, except those in the ~~Old 41 Town Center Mixed Use Redevelopment Overlay Area~~ ~~Downtown District~~ or any project under two acres must meet or exceed the following requirements:
 - (1) Residential uses shall comprise not less than 20 percent of the acreage;
 - (2) The aggregate of commercial development and light industrial uses shall not comprise more than 45 percent of the acreage;
 - (3) Light industrial uses shall not comprise more than 20 percent of the acreage;
 - (4) Public and semi-public uses shall not comprise more than 65 percent of the acreage.
- (b) If the mix of scheduled uses falls below the guidelines, it is presumed not to be a mixed use development but may be permitted as a planned development by its predominant type use (i.e., residential planned development or commercial planned development) and may be permitted as a residential, commercial or industrial planned development as long as the determination of appropriate land use types, densities and intensities are compatible with adjacent and surrounding properties.
- (c) Mixed-use developments over two acres containing residential uses should be designed to capture within the development a substantial percentage of the vehicular trips that are projected to be generated by those uses at the project's build out.

(Ord. No. 11-02, § 3(4-940), 1-19-2011)

Sec. 4-866. - General provisions.

- (a) Intent. The requirements set forth in this section are intended to:
 - (1) Support the goals, objectives and policies of the city's comprehensive plan and downtown district.
 - (2) Keep cognizant the elements are scale, aesthetics, predictability, and new investment.
 - (3) Capitalize on opportunities to attract the development of a variety of building types and uses in order to contribute to a robust economic base.
 - (4) Encourage mixed-use development within the downtown district in support of viable and diverse locally-oriented business and cultural institutions.
 - (5) Promote development attractive to past, present and future generations that allows them to participate in the economic growth.
 - (6) Enable a walkable streetscape and predictable, small-town urban character.
 - (7) Achieve context-based development and complete streets.
- (b) Application of the transect zones. The transect, as a framework, identifies a range of habitats from the most natural to the most urban. Its continuum, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity similar to that of organically evolved settlements. The standards overlap (they are parametric), reflecting the successional ecotones of natural and human communities. The transect methodology allows for a wide range of building types in each transect zone, arranged to provide balanced walkable streetscapes. This Code contains the following transect zones:

- (1) T-5 urban zone consists of higher density mixed-use buildings that accommodate retail, offices, rowhouses, and multi-family. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. The T-5 urban zone has two variations:
 - a. The core T-5 zone is used for portions of downtown fronting Old-41 and near civic open spaces such as Riverside Park and the Imperial River. These important lots shall have retail-ready ground floors to activate Old-41, as well as gallery frontages to create a walkable and shaded streetscape. Other lots in the T-5 zone, are not required to have retail-ready ground floors but may have them by option (See: section 4-487(a)(2))
 - (2) T-4 general urban zone consists of a primarily residential urban fabric. It may have a wide range of building types: single-family houses, side-yard houses, rowhouses, and small apartment buildings. Live/work buildings with home occupations are allowed in small quantities. Setbacks and landscaping are variable. Most streets in their existing form lack sidewalks and curbs.
 - (3) T-3 sub-urban zone consists of low density residential areas, adjacent to higher zones that may have some mixed use. Accessory dwellings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions. The T-3 sub-urban zone has two variations:
 - a. The restricted T-3 zone is used for portions of the downtown which are sub-divisions with an HOA or areas which contain multiple historically significant buildings. The T-3 zone is for all T-3 areas not included in the restricted zone.
 - (4) Civic zone consists of civic buildings and/or civic spaces appropriate to their transect zones.
 - (5) Special districts consist of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one or more of the six normative transect zones. The existing industrial area in the southwest corner of the downtown district shall be designated as a special district with an emphasis on incubation of local businesses. City-owned parcels along the Imperial River are also designated to be a special district.
- (c) Boundaries of the downtown district. The boundaries of the Bonita Springs Downtown Form-Based Code are derived from the boundary found on the Old U.S. 41 Corridor Redevelopment Master Plan, with slight modifications. These expansions of the boundary are shown below as Figure 2.1-1.
- (1) Regulating plan. The boundaries of the downtown district shall be as outlined on Figure 2.1-1.
- (d) Applicability.
- (1) Unless approved through the planned development process, these standards shall apply to all new construction and substantial modifications within the downtown district. “Substantial Modifications” shall be defined as any modification, alteration or repair or combination thereof, to a structure or land, which exceeds 50 percent of the combined building cost and land value, over a five-year period, as assessed by the Lee County Property Appraiser. Existing planned developments may voluntarily comply with the standards herein.
 - (2) This document shall replace all prior regulatory documents for the Downtown District of the City of Bonita Springs. Where a conflict exists between this section and other land development regulations, this section shall prevail, except for those contained within the comprehensive plan.

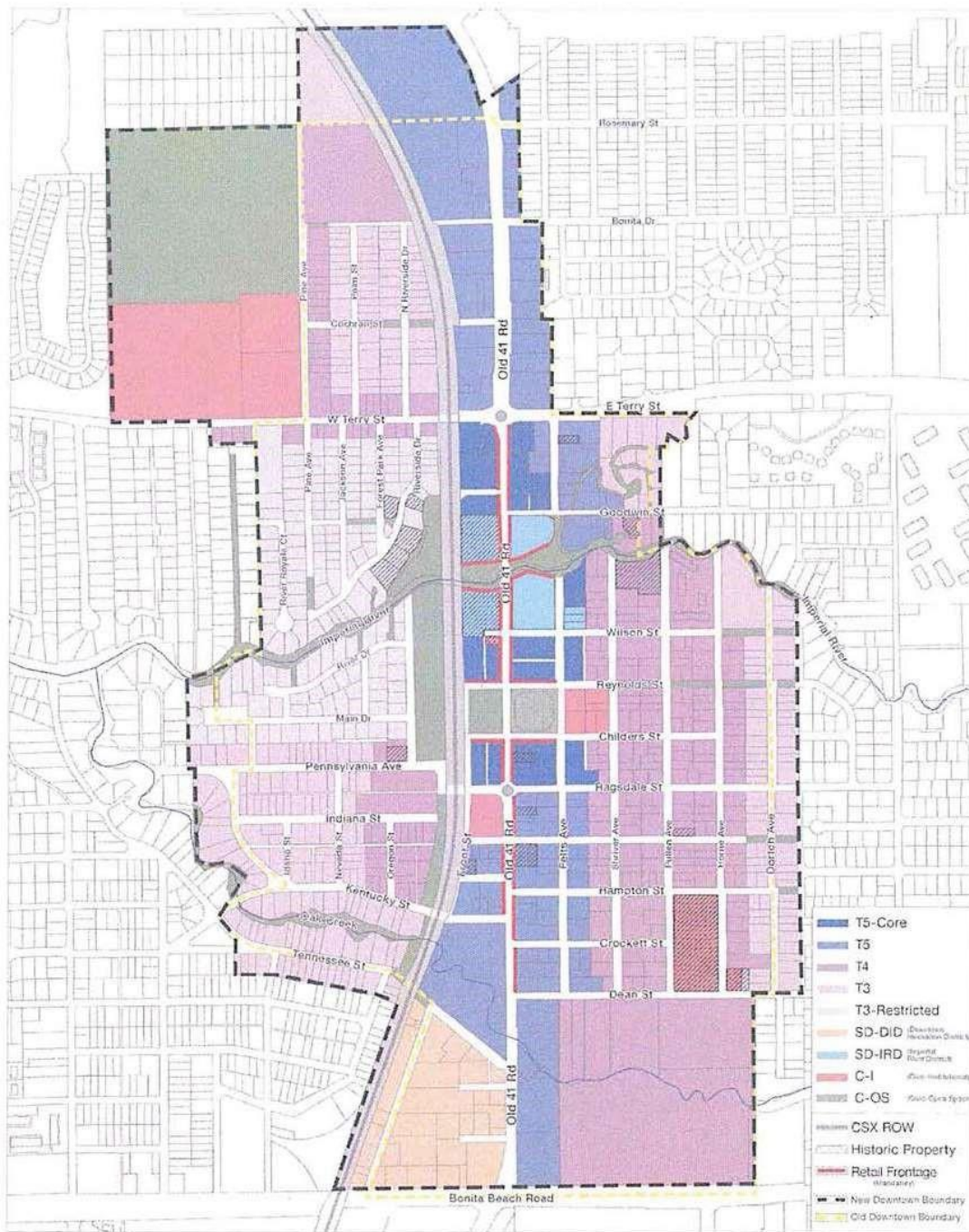
(a) Properties and/or projects located within the Downtown District but have frontage along Bonita Beach Road shall be developed in accordance with the regulations of the Bonita Beach Road Corridor Overlay.
 - (3) This section may be expanded to other portions of the City of Bonita Springs, so long as their boundaries are explicitly defined under section 4-867(c) and added to Figure 2.1-1.
 - (4) Standards, activated by "shall", are regulatory in nature. Deviations from these standards shall only be permitted by variance or special exception in accordance with applicable LDC sections.

- (5) Guidelines, activated by "should", are encouraged and recommended but not mandatory. Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.
- (e) Existing conditions.
 - (1) Existing buildings, ~~and~~ structures, and land features that do not conform to the requirements of this downtown district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state until such time as a substantial modification is requested to 50 percent or more of the structure combined building cost and land value, over a five-year period, as assessed by the Lee County Property Appraiser, and as outlined in LDC 4866(d)(1), or as defined by the Florida Building Code.
 - (2) The adaptive re-use of a building shall not be required to comply with minimum height standards established in section 4-870.
 - (3) The restoration or rehabilitation of an existing building does not require the provision of parking in addition to the existing, if less than six new spaces are required. ([Ord. No. 20-10](#), § 2(Exh. A, § 1), 11-4-2020)

Sec. 4-867. - Districts and transects.

- (a) Transect zones. Development is regulated according to the intensity of use permitted on each parcel, according to the following transects. These are represented in Figure 2.1-1.
 - (1) T5-core (T5-C): A high intensity mixed-use zone, consisting of residential, commercial, and institutional uses. This zone shall include lots along Old 41 near the Imperial River. All buildings in this zone shall have a first floor frontage that accommodates retail and/or restaurant uses as well as a gallery frontage.
 - (2) T5 (T5): A high intensity mixed-use zone, consisting of residential, commercial, and institutional uses. This zone shall include lots along Old-41 that are not within the T5-core zone.
 - (3) T4: A medium-high intensity residential zone, consisting of single family and multi-family housing, attached and detached, and home occupations.
 - (4) T3 (T3): A medium-low intensity residential zone, consisting of single-family detached housing. This zone shall not include lots which fall within existing sub-divisions or areas of historical housing stock.
 - (5) T3-restricted (T3-R): A medium-low intensity residential zone, consisting of single-family detached housing. This zone shall include lots which fall within existing sub-divisions or areas of historical housing stock.
- (b) Special transect zone districts.
 - (1) Imperial River district (SD-IRD):
 - a. This special transect zone is intended for property which the City of Bonita Springs owns within the downtown which is located along/near the Imperial River
 - (2) Downtown innovation district (SD-DID):
 - a. This special transect zone is intended to incubate new and unique businesses for the downtown. Residential uses are permitted. It shall include the present day "Industrial Section", bounded to the North by Oak Creek, to the South by Bonita Beach Road, to the East by Old 41 Road, and to the West by the railroad right-of-way.
 - (3) Civic open space (C-OS):

- a. This special transect zone is intended to preserve important civic open space that exists within the downtown, such as Depot Park, Riverside Park, the Bonita Springs Recreation Center, and city owned land which falls within the floodway of the Imperial River.
- (4) Civic institutional (C-I):
 - a. This special transect zone shall include existing institutional buildings within the downtown such as the elementary school and new county library.
- (c) Historic properties overlay.
 - (1) Historic commercial and residential properties are scattered throughout downtown rather than located in defined areas. Any existing historic properties shall be indicated and regulated on a lot by lot or building by building basis. They are represented by a hatch pattern in Figure 2.1-1 and are derived from the Bonita Springs Historic Preservation Structures/Buildings list.



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

Sec. 4-868. - Uses.

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

TABLE 3.1-1. PERMITTED USES

Use	Subcategory	T3-R	T3	T4	T5	T5-C	SD-IRD	SD-DID	C-OS	C-I
Residential	Single-family detached (All)	P	P	P						
	Single-family attached (All)			P	P	P	P	P		
	Two-family dwellings (All)		P*	P	P	P				
	Accessory dwellings	P	P	P	P	P		P		
	Mixed-use dwellings (All)				P	P	P	P		
	Extra occupancy rental house (All)				P	P	P	P		
	Group home (All)				P	P	P	P		
	Multi-family up to 6 units per building			P	P	P	P	P		
	Multi-family over 6 units per building				P	P	P	P		
	Long-term care facilities			P	P	P	P	P		
Commercial****	All commercial uses over 2,000 sf				P	P	P	P		
	All commercial uses under 2,000 sf			P**	P	P	P	P		
Lodging	Bed & breakfast up to 6 rooms			P	P	P	P	P		
	Lodging establishment up to 12 rooms				P	P	P	P		
	Lodging establishment over 12 rooms				P	P	P	P		
Manufacturing	Workshops and small industry							P		
Public, institutional	All educational uses									P
	Public use		P	P	P	P	P	P		P
	Minor public facilities	P	P	P	P	P	P	P	P	P

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

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

Sec. 4-869. - Density.

(a) Density by right: Densities for the downtown shall be based off of those found within the comprehensive plan and are translated to the transect zones as follows. Density shall be calculated as gross:

- (1) T3-R = maximum six dwelling units/acre
- (2) T3 = maximum ten dwelling units/acre
- (3) T4 = maximum 15 dwelling units/acre*
- (4) T5 = maximum 15 dwelling units/acre*
- (5) T5-C = maximum 15 dwelling units/acre*

a. Commercial in both T5 zones shall not deduct one residential unit per 400 square feet.

(6) SD-IRD = 15 dwelling units/acre*. (7) SD-DID = 15 dwelling units/acre*.

- (b) Accessory dwellings: Accessory dwelling units (ADUs) shall not be counted in density calculations. Accessory dwellings are limited to one unit per principal building.
- (c) *Density bonuses: Zones T4 (for cottage court assemblages only), T-5, T5-C, SD-IRD, and SD-DID are eligible for density bonuses if certain criteria is met. The total density, inclusive of all bonuses, shall not be greater than 20 dwelling units/acre.

i. Density Bonus Criteria (must choose one option)	a. Affordable Housing
Option, as set forth in LDC 4-1317	b. Cash Contribution density bonus, as set forth in
LDC 4-1318	c. Special Assemblage Master Plan, as set forth in LDC 4-875

- (d) Density equivalencies: The following equivalent residential dwelling calculations (ERD) are applicable to T4, T5, and T5-C only.
 - (1) Unit living area between 480 sf and 700 sf = 0.25 ERD
 - (2) Unit living area between 701 sf and 850 sf = 0.33 ERD
 - (3) Unit living area between 851 and 1,000 sf = 0.50 ERD
 - (4) Unit living area between 1,001 sf and 1,250 sf = 0.75 ERD
 - (5) Unit living area above 1,2501 sf = 1 ERD
- (e) T4 commercial: The T4 zone may contain commercial uses so long as:
 - (1) The commercial space is part of an owner-occupied live/work unit, with the floor area of the commercial space being less than 2,000 sf.
 - (2) The commercial space may be larger than 2,000 sf and not an owner-occupied live/work unit if the lot fronts Terry Street or Bonita Beach Road.

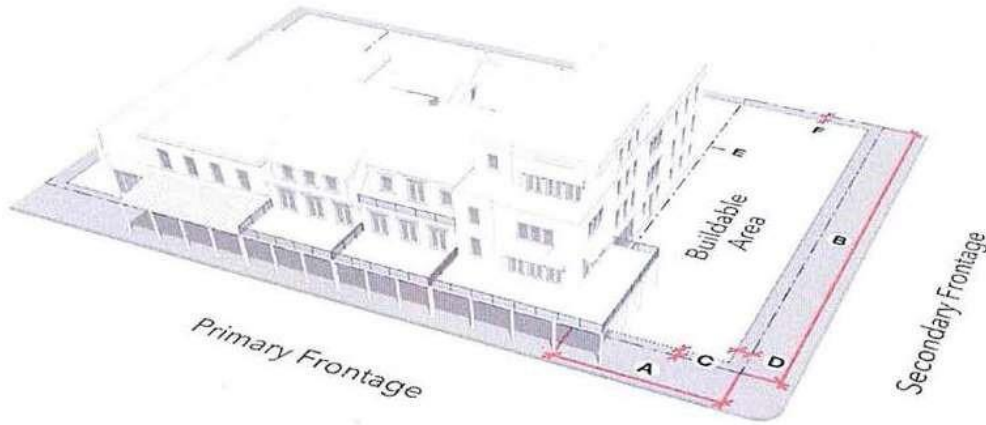
([Ord. No. 20-10](#), § 2(Exh. A, § 4), 11-4-2020)

Sec. 4-870. - Urban design standards and guidelines.

- (a) Summary of standards.
 - (1) Tables 5.1-1 through 5.1-5 summarize a subset of standards applicable to transect zones, specified within this and other chapters, for quick reference.
 - (2) Should there be a conflict between the standards summarized in Tables 5.1-1 through 5.1-5 and the standards specified elsewhere in text and tables, the standards specified elsewhere in text and tables prevails.

TABLE 5.1-1. DESIGN STANDARDS SUMMARY T5-Core

SETBACKS ILLUSTRATED—GALLERY FRONTAGE

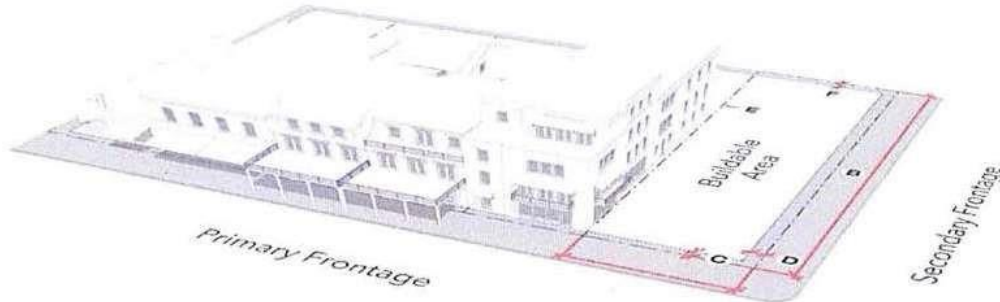


Lots		Frontage		
A	Lot width	20 ft. min. 150 ft. max.	Permitted yard types	Urban, pedestrian forecourt
B	Lot depth	30 ft. min.	Glazing—Ground floor	70%— 90%
	Lot area	20,000 sf. max.	Glazing—Upper floors	30% —60%
	Occupation/ Coverage	90% max./100% max.	Projections	Arcade, gallery, canopy, marquee, awning
Setbacks: All Structures		Building Height		
C	Front	0 ft.—10 ft.	Principal building	4 stories max.
D	Side street	0 ft.—10 ft.	Accessory dwellings & structures	2 stories max.
E	Side	0 ft.—5 ft.	Story Height	
F	Rear	15 ft. min.	Ground floor residential	N/A
F	Rear alley	15 ft. min. from alley centerline	Ground floor nonresidential	14 ft.—20 ft.
			Upper stories	9 ft.—12 ft.

Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor shall be flood proofed, and story heights shall be measured starting from 12 inches above the crown of the frontage road

TABLE 5.1-1. DESIGN STANDARDS SUMMARY T5-Core

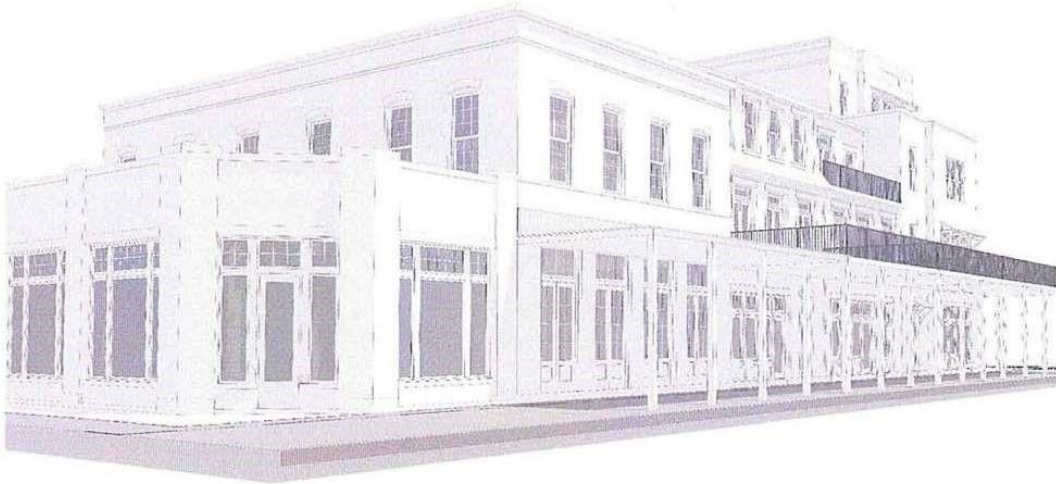
SETBACKS ILLUSTRATED—MIXED FRONTAGE



Lots		Frontage	
A	Lot width	20 ft. min. 150 ft. max.	Permitted yard types Urban, pedestrian forecourt
B	Lot depth	30 ft. min.	Glazing—Ground floor 70%— 90%
	Lot area	25,000 sf. max.	Glazing—Upper floors 30% —60%
	Occupation/ Coverage	90% max./100% max.	Projections Arcade, gallery, canopy, marquee, awning, balcony
Setbacks: All Structures		Building Height	
C	Front	0 ft.—10 ft.	Principal building 4 stories max.
D	Side street	0 ft.—10 ft.	Accessory dwellings & structures 2 stories max.
E	Side	0 ft.—5 ft.	Story Height
F	Rear	15 ft. min.	Ground floor residential N/A
F	Rear alley	15 ft. min. from alley centerline	Ground floor nonresidential 14 ft.—20 ft.
			Upper stories 9 ft.—12 ft.

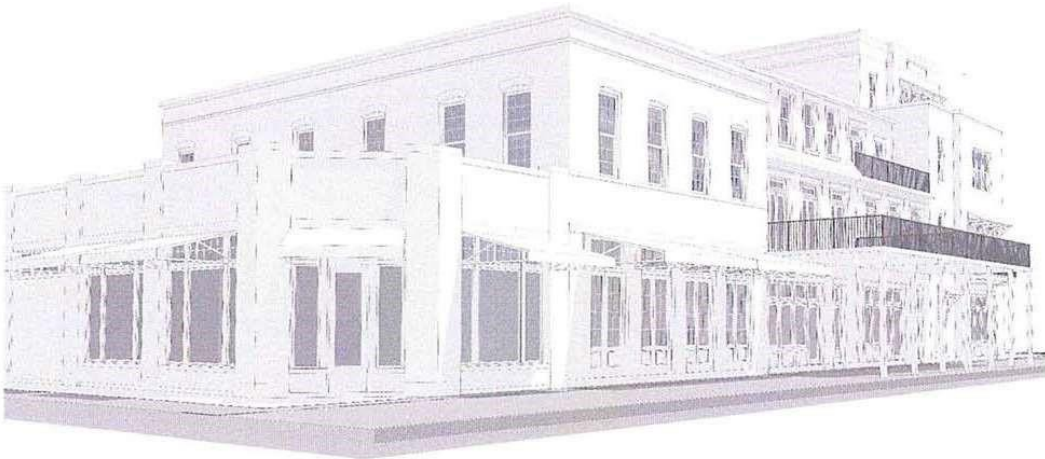
Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor shall be flood proofed, and story heights shall be measured starting from 12 inches above the crown of the frontage road

TABLE 5.1-1. ILLUSTRATIVE VIEWS FROM STREET (GALLERY) T5-Core



Drawing above for illustrative purposes only and demonstrates a corner condition.

TABLE 5.1-1. ILLUSTRATIVE VIEWS FROM STREET (MIXED) T5-Core



Drawing above for illustrative purposes only and demonstrates a corner condition.

TABLE 5.1-1. SAMPLE ILLUSTRATIVE MASSING MODEL VIEWS T5-Core

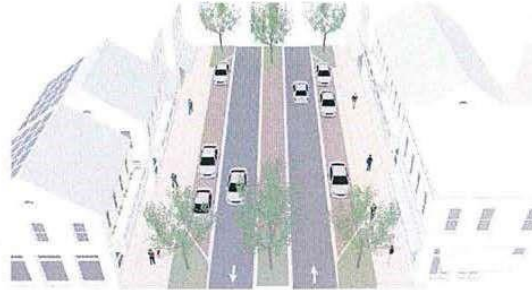


Drawing above for illustrative purposes only, showing a potential design of T5-Core parcels.

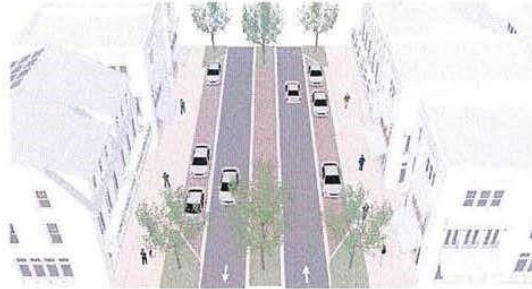
TABLE 5.1-1. SAMPLE ILLUSTRATIVE OLD 41 SECTIONS T5-Core



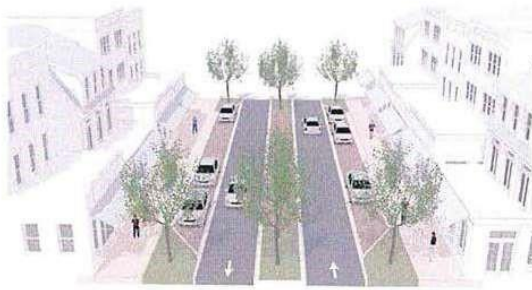
2-story



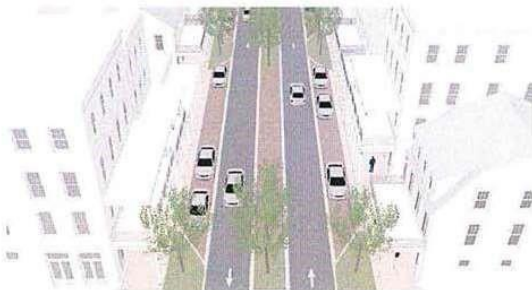
3-story



3-story with 2nd floor setback



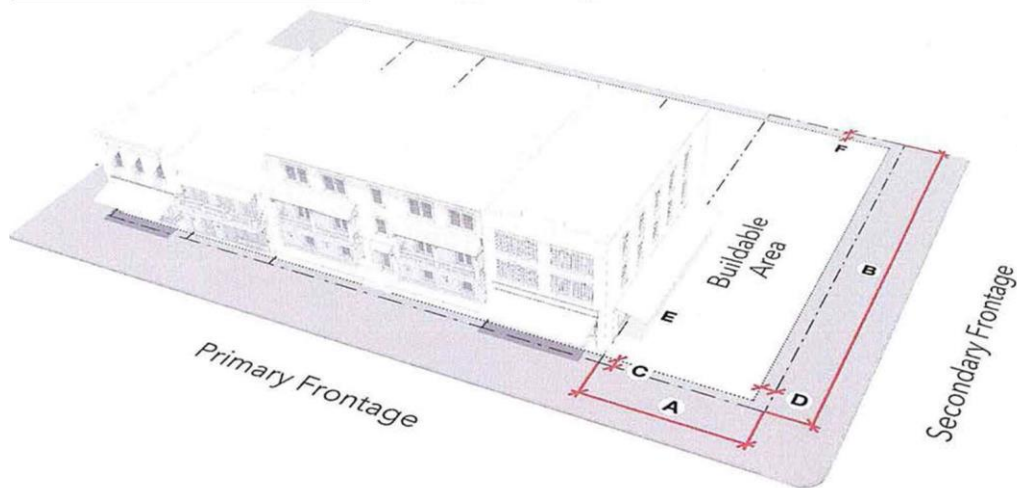
Mixed height - 1-4 stories



Drawing above for illustrative purposes only, showing various street sections of Old 41 with varying building height

TABLE 5.1-2. DESIGN STANDARDS SUMMARY T5

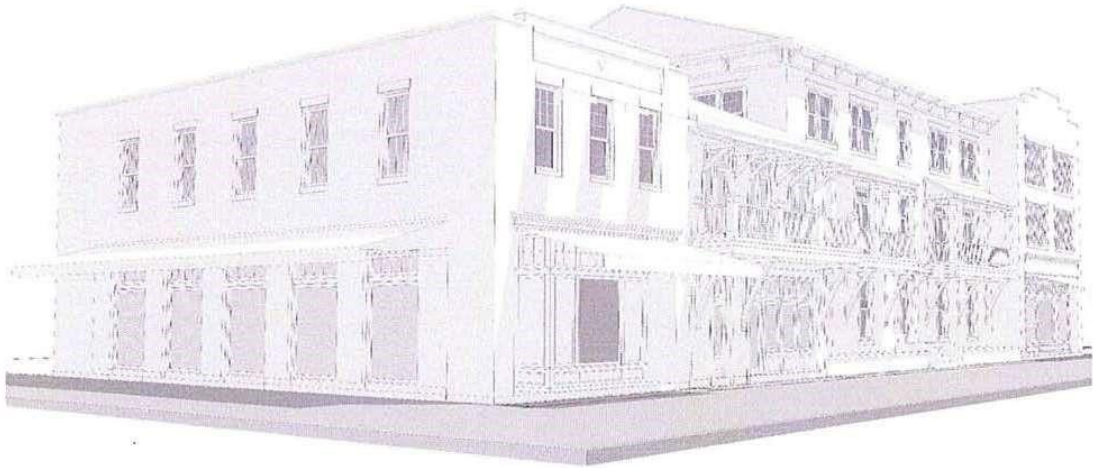
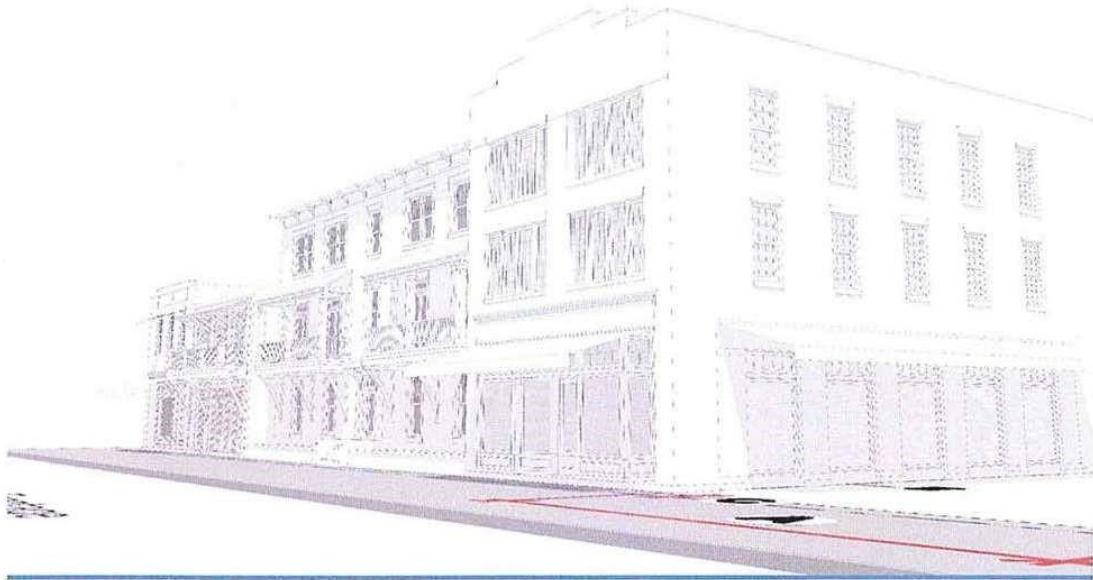
SETBACKS ILLUSTRATED



Lots		Frontage		
A	Lot width	20 ft. min. 150 ft. max.	Permitted yard types	Urban, pedestrian forecourt, shallow
B	Lot depth	30 ft. min.	Glazing—Ground floor	40%— 90% *
	Lot area	25,000 sf. max.	Glazing—Upper floors	30% —60%
	Occupation/ Coverage	80% max./90% max.	Projections	Arcade, gallery, canopy, marquee, awning, balcony
Setbacks: All Structures		Building Height		
C	Front	0 ft.—10 ft.	Principal building	4 stories max.
D	Side street	0 ft.—10 ft.	Accessory dwellings & structures	2 stories max.
E	Side	0 ft.—5 ft.	Story Height	
F	Rear	15 ft. min.	Ground floor residential	10 ft.— 16 ft.
F	Rear alley	15 ft. min. from alley centerline	Ground floor nonresidential	14 ft.—20 ft.
* 70-90% for non-residential uses			Upper stories	9 ft.—12 ft.

Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor story heights for nonresidential in T5 shall be measured starting from 12 inches above the crown of the frontage road and flood proofed. Ground floor story heights for residential shall be measured starting from the FEMA flood criteria line

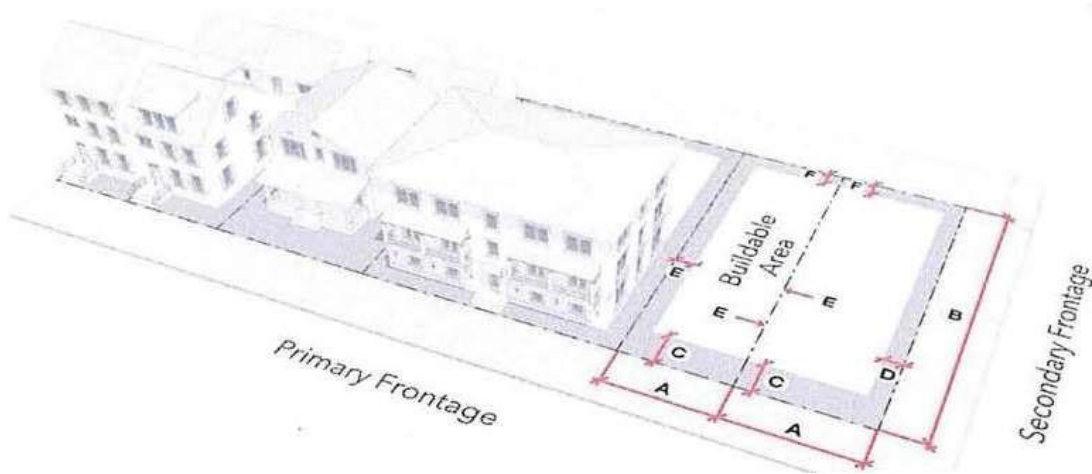
TABLE 5.1-2. ILLUSTRATIVE VIEWS FROM STREET T5



Drawing above for illustrative purposes only and demonstrates a corner condition.

TABLE 5.1-3. DESIGN STANDARDS SUMMARY T4

SETBACKS ILLUSTRATED



Lots		Frontage	
A	Lot width	20 ft. min. 150 ft. max.	Permitted yard types Fenced, shallow, forecourt, door, cottage court
B	Lot depth	30 ft. min.	Glazing—Ground floor 30%—50%
	Lot area	23,000 sf. max.	Glazing—Upper floors 30%—50%
	Occupation/ Coverage	60% max./70% max.	Projections Enclosed porch, open porch, stoop, terrace, balcony
Setbacks: Principal Buildings		Building Height	
C	Front	5 ft.—10 ft.	Principal building 3 stories max.
D	Side street	5 ft. min.	Accessory dwellings & structures 2 stories max.
E	Side	0 ft. or 5 ft. min. *	Story Height
F	Rear & rear alley	0 ft. min. & 15 ft. min. from alley centerline	Ground floor residential 10 ft.—16 ft.
Setbacks: Accessory Dwellings		Upper stories 9 ft.—12 ft.	
	Front	40 ft. min.	Ground floor 14 ft.—20 ft.

	Side street	5 ft. min.	Non-residential
	Side	0 ft. or 5 ft. min. *	* 5 ft. side setback is mandatory if the adjacent lot also has a side setback
	Rear & rear alley	15 ft. min. from alley centerline	
<p>Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor story heights for nonresidential in T4 shall be measured starting from 12 inches above the crown of the frontage road and flood proofed. Ground floor story heights for residential shall be measured starting from the FEMA flood criteria line</p>			

TABLE 5.1-3. ILLUSTRATIVE VIEWS FROM STREET T4

SETBACKS ILLUSTRATED



Drawing above for illustrative purposes only and demonstrates a corner condition.

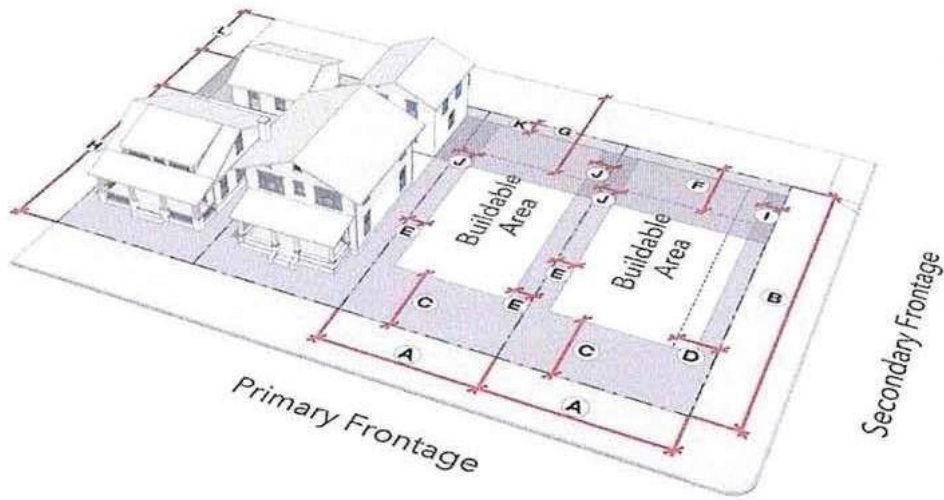
TABLE 5.1-3. SAMPLE ILLUSTRATIVE COTTAGE COURT T4



Drawing above for illustrative purposes only, showing a potential Cottage Court design in T4. Land assemblage area is 1 acre, 1/2 of a typical block.

TABLE 5.1-4. STANDARDS SUMMARY T3

SETBACKS ILLUSTRATED



Lots		Frontage	
A	Lot width	30 ft. min.	Permitted yard types Continuous yard, fenced yard, cottage court
B	Lot depth	50 ft. min.	Glazing—Ground floor 30%— 50%
	Lot area	15,000 sf. max.	Glazing—Upper floors 30% —50%
	Occupation/ Coverage	40% max./50% max.	Projections Enclosed porch, open porch, stoop, balcony
Setbacks: Principal Buildings		Building Height	
C	Front	10 ft. min.	Principal building 2 stories max.
D	Side street	5 ft. min.	Accessory dwellings & structures 2 stories max.
E	Side	5 ft. min.	Story Height
F	Rear	15 ft. min.	Ground floor 9 ft.—12 ft.
G	Rear alley	15 ft. min. from alley centerline	Upper stories 8 ft.—10 ft.

	Setbacks: Accessory Dwellings		
H	Front	50 ft. min.	
I	Side street	5 ft. min.	Ground floor story heights shall be measured starting from the FEMA flood criteria line
J	Side	5 ft. min.	
K	Rear	5 ft. min.	
L	Rear alley	15 ft. min. from alley centerline	

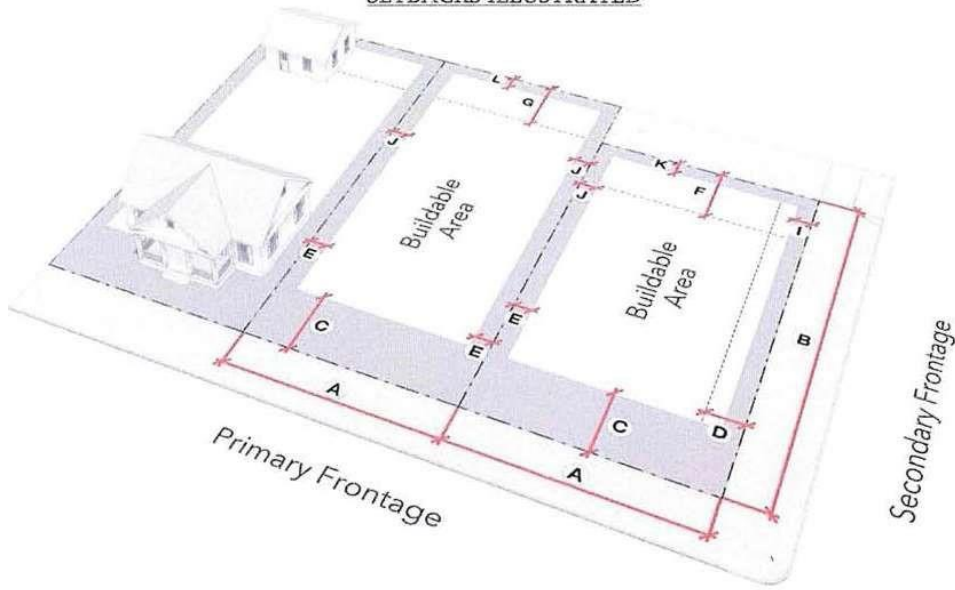
TABLE 5.1-3. SAMPLE ILLUSTRATIVE MASSING—COTTAGE COURT T3



Drawing above for illustrative purposes only, showing a potential Cottage Court design in T3. Land assemblage area is 1 acre, 1/2 of a typical block.

TABLE 5.1-5. STANDARDS SUMMARY T3-Restricted

SETBACKS ILLUSTRATED



Lots		Frontage		
A	Lot width	30 ft. min.	Permitted yard types	Continuous yard, fenced yard
B	Lot depth	50 ft. min.	Glazing—Ground floor	n/a
	Lot area	15,000 sf. max.	Glazing—Upper floors	n/a
	Occupation/Coverage	30% max./45% max.	Projections	Enclosed porch, open porch, stoop, balcony
Setbacks: Principal Buildings		Building Height		
C	Front	15 ft. min.	Principal building	2 stories max.
D	Side street	15 ft. min.	Accessory dwellings & structures	1 stories max.
E	Side	5 ft. min.	Story Height	
F	Rear	20 ft. min.	Ground floor	9 ft.—12 ft.
G	Rear Alley	15 ft. min.	Upper Stories	8 ft.—10 ft.

	Setbacks: Accessory Dwellings		
H	Front	50 ft. min.	
I	Side street	5 ft. min.	Ground floor story heights shall be measured starting from the FEMA flood criteria line
J	Side	5 ft. min.	
K	Rear	10 ft. min.	
L	Rear alley	15 ft. min. from alley centerline	

(b) Form standards (lot size, occupation and coverage, setbacks).

(1) Lot size must meet the minimum standards specified in Tables 5.1-1 to 5.1-5.

- a. Occupation: Buildings and covered structures are limited in the total area they may occupy as a percentage of the gross lot area as specified in Tables 5.1-1 to 5.1-5 as occupation.
- b. Coverage: Impervious surfaces are limited in the total area they may cover as a percentage of the gross lot area as specified in Tables 5.1-1 to 5.1-5 as coverage.

(c) Required setbacks.

(1) All structures must be set back from the lot boundaries as specified in Table 5.3-1 and Table 5.32, and as follows:

- a. Front specifies the setback from the front lot line.
- b. Elements that project forward from frontage facades are permitted to project into front setbacks
- c. The front lot line is the lot line associated with the address.
- d. In T5 and T4, townhouses may exceed the maximum setback when designed with a door yard frontage yard.
- e. Side street specifies the setback from any lot line abutting a street other than the front lot line.
 1. In T5 and T4, where there are multiple structures on one lot, the side street maximum setback applies to only the nearest structure
 2. Elements that project forward from frontage facades are permitted to project into side street setbacks.
- f. Side specifies the setback from side lot lines other than those qualifying for a side street setback.
- g. Rear specifies the setback from the rear lot line, except where abutting an alley.
- h. Rear alley specifies the setback from the rear lot line in instances abutting an alley.

TABLE 5.3-1. REQUIRED SETBACKS SUMMARY

Zone	Building***	Front	Side Street	Side****	Rear (Water)****
T5-C	All Structures	0 ft. min. 10 ft. max.	0 ft. min. 10 ft. max.	0 ft or 5 ft. min.	15 ft. min. (25 ft. min.)
T5	All Structures	0 ft. min. 10 ft. max.	0 ft. min. 10 ft. max.	0 ft. or 5 ft. min.	15 ft. min. (25 ft. min.)
T4	Dwellings	5 ft. min. 10 ft. max.	5 ft. min.	0 ft. or 5 ft. min. *	15 ft. min. (25 ft. min.)
T4	Accessory dwellings	40 ft. min. ** .	5 ft. min.	0 ft. or 5 ft. min. *	15 ft. min. (5ft. min.)
T3	Dwellings	10 ft. min.	5 ft. min.	5 ft. min.	15 ft. min. (25 ft. min.)
T3	Accessory dwellings	50 ft. min. **	5 ft. min.	5 ft. min.	5 ft. min. (5 ft. min.)
T3-R	Dwellings	15 ft. min.	15 ft. min.	5 ft. min.	20 ft. min. (25 ft. min.)
T3-R	Accessory dwellings	50 ft. min. **	5 ft. min.	5 ft. min.	10 ft. min. (5 ft. min.)
		* 5 ft side setback mandatory if adjacent lot has side setback			
		<p>** If the minimum setback cannot be met, the accessory dwelling shall not be placed closer to the main frontage than the primary dwelling</p> <p>***Unless otherwise indicated, accessory structures not considered accessory dwellings shall be regulated by Article VI, Division II, Sec 4-923 et. Seq.: <u>Accessory Uses, Buildings and Structures, of Chapter Four of the Land Development Code (LDC).</u></p> <p>****Mechanical Equipment may encroach up to 3 ½ feet into the setback.</p>			

(2) Garages.

- a. In alley loaded configurations, where garages are part of the primary dwelling unit structure, the following conditions apply:
 - 1. Rear alley setback for accessory dwellings apply to the garage portion of the structure.
 - 2. Rear alley setback for dwellings apply to all other portions of the structure, including rooms above garages.
 - 3. Accessory dwelling units above garages that are separate from the principal dwelling structure are subject to the accessory dwelling setback requirements.
- (3) Setback considerations for fire access.
 - a. Where fire access is provided from the alley and eave height exceeds 30 feet, additional rear alley setback may be required.
 - b. Where fire access is provided from streets and eave height exceeds 30 feet, buildings may be required to be located closer to lot lines than the minimum setback.
- (4) Setback considerations for utilities.
 - a. Utility easements along front, side, and side street lot lines may require additional front, side, and side street setback causing buildings to exceed maximum setbacks.
 - b. Utility services provided from the alley may require additional rear alley setbacks.
 - c. Utility services may require easements at front, side, side street, or rear lot lines for meters, pedestals, and other equipment requirements.
- (d) Building height.
 - (1) The height of all structures is limited as specified in Tables 5.1-1 to 5.1-5.
 - (2) Story measurement.
 - a. Building height is measured in stories above sidewalk grade.
 - b. Ground floor story heights are measured from the following:
 - 1. Ground floor story heights for non-residential uses shall be measured starting from 12 inches above the crown of the frontage road and must be flood proofed according to FEMA standards
 - i. The ground floor shall not be located any higher than 18 inches above the crown of the frontage road
 - 2. Ground floor story heights for residential use shall be measured starting from the FEMA flood criteria line
 - i. No more than 18 inches of fill shall be used to raise a building/site
 - c. Uninhabited roofs, chimneys, cupolas, antennae, vents, elevator bulkheads, stair housings, and other uninhabited accessory elements do not count toward building height.
 - d. Mezzanines exceeding 40 percent of the floor area of a tenant space or residential unit, count toward building height as additional stories.
 - (3) Story height.
 - a. Above ground stories are limited in height as specified in Tables 5.1-1 to 5.1-5 and as follows:
 - 1. Story height is measured from finished floor to finished ceiling.
 - 2. Story height is measured at all points within the structure.



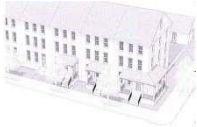
3. Where an above ground story exceeds the maximum story height it is counted as one or more stories by dividing the story height by the maximum story height, and rounding up.
 4. Ceiling height in bathrooms, kitchens, closets, and other ancillary rooms may be lower than minimum story height.
- (e) Building orientation.
- (1) Lots with a single building, excluding accessory dwelling units and structures less than 600 sq. ft. in footprint, are subject to the following:
 - a. The principal building must be oriented parallel to the front property line or tangent to a curved front property line.
 - b. The building must have a primary entry accessible from the sidewalk.
 - (2) Lots with multiple buildings, excluding accessory dwelling units and structures less than 600 sq. ft. in footprint, are subject to the following:
 - a. The building closest to the front property line must be oriented parallel to the front property line or tangent to a curved front property line.
 - b. The building is considered the primary building and must have a primary entry accessible from the sidewalk.
 - c. Accessory dwelling units and structures less than 600 sq. ft. must be behind or beside the building relative to the front property line.
- (f) Building frontage.
- (1) Frontage requirements regulate the following:
 - a. The yard space between front and side street lot lines and building facades nearest those lot lines, frontage yards;
 - b. Building facades nearest the front and side street lot lines, frontage facades; and
 - c. Elements projecting from building facades into frontages, frontage projections.
 - d. In order to encourage diversity in design, building frontages shall vary from lot to lot.
 - (2) Frontage assignment.
 - a. Primary and secondary frontages may be assigned on the regulating plan.
 1. Where primary and secondary frontages are not assigned on the regulating plan, they are assigned as follows:
 - i. Primary frontages correspond with the lot line bearing the address.
 - ii. Secondary frontages correspond with all side street lot lines.
 - (3) Frontage buildout—Requirements apply to T4 and T5 zones only.
 - a. Frontage buildout requires that a minimum length of frontages, primary or secondary, are lined with building facades situated between the minimum and maximum setbacks:
 1. At corner lots, frontage buildout measurements exclude the building setback in the measurement of total frontage length.
 2. In T4, frontage buildout at primary frontages must be a minimum of 60 percent.
 3. In T5, frontage buildout at primary frontages must be a minimum of 80 percent.
 4. In T5, frontage buildout at secondary frontages must be a minimum of 60 percent.
 - (4) Frontage yard—Frontage yard type must be selected from Table 5.6-1 and as follows:




- a. Urban and shallow yards must be ten feet or less in depth.
 - b. Door yards and fenced yards must be ten feet or greater in depth.
 - c. Continuous yards must be 15 feet or greater in depth.
 - d. Frontage yards are subject to the requirements specified in Table 5.6-2 and as follows:
 - 1. Pedestrian forecourts are limited to 2,500 square feet in area.
 - 2. Cottage court central courtyards must maintain a minimum of 30 feet in width between all structures and projections along the depth of the court.
 - 3. Cottage court courtyards have a minimum area of 1,800 square feet within the court, excluding the space between buildings and the public sidewalk.
- (5) Frontage facades.
- a. The primary building entry must be located along a frontage facade.
 - 1. Access to the primary building must be provided from the front property line.
 - 2. Glazing along frontage facades must meet the requirements specified in Tables 5.1-1 to 5.15 and as follows:
 - i. Glazing is calculated on a per-story basis along the frontage facade.
 - ii. Glazing is calculated as the percentage of the total area of glazing within a story divided by the total facade area of that story.
 - iii. Window muntins and other glazing divisions less than four inches in width are considered glazed areas.
- (6) Frontage projections.
- a. Building features that project forward from frontage facades into front or side street setbacks are frontage projections.
 - b. Frontage projections are limited as specified in Table 5.6-4 and as follows:
 - 1. Trim, cornices, eaves, plaques, mailboxes, bay and bow windows, storefront windows, and elements that are anchored to walls may project up to four feet.
 - 2. Signs may project into frontages.
 - 3. Balconies may project into frontages in T5-C and T5.
 - c. Additional requirements and projection allowances by type of frontage projection are specified in Table 5.7-5.

TABLE 5.6-1. PERMITTED FRONTAGE YARD TYPES	
Zone	
T5	Urban, pedestrian forecourt, shallow yard, door yard
T4	Shallow yard, cottage court, fenced yard, door yard
T3	Cottage court, fenced yard, continuous yard

T3-R	Fenced yard, continuous yard
SID	To be determined on a case-by-case basis during the review and approval process

TABLE 5.6-2. FRONTAGE YARD TYPE REQUIREMENTS

Yard	Illustration	Requirements	
Urban		Planting	Permitted within raised containers, no minimum requirement.
		Surface	Must be paved and at sidewalk grade, should match sidewalk material
		Fencing	Decorative aluminum fence at outdoor seating areas only
Pedestrian Forecourt		Planting	Optional, no minimum requirement.
		Surface	Must be a minimum of 30% paved and at sidewalk grade
		Fencing	Masonry walls permitted along the frontage facade line.
		Area	2,500 square feet, max.
Shallow Yard		Activation	Must be lined by habitable spaces
		Planting	T4: 4 shrubs per 400 sf. min.; 50% min. planted surface.
		Surface	Landscaped in T4, may be paved in T5
		Walkways	1 per building entry

Door Yard		Fencing	Permitted
		Planting & Surface	T4: 60% min. planted surface, 40% max. paved. T5: 30% min. planted surface, 70% max. paved.
		Walkways	1 per building entry
		Fencing	Required
Cottage Court		Planting	A minimum of 50% trees should be canopy shade trees. 60% min. planted surface.
		Surface	Landscaped, programmed spaces optional.
		Walkways	Required, connecting each building entry to sidewalks.
		Fencing	Frontage fencing permitted at streets and to define yards for each unit.
Fenced Yard		Planting	A minimum of 50% trees should be canopy shade trees. 60% min. planted surface.
		Surface	Landscaped, paving limited to walkways, driveways, and terraces
		Walkways	1 per building entry
		Fencing	Required along front and side street property lines
Continuous Yard		Planting	A minimum of 50% trees should be canopy shade trees. 70% min. planted surface.


	Surface	Landscaped, paving limited to walkways, driveways, and terraces
	Walkways	1 per building entry
	Fencing	Permitted at frontage facade lines, not permitted along front or side street property lines.

TABLE 5.6-3. FRONTAGE FACADE GLAZING

Zone	Level	Minimum Glazing	Maximum Glazing
T5-C	Ground floor	70%	90%
	Upper Stories	30%	60%
T5	Ground floor *	40%	90%
	Upper stories	30%	60%
T4	Ground floor	30%	50%
	Upper stories	30%	50%
* Minimum 70% for non-residential			

TABLE 5.6-4. PERMITTED FRONTAGE SETBACK PROJECTIONS

Zone	Element	Maximum depth
T5	Arcades	100% of setback

	Galleries	100% of setback
	Canopies & Marquees	100% of setback
	Awnings	100% of setback
T4	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps
	Terrace	100% of setback
T3	Enclosed Porch	Up to 8 feet excluding steps
	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps
T3-R	Enclosed Porch	Up to 8 feet excluding steps
	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps

TABLE 5.6-5. FRONTAGE SETBACK PROJECTION REQUIREMENTS		
Projection		Requirements
Arcades	Depth	10 ft. min., to within 2 feet of curbs
	Width	80% of facade width, min.
	Material	Masonry or metal

Galleries	Depth	8 ft. min., to within 2 feet of curbs
	Width	20 ft. min.
	Material	Metal or wood
Canopies & Marquees	Depth	6 ft. min., to within 2 feet of curbs
	Width	Shopfront bay width (min.), 20 ft. min.
Awnings	Material	Metal; wood ceiling permitted
	Depth	6 ft. min., to within 2 feet of curbs
	Width	Per Figure 5.8-2
Enclosed Porches	Material	Fabric or canvas over metal structure
	Depth	6 ft. min.
	Width	12 ft. min.
	Vertical material	Wood & glazing
	Railing material	Wood infill panels
Open Porches	Floor material	Wood or masonry
	Depth	6 ft. min.
	Width	12 ft. min.
	Vertical material	Wood
	Railing material	Wood




	Floor material	Wood or masonry
Stoops/Balconies	Depth	4 ft. min.
	Width	4 ft. min.
	Vertical material	Wood or masonry
	Railing material	Wood, metal or masonry
	Floor material	Wood or masonry



(g) Building elements and encroachments.

- (1) Buildings should be designed in proportions that reflect human-scaled pedestrian movement, and to encourage interest at the street level.
- (2) Building entries shall be as follows:
 - a. Building entrances shall be clearly visible from the street.
 - b. One building entry shall be provided every 80 feet of facade leading to a habitable space.
 - c. Entries for multifamily buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.
 - d. Residential building entries at grade are restricted as follows:
 1. Single-family residential buildings shall be raised above average grade according to Table 5.7-1 Facade Types.
 2. Multi-family residential buildings shall be raised above average grade according to Table 5.7-1 Facade Types. In no instance shall the entry be raised less than 18 inches. The entry may need to be raised to comply with FEMA flood regulations.
 3. Mixed-use and non-residential building entries shall be at sidewalk grade unless located within a FEMA flood zone.
 - i. Mixed-Use and commercial buildings should keep the entry at sidewalk grade, raise glazing above the flood line, and flood-proof the commercial space.
- (3) Facade types shall be as follows:
 - a. Facades shall be assigned along frontages and are limited by type according to Table 5.7-1 Facade Types.
 - b. Projections into all setbacks are permitted as follows, but not beyond the property line:
 1. Roof overhangs, cornices, window and door surrounds and other facade decoration may project up to two feet.
 2. Where permitted, shading devices may project into the front setback up to the property line with a minimum eight foot clearance.

3. Balconies may project up to five feet.
4. Bay windows may project up to three feet.
5. Porches and stoops may project according to 5.7-1 Facade Types.
6. Mechanical Equipment (come up with standard).

TABLE 5.7-1: FACADE TYPES

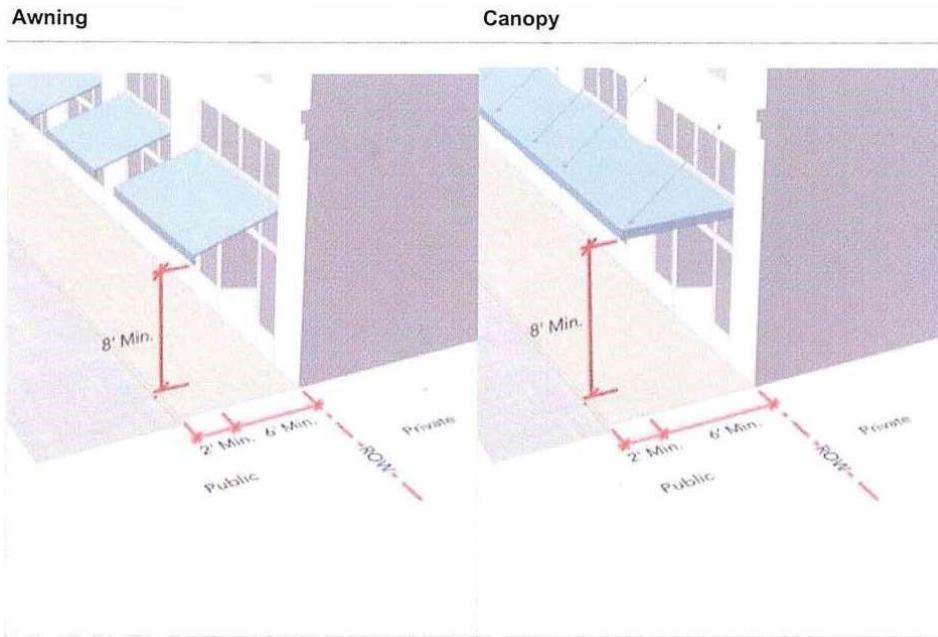
A: Porch		
Entry grade	Minimum 18 inches above grade	
Requirements	<ul style="list-style-type: none"> • Required at the primary building entrance. • Porches shall be a minimum 6 feet in depth. • Porches and related structures may project into front setbacks a maximum 10 feet. • Porch openings shall be vertical in proportion. 	
	<ul style="list-style-type: none"> • Porches shall be a maximum 10 feet in height. Columns should have a diameter between 1/9th and 1/14th their height. 	
B: Stoop		
Entry grade	Minimum 34 inches and a maximum 48 inches above grade	
Requirements	<ul style="list-style-type: none"> • A stoop is required at building entrances, projecting from the facade. • Wood is prohibited for stoop railings. • Stoops and related structures may project into front setbacks up to 100%. 	
C: Common Entry		
>Entry grade	Minimum 18 inches and a maximum 24 inches above grade (exception to maximum may be made for FEMA Flood requirements)	
>Requirements	<ul style="list-style-type: none"> • A single collective entry to a multi-family lobby is required at the primary building entrance. • Canopies and awnings are permitted to project into front setbacks up to 100% of their depth. 	
>D: Gallery		

>Entry grade	At sidewalk grade	
>Requirements (see section 4870(g))	<ul style="list-style-type: none"> • Where a gallery occurs, it is required along a minimum of 80% of the frontage. • Encroachments are permitted according to section 4-870(g) • Awnings are not permitted in galleries • Ground floor flood proofed if in FEMA flood zone 	
>E: Storefront		
>Entry grade	At sidewalk grade	
>Requirements (see section 4870(g))	<ul style="list-style-type: none"> • A storefront is required at the primary entrance of the tenant space. • A minimum 70% of the ground floor of a storefront shall be glazing • Ground floor flood proofed if in FEMA flood zone 	

(h) Building encroachments.

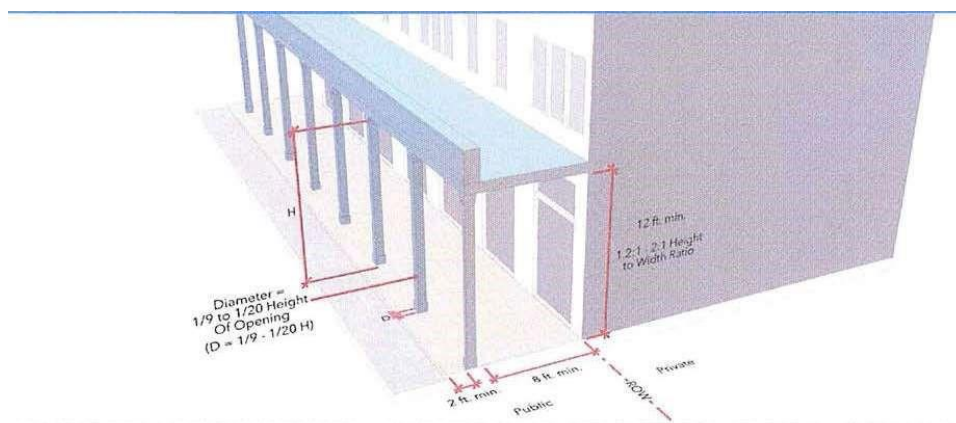
- (1) Encroachments located within the public right-of-way shall comply with any clearance standards established by FDOT or the City of Bonita Springs Public Works and Facilities Department.
- (2) Awnings and canopies are restricted as illustrated in Figure 5.8-1 and per the following:
 - a. Awnings and canopies may project into the public right-of-way, up to two feet of the curb.
 - b. Awnings and canopies shall be a minimum of six feet in depth and have a minimum of eight feet of vertical clearance.

FIGURE 5.8-1: AWNINGS AND CANOPY ENCROACHMENTS ILLUSTRATED



- (3) Galleries are restricted according to Figure 5.8-2., and as follows:
- Shall be a minimum of eight feet in depth and a minimum of 12 feet in height, maintaining a 1.2:1 to a 2:1 height to width ratio, as illustrated in Figure 5.8-2.
 - Gallery columns should have a diameter between 1/9th and 1/20th their height, measured from the base to the bottom of the entablature, as in Figure 5.8-2.
 - Galleries should encroach into building setbacks.
 - Galleries should encroach over sidewalks.
 - Where galleries encroach over sidewalks, they shall not extend beyond two feet of the curb.
 - Galleries shall not change height or width along a building facade.

FIGURE 5.8-2: ENCROACHMENT FOR GALLERIES ILLUSTRATED



- Parking access, design and reductions.
 - Vehicular parking location and access: T3-R.
 - Driveways are limited as follows:

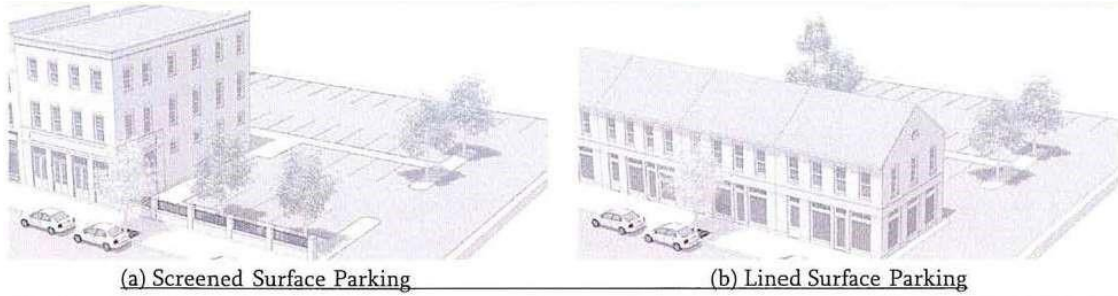
1. Driveway width is limited to a maximum of 12 feet;
 2. Driveways accessing multiple garage doors may be up to width of the garage within 20 feet of the garage doors;
 3. Driveways may have a single point of access or two points of access in a loop.
 4. Lots with side street lot lines should provide parking access from that lot line.
 5. Lots with alley access must provide parking access from the alley.
 - b. Carports and covered parking:
 1. Carports and covered parking are permitted.
 - c. Garages:
 2. Individual garage doors are limited to a maximum width of ten feet.
 3. Garages must be configured in one of the following orientations:
 - i. Type 1: Independent of the dwelling.
 - ii. Type 2: Front-entry, set back from the dwelling facade.
 - iii. Type 3: Side-entry, within the main dwelling massing.
 - iv. Type 4: Side-entry, forward of the main dwelling massing.
 4. Type 1 garages are subject to the following requirements:
 - i. The garage must be detached from the dwelling a minimum of ten feet.
 - ii. Where the garage is closer to the front property line than the dwelling:
 - iii. Vehicular entry movement must be parallel with the front property line.
 - iv. A minimum of one window must be installed on the garage facade, facing the front property line.
 5. Type 2 garages are subject to the following requirements:
 - i. The garage must be set back a minimum of ten feet from the principal dwelling facade, excluding projections.
 5. Type 3 garages are subject to the following requirements:
 - i. The garage should be set towards the rear of the main dwelling volume.
 - ii. The garage may not extend forward of the main dwelling volume.
 - iii. Where the garage is located parallel with the dwelling front facade, a minimum of one window must be installed on the garage facade, facing the front property line.
 6. Type 4 garages are subject to the following requirements:
 - i. Vehicular entry to the garage must be parallel with the front property line.
 - ii. A minimum of one window must be installed on the garage facade, facing the front property line.
- (2) Vehicular parking location and access: T3 and T4.
- a. On-street parking spaces located along lot lines count towards minimum required parking.
 - b. Off-street parking may be provided individually or clustered within the same block.
 - c. Driveways are limited as follows:

1. Driveways providing parking access to four or fewer units are limited to a maximum of 12 feet in width.
 2. Driveways providing parking access to more than four units are limited to a maximum of 22 feet in width.
 - d. Garages within the front half of a lot are limited to a maximum width of 30 percent of the lot width.
 - e. Carports and covered parking are permitted in off-street parking areas and must be located behind buildings relative to front lot lines.
 - f. Parking access is permitted as follows:
 1. Where alleys abut any property line for individual or clustered properties, on-site parking must be accessed from an alley.
 2. Lots or clustered properties without alley access with any side street lot lines must access parking from a side street lot line.
 3. Lots without alley access or side street lot lines may access parking from the front lot line, limited to one access point adjacent to a side lot line.
 4. Clustered properties without alley access or side street lot lines may access parking from the front lot line, limited to two access points, each along a side lot line.
 5. Off-street parking must be located behind buildings relative to the front lot line.
 6. Off-street parking serving clustered properties must be located as follows:
 - i. Parking must be a minimum of ten feet behind the facade of the nearest building to front and side street lot lines.
 - ii. Parking must be shielded from front and side street lot lines by buildings or frontage facade fencing.
- (3) Vehicular parking location and access: T5.
- a. Minimum required parking may be provided as follows:
 1. The required parking may be provided off site, provided the site is approved by the city manager or designee and the number of required off-street parking spaces may be reduced by no more than one-third, if supported by a parking study submitted by the applicant.
 2. Developers may pay a fee in lieu of providing the required spaces. The fee shall be based on the average cost of constructing a surface parking space in the zone, as determined in an applicable administrative code, until such time as surface parking spaces are determined to be infeasible due to land availability in the zone. Said fee shall be a one-time payment, to be placed in the redevelopment trust fund and shall be utilized for parking and other public improvements that benefit the Zone.
 3. Developers may provide valet parking program for commercial and mixed-use projects in accordance with the requirements set forth in the administrative code to offset a maximum of 50 percent of the required parking spaces. Valet parking programs may not be utilized to offset parking requirements for stand-alone residential development.
 4. Approved on-street parking along the corresponding frontage(s) of the site shall count 100 percent towards the parking requirements. Off-street parking must be located behind buildings relative to front lot lines.
- (4) **Vehicular parking location and access: S-DID**
- a. **Parking placement and design shall be subject to the review process for special**

assemblage plans. Approved on-street parking along the corresponding frontage(s) of the site shall count 100 percent towards the parking requirements.

- b. Off-street surface parking adjacent to side street lot lines must be lined or screened as follows:
1. One or more liner buildings should be located along the sidewalk as generally illustrated in Table 5.9-2(b);
 2. In the case that liner buildings are not feasible, parking must be screened with a street screen as generally illustrated in Table 5.9-2(a) and as follows:
 - i. The street screen must meet the fencing standards for T5; ii. The street screen may be interrupted for pedestrian and vehicular access.
 - c. Off-street structured parking must be lined or screened as follows:
 1. One or more liner buildings, a minimum of 20 feet in depth, should be located along the sidewalk, screening the parking structure from the sidewalk
 2. In the case that liner buildings are not feasible, parking must be screened by use of planting, glazing, or with regularized openings resembling glazing
 3. The ground floor of the parking structure must include habitable spaces along sidewalks; 4. Ground floor habitable spaces may be interrupted for pedestrian and vehicular access;
 5. Ground floor habitable spaces must be designed with shopfronts.
 6. Openings above the ground floor must meet the window proportion and minimum glazing requirements. Openings count towards minimum glazing.
 7. Along designated main streets, structured parking must be lined.
 - d. Adjacent lots providing off-street parking and district managed parking lots must be supplied with vehicular and pedestrian connections to any on-site parking areas.
 - e. Carports and covered parking are permitted in off-street parking areas.
 - f. Along side-street lot lines, parking must be shielded by buildings or frontage facade fencing.
 - g. Parking access is permitted as follows:
 1. Where alleys abut any property line, access to on-site parking must be provided from the alley.
 2. Lots with side street lot lines may provide one access point from each side street lot line.
 3. Lots without alley or side street lot line access may provide one access point from the front property line.
 4. Where more than one access point is required for circulation, access points should be located along different property lines.
 - h. Driveways are limited to a maximum of 22 feet in width.

TABLE 5.9-2. LINED AND SCREENED PARKING



(4) Required vehicular parking.

- a. Parking is required for each residential dwelling unit in the amounts specified in Table 5.9-3.
- b. Multi-family residential parking provided on site may not exceed 200 percent of the minimum parking requirement, excluding on-street parking spaces.
- c. Parking is required for each non-residential use in the amounts specified in Table 5.9-4.
- d. Parking for assembly uses, schools, and libraries is required in the amounts specified in the City of Bonita Springs Land Development Code.
- e. Shared parking provided by the city may exceed maximum parking ratios to provide for future uses and events.

Use	T5	T4	T3	T3-R	<u>S- DID</u>
Single family detached	n/a	1.5/du	2/du	2/du	<u>n/a</u>
Single family attached	1/du	1.5/du	2/du	n/a	<u>1/du</u>
Accessory dwelling units	0.5/du	1/du	1/du	1/du	<u>0.5/du</u>
Multi-family	1/du	1/du	n/a	n/a	<u>1/du</u>
Affordable housing	0.75/du	0.75/du	1/du	1.5/du	

TABLE 5.9-4: NON-RESIDENTIAL PARKING

Use	Minimum	Maximum
Restaurant/Bar	3/1000 sf	10/1000 sf
General commercial	3/1000 sf	4/1000 sf
Office	2/1000 sf	4/1000 sf
Light industry, workshop	2/1000 sf	4/1000 sf
Industrial	0.5 per employee	n/a
Lodging	0.5 per key	1 per key

(5) Required vehicular parking adjustments.

a. Shared parking.

1. Shared parking may be used to adjust down the number of required parking spaces within a single site or within a city parking lot.
2. Within a single site, shared parking may only be applied to uses within the site.
3. Within a city parking lot, shared parking is limited as follows:
 - i. Shared parking is calculated collectively for all shared parking lot uses;
 - ii. Uses must be within 800 feet (measured along the pedestrian circulation route) of the shared parking lot, except when within a special district;
 - iii. On-street parking spaces included within the shared city parking lot are limited to those located along the block-face of uses accounted for in shared parking calculations.
4. Shared parking reductions are calculated using Table 5.9-5 and as follows:
 - i. The number of required spaces for each use as determined in Section 5.9.4 is entered into the yellow column;
 - ii. For each use and time of day, the number of required parking spaces is multiplied by the occupancy rate listed, entered into the red columns;
 - 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.

TABLE 5.9-5: SHARED PARKING REDUCTIONS

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*.6	%	sp	%	sp	%	sp*.8	%	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):

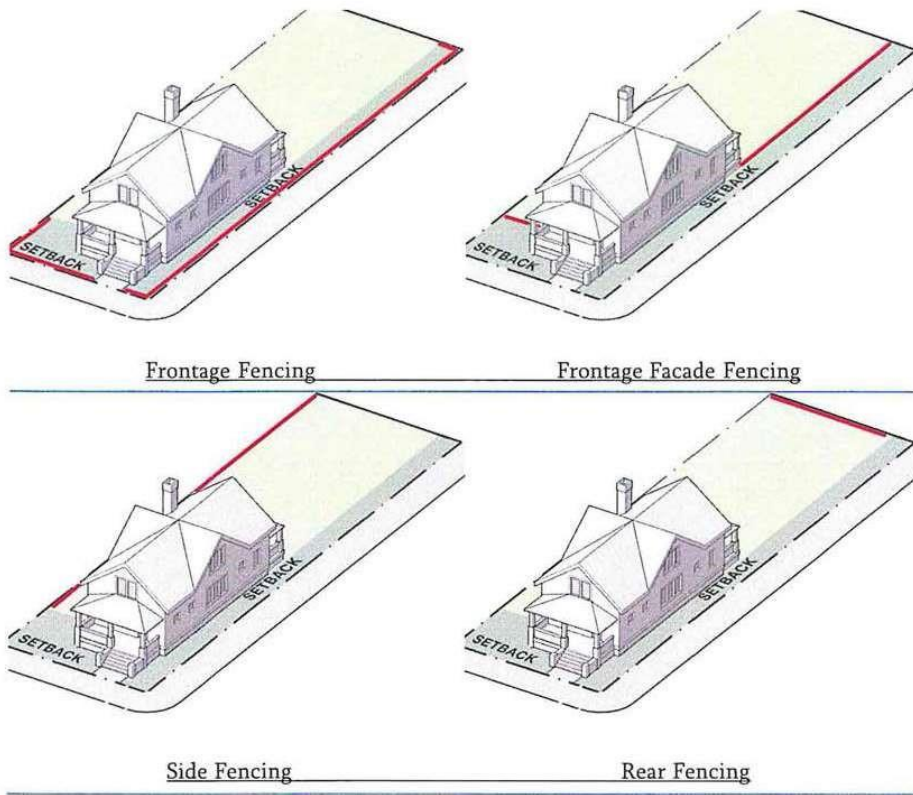
- a. Frontage fencing and walls must be located as follows:
- b. Fencing and walls must be a minimum of four inches from public sidewalks in all instances.
- c. Fencing and walls must be within three feet of frontage lines.
- d. Fencing and walls over three feet in height must be set back from the street-side edge of sidewalks at 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.

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.
T3.1	n/a	5 ft.	5 ft.	5 ft.	4 ft.

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

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

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

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.

(40)(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 nonadvertising 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.

~~e.~~ 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 ACC 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.~~

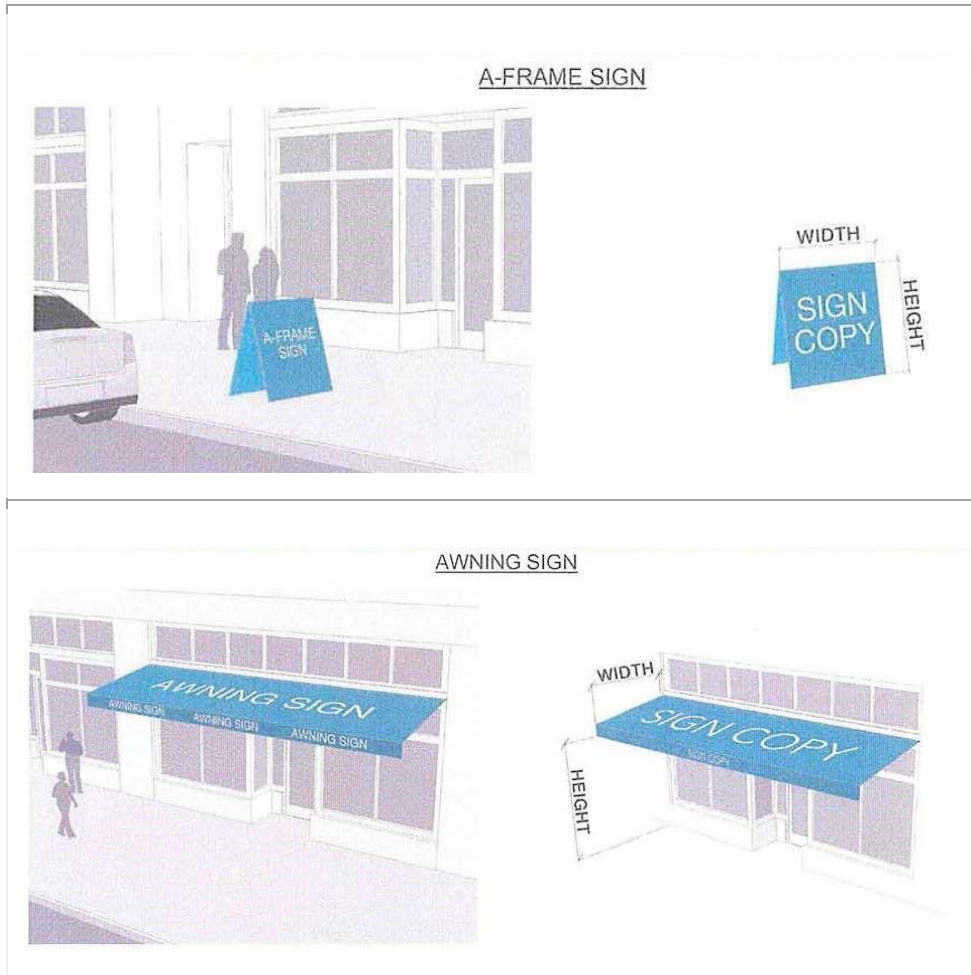
- a. ~~Wayfinding signs must be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.~~

TABLE 7.6-1. GENERAL SIGN RESTRICTIONS

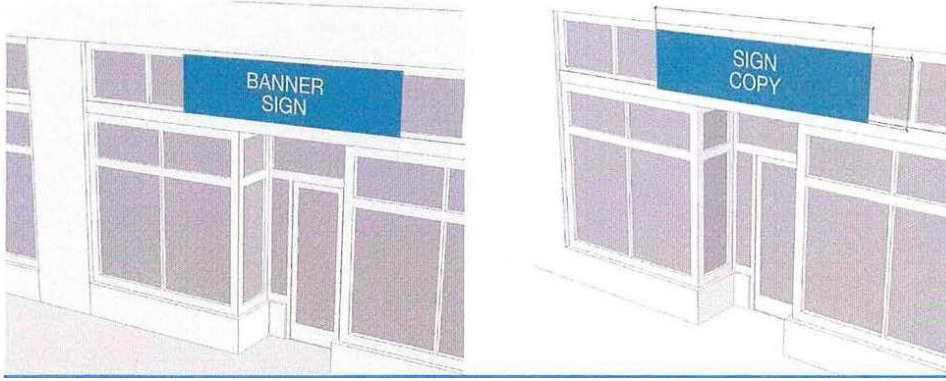
Sign	SD	T3	T4	T5	Period	Number of signs (Max.)	Sign Area (Max.)	Copy Height (Max.)
A-Frame	✓		✓	✓	B	1 per tenant	9 sf. each side	n/a
Awning	✓		✓	✓	O	1 sloping plane, plus 1 valence per awning	75% of sloping plane; 75% area of awning valence	16 in. on sloping plane; 8 in. on valence
Banner/ blade flags	✓		✓	✓	T	1 per event	per ACC LDC Ch. 6	per ACC LDC Ch. 6
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 1 per golf or lake frontage	3 4 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

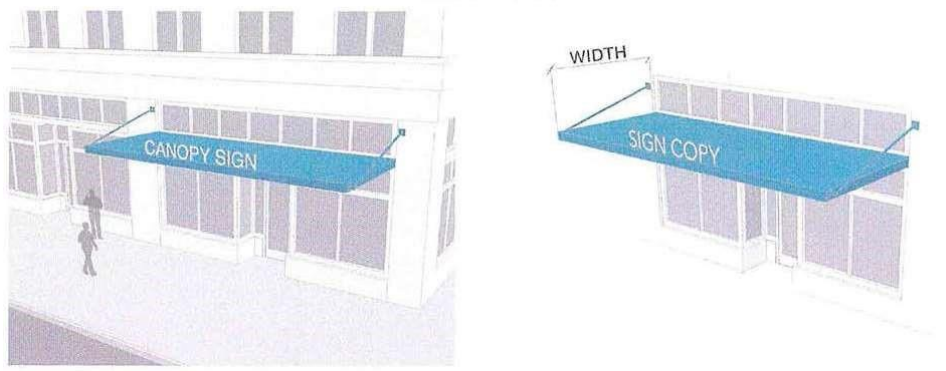
TABLE 7.6-2. SIGN TYPES ILLUSTRATED



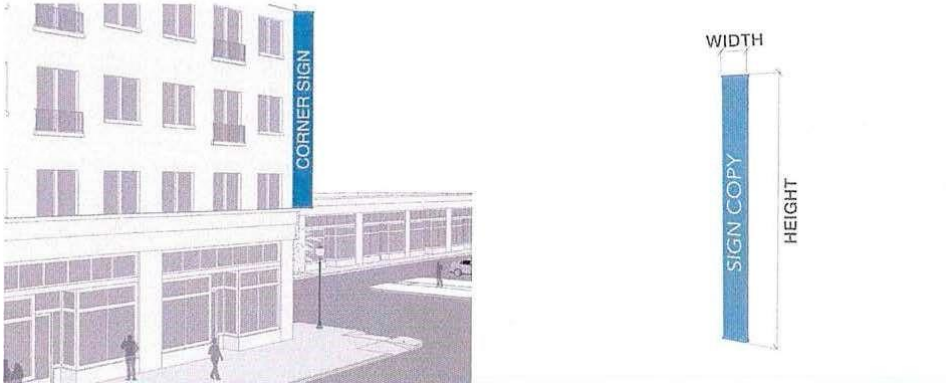
BANNER SIGN



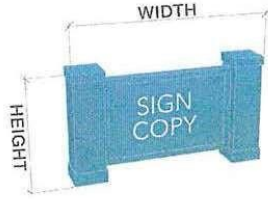
CANOPY SIGN



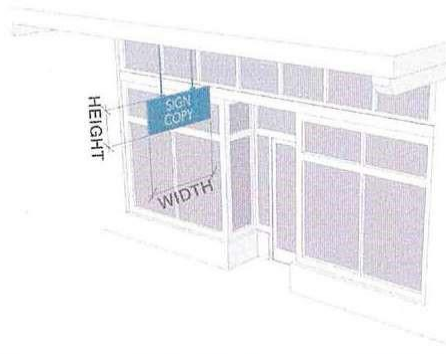
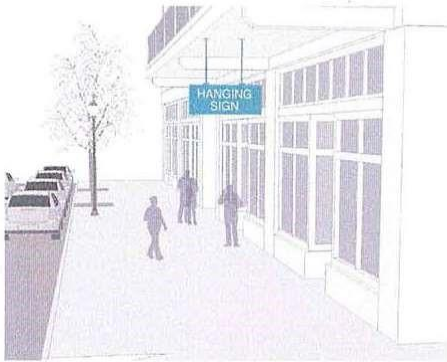
CORNER SIGN



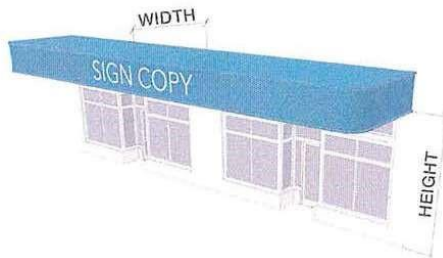
GROUND SIGN (*SPECIAL DISTRICTS ONLY)



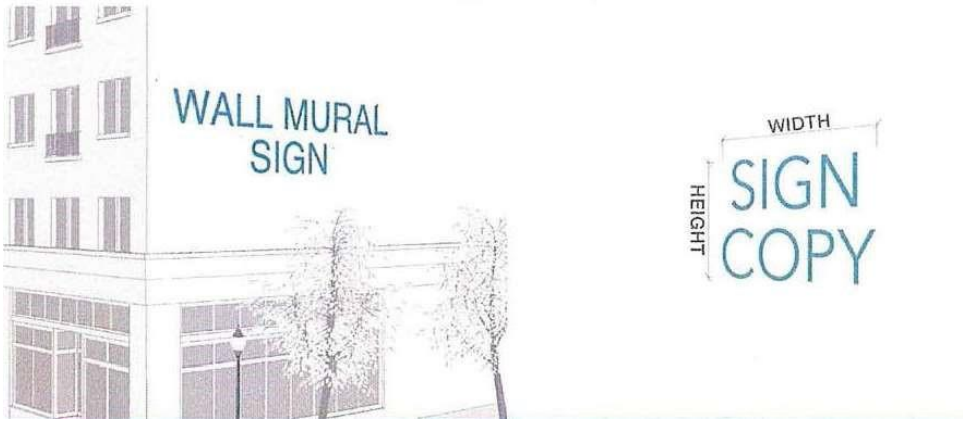
HANGING SIGN



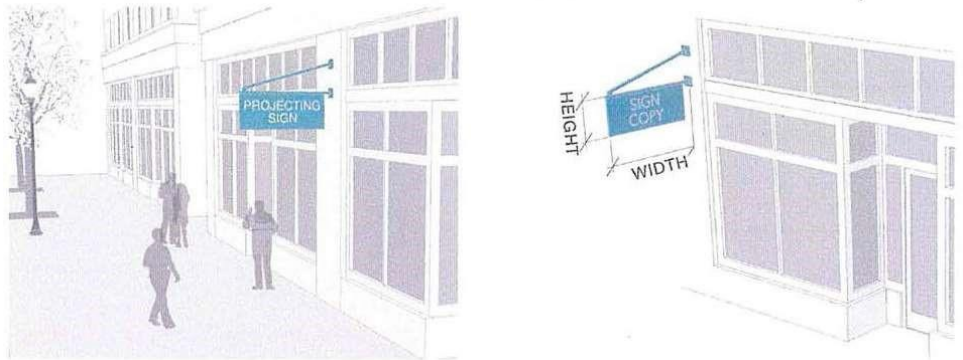
MARQUEE SIGN



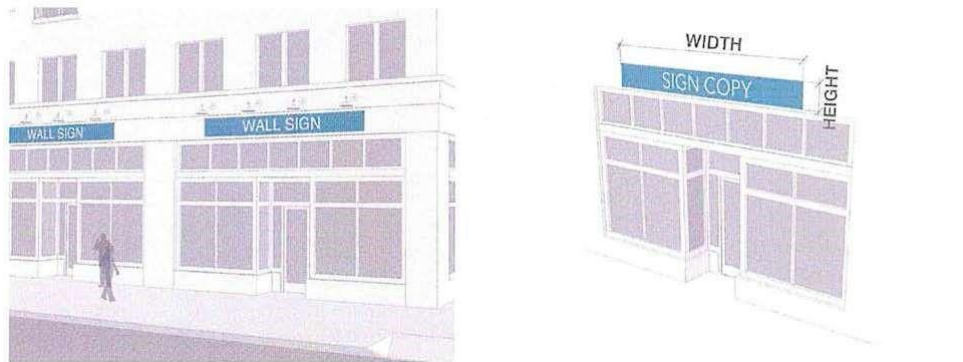
MURAL SIGN



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

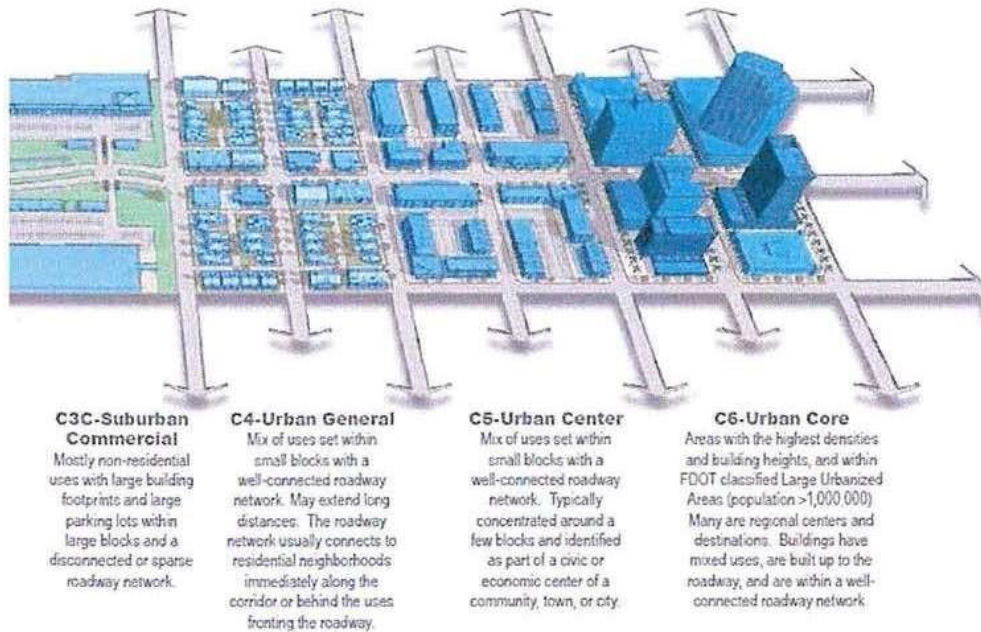
the project site. Trees and shrubs required shall adhere to the species and sizes pursuant to Chapter 3 of the Comprehensive Plan.

- (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 9.11 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-license.

([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.)

Allee: 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 edgeward 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.

Edgeward 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 edgeward 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 setback 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 ruralurban 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 Palate

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>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>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 613</u>
<u>Set No. 10</u>	<u>Creamy</u> <u>SW 701</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 75</u>	<u>Classic Light Buff</u> <u>SW 0050</u>	<u>Sealskin</u> <u>SW 767</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 641</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 6</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 667</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. 41 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 41225 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 41225. 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 antennasupporting structure, increase the overall height above the applicable height allowed by Table 41221 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, surfacemounted, 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 44~~ ~~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 nonwireless 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 41465. 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 feet 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; [JG2] District;
 - 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 41316 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 (e)(1) and (e)(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 ~~dDowntown dDistrict~~ 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.

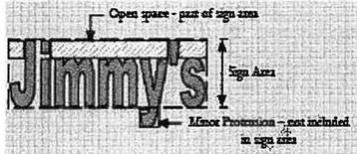
Commercial advertising sign means any structure, poster board, bulletin board, neon sign, screen, surface or wall with characters, letters or illustrations affixed thereto, thereon or thereunder, by any method or means whatsoever, where the matter displayed would be used for the purpose of publicly advertising 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.

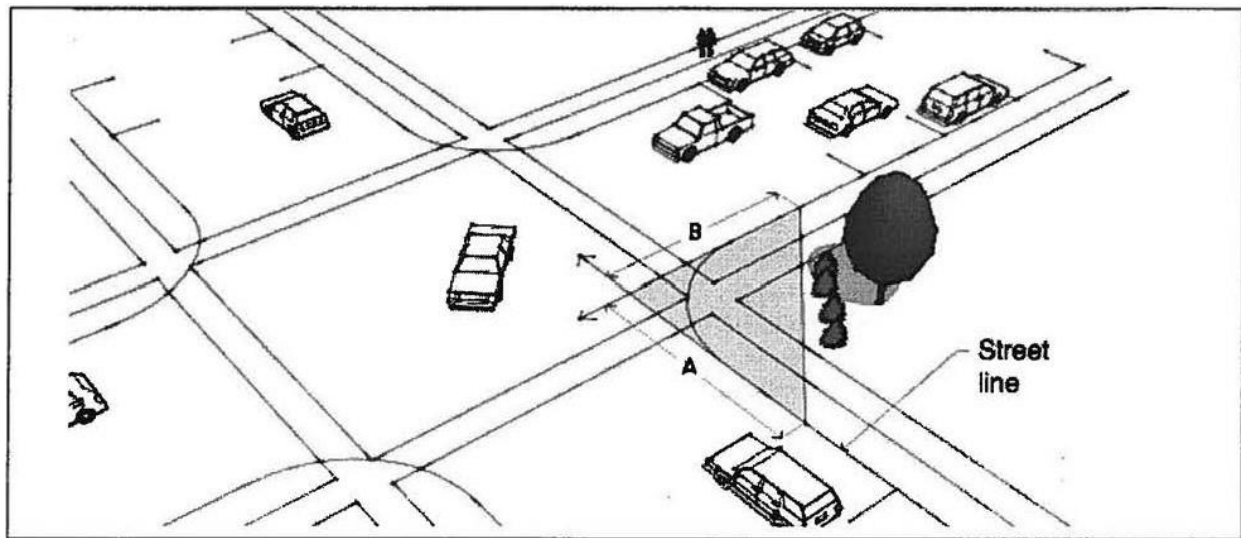
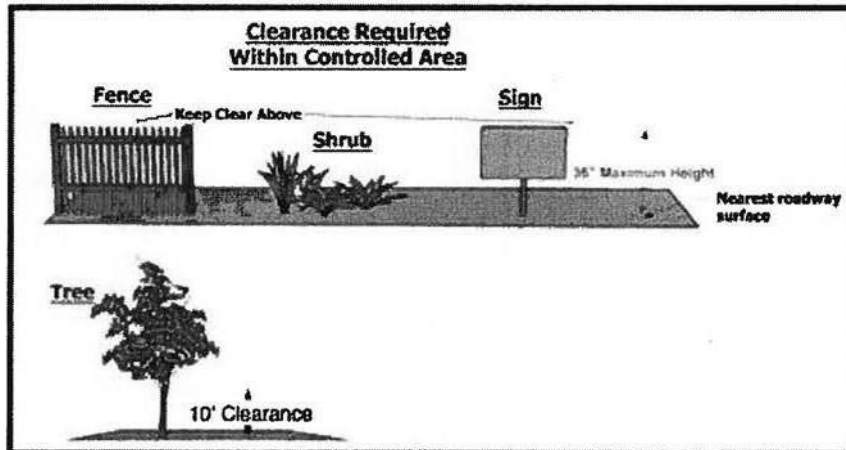
Unified sign plan means land, under unified control, to be planned and developed as a whole in a single development or a programmed series of development phases.

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 41 redevelopment overlay~~ **Downtown District** 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 6148(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)

REQUESTED MOTION: (First Reading) AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO CLARIFY LANGUAGE FOR PROPERTIES ZONED PLANNED DEVELOPMENT THAT WANT TO VOLUNTARILY DEVELOP OR REDEVELOP UNDER THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

REQUESTOR: John Dulmer, Mike Fiigon II, Jacqueline Genson, Jay Sweet, Community Development

AGENDA: Presentation/Consent/Public Hearing/Administration/City Attorney/City Manager

STRATEGIC PRIORITY: 5 (Community Aesthetics); 8 (Economic Development)

BACKGROUND: In November of 2019, the City of Bonita Springs created the Bonita Beach Road Corridor Overlay District. The standards were based on recommendations by the Bonita Beach Road Visioning Study by Toole Design and the concepts of simplifying the zoning code and focusing on form rather than uses as recommended in the Bonita Beach Road Land Use Report by DPZ CoDesign.

At time of adoption, it was explained that the code represented a shift in how to develop and/or redevelop along this corridor given the existing land use patterns and properties that were zoned planned development. The intent was to apply the Overlay to all property within the district, including individual planned developments and conventional zoning districts. Several property owners with partially built out developments that were zoned planned development raised concerns; therefore, the City adopted language establishing thresholds of when the overlay would not apply to planned developments.

Since the initial adoption, the City has adopted the Downtown Form-Based Code, which included language stating that existing planned developments could voluntarily comply with the standards therein. Staff would like to add that same language into the Bonita Beach Road Corridor Overlay as well, to further clarify that properties zoned planned development could develop under the Bonita Beach Road Corridor Overlay regulations without requiring any zoning action by the City.

The LPA reviewed the amendment package on April 22, 2021 and voted unanimously for approval.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Draft Ordinance
2. Amendment Package in Strike-through/Underline format

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: John Dulmer

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO CLARIFY LANGUAGE FOR PROPERTIES ZONED PLANNED DEVELOPMENT THAT WANT TO VOLUNTARILY DEVELOP OR REDEVELOP UNDER THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, in 2019, the City Council adopted amendments to the Land Development Code creating the Bonita Beach Road Corridor Overlay District based on recommendations of the the Bonita Beach Road Visioning Study by Toole Design and the concepts of simplifying the zoning code and focusing on form rather than uses as recommended in the Bonita Beach Road Land Use Report by DPZ CoDesign; and

WHEREAS, the Overlay impacted both conventional and planned development zoning districts within the corridor, including several partially developed projects, and

WHEREAS, the City of Bonita Springs desires to add clarifying language such as specific development standards to implement the intent of those amendments accordingly; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapter 4 - Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **SEVERABILITY**

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

Section 4. **CONFLICTS OF LAW**

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

Section 5. **CODIFICATION AND SCRIVENER'S ERRORS**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Lee County, Florida, this 12th day of May, 2021.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Gibson
Purdon	Quaremba
Forbes	Steinmeyer
Corrie	

Date filed with City Clerk: _____



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

I. CALL TO ORDER.

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

II. ROLL CALL.

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

Absent: Chairman Jeff Maturro.

III. APPOINT A DEPUTY CHAIRMAN.

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

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

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

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

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

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

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

V. NEXT MEETING.

TBD.

VI. APPROVAL OF MINUTES 03/25/21.

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

VII. ADJOURNMENT.

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

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:
BONITA SPRINGS LOCAL PLANNING AGENCY:

Date: _____
AUTHENTICATED:

Chairman Jeff Maturo

DRAFT

Subdivision V. Bonita Beach Road Corridor Overlay

Sec. 4-897. Applicability.

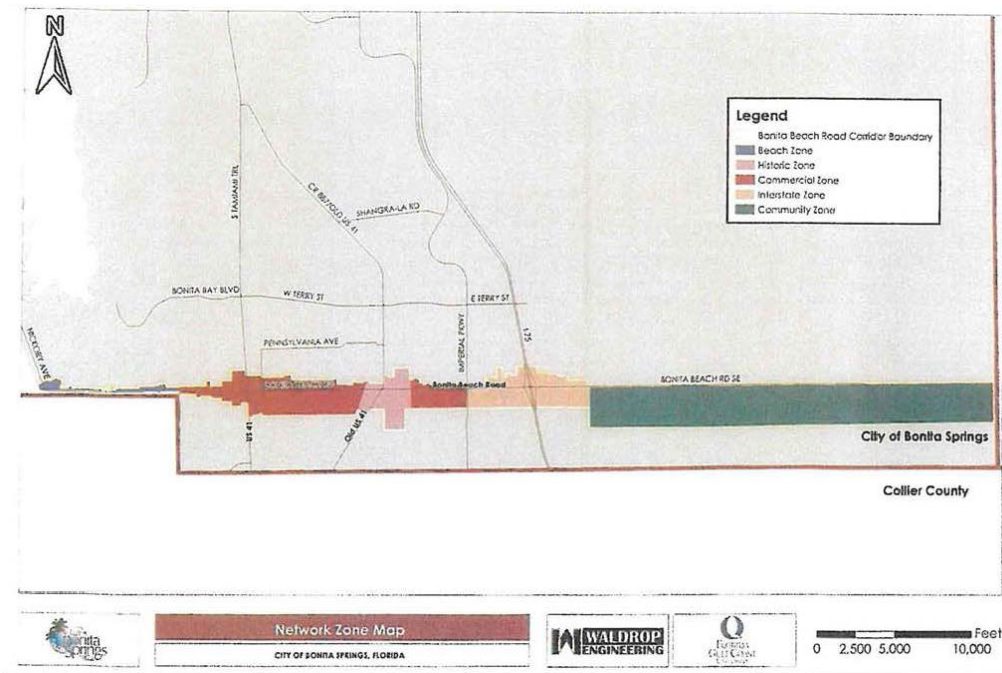
- (a) Development and redevelopment within the Bonita Beach Road Corridor District are defined by four distinctive zones as described herein and graphically depicted in figure 4-V-1.
- (1) *The Interstate zone*—This zone is located between Imperial Boulevard and Bonita Grande Road. Has also been referred to as the "Gateway Zone".
 - (2) *Commercial zone*—This is located between Vanderbilt Road and the Railroad Tracks, and between Race Track Road and Imperial Boulevard
 - (3) *Historic zone*—This zone is located between the Railroad tracks and Race Track Road.
 - (4) *Beach zone*—This zone is located between Hickory Boulevard and Vanderbilt Road.
 - (5) *Community zone*—This zone is located between Bonita Grande Road and the eastern limits of Bonita Beach Road. Each network zone may include specific design regulations.
- (b) Provisions of this division shall apply to all development and redevelopment located within the geographical boundaries set forth in Figure 4-V-1 and further defined as minor development and major development, as follows:
- (c) Minor development. For the purpose of this section, minor developments, are defined as:
- (1) Projects requiring a Type 9/I limited review development order in accordance with section 3-159; or
 - (2) Building expansion of more than 15 percent of the existing square footage, but less than 50 percent; or
 - (3) Building renovation or improvements performed over a period of five years that exceed 15 percent of the existing square footage and less than 50 percent of the current assessed value of the structure.
 - (4) Redevelopment of existing minor developments and structures are to be into compliance with the provisions of this subdivision. If the strict application of these regulations are deemed impractical or unfeasible the existing minor development project be brought into conformity to the maximum extent possible. Request for this relief shall be made by the applicant, to the community development director, said request shall include an alternate plan, and this plan shall demonstrate compliance with the section 4-896. If approved by the city manager or designee said plan may be substituted in part for the standards of this district.
- (d) Major development. For the purpose of this section, major developments are defined as:
- (1) New construction requiring local development order approval or an amendment to an existing development order (including large and small projects as defined in chapter 3; or
 - (2) Building expansion of more than 50 percent of the existing square footage; or
 - (3) Building renovation or improvements performed over a period of five years that exceed 50 percent.
- (e) Projects that result in redevelopment or a change in use shall be subject to the regulations set forth in (b)—(c) of this section.
- (f) If a parcel is located in one or more overlay districts, the more restrictive overlay standards shall apply.
- (g) Applicability and exemptions:
- (1) It is the intent of this overlay to apply to all property within the overlay district. **Existing planned developments may voluntarily comply with the standards herein.**
 - (2) Notwithstanding, the provisions of this subdivision shall not apply to the following:

-
- i. Planned developments that have reached 80 percent build out (based on building square footage or number of dwelling units) are exempt from these regulations and shall abide by the terms, conditions and zoning established in their planned development ordinance.
 - ii. Planned developments that have reached more than 50 percent but less than 80 percent build out (based on building square footage or number of dwelling units) are exempt from these regulations for a period of three years from the adoption of these regulations (approximately December 2022) after which any unbuilt structures shall be subject to the regulations set forth herein.
 - iii. Planned developments that have reached less than 50 percent of (based on building square footage or number of dwelling units) shall be subject to the regulations set forth herein.
 - iv. Planned developments that have not constructed any buildings or infrastructure shall bring their master concept plan into compliance with the regulations contained in this subdivision.
 - v. All planned developments in the beach and community zones.
 - vi. Planned developments with an unexpired master concept plans approved by the city at least 36 months prior to the adoption of this subdivision.
 - vii. All existing development orders authorized pursuant to the interim moratorium processes authorized pursuant to Ordinance 17-12 to the extent of any conflict with this subdivision.
 - viii. Any existing development orders otherwise specifically recognized for their conformity with the Bonita Beach Visioning Study and subsequent Comprehensive Plan Amendments (Ordinance 17-06) to the extent of any conflict with this subdivision; including the Horizon Park CPD (Zoning Ord. 17-07) reaffirmed as modified by the city council on June 19, 2019.
 - ix. Any development orders specifically authorized pursuant to the settlement agreement, approved by council on July 27, 2019, between Angler's Paradise of Bonita Springs, Inc. and the city to the extent any development approvals contemplated by that settlement shall conflict with this subdivision.
 - x. Notwithstanding any other provision of this section, any property owner who believes the strict application of this subdivision interferes with a vested rights may petition the city manager for relief from its application. Any such petition must be received within six months of the effective date of this subdivision and will be reviewed administratively for limited relief from the provisions of this subdivision to the extent such provisions interfere with a vested right. The city manager shall base on such determination on competent substantial evidence and upon consideration of the following factors:
 1. The history of the property along with its present nature and use.
 2. Whether the use or uses proposed in the petition are compatible with the comprehensive plan and overall intent of this subdivision even if its specific terms cannot be met; and
 3. Whether the property owner has made substantial expenditures of money or resources in reliance upon prior approvals and diligently pursued additional regulatory approvals in furtherance of a specific plan for development; and
 4. Whether denial of the petition would expose the petitioner to substantial monetary liability to third parties or leave the petitioner completely unable, after a thorough review of alternative solutions, to achieve their reasonable investment backed expectation for the property.

The city manager shall make a written determination within 30 days of receipt of a completed petition. If denied, the petitioner shall have the right to appeal such denial to

the city council within 15 days. The city council will consider the evidence against the aforesaid factors at a public hearing within 30 days of their filing of the appeal.

- xi. Development located partially within and outside the boundaries of the overlay district.
 - 1. When the map of this overlay was created, it was intended to follow property lines and to allow for the orderly development/redevelopment of property fronting on Bonita Beach Road.
 - 2. To avoid situations that would create multiple standards and regulations. Since that time, ownership patterns have continued through their natural evolution and property assemblage has created just this condition.
 - 3. When a property owner wishes to create a single standard for a development, such a request may be approved through a planned development. This will allow for the standards and criteria for review for uses and development patterns be based on the defined process while performed through a single process (e.g. A use requiring a special exception would be approved under that criteria through the planned development process).
 - 4. When a property owner choosing to receive approval for numerous requests through a planned development, each request will be reviewed under the standards identified for that particular request. This may include but not limited to the review criteria for a special exception or variance.
 - 5. The opportunity previously outlined does not prevent a property owner from filing individual request(s)/application(s) for uses or development standards consistent with the standards of this overlay.
- (h) Planned developments that are partially constructed will come into compliance with these standards for interconnectivity, building orientation, and multi-modal access. Deviations to these standards will be considered when evidence is provided demonstrating that the literal application of these regulations create a negative result.



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

REQUESTED MOTION: First Reading: AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS CITY CODE, CHAPTER 34 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II – USES OF RIGHTS-OF-WAY, RELATING TO DANGEROUS USE OF RIGHTS-OF-WAY; PROVIDING FOR THE PROHIBITION OF STOPPING OR STANDING IN A MEDIAN THAT IS NOT A SUFFICIENT PEDESTRIAN REFUGE; PROVIDING FOR THE PROHIBITION OF PHYSICAL INTERACTION BETWEEN A PEDESTRIAN AND AN OCCUPANT OF A MOTOR VEHICLE THAT IS NOT LEGALLY PARKED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

REQUESTOR: Derek Rooney, City Attorney

AGENDA: First Reading of Ordinance

STRATEGIC PRIORITY: (2) Transportation

BACKGROUND:

Conduct first reading of an ordinance prohibiting dangerous uses of public roads and rights-of-way within Bonita Springs to mirror an ordinance recently adopted by Lee County.

The proposed ordinance will prohibit certain activities that interfere with the primary purpose of public roads and rights-of-way, including stopping and standing on a median or engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle within certain areas that present a high risk to pedestrian safety.

As identified by Lee County, the increased use of public roads and rights-of-way by pedestrians to solicit drivers has led to heightened concern regarding pedestrian and driver safety. The Cape Coral-Fort Myers metropolitan area currently ranks 11th in the nation for most dangerous places for pedestrians according to the 2021 Dangerous by Design Report issued by Smart Growth America in conjunction with the Centers for Disease Control and Prevention. According to this report, pedestrian fatalities in the Cape Coral-Fort Myers metropolitan area are nearly 150% higher than the national per 100,000 population average. The unexpected presence of individuals standing in the medians and interacting with drivers within the traveled portion of high-risk roads (not sidewalks) further increases the danger of collisions between pedestrians and motor vehicles. The proposed ordinance seeks to reduce such interactions and the inherent danger which arises out of them.

In adopting this ordinance the City will be supporting the significant government interest of protecting the health, safety, and welfare of the public by reducing distractions to motorists and unsafe pedestrian movement within or near the traveled portion of high-risk roads. In consultation with Lee County and the Sheriff's Office the form of the ordinance will roughly mirror that of Lee County in order to achieve a more uniform approach for enforcement and education of the public.

STAFF RECOMMENDATION:

ATTACHMENTS:

1. Draft Ordinance
2. Lee County / Sherriff FAQ Flyer

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS CITY CODE, CHAPTER 34 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE II – USES OF RIGHTS-OF-WAY, RELATING TO DANGEROUS USE OF RIGHTS-OF-WAY; PROVIDING FOR THE PROHIBITION OF STOPPING OR STANDING IN A MEDIAN THAT IS NOT A SUFFICIENT PEDESTRIAN REFUGE; PROVIDING FOR THE PROHIBITION OF PHYSICAL INTERACTION BETWEEN A PEDESTRIAN AND AN OCCUPANT OF A MOTOR VEHICLE THAT IS NOT LEGALLY PARKED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, Sections 316.006(2) and 316.008, Florida Statutes, authorizes the City Council to regulate the use of streets and highways under their jurisdiction; and,

WHEREAS, the primary purpose of public roads and rights-of-way is to enable pedestrians and lawfully permitted vehicles to safely and efficiently move from place to place, facilitate the delivery of goods and services, and provide the general public with convenient access to goods and services; and

WHEREAS, the purpose of this Ordinance is to prohibit activities that interfere with the primary purpose of public roads and rights-of-way by causing distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapidly changing, dangerous traffic movements, increased vehicular accidents and pedestrian and motorist injuries and fatalities; and

WHEREAS, since at least 2016, Lee County has ranked high on the list of metropolitan areas with the most pedestrian fatalities, and the recent 2021 Dangerous By Design study, which utilizes raw data from the National Highway Traffic Safety Administration, identifies Lee County as the 11th most dangerous place for pedestrians in the nation; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending City Code

The Bonita Springs City Code is hereby amending Chapter 34 – Streets, Sidewalks and Other Public Places. Article II – Uses of Rights-of-Way, Division 1 – Generally, and Division 2 – Commercial Uses of the City’s Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions below:

Sec. 34-19. Dangerous use public rights-of-way.

- (1) Except as provided herein, or as otherwise permitted by law, it is unlawful to make any use of any public rights-of-way in a manner that interferes with the safe and efficient movement of people and property from place to place on a public road or right-of-way. Such prohibited activity includes by way of example and not limitation:
 - a. Stopping, standing or otherwise occupying a median that is not a sufficient pedestrian refuge on an arterial or collector road by a pedestrian when that pedestrian is not in the process of lawfully crossing the road in accordance with applicable traffic and safety laws.
 - i. Stopping, standing, or otherwise occupying a median that is not a sufficient pedestrian refuge through two (2) consecutive opportunities to cross in accordance with applicable traffic and safety laws is prima facie evidence of a violation of this subsection.
 - ii. A “sufficient pedestrian refuge” is defined as a paved or unpaved median separating lanes of traffic that is at least 6 feet wide, measured from the back of curb to back of curb.
 - b. Engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle, including the transfer of any product or material, while the moto vehicle is located on the travelled portion of an arterial or collector road and is not legally parked.
 - c. For the purpose of this Division, the phrase “public rights-of-way” shall be defined as set forth in Section 334.03(22), Florida Statute, as amended.

(2) Nothing in this section shall prohibit the following:

- a. Law enforcement, fire and rescue, or other government employees or contractors acting within the scope of their lawful authority.
- b. A person conducting inspection, construction, maintenance, repair, survey, or legally authorized services.
- c. A person responding to lend aid during an emergency situation.
- d. Entering or exiting a bus or other public transit system.
- e. Use of public roads and rights-of-way that have been closed to vehicular traffic for a special event permitting by the appropriate governmental entity.

Sec. 34-20. Enforcement.

- (a) Any person who violates any provision of this Division shall, upon conviction, be punished as provided in Section 1-15 and may be enforced by the Lee County Sherriff.
- (b) The City Council may institute in any court, or before any administrative board or special master of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Division or of any order or regulation made in connection with its administration or enforcement, and the court, administrative board or special master shall adjudge to the city such relief by way of injunction or any other remedy allowed by law or otherwise, to include mandatory injunction, as may be proper under all of the facts and circumstances of the case in order to fully effectuate the regulations adopted in orders and rulings made pursuant thereto. Each separate occurrence of a violation of this Division shall constitute a separate offense, and shall be punishable as such hereunder.

Sec. 34-42. Commercial use of rights-of-way.

It is unlawful to make any commercial use of the rights-of-way of any road, street, or highway within the city. Prohibited commercial use shall include, but is not limited to:

- (1) The sale, or display for sale, of any merchandise, including vehicles;
- (2) The servicing or repair of any vehicle except for the rendering of emergency service;

- (3) The storage of vehicles being serviced or repaired on abutting property or elsewhere;
- (4) The solicitation for the sale of goods, property, or services for charitable, educational, religious or political purposes;
- ~~(5) The solicitation of funds or donations for charitable, educational, religious or political purposes, except when performed by sworn law enforcement employed by the county sheriff's office or firefighters employed by the fire control and rescue district within their jurisdiction, limited to no more than two weekends per year for each organization, and following the procedures set forth in the F.S. § 316.2045; and~~
- (6) The display of any advertising other than that advertising in compliance with the chapter 6 of the Land Development Code, as may be amended.

Section 3. **Severability**

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

Section 4. **Conflicts of Law**

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

Section 5. **Codifications and Scrivener's Error**

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. **Effective Date**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 19th day of May, 2021.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Carr
Purdon
Forbes
Corrie

Gibson
Quaremba
Steinmeyer

Date filed with City Clerk: _____

Right-Of-Way Ordinance No. 12-06

Safety is Sheriff Carmine Marceno and the Lee County Government's number one priority.

This ordinance is designed to safely allow for both motorists and pedestrians to move along public roads.

Who is affected?

Motorists and pedestrians.

What is a public right-of-way?

A way that is open to travel by the public.

What is a public road?

All roads that are open to use by the public.

What is sufficient pedestrian refuge?

A median separating lanes of traffic, at least 6 feet wide.

What are the penalties if I fail to follow the ordinance?

Fine of \$500, 60 days in jail or other civil penalties.

What is prohibited?

- *Improper stopping, standing, or occupying a median that is not a sufficient pedestrian refuge.*
- *Engaging in any physical interaction between a pedestrian and an occupant of a motor vehicle.*

What is an exception?

- *Law Enforcement, fire, and other government employees conducting official business.*
- *A person lending aid during an emergency.*
- *Entering or exiting a public transit system.*
- *Roads or public right-of-ways that have been closed due to a special event.*



REQUESTED MOTION: Consider a Letter of Intent from Hovland Real Estate regarding Imperial Crossing

REQUESTOR: Derek Rooney, City Attorney

AGENDA: City Attorney

STRATEGIC PRIORITY: (8) Economic Development

BACKGROUND:

Following the City's request for proposals in 2020 for the City's Imperial Crossing (Bamboo) parcels in Downtown Bonita the City has been contemplating additional options for the Imperial Crossing. The City has remained open to unsolicited proposals. Hovland Real Estate has submitted a letter of interest to acquire the property for a purchase price of \$1,500,000. Hovland Real Estate has not requested any special contingencies and proposes to develop consistent with City's Form Based Code with an aspect of public space.

STAFF RECOMMENDATION: Council's Pleasure

ATTACHMENTS:

1. Letter of Intent
-

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____



Steven Hovland
808 Wiggins Pass Road
Naples, FL 34110
239-594-7777 office
239-451-7777 mobile
sthovland@icloud.com
www.hovlandrealestate.com

April 26, 2021

Derek Rooney, Esq.
City Attorney
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

Re: Letter of Intent for Purchase of 10580 Goodwin Street, Bonita Springs
Parcel Strap No. 35-47-25-B2-003J0.0000

Dear Mr. Rooney,

This letter of intent presents an outline to the City of Bonita Springs of the basic terms and conditions Hovland Real Estate & its Development Partners ("Buyer") proposes to acquire the above-referenced property ("Property") from the City of Bonita Springs ("Seller").

About Hovland Real Estate: Hovland Family Partnerships have been active in construction, development, brokerage, and management of commercial, industrial, and multi-family real estate since 1969 in Southwest Florida. Since 1991, Hovland Real Estate has developed multi-family, commercial and industrial buildings in Collier and South Lee Counties. Our developments total over 1,200,000 square feet with recently developed Causeway Commerce Park and Entrada on OLD 41. The Hovland Development Team has over 200 years of combined experience with 1000's of multi-family and commercial units completed and managed. Our references will be provided upon request.

Proposed Plan: Hovland Real Estate and its Development team intend to engage the City of Bonita Springs Planning Department and DPZ CoDesign in a collaborative alliance in order to fulfill the Vision set forth in the DPZ CoDesign Study. The final development plan will be determined with this approach.

A general guideline is as follows:

- a. Create a shared vision for the overall development.
- b. Evaluate highest & best use for the property.
- c. Evaluate short- & long-term financial impact to the community.
- d. Evaluate public space for parks and green space.
- e. Evaluate environmental impact and sustainability.
- f. Address the needs of long term and future residents of Bonita Springs.



Steven Hovland
808 Wiggins Pass Road
Naples, FL 34110
239-594-7777 office
239-451-7777 mobile
sthovland@icloud.com
www.hovlandrealestate.com

Purchase Price: \$1,500,000.00

Deposit: Upon execution and delivery of an agreement of sale between Buyer and Seller, Buyer will deposit with a mutually agreed to escrow agent, the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to be applied as a deposit against the Purchase Price.

Title: Title to the Property shall be good, marketable and insurable, free and clear of all liens.

Due Diligence: Buyer will have ninety (90) days from the date an agreement of sale is executed by Buyer and Seller ("Due Diligence Period") to perform such due diligence, studies, environmental testing and feasibility analyses of the Property as Buyer deems necessary in Buyer's discretion and at Buyer's sole cost.

Closing: Closing shall be within Thirty (30) days after the completion of the Due Diligence Period by the Buyer.

Closing Costs: Transfer taxes and title insurance shall be paid by the Seller. Other closing charges shall be allocated between the Seller and the Buyer in accordance with local custom and practice for the sale of commercial real estate in Lee County.

The agreement of sale will contain the provisions set forth above and other customary covenants, agreements, and warranties. This letter is intended only to outline the express terms and conditions on which Buyer is willing to proceed to negotiation and execution of an agreement of sale. Neither Seller nor Buyer shall be bound by the terms described in this letter unless and until such terms are contained in a mutually acceptable agreement of sale, executed by the duly authorized representatives of the Seller and the Buyer.

Sincerely,

Steve Hovland, Co- Founder
Hovland Real Estate

AGREED AND ACCEPTED this ____ day of _____, 2021.

City of Bonita Springs

By: _____

Its: _____

REQUESTED MOTION: Discussion of preferred development characteristics for the Imperial Crossing development opportunity.

REQUESTOR: Arleen Hunter

AGENDA: City Manager

STRATEGIC PRIORITY: #8 Economic Development

BACKGROUND:

On February 3, 2021, City Council held a workshop to discuss what they would like to see developed on the City-owned Bamboo parcel. The attached synopsis provides a brief overview of last year's RFP process, an explanation of the competitive solicitation and the public-private partnership processes, a description of Council's workshop discussion, and a bullet-point summary of the preferred development characteristics.

Councilmembers Forbes and Quaremba have each prepared a statement of their personal vision for the property, both of which are also attached for Council's consideration. Also attached is a copy of the DPZ Conceptual Design Schemes from September 2019 for Council's reference.

STAFF RECOMMENDATION: Council's pleasure.

ATTACHMENTS:

1. Imperial Crossing Summary
 2. Councilmember Forbes's Vision
 3. Councilmember Quaremba's Vision
 4. DPZ's 2019 Conceptual Design Schemes
-

REVIEWERS:

City Manager: Arleen Hunter

City Attorney: Derek Rooney

City Clerk: Debra Filipek

Department Director:

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

Imperial Crossing Summary

Background

In October 2019, the City entered into an agreement with CBRE to provide Development and Transaction Advisory Services for the City's solicitation for development proposals of three City-owned properties in the downtown area. After discussion, Council chose to include the Bamboo parcel, the Levin lot, and the lemon tree lot. CBRE conducted market analysis to assist in the preparation of the RFP, as well as pre-solicitation marketing of the opportunity to over 23,000 developers.

On January 16, 2020, the RFP was posted. 98 developers registered with CBRE for the Imperial Crossing opportunity and downloaded the solicitation materials. The City ultimately received two proposals when the solicitation closed on May 14, 2020.

CBRE then provided an analysis of the financial aspects and feasibility of each proposal and assisted the City in refining each proposal and gathering more specific financial information. The City also received input from Dr. Margaret Banyan and DPZ as well.

On October 21, 2020, the proposals were presented to City Council, after which the Council voted to move forward with the Rooftop at Riverside for the development of the Levin lot. The Council did not wish to move forward with the proposal received for the Bamboo lot.

In February 2021, Council held a workshop to discuss the desired priorities for the Bamboo property and potential next steps. Below is a summary of the discussion:

Solicitation Options:

1. Revised Request for Proposals (competitive procurement)

In issuing a revised RFP, the City can include and emphasize the option for potential City contributions to the project, such as an agreement relating to parking requirements. Feedback during the previous process revealed that construction for parking was a cost deterrent for developers and financing institutions.

The City could also include an open-ended offer from the City for the developers to state any desired incentives that may help facilitate the development for the property. During negotiations in the previous process, a developer included requests for donation of land and for tax abatements for ten years. While the City does not feel that such a request could not be accommodated, the Council expressed that such opportunity should be made available to other interested parties as well.

In the competitive solicitation process (such as an RFP) developers are not able to see each other's concepts until after the process has concluded.

2. PPP Opportunity – solicited or unsolicited

The Public Private Partnership (PPP) statute allows the City to receive unsolicited or solicited proposals for a project that serves a public purpose and which will remain under the City’s ownership, or that otherwise provides a qualifying project that serves a public purpose (including recreational facilities). Each developer would pay an application fee to cover the City’s consultant’s fee for an evaluation report, and the proposals would initially remain shielded from the public. If the Council decides it may wish to move forward with a proposal, another window of time begins wherein the City advertises the opportunity for other developers to submit proposals.

Such proposals could provide opportunity for public input, such as a charrette, to explore feedback before a final agreement would be approved.

3. Outright Sale

Council could accept an unsolicited offer, or Council could consider an unsolicited offer and advertise that offer for a window of time to allow for competing offers. The property could also be advertised for an outright sale, similar to a request for bids, and sell the property to the highest offer when the solicitation closes.

Workshop Discussion

During the workshop held on February 3, 2021, Councilmembers expressed the following:

Mayor Steinmeyer believes more parking is needed for events downtown, and he would like to see a City park there.

Councilmember Quaremba agrees that this should be a “town center” in that it could be a central place to define Bonita Springs. She explained that the proposal received for this parcel last year was disappointing because it looked like another ordinary residential community. She wants to see an esplanade by the water, and she would like Council to consider incentives for development in light of the small size of the parcel. She prefers commercial use, as opposed to residential, for the public’s use.

Councilmember Purdon considers public access to the water, appropriate parking, and mixed use as very important aspects. He also stated that if none of the proposals are acceptable to the Council, there is no pressure to accept any of them.

Councilmember Carr does not feel that an RFP is necessary. She would like to have developers approach the City with proposals and hire a consultant to evaluate the proposals for a flat fee.

Deputy Mayor Gibson iterated that the property was purchased to spark development downtown, and he would like to issue an RFP soon as there is still a lot of interest in the property.

Councilmember Corrie agrees with the esplanade and that the property should be mixed use. In the proposal received last year, he did not like that the units were small. He thinks larger units

for families would be better, and the commercial breakdown should be normal activities like office supplies, nail salons, boutiques, etc. He does not want to see an RFP issues. He would rather research other various developments across the country and evaluate our new form-based code.

Councilmember Forbes agrees with the above comments of desired attributes. He wants a nice commercial project, with consideration given to the proposed tenants of the commercial space. He does want a consultant to evaluate project financials and feasibility, but he does not want there to be a financial incentive for the consultant. He feels that public input is good and stated that it's easier to do what the public wants if the City owns the property. Councilmember Forbes also suggested talking to the property owner to the immediate north to possibly make a deal to include that property in the development.

Preferred Development Characteristics:

In the workshop discussion described above, the Councilmembers clearly expressed these common desires:

- Town Center destination
- Retain riverfront for public amenities - e.g. walkway, shaded seating, park space, etc.
- Mixed use with emphasis on commercial and specialty restaurants
- Parking

A Vision for Imperial Crossing

The goal for the Imperial Crossing Project is to create a Destination Place. A reputation for being “The Place” to shop, dine, socialize, take advantage of entertainment opportunities while viewing the Imperial River, with opportunities for some to reside at Imperial Crossings. The Imperial River Crossing project when completed must be family friendly, attract tourists from young singles and couples to the mature adults. Parking must be convenient while adding to the visual attraction of Imperial Crossing. Access from Old 41 or other streets must be easy and visible for cars and service trucks, as well as first responders. The development must be an attraction for shoppers, diners and tourists. Building orientation needs to have commercial fronting on both sides of the Imperial River with parking on both sides of the river. The more outside dining, cocktail areas, shopping areas included in the project the more successful the Imperial Crossing Town Center will be. Most of the Shopping areas should have some type of cover and wherever possible some type of misting air conditioning system and decorative colored outside lighting.

The City should consider a partnership with the private sector or on making the Imperial River more attractive by constructing a 12 to 15 ft. wide decorative walking and biking paths on both sides of the river. This might mean City ownership and/or maintenance of these improvements plus the buffer between the decks or plazas. These paths must be well lighted with decorative LED streetlights of 12 to 16 ft. high plus landscape lighting along the paths with clusters or pods of decorative pads to hold comfortable benches. This path would include green areas, benches and landscaping on both sides of the walk and biking trails. A very important feature of the walking and biking paths will be the ability of the developer to provide connector walks to entries into buildings, but in most cases outdoor decks for outside dining, decks for outside shopping, outdoor decks for sitting for carryout food service and one or two large plazas for events, festivals held by the shopping association. All path or walk/bike ways, outside decks for dining or shopping and plazas should be constructed of non-slip pavers with not grass between pavers. Pavers unless prohibitively more expensive should be pervious not impervious pavers.

The Downtown Businesses Association will be a conduit for input from other current and new businesses on Old 41. This coordination must continue after the Imperial River Crossing is built to ensure coordination of promotions, advertising to insure both groups of businesses complement each other which helps both groups bottom line.

Complementing the walking paths, we need to think in terms of four to six possibly more lighted water fountains or features in the river. These lighted fountains or water features supply beauty, a relaxing sound of water falling into water, they aerate the river and mask out the noise of traffic. The fountains need to be able to be brought ashore in case of a flood and for ease of maintenance.

Activities which augment the Imperial Crossing River Walk might include a restored Carousel and play area for children, yet mature adults will want to take a ride too. There might be a stand where an artist(s) sketches or paints your picture for a price. Kayaks, but also battery powered boats rides can be taken even during the evening hours. Likely a dock would need to be built to accommodate some of these activities. Ideally an ADA accessible bridge would be constructed over the Imperial River.

The restaurant's and various types of food and desert services/shops would play a key role in attracting residents, tourists, and passers by who just stop to see what Imperial Crossing has to offer. Obviously, we need a couple of larger size restaurants, but also a variety of small businesses such as coffee shops with pastries should all be pursued. The Developer and its agents could pursue restaurants from other cities including a major restraint chain. However, discussions should be pursued with local restaurants which automatically bring an existing customer base. Local ice cream businesses could be pursued to locate a facility in Imperial Crossing, perhaps a bakery and/or donut shop which could team up with a coffee shop(s). An interesting concept might be to have an eclectic mix of different cultural styles of food options scattered along both sides of the river. It is possible four to six restaurants and several more budget driven restaurants be attracted to the Imperial Crossing Project. Other successful local centers have a mix of dining options currently.

Retailer shops should be included in the mix. The Developer should pursue getting an Apple Store, a major cell phone provider, specialty shops (antique's, gifts, clothing, crafts and souvenirs). Shop that specializes in rustic arts and crafts, sporting goods stores should also be pursued. The key to a successful development is going to be small specialty shops. Great food and snacks and desert businesses is a must. Perhaps a micro-brewery can be enticed to locate into Imperial Crossing. Specialty jewelry stores, spas, massage therapy, beauty salons and barbershops all could contribute to attracting shoppers or visitors. The developer and the City should pursue getting Traders Joes and/or Sprouts and an upscale delicatessen. Outdoor seating is a must.

A boutique hotel with a restaurant and cocktail lounge would be a great thing in our downtown. However, at this point in our economy financing a hotel is one of the most difficult projects. Even if the situation on financing hotels now wasn't as problematic, a hotel with food and bar service will not bring near as many tourists, residents and travelers to Old 41 as the type of project described above. However, a successful Imperial Crossing will be a significant attraction for a hotel with cocktail and food service to locate in the Old 41 core or core fringe area. A successful Imperial Crossing is the "chicken" and the hotel is one of the more significant "golden eggs the chicken can lay". A great Imperial Crossing Project will bring more visitors and residents. It will be a benefit to the entire downtown.

Undoubtedly there is a place for offices with common conferencing areas and copy centers could be either contained in one or two larger buildings including on all 2-4 stories above the retail and food service level.

Every food service faculty, coffee and pastry, ice cream, cocktail lounge, microbrewery should have a large outside area, but which provides cover and a misting air condition system. Some should have a covered second level. Secure outside shopping areas should be part of the retail shop plan.

Some of the commercial buildings should have apartments or condos on the floors above the retail/restaurant level. Elevators should be included in all building's minimum two per building, but consistent with good elevator design practices. The residential areas need to have balconies facing the river walks.

Landscaping should feature trees and bushes which for the most part should be native to SW Florida. All landscaping near and along path and decks or plazas must be a species which do not shed their leaves or shed

droppings or seeds such as Live Oak Trees and Black Olive Trees do. Landscaping lighting should have low wattage LED colored lighting to accent its beauty after dark.

If possible one or two or more plazas for outdoor activities and entertainment should be part of the amenities.

There needs to be more than enough parking both on grade and in one or two parking garages. Restaurants should utilize along with shops which have intense periods of shopper's valet parking. Agreements must be worked out for Imperial Crossings Festivals and promotions to have access for valet parking in City owned lots. Fee must be worked out in advance. Parking Garages must be four and possibly five stories tall which means parking is on the roof of the top floor so, a four-story garage has five story garage has six levels of parking. The developer or management company for Imperial Crossings should make sure benches are at every pedestrian entrance to the parking garages so people can sit on benches until an eight or 10 passenger golf cart can pick them up to be dropped off at a restaurant or retail shop of their choice. Parking garages should be screened by tall trees and well illuminated at night.

During morning hours there could be a vegetable flea market operation on a couple days a week. Need to have Sheriff Deputies roving on foot and by cruiser and bikes.

To get a great development, the City should consider many different financing and developer partnership options. The City should consider financial opportunities in structured parking.

The Architectural Style should be Old Florida, but with an option to allow very rustic old Florida and the Contemporary Old Florida style. Possible some Art Deco buildings could be in an area of Imperial Crossing. The architecture must be inviting, and Imperial Crossing must be an exciting destination noted for the "place to be". The City with our City architect and DPZ need to be involved in reviewing the design, exterior décor and color schemes. No stick-built exteriors because they will dry rot prematurely. More than likely the building pads and outdoor eating and shopping areas need to be elevated while the river walk area can be more on natural grade areas. Again, in order to maximize the success and viability of imperial Crossing it must be on both sides of the river and have more than adequate parking ideally on site or on site for normal days, but accessibility for valet offsite parking during large festivals either at the Imperial Crossing or at Riverside Park or Events taking the affects of Old 41 and adjacent businesses and residents like a 4th of July Parade or Huge Old 41 events.

Our Imperial Crossing site is very small. Therefore, we should seriously consider securing any opportunities to expand the site. The bigger the site the better development we will get. We can put our ½ acre dry stormwater retention in the site and then find another ½ acre of land nearby. If the Imperial Crossing Development is to succeed, we must have conveniently accessible parking of sufficient number of parking spaces to handle parking for office staff, customers including tourists, and if residential (apartments and/or condos (built above the commercial and/or offices space for residents to park. If the project is phased surface parking can be used before the second phase is started, construct parking garages is inevitable.

Adding some additional acreage to the site is the most cost-effective solution to having room for a viable commercial development with offices regardless of whether apartments or condos are also built on top of the

commercial or the offices above the commercial area. Parking for residents who live in apartments or condos above the commercial first floor businesses would also need reserved parking spaces in the parking garage or surface parking. Parking garage spaces cost between \$33,000 to over 260,000 per parking space. Let's say the price for a one acre site was \$1,000,00 to \$1,250,000. You can put approximately 144 parking spaces 10 ft. wide on 180 ft by 250 ft. of land almost one acre or 160 vehicles using a 9 ft. wide parking spaces. Site development with filling, site prep and landscaping, site lighting, paving and parking space striping should easily be accomplished for another million. If you built a four level with parking on the roof of the fourth level, you could easily get 500 plus vehicle spaces 9 ft. wide in that garage. Cost though will be \$11,500 more likely to be \$13,000. Another \$1,000,000 should be added for filling, landscaping, exterior lighting around parking garage. Miscellaneous costs, signage and additional cost for land. Ideally a parking garage should be on each side of the river. Two 250 or better yet 300 vehicle parking garages one on each side of the River should be constructed. Should someone propose two parking garages of 260 parking spaces in each facility the cost for the total of 500 vehicle spaces by approximately 7% to 10%. Two garages of the same number of stories or levels means twice as many ramps must be built plus working on two sites costs more and there is the economy of scale when doing one larger garage.

Phased construction could be used to start the Imperial Crossings such as phase 1 development is the Southside and phase 2 the northside. I believe we will need at least 500 parking spaces to 700 parking spaces or possibly more. Good courteous valet parking using City owned offsite parking with shuttle service from the Imperial Crossing site using shuttles to transport valets to and from offset City owned parking. If Imperial Crossing is successful, and as the Old 41 area attracts more investment, inevitably more parking garages will be needed. It may be the City will need to build more partaking garages while charging reasonable parking fees including longer term rates for residents of apartments, offices, to ensure parking is not a problem. I would recommend City staff probably Community Development get some realistic costs for various size parking garages with elevates and good landscaping and interior and exterior lighting built into estimated costs, site prep excluding cost to acquire site. Prior to getting the pricing we need better information as to what the parking needs will be for the Old 41 core and fringe core area is. Likely should be a phased projection, but we need a masterplan which needs to be updated at least every two years. Undoubtedly the figures in this writeup will be on the low side because of inflation and it hard to project cost estimates much more than 12-18 months ahead.

The worst thing we could do is settle for mostly residential with some retail and a restaurant. This will not help the other businesses like an Imperial Crossing as described above. Economists are forecasting a slowdown in our economy. The last thing we should allow to happen we take a so-so design concept, because if the economy slows way down that might take the development with it and a mortgage broker or company will own our beautiful Imperial Crossing Site. We should not settle for a subpar development.

The above Vision is my own personal vision, not necessarily the vision of other members of City Council. This vision is based on approximately three decades of development experience and conversations with other local well-respected developers. Timing is everything. The state of the United States and our local economy can adversely affect what types of commercial businesses Imperial Crossings can attract. Remember if we settle for a primary residential project with a sprinkling of commercial, that is not likely

ever to be changed. I would rather wait than develop when getting good quality commercial tenants is problematic.

Amy Quaremba

I have reviewed some of the work that was done by DPZ about form-based visioning for the project.

There are several structural aspects which might be encouraged in the development.

I particularly like the placement of the buildings on the south side of the river and the use of the flood plain on the north for a park with walking trails and community point of interest.

Car Parking is an issue and requires some analysis about over all needs especially for events. Not sure how many are needed, versus how much we currently have, versus how it would interact with the development. I am in favor of a parking garage concept surrounded by commercial, residential, and other incidental uses.

I think option one for the southern site is a good scheme though it is the most intense. It is largely a four- story frontage.

I like the pedestrian roadway between the mixed-use building along the garage and the one-story food pavilions along the water. The encouragement of porches, decking and courtyard for outdoor dining is a plus. I like the fact that along both sides of the parcels that buildings are low and or away from the banks.

I like the specification of the transition development (2-story town houses) between the more intense development along the parking garage and the current residential development to the east.

I also like the placement of the mixed used buildings in development along Old 41 with the indented orientation of buildings with small green spaces and this aspect continuing around to the river side of the parking garage opening to the pedestrian street that eventually leads to the foot bridge across to the park.

Staff has shared with me that other communities have utilized the top floor of structured parking garages for additional event space. This includes providing electricity and restrooms on the top floor. That is worth exploring.

In option 1, the north parcel has another parking garage with more conventional placement of buildings around the perimeter. Not sure if two parking garages are needed in the area but not firmly against it.

Options 2 and 3 of the DPZ work includes less intense development showing only one garage on the south parcel with 2-story parking versus 4 -story parking in option 1. They also include a pedestrian walk and park across the river. I prefer the Option 2 scheme to Option 3 because of the interesting placement of buildings though it is light on extra parking.

Some data comparisons for the alternatives:

DPZ	Option 1	Option 2	Option 3
Residential	112	111	83
Parking	806	515	418
Extra parking included	297	17	80
Retail Sq Footage	60K	52.5K	42K

Apart from the aesthetics as far as functionality is concerned, the major goal of the development needs to be activation of the riverfront through food establishments, cultural draws, ecological draws or the like that provide visual and physical access to the river. Walkways along the river is a requirement so that the public can enjoy it as much as the residential units.

Some community space would be a plus so that small community meetings might be possible.

Could some of the space be used by the Sheriff substation?

Not sure that a hotel could fit where residential units are specified or as substitute for mixed use buildings. It would have to be a small boutique type of hotel of just a couple dozen rooms.

Art gallery, craft store and/or a history museum would be nice if it is viable.

With retail being in the state that it is in currently, it might be reasonable to expect that there may be an interest in offices, but I would not like to have it be solely offices.

If possible, it would be great if the area could be developed into a foodie destination with a variety of establishments both large and small. Several libation focused entities are already being established along Old 41.

How about a personal technology service center? A booking agency for the Everglades and other Florida venues? How about a communal artist workspace and gallery? How about a card/gift shop?

The amount of commercial sq ft needs to be analyzed for feasibility but having establishments that would draw people to the area is important – that is why a heavy reliance on residential should not be encouraged.



Bonita Bamboo Parcel Conceptual Design Schemes



Scheme 1 Program

Total Retail SF:	60,075 sf
Restaurant/Retail -	7,800 sf
Mixed/Use Retail -	46,875 sf
Flex/Community -	5,400 sf

Total No. Residential Units:	112
Town Houses	
Detached Garage -	4
Tuck-Under Garage	6
4-Story Apartments -	21
Mixed-Use Apartments -	81

Total Parking Spaces:	806
Garage Structure -	368 + 380
Off-Street Parallel -	11
On-Street Parallel -	47

Provided Parking:	806
Estimated Req'd Parking -	509
Extra Parking -	297

Key

■ Civic	■ Residential
■ Retail	■ Flex/ Community
■ Mixed Use	- - - Flood Plain Line

Annotations

- A** 1-Story Restaurant/Retail Pavilions
Outdoor Dining in Porches, Courtyards & Decks
- B** 4-Story Parking Garage
- C** 2/3/4-Story Mixed-Use
Ground floor retail with Arcade/Awnings + 1/2/3 Floors of Apartments above
- D** 2/3-Story Apartment Building (residential-only with balcony)
- E** 2-Story Town House (with balcony)
Walled rear courtyard + detached garage
- F** 3-Story Town House (tuck-under with balcony)
Ground floor bonus room & 2-car tuck-under garage + 2-Story Town House above
- G** 1-Story Flex/ Community Space

Notes:

1 - The residential mix could range from studios, 1-BR, 2-BR, to 3-BR; average apartment size used to calculate residential unit yield: 1,100 sf.





West Aerial View Overall



West Aerial View Imperial River



Old 41 Street View

	PROJECT NAME Bonita Bamboo	MAP Bamboo Scheme 1 - 3D Views	
	PROJECT NUMBER 1816	PROJECT LOCATION Bonita Springs, FL	ID 3 of 9



Pedestrian Street View



Pedestrian Street View



Northside Park View



Scheme 3 Program

Total Retail SF:	41,910 sf
Restaurant/Retail Pavilions -	5,850 sf
Mixed-Use Retail -	29,980 sf
LW Retail -	6,080 sf

Total No. Residential Units: 83

Town Houses	
Live/Work TH -	16
Tuck-Under TH -	5
Liner Apartments -	17
Mixed-Use Apartments -	45

Total Parking Spaces: 418

2-Story Parking Deck -	210
Liner Parking	
Apt. Parking -	18
Open Parking -	64
Off-Street Surface Lot -	55 + 12 + 8
On-Street Parallel -	51

Provided Parking: 418

Estimated Req'd Parking -	338
Extra Parking -	80

Key

- Civic
- Retail
- Mixed Use
- Residential
- - - Flood Plain

Annotations

- A** 1-Story Restaurant/Retail
Outdoor Dining in Porches, Courtyards & Decks
- B** 2-Story Parking Deck
- C** 2-Story Mixed-Use
Ground floor retail with awnings + 1 Floor of Apartments above
- D** 3-Story Mixed-Use
Ground floor retail with galleries + 2 Floors of Apartments above
- E** 3-Story Live-Work (with balcony)
Ground floor retail room & 2-car tuck-under garage + 2-Story Town House above
- F** 3-Story Live-Work with Cafe (with balcony/gallery)
Ground floor Cafe + 2-Story Town House above
- G** 3-Story Town House (tuck-under with balcony)
Ground floor bonus room & 2-car tuck-under garage + 2-Story Town House above
- H** 2-Story Liner Apartment (with balcony)
Ground floor parking carport + 1 Floor of Apartments above

Notes:

1 - The residential mix could range from studios, 1-BR, 2-BR, to 3-BR; average apartment size used to calculate residential unit yield: 1,100 sf.





West Aerial View Overall



West Aerial View Imperial River



Old 41 Street View



Pedestrian Street View



Pedestrian Street View



Northside Park View



Scheme 2 Program

Total Retail SF: **52,425 sf**
 Restaurant/Retail Pavilions - 8,050 sf
 Mixed-Use Retail - 44,375 sf

Total No. Residential Units: **111**
 Town Houses
 Detached Garage - 4
 Tuck-Under Garage - 6
 4-Story Apartments - 28
 Mixed-Use Apartments - 73

Total Parking Spaces: **515**
 Parking Garage - 388
 Off-Street Lots - 79
 On-Street Parallel - 48

Provided Parking: **515**
 Estimated Req'd Parking - 498
 Extra Parking - 17

Key

- Civic
- Retail
- Mixed Use
- Residential
- - - Flood Plain

Annotations

- A** 1-Story Restaurant/Retail Pavilions
Outdoor Dining in Porches, Courtyards & Decks
- B** 4-Story Parking Garage
- C** 2/3/4-Story Mixed-Use
Ground floor retail with galleries & 1/2/3 floors of apartments
- D** 2/3-Story Apartment Building (residential-only with balcony)
- E** 2-Story Town House (with balcony)
Walled rear courtyard + detached garage
- F** 3-Story Town House (tuck under with balcony)
Ground floor bonus room & 2-car tuck-under garage + 2-Story Town House above

Notes:

1 - The residential mix could range from studios, 1-BR, 2-BR, to 3-BR; average apartment size used to calculate residential unit yield: 1,100 sf.

NOTE: Scheme 2 not rendered in color





West Aerial View Overall



Old 41 Street View



West Aerial View Imperial River