

NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, SEPTEMBER 1, 2021
5:30 P.M.
CITY HALL
9101 BONITA BEACH ROAD
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 2:00 P.M. on September 1, 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. Public Hearing on the Following Zoning Ordinance:
 - A. (First Reading) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY CAROL ERDMAN TO REZONE FROM THE AGRICULTURAL (AG-2) ZONING DISTRICT TO THE RESIDENTIAL SINGLE-FAMILY (RS-1) ZONING DISTRICT; ON .78 ACRES +/-; LOCATED AT 28101 MEADOWLARK LANE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (Green Sheet No. 21-09-194)
9. 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. Adopt a Resolution for the Planning and Zoning fee schedule. (Green Sheet 21-09-190)
 - OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS
10. Mayor and Council Member Items:
11. Public Hearing:
 - A. (Second Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING FOR VARIANCES; PROVIDING FOR

ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Green Sheet No. 21-09-192)

- B. (Second Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Green Sheet No. 21-09-193)
- C. (Second 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, AND CHAPTER 6 – SIGNS, TO SUPPORT COMMUNITY DEVELOPMENT ENGINEERS DURING LOCAL DEVELOPMENT ORDER AND DRAINAGE REVIEWS AND TO AMEND STANDARDS FOR SIGNAGE IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREAS, PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE. (Green Sheet No. 21-09-191)
- D. Public hearing regarding the grant applications to be submitted for the Rebuild Florida General Infrastructure Program through the U.S. Housing and Urban Development (HUD) Community Development Block Grant Mitigation (CDBG-MIT) Program to allow for citizen participation, public comment and input to be collected to determine community interest in participating in the program. (Green Sheet No. 21-09-188)

12. City Attorney’s Items

- A. Approve a Resolution to adopt the 2021-2022 annual Stormwater Assessment Fee at the same assessment fee as 2020. (Green Sheet No. 21-09-195)

13. City Manager’s Items

- A. Discussion on current FY2021-2022 draft budget. (Green Sheet No. 21-09-196)

14. Mayor and Council Member Reports

15. Public Comment

16. Adjournment

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

REQUESTED MOTION: (First Reading) A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY CAROL ERDMAN TO REZONE FROM THE AGRICULTURAL (AG-2) ZONING DISTRICT TO THE RESIDENTIAL SINGLE-FAMILY (RS-1) ZONING DISTRICT; ON .78 ACRES +/-; LOCATED AT 28101 MEADOWLARK LANE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

REQUESTOR: John Dulmer, Mary Zizzo, Community Development

AGENDA: First reading of a Zoning Ordinance

STRATEGIC PRIORITY:

BACKGROUND: The case was heard by the Zoning Board on August 17, 2021, with a recommendation to approve the request (5-0). This is the first reading of a Zoning Ordinance to rezone the subject property located at 28101 Meadowlark Lane from Agricultural (AG-2) to Residential Single-Family (RS-1). Approval of the rezone would allow for the subdivision of this vacant lot into two lots for two single-family residences.

The first reading of the Zoning Ordinance is procedural, where the title block is read into the record. The Applicant and Staff presentation is scheduled for the second reading. The second reading (public hearing) is scheduled for September 14, 2021 in order to afford due process in accordance with the land development code and state law.

STAFF RECOMMENDATION: Move to the Second Reading and Public Hearing

ATTACHMENTS:

1. Draft Zoning Ordinance
-

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
ZONING ORDINANCE NO. 21 - ___

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; CONSIDERING A REQUEST BY CAROL ERDMAN TO REZONE FROM THE AGRICULTURAL (AG-2) ZONING DISTRICT TO THE RESIDENTIAL SINGLE-FAMILY (RS-1) ZONING DISTRICT; ON .78 ACRES +/-; LOCATED AT 28101 MEADOWLARK LANE, BONITA SPRINGS, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Carol Erdman has filed an application to rezone .75 acres +/- from the Agricultural (AG-2) zoning district to the Residential Single-Family (RS-1) zoning district.

WHEREAS, the subject property is located at 28101 Meadowlark Lane, Bonita Springs, Florida, and is described more particularly as:

See Exhibit "A"

WHEREAS, a Public Hearing was advertised and heard on August 17, 2021 by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case RZN20-72548-BOS, who gave full consideration to the evidence available and recommended approval (5-0, Benson and Waterhouse absent) of the applicant's request and gave full and complete consideration of the record, consisting of the Staff Recommendation, the documents on file with the City and the testimony of all interested parties. The Staff Report prepared by Community Development, and evidence submitted at the Zoning Board hearing is on file with the City Clerk.

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

SECTION ONE: APPROVAL OF REQUEST

City Council of Bonita Springs hereby approves the request to rezone the property from the Agricultural (AG-2) zoning district to the Residential Single-Family (RS-1) zoning district, subject to Findings and Conclusions contained herein.

A. FINDINGS AND CONCLUSIONS

Based upon an analysis of the application and the standards for approval of a conventional rezone, City Council makes the following findings and conclusions, as follows:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Bonita Springs Comprehensive

Plan, the Land Development Code, and other applicable codes and regulations.

2. Approval of this request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the potential development.
3. Urban services, as defined in the Bonita Springs Comprehensive Plan, are available and adequate to serve the proposed land use.
4. The requested zoning district:
 - a) meets or exceeds all performance and locational standards set forth for potential uses allowed by the request;
 - b) is consistent with the densities, and general uses set forth in the Bonita Springs Comprehensive Plan;
 - c) is compatible with existing uses in the surrounding area;

SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect thirty (30) days from the date of adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this ____ day of _____, 2021.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

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

Date filed with City Clerk: _____

REQUESTED MOTION: Adopt a Resolution for the Planning and Zoning fee schedule.

REQUESTOR: Jacqueline Genson, AICP

AGENDA: Consent

STRATEGIC PRIORITY: #1 Storm Water Management and #8 Economic Development

BACKGROUND:

Upon discussion with the City Attorney's Office, the Planning and Zoning fee schedule should be removed from the Land Development Code and adopted as a separate resolution. This resolution for the fee schedule coincides with the second reading of amendments to LDC Chapter 2 Section 2-571. The resolution includes a minor change to the language pertaining to cost recovery and some changes for applications and processes in furtherance of Chapter 3-Development Standards.

STAFF RECOMMENDATION: Adopt the Resolution

ATTACHMENTS:

1. Resolution and fee schedule.
-

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
RESOLUTION NO. 21 -

A RESOLUTION OF THE CITY OF BONITA SPRINGS;
SETTING FORTH THE COMMUNITY DEVELOPMENT
PLANNING PERMIT FEES AND RECOVERY OF
PROFESSIONAL FEES; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs, Florida adopted Bonita Springs Ordinances No. 17-18 and 18-11, 19-03 and 21-02, amending and clarifying §2-571 of the Land Development Code, the Fee Schedule for Planning and Zoning; Cost Recovery; Waiver and Adjustment Process, to set forth a fee schedule for recovery of costs in land use permit applications; and

WHEREAS, the City Council desires to maintain a planning permit fee schedule and cost recovery system to support the self-funding of those planning services; and

WHEREAS, the City Council desires to provide for such fee setting by resolution so as to more easily amend such fee schedules and reconcile the costs incurred with the fees for providing planning services.

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

1. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.
2. The Fee Schedule for Planning and Zoning currently being charged and subject to this Resolution, are attached as "Exhibit A".
3. The City Manager is hereby authorized and directed to implement the provisions of this Resolution by means of such administrative actions as may be deemed appropriate and necessary.
4. 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.
5. This Resolution shall take effect immediately upon adoption.

COMMUNITY DEVELOPMENT FEE SCHEDULE
Effective September 1, 2021

Cost Recovery Deposit

Effective for any proposed comprehensive plan amendments, rezonings or development orders. The 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 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
Comprehensive Plan Map Amendment	\$2,500.00
Comprehensive Plan Text Amendment	\$2,500.00
DRI Review - New Application	\$5,000.00
DRI - Modification. Amendment. Build-out.	\$3,000.00
Extension ¹ , Abandonment, NOPC	
Rezonings/Planned Developments	\$2,500.00
Development Orders	\$1,000.00
Other	Comm. Development Director on a case-by-case basis

⁽¹⁾ Excludes statutory or legislative amendments

EXHIBIT "A"

COMMUNITY DEVELOPMENT FEE SCHEDULE
Effective September 1, 2021

Comprehensive Planning and Land Use	
<i>Comprehensive Planning</i>	
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
<i>Comprehensive Plan Documents</i>	
Future Land Use Map	\$15.00
City of Bonita Springs Plan Codification	\$35.00
<i>Planning Determination Appeals</i>	
Planning Determination Appeals	\$700.00
Zoning	
<i>Developments of Regional Impact</i>	
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
<i>Land Development Code Amendments</i>	
Land Development Code Text Amendment	\$3,000.00
<i>Planned Developments</i>	
Industrial Planned Development/Excavation	\$10,000.00 + \$60.00/acre*

EXHIBIT "A"

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.	
<i>Rezoning and Special Exceptions</i>	
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	\$3,000.00
<i>Variance</i>	
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
<i>City Council</i>	
Rehearing Request	\$265.00
New Hearing	\$350.00

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Appeal	\$700.00
Continuance (Scheduled and Advertised)	Actual cost deducted from Advertising Escrow
Deferrals (Scheduled and Not Advertised)	No Charge
Withdrawal	No Charge
<i>Bonus Density</i>	
Bonus Density (options 1 and 3)	No Charge
Bonus Density (option 2)	\$2,100.00/application
<i>Administrative Actions</i>	
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
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
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
<i>Historic District</i>	
Administrative Relief	\$500.00
Appeal to City Council	\$135.00
<i>Home Occupations</i>	
Home Occupation	\$25.00
<i>Minimum Use/Single-Family Determinations*</i>	
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.	

EXHIBIT "A"

Appeal (Planning Determination)	\$75.00
<i>Zoning Verification Letter</i>	
Standard Review Letter	\$75.00
Full Review Letter	\$200.00 and \$25.00 per hour for staff research time over 1½ hours
<i>Temporary Uses</i>	
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
<i>Shelter Use Permit</i>	
Shelter Operational Use Permit	\$1,000.00
<i>Annexation</i>	
Annexation Petition Request	\$1,325.00
Voluntary Annexation	
<i>Zoning Building Permit Review and Inspection Fees</i>	
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	
<i>Development Orders</i>	
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)

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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
<i>Development Orders Limited Review</i>	
Agricultural Use Excavation	\$250.00*
Limited Review (or Exemption) Amendment	\$250.00
<u>Limited Review Amendment Resubmittal</u>	<u>\$100.00</u>
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)	\$75.00 <u>\$100.00</u>
<u>Type 99 Resubmittal</u>	<u>\$50.00</u>
Unity of Title	\$250.00
Limited Review Development Order Recording Fee	See cost for Electronic Recording Fees
Re-inspection Fee	\$100.00
<i>Administrative Deviations</i>	
*LDC Sec. 3-81 Base Fee (Supplement I)	\$500.00
Additional Request	\$75.00
<u>* No fee if applied for during a City of Bonita Springs local development order application.</u>	
<i>Drainage Plans (Building Permit Review and Inspection Fees)</i>	
Drainage Plans Review	\$50.00

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Drainage Inspection	\$50.00
<i>Concurrency Extensions</i>	
Concurrency Renewals	\$250.00
<i>Extra Plans to be Stamped</i>	
Extra Plans to be Stamped	\$50.00
<i>Appeal to City Council</i>	
City Council Appeal	\$500.00
<i>Road Maintenance Application</i>	
Road Maintenance Application	\$645.00
<i>Plat</i>	
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.	
<i>Vacation</i>	
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.	
<i>FEMA</i>	
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	
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

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<i>Blasting</i>	
Blasting Base Fee	\$300.00 + \$275.00/acre
Environmental Sciences	
<i>Vegetation Permits</i>	
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.	
<i>Coastal Construction Control Line (CCCL)</i>	
CCCL Non-contravene Letter	\$50.00
Miscellaneous Fees	
Color Palette Review	\$25.00
Research	\$25.00/hour
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.)
Application Refunds	\$25.00 processing fee
Community Development Districts (per FL ST.)	\$15,000.00
Development Agreement	\$5,000.00 + advertising costs
Development Agreement Amendment	\$1,500.00 + advertising costs
<i>Document Copies</i>	
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	

EXHIBIT "A"

with the amount owed before the city will comply with any other public records request requiring copying or other replication services, including certification.	
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
<i>Maps</i>	
The costs below include the charge for labor and overhead associated with their duplication.	
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
<i>Public Notification Fees (Planning and Zoning Applications, Res. 09-037)</i>	
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.
<i>Electronic Recording Fees</i>	
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	

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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.

Credit and Debit Card Transaction Fees

A 3% fee will be charged for credit and debit card transactions as approved in Resolution 11-042

REQUESTED MOTION: (Second Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REQUESTOR: Sean Gibbons, Environmental Sciences - Community Development Department

AGENDA: Second Reading & Public Hearing Of An Ordinance

STRATEGIC PRIORITY: # 4 Environment

BACKGROUND: In an effort to assure compliance with State Statutes (Chapter 40E-24 & 40E-21 of the Florida Administrative Code), the South Florida Water Management District (SFWMD) has reached out to all municipalities within the district with direction to, and guidance for, updating and amending their respective regulations pertaining to Irrigation Restrictions and Water Conservation for consistency across the district. The principal goals of course being to: Assure the continued viability, quantity and quality of the area's water resources long into the future; Provide consistency among the regulatory language(s) used across the district; assure full compliance with the requirements of State Statute(s); Assure protection of our water resources during periods of extensive drought; and provide District resources and support for regulatory guidance and enforcement. It is also worth noting that applications for funding under the District's Cooperative Funding Program for FY2022 will be evaluated based on factors including the adoption of an ordinance which fully comports with Chapter 40E-24 F.A.C; a consideration which may be extended to other cooperative funding programs in the future as well.

STAFF RECOMMENDATION: Approve the ordinance

ATTACHMENTS:

1) Draft Updated Year-Round Irrigation Ordinance

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

ORDINANCE NO. 21 -

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the South Florida Water Management District (“District”) has the responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.), for regulating the consumptive use of water; and

WHEREAS, the District has promulgated Chapter 40E-2, Florida Administrative Code (F.A.C), for the consumptive use of water which includes Rule 40E-2.061, F.A.C., General Consumptive Use Permits by Rule, regulating landscape irrigation at a single family dwelling or duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual Permits, regulating larger landscape irrigation users; and

WHEREAS, the District promulgated and amended Chapter 40E-24, F.A.C., requiring year-round irrigation conservation measures; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.; and

WHEREAS, Chapter 40E-24, F.A.C., calls for year-round and permanent landscape irrigation restrictions, separate and independent from water shortage declarations, in accordance with Chapter 40E-21, F.A.C.; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

WHEREAS, Rule 40E-24.301, F.A.C., provides that local governments may adopt a landscape irrigation ordinance that achieves water conservation consistent with Rule 40E-24.201, F.A.C., including variance and enforcement procedures; and

WHEREAS, the District strongly encourages local governments to adopt an ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and

WHEREAS, the City of Bonita Springs relies upon the guidance and regulations issued by the District in the drafting, adopting, and implementing this Ordinance; and

WHEREAS, it is the desire of the City Council of the City of Bonita Springs to adopt this Ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and

WHEREAS, the City Council finds and declares that the adoption of this Ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA:

Section 1. Recitals.

Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if specifically set forth herein.

Section 2. Intent and Purpose.

It is the intent and purpose of this Ordinance to implement procedures to protect the water resources of City and to promote water conservation through the efficient use of landscape irrigation and consistency with the South Florida Water Management District's mandatory year-round landscape irrigation conservation measures under Chapter 40E-24, Florida Administrative Code, (F.A.C.). This Code will increase water use efficiency; prevent and curtail wasteful irrigation practices by providing mandatory landscape irrigation conservation measures; and prohibit the operation of irrigation systems in a manner causing water to be wasted.

Section 3. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning listed below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- (1) "Address" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers, but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address, it shall be considered "even-numbered."

- (2) “Athletic Play Area” means all golf course fairways, tees, roughs, greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields, and rodeo, equestrian, and livestock arenas.
- (3) “Consumptive Use Permit” (CUP) means a permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.
- (4) “District” means the South Florida Water Management District, a government entity created under Chapter 373, F.S.
- (5) “Even Numbered Address” means an address ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-M.
- (6) “Existing landscaping” means any landscaping which has been planted and in the ground for more than ninety (90) days.
- (7) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas, as defined in Section 3(2).
- (8) “Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.
- (9) “Law Enforcement Officials” means designated code inspectors and code enforcement officers of the City.
- (10) “Low Volume Hand Watering” means the watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.
- (11) “Low Volume Irrigation” means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.
- (12) “Micro-irrigation” means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface

irrigation.

- (13) “New landscaping” means any landscaping which has been planted in the ground for ninety (90) days or less.
- (14) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.
- (15) “Reclaimed Water” means wastewater that has received at least secondary treatment and basic disinfection, and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.
- (16) “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
- (17) “Wasteful and Unnecessary” means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks, and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.
- (18) “Water Resource” means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.
- (19) “Water Shortage” means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.
- (20) “Water Shortage Emergency” means when the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

Section 4. Applicability.

The provisions of this Ordinance shall apply to each user, as defined in Section 3(16), providing landscape irrigation from all water resources within the boundaries of the City with the following exceptions:

- (1) The use of reclaimed water or saltwater, which may or may not be supplemented from another source;
- (2) Irrigation at agricultural and nursery operations; and
- (3) Irrigation of athletic play areas.

Section 5. Year-Round Landscape Irrigation Conservation Measures.

The City adopts the rules of the South Florida Water Management District, listed in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections which are set out as follows:

- (1) The year-round landscape irrigation conservation measures contained in this Ordinance are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this Section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.
- (2) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Ordinance which affect each particular water use.
- (3) In addition to the specific conservation measures, all wasteful and unnecessary water use, as defined in Section 3(17), is prohibited.
- (4) The following requirements shall apply to all users, unless specified in Section 3 or Section 6.
 - (a) Landscape irrigation shall be prohibited between the hours of 9:00 a.m. and 5:00 p.m., except as otherwise provided.
 - (b) Irrigation of existing landscaping shall comply with the following provisions:
 - i. Even addresses, as defined in Section 3(5), installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Thursday or Sunday, or both.
 - ii. Odd addresses, as defined in Section 3(13), shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Wednesday or Saturday, or both.
 - (c) Irrigation of new landscaping shall comply with the following provisions:

- i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.
 - ii. A ninety (90) day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
 - iii. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on any day of the week except Friday.
 - iv. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on any day of the week except Tuesday, Friday or Sunday.
 - v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Subsection if the zone contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, as defined in Section 3(10), or any appropriate method which isolates and waters only the new landscaping.
- (5) Any water shortage, as defined in Section 3(19), restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related District Governing Board or Executive Director orders which are more restrictive than a measure contained within this Ordinance, shall supersede this Ordinance for the duration of the applicable water shortage declaration.

Section 6. **Exceptions to the Landscaping Irrigation Schedules.**

Landscape irrigation scheduling shall be subject to the following exceptions:

- (1) Landscape irrigation systems may be operated during restricted days and times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
- (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:

- (a) Such watering-in shall be limited to one (1) application, unless the need for more than one (1) application is stated in the directions for application specified by the manufacturer; and
 - (b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Subsection 5(4)(a) and (b), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (3) Any plant material may be watered using low volume irrigation, as defined in Section 3(11), micro-irrigation, as defined in Section 3(12), low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this Section.

Section 7. Additional Requirements.

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, F.S.

Section 8. Variances.

- (1) A variance from the specific day or days identified in Subsection 5(4)(b) may be granted by the City if strict application of the restrictions would lead to unreasonable or unfair result; provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant or those served by the applicant. If granted, the applicant shall be required to post a notice at each parcel to which the variance pertains. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of this division.
- (2) Upon receipt of an application for variance from the requirements of this Ordinance, the City Manager or designee shall render a decision on the variance within 45 days. Denials of variance relief may be appealed to the City Council within 45 days of the user's receipt of the notice of denial. Notices shall be sent certified mail, return receipt requested.
- (3) The City shall recognize all irrigation variances or waivers issued by the District under Rule 40E-24.501, F.A.C.

Section 9. Declaration of Water Shortage or Water Shortage Emergency.

Declaration of a water shortage condition or water shortage emergency, as defined in Section 3(20), within all or parts of the City by the District's Governing Board or Executive Director shall supersede this Ordinance for the duration of the applicable water shortage declaration in

accordance with Ordinance No. _____ as codified in [EDITOR: WATER SHORTAGE ORDINANCE REFERENCE]. A water shortage usually occurs due to drought.

Section 10. Enforcement.

The City authorizes law enforcement officials having jurisdiction within the City to enforce the provisions of this Ordinance. In addition, the City may delegate this Ordinance's enforcement responsibility to other agencies and departments within the City government or other governmental entities through interlocal agreement.

Section 11. Penalties.

Violations of any provision of this Ordinance may be punished pursuant to Chapter 162, Florida Statutes, however the City may also take any other appropriate legal action, including but not limited to injunctive action to enforce the provisions of this Ordinance.

Section 12. Codification.

The City Council intends that this Ordinance be made part of the Code of the Laws and Ordinances, of the City of Bonita Springs, Florida; and that the sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager without the need for a public hearing.

Section 13. Conflict.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

The following provisions of the Bonita Springs City Code are hereby amended with additions represented through underlined language and the use of ~~striketrough~~ for deletions:

~~Sec. 42-47. Short title, purpose and scope.~~

~~(a) — This article will be known and cited as the "Bonita Springs Water Conservation Ordinance."~~

~~(b) — The purpose of this article is to protect the city's water resources from the harmful effects of over-utilization throughout the year, as well as during periods of water shortage, and to allocate available water supplies by assisting the South Florida Water Management District in the implementation of its water shortage plan, and mandatory year round landscape irrigation measures for the city provided in the F.A.C. chs. 40E-21 and 40E-24, as may be amended from time to time.~~

~~(c) — It is further the purpose of this ordinance to encourage gray water residential building design by adopting Appendix C, Gray Water Recycling Systems, of the plumbing portion of the Florida Building Code, as it may be amended from time to time.~~

~~(d) — The city is also amending this article to require the following:~~

~~(1) — All new car washes (self-serve and automatic) shall implement best management practices (BMPs) to minimize runoff from, or run on to, the site as required by state law in F.A.C. 62-660.803, General Permit for Car Wash Systems.~~

~~(2) — Permitting and design review shall be required for ornamental water fountains and water features to ensure the water feature recirculates water and serves a beneficial use. Ornamental water features, which includes fountains, ponds, waterfalls, manmade streams, and other decorative water-related constructions, should recirculate water and serve a beneficial use (e.g., habitat for wildlife, stormwater management, cooling properties) as set forth in section III.A.5, Ornamental Water Features, of the 2014 EPA Resource Manual for New Homes.~~

~~(3) — Encourage alternative onsite wastewater and water reuse technologies. These could include the use of gray water harvesting through the use of rain barrels, water cisterns and air conditioning condensate for irrigation.~~

~~(e) — The territorial scope and provisions of this article shall apply to all persons using water resources, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies in the corporate areas of the city, except those persons exempt under F.A.C. ch. 40E-24, as may be amended from time to time.~~

1
2 **Sec. 42-48. Definitions.**

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

5 *District* means the South Florida Water Management District.

6 *Person* means any person, firm, partnership, association, corporation, company, or organization of
7 any kind.

8 *Restaurant* means an establishment whose principal business is the sale of food and/or beverages
9 in a ready-to-consume state. The definition of restaurant shall include both standard and fast food
10 operations, as defined in the city Land Development Code, as amended.

11 *Water resource* means any and all water on or beneath the surface of the ground, including natural
12 or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing,
13 or flowing beneath the surface of the ground.

14 *Water shortage condition* means sufficient water is not available to meet present or anticipated
15 needs of persons using the water resource, or conditions require temporary reduction in total water
16 usage within a particular area to protect the water resources from serious harm.

17 *Water shortage emergency* means that situation when the powers which can be exercised under
18 F.A.C. ch. 40E-21, Part II are not sufficient to protect the public health, safety, or welfare, or the
19 health of animals, fish or aquatic life, or a public water supply, or commercial, industrial,
20 recreational or other reasonable uses.

21
22 **Sec. 42-49. Permanent water restrictions, declaration of water shortage, and water shortage
23 emergency.**

24 (a) — The provisions of Chapter 40E-21, Florida Administrative Code, Water Shortage Plan, and
25 Chapter 40E-24, Florida Administrative Code, Mandatory Yearround Landscape Irrigation
26 Restrictions for Lee, Collier and Charlotte Counties, as the same may be amended, renamed or
27 renumbered from time to time, is hereby incorporated by reference in its entirety into the provisions
28 of this article.

29 (b) — The formal declaration of a water shortage condition or water shortage emergency
30 condition within all or any part of the city by the city council or the executive director of the district
31 shall invoke the provisions of this subsection. Upon such declaration, all water use restrictions or
32 other measures adopted by the district pursuant to Chapter 40E-21, Florida Administrative Code,
33 applicable to the city, or any portion thereof, shall be subject to enforcement action pursuant to the
34 enforcement provisions of this article. The South Florida Water Management District water
35 shortage plan shall be kept on file with the clerk of the city.

36 (c) — The city supplements the provisions of F.A.C. ch. 40E-24, as follows:

37 (1) — F.A.C. 40E-24.201(5)(a). Landscape irrigation shall be prohibited daily between the hours
38 of 9:00 a.m. and 5:00 p.m. Any irrigation performed from 9:00 a.m. to 5:00 p.m. will be subject to
39 fines. Irrigation during these hours wilts sod and plants and wastes water through evaporation.

40 (2) — Persons using a low volume irrigation system will be allowed to water seven days a week
41 except during the hours between 9:00 a.m. and 5:00 p.m. Low volume irrigation systems include
42 systems such as misting and drip irrigation systems which are specifically designed to allow the
43 volume of water delivered to be limited to a level consistent with the water requirement of the
44 plant being irrigated and to allow that water to be placed with a high degree of efficiency in the
45 root zone of the plant, thereby conserving water.

1 ~~(3) — The low volume hand watering methods referenced in F.A.C. 40E-24.201(5)(f) shall be~~
2 ~~fitted with an automatic shutoff device. The use of handheld watering devices are exempt from~~
3 ~~this article providing that self-shutting nozzles are used. At no time will an open hose be allowed~~
4 ~~to flow freely unattended, wasting water.~~

5 ~~(4) — All restaurants within the city are prohibited from serving water to any customer from any~~
6 ~~public or private well, water supply, or distribution system, except when specifically requested by~~
7 ~~the customer.~~

8 ~~(d) — Any violation of subsection (c) of this section, or F.A.C. ch. 40E-21 or 40E-24, or any~~
9 ~~order issued pursuant thereto by any person, shall constitute a violation of this article.~~

10
11 **Sec. 42-50. Enforcement and penalties.**

12 ~~(a) — *Enforcement.* All duly sworn county law enforcement officers, police officers or deputy~~
13 ~~sheriffs in the city shall, in connection with all other duties imposed by law, diligently enforce the~~
14 ~~provisions of this article. In addition, the city manager, or designee, may also delegate enforcement~~
15 ~~responsibility for this article to code enforcement, in accordance with state and local law.~~

16 ~~(b) — *Penalties.*~~

17 ~~(1) — Violation of any provisions of this article shall be subject to the following penalties:~~

18 ~~a. — First violation: \$25.00 fine.~~

19 ~~b. — Second violation: \$100.00 fine.~~

20 ~~c. — Third violation: Fine not to exceed \$500.00 and/or imprisonment in the county jail not to~~
21 ~~exceed 60 days.~~

22 ~~(2) — Each violation of this article shall constitute a separate offense. In the initial stages of a~~
23 ~~water shortage condition or water shortage emergency condition, but not to exceed the first 30~~
24 ~~days of such condition, law enforcement officials may provide violators with no more than one~~
25 ~~written warning.~~

26
27 **Sec. 42-51. Water service provided by public and private utilities.**

28 ~~The acceptance of water service from city utilities or any private utility company within the city~~
29 ~~shall in and of itself constitute the acceptance of the provisions of this article.~~

30
31 **Sec. 42-52. State administrative codes incorporated by reference.**

32 ~~F.A.C. chs. 40E-21 and 40E-24, as the same may be amended, renumbered or renamed from time~~
33 ~~to time, are hereby incorporated into the provisions of this article by reference, in their entirety.~~

34
35 **Section 14. Severability.**

36
37 In the event that any portion of this ordinance is for any reason held invalid or
38 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate,
39 distinct and independent provision, and such holding shall not affect the validity of the remaining
40 portions of this ordinance.

41
42 **Section 15. Effective Date.**

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44 This Ordinance shall take effect immediately upon adoption.

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DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Florida this ____ day of September, 2021.

Attest: **CITY OF BONITA SPRINGS, FLORIDA**

By: _____
City Clerk

By: _____
Mayor

Reviewed for legal sufficiency:

By: _____
City Attorney

Vote:	
Carr	Gibson
Purdon	Quaremba
Forbes	Steinmeyer
Corrie	

Date filed with City Clerk: _____

REQUESTED MOTION: (Second Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA; PROVIDING FOR THE INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REQUESTOR: Sean Gibbons, Environmental Sciences - Community Development Department

AGENDA: Second Reading & Public Hearing Of An Ordinance

STRATEGIC PRIORITY: # 4 Environment

BACKGROUND: In an effort to assure compliance with State Statutes (Chapter 40E-24 & 40E-21 of the Florida Administrative Code), the South Florida Water Management District (SFWMD) has reached out to all municipalities within the district with direction to, and guidance for, updating and amending their respective regulations pertaining to Water Shortage and Conservation for consistency across the district. The principal goals of course being to: Assure the continued viability, quantity and quality of the area's water resources long into the future; Provide consistency among the regulatory language(s) used across the district; assure full compliance with the requirements of State Statute(s); Assure protection of our water resources during periods of extensive drought; and provide District resources and support for regulatory guidance and enforcement. It is also worth noting that applications for funding under the District's Cooperative Funding Program for FY2022 will be evaluated based on factors including the adoption of an ordinance which fully comports with Chapter 40E-24 F.A.C; a consideration which may be extended to other cooperative funding programs in the future as well.

STAFF RECOMMENDATION: Approve the ordinance.

ATTACHMENTS:

1) Updated Water Shortage Ordinance

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
2 **OF BONITA SPRINGS, FLORIDA:**

3
4 **Section 1.** **Recitals.**

5
6 Each and all of the foregoing recitals are hereby incorporated into this Ordinance as if
7 specifically set forth herein.

8
9 **Section 2.** **Purpose.**

10
11 It is the intent and purpose of this Ordinance to protect the water resources of the City of
12 Bonita Springs from the harmful effects of overutilization during periods of water shortage by
13 assisting the District in the implementation of its water shortage plan, or issued water shortage
14 orders, under Chapter 40E-21, F.A.C.

15
16 **Section 3.** **Definitions.**

17
18 For the purpose of this Ordinance, the following terms, phrases, words, and their
19 derivatives shall have the meaning listed below. When not inconsistent with the context, words
20 used in the present tense include the future, words in the plural include the singular, and words in
21 the singular include the plural. The word "shall" is always mandatory and not merely directory.

22
23 (1) “District” means the South Florida Water Management District, a government
24 entity created under Chapter 373, Florida Statutes.

25
26 (2) “Law Enforcement Officials” means designated code inspectors and code
27 enforcement officers of the City.

28
29 (3) “User” means any person, individual, firm, association, organization, partnership,
30 business trust, corporation, company, agent, employee or other legal entity whether natural or
31 artificial, the United States of America, and the State and all political subdivisions, regions,
32 districts, municipalities, and public agencies thereof, which directly or indirectly takes water from
33 the water resource, including uses from private or public utility systems, uses under water use
34 permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

35
36 (4) “Water Resource” means any and all water on or beneath the surface of the ground,
37 including natural or artificial water courses, lakes, ponds, or diffused surface water, and water
38 percolating, standing, or flowing beneath the surface of the ground.

39
40 (5) “Water Shortage” means when the District determines there is the possibility that
41 insufficient water will be available to meet the present and anticipated needs of the users, or when
42 conditions are such as to require temporary reduction in total use within a particular area to protect
43 water resources from serious harm.

44
45 (6) “Water Shortage Emergency” means when the District has determined that the
46 provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health,

1 safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial,
2 industrial, agricultural, recreational, or other reasonable beneficial uses.

3
4 **Section 4. Applicability.**

5
6 The provisions of this Ordinance shall apply to each user, as defined in Section 3.(3), using
7 the water resource, as defined in Section 3.(4), within the geographical areas subject to the water
8 shortage condition or water shortage emergency, as defined in Section 3.(6), as determined by the
9 District, whether from publicly or privately-owned water utility systems, private wells, or private
10 connections with surface water bodies. This Section shall not apply to users using reclaimed water
11 or saltwater.

12
13 **Section 5. Declaration of Water Shortage or Water Shortage Emergency.**

14
15 (1) A declaration of a water shortage condition or water shortage emergency in
16 accordance with Part II of Chapter 40E-21, F.A.C., within all or parts of the City by the District's
17 Governing Board or Executive Director, shall invoke the provisions of this Ordinance.

18
19 (2) A water shortage, as defined in Section 2(5), or water shortage emergency order
20 shall supersede mandatory year-round water irrigation measures until the more restrictive measure
21 is rescinded by the District.

22
23 (3) Upon the District issuing a water shortage order, all water use restrictions or other
24 measures adopted by the District applicable to the City, or any portion thereof, shall be subject to
25 enforcement action by the City officials pursuant to Section 6 of this Ordinance. Any violation of
26 Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of this Ordinance.

27
28 **Section 6. Variances.**

29
30 The City shall recognize all variances issued by the District pursuant to Rule 40E-21.275,
31 F.A.C.

32
33 **Section 7. Enforcement.**

34
35 The City authorizes law enforcement officials having jurisdiction within the City to enforce
36 the provisions of this Ordinance. In addition, the City may delegate this Ordinance's enforcement
37 responsibility to other agencies and departments within the City government or other governmental
38 entities through interlocal agreement.

39
40 **Section 8. Penalties.**

41
42 Violations of any provision of this Ordinance may be punished pursuant to Chapter 162,
43 Florida Statutes, however the City may also take any other appropriate legal action, including but
44 not limited to injunctive action to enforce the provisions of this Ordinance.

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Section 9. Codification.

The City Council intends that this Ordinance be made part of the Code of the Laws and Ordinances, of the City of Bonita Springs, Florida; and that the sections of this Ordinance can be renumbered or re-lettered to the appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or re-lettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the City Manager without the need for a public hearing.

Section 10. Conflict.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are hereby repealed to the extent inconsistent herewith.

Section 11. Severability.

In the event that any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 12. Effective Date.

This Ordinance shall take effect immediately upon adoption.

[SIGNATURE PAGE FOLLOWS]

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DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Florida this ____ day of September, 2021.

Attest: **CITY OF BONITA SPRINGS, FLORIDA**

By: _____
City Clerk

By: _____
Mayor

Reviewed for legal sufficiency:

By: _____
City Attorney

Vote:	
Carr	Gibson
Purdon	Quaremba
Forbes	Steinmeyer
Corrie	

Date filed with City Clerk: _____

REQUESTED MOTION: (Second 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, AND CHAPTER 6 – SIGNS, TO SUPPORT COMMUNITY DEVELOPMENT ENGINEERS DURING LOCAL DEVELOPMENT ORDER AND DRAINAGE REVIEWS AND TO AMEND STANDARDS FOR SIGNAGE IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREAS, 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: Jacqueline Genson, AICP

AGENDA: Second reading and public hearing of an ordinance

STRATEGIC PRIORITY: #1 Storm Water Management and #8 Economic Development

BACKGROUND:

These proposed amendments include changes to Land Development Code (LDC) Chapters 2-Administration, 3-Development Standards, 4-Zoning, and 6-Signs. A brief summary and overview of each area is included below.

Chapter 2- Administration

1. Upon discussion with the City Attorney’s Office, the Planning and Zoning fee schedule will be removed from the LDC and adopted as a separate resolution. The resolution for the fee schedule will coincide with the second reading of this ordinance. The resolution will also include a minor change to the language pertaining to cost recovery and some changes for applications and processes in furtherance of Chapter 3-Development Standards.

Chapter 3-Development Standards

1. Sec. 3-81. Deviation and variances. The ability to request technical deviations from Sec. 3-268 and 3-493 (Refuse and solid waste disposal facilities and enclosures).
2. Sec. 3-159. - Types of development entitled to limited review. Changes include numerical references to the types of development orders subject to the limited review process. New language formalizes the Type 99 limited review process into the LDC.
3. Sec. 3-268. Refuse and solid waste disposal facilities. This section was last amended in 2005. These amendments provide clarity and alternatives to bulk container storage (i.e. dumpsters), additional requirements for location and screening, and the ability to share resources and utilize trash compactors.
4. Sec. 3-493. Dumpster enclosures. Adds language to include industrial developments for consistency with Sec. 3-268(a). Clarifies existing language for an applicant to request relief.

Chapter 4-Zoning

1. Sec. 4-2224. Clearing, grading or filling of land. This section was adopted by City Council in 2019. Staff is suggesting these modifications to provide flexibility and clarity on specific sub-sections.

Chapter 6-Signs:

1. Sec. 6-112. Permanent signs in residential areas.
 - a. Reflects current practice of applying this section to residential entry signs within medians.
 - b. Provides the ability to place entrance signs closer to the right of way, but still 15' from edge of pavement on private or commonly owned property.
 - c. Proposes the same right-of-way and side setback requirements for monument signs as those is commercial and industrial areas. The maximum sign area remains unchanged.
 - d. All signage is required to meet the site visibility requirements pursuant to Sec. 6-71.
2. Sec. 6-113. Permanent signs in commercial and industrial areas.
 - a. Adds reference to the unified sign plan requirement per LDC Sec. 3-494.
 - b. Adds language regarding relief of encroachment into easements per LDC Sec. 3-266. All signage is required to meet the site visibility requirements pursuant to Sec. 6-71.
 - c. Reflects current practice by the City Architect for copy area (message placement).
 - d. Modifies the number of walls signs for single-occupancy and multi-occupancy buildings. This change is similar to the wall sign regulations that were in place prior to the last update in 2015. The language also includes greater specificity of sign placement.

The LPA reviewed the amendment package on July 15, 2021. Some LPA members raised concerns that the Chapter 3 (Development Standards) changes for solid waste and recycling could discourage redevelopment, result in economic hardship, or possible nuisance accumulation (i.e. overflow of refuse due to insufficient sizing). Other concerns raised in Chapter 6 (Signs) involved the regulation of content on a sign face, whereas the proposed amendment regulates design, not content of an advertising message.

STAFF RECOMMENDATION: Approve the ordinance

ATTACHMENTS:

1. 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, AND CHAPTER 6 – SIGNS, TO SUPPORT COMMUNITY DEVELOPMENT ENGINEERS DURING LOCAL DEVELOPMENT ORDER AND DRAINAGE REVIEWS AND TO AMEND STANDARDS FOR SIGNAGE IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREAS, 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 of Bonita Springs desires to streamline, clarify, and otherwise update provisions of the City’s Land Development Code; 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, 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 ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this _____ day of September, 2021.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: _____
City Clerk

By: _____
Mayor

Reviewed for legal sufficiency:

By: _____
City Attorney

Vote:

Carr
Purdon
Forbes
Corrie

Gibson
Quaremba
Steinmeyer

Date filed with City Clerk: _____

Exhibit A

Sec. 2-571.-Reserved 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
Comprehensive Plan Map Amendment	\$2,500.00
Comprehensive Plan Text Amendment	\$2,500.00
DRI Review – New Application	\$5,000.00
DRI – Modification. Amendment. Build-out.	\$3,000.00
Extension ⁽⁴⁾ , Abandonment, NOPC	
Rezonings/Planned Developments	\$2,500.00
Development Orders	\$1,000.00
Other	Comm. Development Director on a case-by-case basis

⁽⁴⁾Excludes statutory or legislative amendments

COMMUNITY DEVELOPMENT FEE SCHEDULE

Effective November 1, 2017

Comprehensive Planning and Land Use	
<i>Comprehensive Planning</i>	
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
<i>Comprehensive Plan Documents</i>	
Future Land Use Map	\$15.00
City of Bonita Springs Plan Codification	\$35.00
<i>Planning Determination Appeals</i>	
Planning Determination Appeals	\$700.00
Zoning	
<i>Developments of Regional Impact</i>	
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
<i>Land Development Code Amendments</i>	
Land Development Code Text Amendment	\$3,000.00
<i>Planned Developments</i>	
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.	
<i>Rezoning and Special Exceptions</i>	
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	\$3,000.00
<i>Variance</i>	
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
<i>City Council</i>	
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
<i>Bonus Density</i>	
Bonus Density (options 1 and 3)	No Charge
Bonus Density (option 2)	\$2,100.00/application
<i>Administrative Actions</i>	
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
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
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
<i>Historic District</i>	
Administrative Relief	\$500.00
Appeal to City Council	\$135.00
<i>Home Occupations</i>	
Home Occupation	\$25.00
<i>Minimum Use/Single Family Determinations*</i>	
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
<i>Zoning Verification Letter</i>	
Standard Review Letter	\$75.00
Full Review Letter	\$200.00 and \$25.00 per hour for staff research time over 1½ hours
<i>Temporary Uses</i>	
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

<i>Shelter Use Permit</i>	
Shelter Operational Use Permit	\$1,000.00
<i>Annexation</i>	
Annexation Petition Request	\$1,325.00
Voluntary Annexation	
<i>Zoning Building Permit Review and Inspection Fees</i>	
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	
<i>Development Orders</i>	
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
<i>Development Orders Limited Review</i>	
Agricultural Use Excavation	\$250.00*
Limited Review (or Exemption) Amendment	\$250.00
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)	\$75.00
Unity of Title	\$250.00
Limited Review Development Order Recording Fee	See cost for Electronic Recording Fees
Re-inspection Fee	\$100.00
<i>Administrative Deviations</i>	
LDC Sec. 3-81 Base Fee (Supplement I)	\$500.00
Additional Request	\$75.00
<i>Drainage Plans (Building Permit Review and Inspection Fees)</i>	
Drainage Plans Review	\$50.00
Drainage Inspection	\$50.00

<i>Concurrency Extensions</i>	
Concurrency Renewals	\$250.00
<i>Extra Plans to be Stamped</i>	
Extra Plans to be Stamped	\$50.00
<i>Appeal to City Council</i>	
City Council Appeal	\$500.00
<i>Road Maintenance Application</i>	
Road Maintenance Application	\$645.00
<i>Plat</i>	
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.	
<i>Vacation</i>	
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.	
<i>FEMA</i>	
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	
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
<i>Blasting</i>	
Blasting Base Fee	\$300.00 + \$275.00/acre
Environmental Sciences	
<i>Vegetation Permits</i>	
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.	
<i>Coastal Construction Control Line (CCCL)</i>	
CCCL Non-contravene Letter	\$50.00
Miscellaneous Fees	
Color Palette Review	\$25.00
Research	\$25.00/hour

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.)
Application Refunds	\$25.00 processing fee
Community Development Districts (per FL ST.)	\$15,000.00
Development Agreement	\$5,000.00 + advertising costs
Development Agreement Amendment	\$1,500.00 + advertising costs
<i>Document Copies</i>	
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.	
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
<i>Maps</i>	
The costs below include the charge for labor and overhead associated with their duplication.	
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
<i>Public Notification Fees (Planning and Zoning Applications, Res. 09-037)</i>	
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)
<i>Electronic Recording Fees</i>	
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.

Sec. 3-81. Deviation and variances.

- (a) *Provisions where deviations are authorized.* The city manager or designee is hereby authorized to grant deviations from the technical standards in the following sections in this chapter:
- (1) Sec. 3-268 and 3-493 (Refuse and solid waste disposal facilities and enclosures).
 - (2) Section 3-291 (Connection separations).
 - (3) Section 3-302, Table 1, item (B.3.a), (right-of-way widths for publicly maintained streets).
 - (4) Section 3-302, Table 1, item (B.3.b), (rights-of-way widths for privately maintained streets).
 - (5) Section 3-302(e) Table 2, Minimum construction specifications for street improvements.
 - (6) Section 3-302(g) (horizontal curves).
 - (7) Section 3-302(j) (intersection designs).
 - (8) Section 3-302(k) (culs-de-sac).
 - (9) Section 3-303 (complete streets design).
 - (10) Section 3-325 (swale sections).
 - (11) Section 3-331(d)(1)a.3 (Setbacks for water retention/detention excavations from private property).
 - (12) Section 3-392(c) (water mains).
 - (13) Section 3-417(b) (indigenous native vegetation).
 - (14) Section 3-418(c) (landscaping of parking and vehicle use areas).
 - (15) Section 3-438 (mass transit facilities).
 - (16) Section 3-497 (building design standards for large-scale retail establishments).
- (b) *Criteria for administrative deviations.* Administrative deviations shall be granted only where the city manager or designee, finds that the following criteria have been met:
- (1) That the alternative proposed to the standards contained herein is based on sound engineering practices;
 - (2) That the alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested;
 - (3) For division 7 of article III of this chapter, Public Transit, the required facility would unnecessarily duplicate existing facilities; and
 - (4) The granting of the deviation is not inconsistent with any specific policy directive of the city council, any other ordinance, or any city comprehensive plan provision.
 - (5) The granting of the deviation is not inconsistent with in the intent of the bicycle and pedestrian master plan, Bonita Beach Road Visioning Study and the complete streets policy.
- (c) *Submittal requirements.* The submittal requirements for a deviation shall include the following:
- (1) A completed application form provided by the city;

-
- (2) Plans, sealed by a registered professional engineer, or other applicable licensed professional, that accurately reflect the applicant's alternative proposal;
 - (3) A written statement showing how the proposed alternative meets the criteria in subsection (b) of this section; and
 - (4) Any other materials and/or calculations requested by the city manager or designee to aid in the decision.
- (d) *When submittals may be made.* Requests for deviations may be submitted contemporaneously with the applicant's original development order application, or at any time thereafter, so long as the application has not been withdrawn.
- (e) *Refusals.* Deviations may not be unreasonably refused.
- (f) *Appeal of the city manager or designee's decision.* The city manager or designee's final decision may be appealed in accordance with the procedures in section 4-124. The city council shall grant the appeal only upon a finding that the criteria in subsection (b) of this section have been met.
- (g) *Variances.* Requests to deviate from the terms of those sections of this chapter that are not listed in subsection (a) of this section must be filed in accordance with the procedures set out for variances in chapter 4, the city zoning ordinance. Applicants for administrative deviations that have been denied by the city manager or designee or the city council may also apply for variances in accordance with this section.
- (h) *Pursuit of variances or deviations concurrently with development order.* The applicant may pursue approval of variances and deviations concurrently with an application for a development order. The development order will be reviewed but cannot be approved until all of the necessary variances and deviations have also been approved. After a variance or deviation request has been heard and has been approved or denied, the applicant shall proceed with the preparation of all the documents necessary for the approval of the development order.
- (i) *Variances or deviations in planned developments.* For developments that have received zoning as a planned development, specific variances or deviations from the terms of these regulations shall not be required if such variances or deviations were approved as part of the schedule of deviations attendant to the master concept plan. Any requests for variances or deviations that were not included on the approved master concept plan shall be processed in accordance with this section.
- (1) A traffic impact mitigation plan for the overall development at build-out based on the estimated impacts that will be generated by the project at build-out.
 - (2) An evaluation of the capacity of proposed drainage, and water and sewer services to be provided for the development at build-out.
 - (3) A notarized statement signed by the property owner designating the individual or firm that is authorized to act on behalf of the owner on all matters pertaining to the development order.

Sec. 3-159. - Types of development entitled to limited review.

- (1) The following types of development may be processed in accordance with this division:
 - (1A) Type A includes a cumulative addition or enlargement of an existing impervious area; provided that the addition or enlargement does not increase the total impervious cover area by more than 1,000 square feet and there is no increase in the rate of runoff from the project site.
 - (2B) Type B includes Any out-of-door type recreational facilities, such as swimming pools, tennis courts, tot lots and other similar facilities; provided the total cumulative additional impervious area does not exceed 8,000 square feet.

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- (3C) Type C includes Any one-time subdivision of land into four or less lots for single-family detached dwelling units or two-family detached dwelling units, where zoning district regulations permit such subdivision; provided, however, that:
- a. Each lot must meet or exceed all width, depth and area requirements of the zoning district in which located;
 - b. Each lot abuts and has access to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter. Each lot abuts and has access to a road complying with the requirements of section 3-302. The maximum allowable density for a proposed lot that will abut and have access to any unpaved rock/shell road (a category D road) is 0.4 or less dwelling units per acre in accordance with section 3-302(d) and (e). Compliance with maximum density requirements of the city comprehensive plan is also required;
 - c. No alteration of existing utility installations is involved;
 - d. No change in drainage will occur which adversely affects the surrounding properties; and
 - e. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in this chapter is required. This provision requires that a development order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road.
- (4D) Type D includes Any subdivision of land for a use other than single-family detached dwelling units, two-family detached dwelling units or agricultural; provided, however, that:
- a. Each lot must meet or exceed all requirements of the zoning district in which it is located, or the subdivision is approved by the city manager or designee under the provisions of section 4-1921(1), and the overall development complies with all other requirements of this chapter;
 - b. No development may occur on any of the lots without first obtaining a development order;
 - c. If the parent parcel is ten acres or greater, a protected species survey may be required as specified in article III, division 8, of this chapter;
 - d. Each lot must abut and have access to a road which is maintained, or to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter;
 - e. No significant alteration of existing utility installations is involved;
 - f. No change in drainage will occur which adversely impacts the surrounding properties;
 - g. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in this chapter are required. This provision requires that a development order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road; and
 - h. Reasonable conditions may be attached to the approval so that any development on all of the lots will comply with all city land development regulations.
- (5E) Type E includes Any single building of two dwelling units or less and any accessory improvements thereto on a single nonconforming lot as defined in chapter 4.
- (6F) Type F includes Any city-initiated improvements for public water access purposes in city-owned or city-maintained rights-of-way.
- (7G) Type G includes Any development for a fenced or screened enclosed storage yard as defined in chapter 4, provided that the yard consists solely of a stabilized grassed surface, a surface water management

system, buffers, and fencing; and provided further that site access complies with the provisions of this chapter and chapter 4.

(8H) Type H includes ~~the~~ installation of new utility lines in an existing right-of-way or easement.

(9I) Type I includes ~~Any~~ other improvement to land determined by the city manager or designee to have insignificant impacts on public facilities in accordance with applicable standards of measurement in this chapter (vehicular trips, amount of impervious surface, gallons per day, etc.).

(F) Type 99 Limited Development Order

All other developments subject to limited review pursuant to this section are classified as “Type 99” Limited Review Development Orders.

Sec. 3-268. Refuse and solid waste disposal facilities.

(a) Provision of container spaces. All new construction of multifamily residential developments, commercial businesses, and industrial uses must provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers. The amount of container space for garbage and recyclable collection may be determined by the schedule below or through Lee County Solid Waste to estimate the number and sizes of containers needed. At a minimum, the following area requirements must be provided:

Commercial Business Building sq. ft.	Multifamily Developments Units	Minimum sq. ft. for Garbage Collection	Minimum sq. ft. for Recyclable Collection
	5–25	120	48
	25+	168 sq. ft. (120 + 48) for first 25 units plus 4.8 sq. ft. for each additional dwelling unit.	
0–5,000		60	12
5,001–10,000		80	24
10,001–25,000		120	48
25,000+		168 sq. ft. (120 + 48) for first 25,000 sq. ft. plus 4.26 sq. ft. for each additional 1,000 sq. ft	

(b) ~~A minimum overhead clearance of 22 feet is required.~~ See article IV, section 3-493 for regulations regarding architectural design for garbage and recycling containers and ~~dumpster~~ enclosures.

(c) Container location requirements:

1. All garbage and recycle container shall be located so as to be easily accessible to the users and the solid waste hauler.
2. Container space enclosures must follow the setback requirements for accessory structures in the zoning district in which they are located and may not be located within or encroach into the required perimeter landscape buffer width for the proposed or constructed uses as provided in accordance with section 3-416(d)(3) and (4).
3. Concrete wall enclosures may not be located within a public utility or drainage easement.
4. Containers shall not block of view of motorists or pedestrians that would constitute a safety hazard.
5. A minimum overhead clearance of 22 feet is required.
6. For multi-family residential developments having more than one structure, no container shall be located more than 250 feet from the structure that it is intended to serve (unless a compactor is used for service).

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- (d) Dumpster sharing. Dumpster sharing is encouraged for the Downtown District and the Bonita Beach Road Corridor Overlay if an applicant demonstrates that the two users sharing a dumpster would not require additional dumpster space. A shared dumpster agreement must be recorded by a recordable covenant, lease, or other agreement. A shared dumpster must be within 600 feet of each use and may not be separated from the use by a street right-of-way or easement exceeding 60 feet in width.
- (e) Trash compactors may be used in lieu of dumpsters for solid waste disposal. Commercial, industrial and multi-family developments using a compactor for garbage collection must provide sufficient space for the compactor (including receiver) in addition to the space required for recyclable collection. Calculations must be provided to demonstrate the trash compactor meets the minimum area requirements as set forth in section 3-238(a) for standard dumpsters.
- (f) Container quantities. In the case of multi-family developments and commercial and industrial uses that do not receive curbside service and choose to use dumpster service, at least one dumpster shall be required for garbage collection and at least one dumpster for recycling collection. Prior to local development order or certificate of use submittal, the contractor, developer or homeowner's association must provide the number and size in accordance with Sec. 3-268(a).

Sec. 3-493. ~~Dumpster~~ Refuse and solid waste enclosures.

- (a) Dumpster enclosures
- (1) Applicability. All commercial, industrial and multifamily (four units or greater) developments requiring the use of dumpsters shall provide an enclosure for the screening of garbage and recycling containers. This provision is not applicable to dumpsters for construction debris. In no instance shall garbage containers be visible from a public street, publicly accessible property, residential zoned property or residentially used property. All items must be stored wholly within the dumpster enclosure. Where items are not contained within the dumpster or portable recycling bins, the enclosure area must be designed to provide for adequate storage area to ensure all items, refuse, debris, are contained and screened from viewsheds, both internal and external to the site, by the opaque enclosure.
- (~~b~~) (2) Construction. The enclosure must be constructed of masonry units or poured concrete with finish to be compatible with the primary structure.
- ~~(1)~~a. The walls shall be a minimum of eight inches thick and a minimum height of six feet.
- ~~(2)~~b. Concrete pad must be 3,500 psi strength concrete dimensioned at a minimum of 12 feet by 12 feet by six inches deep and must be raised a minimum of two inches from surrounding grade.
- ~~(3)~~c. Bollards. Metal filled with concrete (minimum diameter six inches) and a minimum clear height of 42 inches shall be placed inside the enclosure on each side and rear of the enclosure.
- (~~c~~) (3) Gate construction. The gate may be made of metal or wood, built in accordance with the Florida Building Code. The gate, including the frame must be opaque.
- ~~(1)~~a. Gates shall be attached to the walls or concrete filled pipes, full height of enclosure wall with a minimum of two hinges.
- ~~(2)~~b. Each gate shall have a wheel at the bottom or other acceptable construction to prevent sagging and shall have drop pins or rods to hold the gate in place in both open and closed positions.
- ~~(3)~~c. The minimum opening must be 12 feet for a single dumpster and an additional eight feet for every dumpster placed adjacent to the initial one.
- (~~d~~) (4) Compliance schedule. All commercial business establishments and multiple-family establishments using commercial dumpsters must comply with these requirements according to the following provisions:

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- ~~(1)~~a. New construction occurring after the adoption of this section shall comply prior to the issuance of a certificate of completion.
- ~~(2)~~b. Building renovation where such addition, renovation, or redevelopment exceeds 25 percent of the assessed value, or results in a new use, shall comply prior to the issuance of a certificate of compliance. For the purpose of assessed value, the value of land is excluded from calculations.
- (e)b) *Trash receptacles and containers.* All trash receptacles shall be enclosed within a decorative structure which must be complimentary to and consistent with the architecture of the principal building. All receptacles within commercial and public parking lots must be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner of the parking lot to provide the necessary receptacles and to collect the refuse and trash deposited in those containers and store this material in an approved location for collection.
- ~~(f) *Setbacks.* Enclosures for commercial dumpsters must follow the setback requirements for accessory structures in the zoning district in which they are located.~~
- (c) All storage areas/containers, i.e. trash cans and recycle cans (not dumpster enclosure) for refuse and solid waste must be adequately shielded by a landscaped screen and solid fencing along at least three sides, i.e. wood or vinyl. Use of chain link fencing to meet this requirement is prohibited. The enclosure shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts are fully contained and out of view from adjacent properties and public streets.. See Sec. 3-489 for further regulations.
- (g) *Administrative ~~variances~~ deviations.* In instances where existing commercial enterprises request an administrative ~~variance~~ deviation in order to fully comply with this section, the city manager or designee must find:
- (1) That substantial compliance with the requirements regarding dumpster enclosures can only be obtained through the granting of a ~~variance~~ deviation.
 - (2) That except for the ~~variance~~ deviation request, the dumpster enclosure would be in full compliance with this LDC relative to dumpster enclosures.

(Ord. No. 05-03, § 1(3-610), 1-19-2005; Ord. No. 15-05 , § 1, 2-18-2015)

Sec. 4-2224. Clearing, grading or filling of land.

- (a) The purpose of this subsection is to manage stormwater runoff and establish site grading and water management standards for single-family, two-family attached, and duplex residential lots in order to prevent detrimental impacts on site or to adjacent properties and/or waterbodies.
- (b) No land may be cleared, graded, excavated or filled, or otherwise altered, except in conformity with the regulations contained in this chapter and all other applicable ordinances.
- (c) Applicability. A stormwater drainage plan shall be required at time of building permit for all new residential structures, additions, pools, accessory structures, - and decks on single-family, two-family attached, and duplex residential lots with the following exceptions:
 - (1) Open wooden decks, nonroofed, 500 square feet or less.
 - (2) Structural additions 500 square feet or less, and more than ten feet from property line.
 - (3) Accessory structures 200 square feet or less, and more than ten feet from property line.

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- (4) Any other impervious area 200 square feet or less. For the purposes of this section, the term impervious area shall include roofed buildings, concrete and asphalt pads, pool deck (e.g. spraycrete), pavers with limerock base and swimming pools.
 - (5) Replacement mobile homes.
 - (d) Stormwater drainage plan criteria.
 - (1) *Drainage plan required for all new residential structures, additions, pools, accessory structures, and decks.*
 - i. A drainage plan prepared by a professional engineer, architect or land surveyor shall be submitted as part of an application for building permit for a single family, two family attached and duplex dwelling. Said drainage plan shall include the following:
 - 1. Method of erosion control, such as, but not limited to, silt fences, turbidity barriers, and filter fabric as outlined in the Florida Stormwater Sedimentation Control Inspector's Manual or a similar quality guidance manual.
 - 2. Gutters and downspouts shall be required when roof overhang is less than 10' from the property line. Said gutters and downspouts, shall be properly sized and direct stormwater away from adjacent properties and into swales or retention/detention areas. When the set back to the roof overhang is greater than 10', gutters and downspouts will be required when needed to prevent or mitigate increased drainage impacts onto adjacent properties.
 - 3. Dimensions and details of all existing and proposed drainage solutions including but not limited to:
 - a. Swales and berms. Show location and elevation.
 - b. Gutters and downspouts.
 - c. Yard drain/bubblers.
 - d. Stem walls.
 - e. Rain gardens.
 - f. Inlets. If inlets are proposed, provide details showing grate and pipe elevations.
 - g. Retaining walls. Retaining walls shall not be placed closer than one foot from the property line and per LDC Section 7-385 for waterbody setbacks. For height restrictions reference LDC Section 4-1467(b).
 - h. French drains. The stone in french drains shall provide a minimum void ratio of 40 percent.
 - 4. Cross-sections of the development from the area of construction to the property line in all directions (north, south, east and west), matching the existing elevations.
 - a. Show the location and elevation of all existing and proposed drainage solutions mentioned in 4-2224(d)(1)i.3.
 - b. Graded slopes shall not be any steeper than 5:1, unless otherwise approved by the city during the drainage review process.
 - 5. Existing and proposed elevations
 - a. A minimum of a 50 foot by 50 foot grid.
 - b. A minimum of five feet on to the adjacent property.

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- c. Existing elevation of crown of roadway.
 - d. Elevations to establish the transition to existing grades at adjacent property lines and/or any waterbody.
 6. Sidewalks. Label and provide the dimensions, elevations, and cross-sections of all sidewalks, if applicable pursuant to LDC Section 4-870(2).
 7. Pools. Show the location of overflow; a french drain may be required at this location.
 8. Closed drainage may be required along the property frontage adjacent to all city owned rights-of-way pursuant to LDC Sections 3-302 and 3-303.
 9. Drainage arrows clearly delineating the direction of flow.
 10. All materials used for ground cover, such as, but not limited to, sod, mulch, rock, artificial turf grass, and shell.
 11. Drainage plan requirements may be modified if an acceptable alternate plan is provided. Drainage plan requirements for permits within developments that have received local development order approval may be modified based on the lot grading drainage plan and overall stormwater management design.
 - ii. During the review of the drainage plan, the city reserves the right to require water quantity calculations by a professional engineer for lots that exceed 30 inches above the grade of existing adjacent lots. Calculations must demonstrate the ability to accommodate the runoff from a 5-year 1-day storm.
 - (2) *Site grading during construction activities.* The building site must be graded and maintained during construction to:
 - i. Prevent erosion of soil onto adjacent and abutting properties, street rights-of-way/easements, waterbodies or improved drainage conveyances:
 - ii. Ensure erosion control devices are being maintained as outlined in the Florida Stormwater Sedimentation Control Inspector's Manual or a similar quality guidance manual.
 - iii. Control surface water runoff to ensure that no surface water in excess of the preconstruction discharge flows onto developed adjacent or abutting properties and waterbodies; and
 - iv. Maintain the flow capacity and function of existing drainage conveyances on or abutting the site including adjacent street rights-of-way/easements or improved drainage conveyances.
 - (3) *Final site grading.*
 - i. An "as-built" of the constructed drainage plan prepared and certified by a professional engineer, architect or land surveyor may be required as part of the permit approval. If required, it shall be submitted prior to final inspection, certificate of completion or certificate of occupancy of the structure dwelling. This "as-built" shall be reviewed to determine if the work completed is in substantial compliance with approved plan.
 - ii. Items not in compliance with the approved drainage plan will be noted by the city and brought to the attention of the property owner or his representative for correction. Any revisions to an approved drainage plan must be submitted for review and approved prior to certificate of occupancy or certificate of completion.
 - iii. The city reserves the right to inspect the site during construction and/or prior to issuance of a certificate of occupancy or certificate of completion to ensure consistency with the approved drainage plan pursuant to LDC Section 4-2224(d)1.

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- iv. Final grading of a lot must:
 - 1. Control and direct surface water runoff to ensure that surface water discharge is directed into an existing surface water management system or other offsite drainage conveyance; and
 - 2. Preserve or relocate existing drainage conveyances necessary to maintain preconstruction flow capacity and function.
 - 3. Final site grading plan features must be maintained in perpetuity by the property owner. A property owner may not alter or modify the lot grading in a manner that will prevent continued drainage of the site in accordance with the storm water drainage plan in effect at the time the certificate of occupancy or certificate of completion was issued.
 - (e) Modifications that alter the drainage flow and which may cause flooding of other properties, public or private, are a violation and are hereby declared a public nuisance and are prohibited. Violations will be referred to the neighborhood services department. Corrective action requires submission of a drainage plan in accordance with this section that demonstrate no detrimental impacts on site or to adjacent properties and/or waterbodies.

(Ord. No. 07-20, 12-5-2007; Ord. No. 11-02, § 3(4-3104), 1-19-2011; Ord. No. 19-12 , § 1(Exh. A), 12-4-2019)

Sec. 6-112. Permanent signs in residential areas.

Permanent signs in residential areas shall be subject to the following:

- (1) *Definition.* For purposes of this section, the term "subdivision" includes mobile home and recreational vehicle developments, condominiums and multiple-family buildings containing five or more dwelling units.
- (2) *Residential development identification signs.*
 - a. *Entrance signs.* Permanent wall- or ground-mounted signs for identification purposes only, giving only the name of the subdivision or residential development, may be permitted at each main entrance into such subdivision or development, subject to the following regulations:
 - 1. Subdivision or residential development entrances which contain a boulevard entrance (i.e., a median strip separating the entrance and exit lanes) may be permitted:
 - (i) A single ground-mounted sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the intersecting rights-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
 - 2. Subdivision or residential development entrances which are not boulevards may be permitted:
 - (i) One double-faced sign facing perpendicular to the public road; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
 - b. *Additional identification signs.* One additional permanent wall or monument sign for identification purposes only, and giving only the name of the subdivision or residential

development, may be permitted along each boundary line of the development which exceeds 2,000 feet in length.

- c. *Internal subdivision signs.* Permanent wall or monument signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:
1. Subdivision entrances which contain a boulevard entrance; i.e., a median strip separating the entrance and exit lanes, would be permitted:
 - (i) A single monument sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the intersecting rights-of-way ~~of the public access road~~ and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
 2. Subdivision entrances which are not boulevards may be permitted:
 - (i) One double-faced sign facing perpendicular to the public road; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
- d. *Limitations.*
1. The subdivision's homeowners' association or similar entity must agree in writing to be responsible for maintenance of the sign.
 2. The face of each permitted main entrance identification sign shall not exceed 32 square feet, except that, in developments of more than 25 units, the face may be up to 105 square feet in area. The sign shall be not more than ten feet in height.
 3. The face of each permitted internal identification sign shall not exceed 32 square feet in area, and the sign shall not be more than eight feet in height.
 4. Except when permitted in the entrance median strip, the sign shall be located on private or commonly owned property and shall be set back a minimum of 15 feet from the ~~edge of the public right-of-way and at least 15 feet from the edge of the entranceway pavement, if a private street.~~ Signs located within a median strip shall not exceed five feet in height.
 5. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic, and comply with the outdoor commercial lighting standards, as set forth in chapter 3 of the city's land development code.
 6. The sign may incorporate or be incorporated into accessory entrance structural features such as a project wall or landscaping.
- (3) *Schools, churches, day care centers, parks, recreational facilities and libraries.* A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the city zoning regulations set out in chapter 4 shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:
- a. Maximum sign area shall be 32 square feet per sign face.
 - b. Signs shall be located ~~at least~~ a minimum of one foot from any street right-of-way or easement and 10 feet from any property line.
 - c. No sign shall exceed six feet in height.

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- (4) *On-site directional signs.*
- a. *Permitted signs.* Permanent wall- or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other subunits of development.
 - b. *Location.* On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
 - c. *Limitations.*
 1. The development shall have a homeowners' association or similar entity which will be responsible for maintenance of the sign.
 2. The face of each permitted directional sign shall not exceed ten square feet in area.
 3. Maximum permitted height shall be six feet.
 4. Signs shall be set back a minimum of 15 feet from the edge of the street right-of-way or easement.
 5. The signs may be illuminated.
- (5) *Flags and flagpoles.* Residential properties including agriculturally zoned districts with residential uses that have been issued a certificate of occupancy are permitted:
- a. On single-family and duplex lots a flagpole shall not exceed 30 feet in height above finished grade or extend more than 20 feet from any building to which it is attached.
 - b. On all other residentially zoned parcels, a flagpole shall not exceed 35 feet in height above finished grade or extend more than 20 feet from any building to which it is attached.
 - c. Flagpoles shall have the flagpole foundation or flagpole attachment design/construction plan signed and sealed by a professional engineer licensed in the State of Florida. The design/construction plan shall indicate the maximum flag area that the flagpole is capable of supporting, with the following exception: No permit is required for flagpoles less than 15 feet in height for single-family and duplex lots.
 - d. All flagpoles shall have a minimum five-foot setback from all property lines.
 - e. All flagpoles that are permitted must display their permit number at the base of the flagpole.
 - f. See section 6-6 for number of flags and size requirements.

Sec. 6-113. Permanent signs in commercial and industrial areas.

In order to provide fair, equal and adequate exposure to the public, and to prevent a single property owner from visually dominating neighboring properties with signs, all nonresidential uses are limited to a total permissible sign area in accordance with the provisions of this section. Where multiple on-premises signs are proposed for a single site or development, or in the case of a shopping center or other multiple-occupancy complex including out-parcels under unified control with the main development, a unified sign plan must be employed, pursuant to LDC 3-494.

- (1) *Monument signs.*
- a. For uses with less than 330 feet of frontage, one freestanding monument sign not to exceed eight feet in height and 12 feet in width is permitted.
 - b. For uses with over 330 feet of frontage, two freestanding monument signs not to exceed eight feet in height and 12 feet in width are permitted.

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- c. Copy area on all freestanding monument signs shall not exceed 75 percent of the total sign area. Twenty-five percent of the sign area shall include architectural features. The total size of the sign may be increased up to an additional ten percent provided that all of the proposed increase is devoted to additional architectural features.
 - d. Within the Bonita Beach Road Corridor, monument signs are limited to seven feet in height, as measured from the centerline of the road.
 - e. Frontage roads. Where a business fronts upon a collector or better street but is separated by a frontage road, the allowable sign area shall be treated as though the frontage road was not there.
 - f. Where a nonresidential subdivision has more than one entrance from the same street, one additional identification sign not exceeding 16 square feet in area, not illuminated, and displaying the name of the development only may be permitted at each additional entrance.
 - g. An identification sign may be illuminated with a steady downward facing light, meeting the city dark skies requirements, as set forth in the outdoor commercial lighting standards of chapter 3 of the land development code. This sign shall not be animated.
 - h. Monument signs shall be set back a minimum of one foot from any street right-of-way or easement, and ten feet from any other property line. In no case shall an identification sign be permitted between a collector or arterial street and a frontage road. Encroachment into any easement is subject to LDC Sec. 3-266.
 - i. Monument signs shall be designed in a manner compatible with the site buildings in color, materials and architectural design. In addition to the color theme of the buildings on site monument signs may use one additional color for background.
 - j. Logos. Logos that are federally or state registered trademarks may be permitted as part of a sign as follows:
 - 1. When the logo does not exceed 20 percent of the sign's copy area the logo colors will not count towards the limitations of colors as defined herein.
 - 2. When a logo exceeds 20 percent of the sign's copy area, the colors contained within the logo shall conform to the color restrictions for monument signs.
 - k. Address numbers for nonresidential subdivisions with multiple buildings. The address numbers will be located on each building. Address numbers will be visible from all internal vehicular access points. These numbers must be at least six inches in height and made of reflective material. At the time of development order, the location of placement of address numbers must be shown on any application required to provide building elevations. Suite numbers must also be provided on service or rear entries. These numbers must be at least six inches in height and made of reflective material.
 - l. Copy area (message) shall not exceed 80 percent of the width and height of the sign face area with a minimum of ten percent clear area from the outer edge.
- (2) *Individual occupants.* Individual offices, institutions, business or industrial establishments located within a shopping center or other multiple-occupancy complex shall not be permitted individual ground-mounted identification signs but may display wall-mounted, marquee or under-canopy signs.
- (3) *Outparcels.* In addition to the above requirements, outparcels that have road frontage of 150 feet or more (regardless of access) may have a freestanding monument sign, subject to the following limitations:
- a. Sign shall not exceed 60 square feet.
 - b. Sign shall be limited to six feet in height.

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- c. Color limitations for background or logos do not apply to outparcel freestanding monument signs permitted within this subsection.
- (4) ~~One wall sign~~ Wall signs shall be permitted for each single-occupancy parcel, or for each unit in a shopping center. End units within shopping centers or single-occupancy parcels where there is double frontage on a public right-of-way, shall be ~~allowed two signs, but such signs shall not be placed on one wall~~ permitted to have wall signs on the frontage facades. ~~Retail businesses with a floor area of larger than 25,000 square feet and a front wall length of more than 200 linear feet are allowed three wall signs ;~~
- a. No wall sign shall exceed 80 percent of the width of the unit(s) or the building with a minimum of ten percent clear area on each outer edge of the unit(s) or of the building. The clear area, however, may be reduced in width or eliminated if it interferes with the architectural features of the unit(s) or the building.
- Where multiple signs are proposed, all signs combined, inclusive of spacing between each sign will count toward the 80% width. The sign area shall be measured from the outside edges of combined signs, with spacing or the sign frame, whichever is greater.
- b. No wall sign shall project more than 12 inches from the building or exceed the height of the parapet wall to which it is attached.
- c. Wall signs are permitted on any wall facing a local, collector or , arterial street or parking lot provided that the total sign area of the wall sign and any attached marquee or canopy sign does not exceed ~~15~~ 10 percent of the wall area.
- Where multiple signs are proposed, all signs combined, inclusive of spacing between each sign will count toward the 10% width and 10% wall area. The sign area shall be measured from the outside edges of combined signs, with spacing or the sign frame, whichever is greater.
- d. Where the wall abuts residentially zoned property or a delivery vehicle access way, wall signs shall be limited to a maximum size of 32 square feet in area.
- e. Buildings two stories or less:
1. Wall signs shall be located solely on the façade of the unit which the tenant occupies.
 2. Wall signs shall be designed to be in proportion to the architectural façade or wall upon which it is attached.
 3. Additional signs are allowed on façades located interior to courtyards and shopping malls and the like provided the signs are not visible from any public property (e.g., street, right-of-way, sidewalk, alley), interior drive, parking lot or adjacent private property.
- f. Multiple-story buildings with three or more stories are limited to one wall sign per street frontage not to exceed a maximum of two wall signs per building. Such signs shall not be placed on the same wall.
1. Wall signs may be located in the uppermost portion of the building not to exceed the main roof or parapet. A notarized authorization letter is required at the time of building permit submittal from the property owner or property management company giving authorization as to which tenant signs will be allowed.
 2. The wall sign may identify the name of the building or a main occupancy.
 3. A wall directory sign will be permitted at each building entrance provided that such directory sign may not exceed a total of eight square feet.

-
4. Multiple story buildings with ground level stores. Any building which contains ground level store(s), shop(s) or bay tenant(s) shall be permitted one sign for each individual store, shop or bay per street front or vehicular travel way. Such signs shall not extend above the second floor level.
 - g. Marquee signs. Marquee signs are permitted only on marquees or canopies otherwise lawfully permitted or in existence. Marquee signs shall not extend horizontally beyond the edges of the canopy or marquee to which they are attached or from which they are suspended. Notwithstanding other regulations of this article, the projection of a sign from the wall of a building shall be permitted on marquees subject to the following limitations:
 1. Such signs shall indicate only the name of the building or the name of the principal occupant of the building.
 2. Such signs shall be affixed flat to the face of the marquee, projecting no more than three inches therefrom.
 3. Such signs shall not extend above or below the structure of the marquee.
 4. Such signs shall be counted in determining the area of wall mounted signs permitted on the wall from which the marquee projects.
 - h. Under-canopy signs. Signs attached to the underside of a canopy shall have a copy area no greater than six square feet, with a maximum letter height of six inches, subject to a minimum clearance height of seven feet from the sidewalk, and shall be mounted as nearly as possible at a right angle to the building face, and must be rigidly attached.
 - i. Sign content. No sign permitted by subsection (b)(2)c. shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.
- (5) *Interior directional signs.* Directional signs interior to a multiple-occupancy complex of five or more establishments or to a nonresidential subdivision may be permitted subject to the following:
- a. Interior directional signs shall not exceed eight feet in height and 32 square feet in total sign area;
 - b. Individual tenant panels not exceeding four square feet in area may be affixed to the interior directional sign structure provided that the total sign area does not exceed 32 square feet;
 - c. Signs shall be located in a manner which will not adversely obstruct safe visibility between moving vehicles or vehicles and pedestrians;
 - d. Signs shall not be visible from outside the complex premises.
- (6) *Hospitals or other emergency medical facilities.* Hospitals or other emergency medical facilities shall be allowed the same size identification sign as permitted for individual establishments. In addition, one additional illuminated ground or wall sign, not to exceed 16 square feet in area, to identify emergency entrances, shall be permitted.
- (7) *Flags and flagpoles.* Nonresidential zoned properties that have been issued a certificate of occupancy are permitted:
- a. On all nonresidential zoned properties, a flagpole shall not exceed 50 feet in height from the finished grade, nor extend more than 20 feet from any building to which it is attached.
 - b. All nonresidential flagpoles shall have the flagpole foundation or flagpole attachment design/construction plan signed and sealed by a design professional as provided for in the Florida

Building Code. The design/construction plan shall indicate the maximum flag area that the flagpole is capable of supporting.

- c. All flagpoles shall be setback a sufficient distance to ensure that the any flag placed on the pole will not fly, float or flutter over any adjacent properties. In all cases there shall be a minimum 5 foot setback from all property lines.
 - d. All flagpoles that are permitted must display their permit number at the base of the flagpole.
- (8) *Sandwich board/sidewalk signs may be permitted subject the following conditions:*
- a. One non-illuminated sandwich board/sidewalk sign is allowed per business establishment.
 - b. The sign must be placed on the private property and within ten feet of the front door of the business or within a designated outdoor eating area. Signs shall maintain passage way for pedestrian and ADA accessibility and shall not block access to an entrance.
 - c. The size of the sign shall be no more than 30 inches wide and 42 inches in height. The sign must be weighted at the base to provide stability. A maximum of two sign faces are allowed per sign.
 - d. The sign must be moved inside the business when the business is closed.
- (9) *Menu boards.* For each customer ordering station, one sign with a maximum height of six feet measured from drive-thru lane grade adjacent to the sign and 64 square feet of area is allowed for each drive-thru lane for customers to place orders, not to exceed a total of four menu boards.

(Ord. No. 12-07, § 2(6-153), 7-18-2012; Ord. No. 15-03 , § 2, 1-7-2015)

REQUESTED MOTION: Public Hearing regarding the grant applications to be submitted for the Rebuild Florida General Infrastructure Program through the U.S. Housing and Urban Development (HUD) Community Development Block Grant Mitigation (CDBG-MIT) Program to allow for citizen participation, public comment and input to be collected to determine community interest in participating in the program

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

AGENDA: Public Hearing

STRATEGIC PRIORITY: 1) Stormwater Management

BACKGROUND: The Florida Department of Economic Opportunity (DEO) opened the grant application cycle on June 16, 2021 for the Rebuild Florida General Infrastructure Program. In April 2018 the U.S. Department of Housing and Urban Development (HUD) announced that Florida would receive \$633,485,000 in funding to support long-term mitigation efforts (following Hurricanes Hermine, Matthew and Irma) through the HUD's Community Development Block Grant Mitigation (CDBG-MIT) Program.

The MIT program is designed to address mitigation needs to ensure that the state of Florida is more resilient to future natural disasters. To administer this program, city and county governments that are within the Most Impacted and Distressed (MID) areas, as defined by HUD and DEO in the 2018 State of Florida Action Plan for Disaster Recovery, may apply. Lee County and all cities located within the County are MID areas.

At the August 25, 2021 City Council meeting, staff was directed to submit two (2) grant applications to DEO. The first application is for the renovation and hurricane hardening for the former Lee County Public Library building located at 26875 Pine Avenue. The second application is to provide stormwater improvements on East Terry Street from Imperial Parkway east to Bonita Grande Drive.

Prior to submittal of the CDBG-MIT application on September 17, 2021, the City is required to hold a public hearing to allow for citizen participation, public comment and to determine if there are additional interested parties for the Program. Staff advertised the grant application notice in both, English and Spanish in the Naples News on August 17, 2021 advising that if there were any interested party in either contract they could contact the City for additional information.

STAFF RECOMMENDATION: Allow for citizen participation, public comment, and community input to determine community interest in participating in the program.

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____



NOTICE FOR PUBLIC COMMENTS

CITY OF BONITA SPRINGS

NOTICE IS HEREBY GIVEN that the City will receive comments on a grant application submittal to the Florida Department of Economic Opportunity (FDEO) for Community Development Block Grant – Mitigation (CDBG-MIT) for two (2) infrastructure projects. Comments will be collected until Thursday, September 2, 2021 by 5:00 P.M., through email or in writing to Elly Soto McKuen, Senior Project at the City of Bonita Springs City Hall located at 9101 Bonita Beach Road, Bonita Springs, Florida. Email comments can be directed to Elly.McKuen@cityofbonitasprings.org.

The State of Florida has allocated \$500 million to the State through the CDBG-MIT General Planning Support Program. The goal of the program is to allow communities to develop strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters based on determinations found in the State of Florida 2019 Mitigation Action Plan. The City of Bonita Springs is seeking citizen participation, public comment, and input for the CDBG-MIT Program during a 14-day comment period posted on the City's website.

The City is considering submitting two (2) infrastructure applications. The first would be to construct hurricane hardening improvements to the former County library building located on Pine Avenue. The City is currently negotiating an ownership transfer from Lee County to the City. Hurricane hardening activities would be items such as a new roof, shutters, elevating the building out of the flood plain, etc.

The second application would be stormwater improvements along East Terry Street from Imperial Parkway east to Bonita Grande Drive. The area sustained a significant amount of standing water during and following Hurricane Irma. This section of the roadway was almost impassable for a substantial period of time following the storm making it difficult to move traffic through this section of the City.

The FDEO announcement of the proposed funding allows applicants to apply for a minimum of \$2,000,000 and a maximum of \$175.0 million during the funding cycle. The City anticipates applications that supports a funding request of approximately \$2.5 million and \$4.5 million, respectively to complete the City's two (2) projects.

Direct questions or request for additional information to Elly Soto McKuen, Senior Project Manager at (239) 949-6262 or email at Elly.McKuen@cityofbonitasprings.org.

CONVOCATORIA PARA COMENTARIOS PÚBLICOS

CIUDAD DE BONITA SPRINGS

POR MRDIO DE LA PRESENTE SE DA AVISO de que la Ciudad recibirá comentarios sobre la presentación de una solicitud de subvención al Departamento de Oportunidades Económicas de la Florida (FDEO) para Subvención en Bloque del Desarrollo Comunitario - Mitigación (CDBG-MIT) para dos (2) proyectos de infraestructura. Los comentarios se recibirán hasta el jueves 2 de septiembre de 2021 a las 5:00 p.m., por correo electrónico o por escrito a Elly Soto McKuen, gerente de proyectos del Ayuntamiento de la ciudad de Bonita Springs, ubicado en 9101 Bonita Beach Road, Bonita Springs, Florida. Los comentarios por correo electrónico se pueden dirigir a: Elly.McKuen@cityofbonitasprings.org.

El estado de la Florida ha asignado 500 millones de dólares a través del Programa de apoyo a la planificación general CDBG-MIT. El objetivo del programa es permitir que las comunidades desarrollen actividades estratégicas y de alto impacto para minimizar o eliminar los riesgos y reducir las pérdidas de desastres futuros según las determinaciones que se encuentran en el Plan de acción de mitigación del estado de Florida 2019. La Ciudad de Bonita Springs está buscando participación ciudadana, comentarios públicos y aportes para el Programa CDBG-MIT durante un período de comentarios de 14 días publicado en el sitio web de la Ciudad.

La Ciudad está considerando enviar dos (2) solicitudes de infraestructura. La primera sería para construir mejoras de endurecimiento para huracanes en el antiguo edificio de la biblioteca del condado ubicado en Pine Ave. Actualmente, la ciudad está negociando una transferencia de propiedad del condado de Lee a la ciudad. Las actividades de endurecimiento por huracanes serían elementos como un techo nuevo, contraventanas, elevar el edificio fuera de la cota de inundación, etc.

La segunda aplicación sería para la mejora de las aguas pluviales a lo largo de East Terry St. desde Imperial Pkwy. este hasta Bonita Grande Dr. El área sufrió una cantidad significativa de inundación durante y después del huracán Irma. Esta sección de la carretera estuvo casi intransitable durante un período sustancial de tiempo después de la tormenta, lo que dificultó el paso del tráfico a través de esta sección de la ciudad.

El anuncio de la FDEO del financiamiento propuesto permite a los aplicantes solicitar un mínimo de 2 millones y un máximo de 175 millones durante el ciclo de financiamiento. La Ciudad anticipa solicitudes que apoyaran una solicitud de financiamiento de aproximadamente 2.5 millones y 4.5 millones, respectivamente, para completar los dos (2) proyectos de la Ciudad.

Dirija sus preguntas o solicite información adicional a Elly Soto McKuen, gerente de proyectos al (239) 949-6262 o envíe un correo electrónico a Elly.McKuen@cityofbonitasprings.org

REQUESTED MOTION: Approve a Resolution to adopt the 2021-2022 annual Stormwater Assessment Fee at the same assessment fee as 2020.

REQUESTOR: Derek Rooney, City Attorney; Matt Feeney, Assistant City Manager; Elly Soto McKuen, Senior Project Manager

AGENDA: City Attorney's Items

STRATEGIC PRIORITY: #1 Stormwater

BACKGROUND: Ordinance No. 19-05 established a Stormwater Utility Ordinance and authorized the imposition of assessments and utility fees to fund the City's Stormwater Management Services. Section 48-100 within the Ordinance authorizes the imposition of a stormwater service assessment and a stormwater improvement assessment. The Stormwater Assessments to be charged to all Benefitted Property pursuant to the methodology approved at the public hearings adopting Resolution 19-72 will be computed for each tax parcel of Benefitted Property located within the benefit area for the Fiscal year beginning on October 1, 2021, by multiplying the number of Equivalent Residential Units (ERUs) attributable thereto by the ERU rate of \$50.00, less any authorized mitigation credits for which the benefitted property may be entitled to arrive at the net ERU. The \$50.00 rate includes \$26 for the stormwater service assessment and \$24 for the stormwater improvement assessment.

STAFF RECOMMENDATION:

ATTACHMENT:

1. Resolution
-

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS

RESOLUTION NO. 2021 -

A RESOLUTION OF THE CITY OF BONITA SPRINGS RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SYSTEM AND IMPROVEMENTS; IMPOSING A NON-AD VALOREM ASSESSMENT FOR STORMWATER UTILITY FEES AGAINST CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS ESTABLISHED AS THE STORMWATER BENEFIT AREA; APPROVING THE STORMWATER ROLLS; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Bonita Springs, Florida has enacted Ordinance No. 19-05 establishing a Stormwater Utility Ordinance, and authorized the imposition of assessments and utility fees to fund the City's Stormwater Management Services; and

WHEREAS, the imposition of stormwater utility fees is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Management Services among parcels of property that are benefited thereby; and

WHEREAS, on February 20, 2019, the City Council adopted Resolution No. 19-16, electing to use the uniform method of collecting Non-Ad valorem special assessments for the provision of stormwater services, facilities and programs within the City boundary, which identifies all parcels located within the Bonita Springs City limits as its area of applicability and determined those properties to be benefited by the City's Stormwater Management Service area, identified the method of assigning Equivalent Residential Units (ERUs) and apportioning the cost of the Stormwater Management Services against benefited property located within the benefit area; directed the preparation of the tentative Stormwater Assessment rolls; and directed the provision of notices as required by law; and

WHEREAS, on September 9, 2019, the City Council adopted Resolution 19-72, constituting the Final Rate Resolution, adopting the Stormwater Assessment rolls, imposing Stormwater Assessments and their collection pursuant to the Uniform Assessment Collection Act; and

WHEREAS, pursuant to the Ordinance 19-05, the City Council is authorized to subsequently establish and impose Stormwater Assessments through the adoption of an Annual Stormwater Service Assessment resolutions.

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

Section 2. This Resolution is adopted pursuant to the provisions of Ordinance No.19-05, the Final Rate Resolution No. 19-72, Chapter 403, Florida Statutes, and other applicable provisions of law.

Section 3. This Resolution shall constitute the annual Stormwater Assessment resolutions as provided by Sections 48-158 and 48-208, respectively.

Section 4. The maximum rate per Equivalent Residential Unit(ERU) established in Resolution No. 19-72 is hereby ratified and confirmed without change for the Fiscal Year beginning October 1, 2021.

Section 5. The Stormwater Assessments to be charged to all Benefited Property pursuant to the methodology approved at the public hearings adopting Resolution 19-72 will be computed for each tax parcel of Benefitted Property located within the benefit area for the Fiscal Year beginning on October 1, 2021 by multiplying the number of ERUs attributable thereto by the ERU rate of \$50.00, less any authorized mitigation credits for which the benefitted property may be entitled to arrive at the net ERU. As provided in Ordinance 19-05, the Stormwater Assessments shall constitute a lien upon the tax parcels so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity of all other liens, titles, and claims, until paid. The lien for Stormwater Assessments shall be deemed perfected upon adoption by the Council of this Resolution. Upon perfection, the lien for Stormwater Assessments collected under the Uniform Utility Collection Act shall attach to the property included on the tax roll as of the prior January 1, the lien date for ad valorem taxes.

Section 6. The Stormwater Assessment shall be collected pursuant to the Uniform Assessment Collection Act. The City Clerk is hereby authorized and directed to certify and deliver or cause the certification and delivery of the Stormwater Assessment rolls to the Lee County Tax Collector by September 15, 2021 in the manner prescribed by Section 197.3632, Florida Statutes.

Section 6. The adoption of this Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the amount per ERU, the adoption of the Stormwater Assessment rolls and the levy and lien of the Stormwater Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Resolution.

Section 7. This Resolution shall be effective upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 1st day of September, 2021.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____

City Attorney

Vote:

Carr

Corrie

Purdon

Quaremba

Forbes

Steinmeyer

Gibson

Date filed with City Clerk: _____

REQUESTED MOTION: Discussion on the current FY2021-2022 draft budget.

REQUESTOR: Lisa Griggs Roberson, CPA, Director of Financial and Administrative Services

AGENDA: City Manager's Items

STRATEGIC PRIORITY: 7) Government Transparency

BACKGROUND:

Staff will be reviewing the materials previously provided for discussion and City Council's direction in preparation of the September 14th budget hearing.

STAFF RECOMMENDATION: Council's pleasure.

ATTACHMENTS:

1. 2021-2022 Budget Update

REVIEWERS:

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

Council Action: Approved Denied Deferred Other _____



2021-2022 BUDGET UPDATE

Ad Valorem/Real Estate Tax Revenue

July 1st Preliminary Taxable Value Increase				6.13%	
	2020 Taxes	Millage Rate Options 2021 Taxes			
	0.8173	0.8173	0.8000	0.7880	*
Revenue	\$9,249,070	\$9,809,100	\$9,601,400	\$9,457,400	
\$ change		\$ 560,030	\$ 352,330	\$ 208,330	
* Rolled-back rate of 0.7880 is adjusted by 2.4% of new construction taxable value.					
Budgeted at the historic collection rate of 96%.					

Real Estate Tax Projection

2020	2020	2021	Millage Rate Options 2021 Taxes		
Taxable Value	Taxes 0.8173	Taxable Value*	0.8173	0.8000	0.7880
\$ 150,000	\$ 123	\$ 156,000	\$ 127	\$ 125	\$ 123
\$ 250,000	\$ 204	\$ 260,000	\$ 212	\$ 208	\$ 205
\$ 350,000	\$ 286	\$ 364,000	\$ 297	\$ 291	\$ 287
\$ 500,000	\$ 409	\$ 520,000	\$ 425	\$ 416	\$ 410

* Based upon Save Our Homes qualified residence with annual increase of 1.4%

Real Estate Taxable Value Distribution

2021 Taxable Value Range	Number of Parcels	% of Total Parcels	Tax at Upper Boundary
Less than \$200,000	17,663	47%	\$163
\$200,000 to \$400,000	12,201	33%	\$327
\$400,000 to \$600,000	3,812	10%	\$490
\$600,000 to \$800,000	1,118	3%	\$654
\$800,000 to \$1,000,000	611	2%	\$817
\$1,000,000 to \$1,500,000	955	3%	\$1,226
\$1,500,000 to \$2,000,000	342	1%	\$1,635
Greater than \$2,000,000	513	1%	various
	37,215	100%	
80% of taxpayers pay \$327 or less in Real Estate Taxes			

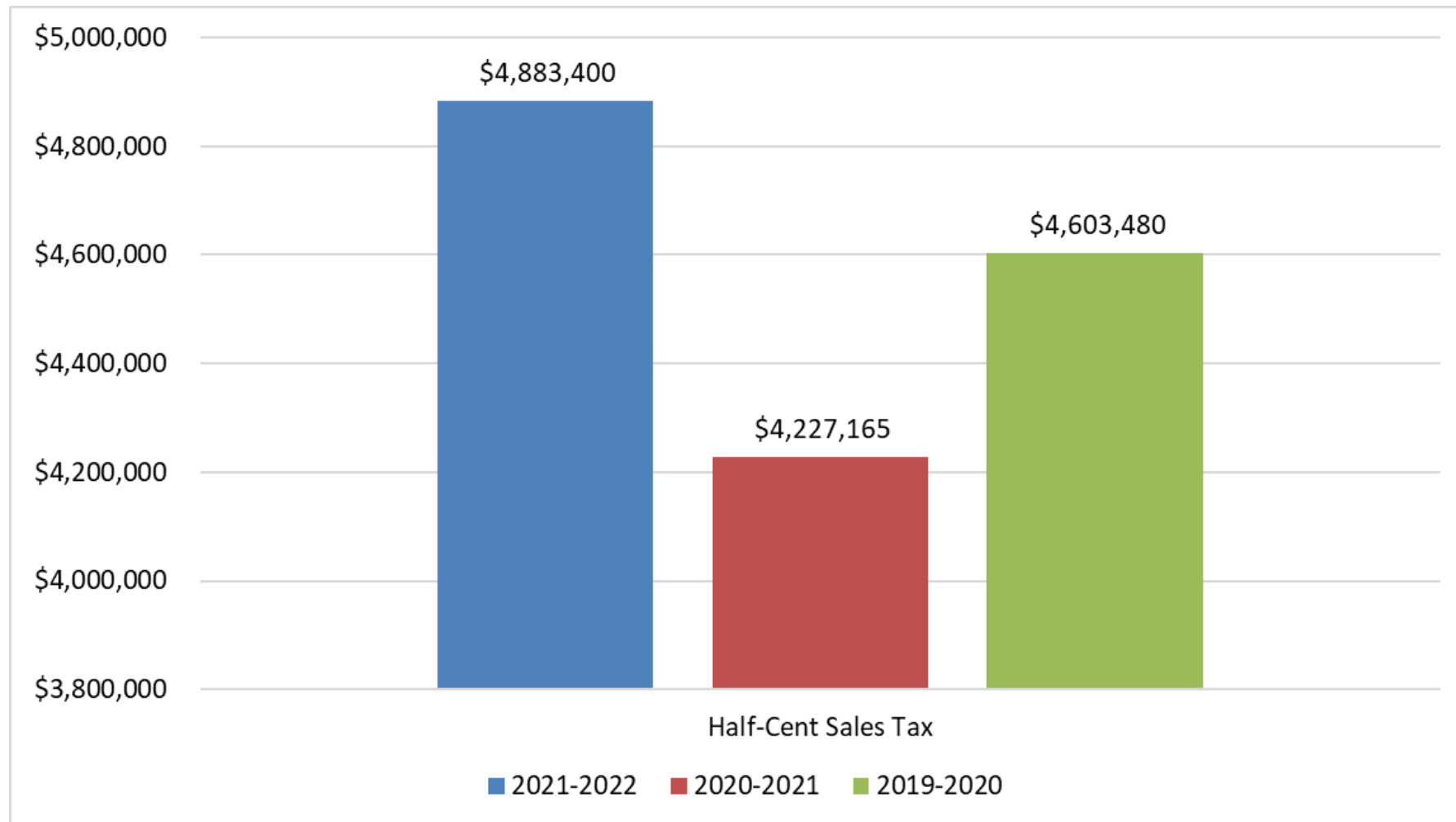
Real estate parcel data excludes parcel with zero taxable value.

Real Estate Property by Category

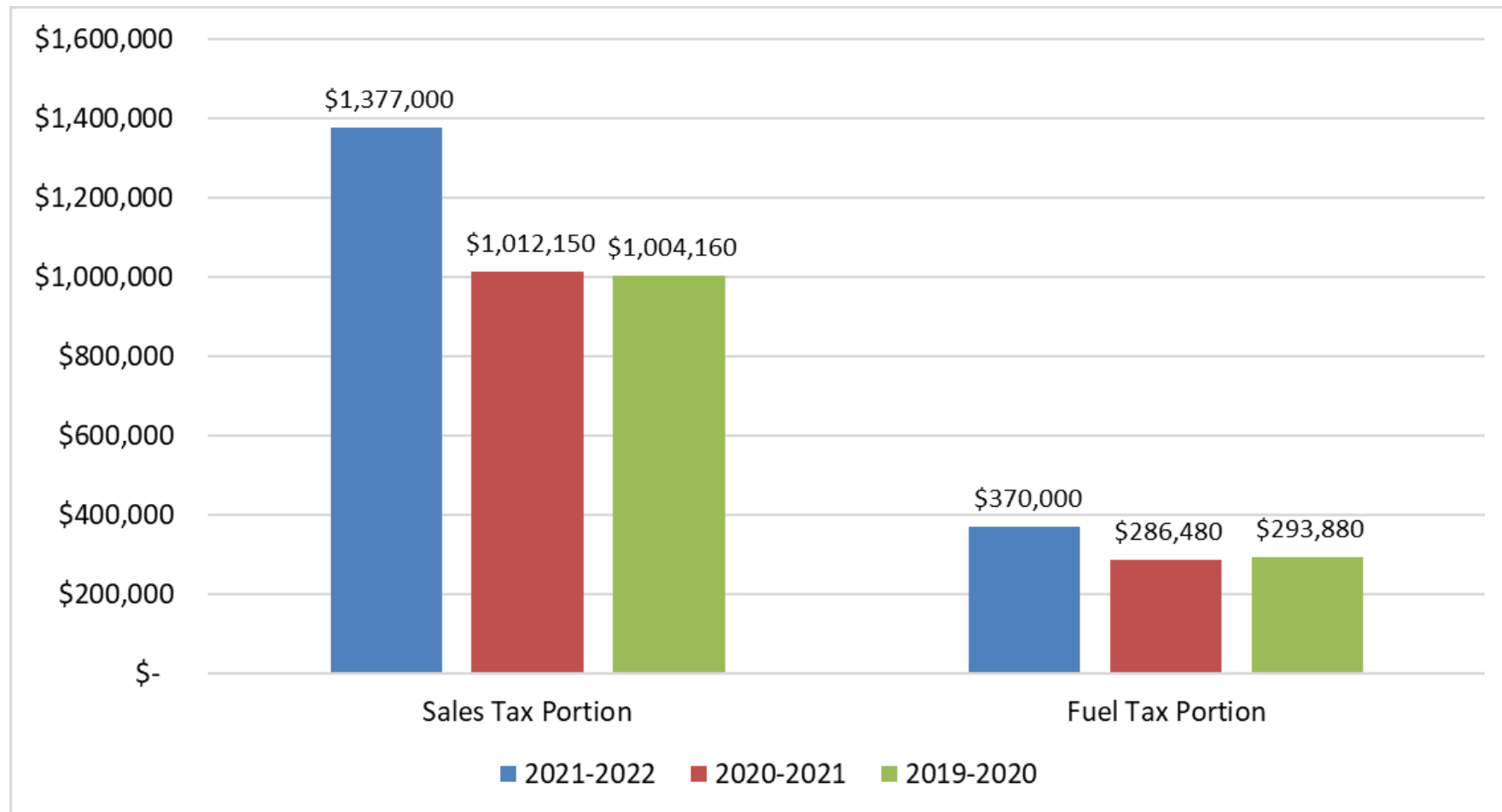
	Taxable Value	
Residential	10,967,407,626	90%
Commercial/Industrial	1,165,834,068	10%
Other non-classified	41,815,450	0%
	12,175,057,144	100%

Real estate property tax roll data excludes personal property and centrally assessment property such as railroads.

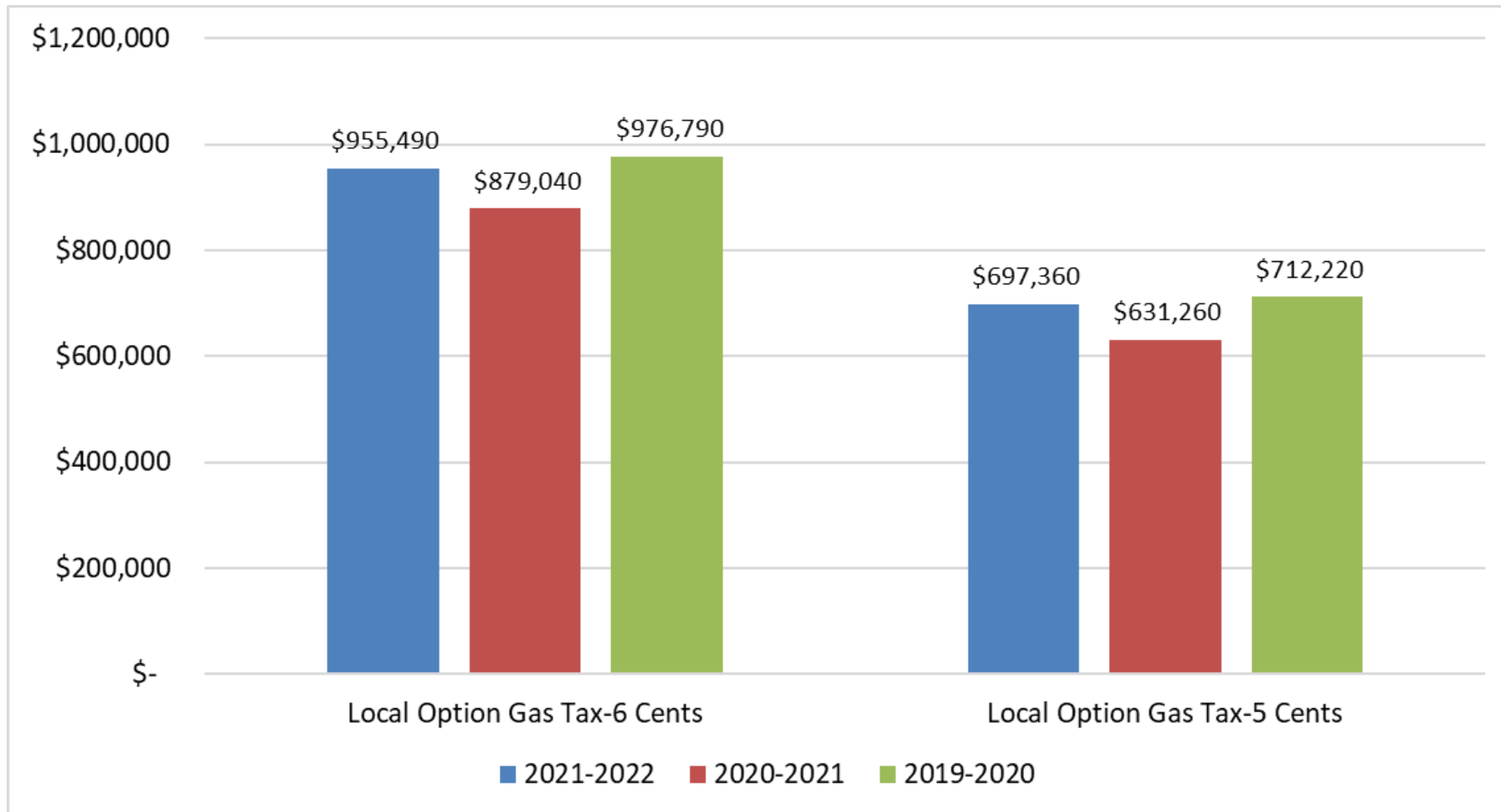
Half-Cent Sales Tax State Projects 16% Growth



Municipal Revenue Sharing State Projects 35% Growth



Local Option Fuel Tax State Projects 9% Growth



Revenue Changes from Last Budget Draft

Ad Valorem Taxes @ .8173 Increase	
from 4.65% (6/1) to 6.13% (7/1)	\$ 136,000
Half-Cent Sales Tax	136,400
Municipal Revenue Sharing	
Sales Tax Portion	337,000
Fuel Tax Portion	78,000
Local Option Gas Tax-6 Cents	70,490
Local Option Gas Tax-5 Cents	57,360
	<u>\$ 815,250</u>
General Fund-Unrestricted Revenue	378,400
Restricted Revenue	436,850
	<u>\$ 815,250</u>

Continuation of Services Budget Changes

EnerGov & Munis software compatibility update	\$ 10,000
Insurance City operations & facilities	296,600
	<u>\$ 306,600</u>

Increased Level of Services Budget Changes

Library-Operating	\$ 20,000
Library-Capital Improvement (CIP-GF)*	350,000
Structural Engineering Consulting Services (BF)	150,000
Technology Infrastructure Planning (CIP-GR)	250,000
Parking Garage Feasibility (CIP-GF)	50,000
Liles Hotel/Plaza/Cottages/Dock Security Cameras-Operating	3,000
	<u>\$ 823,000</u>

CIP=Capital Improvement Project; GF-General Fund;
GR=Grant Fund; BF= Building Fee Fund

* City seeking grant to fund allowable improvements.

Discussion of additional changes

- Baseball Complex Master Plan for Design & Construction Phase II Capital Improv. Project Current Budget \$1,000,000 increase of \$200,000
- City Hall Sewer Lateral Repair Asphalt Overlay expanded to include ADA Compliant Sidewalk Modification Capital Improv. Project Current Budget \$55,000 increase of \$30,000

Summary of Proposed Changes

General Fund	
Revenue Increases	378,400
Expenditures Increases	(329,600)
Capital Improv.Project Funding Increases	(630,000)
Impact on Unassigned Fund Balance	(581,200)
Special Revenue Funds	
Revenue Increases	436,850
Expenditures Increases	(150,000)
Capital Improv.Project Funding Increases	(250,000)
Impact on Restricted Funds	36,850
Impact on All City Funds	\$ (544,350)

Projection of Unassigned Fund Balance as of September 30, 2022

Estimate completed on July 7, 2021		\$ 6,195,990
Impact of Proposed Budget Changes		(581,200)
Estimate updated on August 12, 2021		<u>\$ 5,614,790</u>

Please note that Unassigned Fund Balance will be recalculated based upon actual collections and activity for fiscal year ending 9/30/2021. Historically this recalculation has resulted in an increase which is anticipated again this year as the result of our current economic conditions.