

NOTICE OF PUBLIC MEETING
CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, NOVEMBER 4, 2020
5:30 P.M.

**BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT
27701 BONITA GRANDE DRIVE
BONITA SPRINGS, FL 34135**

To submit your public comment in writing, please email the City at CITYMEETINGS@CITYOFBONITASPRINGS.ORG
Any written public comment must be received by 12:00 P.M. on November 4, 2020.

[CLICK HERE](#) to watch the meeting online, or visit the City's website at WWW.CITYOFBONITASPRINGS.ORG and click
"How do I?" and then click "Watch a meeting live" to access the live stream.

1. Call to order
2. Invocation:
3. Pledge of Allegiance
4. Roll Call
5. Recognition of the Bonita Springs Bull Sharks on their overtime victory against the Estero Wildcats.
(Council Member Mike Gibson)
6. Public Comment on Agenda Items
7. Zoning and land use items:

First reading of the following Zoning Ordinance:

- A. A Zoning Ordinance of the City of Bonita Spring amending the existing zoning for the Channel 30 Commercial Planned Development; amending the height and number of stories, increase the square footage of the modular communication buildings, and removal of the caretakers quarters, amending the Master Concept Plan, and amending the Schedule of Deviations; on 6.11 +/- acres along the north of the Collier County line, east of the Seminole Gulf railway, and west of Mediterra Residential golf course; and providing for an effective date. Zoning Ordinance to be provided via Addendum (Greensheet No. 20-11-339)

Second reading and public hearing of the following Zoning Ordinance:

- B. A Zoning Ordinance of the City of Bonita Springs amending the existing zoning for the Bonita Village Mixed-Use Planned Development; amending the provisions relating to permitted height along the northern and eastern boundaries of the project, amending the master concept plan, and amending the schedule of deviations; on 19 +/- acres along the north of Bonita Beach Road, east of Imperial River Road, and west of Meadowlark Lane; and, providing for an effective date. (Greensheet No. 20-11- 340)

Short recess, if needed.

8. Consent Agenda: (Note: Items on the Consent Agenda will be considered as one unless a specific item is removed by a Council Member for separate discussion.)
 - A. Approve contract amendment #2 with Florida Department of Environmental Protection Recreational Trails Program extending the contract expiration date for the West Terry Street Multi-Use Path. (Greensheet No. 20-11-334)
 - B. Approve Budget Resolution to transfer FY 2020 budgets among accounts and to adjust the budgets of certain revenue, other sources and expenditure accounts. (Greensheet No. 20-11-332)
 - C. Adopt Resolution approving the top-ranked recommendation from the Art in Public Places Board for tenancy of Artist Cottage #5 and authorize City Manager to execute lease for the use of Artist Cottage #5 for a term of one year. (Greensheet No. 20-11-331)
 - D. Approve the renewal of the Parks Security Lockup Services Contract with Mason Evans, Inc., DBA Diamond Investigators and Security for another one-year term. (Greensheet No. 20-11-333)
 - E. Approve the Interlocal Agreement between Lee County and City of Bonita Springs for Natural Resources Surface Water. (Greensheet No. 20-11-335)

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

9. Proclamations and Presentations:

- A. Presentation of the State of the City address. (Mayor Simmons)

Short recess, if needed.

10. Mayor and Council Member Items:

- A. **CONTINUED FROM 10/21/20:** Recognition of the 34135 Mask Project which distributed approximately 10,000 masks to children and adults of Bonita Springs. (Quaremba; Greensheet No. 20-11-341)
 - B. Discussion of an extension of the lease agreement for the Artist Cottage #3 at Riverside Park. (Gibson; Greensheet No. 20-11-337)

11. Public comment:

12. Second Reading and Public Hearing of the following Ordinances:

- A. An Amendment to the Bonita Springs Land Development Code Chapter 4 (Zoning) and 6 (Signs); relating to the Old U.S. 41 Redevelopment Overlay District; Sections 4-866 through Section 4-885 to repeal and replace the Old U.S. 41 Redevelopment Overlay District with the downtown Form-Based Code for the Downtown District; repeal and replace Section 6-116 Permanent Signs on Old U.S. 41 from Bonita Beach Road to Rosemary Street with the new form-based code recommendations; providing for conflicts of law, severability, codification, scrivener's errors, and modifications that may arise from consideration at public hearing and an effective date. (Greensheet No. 20-11-338)
 - B. An Ordinance of the City Council of Bonita Springs, Florida, adopting the 2020 Five Year Capital Improvement Program Annual Update; providing for legislative findings; providing for severability; providing for exclusion from codification; and providing for an effective date. (Greensheet No. 20-11-328)

- C. An Ordinance of the City of Bonita Springs, Florida, amending Chapter 4, Zoning, of the Land Development Code; clarifying development standards relating single and two-family residential developments in Mobile Home Zoning districts; and, providing for severability, conflicts, codification, scrivener's errors; and providing for an effective date. (Greensheet No. 20-11-330)
- D. An Ordinance of the City of Bonita Springs, Florida, amending Chapter 4 Zoning, Article VI supplementary district regulations, Division 30 Property Development Regulations, Subdivision III Subdivisions, of the Land Development Code; providing for permitted encroachments relating to mechanical equipment; and, providing for severability, conflicts, codification, scrivener's errors; and providing for an effective date. (Greensheet No. 20-11-336)

Short recess, if needed

13. City Attorney's Items:

14. City Manager's Items:.

- A. Provide direction to staff regarding special event permitting on City property. (Greensheet No. 20-11-329)

- B. City's COVID-19 update.

15. Mayor and Council Member Reports:

16. Approval of Minutes: 10/21/20

17. Public Comment:

18. Adjournment.

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

NOTE: AGENDAS ARE AVAILABLE FOR VIEW, AND THE MEETING CAN BE VIEWED AT <http://www.cityofbonitasprings.org/cms/one.aspx?pageId=13788697> THIS MEETING IS TELEVISED ON COMCAST CHANNEL 98. YOU MAY ALSO VIEW THE MEETING ON HOTWIRE CHANNEL 398; CENTURY LINK/PRISM TV CHANNEL 87; AND SUMMIT BROADBAND CHANNEL 96.

NEXT MEETING: 11/18/20

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-339
AGENDA ITEM SUMMARY		
REQUESTED MOTION: First reading and public hearing of the following Zoning Ordinance: A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS AMENDING THE EXISTING ZONING FOR THE CHANNEL 30 COMMERCIAL PLANNED DEVELOPMENT; AMENDING THE HEIGHT AND NUMBER OF STORIES, INCREASE THE SQUARE FOOTAGE OF THE MODULAR COMMUNICATION BUILDINGS, AND REMOVAL OF THE CARETAKER'S QUARTERS, AMENDING THE MASTER CONCEPT PLAN, AND AMENDING THE SCHEDULE OF DEVIATIONS; ON 6.11 +/- ACRES ALONG THE NORTH OF THE COLLIER COUNTY LINE, EAST OF THE SEMINOLE GULF RAILWAY, AND WEST OF MEDITERRA RESIDENTIAL GOLF COURSE; AND, PROVIDING FOR AN EFFECTIVE DATE.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Jacqueline Genson, AICP Planning and Zoning Manager
☐ CONSENT	☐ ORDINANCE	
☒ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND: The case was heard by the Zoning Board on October 20, 2020 2020 with a recommendation to approve the request (7-0). This is the first reading of a Zoning Ordinance for the Channel 30 CPD Amendment request. The first reading and public hearing of the Zoning Ordinance is procedural, where the title block is read into the record. The Applicant and Staff presentations are scheduled for the second reading. The second reading and public hearing is scheduled for November 18, 2020 to afford due process in accordance with the land development code and state law. <u>The Zoning Ordinance will be provided via Addendum.</u>		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?		
STAFF RECOMMENDATIONS: Advance to second reading on November 18, 2020.		
REVIEWED BY: City Manager: <u>Arleen Hunter</u> City Attorney: <u>Derek Rooney</u> City Clerk: <u>Debra Filipek</u> Department Director: _____		
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-340
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Second reading and public hearing of the following Zoning Ordinance: A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS AMENDING THE EXISTING ZONING FOR THE BONITA VILLAGE MIXED-USE PLANNED DEVELOPMENT; AMENDING THE PROVISIONS RELATING TO PERMITTED HEIGHT ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE PROJECT, AMENDING THE MASTER CONCEPT PLAN, AND AMENDING THE SCHEDULE OF DEVIATIONS; ON 19 +/- ACRES ALONG THE NORTH OF BONITA BEACH ROAD, EAST OF IMPERIAL RIVER ROAD, AND WEST OF MEADOWLARK LANE; AND, PROVIDING FOR AN EFFECTIVE DATE.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Jacqueline Genson, AICP Planning and Zoning Manager
☐ CONSENT	☐ ORDINANCE	
☒ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER: ZONING ORDINANCE	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND: This item was continued from the October 21, 2020 City Council meeting pursuant to the Applicant's request. This is the second reading and public hearing of a Zoning Ordinance for the Bonita Village Mixed-use Planned Development (MPD) Amendment request. The case was heard by the Zoning Board on September 15, 2020 with a recommendation to deny (3-2). The first reading in front of City Council occurred on October 7, 2020 where the motion to move the case to second reading was approved. The Master Concept Plan (Exhibit B) was updated by the Applicant on September 9, 2020 after the issuance of the September 8, 2020 staff report. Exhibit B has been updated accordingly in the DRAFT Zoning Ordinance and staff report. The Applicant also supplied architectural elevations on October 1, 2020 to supplement their request. To conserve paper and resources, the full staff report packet with Attachment's A and B will be viewable online only with the full agenda packet. Please contact the Clerk's Office for paper copy requests.		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?		
STAFF RECOMMENDATIONS: See attached Agenda Item Packet.		
REVIEWED BY: City Manager: <u>Arleen Hunter</u> City Attorney: <u>Derek Rooney</u> City Clerk: <u>Debra Filipek</u> Department Director: _____		
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		



**City of Bonita Springs Board
for
Land Use Hearings & Adjustments and Zoning Board of Appeals
MINUTES
Tuesday, September 15, 2020
9:00 A.M.**

I. CALL TO ORDER

Chairman Lawrence Kurlander called the meeting to order at 9:01 A.M.

II. INVOCATION

Board Member Russ Winn furnished the invocation.

III. PLEDGE OF ALLEGIANCE

Chairman Lawrence Kurlander led the Board in the Pledge of Allegiance.

IV. ROLL CALL

Members in attendance: Chairman Lawrence Kurlander, Vice-Chairman Robert Incerpi, Board Member Roger Brunswick, Board Member Richard Donnelly, Board Member Anthony Rascio, Board Member Russ Winn.

V. PUBLIC COMMENT

Chairman Lawrence Kurlander recommended that Public Comment be made after the presentation. No requests for Public Comment were noted.

VI. SWEARING IN

City Attorney Derek Rooney placed all witnesses under oath.

VII. PUBLIC HEARINGS

A. 9:00 AM

CASE NAME: HARKAT INDUSTRIAL PLANNED DEVELOPMENT (IPD), PD19- 65454-BOS

REQUEST: A REQUEST TO REZONE APPROXIMATELY 1.82 ACRES +/- FROM INDUSTRIAL PLANNED DEVELOPMENT (IPD) TO INDUSTRIAL PLANNED DEVELOPMENT (IPD) TO ALLOW FOR A MAXIMUM

OF 28,875 SQUARE FEET OF INDUSTRIAL USES.

LOCATION: 10971 and 10979 Enterprise Avenue, Bonita Springs, FL 34135

1. APPLICANT PRESENTATION

Presenter:

Stacy Hewitt, Banks Engineering

- Ms. Hewitt began presentation requesting to rezone approximately 1.82 ACRES +/- from Industrial Planned Development (IPD) to Industrial Planned Development (IPD) to allow for a maximum of 28,875 square feet of Industrial Uses, maximum height of 40 feet.
- Her presentation included review of Future Land Use, Zoning and Ariel Maps; Timeline of Subject Property and surrounding area; Proposed Master Concept Plan; Schedule of Uses, Property Development Regulations and Landscape Plan, Elevations, and Floor Plans.
- Ms. Hewitt provided information on the Neighborhood Coordination for the project stating that meetings were held in October and November of last year, and July of this year.
- Conditions of satisfaction to be demonstrated through the presentation with examples provided as follows: Architectural, Service and deliveries are restricted to the west side of the building, Landscaping and Buffering, Surveying and Open Storage.
- Ms. Hewitt discussed Deviations stating that #1 and #2 were withdrawn per Staff. A new proposed Deviation #3 was recommended by Staff for approval which per LDC Section 3-418(d)(6). Comprehensive Plan – Future Land Use were presented noting the request was consistent with Policy 1.1.16 a-d and Policy 1.11.1. The Transportation Element and Recreation/Open Space Elements were also found consistent.
- Applicant and Staff in agreement that the project met all the formal findings criteria for approval of LDC Section 4-131(D)(3) and LDC Section 4-299(A)(2).
- Chairman Lawrence Kurlander questioned why 40 feet in height. Applicant stated that some of the plan development for buildings of those type of uses made economic sense for the owner and was critical for the financial well-being of the client.
- Board Member Rascio questioned whether there could be smaller garage doors. Applicant stated the larger door was to accommodate the air flow and reduce heat and humidity in the building. Applicant stated that weather permitting, the doors would only be open during business hours. Board Member Rascio stated residents were concerned about the noise. Applicant responded they did not anticipate any of the large mechanical operations to cause problems as a number of uses were eliminated to mitigate noise and noxious odors.
- Board Member Richard Donnelly asked what that actual wall height of the east wall would be. Applicant stated they are anticipating 32 feet of height at building's edge.
- Vice-Chairman Robert Incerpi questioned if the three doors on the east side were absolutely necessary for air and if Applicant was providing air-conditioning to all the offices in the building. Applicant stated yes, to the doors and they would be providing A/C. Vice-Chairman Incerpi also

asks if Applicant would be providing industrial ceiling fans in the work area. Applicant stated they would have but still in early stages of design.

2. STAFF REPORT PRESENTATION

- Mike Fiigon, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Materials reviewed along with Aerial History; Future Land Use Map Designation; Current Zoning Designation; Master Concept Plan; Permitted Uses; Development Regulations, Comprehensive Plan, and Deviations 1 and 2.
- Staff recommended approval of the deviation request and agree that the Applicant does meet the PD Review Criteria. Staff recommended approval subject to the nine (9) conditions outlined in the Staff report.
- Vice-Chairman Robert Incerpi asked Staff about the additional vehicular traffic from the site to Bonita Beach Road. How was that increasing. Mr. Fiigon stated that their Traffic Engineer reviewed the GIS Study finding less than 1% of the overall traffic count to impact that intersection. The number that would be considered impactful to the City would need to be over 3%.
- Board Member Russ Winn inquired about the feedback from Mediterra. Mr. Fiigon stated there had been considerable feedback of wanting either Staff or the Zoning Board to deny the project or impose additional height restrictions to either 25 feet or 30 feet as maximum building height. The overall biggest inclination from Mediterra residents was that the building height at 40 feet was too high.
- Board Member Roger Brunswick questioned what were considered the normal business hours. Also, if that section of Mediterra was within the section of Bonita Springs; did they have a Bonita Springs postal address. Mr. Fiigon responded that the portion of Mediterra that is directly east of the project was located within the city limits of Bonita Springs. A portion of Mediterra had a Naples address, but was within Bonita Springs.
- Mr. Fiigon further explained that business hours did not have a condition attached by Staff due to the fact that the Noise Control Ordinance subjected to the property to provide guideline as to business hours. From 7:00 a.m. – 10:00 p.m., a certain decibel range acceptable, which dropped significantly after 10:00 p.m.
- Chairman Kurlander asked Mr. Fiigon if the main disagreement with the Applicant was over the three doors on the east side. Mr. Fiigon concurred, although stating that the Applicant had agreed to reduce the number of doors down to three (3). However, Condition 3b. continued to be in disagreement between Staff and Applicant.
- Board Member Russ Winn stated that it seemed the Applicant needed to have the garage doors, it seemed necessary for their business. He asked Mr. Fiigon if other options were available for the air circulation. Mr. Fiigon stated other options were possible.
- Vice-Chairman Robert Incerpi inquired what type of manufacturing would be inside the building. Mr. Fiigon responded that Applicant provided list of potential uses, but Applicant did not yet have an end user.

- Vice-Chairman Incerpi voiced concern over noise generated by the garage doors being open all day. He concurred that other options must be available. Believed there were other avenues to approach.
- Jeff Wright, attorney for Applicant, provided rebuttal regarding the garage door concerns. He stated that in light of Mr. Fiigon's list of uses likely to be the generators of noise and dust, Applicant would be willing to modify that condition to require that if any of those uses that Mr. Fiigon stated must be indoors would have condition stating "Closed All day" while those uses are being enjoyed.

PUBLIC COMMENT

- Robert Pritt with Roetzel & Andress wanted to ensure that a letter he emailed would be put into the record. He represented the Mediterra Community Association. The concerns were the height of the building, orientation of building, scope of uses, location of doors, and potential noise. They would like to see the building brought down to 30 feet.
- Rodney Chase, President of Mediterra Home Owner's Association. Understood the process Staff had undergone. He was hoping to find more acceptable accommodations. Requested that the Zoning Board does not concede anything further than proposed to restrict to 30/32 feet. No doors on the east side would be acceptable.
- Mr. Richards, General Manager of the Mediterra Community Association. Appreciative of Staff and communication. His community is concerned about the quality of life and views affected by the structure. Suggested exhaust fans for airflow. Other concerns were already addressed by Mr. Pritt and Mr. Chase. Thanked Board for time and consideration on the issues.
- Zoning Board began deliberations with Vice-Chairman Robert Incerpi making a motion to deny the Applicant. None seconded.
- Board Member Anthony Rascio voiced that the Mediterra community were aware that they were located across from an Industrial Park. He made a motion to approve the application.
- Board Member Roger Brunswick made a motion to second the approval of the application for the same reason; the Industrial Park was there long before Mediterra was constructed.
- Board Member Richard Donnelly asked whether it was clear that the motion included the conditions presented by the Applicant. Mr. Fiigon clarified that there was a current condition that prohibited overhead doors on the east side.
- Chairman Kurlander clarified further that the motion made by Board Member Anthony Rascio and seconded by Board Member Roger Brunswick approved the three doors on the east side.
- Chairman Kurlander stated he could not approve the Applicant with the three doors included. He expressed concern about the noise, dust, and odors and thought it unfair to the community.

RESULT:	PASSED [4-2]
MOTION BY:	Anthony Rascio, Board Member
SECOND BY:	Roger Brunswick, Board Member
AYES:	Donnelly, Brunswick, Winn, Rascio
NAYS:	Kurlander, Incerpi

- Board Member Roger Brunswick asked to be recused from the next case due to a conflict. Chairman Kurlander accepted the recusal.
- Chairman Lawrence Kurlander recessed the meeting until 11:00 A.M.
- Chairman Lawrence Kurlander reconvened the meeting at 11:00 A.M.
- City Attorney Derek Rooney placed all witnesses under oath.

B. 11:00 AM

CASE NAME: Bonita Village Mixed-use Planned Development (MPD) Amendment, PD20-71493-BOS

REQUEST: A request to amend Condition 3a of Zoning Ordinance No. 16-05 for the Bonita Village Mixed-Use Planned Development so as to modify the distance from which the 55' height limitation applies from 70' to 30' of the northern boundary, and from 50' to 10' of the eastern boundary.

LOCATION: 27690 and 27694 Imperial River Road; 27901 Bonita Village Boulevard; 27934 Meadowlark Lane; 3840, 3894, 3962, 3974, and 3998 Bonita Beach Road SW in Bonita Springs, FL 34134.

1. APPLICANT PRESENTATION

Presenter:

Amy Thibaut, Pavese Law Firm

- Ms. Thibaut began presentation with an overview of Bonita Village MPD which included: +/- 19 acres located east of the Imperial river, west of Meadowlark Lane, north of Bonita Beach Road. She provided the current request and gave examples of how the request was consistent with the Comprehensive Plan; 1.1.3, 1.1.14.c. 1.16 and 1.16.5.
- Chairman Lawrence Kurlander inquired if Applicant had provided architecturals. Applicant stated that architecturals were not required until the time of Development Order. Chairman stated that they had come before the Board with nothing while providing renderings for potential buyers. Asked applicant why. Applicant did not feel the process was correct in Bonita Springs. Asked to provide substantial materials only for confirmation of viability. Applicant did not have that level of details he would like to speak to.
- Chairman Kurlander voiced that Applicant had four years since filing original application and plenty of time to provide architecturals. The City allowed the widest latitude in the application process, however, there had been no other developer that had not provided rendering given this amount of time. The Chairman offered Applicant/Mr. Dror an opportunity to adjourn the matter so they could return with something for the Board to make a decision on.

- Ms. Thibaut offered that Staff did not require this and that architectural renderings were not part of the zoning criteria. They are not a requirement at this time.
- Chairman Kurlander offered a final time to the Applicant an opportunity to have the meeting adjourned to return with more materials. Applicant, Mr. Dror, declined the request.
- Mr. Dror stated that they were able to hire anyone to draw renderings and pictures to show people what they would like to do upfront. He believed to be appropriate, they should show what was feasible. Applicant would not spend money or time to engineer a building that they do not know if they have the space available to engineer the building. That was why Applicant was asking to move a residential building back to create the space upfront to go ahead when they know they have the space to build the retail.
- Applicant stated that they were not asking to change the original Master Concept Plan. The Board still had the same renders. Applicant was not asking for anything new. They continued to work from the original Master Concept Plan, from what was already approved in 2016. Applicant was looking only to amend the one building in the Master Concept Plan. Chairman Kurlander asked if Applicant was looking to amend height, which the Applicant confirmed.
- Mr. Dror stated that the building was currently too close to Bonita Beach Road to allow for any retail in front of it. Needed to be moved back. It was designed to go 75 feet. They were asking for the pre-approved building to be moved back 40 feet.
- City Attorney Derek Rooney recommended that Staff give their presentation at this point if Applicant had concluded presentation. Ms. Thibaut offered that the Applicant presentation was complete. She wanted to clarify that Staff was not recommending denial of the application.

1. STAFF REPORT PRESENTATION

- Jacqueline Genson, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Parameters that Staff considered in application included: Future Land Use – General Commercial; Current Zoning – MPD; Current Use.
- Ms. Genson provided a review of the Entitlement History, current Master Concept Plan, and the proposed Master Concept Plan with Deviations. The Applicant submitted an amended Master Concept Plan on Wednesday. Staff had provided analysis on the Deviation. Buffer requested was accepted by Staff.
- Ms. Genson also reviewed the Surrounding Property and Compatibility. The request was reviewed by the Traffic Engineer and the findings were that no impact would be experienced. Ms. Genson reported that the modifications to the building would not impact Environmental, Transportation or Engineering.
- Ms. Genson stated that based on the findings and recommendations outlined in the Staff report, the application met the criteria for the review of the amendment request.
- Board Member Anthony Rascio inquired as to the relationship between the setback and height. Mr. Dror offered explanation. Board Member Rascio asked if the view of the neighbors concerned were already blocked by the 75' trees, whether the building was located 30 or 70

feet away is irrelevant. Mr. Dror confirmed that statement.

- Chairman Kurlander and Board Member Donnelly offered that the change in the height and distance would mean the blockage of sunlight. Chairman Donnelly believed the changes would create an impact that affects the residential areas because of geometry and lack of light.
- Board Member Russ Winn questioned if there had been any feedback from the residents. Applicant stated that they conducted multiple meetings with the Public and everyone had been supportive.
- Ms. Genson interjected that the City required two neighborhood meetings and the results from the Applicant's first meeting was included in their packet.
- Chairman Kurlander asked Ms. Genson why Staff was recommending consideration of the Applicant. She stated the decision went back to the project approval from 2016 and that the development community tries to position an application to get a positive outcome. However, approval was not recommended on the one section regarding the eastern boundary line.
- Board Member Anthony Rascio asked if Staff were recommending a grant of continuance so that City Council could make their decision and Staff would then make their recommendation clear. He asked Chairman Lawrence Kurlander if he was hoping to be given a recommendation to approve or disapprove, not simply a consideration. Chairman Kurlander stated in the affirmative.
- Mr. John Dulmer, Director of Community Development, provided that Staff recommended approval of the northern boundary based on what the City Council approved in 2016 along with other factors.
- Chairman Kurlander asked City Attorney Derek Rooney if the Board was obligated as a matter of law to follow the City Council 2016 ruling. City Attorney Rooney stated no. He expounded that with respect to rezoning, the Board is limited to making the findings that are required under Section 4-131 and additional findings for plan development, whether there are appropriate uses or if compatible.
- Chairman Kurlander opened discussion for public comment. Seeing none, the Applicant was given an opportunity for a final statement.
- Mr. Dror stated that the reason for appearing with little materials was that they planned to come in later for a larger rezoning. However, a building was coming out of the ground first, which would possibly affect the ability for the larger rezoning to have the space for retail. And the community had come out in support of the application.
- Board Member Anthony Rascio asked Applicant if the retail could be moved to the back. Applicant responded no, as retail would not be accessible to the public.
- Board Member Anthony Rascio stated his only issue of concern was the blockage of sunlight.
- City Attorney Rooney offered explanation of what was appropriate for the Zoning Board to consider as a general rule.
- Board Member Donnelly believed the Applicant wanted to get retail in, but the Zoning Board did not know what that would look like, so it made the decision hard. There might be other ways to accommodate the retail. Board Member Donnelly stated the presentation was very preliminary and

not carefully or well thought out. There was no vision to make a decision upon, so he considered the application incomplete. Board Member Donnelly stated he would vote against the application.

- Vice-Chairman Robert Incerpi offered that he was in agreement with Board Member Donnelly. He did not feel everything was on the table. He seconded the motion to deny the application.
- Board Member Donnelly motioned to disapprove the application.
- Vice-Chairman Robert Incerpi seconded the motion.
- City Clerk called the role to disapprove the application.

RESULT:	PASSED [3-2]
MOTION BY:	Richard Donnelly, Board Member
SECOND BY:	Robert Incerpi, Vice-Chairman
AYES:	Donnelly, Incerpi, Kurlander
NAYS:	Winn, Rascio
Recused:	Brunswick

- Chairman Lawrence Kurlander recessed the meeting until 2:00 P.M.
- Chairman Lawrence Kurlander reconvened the meeting at 2:00 P.M.
- City Attorney Derek Rooney placed all witnesses under oath.
- **ROLL CALL**

Members in attendance: Chairman Lawrence Kurlander, Vice-Chairman Robert Incerpi, Board Member Roger Brunswick, Board Member Richard Donnelly, Board Member Anthony Rascio, Board Member Russ Winn.

C. 2:00 PM

CASE NAME: Bayview on Estero Bay RPD/CPD, PD18-55071-BOS

REQUEST: To rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture AG-2 to an RPD/CPD to allow for a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a 75-bed Assisted Living Facility (ALF) OR 300 multi-family dwelling units; AND 72 wet boat slips and 25 dry boat slips (15 on-site and 10 off-site in the Bayview II CPD) and one (1) public boat ramp.

LOCATION: The property is located at the northwest corner of Coconut Road and Coconut Point Resort Drive.

1. APPLICANT PRESENTATION

Presenters:

Rich Yovanovich, Coleman, Yovanovich and Koester, P.A.
Mark Wilson, London Bay Development Group

Alexis Crespo, Waldrop Engineering

- Richard Yovanovich began presentation requesting to rezone 30.51 +/- acres from CPD, AG-2, and MHPD, to a unified Planned Development zoning district known as Bayview on Estero Bay RPD/CPD to allow for development of a waterfront community containing a mix of residential, commercial, marina, and public uses.
- Mark Wilson began his portion of the presentation on the London Bay Vision. He spoke on the legacy, increased public access, and how the donation of this highly usable and valuable public access comes at no cost to the City or taxpayers. Explained the misconception of Life Plan/CCF Community (based on previous comments) offering specific points. Provided information on the Economic Impact: and their Community Commitment.
- Chairman Lawrence Kurlander asked for clarification whether buyers actually buy or rent the units, also asked for clarification regarding independent living and moving into assisted living. Mr. Wilson provided a detailed explanation.
- Alexis Crespo began her portion of the presentation discussing the Planning Overview offering the following highlights: Property Overview; Current CPD Approval; Rezoning Request; Proposed Master Concept Plan; Public Marina; Proposed Conditions; Environmental and Marina Design; Stormwater Management, Utilities, Transportation; CHHA/Emergency Management; CEMP Purpose; Comprehensive Plan Compliance; LDC.
- Chairman Lawrence Kurlander asked what percentage of the property was in the Coastal High Hazard area. Ms. Crespo stated that all of the property was in that area.
- Ms. Crespo reviewed the Staff Report with the 13 Conditions of Approval, including requested deviations.
- Vice-Chairman Robert Incerpi inquired of the size of the boat ramp. Applicant responded that it was 18-feet wide. Vice-Chairman Incerpi asked if Applicant would consider widening the boat ramp to 30 feet. Applicant responded ECCL wanted more boat ramps and neighboring communities were concerned about the access to Estero Bay. Vice-Chairman Incerpi believed the size to be inadequate for the current population.
- Board Member Anthony Rascio pointed out that in the presentation, concerns for the environment of Estero Bay were expressed. He asked if the purpose for a single boat ramp would be to basically limit traffic, therefore, enhancing the environmental protection. Applicant answered in the affirmative.
- Chairman Lawrence Kurlander offered to Board Member Rascio that Estero Bay was the gateway to the Gulf and extraordinarily shallow. Chairman Kurlander believed that the ramp was designed to fail; they cannot have just an 18-foot boat ramp. Applicant responded with a slide of Boat Ramp Data with statistics from the area stating that the boat ramp provided safe access. Chairman Kurlander agreed that it was safe but felt it was not practical for use.
- Vice-Chairman Incerpi asked Applicant to confirm that they were not willing to consider a wider boat ramp. Applicant stated that they did consider it, but based on the conversations with many different constituents, the single-boat, 18-foot ramp satisfied the most people that provided input. Vice-Chairman Incerpi was in disagreement.

- Board Member Donnelly stated he had never seen an application that was both housing and continuing care, it was usually one or the other. He did not know if the site plan presented was for the housing or continuing care plan. Difference between the two plans was considerable. Surprised that more thought was not given to what would really be going in there. Board Member Donnelly appreciated the developer and quality of their other projects. Applicant responded that the CCF would have been preferred but required State approval. The site plan presented was a CCF.
- Board Member Donnelly noted that the boat ramp would become a City-run facility with all the maintenance and responsibility that comes along. Believed additional 10-feet of lengthening the boat ramp would be very appreciated by the City.
- Board Member Donnelly concerned about raising sea levels. Applicant listed the provisions that had been made to accommodate that concern. Board Member Donnelly inquired about the evacuation plan. Applicant stated that there were state and local requirements and guidelines that must be adhered to. A great deal of thought will go into the plan.

2. STAFF REPORT PRESENTATION

- Jacqueline Genson, Community Development, next presented the Staff Report via a PowerPoint presentation (copy in Clerk's file). Staff took the following into consideration in evaluation of the application: Intent of Plan Developments; Application and Procedure; Standard of Review and Findings and Conclusions; Public Comment.
- Ms. Genson provided a review of the Application and Request: Two companion Comprehensive Plan Amendment requests pursuant to Florida Statutes 163-3184, including a review of the background of the application.
- Staff found the request meeting all ten findings, which formulated the basis of their recommendation.
- Board Member Donnelly asked where in the site plan reflected the additional parking and the area served by shuttle. He asked if it was owned by Applicant to which Ms. Genson responded in the affirmative. Ms. Genson provided a map of the parcel where the additional parking was located.
- Chairman Lawrence Kurlander asked for the breakdown of the additional parking. The Applicant stated parking included 14 standard-vehicle spaces, and 10 boat-trailer spaces. That included parking for the staff and included shuttle service.
- Board Member Donnelly inquired about the Map Amendment process of approval and whether a result of the hearing would possibly create substantial changes to the project. Ms. Genson stated that she did not foresee any change to that text language.
- Chairman Lawrence Kurlander asked Attorney Brent Spain if state law allowed an increase in density in Coastal High Hazard areas. Mr. Spain explained that the state statutes said the population was supposed to be steered away from those areas.

- Applicant provided rebuttal stating that the law provided and allowed an increase in density in a Coastal High Hazard area as long as properly mitigated. Density would not be increasing inconsistent with the growth management plan, which the City Council resolved.
- Mark Kincaid, Vice President of Coastal Engineering Consultants, represented Applicant in offering additional information with respect to the boat ramp. The single-lane 18-foot wide ramp was wider than any other he was aware of as most others varied between 15' and 17'.

PUBLIC COMMENT

- Allan Bowditch, Chief Communications Officer, ECCL. He was advocating for people who desired to have appropriate access to Estero Bay. In a study Mr. Bowditch stated that 83% of respondents disagreed with single-boat ramp. Respondents were concerned about effect on traffic road conditions. Boaters would be limited by lack of sufficient parking spaces.
- Anne Kramer stated that both options of Bayview are not allowable. The proposed development was located entirely in a designated Coastal High Hazard area. State and federal laws did not allow. In the Bayview 1 option, the Continuing Care facility residents would be vulnerable. In the Bayview 2 proposal, it increased density which was not allowable. Too many residents in harm's way.
- Jim Weeks, Weeks Fish Camp, stated was a long-time advocate of the property. London Bay approached this with attitude of trying to please everyone, which he appreciated. Coconut Road should always stay open to the public. Hoped the group would understand that it was important to keep access on that road. He supported.
- John Paeno, CGT Kayaks. Stated that he was on the water every day. Believed putting in a double ramp would be a mistake. To widen the ramp just seemed ridiculous. Great opportunity. An important site and needed to move forward.
- Joanne Ribble, resident of the Colony on Coconut Road. Applauded London Bay's commitment to have access to Estero Bay on their property. Marina was never meant as a launch area for all of Lee County boaters. Please do not require London Bay to add increased capacity in parking or boat slips. Urged to vote in favor of plan as presented.
- Barbara Craig, resident of Bonita Springs, spoke in opposition. Stated that state law prohibited the increase in density in Coastal High Hazard areas. Concerned about safety. Urged the Board to vote the proposal down.
- Chairman Lawrence Kurlander provided the Applicant rebuttal. The Applicant addressed a comment made that comments were dismissed by London Bay. Asserted that comment was not factually correct. Every comment made by the public was considered.
- Applicant stated they were not violating state statutes by allowing for multi-family and Independent Living facility being constructing in Coastal High Hazard areas. Applicant clarified that the proposal for the number of building units was an either, or – either 300 multi-family units or 300 Independent Living units.

- Vice-Chairman Robert Incerpi stated that while the Applicant's proposal was sound, there were points the Applicant did not cover. He strongly felt the Board should deny the motion for their proposal. Chairman Kurlander seconded the motion.
- Board Member Rascio pointed out two issues, which was the size of boat ramp and the controversy that density increase violated state law. Asked if they had mitigation planned after approval.
- Chairman Kurlander stated that in Coastal High Hazard areas, the obligation was to protect human life. The least appropriate thing in a Coastal High Hazard area is an assisted living facility. Felt was totally inappropriate.
- Board Member Anthony Rascio stated he would vote no.
- Board Member Richard Donnelly stated that in write-up, distinction given between net density and gross density. Believed the Board was there to consider the Zoning and plan presented. His vote would be in favor of the project.
- Motion to deny the applicant request was voted on and passed 3-2.

RESULT:	PASSED [3-2]
MOTION BY:	Robert Incerpi, Vice-Chairman
SECOND BY:	Lawrence Kurlander, Chairman
AYES:	Rascio, Incerpi, Kurlander
NAYS:	Donnelly, Winn
Absent:	Brunswick

VIII. ADJOURNMENT

There being no further items to discuss, the meeting was adjourned.

Respectfully submitted,

Laurie K. Hamm, Recording Secretary

APPROVED:

BONITA SPRINGS ZONING BOARD:

Date: _____

AUTHENTICATED:

Chairman Larry Kurlander

CITY OF BONITA SPRINGS
ZONING ORDINANCE NO. 2020 -

A ZONING ORDINANCE OF THE CITY OF BONITA SPRINGS AMENDING THE EXISTING ZONING FOR THE BONITA VILLAGE MIXED-USE PLANNED DEVELOPMENT; AMENDING THE PROVISIONS RELATING TO PERMITTED HEIGHT ALONG THE NORTHERN AND EASTERN BOUNDARIES OF THE PROJECT, AMENDING THE MASTER CONCEPT PLAN, AND AMENDING THE SCHEDULE OF DEVIATIONS; ON 19 +/- ACRES ALONG THE NORTH OF BONITA BEACH ROAD, EAST OF IMPERIAL RIVER ROAD, AND WEST OF MEADOWLARK LANE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an petition has been submitted by Bonita Development Co., LLC requesting to amend portions of the previously approved Bonita Village Mixed-Use Planned Development, Zoning Ordinance 16-05, to reduce the distance from which the fifty (55) foot height limitation applies from seventy (70) feet to thirty (30) feet of the northern boundary, and from fifty (50) feet to ten (10) feet of the eastern boundary for properties located at 27690 and 27694 Imperial River Road; 27901 Bonita Village Boulevard; 27934 Meadowlark Lane; and 3840, 3894, 3962, 3974, and 3998 Bonita Beach Road SW in Bonita Springs, Florida 34134, more particularly described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, a Public Hearing was advertised and heard on September 15, 2020, by the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board") on Case PD20-71493-BOS which recommended denial (3-2), after giving 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 September 15, 2020 Staff Report prepared by Community Development and evidence submitted at the Zoning Board hearing, as part of the City Council hearing record, are on file with the City Clerk.

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

SECTION ONE: RECITALS

The forgoing recitals are true and correct and are incorporated herein by this reference.

SECTION TWO: APPROVAL OF REQUEST

The City Council hereby approves Petition PD20-71493-BOS amending the Bonita Village MPD (Zoning Ordinances 16-05) by ~~strike through~~ and underline or superseded as indicated, as follows:

Conditions:

1. The project shall be generally consistent with the Master Concept Plan titled "Bonita Village MPD," contained herein as "Exhibit B" which replaces the Master Concept Plan provided by Zoning Ordinance 16-05.

2. The schedule of uses in Condition 3 of Zoning Ordinance 16-05 are amended (replaced) as follows:

Schedule of Uses

Residential Parcel R-1 and R-2

Accessory uses and structures
Administrative offices
Dwelling unit: Multiple-family building(s)
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Recreation facilities:
 Personal
 Private--On-site
Signs in accordance with Chapter 6

Town Center Parcels TC-1, TC-2 and TC-5

Accessory uses and structures
Administrative offices
Banks and financial establishments: Group I
Bar or cocktail lounge (limited to an ancillary use to a restaurant use)
Broadcast studio, commercial radio and television
Business services: Group I (excluding bail bonding and blood donor stations)
Cleaning and maintenance services
Clothing stores, general
Clubs: Country
 Fraternal, membership organization
 Private
Consumption on premises - limited to private club or restaurant use
Contractors and builders: Group I (no parking of company vehicles outside of operating hours)
Convenience food and beverage store
Cultural facilities
Day care center, child, adult
Dwelling unit: Multiple-family building
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Food and beverage service, limited (limited to private club)
Food stores: Group I
Hardware store
Hobby, toy and game shops
Home occupation
Hotel/motel (including indoor/outdoor COP, limited to Tract TC-1 and TC-5)

Household and office furnishings, Groups I and II
 Laundry or dry cleaning: Group I
 Medical offices
 Package Store
 Paint, Glass, and Wallpaper
 Parking lot:
 Accessory
 Commercial
 Garage, public and private parking
 Temporary
 Parks: Group I
 Personal services: Groups I, II, and III (excluding massage establishment or parlors, steam or turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)
 Pet services
 Pet shop
 Pharmacy
 Place of worship
 Police or Sheriff's office
 Post office
 Recreation facilities:
 Commercial: Group IV (limited to health club)
 Personal or Private
 Rental or leasing establishment: Groups I, and II
 Repair shops: Groups I, and II
 Research and development laboratories: Groups I, II, III, IV
 Residential accessory uses
 Restaurant, fast food (includes outdoor seating, limited to Tracts TC-5)
 Restaurants: Groups I, II, and III (includes outdoor COP and seating)
 Schools: Commercial (limited to 2,500 square feet)
 Signs in accordance with Chapter 6
 Specialty retail shops: Groups I, II, and III
 Storage: Indoor only
 Studios
 Temporary uses
 Used merchandise stores: Groups I and II
 Variety store

- a. Site Development Regulations - See **Attachment B to Zoning Ordinance 16-05** except as modified herein

i. Parking Garage

Setbacks:

15' rear and side
 25' street

Height

3 stories at *35' three
 story *excludes
 stairway and
 elevator
 appurtenances

The Site Development Standards are subject to a 55' height limitation on any portion of a building within ~~70'~~ 30' of the northern property boundary and 50' of the eastern boundary. At time of local development order, the northern façade of Building 5 shall incorporate unique and specific architectural and landscaping treatments that minimize the visual impacts and intrusion into the single-family neighborhood to the north.

In support of deviation 11, any building in the TC-1 development area exceeding 55' shall have a building separation of ½ the height of that portion of a building that's adjacent from the TC-2 development area.

3. Condition 9 of Zoning Ordinance 16-05, Landscaping and Buffering, is hereby amended as follows:
 - b. Quails Walk northern landscape buffer for TC-1 area. Deviations 5 and 14 allow for a ten-foot Type C landscape buffer with a wall ~~40~~ off on the property line if adjacent to a roadway/parking area. If a building is proposed adjacent to the buffer, a 25' Type F buffer will be provided. The removal of a large amount of exotic vegetation on the north side of the project will severely reduce the indigenous landscape buffering that was proposed for this buffer area. Large Trees, such as including minimum 16' hardwood canopy trees, and 30' palms will be required in this enhanced buffer, subject to FPL easements and Tree Setback guidelines. Palms will be clustered in groups of three. An Alternate Betterment Plan may be approved at time of local development order if the Applicant can meet the intent of this buffer requirement in a different manner than proposed by this condition. Any landscape plan must attempt to accommodate the FPL Tree Setback guidelines to the maximum extent possible.
 - f. In support of Deviation 14, the parking spaces facing Meadowlark Lane shall be screened with shrubs, 48 inches at installation and shall be maintained at a minimum of 60 inches high, with continuous visual screen within one year after time of planting as indicated by the date of the completion of the development order or phase thereof.
4. Lee County Department of Transportation (DOT). At the time of City of Bonita Springs Development Order application, the Applicant/Owner will be required to submit for a Type D Limited Development Order with Lee County for all roadway improvements within the Bonita Beach Road ROW and meet Lee County Land Development Code standards.
5. Approval of this MPD Amendment does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

Deviations:

The following are amendments to the deviations approved in Zoning Ordinance 16-05:

5. Deviation 5 was approved subject to Condition 9.b. (as revised), granting relief from LDC Section 3-418 that requires that an eight (8) foot wall or wall and berm combination a minimum of twenty-five (25) feet from the property line; to allow an eight (8) foot high PVC fence or wall be placed ~~40~~ five (5) feet from the northern property line.
13. Deviation 13 is approved subject to Conditions 9.b. and 9.f. (as revised) to grant relief from LDC Section 3-418, landscape standards, requiring that a Type C and Type D buffer be a minimum of fifteen (15) feet wide, to allow for the minimum Type C and D buffer widths to be reduced to ten (10) feet along the northern property boundary and to five (5) feet along the eastern boundary.

SECTION THREE: INCORPORATION OF RECORD

City Council of Bonita Springs hereby adopts and incorporates into this Ordinance the record of hearings, including testimony, reports, exhibits and attachments considered as part of the application as follows:

EXHIBITS:

- A. Boundary Survey of the Subject Property stamped received July 2, 2020
- B. Master Concept Plan stamped received September 9, 2020

ATTACHMENTS:

- A. Staff Analysis (Background and Information Analysis)

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 22nd of October, 2020.

AUTHENTICATION:

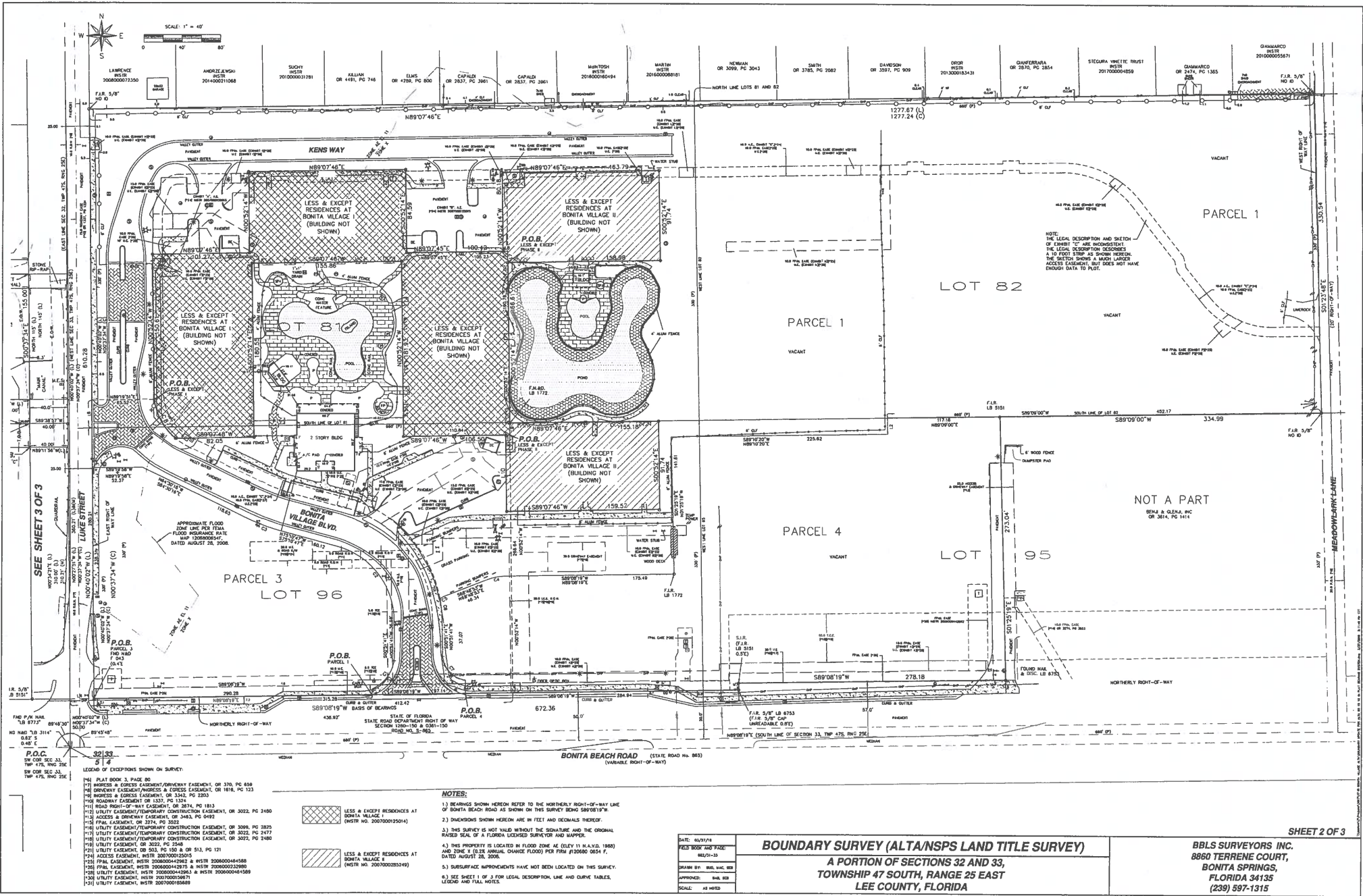
Mayor City Clerk

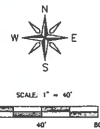
APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Gibson
Purdon	Quaremba
Forbes	Simmons
Corrie	

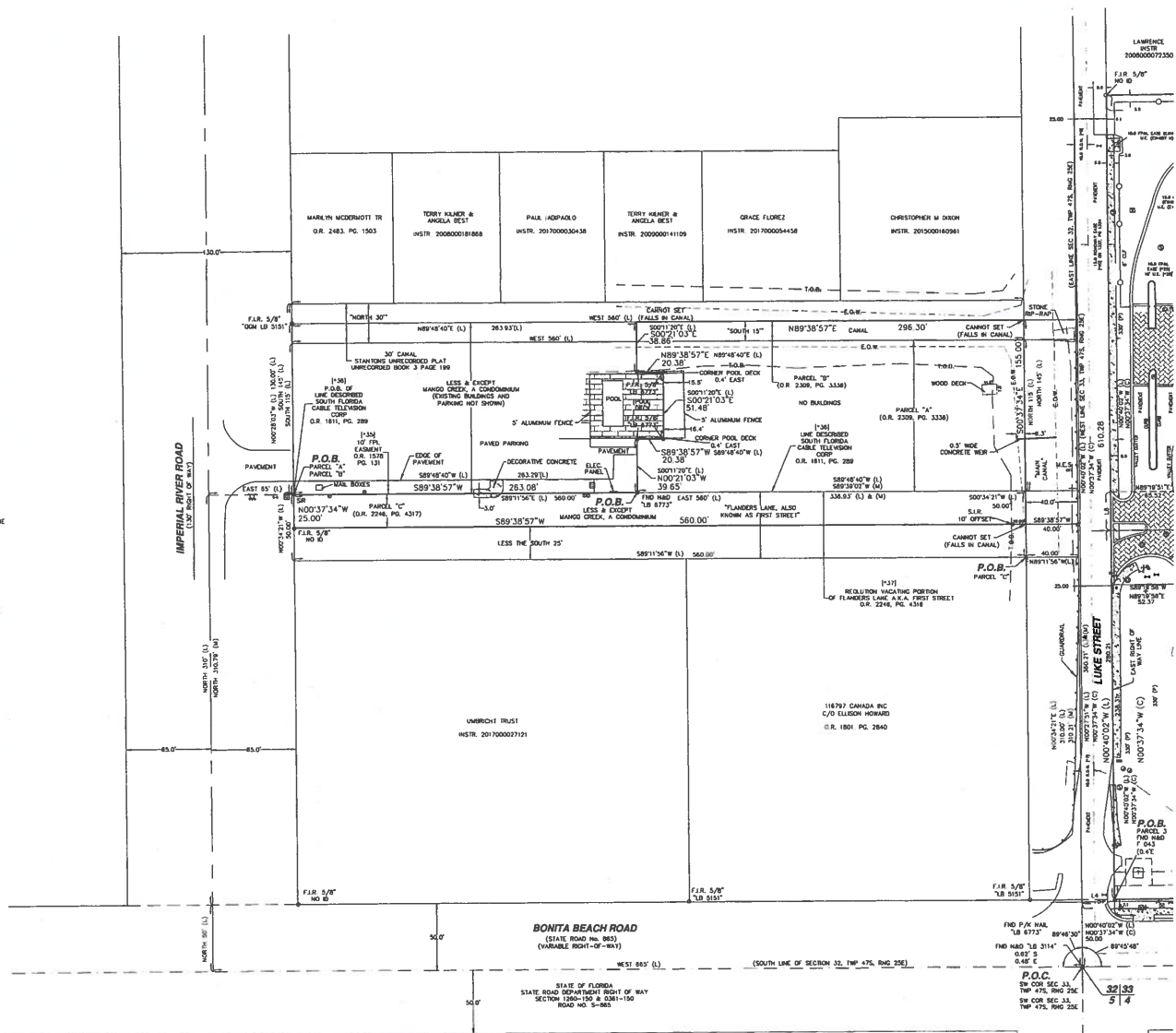
Date filed with City Clerk: _____
Page 5 of 6





NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AS SHOWN ON THIS SURVEY BEING S89°06'19"W. (SEE SHEET 2 OF 3)
- 2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 3.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4.) THIS PROPERTY IS LOCATED IN FLOOD ZONE AE (SEV 1) H.A.V.D. 1980) AND ZONE 3 (0.25 ANNUAL CHANCE FLOOD) FOR FIRM FIRMED 0504 F, DATED AUGUST 28, 2008.
- 5.) SURFACE IMPROVEMENTS HAVE NOT BEEN LOCATED ON THIS SURVEY.
- 6.) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION, LINE AND CURVE TABLES, LEGEND AND FULL NOTES.



SEE SHEET 2 OF 3

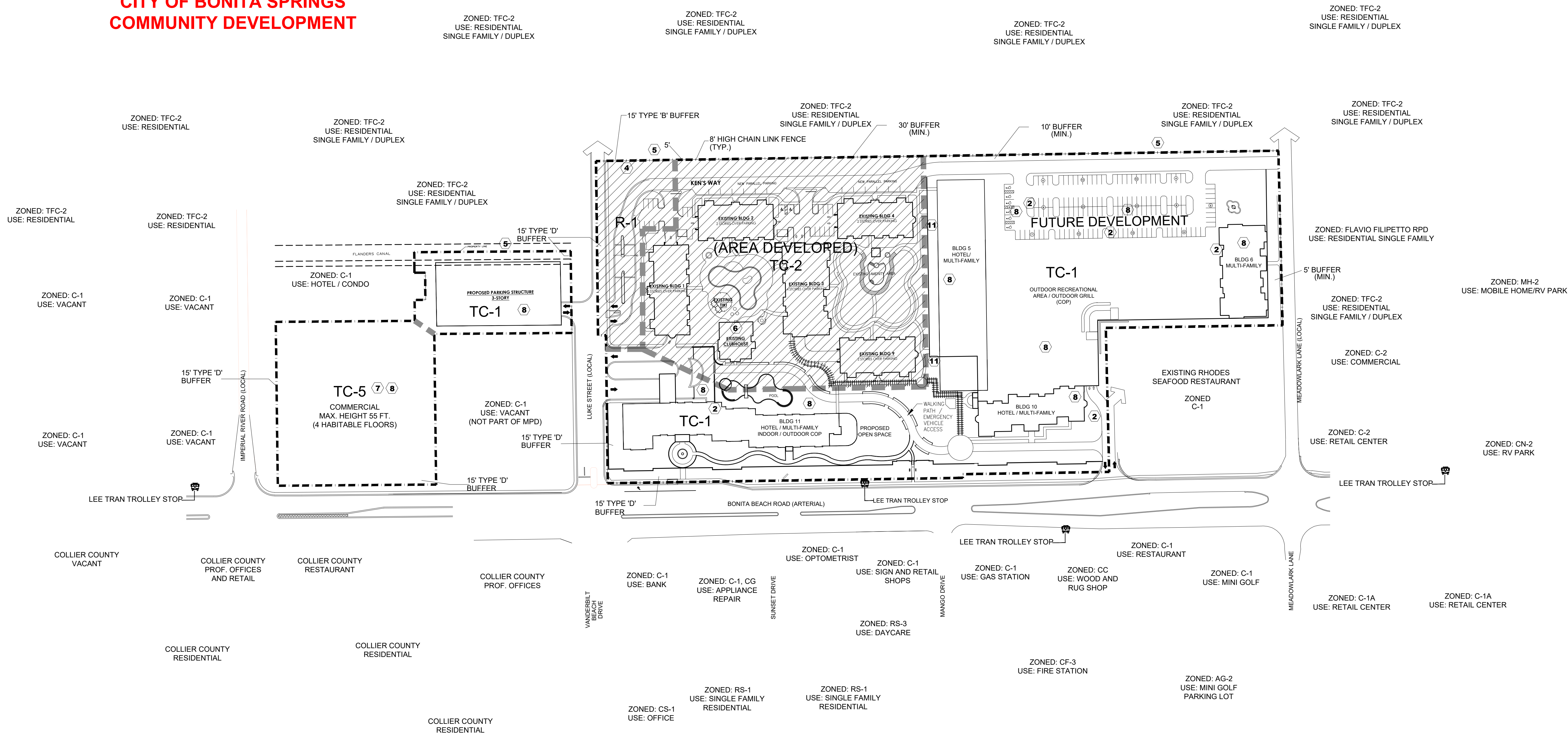
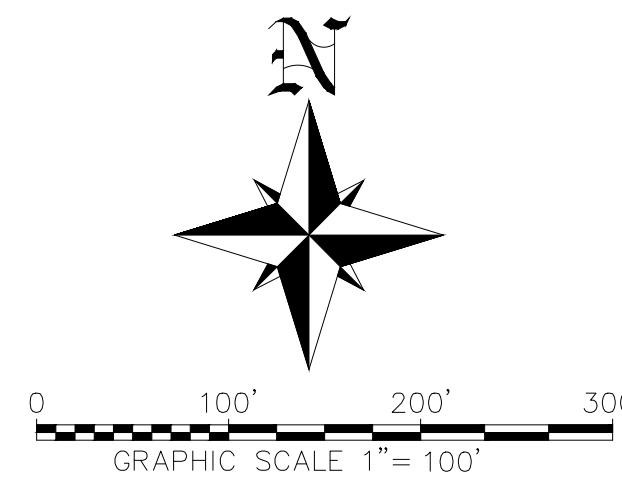
DATE: 8/17/18
FIELD BOOK AND PAGE: 1837-18
DRAWN BY: BLS INC. 100
APPROVED: BLS INC.
SCALE: AS NOTED

BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY)
A PORTION OF SECTIONS 32 AND 33,
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

BLS SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

SHEET 3 OF 3

**CITY OF BONITA SPRINGS
COMMUNITY DEVELOPMENT**



PREVIOUS APPROVALS:
ORDINANCE NO. 02-07
ADD 2004-00003
DOS 2004-00272
ADD 2006-00022
ORDINANCE NO. 07-08
ADD 2008-00004
ORDINANCE 16-05

- (1) Total Residential Units will not exceed 220 dwellings.
- (2) Total Commercial/Professional area will not exceed 23,000 square feet.
- (3) Total Hotel/Motel units will not exceed 390

1. CONSISTENT WITH LDC SECTION 34-414, OPEN SPACE WITHIN THE TOWN CENTER PARCELS WILL BE MET OVER THE ENTIRE DEVELOPMENT, BUT IN NO CASE WILL OPEN SPACE WITHIN AN INDIVIDUAL TOWN CENTER PARCEL BE LESS THAN 10%
2. ANY TRAILS OR PATHS WITHIN THE INDIGENOUS PRESERVE AREA WILL CONSIST OF A NATURAL, PERVIOUS MATERIAL
3. ROADWAY ABUTTING 30' WIDE BUFFER (PARCEL RC-2) CAN ENCROACH UP TO 10' INTO BUFFER IN ORDER TO PRESERVE NATIVE VEGETATION
4. LEE TRAN ROUTE 150 HAS A DEDICATED STOP LOCATED AT BONITA BEACH ROAD AND WINDSOR ROAD. THE LEE TRAN TROLLEY HAS DEDICATED STOPS LOCATED AT MEADOWLARK LANE AND BONITA BEACH ROAD AND ALSO IN FRONT OF THE PROJECT ON BONITA BEACH ROAD. THE PROJECT HAS ACCESS TO ALL OF THESE BUS STOPS VIA SIDEWALK.

PAVESE
LAW FIRM

BANKS

ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
BONITA VILLAGE MPD
BONITA SPRINGS, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/31/2020	8348	MCP	KG	KG	DBA	1"=100'	01

SECRET

DEVIATION 2 WAS APPROVED, GRANTING RELIEF FROM LDC SECTION 4-1690, SCREENING, WHICH REQUIRES THAT VEHICLE LOADING AREAS SHALL BE SCREENED FROM STREETS AND ADJACENT RESIDENTIAL DISTRICTS. SCREENING SHALL CONSIST OF WING WALLS, SHRUBS, TREES, BERMS, OR COMBINATION THEREOF, TO ALLOW NO SCREENING FOR LOADING AREAS ALONG PARKING AISLES ADJACENT TO COMMERCIAL USES THAT CONTAIN RESIDENTIAL USES ON THE UPPER FLOOR.

DEVIATION 4 WAS APPROVED. GRANTING RELIEF FROM LDC SECTION 3-418(D) WHICH REQUIRES EITHER A 125 FOOT SETBACK FROM AN EXISTING RESIDENTIAL SUBDIVISION OR AN EIGHT FOOT WALL OR COMBINATION WALL AND BERM; TO ALLOW A 30 FOOT SETBACK FROM THE PROPERTY BOUNDARY TO THE ROADWAY WITH INDIGENOUS OPEN SPACE ALONG THE BOUNDARY. A "B" SIZE BUFFER WILL BE PROVIDED AS ORIGINALLY APPROVED.

JUSTIFICATION:

DEVIATION 6 WAS APPROVED, AS CONDITIONED GRANTING RELIEF FROM LDC SECTION 4- 1732, REQUIRED SPACES, WHICH REQUIRES PARKING AT ONE SPACE PER 100 SQUARE FEET FOR PRIVATE CLUBHOUSE FACILITIES WITHIN A RESIDENTIAL COMMUNITY, TO ALLOW THE PRIVATE CLUB IN THE TC-2 TRACT OF THE PLANNED DEVELOPMENT TO CALCULATE PARKING AT ONE SPACE PER 300 SQUARE FEET, SUBJECT TO THE CONDITION THAT THE PRIVATE CLUB (CLUBHOUSE) IS USED SOLELY BY THE RESIDENTS AND THEIR GUESTS AND MAY NOT BE LEASED OUT OR USED BY NON-RESIDENTS OF THE PLANNED DEVELOPMENT.

DEVIATION 8 WAS APPROVED, GRANTING RELIEF FROM LDC SECTION 3-418 LANDSCAPING STANDARDS, WHICH REQUIRES COMMERCIAL PARKING AREAS ABUTTING SINGLE FAMILY OR MULTIPLE FAMILY AREAS TO PROVIDE A 15 FOOT WIDE, TYPE C BUFFER. TO ALLOW THE DEVELOPMENT OF THE MIXED USE PROJECT TO PROVIDE NO BUFFERS BETWEEN COMMERCIAL PARKING AREAS AND RESIDENTIAL USES WITHIN THE MIXED USE PLANNED DEVELOPMENT, EXCEPT AS NOTED ON THE MASTER CONCEPT PLAN.

DEVIATION 10 IS WAS APPROVED, PROVIDING RELIEF FROM LDC SECTION 4-714(B)(1). OPEN SPACE, WHICH REQUIRES LARGE DEVELOPMENTS TO PROVIDE 50% OF THEIR OPEN SPACE THROUGH ON-SITE PRESERVATION OF INDIGENOUS VEGETATION, TO PERMIT THE PROPERTY OWNER TO PROVIDE FOR OFF-SITE PRESERVATION OF LAND OF EQUAL HABITAT OR GREATER AT A 1:1 RATIO FOR THAT REQUIRED TO BE PRESERVED ONSITE, SUBJECT TO CONDITION 8.

DEVIATION 12 WAS APPROVED, PROVIDING WEEKS RELIEF FROM LDC SECTION 4-1874(2), HEIGHT LIMITATIONS FOR SPECIAL AREAS, WHICH REQUIRES THAT NO BUILDING OR STRUCTURE MAY EXCEED 45 FEET IN HEIGHT UNLESS ALL REQUIRED SETBACKS ARE INCREASED 12 INCHES FOR EACH 12 INCHES BY WHICH THE HEIGHT EXCEEDS 45 FEET. IN NO EVENT, MAY THE HEIGHT EXCEED 55 FEET UNLESS A VARIANCE OR DEVIATION IS APPROVED BY THE CITY COUNCIL AS PART OF A MIXED USE PLANNED DEVELOPMENT TO ALLOW A BUILDING HEIGHT OF 75 FEET AND SUBJECT TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE IN THE ZONING ORDINANCE.

JUSTIFICATION:

DEVIATION 14 SEEKS RELIEF FROM LDC SECTION 3-418, LANDSCAPE STANDARDS, REQUIRING THAT A TYPE C BUFFER BE A MINIMUM OF 15 FEET WIDE, TO ALLOW FOR THE MINIMUM TYPE C BUFFER WIDTH TO BE REDUCED TO 10 FEET ALONG THE NORTHERN PROPERTY BOUNDARY AND TO 5 FEET ALONG THE EASTERN BOUNDARY.

JUSTIFICATION:

THIS IS WARRANTED DUE TO THE IMPACTS OF THE DEVELOPER'S INTENT TO COMPLY WITH THE CITY OF BONITA SPRINGS BONITA BEACH ROAD VISIONING STUDY. ADDITIONAL SPACE IS REQUIRED TO SEPARATE THE PLANNED RESIDENTIAL BUILDINGS FROM BONITA BEACH ROAD, WHICH HAS IMPACTED THE SETBACKS FROM WHICH 55 FOOT TO 75 FOOT BUILDINGS MAY BE CONSTRUCTED ON THE PROPERTY. THESE CHANGES NECESSITATE A REDUCTION IN THE LANDSCAPE BUFFER AND FENCE/WALL SETBACK FROM THE NORTHERN AND EASTERN PROPERTY LINES. THIS REQUEST ENHANCES THE OBJECTIVES OF THE PLANNED DEVELOPMENT AND PRESERVES AND PROMOTES THE INTENT OF CHAPTER 4, LDC, WHICH IS TO PROTECT AND PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE BY COMPLYING WITH THE VISIONING STUDY.

PREPARED FOR	PAVESE LAW FIRM		BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving the Fort Worth Area	10511 SIX MILE CYPRESS PARKWAY FORT MYERS, FLORIDA 33966 PHONE: (239) 939-5490 FAX: (239) 939-2523 ENGINEERING LICENSE # EB 8458 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM		DEVIATION NOTES BONITA VILLAGE MPD BONITA SPRINGS, FLORIDA					
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET				
08/31/2020	8348	MCP	KG	KG	DBA	N/A	02				

**BONITA SPRINGS, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT AMENDMENT
CASE NUMBER: PD20-71493-BOS, BONITA VILLAGE MIXED USE PLANNED
DEVELOPMENT (MPD) AMENDMENT
HEARING DATE: SEPTEMBER 15, 2020 (Zoning Board)
PLANNER: JACQUELINE GENSON, AICP

I. APPLICATION SUMMARY:

- A. Applicant: Bonita Development Co. LLC
- B. Request: A request to amend Zoning Ordinance No. 16-05 for the Bonita Village Mixed-Use Planned Development to reduce the distance from which the fifty-five (55) foot height limitation applies from seventy (70) feet to thirty (30) feet of the northern boundary, and from fifty (50) feet to ten (10) feet of the eastern boundary.
- C. Location: The subject properties are located at: 27690 and 27694 Imperial River Road; 27901 Bonita Village Boulevard; 27934 Meadowlark Lane; and 3840, 3894, 3962, 3974, and 3998 Bonita Beach Road SW in Bonita Springs, Florida 34134
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
 - Future Land Use: General Commercial
 - Current Zoning: Mixed Use Planned Development (MPD)
 - Current Use: Office, Vacant Commercial and Vacant Residential

II. BACKGROUND INFORMATION AND ANALYSIS:

By this reference, the Applicant's Application in its entirety and correspondence is made part of this record and is available at the City Clerk's and Community Development's Offices.

Summary of the Request

The subject properties consist of approximately ±19 acres generally located east of Imperial River Road, west of Meadowlark Lane, and north of Bonita Beach Road. The Applicant is proposing to amend the existing Bonita Village Mixed-Use Planned Development (MPD) by requesting to amend Condition 3a relative to the maximum permitted height along the northern and eastern boundaries, the Master Concept Plan (**Exhibit B**), and the Schedule of Deviations.

Current Future Land Use Map

The subject property is designated as General Commercial on the Bonita Springs Future Land Use Map. No changes to the Future Land Use Map are contemplated at this time.

Current Zoning

The existing development is partially built with eighty (80) multi-family units in five (5) buildings, a clubhouse, and pool amenity area, consistent with the original Zoning Ordinance 02-07, as subsequently amended by Zoning Ordinance No. 07-08 and ADD2008-00004. The current zoning, as amended in ZO-16-05, allows for up to 220 multi-family units (timeshares included), 23,000 square feet of commercial uses, and 260 hotel units.

Schedule of Uses

The request includes no changes to the Schedule of Uses.

Property Development Regulations

The project's property development regulations were modified and approved in Zoning Ordinance No. 16-05, Condition 3a. The property development regulations approved building height up to seventy-five (75) feet in the Town Center Parcel (TC-1) areas, subject to a fifty-five (55) foot height limitation for buildings within seventy (70) of the northern boundary and within fifty (50) feet of the eastern boundary. The proposed MPD amendment would reduce the distance from which the fifty-five (55) foot maximum height limitation applies from seventy (70) feet to thirty (30) feet along the northern boundary and from fifty (50) feet to ten (10) feet along the eastern boundary.

Deviations:

Deviations may be requested during the review process in accordance with [LDC 4-326](#). The Zoning Board may recommend to approve, approve with modification, or reject each requested deviation based upon a finding that each item:

1. Enhances the achievement of the objectives of the planned development; and
2. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.

The current MPD previously received approval for multiple deviations. The proposed MPD amendment requires modification to one (1) existing deviation (Deviation 5) and requests two (2) new deviations (Deviations 13 and 14). The City Staff did not agree that Deviation 13 was required, and it has since been withdrawn. All deviations and associated justifications by the Applicant are included in the Applicant's Analysis in Attachment "B." The City Staff's

recommendation on the modified and new deviation requests are included later in this Staff Report.

III. **CONCLUSIONS:**

The following conclusions are based upon the Applicant's Application being reviewed for compliance with the City of Bonita Springs Comprehensive Plan and the City's LDC. **Attachment "A,"** which is attached hereto and made a part hereof, demonstrates the type of analysis that was done. The Applicant's application materials and exhibits are included in **Attachment "B."**

Pursuant to the City's LDC, the Applicant was required to hold two (2) neighborhood meetings. The first meeting was held on June 29, 2020, with nineteen (19) members of the public present. The Applicant will hold the second meeting on September 10, 2020. Additional methods of public notice included mailed notices to properties within 375 feet of the property; rezoning property signs posted along Luke Street, Bonita Beach Road, and Meadowlark Lane; and a legal ad in the Fort Myers Newspress that ran on August 27, 2020, for the Zoning Board public hearing.

The proposed MPD amendment was evaluated by Community Development for zoning, engineering, environmental, and transportation impacts. Lee County and Bonita Springs Utilities also reviewed the request. A detailed City Staff analysis is included in **Attachment "A"** of this Staff Report.

IV. **RECOMMENDATION:**

The City Staff recommends **CONSIDERATION** of the Applicant's proposed amendment of City of Bonita Springs Zoning Ordinance No. 16-05 for the Bonita Village Mixed-Use Planned Development to reduce the distance from which the fifty (55) foot height limitation applies from seventy (70) feet to thirty (30) feet of the northern boundary, and from fifty (50) feet to ten (10) feet of the eastern boundary.

In the event that the Zoning Board desires to recommend approval or the City of Bonita Springs City Council chooses decides to approve the proposed MPD amendment, the City Staff submits that the following conditions and deviations should be considered:

A. **Conditions**

1. The development of this project shall be in general compliance with the Master Concept Plan entitled Bonita Village MPD (**Exhibit B**), stamped "received September 4, 2020," except as modified by the conditions contained herein. This development must comply with all requirements of the Bonita Springs Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.
2. Condition 3 of ZO-16-05 is hereby amended as follows.

The following uses are permitted:

Schedule of Uses

Residential Parcel R-1 and R-2
Accessory uses and structures

Administrative offices
Dwelling unit: Multiple-family building(s)
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Recreation facilities:
Personal
Private--On-site
Signs in accordance with Chapter 6

Town Center Parcels TC-1, TC-2 and TC-5

Accessory uses and structures
Administrative offices
Banks and financial establishments: Group I
Bar or cocktail lounge (limited to an ancillary use to a restaurant use)
Broadcast studio, commercial radio and television
Business services: Group I (excluding bail bonding and blood donor stations)
Cleaning and maintenance services
Clothing stores, general
Clubs: Country
Fraternal, membership organization
Private
Consumption on premises - limited to private club or restaurant use
Contractors and builders: Group I (no parking of company vehicles outside of operating hours)
Convenience food and beverage store
Cultural facilities
Day care center, child, adult
Dwelling unit: Multiple-family building
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention
Fences, walls
Food and beverage service, limited (limited to private club)
Food stores: Group I
Hardware store
Hobby, toy and game shops
Home occupation
Hotel/motel (including indoor/outdoor COP, limited to Tract TC-1 and TC-5)
Household and office furnishings, Groups I and II
Laundry or dry cleaning: Group I
Medical offices
Package Store
Paint, Glass, and Wallpaper
Parking lot: Accessory
Commercial
Garage, public and private parking
Temporary

Parks: Group I
 Personal services: Groups I, II, and III (excluding massage establishment or parlors, steam or turkish baths, escort services, palm readers, fortune teller or card reader, and tattoo parlors, except massage may be permitted within a health or beauty spa)
 Pet services
 Pet shop
 Pharmacy
 Place of worship
 Police or Sheriff's office
 Post office
 Recreation facilities:
 Commercial: Group IV (limited to health club)
 Personal or Private
 Rental or leasing establishment: Groups I, and II
 Repair shops: Groups I, and II
 Research and development laboratories: Groups I, II, III, IV
 Residential accessory uses
 Restaurant, fast food (includes outdoor seating, limited to Tracts TC-5)
 Restaurants: Groups I, II, and III (includes outdoor COP and seating)
 Schools: Commercial (limited to 2,500 square feet)
 Signs in accordance with Chapter 6
 Specialty retail shops: Groups I, II, and III
 Storage: Indoor only
 Studios
 Temporary uses
 Used merchandise stores: Groups I and II
 Variety store

a. Site Development Standards - See **Attachment B** except as modified herein

i. Parking Garage

Setbacks:

15' rear and side
25' street

Height

3 stories at *35' ~~three-story~~
*excludes stairway and
elevator appurtenances

The Site Development Standards are subject to a 55' height limitation on any portion of a building within ~~70'~~ 30' of the northern property boundary and 50' of the eastern boundary. At time of local development order, the northern façade of Building 5 shall incorporate unique and specific architectural and landscaping treatments that minimize the visual impacts and intrusion into the single-family neighborhood to the north.

In support of deviation 11, any building in the TC-1 development area exceeding 55' shall have a building separation of ½ the height of that portion of a building that's adjacent from the TC-2 development area.

3. Condition 9 of ZO-16-05, Landscaping and Buffering, is hereby amended as follows:

b. Quails Walk northern landscape buffer for TC-1 area. Deviations 5 and 14 allow for a ten-foot Type C landscape buffer with a wall 40' off on the property line if adjacent to a roadway/parking area. If a building is proposed adjacent to the buffer, a 25' Type F buffer will be provided. ~~The removal of a large amount of exotic vegetation on the north side of the project will severely reduce the indigenous landscape buffering that was proposed for this buffer area. Large Trees, such as including minimum 16' hardwood canopy trees, and 30' palms will be required in this enhanced buffer, subject to FPL easements and Tree Setback guidelines. Palms will be clustered in groups of three. An Alternate Betterment Plan may be approved at time of local development order if the Applicant can meet the intent of this buffer requirement in a different manner than proposed by this condition. Any landscape plan must attempt to accommodate the FPL Tree Setback guidelines to the maximum extent possible.~~

* * * *

f. In support of Deviation 14, the parking spaces facing Meadowlark Lane shall be screened with shrubs, 48 inches at installation and shall be maintained at a minimum of 60 inches high, with continuous visual screen within one year after time of planting as indicated by the date of the completion of the development order or phase thereof.

4. Lee County Department of Transportation (DOT). At the time of City of Bonita Springs Development Order application, the Applicant/Owner will be required to submit for a Type D Limited Development Order with Lee County for all roadway improvements within the Bonita Beach Road ROW and meet Lee County Land Development Code standards.
5. Approval of this MPD Amendment does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the City of Bonita Springs Comprehensive Plan provisions.

B. DEVIATIONS

1. A request to modify Deviation 5 granting relief from LDC Section 3-418 that requires that an eight (8) foot wall or wall and berm combination a minimum of twenty-five (25) feet from the property line; to allow an eight (8) foot high PVC fence or wall be placed five (5) feet from the northern property line.

Justification: Deviation 5 was approved subject to Condition 9b of ZO-16-05, which required the installation of a Type C buffer with specific planting requirements. The MPD amendment and associated Master Concept Plan propose the redesign of Building 5 and a realignment of an internal roadway and associated parking area. This deviation as written does not support the height and size of the proposed vegetation as required in Condition 9b of ZO-16-05. The larger trees proposed will not have enough room to grow and thrive. Additionally, there are power lines immediately adjacent to the buffer area to the north. Therefore, the City Staff recommends **APPROVAL** of the deviation request subject to revised Condition 9b of ZO-16-05 as set forth above.

2. Deviation 13 has been WITHDRAWN. This LDC requirement does not apply since the parking area adjacent to the Meadowlark Lane right-of-way is more than 125 feet from existing residential uses. The City Staff, however, has included an additional condition to address headlight glare (see revised Condition 9f above).
3. Deviation 14 seeks relief from LDC Section 3-418, landscape standards, requiring that a Type C and Type D buffer be a minimum of fifteen (15) feet wide, to allow for the minimum Type C and D buffer widths to be reduced to ten (10) feet along the northern property boundary and to five (5) feet along the eastern boundary.

Justification: This deviation is similar to Deviation 5 and is dependent upon the uses adjacent to the buffers. The City Staff has no objection to the decreased buffer width along the right-of-way for Meadowlark Lane. The Type D buffer relief adjacent to right of ways is a similar request for those projects within the Bonita Beach Road Corridor Overlay. The urban form of development requires different buffering standards than the suburban style buffering in the land development code. The City's LDC also allows plantings to be placed at half (1/2) of the buffer width so the request is only 2.5 feet less than normally allowed and plantings can be chosen to work within this buffer limitation. Therefore, the City Staff recommends **APPROVAL** of the deviation request for the Type D buffer subject to revised Condition 9f of ZO-16-05. Due to the overhead lines adjacent to the north buffer and the increase in vegetation sizes needed to support this enhanced landscape buffer, the City Staff recommends **APPROVAL** of the deviation request for the Type C buffer along the northern boundary subject to revised Condition 9b of ZO-16-05.

IV. SUBJECT PROPERTY

STRAP: 33-47-25-B4-00281.00CE, 33-47-25-B4-00282.0000, 33-47-25-B4-00296.0000, 33-47-25-B4-00296.0020, 33-47-25-B4-00296.0050, 33-47-25-B4-00296.0070, 33-47-25-B4-00296.0080, 33-47-25-B4-00296.0090, 33-47-25-B4-00296.0100, 33-47-25-B4-00296.010A, 33-47-25-B4-00296.0110, 33-47-25-B4-00296.0010, 33-47-25-B4-00295.0010, 33-47-25-B4-03800.00CE, 33-47-25-B4-03900.00CE, 32-47-25-B3-03204.0010, and 32-47-25-B3-03201.0010.

LEGAL DESCRIPTION: See EXHIBIT A

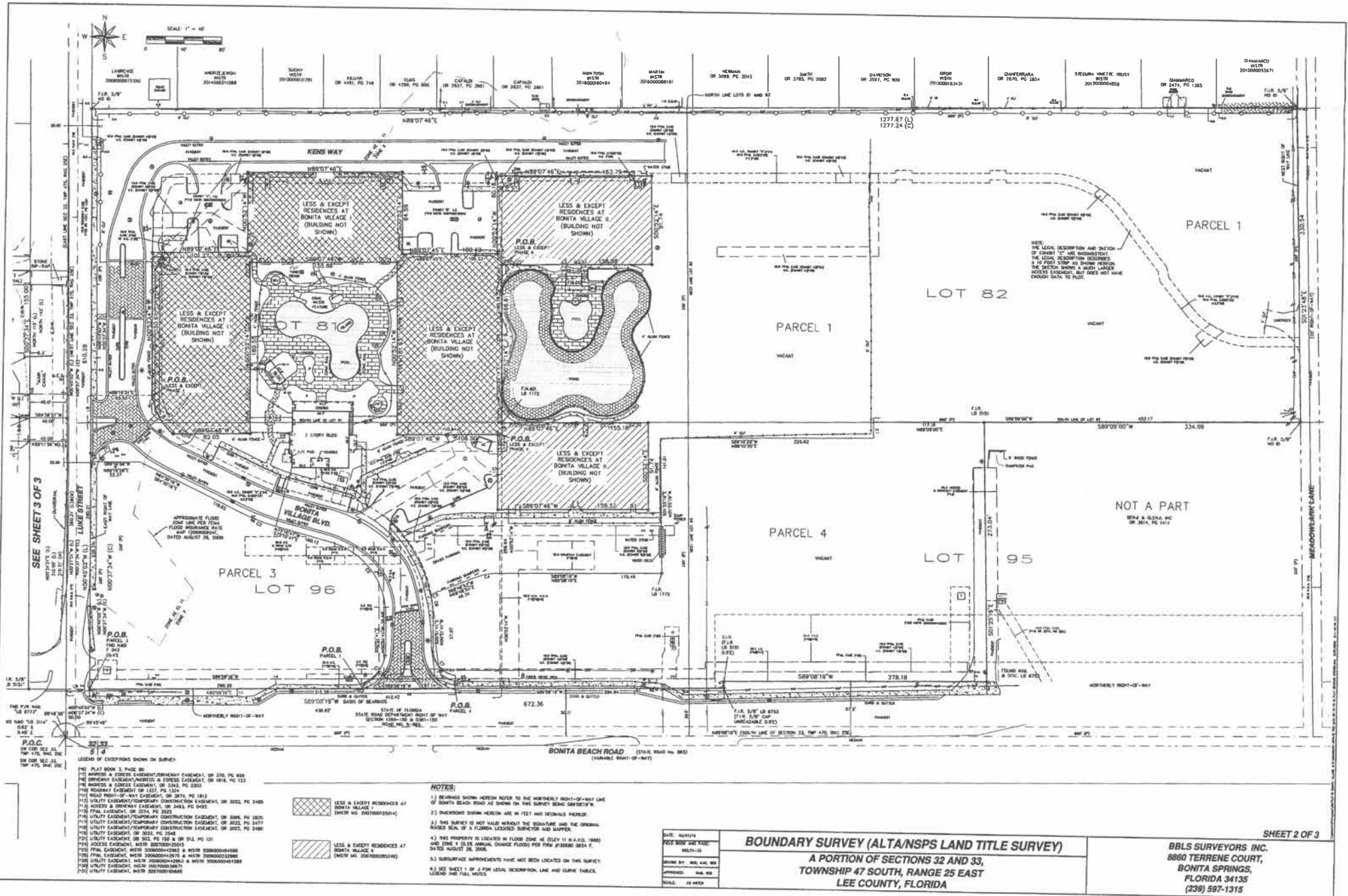
EXHIBITS:

- A. Boundary Survey of the Subject Property stamped received July 2, 2020
- B. Master Concept Plan stamped received September 4, 2020

ATTACHMENTS:

- A. Staff Informational Analysis
 - i. Background and Informational Analysis
 - ii. Exhibit D, PD15-21674-BOS
- B. Applicant's Informational Analysis
 - i. Application
 - ii. Zoning Ordinance Nos. 16-05 and 07-08
 - iii. Aerial
 - iv. Project Request, Comprehensive Plan, and LDC Consistency Narrative
 - v. Schedule of Deviations and Justifications

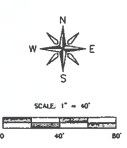
- vi. Environmental Information
- vii. LeeTran Information
- viii. Neighborhood Meeting Information
- ix. Applicants' Sufficiency and Substantive Comment Responses



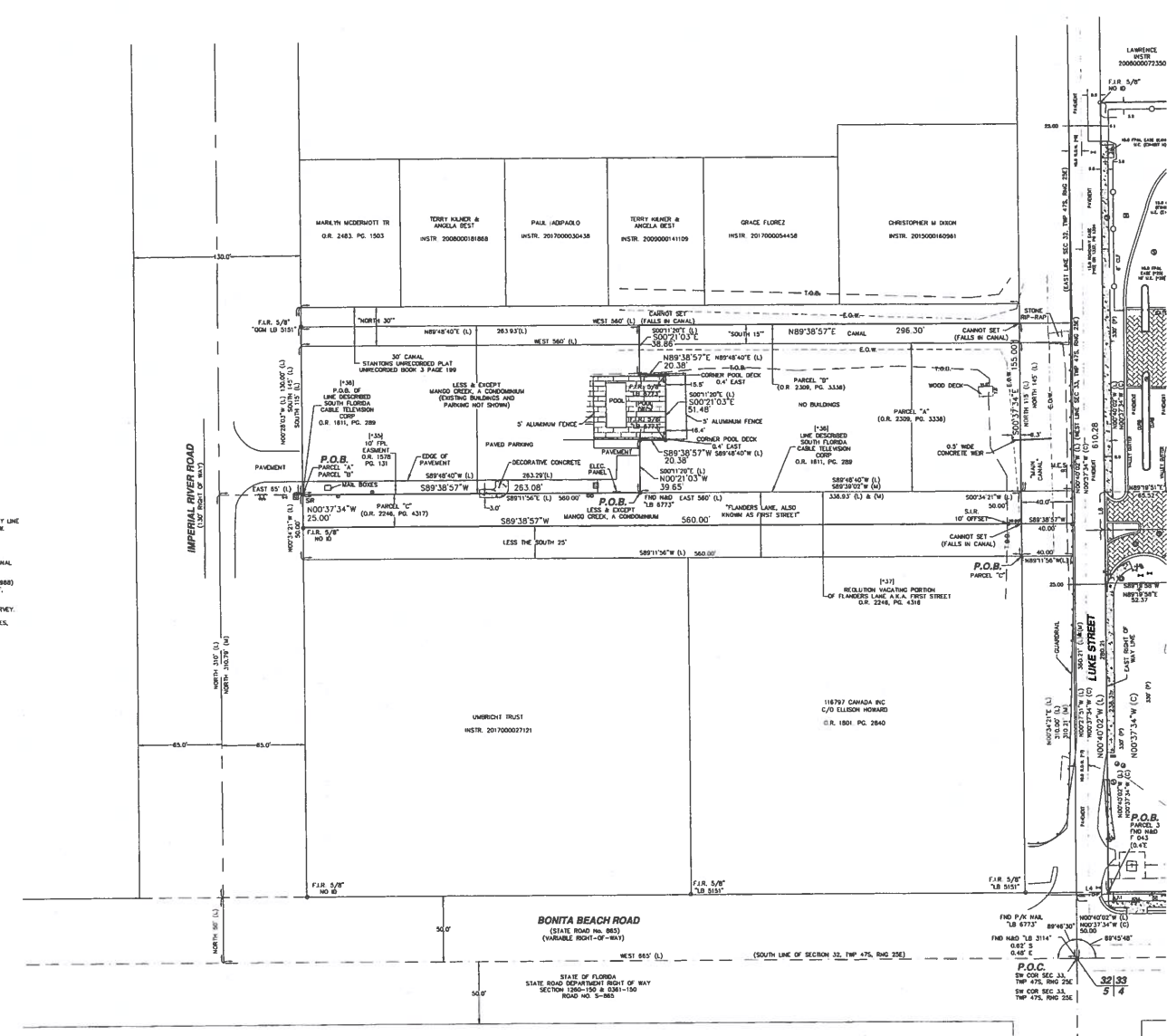
DATE: 04/11/14
FILED: 04/11/14
BOOK: 100, PAGE: 100
RECORD: 100
BY: J. L. HARRIS
APPROVED: J. L. HARRIS
SCALE: AS SHOWN

BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY)
A PORTION OF SECTIONS 32 AND 33,
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SHEET 2 OF 3
BBL SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315



- NOTES:**
- 1.) BEARINGS SHOWN HEREON REFER TO THE NORTHERLY RIGHT-OF-WAY LINE OF BONITA BEACH ROAD AS SHOWN ON THIS SURVEY BEING S89°06'18"W. (SEE SHEET 2 OF 3)
 - 2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
 - 3.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - 4.) THIS PROPERTY IS LOCATED IN FLOOD ZONE AE (SEV 1) H.A.V.D. 1980) AND ZONE 3 (0.25 ANNUAL CHANCE FLOOD) FOR FIRM FIRMED 0504 F, DATED AUGUST 28, 2008.
 - 5.) SURFACE IMPROVEMENTS HAVE NOT BEEN LOCATED ON THIS SURVEY.
 - 6.) SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION, LINE AND CURVE TABLES, LEGEND AND FULL NOTES.



SEE SHEET 2 OF 3

DATE: 8/17/18 FIELD BOOK AND PAGE: 8/17/18-10 DRAWN BY: BLS, INC. 100 APPROVED: BLS, INC. SCALE: AS NOTED	BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY) A PORTION OF SECTIONS 32 AND 33, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	BLS SURVEYORS, INC. 8860 TERRENE COURT, BONITA SPRINGS, FLORIDA 34135 (239) 597-1315
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PREPARED FOR:						BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving The State Of Florida WWW.BANKSENG.COM		MASTER CONCEPT PLAN BONITA VILLAGE MPD BONITA SPRINGS, FLORIDA							
								DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
								08/31/2020	8348	MCP	KG	KG	DBA	1"=100'	01

SECRET

DEVIATION 2 WAS APPROVED, GRANTING RELIEF FROM LDC SECTION 4-1690, SCREENING, WHICH REQUIRES THAT VEHICLE LOADING AREAS SHALL BE SCREENED FROM STREETS AND ADJACENT RESIDENTIAL DISTRICTS. SCREENING SHALL CONSIST OF WING WALLS, SHRUBS, TREES, BERMS, OR COMBINATION THEREOF, TO ALLOW NO SCREENING FOR LOADING AREAS ALONG PARKING AISLES ADJACENT TO COMMERCIAL USES THAT CONTAIN RESIDENTIAL USES ON THE UPPER FLOOR.

DEVIATION 4 WAS APPROVED. GRANTING RELIEF FROM LDC SECTION 3-418(D) WHICH REQUIRES EITHER A 125 FOOT SETBACK FROM AN EXISTING RESIDENTIAL SUBDIVISION OR AN EIGHT FOOT WALL OR COMBINATION WALL AND BERM; TO ALLOW A 30 FOOT SETBACK FROM THE PROPERTY BOUNDARY TO THE ROADWAY WITH INDIGENOUS OPEN SPACE ALONG THE BOUNDARY. A "B" SIZE BUFFER WILL BE PROVIDED AS ORIGINALLY APPROVED.

JUSTIFICATION:

DEVIATION 6 WAS APPROVED, AS CONDITIONED GRANTING RELIEF FROM LDC SECTION 4- 1732, REQUIRED SPACES, WHICH REQUIRES PARKING AT ONE SPACE PER 100 SQUARE FEET FOR PRIVATE CLUBHOUSE FACILITIES WITHIN A RESIDENTIAL COMMUNITY, TO ALLOW THE PRIVATE CLUB IN THE TC-2 TRACT OF THE PLANNED DEVELOPMENT TO CALCULATE PARKING AT ONE SPACE PER 300 SQUARE FEET, SUBJECT TO THE CONDITION THAT THE PRIVATE CLUB (CLUBHOUSE) IS USED SOLELY BY THE RESIDENTS AND THEIR GUESTS AND MAY NOT BE LEASED OUT OR USED BY NON-RESIDENTS OF THE PLANNED DEVELOPMENT.

DEVIATION 8 WAS APPROVED, GRANTING RELIEF FROM LDC SECTION 3-418 LANDSCAPING STANDARDS, WHICH REQUIRES COMMERCIAL PARKING AREAS ABUTTING SINGLE FAMILY OR MULTIPLE FAMILY AREAS TO PROVIDE A 15 FOOT WIDE, TYPE C BUFFER. TO ALLOW THE DEVELOPMENT OF THE MIXED USE PROJECT TO PROVIDE NO BUFFERS BETWEEN COMMERCIAL PARKING AREAS AND RESIDENTIAL USES WITHIN THE MIXED USE PLANNED DEVELOPMENT, EXCEPT AS NOTED ON THE MASTER CONCEPT PLAN.

DEVIATION 10 IS WAS APPROVED, PROVIDING RELIEF FROM LDC SECTION 4-714(B)(1). OPEN SPACE, WHICH REQUIRES LARGE DEVELOPMENTS TO PROVIDE 50% OF THEIR OPEN SPACE THROUGH ON-SITE PRESERVATION OF INDIGENOUS VEGETATION, TO PERMIT THE PROPERTY OWNER TO PROVIDE FOR OFF-SITE PRESERVATION OF LAND OF EQUAL HABITAT OR GREATER AT A 1:1 RATIO FOR THAT REQUIRED TO BE PRESERVED ONSITE, SUBJECT TO CONDITION 8.

DEVIATION 12 WAS APPROVED, PROVIDING SEEKS RELIEF FROM LDC SECTION 4-1874(2), HEIGHT LIMITATIONS FOR SPECIAL AREAS, WHICH REQUIRES THAT NO BUILDING OR STRUCTURE MAY EXCEED 45 FEET IN HEIGHT UNLESS ALL REQUIRED SETBACKS ARE INCREASED 12 INCHES FOR EACH 12 INCHES BY WHICH THE HEIGHT EXCEEDS 45 FEET. IN NO EVENT, MAY THE HEIGHT EXCEED 55 FEET UNLESS A VARIANCE OR DEVIATION IS APPROVED BY THE CITY COUNCIL AS PART OF A MIXED USE PLANNED DEVELOPMENT TO ALLOW A BUILDING HEIGHT OF 75 FEET AND SUBJECT TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE IN THE ZONING ORDINANCE.

JUSTIFICATION:

DEVIATION 14 SEEKS RELIEF FROM LDC SECTION 3-418, LANDSCAPE STANDARDS, REQUIRING THAT A TYPE C BUFFER BE A MINIMUM OF 15 FEET WIDE, TO ALLOW FOR THE MINIMUM TYPE C BUFFER WIDTH TO BE REDUCED TO 10 FEET ALONG THE NORTHERN PROPERTY BOUNDARY AND TO 5 FEET ALONG THE EASTERN BOUNDARY.

JUSTIFICATION:

THIS IS WARRANTED DUE TO THE IMPACTS OF THE DEVELOPER'S INTENT TO COMPLY WITH THE CITY OF BONITA SPRINGS BONITA BEACH ROAD VISIONING STUDY. ADDITIONAL SPACE IS REQUIRED TO SEPARATE THE PLANNED RESIDENTIAL BUILDINGS FROM BONITA BEACH ROAD, WHICH HAS IMPACTED THE SETBACKS FROM WHICH 55 FOOT TO 75 FOOT BUILDINGS MAY BE CONSTRUCTED ON THE PROPERTY. THESE CHANGES NECESSITATE A REDUCTION IN THE LANDSCAPE BUFFER AND FENCE/WALL SETBACK FROM THE NORTHERN AND EASTERN PROPERTY LINES. THIS REQUEST ENHANCES THE OBJECTIVES OF THE PLANNED DEVELOPMENT AND PRESERVES AND PROMOTES THE INTENT OF CHAPTER 4, LDC, WHICH IS TO PROTECT AND PRESERVE THE PUBLIC HEALTH, SAFETY AND WELFARE BY COMPLYING WITH THE VISIONING STUDY.

[illegible]



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City of Bonita Springs
Community Development Dept

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Community Development Dept





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Community Development Dept

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-334
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Approve contract amendment #2 with Florida Department of Environmental Protection Recreational Trails Program extending the contract expiration date for the West Terry Street Multi-Use Path.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Matt Feeney Assistant City Manager Elly Soto McKuen Senior Project Manager
☒ CONSENT	☐ ORDINANCE	
☐ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND: The City applied for, and received, \$200,000 funding from the Florida Department of Environmental Protection (FDEP) Recreational Trails Program (RTP) for the West Terry Street Multi-Use Path on December 18, 2017. Amendment #1 - approved in November 2019 extending the contract to December 17, 2020 due to right of way issues and project development. Amendment #2 – extends the contract until December 17, 2021. Staff anticipates the property will be complete in the first quarter of 2021. Extending the timeframe will allow staff to complete the project and allow for additional time to close out the project and request reimbursement. Attachment: FDEP RTP West Terry Street Path Agreement #1703 – Amendment #2		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? 2) Transportation, 3) Strengthen City Finances, 5) Community Aesthetics, 8) Economic Development		
STAFF RECOMMENDATIONS: Approve contract amendment #2 with Florida Department of Environmental Protection Recreational Trails Program extending the contract expiration date for the West Terry Street Multi-Use Path.		
REVIEWED BY: City Manager: <u>Arleen Hunter</u> City Attorney: <u>Derek Rooney</u> City Clerk: <u>Debra Filipek</u> Department Director: <u>Matt Feeney</u>		
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

**AMENDMENT NO. 2
TO AGREEMENT NO. T1703
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF BONITA SPRINGS**

This Amendment to Agreement No. T1703 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and City of Bonita Springs, 9101 Bonita Beach Road, Bonita Springs, Florida 34135 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for the design, permitting and construction of a 12' X 1.25 mile (+/- 10%) asphalt multi-use path effective December 18, 2017; and,

WHEREAS, the parties wish to amend the Agreement as set forth herein to extend the grant period to December 17, 2021.

NOW THEREFORE, the parties agree as follows:

- 1) The Agreement is extended for a one-calendar year period to begin December 17, 2020 and remain in effect until December 17, 2021. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
- 2) Attachment A-1, Revised Project Work Plan, is hereby deleted in its entirety and replaced with Attachment A-2, Second Revised Project Work Plan, as attached to this Amendment. All references in the Agreement to Attachment A-1 shall hereinafter refer to Attachment A-2, Second Revised Project Work Plan.

All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

City of Bonita Springs

**Florida Department of
Environmental Protection**

By: _____

By: _____

Title: _____

Secretary or Designee

Date: _____

Date: _____

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	A-2	Second Revised Project Work Plan (3 pages)

ATTACHMENT A-2
SECOND REVISED PROJECT WORK PLAN
RECREATIONAL TRAILS PROGRAM (RTP)

Project Name: West Terry Street Path

Grantee Name: City of Bonita Springs

RTP Project # T17003

SUMMARY: The Grantee will complete the Project Element(s), which were approved by the Department through the RTP Application Evaluation Criteria, pursuant to Chapter 62S-2, Florida Administrative Code (F.A.C.) and the FHWA Recreational Trails Program Interim Guidance Manual. Any alteration(s) to the Project Element(s) defined in the Grant Work Plan resulting in a change in the total point score of Grantee's Application as it appears on the RTP Advisory Committee's Priority List for FY2017-18 is considered a significant change, must be pre-approved by the Department, and requires a formal Amendment to this Agreement. All work must be completed in accordance with laws, rules, and guidance including, but not limited to: local, state and federal laws, the approved Project plans, all required permits, the Florida Building Code and, as applicable, the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways ("Florida Greenbook"). Prior to issuance of a Notice to Proceed, the Department must receive evidence of and have approved all Deliverables in Task 1.¹

The Department will designate the Project complete upon receipt and approval of all Deliverables and when Project site is open and available for use by the public for outdoor recreation purposes. The Department will retain ten percent (10%) of the Grant Award until the Grantee completes the Project and the Department approves the Completion Documentation set forth in paragraph 62S-2.075(7)(e), F.A.C. The final payment of the retained ten percent (10%) will be processed within thirty (30) days of the Project being designated complete by the Department.

For the purpose of this Agreement, the terms "Project Element" and "Project Task" are used interchangeably to mean an identified facility within the Project.

The project is located at 10141 West Terry Street, Bonita Springs, FL and is a non-motorized, diverse-use trail.

BUDGET: Reimbursement for allowable costs for the Project may not exceed the maximum grant award amount outlined below. Required match will be provided by cash or in-kind services as set forth in subsection 62S-2.071(4), F.A.C. Grantee shall maintain an accounting system that meets generally accepted accounting principles and will maintain financial records to properly account for all Program and matching funds. The total estimated Project cost provided below is based on the approved RTP Application. A detailed Project cost analysis will be provided in the Deliverables for Task 1, prior to the Department issuing the Notice to Proceed. All final Project costs shall be submitted to the Department with the payment request.

Maximum Grant Award Amount:	\$ 200,000
Required Grantee Match Amount:	\$ 780,650
Total Estimated Project Cost:	\$ 980,650
Match Ratio:	80:20

Scope of Work/Tasks within Deliverable	Deliverables	Due Date	Financial Consequences
TASK 1 1.A. Development of Commencement Documentation Checklist (OGT-11) ¹ .	DELIVERABLE 1 The Department will issue Notice to Proceed upon receipt and approval of:	COMPLETED 10/31/2019	The Department will terminate the Project Agreement if the required Deliverables are not submitted and approved by the Department.

1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable).	1.A. All applicable Project specific Commencement documentation, listed on Commencement Documentation Checklist (OGT-11). 1.B. Cost Analysis Form with detailed budget (and/or In-House Cost Schedule(s), if applicable). Project planning expenses, such as application preparation, surveys (boundary and topographic), title searches, project signs, architectural and engineering fees, permitting fees, project inspection fees, and other similar fees are eligible for reimbursement. However, reimbursement, if requested, shall not to exceed fifteen percent (15%) of total Project cost, and shall be invoiced upon Project completion, in accordance with the Payment Request Schedule below. The Grantee may not proceed with construction of the Project until Notice to Proceed has been issued.		
TASK 2 2.A. Development of Project Elements, including: Construction of 12' X 1.25-mile (+/- 10%) asphalt multi-use path. 2.B. Development of Completion of Documentation Checklist (OGT-13). 2.C. Completion of Final Status Report (DRP-109).	DELIVERABLE 2 The Grantee may request reimbursement upon Department receipt and approval of: 2.A. Development of required Project Elements. 2.B. All applicable Project specific Completion documentation listed on Project Completion Documentation Checklist (OGT-13). 2.C. Final Status Report (DRP-109). The Grantee may request reimbursement for allowable budgeted expenses and costs pursuant to the Agreement that are directly related to the successful completion of construction and/or development of the Project site. Reimbursement shall not exceed the Grant Award Amount, less any reimbursement requested for Deliverable 1, and shall be invoiced upon Project completion, in accordance with the Payment Request Schedule below. Ten percent (10%) of the payment request will be retained until the Project is designated complete by the Department.	Due 60 calendar days prior to the expiration of this Agreement which shall also be the Project Completion Date³ October 18, 2021	No reimbursement will be made for Deliverable(s) deemed unsatisfactory by the Department. Payment(s) will not be made for unsatisfactory or incomplete work. In addition, a Task may be terminated for Grantee's failure to perform.

Project Task Performance Standard: The Department's Grant Manager will review the Project Completion Certificate and the Deliverables to verify compliance with the requirements for funding under the Recreation Trails Program (RTP); approved plans and application approved for funding. Upon review and written acceptance by the Department's Grant Manager of the Project Completion Certification and the Deliverables, the Grantee may proceed with the payment request submittal.

Payment Request Schedule: Following Department approval of all Project Deliverables, the Grantee may submit a **single payment request** on Payment Request Summary Form (DRP-115) along with all required documentation as outlined in the Financial Reporting Procedures (DRP-110), as applicable, to support payment. A payment request submitted as part of the reimbursement process must correspond with the Cost Analysis and supporting documents provided under Project Tasks. The payment request must include documentation regarding the match source, as required.

Endnotes:

1. RTP documentation is available at <https://floridadep.gov/lands/land-and-recreation-grants/content/rtp-assistance> and/or, Land and Recreational Grants Section, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, M.S. 585, Tallahassee, Florida 32399-3000.
2. Project Agreement is subject to termination if Commencement documents under Task 1 are not received and approved by the Department within 12 months of the Project Agreement execution.
3. This time period may be extended within the parameters of the RTP and/or FHWA federal guidelines, upon written request of the Grantee and approval by the Department.

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-332
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Approve Budget Resolution to transfer FY 2020 budgets among accounts and to adjust the budgets of certain revenue, other sources and expenditure accounts.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☒ STATUTE §166.241	Anne K. Wright, CPA, CGFO Finance Director
☒ CONSENT	☐ ORDINANCE	
☐ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER- CITY CHARTER	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND:		
As outlined in section 46(a) of the City Charter, if revenues in excess of those budgeted are available for appropriation, the City Council may make supplemental appropriations for the year in an amount not to exceed such excess revenues or carry over revenues into the next fiscal year. Section 46(d), allows the transfer of all or part of any unrestricted appropriations from one department to another. Florida Statutes §166.241 allows a municipality to amend a budget within 60 days following the fiscal year end. Attached is a Budget Transfer Resolution to increase/decrease the budgets for certain revenue, other sources and expenditure accounts, and to transfer funding among expenditure accounts to fund certain accounts requiring additional budget, with an effective date retroactive to September 30, 2020. Attachment: Budget Resolution		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? #7 Government Transparency		
STAFF RECOMMENDATIONS: Approve Budget Resolution		
REVIEWED BY:		
City Manager:	<u>Arleen Huner</u>	
City Attorney:	<u>Derek Rooney</u>	
City Clerk:	<u>Debra Filipek</u>	
Department Director:	<u>Anne Wright</u>	
COUNCIL ACTION:		
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

**CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION NO. 20 –**

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING A 2020 FISCAL YEAR BUDGET AMENDMENT TO ADJUST THE BUDGET FOR REVENUE, OTHER SOURCES AND EXPENDITURES AND TO TRANSFER BUDGET AMONG ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 19, 2019, the City of Bonita Springs adopted the budget for the fiscal year ending September 30, 2020; and

WHEREAS, Florida Statutes, 166.241 allows a municipality to amend a budget within 60 days following the fiscal year end, and

WHEREAS, the City Charter, Section 46 allows for supplemental appropriations for the year in an amount not to exceed such excess revenues.

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

1.The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.

2.The Bonita Springs' City Council authorizes the following budget amendment and transfers to increase (decrease) budgeted amounts for the indicated accounts within the indicated funds:

Account	Account Description	Budget Increase(Decrease)				
		Rev./Other Sources	Expenditure			
GAS TAX FUND						
10.950.541.3474	Roadway Maintenance		6,580			
10.951.541.3474	Roadway Maintenance Revenue Sharing		2,008			
10.951.544.3431	Lee Tran Bus Service		4,887			
10.950.541.3120	Traffic Engineering		(13,475)			
BUILDING FEE FUND						
19.210.3220000	Building Permits	3,268				
19.210.524.3426	Software Maintenance & Consultation		3,186			
19.210.524.3429	Central Locating Services		82			
CAPITAL PROJECTS FUND						
30.000.3840000	Proceeds from Loan	(40,000)				
30.250.538.6106	East Bonita Springs Stormwater Improvement		(40,000)			
30.250.538.6802	Spring Creek Restoration Plan		176			
30.250.538.6808	Storm Water Utility		(176)			
GENERAL FUND						
00.260.525.3481	Emergency Preparedness-Radio Service		4,276			
00.260.525.4400	Emergency Preparedness-Rental and Leases		4,578			
00.270.592.4926	COVID -19 Related Expenses		45,000			
00.220.521.3437	Public Safety- Other Security		11,747			
00.250.541.3100	Public Works-Professional Services		(65,601)			
00.211.3419002	Cost Recovery Revenue-Prof Services	8,026				
00.211.515.3140	Cost Recovery- Professional Services		8,026			
00.211.3490001	Convenience Fee	20,828				
00.211.515.4908	Credit Card Fees		20,828			
GENERAL FUND		Wages	FICA	Retiremnt	Unemplomt	Incr.(Decr.)
201-City Manager Office		637	48	64	2	751
230-Neighborhood Services		4,329	331	433	11	5,104
250-Public Works Dept		6,779	519	678	17	7,993
301-City Attorney Office		550	42	55	1	648
401-Admin Services		1,478	113	148	4	1,743
430-Communications		1,376	105	138	4	1,623
240- IT		480	37	48	1	566
501-Finance		1,825	140	182	5	2,152
601-Parks Admin & Maint		1,588	122	159	4	1,873
602-Recreation Center		371	28	37	1	437
604-Community Pool		687	53	69	2	811
617-Nature Place		44	3	4	-	51
Total Cost Center Increases		20,144	1,541	2,015	52	23,752
270-Pay for Performance						(23,752)

3.This Resolution shall become effective retroactive to September 30, 2020 upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of November, 2020.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Purdon
Corrie	Quaremba
Forbes	Simmons
Gibson	

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-331
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Adopt resolution approving the top-ranked recommendation from the Art in Public Places Board for tenancy of Artist Cottage #5 and authorize City Manager to execute a lease for the use of Artist Cottage #5 for a term of one year		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Nicole Perino Parks and Recreation Director
☒ CONSENT	☐ ORDINANCE	
☐ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND:		
On August 21, 2020, a request for proposals was advertised for vacant Artist Cottage #5 for interested parties to submit a Letter of Interest. On October 1, 2020, the City received three (3) Letters of Interest. The proposals were reviewed by the Art in Public Places Board at their October 21, 2020 meeting. The submitted proposals were ranked as follows: 1. Raul Rubio 2. Susan Armstrong 3. Yvonne Krystman Raul Rubio was unanimously voted the top-ranked choice by the board to rent the cottage for a one-year lease agreement. The Use Agreement provides terms for renewal of three (3) one (1) year options. The agreement will further provide for hours of operation during special events, security, utilities, cancellation of lease and insurance requirements. The agreement requires the artist to rent the premises for the sum of \$300.00 per month from October to May and \$200.00 per month from June to September, for the full term of the agreement. Attachments: Resolution and proposals		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? #8 – Economic Development		
STAFF RECOMMENDATIONS: Adopt the resolution approving the recommendation for tenancy of Artist Cottage #5 and authorizing the City Manager to execute a lease agreement for use of Artist Cottage #5 for a term of one year.		
REVIEWED BY:		
City Manager:	<u>Arleen Hunter</u>	
City Attorney:	<u>Derek Rooney</u>	
City Clerk:	<u>Debra Filipek</u>	
Department Director:	<u>Nicole Perino</u>	
COUNCIL ACTION:		
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

CITY OF BONITA SPRINGS, FLORIDA
RESOLUTION 20 –

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA; APPROVING THE RECOMMENDATION OF RAUL RUBIO BY THE ART IN PUBLIC PLACES BOARD FOR LOI 20-16 FOR ARTIST COTTAGE # 5; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 1, 2020, the City received three (3) Letters of Interest for Artist Cottage #5

- Raul Rubio
- Susan Armstrong
- Yvonne Krystman

WHEREAS, on October 20, 2020 the Art in Public Places Board reviewed all three (3) Letters of Interest and with a unanimous vote recommended Raul Rubio as the top ranked proposal.

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

1. The ranking of proposals by the Art in Public Places board is approved.
2. The City Manager is authorized to execute a lease with Raul Rubio for the tenancy of Artist Cottage #5 upon acceptance of the City's standard terms and conditions.
3. This Resolution shall become effective immediately upon adoption by the Bonita Springs City Council.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of November 2020

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Purdon _____
Forbes _____
Gibson _____
Corrie _____

Quaremba _____
Simmons _____
Carr _____

Date filed with City Clerk: _____

Raul Rubio
10300 Indiana St.
Bonita Springs, FL 34135
239-304-6051
Email:raulrubio45@yahoo.com

May 14, 2020

Office of the City Clerk
City of Bonita Springs
9101 Bonita Beach Road
Bonita Springs, FL 34135

RE: Proposal to enter into use agreement of the Fishing Cottages at Riverside Park

Dear Honorable Bonita Springs Art in Public Places Board,

On a beautiful Saturday afternoon (pre COVID-19 safe at home order), I enjoyed a walk at Beautiful Riverside Park. As I walked, I saw what appeared to be a cluster of beautiful Cottages. I wondered "does someone live there"? As I got closer, I saw what was almost a dream come true; artist at work, showcasing their work. I immediately wanted to be a part of it. I asked one of the artists "how are you able to get one of these"? She was very helpful and explained how I could go about applying for an **Artist Cottage**. As a result, here is my proposal, which I am very excited to present to you.

My name is Raul Rubio. I am a Cuban born immigrant artist wanting to showcase my work at the **Bonita Springs Fishing Cottages**. Where do I begin. As a young child, Art has always been my passion. I was fascinated by the idea of being able to create something of my own and draw it to perfection. As a third grader I was able to take my first class in art and music, and even at such a young age, I knew that was my calling. I enrolled in the Provincial School **Luis Casas Romero de Camaguey**, in Camaguey Cuba. There, I was able to complete my studies and learn so much of the Arts.

In 1980, I became part of a select group of artists that specialized in creating diverse types of art, at the **Fidelio Ponce De Leon Artistic Group**, in Cuba. As a member of that group, I was able to participate in various collective and personal expositions, where I was able to showcase my work; even early on. Much to my surprise, even as a young Artist, I was able to sell my work and actually create an income to provide for my family. I was eventually able to relocate, legally, to the United States. Years ago, the Cuban government allowed a handful of citizens, who had the desire to leave Cuba, to do so; this was in the form of a visa lottery. To this day, I feel very blessed and fortunate to have been able to migrate to this great country. However, my arrival to the United States was

bittersweet, as I had to set my passion aside to learn a trade. This I consider a blessing as well, as eventually I learned enough to open a successful business.

If I am chosen, my plan is to lease the cottage and occupy the property immediately, as this would give me the opportunity to transform the space to an **Art Studio**, where I can showcase and create beautiful art works. Also, per your instructions, it is my understanding I would need to obtain a **Lee County Business Tax Receipt** as the Sole Proprietor of **Rubio Art Studio**. Selling and presenting Art is not new to me, as I have had the privilege of participating in a few events, such as: **Art in the Park Naples, FL** as well as **International Art Fair at Cauley Square Miami, FL**. I have successfully sold various paintings, original and copies on canvas. While leasing the Cottage, I plan to present the following types of painting:

- Impressionism
- Surrealism
- Abstract Art
- Cubism

Please see a sample of my artwork included with this letter. I create my work by solely using **oil paint, acrylic, and charcoal on canvas**. None of these materials are harmful in any way to the property or any visitors to the cottage.

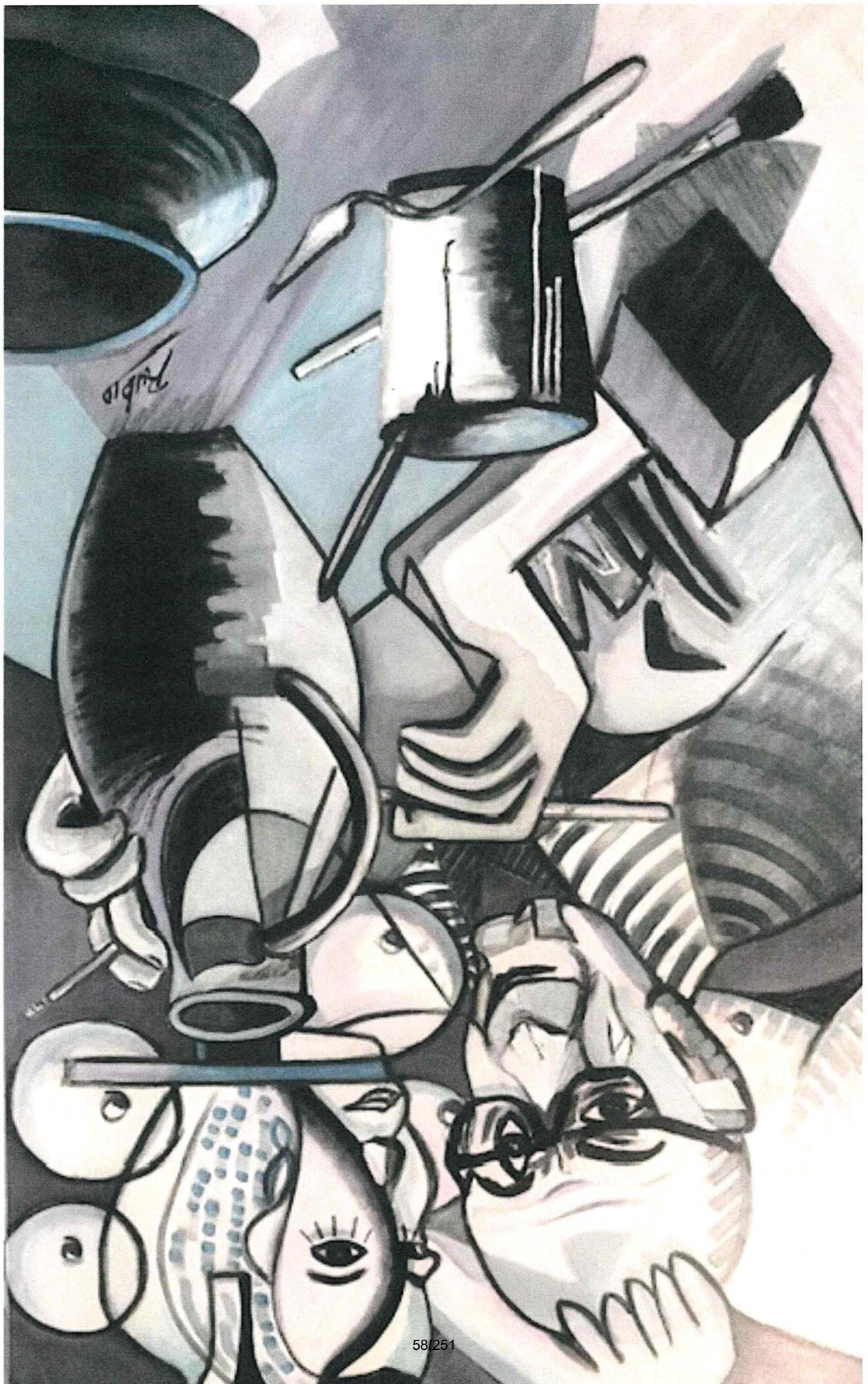
Financial Statement: As previously mentioned, I own a successful business. I understand I would be responsible for the monthly fees as follows: **\$300.00 per month Sept- May** and **\$200.00 per month June-August**. I understand and accept, there could be a possible increase based on market rate or inflation index each year. My intent is to lease the Fishing Cottage for a least one year, with the possibility of renewing the lease, if I qualified to do so. I understand I will need to open the Cottage during special events, to include weekends. As I live close by, I plan to be at the cottage every afternoon doing what I love most, painting.

Thank you in advance for taking the time to read my proposal and consider my work. It would be a privilege to be a part of the Fishing Cottages. I'm sure I would be a powerful addition to the Cottages.

In the words of my inspirational artist Pablo Picasso "Give me a museum and I'll fit in". Hope to hear from you soon.

Sincerely,

Raul Rubio















RIVERSIDE PARK COTTAGE

LETTER OF INTEREST

Bonita Springs Art in Public Places Board

August 28,2020

**From: Susan Armstrong
27062 Shell Ridge Circle
Bonita Springs, FL 34134
508-395-6674
Email: susanRarmstrong@comcast.net**

I am a landscape painter and am very interested in renting one of the artist's riverside cottages to use as a studio and gallery. I am the sole proprietor of my business. Being a plein air painter (painting outside) and a studio painter, I am very interested in sharing and selling my work. My paintings are in many collections both in New England and in Florida. I am now a full- time resident of Bonita Springs and no longer have a studio in which to work. I belonged to an artist's group of studios in an old school building for over 20 years in my home town of Concord, MA.

I work with acrylics which are water soluble and are therefore not flammable or hazardous. I often lead an outdoor painting group in season – we have painted often in Old Bonita. I would love to have at least a one year lease or two year lease if that is available and am willing and able to pay the rent for the building. I imagine I would paint there full time unless travelling and would be happy to open to the public , hopefully , when COVID is under control. I would use the space maybe 4 days a week for a few hours a day depending on what I am working on year round. I will, of course, obtain a Lee County Business Tax Receipt form if accepted...

I am enclosing some photos of my work and a brief biography....Thank you for your consideration...

Susan Armstrong

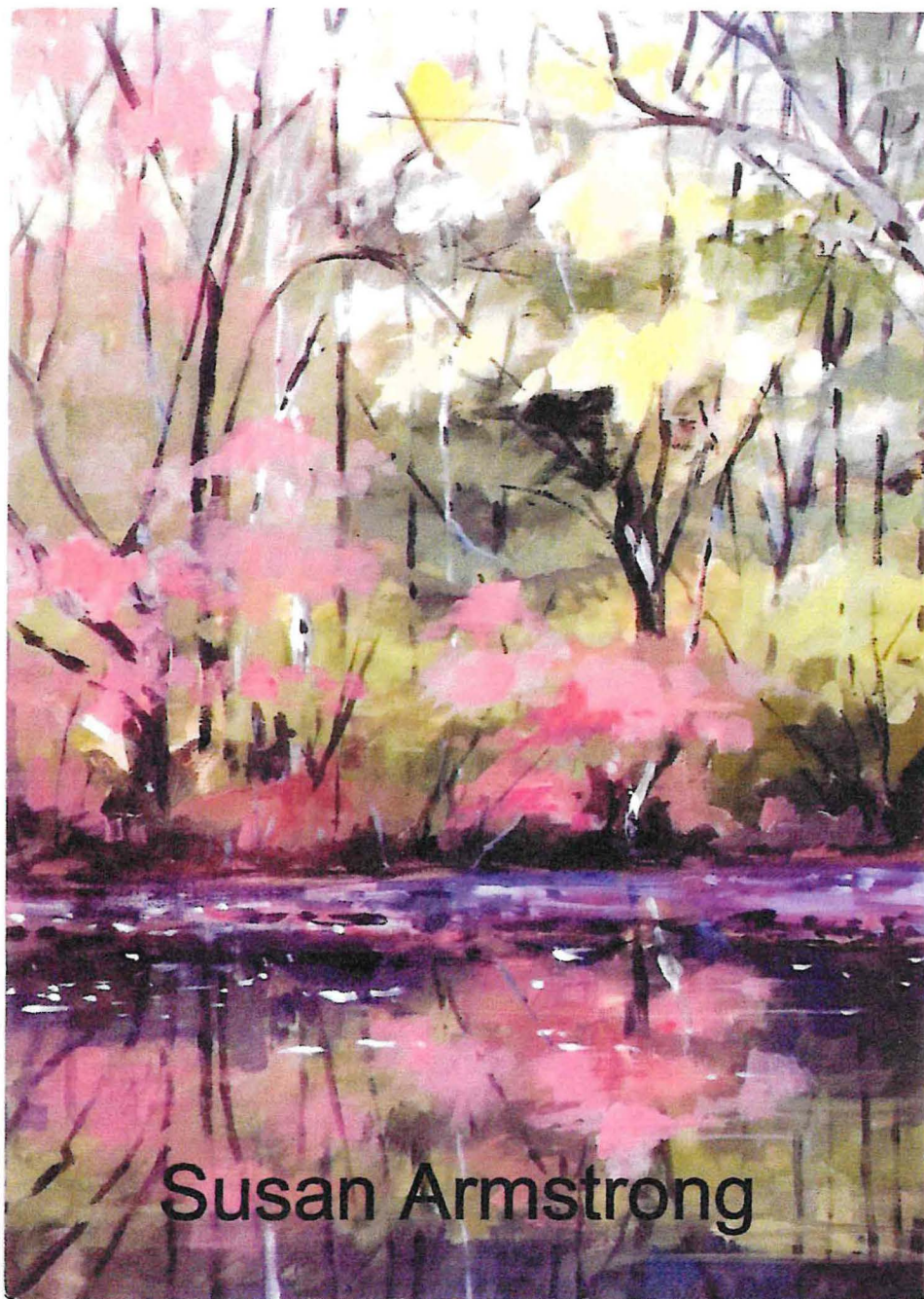
ARTIST'S STATEMENT-

Susan Armstrong

I enjoy painting “en plein air”, which means painting outdoors and experiencing the natural light and wind and colors of the landscape. I now paint fulltime in Florida. I have studied watercolors with Don Stone, George Nick, Judi Wagner, and Paul George, among others. Lately, I have begun to enjoy the colors and textures of acrylic paint. It has been a joy to create these paintings, and I hope that you will also enjoy them.

I have exhibited in Massachusetts at the Concord Art Association, The Emerson Umbrella, the Concord Library, as well as the Cambridge Art Association, the Bonita Springs Art League (Florida), the Fort Myers Beach Art Association and a show of the New England Watercolor Society. I have participated in several plein air events in Maine and in Naples, FL. A graduate of Wellesley College and the Pennsylvania Academy of Fine Arts, my work concentrates on color, patterns and the strong contrast between light and shadow.

Cell : 508-395-6674
email: susanrarmstrong@comcast.net



Susan Armstrong

















To: RFP 20-16 LETTER OF INTEREST: RIVERSIDE PARK
COTTAGE USE AGREEMENT.

Debbie Filipek, City Clerk, City of Bonita Springs, Bonita Springs
Recreation Center, 26740 Pine Ave, Bonita Springs, Florida 34135.

From: Yvonne Krystman

Email: Yvonne@art4wear.com

Tell: 239.219.7479

www.winnerschoice.net

Art4wear.com

a. Description of type of vendor and/or concession;

Yvonne Krystman: mixed media artist and fashion designer

b. Type of Business – Sole Proprietor, Partnership, Corporation, etc.;

Sole Proprietor

c. Discussion of past vendor/work related experience;

Over the years I have participated in numerous art shows, art walks, fashion shows, art festivals and various vending events also several events at the Art Cottages, as a guest artist.

In the past I was a part of similar initiative by the City of Punta Gorda: Artisans Atelier. Those were working artist studios, open to public to see artists at work. I truly enjoyed my time there as I love interacting with public, but those were located under a parking garage and therefore had numerous issues.

I am also part of Daas Co-op gallery where I sell my artwork and work 2 or more days per month.

d. A description of the type of art, craft, etc. that the vendor is proposing to demonstrate and potentially sell in the cottage.

I have been pursuing my art career for several years now, and it looks like every year or so I am adding something new. So currently I do mixed media art, jewellery and wearable art. For my wearable art I mostly photograph my artwork and have it printed on fabric and then turning them into fashion, but I also make pieces from unconventional materials etc.

I am currently using 2 bedrooms in my house for this purpose, each about 10 x 10 so I know it can all fit beautiful into the cottage.

Most of all I really need a space when people can come in and see my at work!

e. If you will be using a kiln, please give a description of the kiln including its components and type.

I will not use a kiln at the cottage; I have commercial size kiln set up permanently in my garage.

f. A commitment and financial capability to pay the monthly fee of \$300 per month September – May and \$200 per month June - August to use the cottage with a possible increase based on market rate or inflation index each year.

Yes, absolutely.

g. A timetable of when the Vendor can commence operations at the Cottage.
Anytime.

h. Any chemicals or mechanical components which may be hazardous, flammable or otherwise dangerous to the public.
No, nothing like that.

h. Qualifications and experience of outside Vendors or sub-Vendors regularly engaged by the Vendors under consideration;
I will have no other outside vendors or sub-vendors working for me.

j. Proof of payment of Lee County Business Tax Receipt (formerly occupational license tax) if available or statement of intent to obtain;
I had no need to have one so far but I will be happy to obtain one, once accepted.

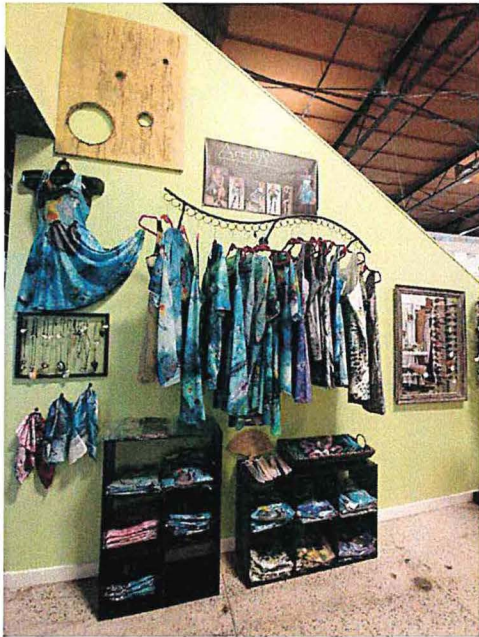
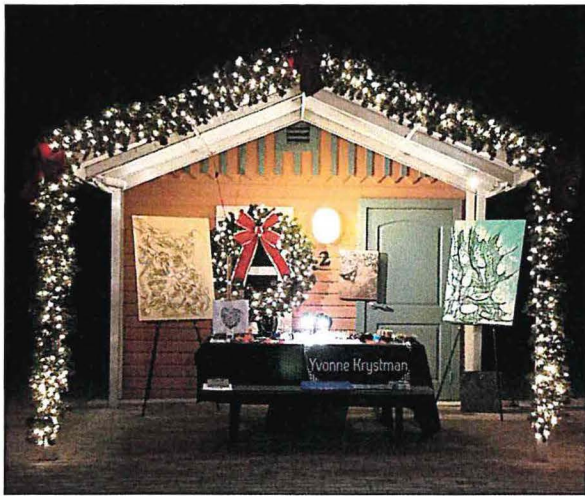
k. Proposal for duration of lease including but not limited to requested duration – full time, part time, weekend, seasonal, and commitment to work the special events
I am here year round, and I would like to establish regular business hours, depending on the traffic/needs etc and definitely all special events.

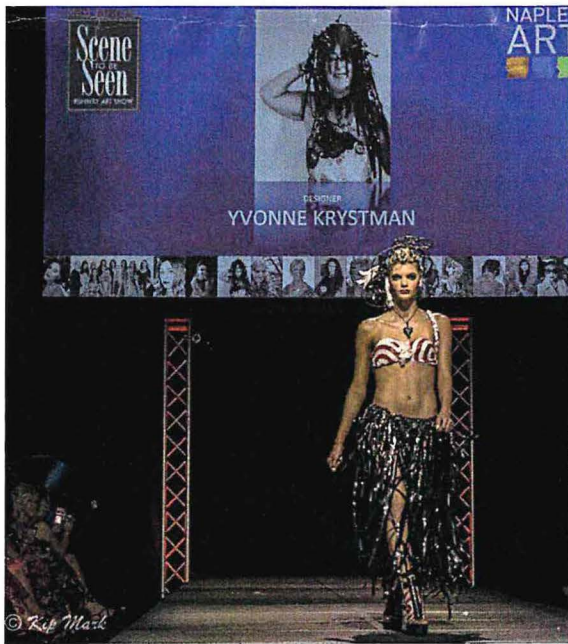
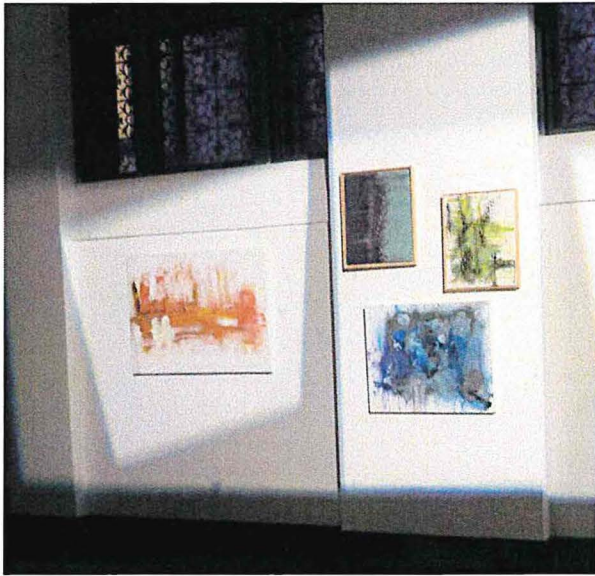
l. Any additional information provided by the Vendor which demonstrates nature of the proposal.

This is the third time, I am applying, so I hope the third time is the charm :-)

Warren records
- Yvonne Kuyshua
Tel. 239.219.7479.

09.09.2020





BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-333
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Approve the renewal of the Parks Security Lockup Services Contract with Mason Evans, Inc DBA Diamond Investigations and Security for another one-year term.			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Nicole Perino Parks and Recreation Director And Carly Sanseverino Staff Attorney	
☒ CONSENT	☐ ORDINANCE		
☐ PUBLIC HEARING	☐ ADMIN. CODE		
☐ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☐ CITY MANAGER ITEMS			
BACKGROUND:			
In October 2019, Mason Evans, Inc DBA Diamond Investigations and Security was awarded the contract for Parks Security Lockup Services. The current contract expires on October 28, 2020. The terms of the contract provide for two (2), one (1) year renewals with a maximum of three (3) years. Mason Evans, Inc would like to renew for another one-year term through October 28, 2021. Attachment: Renewal			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?			
STAFF RECOMMENDATIONS: Approve the renewal of the Parks Security Lockup Services contract with Mason Evans, Inc for another one-year term.			
REVIEWED BY:			
City Manager:	<u>Arleen Hunter</u>		
City Attorney:	<u>Derek Rooney</u>		
City Clerk:	<u>Debra Filipek</u>		
Department Director:	<u>Nicole Perino</u>		
COUNCIL ACTION:			
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

**CITY OF BONITA SPRINGS
FIRST RENEWAL OF CONTRACT
PARKS SECURITY LOCKUP SERVICES**

THIS FIRST RENEWAL is made and entered into this ____ day of October, 2020 by and between the City of Bonita Springs, a Florida municipal corporation, whose address is 9101 Bonita Beach Road, Bonita Springs, Florida 34135 (the "City"), and Mason Evans Inc. d/b/a Diamond Investigations & Security, whose principal address is 1314 Cape Coral Parkway East, Cape Coral, Florida 33904 (the "Vendor").

RECITALS:

WHEREAS, the City and Vendor entered into a City of Bonita Springs Contract for the Vendor to provide Park Security Lockup Services for the City (the "Agreement"), which is attached hereto and incorporated herein by reference; and

WHEREAS, the Parties wish to renew the Agreement on the same terms and conditions as agreed upon in the initial contract.

NOW, THEREFORE, in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Vendor hereby agree to extend the Agreement as follows:

1. The foregoing recitals are true and correct and incorporated herein.
2. The Term of the Agreement is hereby extended in an increment of one year and shall expire on October 28, 2021.
3. All other provisions of the Agreement, attached hereto and incorporated herein by reference, shall remain the same.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed Said Agreement is to become effective as of the date written above.

CITY OF BONITA SPRINGS

**MASON EVANS INC. d/b/a DIAMOND
INVESTIGATIONS & SECURITY**

Arleen M. Hunter
City Manager


David Evans, Vice President

ATTEST:

Date: OCTOBER 27TH, 2020.

City Clerk

Date: _____

APPROVED AS TO FORM: _____
City Attorney's Office

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-335
AGENDA ITEM SUMMARY			
Approve the Interlocal Agreement between Lee County and City of Bonita Springs for Natural Resources Surface Water.			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Matt Feeney, Assistant City Manager	
☒ CONSENT	☐ ORDINANCE		
☐ PUBLIC HEARING	☐ ADMIN. CODE		
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☐ CITY MANAGER ITEMS			
BACKGROUND:			
Attached is the proposed Interlocal Agreement with Lee County for Natural Resources Surface Water. The previous Interlocal agreement expired September 30, 2020. The new Interlocal agreement will be in effect through September 30, 2025. The City agrees to pay to the County the principal annual sum not to exceed \$100,332.00 in two (2) equal installments annually, for each fiscal year through 2024/2025. The agreement does not include the cost of capital improvement projects, equipment, repairs or maintenance.			
Attachments: Lee County/City of Bonita Springs Interlocal Agreement for Natural Resources Surface Water			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? #1 Improve Stormwater Management			
STAFF RECOMMENDATIONS: Staff recommends approval of Interlocal Agreement with Lee County for Natural Resources Surface Water.			
REVIEWED BY:			
City Manager:	<u>Arleen Hunter</u>		
City Attorney:	<u>Derek Rooney</u>		
City Clerk:	<u>Debra Filipek</u>		
Department Director:	<u>Matt Feeney</u>		
COUNCIL ACTION:			
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

**INTERLOCAL AGREEMENT
BETWEEN LEE COUNTY
AND CITY OF BONITA SPRINGS
REGARDING SERVICES PROVIDED BY LEE COUNTY
DIVISION OF NATURAL RESOURCES
SURFACE WATER**

This Interlocal Agreement between Lee County and the City of Bonita Springs regarding services provided by Lee County Division of Natural Resources Surface Water and Natural Resources Programs, is made this _____ day of _____ 2020, by and between the City of Bonita Springs, a municipal corporation of the State of Florida, acting by and through its City Council, the governing body thereof, "CITY" and LEE COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, "County" collectively, "the Parties" hereto.

WITNESSETH:

WHEREAS, both the COUNTY and CITY are duly empowered pursuant to Florida Statutes, in particular Florida Statutes §163.01, to enter into interlocal agreements for the contracting of certain shared powers, obligations and duties; and

NOW, THEREFORE, in consideration of the foregoing, and of mutual covenants and conditions hereinafter set forth, the CITY and the COUNTY, intending to be legally bound, hereby agree to this Interlocal Agreement as follows:

SECTION I **SERVICES PROVIDED BY LEE COUNTY DIVISION OF
NATURAL RESOURCES, SURFACE WATER**

The County agrees to provide and perform the services required and necessary to complete the services and work of the Surface Water programs to the City of Bonita Springs area pursuant to the Lee County budget for Fiscal Years 2020/2021 through

2024/2025. The County reserves the exclusive right to prioritize the scope of services to the City on an as needed basis. These services typically include but are not limited to the following:

- Respond to citizen request for action (RFA) regarding flooding complaints and water quality problems. Includes initial assessment only. Provide stormwater related reviews, analyses, and reports as needed. Response to major floods will be based on staff availability and extent of flooding elsewhere in Lee County.
- Review plans for development that effect regional surface water.
- Provide project management services for South Florida Water Management District and Florida Department of Environmental Protection funded projects in Imperial River, Leitner Creek, Oak Creek, Rosemary Creek and Springs Creek watersheds.
- Manage mandated NPDES MS4 permit in compliance with the Federal Clean Water Act except for preparation of the City's application, annual report, and permit fee.
- Participate and review regional stormwater studies.
- Monitor and report hydrologic data including rain, river stage, and groundwater levels in the Bonita Springs area.
- Provide surface water system inventory and priority list of recommended improvements for City's use for its capital improvement plan.
- Update flood zone maps in coordination with FEMA. Distribute information and assist development with compliance.
- Review requests for vacation of easements and rights of way to ensure important drainage access.

This agreement is only for the services described above. It does not include the cost of capital improvement projects, equipment, repairs or maintenance.

SECTION II **PAYMENTS BY CITY**

The City agrees to pay to the County the principal annual sum not to exceed \$100,332.00 in two (2) equal installments annually, for each fiscal year, commencing from FY 2020/2021 through 2024/2025. The payments will be due and payable on April 1st and September 30th of each fiscal period. The annual payment will provide to the City the services as described herein. Any additional staffing or programs may be further negotiated between the Parties through subsequent amendment(s) to this Interlocal Agreement.

SECTION III **TERM OF INTERLOCAL AGREEMENT**

This Interlocal Agreement shall be deemed effective as of the date fully executed by both Parties, and will remain in full force and effect until September 30, 2025, unless terminated for convenience by either party giving thirty (30) days written notice. In the event the Interlocal Agreement is terminated for convenience, any final payment will be prorated or adjusted so that payment is rendered for services provided.

This Agreement, and any subsequent amendments thereto, shall be filed with the Clerk of the Circuit Court for Lee County.

IN WITNESS WHEREOF, the City and the County have executed this Agreement on the day, month, and year first written above.

ATTEST:

CITY OF BONITA SPRINGS

BY: _____
City Clerk

By: _____
Mayor

APPROVED AS TO FORM

By: _____
Office of the City Attorney

Approved and accepted for and on behalf of Lee County, Florida, the day first written above.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

BY: _____

BY: _____
[Signature]

[Type or Print Name]
Deputy Clerk

[Type or print name]
Chair / Vice-Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: _____
Office of the County Attorney

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-341
AGENDA ITEM SUMMARY			
REQUESTED MOTION: <u>Continued from October 7, 2020:</u> Recognition of the 34135 Mask Project which distributed approximately 10,000 to children and adults of Bonita Springs.			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Amy Quaremba Councilmember, District 1	
☐ CONSENT	☐ ORDINANCE		
☐ PUBLIC HEARING	☐ ADMIN. CODE		
☒ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☐ CITY MANAGER ITEMS			
BACKGROUND:			
I would like to recognize and thank the many citizens of Bonita Springs who participated in an effort to provide reusable masks in Bonita Springs to help mitigate the spread of COVID-19. Approximately 10,000 masks – 6,000 of which were hand-sewn – were distributed through several care agencies to children and adults throughout the City. This effort was supported by numerous donations of funding for fabric, materials, and the purchased masks. There were 66 sewers, 26 donors, and 6 community coordinators. The communities that had organized team include: Hunter's Ridge, Bonita Bay, Pelican Landing, Cedar Creek, Hope Lutheran Church, and Gulf Shore Church. I would like to work with staff to invite coordinators to Council to be recognized. Additionally, I wish to work with staff to provide individual letters to each donor and sewer.			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?			
STAFF RECOMMENDATIONS: Council's pleasure.			
REVIEWED BY:			
City Manager:	<u>Arleen Hunter</u>		
City Attorney:	<u>Derek Rooney</u>		
City Clerk:	<u>Debra Filipek</u>		
Department Director:	_____		
COUNCIL ACTION:			
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-337
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Discussion of an extension of the lease agreement for Artist Cottage #3 at Riverside Park.			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Deputy Mayor Mike Gibson District 5	
☐ CONSENT	☐ ORDINANCE		
☐ PUBLIC HEARING	☐ ADMIN. CODE		
☒ MAYOR AND COUNCIL MEMBER ITEMS	☒ OTHER		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☐ CITY MANAGER ITEMS			
BACKGROUND:			
On December 18, 2019, Council granted an extension to Creative Expressions Studio and Gallery, LLC, Artist Cottage #4 tenant, in order to allow them to remain in the Cottage until the end of season after which would require and RFP for Letters of Interest. The current tenant had the ability to submit a Letter of Interest for the new RFP. The same conditions are occurring with the tenant of Artist Cottage #3. On December 4, 2020, the current use agreement for Artist Cottage #3 is set to expire. The current tenant has exhausted all renewals based on their current agreement, which provided for an initial term of one year and five options for renewal. The tenant was also given an additional one-year extension for construction downtown and a two-year extension due to Hurricane Irma, both of which interfered with access to the cottages. I would like to request Council grant an extension to Victor Darai, current tenant of Artist Cottage #3, in order to allow him to remain in the Cottage until the end of season as Council granted for the tenant in Artist Cottage #4. After this extension expires, it would require an RFP for Letters of Interest. The current tenant would have the ability to submit a Letter of Interest for the new RFP. Since all events have ceased in Riverside Park since mid-March, it has not allowed for the Artist Cottages to have traffic downtown and therefore, have not been open. An extension through the end of season will allow for the tenant to have the possibility of re-opening the cottage to the public.			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? #8 – Economic Development			
STAFF RECOMMENDATIONS: Council's pleasure			
REVIEWED BY:			
City Manager:	<u>Arleen Hunter</u>		
City Attorney:	<u>Derek Rooney</u>		
City Clerk:	<u>Debra Filipek</u>		
Department Director:	_____		
COUNCIL ACTION:			
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

90/251

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20-__

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING) AND 6 (SIGNS); RELATING TO THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; SECTIONS 4-866 THROUGH SECTION 4-885 TO REPEAL AND REPLACE THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT WITH THE DOWNTOWN FORM-BASED CODE FOR THE DOWNTOWN DISTRICT; REPEAL AND REPLACE SECTION 6-116 PERMANENT SIGNS ON OLD U.S. 41 FROM BONITA BEACH ROAD TO ROSEMARY STREET WITH THE NEW FORM-BASED CODE RECOMMENDATIONS; 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 Council of the City of Bonita Springs, Florida is the governing body of Bonita Springs, Florida; and

WHEREAS, in November 2018, the City Council voted to move forward with the drafting of a form-based code for the Downtown District (f/k/a Old 41 Redevelopment Overlay District); and

WHEREAS, certain amendments to the City's Land Development Code are necessary in order to implement the new form based 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 Chapter 4 - Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. SEVERABILITY

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

Section 4. CONFLICTS OF LAW

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

Section 5. CODIFICATION AND SCRIVENER'S ERRORS

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

Section 6. **EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Lee County, Florida, this 4th day of November, 2020.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Gibson
Purdon	Quaremba
Forbes	Simmons
Corrie	

Date filed with City Clerk:

City of Bonita Springs Downtown Form-Based Code

FINAL DRAFT



CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

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CITY OF BONITA SPRINGS
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CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

1. General Provisions

1.1. Intent. The requirements set forth in this Section are intended to:

- 1.1.1. Support the goals, objectives and policies of the City's Comprehensive Plan and Downtown District.
- 1.1.2. Keep cognizant the elements are Scale, Aesthetics, Predictability, and New Investment.
- 1.1.3. Capitalize on opportunities to attract the development of a variety of building types and uses in order to contribute to a robust economic base.
- 1.1.4. Encourage mixed-use development within the Downtown District in support of viable and diverse locally-oriented business and cultural institutions.
- 1.1.5. Promote development attractive to past, present and future generations that allows them to participate in the economic growth.
- 1.1.6. Enable a walkable streetscape and predictable, small-town urban character.
- 1.1.7. Achieve context-based development and complete streets.

1.2. Application of the Transect Zones. The Transect, as a framework, identifies a range of habitats from the most natural to the most urban. Its continuum, when subdivided, lends itself to the creation of zoning categories. These categories include standards that encourage diversity similar to that of organically evolved settlements. The standards overlap (they are parametric), reflecting the successional ecotones of natural and human communities. The Transect methodology allows for a wide range of building types in each Transect zone, arranged to provide balanced walkable streetscapes. This Code contains the following transect zones:

- 1.2.1. **T-5 Urban Zone** consists of higher density mixed-use buildings that accommodate retail, offices, rowhouses, and multi-family. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. The T-5 Urban Zone has two variations:
 - a. The **Core T-5 Zone** is used for portions of Downtown fronting Old-41 and near Civic Open Spaces such as Riverside Park and the Imperial River. These important lots shall have retail-ready ground floors to activate Old-41, as well as gallery frontages to create a walkable and shaded streetscape. Other lots in the **T-5 Zone**, are not required to have retail-ready ground floors but may have them by option (See: 2.1.2)
- 1.2.2. **T-4 General Urban Zone** consists of a primarily residential urban fabric. It may have a wide range of building types: single-family houses, side-yard houses, rowhouses, and small apartment buildings. Live/Work buildings with home occupations are allowed in small quantities. Setbacks and landscaping are variable. Most streets in their existing form lack sidewalks and curbs.
- 1.2.3. **T-3 Sub-Urban Zone** consists of low density residential areas, adjacent to higher zones that may have some mixed use. Accessory dwellings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions. The T-3 Sub-Urban Zone has two variations:
 - a. The **Restricted T-3 Zone** is used for portions of the Downtown which are subdivisions with an HOA or areas which contain multiple historically significant buildings. The **T-3 Zone** is for all T-3 areas not included in the Restricted Zone.
- 1.2.4. **Civic Zone** consists of Civic Buildings and/or Civic Spaces appropriate to their Transect Zones.
- 1.2.5. **Special Districts** consist of areas with buildings that by their Function, Disposition, or Configuration cannot, or should not, conform to one or more of the six normative Transect Zones. The existing Industrial area in the Southwest corner of the Downtown District shall be designated as a Special District with an emphasis on incubation of local businesses. City-Owned parcels along the Imperial River are also designated to be a Special District.

CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

1.3. Boundaries of the Downtown District. The boundaries of the Bonita Springs Downtown Form-Based Code are derived from the boundary found on the Old U.S. 41 Corridor Redevelopment Master Plan, with slight modifications. These expansions of the boundary are shown below as Figure 2.1-1.

1.3.1. Regulating Plan. The boundaries of the Downtown District shall be as outlined on Figure 2.1-1.

1.4. Applicability.

1.4.1. Unless approved through the planned development process, these standards shall apply to all new construction and substantial modifications within the Downtown District. Existing planned developments may voluntarily comply with the standards herein.

1.4.2. This document shall replace all prior regulatory documents for the Downtown District of the City of Bonita Springs. Where a conflict exists between this Section and other land development regulations, this section shall prevail, except for those contained within the Comprehensive Plan.

1.4.3. This Section may be expanded to other portions of the City of Bonita Springs, so long as their boundaries are explicitly defined under Section 2.3 and added to Figure 2.1-1.

1.4.4. Standards, activated by “shall”, are regulatory in nature. Deviations from these standards shall only be permitted by Variance or Special Exception in accordance with applicable LDC sections.

1.4.5. Guidelines, activated by “should”, are encouraged and recommended but not mandatory. Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.

1.5. Existing Conditions.

1.5.1. Existing buildings and structures that do not conform to the requirements of this Downtown District may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state until such time as a substantial modification is requested to 50% or more of the structure, or as defined by the Florida Building Code.

1.5.2. The adaptive re-use of a building shall not be required to comply with minimum height standards established in Section 5.

1.5.3. The restoration or rehabilitation of an existing building does not require the provision of parking in addition to the existing, if less than six (6) new spaces are required.

CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

2. Districts and Transects

2.1. Transect Zones: Development is regulated according to the intensity of use permitted on each parcel, according to the following transects. These are represented in Figure 2.1-1.

- 2.1.1. **T5-Core (T5-C):** A high intensity mixed-use zone, consisting of residential, commercial, and institutional uses. This zone shall include lots along Old 41 near the Imperial River. All buildings in this zone shall have a first floor frontage that accommodates retail and/or restaurant uses as well as a gallery frontage.
- 2.1.2. **T5 (T5):** A high intensity mixed-use zone, consisting of residential, commercial, and institutional uses. This zone shall include lots along Old-41 that are not within the T5-Core zone.
- 2.1.3. **T4:** A medium-high intensity residential zone, consisting of single family and multi-family housing, attached and detached, and home occupations.
- 2.1.4. **T3 (T3):** A medium-low intensity residential zone, consisting of single-family detached housing. This zone shall not include lots which fall within existing sub-divisions or areas of historical housing stock.
- 2.1.5. **T3-Restricted (T3-R):** A medium-low intensity residential zone, consisting of single-family detached housing. This zone shall include lots which fall within existing sub-divisions or areas of historical housing stock.

2.2. Special Transect Zone Districts:

2.2.1. Imperial River District (SD-IRD):

- a. This Special Transect Zone is intended for property which the City of Bonita Springs owns within the Downtown which is located along/near the Imperial River

2.2.2. Downtown Innovation District (SD-DID):

- a. This Special Transect Zone is intended to incubate new and unique businesses for the Downtown. Residential uses are permitted. It shall include the present day "Industrial Section", bounded to the North by Oak Creek, to the South by Bonita Beach Road, to the East by Old 41 Road, and to the West by the railroad right-of-way.

2.2.3. Civic - Open Space (C-OS):

- a. This Special Transect Zone is intended to preserve important civic open space that exists within the Downtown, such as Depot Park, Riverside Park, the Bonita Springs Recreation Center, and city owned land which falls within the floodway of the Imperial River.

2.2.4. Civic - Institutional (C-I):

- a. This Special Transect Zone shall include existing institutional buildings within the Downtown such as the Elementary School and new County Library

2.3. Historic Properties Overlay:

- 2.3.1. Historic commercial and residential properties are scattered throughout Downtown rather than located in defined areas. Any existing historic properties shall be indicated and regulated on a lot by lot or building by building basis. They are represented by a hatch pattern in Figure 2.1-1 and are derived from the Bonita Springs Historic Preservation Structures/Buildings list.

TABLE 2.1-1. REGULATING PLAN



CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

3. Uses

3.1. Permitted Uses – Uses which are permitted by-right in the Downtown.

3.1.1. Table 3.1-1 indicates which uses shall be permitted within each Transect Zone

3.2. Restricted Uses – Uses which shall require a Special Exception within the Downtown.

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TABLE 3.1-1. PERMITTED USES

USE	SUBCATEGORY	T3-	T3	T4	T5	T5-	SD-	SD-	C-
		R				C	IRD	DID	OS C-I
<u>Residential</u>	<u>Single-family Detached (All)</u>	P	P	P					
	<u>Single-family Attached (All)</u>			P	P	P	P	P	
	<u>Two-family Dwellings (All)</u>		P*	P	P	P			
	<u>Accessory Dwellings</u>	P	P	P	P	P		P	
	<u>Mixed-use Dwellings (All)</u>				P	P	P	P	
	<u>Extra Occupancy Rental House (All)</u>				P	P	P	P	
	<u>Group Home (All)</u>				P	P	P	P	
	<u>Multi-family up to 6 units per building</u>			P	P	P	P	P	
	<u>Multi-family over 6 units per building</u>				P	P	P	P	
	<u>Long-term Care Facilities</u>			P	P	P	P	P	
<u>Commercial</u>	<u>All Commercial Uses over 2,000 sf</u>				P	P	P	P	
	<u>All Commercial Uses under 2,000 sf</u>			P**	P	P	P	P	
<u>Lodging</u>	<u>Bed & Breakfast up to 6 rooms</u>			P	P	P	P	P	
	<u>Lodging Establishment up to 12 rooms</u>				P	P	P	P	
	<u>Lodging Establishment over 12 rooms</u>				P	P	P	P	
<u>Manufacturing</u>	<u>Workshops and Small Industry</u>							P	
<u>Public Institutional</u>	<u>All Educational Uses</u>								P
	<u>Public Use</u>		P	P	P	P	P	P	P
	<u>Minor Public Facilities</u>	P	P	P	P	P	P	P	P
	<u>Major Public Facilities</u>					P	P	P	P
	<u>Neighborhood Support / Recreation Facilities</u>		P	P	P	P	P	P	P
	<u>Places of worship or assembly</u>			P	P	P			
	<u>Community Facilities</u>	P	P	P	P	P	P	P	P
	<u>Parks and Recreation (All), Outdoor Amphitheaters</u>	P	P	P	P	P	P	P	P
	<u>Open Lands</u>						P		P
<u>Misc.</u>	<u>Parking garages, lots, and Structures</u>			P	P	P	P	P	P
	<u>Outdoor Vendor</u>				P	P	P	P	P
	<u>Accessory Buildings</u>	P	P	P	P	P	P	P	P
	<u>Mobile Food Vendor</u>							P	
	<u>Mobile Food Vendor Park***</u>					P			
[JS1] <u>*Only for Cottage Court assemblages **Only in cases of owner-occupancy (Live-Work). Exception for owner-occupancy and max of 2,000sf if the lot fronts Terry St/Bonita Beach Rd. Exception</u>									

CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

4. Density

- 4.1. Density by Right:** Densities for the Downtown shall be based off of those found within the Comprehensive Plan and are translated to the Transect Zones as follows. Density shall be calculated as gross:
- 4.1.1. T3-R = maximum 6 dwelling units/acre
 - 4.1.2. T3 = maximum 10 dwelling units/acre
 - 4.1.3. T4 = maximum 15 dwelling units/acre*
 - 4.1.4. T5 = maximum 15 dwelling units/acre*
 - 4.1.5. T5-C = maximum 15 dwelling units/acre*
 - a. Commercial in both T5 zones shall not deduct 1 residential unit per 400 square feet
 - 4.1.6. SD-IRD = 15 dwelling units/acre*
 - 4.1.7. SD-DID = 15 dwelling units/acre*
- 4.2. Accessory Dwellings:** Accessory Dwelling Units (ADUs) shall not be counted in density calculations. Accessory Dwellings are limited to one unit per principal building.
- 4.3. *Density Bonuses:** Zones T4 (for cottage court assemblages only), T-5, T5-C, SD-IRD, and SD-DID are eligible for density bonuses if certain criteria is met. The total density, inclusive of all bonuses, shall not be greater than 20 dwelling units/acre.
- 4.4. Density Equivalencies:** The following Equivalent Residential Dwelling calculations (ERD) are applicable to T4, T5, and T5-C only.
- 4.4.1. Unit Living Area Between 480sf and 700sf = 0.25 ERD
 - 4.4.2. Unit Living Area Between 701sf and 850sf = 0.33 ERD
 - 4.4.3. Unit Living Area Between 851 and 1,000sf = 0.50 ERD
 - 4.4.4. Unit Living Area Between 1,001sf and 1,250sf = 0.75 ERD
 - 4.4.5. Unit Living Area above 1,250sf = 1 ERD
- 4.5. T4 Commercial:** The T4 Zone may contain commercial uses so long as:
- 4.5.1. The commercial space is part of an owner-occupied live/work unit, with the floor area of the commercial space being less than 2,000 sf.
 - 4.5.2. The commercial space may be larger than 2,000 sf and not an owner-occupied live/work unit if the lot fronts Terry Street or Bonita Beach Road.

5. Urban Design Standards and Guidelines

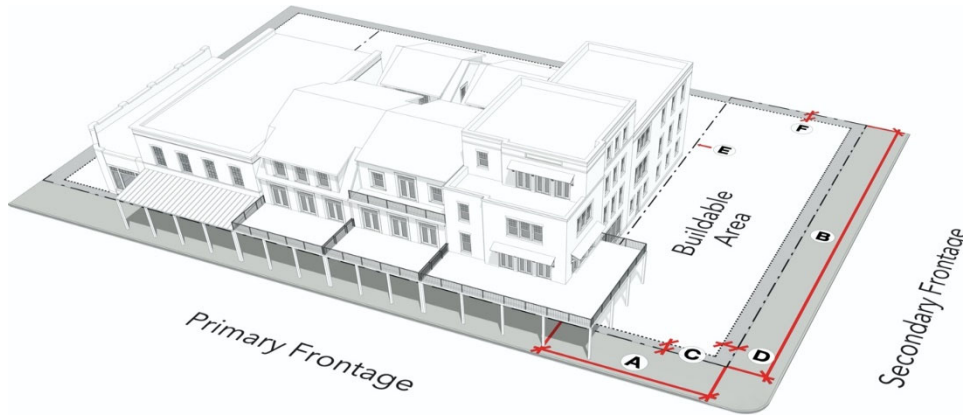
- 5.1. Summary of Standards:**
- 5.1.1. Tables 5.1-1 through 5.1-5 summarize a subset of standards applicable to Transect Zones, specified within this and other Chapters, for quick reference.
 - 5.1.2. Should there be a conflict between the standards summarized in Tables 5.1-1 through 5.1-5 and the standards specified elsewhere in text and tables, the standards specified elsewhere in text and tables prevails.

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TABLE 5.1 1. DESIGN STANDARDS SUMMARY

T5-Core

SETBACKS ILLUSTRATED - GALLERY FRONTAGE



LOTS		FRONTAGE		
A	Lot Width	20 ft. min. 150 ft. max.	Permitted Yard Types	
			Urban, Pedestrian Forecourt	
B	Lot Depth	30 ft. min.	Glazing - Ground Floor	
	Lot Area	20,000 sf. max.	Glazing - Upper Floors	
			30% - 60%	
	Occupation / Coverage	90% max. / 100% max.	Projections	
			Arcade, Gallery, Canopy, Marquee, Awning	
SETBACKS: ALL STRUCTURES		BUILDING HEIGHT		
C	Front	0 ft. - 10 ft.	Principal Building	
			4 stories max.	
D	Side Street	0 ft. - 10 ft.	Accessory dwellings & Structures	
			2 stories max.	
E	Side	0 ft. - 5 ft.	STORY HEIGHT	
F	Rear	15 ft. min.	Ground Floor Residential	N/A
F	Rear Alley	15 ft. min. From Alley Centerline	Ground Floor Non-residential	14 ft. - 20 ft.
			Upper Stories	9 ft. - 12 ft.

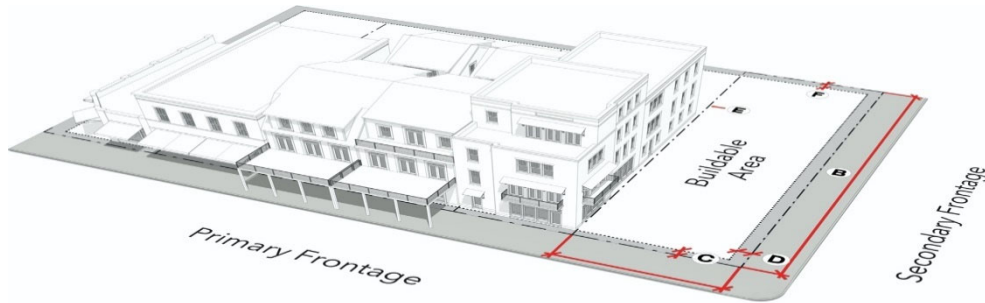
Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor shall be flood proofed, and Story Heights shall be measured starting from 12 inches above the crown of the frontage road

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T5-Core

TABLE 5.1 1. DESIGN STANDARDS SUMMARY

SETBACKS ILLUSTRATED - MIXED FRONTAGE



<u>LOTS</u>		<u>FRONTAGE</u>	
A	Lot Width	20 ft. min. 150 ft. max.	Permitted Yard Types
			Urban, Pedestrian Forecourt
B	Lot Depth	30 ft. min.	Glazing - Ground Floor
	Lot Area	25,000 sf. max.	Glazing - Upper Floors
			30% - 60%
	Occupation / Coverage	90% max. / 100% max.	Projections
			<u>Arcade, Gallery, Canopy, Marquee, Awning, Balcony</u>
<u>SETBACKS: ALL STRUCTURES</u>		<u>BUILDING HEIGHT</u>	
C	Front	0 ft. - 10 ft.	Principal Building
			4 stories max.
D	Side Street	0 ft. - 10 ft.	Accessory dwellings & Structures
			2 stories max.
		<u>STORY HEIGHT</u>	
E	Side	0 ft. - 5 ft.	Ground Floor Residential
			N/A
F	Rear	15 ft. min.	Ground Floor Non-residential
			14 ft. - 20 ft.
F	Rear Alley	15 ft. min. From Alley Centerline	Upper Stories
			9 ft. - 12 ft.

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

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

T5-Core



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

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

T5-Core



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

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TABLE 5.1-1. SAMPLE ILLUSTRATIVE MASSING MODEL VIEWS

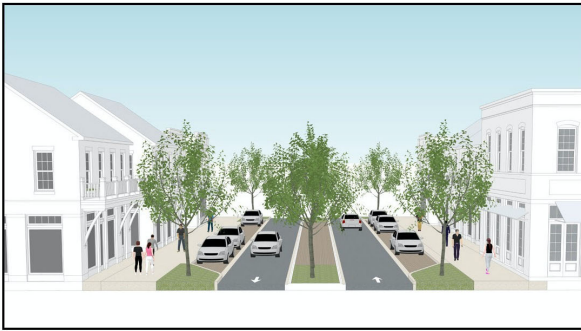


Drawing above for illustrative purposes only, showing a potential design of T5-Core parcels.

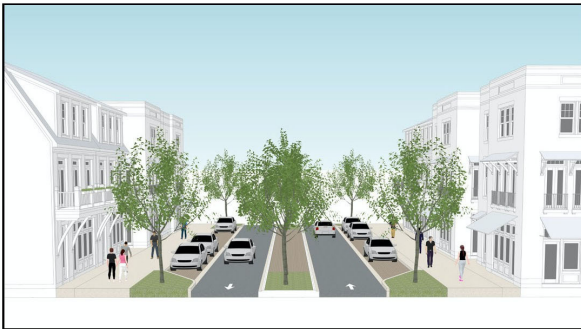
CITY OF BONITA SPRINGS
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TABLE 5.1 1. SAMPLE ILLUSTRATIVE OLD 41 SECTIONS

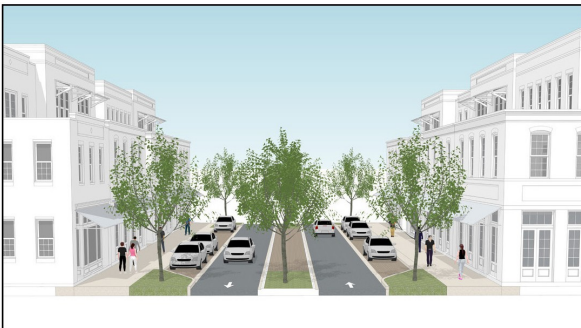
T5-Core



2-story



3-story



3-story with 2nd floor setback



Mixed height - 1-4 stories



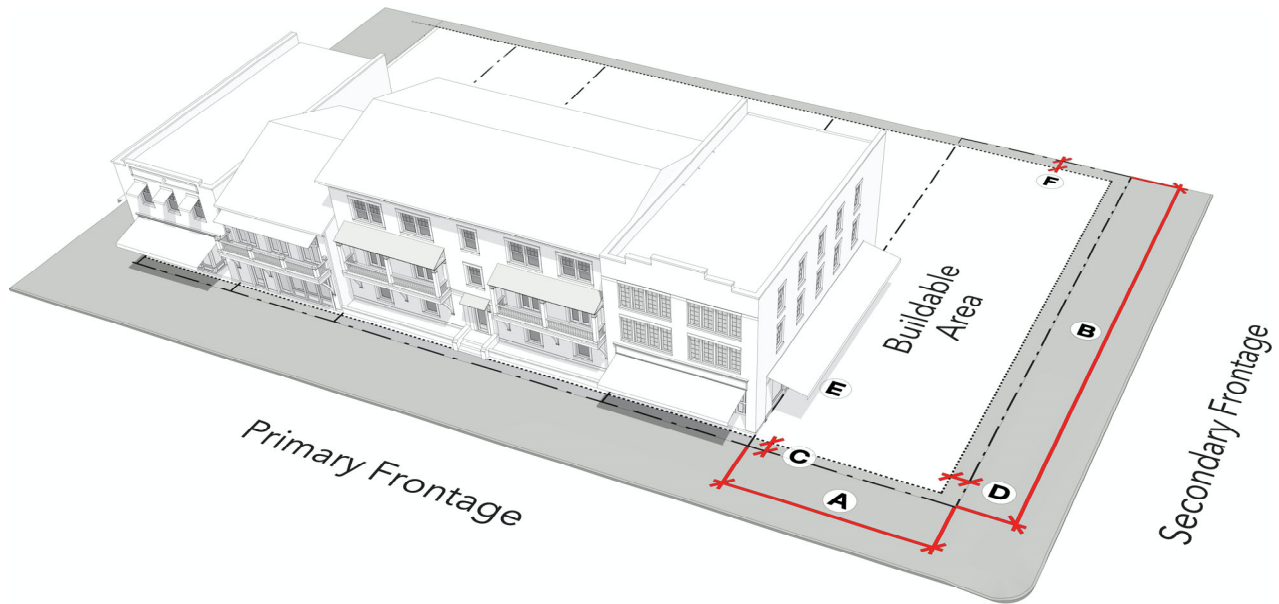
Drawing above for illustrative purposes only, showing various street sections of Old 41 with varying building height

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TABLE 5.1 2. DESIGN STANDARDS SUMMARY

T5

SETBACKS ILLUSTRATED



LOTS		FRONTAGE		
A	Lot Width	20 ft. min. 150 ft. max.	Permitted Yard Types	
			Urban, Pedestrian Forecourt, Shallow	
B	Lot Depth	30 ft. min.	Glazing - Ground Floor	
	Lot Area	25,000 sf. max.	Glazing - Upper Floors	
			40% - 90%*	
			30% - 60%	
	Occupation / Coverage	80% max. / 90% max.	Projections	
			Arcade, Gallery, Canopy, Marquee, Awning, Balcony	
SETBACKS: ALL STRUCTURES		BUILDING HEIGHT		
C	Front	0 ft. - 10 ft.	Principal Building	
			4 stories max.	
D	Side Street	0 ft. - 10 ft.	Accessory dwellings& Structures	
			2 stories max.	
E	Side	0 ft. - 5 ft.	STORY HEIGHT	
F	Rear	15 ft. min.	Ground Floor Residential	
			10 ft. - 16 ft.	
F	Rear Alley	15 ft. min. From Alley Centerline	Ground Floor Non-residential	
			14 ft. - 20 ft.	
*70-90% for non-residential uses		Upper Stories	9 ft. - 12 ft.	

*70-90% for non-residential uses

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

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TABLE 5.1-2. ILLUSTRATIVE VIEWS FROM STREET



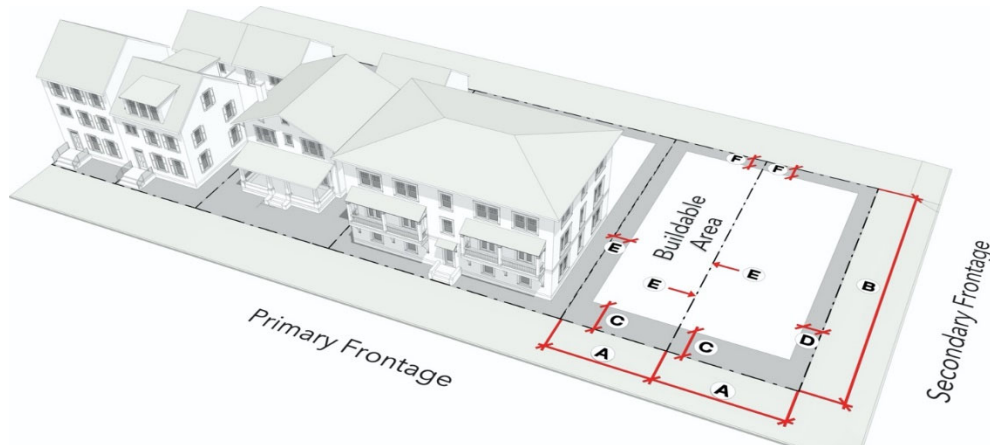
Drawing above for illustrative purposes only and demonstrates a corner condition.

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TABLE 5.1 3. DESIGN STANDARDS SUMMARY

T4

SETBACKS ILLUSTRATED



LOTS		FRONTAGE		
A	<u>Lot Width</u>	<u>20 ft. min. 150 ft. max.</u>	<u>Permitted Yard Types</u>	<u>Fenced, Shallow, Forecourt, Door, Cottage Court</u>
B	<u>Lot Depth</u>	<u>30 ft. min.</u>	<u>Glazing - Ground Floor</u>	<u>30% - 50%</u>
	<u>Lot Area</u>	<u>23,000 sf. max.</u>	<u>Glazing - Upper Floors</u>	<u>30% - 50%</u>
	<u>Occupation / Coverage</u>	<u>60% max. / 70% max.</u>	<u>Projections</u>	<u>Enclosed Porch, Open Porch, Stoop, Terrace, Balcony</u>
<u>SETBACKS: PRINCIPAL BUILDINGS</u>			<u>BUILDING HEIGHT</u>	
C	<u>Front</u>	<u>5 ft. - 10 ft.</u>	<u>Principal Building</u>	<u>3 stories max.</u>
D	<u>Side Street</u>	<u>5 ft. min.</u>	<u>Accessory dwellings& Structures</u>	<u>2 stories max.</u>
E	<u>Side</u>	<u>0 ft. or 5 ft. min.*</u>	<u>STORY HEIGHT</u>	
F	<u>Rear & Rear Alley</u>	<u>0 ft. min. & 15 ft. min. From Alley Centerline</u>	<u>Ground Floor Residential</u>	<u>10 ft. - 16 ft.</u>
<u>SETBACKS: ACCESSORY DWELLINGS</u>			<u>Upper Stories</u>	<u>9 ft. - 12 ft.</u>
	<u>Front</u>	<u>40 ft. min.</u>	<u>Ground Floor</u>	<u>14 ft. - 20 ft.</u>
	<u>Side Street</u>	<u>5 ft. min.</u>	<u>non-Residential</u>	
	<u>Side</u>	<u>0 ft. or 5 ft. min.*</u>	<u>*5 ft side setback is mandatory if the adjacent lot also has a side setback</u>	
	<u>Rear & Rear Alley</u>	<u>15 ft. min. From Alley Centerline</u>		

Drawing above for illustrative purposes only and demonstrates a corner condition. Ground floor Story Heights for non-residential in T4 shall be measured starting from 12 inches above the crown of the frontage road and flood proofed. Ground floor Story Heights for residential shall be measured starting from the FEMA flood criteria line

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TABLE 5.1-3. ILLUSTRATIVE VIEWS FROM STREET

T4

SETBACKS ILLUSTRATED



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

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TABLE 5.1 3. SAMPLE ILLUSTRATIVE COTTAGE COURT



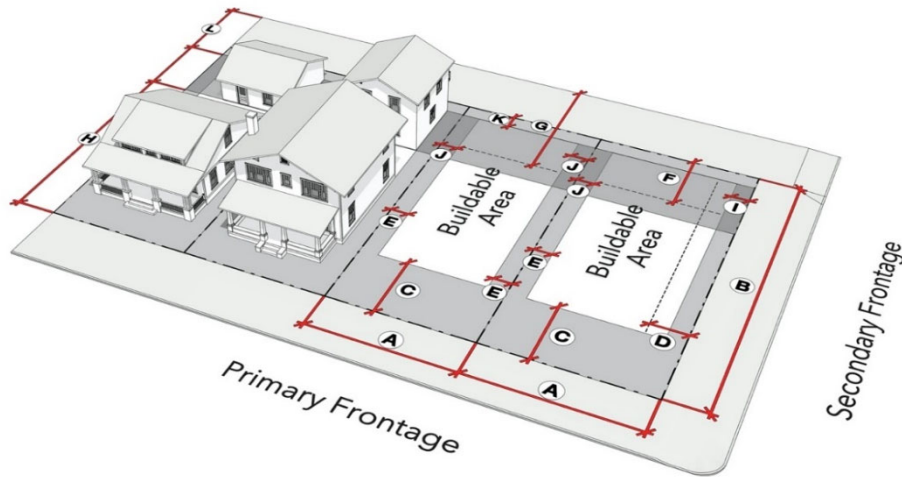
Drawing above for illustrative purposes only, showing a potential Cottage Court design in T4. Land assemblage area is 1 acre, 1/2 of a typical block.

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TABLE 5.1 4. STANDARDS SUMMARY

T3

SETBACKS ILLUSTRATED



LOTS		FRONTAGE	
A	Lot Width	30 ft. min.	Permitted Yard Types <u>Continuous Yard,</u> <u>Fenced Yard, Cottage</u> <u>Court</u>
B	Lot Depth	50 ft. min.	Glazing - Ground Floor 30% - 50%
	Lot Area	15,000 sf. max.	Glazing - Upper Floors 30% - 50%
	Occupation / Coverage	40% max. / 50% max.	Projections Enclosed Porch, <u>Open Porch, Stoop,</u> <u>Balcony</u>
SETBACKS: PRINCIPAL BUILDINGS		BUILDING HEIGHT	
C	Front	10 ft. min.	Principal Building 2 stories max.
D	Side Street	5 ft. min.	<u>Accessory dwellings&</u> <u>Structures</u> 2 stories max.
E	Side	5 ft. min.	<u>STORY HEIGHT</u> Ground Floor 9 ft. - 12 ft.
F	Rear	15 ft. min.	
G	Rear Alley	15 ft. min. From Alley Centerline	Upper Stories 8 ft. - 10 ft.
SETBACKS: ACCESSORY DWELLINGS		<u>Ground floor Story Heights shall be measured</u> <u>starting from the FEMA flood criteria line</u>	
H	Front		
I	Side Street		
J	Side		
K	Rear		
L	Rear Alley		

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TABLE 5.1 3. SAMPLE ILLUSTRATIVE MASSING COTTAGE COURT



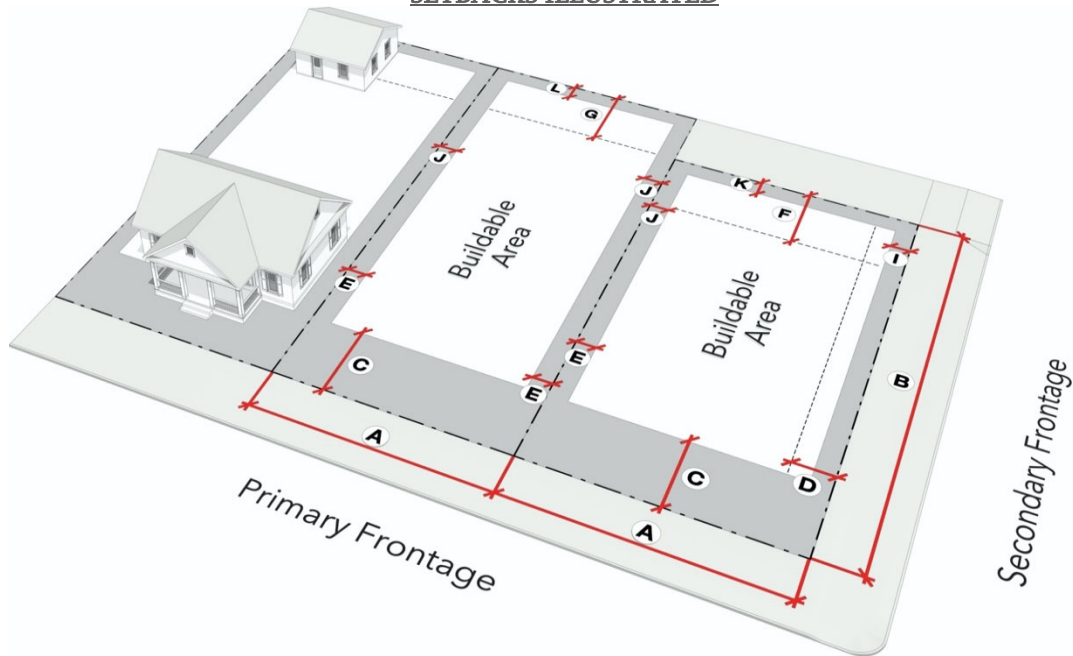
Drawing above for illustrative purposes only, showing a potential Cottage Court design in T3. Land assemblage area is 1 acre, 1/2 of a typical block.

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T3-Restricted

TABLE 5.1 5. STANDARDS SUMMARY

SETBACKS ILLUSTRATED



LOTS		FRONTAGE		
A	Lot Width	30 ft. min.	Permitted Yard Types	
			Continuous Yard, Fenced Yard	
B	Lot Depth	50 ft. min.	Glazing - Ground Floor	
	Lot Area	15,000 sf. max.	Glazing - Upper Floors	
	Occupation / Coverage	30% max. / 45% max.	Projections	
			Enclosed Porch, Open Porch, Stoop, Balcony	
SETBACKS: PRINCIPAL BUILDINGS		BUILDING HEIGHT		
C	Front	15 ft. min.	Principal Building	
			2 stories max.	
D	Side Street	15 ft. min.	Accessory dwellings & Structures	
			1 stories max.	
E	Side	5 ft. min.	STORY HEIGHT	
F	Rear	20 ft. min.	Ground Floor	9 ft. - 12 ft.
G	Rear Alley	15 ft. min.	Upper Stories	8 ft. - 10 ft.
SETBACKS: ACCESSORY DWELLINGS		Ground floor Story Heights shall be measured starting from the FEMA flood criteria line		
H	Front	50 ft. min.		
I	Side Street	5 ft. min.		
J	Side	5 ft. min.		
K	Rear	10 ft. min.		
L	Rear Alley	15 ft. min. From Alley Centerline		

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5.2. Form Standards (Lot Size, Occupation & Coverage, Setbacks)

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

5.3. Required Setbacks

- 5.3.1. All structures must be set back from the lot boundaries as specified in Table 5.3-1 and Table 5.3-2, and as follows:
- a. Front specifies the setback from the front lot line.
 - b. Elements that project forward from frontage facades are permitted to project into front setbacks
 - c. The front lot line is the lot line associated with the address.
 - d. In T5 and T4, townhouses may exceed the maximum setback when designed with a door yard frontage yard.
 - e. Side Street specifies the setback from any lot line abutting a street other than the front lot line.
 - i. In T5 and T4, where there are multiple structures on one lot, the side street maximum setback applies to only the nearest structure
 - ii. Elements that project forward from frontage facades are permitted to project into side street setbacks.
 - f. Side specifies the setback from side lot lines other than those qualifying for a side street setback.
 - g. Rear specifies the setback from the rear lot line, except where abutting an alley.
 - h. Rear Alley specifies the setback from the rear lot line in instances abutting an alley.

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TABLE 5.3-1. REQUIRED SETBACKS SUMMARY

<u>ZONE</u>	<u>BUILDING</u>	<u>FRONT</u>	<u>SIDE STREET</u>	<u>SIDE</u>	<u>REAR (Water)</u>
<u>T5-C</u>	<u>All Structures</u>	<u>0 ft. min.</u> <u>10 ft. max.</u>	<u>0 ft. min.</u> <u>10 ft. max.</u>	<u>0 ft. or</u> <u>5 ft. min.</u>	<u>15 ft. min.</u> <u>(25 ft. min.)</u>
<u>T5</u>	<u>All Structures</u>	<u>0 ft. min.</u> <u>10 ft. max.</u>	<u>0 ft. min.</u> <u>10 ft. max.</u>	<u>0 ft. or</u> <u>5 ft. min.</u>	<u>15 ft. min.</u> <u>(25 ft. min.)</u>
<u>T4</u>	<u>Dwellings</u>	<u>5 ft. min.</u> <u>10 ft. max.</u>	<u>5 ft. min.</u>	<u>0 ft. or</u> <u>5 ft. min.*.</u>	<u>15 ft. min.</u> <u>(25 ft. min.)</u>
<u>T4</u>	<u>Accessory dwellings</u>	<u>40 ft. min.**</u>	<u>5 ft. min.</u>	<u>0 ft. or</u> <u>5 ft. min.*</u>	<u>15 ft. min.</u> <u>(5ft. min.)</u>
<u>T3</u>	<u>Dwellings</u>	<u>10 ft. min.</u>	<u>5 ft. min.</u>	<u>5 ft. min.</u>	<u>15 ft. min.</u> <u>(25 ft. min.)</u>
<u>T3</u>	<u>Accessory dwellings</u>	<u>50 ft. min.**</u>	<u>5 ft. min.</u>	<u>5 ft. min.</u>	<u>5 ft. min.</u> <u>(5 ft. min.)</u>
<u>T3-R</u> —	<u>Dwellings</u>	<u>15 ft. min.</u>	<u>15 ft. min.</u>	<u>5 ft. min.</u>	<u>20 ft. min.</u> <u>(25 ft. min.)</u>
<u>T3-R</u>	<u>Accessory dwellings</u>	<u>50 ft. min.**</u>	<u>5 ft. min.</u>	<u>5 ft. min.</u>	<u>10 ft. min.</u> <u>(5 ft. min.)</u>

*5 ft side setback mandatory if adjacent lot has side setback

** If the minimum setback cannot be met, the accessory dwelling shall not be placed closer to the main frontage than the primary dwelling

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5.3.2. Garages

- a. In alley loaded configurations, where garages are part of the primary dwelling unit structure, the following conditions apply:
 - i. Rear alley setback for accessory dwellings apply to the garage portion of the structure.
 - ii. Rear alley setback for dwellings apply to all other portions of the structure, including rooms above garages.
 - iii. Accessory dwelling units above garages that are separate from the principal dwelling structure are subject to the accessory dwelling setback requirements.

5.3.3. Setback Considerations for Fire Access

- a. Where fire access is provided from the alley and eave height exceeds 30ft, additional rear alley setback may be required.
- b. Where fire access is provided from streets and eave height exceeds 30ft, buildings may be required to be located closer to lot lines than the minimum setback.

5.3.4. Setback Considerations for Utilities

- a. Utility easements along front, side, and side street lot lines may require additional front, side, and side street setback causing buildings to exceed maximum setbacks.
- b. Utility services provided from the alley may require additional rear alley setbacks.
- c. Utility services may require easements at front, side, side street, or rear lot lines for meters, pedestals, and other equipment requirements.

5.4. Building Height

5.4.1. The height of all structures is limited as specified in Tables 5.1-1 to 5.1-5.

5.4.2. Story Measurement

- a. Building height is measured in stories above sidewalk grade.
- b. Ground Floor Story heights are measured from the following:
 - i. Ground floor Story Heights for non-residential uses shall be measured starting from 12 inches above the crown of the frontage road and must be flood proofed according to FEMA standards
 - (1) The ground floor shall not be located any higher than 18 inches above the crown of the frontage road
 - ii. Ground floor Story Heights for residential use shall be measured starting from the FEMA flood criteria line
 - (1) No more than 18 inches of fill shall be used to raise a building/site
- c. Uninhabited roofs, chimneys, cupolas, antennae, vents, elevator bulkheads, stair housings, and other uninhabited accessory elements do not count toward building height.
- d. Mezzanines exceeding 40% of the floor area of a tenant space or residential unit, count toward building height as additional stories.

5.4.3. Story Height

- a. Above ground stories are limited in height as specified in Tables 5.1-1 to 5.1-5 and as follows:
 - i. Story height is measured from finished floor to finished ceiling.
 - ii. Story height is measured at all points within the structure.
 - iii. Where an above ground story exceeds the maximum story height it is counted as one or more stories by dividing the story height by the maximum story height, and rounding up.
 - iv. Ceiling height in bathrooms, kitchens, closets, and other ancillary rooms may be lower than minimum story height.

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5.5. Building Orientation

- 5.5.1. Lots with a single building, excluding accessory dwelling units and structures less than 600 sf in footprint, are subject to the following:
- a. The principal building must be oriented parallel to the front property line or tangent to a curved front property line.
 - b. The building must have a primary entry accessible from the sidewalk.
- 5.5.2. Lots with multiple buildings, excluding accessory dwelling units and structures less than 600 sf in footprint, are subject to the following:
- a. The building closest to the front property line must be oriented parallel to the front property line or tangent to a curved front property line.
 - b. The building is considered the primary building and must have a primary entry accessible from the sidewalk.
 - c. Accessory dwelling units and structures less than 600 sf must be behind or beside the building relative to the front property line.

5.6. Building Frontage

- 5.6.1. Frontage requirements regulate the following:
- a. The yard space between front and side street lot lines and building facades nearest those lot lines, Frontage Yards;
 - b. Building facades nearest the front and side street lot lines, Frontage Facades; and
 - c. Elements projecting from building facades into frontages, Frontage Projections.
 - d. In order to encourage diversity in design, building frontages shall vary from lot to lot.
- 5.6.2. Frontage Assignment
- a. Primary and secondary frontages may be assigned on the regulating plan.
 - i. Where primary and secondary frontages are not assigned on the regulating plan, they are assigned as follows:
 - (1) Primary frontages correspond with the lot line bearing the address.
 - (2) Secondary frontages correspond with all side street lot lines.
- 5.6.3. Frontage Buildout - requirements apply to T4 and T5 Zones only.
- a. Frontage buildout requires that a minimum length of frontages, primary or secondary, are lined with building facades situated between the minimum and maximum setbacks:
 - i. At corner lots, frontage buildout measurements exclude the building setback in the measurement of total frontage length.
 - ii. In T4, frontage buildout at primary frontages must be a minimum of 60%.
 - iii. In T5, frontage buildout at primary frontages must be a minimum of 80%.
 - iv. In T5, frontage buildout at secondary frontages must be a minimum of 60%.
- 5.6.4. Frontage Yard - frontage yard type must be selected from Table 5.6-1 and as follows:
- a. Urban and Shallow Yards must be 10 feet or less in depth.
 - b. Door Yards and Fenced Yards must be 10 feet or greater in depth.
 - c. Continuous Yards must be 15 feet or greater in depth.
 - d. Frontage yards are subject to the requirements specified in Table 5.6-2 and as follows:
 - i. Pedestrian Forecourts are limited to 2,500 square feet in area.
 - ii. Cottage Court central courtyards must maintain a minimum of 30 feet in width between all structures and projections along the depth of the court.
 - iii. Cottage Court courtyards have a minimum area of 1,800 square feet within the court, excluding the space between buildings and the public sidewalk.

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5.6.5. Frontage Facades

- a. The primary building entry must be located along a frontage facade.
 - i. Access to the primary building must be provided from the front property line.
 - ii. Glazing along frontage facades must meet the requirements specified in Tables 5.1-1 to 5.1-5 and as follows:
 - (1) Glazing is calculated on a per-story basis along the frontage facade.
 - (2) Glazing is calculated as the percentage of the total area of glazing within a story divided by the total facade area of that story.
 - (3) Window muntins and other glazing divisions less than 4 inches in width are considered glazed areas.

5.6.6. Frontage Projections

- a. Building features that project forward from frontage facades into front or side street setbacks are frontage projections.
- b. Frontage projections are limited as specified in Table 5.6-4 and as follows:
 - i. Trim, cornices, eaves, plaques, mailboxes, bay and bow windows, storefront windows, and elements that are anchored to walls may project up to 4 feet.
 - ii. Signs may project into frontages.
 - iii. Balconies may project into frontages in T5-C and T5
- c. Additional requirements and projection allowances by type of frontage projection are specified in Table 5.7-5.

TABLE 5.6 1. PERMITTED FRONTAGE YARD TYPES

<u>ZONE</u>	
T5	Urban, Pedestrian Forecourt, Shallow Yard, Door Yard
T4	Shallow Yard, Cottage Court, Fenced Yard, Door Yard
T3	Cottage Court, Fenced Yard, Continuous Yard
T3-R	Fenced Yard, Continuous Yard
SID	To be determined on a case-by-case basis during the review and approval process

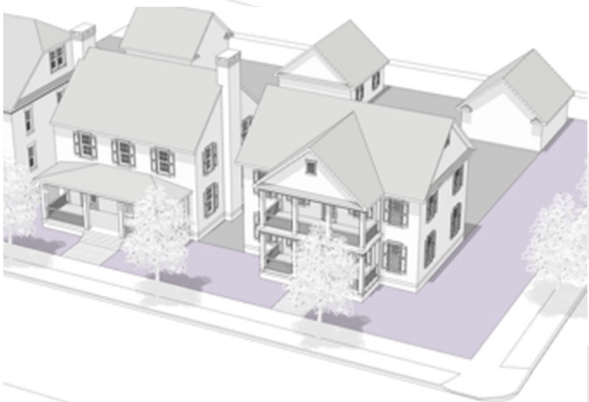
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TABLE 5.6-2. FRONTAGE YARD TYPE REQUIREMENTS

YARD	ILLUSTRATION	REQUIREMENTS	
<u>Urban</u>		Planting	Permitted within raised containers, no minimum requirement.
		Surface	<u>Must be paved and at sidewalk grade, should match sidewalk material</u>
<u>Pedestrian Forecourt</u>		Planting	<u>Optional, no minimum requirement.</u>
		Fencing	<u>Masonry walls permitted along the frontage facade line.</u>
		Area	2,500 square feet, max.
		Activation	<u>Must be lined by habitable spaces</u>
<u>Shallow Yard</u>		Planting	T4: 4 shrubs per 400 sf. min.; 50% min. planted surface.
		Surface	<u>Landscaped in T4, may be paved in T5</u>
		Walkways	1 per building entry
<u>Door Yard</u>		Fencing	<u>Permitted</u>
		Planting & Surface	T4: 60% min. planted surface, 40% max. paved. T5: 30% min. planted surface, 70% max. paved.
		Fencing	Required

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TABLE 5.6-2. FRONTAGE YARD TYPE REQUIREMENTS

Cottage Court		Planting	A minimum of 50% trees should be canopy shade trees. 60% min. planted surface.
		Surface	Landscaped, programmed spaces optional.
		Walkways	Required, connecting each building entry to sidewalks.
		Fencing	Frontage fencing permitted at streets and to define yards for each unit.
Fenced Yard		Planting	A minimum of 50% trees should be canopy shade trees. 60% min. planted surface.
		Surface	Landscaped, paving limited to walkways, driveways, and terraces
		Walkways	1 per building entry
		Fencing	Required along front and side street property lines
Continuous Yard		Planting	A minimum of 50% trees should be canopy shade trees. 70% min. planted surface.
		Surface	Landscaped, paving limited to walkways, driveways, and terraces
		Walkways	1 per building entry
		Fencing	Permitted at frontage facade lines, not permitted along front or side street property lines.

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TABLE 5.6-3. FRONTAGE FACADE GLAZING

ZONE	LEVEL	MINIMUM GLAZING	MAXIMUM GLAZING
<u>T5-C</u>	Upper Stories	30%	60%
	Ground Floor*	40%	90%
<u>T5</u>	Upper Stories	30%	60%
	Ground Floor	30%	50%
<u>T4</u>	Upper Stories	30%	50%
	*Minimum 70% for non-residential		

TABLE 5.6 4. PERMITTED FRONTAGE SETBACK PROJECTIONS

ZONE	ELEMENT	MAXIMUM DEPTH
<u>T</u>	Arcades	100% of setback
	Galleries	100% of setback
	Canopies & Marquees	100% of setback
	Awnings	100% of setback
T4	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps
	Terrace	100% of setback
T3	Enclosed Porch	Up to 8 feet excluding steps
	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps
T3-R	Enclosed Porch	Up to 8 feet excluding steps
	Open Porch	Up to 8 feet excluding steps
	Stoop	Up to 5 feet excluding steps

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TABLE 5.6 5. FRONTAGE SETBACK PROJECTION REQUIREMENTS

PROJECTION		REQUIREMENTS
Arcades	Depth	10 ft. min., to within 2 feet of curbs
	Width	80% of facade width, min.
	Material	Masonry or metal
Galleries	Depth	8 ft. min., to within 2 feet of curbs
	Width	20 ft. min.
	Material	Metal or wood
<u>Canopies & Marquees</u>	Depth	6 ft. min., to within 2 feet of curbs
	Width	Shopfront bay width (min), 20 ft. min.
	Material	Metal; wood ceiling permitted
Awnings	Depth	6 ft. min., to within 2 feet of curbs
	Width	Per Figure 5.9-1
	Material	Fabric or canvas over metal structure
Enclosed Porches	Depth	6 ft. min.
	Width	12 ft. min.
	Vertical Material	Wood & glazing
	Railing Material	Wood infill panels
	Floor Material	Wood or Masonry
Open Porches	Depth	6 ft. min.
	Width	12 ft. min.
	Vertical Material	Wood
	Railing Material	Wood
	Floor Material	Wood or Masonry
Stoops/ Balconies	Depth	4 ft. min.
	Width	4 ft. min.
	Vertical Material	Wood or Masonry
	Railing Material	Wood, Metal or Masonry
	Floor Material	Wood or Masonry

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5.7. Building Elements & Encroachments

- 5.7.1. Buildings should be designed in proportions that reflect human-scaled pedestrian movement, and to encourage interest at the street level.
- 5.7.2. Building entries shall be as follows:
 - a. Building entrances shall be clearly visible from the street.
 - b. One (1) building entry shall be provided every 80 feet of facade leading to a habitable space.
 - c. Entries for multifamily buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.
 - d. Residential building entries at grade are restricted as follows:
 - i. Single-Family residential buildings shall be raised above average grade according to Table 5.7-1 Facade Types.
 - ii. Multi-family residential buildings shall be raised above average grade according to Table 5.7-1 Facade Types. In no instance shall the entry be raised less than 18 inches. The entry may need to be raised to comply with FEMA flood regulations.
 - iii. Mixed-use and non-residential building entries shall be at sidewalk grade unless located within a FEMA flood zone.
 - (1) Mixed-Use and commercial buildings should keep the entry at sidewalk grade, raise glazing above the flood line, and flood-proof the commercial space.
- 5.7.3. Facade Types shall be as follows:
 - a. Facades shall be assigned along frontages and are limited by type according to Table 5.7-1 Facade Types.
 - b. Projections into all setbacks are permitted as follows, but not beyond the property line:
 - i. Roof overhangs, cornices, window and door surrounds and other facade decoration may project up to two (2) feet.
 - ii. Where permitted, shading devices may project into the front setback up to the property line with a minimum eight (8) foot clearance.
 - iii. Balconies may project up to five (5) feet.
 - iv. Bay windows may project up to three (3) feet.
 - v. Porches and stoops may project according to 5.7-1 Facade Types.
 - vi. Mechanical Equipment (come up with standard)

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TABLE 5.7-1: FACADE TYPES

A: Porch

<u>Entry Grade</u>	<u>Minimum 18 inches above grade</u>	
<u>Requirements</u>	• <u>Required at the primary building entrance.</u> • <u>Porches shall be a minimum 6 feet in depth.</u> • <u>Porches and related structures may project into front setbacks a maximum 10 feet.</u> • <u>Porch openings shall be vertical in proportion.</u> • <u>Porches shall be a maximum 10 feet in height. Columns should have a diameter between 1/9th and 1/14th their height.</u>	

B: Stoop

<u>Entry Grade</u>	<u>Minimum 34 inches and a maximum 48 inches above grade</u>	
<u>Requirements</u>	• <u>A stoop is required at building entrances, projecting from the facade.</u> • <u>Wood is prohibited for stoop railings.</u> • <u>Stoops and related structures may project into front setbacks up to 100%.</u>	

C: Common Entry

<u>Entry Grade</u>	<u>Minimum 18 inches and a maximum 24 inches above grade (exception to maximum may be made for FEMA Flood requirements)</u>	
<u>Requirements</u>	• <u>A single collective entry to a multi-family lobby is required at the primary building entrance.</u> • <u>Canopies and awnings are permitted to project into front setbacks up to 100% of their depth.</u>	

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TABLE 5.7-1: FACADE TYPES

D: Gallery

Entry Grade

At sidewalk grade

Requirements

(see section 5.7)

- Where a gallery occurs, it is required along a minimum of 80% of the frontage.
- Encroachments are permitted according to Section 5.7
- Awnings are not permitted in galleries
- Ground floor flood proofed if in FEMA flood zone



E: Storefront

Entry Grade

At sidewalk grade

Requirements

(see section 5.7)

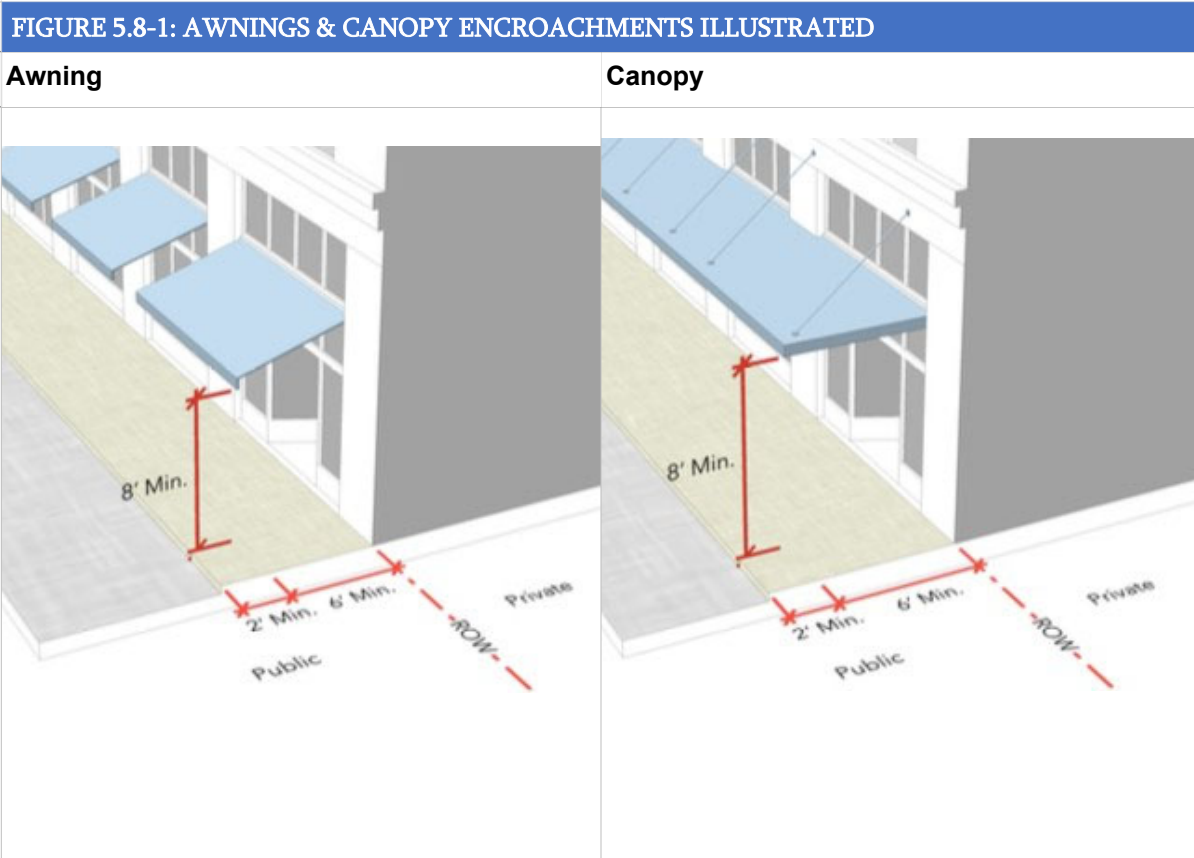
- A storefront is required at the primary entrance of the tenant space.
- A minimum 70% of the ground floor of a storefront shall be glazing
- Ground floor flood proofed if in FEMA flood zone



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5.8. Building Encroachments

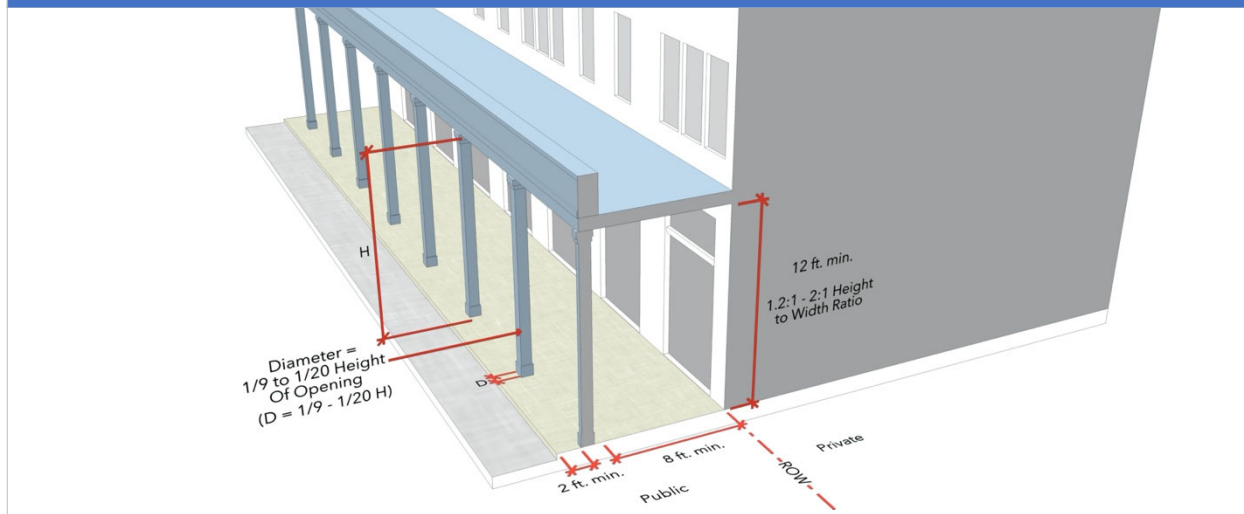
- 5.8.1. Encroachments located within the public right-of-way shall comply with any clearance standards established by FDOT or the City of Bonita Springs Public Works and Facilities Department.
- 5.8.2. Awnings and canopies are restricted as illustrated in Figure 5.8-1 and per the following:
- a. Awnings and canopies may project into the public right-of-way, up to two (2) feet of the curb.
 - b. Awnings and canopies shall be a minimum of six (6) feet in depth and have a minimum of eight (8) feet of vertical clearance.



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- 5.8.3. Galleries are restricted according to Figure 5.9-2., and as follows:
- a. Shall be a minimum of 8 feet in depth and a minimum of 12 feet in height, maintaining a 1.2:1 to a 2:1 height to width ratio, as illustrated in Figure 5.8-2.
 - b. Gallery columns should have a diameter between 1/9th and 1/20th their height, measured from the base to the bottom of the entablature, as in Figure 5.8-2.
 - c. Galleries should encroach into building setbacks.
 - d. Galleries should encroach over sidewalks.
 - e. Where galleries encroach over sidewalks, they shall not extend beyond two (2) feet of the curb.
 - f. Galleries shall not change height or width along a building facade.

FIGURE 5.8 2: ENCROACHMENT FOR GALLERIES ILLUSTRATED



5.9. Parking Access, Design and Reductions

5.9.1. Vehicular Parking Location and Access: T3-R

- a. Driveways are limited as follows:
 - i. Driveway width is limited to a maximum of 12 feet;
 - ii. Driveways accessing multiple garage doors may be up to width of the garage within 20 feet of the garage doors;
 - iii. Driveways may have a single point of access or two points of access in a loop.
 - iv. Lots with side street lot lines should provide parking access from that lot line.
 - v. Lots with alley access must provide parking access from the alley.
- b. Carports and Covered Parking
 - i. Carports and covered parking are permitted.
- c. Garages
 - i. Individual garage doors are limited to a maximum width of 10 feet.
 - ii. Garages must be configured in one of the following orientations:
 - (1) Type 1: Independent of the dwelling.
 - (2) Type 2: Front-entry, set back from the dwelling facade.
 - (3) Type 3: Side-entry, within the main dwelling massing.
 - (4) Type 4: Side-entry, forward of the main dwelling massing.

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- iii. Type 1 garages are subject to the following requirements:
 - (1) The garage must be detached from the dwelling a minimum of 10 feet.
 - (2) Where the garage is closer to the front property line than the dwelling:
 - (3) Vehicular entry movement must be parallel with the front property line.
 - (4) A minimum of one window must be installed on the garage facade, facing the front property line.
 - iv. Type 2 garages are subject to the following requirements:
 - (1) The garage must be set back a minimum of 10 feet from the principal dwelling facade, excluding projections.
 - v. Type 3 garages are subject to the following requirements:
 - (1) The garage should be set towards the rear of the main dwelling volume.
 - (2) The garage may not extend forward of the main dwelling volume.
 - (3) Where the garage is located parallel with the dwelling front facade, a minimum of one window must be installed on the garage facade, facing the front property line.
 - vi. Type 4 garages are subject to the following requirements:
 - (1) Vehicular entry to the garage must be parallel with the front property line.
 - (2) A minimum of one window must be installed on the garage facade, facing the front property line.
- 5.9.2. Vehicular Parking Location and Access: T3 and T4
- a. On-street parking spaces located along lot lines count towards minimum required parking.
 - b. Off-street parking may be provided individually or clustered within the same block.
 - c. Driveways are limited as follows:
 - i. Driveways providing parking access to 4 or fewer units are limited to a maximum of 12 feet in width.
 - ii. Driveways providing parking access to more than 4 units are limited to a maximum of 22 feet in width.
 - d. Garages within the front half of a lot are limited to a maximum width of 30% of the lot width.
 - e. Carports and covered parking are permitted in off-street parking areas and must be located behind buildings relative to front lot lines.
 - f. Parking access is permitted as follows:
 - i. Where alleys abut any property line for individual or clustered properties, on-site parking must be accessed from an alley.
 - ii. Lots or clustered properties without alley access with any side street lot lines must access parking from a side street lot line.
 - iii. Lots without alley access or side street lot lines may access parking from the front lot line, limited to one access point adjacent to a side lot line.
 - iv. Clustered properties without alley access or side street lot lines may access parking from the front lot line, limited to two access points, each along a side lot line.
 - v. Off-street parking must be located behind buildings relative to the front lot line.
 - vi. Off-street parking serving clustered properties must be located as follows:
 - (1) Parking must be a minimum of 10 feet behind the facade of the nearest building to front and side street lot lines.
 - (2) Parking must be shielded from front and side street lot lines by buildings or frontage facade fencing.

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5.9.3. Vehicular Parking Location and Access: T5

- a. Minimum required parking may be provided as follows:
 - i. The required parking may be provided off site, provided the site is approved by the city manager or designee and the number of required off-street parking spaces may be reduced by no more than one-third, if supported by a parking study submitted by the applicant.
 - ii. Developers may pay a fee in lieu of providing the required spaces. The fee shall be based on the average cost of constructing a surface parking space in the Zone, as determined in an applicable administrative code, until such time as surface parking spaces are determined to be infeasible due to land availability in the Zone. Said fee shall be a one-time payment, to be placed in the redevelopment trust fund and shall be utilized for parking and other public improvements that benefit the Zone.
 - iii. Developers may provide valet parking program for commercial and mixed-use projects in accordance with the requirements set forth in the Administrative Code to offset a maximum of 50 percent of the required parking spaces. Valet parking programs may not be utilized to offset parking requirements for stand-alone residential development.
 - iv. Approved on-street parking along the corresponding frontage(s) of the site shall count 100 percent towards the parking requirements. Off-street parking must be located behind buildings relative to front lot lines.
- b. Off-street surface parking adjacent to side street lot lines must be lined or screened as follows:
 - i. One or more liner buildings should be located along the sidewalk as generally illustrated in Table 5.9-2(b);
 - ii. In the case that liner buildings are not feasible, parking must be screened with a street screen as generally illustrated in Table 5.9-2(a) and as follows:
 - (1) The street screen must meet the fencing standards for T5;
 - (2) The street screen may be interrupted for pedestrian and vehicular access.
- c. Off-street structured parking must be lined or screened as follows:
 - i. One or more liner buildings, a minimum of 20 feet in depth, should be located along the sidewalk, screening the parking structure from the sidewalk
 - ii. In the case that liner buildings are not feasible, parking must be screened by use of planting, glazing, or with regularized openings resembling glazing
 - iii. The ground floor of the parking structure must include habitable spaces along sidewalks;
 - iv. Ground floor habitable spaces may be interrupted for pedestrian and vehicular access;
 - v. Ground floor habitable spaces must be designed with shopfronts.
 - vi. Openings above the ground floor must meet the window proportion and minimum glazing requirements. Openings count towards minimum glazing.
 - vii. Along designated main streets, structured parking must be lined.
- d. Adjacent lots providing off-street parking and district managed parking lots must be supplied with vehicular and pedestrian connections to any on-site parking areas.
- e. Carports and covered parking are permitted in off-street parking areas.
- f. Along side-street lot lines, parking must be shielded by buildings or frontage facade fencing.
- g. Parking access is permitted as follows:

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- i. Where alleys abut any property line, access to on-site parking must be provided from the alley.
- ii. Lots with side street lot lines may provide one access point from each side street lot line.
- iii. Lots without alley or side street lot line access may provide one access point from the front property line.
- iv. Where more than one access point is required for circulation, access points should be located along different property lines.
- h. Driveways are limited to a maximum of 22 feet in width.

TABLE 5.9 2. LINED AND SCREENED PARKING



5.9.4. Required Vehicular Parking

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

TABLE 5.9-3: MINIMUM RESIDENTIAL PARKING

<u>USE</u>	<u>T5</u>	<u>T4</u>	<u>T3</u>	<u>T3-R</u>
<u>Single Family Detached</u>	<u>n/a</u>	<u>1.5 / du</u>	<u>2 / du</u>	<u>2 / du</u>
<u>Single Family Attached</u>	<u>1 / du</u>	<u>1.5 / du</u>	<u>2 / du</u>	<u>n/a</u>
<u>Accessory Dwelling Units</u>	<u>0.5 / du</u>	<u>1 / du</u>	<u>1 / du</u>	<u>1 / du</u>
<u>Multi-Family</u>	<u>1 / du</u>	<u>1 / du</u>	<u>n/a</u>	<u>n/a</u>
<u>Affordable Housing</u>	<u>0.75 / du</u>	<u>0.75 / du</u>	<u>1 / du</u>	<u>1.5 / du</u>

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TABLE 5.9-4: NON-RESIDENTIAL PARKING

<u>USE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>General Commercial</u>	<u>3 / 1000 sf</u>	<u>4 / 1000 sf</u>
<u>Light Industry, Workshop</u>	<u>2 / 1000 sf</u>	<u>4 / 1000 sf</u>
<u>Lodging</u>	<u>0.5 per key</u>	<u>1 per key</u>

5.9.5. Required Vehicular Parking Adjustments

a. Shared Parking

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

TABLE 5.9-5: SHARED PARKING REDUCTIONS

<u>USE USING SHARED PARKING</u>	<u>MIN. SPACES</u>	<u>MON-FRI 8AM-6PM</u>	<u>MON-FRI 6PM-12AM</u>	<u>MON-FRI 12AM-8AM</u>	<u>SAT-SUN 8AM-6PM</u>	<u>SAT-SUN 6PM-12AM</u>	<u>SAT-SUN 12AM-8AM</u>
<u>Residential</u>		60% <u>sp*.6</u>	100% <u>sp</u>	100% <u>sp</u>	80% <u>sp*.8</u>	100% <u>sp</u>	100% <u>sp</u>
<u>Lodging</u>		70% <u>sp*.7</u>	100% <u>sp</u>	100% <u>sp</u>	70% <u>sp*.7</u>	100% <u>sp</u>	100% <u>sp</u>
<u>Restaurant /</u>		70% <u>sp*.7</u>	100% <u>sp</u>	10% <u>sp*.1</u>	70% <u>sp*.7</u>	100% <u>sp</u>	—
<u>Retail</u>		90% <u>sp*.9</u>	80% <u>sp*.8</u>	5% <u>sp*.05</u>	100% <u>sp</u>	70% <u>sp*.7</u>	5% <u>sp*.05</u>
<u>Office, Industrial</u>		100% <u>sp</u>	20% <u>sp*.2</u>	5% <u>sp*.05</u>	5% <u>sp*.05</u>	5% <u>sp*.05</u>	—
<u>Assembly</u>		40% <u>sp*.4</u>	100% <u>sp</u>	10% <u>sp*.1</u>	80% <u>sp*.8</u>	50% <u>sp*.5</u>	50% <u>sp*.5</u>
<u>Religious</u>		10% <u>sp*.1</u>	5% <u>sp*.05</u>	5% <u>sp*.05</u>	100% <u>sp</u>	5% <u>sp*.05</u>	—
<u>Required:</u>		<u>sum</u>	<u>sum</u>	<u>sum</u>	<u>sum</u>	<u>sum</u>	<u>sum</u>

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5.9.6. Vehicular Parking Lot Design

- a. Parking lots must have a minimum vertical clearance of 8 feet, and 15 feet where the facility is to be used by trucks or for loading or along a garbage collection path.
- b. Parking deck floor levels shall align with floor levels of attached habitable space
- c. Compact stalls may account for up to 40% of off-street spaces in each parking lot.
- d. Drive aisles must meet the minimum size requirements as specified in Table 5.9-6.
- e. Parking stalls must meet the minimum size requirements as specified in Table 5.9-7.

TABLE 5.9 6. DRIVE AISLE MINIMUM SIZES

<u>PARKING ANGLE</u>	<u> AISLE: ONE-WAY SINGLE LOADED</u>	<u> AISLE: ONE-WAY DOUBLE LOADED</u>	<u> AISLE: TWO WAY DOUBLE LOADED</u>
<u>60 deg.</u>	<u>12.8 ft. min.</u>	<u>11.8. ft. min.</u>	<u>19.3 ft. min.</u>
<u>Parallel</u>	<u>10 ft. min.</u>	<u>12 ft. min.</u>	<u>20 ft. min.</u>

TABLE 5.9-7. PARKING STALL MINIMUMSIZES

<u>STALL TYPE</u>	<u>STALL WIDTH</u>	<u>STALL LENGTH</u>
<u>Standard Stall</u>	<u>8.5 ft. min.</u>	<u>18 ft. min.</u>
<u>Compact Stall</u>	<u>8 ft. min.</u>	<u>15 ft. min.</u>
<u>Parallel Stall</u>	<u>8 ft. min.</u>	<u>22 ft. min.</u>

5.9.7. Vehicular Parking Lot Landscaping

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

5.9.8. Required Bicycle Parking

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

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TABLE 5.9-8. BICYCLE PARKING

<u>USE</u>	<u>MINIMUM SPACES</u>	<u>ENCLOSED</u>	<u>ON-STREET SPACES</u>
Multi-family Residential	.5 per bedroom	40% min.	0% max.
Restaurant / Bar	1 / 2,000 sf	0% min.	100% max.
General Commercial	1 / 2,000 sf	0% min.	100% max.
Office	1 / 4,000 sf	20% min.	80% max.
Light Industry / Workshop	4	0% min.	100% max.
Industrial	4	0% min.	100% max.
Lodging	1 per 4 keys	60% min.	40% max.
Education & Assembly	1 / 3,000 sf	0% min.	100% max.

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5.10. Fences and Walls – Fencing and Walls

- 5.10.1. The following fencing is prohibited:
- Electric, barbed wire, razor wire, hog wire, rolled wire, or other types of hazardous fencing;
 - Chain link fencing;
 - Any wire smaller in size than 12 gauge.
- 5.10.2. Fence and wall height is limited as specified in Table 5.10-1 and as follows (see Table 5.10-3 for terminology):
- Frontage fencing and walls must be located as follows:
 - Fencing and walls must be a minimum of 4 inches from public sidewalks in all instances.
 - Fencing and walls must be within 3 feet of frontage lines.
 - Fencing and walls over 3 feet in height must be set back from the street-side edge of sidewalks as least 2 feet plus the minimum sidewalk width specified by FDOT for the street type designation.
 - Where the desired appearance is fencing and walls with zero setback from sidewalks, a sidewalk extension may be provided on the private lot, in which case a control joint is required to separate the public and private sidewalks.
 - Fencing and walls along side and rear property lines within frontages is considered frontage fencing and walls.
- 5.10.3. Fence and wall materials are limited as specified in Table 5.10-2.
- 5.10.4. Metal and iron fencing must be black.
- 5.10.5. Masonry walls may be combined with decorative metal or wrought iron with the masonry portion below and optionally forming pillars.

TABLE 5.10-1. MAXIMUM FENCE AND WALL HEIGHT

<u>ZONE</u>	<u>FRONTAGE FENCING</u>	<u>FRONTAGE FACADE</u>	<u>SIDE</u>	<u>REAR</u>	<u>REAR ALLEY</u>
T4	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.
T3.2	4 ft.	6 ft.	6 ft.	6 ft.	6 ft.
T3.1	n/a	5 ft.	5 ft.	5 ft.	4 ft.

TABLE 5.10-2. FENCE AND WALL MATERIALS

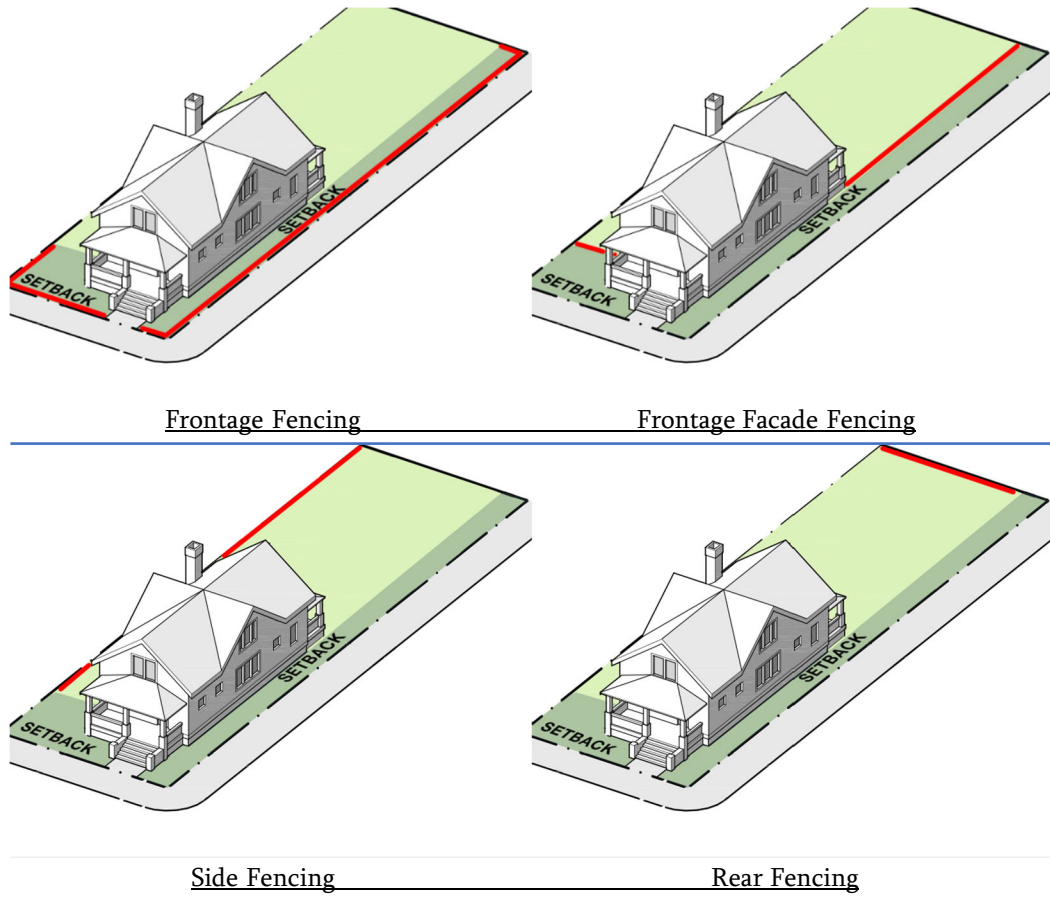
<u>ZONE</u>	<u>MASONRY</u>	<u>DECORATIVE METAL OR WROUGHT IRON</u>	<u>WOOD OR APPROVED ALT.</u>
T5	<u>Permitted; Stain or stucco required.</u>	<u>Permitted; 70% opaque max.</u>	<u>Prohibited</u>
T4	<u>Permitted; Stain or stucco required.</u>	<u>Permitted; 40% opaque max.</u>	<u>Permitted; Paint required.</u>
T3.2	<u>Prohibited</u>	<u>Permitted</u>	<u>Permitted; Paint or stain required.</u>

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<u>T3.1</u>	<u>Prohibited</u>	<u>Prohibited</u>	<u>Permitted</u>
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TABLE 5.10-3. FENCING TERMINOLOGY



5.11. Accessory Dwelling Units

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

5.12. Exterior Lighting

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

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6. Architectural Character

6.1. Building Materials (From Old 41 Redevelopment Urban Core)

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

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

6.2. Openings and Walls

- 6.2.1. Massing and Composition - The size of a building is independent of its scale. The scale can be modified by articulation.
 - a. Overly long buildings should be broken down to a scale comparable to that of the buildings on the rest of the block face. This can be accomplished by articulating the overall building height while keeping a uniform story height. This shall be mandatory for buildings which are a result of a lot assemblage where the principal frontage is over 100 feet in length. Building wall articulations in plan, such as recesses and projections, shall be limited to 4 per each 100 ft. length.
 - b. Scale is most effectively modified when the various integral elements of the facade (windows, balconies, loggias and parapets) support the articulation.
 - i. Architects should avoid too many individual elements on a single elevation
 - ii. Architects shall use a small number of well-built elements for all openings and attachments.
 - c. The frontages of new buildings shall be harmonious with the block face on both sides of its street. The existing buildings will provide the design context unless they are non-conforming or non-contributing. Applicants are expected to provide drawn and/or photo documentation of the block faces with the frontage proposed building drawn within its urban context.
- 6.2.2. General Composition
 - a. Residential structures shall have a limit for facade openings. 15-35% of an individual facade area can be used for openings (except for ground floor storefronts, see Tables 5.1-1 and 5.1-2)
 - b. Opening should be evenly spaced along a facade to create a harmonious composition
 - c. Window and door header heights should be consistent along a facade
 - d. Windows and doors should be recessed from the facade; not attached to the exterior
- 6.2.3. Glazing
 - a. Storefronts shall not have tinted (greater than 10%), mirrored, reflective, or colored glass on doors or windows.
 - b. Storefronts shall have vertically proportioned lights/panes
- 6.2.4. Doors
 - a. All storefront doors shall remain unlocked during business hours
 - b. Garage doors shall be in accordance with Section 5.9

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6.2.5. Windows

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

6.2.6. Arches & Piers

- a. Arches and Piers shall be made of stuccoed concrete/masonry and shall be no less than twelve inches (12") in thickness. Wood structural posts shall be no less than six inches by six inches (6" x 6") nominal dimension.
- b. Piers, columns, and posts shall be spaced to form square or vertically proportioned bays.
- c. Arches shall have columns/bases which are no wider than 20% of the arch opening.
- d. Height of Arch springline shall be located at the same or a higher elevation than the storefront header.
- e. Segmented Arches shall have the radius of the segment equal to the width of the opening. Full Arches shall have the radius of the arch equal to one-half the width of the opening.

6.3. Screening

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

6.4. Roofs

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

6.5 Porches, Stoops & Balconies

- 651 Porches, stoops, and balconies shall be made of stuccoed concrete/masonry or wood. Stucco finish shall match building wall finish. Flooring at entry stoops, porches, and

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- steps shall be made of wood, exposed concrete, concrete pavers, brick, or colored cement tile. Tile and brick selection is subject to approval of reviewer.
- 652 Porch and stoop roofs may be exposed or closed with wood deck or panel-and-batten ceiling.
- 653 Stoops are permitted at all building entries and may be covered by roofs, awnings or canopies. Stoops shall be no greater than 8 feet (8') in length or depth.
- 654 Balconies may be recessed into the main volume of a building for a maximum 50% of their depth. Any part of a balcony that projects beyond the building wall shall be structurally supported by concrete beams or profiled sills, or wood beams or brackets of appropriate scale.

7. Storefronts and Signage

- 7.1. Unified Storefront Design:** The storefront windows, doors, signage, awnings, details and lighting shall be designed as a unified composition.
- 7.1.1. Storefront Walls: Storefronts shall be built of wood, brick, concrete siding, stone, custom metal work or steel frame. Storefronts shall not be constructed of extruded aluminum frames or panels.
- 7.1.2. Storefront Windows: First floor facades shall be a minimum of 70 percent clear glass as measured between the floor and ceiling including the glass area of the front door. Storefront glass shall be clear with no more than 10 percent tinted. Reflective glass shall not be permitted along any commercial street. In flood-prone areas, glazing should not extend below the prescribed height to allow for easier flood proofing of the commercial space without having to raise the entire finish floor above the flood line.
- 7.1.3. Entrance Doors: Storefront entrance doors shall be recessed to allow the door to swing out without obstructing pedestrian flow on the sidewalk. Each tenant space shall have at least one three-foot wide door at the main entry. Storefront entrances shall be encouraged at building corners. Where appropriate, sliding or folding doors that allow the activity of the business to open adjacent to and onto the public sidewalk may be installed for restaurants and food services. Rear and side doors facing service alleys and parking lots are encouraged, but not required.
- 7.1.4. Bulkheads: Storefronts shall have a minimum 12-inch high masonry kick plate or bulkhead along all street frontages. Storefront bulkheads shall be a maximum of 36 inches above the adjacent sidewalk except for when required for flood-proofing within the Imperial River floodway. Bulkheads shall be designed as an integral component of the overall storefront.
- 7.1.5. Sign Bands: Storefronts shall have a horizontal sign band at the top of the first floor window. Sign bands shall be an integral design with the storefront's elevation and details, and may be a contrasting color to the building. Sign bands may be up to 12 inches in height and may extend the entire length of the storefront. Sign bands shall not be internally illuminated but may be externally lit subject to the approval of the City.
- 7.1.6. Security Gates and Shutters: Solid metal security gates and solid roll-down shutters shall not be permitted. Interior link or grill security devices may be permitted if they can be completely enclosed or hidden from view when not in use, and subject to the approval by the City.
- 7.1.7. Design for Tenant Flexibility: The design of first and second floor commercial spaces should anticipate restaurant requirements. Accommodation for restaurant venting and sewage utilities such as grease traps and interceptors should be designed into the building. Designs shall anticipate potential commercial power and gas load needs. In addition, buildings shall provide maximum clear space between interior columns for the ground floor retail and activity spaces.
- 7.1.8. Store Heights: All first floors of commercial buildings shall have a minimum of 14-foot tall ceilings as measured between the finished floor and finished ceiling.

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- 7.1.9. Outside Commercial Uses: Temporary exterior commercial uses, seating, dining and displays along the storefront's adjacent sidewalks are encouraged subject to approval by the City. All temporary displays shall maintain a minimum clear pedestrian walkway of five feet.
- 7.1.10. Galleries at retail frontage in T-5 zone shall be continuous along frontage and made of metal. Decking at second- and third-story floors shall be made of wood, and railing shall be made of metal.
- 7.1.11. Awning Materials: Canvas, glass or metal awnings are encouraged and should be coordinated with the top edge of the ground floor windows and doorframes.
- 7.1.12. Awning Configuration: Awnings shall be a metal armature stretching a non-translucent membrane without side or bottom soffit panels. They shall consist of sloping squares or rectangles without side or bottom soffit panels and shall not be backlit from under or inside. Edgeless awnings are encouraged. External lighting of awnings may be permitted with the approval by the City.
- 7.1.13. Awnings shall be a minimum of 60 inches wide x 60 deep, and shall not extend closer than two feet to the edge of the adjacent street curb. All awnings shall be integral to the overall design of the storefront and shall respect vertical column and window spacing. Awnings shall be at least seven feet high from the adjacent sidewalk.
- 7.1.14. Round, half domed and plastic awnings are prohibited. Awnings shall not be used as signs, except as noted below, and shall have a maximum slope of 1:3 (33%) from the building to the edge. Awnings shall have a maximum of two colors subject to the approval by the City.
- 7.1.15. Outdoor dining areas on sidewalk and public rights-of-way shall be allowed subject to the following standards:
 - a. Outdoor dining areas shall be separated from public walkways and streets using railings, wrought-iron fences, planters, and landscaping; and
 - b. A minimum unobstructed pedestrian path of at least six (6) feet wide shall be provided along public rights-of-way.

7.2. Exempted Signs

- 7.2.1. The signs specified in this section are exempt from signage regulations other than those in this section and may be erected without a sign permit.
- 7.2.2. Changing copy, maintaining, or repainting a sign are exempt, provided structural and electrical changes are not made without a permit.
- 7.2.3. Signs erected entirely within the confines of a nonresidential or mixed-use site, provided the sign cannot be viewed from streets or common property.
- 7.2.4. Address and Residential Identification Signs
 - a. Any identification sign at the entrance of a single-family residence or affixed to a mailbox, such as a sign which bears only the street number, mailbox number, or name of the occupant of the premises.
- 7.2.5. Holiday Decorations
 - a. Holiday decorations, flags, streamers, and similar.
- 7.2.6. Flags
 - a. A flag of any nation, government, sports team, or nonprofit organization which is deployed from a permanent freestanding or wall-mounted flagpole or, with respect to the United States flag, in a manner acceptable for the display of the national ensign as set forth in the U.S. Flag Code.
- 7.2.7. Official Signs
 - a. Any sign erected by the City of Bonita Springs.
 - b. Any sign erected by a government.
 - c. Public utility and traffic signs.
- ~~7.2.8. Political Signs~~
 - ~~a. Political signs conforming with the following requirements do not require permits:~~

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- ~~i. Political signs are limited to 3 square feet and may not exceed 30 inches above grade.~~
- ~~ii. Political signs may be erected 25 days prior to an election and must be removed within 5 days of the election.~~
- ~~iii. One sign per candidate or referendum item is permitted per lot, up to 3 signs total, except at Churches being used as polling places.~~

7.2.9. Residential Construction Signs

- a. Subject to the following:
 - i. Signage may only identify contractor of subcontractor name, address, phone number, and license number.
 - ii. The contractor is allowed 1 sign with a maximum area of 4 square feet.
 - iii. Each subcontractor is allowed 1 sign with a maximum area of 4 square feet.
 - iv. Signs may only be erected after a building permit has been issued.
 - v. Signage must be removed within 5 days of the final inspection.

7.2.10. Residential Rental Signs

- a. Subject to the following:
 - i. One sign may be attached to the house or fastened to a stake mounted in the yard and one additional sign facing a golf course or lake frontage.
 - ii. Rental signs may be permanently attached to the house, signs mounted in yards must be removed once the house is rented for a 60-day period or longer.
 - iii. Signs are limited to 1 square foot in area.

7.2.11. Warning and Instructional Signs

- a. Any warning sign, non-advertising signs (e.g. "no trespassing," "no dumping"), or non-advertising symbol which pertains to the parcel of property upon which it is located, provided any such sign does not exceed 4 square feet in copy area and is not illuminated.
- b. Any special instruction sign (e.g. "open," "closed," "hours of business," "no smoking") provided any such sign does not exceed 8 square feet in copy area.

7.2.12. Miscellaneous Signs

- a. Any memorial sign, gravestone, or commemorative plaque.
- b. Any generic, architectural feature that is designed, integrated, and constructed as part of a building.
- c. Any sign which is integrated into or on a point of sale purchase display.
- d. Any sign carried by a person.

7.3. Prohibited Signs and Sign Locations

7.3.1. The signs specified in this section are prohibited.

- a. Billboards (replacements subject to LDC Ch.6).
- b. Any sign advertising products or articles that are not manufactured, assembled, processed, repaired, serviced or sold on the premises.
- c. Two or more signs that convey a single, cumulative advertising message, part of which is contained on each sign in the series.
- d. Illuminated, Animated, Moveable, or Inflatable Signs
 - i. Animated signs.
 - ii. Inflatable signs.
 - iii. Any sign that simulates emergency lights on emergency vehicles, traffic-control signals or devices, directional, informational, or warning signs erected by the POA, a government, utility, or similar agency.
 - iv. Any sign that uses an intermittent light or lights, including flashing lights, beach lights, strobe lights, rotating beacons, chasing lights, or zip lights.
 - v. Any sign placed on a wall or fence, independent of a building.

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- vi. Any sign that is wind or power operated including flags, streamers, pinwheels, and balloons.
- vii. No signs may be located in a way that causes a hazard to pedestrian or vehicular traffic.
 - (1) Temporary signs at street intersections are limited to 30 inches in height within a triangle measured 30 feet from the intersection along each right-of-way.
 - (2) No permanent sign may be located within a triangle measured 30 feet from the intersection along each right-of-way.

7.4. Permitted Signs

7.4.1. General

- a. Signs must conform with the following standards, as specified in Table 7.6-1 and illustrated in Table 7.6-2:
 - i. Sign type limitations by Zone;
 - ii. The height and area of the sign;
 - iii. The number of signs per site;
 - iv. The height of sign copy.
- b. Exterior signs must be made of durable, weather resistant materials.
- c. A permit is required for all signs permitted under this section.
- d. No sign, once approved, may be moved or altered without additional approval, excluding maintenance or repainting required to restore a sign to its original, approved condition.

7.4.2. Clearance

- a. Signs must provide the following clearance:
 - i. A minimum of 9 feet over pedestrian ways;
 - ii. A minimum of 13.5 feet over vehicular travel ways and parking aisles.
- b. Signs located along streets must be a minimum of 2 feet from a curb, ramp, driveway, light pole, street sign, or fire hydrant.

7.4.3. Removal

- a. Signs must be removed as specified in Table 7.6-1, and as follows:
 - i. (P) Permanent; Signs do not require removal.
 - ii. (O) Occupancy; Signs must be removed within 7 days of the end of tenant occupancy.
 - iii. (B) Business; Signs must be removed when the business is closed.
 - iv. (T) Temporary; Signs must be removed within the time period specified by sign type.
 - v. Any moveable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

7.4.4. Sign Templates

- a. The permitting and inspections department supplies templates for Open House, Model Home, and Under Construction signs

7.4.5. Illumination

- a. Internal sign illumination is limited to window and wall signs within storefronts.
- b. Light sources must be mounted, shielded, and pointed towards the sign face to eliminate spill-over glare onto any adjacent streets, properties, or skyward.
- c. Exposed bulbs or lamps must not exceed the equivalent of 25 watts of incandescent light.

7.4.6. EMC / EMU Signs

- a. EMC / EMU signs are permitted for use on ground signs for Churches and POA facilities.
- b. Each image must remain static for a minimum of eight seconds.

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- c. Transitions must be instantaneous, without intervening flashing, animation, or movement of any kind.
- d. Signs must be equipped with automatic dimming technology.
- e. Signs must not exceed 0.3 foot candles above ambient light measured at a distance of 200 feet.

7.5. Requirements by Sign Type

7.5.1. Band Signs

- a. Band signs may be located above tenant storefronts, below second story windows, and beneath the building cornice or coping.
- b. Band sign copy must be at least 6 inches from building corners.

7.5.2. Banner Signs

- a. Banner signs must be made of flexible materials such as cloth, canvas, and vinyl.
- b. Banner signs may be hung on the side of a building or suspended from a portion of a building structure.

7.5.3. Commercial Construction Signs

- a. Signs are limited to identification of the architect, contractor, sub-contractor, landscaper, and financier.
- b. Signs must be removed within 5 days of the final inspection.
- c. Signs may only be erected after a building permit has been issued.
- d. Signage must not be above 4 feet from street grade.

7.5.4. Commercial Rental Signs

- a. All commercial rental signs require ACC approval.

7.5.5. Corner Signs

- a. Corner signs are only permitted at building corners where each facade is along a street.
- b. Corner signs may extend up to 6 feet above parapets.

7.5.6. For Sale

- a. Signs must be removed within 7 days of closing.

7.5.7. Garage Sale, Yard Sale, Estate Sale, and Moving Signs

- a. Signs and stakes provided by the permitting and inspections department must be used, limited to 5 signs per sale.
- b. Signs are valid for 10 days from the date of sale and must not be reused.
- c. Signs may be erected 1 day prior to the sale and must be removed within 5 hours of the end of the sale.
- d. Signs must not be altered.

7.5.8. Ground Signs

- a. Ground signs are limited to the following locations:
 - i. Forecourts.
 - ii. SD-DID
 - iii. C-OS
- b. The bottom of the sign must be within 2 feet of sidewalk grade.
- c. Ground signs must be set back a minimum of 10 feet from property lines.

7.5.9. Marquee Signs

- a. Marquee signs may be used for lodging and movie theaters. The ACC may permit marquee signs for additional businesses upon request.

7.5.10. Projecting Signs

- a. Projecting signs must be erected on a wall of a building.
- b. Projecting signs may project up to 4 feet from the wall of the building on which it is erected.

7.5.11. Open House, Model Home

- a. An annual permit is required.

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- b. Signs must be free standing on a stake or frame.
- c. The business name must be identified on signs, 2 in. copy minimum.
- d. Balloons, streamers and other types of decoration may not be used.
- e. Signs are allowed for 3 consecutive days in any one week.
- f. Up to 4 signs may be located off site.
- 7.5.12. Window Signs
- 7.5.13. Window signs may be:
 - a. Letters painted directly on the window;
 - b. Hanging signs hung interior of the glass;
 - c. Vinyl appliqué letters applied to the window, consisting of individual letters or graphics with no visible background.
- 7.5.14. Wayfinding signs
 - a. Wayfinding signs must be free standing and constructed using solid materials to prevent the sign from being destroyed or blown away.

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TABLE 7.6-1. GENERAL SIGN RESTRICTIONS

SIGN	SD	T3	T4	T5	PERIOD	NUMBER OF SIGNS(MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
A-Frame	✓		✓	✓	B	1 per tenant	9 sf. each side	n/a
Awning	✓		✓	✓	O	<u>1 sloping plane, plus 1 valence per awning</u>	<u>75% of sloping plane; 75% area of awning valence</u>	<u>16 in. on sloping plane; 8 in. on valence</u>
Banner	✓		✓	✓	T	1 per event	per ACC	per ACC
Canopy	✓		✓	✓	P	1 per canopy	2 sf. per linear foot of shopfront	30 in.
Commercial Construction				✓	T	1 per construction	32 ft.	n/a
Corner	✓		✓	✓	P	1 per building	40 sf.	n/a
For Sale	✓	✓	✓	✓	T	1 per lot plus 1 per golf or lake frontage	3 sf. each side, 60 in. above grade	n/a
Ground	✓				P	1 per frontage	36 sf. each side	n/a
Hanging	✓		✓	✓	P	1 per tenant	6 sf. each side	n/a
Marquee	✓		✓	✓	P	1 per entry	n/a	n/a
Mural	✓		✓	✓	P	1 per frontage	n/a	n/a
Projecting	✓		✓	✓	P	1 per tenant	6 sf. each side	8 in.
Open House Estate Sale Model Home	✓	✓	✓	✓	T	1 per lot	3 sf. each side, 30 in. above grade	n/a
Wall Sign	✓		✓	✓	O	1 per frontage	3 sf. per linear ft.	18 in.
Window	✓		✓	✓	O	1 per window	25% of glazed area	12 in.
Yard	✓	✓	✓	✓	T	1 per 50 feet of frontage	6 sf. each side	n/a

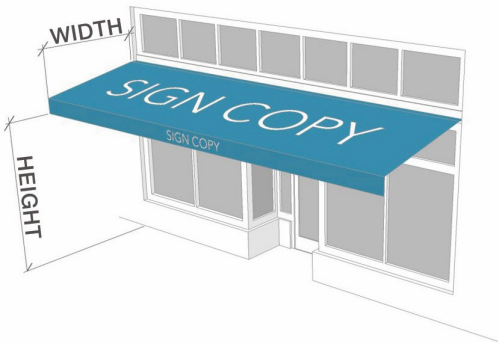
CITY OF BONITA SPRINGS
DOWNTOWN FORM-BASED CODE

TABLE 7.6-2. SIGN TYPES ILLUSTRATED

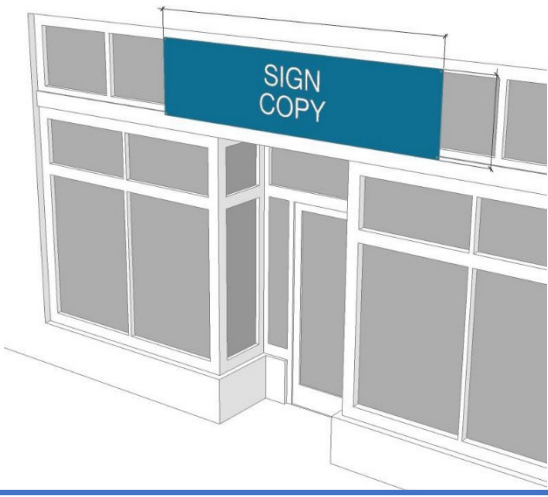
A-FRAME SIGN



AWNING SIGN



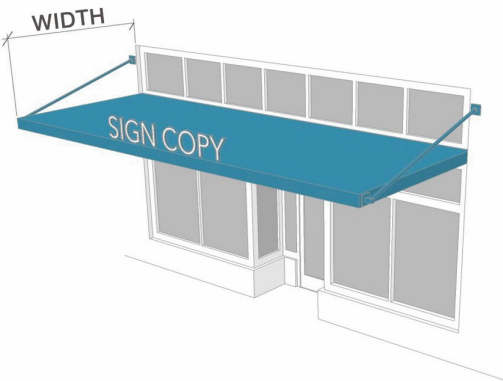
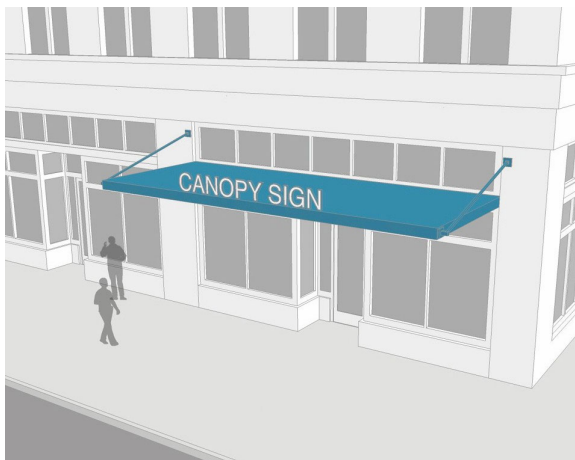
BANNER SIGN



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TABLE 7.6-2. SIGN TYPES ILLUSTRATED

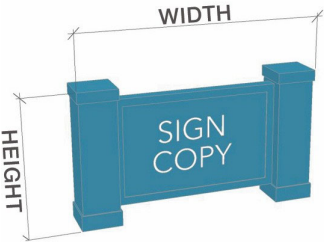
CANOPY SIGN



CORNER SIGN



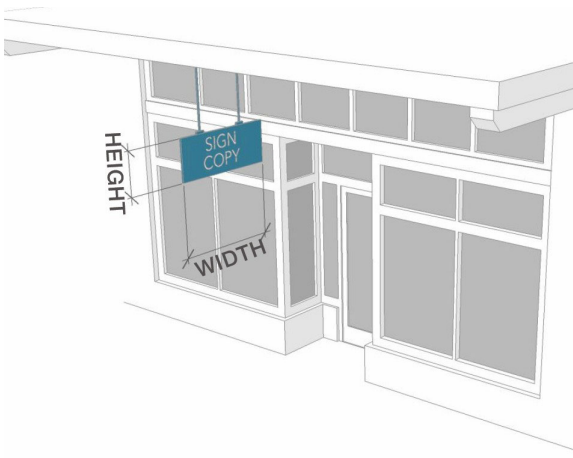
GROUND SIGN (*SPECIAL DISTRICTS ONLY)



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TABLE 7.6-2. SIGN TYPES ILLUSTRATED

HANGING SIGN



MARQUEE SIGN



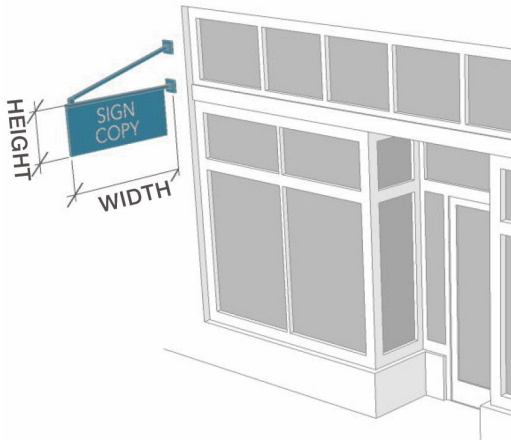
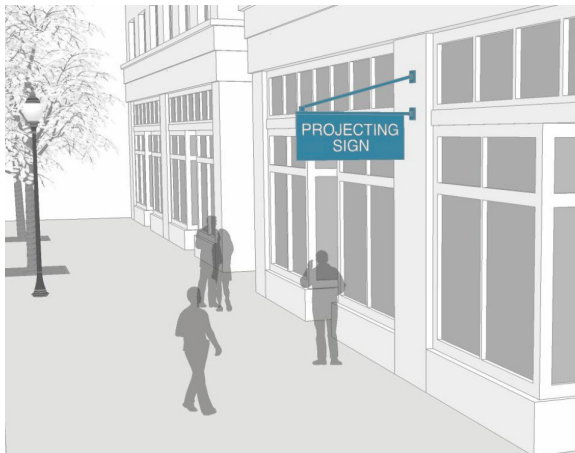
MURAL SIGN



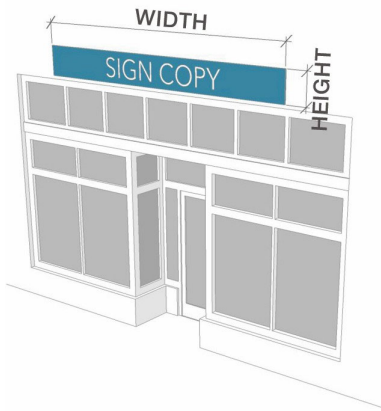
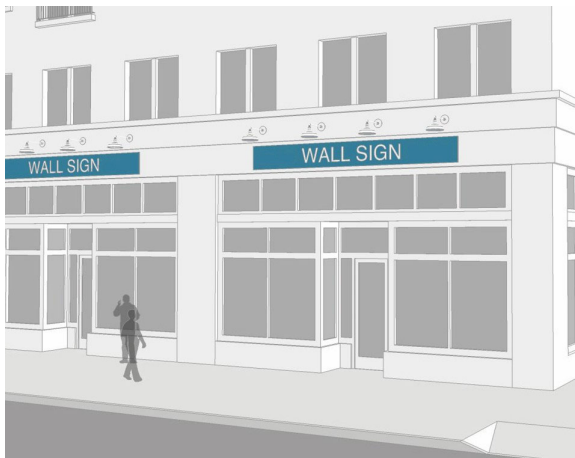
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TABLE 7.6-2. SIGN TYPES ILLUSTRATED

PROJECTING SIGN



WALL SIGN



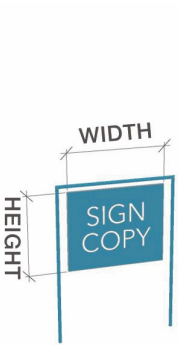
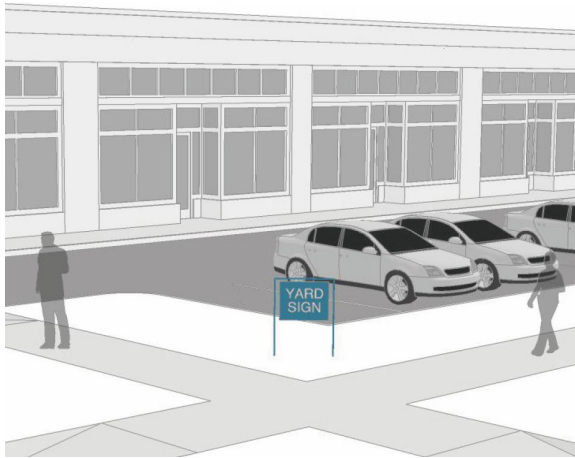
WINDOW SIGN



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TABLE 7.6-2. SIGN TYPES ILLUSTRATED

Wayfinding sign



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8. Landscape Standards and Guidelines

8.1. Landscape in the Public Right-of-Way

- 8.1.1. Due to the unique development standards of the Old U.S. 41 Redevelopment Zone within the city, landscape and buffering standards must be reviewed and approved according to these standards. In the event of conflicts with other sections of this zoning code, the provisions of this section shall take precedence and shall supersede other sections of this land development code. However, the provisions of this section shall not be construed to take precedence over the state building code.
- 8.1.2. When a covered walkway along a building frontage or right-of-way is not provided, tall or medium trees or palms are required to establish continuous shade.
- 8.1.3. For buildings with shared walls or a zero side setback, landscaping is not required for that portion of the property line.
- 8.1.4. Unless specifically prohibited due to building design and location, building perimeter plantings will be required. Property owners or registered agents may apply for administrative relief, plant the trees and/or shrubs in decorative pots, or have landscaping relocated to a different portion of the project site. Trees and shrubs required shall adhere to the species and sizes pursuant to Chapter 3 of the Comprehensive Plan.
- 8.1.5. Projects may receive administrative approval to reduce the width of required buffers and/or relocate required plantings on-site as part of the development order process.
- 8.1.6. Existing landscaping that does not comply with the provisions of this code must be brought into conformity, to the maximum extent possible, when the building/site is modified or expanded, or the building has been vacant for a period of one year or more and a request for certificate of use for a new local business tax is made.

8.2. Landscape on Private Property

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

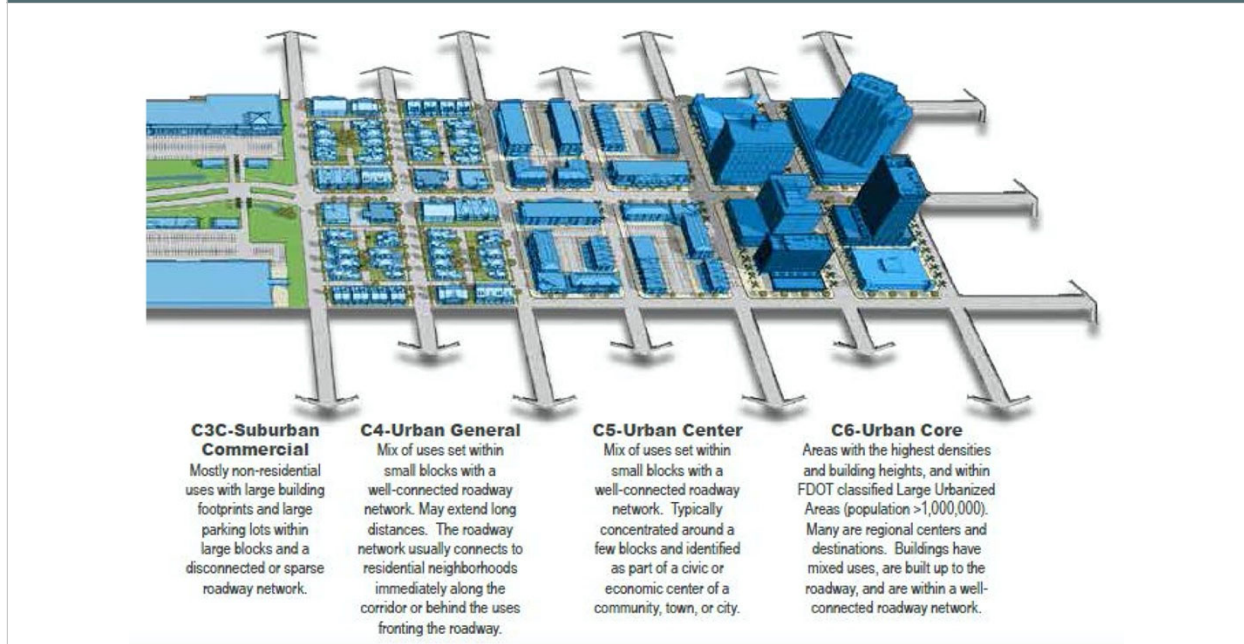
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9. Thoroughfare Standards and Guidelines

9.1. Context Classification

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

Figure 9.1-1: FDOT Context Classification Zones



9.2. Street Design

- 9.2.1. Design of local streets shall be guided by the Florida Greenbook, Chapter 19 Traditional Neighborhood Design.
- 9.2.2. Where a greenway of at least five (5) feet exists, driveway approaches and curb cuts shall not be permitted to interrupt the sidewalks.
- 9.2.3. *Sidewalks.* Sidewalks shall be required on all street frontages in residential, nonresidential, commercial and industrial developments in accordance with standards established by the Engineering Division of the City's Public Works and Facilities and the Florida Greenbook.
- 9.2.4. *Driveways and curb cuts.* Driveway, driveway approaches and curb cut requirements shall be as follows:
- a. *Single-family residential types.* Driveway and curb cut widths for single-family residential types shall be a minimum of 10 feet up to a maximum of 22 feet in width.
 - b. *Multifamily, mixed use and non-residential types.* Driveway and curb cut widths for multi-family and non-residential types shall be a minimum of 12 feet up to a maximum of 24 feet in width.
- 9.2.5. Driveway and curb cut spacing on a single property shall be a minimum of 42 feet with the following exception:
- a. *Lots less than forty-two (42) feet wide shall be exempt from driveway spacing requirements.*

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10. Special Assemblage Plans

10.1. The purpose of Special Assemblage Plans is to allow parcels or groupings of multiple abutting parcels greater than two (2) acres in size, and/ or multiple abutting parcels fronting Old 41, within the Downtown District to be master planned so as to allow greater integration of public and private improvements and infrastructure, to enable greater Thoroughfare connectivity, to encourage a variety of building types, heights, & massing and streetscape design, and/or greater flexibility so as to result in higher or specialized quality building and tree preservation within the Downtown to further the intent of this Code as expressed in Chapter 1.1.

10.2. A Special Assemblage Plan shall not alter the Permitted Uses listed in Table 3.1.1 for its Transect Zone, nor the density allocations outlined in Chapter 4 that are based on those found within the Comprehensive Plan. The total acreage of the proposed Special Assemblage Plan may be utilized for the purpose of calculating gross residential density. The maximum density shall not be increased pursuant to a conversion of commercial floor area and/or any density bonus provisions, including, but not limited to, an affordable housing density bonus. Nonresidential uses shall be limited to a maximum floor area ratio (FAR) of 0.5. The total acreage of a proposed mixed-use development may be utilized for the purpose of calculating commercial FAR.

10.3. General

10.3.1. The single or multiple owner(s) of abutting properties in excess of two (2) acres, and/ or multiple abutting parcels fronting Old 41, (excluding any separation by a public right-of-way) within the Downtown District, may apply to the Community Development Department for a Special Assemblage Plan.

10.3.2. A Special Assemblage Plan shall include a map of any proposed new Thoroughfares and any standards that deviate from requirements of the Downtown Form-Based Code.

10.3.3. A Special Assemblage Plan shall assign at least 12 percent (%) of its aggregated Lot Area to Civic Open Space. A Civic Building site may be located within or adjacent to the Open Space or at the axial termination of a significant Thoroughfare. The developer shall be responsible for constructing the public improvements within the Special Assemblage Plan, including but not limited to new and/or altered Open Spaces and Thoroughfares.

10.3.4. Development within the Special Assemblage Plan shall be pursuant to a recorded development agreement that will establish the allocation of Thoroughfares and Open Spaces and building areas, and the creation and retention of the public benefits.

10.3.5. Unless a building is specifically approved as part of the Special Assemblage Plan, any building shall be reviewed by the Planning Staff prior to issuance of a building permit.

10.3.6. A Special Assemblage Plan may include:

- a. Build-to-lines that differ from Transect Zone Setback requirements.
- b. A Terminated Vista location, requiring that the Building be provided with architectural articulation of a Type and character that responds to the location.
- c. A (Pedestrian) Passage, requiring a minimum ten (10) foot wide pedestrian access be reserved between buildings.
- d. A preservation plan acceptable to the Planning Department for any historic resources in the area of the Special Assemblage Plan.

10.3.7. Additional Design Guidelines.

- a. A parking management program that enables shared parking among public and private uses.
- b. Assemblages shall contain a mix of building types. No building type shall be used more than three times unless treated with a different massing and facade.

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- c. Flexible allocation of development capacity and height, (excluding density) on individual sites within the Special Assemblage Plan shall be allowed so long as the capacity or height distribution does not result in development that is out of scale or character with the surrounding area, and provides for appropriate transitions. Maximum allowable height of structures shall be limited to 60 feet. Allowable height shall be determined on a case-by-case basis subject to compatibility with surrounding properties and appropriate transition to lands located outside of the Terry Street Subdistrict. For the purposes of this Special Assemblage Plan, height shall be measured as the vertical distance from 18" above the adjacent roadway to the eave line of the building.
- 10.3.8. Procedure for Approval
- a. A pre-application meeting with City Staff is required, prior to submitting an application for a special assemblage plan.
 - b. Submittal Requirements: The applicant shall provide a detailed site plan depicting the proposed layout, structure types, height, setbacks, open space, pedestrian/sidewalk locations, parking & vehicular use areas (including thoroughfares), transect boundaries, proposed density/intensity, and other applicable attributes that may be required by the City. The applicant shall additionally provide architectural renderings of the proposed building types throughout the site. These drawings shall be drawn to scale and shall provide elevations from all sides. The applicant shall also provide a boundary survey, a narrative that outlines the project, and a completed Administrative Action Application for a Special Assemblage Plan/Special Transect Zone District Plan.
 - c. Review of Documentation: Staff will have up to twenty (20) business days to perform its review. The review clock will not start until all the documents outlined in 10.3.8(a) have been provided by the applicant. If approved, staff will issue a letter of approval, which may include zoning, building, or development conditions. This letter, along with a copy of the approved documents and plans will go to City Council to be ratified as a consent agenda item. If denied, staff will issue a letter that explains the reasons for denial. The applicant may appeal the decision in accordance with the Land Development Code.
 - d. If approved by Staff and ratified by City Council, the applicant shall then go through the standard local development order/building permit process for the City.

11. Special Transect Zone Districts

- 11.1.** Unless the property is owned by the City, Special Transect Zone Districts shall follow the regulations of 10.3.8 for review and approval. In the event that the assemblage of property within the special transect district exceeds two (2) acres, all standards in Section 10: Special Assemblage Plans, shall apply.

12. Procedures for Review

12.1. Design review meeting and submission requirements for the Downtown District (Old U.S. 41 Redevelopment Urban Core):

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

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

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

13. Supplemental Regulations / Special Topics

13.1. Flood Criteria and Frontages

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

13.2. Abandoned Street ROWs

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

13.3. Abandoned Alley ROWs

- 13.3.1. There are numerous blocks in Downtown that once had rear alleyways
 - a. The city should try to reactivate these alleys where possible
 - b. Developers should be encouraged to restore alleyways where possible

13.4. CSX ROW

- 13.4.1. The existing rail line owned by CSX is an active Right-of-Way
 - a. It is understood this ROW may be abandoned in the future. In this scenario, the City should use the ROW as a linear park and pedestrian/cycling path which connects

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Downtown to other portions of Bonita Springs and the region.

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14. Definitions

14.1. **Definitions of Building Uses**

Accessory Building: an Accessory dwelling with an Accessory Unit.

Accessory Unit: an Apartment not greater than 800 square feet sharing ownership and utility connections with a Principal Building; it may or may not be within an Accessory dwelling. See Table 10 and Table 17. (Syn: ancillary unit)

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

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Path.

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

Arcade: a Private Frontage conventional for Retail use wherein the Facade is a colonnade supporting habitable space that overlaps the Sidewalk, while the Facade at Sidewalk level remains at the Frontage Line.

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

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

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

Backbuilding: a single-story structure connecting a Principal Building to an Accessory dwelling. Base Density: the number of dwelling units per acre before adjustment for other Functions and/or TDR. See Density.

Bed and Breakfast: an owner-occupied Lodging type offering 1 to 5 bedrooms, permitted to serve breakfast in the mornings to guests.

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

Block: the aggregate of private Lots, Passages, Rear Alleys and Rear Lanes, circumscribed by Thoroughfares.

Block Face: the aggregate of all the building Facades on one side of a Block.

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

By Right: characterizing a proposal or component of a proposal that complies with the Code and is permitted and processed administratively, without public hearing. See Warrant and Special Exception.

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

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

Civic Parking Reserve: Parking Structure or parking lot within a quarter-mile of the site that it serves.

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

Civic Zone: designation for public sites dedicated for Civic Buildings and Civic Space.

Commercial: the term collectively defining workplace, Office, Retail, and Lodging Functions.

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Common Yard: a planted Private Frontage wherein the Facade is set back from the Frontage line. It is visually continuous with adjacent yards. See Table 7.

Configuration: the form of a building, based on its massing, Private Frontage, and height.

Corridor: a lineal geographic system incorporating transportation and/or Greenway trajectories. A transportation Corridor may be a lineal Transect Zone.

Cottage: an Edgeward building type. A single-family dwelling, on a regular Lot, often shared with an Accessory Building in the back yard.

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

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

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

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

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

Developable Areas: lands other than those in the C-OS Transect.

Disposition: the placement of a building on its Lot.

Dooryard: a Private Frontage type with a shallow Setback and front garden or patio, usually with a low wall at the Frontage Line. (Variant: Lightwell, light court.)

Drive: a Thoroughfare along the boundary between an Urbanized and a natural condition, usually along a waterfront, Park, or promontory. One side has the urban character of a Thoroughfare, with Sidewalk and building, while the other has the qualities of a Road or parkway, with naturalistic planting and rural details.

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

Edgeward Building: a building that occupies the center of its Lot with Setbacks on all sides.

Effective Parking: the amount of parking required for Mixed Use after adjustment by the Shared Parking Factor.

Effective Turning Radius: the measurement of the inside Turning Radius taking parked cars into account.

Elevation: an exterior wall of a building not along a Frontage Line.

Encroach: to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a Setback, into the Public Frontage, or above a height limit.

Encroachment: any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public Frontage, or above a height limit.

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

Extension Line: a line prescribed at a certain level of a building for the major part of the width of a Facade, regulating the maximum height for an Encroachment by an Arcade Frontage.

Facade: the exterior wall of a building that is set along a Frontage Line. See Elevation.

Forecourt: a Private Frontage wherein a portion of the Facade is close to the Frontage Line and the central portion is set back.

Frontage: the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

Frontage Line: a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

Function: the use or uses accommodated by a building and its Lot, categorized as Restricted, Limited, or Open, according to the intensity of the use.

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Gallery: a Private Frontage conventional for Retail use wherein the Facade is aligned close to the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk.

Green: a Civic Space type for unstructured recreation, spatially defined by landscaping rather than building Frontages.

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

Greenway: an Open Space Corridor in largely natural conditions which may include trails for bicycles and pedestrians.

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

Highway: a rural and suburban Thoroughfare of high vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T-1, T-2, and T-3).

Home Occupation: non-Retail Commercial enterprises. The work quarters should be invisible from the Frontage, located either within the house or in an Accessory dwelling. Permitted activities are defined by the Restricted Office category.

House: an Edgeward building type, usually a single-family dwelling on a large Lot, often shared with an Accessory Building in the back yard. (Syn: single.)

Infill: noun - new development on land that had been previously developed, including most Greyfield and Brownfield sites and cleared land within Urbanized areas. verb- to develop such areas.

Inn: a Lodging type, owner-occupied, offering 6 to 12 bedrooms, permitted to serve breakfast in the mornings to guests.

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

Linear Pedestrian Shed: A Pedestrian Shed that is elongated along an important Mixed Use Corridor such as a main street. A Linear Pedestrian Shed extends approximately 1/4 mile from each side of the Corridor for the length of its Mixed Use portion. The resulting area is shaped like a lozenge. (Syn: elongated pedestrian shed.)

Liner Building: a building specifically designed to mask a parking lot or a Parking Structure from a Frontage.

Live-Work: a Mixed Use unit consisting of a Commercial and Residential Function. The Commercial Function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure that contains the Commercial activity or industry. See Work-Live. (Syn.: flexhouse.)

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

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

Lot Line: the boundary that legally and geometrically demarcates a Lot.

Lot Width: the length of the Principal Frontage Line of a Lot.

Main Civic Space: the primary outdoor gathering place for a community. The Main Civic Space is often, but not always, associated with an important Civic Building.

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

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

Meeting Hall: a building available for gatherings, including conferences, that accommodates at least one room equivalent to a minimum of 10 square feet per projected dwelling unit within the Pedestrian Shed in which it is located.

Mixed Use: multiple Functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency, or at a proximity determined by Warrant.

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

Mobile Food Vendor Park: a site approved through a Special Exception to allow for permanent location for three or more mobile food vehicles. Such sites must include required infrastructure and public seating for all vehicles serving in the park.

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Net Site Area: all developable land within a site including Thoroughfares but excluding land allocated as Civic Zones.

Office: premises available for the transaction of general business but excluding Retail, artisanal and Manufacturing uses.

Open Space: land intended to remain undeveloped; it may be for Civic Space.

Park: a Civic Space type that is a natural preserve available for unstructured recreation. **Parking Structure:** a building containing one or more Stories of parking above grade.

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

Path (PT): a pedestrian way traversing a Park or rural area, with landscape matching the contiguous Open Space, ideally connecting directly with the urban Sidewalk network.

Pedestrian Shed: An area that is centered on a Common Destination. Its size is related to average walking distances for the applicable Community Unit type. Pedestrian Sheds are applied to structure Communities. (Syn: walkshed, walkable catchment.)

Planter: the element of the Public Frontage which accommodates street trees, whether continuous or individual.

Plaza: a Civic Space type designed for Civic purposes and Commercial activities in the more urban Transect Zones, generally paved and spatially defined by building Frontages.

Principal Building: the main building on a Lot, usually located toward the Frontage.

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

Principal Frontage: On corner Lots, the Private Frontage designated to bear the address and Principal Entrance to the building, and the measure of minimum Lot width. Prescriptions for the parking Layers pertain only to the Principal Frontage. Prescriptions for the first Layer pertain to both Frontages of a corner Lot. See Frontage.

Private Frontage: the privately held Layer between the Frontage Line and the Principal Building Facade.

Public Frontage: the area between the Curb of the vehicular lanes and the Frontage Line.

Rear Alley (RA): a vehicular way located to the rear of Lots providing access to service areas, parking, and Accessory dwellings and containing utility easements. Rear Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll Curbs at the edges.

Rear Lane (RL): a vehicular way located to the rear of Lots providing access to service areas, parking, and Accessory dwellings and containing utility easements. Rear Lanes may be paved lightly to Driveway standards. The streetscape consists of gravel or landscaped edges, has no raised Curb, and is drained by percolation.

Rearyard Building: a building that occupies the full Frontage Line, leaving the rear of the Lot as the sole yard. (Var: Rowhouse, Townhouse, Apartment House)

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

Regulating Plan: a Zoning Map or set of maps that shows the Transect Zones, Civic Zones, Special Districts if any, and Special Requirements if any, of areas subject to, or potentially subject to, regulation by the Code.

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

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

Retail Frontage: Frontage designated on a Regulating Plan that requires or recommends the provision of a Shopfront, encouraging the ground level to be available for Retail use. See Special Requirements.

Road (RD): a local, rural and suburban Thoroughfare of low-to-moderate vehicular speed and capacity. This type is allocated to the more rural Transect Zones (T3).

Rowhouse: a single-family dwelling that shares a party wall with another of the same type and occupies the full Frontage Line. See Rearyard Building. (Syn: Townhouse, **Single-Family Attached**)

Secondary Frontage: on corner Lots, the Private Frontage that is not the Principal Frontage. As it affects the public realm, its First Layer is regulated.

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Setback: the area of a Lot measured from the Lot line to a building Facade or Elevation that is maintained clear of permanent structures. (Var: build-to-line.)

Shared Parking Factor: an accounting for parking spaces that are available to more than one Function.

Shall: Indicates Code Standards which are regulatory in nature. Deviations from these standards shall only be permitted by Variance or Special Exception

Shopfront: a Private Frontage conventional for Retail use, with substantial glazing and an awning, wherein the Facade is aligned close to the Frontage Line with the building entrance at Sidewalk grade.

Should: Indicated Code Standards which are encouraged and recommended but not mandatory.

Sidewalk: the paved section of the Public Frontage dedicated exclusively to pedestrian activity.

Sideyard Building: a building that occupies one side of the Lot with a Setback on the other side. This type can be a Single or Twin depending on whether it abuts the neighboring house.

Special District (SD): an area that, by its intrinsic Function, Disposition, or Configuration, cannot or should not conform to one or more of the normative Community Unit types or Transect Zones specified by the SmartCode. Special Districts may be mapped and regulated at the regional scale or the community scale.

Special Exception: a ruling that would permit a practice that is not consistent with either a specific provision or the Intent of this Code. Special Exceptions are usually granted by the Board of Appeals in a public hearing.

Special Flood Hazard Area: a designation by the Federal Emergency Management Agency (FEMA) that may include the V (Velocity) Zones and Coastal A Zones where building construction is forbidden, restricted, or contingent upon raising to the Base Flood Elevation.

Square: a Civic Space type designed for unstructured recreation and Civic purposes, spatially defined by building Frontages and consisting of Paths, lawns and trees, formally disposed.

Standard Pedestrian Shed: a Pedestrian Shed that is an average 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. See Pedestrian Shed.

Stepback: a building Setback of a specified distance that occurs at a prescribed number of Stories above the ground.

Stoop: a Private Frontage wherein the Facade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk for privacy, with an exterior stair and landing at the entrance.

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

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

Streetscreen: a freestanding wall built along the Frontage Line, or coplanar with the Facade. It may mask a parking lot from the Thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm. (Syn: streetwall.)

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

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

T-zone: Transect Zone.

TDR: Transfer of Development Rights, a method of relocating existing zoning rights from areas to be preserved as Open Space to areas to be more densely urbanized

Terminated Vista: a location at the axial conclusion of a Thoroughfare. A building located at a Terminated Vista designated on a Regulating Plan is required or recommended to be designed in response to the axis.

Thoroughfare: a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage.

Townhouse: See Rearyard Building. (Syn: Rowhouse)

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

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Transect Zone (T-zone): One of several areas on a Zoning Map regulated by the SmartCode. Transect Zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, Density, height, and Setback requirements, other elements of the intended habitat are integrated, including those of the private Lot and building and Public Frontage.

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

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

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

Work-Live: a Mixed Use unit consisting of a Commercial and Residential Function. It typically has a substantial Commercial component that may accommodate employees and walk-in trade. The unit is intended to function predominantly as work space with incidental Residential accommodations that meet basic habitability requirements. See Live-Work. (Syn: Live-With.)

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

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

~~Sec. 6-116. Permanent signs on Old U.S. 41 from Bonita Beach Road to Rosemary Street.~~

~~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, and to promote the purpose and intent of the Old U.S. 41 Redevelopment District Overlay and adjacent area, all nonresidential uses fronting on Old U.S. 41 from Bonita Beach Road to Rosemary Street (hereinafter referred to as Old U.S. 41) is limited to a total permissible sign area in accordance with the provisions of this section. Signs permitted in the Old 41 Redevelopment Overlay, except sandwich signs, must be reviewed by the design reviewer consistent with the Old 41 Redevelopment Overlay provisions in chapter 4.~~

- ~~(1) *Address numbers.* Address numbers shall be no less than six inches in vertical dimension.~~
- ~~(2) *Sign band.* A single external sign band or zone may be applied to the facade of each building, provided that it shall not exceed two feet in vertical dimension by any length. The band should be located between ten feet and 14 feet above the floor. The sign band or zone may contain multiple individual signs but all must refer to a tenant of the building. The sign shall consist of letters applied directly on the facade of the building and shall not be on a board unless a sign plan is approved for the building. A maximum of two sign bands may be placed on the facade of each building.~~
- ~~(3) *Additional pedestrian signs.* Additional pedestrian signs or shingles may be attached to a building perpendicular to the facade extending up to four feet from the facade or may be placed underneath an awning, gallery or arcade structure and attached to that structure. These signs shall not exceed 1½ feet by four feet. There may be one individual pedestrian sign for each business located on the first floor.~~
- ~~(4) *Lettering on awnings.* In addition, the vertical drip of an awning may be stenciled with letters no more than (eight) inches in vertical dimension by any length.~~
- ~~(5) *Illumination of signs.*~~
 - ~~a. External signs shall not be translucent and may only be externally lit.~~
 - ~~b. Signs on the interior of a window shall be limited to no more than 20 percent of a window up to a maximum of 12 square feet in area.~~
 - ~~c. No sign, display, merchandise or window tinting shall be placed on or adjacent to any window that would interfere with a clear and unobstructed view of the interior of the establishment from the outside and in particular of the cash register or registers from the street.~~
 - ~~d. Neon signs are permitted as interior window signs, provided they do not exceed 20 percent of a window up to a maximum of four square feet in area and shall be counted towards the maximum of 12 square feet permitted for interior window signs.~~
 - ~~e. Internal illumination of signs. The illumination of signs by projecting light on a panel from a light source located inside of an enclosed sign cabinet is prohibited, unless permitted as a marquee sign.~~
 - ~~f. External illumination of signs. External illumination of a sign by projecting light directly onto the face of the sign from a light source located outside of the sign, such as "gooseneck" lamps or by projecting light behind an opaque lettering or emblem which results in a ring of light around the un-illuminated letter or emblem, is permitted ("halo" lighting).~~
- ~~(6) *Freestanding signs.* Freestanding (ground-mounted) signs for individuals businesses are prohibited within the Urban Core District and any residential sub-area.~~
- ~~(7) *Materials.* Except for awnings, materials must be wood (pressure treated and insect resistant), ceramic, metal or paint. The use of cabinet signs (metal frame signs with plexiglas fronts that are internally lit) are prohibited.~~
- ~~(8) *Pole and pylon signs.* Pole and pylon style signs are prohibited within the Old U.S. 41.~~

- (9) ~~*Sandwich signs.*~~ Notwithstanding any other provision of this Code, on-site sandwich signs are permitted in the overlay during business hours, one per business limited to six square feet per side, provided they are not placed on the sidewalks or hydrant and do not interfere with the public right-of-way or within the visibility triangle. Sandwich signs will not count against the permitted sign area. Any sandwich sign which violates these conditions may be summarily removed in accordance with section 6-8(1).
- (10) ~~*Directory signs.*~~ The city manager or designee may approve a directory sign identifying the building name and tenants within a building, subject to the following conditions:
- a. ~~Only one sign for each street or major pedestrian way upon which a building faces shall be allowed.~~
 - b. ~~The sign must be installed on private property with no setback required.~~
 - c. ~~The maximum total dimensions shall be five feet in height and three feet in width.~~
- (11) ~~*Individual occupants within multiple occupancy complexes or shopping centers.*~~ Individual offices, institutions or business establishments located within multiple occupancy complexes or shopping centers will not be permitted individual ground-mounted identification signs but may display wall-mounted, marquee or under-canopy signs.
- a. ~~Allowable size for multiple occupancy buildings will be calculated as follows:~~
 - 1. ~~Two tenants or less: Consistent with the zoning district.~~
 - 2. ~~Three to six tenants: Consistent with the zoning district plus 15 percent.~~
 - 3. ~~Six tenants or more: Consistent with the zoning district plus 20 percent.~~
 - b. ~~For the purpose of this subsection, a tenant equals one unit that can be leased or sold.~~
- (12) ~~*Marquee signs.*~~ Marquee signs are permitted on marquees or canopies, but cannot extend greater than five feet above the height of the building or include more than 15 percent of that sign's total area, or extend beyond the height of the zoning district, whichever is more restrictive. Marquee signs may not extend horizontally beyond the edges of the canopy or marquee to which they are attached or from which they are suspended. For signs extending above the roofline, the standards of the Florida Building Code will be reviewed as part of the permit process.
- (13) ~~*Perpendicular signs.*~~ Perpendicular signs (signs that project at a right angle more than 12 inches from the outside wall of the building to which they are attached) may be allowed subject to the following conditions:
- a. ~~Only ground floor businesses shall be permitted a projecting sign within the designated sign band area.~~
 - b. ~~Signs shall extend a maximum of four feet from the building or closer than two feet to the edge of the sidewalk, whichever is less, provided a minimum clearance of eight feet is maintained over pedestrian walkways.~~
 - c. ~~One sign per leasable space per street frontage. Leasable space on corners may have two signs.~~
 - d. ~~Signs shall not exceed six square feet per side, for a total area of 12 square feet for a double-faced sign.~~
 - e. ~~Must have a minimum of eight feet clearance.~~
 - f. ~~Projecting signs shall not be internally illuminated.~~
- (14) ~~*Portable valet parking signs.*~~
- a. ~~There shall be only one sign per valet operation.~~

- b. ~~The total sign area shall not exceed six square feet per side for a total area of 12 square feet for a double-faced sign.~~
 - c. ~~The sign shall be displayed only during hours of operation of valet service.~~
 - d. ~~The sign may be displayed on private property or within the right-of-way in such a manner as not to interfere with pedestrian or vehicular traffic.~~
- (15) ~~*Under canopy signs.* Signs attached to the underside of a canopy may have a copy area no greater than four square feet, with a maximum letter height of six inches, subject to a minimum clearance height of eight feet from the sidewalk, and must be mounted as nearly as possible at a right angle to the building face, and must be rigidly attached.~~
- (16) ~~*Sign content.* No sign permitted by this section may 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.~~
- (17) ~~*Sign color.* No sign permitted by this section may contain primary colors. Colors of the sign shall be related to the fullest extent possible to that of the building colors and must be of uniform facade and trim color with the building or canopy. One additional color may be permitted. Black, white or bronze may be used for lettering (bronze is encouraged).~~
- (18) ~~*Sign location.* Signs must be located in a manner which will not adversely obstruct safe visibility between moving vehicles or vehicles and pedestrians.~~
- (19) ~~*Nonconforming buildings.* The reviewer may recommend approval to the community development for a sign plan or a new sign that does not conform strictly to those regulations if the following conditions are met:~~
- a. ~~The building is an existing building.~~
 - b. ~~The building does not have a sign band.~~
 - c. ~~The building facade is such that meeting the requirements of this division is not possible or is impractical.~~
 - d. ~~If the sign is on an awning, the lettering shall consist of individual letters painted on the background of the awning and not on a panel or within a border. The sloped surface of an awning shall not be used for a new sign.~~
 - e. ~~The design is in context with the signage and facade of the building.~~
 - f. ~~The sign plan or sign achieves the requirements of this division as closely as possible and is consistent with the intent of this division.~~
 - g. ~~Finding that these criteria are met, the reviewer may recommend approval of a sign plan or new sign.~~
 - h. ~~When the reviewer recommends approval of a new sign based on the criteria in this subsection, and following community development approval, that sign would establish the sign plan for that particular building.~~
- (20) ~~*Other changes in signage.* Any other change in signage may be approved by city council on a case-by-case basis.~~

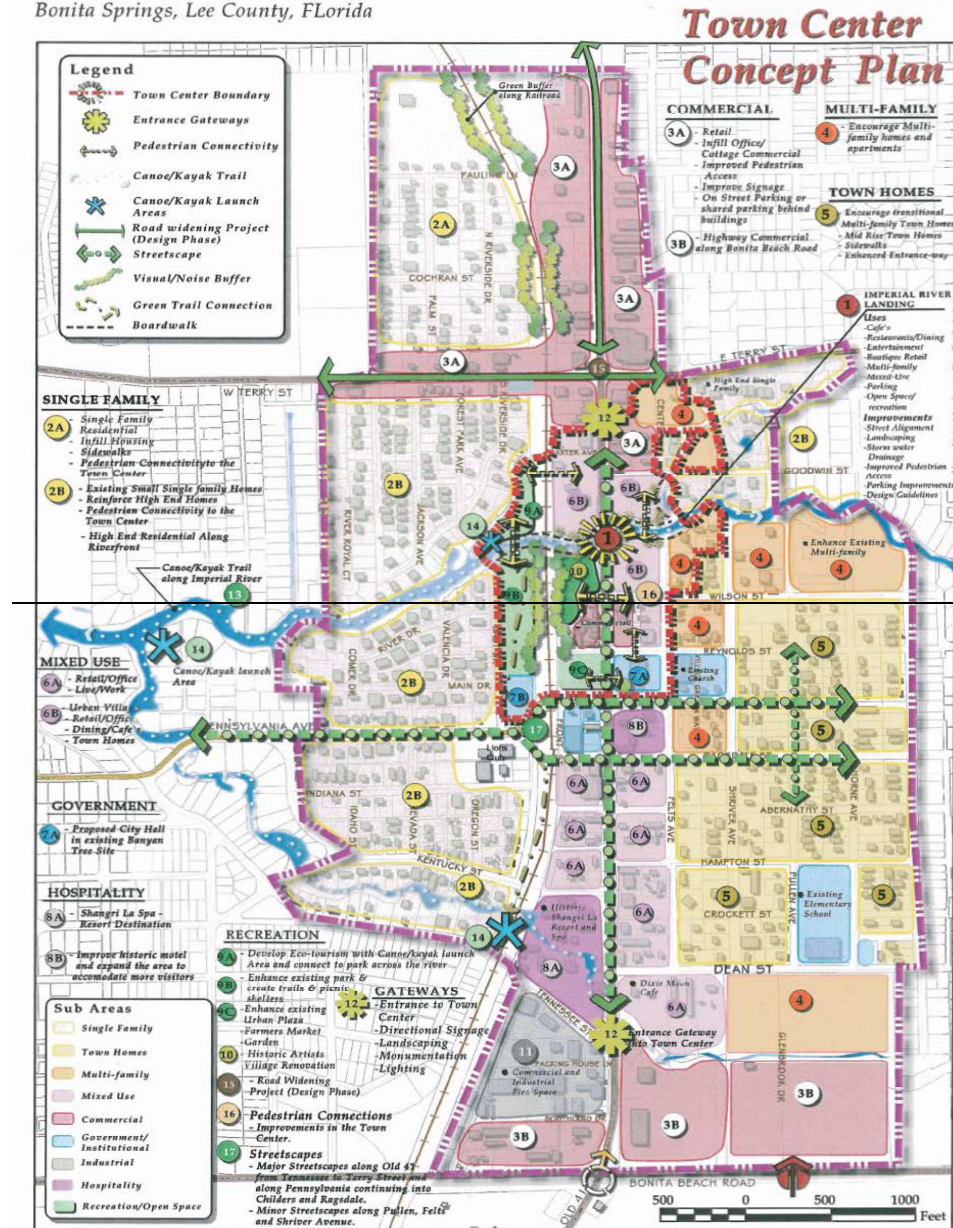
(Ord. No. 12-07, § 2(6-156), 7-18-2012; Ord. No. 13-09, § 2(6-156), 8-7-2013; Ord. No. [15-03](#), § 2, 1-7-2015)

~~Sec. 4-866. Exhibits I through III.~~

~~EXHIBIT I~~

OLD U.S. 41 CORRIDOR REDEVELOPMENT MASTERPLAN

Bonita Springs, Lee County, FLorida



~~EXHIBIT II~~

Old U.S. 41 Redevelopment Urban Core

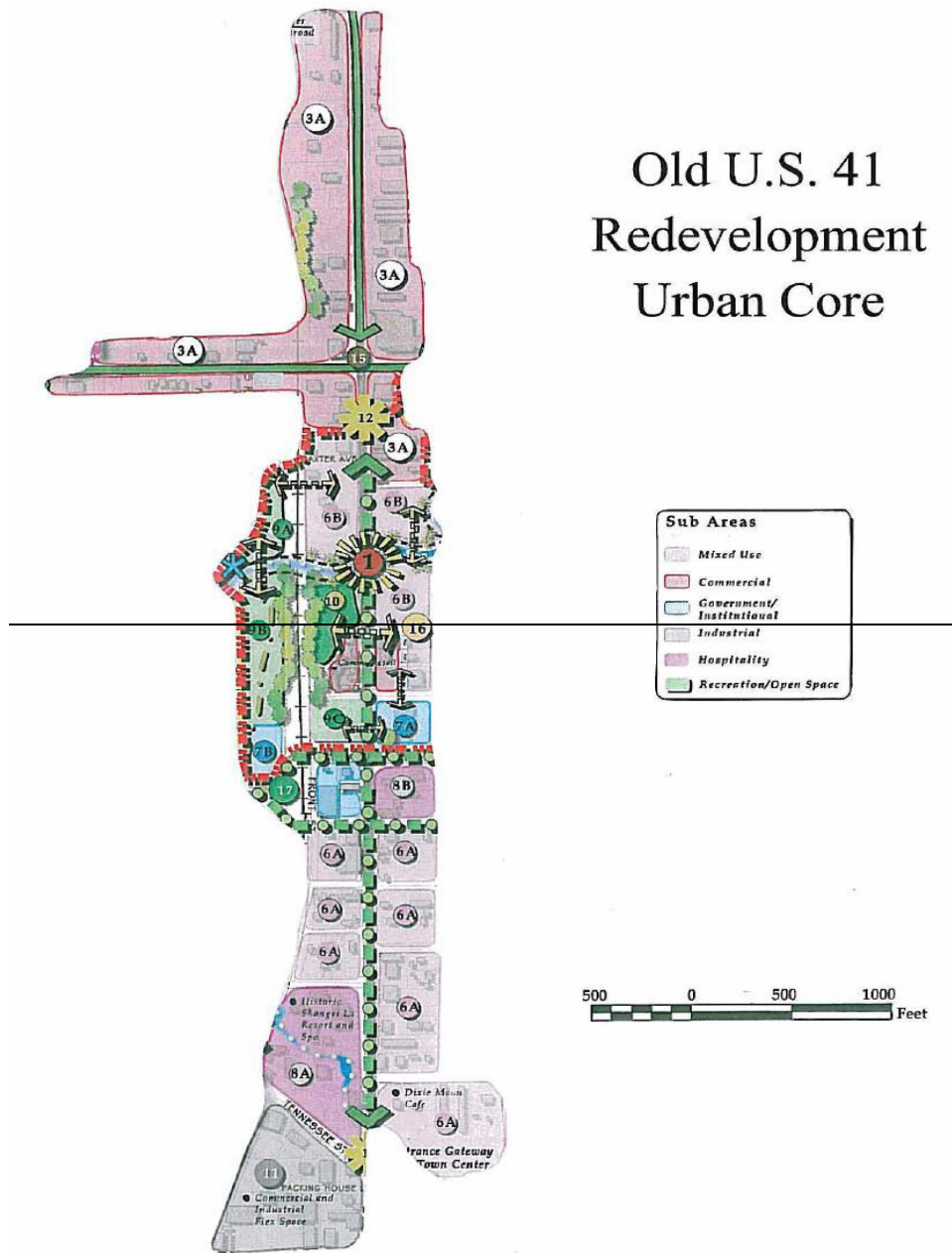
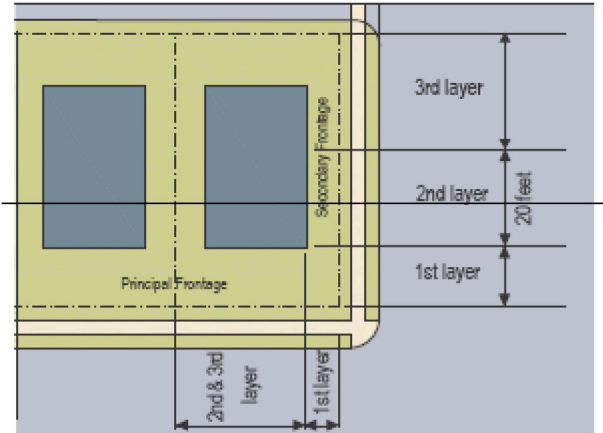
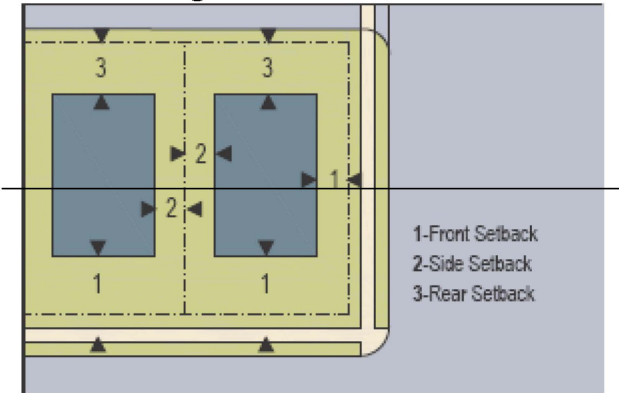


EXHIBIT III

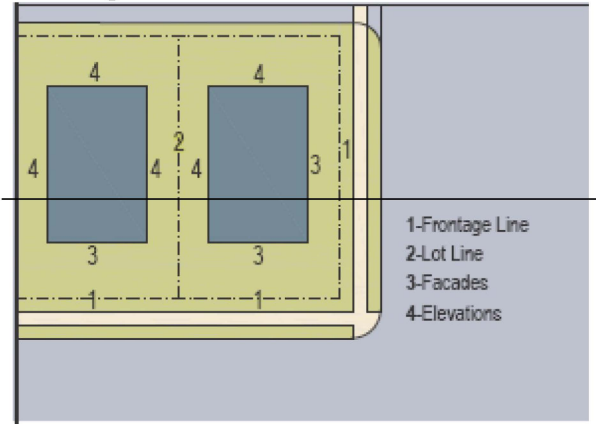
Lot Layers



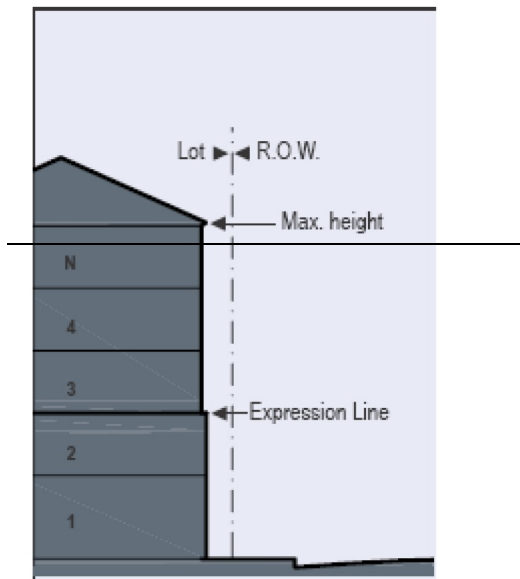
Setback designations



Frontage and Lot lines



~~URBAN CORE BUILDING CONFIGURATION~~



Required Parking

RESIDENTIAL	1.0 / dwelling
LODGING	1.0 / bedroom
OFFICE	2.0 / 1000 sq. ft.
RETAIL	3.0 / 1000 sq. ft.

The shared parking factor for two functions, when divided into the sum of the two amounts as listed on the required parking table, produces the effective parking needed for each site involved in sharing. Conversely, if the sharing factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

Shared Parking Factor

Function	with				Function
RESIDENTIAL					RESIDENTIAL
LODGING					LODGING
OFFICE			1		OFFICE
RETAIL	14	1.1	1	1.1	14
	12	1.7	1	1.7	12
	13	1		13	
	12			12	
		1			

(Ord. No. 11-02, § 3(4-1151), 1-19-2011; Ord. No. 13-01, § 1(4-1151), 2-6-2013; Ord. No. 13-09, § 1(4-1151), 8-7-2013)

~~Sec. 4-867. Purpose and intent.~~

- ~~(a) The Old U.S. 41 Corridor Redevelopment Overlay District is a special zoning classification established to recognize and provide for the unique requirements of redevelopment that cannot be adequately addressed through existing regulations. The purpose of the district is to create favorable conditions for the revitalization of redevelopment areas, or portions thereof, by establishing a procedure through which such areas should be master planned. The master planning includes development guidelines and standards that are intended to provide an incentive-driven alternative to the standard zoning and other land development regulations in exchange for enhanced lighting, landscaping, signage and architectural design standards. The policies contained within this subdivision are intended to encourage redevelopment, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in landscaping, architecture, signage.~~
- ~~(b) It is the express policy of the city council that development within the Old U.S. 41 Corridor Redevelopment Overlay district is to be consistent with the city comprehensive plan and the Old U.S. 41 Master Plan.~~
- ~~(c) The city has adopted the Old U.S. 41 Corridor Redevelopment Master Plan and re-designated the area previously known as the Old U.S. 41 Town Center Mixed-Use Redevelopment Overlay Area. This area is intended for mixed-use redevelopment as a residential, commercial, cultural and community, hospitality, recreational and governmental center focused around the aesthetic and recreational value of the Imperial River and supported by walk-to-town neighborhoods. The following guidelines apply to planning and development within this overlay area. This area shall be known as the Old U.S. 41 Corridor Redevelopment Area.~~
- ~~(d) The images in Exhibit V illustrate acceptable building forms and architectural styles. These images are for informational purposes only and do not dictate actual design. However, they are representative of the intent of these regulations. These regulations encourage architectural style that demonstrates "Old Florida Coastal" vernacular, Mediterranean or the Bermuda/Island style.~~
- ~~(e) The walkability of the Old U.S. 41 Corridor Redevelopment Area takes precedent as a design element. As part of the evaluation of walkability, human scale shall be considered.~~

(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1152), 1-19-2011; Ord. No. 13-01, § 1(4-1152), 2-6-2013; Ord. No. 13-09, § 1(4-1152), 8-7-2013)

~~Sec. 4-868. Overview of Redevelopment Overlay District regulations and processes.~~

- ~~(a) Property owners in the Redevelopment Overlay District are required to develop or redevelop their property in conformance with the applicable redevelopment overlay district regulations and the approved community redevelopment plan. The city manager or designee may review variances administratively within all redevelopment sub-areas, which may include:~~
 - ~~(1) Site design, including architectural standards described in section 4-869(3).~~
 - ~~(2) Building regulations (including height, setbacks, building siting, landscaping and regulations specified in Table 4-872 A) up to an additional five percent of the maximum or within five percent of a minimum may be approved through this administrative process, as identified in the specific building regulation.~~
 - ~~(3) Review criteria. In reviewing an administrative variance, the city manager or designee shall find that the variance accomplishes the purpose and intent of the redevelopment area in a manner~~

~~that is equal to, or better than, the site design and building regulations for this division. The approval shall specifically note the approved variance and the basis for their approval.~~

~~(b) The review process explained in this section may be before or concurrent with the zoning process, but is mandated prior to the issuance of the development order. If prior to zoning, recommendations will be given to the zoning reviewer and applicant in the form of conditions to be incorporated in the zoning process. The review process may not take longer than 60 days from the date the matter is placed on the reviewers agenda, unless agreed to by the applicant.~~

~~(c) Density.~~

~~(1) The relationship of the Old U.S. 41 Corridor Redevelopment Area Master Plan as depicted in Exhibit 1 to the Bonita Plan Policy 1.1.11 is as follows:~~

~~OLD U.S. 41 CORRIDOR REDEVELOPMENT AREA MASTER PLAN RESIDENTIAL DENSITY RANGE~~

Sub-area	Land Use Category	Maximum Standard Density	Maximum Standard Density with Bonus
2A and 2B	Single-family residential	5.8 du/acre	N/A
4	Multifamily residential	10 du/acre	15 du/acre
5	Townhomes	10 du/acre	14 du/acre
6A and 6B	Mixed-Use	15 du/acre residential 1.2 FAR commercial	20 du/acre [Subject to (3) below]
8A and 8B	Hospitality	15 du/acre 1.2 FAR	20 du/acre

~~-~~

~~(2) Existing lots that exceed current density may be permitted to replace up to the existing lawful density or intensity prior to a natural disaster in accordance with Bonita Plan Future Land Use Element Objective 1.6. Any application under this process must comply with the design standards set forth in the overlay regulations.~~

~~(3) Intensity/density conversion factor. Mixed use development within sub-area 6A and 6B may convert allowable commercial floor area ratio to residential dwelling units subject to the following provisions:~~

~~(a) For the purposes of this section the intensity of 400 square feet of commercial is equal to the density of one residential dwelling unit.~~

~~(b) A minimum of 60 percent of the overall intensity for any mixed use development within sub-areas 6A and 6B shall be derived from commercial uses.~~

- ~~(4) Bonus densities are permitted in accordance with the bonus density provisions set forth in division 12 of this article.~~

~~(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1153), 1-19-2011; Ord. No. 13-01, § 1(4-1153), 2-6-2013; Ord. No. 13-09, § 1(4-1153), 8-7-2013; Ord. No. [15-08](#), § 1, 4-15-2015; [15-21](#), § 1, 10-21-2015; Ord. No. [16-01](#), § 1, 1-20-2016)~~

~~Sec. 4-869. Regulations and processes for development within the Old U.S. 41 Redevelopment Urban Core.~~

~~In addition to the regulations contained in section 4-871, all development within the Old U.S. 41 Redevelopment Urban Core (as depicted in Exhibit II) shall be subject to the following:~~

- ~~(1) *Design review meeting and submission requirements for the Old U.S. 41 Redevelopment Urban Core.*~~

- ~~a. The review process is to help guide the planning and design of projects and buildings within the Urban Core of the Old U.S. 41 Corridor Redevelopment Area as defined in the master plan. The intent of the review is to strive to create a genuine downtown area with well-designed and sensible buildings that work together harmoniously, while the individual buildings themselves are different. The city's objective is to encourage high quality development that will be of benefit to its residents and others for generations to come. The purpose of the review is to encourage a design approach and product that is compatible with southwest Florida's cultural and geographical context. The design process should incorporate the natural and manmade environmental conditions, as well as the social and economic milieu that any development within or near the town center needs to accommodate. The review is to encourage good design and good buildings that fit within the context of the downtown area.~~
- ~~b. Consistent with section 3-487(f), a reviewer will offer advice and recommendations concerning the applications for each specific development.~~
- ~~c. When any property owner has a project requiring new, rehabilitated or remodeled building within the Old U.S. 41 Redevelopment Urban Core area, the applicant must submit during the design phases of any project, including hardscape improvement designs proposed on any properties within the area, regardless of whether a building is involved (for example, the proposed layout of a parking lot).~~
- ~~d. The owner or authorized representative shall attend the review meeting if this is a major impact project. A review meeting may be needed for a minor impact project, depending on the submitted materials.~~
 - ~~1. A minor impact project is one that does not involve structural changes except replacement with identical materials. It can be accommodated by either an informal meeting or by providing the reviewer with simple illustrations, drawings, or diagrams that clearly indicate the intent of the design of the project in its relation to the streetscape. The reviewer can then determine whether a meeting is necessary. Examples of a minor impact project include the addition of a sign, an awning, replacing of windows or doors, or the repainting of a façade, or other such minor improvement to a building. An owner, or tenant, or a representative thereof, such as a sign company, awning company, graphics firm, etc., may make the presentation to the reviewer for the applicant, if needed.~~
 - ~~2. All other projects not considered minor shall be deemed major impact projects. For any architectural projects determined to have a major impact, the Florida-licensed architect or engineer responsible for the design of the building or the project and its buildings shall make submissions and presentations to the reviewer. For a planning concept project, the Florida planner or planning entity, the Florida-licensed landscape~~

~~architect or architect responsible for the planning of the project shall make submissions and presentations to the reviewer. For a landscape design project, a Florida-licensed landscape architect shall make submissions and presentations to the reviewer. The professionals involved in the design will be referenced throughout this article as the designer. For the first meeting (or others as required by the process or the reviewer) the designer shall be present at the meeting and make the presentation of the project to the reviewer. A dialogue between the designer and the reviewer shall follow the presentation in a cooperative and constructive manner: designer-to-designer. At the conclusion of the discussions, the reviewer will provide specific and general statements regarding the projects conformance with the regulations and design standards as set forth in subsections (b) (building and site uses) and (c) (architectural standards) of this section.~~

~~e. Major impact projects: the design review meetings and submissions.~~

- ~~1. A major impact project is any project not considered a minor impact project in this section.~~
- ~~2. Optional pre-design dialogue: The designer may schedule with the reviewer a pre-design meeting to discuss the process and its intent.~~
- ~~3. The applicant designer of any major impact project should deliver designs for a building or project at least two weeks prior to the meeting. Elements to be submitted at the first design meeting:~~
 - ~~(i) A contextual site plan of the project and surrounding areas within 200 feet of the subject property. (Images taken from Google Earth would be an appropriate base map upon which the project may be inserted and notes regarding contextual features may be added);~~
 - ~~(ii) Photos of the street façades of both sides of the street on which the project is proposed:~~
 - ~~A. Site plan and building footprint to scale, including the landscaping concept. Key or critical elements on the site plans and sections need to be dimensioned. Provide drawings at a scale appropriate to the design and sufficient to be legible to the reviewer. A minimum scale is one sixteenth inch = 1.0 foot for architects and one inch = 30 feet for engineers;~~
 - ~~B. Site section from back lot line (or across alley), through the site, then across the fronting street to the other side, and including the proposed building or buildings in section, to scale;~~
 - ~~C. 3D graphics of project exterior views, sufficient to explain the project in its context. Provide the drawings in color. (While color and material is important, the emphasis is on form, context, volume, and so on); and~~
 - ~~D. Other illustrations or exhibits the designer feels are warranted or may be helpful.~~

~~The designer may use whatever medium he wishes to present to the reviewer, but the designer should be aware of the limitations of the venue for the presentation. However, in addition to the materials used for the presentation, please also provide a package of the presentation materials in an 8½ x 11 bound format for the reviewer's records, to be maintained at community development.~~

~~Note: All materials shall have the designers or designers firms name along with the Florida license number and date.~~

- ~~E. Within three working days from the first meeting, the reviewer will provide to the applicant individual written findings and recommendations.~~
- ~~4. Development orders and/or building permit stage. Plans submitted to community development for plan review will be examined, and considered in light of the reviewer's findings and recommendations, to determine if the plans are consistent with the design review provisions.~~
- ~~f. Minor impact projects: the design review meetings and submissions.~~
- ~~1. For minor impact projects as defined in this section, submissions below are required, and unless additional information is needed by the reviewer or if the designer requests otherwise, no meeting is required. While there is not a set time prior to a scheduled design meeting, the owner or authorized representative of any minor impact project should deliver designs for a building or project at least two weeks prior to the meeting. If it is determined that the project is to be deemed a major impact project, the applicant will be notified as soon as possible prior to the meeting.~~
- ~~2. Design meeting, if applicable. The design meeting will be held at the earliest point of concept or schematic design that the designer responsible for the design can bring the schematic to the reviewer. (The applicant should contact the city manager or designee at least ten working days in advance of a regularly scheduled meeting.) At the meeting, the project's designer must provide enough information to the reviewer that mutual dialogue will be productive. Others may be in attendance, but the dialogue will be among the designers only, with opportunity for other comment. The objective is that the review process generate ideas and suggestions that will result in an appropriate design for the redevelopment area.~~
- ~~3. Elements to be submitted at the design meeting.~~
- ~~(i) A contextual site plan of the project and surrounding areas within 200 feet of the subject property. (Images taken from Google Earth would be an appropriate base map upon which the project may be inserted and notes regarding contextual features may be added.) This step may be omitted if the project is a repainting of a building or façade or a proposed sign or other such very simple improvement.~~
- ~~(ii) Photos of the street façades of both sides of the street on which the project is proposed.~~
- ~~(iii) Elevations (to scale) or, as an alternative, 3D graphics of the improvement, sufficient to explain the design. Provide the drawings, sketches, or diagrams in color.~~
- ~~(iv) Any other illustrations or exhibits the designer feels are warranted or may be helpful. The designer may use whatever medium he or she wishes to present to the reviewer, but the designer should be aware of the limitations of the venue for the presentation. However, in addition to the materials used for the presentation, please also provide a package of the presentation materials in an 8½ x 11 bound format for the records to be maintained at community development.~~
- ~~(v) Within three working days from the design meeting, the reviewer will provide to the applicant and the community development its written findings and recommendations.~~
- ~~(vi) The findings shall reflect the reviewer's determination whether the development plans are consistent with the regulations and standards set forth in subsections (b) and (c) of this section.~~
- ~~(vii) The reviewer's recommendations may include suggestions for more appropriate alternative allowable materials or standards. Where the reviewer determines that a design aspect is appropriate but is otherwise prohibited or discouraged by the provisions of subsections (b) or (c) of this section, the reviewer may include a~~

~~recommendation to allow an administrative deviation. Such recommendations may involve, but are not limited to, elements such as automatic doors, colors and materials, awnings, the location of outside dining chairs and tables, etc.~~

- ~~g. Upon receiving a recommendation and implementing possible revisions, the applicant may continue with community development for review. Plans submitted to the community development will be examined and considered in light of the reviewer's findings and recommendations, to determine if the plans are consistent with the provisions of this section and section 4-870~~

~~(2) Building and site uses.~~

- ~~a. *Applicability.* Only to areas within the Old U.S. 41 Redevelopment Urban Core as depicted in Exhibit II. Uses not specifically listed under permitted shall be prohibited, unless the proposed uses has similar traffic, patronage, intensity and characteristics similar to those cited therein. The determination of similarity shall be determined by the director of community development.~~
- ~~b. *Permitted uses.*~~

TABLE 4-869

	Special Notes or Regulations	Urban Village Sub- Areas 1 and 6B	Urban Core North Sub- Area 3A	Urban Core South Sub- Area 6A	Public and Recreational Uses Sub-Areas 7 and 9	Hospitality Sub-Areas 8A and 8B	Commercial Industrial Flex Sub-Area 11
Antiques, retail		P	P	P			P
Animal hospitals with boarding of animals in completely enclosed building			P				P
Apparel and accessories, except second hand		P	P	P		P (1)	
Art galleries, studios and services		P	P	P	P	P	P
Banks and financial services (excluding drive through)			P	P			
Bed and breakfast inns						P	

Bed and bath boutiques		P	P	P			
Barber or beauty salons			P	P			
Billiard and pool establishments			P	P			
Bicycle shops (including repair)			P	P			P
Microbrewery, with ancillary tasting room	4-1023 et seq. Note (11)	P	P	P			P
Cards/gifts stationery		P	P	P			
Caterer	4-1023 et seq.	P	P	P	-	P(1)	-
Child or adult daycare center			P	SE	SE		
Community centers				SE	P		
Conference center		P				P	
Consumption on premises	4-1023 et seq. Note (13)	P	P	P	P	P(1)	P
Convenience food and beverage store (no fuel pumps)		-	SE	-	-	-	-
Crafts/fabrics			P	P			
Dance, martial arts or music studios		P	P	P			P
Decorative Arts,	Note (9)						P

Manufacturing							
Donated goods	Note (8)	-	SE	-	-	-	-
Drugstore/pharmacies			P	P			
Dry cleaning pickup stations, excluding drive-thru			P	P		P (1)	
Elementary/Middle School					P		
Entertainment courtyard or architectural arcade	4-1023 et seq.	P	P	P			
Fire and sheriff stations					P		
Flowers/florist		P	P	P		P (1)	
Furniture			P	P			
Furniture, Manufacturing	Note (9)						P/SE
Hardware			P				P
Health clubs/wellness centers (under 10,000SF)		P	P	P	P	P (1)	P
Hotel						P	
Interior decorators			P	P			P
Internet Café -- No slot machine or devices under FS §849.16	4-1023 et seq.	P	P	P	P	P (1)	P
Libraries					P	P	
Luggage/leather goods		P	P	P			

Jewelry (including repair but not pawnshop)		P	P	P		P(1)	
Kitchenware; housewares		P	P	P			
Mail packaging services		P	P	P	-	-	-
Marine supplies, retail			P				P
Medical offices	Note (2)	P	P	P			
Indoor theaters	4-1023 et seq.	P					
Museums		P	P	P	P		
Musical entertainment	Note (10)	AA/SE	AA/SE	AA/SE			AA/SE
News/bookstores		P	P	P		P(1)	
Newsstand		P	P	P		P(1)	
Nightclub or similar entertainment venue	4-1023 et seq.; Note (10)	AA/SE	AA/SE	AA/SE		AA/SE (1)	AA/SE
Office supplies			P				
Open market building				P	P	P(1)	P
Optical goods		P	P	P			
Outdoor seating for dining purposes	4-1023 et seq. (Note 13)	AA	AA	AA		P(1)	AA
Package stores for sale of alcoholic beverages	4-1022 et seq.	P	P	P			P
Parking lot as a principal			P		P	P(1)	

use							
Parking structure	Notes (1) & (4)	P/SE	P/SE	P/SE	P/SE	P (1)	P/SE
Pet day care (indoor only)		SE	SE	SE	-	-	-
Pet grooming (no overnight boarding or kenneling)		P	P	P	-	-	-
Pet shops		P	P	P			
Photographic services/studios (including repair)		P	P	P			
Playground/park					P	P	P
Professional offices	Note (2)	P (2)	P	P (2)			P
Public building or use		P	P	P	P		P
Radio or television stations (but not wireless communication facilities)			P				P
Religious assembly/Place of worship		SE	SE	SE	EO/SE		SE
Residential Townhome		P		P (5)			
Residential multifamily	Notes (5) & (6)	P	P (6)	P (5)			
Restaurant excluding Group I (food stands under 4 408(c)(42) and mobile food vendors as governed in the supplementary	Note 13	P	P	P	P	P	P

regulations) and drive-thru							
Retail specialty foods (including incidental sale of prepared food)	Notes (1) & (12) 4-408 (c)(15)	P	P (12)	P		P (1)	
Shoes		P	P	P			
Shoe repair			P	P			
Sporting goods			P				
Tobacconist		P	P	P			P
Tailors, drapers or dressmakers			P	P		P (1)	P
Tavern	4-1023 et seq. Note (11)	P	P	P		P (1)	P
Television/camera and electronics (including repair incidental to sales)			P	P			P
Travel agencies			P	P			
Toys		P	P				
Universities, colleges, academies and similar post-secondary educational facilities			P				
Urban Gardens	Note (3)				P		
Upholstery shops (furniture refinishing limited to small shops, not to include full scale	Note (9)		P				P

manufacturing facilities)							
Zoo or Botanical Garden		P	P			P	P

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Notes:

- (1) ~~Permitted as an accessory use when designed and intended primarily for use by patrons staying at the hotel~~
- (2) ~~Second story only.~~
- (3) ~~Ancillary to public use.~~
- (4) ~~Public parking owned by government and parking for a mixed use project is permitted by right as an ancillary use, with private parking facilities as a primary use permitted by special exception.~~
- (5) ~~Residential uses are permitted as part of a mixed use project.~~
- (6) ~~A residential apartment is permitted by right as an ancillary use.~~
- (7) ~~Botanical gardens only.~~
- (8) ~~Donated goods store. A retail use for the acceptance and sale of new or used merchandise, excluding furniture and major appliances, subject to compliance with the following conditions:~~
 - a. ~~No more than 20 percent of the total floor area shall be utilized for receiving, sorting and storage of donated goods and shall be separated by a solid wall from the retail area; and~~
 - b. ~~The existing or proposed building and site shall be consistent with the urban core design guidelines subject to review by community development and the city's architect;~~
 - c. ~~All applications for a donated goods store shall follow the development order review procedure outlined in 43 unless stated otherwise herein.~~
 - d. ~~The donated goods store shall be operated at all times by an organization that has been incorporated as a not-for-profit organization under the laws of Florida for a charitable purpose and that has been declared exempt from the payment of Federal Income Taxes by the United States Internal Revenue Service; and~~
 - e. ~~Any and all donated goods must be accepted by personnel directly employed by or volunteers for the not-for-profit organization only during business hours; and~~
 - f. ~~All monetary proceeds resulting from the sale of said merchandise must be used in accordance with the organization's charitable purpose to benefit Southwest Florida; and~~
 - g. ~~The operation of the donated goods store, the collection and use of the donations and proceeds thereof must be conducted by the not-for-profit organization and not by a licensee, subtenant, subcontractor or agent of the not-for-profit organization.~~
- (9) ~~Manufacturing of furniture and decorative arts, including welding, is permitted indoors by right. If any display or manufacturing of items is to occur outdoors, then a special exception is required.~~
- (10) ~~Non-amplified indoor live entertainment may be reviewed administratively. If the director determines that administrative approval is not the appropriate action, the applicant must apply for approval as a special exception. Such circumstances may include the previous denial by the director or by a hearing board of a similar use at that location, the record of public opposition to~~

~~a similar use at that location, and similar circumstances. All amplified music (indoors or outdoors) requires approval as a special exception.~~

~~(11) Permitted by right for indoor activities only. If planned for outdoor use, special exception is required. See also LDC section 4-1023.~~

~~a. Commercial and residential uses are required to a minimum depth of 30 feet, or the second layer, from the frontage line on all stories. The remaining depth may be used for parking. (See Exhibit III for visual of layer.) Parking exposure on a frontage line shall be an opening not wider than 25 feet.~~

~~b. Seating for outdoor dining shall be permitted to encroach the public sidewalks adjacent to the private property leaving a five-foot clear pedestrian passage between the outdoor dining and the right-of-way landscaping or paved roadway.~~

~~c. Uses such as bus shelters and public art shall be permitted throughout the corridor.~~

~~(12) Manufacturing of specialty foods, per LDC § 408(c)(15), Groups II and III, is permitted as an ancillary use.~~

~~(13) Administrative approval required for indoor and outdoor consumption on premises associated with restaurants, Groups II–IV. See also LDC section 4-1023.~~

~~(3) *Architectural standards.* Buildings shall be subject to the following physical requirements:~~

~~a. *Applicability.* Only to areas within the Old U.S. 41 Redevelopment Urban Core as depicted in Exhibit II.~~

~~b. *Building height.* The various elements of building height shall be determined as follows:~~

~~1. Buildings shall be a maximum 52 feet in height from the minimum required flood elevation.~~

~~2. Height shall be measured from the first finished floor to the eave line, provided they meet all buildings and safety codes.~~

~~3. Finished and habitable attic spaces may be above the eave line.~~

~~4. The façade of the first story at sidewalk level shall be expressed at no less than ten feet in height from finished floor to finished ceiling, no more than 15 feet from first floor to the second floor as expressed on the exterior façade.~~

~~5. A transition line shall be provided at the top of the first story. The transition shall be detailed to receive an awning. A transition line shall be expressed by a material change, by a trim line, a sign band, or by a balcony.~~

~~c. *Building placement.* Buildings and their elements shall be placed on their lots as follows:~~

~~1. *Front setback.*~~

~~(i) *First story.* First story façades shall have no required minimum front setback but a maximum setback of 12 feet. Awnings, awning roof structures, arcades, or other similar attached structures may satisfy this requirement.~~

~~(ii) *Second story.* Second story façades shall have a mandatory setback of no more than ten feet from the property line. When the first story extends into the first layer zone, second story balconies that extend over the first story shall extend across the entire front façade. Awnings are permitted over second story balconies. See definitions and tables for definition of layer and diagram in Exhibit III.~~

~~(iii) *Third story and above.* Third story and above façades may align with the second story façade. Third story and above balconies shall be recessed, shall not extend beyond the second story façade. The plane of the roof shall not exceed beyond the third story and above balconies.~~

- ~~2. *Streetwall.* In the absence of a building façade, a streetwall shall be built aligned with an adjacent building façade. Streetwalls shall be between two and one-half and three and one-half feet in height and made of a material matching the adjacent building or a continuous, maintained hedge. Streetwalls may have openings no greater than 25 feet to allow automobile and pedestrian access.~~
- ~~3. *Side setbacks.* Side setbacks are not required.~~
- ~~4. *Rear setback.*~~
 - ~~(i) *Rear setback.* Rear façades on interior lots shall be set back a minimum of 20 feet from the midpoint of the alley or ten feet from the property line where no alley exists. Balconies may extend into the rear setback by ten feet.~~
 - ~~(ii) *Carports.* Carports may encroach into the required rear setback subject to the following:~~
 - ~~A. The carport must be designed in keeping with the design of the building.~~
 - ~~B. The carport must be open on all four sides (except where attached to the principal building, if applicable).~~
 - ~~C. The carport must be a minimum of 15 feet from the centerline of the alley.~~
- ~~5. *Adjacent preexisting setbacks.* In the event of adjacent preexisting setbacks, an adjustment may be approved upon recommendation by the reviewer.~~
- ~~6. *Awnings.* Upon a recommendation by the reviewer and approval by the Community Development Department, awnings may encroach on the sidewalk in its entirety but must avoid the municipal planter areas.~~
- ~~7. *Loading docks and service areas.* Loading docks and service areas shall not be permitted on frontage lines.~~
- ~~8. *Surface parking lots.* Surface parking lots shall not be permitted on a frontage line or within 30 feet of the frontage line. Setbacks for shared parking is zero foot setback from the side and rear property lines.~~
- ~~9. *Principal pedestrian entrance.* All buildings shall have their principal pedestrian entrance on a frontage line.~~
- ~~10. *Lot coverage.* Lot coverage shall be limited only by setback requirements.~~
- ~~11. *Nonconforming buildings due to rear setbacks.* An existing nonconforming building, which does not conform to the required 20-foot rear setback, may maintain the existing building setback when additional stories are added as long as the additional stories meet the required setback. The roof of the nonconforming existing first or second story may be used for a balcony.~~
- ~~12. *Surface water management.* Shared surface water management systems may have a zero foot setback from the property lines.~~
- ~~13. *Landscape standards for the Old U.S. 41 Redevelopment District.*~~
 - ~~(i) Due to the unique development standards of the Old U.S. 41 Redevelopment District within the city, landscape and buffering standards must be reviewed and approved according to these standards. In the event of conflicts with other sections of this zoning code, the provisions of this section shall take precedence and shall supersede other sections of this land development code. However, the provisions of this section shall not be construed to take precedence over the state building code.~~

- ~~(ii) When a covered walkway along a building frontage or right-of-way is not provided, tall or medium trees or palms are required to establish continuous shade.~~
- ~~(iii) Front buffers may be administratively waived to accommodate building locations, courtyards, arcades, or other architectural or design constraints.~~
- ~~(iv) For buildings with shared walls or a zero side setback, landscaping is not required for that portion of the property line.~~
- ~~(v) Unless specifically prohibited due to building design and location, building perimeter plantings will be required. Property owners or registered agents may apply for administrative relief, plant the trees and/or shrubs in decorative pots, or have landscaping relocated to a different portion of the project site. Trees and shrubs required shall adhere to the species and sizes pursuant to chapter 3.~~
- ~~(vi) Projects may receive administrative approval to reduce the width of required buffers and/or relocate required plantings on-site as part of the development order process.~~
- ~~(vii) Existing landscaping that does not comply with the provisions of this code must be brought into conformity, to the maximum extent possible, when the building/site is modified or expanded, or the building has been vacant for a period of one year or more and a request for certificate of use for a new local business tax is made.~~

~~14. Chain link fences cannot be visible from a public right-of-way.~~

~~d. *Exterior finish material of façades.* The exterior finish material on all façades of a building or project shall be consistent around the project. A building or project may utilize any number of wall materials provided they respect the following guides:~~

- ~~1. Primary materials include any materials (not including windows, doors, or storefront materials, awnings and such) that face the majority of the building façade. Such materials include but are not necessarily limited to brick, wood or hardboard siding, stucco, stone, concrete, and finished concrete block. The primary materials shall not include any materials listed as secondary materials.~~
- ~~2. Secondary materials are those that complement the primary materials but are limited to 20 percent or less of the materials on the façade.~~
- ~~3. Accent materials are very limited in quantity and are for accent purposes only.~~
- ~~4. Materials that may constitute secondary or accent materials include, but not limited to:

 - ~~(i) Corrugated metals or corrugated metal panels.~~
 - ~~(ii) Unpainted or natural concrete block.~~
 - ~~(iii) Metal standing seam or raised panels.~~
 - ~~(iv) Mirrored or reflective materials.~~
 - ~~(v) Plywood siding.~~
 - ~~(vi) Gratuitous decoration.~~~~
- ~~5. Prohibited materials include vinyl or aluminum lap siding or other imitation materials.~~
- ~~6. Project or building architects may present in lieu submittals to the reviewer for variations from the above for both use of materials and colors.~~
- ~~7. Exterior walls shall have an architectural feature at least every 20 lineal feet. Walls with an average height of 16 feet above grade shall provide a second tier of architectural features.~~

- e. ~~*Exterior colors.* Effective March 1, 2013, all development, redevelopment, renovation and restoration projects within the Old U.S. 41 Redevelopment Urban Core must follow the designated color palette as set forth in section 4-887, Exhibit IV, specifically designated as Sherwin-Williams Exterior Coastal Colors for Southern Shores and Beaches, or paint from another manufacturer of similar color and quality. In addition to the designated color palette, Owners of property may also consider the exterior pastel colors as also set forth in Exhibit IV in section 4-887. Owners of property within the applicable area shall paint their buildings to conform to the aforesaid color palette in accordance with the following procedures:~~
- ~~1. There are 24 sets (three colors each) in the palette, and ten pastel shades. The painting of building exteriors will use the body, trim and accent from the same set in the approved palette colors. If a property owner selects one of the ten pastel shades for the body of the structure, the owner will comply with the following guidelines:~~
 - ~~(i) The body of the structure should have a base lighter than any selected trim or accent, unless the trim or accent is painted white.~~
 - ~~(ii) No more than two additional colors should be selected in a darker pastel or white for trim and accent.~~
 - ~~(iii) Not all architectural styles are appropriate for pastel colors. Pastel colors may be attractive on Florida (Cracker) Vernacular Architecture, Post-War Modern and Art Deco design. The reviewer may deny the use of the pastel shades if it is incompatible with the existing or planned structure intended to be painted, subject to city council review.~~
 - ~~2. The reviewer is authorized to approve minor "shading" variations in palette colors that may be caused by the use of paint from different manufacturing companies. Any other change in palette colors may be approved by city council on a case-by-case basis.~~
 - ~~3. Buildings in single ownership, including sheds and accessory structures, shall be of uniform façade and trim color, with exception to gazebos.~~
 - ~~4. Upon the completion of the exterior painting of any building, the property owner shall provide community development with a color façade photograph (preferably by e-mail).~~
 - ~~5. The city may adopt an incentive plan for property owners to paint the entire exterior of their building by administrative code.~~
 - ~~6. It is not the intent of implementing the color palette to discourage placement of any murals, as approved by the arts in public places board.~~
- f. ~~*Glass color.* Glass shall be clear or tinted only; reflective glass is prohibited, except when used for an accent per subsection d.4. above.~~
- g. ~~*Sliding doors and windows; automatic doors.* Sliding doors and sliding windows are not permitted along frontage lines on first story. Automatic doors may be permitted by the community development upon a recommendation by the reviewer.~~
- h. ~~*Rooftop equipment.* No rooftop mounted mechanical equipment shall be visible as viewed from any public right-of-way at ten-foot eye level. All such equipment shall be screened by an appropriate method.~~
- i. ~~*Visible roofs.* Buildings with roofs visible from the any public right-of-way shall have symmetrical pitched roofs with slopes no less than 5:12. Porches and first floors and dormers may have shed roofs with pitch no less than 2:12.~~
- j. ~~*Mansard roofs.* Cantilevered mansard roofs are not permitted, however, existing structures may maintain nonconforming status when building permit changes do not necessitate roof changes.~~

k. ~~Roof materials.~~ Roof materials should be appropriate for the function they are to serve as well as appropriate to the overall expression of the building or project.

l. ~~Façade design.~~

1. ~~Façades on frontage lines.~~ The façades on frontage lines at first floor level shall be detailed and glazed as storefronts. The wood or metal armature of such storefronts shall be painted. Storefronts shall be directly accessible from sidewalks. With exception to French Doors, each storefront must have glazed areas, with a minimum of 40 percent and a maximum of 60 percent of its portion of the façade, between three and ten feet from the floor, and shall not conflict with the sign band area. Storefronts shall have the mullion system, doorways and signage uniformly designed and painted or have a factory applied finish.

2. ~~Façades not on frontage lines.~~ The exteriors of buildings not facing frontage lines shall incorporate the same surface materials and similar design elements such as similar proportions, with attractive rear entrances and consideration of pedestrian pass-throughs.

3. ~~Façade band.~~ Glazing is not permitted within the façade band area.

m. ~~Awnings.~~

1. ~~Generally.~~ Unless there is a portico at the entrance of a building to protect from rain or sun, façades shall be supplemented by awnings at the street level, which shall be straight sheds, not cubed or curved, with a drip edge no greater than 12 inches. Awnings shall be no less than eight feet high at the lower drip edge. Awnings used in conjunction with a second story balcony shall not extend beyond the edge of the balcony railing and shall have no minimum height requirement from the finished floor. Awning or portico roof structures may be approved but must meet all of the same standards as a building.

2. ~~Nonconforming buildings.~~ The community development may approve awnings or porticoes that do not strictly conform to this division if the reviewer recommends administrative approval and if the following conditions are met:

(i) ~~The building is an existing building.~~

(ii) ~~The architectural style of the building does not conform to this division.~~

(iii) ~~The building façade is such that an awning which would conform to this division would not be architecturally compatible or complimentary to the building.~~

(iv) ~~The proposed awning is the most appropriate style for the building, is compatible with adjacent buildings, and the awning or portico achieves the requirements of this section as closely as possible and is consistent with the intent of this division.~~

(v) ~~When the community development approves an awning based on the criteria above, that awning style/design will become the standard style/design for all awnings for that particular building.~~

n. ~~Outside dining tables and chairs.~~ Outside dining tables and chairs located within a public or private sidewalk are permitted where adjacent to and directly abutting a restaurant located in a building and appropriate pedestrian access is maintained. Community development may approve outside dining tables/chairs and their location upon a recommendation from the reviewer. All outside dining tables and chairs shall be temporary and portable and shall be primarily metal, cast concrete, wood or suitable composite material. Plastic chairs and tables are prohibited. The sale or service of on-premises consumption of alcohol with outdoor seating is regulated by state law and by section 4-1023 et seq. of this code.

o. ~~Outdoor display and sale of merchandise.~~ The outdoor display of merchandise may be permitted subject to the limitations listed below:

- ~~1. The outdoor display of merchandise is prohibited unless a permit is obtained in accordance with this section.~~
 - ~~i. All outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires. Any cracked, broken surfaces or other unmaintained or damaged portion of a display shall be repaired or replaced or removed within 30 days upon written notification from the city, unless it is hazardous, which requires immediate removal after verbal notification from code enforcement.~~
 - ~~ii. All merchandise must be in good condition and appropriate for outdoor display. Appropriate items for display include but are not limited to a plants, flowers, outdoor furniture, and bicycles.~~
 - ~~iii. The display of one five foot base by six foot upright single rail garment rack is permitted.~~
 - ~~iv. All outdoor business displays shall be neat, orderly and otherwise conducive to creating a quality shopping environment. The display of obscene material as defined in F.S. § 847.001 is prohibited.~~
 - ~~v. The outdoor business displays shall not threaten public safety and be self-supporting, stable and of sufficient weight or constructed to withstand overturning by wind or contact. The display shall not be permanently affixed to any object, structure or the ground including, but not limited to, utility poles, light poles, and trees.~~
 - ~~vi. All outdoor display items shall only be displayed during business operating hours and shall be removed and placed inside the commercial establishment during non-business hours. Covering with a tarp is prohibited.~~
 - ~~vii. Merchandise displayed outdoors shall also be available for sale by the establishment where the merchandise is sold.~~
 - ~~viii. All merchandise sales transactions shall occur indoors.~~
 - ~~ix. Outdoor display areas may not be sublet or subleased to a separate business entity, or offer products or services for any other business entity.~~
 - ~~x. Outdoor display of merchandise is temporary and not intended to expand retail space. No additional parking will be required to support outdoor displays of merchandise as long as they are temporary and not included into the design of a structure or building.~~
 - ~~xi. No additional signage is permitted.~~
- ~~2. Outdoor display area location criteria:~~
 - ~~i. Displays must be located on private property, immediately adjacent to the commercial business and conforming to all required setbacks or build-to lines; and~~
 - ~~ii. Displays must not block or impede pedestrian traffic or be placed on the public sidewalk. A minimum width of six feet of sidewalk clearance must remain for pedestrian traffic; and~~
 - ~~iii. Displays shall not reduce the public sidewalk below minimum widths, or impede parking/loading isle or impede emergency egress; and~~
 - ~~iv. Except for displays that are on a porch under cover, displays shall not be more than six feet in height, no more than two feet in depth, and no more than 50 percent of the storefront façade length measured in linear feet; and~~

- ~~v. No required parking space, parking aisle, loading space or landscaped area shall be used for display purposes.~~
- ~~3. Permit review process: An applicant must submit the following information on the form provided by the city:

 - ~~i. Application indicating the name, address and telephone number of the applicant and owner of the premises, if not the applicant.~~
 - ~~ii. Filing fee. All fees, in accordance with the duly adopted fee schedule (see section 4-31), must be paid at the time the application is submitted.~~
 - ~~iii. A site plan depicting the location of the merchandise in accordance with the outdoor display area criteria.~~
 - ~~iv. Staff must find that the proposed outdoor sale or display use(s) are compatible with surrounding uses and do not create any adverse effect on any surrounding property.~~
 - ~~v. Conditions may be imposed as part of the permit as may be found necessary.~~
 - ~~vi. The permit issued hereunder shall be valid for any period deemed appropriate.~~
 - ~~vii. The community development director reserves the right to deny the application based on safety, aesthetics, or inadequate space~~~~
- ~~4. Revocation or suspension of permit. The city may revoke or suspend outdoor display permits within 30 days after written notice if the conditions of the permit are not met or an applicant has failed to correct any violations of the Code of Ordinances existing at the property where the outdoor display permit has been approved.~~
- ~~5. Special events organized, sponsored, or co-sponsored by the city are exempt from this section.~~
- ~~6. All outdoor display areas legally permitted prior to the effective date of this ordinance must come into compliance with this section by June 1, 2016.~~
- ~~p. *Dumpsters.* Dumpsters shall be screened from off-premises view. Screening materials shall be compatible with the building design. Existing dumpsters that are visible from the right-of-way, adjoining property, or pedestrian walkway must be screened. Wherever possible, dumpsters shall be shared between property owners. If a particular property by its use does not require a dumpster or when it can be demonstrated that a dumpster is not required, then the garbage receptacles or containers must be screened from view.~~
- ~~q. *Telephone and utility wires.* Any new building or substantial change shall be required to relocate all telephone, electric and other utility wires and conduits underground from the poles of the transmission lines located within the public utility easements to the building or the connection.~~

~~(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1154), 1-19-2011; Ord. No. 13-01, § 1(4-1154), 2-6-2013; Ord. No. 13-09, § 1(4-1154), 8-7-2013; Ord. No. [15-02](#), § 1, 2-7-2015; Ord. No. [15-08](#), § 1, 4-15-2015; Ord. No. [15-21](#), § 1, 10-21-2015; Ord. No. [16-19](#), § 1, 12-7-2016)~~

~~Sec. 4-870. Regulations and processes for development applicable to all areas within the Old U.S. 41 Redevelopment Overlay District.~~

~~The regulations contained in this section are applicable to all areas in the Old U.S. 41 Redevelopment Overlay District ("district"), in addition to the regulations within the core area. Commercial and multifamily developments in all areas of the Old U.S. 41 Redevelopment Overlay District must comply with the design review processes set forth in section 4-869.~~

~~(1) — Parking.~~

~~a. — Requirements and vehicular standards.~~

- ~~1. — Surface parking lots shall not be allowed on a front yard setback or within 30 feet of the front yard setback line.~~
- ~~2. — Required parking may be provided offsite, subject to approval by the city manager or designee.~~
- ~~3. — On street parking along designated streets shall count 100 percent toward required parking requirements, as set forth in the next section.~~
- ~~4. — Approved outdoor seating for restaurants and similar uses shall not require additional parking beyond the standard indoor required parking.~~
- ~~5. — Pavers used in the parking areas can be utilized with a 50 percent credit toward the maximum allowed impervious area.~~

~~b. — Parking and vehicular circulation.~~

~~1. — Number of on-site parking spaces required and parking alternatives.~~

- ~~(i) — The required parking may be provided off site, provided the site is approved by the city manager or designee and the number of required off-street parking spaces may be reduced by no more than one third, if supported by a parking study submitted by the applicant.~~
- ~~(ii) — Developers may pay a fee in lieu of providing the required spaces. The fee shall be based on the average cost of constructing a surface parking space in the district, as determined in an applicable administrative code, until such time as surface parking spaces are determined to be infeasible due to land availability in the district. Said fee shall be a one-time payment, to be placed in the redevelopment trust fund and shall be utilized for parking and other public improvements that benefit the district.~~
- ~~(iii) — Developers may provide valet parking program for commercial and mixed-use projects in accordance with the requirements set forth in the Administrative Code to offset a maximum of 50 percent of the required parking spaces. Valet parking programs may not be utilized to offset parking requirements for stand-alone residential development.~~
- ~~(iv) — Approved on-street parking along the corresponding frontage(s) of the site shall count 100 percent towards the parking requirements.~~
- ~~(v) — Specific parking space requirements:~~
 - ~~A. — Residential:~~
 - ~~(a) — One space per residential unit when developed as part of a mixed-use development.~~
 - ~~(b) — One and one-half spaces per residential unit for stand-alone residential uses.~~
 - ~~B. — Commercial:~~
 - ~~(a) — Office: Two spaces per 1,000 sq. ft. of leasable space.~~
 - ~~(b) — Retail: Three spaces per 1,000 sq. ft. of leasable space.~~
 - ~~C. — Mixed use. See Shared Parking Factor Table in Exhibit III.~~
 - ~~D. — Dock space for waterside uses shall be counted as follows: One dock space equals two parking spaces.~~

~~E.—Lodging: One space per bedroom.~~

~~c.—Location of on-site parking spaces.~~

- ~~1.—On-site parking will be restricted to the side or rear yards of those properties fronting Old U.S. 41, Terry Street, and Felts Ave.~~
- ~~2.—In the case of side yard parking, the parking area shall be a minimum of five feet behind the front build-to-line and a street wall or opaque screen, shall be provided at the right-of-way line or build-to-line, whichever is further removed from the roadway. Such street wall or opaque screen shall be no taller than four feet.~~

~~d.—Buffer. There shall be a minimum ten-foot buffer between parking areas and adjacent residential uses.~~

~~e.—Access.~~

- ~~1.—Adjoining public or private parking lots must share ingress/egress points where practically and physically feasible or legally permitted; and~~
- ~~2.—Public or private parking lots may be accessed from alleys provided the alleyways are constructed to city standards.~~

~~f.—Location and design, generally. Parking lots shall be designed in accordance with the adopted design guidelines for the Old U.S. 41 District.~~

~~g.—Joint use of off-street parking lots. Mixed use developments, on a single parcel that include a residential component, do not have to meet these requirements. Other developments are encouraged to employ joint use of parking, but shall be subject to the following conditions:~~

- ~~1.—Shared parking lots must be located within 500 feet of each use. These lots may be separated from the use(s) by a street, easement, or other right-of-way;~~
- ~~2.—Parking shared by different uses must provide evidence that peak parking demands of each use occur at different times of the day; and~~
- ~~3.—Each use required to have on-site parking may provide a range of parking stall sizes to accommodate compact and larger vehicles; however, 50 percent of the spaces shall meet the standards specified in section 4-1728(1)b. The remaining spaces shall meet the following minimum dimensions:
 - ~~(i)—Compact spaces: 15 percent of total parking maximum (minimum size eight feet by 16 feet).~~
 - ~~(ii)—Eight feet by 18 feet for 90-degree parking.~~
 - ~~(iii)—Angled spaces: Eight feet by 18 feet (16 feet with two-foot overhang).~~
 - ~~(iv)—Parallel spaces: Eight feet by 22 feet.~~
 - ~~(v)—Drive aisle: 20 feet two-way, ten feet one-way.~~~~
- ~~4.—Bicycle racks to be provided in accordance with section 3-438. (Rack provision may be shared by different businesses within each block.)~~

~~(2)—Pedestrian ways. All development shall provide pedestrian access adjacent to their roadway frontage, unless prohibited by public works.~~

~~(3)—Service, refuse, and delivery design.~~

- ~~a.—Locate trash storage, loading, and truck parking so as to minimize visibility from the street/sidewalk and building entrances; preferably to the rear of buildings and accessed through an alley or secondary street.~~
- ~~b.—Avoid locating service and loading areas along important view corridors.~~

- c. ~~All exterior trash receptacles should be enclosed from view on three sides; and, on the fourth side, by a gate that also screens the receptacles from view.~~
 - d. ~~Screen loading docks and truck parking from public view using building mass, freestanding walls, and/or minimum landscaping of three feet at planting.~~
 - e. ~~Ensure that all utility equipment is located, sized, and designed to be as inconspicuous as possible. All utility lines should be located underground.~~
- (4) ~~Lighting standards. All outdoor lighting must comply with section 3-269.~~
- a. ~~Outdoor lighting cannot exceed 0.5 footcandles at the property line.~~
 - b. ~~All applicants must submit a photometric plan in accordance with section 3-269.~~
 - c. ~~All outdoor lighting must be shielded to direct light downward.~~
- (5) ~~Buffering and shielding.~~
- a. ~~Purpose and intent. The purpose and intent of this section is to diminish the visual impacts outdoor storage and service functions that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.~~
 - b. ~~Loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas must be fully shielded from adjacent properties and street rights of way when viewed from ground level. The shielding must extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded.~~
 - c. ~~Shielding material and design must be consistent with design treatment of the primary facades of the commercial building or development and the landscape plan. Roof top mechanical equipment must be shielded from view at ground level by parapet or similar architectural features.~~
- (6) ~~Urban landscape.~~
- a. ~~General Applicability.~~
 - 1. ~~These landscape standards and guidelines apply to all projects within the Old U.S. 41 District area.~~
 - 2. ~~These landscape standards and guidelines apply to all areas of the site plan that are not covered under the streetscape and plaza design guidelines.~~
 - 3. ~~All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. (All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.)~~
 - 4. ~~Landscaped areas shall require protection from vehicular encroachment. community development will inspect all landscaping and no certificates of occupancy and use or similar authorization will be issued unless the landscaping meets the requirements provided herein.~~
 - 5. ~~All landscaped areas shall provide an automatic irrigation water supply system or as an alternate, an irrigation system consistent with Florida friendly landscape plans, to the extent the irrigation plan conforms to the Florida Yards and Neighborhoods Program, as administered by the University of Florida Institute of Food and Agricultural Sciences.~~
 - 6. ~~The property owner, or his agent, shall be responsible for the maintenance of all on-site landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.~~

~~All existing and newly landscaped properties shall receive an initial landscape/irrigation inspection to ensure compliance with these standards and guidelines.~~

~~(7) *Sign standards.* Signs in the Old U.S. 41 District shall comply with the regulations contained in chapter 6, signs, in particular, section 6-116.~~

~~(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1155), 1-19-2011; Ord. No. 13-01, § 1(4-1155), 2-6-2013; Ord. No. 13-09, § 1(4-1155(a)-(g)), 8-7-2013; Ord. No. [16-01](#), § 1, 1-20-2016)~~

~~Sec. 4-871. -- Guidelines and definitions.~~

~~This section provides guidelines and definitions for terms in the Bonita Springs Old U.S. 41 District that are technical in nature or that otherwise may not reflect a common usage of the term. These terms will be used during the review process to implement these design standards.~~

~~*Accessory apartment* is no less than 500 square feet, but no more than 50 percent of the principle structure.~~

~~*Addition* means a new construction added to an existing building or structure.~~

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

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

~~*Architectural feature* means a part, portion, or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building or structure or to make said building or structure habitable. Features may include, but are not limited to: cantilevers, columns, dormers, pediment, turrets, windows, etc.~~

~~*Architectural style* means a type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.~~

~~*Articulation* means the emphasis of architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable pieces. Articulation also includes the use of projections and recesses that divide large facades into human scaled proportions and that avoid repetitive, monotonous, undifferentiated wall planes.~~

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

~~*Balcony* means a railed projecting platform found above ground level on a building.~~

~~*Baluster* means one of a series of short pillars or other uprights that support a handrail. One of the upright, usually rounded or vaseshaped, supports of a balustrade. Related term: picket, spindle.~~

~~*Balustrade* means a row of balusters topped by a rail, serving as an open parapet, as along the edge of a balcony, terrace, bridge, staircase, or the eaves of a building.~~

~~*Base* means the lowest part of a column or architectural structure. A base story is the lowest story of a building.~~

~~*Bay* means a main division of a structure, usually containing a window or door. A building with three windows across the front is referred to as three bays wide. Also, an enclosed space protruding from the exterior of a building such as a bay window.~~

~~*Bed and breakfast* means an owner-occupied lodging type offering one to 12 bedrooms, permitted to serve breakfast in the mornings to guests.~~

~~*Board and batten* means siding fashioned of boards set vertically and covered where their edges join by narrow strips called battens.~~

~~*Bond* means a term used to describe the various patterns in which brick, or stone is laid, such as "common bond" or "Flemish bond."~~

~~(1) *Common bond* means a brickwork pattern where most courses are laid flat, with the long "stretcher" edge exposed, but every fifth to eighth course is laid perpendicularly with the small "header" and exposed, to structurally tie the wall together.~~

~~(2) *Flemish bond* means a brickwork pattern where the long "stretcher" edge of the brick is alternated with the small "header" end for decorative as well as structural effectiveness.~~

~~*Bracket* means a projecting support member found under eaves or other overhangs. Related terms: modillion, corbel.~~

~~*Building* means a structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, retail store, or similar structure.~~

~~*Bulkhead* means the structural panels just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Nineteenth century bulkheads are often of wood construction with rectangular raised panels. Twentieth century bulkheads may be of wood, brick, tile, or marble construction. Bulkheads are also referred to as kick plates.~~

~~*By right* means characterizing a proposal or component of a proposal for a community plan or building scale that complies with zoning and is permitted and processed administratively, without public hearing.~~

~~*Cantilevered* means a projecting structure, such as a beam, that is supported at one end and carries a load at the other end or along its length. A member, such as a beam, that projects beyond a fulcrum and is supported by a balancing member or a downward force behind the fulcrum. A bracket or block supporting a balcony or cornice.~~

~~*Chamfer* means a beveled edge.~~

~~*Character* means the qualities and attributes of any structure, site, street or district.~~

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

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

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

~~*Clapboards* means horizontal wooden boards, thinner at the top edge, which are overlapped to provide a weather-proof exterior wall surface.~~

~~*Column* means a supporting pillar. The parts of a column in classical architecture are the base, shaft, and capital.~~

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

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

~~*Disposition* means the placement or siting of a building on its lot.~~

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

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

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

~~*Elevation, building*, means an exterior wall of a building not along a frontage. See *Facade*.~~

~~*Expression line* means an architectural change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib or ledge.~~

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

~~*Facade band area* means that portion of a building face between ten feet and 14 feet above finish floor.~~

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

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

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

~~*Human scale* means the proportional relationship of the physical environment (buildings, trees, parking lots, streets, etc.) to human dimensions. For purpose of any building design, the reviewer and applicant are to consider specifically the massing, scale, articulation, streetscape, and open space design.~~

~~*Infill* means (noun) new development on land that had been previously developed, including Brownfield sites and cleared land within urbanized areas; (verb) to develop such areas.~~

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

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

~~*Mixed use* means multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency. For the purposes of calculating parking requirements in accordance with this division, non-residential uses must comprise 20 percent or more of the building's floor area, or 20 percent or more of the total project area in the case of stand-alone commercial buildings, in order to constitute a mixed-use development. Any floor area utilized for structured parking may be excluded when calculating the floor area of the building.~~

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

~~*Open market building* means a roofed pavilion. A roofed structure without air conditioning, where at least three of its four sides are without walls. An open air structure reminiscent of farmer's markets of yore.~~

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

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

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

~~*Pediment* means a triangular crowning element forming the gable of a roof; any similar triangular element used over windows, doors, etc.~~

~~*Permastone* means facade material that handles like plaster with stone-like results. Can be cast into virtually any mold type reproducing building details. Finished pieces are a warm bisque white, but can also be buffed to a high luster. Accepts paints, is waterproof, weather-proof and scratch resistant.~~

~~*Picket* means a wooden strip forming part of a fence.~~

~~*Pointing* means the process of removing deteriorated mortar from the joints of a masonry wall and replacing it with new mortar.~~

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

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

~~*Private frontage* means the privately held layer between the frontage line and the building facade.~~

~~*Proportions* means the relative size of two or more dimensions of a building.~~

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

~~*Rear alley* means a vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear alleys should be paved with associated drainage.~~

~~*Rear yard building* means a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. (Syn: *Rowhouse*, *Townhouse*)~~

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

~~*Roof:*~~

~~(1) — *Dormer/dormer window* means a window that projects from a roof.~~

~~(2) — *Eaves* means the edge of a roof that projects beyond the face of a wall.~~

~~(3) — *Pitch* means the degree of the slope of a roof.~~

~~(4) — *Ridge* means the top horizontal member of a roof where the sloping surfaces meet.~~

~~(5) — *Gable roof* means a pitched roof with one downward slope on either side of a central, horizontal ridge. The following are some variations of gable roofs:~~

~~a. — *Gambrel roof* means a ridge roof with two slopes on either side.~~

~~b. — *Shed roof* means a single pitched roof with only one slope.~~

~~c. — *Hipped roof* means a roof with uniform slopes on all sides.~~

~~d. — *Mansard roof* means a roof with a double slope on all four sides, with the lower slope being almost vertical and the upper almost horizontal.~~

~~*Rowhouse*. See *Townhouse*.~~

~~*Scale* means the perceived relative height and bulk of a building relative to that of neighboring buildings. The relationship of a building's height to human height.~~

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

~~*Setback* means the area of a lot measured from the property line to a building facade or elevation that is maintained clear of permanent structures.~~

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

~~*Sheathing* means an exterior covering of boards or other surfaces applied to the frame of the structure.~~

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

~~*Side yard building* means a building that occupies one side of the lot with a setback on the other side. This type can be a single or twin building (across property lines) depending on whether it abuts the neighboring structure.~~

~~*Spindles* means slender, elaborately turned wood dowels or rods often used in screens and porch trim.~~

~~*Stand-alone residential* means a project, or portions thereof, containing only residential uses, and/or mixed-use buildings or projects where non-residential uses comprise less than 20 percent of the building's floor area or total project area. Any floor area utilized for structured parking may be excluded when calculating the floor area of the building.~~

~~*Steep* means a small porch, platform, or staircase leading to the entrance of a house or building.~~

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

~~*Street tree* means a tree that is currently located or proposed for planting along streets or highways. Such tree can be located on private or on publicly owned property. Street trees typically provide spatial enclosure as well as environmental and aesthetic benefits.~~

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

~~*Stucco* means a type of exterior plaster applied as a two or three part coating directly onto masonry or other substrate.~~

~~*Townhouse* means a series of at least three attached single family dwellings that are separated by a vertical common wall. See *Rear yard building*. (Syn: *Rowhouse*)~~

~~*Transition line* means the point at which one architectural feature meets another. Example: Where an awning attaches to a building, the beginning of a sign band.~~

~~*Trim* means the decorative framing of an opening and other features on a facade.~~

~~*Turret* means a small slender tower.~~

~~*Urban Open Space Zone* means an urban open space zone is an area of landscape, hardscape or combination thereof located between the building and the pedestrian walkway.~~

~~*Veranda* means a covered porch or balcony on a building's exterior.~~

~~*Visual compatibility criteria* means factors dealing with height, proportion, rhythms, materials and color, which the reviewer uses to determine whether new construction and renovation of existing buildings is visually compatible with the intent of the overlay.~~

~~*Walkability* means the extent to which an area is friendly to the presence of people living, shopping, visiting, enjoying or spending time in the area, considering factors such as street connectivity; land use mix; residential density (residential units per area of residential use); frequency and variety of buildings, entrances and other sensations along street frontages, transparency (amount of glass in windows and doors), orientation and proximity of homes and buildings to watch over the street; providing places to go to near the majority of homes; placemaking so that the street designs work for people rather than cars and retail floor area ratio.~~

~~*Wall dormer* means dormer created by the upward extension of a wall and a breaking of the roofline.~~

~~*Weatherboard* means wood siding, consisting of overlapping boards usually thicker at one edge than the other.~~

~~*Window* means a glazed opening in a wall that provides an interior space with natural light and ventilation. Awning windows are top-hinged windows that swing out horizontally from the bottom.~~

~~(1) *Bay window* means a projecting window that forms an extension to the floor space of the internal room; usually extending to the ground level.~~

~~(2) *Casement windows* means a window with one or two sashes which are hinged at the sides and usually opens outward.~~

~~(3) *Double-hung window* means a window with two sashes, one sliding vertically over the other.~~

- (4) ~~*Fanlight* means a semi-circular window usually over a door with radiating muntins suggesting a fan.~~
- (5) ~~*Louvered.* Louvered windows have several strips of glass that are tilted open to allow ventilation.~~
- (6) ~~*Mullion* means the vertical bar between coupled windows or multiple windows.~~
- (7) ~~*Muntin* means one of the thin strips of wood used for holding panes of glass within a window. Related terms: glazing bar, division bar, mullion.~~
- (8) ~~*Pane* means a single piece of window glass. Double hung windows are often described according to the number of panes they have in each sash. For example, a six over six indicates that each sash has six panes.~~
- (9) ~~*Sash* means the framework into which window panes are set.~~
- (10) ~~*Sill* means the bottom crosspiece of a window frame.~~
- (11) ~~*Transom* means a horizontal opening (or bar) over a door or window.~~

(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1155), 1-19-2011; Ord. No. 13-01, § 1(4-1155), 2-6-2013; Ord. No. 13-09, § 1(4-1155(h)), 8-7-2013; Ord. No. [16-01](#), § 1, 1-20-2016)

~~Sec. 4-872. Regulations and processes for development outside the Old U.S. 41 Redevelopment Urban Core but within the Old U.S. 41 Redevelopment Overlay District.~~

(a) ~~In addition to the regulations contained in section 4-870, all development within the areas identified as single-family (2a) and (2b), multifamily (4), townhomes (5) and Highway Commercial (3b) in the Old U.S. 41 Master Concept Plan shall be governed by the following regulations.~~

(1) ~~*Permitted uses: residential sub-areas.*~~

~~TABLE 4-872 A. USE REGULATIONS FOR RESIDENTIAL SUB-AREAS~~

Building Height and Placement	Single-family (2A and 2B)	Townhome/townhouse (5) See Note (2)	Multifamily (4) See Note (2)
Setbacks			
Front Street Yard (FSY)	25' front loaded garages	0' Minimum, 12' Maximum	0' Minimum, 12' Maximum
	15' side loaded garages		
	15' for front porches		
Side Street Yard (SSY)	15'	0' Minimum, 12' Maximum See Note (3)	0' Minimum, 12' Maximum See Note (3)
Side Yard (SY)	10% of the lot width	0/10' between structures	0/10' between structures

Rear Yard (RY)	10', but the combination of the FSY and RY shall be at least 40'	Minimum of 20% lot depth up to 20'	Minimum of 20% lot depth up to 25'
Water	25'	25'	25'
Detached Accessory Rear Note (1)	5' (1)	5' (1)	5' (1)
Lot Coverage	45%	N/A	N/A
Urban Open Space Zone	N/A	5'	5'
Height	35'	40'	55'
Maximum Lot Width	75'	50' See Note (2), (4)	See Note (2)
Minimum Lot Width	50'	20' See Note (2), (4)	See Note (2)
Maximum Dwelling Units	One	Minimum of three; Maximum of 12 per building	N/A
Number of Building Forms per Lot	One primary structure and one accessory detached structure	One building form permitted for every 3,000 square feet of lot area	One building form permitted for every 3,000 square feet of lot area
Parking			
Surface Parking in Front and Corner yards	Within a permitted driveway	Not permitted where alley access exists. Where no alley exists parking shall be located in the rear of the building or provided on the street	
Vehicle Access	From frontage street	Alley access required if property is served by a public alley or private alley with access rights. From a street if no alley access exists	
Parking on Separate Lots	Not permitted	Parking may be provided on an adjacent lot or in a common area associated with the development	
Building Configuration			
Building Entry	N/A	Minimum of one entry facing public street. Side entries for building forms with two or more dwelling units are permitted provided a	

		minimum of one building entry faces a street	
Pedestrian Connections	N/A	Pedestrian access to public walkways required for each dwelling unit	Pedestrian access to public walkways required
Attached Garages and Carports	An attached garage or carport may be accessed from the front or corner side yard provided the garage door (or doors) is no wider than 50 percent of the front façade of the structure and setback at least 25 feet (front loaded) or 15 feet (side loaded) from the street facing building façade.	Attached garages and carports are required to be in the rear yard where the rear yard is accessible by an alley with access rights to the subject property. If there is no access to the rear yard, an attached garage may be accessed from the front or corner side yard provided the garage door (or doors) is no wider than 50 percent of the front façade of the structure and setback at least five feet from the street facing building façade. Side loaded garages are encouraged.	

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Notes:

- ~~(1) See 4-1894 for water body setbacks.~~
- ~~(2) Single family dwellings permitted in sub-areas 4 and 5 shall be subject to the development standards for the district (sub-area) in which they are located. To encourage infill, the maximum lot width of any single family dwelling shall be the width of the existing platted lot or lot of record that the dwelling is to be constructed upon, i.e., single family dwellings cannot be centered or located on more than one lot unless the lots are combined pursuant to chapter 3. Additionally, all single family dwellings shall have porches and/or entry features along street frontage.~~
- ~~(3) Five foot side yard setbacks are required for single family dwellings permitted in sub-areas 4 and 5.~~
- ~~(4) If all features described in section 4-1156(3)a.2. are utilized, the width requirements do not apply. Density and building form regulations described Table 4-872 A are still applicable. Single family development is still subject to notes (2) and (3).~~
- ~~(2) *Remodeling of existing single and multifamily structures.* All existing single and multifamily structures in the district shall be modified in accordance with the following regulations:~~
 - ~~a. The remodeling of façades on existing structures shall meet the guidelines pursuant to Exhibit V.~~
 - ~~b. Elements include, but are not limited to, window size and spacing, roof pitch and overhang of eaves of the existing structure. New façade elements shall be as set forth in subsection (2) of this section. When an existing single or multifamily structure erects a second story or a new accessory structure, the elements for new single and multifamily structures shall be as set forth in subsection (2) of this section as it concerns multi-story structures and accessory structures.~~
- ~~(3) *New single and multifamily structures.* All newly constructed single and multifamily structures in the district shall be constructed in accordance with the following regulations:~~
 - ~~a. *Façade.* The façade of a building is the front of the building facing or oriented toward a street or roadway, excluding alleyways. The primary street front in the case of lots with multiple fronts is the street front that the pedestrian entryway is oriented and that which the~~

~~majority of houses are oriented towards. The secondary street front is the front that is not designed for primary pedestrian access from the street or sidewalk. Garages may sometimes be located on either primary or secondary street fronts, however the garage is not considered as a pedestrian entryway. The mass, scale and design of any garage, carport or other accessory structure over 240 square feet will require architectural review from the city architect to ensure that it remains harmonious with the principal structure. All façades shall be constructed as follows:~~

- ~~1. *Finish.* All façades shall have a finish treatment such as siding, stucco or similar aesthetic wall treatment. Painting an unfinished exterior, like concrete block or corrugated metal, is prohibited. The base material shall have an aesthetic finish.~~
 - ~~2. *Minimum features.* A façade, whether primary or secondary, shall exhibit at least two of following features:
 - ~~(i) Articulation;~~
 - ~~(ii) Awnings or shutters; or~~
 - ~~(iii) Porches and/or entryway features.~~~~
 - ~~3. *Windows.* The façade shall have at least one window every 20 feet of lineal frontage and per floor. The size of any façade window, including the frame, shall be a minimum of nine square feet.~~
- ~~(4) *[Entrances.]* The entrance of the principle building shall be oriented directly toward the primary street front. Entrances to accessory structures are encouraged to be oriented away from the street.~~
- ~~(5) *Multi-story structures.* The following regulations apply to structures having more than one story, whether each story is for living or habitable area or not:~~
- ~~a. *Façade variations.* Repetitive, monotonous, undifferentiated wall planes shall not be permitted. Buildings shall be articulated with projections, recesses, covered entryways, porches, balconies, covered box or bay windows and/or similar features, dividing large façades into human scaled proportions.~~
 - ~~b. *Articulation of the first habitable floor.* When the second story is the first habitable story, it shall be articulated in a way that differs from the ground floor through the use of projections, recesses, balconies, covered box or bay windows, awnings and/or similar features.~~
- ~~(6) *Landscaping.* The following landscaping shall be required:~~
- ~~a. *General.* A minimum landscaped area of 20 square feet of landscaping per 1,000 square feet of lot area shall be required. This is inclusive of any green space or permeable surface regulations set forth in the applicable zoning district.~~
 - ~~b. *General trees.* In accordance with the existing landscape code in section 3-418(a), one tree is required per 3,000 square feet of lot area. Existing trees and required street trees (as long as they are large or medium trees according to this code) may be applied toward this minimum tree requirement.~~
 - ~~c. *Existing trees.* Encroachments of new structures into the required side and rear yard setbacks to accommodate existing mature canopy trees can be approved administratively as part of the building permit provided such encroachments do not project by more than 25 percent of the required setback.~~
 - ~~d. *Foundation plantings.* Foundation plantings are encouraged and if provided are counted towards the required landscape area. Foundation plantings when provided are to be placed in an area two feet in landscaped with understory vegetation native to South Florida.~~
- ~~(b) Highway commercial (3b). Highway commercial (3b) is the southern gateway to the downtown. Any existing use not contained in the following table shall be grandfathered as set forth in section 4-2321.~~

~~This table will prevail over any conflicts between this table and the Bonita Beach Road Corridor. Uses not specifically listed under permitted shall be prohibited, unless the proposed uses have similar traffic, patronage, intensity and characteristics similar to those cited therein. The determination of similarity shall be determined by the director of community development.~~

~~TABLE 4-872-B. USE REGULATIONS FOR HIGHWAY COMMERCIAL SUB-AREA 3B~~

	Special Notes or Regulations	Highway Commercial Sub-Area 3B
Antiques, retail		P
Art galleries, studios and services		P
Banks and financial services (excluding drive through)		P
Microbrewery, with ancillary tasting room	4-1023 et seq.	P
Cards/gifts stationery		P
Caterer	4-1023 et seq.	P
Conference center		P
Consumption on premises	4-1023 et seq.	AA
Dance, martial arts or music studios		P
Entertainment courtyard or architectural arcade	4-1023 et seq. Note 1	AA/SE
Flowers/florist		P
Health clubs/wellness centers (under 10,000 SF)		P
Hotel		P
Interior decorators		P
Medical offices		P
Indoor theaters	4-1023 et seq.	P
Museums		P
Musical entertainment	Note 1	AA/SE

News/bookstores		P
Nightclub or similar entertainment venue	4-1023 et seq.; Note 1	AA/SE
Open market building		P
Outdoor seating for dining purposes	4-1023 et seq.	AA
Photographic services/studios (including repair)		P
Professional offices		P
Public building or use		P
Radio or television stations (but not wireless communication facilities)		P
Religious Assembly/Place of Worship		SE
Restaurant excluding Group I (Food Stands under 4-408(c)(42) and mobile food vendors as governed in the supplementary regulations) and drive through		P
Retail specialty foods (including incidental sale of prepared food)	4-408(c)(15) Note 3	P
Sporting goods		P
Tavern	4-1023 et seq. Note 2	AA/SE
Travel agencies		P
Toys		P
Universities, colleges, academies and similar post-secondary educational facilities		P

-

Notes:

- (1) ~~Non-amplified indoor live entertainment may be reviewed administratively. If the director determines that administrative approval is not the appropriate action, the applicant must apply for approval as a special exception. Such circumstances may include the previous denial by the director or by a hearing board of a similar use at that location, the record of public opposition to a similar use at that location, and similar circumstances. All amplified music (indoors or outdoors) requires approval as a special exception.~~

- ~~(2) Permitted by right for indoor activities only. If planned for outdoor use, special exception is required.~~
- ~~a. Commercial uses are required to a minimum depth of 30 feet, or the second layer, from the frontage line on all stories. The remaining depth may be used for parking. (See Exhibit III for visual of layer.) Parking exposure on a frontage line shall be an opening not wider than 25 feet.~~
 - ~~b. Seating for outdoor dining shall be permitted to encroach the public sidewalks adjacent to the private property leaving a five-foot clear pedestrian passage between the outdoor dining and the right-of-way landscaping or paved roadway.~~
 - ~~c. Uses such as bus shelters and public art shall be permitted throughout the corridor.~~
- ~~(3) Manufacturing of specialty foods, per LDC section 4 408(c)(15), Groups II and III, is permitted as an ancillary use.~~

~~(Ord. No. 09-13; Ord. No. 11-02, § 3(4-1156), 1-19-2011; Ord. No. 13-01, § 1(4-1156), 2-6-2013; Ord. No. 13-09, § 1(4-1156), 8-7-2013; Ord. No. [15-21](#), § 1, 10-21-2015)~~

~~Secs. 4-873—4-885. Reserved.~~

~~Subdivision III. Felts Avenue Subdistrict~~

~~Sec. 4-886. Purpose and intent.~~

- ~~(a) The intent of establishing this subdistrict is to create a transition between more intense mixed-use development to the west and the established single-family neighborhood to the east. By permitting commercial uses of low intensity adjacent to mixed-use development, the impacts of those uses could be reduced gradually creating a more integrated feel to the community. Permitted uses and development standards for this area are intended to establish a subdistrict that embraces the city's vision for redevelopment on Old U.S. 41 with consideration for adjacent residential uses. This subdistrict will consist of existing single-family residences while allowing for low intensity nonresidential uses.~~
- ~~(b) *Applicability.* The Felts Avenue Subdistrict shall apply to those areas generally defined as property south of the Imperial River and east of Felts Avenue, extending approximately block east of Felts Avenue, as designated in the Bonita Plan. The provisions of this subdistrict shall supplement or supersede the provisions of the underlying zoning districts. Those provisions of the city Land Development Code and Old U.S. 41 Redevelopment Overlay District shall apply except when in conflict with this subdistrict. In the event of a conflict, the provisions of this district shall apply.~~
- ~~(c) *Permitted uses.* Uses not specifically listed under permitted shall be prohibited, unless the proposed uses has similar traffic, patronage, intensity and characteristics similar to those cited therein. The determination of similarity shall be determined by the director of community development.~~
- ~~(1) Art galleries.~~
 - ~~(2) Bed and breakfasts, not to exceed 12 bedrooms.~~
 - ~~(3) Dance, art, and music studios.~~
 - ~~(4) Dwelling unit (as limited by density in the Bonita Plan and Sub-area designation).~~
 - ~~(5) Home occupational uses/home offices (use must be conducted within the residence, with clients and employees permitted, based on meeting parking requirements).~~
 - ~~(6) Public uses.~~
 - ~~(7) Professional offices.~~

- ~~(8) Recreational facilities (public and private).~~
- ~~(9) Retail (within existing structures).~~
- ~~(10) Restaurant or specialty food establishment (within existing structures). Outdoor seating by special exception only.~~
- ~~(d) Dimensional requirements.~~
 - ~~(1) Residential. All residential development, redevelopment, and alterations to existing structures will be in accordance with section 4-872.~~
 - ~~(2) Nonresidential.~~
 - ~~a. All nonresidential development standards will be in accordance with 4-869; however a minimum of 15 foot side setback along property lines is required when adjacent to a single-family residential use.~~
 - ~~b. Infill development, redevelopment, and substantial improvements. Infill development, redevelopment, and substantial improvements for commercial uses of existing structures within this subdistrict shall maintain the character and scale of single family homes and shall conform to the design standards for nonresidential and residential uses contained in sections 4-869 through 4-871. Any structures floor to area ratio (FAR) must be compatible with existing properties within the subdistrict so as to achieve compatibility with mass and scale.~~
 - ~~(3) Regulations and processes for development within the Felts Avenue Subdistrict. For any structural changes associated with a change of use, the regulations contained in sections 4-869 through 4-871 shall apply.~~
 - ~~(4) Parking. Parking for commercial or multifamily developments must be provided per section 4-1732 or 4-871. Parking may be provided entirely on street, in a manner not to interfere with vehicular movement. The city manager shall have the authority to reduce required parking administratively.~~
 - ~~(5) Stormwater. For projects utilizing existing structures, or those determined to create minimal impact, no additional stormwater treatment will be required unless required by South Florida Water Management District. For projects required to install stormwater treatment, the standards of the Old U.S. 41 Redevelopment Overlay shall apply.~~

~~(Ord. No. 10-09; Ord. No. 11-02, § 3(4-1161), 1-19-2011; Ord. No. 13-09, § 1(4-1161), 8-7-2013)~~

~~Sec. 4-887. Exhibits.~~

EXHIBIT I

Bonita Springs, Lee County, FLorida

Legend

- Town Center Boundary
- Entrance Gateways
- Pedestrian Connectivity
- Canoe/Kayak Trail
- Canoe/Kayak Launch Areas
- Road widening Project (Design Phase)
- Streetscape
- Visual/Noise Buffer
- Green Trail Connection
- Boardwalk

COMMERCIAL

- 3A - Retail, Infill Office/ Cottage Commercial, Improved Pedestrian Access, Improve Signage, On Street Parking or shared parking behind buildings
- 3B - Highway Commercial along Bonita Beach Road

MULTI-FAMILY

- 4 - Encourage Multi-family homes and apartments

TOWN HOMES

- 5 - Encourage traditional Multi-family Town Homes, Mid Rise Town Homes, Sidewalks, Enhanced Entrance-way

SINGLE FAMILY

- 2A - Single family Residential, Infill Housing, Sidewalks, Pedestrian Connectivity to the Town Center
- 2B - Existing Small Single family Homes, Enhance High End Homes, Pedestrian Connectivity to the Town Center, High End Residential Along Riverfront

MIXED USE

- 6A - Retail/Office, Live/Work
- 6B - Urban Villa, Retail/Office, Dining/Cafe, Town Homes

GOVERNMENT

- 2A - Proposed City Hall in existing Bangor Tree Site

HOSPITALITY

- 8A - Shangri La Spa - Resort Destination
- 8B - Improve historic motel and expand the area to accommodate more visitors

RECREATION

- 10A - Develop Eco-tourism with Canoe/Kayak launch Area and connect to park across the river
- 10B - Enhance existing park & create trails & picnic shelters
- 10C - Enhance existing Urban Plaza
- 10D - Farmers Market, Garden
- 10E - Historic Artistic Village Renovation
- 10F - Road Widening Project (Design Phase)
- 10G - Pedestrian Connections
- 10H - Improvements in the Town Center
- 10I - Streetscapes
- 10J - Major Streetscapes along Old 41 from Tennessee to Town Center
- 10K - Childrens and Regade, Minor Streetscapes along Patton, Feltz and Shriver Avenue

GATEWAYS

- 12A - Entrance to Town Center
- 12B - Directional Signage
- 12C - Landscaping
- 12D - Monumentation
- 12E - Lighting

Sub Areas

- Single Family
- Town Homes
- Multi-family
- Mixed Use
- Commercial
- Government/ Institutional
- Industrial
- Hospitality
- Recreation/Open Space

Concept Plan

Imperial River Landing

W. Terry St

Pauline St

Green Buffer along Railroads

2A

3A

3B

4

5

6A

6B

8A

8B

10A

10B

10C

10D

10E

10F

10G

10H

10I

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10K

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~~EXHIBIT II~~

Old U.S. 41 Redevelopment Urban Core

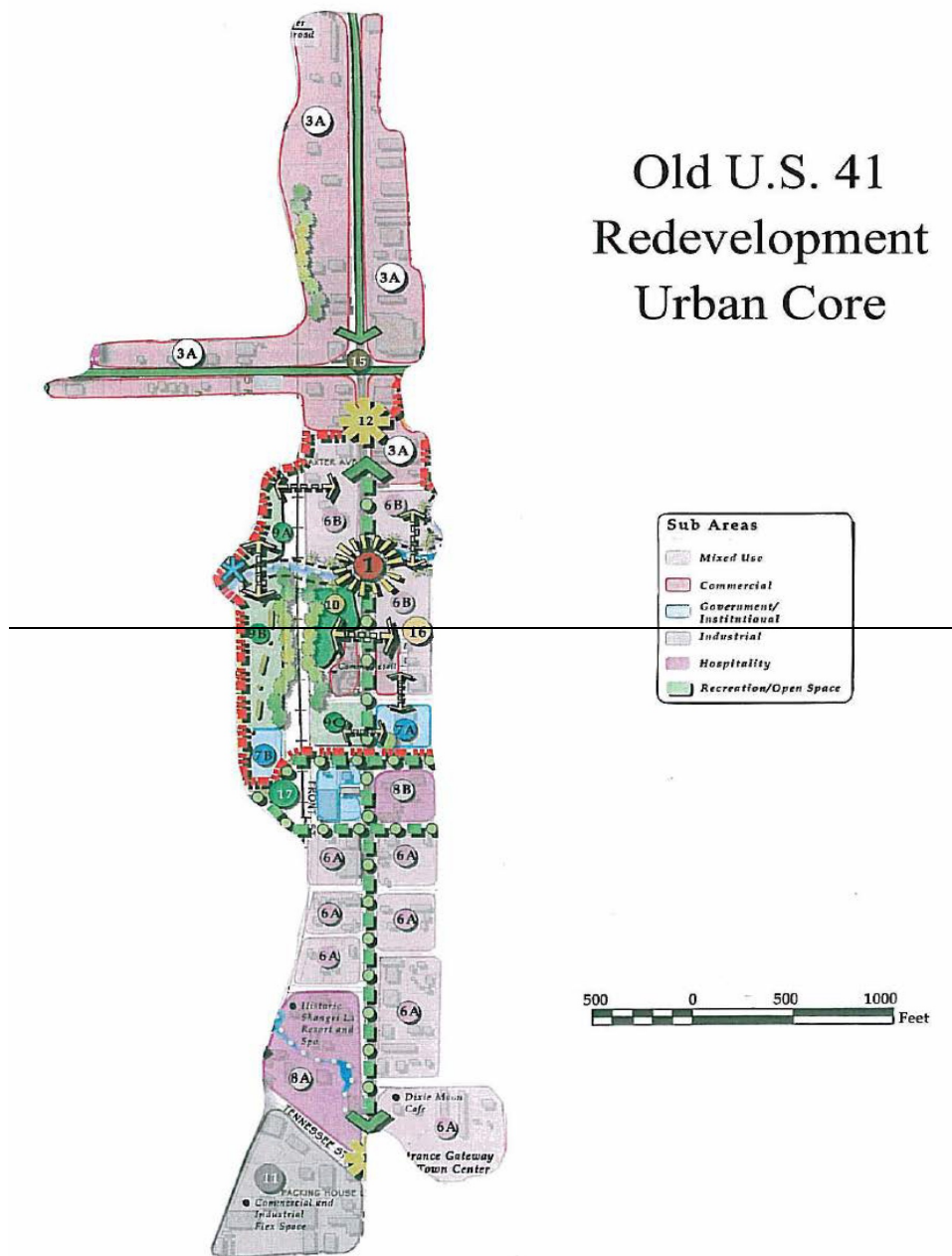
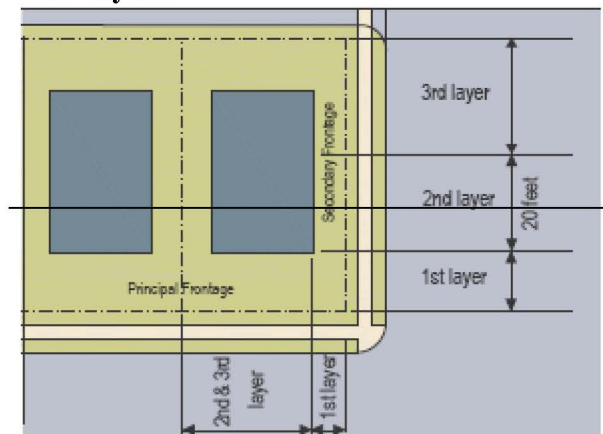


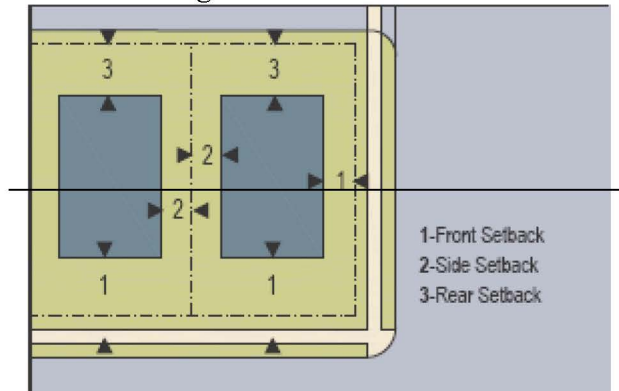
EXHIBIT III

Smart Codes Examples and Explanations

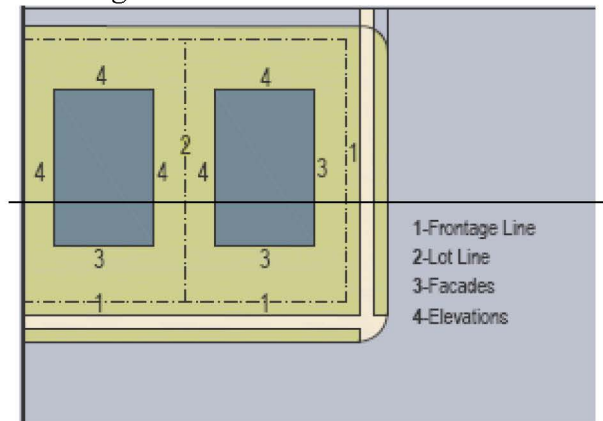
Lot Layers



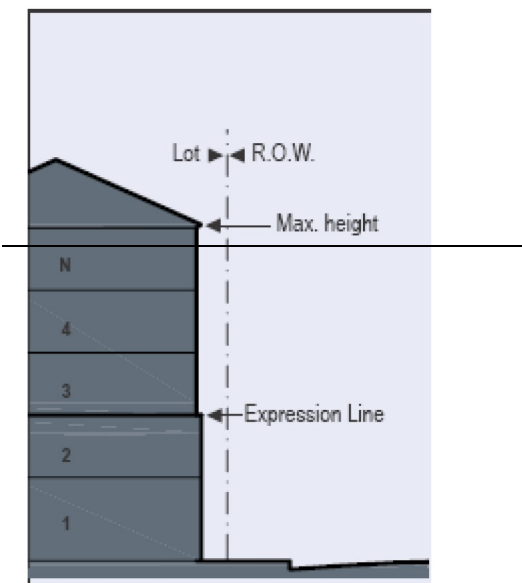
Setback designations



Frontage and Lot lines



URBAN CORE BUILDING CONFIGURATION



Required Parking

RESIDENTIAL	1.0 / dwelling
LODGING	1.0 / bedroom
OFFICE	2.0 / 1000 sq. ft.
RETAIL	3.0 / 1000 sq. ft.

The shared parking factor for two functions, when divided into the sum of the two amounts as listed on the required parking table, produces the effective parking needed for each site involved in sharing. Conversely, if the sharing factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

Shared Parking Factor

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE		OFFICE
RETAIL		RETAIL

12	14	1	14	12
13	1.7	1.1	1.7	13
12	1	1	1	12
1				1

EXHIBIT IV

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

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

Set No. 13	Koi Pond SW 7727	Alabaster SW 7008	Tea Chest SW 6103
Set No. 14	Classic Sand SW 0056	Modern Gray SW 7632	Classic French Gray SW 0077
Set No. 15	Casa Blanca SW 7571	Townhall Tan SW 7690	Garden Spot SW 6432
Set No. 16	Dockside Blue SW 7601	Extra White SW 7006	Restoration Ivory SW 6413
Set No. 17	Natural SW 7542	Classic Light Buff SW 0050	Sealskin SW 7675
Set No. 18	Gray Clouds SW 7658	Reflection SW 7661	Rocky River SW 6215
Set No. 19	Cavern Clay SW 7701	Bittersweet Stem SW 7536	Fiery Brown SW 6055
Set No. 20	Honeycomb SW 6375	Crisp Linen SW 6378	Saguaro SW 6419
Set No. 21	Crème SW 7556	Tatami Tan SW 6116	Urbane Bronze SW 7048
Set No. 22	Ecru SW 6135	Burlap SW 6137	Polished Mahogany SW 2838
Set No. 23	Meadowlark SW 7522	Casa Blanca SW 7571	Earthen Jug SW 7703
Set No. 24	Lanyard SW 7680	Navajo White SW 6126	Rocky River SW 6215
Pastel 1	Elder White SW 7014	Pastel 6	Watery SW 6478
Pastel 2	Lei Flower	Pastel 7	Aloe

	SW 6613		SW 6464
Pastel 3	Hearts of Palm SW 6415	Pastel 8	Comfort Gray SW 6205
Pastel 4	Jonquil SW 6674	Pastel 9	Fawn Brindle SW 7640
Pastel 5	Accessible Beige SW 7036	Pastel 10	Blissful Blue SW 6527

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EXHIBIT V

The following design guidelines shall apply to the development and redevelopment within the Downtown Redevelopment Overlay Area. These guidelines are not intended to limit creativity, rather they are established to act as a tool for site specific design of new and redeveloped structures that recognize and meet the intent of the Downtown Redevelopment Overlay Area. The massing, scale, articulation, arrangement of doors and windows, roof style, and overall architectural style all make up the character of a building and contribute to the collective appearance of the downtown and surrounding neighborhood.

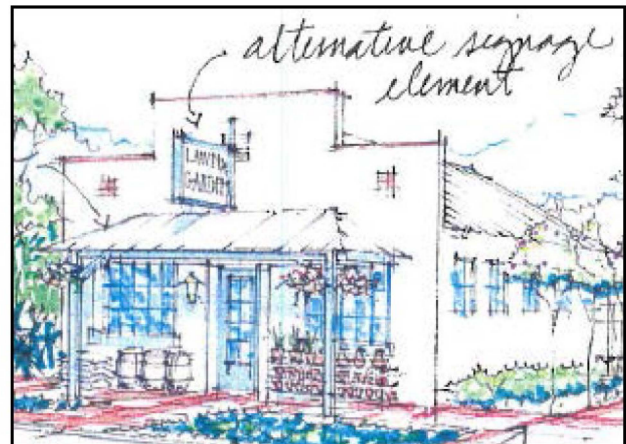
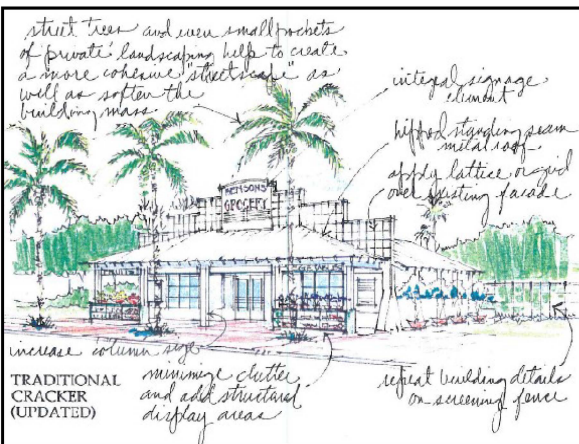
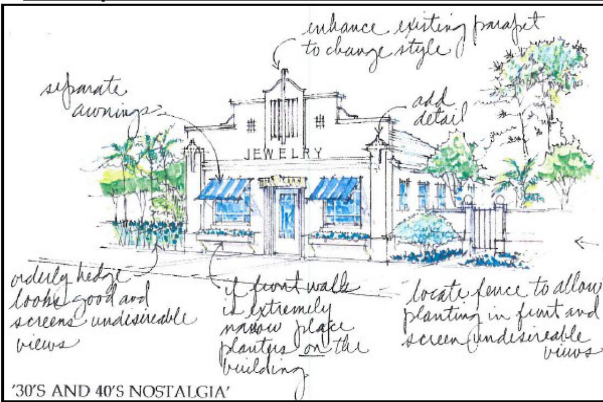
Urban Core (sub-areas 1, 3, 6—11)

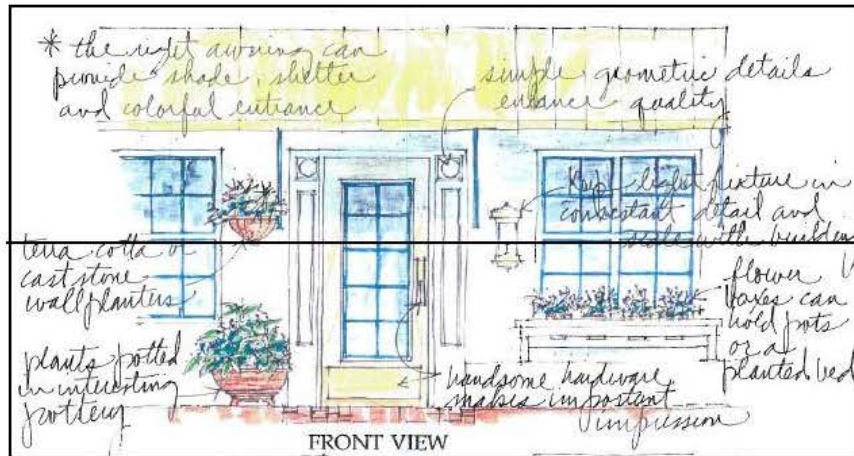
Example of a redeveloped block meeting the intent of the Downtown Redevelopment Overlay Area:



Source: 2005 RMPK Redevelopment Master Plan

Examples of architectural elevations that illustrate human/pedestrian scale and articulation



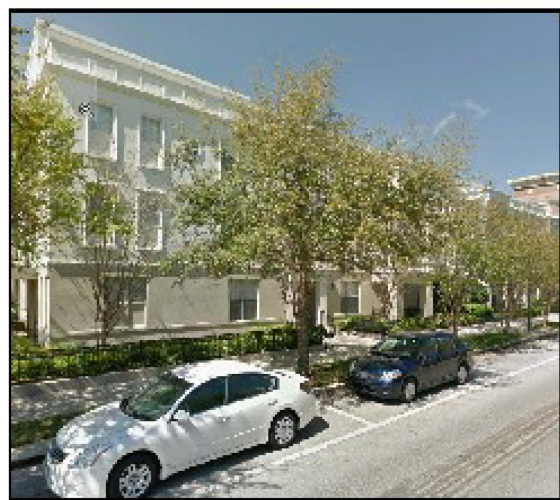


Source: "Bonita Springs Town Center A Menu for Redevelopment," Team Plan, Inc.

Single Family (Sub Area 2A and 2B)



Multi-Family (Sub Area 4)



Town Homes and Row Homes (Sub Area 5)



Highway Commercial (Sub Area 3B)

Please refer to LDC 3 for Commercial Design Standards

(Ord. No. 13-01, exhs. I – IV, 2-6-2013; Ord. No. 13-09, exhs. I – V, 8-7-2013; Ord. No. [15-02](#), § 1, 1-7-2015)

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-328
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Second Reading and Public Hearing of the following ordinance: AN ORDINANCE OF THE CITY COUNCIL OF BONITA SPRINGS, FLORIDA, ADOPTING THE 2020 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☒ STATUTE	Anne K. Wright, CPA, CGFO Finance Director Arleen M. Hunter City Manager
☐ CONSENT	☒ ORDINANCE	
☒ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND: Florida Statutes §163.3177(3) (a) requires that local government comprehensive plans contain a capital improvements element designed to consider the need for and the location of public facilities. There is also the requirement that local governments review the capital improvements element on an annual basis. As part of the mandatory EAR, Bonita Springs updates the five-year capital improvements schedule annually by ordinance. A "capital improvement" generally means physical assets constructed or purchased to provide, improve, or replace a public facility, typically large scale, high in cost, and may require multi-year financing. Exhibit A includes the budget for FY 2021 which was adopted by City Council at the budget hearing on September 16, 2020. The exhibit also includes an adjustment in funding sources from what was presented in the Staff Requested CIP draft in August. The adjustment was to move some funding from the Gas Tax Fund to the General Fund in FY 2022 through FY 2025 as the recent financial projections indicate that the Gas Tax Fund will not have sufficient revenues to fund the CIP at the initially requested levels, however the General Fund is projected to have the ability to fund these costs. This funding change relates to the following projects: Minor road, sidewalk & drainage project, asphalt overlay project, and roadway restriping project. Attachment: Ordinance		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☒ YES ☐ NO IF YES, WHICH STRATEGIC OBJECTIVE? #5 Financial Stewardship		
STAFF RECOMMENDATIONS: Hold the second public hearing, with public comment.		
REVIEWED BY: City Manager: <u>Arleen Hunter</u> City Attorney: <u>Derek Rooney</u> City Clerk: <u>Debra Filipek</u> Department Director: <u>Anne Wright</u>		
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20

AN ORDINANCE OF THE CITY COUNCIL OF BONITA SPRINGS, FLORIDA, ADOPTING THE 2020IVE YEAR CAPITAL IMPROVEMENT PROGRAM ANNUAL UPDATE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute §163.3177(3)(a) requires that local government comprehensive plans contain a capital improvements element designed to consider the need for and the location of public facilities; and

WHEREAS, Florida Statute §163.3177(3)(b) requires that local governments review the capital improvements element on an annual basis, and provides that modifications to update the five-year capital improvements schedule may be accomplished by ordinance; and

WHEREAS, “capital improvement” generally means physical assets constructed or purchased to provide, improve, or replace a public facility, typically large scale, high in cost, and may require multi-year financing; and

WHEREAS, Florida Statute §163.3177(3)(a)4 requires that projects necessary to achieve and maintain adopted levels of service for the five-year planning period be included in the capital improvement schedule; and

WHEREAS, review by the City of Bonita Springs Local Planning Agency is not required for a capital improvements schedule update, which is not an amendment to the Comprehensive plan; and

WHEREAS, the Bonita Springs City Council held the required public hearings with all required public notice for the purpose of hearings.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION 1: RECITALS/INTENT. The recitals set forth above are true and correct, and constitute legislative findings of the City Council.

SECTION 2: AMENDMENT TO THE CAPITAL IMPROVEMENT SCHEDULE. The Capital Improvement Program Annual Update is hereby adopted as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3: CODIFICATION. It is the intent of the City of Bonita Springs City Council that the provisions of this Ordinance shall be codified into the Bonita Springs Comprehensive Plan, specifically as an update to Objective 1.5 of the Capital Improvements Element. The Code Codifier is hereby granted authority to update the Capital Improvement Program or to otherwise make notation by reference to this Ordinance in the City of Bonita Springs Comprehensive Plan, as amended.

SECTION 4: EFFECTIVE DATE. The effective date of this Ordinance shall be thirty days from its adoption date.

SECTION 5: CONFLICTS. This ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists.

SECTION 6: SEVERABILITY. If any part of this ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th of November 2020.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Quaremba	Gibson
Purdon	Forbes
Carr	Simmons
Corrie	

Date filed with City Clerk: _____

EXHIBIT A - CAPITAL IMPROVEMENT PLAN

as of October 1, 2020

Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2025- 2026 through FY 2029-2030	Total Ten Year Plan
Account	Project Description								
IMPROVE STORM WATER MANAGEMENT (1st STRATEGIC PRIORITY)									
30.250.538.6810	Quinn/Downs/Dean/Imperial Storm Wtr Improve	State Legislative Appopr.	750,000	-	-	-	-	-	750,000
30.250.538.6100	Land acquired for storm water purposes	General Fund	1,000,000	-	-	-	-	-	1,000,000
		HMGP Grant	7,050,000	-	-	-	-	-	7,050,000
		Funding to be Identified	-	-	-	-	-	5,000,000	5,000,000
		TOTAL	8,050,000	-	-	-	-	5,000,000	13,050,000
30.250.538.6811	Bio-Reactor Phase II	General Fund	150,000	-	-	-	-	-	150,000
30.250.538.6812	Big Bend Road Drainage	Gas Tax	65,978	379,376	-	-	-	-	445,354
TOTAL IMPROVE STORM WATER MANAGEMENT			\$ 9,015,978	\$ 379,376	\$ -	\$ -	\$ -	\$ 5,000,000	\$ 14,395,354
TRANSPORTATION (2nd STRATEGIC PRIORITY)									
Bonita Beach Road Visioning and Quadrant:									
30.250.541.6317	Bonita Bch Rd/US 41 Quadrant	State & Federal Agencies	-	-	-	-	-	11,500,000	11,500,000
		Road Impact Fee	-	1,500,000	1,500,000	1,573,741	-	-	4,573,741
		TOTAL	-	1,500,000	1,500,000	1,573,741	-	11,500,000	16,073,741
30.250.541.6318	Bonita Bch Rd Vision Implementation	General Fund	750,000	250,000	250,000	250,000	250,000	6,175,000	7,925,000
TOTAL Bonita Beach Road Visioning and Quadrant			750,000	1,750,000	1,750,000	1,823,741	250,000	17,675,000	23,998,741
Sidewalks and Multi-Use Pathways:									
30.250.541.6320	Multi-Use Pathways & Sidewalks	Gas Tax	314,538	-	-	-	-	-	314,538
		Road Impact Fee	443,233	-	-	-	-	-	443,233
		Grant - CDBG	332,389	300,000	300,000	300,000	300,000	1,500,000	3,032,389
		Park Impact Fee	-	-	-	-	-	1,000,000	1,000,000
		TOTAL	1,090,160	300,000	300,000	300,000	300,000	2,500,000	4,790,160
30.250.541.6334	Maddox Lane Sidewalk	Road Impact Fee	334,671	-	-	-	-	-	334,671
30.250.541.6336	Imperial Shores Blvd Sidewalk	Road Impact Fee	-	-	-	-	-	1,022,867	1,022,867
30.250.541.6323	W. Terry St. Multi-Use Pathway	General Fund	250,000	-	-	-	-	-	250,000
		Road Impact Fee	764,705	-	-	-	-	-	764,705
		TOTAL	1,014,705	-	-	-	-	-	1,014,705
30.250.541.6324	Sun Trail (Rails to Trails)	Road Impact Fees	200,000	282,332	-	-	-	-	482,332
		General Fund	-	-	-	-	-	1,000,000	1,000,000
		TOTAL	200,000	282,332	-	-	-	1,000,000	1,482,332
30.250.541.6331	Pine Ave. Multi-use Pathway	Road Impact Fees	-	-	-	-	-	558,128	558,128
30.250.541.6338	W. Terry Street South Sidewalk	Road Impact Fees	-	110,137	330,410	500,000	755,664	2,500,000	4,196,211
TOTAL Sidewalks and Multi-Use Pathways			2,639,536	692,469	630,410	800,000	1,055,664	7,580,995	13,399,074
to be assigned	Dean Street	Road Impact Fee	-	-	-	-	-	2,624,892	2,624,892
30.250.541.6327	Goodwin Street	Gas Tax	57,788	-	354,966	-	-	-	412,754
		Road Impact Fees	407,742	2,284,442	1,929,476	-	-	-	4,621,660
30.250.541.6300	Minor Road, Sidewalk & Drainage Improvemts	Gas Tax	400,000	-	-	-	350,000	1,750,000	2,500,000
		General Fund	-	400,000	350,000	350,000	-	-	1,100,000
30.250.541.6308	Asphalt Overlays	Gas Tax	240,000	-	-	-	125,000	750,000	1,115,000
		General Fund	-	200,000	200,000	125,000	-	-	525,000
30.250.541.6319	Roadway Restriping	Gas Tax	-	-	188,987	188,987	-	944,935	1,322,909
		General Fund	-	250,000	-	-	188,987	-	438,987

CAPITAL IMPROVEMENT PLAN

as of October 1, 2020

Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2025-2026 through FY 2029-2030	Total Ten Year Plan
Account	Project Description								
30.250.541.6321	Rail Road Crossing Improvements	Gas Tax	-	-	126,325	200,000	-	1,566,430	1,892,755
30.250.541.6343	Bridge Maintenance	Gas Tax	224,672	75,000	75,000	50,000	50,000	200,000	674,672
30.250.541.6342	Traffic Calming	Gas Tax	45,000	45,000	25,000	15,000	15,000	250,000	395,000
30.250.541.6328	Decorative Street Lights conversion to LED	Gas Tax	479,661	-	-	-	-	-	479,661
TOTAL TRANSPORTATION			\$ 5,244,399	\$ 5,696,911	\$ 5,630,164	\$ 3,552,728	\$ 2,034,651	\$ 33,342,252	\$ 55,501,105
<u>ENVIRONMENTAL PROTECTION (4th STRATEGIC PRIORITY)</u>									
30.000.537.6105	Environmentally Sensitive Land Acquisitions	General Fund	200,000	200,000	200,000	200,000	200,000	1,000,000	2,000,000
30.611.537.6000	Beach Renourishment 2024	General Fund	110,000	110,000	110,000	110,000	110,000	550,000	1,100,000
TOTAL ENVIRONMENTAL PROTECTION			\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 310,000	\$ 1,550,000	\$ 3,100,000
<u>COMMUNITY AESTHETICS: DEVELOP AND IMPLEMENT URBAN DESIGN (5th STRATEGIC PRIORITY)</u>									
30.603.572.6008	Comm Park Sealcoating and Stop Replacements at Parking Lot	General Fund	37,000	13,500	-	-	-	-	50,500
30.603.572.6009	Comm Park Parking Lot Lighting to LED	General Fund	-	-	12,000	-	-	-	12,000
30.605.572.6009	Riverside Park Sealcoating and Stop Replacements on Parking Lot	General Fund	20,000	-	-	-	-	-	20,000
30.605.572.6010	Riverside Park Lighting to LED	General Fund	-	18,000	-	-	-	-	18,000
30.621.572.6020	River Park Landscaping and Lighting Enhanc.	TDC Grant	270,000	-	-	-	-	-	270,000
30.628.572.6001	Mayhood Park Exotics Removal	General Fund	25,000	-	-	-	-	-	25,000
31.000.552.6311	Downtown Redevelopment	General Fund	85,000	-	-	-	-	-	85,000
31.605.572.6008	Skate Park	FDEP/LWCF Grant	279,849	-	-	-	-	-	279,849
30.610.572.6021	Dog Park Trail Overlay	General Fund	45,000	-	-	-	-	-	45,000
30.603.572.6015	Baseball Complex Master Plan for Design & Construction Phase I	General Fund	550,000	-	-	-	-	500,000	1,050,000
30.604.572.6001	Pool and Fountain Resurfacing	General Fund	65,000	-	-	-	-	-	65,000
30.602.572.6022	Small Recreation Building Improvements	Park Impact Fees	-	100,000	-	-	-	-	100,000
		General Fund	60,000	-	-	-	-	-	60,000
# to be assigned	Dog Beach Park	TDC Grant	-	-	-	-	-	2,100,000	2,100,000
# to be assigned	Community Hall Site & Amenities Master Plan	Park Impact Fees	-	-	-	-	500,000	-	500,000
# to be assigned	Dog Park Restroom Facility	Park Impact Fees	-	-	300,000	-	-	-	300,000
30.250.541.6315	East Terry Vegetative Buffer/Wall	General Fund	282,358	-	-	-	-	-	282,358
30.250.541.6906	Median Landscape Enhancement	General Fund	750,000	75,000	425,000	-	-	4,000,000	5,250,000
30.604.572.6023	Pool Roof Replacement	General Fund	50,000	-	-	-	-	-	50,000
30.270.573.4928	Acquisition of Public Art	General Fund	50,000	-	-	-	-	-	50,000
30.604.572.6024	Pool Family Restroom	Park Impact Fees	100,000	-	-	-	-	-	100,000
30.270.519.4910	Highway Monuments/Welcome Signs	General Fund	-	250,000	250,000	250,000	-	-	750,000
30.270.519.4920	Flagpole along I-75	General Fund	-	50,000	-	-	-	-	50,000

CAPITAL IMPROVEMENT PLAN

as of October 1, 2020

Capital Projects		Funding/Revenue Source	FY 2020-2021 Adopted Budget	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2025- 2026 through FY 2029-2030	Total Ten Year Plan
Account	Project Description								
30.270.541.6322	Imperial River US 41 Bridge Beautification	General Fund	-	-	100,000	100,000	100,000	-	300,000
30.270.519.4912	Goodbread Grocery (AKA Dixie Moon)	General Fund	100,000	100,000	-	-	-	-	200,000
		FL Historic Resources Grant	-	200,000	-	-	-	-	200,000
		TOTAL	100,000	300,000	-	-	-	-	400,000
30.250.541.6325	Logan Boulevard Landscape & Lighting	Gas Tax	-	-	-	-	-	700,000	700,000
31.602.572.6000	Recreation Center Expansion and Improvements	General Fund	-	-	-	200,000	-	-	200,000
		Park Impact Fees	-	-	300,000	-	-	-	300,000
30.270.572.6000	Additional Soccer Fields	Park Impact Fees	100,000	-	-	-	-	-	100,000
# to be assigned	Sealcoating Soccer Marni Fields Parking	General Fund	-	17,000	-	-	-	-	17,000
# to be assigned	Sealcoating Soccer Complex Parking	General Fund	-	17,000	-	-	-	-	17,000
30.270.519.4911	Urban Design	General Fund	100,000	200,000	200,000	-	-	-	500,000
TOTAL COMMUNITY AESTHETICS STRATEGIC PRIORITY			\$ 2,969,207	\$ 1,040,500	\$ 1,587,000	\$ 550,000	\$ 600,000	\$ 7,300,000	\$ 14,046,707
OTHER CAPITAL EXPENDITURES									
30.270.519.4924	City Facilities Major Repairs	General Fund	-	60,000	-	-	-	250,000	310,000
30.402.513.6400	Cameras in Council Chambers	General Fund	118,381	-	-	-	-	-	118,381
30.615.572.6019	Liles Roof Replacement & Stucco Repairs	General Fund	75,000	-	-	-	-	-	75,000
30.270.519.4927	Security Upgrades in City Facilities	General Fund	65,000	-	-	-	-	-	65,000
30.270.519.6400	Vehicle Major Repairs and Replacement	General Fund	55,000	75,000	75,000	-	-	550,000	755,000
30.240.513.6401	Technology Equipment	General Fund	50,000	30,000	30,000	30,000	30,000	500,000	670,000
Total Other			363,381	165,000	105,000	30,000	30,000	1,300,000	1,993,381
TOTAL			\$ 17,902,965	\$ 7,591,787	\$ 7,632,164	\$ 4,442,728	\$ 2,974,651	\$ 48,492,252	\$ 89,036,547

FUNDING SOURCES

	Funding/Revenue Source	FY 2020-2021	FY 2021-2022	FY 2022-2023	FY 2023-2024	FY 2024-2025	Next Five Fiscal Years: FY 2024- 2025 through FY 2028-2029	Total Ten Year Plan
	General Fund	5,042,739	2,315,500	2,202,000	1,615,000	878,987	14,525,000	26,579,226
	Road Impact Fee	2,150,351	4,176,911	3,759,886	2,073,741	755,664	6,705,887	19,622,440
	Gas Tax	1,827,637	499,376	770,278	453,987	540,000	6,161,365	10,252,643
	Park Impact Fee	200,000	100,000	600,000	-	500,000	1,000,000	2,400,000
	State and Federal Agencies	-	-	-	-	-	11,500,000	11,500,000
	State Legislative Approp	750,000	-	-	-	-	-	750,000
	Grants	7,932,238	500,000	300,000	300,000	300,000	3,600,000	12,932,238
	Funding to be Identified	-	-	-	-	-	5,000,000	5,000,000
	TOTAL	\$ 17,902,965	\$ 7,591,787	\$ 7,632,164	\$ 4,442,728	\$ 2,974,651	\$ 48,492,252	\$ 89,036,547

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-330
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Second reading and public hearing to consider adoption of the following amendments to the City of Bonita Springs Land Development Code. AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING CHAPTER 4, ZONING, OF THE LAND DEVELOPMENT CODE; CLARIFYING DEVELOPMENT STANDARDS RELATING SINGLE AND TWO-FAMILY RESIDENTIAL DEVELOPMENTS IN MOBILE HOME ZONING DISTRICTS; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Jacqueline Genson, AICP Planning and Zoning Manager	
☐ CONSENT	☒ ORDINANCE		
☒ PUBLIC HEARING	☐ ADMIN. CODE		
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER:		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☐ CITY MANAGER ITEMS			
BACKGROUND: In 2014 and 2016, the City Council adopted amendments to the LDC to allow conventional single-family homes in Mobile Home (MH-1 and MH-2) districts and two-family attached dwelling units in the Two Family Conservation (TFC-2) Zoning District. Community Development Staff has found areas in the LDC that require clarifying language such as specific development standards to implement the intent of those amendments accordingly.			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?			
STAFF RECOMMENDATIONS: Commence with the public hearing to consider adoption of the ordinance			
REVIEWED BY: City Manager: <u>Arleen Hunter</u> City Attorney: <u>Derek Rooney</u> City Clerk: <u>Debra Filipek</u> Department Director: _____			
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING CHAPTER 4, ZONING, OF THE LAND DEVELOPMENT CODE; CLARIFYING DEVELOPMENT STANDARDS RELATING SINGLE AND TWO-FAMILY RESIDENTIAL DEVELOPMENTS IN MOBILE HOME ZONING DISTRICTS; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of Bonita Springs in 2014 and 2016, the City Council adopted amendments to the Land Development Code to allow conventional single-family homes in Mobile Home (MH-1 and MH-2) districts and two-family attached dwelling units in the Two Family Conservation (TFC-2) Zoning District; and

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

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

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

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

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapter 4 - Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as follows:

Sec. 4-555. - Use regulations table.

Use regulations for mobile home districts are as follows:

TABLE 4-555. USE REGULATIONS FOR MOBILE HOME DISTRICTS

	Special Notes or Regulations	MH-1	MH-2
Accessory uses, buildings, and structures:	4-923 et seq., 4-2012 et seq.	P	P
Amateur radio antennas and satellite earth stations	4-927	Refer to 4-927 for regulations.	
Animals (equines)	4-1045 et seq.	-	-
Docks, seawalls	4-1588	P	P
Fences, walls	4-1841 et seq.	P	P
Gatehouses, entrance gates	4-1841 et seq.	P	P
Nonroofed accessory structures	4-1894(c)(3)	P	P
Signs in compliance with chapter 6		P	P
Administrative offices		P	P
Aircraft landing facilities, private:			
Lawfully existing:			
Expansion of aircraft landing strip or helistop landing pad	4-982 et seq.	SE	SE
New accessory buildings	4-982 et seq.	P	P
New:			
Aircraft landing strip and ancillary hangars, sheds and equipment	4-982 et seq.	-	-
Heliport	4-982 et seq.	-	-
Helistop	4-982 et seq.	SE	SE
Animals and reptiles:			
Keeping, raising or breeding of Class I animals (df)	4-1045	-	-
Keeping, raising or breeding of American alligators, venomous reptiles or Class II animals (df)	4-1045	SE	SE
Boat ramps	Note (6)	EO/SE	EO/SE
Clubs, private		SE	SE
Communications facility, wireless	4-1215 et seq.	Refer to 4-1215 et seq. for regulations.	
Community residential home		P	P
Community gardens	Sec. 4-1435	AA	AA
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE
Day care center, adult or child:			
Adult		SE	SE
Child	Note (5)	SE	SE
Dwelling unit:			
Mobile home	4-1637 et seq. Note (7)	P/EO	P/EO
Single-family residence, conventional	Note (8)	P	P
Essential services	4-1362 et seq.	P	P

Essential service facilities (4-408(c)(13)):			
Group I	4-1362 et seq., 4-1841 et seq., 4-1841 et seq.	P	P
Group II	4-1362 et seq., 4-1841 et seq., 4-1841 et seq.	SE	SE
Excavation:			
Oil or gas	4-1380 (c)	SE	SE
Water retention	4-1380 (b)	P	P
Golf course	2-2037 et seq.	EO	EO
Heliport or helistop	4-982 et seq.	See Aircraft landing facilities, private.	
Home occupation:			
No outside help		P	P
With outside help	4-1496 (c)	AA	AA
Laundromat	4-2095	EO/SE	EO/SE
Models:			
Display center	4-1662 et seq.	SE	SE
Model home	4-1662 et seq.	AA/SE	AA/SE
Parks (4-408(c)(30)), Group I	Note (4)	P	P
Park trailer		-	P
Place of worship	4-1762 et seq.	EO/SE	EO/SE
Real estate sales office	Note (2), 4-1662 et seq., 4-2095	EO/SE	EO/SE
Recreational facilities:			
Personal		P	P
Private—on-site		EO/SE	EO/SE
Private—off-site		EO	EO
Religious facilities	Note (1), 4-1762 et seq.	SE	SE
Residential accessory uses (4-408(c)(39))	4-923 et seq.	P	P
Signs in compliance with chapter 6		P	P
Stable, private	4-1046	-	-
Subordinate commercial uses:	Note (3), 4-2095		
Food stores, Group I (4-408(c)(16))		EO/SE	EO/SE
Parts and supplies for mobile homes or RVs		EO/SE	EO/SE
Personal services (4-408(c)(31)):			
Group I		EO/SE	EO/SE
Group II		EO/SE	EO/SE
Specialty retail store (4-408(c)(44), Group I		EO/SE	EO/SE
Temporary uses	4-2124 et seq.	P	P

Notes:

- (1) Expansion of facility to ten or more acres requires PD zoning. See section 4-272 and Table 4-740.
- (2) Real estate sales are limited to sales of lots, homes or units within the development, except as may be permitted in section 4-1662 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding three years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension. Additional time will require a new special exception approval.
- (3) Subordinate uses permitted only in conformity with section 4-2095.
- (4) Recreational halls require a special exception approval.
- (5) Family day care home exemption. F.S. 166.0445 exempts family day care homes from needing the special exception. See section 4-195(e)(9).
- (6) Non-commercial only.
- (7) In the interstate interchange area, mobile homes are existing only and may not be replaced or relocated into the interchange areas.
- (8) Single-family development in the MH zoning districts is permitted by right for individual single-family development (must conform to property development regulations in sec. 4-2399 relative to setbacks and minimum lot size requirements). Any redevelopment of an existing mobile home park under unified control/ownership, into a single-family development, requires approval of planned development zoning.

Sec. 4-556. - Property development regulations table.

Property development regulations for mobile home districts are as follows:

**TABLE 4-556. PROPERTY DEVELOPMENT REGULATIONS FOR
MOBILE HOME RESIDENTIAL DISTRICTS**

	Special Notes or Regulations	MH-1 (2)	MH-2 (1), (2)
Nonresidential uses:			
Minimum lot area and dimensions:			
Lot area (square feet)		10,000	10,000
Lot width (feet)		100	100
Lot depth (feet)		100	100
Minimum setbacks:			
Side yard (feet)	Note (3), 4-1892 et seq.	15	15
Rear yard (feet)	Note (3), 4-1892 et seq.	20	20
Residential uses:			
Minimum lot area and dimensions:	4-1921. 4-1922, 4-1841		
Lot area (square feet)		7,500	5,000
Lot width (feet)		75	50
Lot depth (feet)		100	100
Minimum setbacks:			

Side yard (feet):	Note (3), 4-1892 et seq. <u>Note (7), 4-2399 et seq.</u>		
Internal park lot		7.5	7
Park perimeter		7.5	7
Rear yard (feet):	Note (3), 4-1892 et seq. <u>Note (7), 4-2399 et seq.</u>		
Internal park lot		20	15
Park perimeter		20	15
All uses:			
Street (feet):	Notes (3) 4-1892 et seq.	Variable according to the functional classification of the street or road. See section 4-1893.	
Internal park street (feet)			
Off-site street			
Water body (feet):	4-1892 et seq.		
Gulf of Mexico		50	50
Other		25	25
Maximum height (feet)	4-1871 et seq.	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Corridor. See section 4-1874.	
Maximum lot coverage (percent of total lot area)		40%	40%
Special regulations:		Refer to the sections specified for exceptions to the minimum setback requirements listed in this table.	
Animals, reptiles, marine life	4-1045 et seq.		
Consumption on premises	4-1020 et seq.		
Docks, seawalls, etc.	4-1588 et seq.		
Essential services	4-1362 et seq.		
Essential service facilities (4-408(c)(13))	4-1362 et seq., 4-1841		
Fences, walls, gatehouses, etc.	4-1841 et seq.		
Non-roofed accessory structures	4-1894(c)(3)		
Railroad right-of-way	4-1895		

Notes:

- (1) Developments built between January 5, 1978, and July 31, 1986, see section 4-553 for minimum and maximum area requirements.
- (2) For developments built after August 1, 1986, see section 4-554 for emergency shelter requirements.
- (3) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted only by variance. See section 4-1892 et seq.
- (4) May be reduced to 3,750 square feet if on a central sewage system.
- (5) If adjacent to another mobile home or recreational vehicle park or to a commercial or industrial use, setback may be reduced to 15 feet.
- (6) Lot coverage includes parking spaces unless off-street parking is provided elsewhere.
- (7) Conventional single-family homes permitted by right must conform to property development regulations in sec. 4-2399 for setbacks and minimum lot size requirements.

Sec. 4-489. - Property development regulations table.

Property development regulations for one- and two-family residential districts are as follows:

TABLE 4-489. PROPERTY DEVELOPMENT REGULATIONS FOR ONE- AND TWO-FAMILY RESIDENTIAL DISTRICTS

	Special Notes or Regulations	RSA	RS- 1	RS-2	RS-3	RS-4	RS-5	TFC- 1	TFC -2	TF- 1
Minimum lot area and dimensions:	4-1921, 4-1922, 4-1841									
Single-family detached:										
Lot area (square feet)		6,500	7,500	12,500	20,000	40,000	2 acres	6,000	7,500	7,500
Lot width (feet)		65	75	100	100	100	130	50	75	75
Lot depth (feet)		75	100	100	100	100	130	100	100	100
Duplex:										
Lot area (square feet)		-	-	-	-	-	-	6,000	7,500	10,000
Lot width (feet)		-	-	-	-	-	-	50	75	75
Lot depth (feet)		-	-	-	-	-	-	100	100	100
Two-family attached:										
Lot area <u>per unit</u> (square feet)		-	-	-	-	-	-	-	7,500 <u>3,750</u>	12,000
Lot width <u>per unit</u> (feet)		-	-	-	-	-	-	-	75 <u>37.5</u>	120
Lot depth (feet)		-	-	-	-	-	-	-	100	100
Minimum setbacks:										

Street (feet)	Note (1) 4-1892 et seq.	Variable according to the functional classification of the street or road. See section 4-1893.								
Side yard (feet):	Notes (1) and (3), 4-1892 et seq.									
Single-family or duplex		6.5	7.5	10	12	15	15	6	7.5	7.5
Two-family attached		-	-	-	-	-	-	-	<u>0/7.5</u>	10 (2)
Rear yard (feet)	Note (1), 4-1892 et seq.	20	20	20	20	20	20	20	20	20
Water body (feet):	4-1892 et seq.									
Gulf of Mexico:		50	50	50	50	50	50	50	50	50
Other		25	25	25	25	25	25	25	25	25
Special regulations:		Refer to the section specified for exceptions or additions to the minimum setback requirements listed in this table.								
Animals, reptiles, marine life	4-1045 et seq.									
Consumption on premises	4-1020 et seq.									
Docks, seawalls, etc.	4-1588 et seq.									
Essential services	4-1362 et seq.									
Essential service facilities (4-408(c)(13))	4-1362 et seq.									
Fences, walls, gate-houses	4-1841 et seq.									
Nonroofed accessory structures	4-1894(c)(3)									
Railroad right-of-way	4-1895									
Maximum height (feet)	4-1871 et seq.	35	35	35	35	35	35	35	35	35
		Note: Special height limitations apply to all uses located within Bonita Beach and the Bonita Beach Road Corridor. See section 4-1874.								
Maximum lot coverage (percent of total lot area)		45%	40%	40%	40%	40%	40%	45%	40%	45 %

Notes:

- (1) Modifications to required setbacks for collector or arterial streets, or for solar or wind energy purposes, are permitted by variance only. See section 4-1892 et seq.
- (2) Accessory buildings and uses can be located closer to the front of the property than the main building, but must comply with all other setback requirements for accessory building uses.
- (3) No side yard setback required from common side lot line for two-family attached.

Section 3. SEVERABILITY

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

Section 4. **CONFLICTS OF LAW**

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

Section 5. CODIFICATION AND SCRIVENER'S ERRORS

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

Section 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Lee County, Florida, this 4th day of November 2020.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Gibson
Purdon	Quaremba
Forbes	Simmons

Corrie

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL	GREEN SHEET:	20-11-336
AGENDA ITEM SUMMARY		
REQUESTED MOTION: Second reading and public hearing of the following Ordinance: AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING CHAPTER 4 ZONING, ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 30 PROPERTY DEVELOPMENT REGULATIONS, SUBDIVISION III SETBACKS, OF THE LAND DEVELOPMENT CODE; PROVIDING FOR PERMITTED ENCROACHMENTS RELATING TO MECHANICAL EQUIPMENT; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.		
MEETING DATE: 11/4/2020		
AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	John Dulmer, AICP, Community Development Director
☐ CONSENT	☒ ORDINANCE	
☒ PUBLIC HEARING	☐ ADMIN. CODE	
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER:	
☐ MAYOR AND COUNCIL MEMBER'S REPORTS		
☐ CITY ATTORNEY ITEMS		
☐ CITY MANAGER ITEMS		
BACKGROUND: Prior to 2012, standards for permitted encroachments existed for wing walls, overhangs, shutters, awnings and canopies. No standards existed for encroachment of stairs, decks, or mechanical equipment; the Land Development Code (LDC) was silent. Community Development staff proposed an LDC amendment in 2012 to establish a standard of 3.5', which allowed for a 6" separation from the building (HVAC efficiency) and a 3' encroachment, which was consistent with the standard for overhangs, awnings, and canopies. The City Attorney's Office modified staff's language to the present day version. Community Development staff had concerns with this application relative to planned developments (existing, new and approved) where lot areas and dimensions were approved by the City Council in accordance with LDC 4-741(d)(1)a , which typically included side setbacks less than 7.5'. Similar concerns also apply to residential multi-family districts (RM-2 requires a 7' side setback), existing non-conforming lots measuring less than 75ft in width and 86-36 developments (mobile home and recreational vehicle parks). At the August 1, 2018, City Council provided direction on how to process HVAC replacements on existing structures acknowledging that this section of the LDC should be brought back for further discussion.		
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?		
STAFF RECOMMENDATIONS: Commence with the public hearing to consider adoption of the ordinance.		
REVIEWED BY:		
City Manager:	<u>Arleen Hunter</u>	
City Attorney:	<u>Derek Rooney</u>	
City Clerk:	<u>Debra Filipek</u>	
Department Director:	_____	
COUNCIL ACTION:		
☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER		

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING CHAPTER 4 ZONING, ARTICLE VI SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 30 PROPERTY DEVELOPMENT REGULATIONS, SUBDIVISION III SETBACKS, OF THE LAND DEVELOPMENT CODE; PROVIDING FOR PERMITTED ENCROACHMENTS RELATING TO MECHANICAL EQUIPMENT; AND, PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, SCRIVENER'S ERRORS; AND PROVIDING FOR 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 clarify regulations relating to the placement of mechanical equipment within building setbacks; and

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

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

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

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapter 4 - Zoning, Article VI – Supplementary District Regulations, Division 3 – Property Development Regulations, Subdivision III – Setbacks, of the City's Land Development Code, with deletions depicted with ~~strike throughs~~ and underlined language as additions, as follows:

Sec. 4-1892. - Measurement; permitted encroachments.

All setbacks shall be measured to the nearest point of a building or structure. Notwithstanding this section, none of these encroachments may be placed if the

structure will violate the state building code or the state fire prevention code. Encroachment into the setback shall be permitted as follows:

- (1) *Wing walls.*
 - a. A wing wall which is part of a building may be permitted to encroach into a side or rear setback, provided that such encroachment is no higher than would be permitted for a fence or wall.
 - b. When measuring the setback for a wing wall, the setback shall be measured from the property line to the nearest point of the wing wall which meets the maximum height permitted for a fence or wall within the side or rear setback.
- (2) *Overhangs.* An overhang which is part of a building may be permitted to encroach into any setback as long as the overhang does not extend more than three feet into the setback and does not permit any balcony, porch or living space located above the overhang to extend into the setback.
- (3) *Shutters.* A shutter which is attached to a building may be permitted to encroach one foot into the setbacks.
- (4) *Awnings and canopies.*
 - a. Awnings and canopies which are attached to a building may be permitted to encroach three feet into the setbacks, as long as their location does not interfere with traffic, ingress and egress, or life safety equipment.
 - b. For purposes of this section, awnings and canopies may be attached to a nonconforming building and shall not be considered an extension or enlargement of a nonconformity, as long as the building is properly zoned for its use and the conditions as set forth in this section are met.
- (5) *Open deck.* Elevated decks that are not enclosed may be permitted closer to the minimum rear setback as follows:
 - a. Minimum rear setback shall be 19 feet from the rear property line;
 - b. Side yard setbacks shall comply with property development regulations for the zoning district;
 - c. Decks must have a minimum eight foot clearance from grade to the lowest horizontal member (where uncertainty exists in determining grade, measurement shall be obtained from the centerline of the road fronting the subject property);
 - d. Base of the deck may not be higher than the door exiting the principal structure;
 - e. Stairs and landings which are above 3½ feet must satisfy the 19-rear-foot setback;
 - f. Railings may not exceed four feet from the top of the deck;
 - g. No roofed structure may be placed above the deck;

- h. No opaque material, including walls, may be placed below the deck, except for six-inch by six-inch maximum supporting columns.
- (6) *Stairways/steps.* Stairways or steps, including associated railings and landing area, which are attached to a building and provide for pedestrian/occupant access may be permitted to encroach a maximum of three linear feet into setbacks, provided that the setback is greater than 7½ feet.
- (7) *Mechanical equipment.* Mechanical equipment that is placed on an exterior concrete pad may be permitted to encroach a maximum of 3½ linear feet into the rear or side yard setbacks provided that the setback is greater than 7½ feet. For purposes of this section, mechanical equipment includes heating, ventilating and air-conditioning (HVAC) units, swimming pool equipment and back-up electrical generators. It does not include chimneys or oven exhaust systems.
 - a. Encroachments for legally approved PUD's and PD's or specific portions thereof that require a side setback of less than 7 ½ feet and were not approved as part of a zero lot line pattern of development may follow the below development standards and conditions for mechanical pads and equipment.
 - b. Unless a zero foot setback has been approved for the PUD/PD, mechanical equipment shall maintain a minimum setback of one foot from the property line.
 - c. Any new mechanical equipment must be offset and not directly aligned with other mechanical equipment on adjacent property. The offset measurement shall be no less than three (3) feet between equipment. The measurement must be indicated on the site plan and drainage exhibits provided to the City of Bonita Springs during the permitting process.
 - d. Generators:
 - i. In addition to the above, every effort shall be made to site generators at the furthest possible distance from the abutting single-family dwelling unit's windows and/or doors; and
 - ii. All generators shall have user preselected exercise times limited between the hours of 10:00 am – 4:00 pm; and
 - e. At time of building permit, applicants shall submit a narrative and drainage exhibit showing how the installation of the mechanical equipment does not impede flow of drainage.
 - i. The drainage exhibit shall show the following:
 - 1. The location of the proposed mechanical equipment on the property and adjacent properties with full measurements.
 - 2. existing elevations; and

3. drainage arrows; and
 4. existing landscaping; and
 5. existing gutters; and
 6. a detailed cross section through the proposed mechanical pad, from the existing single-family building to the adjacent single-family building; and
 7. any other elements that are located between homes.
 8. These requirements may be modified if an acceptable alternate plan is provided
- f. In addition to the submittal requirements above, when mechanical equipment is proposed to be located less than 5' from the property line, the following are required:
- i. Written HOA approval of proposed location of equipment.
 - ii. Approval from the adjacent neighbor for location of equipment.
 - iii. An elevated, open-style platform for the mechanical equipment to ensure drainage is not obstructed, as required. The elevated platform must provide a minimum of 1' of clearance area under the pad so drainage may pass. The area under the platform must be maintained at all times.
 - iv. Gutters and downspouts on the side of the homes to reroute drainage to the front and back of the home, as required.
 - v. Install yard drain(s) and piping, as required.
 - vi. Landscaping alterations to ensure proper drainage flow.
 - vii. Property line survey.
 - viii. A final grading/engineering inspection prior to Certificate of Completion of building permit.
 - ix. Items A-H may be modified if an acceptable alternate plan is provided.

Section 3. **SEVERABILITY**

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

Section 4. **CONFLICTS OF LAW**

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

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

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

Section 6. **EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of November, 2020.

AUTHENTICATION:

_____	_____
Mayor	City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:	
Carr	Gibson
Purdon	Quaremba
Forbes	Simmons
Corrie	

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	20-11-329
AGENDA ITEM SUMMARY			
REQUESTED MOTION: Provide direction regarding special event permitting on city property.			
MEETING DATE: 11/4/2020			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
☐ PRESENTATIONS	☐ STATUTE	Lora Taylor Director of Communications	
☐ CONSENT	☐ ORDINANCE		
☐ PUBLIC HEARING	☐ ADMIN. CODE		
☐ MAYOR AND COUNCIL MEMBER ITEMS	☐ OTHER		
☐ MAYOR AND COUNCIL MEMBER'S REPORTS			
☐ CITY ATTORNEY ITEMS			
☒ CITY MANAGER ITEMS			
BACKGROUND: Special event permitting was put on hold in March of 2020 due to the Coronavirus Pandemic. Many event organizers voluntarily cancelled or postponed events. Event organizers have recently started to submit event applications to host events on city property. Each organizer has been asked to add COVID safety plans to their special event applications and to ensure that the event will operate within CDC guidelines. Currently, we have three applications pending for event dates in December 2020, and staff is seeking direction as to whether the events should be permitted.			
IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? ☐ YES ☒ NO IF YES, WHICH STRATEGIC OBJECTIVE?			
STAFF RECOMMENDATIONS: Provide direction regarding special event permitting on city property.			
REVIEWED BY: City Manager: _____ <u>Arleen Hunter</u> City Attorney: _____ <u>Derek Rooney</u> City Clerk: _____ <u>Debra Filipek</u> Department Director: _____ <u>Lora Taylor</u>			
COUNCIL ACTION: ☐ APPROVED ☐ DENIED ☐ DEFERRED ☐ OTHER			

CITY COUNCIL
CITY OF BONITA SPRINGS
OFFICIAL AGENDA
WEDNESDAY, OCTOBER 21, 2020
9:00 A.M.
BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT
27701 BONITA GRANDE DRIVE
BONITA SPRINGS, FL 34135
MINUTES

1. Call to order

Mayor Peter Simmons called the meeting to order at 9:13 A.M.

2. Invocation:

Pastor Jeff Chitwood, with Anchor Christian Church, furnished the invocation.

3. Pledge of Allegiance.

4. Roll Call

Mayor Simmons and all Council Members were in attendance.

5. Appearance by Representative Ray Rodrigues and presentation by Dr. Michael Saverese of Florida Gulf Coast University on the Southwest Florida Regional Resiliency Compact MOU. (Mayor Simmons; Greensheet No. 20-10-319) Scheduled due to time constraint of Representative Rodrigues

Representative Ray Rodrigues and Dr. Michael Saverese were in attendance to provide a PowerPoint presentation on the Southwest Florida Regional Resiliency Compact MOU.

Mayor Simmons motioned to accept and joint the Compact; Council Member Fred Forbes seconded.

PUBLIC COMMENT:

Martha Simons spoke in support of joining the Compact.

The motion failed 4-3 (Council Members Amy Quaremba, Laura Carr, Chris Corrie and Mike Gibson opposed)

RESULT: MOTION FAILED 4-3

MOTION BY: Mayor Simmons motioned to approve

SECONDED BY: Council Member Fred Forbes

AYES: Mayor Simmons, Council Members Forbes and Jesse Purdon

NAYS: Council Members Amy Quaremba, Laura Carr, Chris Corrie and Mike Gibson

6. Public Comment on Agenda Items

Martha Simons addressed the presentations for the downtown projects, which she feels don't live up to the standards that the citizens are looking for.

Rick Steinmeyer addressed the constitution.

Amy Thibaut, with the Pavese law firm, was in attendance to request a continuance for the Bonita Village zoning case.

Council Member Forbes motioned to approve the requested continuance of the Bonita Village case to November 4, 2020; Council Member Mike Gibson seconded; and the motion carried unanimously.

RESULT: UNANIMOUS
MOTION BY: Council Member Forbes
SECONDED BY: Council Member Gibson
AYES: Mayor Simmons and Council Members Quaremba, Purdon, Carr, Corrie, Gibson and Forbes

7. Zoning and land use items:

Second reading and public hearing of the following Ordinances:

- A. An Ordinance of the City of Bonita Springs, Florida, providing for adoption of a Comprehensive Plan Amendment to amend the Future Land Use Element and Future Land Use Map Series, Transportation Element and Transportation Map Series, and Housing; providing for intent; providing for severability; providing for an effective date. (Greensheet No. 20-10-327)

City Attorney Derek Rooney read the title block of the Ordinance into the record. Jackie Genson, Community Development noted this was continued from October 7, 2020. Attorney Francesco Passidomo, provided a brief PowerPoint presentation to address the beach club. Also in attendance to address was Attorney Rich Yovanovich .

Public Comment: Little Hickory Island Amendment

Rick Steinmeyer addressed the history and current activities on the site.

Dawn Koncikowski addressed the Comprehensive Plan land use category process of the subject site per incorporation of the City.

Second Amendment:

Attorney Neale Montgomery was in attendance to address the Donmal Assemblage, requesting it not be included in the overall amendments. Discussion was held

City Attorney Rooney clarified the requests from the two properties – the first relating to the West Bay Club with annotations; and secondly, to remove the east Bonita parcel (Donmal Assemblage) from the amendments.

Council Member Purdon motioned as stated by the City Attorney – to include the West Bay Club annotations and exclude the Donmal Assemblage from the amendments; Council Member Chris Corrie seconded; and the motion carried unanimously. **ADOPTED ORDINANCE NO. 20-07**

RESULT: UNANIMOUS
MOTION BY: Council Member Purdon
SECONDED BY: Council Member Laura Carr
AYES: Mayor Simmons and Council Members Quaremba, Purdon, Carr, Corrie, Gibson and Forbes

- B. An Ordinance of the City of Bonita Springs, Florida, rescinding the Development Order for the Bonita Bay Development of Regional Impact in accordance with Section 380.115(2), Florida Statutes;

providing for repeal of conflicting Ordinances or Resolutions; and providing for an effective date. (Greensheet No. 20-10-315)

City Attorney Rooney read the title block of the Ordinance into the record.

Council Member Mike Gibson motioned adoption of the Ordinance; Council Member Purdon seconded and the motion carried 6-1 (Council Member Corrie abstaining from the vote) **ADOPTED ORDINANCE NO. 20-08**

RESULT: PASSED 6-1
MOTION BY: Council Member Gibson
SECONDED BY: Council Member Purdon
AYES: Mayor Simmons and Council Members Quaremba, Purdon, Carr, Gibson and Forbes
ABSTENTION: Council Member Corrie

- C. An Ordinance of the City of Bonita Springs, Florida, providing for adoption of a comprehensive plan amendment to the Future Land Use Element, to amend the future land use map from City of Bonita Springs resource protection, Lee County Outlying Suburban, and wetlands to Coconut Village and Resource Protection; providing for an amendment to Coconut Village Future Land Use category; providing for intent; providing for severability; providing for an effective date. (Greensheet No. 20-10-320)

City Attorney Rooney read the title block of the Ordinance into the record.

PUBLIC COMMENT:

An unidentified woman addressed Council asking that they do not require an additional boat ramp, which would increase boat traffic. A larger marina would negatively impact the Pelican Landing marina.

Peter Tuffo, with a construction company in the area, stating that from a construction standpoint, the proposed development would have a great economic impact to the whole area.

Rick Steinmeyer addressed the proposed uses, noting that there will never be enough parking for the boat ramp.

Ryan Schmidt feels the developer has done a fantastic job of bringing all the parties together.

Taylor Masieso feels London Bay has done a fantastic job. He supports the project.

Alan Bodwitch addressed a survey he conducted regarding the number of boat ramps, noting that concerns included traffic along Coconut Road and the overall development. Also, that one boat ramp can lead to many difficulties.

Irv Nathanson feels a single boat ramp is flawed. He addressed issues that arise when boating. He supports the addition of a second boat ramp.

Jim Weeks was in attendance to voice his support for the project.

Attorney Yovanovich provided a PowerPoint presentation, and addressed the two petitions before City Council. Ms. Genson, Community Development, provide a brief summary. Discussion followed.

Council Member Gibson motioned to approve; Council Member Purdon seconded; and the motion carried 6-1 (Council Member Quaremba dissenting) **ADOPTED ORDINANCE NO. 20-09**

RESULT: PASSED 6-1
MOTION BY: Council Member Gibson
SECONDED BY: Council Member Purdon
AYES: Mayor Simmons and Council Members Purdon, Carr, Corrie, Gibson and Forbes
NAY: Council Member Amy Quaremba

8. Second Reading and Public Hearing of the following Zoning Ordinances:

- A. A Zoning Ordinance of the City of Bonita Springs to rezone 30.51 +/- acres from Commercial Planned Development (CPD), Residential Planned Development (RPD), Mobile Home Planned Development (MHPD), and Agriculture (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a public boat ramp, wet and dry boat slips, a Continuing Care Facility (CCF) containing a maximum of 300 Independent Living Facility (ILF) units and a 75 bed Assisted Living Facility (ALF) or 300 multifamily dwelling units at the northwest corner of Coconut Road and Coconut Point Resort Drive; and providing for an effective date. (Greensheet No. 20-10-323)

Rich Yavonovich, representing the Applicant, presented a PowerPoint presentation.

Jackie Genson, Community Development, presented the Staff Report. Discussion was held.

Mayor Simmons motioned to approve; Council Member Carr seconded and the motion passed 6-1 (Council Member Quaremba opposed) **ADOPTED ZONING ORDINANCE NO. 20-06**

RESULT: PASSED 6-1
MOTION BY: Mayor Simmons
SECONDED BY: Council Member Carr
AYES: Mayor Simmons and Council Members Purdon, Carr, Corrie, Gibson and Forbes
NAY: Council Member Amy Quaremba

- B. A Zoning Ordinance of the City of Bonita Springs to rezone 1.82 +/- acres from Industrial Planned Development (IPD) to Industrial Planned Development (IPD) for two parcels located at 10971 and 10979 Enterprise Avenue, Bonita Springs, Florida 34135; and, providing for an effective date. (Greensheet No. 20-10-317)

City Attorney Rooney read the title block of the Zoning Ordinance into the record.

Stacey Hewitt, with Banks Engineering, presented the Applicant's case via a PowerPoint presentation. Staff has recommended approval of their request.

Mike Fiigon, Community Development, presented Staff's case. Staff is 99% agreement with the proposal. Only issue had to do with overhead doors on the east side, facing Mediterra. Staff still recommends prohibiting doors on east side.

PUBLIC COMMENT:

Attorney Beverly Grady, representing the Mediterra Community Association, stated that the Board opposes the application as it currently exists – the portion where industrial use infringes upon the residential uses. She submitted into the record a letter dated September 4, 2020. They would ask that no doors be allowed on the east side, addressing concerns with the single-family neighborhoods.

Rick Steinmeyer addressed noise.

Tim Richards, General Manager of the Mediterra Community Association, addressed concerns with the proposed height of 40 feet. They would ask that the height be limited to 30 feet. They also would ask that the uses be limited to indoors, and that the doors on the east side be removed.

Attorney Tony Pires, representing the owners of property across from the site, agreed with the concerns addressed by Mediterra.

Joseph Lantini stated that all they are requesting is to remove the doors from the east side.

Council Member Gibson motioned to adopt the Zoning Ordinance; Council Member Quaremba seconded; and the motion carried unanimously. **ADOPTED ZONING ORDINANCE NO. 20-07**

RESULT: UNANIMOUS MOTION BY: Council Member Gibson SECONDED BY: Council Member Quaremba AYES: Mayor Simmons and Council Members Purdon, Carr, Corrie, Gibson and Forbes
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- C. A Zoning Ordinance of the City of Bonita Springs amending the existing zoning for the Bonita Village Mixed-Use Planned Development; amending the provisions relating to permitted height along the northern and eastern boundaries of the project, amending the master concept plan, and amending the schedule of deviations; on 19 +/- acres along the north of Bonita Beach Road, east of Imperial River Road, and west of Meadowlark Lane; and, providing for an effective date. (Greensheet No. 20-10-318)

Addressed above – Case continued to November 4, 2020

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.)

Council Member Purdon motioned approval of the Consent Agenda; Council Member Gibson seconded; and the motion carried unanimously.

RESULT: PASSED 6-1 MOTION BY: Council Member Gibson SECONDED BY: Council Member Purdon AYES: Mayor Simmons and Council Members Purdon, Carr, Corrie, Gibson and Forbes NAY: Council Member Amy Quaremba

- A. Approve Fourteenth Amendment to the Agreement between City of Bonita Springs and CH2M Hill Engineers for provision of Community Development Services. (Greensheet No. 20-10-314)
- B. Approve Resolution confirming the selection committee's recommended ranking and authorizing staff to negotiate with the top-ranked vendor, Automated Merchant Services, to provide electronic payment processing services to the City's Community Development Department. (Greensheet No. 20-10-326)
- ADOPTED RESOLUTION NO. 20-107**

- OPPORTUNITY FOR CITY COUNCIL COMMENTS ON CONSENT AGENDA ITEMS

10. Proclamations and Presentations:

- A. Presentation of 15-Years of Service award to City employee Chris Campbell.

Mayor Simmons presented City Employee Chris Campbell with a 15-Years of Service award.

B. Presentation of Imperial Crossing development proposals. (Greensheet No. 20-10-316)

Shay Trask & CGD LLC, provided a PowerPoint presentation to City Council for development of the Bamboo parcel.

Council Member Quaremba motioned to not move forward with this project; Council Member Purdon seconded; and the motion carried unanimously.

RESULT: UNANIMOUS MOTION BY: Council Member Quaremba SECONDED BY: Council Member Purdon AYES: Mayor Simmons and Council Members Quaremba, Purdon, Carr, Corrie, Gibson and Forbes
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Jim and Chris Magnus next provided a PowerPoint presentation on development of the Levin lot with “The Rooftop at Riverside.”

Council Member Quaremba left the meeting at 2:42 p.m. Council discussion was held.

Council Member Corrie motioned to direct staff to move forward with the project and to do whatever needs to be done and acted upon at the appropriate meeting in November; Council Member Forbes seconded; and the motion carried unanimously. (Council Member Quaremba not in attendance)

RESULT: UNANIMOUS MOTION BY: Council Member Corrie SECONDED BY: Council Member Forbes AYES: Mayor Simmons and Council Members Purdon, Carr, Corrie, Gibson and Forbes ABSENT: Council Member Amy Quaremba

11. Mayor and Council Member Items:

- A. Recognition of the 34135 Mask Project which distributed approximately 10,000 to children and adults of Bonita Springs. (Quaremba; Greensheet No. 20-10-321)

Tabled.

12. Public Comment:

Rick Steinmeyer feels the Rooftop project will be a good project. Feels need to figure out how the trucks will operate.

Maurie Vey Newman addressed the Bayshore development and addressed the Imperial Crossing development. She agrees that the site needs something totally different from what was presented today. She questioned the next step.

Dwight Esmon feels the proposal from the Magnus is very nice.

13. City Attorney’s Items:

City Attorney Rooney addressed the FGCU water keep agreement. The recommendation from FGCU to change name to the SW FL waterkeeper

14. City Manager’s Items:

- A. Provide staff direction regarding special event permitting on private property. (Greensheet No. 20-10-324)

Lora Taylor, Communications Director, furnished a brief overview as reflected on the Greensheet. three pending applications. see whether we should go forward with event planning for private property. Council consensus yes, with the them to also provide a COVID-19 plan.

- B. City's COVID-19 update.

City Manager Arleen hunter provided a covid-19 update. she also addressed the request for a workshop, suggesting November 9th or 16th for Workshop.

15. Mayor and Council Member Reports: No

16. Approval of Minutes: 10/07/20

Council Member Corrie motioned approval; Council Member Forbes seconded; and the motion carried unanimously.

17. Public comment: No comments

18. Adjournment.

There being no further items to discuss, the meeting adjourned at 3:05 P.M.

Respectfully submitted,

Debra Filipek, City Clerk

APPROVED:
CITY COUNCIL

Date: _____
AUTHENTICATED:

Peter Simmons, Mayor