

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 26 – 04

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA, AMENDING DIVISION 2 “PLANNING AND ZONING BOARD” OF ARTICLE II, “ADMINISTRATION,” CHAPTER 4, “ZONING,” DIVISION 2 “HISTORIC PRESERVATION BOARD” OF ARTICLE II “ADMINISTRATION AND ENFORCEMENT,” CHAPTER 5 “HISTORIC PRESERVATION,” AND, DIVISION 6 “OPEN SPACE, BUFFERING AND LANDSCAPING,” ARTICLE III “DESIGN STANDARDS AND REQUIREMENTS,” CHAPTER 3 “DEVELOPMENT STANDARDS” OF THE LAND DEVELOPMENT CODE; EXPANDING THE POWERS, DUTIES, AND PROCEDURES OF THE PLANNING AND ZONING BOARD; PROVIDING FOR OTHER NECESSARY CLARIFICATIONS AND REVISIONS OF CODE; AND, PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the City of Bonita Springs desires to streamline, clarify, and otherwise update provisions of the City’s Land Development Code; and

WHEREAS, the City of Bonita Springs previously provided for the consolidation of the City’s Local Planning Agency and Zoning Board into a single Planning and Zoning Board; and

WHEREAS, the City Council also finds it more efficient and consistent with sound public administration to consolidate additional land use functions into the Planning and Zoning Board to provide a more comprehensive review of such petitions; and

WHEREAS, the City Council of the City of Bonita Springs desires to amend its Land Development Code to promotes efficiency, transparency, and improved coordination of planning and zoning review for the City and its residents; and

WHEREAS, the City Council hereby desires to transfer certain advisory functions to the Planning and Zoning Board including those of the City’s Historical Preservation and Tree Advisory Boards; and

WHEREAS, pursuant to 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 as legislative findings of the City Council 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 the pertinent provisions 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 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 as if adopted with such part had not been included herein.

Section 4. Conflicts of Law

This Ordinance shall supersede any ordinances in conflict herewith to the extent that such conflict exists. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of the requirements of state or federal law, the more restrictive shall apply.

Section 5. Codification and Scrivener's Errors

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

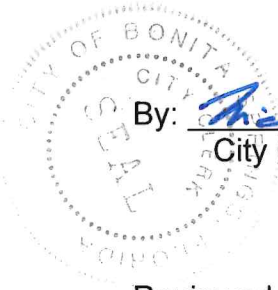
Section 6. Effective Date

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this 4th day of March, 2026.

Attest:

CITY OF BONITA SPRINGS, FLORIDA



By: [Signature]
City Clerk

By: [Signature]
Mayor

Reviewed for legal sufficiency:

By: [Signature]
City Attorney

Vote:

Carr aye	Corrie aye
Purdon aye	Fullick aye
Fitzpatrick aye	Bogacz aye
Gibson aye	

Date filed with City Clerk: 3/4/26

EXHIBIT A

Sec. 4-53. Powers and Duties.

- (a) *As Local Planning Agency:*
 - (1) Prepare, review, and recommend the City's Comprehensive Plan and any amendments or updates.
 - (2) Monitor and evaluate plan effectiveness and prepare the Evaluation and Appraisal Reports required by law.
 - (3) Review proposed land development regulations and amendments for consistency with the Comprehensive Plan.
 - (4) Perform any additional planning functions assigned by the City Council or by general or special law.
- (b) *As Zoning Board:*
 - (1) Conduct hearings and make recommendations to the City Council on rezoning applications, special exceptions, variances, and other zoning matters assigned by the Land Development Code or City Council.
 - (2) Make findings and recommendations consistent with the Comprehensive Plan, Land Development Code, and all applicable regulations.
 - (3) Developments of regional impact and Florida Quality Developments approval, which may or may not include a request for rezoning.
 - (4) Requests to use transfer of development rights or affordable housing bonus density.
- (c) As Historic Preservation Board:
 - (1) The Planning and Zoning Board shall serve as the City's Historic Preservation Board as provided in sections 5-49 thru 5-52 of the Land Development Code.
 - (2) Conduct hearings and make recommendations to the City Council regarding preservation of historic and archaeological resources pursuant to Chapter 5 Historic Preservation of the Land Development Code.
- (d) Landscaping:
 - (1) The Board shall review and provide recommendations consistent with section 3-417 of the City of Bonita Springs Landscaping Code.
- (e) *Authority.*
 - (1) Except as provided in the Land Development Code, ~~the Board~~ the Board serves in an advisory capacity to the city council with respect to planning and zoning matters, and in such capacity, may not make final determinations.
 - (2) Variances and special exceptions may be reviewed by themselves or as part of a rezoning.
 - (3) Recommend conditions or requirements reasonably related to any land-use, variance, special exception, or zoning request to protect public health, safety, comfort, convenience, and welfare.
- (f) *Other Duties:*

The Board shall perform such additional duties as the City Council may assign to implement the City's development regulations and planning policies.

Sec. 4-54. Standard for Review.

- (a) Local Planning Agency.

- (1) *Considerations.* In preparing its recommendation on any matter, the Board as local planning agency shall consider the following, whenever applicable:
 - a. Whether there exists an error or ambiguity which must be corrected.
 - b. Whether there exist changed or changing conditions which make approval of the matter appropriate.
 - c. The testimony of any applicant.
 - d. The recommendation of staff.
 - e. The testimony of the public.
 - f. Whether a proposed matter is consistent with the goals, objectives, policies and intent of the Bonita Plan.
- (b) *Variances.*
 - (1) *Considerations.* In reaching their decision, the Board must consider the following criteria, recommendations and testimony:
 - a. Whether exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure or building involved and whether those exceptional or extraordinary conditions or circumstances create a hardship on the property owner;
 - b. Whether the exceptional or extraordinary conditions or circumstances do not result from the actions of the applicant;
 - c. Granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
 - d. Staff recommendations;
 - e. Testimony from the applicant; and
 - f. Testimony from the public.
 - (2) *Findings.* Before making a recommendation to grant any variance, the Board must find that all of the following exist:
 - a. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question;
 - b. The exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken subsequent to the adoption of the ordinance (any action taken by an applicant pursuant to lawfully adopted regulations preceding the adoption of the ordinance from which this chapter is derived will not be considered self-created);
 - c. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation in question to their property;
 - d. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 - e. The condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought is not of a general or recurrent nature so as to make it more reasonable and practical to amend the code.
- (c) *Special exceptions.*
 - (1) *Function.* The Board will hear all applications for special exceptions permitted by the district use regulations.
 - (2) *Considerations.* In reaching their decision, the Board must consider the following, whenever applicable:
 - a. Whether there exist changed or changing conditions that make approval of the request appropriate.

- b. The testimony of any applicant.
 - c. The recommendation of staff.
 - d. The testimony of the public.
 - e. Whether the request is consistent with the goals, objectives, policies and intent of the Bonita Plan.
 - f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
 - g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
 - h. Whether the request will be compatible with existing or planned uses.
 - i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
 - j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.
- (3) *Findings.* Before making a recommendation to the city council to grant any special exceptions, the Board must find that the applicant has proved entitlement to the special exception by demonstrating compliance with:
- a. The Bonita Plan;
 - b. This chapter; and
 - c. Any other applicable ordinances or codes.
- (d) *Zoning matters.*
- (1) *Considerations.* In preparing their recommendation on a rezoning, the Board must consider the following, if applicable:
- a. Whether there exist changed or changing conditions that make approval of the request appropriate.
 - b. The testimony of any applicant.
 - c. The recommendation of staff.
 - d. The testimony of the public.
 - e. Whether the request is consistent with the goals, objectives, policies and intent of the Bonita Plan.
 - f. Whether the request meets or exceeds all performance and locational standards set forth for the proposed use.
 - g. Whether the request will protect, conserve or preserve environmentally critical areas and natural resources.
 - h. Whether the request will be compatible with existing or planned uses.
 - i. Whether the request will cause damage, hazard, nuisance or other detriment to persons or property.
 - j. Whether a requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in this chapter.
 - k. Whether there exists an error or ambiguity which must be corrected;
 - l. Whether public facilities will be available and adequate to serve a proposed land use change when reviewing a proposed change to a future urban area category; and
 - m. Whether a proposed change is intended to rectify errors on the official zoning map.
- (2) *Findings.* Before preparing their recommendation to the city council on a rezoning, the Board must find that:
- a. The applicant has proved entitlement to the rezoning by demonstrating compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation;
 - b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

- c. The request, including the use of transfer of development rights or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Bonita Plan;
- d. The request is compatible with existing or planned uses in the surrounding area;
- e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development;
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources;
- g. In the case of a planned development rezoning, the decision of the board must also be supported by the formal findings required by section 4-299(a)(2) and (4);
- h. The Board must also find that public facilities are, or will be, available and adequate to serve the proposed land use.

Sec. 4-32. Functions and authority of city council.

(a) *Land use ordinance amendments or adoption.*

- (1) *Function.* The city council must hold public hearings on all proposed land use ordinance amendments or adoptions.
- (2) *Considerations.* When deciding whether to adopt a proposed land use ordinance or amendment, the city council must consider the same criteria, recommendations and issues as set forth in section 4-88(b), as well as the recommendation of the local planning agency, but are not required to accept these recommendations.
- (3) *Decisions and authority.* The decision of the city council on any proposed land use ordinance amendment or adoption is final.
- (4) *Appeals.* Appeals of any decision concerning land use ordinance amendments or adoption may be taken in accordance with applicable state law.
- (5) *Voting.* Any decision by city council to amend its comprehensive plan, whether by a text or map amendment, which will allow a structure to be built at a height greater than 75 feet, will require the affirmative vote of five or more council members, provided that this requirement shall be subject to, and not contravene, the provisions of the City Charter, including, but not limited to Charter § 26 thereof. ~~This enhanced voting requirement will not be applicable to the processing of any comprehensive plan amendment applications that were filed before December 1, 2016.~~

(b) *Zoning actions.*

- (1) *Function.*
 - a. City council must hold public hearings (see sections 4-224 through 4-229) on all zoning applications, including variances and special exceptions, unless administrative decisions are authorized elsewhere in this Code.
 - b. All requests for variances, use of TDR or affordable housing bonus density units, and special exceptions which are part of an application for a rezoning must be considered by the city council with the application for rezoning and heard together with and at the same time as the rezoning.
- (2) *Considerations.* In rendering its decision, the city council must consider the following:
 - a. The considerations set forth in section 4-124 which are applicable to the case.
 - b. The substantive recommendation of the zoning board when applicable.
- (3) *Findings.* Before granting any rezoning, special exception, or variance, the city council must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Bonita Plan, this Land Development Code, and any other applicable code or regulation;
- b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;
- c. The request is consistent with the densities, intensities and general uses set forth in the Bonita Plan;
- d. The request is compatible with existing or planned uses in the surrounding area;
- e. Approval of the request will not place an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development;
- f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources;
- g. In the case of a planned development rezoning, the decision of the city council must also be supported by the formal findings required by section 4-299(a)(2) and (4);
- h. The city council must also find that public facilities and services, as defined in the Bonita Plan, are, or will be, available and adequate to serve the proposed land use; and
- i. In the case of a recommendation pertaining to wireless communication facilities, the decision of the city council must also be supported by the formal findings set forth in sections 4-1219(b) and 4-1225, as applicable.

(4) *Decisions and authority.*

- a. In exercising its authority, the city council:
 - 1. Must consider the recommendation of the zoning board, but may, in conformity with the provisions of this chapter, reverse, affirm or modify the recommendation of the zoning board, or remand the recommendation to afford due process.
 - 2. May not approve a rezoning other than the rezoning published in the newspaper unless the change is more restrictive than the proposed rezoning published.
 - 3. Has the authority to attach such conditions and requirements to any approval of a request for a special exception, development of regional impact, planned development, use of TDR or affordable housing bonus density units in conjunction with a rezoning request, or variance within their purview, deemed necessary for the protection of the health, safety, comfort, convenience or welfare of the general public. These conditions and requirements must be reasonably related to the action requested.
 - 4. In the case of a recommendation pertaining to wireless communication facilities, the city council must consider the decision as a recommendation only and may, in conformity with the provisions of this chapter, reverse, affirm or modify the decision of the zoning board, or remand the case to the zoning board.
- b. The decision of the city council on any matter listed in this subsection (4) is final. If there is a tie vote, the matter considered will be continued until the next regularly scheduled meeting for decisions on zoning matters by the city council, unless four of the members present and voting agree by motion, before the next agenda item is called, to take some other action. Such other action may be moved or seconded by any member, regardless of his vote on any earlier motion.
- c. Any denial by the city council is denial with prejudice, unless otherwise specified by the city council (see section 4-200).

- (5) *Judicial review.* Judicial review of final decisions under this section must be in accordance with section 4-34.
 - (6) *Special master.* Final decisions under this section may be the subject of a request for relief under F.S. § 70.51, within 30 days after the decision has been rendered. For the purposes of computing the 30-day period, the date the decision has been rendered is the date of the public hearing at which the city council made such decision by oral motion. The request for relief must allege that a decision of the city council is unreasonable or unfairly burdens the use of the subject property. A request for relief will be heard by an impartial special master in accordance with the procedure set forth in the administrative code.
- (c) *Appeals resulting from acts of administration or city boards*
- (1) The city council will consider appeals resulting from decisions or acts of its community development department or city boards who have been delegated with final decision making powers, including the Planning and Zoning Board~~historic preservation board, tree advisory board, etc.~~, where that board's decision has the right to appeal to the city council. Subject to this section, the city council will conduct hearings and make final decisions concerning appeals from administrative actions where it is claimed that there is an error in any order, requirement, decision, interpretation, determination or action of any administrative official (or board with final decision making powers) charged with the administration and enforcement of the provisions of the Land Development Code or any other ordinance that provides for a similar review.
 - (2) No appeal to the city council may lie from any act by an administrative official pursuant to:
 - a. An ordinance, resolution or directive of the city council directing the department of community development to perform such act;
 - b. Any ordinance or other regulation or provision in this Land Development Code which provides a different appellate procedure;
 - c. Zoning verification letters;
 - d. An administrative official's determinations of state or federal statutes, state or federal codes, rules, or regulations. If the city council must interpret or apply state or federal statutes, state or federal codes, rules or regulations in reaching a decision on an appeal, the city council is not authorized to hear the appeal and the case must be dismissed; or
 - e. Appeals of administrative interpretations of the comprehensive plan will be processed in accordance with the administrative section of the comprehensive plan. Likewise, interpretations of the state building code and other technical codes will be processed in accordance with the rights to appeal in those specific codes.
 - (3) No appeal may be considered by city council where it appears to be a circumvention of an established or required procedure. Specifically, in no case may an appeal be heard when the city council determines that the case should more appropriately be heard on a request for a special exception or variance.
 - (4) Unless there is a specific time limit specified in a controlling ordinance, applicants will have 30 days from the date of the specific decision or act of the community development department to appeal the decision, otherwise the use of an appeal is time-barred from consideration. The request must be filed with the city clerk, who will date stamp when filed in that office and transmit the appeal to the director of community development and the city attorney's office.
 - (5) Notices of hearings on appeals will be provided for in the agenda for regular city council meetings. No additional notices will be prepared to affected property owners or the public. Placement of appeals will be on the appeals portion of the agenda. The city attorney will schedule the item at a city council meeting, with the record consisting of the greensheet, application for the appeal, the actual record of the staff decision or act, and a staff response.

- (6) The city council will not consider appeals for challenges to a development order controlled by F.S. § 163.3215. In cases of challenges to development orders controlled by F.S. § 163.3215, no suit may be brought or filed or accepted for filing until the development order giving rise to the complaint has become final by virtue of its having been issued by the director, or by virtue of its having been ordered by the city council on an appeal reversing the director's denial of the development permit or denial of a development order extension, or by the city council in cases where the city council has granted planned development zoning. Once a development order has been granted, the provisions of F.S. § 163.3215 will be the sole means of challenging the approval of a development order, as that term is defined in F.S. § 163.3164(6), when the approval of the development order is alleged to be inconsistent with the Bonita Plan, in which case an action brought pursuant to F.S. § 163.3215 will be limited exclusively to the issue of comprehensive plan consistency.
- (7) Except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party will not have standing to appeal an administrative decision. Only the applicant or their agent will be permitted to appeal such administrative action as set forth in this section.
- (8) Considerations.
 - a. In reaching a decision, city council must consider the following criteria, as well as any other issues that are pertinent and reasonable:
 1. Whether appeal is of a nature properly brought before the city council for a decision.
 2. The plain and ordinary meaning of all applicable ordinance or code provisions, unless the language is unclear or ambiguous; then the intent of the ordinance or code provision applied or interpreted may be considered.
 - b. Staff recommendations, the testimony of the parties and witnesses and testimony of the general public must also be considered.
 - c. All parties may present evidence and testimony as to laws or facts supporting their position in the case.
- (9) Findings. Before granting an appeal, the city council must determine if an error was made by the administrative official or advisory board.
- (10) Authority. The city council has the authority to reverse, affirm or modify the decisions or actions of the administrative official.

Sec. 4-33. Rehearing of decisions.

- (a) Any person who may be aggrieved by a decision the city council made pursuant to an application for rezoning, development of regional impact, special exception that meets the criteria of a development of city impact, or special exceptions or variances adopted on their own as a resolution or heard as part of a rezoning, may file a written request for a public rehearing by the city council for a modification or rescission of the decision. The request must be filed with the director of community development and the city attorney's office within 15 calendar days after the decision. For purposes of computing the 15-day period, the date of the decision is the date of the public hearing at which the city council made its decision by oral motion.
- (b) All requests for a public rehearing must state with particularity any new evidence or the points of law or fact which the aggrieved person argues the city council has overlooked or misunderstood, and must include all documentation offered to support the request for a rehearing. The city council will decide whether to grant or deny the request for a rehearing based exclusively upon the aggrieved person's written request and supporting documentation and the administrator's written analysis thereof. In addition, if the request is made by one other than the original applicant, the city must notify the applicant of the filing of the request for a rehearing and the applicant must be allowed to submit his independent written analysis. The deliberations of the city council with respect to the question of whether to grant a rehearing do not

constitute a public hearing, and no oral testimony will be allowed or considered by the city council in the course of these deliberations. An aggrieved person need not request a rehearing in order to exhaust his administrative remedies as a condition precedent to filing an appeal to the circuit court.

- (c) Judicial review. The proper filing of a petition for rehearing will toll the 30-day time limit set forth for judicial review of final decisions in section 4-3455. If a rehearing request is refused, or if the request is granted but modification or rescission of the original motion of the city council is denied, any aggrieved person may, within 30 calendar days after such refusal or denial, apply for judicial review of the original motion in accordance with section 4-3455. No judicial review is available to review the city council decision to refuse a rehearing request.
- (d) There is no right to apply to court for relief on account of any determination or recommendation of the zoning board in those actions listed in section 4-532(b)(1) which require public hearing before the city council.

Sec. 5-3. Definitions.

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

Archaeological site means an individual historic resource recognized for its prehistoric or historic artifacts and features.

Archaeologist means a person who is qualified under the professional standards of the Florida Archaeological Council or the Society of Professional Archaeologists to conduct archaeological surveys, assessments or excavations, or is recognized as qualified to perform those tasks by the city.

Area of archaeological sensitivity means an area identified in the survey entitled "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida" (Piper Archaeological Research, Inc., 1987), as known or being likely to yield information on the history and prehistory of the county based on prehistoric settlement patterns and existing topographical features. Areas of archaeological sensitivity are divided into the following categories:

- (1) *Sensitivity Level 1.* Those areas containing known archaeological sites that are considered to be significant or potentially significant historic resources. These areas include sites listed on the National Register of Historic Places and those considered eligible or potentially eligible for listing on the National Register of Historic Places or local historic resource designation.
- (2) *Sensitivity Level 2.* Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons or property of any kind, excluding animal cages.

Building official means the officer charged with the administration and enforcement of the city construction code as set out in chapter 10 of the general laws.

Certificate of appropriateness means a written authorization by the historic preservation board or city staff to the owners of a designated property or any building, structure or site within a designated historic district, allowing a proposed alteration, relocation, or the demolition of a building, structure or site. Certificates of appropriateness are divided into the following two classes:

- (1) *Regular certificate of appropriateness* means a certificate of appropriateness issued by the city staff allowing activities which require the issuance of a building permit but which are classified as ordinary maintenance and repair under the provisions of this chapter and the criteria listed in the U.S. Secretary of the Interior's Standard for Rehabilitation, 36 CFR 67.

- (2) *Special certificate of appropriateness* means a certificate of appropriateness issued directly by the historic preservation board and required for any proposed work that will result in the alteration, demolition, relocation, reconstruction, new construction or excavation of a designated historic resource, based upon the criteria listed in the U.S. Secretary of the Interior's Standard for Rehabilitation, 36 CFR 67.

Certificate to dig means a certificate issued by the city staff or the historic preservation board, authorizing certain clearing, digging, archaeological investigation or archaeological development projects that may involve the exploration of documented or suspected archaeological sites in areas of archaeological sensitivity level 1 or 2.

Certified local government means a designated local government meeting the requirements of the National Historic Preservation Act of 1966, as amended, 454 USC 300101, which extends some aspects of the federal and state responsibilities for historic preservation to qualified local governments. Under the program, local governments are certified to review and make recommendations to the Florida National Register Review Board concerning nominations to the National Register of Historic Places of properties located within the confines of their local jurisdictions.

Contributing property means any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a historic resource.

Demolition means the complete removal of a building or structure, or portions thereof, from a site.

Demolition by neglect means the willful abandonment of a building or structure by the owner resulting in such a state of deterioration that its self-destruction is inevitable or where demolition of the building or structure to remove a health and safety hazard is a likely result.

Demolition delay means the six-month waiting period set forth in section 5-85(c) applicable to designated historic resources or contributing properties, as well as the waiting period of time after the filing of an application for a permit to demolish a recognized historic resource, as defined herein, during which the historic preservation board may pursue alternatives to demolition and/or to assemble and document information with the property owner or owners of the recognized historic resource pertaining to the appearance and history of the building or structure prior to a permit for its demolition being issued, as set forth in section 5-88.

Designation certificate means a certificate issued by the historic preservation board declaring a building, structure, site or district to be a historic resource.

Designation report means a written document indicating the basis for the findings of the historic preservation board concerning the proposed designation of a historic resource pursuant to this chapter.

Exterior means all outside surfaces of a building or structure visible from a public right-of-way or the street easement of the building or structure.

Florida Master Site File means the central inventory of historic properties established and maintained for the state, consisting of such properties reported to and recorded with the division of historical resources, pursuant to F.S. § 267.031(5)(m), as may be amended, renumbered or replaced.

Historic district means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as a historic district, an area may contain both contributing and noncontributing properties.

Historic preservation board or board means a board of citizens appointed by the city council to administer the provisions of this chapter.

Historic resource means any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. Historic resources may include, but are not

limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the city, county, the state or the United States.

Historic resource database means the compilation of data gathered on historical and archaeological sites in the city, based on the findings of the Florida Master Site File and the surveys entitled "An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida" (1987), "Historic Resources Survey of Bonita Springs, Final Report" (also known as "The Janus Report") (October, 2004), and any subsequent historic or archaeological survey.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 54 USC 300101, as such act may be amended, renumbered or replaced, and its implementing regulation, 36 CFR 60, "National Register of Historic Places," as such regulations may be amended, renumbered or replaced.

Noncontributing property means any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and therefore no longer possesses historic integrity, or was not present during the period of historic significance or is incapable of yielding important information about that period.

Ordinary maintenance and repairs means work done to prevent deterioration, decay or damage to a building or structure, or any part thereof, by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner means those individuals, partnerships, corporations or public agencies holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements or less than a fee simple interest (including leaseholds) in real property.

Recognized historic resource means any building or structure not presently designated as a historic resource or as a contributing property, which has a Florida Master Site File record, and/or is 50 years of age or older, and has been recognized by the historic preservation board as possessing substantial historic significance and value, based upon the criteria for historic designation of a building or structure as set forth in section 5-176 of this chapter, as it may be amended from time to time. The historic preservation board shall keep and maintain, and make available to the public, a listing of such recognized historic resources, which listing may be amended from time to time. A copy of such list shall be filed with the city clerk's office.

Staff means the city staff persons, including persons within the community development department, designated by the city manager to serve as staff for the historic preservation board and to administer the provisions of this chapter in cooperation with the building official and the zoning director.

Structure means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

Undue economic hardship means an onerous and excessive financial burden that would be placed upon a property owner by the failure to issue a special certificate of appropriateness for demolition, or arising from a demolition delay, thereby amounting to the taking of the owner's property without just compensation.

Zoning director means the director of the zoning and development review division, or his successor or designee as the person responsible for administering the provisions of chapter 4.

Sec. 5-30. Appeals.

- (a) Any owner of a building, structure or site affected by the operation of this chapter may appeal a decision of the historic preservation board by filing a written notice of appeal within 15 days of the date the written decision of the historic preservation board was rendered. The notice of appeal shall be filed in accordance with the Bonita Springs Land Development Code ("LDC"), section 4-83 and a copy provided to the historic

preservation board, which shall state the decision being appealed, the grounds for the appeal and a summary of the relief sought.

- (b) Appeals shall otherwise be pursued using the procedure set forth in section 4-532, pertaining to appeals from administrative matters.
- (c) Except as may be required by F.S. § 163.3215, and then only pursuant to that statute, a third party shall not have standing to appeal a decision rendered under the provisions of this chapter.

Sec. 5-50. Membership; compensation of members; removal of members.

- (a) The historic preservation board shall consist of the seven members appointed by the city council, ~~at least five of whom shall be residents of the city. The remaining members need not be residents of the city. Appointments of all of the members of the historic preservation board shall be made on the basis of a potential member's civic pride, involvement in community issues, integrity, experience and interest in the field of historic preservation.~~ If possible, one member of the historic preservation board shall be an architect registered to practice in the state. The city council shall strive to appoint one member of the historic preservation board from each of the following categories:

- (1) History or archaeology.
- (2) Real estate land development or finance.
- (3) Law or urban planning.
- (4) Engineering, architecture, building construction or landscape architecture.
- (5) In the event a matter requires evaluation by a profession not represented on the historic preservation board, such board may seek out such expertise.

~~All members of the historic preservation board must comply with the financial disclosure laws of the state.~~

- ~~(b) Members shall serve overlapping terms of three years. Initially, two members shall be appointed to one-year terms, two members shall be appointed to two-year terms, and three members shall be appointed to full three-year terms. After the initial appointments, all appointments shall be made for three years. A member of the historic preservation board shall be eligible for reappointment. Members of the historic preservation board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the city council. Prior to the expiration of his term, a member of the historic preservation board may be removed from office only by a majority vote of the entire membership of the city council. If, however, a member of the historic preservation board fails to attend three consecutive meetings, or four meetings in any one calendar year, the chairman shall certify such fact to the city council. Upon such certification, that member shall be deemed to have been removed from the historic preservation board and the city council shall fill the vacancy, within 60 days, by appointment in accordance with its administrative code for advisory boards.~~

Sec. 5-51. Organization; meetings.

~~The mayor shall appoint the chair and the historic preservation board shall elect a vice chair from among its membership. The chair shall preside at all meetings and shall have the right to vote. The vice chair shall preside in the absence of the chair. The city shall provide adequate staff to allow the historic preservation board to perform its duties. Staff shall consist of at least one historic preservation planner, and one clerical person, who shall be responsible for recording and transcribing the minutes of all meetings of the historic preservation board. The city attorney shall be present at all historic preservation board meetings to represent the city, except that such presence shall not be necessary when the historic preservation board is discussing matters that would not impact individual property rights. All meetings of the historic preservation board shall be open to the public. A public record of the minutes and resolutions of the historic preservation board shall be maintained and made available for inspection by the public. The historic preservation board shall meet at least once per month, at a date and time to be decided by the historic preservation board, unless there is no business pending before the historic~~

preservation board. Meetings shall be announced publicly, and the agenda for each meeting shall be previously published. Decisions of the historic preservation board shall be delivered in a public forum. All rules of procedure for the historic preservation board shall be available for inspection by the public. Regardless of the lack of pending business, the historic preservation board shall meet at least four times during any calendar year.

Sec. 5-84. Special certificate of appropriateness.

- (a) *Required.* A special certificate of appropriateness shall be issued by the historic preservation board prior to initiation of any work involving alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original appearance of a designated historic resource or a contributing property within a designated historic district. A special certificate of appropriateness is also required prior to any new construction, reconstruction or alteration of a noncontributing property within a designated historic district. A special certificate of appropriateness may also be issued to reverse or modify a staff decision regarding an application for a regular certificate of appropriateness or a conditional certificate to dig.
- (b) *Application.* An applicant for a special certificate of appropriateness shall submit an application to the community development department, accompanied by two sets of full plans and specifications, a site plan and, in the case of sites involving buildings or structures, samples of materials as may be deemed appropriate and requested by the historic preservation board to fully describe the proposed appearance, color, texture, materials or design of the building or structure and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage or exterior lighting. The applicant shall provide adequate information to enable the historic preservation board to visualize the effect of the proposed action on the historic resource and on adjacent buildings and streetscapes within a historic district. Alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.
- (c) *Public hearing.* The historic preservation board shall hold a public hearing upon an application for a special certificate of appropriateness affecting designated historic resources or districts. Notice of the public hearing shall be given to the property owners by certified mail, return receipt requested, and to other interested parties by posting a copy of such notice at the premises, at city hall, and upon the city's website or other electronic media at least five calendar days but no sooner than 20 calendar days prior to the date of hearing.
- (d) *Action of historic preservation board.* The historic preservation board shall meet and act upon an application for a special certificate of appropriateness on or within 70 calendar days from the date the application and materials adequately describing the proposed action are received. The historic preservation board shall approve, deny or approve the special certificate of appropriateness with conditions, subject to the acceptance of the conditions by the applicant, or suspend action on the application for a period not to exceed 35 calendar days in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the application. Failure of the historic preservation board to act upon an application on or within 70 calendar days (if no additional information is required) or 105 calendar days (if additional information is required by the historic preservation board) from the date the application was received shall result in the immediate issuance of the special certificate of appropriateness applied for, without further action by the historic preservation board.
- (e) *Notice of decision.* All decisions of the historic preservation board shall be in writing and shall include findings of fact. Evidence of approval of the application shall be by the special certificate of appropriateness issued by the historic preservation board or the board's designated staff representative. Notice of a decision shall be given to the applicant and to the building official, the zoning director and any other appropriate public agency, as determined by the historic preservation board. When an application is denied, the notice of the historic preservation board shall provide an adequate written explanation of its decision to deny the application. The historic preservation board shall keep a record of its actions under this chapter. Any appeal may be pursued using the procedure set forth in section 4-532, pertaining to appeals from administrative matters.

Sec. 5-88. Waiting period for demolition of recognized historic resources.

- (a) Permits to demolish any building or structure, or any portions thereof, determined by the historic preservation board to be, and listed as, a recognized historic resource as defined by this chapter, shall not be issued until the expiration of a maximum of 90 days measured from the date of the filing of the demolition permit application with the city. The purpose of this restriction shall be to enable the historic preservation board to pursue alternatives to demolition and to assemble and document information with the property owner or owners of the recognized historic resource pertaining to the appearance and history of the building or structure prior to its demolition. Upon the filing with the city, through its community development department, of an application for a permit to demolish a recognized historic resource, or any portions thereof, notice of such filing shall immediately be given to the historic preservation board's staff liaison for an expedited hearing.
- (b) A demolition permit for a building or structure, or for any portions thereof, that has a Florida Master Site File and/or is 580 years of age or older, and has been determined by the historic preservation board to be, and listed as, a recognized historic resource, may not be issued prior to the expiration of a maximum of 90 days measured from the date of the filing of the demolition permit application with the city, unless the historic preservation board, in its opinion, determines sooner that no cause exists to further delay the issuance of such demolition permit, based upon a finding that either no alternatives to, or delays for, demolition are any longer necessary, practicable or required; or that substantial economic hardship will result to the property owner or owners by reason of any further delay in demolition; or that the building or structure has been substantially destroyed or damaged by an event not within the property owners' control with more than 50 percent of the building or structure affected.
- (c) The demolition application shall be forwarded from the city's community development department, immediately after its filing, to the historic preservation board's staff liaison for consideration. Unless waived by the property owner or owners, the property owner or owners will be notified not less than ten days after the filing of the demolition application, by certified mail, of the delay imposed, and of the date, time and place of the next regularly scheduled meeting, or special meeting called, of the historic preservation board, at which the property owner or owners shall be given an opportunity to be heard, on an expedited basis, in order to contest and/or limit such delay. If, after submission of demolition application, property owner or owners request(s) an opportunity to be heard to contest and/or limit a delay, a hearing shall take place no later than 30 days after the ten-day notification has been provided by certified mail.
- (d) At the next regularly scheduled meeting, or special meeting called, of the historic preservation board the property owner or owners may request that the historic preservation board waive or limit the demolition delay and determine that no cause exists to further withhold the issuance of such demolition permit, based upon a finding that either no alternatives to, or delays for, demolition are any longer necessary, practicable or required; or that undue economic hardship will result to the property owner or owners by reason of any further delay in demolition; or that the building or structure has been substantially destroyed or damaged by an event not within the property owners' control with more than 50 percent of the building or structure affected.
- (e) In the event that undue economic hardship due to the effect of the demolition delay is claimed by a property owner or owners, the historic preservation board may give consideration to the economic impact of the delay upon the property owner or owners and the reasonableness of the property owner or owners carrying out the decision of the board. In doing so, the historic preservation board may require from the property owner or owners to demonstrate undue economic hardship, and may require that such property owner or owners provide sufficient information before it makes a decision on the application, as long as such information is relevant for the historic preservation board to decide whether an undue economic hardship exists.
- (f) In the event that undue economic hardship due to the effect of the demolition delay is claimed by a property owner or owners of income-producing property, the historic preservation board may also require any other

information considered necessary by the historic preservation board to a determination as to whether the property does yield or may yield a reasonable return to the owner or owners.

- (g) For the purpose of making available to owners of property for which a demolition waiting period has been invoked pursuant to this section, the historic preservation board shall maintain a list of qualified interested parties, such as Florida licensed contractors, as defined in F.S. § 489.105(3), and possessing an appropriate division 1 contractors license or a local certificate of competency for demolition contracting issued by Lee County, and preservationists specializing in relocation and salvage of historic structures.
- (h) If an undue economic hardship is claimed by the property owner or owners as a result of the demolition delay, the historic preservation board shall have the power to modify adherence to its original decision. Any modification of a prior order shall be based upon sufficient evidence submitted by the owner and a subsequent finding by the historic preservation board that retention of the building or structure would deny the owner of all economically viable use of the property, thus creating an undue economic hardship.
- (i) If an undue economic hardship is claimed by the property owner or owners as a result of the demolition delay, the historic preservation board shall have the power to modify adherence to its original decision. Any modification of a prior order shall be based upon sufficient evidence submitted by the owner and a subsequent finding by the historic preservation board that retention of the building or structure would deny the owner of all economically viable use of the property, thus creating an undue economic hardship.
- (j) Any decision of the historic preservation board in requiring a demolition delay may be appealed to the city council by filing a written request within 15 days after the decision has been made. In reviewing such an appeal, city council shall consider the information submitted for the historic preservation board to base their decision, the facts presented, and any new information that could have affected the decision. Prior to filing any claims under the Bert J. Harris, Jr., Private Property Rights Protection Act, a property owner or owners must apply for an exemption to consider having exhausted his, hers or their administrative remedies under this section before a cause of action or "action of a governmental entity" will accrue or be deemed ripe. Such exhaustion shall not include a filing for an appeal or a petition for writ of certiorari in circuit court.

Sec. 3-417. Open space.

- (a) *Open space calculations.* All development must contain the minimum percentage of open space as outlined in the following table below:

Open Space Requirement

Type of Development	Required Open Space as a % of Development Area
Residential, non-planned development: Type of dwelling units as defined in chapter 9 located in conventional zoning districts	
Single-family residence	Open space/pervious standards. See chapter 4.
Duplex on a single lot with a minimum lot size of 7,500 sq. ft.	None
Two-family attached each on an individual lot with a minimum lot size of 3,750 sq. ft. per unit	None
All other residential other than planned developments	35%
Residential planned development	40%
Industrial	10%
Other: All other uses including, but not limited to commercial, places of worship, recreational vehicle parks, community facilities, schools (excluding Lee County School District), etc.	20%

- (b) *Indigenous native vegetation.*

- (1) Preservation.
 - a. Large developments, with existing indigenous native vegetation, must provide 50 percent of their open space percentage requirement through the on-site preservation of existing indigenous native vegetation. Refer to section 3-523. A minimum setback of 30 feet is required from any habitable structure.
 - b. If the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be met through the on-site preservation of existing native trees consistent with subsections (b)(1)b.1 through 4 of this section. Refer to Appendix A of this chapter.
 1. Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g., fill) may limit the ability to retain some individual trees, and in that case the city will allow the removal of those trees.
 2. Sabal palms may be relocated in a horticulturally correct manner and clustered within open space areas.
 3. Native trees (four-inch caliper dbh or greater) may be relocated to open space areas when proper horticultural methods (e.g., root pruning; use of anti-transpirants) are utilized to ensure the survivability of the trees.
 4. Effort must be made to preserve heritage trees (indigenous trees or palms with a 20-inch or greater caliper dbh). If a heritage tree must be removed from a site, then an approved replacement species with a minimum 20-foot height and 4-inch or greater caliper dbh must be planted within an appropriate open space area.
- (2) ~~Tree advisory board~~ Planning and Zoning Board review.
 - a. ~~The tree advisory board~~ may make recommendations to applicants and staff, concurrent with the zoning process and prior to the issuance of the development order, who may suggest modifications to the master concept plan. ~~The tree advisory board's~~ final recommendation may not take longer than 60 days from the date the matter is placed on their agenda, unless agreed to by the applicant.
 - b. If the review is required as a zoning condition prior to the issuance of the development order, staff may approve administrative deviations to the parking plan or site layout upon input from the ~~tree advisory board~~. Alternatively, if the staff believes the deviation exceeds the staff's designated authority, the staff may request the ~~city council's~~ concurrence that an administrative deviation is the best practice to promote the preservation of a heritage tree. ~~Any request for city council concurrence will be considered at a regular city council meeting, with regular notice of the agenda (no special advertisement or public notice to parties of record).~~ If ~~city council~~ determines the deviation warrants a public hearing resulting from changes in the parking plan or site layout, the applicant shall file for an amendment to their planned development through chapter 4.
- (3) Salvaging existing native plants.
 - a. Open space areas must be designed to incorporate as many of the existing large native trees and sabal palms as possible.
 - b. Native trees and sabal palms. Healthy native trees and sabal palms with a caliper of four inches or greater at 4½ feet above the ground (dbh) may be relocated onsite for credit toward code required landscaping when the trees have been properly prepared for relocation through root pruning or other horticulturally correct methods approved by the city manager or designee.
- (4) Credits.

- a. As an incentive to preserve indigenous native upland plant communities in large tracts, a scaled open space credit for single preserve areas will be granted as follows:

Indigenous Vegetation Credit

Credit provided	Minimum size	Minimum width
110%	½ acre	50 feet
125%	1 acre	100 feet
150%	3 acres	200 feet

- b. An additional, maximum ten percent credit will be granted if any of the following vegetation areas are included:
1. Rare and unique uplands as defined by the city comprehensive plan.
 2. Connection to offsite public or private environmental conservation or preserve areas.
 3. Upland buffers to natural waterbodies
- (5) Consistent with the provisions of section 3-81, the city manager or designee may permit administrative deviations to reduce the minimum 50 percent indigenous native vegetation requirement within this subsection to a lower percentage, if the applicant demonstrates that the proposed landscape plan will result in a better overall product than what would have been produced under these standards. Existing approved indigenous preserve areas within planned developments are not eligible for administrative deviations. The administrative deviation request must include the unique conditions or circumstances that make the property unusable and unreasonably burdensome. The applicant must provide details of other actions that will be taken to offset the reduction. Offsets to this requirement can only be made through enhancements to the landscape material being planted according to the landscape plan.
- (6) Setbacks.
- a. A minimum 30-foot setback from all preserve (wildland) areas is required for buildings and accessory structures for the purposes of fire protection. Buildings and accessory structures located closer than 30 feet from a preserve (wildland) area shall require special mitigation measures as determined by the Bonita Springs Fire Control and Rescue District, in accordance with the National Fire Protection Association ("NFPA"), Standard 1144, "Standard for Protection of Life and Property from Wildfire."
- (c) *Minimum dimensions.*
- (1) The minimum average width of open space areas must be five feet in commercial areas and ten feet in all other areas.
 - (2) The minimum area of open space must be 180 square feet.
 - (3) Indigenous open space areas must have a minimum average width of 20 feet and minimum area of 400 square feet.
- (d) *Use of open space.*
- (1) Open space areas must be landscaped in accordance with this division.
 - (2) The following uses may contribute to the open space requirements; provided the minimum dimensions are met:
 - a. Buffers and landscaped areas in off-street parking areas, except for areas reserved for future parking spaces pursuant to section 4-1729(d).
 - b. Dry detention areas.

- c. Existing or proposed bodies of water, including stormwater management areas, and areas subject to saltwater inundation, which may be used to offset up to a maximum of 25 percent of the required open space area.
 - d. Active and passive recreation areas such as playgrounds, golf courses, beach frontage, native trails, bikeways, pedestrian ways, tennis courts, swimming pools, and other similar open spaces, as long as not more than 20 percent of the recreational area credited as open space consists of impervious surface.
 - e. Outdoor active and passive public use areas such as plazas, atriums, courtyards, and other similar public spaces may be used to offset up to a maximum of 20 percent of the required open space.
 - f. Archaeological sites or zones that are designated as significant historic resources pursuant to chapter 5 may also be used in open space calculations.
- (e) *Indigenous preserve management plan.* A long-term management plan must be submitted that details land management activities to be taken to ecologically manage the indigenous preservation area. This document must be recorded on the deed to ensure future property owners associations, and future owners or assigns are provided clear notice of these long-term land management requirements and commitments. The management plan must provide details of maintaining the biological health of the system. The management plan must include, but is not limited to: native plant maintenance, exotic pest plant control, protected species habitat maintenance, schedule of maintenance activities and allowable uses, and wildfire risk mitigation (which will take into account the flammability of such vegetation). The requirements for this plan are outlined below:
- (1) *Introduction.*
 - a. Plan must be prepared by an environmental consultant, section 3-79.
 - b. Plan shall state the names of the individuals that prepared the plan, designate a preserve manager and provide contact information.
 - c. Plan shall state the STRAP number of the parcel preserved.
 - d. Plan shall include a map of the preserve area at a legible scale.
 - e. Plan shall state the development order or permit number.
 - f. Plan shall state if other state or federal agencies require maintenance of the preserve area and this plan shall be compatible with any other plans.
 - g. Plan does not necessarily have to follow this format but must address all the items in this outline.
 - h. Plan shall describe the communities or habitats including the FLUCFCS codes.
 - i. Plan shall state the goal or future of the preserve, i.e., preserving gopher tortoise habitat, preserving wetland storage functions, preserving heritage trees, etc.
 - j. The plan shall state that the conditions and recommendations of the indigenous preserve management plan are required, except for subsection (e)(4) of this section (exotic animal management), and subsection (e)(8) of this section. (Recommendations for corrective measures or future activities that are clearly above the core requirements of this management plan.)
 - (2) *Method and frequency of native vegetation management.*
 - a. What time of year will maintenance be performed, spring, summer, etc.
 - b. Frequency of maintenance, monthly, yearly, etc.
 - c. Method of maintenance activity, herbicide, trimming, burning, raking, etc.
 - d. Describe the details of maintenance activity, i.e., what chemicals used, tracer dyes, will vegetation be removed from site, how much raking will occur, etc.

- e. Vacant and disturbed areas within preserves shall be planted and restored. Plantings and spacing shall be approved as part of the preserve area management plan.
- (3) *Method and frequency of exotic vegetation management.*
- a. What time of year will maintenance be performed, spring, summer, etc.
- b. Frequency of maintenance, monthly, yearly, etc.
- c. Specify that all Category I and Category II exotic plants, according to the exotic pest plant council, shall be removed and maintained at a level of five percent or less coverage in perpetuity.
 - d. Method of maintenance activity, herbicide, trimming, burning, raking, etc.
 - e. Describe the details of maintenance activity, i.e., what chemicals used, tracer dyes, will vegetation be removed from site, how much raking will occur, etc.
- (4) *Method of exotic animal management.*
- a. Plan shall state the threats from exotic animals, feral cats and dogs, iguanas, pythons, etc.
 - b. Plan shall state any methods used to dissuade or control exotic animals, signage notifying residents to keep pets on leashes, surveys for exotic animal infestation, or physical removal of exotic animals, etc.
- Note: Exotic animal management is not mandated but is recommended for the health of the system.
- (5) *Wildland fire hazard mitigation plan.*
- a. Incorporate the wildland fire hazard mitigation plan into the indigenous preserve management plan.
 - b. State the criteria used to maintain the preserve for fire hazards, raking of mulch every two to three years, trimming palmettos every two to three years, frequency of burns, removing dead vegetation, etc.
- (6) *Protected species management plan conditions (if applicable).*
- a. Aerial map with a scale of one inch equals 200 feet or the same scale of the DO with FLUCFCS codes.
 - b. Habitat descriptions for the FLUCFCS codes present.
 - c. Location of individuals, nest sites, burrows, etc., as appropriate.
 - d. Areas to be preserved and managed for protected species management.
 - e. List any specific management activities, annual surveys, monitoring, plantings, etc.
 - f. Plan shall state if other state or federal agencies require maintenance of the preserve area and this plan shall be compatible with any other plans.
- (7) *Activities allowed or disallowed in preserve areas.*
- a. List any activities allowed in preserve areas, boardwalks, mulched paths, chickee huts, etc.
 - b. List any activities not allowed in preserve areas.
- (8) *Monitoring reports.*
- a. Perform a baseline monitoring report.
 - b. Document initial conditions including photos.
 - c. Document the status of the restoration activities and any progress or decline.
 - d. Document the death or decline or increase of preserve vegetation.

- e. Document any protected species activities or observations.
- f. Provide professional observations and a summary of the overall health of the preserve.
- g. Provide recommendations for corrective measures and/or future activities.
- h. Monitoring reports are required for a period of five consecutive years from the issue date of the development order and shall be submitted to the city community development.