

**AGENDA ITEM SUMMARY**

**REQUESTED MOTION:**

Continued second reading and public hearing of the following Ordinance:

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); AMENDING SECTION 6-112 TO AMEND THE REGULATIONS REGARDING PERMANENT ON-SITE SIGNS FOR SCHOOLS, CHURCHES, DAY CARE CENTERS, PARKS, RECREATIONAL FACILITIES, LIBRARIES AND OTHER SIMILAR USES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

Staff recommends not going forward with the ordinance.

**MEETING DATE:** November 18, 2015 (Continued from October 21, 2015)

AGENDA:	REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
<input type="checkbox"/> PRESENTATIONS	<input type="checkbox"/> STATUTE	Mike Fiigon, Planner Community Development And Alex Boswell-Ebersole, Assistant City Attorney
<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> ORDINANCE 6-112(3)	
<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> ADMIN. CODE	
<input type="checkbox"/> APPEALS	<input type="checkbox"/> OTHER	
<input type="checkbox"/> MAYOR AND COUNCIL MEMBER'S REPORTS		
<input type="checkbox"/> CITY ATTORNEY		
<input type="checkbox"/> CITY MANAGER		

**BACKGROUND:**

The objective of this ordinance was to amend LDC §6-112(3), to increase the allowed maximum sign area and maximum height and width of the ground-mounted identification signs for schools, churches, day care centers, parks, recreational facilities, libraries and any other similar uses in residential areas. Staff had asked for a continuance to address concerns Council raised at the first reading of this proposed ordinance as well as concerns that a recent U.S. Supreme Court ruling, *Reed v. Gilbert*, since there arguably could be the potential for the proposed ordinance to improperly regulate certain content and/or to cause unintended consequences in residential areas. As a result, staff recommends withdrawing the ordinance at this time, and at a later date, present Council with a content neutral sign code re-write.

Attachment: Draft Ordinance

**IS THIS RELATED TO A STRATEGIC PLAN OBJECTIVE? YES X NO**

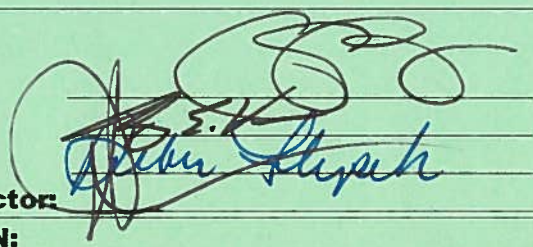
**IF YES, WHICH STRATEGIC OBJECTIVE?**

**STAFF RECOMMENDATIONS:**

Not to adopt the sign code amendment, but allow staff to present at a later date a content neutral sign code re-write.

**REVIEWED BY:**

**City Manager:** \_\_\_\_\_  
**City Attorney:** \_\_\_\_\_  
**City Clerk:** \_\_\_\_\_  
**Department Director:** \_\_\_\_\_



**COUNCIL ACTION:**

- APPROVED**
- DENIED**
- DEFERRED**
- OTHER**

**CITY OF BONITA SPRINGS, FLORIDA**

**ORDINANCE NO. 15-\_\_**

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6 (SIGNS); AMENDING SECTION 6-112 TO AMEND THE REGULATIONS REGARDING PERMANENT ON-SITE SIGNS FOR SCHOOLS, CHURCHES, DAY CARE CENTERS, PARKS, RECREATIONAL FACILITIES, LIBRARIES AND OTHER SIMILAR USES; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, the Bonita Springs City Council is authorized to regulate the growth and development of the City pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Bonita Springs City Council encourages signs that help to visually organize the city, lend order and meaning to business identification, and make it easier to locate and identify destinations; and

WHEREAS, in being consistent with sound planning principles, City staff recommended revising Section 6-112 of the Land Development Code to achieve greater proportionality of certain sign sizes with the lot sizes on which the signs are located, and to achieve general compatibility with surrounding uses and lot size; and

WHEREAS, the goal of this ordinance is to promote the proportionality and compatibility of signs with lot sizes and land uses, and to protect the health, safety and general welfare of the citizens of Bonita Springs.

**THE CITY OF BONITA SPRINGS HEREBY ORDAINS:**

**SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 6**

Sections 6-112 of the Land Development Code, Division 2. – On-Site Signs, is hereby amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

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

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

- (1) Definition. For purposes of this section, the term "subdivision" includes mobile home and recreational vehicle developments, condominiums and multiple-family buildings containing five or more dwelling units.
- (2) Residential development identification signs.

**DRAFT FOR DISCUSSION PURPOSES** Page 1 of 5

**DATE PREPARED: October 1, 2015**

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- a. Entrance signs. Permanent wall- or ground-mounted signs for identification purposes only, giving only the name of the subdivision or residential development, may be permitted at each main entrance into such subdivision or development, subject to the following regulations:
  - 1. Subdivision or residential development entrances which contain a boulevard entrance (i.e., a median strip separating the entrance and exit lanes) may be permitted:
    - (i) A single ground-mounted sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
    - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
  - 2. Subdivision or residential development entrances which are not boulevards may be permitted:
    - (i) One double-faced sign facing perpendicular to the public road; or
    - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
- b. Additional identification signs. One additional permanent wall- or ground-mounted sign for identification purposes only, and giving only the name of the subdivision or residential development, may be permitted along each boundary line of the development which exceeds 2,000 feet in length.
- c. Internal subdivision signs. Permanent wall- or ground-mounted signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:
  - 1. Subdivision entrances which contain a boulevard entrance (i.e., a median strip separating the entrance and exit lanes) may be permitted:
    - (i) A single ground-mounted sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
    - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
  - 2. Subdivision entrances which are not boulevards may be permitted:
    - (i) One double-faced sign facing perpendicular to the public road; or
    - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
- d. Limitations.



1. The subdivision's homeowners' association or similar entity must agree in writing to be responsible for maintenance of the sign.
  2. The face of each permitted main entrance identification sign shall not exceed 32 square feet, except that, in developments of more than 25 units, the face may be up to 105 square feet in area. The sign shall be not more than ten feet in height.
  3. The face of each permitted internal identification sign shall not exceed 32 square feet in area, and the sign shall not be more than eight feet in height.
  4. Except when permitted in the entrance median strip, the sign shall be located on private or commonly owned property and shall be set back a minimum of 15 feet from the edge of the public right-of-way and at least 15 feet from the edge of the entranceway pavement, if a private street.
  5. The sign may be illuminated with a steady light so shielded as to not allow the light to interfere with vehicular traffic.
  6. The sign may incorporate or be incorporated into accessory entrance structural features such as a project wall or landscaping.
- (3) Schools, churches, day care centers, parks, recreational facilities and libraries. A school, church, day care center, park, recreational facility, library or any other similar use permitted by right or by special exception in accordance with the city zoning regulations set out in chapter 4 shall be permitted one ground-mounted or wall-mounted identification sign and one directory sign, subject to the following limitations:
- a. Maximum sign area shall be 32 square feet per sign face for both identification and directory signs.
  - b. Signs shall be located at least 15 feet from any property line or road right-of-way easement.
  - c. No sign shall exceed six feet in height.
  - d. Notwithstanding the above, if the property is located on a collector road (or above) containing more than 400 linear feet of frontage abutting the collector road, the maximum sign area for the identification sign shall be 96 square feet; and any such sign shall not exceed 8 feet in height and 12 feet in width.
  - e. Copy area for all freestanding identification signs shall not exceed 75% of the total sign area. Twenty-five percent of the sign area shall include architectural features. The total size of the sign may be increased up to an additional 10% provided that all of the proposed increase is devoted to additional architectural features.
  - f. Within the Bonita Beach Road Corridor, identification signs are limited to eight feet in height, as measured from the centerline of the road.

(4) On-site directional signs.

- a. Permitted signs. Permanent wall- or ground-mounted signs, for directional purposes only, may be permitted within any residential development which consists of several distinctly separate subdivisions, clusters or other subunits of development.
- b. Location. On-site directional signs may be permitted within any such residential development along any interior collector street at intersections with other interior streets.
- c. Limitations.
  1. The development shall have a homeowners' association or similar entity which will be responsible for maintenance of the sign.
  2. The face of each permitted directional sign shall not exceed ten square feet in area.
  3. Maximum permitted height shall be six feet.
  4. Signs shall be set back a minimum of 15 feet from the edge of the street right-of-way or easement.
  5. The signs may be illuminated.

(Ord. No. 12-07, § 2(6-152), 7-18-2012)

**SECTION TWO: CONFLICTS**

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statutes, the most restrictive requirements shall apply.

**SECTION THREE: SEVERABILITY**

If any part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reasons, such part, section, subsection, or other portion of the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision application.

**SECTION FOUR: CODIFICATION, INCLUSION IN CODE & SCRIVENER'S ERRORS**

**DRAFT FOR DISCUSSION PURPOSES** Page 4 of 5

**DATE PREPARED: October 1, 2015**

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It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs City Code; and 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 regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need or public hearing, by filing a corrected or recodified copy of same with the City Clerk.

**SECTION FIVE: EFFECTIVE DATE**

The effective date of this ordinance shall be thirty (30) days from its adoption date.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this \_\_\_ day of \_\_\_\_\_, 2015.

**AUTHENTICATION:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney's Office

**Vote:**

Nelson	Simmons
McIntosh	Gibson
Martin	Lonkart
Slachta	

Date filed with City Clerk: \_\_\_\_\_