

REQUESTED MOTION: (Second Reading) AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2 – ADMINISTRATION, CHAPTER 3-DEVELOPMENT STANDARDS, CHAPTER 4 – ZONING, AND CHAPTER 6 – SIGNS, TO SUPPORT COMMUNITY DEVELOPMENT ENGINEERS DURING LOCAL DEVELOPMENT ORDER AND DRAINAGE REVIEWS AND TO AMEND STANDARDS FOR SIGNAGE IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREAS, PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

REQUESTOR: Jacqueline Genson, AICP

AGENDA: Second reading and public hearing of an ordinance

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

BACKGROUND:

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

Chapter 2- Administration

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

Chapter 3-Development Standards

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

Chapter 4-Zoning

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

Chapter 6-Signs:

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

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

STAFF RECOMMENDATION: Approve the ordinance

ATTACHMENTS:

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

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 21 – ____

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 2 – ADMINISTRATION, CHAPTER 3-DEVELOPMENT STANDARDS, CHAPTER 4 – ZONING, AND CHAPTER 6 – SIGNS, TO SUPPORT COMMUNITY DEVELOPMENT ENGINEERS DURING LOCAL DEVELOPMENT ORDER AND DRAINAGE REVIEWS AND TO AMEND STANDARDS FOR SIGNAGE IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL AREAS, PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

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

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

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

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

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

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapters 2, 3, 4, and 6 of the City’s Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **SEVERABILITY**

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

Section 4. **CONFLICTS OF LAW**

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

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

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

Section 6. **EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this _____ day of _____, 2021.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: _____
City Clerk

By: _____
Mayor

Reviewed for legal sufficiency:

By: _____
City Attorney

Vote:

Carr
Purdon
Forbes
Corrie

Gibson
Quaremba
Steinmeyer

Date filed with City Clerk: _____

EXHIBIT A

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

Editor's note-This fee schedule has been removed from the Land Development Code and will be adopted by resolution.

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

COMMUNITY DEVELOPMENT FEE SCHEDULE

Effective November 1, 2017

Cost Recovery Deposit

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

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

⁽⁴⁾Excludes statutory or legislative amendments

COMMUNITY DEVELOPMENT FEE SCHEDULE

Effective November 1, 2017

Comprehensive Planning and Land Use	
<i>Comprehensive Planning</i>	
Administrative Map Determination	\$500.00/each
Administrative Text Determination	\$500.00/each
Map Amendments	\$8,000.00 + \$20.00/district
Text Amendment	\$3,000.00

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Small Scale Amendment (10 or more acres)	\$2,500.00
<i>Comprehensive Plan Documents</i>	
Future Land Use Map	\$15.00
City of Bonita Springs Plan Codification	\$35.00
<i>Planning Determination Appeals</i>	
Planning Determination Appeals	\$700.00
Zoning	
<i>Developments of Regional Impact</i>	
Abandonment	\$2,000.00
DRI/AMDA Base Fee	\$10,000.00
DRI/Area Master Plan Base Fee	\$8,500.00
DRI/Florida Quality Development Base Fee (DRI fees in addition to rezoning fee)	\$10,000.00
Notice of Proposed Change	\$5,000.00
DRI/PD Ordinance Review	\$3,000.00
Substantial Deviation Determination/Changes	\$7,500.00
DRI Time Extension (Non-Substantial Deviation)	\$1,000.00
Essentially Built-Out Process	\$2,500.00
<i>Land Development Code Amendments</i>	
Land Development Code Text Amendment	\$3,000.00
<i>Planned Developments</i>	
Industrial Planned Development/Excavation	\$10,000.00 + \$60.00/acre*
Major PD Base Fee	\$10,000.00 + \$60.00/acre*
+ Each Added District	\$1,500.00
Minor PD Base Fee	\$5,000.00 + \$60.00/acre*
+ Each Added District	\$800.00
Administrative Major Amendments and Changes (Supplement H)	\$1,750.00
Administrative Minor Amendments and Changes (Supplement H)	\$1,250.00
PD Amendments (Public Hearing)	\$5,000.00
Master Concept Plan Extensions	\$2,000.00
Master Concept Plan Recording Fee	See cost for Electronic Recording Fees
Final Plan Approval	\$1,000.00
* Minimum acreage fee is one acre, rounded off to nearest 1/10 acre if over 1 acre in size.	
<i>Rezoning and Special Exceptions</i>	
Rezoning (Conventional)	\$3,000.00
Special Exception – Accessory Apartment	\$500.00
Special Exception – Excavation	\$5,000.00 + \$60.00/acre
Special Exception – Tower	\$5,000.00
Special Exception – Consumption on Premises	\$1,500.00
Special Exception – Other	\$3,000.00
<i>Variance</i>	
Dock (Administrative)	\$500.00
Dock (Public Hearing)	\$1,500.00
Residential – First request	\$750.00
Residential – Additional requests	\$150.00
Commercial – First request	\$1,500.00

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Commercial—Additional requests	\$250.00
Sign	\$1,500.00
<i>City Council</i>	
Rehearing Request	\$265.00
New Hearing	\$350.00
Appeal	\$700.00
Continuance (Scheduled and Advertised)	Actual cost deducted from Advertising Escrow
Deferrals (Scheduled and Not Advertised)	No Charge
Withdrawal	No Charge
<i>Bonus Density</i>	
Bonus Density (options 1 and 3)	No Charge
Bonus Density (option 2)	\$2,100.00/application
<i>Administrative Actions</i>	
Setback Variance (Supplement A)	\$500.00
Commercial Lot Split (Supplement B)	\$750.00
Consumption on Premises (Supplement C)	\$500.00
Consumption on Premises – Over the Counter	\$25.00
Ordinance Interpretation (Supplement E)	\$500.00
Encroachment into an Easement (Supplement G)	\$500.00
Placement of Model Homes, Units, or Display (Supplement J)	\$500.00
Dock and Shoreline Structures (Supplement K)	\$500.00
Community Gardens (Supplement M)	\$100.00
Joint Use of Parking (Supplement N)	\$500.00
Wireless Communication Facility (Supplement O)	\$1,500.00
Bed and Breakfast (Supplement P)	\$250.00
<i>Historic District</i>	
Administrative Relief	\$500.00
Appeal to City Council	\$135.00
<i>Home Occupations</i>	
Home Occupation	\$25.00
<i>Minimum Use/Single Family Determinations*</i>	
Minimum Use/Single Family Determinations (Supplement C)	\$150.00
* No fee if MUD is applied for as part of a City of Bonita Springs building permit application.	
Appeal (Planning Determination)	\$75.00
<i>Zoning Verification Letter</i>	
Standard Review Letter	\$75.00
Full Review Letter	\$200.00 and \$25.00 per hour for staff research time over 1½ hours
<i>Temporary Uses</i>	
Temporary Sign/Banner Permit	\$25.00
Temporary Use, Carnival, Christmas Tree Sales, Circus, Construction Trailer, Fireworks, Parking Lot, and Roadside Stand	\$150.00
Temporary Use Permit w/o Tent	\$25.00
Hen Permit	\$25.00
Mobile Food Vendor	\$100.00/site
Outdoor Dog Dining	\$25.00/restaurant

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<i>Shelter Use Permit</i>	
Shelter Operational Use Permit	\$1,000.00
<i>Annexation</i>	
Annexation Petition Request	\$1,325.00
Voluntary Annexation	
<i>Zoning Building Permit Review and Inspection Fees</i>	
These fees will only be assessed when a building permit fee is not paying for the services	
Zoning Review (e.g., Virtual office location, building inspection)	\$25.00
Zoning Inspection	\$25.00
Development Services	
<i>Development Orders</i>	
Application Base Fee	\$8,000.00 + \$60.00/acre*
MDO (Mining Development Order) Base Fee	\$5,000.00 + \$60.00/acre*
Downtown District	\$1,000.00 + \$60.00/acre*
Re-submittal	\$500.00 (Second and over)
Amendment	\$1,750.00
Amendment Re-submittal	\$500.00 (Second and over)
Applicant Request/Deferral (hold) Action	\$50.00
Extension (must be requested prior to expiration date)	\$500.00
Minor Change	\$500.00
Re-inspection Fee	\$100.00
Operations Renewals (Mining)	\$3,000.00
* Minimum acreage fee is one acre, rounded off to nearest 1/10 acre if over 1 acre in size.	
Development Order Recording Fee	See cost for Electronic Recording Fees
<i>Development Orders Limited Review</i>	
Agricultural Use Excavation	\$250.00*
Limited Review (or Exemption) Amendment	\$250.00
Operations Renewals (Excavation/Mining)	\$3,000.00
Re-submittal	\$250.00
Types A, B, C, and D	\$500.00
Types E, F, and G	\$350.00
Types H and I	\$1,500.00
Type 99 (Letter of Transmittal)	\$75.00
Unity of Title	\$250.00
Limited Review Development Order Recording Fee	See cost for Electronic Recording Fees
Re-inspection Fee	\$100.00
<i>Administrative Deviations</i>	
LDC Sec. 3-81 Base Fee (Supplement I)	\$500.00
Additional Request	\$75.00
<i>Drainage Plans (Building Permit Review and Inspection Fees)</i>	
Drainage Plans Review	\$50.00
Drainage Inspection	\$50.00

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<i>Concurrency Extensions</i>	
Concurrency Renewals	\$250.00
<i>Extra Plans to be Stamped</i>	
Extra Plans to be Stamped	\$50.00
<i>Appeal to City Council</i>	
City Council Appeal	\$500.00
<i>Road Maintenance Application</i>	
Road Maintenance Application	\$645.00
<i>Plat</i>	
Base Fee (resubmittals free)	
Preliminary	\$1,000.00 + \$50.00/lot or tract
Final	\$1,000.00 + \$50.00/lot or tract
Plat (Mylar) Recording Fee	\$100.00
* Refer to the county clerk of court fee schedule for all applicable recording fees.	
<i>Vacation</i>	
Of Plat (no right-of-way)	\$600.00
Of Drainage Easement	\$600.00
Of ROW, of plat with ROW	\$1,000.00 + \$10.00/lot or tract
Of Utility Easements	\$300.00
* Refer to the county clerk of court fee schedule for all applicable recording fees.	
<i>FEMA</i>	
Letter of Map Revision – All types	\$500.00
Community Acknowledgement Form (single lot or structure)	\$50.00
Built in Compliance (a.k.a. Grandfather) Letter	
Community Acknowledgement Form (multiple lot or structure)	\$75.00/lot with a cap of \$2,000.00/subdivision within the same application
FEMA No Rise Certification Letter	\$250.00
Community Acknowledgement Letter (limited review)	\$50.00
<i>Blasting</i>	
Blasting Base Fee	\$300.00 + \$275.00/acre
Environmental Sciences	
<i>Vegetation Permits</i>	
Environmental Permit Inspection/Re-inspection	\$55.00
Vegetation Removal Permit	No Fee
Tree Removal	\$55.00 for first tree and \$55.00 for all trees after the first tree
Tree Permit After Removal	\$110.00
Tree Delegation Program	\$50.00
Agricultural Clearing	\$50.00*
Consistent with F.S. § 163.3162, upon proof by applicant, the city will not charge a fee on agricultural activity, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted by FDEP, FDACS or SFWMD as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the USDA, ACOE or EPA.	
<i>Coastal Construction Control Line (CCCL)</i>	
CCCL Non-contravene Letter	\$50.00
Miscellaneous Fees	
Color Palette Review	\$25.00
Research	\$25.00/hour

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Statutory Extensions (Res. 12-020 & 12-054)	\$200.00, unless a specific statutory exemption precludes payment. It is a separate fee for each approval type (i.e., MCP, DRI, DO, Concurrency, etc.)
Application Refunds	\$25.00 processing fee
Community Development Districts (per FL ST.)	\$15,000.00
Development Agreement	\$5,000.00 + advertising costs
Development Agreement Amendment	\$1,500.00 + advertising costs
<i>Document Copies</i>	
The prices below are for copying using City equipment, done in house. If there is extensive printing (e.g., a file or series of files that would take more than 15 minutes of staff time to print) that is sent for outside reprographics, the requestor is required to pay the actual cost of the printing. An advance deposit of 50 percent is required for any copying where the estimated miscellaneous copying fees are expected to exceed \$25.00. Failure to pay any past due miscellaneous fees above \$5.00 will require for the requestor to become current with the amount owed before the city will comply with any other public records request requiring copying or other replication services, including certification.	
Photocopies (using City equipment)	15¢ per single-sided page (or 20¢ for double-sided), and postage
24x36	\$5.00/page
USB Flash Drive	\$10.00 per USB (8 GB)
CD	\$10.00, and \$5.00 for additional copies of same information
Extensive Staff Time	BSC 536-289
<i>Maps</i>	
The costs below include the charge for labor and overhead associated with their duplication.	
Future Land Use	\$15.00
Planned Developments	\$15.00
8.5 x 11	\$3.00
8.5 x 14	\$14.00
11 x 17	\$5.00
Larger than 11x17	\$15.00
Customized	\$25.00
<i>Public Notification Fees (Planning and Zoning Applications, Res. 09-037)</i>	
Sign Posting	\$5.69/each
Mailed Notice Letters	\$1.50/each
Newspaper Block Advertisement	\$1,000.00 (escrowed – with a refund in the event actual costs do not exceed the escrowed amount and applicant responsible for any additional cost)
Continuance for Comp Plan Change	Actual cost if applicant initiated continuance to cover the costs of re-notification, if necessary)
<i>Electronic Recording Fees</i>	
Any documents that community development will record for applicants will be assessed the actual costs for recording/filing by the county clerk of courts based on their current schedule of the clerk's service charges and fees, along with the submission fee charged by Simplifile to permit the city to use the Simplifile Electronic Recording System and the fee for using a credit card. Community Development will determine which	

EXHIBIT A

documents it will permit to use the Electronic Recording System so that employee time in processing this convenience is not abused. In the event more than 15 minutes is necessary for city employees (Finance or Community Development) to process any one document, an additional charge may be assessed for this convenience at the same rate as research (\$25.00 per hour). No refunds of fees are permitted once a document is recorded.

Sec. 3-81. Deviation and variances.

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

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

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

(1) The following types of development may be processed in accordance with this division:

- (4A) Type A includes a cumulative addition or enlargement of an existing impervious area; provided that the addition or enlargement does not increase the total impervious cover area by more than 1,000 square feet and there is no increase in the rate of runoff from the project site.
- (2B) Type B includes Aany out-of-door type recreational facilities, such as swimming pools, tennis courts, tot lots and other similar facilities; provided the total cumulative additional impervious area does not exceed 8,000 square feet.

(3C) Type C includes Any one-time subdivision of land into four or less lots for single-family detached dwelling units or two-family detached dwelling units, where zoning district regulations permit such subdivision; provided, however, that:

- ai. Each lot must meet or exceed all width, depth and area requirements of the zoning district in which located;
- bii. Each lot abuts and has access to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter. Each lot abuts and has access to a road complying with the requirements of section 3-302. The maximum allowable density for a proposed lot that will abut and have access to any unpaved rock/shell road (a category D road) is 0.4 or less dwelling units per acre in accordance with section 3-302(d) and (e). Compliance with maximum density requirements of the city comprehensive plan is also required;
- ciii. No alteration of existing utility installations is involved;
- dii. No change in drainage will occur which adversely affects the surrounding properties; and
- ev. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in this chapter is required. This provision requires that a development order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road.

(4D) Type D includes Any subdivision of land for a use other than single-family detached dwelling units, two-family detached dwelling units or agricultural; provided, however, that:

- ai. Each lot must meet or exceed all requirements of the zoning district in which it is located, or the subdivision is approved by the city manager or designee under the provisions of section 4-1921(1), and the overall development complies with all other requirements of this chapter;
- bii. No development may occur on any of the lots without first obtaining a development order;
- ciii. If the parent parcel is ten acres or greater, a protected species survey may be required as specified in article III, division 8, of this chapter;
- dii. Each lot must abut and have access to a road which is maintained, or to an existing improved road right-of-way or easement meeting at least the minimum construction standards required by this chapter;
- ev. No significant alteration of existing utility installations is involved;
- fvi. No change in drainage will occur which adversely impacts the surrounding properties;
- gvii. No new road rights-of-way or road easements or upgrading of road rights-of-way or road easements to minimum standards contained in this chapter are required. This provision requires that a development order be obtained in order to establish or upgrade a road right-of-way or a road easement or to construct or upgrade a road; and
- hvi. Reasonable conditions may be attached to the approval so that any development on all of the lots will comply with all city land development regulations.

(5E) Type E includes Any single building of two dwelling units or less and any accessory improvements thereto on a single nonconforming lot as defined in chapter 4.

(6F) Type F includes Any city-initiated improvements for public water access purposes in city-owned or city-maintained rights-of-way.

(7G) Type G includes Any development for a fenced or screened enclosed storage yard as defined in chapter 4, provided that the yard consists solely of a stabilized grassed surface, a surface water management

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

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

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

(F) Type 99 Limited Development Order

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

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

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

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

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

(c) Container location requirements:

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

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

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

(a) Dumpster enclosures

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

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

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

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

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

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

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

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- iv. Final grading of a lot must:
1. Control and direct surface water runoff to ensure that surface water discharge is directed into an existing surface water management system or other offsite drainage conveyance; and
 2. Preserve or relocate existing drainage conveyances necessary to maintain preconstruction flow capacity and function.
 3. Final site grading plan features must be maintained in perpetuity by the property owner. A property owner may not alter or modify the lot grading in a manner that will prevent continued drainage of the site in accordance with the storm water drainage plan in effect at the time the certificate of occupancy or certificate of completion was issued.
- (e) Modifications that alter the drainage flow and which may cause flooding of other properties, public or private, are a violation and are hereby declared a public nuisance and are prohibited. Violations will be referred to the neighborhood services department. Corrective action requires submission of a drainage plan in accordance with this section that demonstrate no detrimental impacts on site or to adjacent properties and/or waterbodies.
- (Ord. No. 07-20, 12-5-2007; Ord. No. 11-02, § 3(4-3104), 1-19-2011; Ord. No. 19-12 , § 1(Exh. A), 12-4-2019)

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

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

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

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

c. *Internal subdivision signs.* Permanent wall or monument signs for identification purposes may be permitted at one main entrance into each internal subdivision or development, subject to the following:

1. Subdivision entrances which contain a boulevard entrance; i.e., a median strip separating the entrance and exit lanes, would be permitted:
 - (i) A single monument sign located in the median strip of the entrance, provided that it is set back a minimum of 15 feet from the intersecting rights-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.
2. Subdivision entrances which are not boulevards may be permitted:
 - (i) One double-faced sign facing perpendicular to the public road; or
 - (ii) Two single-faced signs equal in size and located on each side of the entranceway.

d. *Limitations.*

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

(4) *On-site directional signs.*

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

(5) *Flags and flagpoles.* Residential properties including agriculturally zoned districts with residential uses that have been issued a certificate of occupancy are permitted:

- a. On single-family and duplex lots a flagpole shall not exceed 30 feet in height above finished grade or extend more than 20 feet from any building to which it is attached.
- b. On all other residentially zoned parcels, a flagpole shall not exceed 35 feet in height above finished grade or extend more than 20 feet from any building to which it is attached.
- c. Flagpoles shall have the flagpole foundation or flagpole attachment design/construction plan signed and sealed by a professional engineer licensed in the State of Florida. The design/construction plan shall indicate the maximum flag area that the flagpole is capable of supporting, with the following exception: No permit is required for flagpoles less than 15 feet in height for single-family and duplex lots.
- d. All flagpoles shall have a minimum five-foot setback from all property lines.
- e. All flagpoles that are permitted must display their permit number at the base of the flagpole.
- f. See section 6-6 for number of flags and size requirements.

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

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

(1) *Monument signs.*

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

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

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

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

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

- c. All flagpoles shall be setback a sufficient distance to ensure that the any flag placed on the pole will not fly, float or flutter over any adjacent properties. In all cases there shall be a minimum 5 foot setback from all property lines.
- d. All flagpoles that are permitted must display their permit number at the base of the flagpole.

(8) *Sandwich board/sidewalk signs may be permitted subject the following conditions:*

- a. One non-illuminated sandwich board/sidewalk sign is allowed per business establishment.
- b. The sign must be placed on the private property and within ten feet of the front door of the business or within a designated outdoor eating area. Signs shall maintain passage way for pedestrian and ADA accessibility and shall not block access to an entrance.
- c. The size of the sign shall be no more than 30 inches wide and 42 inches in height. The sign must be weighted at the base to provide stability. A maximum of two sign faces are allowed per sign.
- d. The sign must be moved inside the business when the business is closed.

(9) *Menu boards.* For each customer ordering station, one sign with a maximum height of six feet measured from drive-thru lane grade adjacent to the sign and 64 square feet of area is allowed for each drive-thru lane for customers to place orders, not to exceed a total of four menu boards.

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

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

REQUESTOR: Sean Gibbons, Environmental Sciences - Community Development Department

AGENDA: Second reading and public hearing of an Ordinance

STRATEGIC PRIORITY: # 4 Environmental Protection

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

STAFF RECOMMENDATION: Adopt Ordinance.

ATTACHMENTS:

1) Updated Water Shortage Ordinance

REVIEWERS:

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

Council Action: Approved ___ Denied ___ Deferred ___ Other _____