

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 13-01

AN AMENDMENT TO THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4 (ZONING); AMENDING THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT TO REQUIRE A COLOR PALETTE WITHIN THE OLD U.S. 41 REDEVELOPMENT URBAN CORE; AMENDING SECTIONS 4-1152 THROUGH 4-1156; PURPOSE AND INTENT; OVERVIEW OF THE REDEVELOPMENT OVERLAY DISTRICT; STANDARDS FOR BOTH WITHIN AND OUTSIDE THE OLD U.S. 41 REDEVELOPMENT URBAN CORE THAT COMPRISE THE OLD U.S. 41 REDEVELOPMENT OVERLAY DISTRICT; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

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

WHEREAS, Florida Statutes §166.021 authorizes the City of Bonita Springs to establish, coordinate and enforce laws that are necessary for the protection of the public; and

WHEREAS, in 2009, through Bonita Springs Ordinance No. 09-13, City Council created standards for development within the Old U.S. 41 redevelopment overlay district; so as to establish good taste, good design, harmony with surrounding developments and enhance the viability of the Old U.S. 41 redevelopment overlay district; and

WHEREAS, at their November 13, 2012 workshop, City Council voted to adopt a color palette that would apply within the core area of the Old US 41 redevelopment overlay area, to be applicable to all buildings (commercial and residential); and

WHEREAS, City Council finds it necessary to amend Land Development Code Chapter 4, to include a color palette with clear guidance as to what is permissible, as well as providing an economic incentive to have buildings conform to the color palette prior to the established deadline. It is City Council's intent to continue to develop guidelines and standards that are intended to provide an incentive-driven alternative to the standard zoning and other land development regulations in exchange for enhanced lighting, landscaping, signage and architectural design standards within the Old U.S. 41 redevelopment overlay district.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 4

Section 4-1152-4-1156 of the Bonita Springs Land Development Code are hereby amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

4-1151. Old U.S. 41 Redevelopment Overlay District.

4-1152. Purpose and Intent.

- (a) The Old U.S. 41 Corridor Redevelopment Overlay District is a special zoning classification established to recognize and provide for the unique requirements of redevelopment that cannot be adequately addressed through existing regulations. The purpose of the District is to create favorable conditions for the revitalization of redevelopment areas, or portions thereof, by establishing a procedure through which such areas should be master planned. The master planning includes development guidelines and standards that are intended to provide an incentive-driven alternative to the standard zoning and other land development regulations in exchange for enhanced lighting, landscaping, signage and architectural design standards. The policies contained within this ordinance are intended to encourage redevelopment, interconnectivity, pedestrian activity, and to achieve and maintain a unique, unified and pleasing aesthetic/visual quality in landscaping, architecture, signage.
- (b) It is the express policy of the City Council that development within the Old U.S. 41 Corridor Redevelopment Overlay district is to be consistent with the City Comprehensive Plan and the Old U.S. 41 Master Plan.
- (c) The City has adopted the Old U.S. 41 Corridor Redevelopment Master Plan and re-designated the area previously known as the Old U.S. 41 Town Center Mixed-Use Redevelopment Overlay Area This area is intended for mixed-use redevelopment as a residential, commercial, cultural and community, hospitality, recreational and governmental center focused around the aesthetic and recreational value of the Imperial River and supported by walk-to-town neighborhoods. The following guidelines apply to planning and development within this overlay area. This area shall be known as the Old U.S. 41 Corridor Redevelopment Area.

(Ord. 09-13, 11-02)

4-1153. Overview of Redevelopment Overlay District Regulations and Processes

Property owners in the redevelopment overlay district are required to develop or redevelop their property in conformance with the applicable redevelopment overlay district regulations and the approved community redevelopment plan.

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

(Ord. 09-13, 11-02)

4-1154. Regulations and Processes for Development Within the Old U.S. 41 Redevelopment Urban Core

In addition to the regulations contained in 4-1155, all development within the Old U.S. 41 Redevelopment Urban Core (as depicted in Exhibit II) shall be subject to the following.

(a) *Design Review Meeting And Submission Requirements For The Old U.S. 41 Redevelopment Urban Core*

- (1) The review process is to help guide the planning and design of projects and buildings

within the Urban Core of the Old U.S. 41 Corridor Redevelopment Area as defined in the Master Plan.

The intent of the review is to strive to create a genuine downtown area with well-designed and sensible buildings that work together harmoniously, while the individual buildings themselves are different. The City's objective is to encourage high quality development that will be of benefit to its residents and others for generations to come.

The purpose of the review is to encourage a design approach and product that is compatible with southwest Florida's cultural and geographical context. The design process should incorporate the natural and man-made environmental conditions, as well as the social and economic milieu that any development within or near the town center needs to accommodate. The review is to encourage good design and good buildings that fit within the context of the downtown area.

- (2) Consistent with Land Development Code 3-601 (f), a reviewer will offer advice and recommendations concerning the applications for each specific development.
- (3) When any property owner has a project requiring new, rehabilitated or remodeled building within the Old U.S. 41 Redevelopment Urban Core area, the applicant must submit during the design phases of any project, including hardscape improvement designs proposed on any properties within the area, regardless of whether a building is involved (For example the proposed layout of a parking lot).
- (4) The owner or authorized representative shall attend the review meeting if this is a major impact project. A review meeting may be needed for a minor impact project, depending on the submitted materials.
 - a. A minor-impact project is one that does not involve structural changes except replacement with identical materials. It can be accommodated by either an informal meeting or by providing the reviewer with simple illustrations, drawings, or diagrams that clearly indicate the intent of the design of the project in its relation to the streetscape. The reviewer can then determine whether a meeting is necessary. Examples of a minor impact project include the addition of a sign, an awning, replacing of windows or doors, or the repainting of a facade, or other such minor improvement to a building. An owner, or tenant, or a representative thereof, such as a sign company, awning company, graphics firm, etc., may make the presentation to the reviewer for the applicant, if needed.
 - b. All other projects not considered minor shall be deemed major-impact projects. For any architectural projects determined to have a major impact, the Florida-licensed architect or engineer responsible for the design of the building or the project and its buildings shall make submissions and presentations to the reviewer. For a planning concept project, the Florida planner or planning entity, the Florida-licensed landscape architect or architect responsible for the planning of the project shall make submissions and presentations to the reviewer. For a landscape design project, a Florida-licensed landscape architect shall make submissions and presentations to the reviewer. The professionals involved in the design will be referenced throughout this article as the designer.
 - c. Both minor-impact projects and major-impact projects shall conform to the review process below, except that minor-impact projects are not required to present any material at a design development phase, unless required by the reviewer to have a presentation meeting.

For the first meeting (or others as required by the process or the reviewer) the designer shall be present at the meeting and make the presentation of the project to the reviewer. A dialogue between the designer and the reviewer shall follow the presentation in a cooperative and constructive manner: designer-to-designer. At the conclusion of the discussions, the reviewer will provide specific and general statements regarding the projects conformance with the regulations and design standards as set forth in subsections (b) (Building and Site Uses) and (c) (Architectural Standards) of this section.

(5) Major-Impact Projects: The Design Review Meetings and Submissions

- a. A major impact project is any project not considered a minor impact project in 4-1154.
- b. Optional pre-design dialogue: The designer may schedule with the reviewer a pre-design meeting to discuss the process and its intent.
- c. The applicant designer of any major-impact project should deliver designs for a building or project at least two weeks prior to the meeting.
- d. Informal Design Meeting: An informal design review meeting may be held at the earliest point of concept or schematic design that the designer responsible for the design can bring the schematic to the reviewer. (The applicant should contact the City Manager or designee at least 1 working days in advance of a regularly scheduled meeting of the reviewer so that the project may be scheduled for the meeting.) At the meeting, the projects designer must provide enough information to the reviewer that mutual dialogue will be productive. Others may be in attendance, but the dialogue will be among the designers only, with opportunity for other comment. The idea is for the review process to generate ideas and suggestions that will result in an appropriate design for the redevelopment area.

Elements to be submitted at the first design meeting: A contextual site plan of the project and surrounding areas within 200 feet of the subject property. (Images taken from Google Earth would be an appropriate base map upon which the project may be inserted and notes regarding contextual features may be added.);

Photos of the street facades of both sides of the street on which the project is proposed;

- i. Site plan and building footprint to scale, including the landscaping concept. Key or critical elements on the site plans and sections need to be dimensioned. Provide drawings at a scale appropriate to the design and sufficient to be legible to the reviewer. A minimum scale is 1/16" = 1'-0" for architects and 1/30" = 1' for engineers;
- ii. Site section from back lot line (or across alley), through the site, then across the fronting street to the other side, and including the proposed building or buildings in section, to scale;
- iii. All elevations (to scale) or, as an alternative, 3D graphics of project exterior views, sufficient to explain the project in its context. Provide the drawings in color. (While color and material is important, the emphasis is on form, context, volume, and so on); and
- iv. Any other illustrations or exhibits the designer feels are warranted or may be

helpful.

The designer may use whatever medium he or she wishes to present to the reviewer, but the designer should be aware of the limitations of the venue for the presentation. However, in addition to the materials used for the presentation, please also provide a package of the presentation materials in an 8 1/2 x 11 bound format for the reviewers records, to be maintained at Community Development.

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

- v. Within three working days from the first meeting, the reviewer will provide to the applicant individual written findings and recommendations.
- e. Development Orders and/or Building Permit Stage: Plans submitted to Community Development for plan review will be examined, and considered in light of the reviewers findings and recommendations, to determine if the plans are consistent with the design review provisions.

(6) Minor-Impact Projects: The Design Review Meetings and Submissions

- a. For minor impact projects as defined in 4-1154, submissions below are required, and unless additional information is needed by the reviewer or if the designer requests otherwise, no meeting is required. While there is not a set time prior to a scheduled design meeting, the owner or authorized representative of any minor-impact project should deliver designs for a building or project at least two weeks prior to the meeting. If it is determined that the project is to be deemed a major-impact project, the applicant will be notified as soon as possible prior to the meeting.
- b. Design Meeting, if applicable: The design meeting will be held at the earliest point of concept or schematic design that the designer responsible for the design can bring the schematic to the reviewer. (The applicant should contact the City Manager or designee at least 1working days in advance of a regularly scheduled meeting) At the meeting, the projects designer must provide enough information to the reviewer that mutual dialogue will be productive. Others may be in attendance, but the dialogue will be among the designers only, with opportunity for other comment. The objective is that the review process generate ideas and suggestions that will result in an appropriate design for the redevelopment area.
- c. Elements to be submitted at the design meeting
 - i. A contextual site plan of the project and surrounding areas within 200 feet of the subject property. (Images taken from Google Earth would be an appropriate base map upon which the project may be inserted and notes regarding contextual features may be added.) This step may be omitted if the project is a repainting of a building or facade or a proposed sign or other such very simple improvement.
 - ii. Photos of the street facades of both sides of the street on which the project is proposed.
 - iii. Elevations (to scale) or, as an alternative, 3D graphics of the improvement, sufficient to explain the design. Provide the drawings, sketches, or diagrams in color.
 - iv. Any other illustrations or exhibits the designer feels are warranted or may be

helpful.

The designer may use whatever medium he or she wishes to present to the reviewer, but the designer should be aware of the limitations of the venue for the presentation. However, in addition to the materials used for the presentation, please also provide a package of the presentation materials in an 8 1/2 x 11 bound format for the records to be maintained at Community Development.

- v. Within three working days from the design meeting, the reviewer will provide to the applicant and the Community Development its written findings and recommendations.
 - vi. The findings shall reflect the reviewers determination whether the development plans are consistent with the regulations and standards set forth in subsections (b) and (c).
 - vii. The reviewers recommendations may include suggestions for more appropriate alternative allowable materials or standards. Where the reviewer determines that a design aspect is appropriate but is otherwise prohibited or discouraged by the provisions of subsections (b) or (c), the reviewer may include a recommendation to allow an administrative deviation. Such recommendations may involve, but are not limited to, elements such as automatic doors, colors and materials, awnings, the location of outside dining chairs and tables, etc.
- d. Upon receiving a recommendation and implementing possible revisions, the applicant may continue with Community Development for review. Plans submitted to the Community Development will be examined and considered in light of the reviewers findings and recommendations, to determine if the plans are consistent with the provisions of this section and Section 4-1155.

(b) *Building and Site Uses*

(1) **Applicability:** Only to areas within the Old U.S. 41 Redevelopment Urban Core as depicted in Exhibit II.

(2) **Permitted Uses:**

a. **Retail and/or Office**

- i. Open-market building;
- ii. Medical Offices;
- iii. Display gallery;
- iv. Restaurant or specialty food establishment, excluding Group 1 (Food Stands under 4-622 (c)(43) and mobile food vendors as governed in the supplementary regulations);
- v. Tavern;
- vi. Nightclub or similar entertainment venue;
- vii. Entertainment courtyard or architectural arcade;
- viii. Kiosk;
- ix. Pushcart (meeting all Health Department and City permit requirements).

b. **Lodging**

- i. Hotel and Inn;
- ii. Bed Breakfast.

c. **Residential**

- i. Mixed-use block;
 - ii. Flex building;
 - iii. Apartment building;
 - iv. Live-work unit;
 - v. Row house;
 - vi. Town homes;
 - vii. Duplex house;
 - viii. Courtyard house;
 - ix. Side yard house;
 - x. SOR (single occupant residence);
 - xi. Accessory unit.
- d. Civic
- i. Bus shelter;
 - ii. Fountain or public art;
 - iii. Library/Public Building;
 - iv. Live theater;
 - v. Movie theater;
 - vi. Outdoor theater;
 - vii. Parking structure;
 - viii. Playground / Park;
 - ix. Religious assembly;
 - x. Fire and police stations;
 - xi. Elementary school;
 - xii. Childcare center;
 - xiii. Zoo or Botanical garden.

(3) Permitted uses by Special Exception:

- a. Museum;
- b. Kennel;
- c. Drive-through facility for banks and pharmacies;
- d. College;
- e. Electric substation;
- f. Surface parking lot;
- g. Passenger terminal;
- h. Liquor establishment (not applicable to restaurant or similar uses);
- i. Conference center

(4) Uses not listed as permitted shall be prohibited, including but not limited to the following:

- a. Automatic food and drink vending machines, newspaper vending machines at frontage lines;
- b. Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except bank and pharmacy drive-throughs;
- c. Manufacturing, storage or distribution as a primary use except as defined by artisanal use;
- d. Enameling, painting, or plating, except at an artist's studio;
- e. Outdoor advertising or billboard as a principal use;
- f. Carting, moving or hauling yard, except delivery goods to businesses;
- g. Prisons, detention centers or halfway houses;
- h. Manufacture, storage, or disposal of hazardous materials;
- i. Scrap yards;
- j. Mobile homes;
- k. Kennels, except ancillary to a veterinarian office or police station;

- l. Funeral homes;
- m. Hospitals;
- n. Retail car sales.
- o. Non-store retailers, Group III including food carts, hucksters and lunch wagons under 4-622 (c)(30) that are mobile food vendors as governed in the supplementary regulations);

(5) Reserved.

(6) Commercial and residential uses are required to a minimum depth of 30 feet, or the 2nd layer, from the frontage line on all stories. The remaining depth may be used for parking. (See Exhibit III for visual of layer.) Parking exposure on a frontage line shall be an opening not wider than 25 feet.

(7) Seating for outdoor dining shall be permitted to encroach the public sidewalks adjacent to the private property leaving a 5-foot clear pedestrian passage between the outdoor dining and the right-of-way landscaping or paved roadway.

(c) *Architectural Standards Buildings shall be subject to the following physical requirements:*

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

(2) **Building Height.** The various elements of building height shall be determined as follows:-

- a. Buildings shall be a maximum 52 feet in height from the minimum required flood elevation.
- b. Height shall be measured from the first finished floor to the eave line, provided they meet all buildings and safety codes.
- c. Finished and habitable attic spaces may be above the eave line.
- d. The facade of the first story at sidewalk level shall be expressed at no less than 12 feet in height from finished floor to finished ceiling, no more than 15 feet from first floor to the second floor as expressed on the exterior facade.
- e. A transition line shall be provided at the top of the 1st story. The transition shall be detailed to receive an awning. A transition line shall be expressed by a material change, by a trim line, a sign band, or by a balcony.

(3) **Building Placement:** Buildings and their elements shall be placed on their lots as follows:

a. *Front setback.*

- i. *First story.* First story facades shall have no required minimum front setback but a maximum setback of 12 feet. Awnings, awning roof structures, arcades, or other similar attached structures may satisfy this requirement.
- ii. *Second story.* Second story facades shall have a mandatory setback of no more than 1 feet from the property line. When the first story extends into the first layer zone, second story balconies that extend over the first story shall extend across the entire front facade. Awnings are permitted over second story balconies.-See definitions and tables for definition of layer and diagram in Exhibit III.
- iii. *Third story.* Third story facades may align with the second story facade. Third story balconies shall be recessed, shall not extend beyond the second story facade and shall be enclosed by the plane of the roof

- b. *Streetwall.* In the absence of a building facade, a streetwall shall be built aligned with an adjacent building facade. Streetwalls shall be between 2 1/2 and 3 1/2 feet in height and made of a material matching the adjacent building or a continuous, maintained hedge. Streetwalls may have openings no greater than 25 feet to allow automobile and pedestrian access.
- c. *Side setbacks.* Side setbacks are not required.
- d. *Rear setback.*
 - i. *Rear setback.-* Rear facades on interior lots shall be set back a minimum of 20 feet from the midpoint of the alley or 10 feet from the property line where no alley exists. Balconies may extend into the rear setback by 10 feet.
 - ii. *Carports.* Carports may encroach into the required rear setback subject to the following:
 - (1) The carport must be designed in keeping with the design of the building.
 - (2) The carport must be open on all four sides (except where attached to the principal building, if applicable).
 - (3) The carport must be a minimum of 15 feet from the centerline of the alley.
- e. *Adjacent preexisting setbacks.* In the event of adjacent preexisting setbacks, an adjustment may be approved upon recommendation by the reviewer.
- f. *Awnings.* Upon a recommendation by the reviewer and approval by the Community Development Department, awnings may encroach on the sidewalk in its entirety but must avoid the municipal planter areas.
- g. *Loading docks and service areas.-* Loading docks and service areas shall not be permitted on frontage lines.
- h. *Surface parking lots.* Surface parking lots shall not be permitted on a frontage line or within 30 feet of the frontage line. Setbacks for shared parking is zero (0) foot setback from the side and rear property lines.
- i. *Principal pedestrian entrance.* All buildings shall have their principal pedestrian entrance on a frontage line.
- j. *Lot coverage.* Lot coverage shall be limited only by setback requirements.
- k. *Nonconforming buildings due to rear setbacks.* An existing nonconforming building, which does not conform to the required 20-foot rear setback, may maintain the existing building setback when additional stories are added as long as the additional stories meet the required setback. The roof of the nonconforming existing first or second story may be used for a balcony.
- l. *Surface Water Management:* Shared surface water management systems may have a zero (0) foot setback from the property lines.
- m. *Landscape standards for the Old US 41 Redevelopment District.*

Due to the unique development standards of the Old US 41 Redevelopment District within the City, landscape and buffering standards must be reviewed consistent with type of site development consistent with a more urban environment. In the event of

conflicts with other sections of this zoning code, the provisions of this section shall take precedence and shall supersede other sections of this Land Development Code. However, the provisions of this section shall not be construed to take precedence over the Florida Building Code.

- i. When a covered walkway along a building frontage or right-of-way is not provided, canopy trees to establish continuous shade must be provided from the list of permitted trees.
 - ii. For property located within the Old 41 Redevelopment District, front buffers may be administratively waived to accommodate building locations, courtyards, arcades, or other architectural or design constraints.
 - iii. For buildings with shared walls or a 0 side setback, landscaping is not required for that portion of the property line.
 - iv. Unless specifically prohibited due to building design and location, building perimeter plantings will be required. Property owners or registered agents may apply for administrative relief or to have landscaping relocated to a different portion of the project site.
 - v. Projects within the Old 41 Redevelopment District may receive administrative approval to reduce the width of required buffers and / or relocate required plantings on-site as part of the Development Order process.
- n. Chain link fences cannot be visible from a public right-of-way.
- (4) Exterior Finish Material of Facades. The exterior finish material on all facades of a building or project shall be consistent around the project. A building or project may utilize any number of wall materials provided they respect the following guides:
- a. Primary materials include any materials (not including windows, doors, or storefront materials, awnings and such) that face the majority of the building facade. Such materials include but ~~or~~ are not necessarily limited to brick, wood or hardboard siding, stucco, stone, concrete, and finished concrete block. The primary materials shall not include any materials listed as secondary materials.
 - b. Secondary materials are those that complement the primary materials but are limited to 20% or less of the materials on the facade.
 - c. Accent materials are very limited in quantity and are for accent purposes only.
 - d. Materials that may constitute secondary or accent materials include, but not limited to:
 - i. Corrugated metals or corrugated metal panels
 - ii. Unpainted or natural concrete block
 - iii. Metal standing seam or raised panels
 - iv. Mirrored or reflective materials
 - v. Plywood siding

- vi. Gratuitous decoration
 - e. Prohibited materials include vinyl or aluminum lap siding or other imitation materials.
 - f. Project or building architects may present in lieu submittals to the reviewer for variations from the above for both use of materials and colors.
- (5) Exterior colors. ~~Exterior building colors shall capture the flavor of south Florida, however applied color to major and secondary materials should utilize tints or shades of colors. Doors, shop fronts, window frames and shutters shall be any color at any saturation.~~ Effective March 1, 2013, all development, redevelopment, renovation and restoration projects within the Old U.S. 41 Redevelopment Urban Core must follow the designated color palette as set forth in Exhibit IV of this ordinance, specifically designated as Sherwin Williams Exterior Coastal Colors for Southern Shores and Beaches, or paint from another manufacturer of similar color and quality. Owners of property within the applicable area shall paint their buildings to conform to the aforesaid color palette in accordance with the following procedures:
- a. There are 24 sets (3 colors each) in the palette. The painting of building exteriors will use the body, trim and accent from the same set in the approved palette colors.
 - b. The reviewer is authorized to approve minor "shading" variations in palette colors that may be caused by the use of paint from different manufacturing companies. Any other change in palette colors may be approved by City Council on a case-by-case basis.
 - c. Buildings in single ownership, including sheds and accessory structures, shall be of uniform facade and trim color, with exception to gazebos. unless there are architectural elements such as pilasters or engaged columns or a change in the plane of the facade defining the separate tenant spaces.
 - d. Upon the completion of the exterior painting of any building, the property owner shall provide Community Development with a color facade photograph (preferably by e-mail).
 - e. The City may adopt an incentive plan for property owners to paint the entire exterior of their building by Administrative Code.
 - f. It is not the intent of implementing the color palette to discourage placement of any murals, as approved by the Arts in Public Places Board.
- (6) Glass color. Glass shall be clear or tinted only; reflective glass is prohibited.
- (7) Sliding doors and windows; automatic doors. Sliding doors and sliding windows are not permitted along frontage lines on first story. Automatic doors may be permitted by the Community Development upon a recommendation by the reviewer.
- (8) Rooftop Equipment. No rooftop mounted mechanical equipment shall be visible as viewed from any public right-of-way at 10-foot eye level. All such equipment shall be screened by an appropriate method.
- (9) Visible roofs. Buildings with roofs visible from the any public right-of-way shall have symmetrical pitched roofs with slopes no less than 5:12. Porches and first floors and dormers may have shed roofs with pitch no less than 2:12.
- (10) Mansard roofs. Cantilevered mansard roofs are not permitted, however, existing structures may maintain non-conforming status when building permit changes do not necessitate roof changes.
- (11) Roof materials. Roof materials should be appropriate for the function they are to serve as well as appropriate to the overall expression of the building or project.

(12) Facade design.

- a. *Facades on frontage lines.* The facades on frontage lines at first floor level shall be detailed and glazed as storefronts. The wood or metal armature of such storefronts shall be painted. Storefronts shall be directly accessible from sidewalks. Each storefront must have glazed areas, equal to 60 percent of its portion of the facade, between and 10 feet from the floor. Storefronts shall have the mullion system, doorways and signage uniformly designed and painted or has factory applied finish.
- b. *Facades not on frontage lines.* The exteriors of buildings not facing frontage lines shall incorporate the same surface materials and similar design elements such as similar proportions, with attractive rear entrances and consideration of pedestrian pass-throughs.

(13) Awnings.

- a. *Generally.* Facades may be supplemented by awnings which shall be straight sheds, not cubed or curved, with a drip edge no greater than 12 inches. Awnings shall be no less than 8 feet high at the lower drip edge. Awnings used in conjunction with a second story balcony shall not extend beyond the edge of the balcony railing and shall have no minimum height requirement from the finished floor. Awning roof structures may be approved but must meet all of the same standards as a building.
- b. *Nonconforming buildings.* The Community Development may approve awnings that do not strictly conform to this division if the reviewer recommends administrative approval and if the following conditions are met:
 - i. The building is an existing building.
 - ii. The architectural style of the building does not conform to this division.
 - iii. The building facade is such that an awning which would conform to this division would not be architecturally compatible or complimentary to the building.
 - iv. The proposed awning is the most appropriate style for the building, is compatible with adjacent buildings, and the awning achieves the requirements of this section as closely as possible and is consistent with the intent of this division.

When the Community Development approves an awning based on the criteria above, that awning style/design will become the standard style/design for all awnings for that particular building.

(14) Outside dining tables and chairs. Outside dining tables located in the right-of-way shall be temporary and portable. Community Development shall approve outside dining tables/chairs and their location upon a recommendation from the reviewer.

(15) Dumpsters. Dumpsters shall be screened from off-premise view. Screening materials shall be compatible with the building design. Existing dumpsters that are visible from the right-of-way, adjoining property, or pedestrian walkway must be screened ~~within one year after the effective date of this Ordinance~~. Wherever possible, dumpsters shall be shared between property owners. If a particular property by its use does not require a dumpster or when it can be demonstrated that a dumpster is not required, then the garbage receptacles or containers must be screened from view.

(16) Telephone and utility wires. Any new building or substantial change shall be required

to relocate all telephone, electric and other utility wires and conduits underground from the poles of the transmission lines located within the public utility easements to the building or the connection.

(Ord. 09-13, 11-02)

4-1155. Regulations and Processes for Development Applicable to all areas within the Old U.S. 41 Redevelopment Overlay District

The regulations contained in this Section are applicable to all areas in the Old 41 Redevelopment Overlay District, in addition to the regulations within the core area. Commercial and multi-family developments in all areas of the Old 41 Redevelopment Overlay District must comply with the design review processes set forth in 4-1154.

(a) *Parking*

(1) Requirements and Vehicular Standards

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

(2) Parking and Vehicular Circulation

- a. Number of on-site parking spaces required.
 - i. The required parking may be provided off-site, provided the site is approved by the City Manager or designee and the number of required off-street parking spaces may be reduced by no more than one-third, if supported by a parking study submitted by the applicant.
 - ii. Developers may pay a fee in lieu of providing the required spaces. The fee shall be based on the average cost of constructing a surface parking space in Bonita Springs, as determined in an applicable administrative code. Said fee shall be a one-time payment, to be placed in the redevelopment trust fund and shall be utilized for parking improvements within the community redevelopment area.
 - iii. Approved on-street parking along the corresponding frontage shall count 100% towards the parking requirements.
 - iv. Specific parking space requirements:
 - (1) Residential: One space per residential unit.
 - (2) Commercial:

- (a) Office - 2 spaces per 1,000 sq. ft. of leasable space.
- (b) Retail - 3 spaces per 1,000 sq. ft. of leasable space.

(3) Mixed use
See Shared Parking Factor Table in Exhibit III.

(4) Dock space for waterside uses shall be counted as follows: one dock space equals two parking spaces.

(5) Lodging: One space per bedroom

(3) Location of on-site parking spaces

a. On-site parking will be restricted to the side or rear yards of those properties fronting Old U.S. 41, Terry Street, and Felts Ave.

b. In the case of side yard parking, the parking area shall be a minimum of five feet behind the front build-to line and a street wall or opaque screen, shall be provided at the right-of-way line or build-to line, whichever is further removed from the roadway. Such street wall or opaque screen shall be no taller than four feet.

(4) Buffer. There shall be a minimum ten-foot buffer between parking areas and adjacent residential uses.

(5) Access.

a. Adjoining public or private parking lots must share ingress/egress points where practically and physically feasible or legally permitted; and

b. Public or private parking lots may be accessed from alleys provided the alleyways are constructed to City standards.

(6) Location and design, generally. Parking lots shall be designed in accordance with the adopted design guidelines for the Old U.S. 41 Community Redevelopment Plan.

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

a. Shared parking lots must be located within 500 feet of each use. These lots may be separated from the use(s) by a street, easement, or other right-of-way; and

b. Parking shared by different uses must provide evidence that peak parking demands of each use occur at different times of the day.

c. Each use required is to have on-site parking may provide a range of parking stall sizes to accommodate compact and larger vehicles; however, 50% of the spaces shall meet the standards specified in section 4-2016(1)b. The remaining spaces shall meet the following minimum dimensions:

(1) Compact spaces-15% of total parking maximum (minimum size 8' x 16')

(2) 8' x 18' for 90' degree parking

- (3) Angled spaces- 8' x 18' (16' with two foot overhang)
- (4) Parallel spaces- 8' x 22'
- (5) Drive aisle- 20' two way, 10' one way

e. Bicycle racks to be provided in accordance with section 3-442. (Rack provision may be shared by different businesses within each block).

(b) *Service, Refuse, and Delivery Design*

- (1) Locate trash storage, loading, and truck parking so as to minimize visibility from the street/sidewalk and building entrances; preferably to the rear of buildings and accessed through an alley or secondary street.
- (2) Avoid locating service and loading areas along important view corridors.
- (3) All exterior trash receptacles should be enclosed from view on three sides; and, on the fourth side, by a gate that also screens the receptacles from view.
- (4) Screen loading docks and truck parking from public view using building mass, freestanding walls, and/or minimum landscaping of 3' at planting.
- (5) Ensure that all utility equipment is located, sized, and designed to be as inconspicuous as possible. All utility lines should be located underground.

(c) *Lighting Standards.* All outdoor lighting must comply with section 3-262 of the Land Development Code.

- (1) Outdoor lighting cannot exceed 0.5 foot candles at the property line.
- (2) All applicants must submit a photometric plan in accordance with 3-262.
- (3) All outdoor lighting must be shielded to direct light downward.

(d) *Buffering and Shielding*

- (1) Purpose and intent. The purpose and intent of this section is to diminish the visual impacts outdoor storage and service functions that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.
- (2) Loading areas and docks (including delivery truck parking), outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas must be fully shielded from adjacent properties and street rights-of-way when viewed from ground level. The shielding must extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded.
- (3) Shielding material and design must be consistent with design treatment of the primary facades of the commercial building or development and the landscape plan.
 - a. Roof top mechanical equipment must be shielded from view at ground level by parapet or similar architectural features.

(e) *Urban Landscape*

(1) General Applicability

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

(f) *Sign Standards.* Signs in the Old U.S. 41 Redevelopment Overlay District shall comply with the regulations contained in Chapter 6, Signs, and the following provisions:

- (1) Address numbers. Address numbers shall be no less than 6 inches in vertical dimension.
- (2) Sign band. A single external sign band or zone may be applied to the facade of each building, providing that it shall not exceed 2 feet in vertical dimension by any length. The band should be located between 10 feet and 14 feet above the floor. The sign band or zone may contain multiple individual signs but all must refer to a tenant of the building. The sign shall consist of letters applied directly on the facade of the building and shall not be on a board unless a sign plan is approved for the building. A maximum of 2 sign bands may be placed on the facade of each building.
- (3) Additional pedestrian signs. Additional pedestrian signs or shingles may be attached to a building perpendicular to the facade extending up to 4 feet from the facade or may be placed underneath an awning, gallery or arcade structure and attached to the that structure. These signs shall not exceed 1 1/2 feet by 4 feet. There may be 1 individual pedestrian sign for each business located on the first floor.
- (4) Lettering on awnings. In addition, the vertical drip of an awning may be stenciled with letters no more than 8 inches in vertical dimension by any length.
- (5) Illumination; window signs. External signs shall not be translucent, but may be

externally or internally lit or backlit. Signs on the interior of a window shall be limited to no more than 20 percent of a window up to a maximum of 12 square feet in area. No sign, display, merchandise or window tinting shall be placed on or adjacent to any window that would interfere with a clear and unobstructed view of the interior of the establishment from the outside and in particular of the cash register or registers from the street. Neon signs are permitted as interior window signs providing they not exceed 20 percent of a window up to a maximum of 4 square feet in area and shall be counted towards the maximum of 12 square feet permitted for interior window signs.

- (6) Nonconforming buildings. The reviewer may recommend approval to the Community Development for a sign plan or a new sign that does not conform strictly to those regulations if the following conditions are met:
- a. The building is an existing building.
 - b. The building does not have a sign band.
 - c. The building facade is such that meeting the requirements of this division is not possible or is impractical.
 - d. If the sign is on an awning, the lettering shall consist of individual letters painted on the background of the awning and not on a panel or within a border. The sloped surface of an awning shall not be used for a new sign.
 - e. The design is in context with the signage and facade of the building.
 - f. The sign plan or sign achieves the requirements of this division as closely as possible and is consistent with the intent of this division.
 - g. Finding that these criteria are met, the reviewer may recommend approval of a sign plan or new sign.
 - h. When the reviewer recommends approval of a new sign based on the criteria above, and following Community Development approval, that sign would establish the sign plan for that particular building.
- (j) *Definitions.* This section provides definitions for terms in the Bonita Springs Old U.S. 41 Corridor Redevelopment Overlay area that are technical in nature or that otherwise may not reflect a common usage of the term.
- (1) **Apartment:** a residential unit sharing a building and a lot with other units and/or uses; may be for rent, or for sale as a condominium.
 - (2) **Arcade:** a private frontage conventional for retail use wherein the facade is a colonnade supporting habitable space that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line.
 - (3) **Attic:** the interior part of a building contained within a pitched roof structure.
 - (4) **Bed and Breakfast:** an owner-occupied lodging type offering 1 to 12 bedrooms, permitted to serve breakfast in the mornings to guests.
 - (5) **By Right:** characterizing a proposal or component of a proposal for a community plan or building scale that complies with zoning and is permitted and processed administratively, without public hearing.

- (6) **Civic:** the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.
- (7) **Civic Building:** a building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.
- (8) **Civic Space:** an outdoor area dedicated for public use. Civic space types are defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping and their enfronting buildings.
- (9) **Commercial:** the term collectively defining workplace, office, retail, and lodging functions.
- (10) **Density:** the number of dwelling units within a standard measure of land area.
- (11) **Disposition:** the placement of a building on its lot.
- (12) **Driveway:** a vehicular lane within a lot, often leading to a garage.
- (13) **Edgeyard:** a building that occupies the center of its lot with setbacks on all sides.
- (14) **Effective parking:** the amount of parking required for mixed use after adjustment by the shared parking factor.
- (15) **Elevation, Building:** an exterior wall of a building not along a frontage. See facade
- (16) **Expression Line:** a line prescribed at a certain level of a building for the major part of the width of a facade, expressed by a variation in material or by a limited projection such as a molding or balcony.
- (17) **Façade:** the exterior wall of a building that is set along a frontage line. See Elevation, building.
- (18) **Frontage:** the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into private frontage and public frontage.
- (19) **Frontage Line:** a line bordering a frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other lines.
- (20) **Gallery:** a frontage conventional for retail use wherein the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk.
- (21) **Infill:** *noun* - new development on land that had been previously developed, including Brownfield sites and cleared land within urbanized areas. *verb*- to develop such areas.
- (22) **Layer:** a range of depth of a lot within which certain elements are permitted.
- (23) **Liner Building:** a building specifically designed to mask a parking lot or a parking structure from a frontage.
- (24) **Mixed Use:** multiple functions within the same building through superimposition or

adjacency, or in multiple buildings by adjacency, or on a property determined by special exception or planned development.

- (25) **Office:** premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.
- (26) **Open Space:** land intended to remain undeveloped; it may be for civic space.
- (27) **Parking Structure:** a building containing one or more stories of parking above grade.
- (28) **Passage:** a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages.
- (29) **Principal Entrance:** the main point of access for pedestrians into a building.
- (30) **Principal Frontage:** on corner lots, the private frontage designated to bear the address and entrance to the building, and the measure of minimum lot width. Prescriptions for the parking layers pertain only to the principal frontage. Prescriptions for the first layer pertain to both frontages of a corner lot. See Frontage.
- (31) **Private Frontage:** the privately held layer between the frontage line and the building facade.
- (32) **Public Frontage:** the area between the curb of the vehicular lanes and the frontage line.
- (33) **Rear Alley:** a vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. Rear alleys should be paved with associated drainage.
- (34) **Rearyard Building:** a building that occupies the full frontage line, leaving the rear of the lot as the sole yard. (*Syn: Rowhouse, Townhouse*)
- (35) **Retail Frontage:** frontage designated on a regulating plan that requires or recommends the provision of a shopfront, encouraging the ground level to be available for retail use.
- (36) **Rowhouse:** a single-family dwelling that shares a party wall with another of the same type and occupies the full frontage line. See Rearyard Building. (*Syn: Townhouse*)
- (37) **Secondary Frontage:** on corner lots, the private frontage that is not the principal frontage. As it affects the public realm, its first layer is regulated.
- (38) **Setback:** the area of a lot measured from the line to a building facade or elevation that is maintained clear of permanent structures.
- (39) **Shared Parking Factor:** an accounting for parking spaces that are available to more than one function.
- (40) **Shopfront:** frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the frontage with the building entrance at sidewalk grade.
- (41) **Sideward Building:** a building that occupies one side of the lot with a setback on the other side. This type can be a single or twin building (across property lines) depending

on whether it abuts the neighboring structure.

- (42) **Story:** a habitable level within a building, excluding an attic or raised basement.
- (43) **Streetscreen:** a freestanding wall built along the frontage line or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.
- (44) **Townhouse:** a single-family dwelling that shares a party wall or walls with another of the same type. See Rearyard Building. (*Syn: Rowhouse*)

(Ord. 09-13, 11-02)

**4-1156. Regulations and Processes for Development Outside the Old U.S. 41
Redevelopment Urban Core but Within the Old U.S. 41 Redevelopment
Overlay District**

In addition to the regulations contained in 4-1155, all development within the areas identified as single family (2a) and (2b), multifamily (4), townhomes (5) and Highway Commercial (3b) in the Old U.S. 41 Master Concept Plan shall be governed by the following regulations.

- (a) Single family (2a and 2b): Refer to the use and dimensional regulations in Section 4-710, RSF-5.8, Moderate Density Single-family Residential.
- (b) Townhome/townhouse (5): Refer to the use and dimensional regulations in Section 4-754, R-M, Medium Density Multi-family Residential, except that multi-family residential is allowed only in the townhouse configuration as defined in Chapter 9. The multi-family dimensional requirements shall apply to townhomes/townhouses.
- (c) Multifamily (4): Refer to the use and dimensional regulations in Section 4-781, R-H, High Density Multi-family Residential.
- (d) Highway Commercial (3b): Refer to the use and dimensional regulations in Section 4-852, GC, General Commercial; Special Regulations for the Bonita Beach Road Corridor, Section 4-311; and Height limitations for the Bonita Beach Road Corridor, Section 4-2175(b).

(Ord. 09-13, 11-02)

4-1157 - 4-1160. Reserved.

OLD U.S. 41 CORRIDOR REDEVELOPMENT MASTERPLAN

Bonita Springs, Lee County, Florida

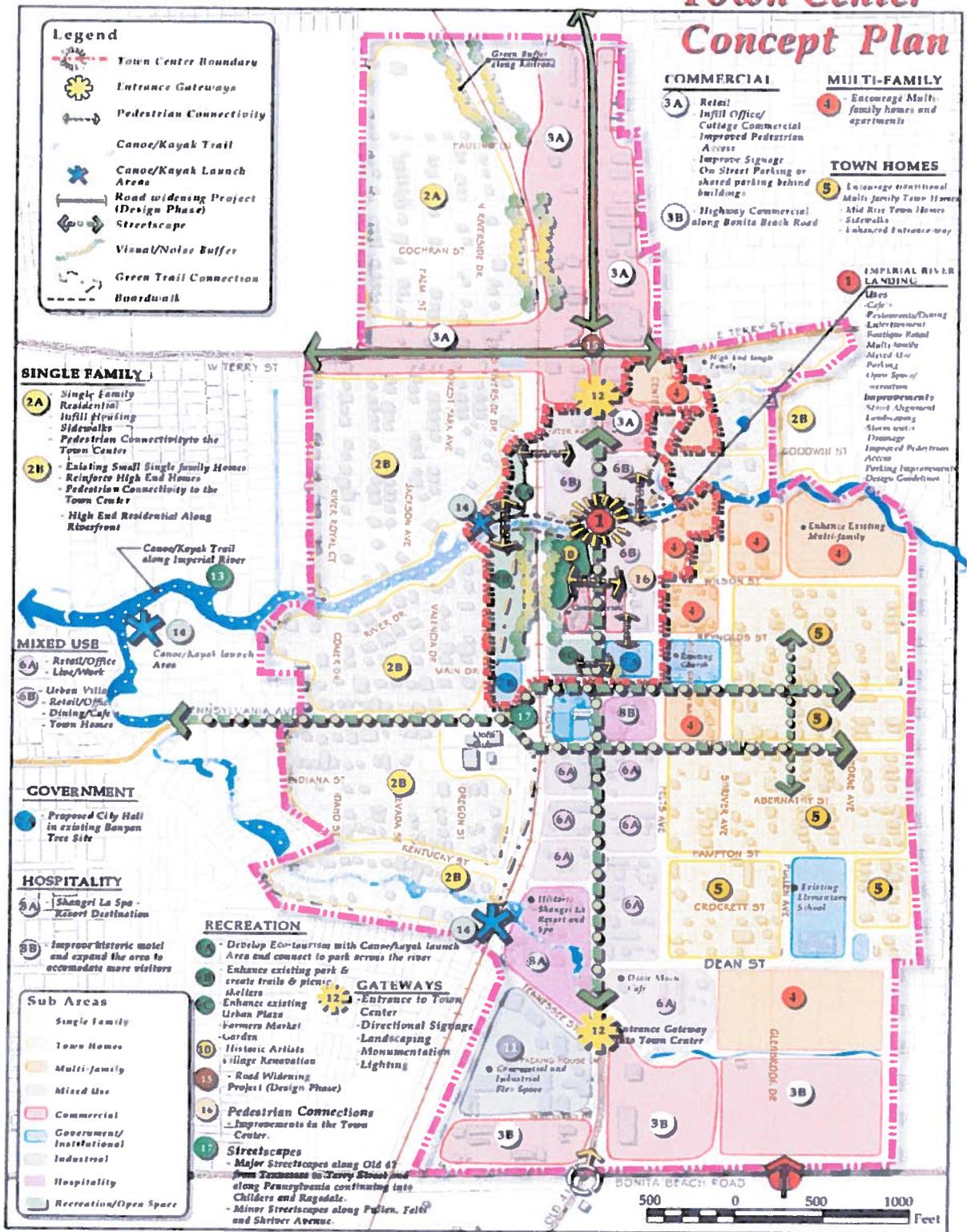
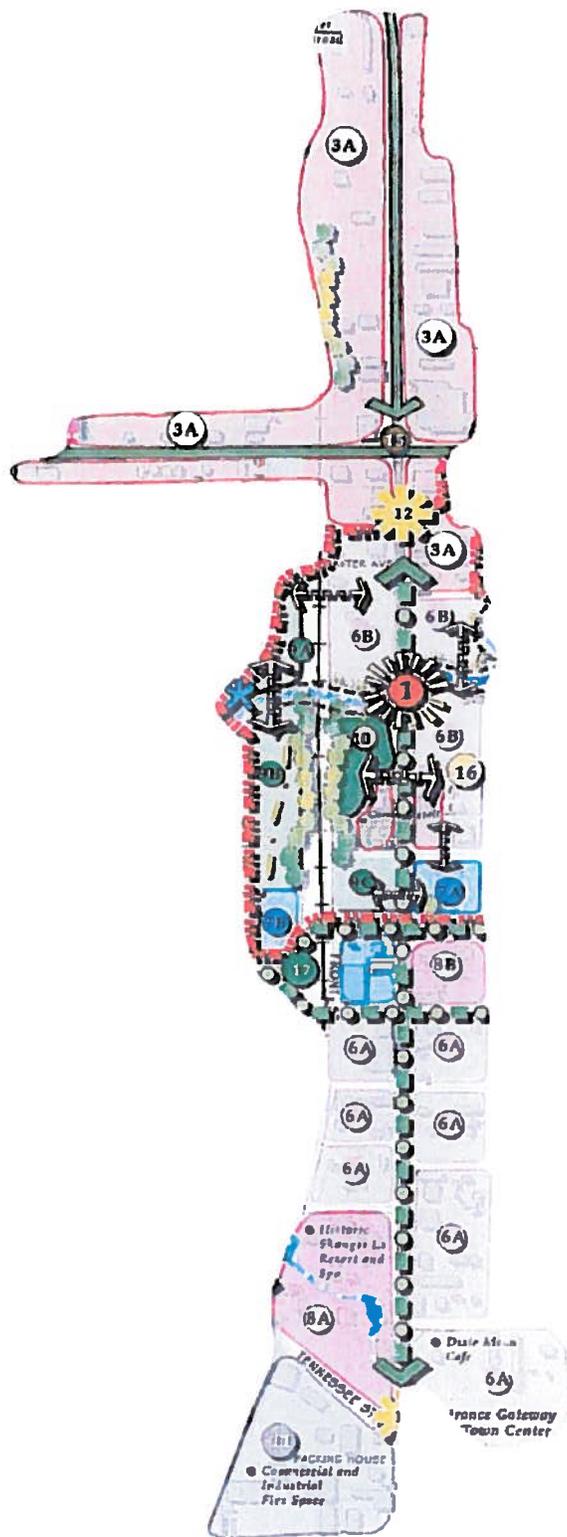


EXHIBIT II OLD U.S. 41 REDEVELOPMENT URBAN CORE MAP

Old U.S. 41 Redevelopment Urban Core

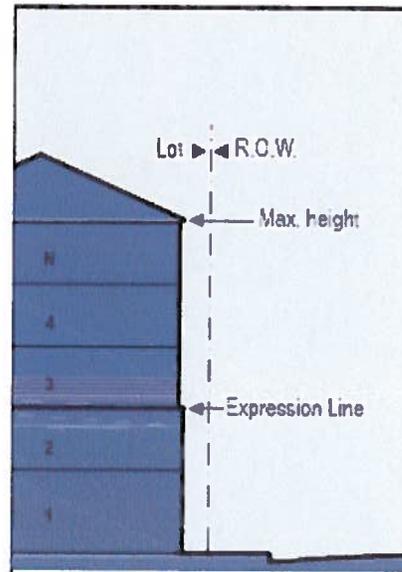
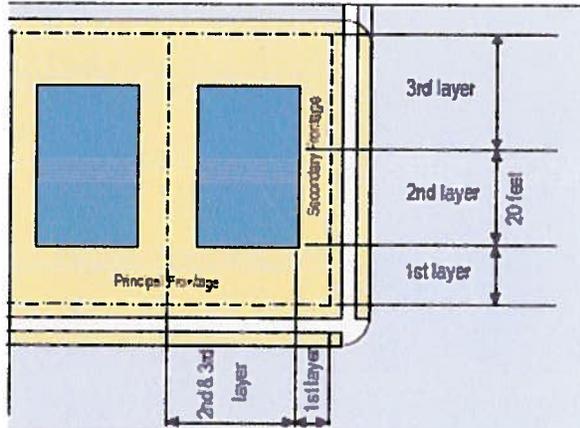


Sub Areas	
[White Box]	Mixed Use
[Red Box]	Commercial
[Blue Box]	Government/ Institutional
[Grey Box]	Industrial
[Pink Box]	Hospitality
[Green Box]	Recreation/Open Space

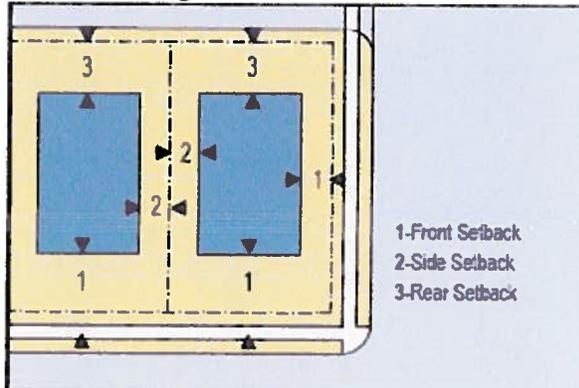


EXHIBIT III SMART CODES EXAMPLES & EXPLANATIONS

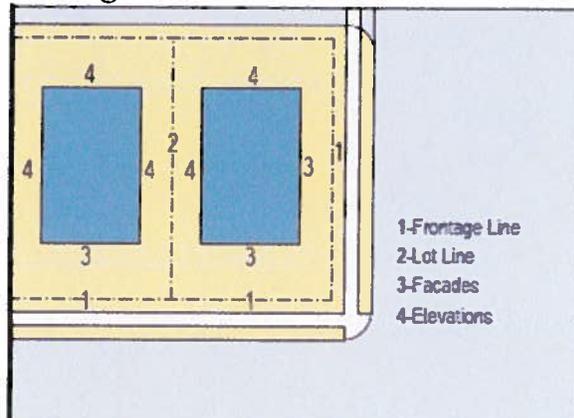
Lot Layers



Setback designations



Frontage and Lot lines



Required Parking

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

The Shared Parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table, produces the Effective Parking needed for each site involved in sharing. Conversely, if the Sharing Factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

Shared Parking Factor

Function	with	Function
RESIDENTIAL		RESIDENTIAL
LODGING		LODGING
OFFICE	1	OFFICE
RETAIL	12 14 17 17 14 12	RETAIL

The Shared Parking Factor table shows the following values for combinations of functions:

- RESIDENTIAL with RESIDENTIAL: 1
- LODGING with LODGING: 1
- OFFICE with OFFICE: 1
- RETAIL with RETAIL: 1
- RESIDENTIAL with LODGING: 1.1
- LODGING with RESIDENTIAL: 1.1
- RESIDENTIAL with OFFICE: 1.4
- OFFICE with RESIDENTIAL: 1.4
- LODGING with OFFICE: 1.7
- OFFICE with LODGING: 1.7
- RESIDENTIAL with RETAIL: 12
- RETAIL with RESIDENTIAL: 12
- LODGING with RETAIL: 14
- RETAIL with LODGING: 14
- OFFICE with RETAIL: 17
- RETAIL with OFFICE: 17

Urban Core Building Configuration

EXHIBIT IV
Color Palette

Based on Sherwin Williams Exterior Coastal Colors for Southern Shores and Beaches

	<u>Body</u>	<u>Trim</u>	<u>Accent</u>
<u>Set No.1</u>	<u>Festoon Aqua</u> <u>SW 0019</u>	<u>Polar Bear</u> <u>SW 7564</u>	<u>Sassy Green</u> <u>SW 6416</u>
<u>Set No.2</u>	<u>Bee's Wax</u> <u>SW 7682</u>	<u>Pure White</u> <u>SW 7005</u>	<u>Virtual Taupe</u> <u>SW 7039</u>
<u>Set No. 3</u>	<u>Chrysanthemum</u> <u>SW 6347</u>	<u>Buff</u> <u>SW 7683</u>	<u>Underseas</u> <u>SW 6214</u>
<u>Set No. 4</u>	<u>Banana Cream</u> <u>SW 6673</u>	<u>Extra White</u> <u>SW 7006</u>	<u>Roycroft Brass</u> <u>SW 2843</u>
<u>Set No. 5</u>	<u>Repose Gray</u> <u>SW 7015</u>	<u>Pure White</u> <u>SW 7005</u>	<u>Indigo Batik</u> <u>SW 7602</u>
<u>Set No. 6</u>	<u>Rain</u> <u>SW 6219</u>	<u>Nantucket Dune</u> <u>SW 7527</u>	<u>Homestead Brown</u> <u>SW 7515</u>
<u>Set No.7</u>	<u>Neutral Ground</u> <u>SW 7568</u>	<u>Urban Putty</u> <u>SW 7532</u>	<u>St. Bart's</u> <u>SW 7614</u>
<u>Set No.8</u>	<u>Rustic Adobe</u> <u>SW 7708</u>	<u>Canvas Tan</u> <u>SW 7531</u>	<u>Oakmoss</u> <u>SW 6180</u>
<u>Set No.9</u>	<u>Concord Buff</u> <u>SW 7684</u>	<u>Greek Villa</u> <u>SW 7551</u>	<u>Artifact</u> <u>SW 6138</u>
<u>Set No.10</u>	<u>Creamy</u> <u>SW 7012</u>	<u>Tawny Tan</u> <u>SW 7713</u>	<u>Riverway</u> <u>SW 6222</u>
<u>Set No.11</u>	<u>Cottage Cream</u> <u>SW 7678</u>	<u>Dover White</u> <u>SW 6385</u>	<u>Distance</u> <u>SW 6243</u>
<u>Set No.12</u>	<u>Oyster Bay</u> <u>SW 6206</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Harvester</u> <u>SW 6373</u>
<u>Set No.13</u>	<u>Koi Pond</u> <u>SW 7727</u>	<u>Alabaster</u> <u>SW 7008</u>	<u>Tea Chest</u> <u>SW 6103</u>
<u>Set No.14</u>	<u>Classic Sand</u> <u>SW 0056</u>	<u>Modern Gray</u> <u>SW 7632</u>	<u>Classic French Gray</u> <u>SW 0077</u>
<u>Set No.15</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Townhall Tan</u> <u>SW 7690</u>	<u>Garden Spot</u> <u>SW 6432</u>
<u>Set No.16</u>	<u>Dockside Blue</u> <u>SW 7601</u>	<u>Extra White</u> <u>SW 7006</u>	<u>Restoration Ivory</u> <u>SW 6413</u>
<u>Set No.17</u>	<u>Natural</u> <u>SW 7542</u>	<u>Classic Light Buff</u> <u>SW 0050</u>	<u>Sealskin</u> <u>SW 7675</u>
<u>Set No.18</u>	<u>Gray Clouds</u> <u>SW 7658</u>	<u>Reflection</u> <u>SW 7661</u>	<u>Rocky River</u> <u>SW 6215</u>
<u>Set No.19</u>	<u>Cavern Clay</u> <u>SW 7701</u>	<u>Bittersweet Stem</u> <u>SW 7536</u>	<u>Fiery Brown</u> <u>SW 6055</u>
<u>Set No.20</u>	<u>Honeycomb</u> <u>SW 6375</u>	<u>Crisp Linen</u> <u>SW 6378</u>	<u>Saguaro</u> <u>SW 6419</u>
<u>Set No.21</u>	<u>Crème</u> <u>SW 7556</u>	<u>Tatami Tan</u> <u>SW 6116</u>	<u>Urbane Bronze</u> <u>SW 7048</u>
<u>Set No.22</u>	<u>Ecru</u> <u>SW 6135</u>	<u>Burlap</u> <u>SW 6137</u>	<u>Polished Mahogany</u> <u>SW 2838</u>
<u>Set No.23</u>	<u>Meadowlark</u> <u>SW 7522</u>	<u>Casa Blanca</u> <u>SW 7571</u>	<u>Earthen Jug</u> <u>SW 7703</u>
<u>Set No.24</u>	<u>Lanyard</u> <u>SW 7680</u>	<u>Navajo White</u> <u>SW 6126</u>	<u>Rocky River</u> <u>SW 6215</u>

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

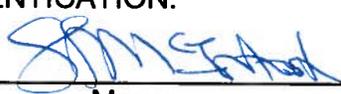
It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs City Code; and that sections of this ordinance may be renumbered or re-lettered and that the work "ordinance" may be changed to "section," "article," 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 effect 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, Florida this 6th day of February, 2013.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Simons	Nay
Martin	Absent	Lonkart	Aye
Slachta	Aye		

Date Filed With City Clerk: 2-7-13