

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 23 – 11

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 7 – ENVIRONMENT, NATURAL RESOURCES AND MARINE FACILITIES, STRUCTURES AND EQUIPMENT, ARTICLE XII – DOCK AND SHORELINE STRUCTURES; AND CHAPTER 9 – DEFINITIONS; 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 Dock and Shoreline Structures Code was originally adopted as part of the City’s LDC in 2000, which was last amended in 2021; and

WHEREAS, necessary changes have been identified as a result from widespread dock reconstruction from Hurricane Ian, as well as minor items that need clarification from implementation of the most recent LDC amendments.

WHEREAS, it is in the best interest of the City to amend Chapter 7, Article XII of the Land Development Code to promote safe boating practices and protect riparian access and navigability of the waterways.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. **Recitals Adopted.**

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

Section 2. **Amending Land Development Code**

The Bonita Springs City Code is hereby amending the pertinent provisions of the Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. **Severability**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found

to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.

Section 4. Conflicts of Law

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

Section 5. Codification and Scrivener's Errors

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

Section 6. Effective Date

This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL of the City of Bonita Springs, Florida this 6 day of September, 2023.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: Michael Sheffield
Michael Sheffield, City Clerk

By: Rick Steinmeyer
Mayor Rick Steinmeyer

Reviewed for legal sufficiency:

By: _____
City Attorney's Office

ARTICLE XII. DOCK AND SHORELINE STRUCTURES¹

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DIVISION 2. LOCATION AND DESIGN

Sec. 7-356. ~~Work in this division will be permitted in accordance with the following regulations.~~ Shoreline and Water Quality Protections.

- (a) All structures must be placed so as to provide the least possible impact to aquatic or native shoreline vegetation and benthic resources.
- (b) During work that will generate turbidity, turbidity screens must be installed and properly maintained until turbidity levels are reduced to normal (ambient) levels.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

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Sec. 7-358. Primary structures single/two family docks, fishing piers, kayak/canoe launch, boat ramps; boardwalks.

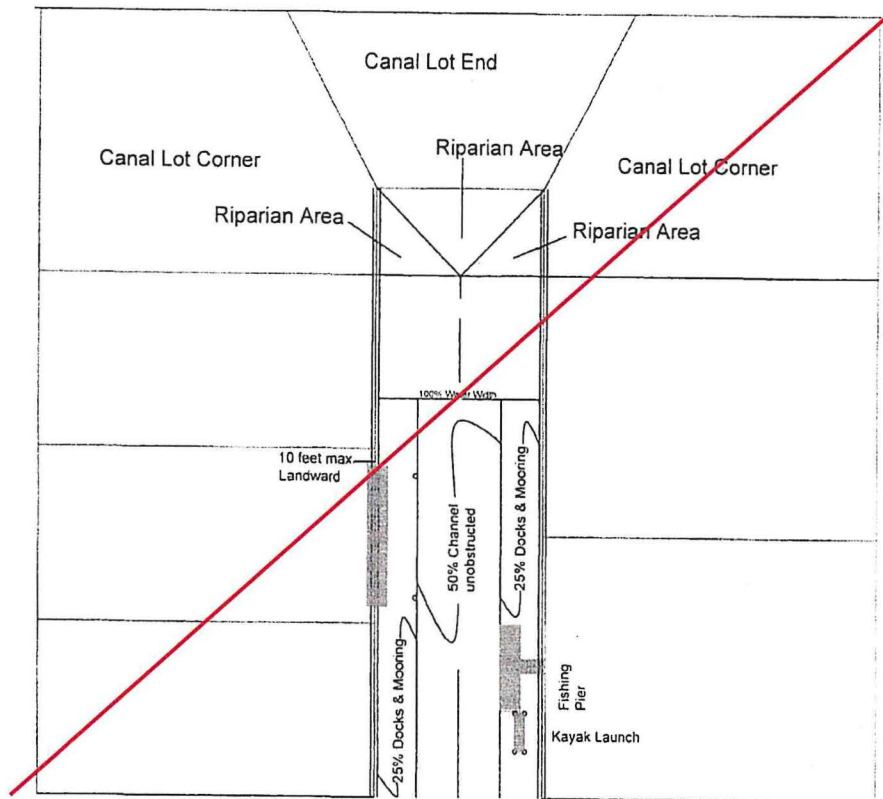
- (b) *Length of docks.*
 - (1) No structure, including mooring area, may be permitted or constructed to exceed 25 percent of the navigable channel width. Boat mooring areas that are waterward of the dock will be deemed ten feet in width.

¹Ord. No. 21-08 , § 2(Exh. A), adopted October 20, 2021, amended Article XII in its entirety to read as herein set out. Former Article XII, §§ 7-354—7-361, 7-381—7-391, pertained to similar provisions, and derived from Ord. No. 14-02, §§ 7-41—48, 7-71—81, February 19, 2014.

- (2) Docks and their associated watercraft mooring areas in the Estero Bay Aquatic Preserve shall not exceed 20 percent of the waterway width measured from mean high water line to mean high water line.
- (4) The director may permit administrative deviations from the length allowed by this subsection (2) based upon the following criteria:
 - a. The proposed dock has been approved by all applicable state and federal agencies; and
 - b. The increased length will not result in a hazard to navigation; and
 - c. The proposed dock is compatible with docks or other structures and uses on adjoining lots; and, except for closed waterbodies.
 - d. If the increase in length results in an area over water of 500 square feet or greater, a benthic species survey assessment conducted between June 1 and September 30 ~~shall be provided~~ may be required demonstrating the increase in length will lessen the dock's impacts on seagrass beds or other marine resources.

(c) *Design and maximum dimensions.*

- (1) Structures permitted by this section must comply with the following maximum dimensional requirements. The application of these regulations is illustrated in Figures 7-1 through 7-3, ~~Dock Structure Plan View~~. For the purposes of this section, the term vessel on the following figures shall be synonymous with boat and seawall shall be synonymous with shoreline.



Artificial Waterbody

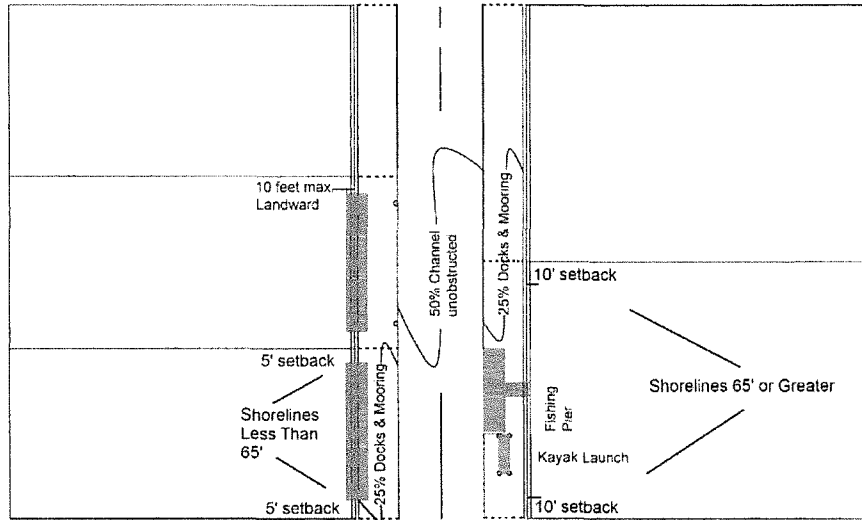


Figure 7-1

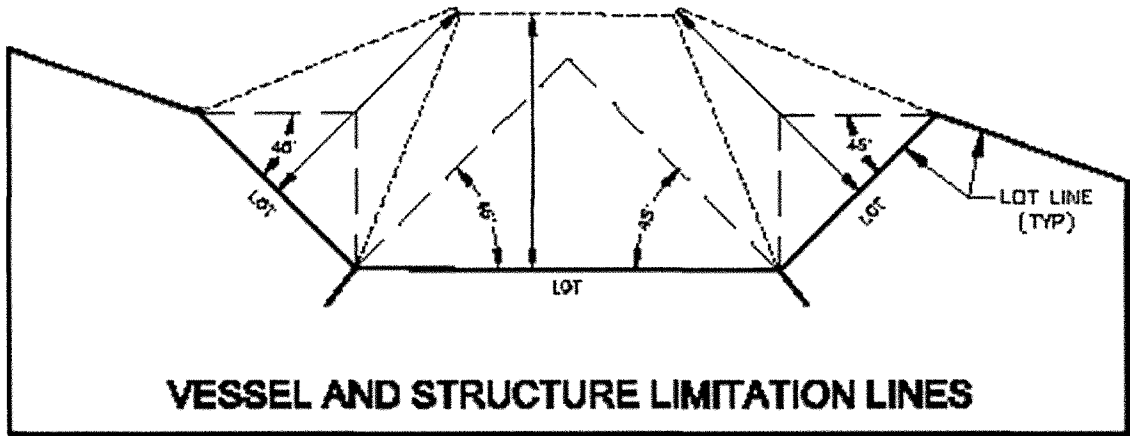


Figure 7.1a

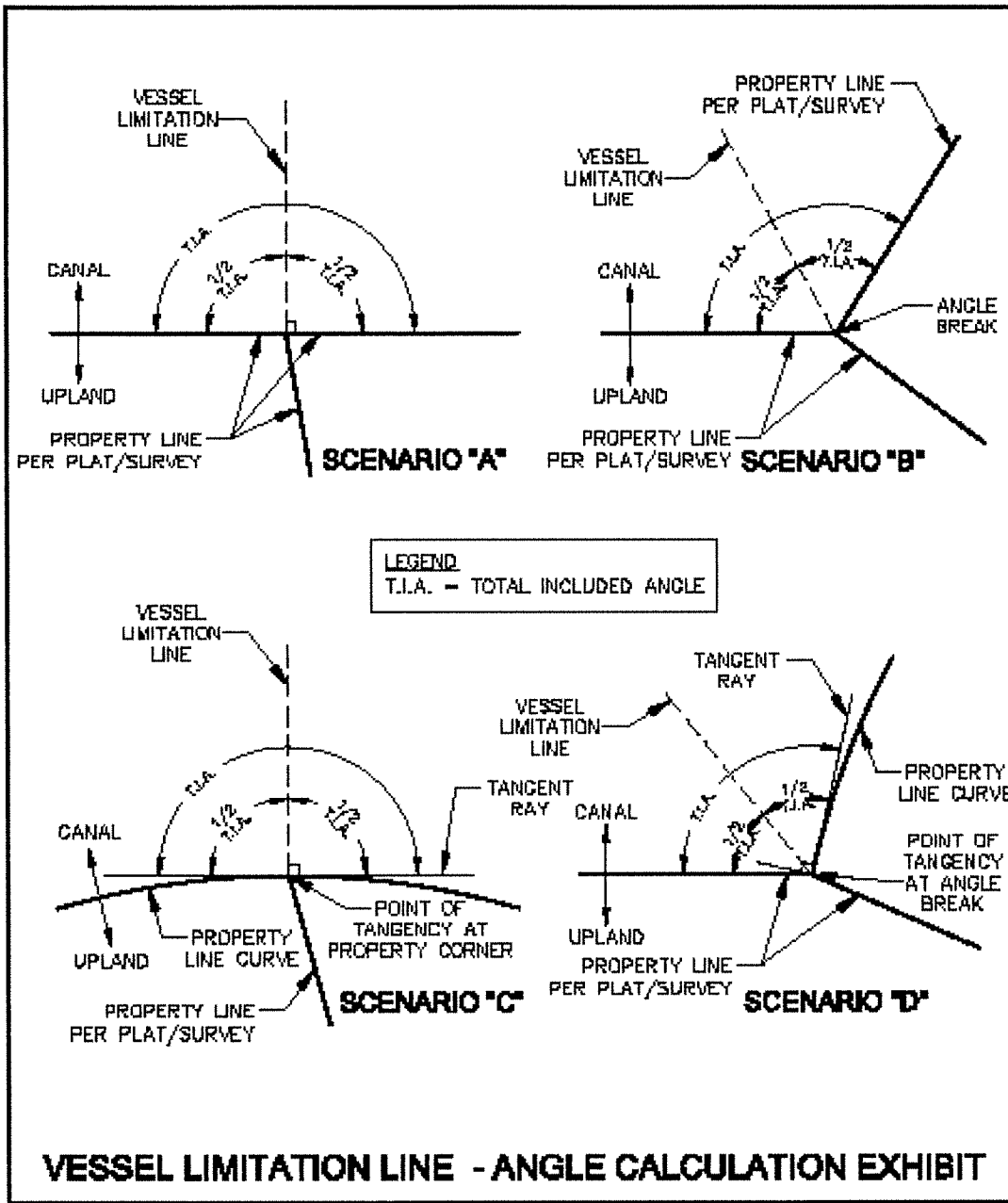


Figure 7.1b

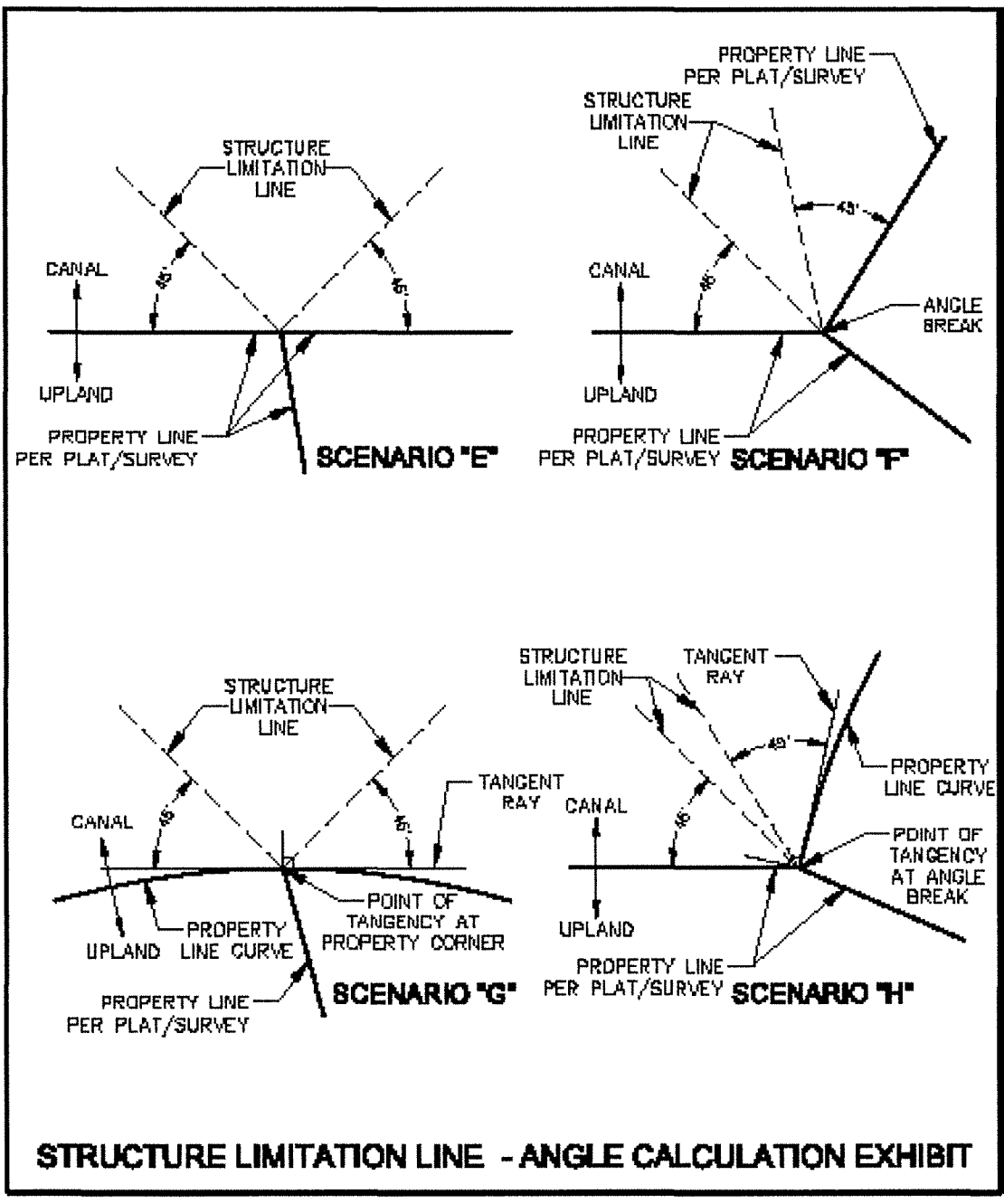


Figure 7.1c

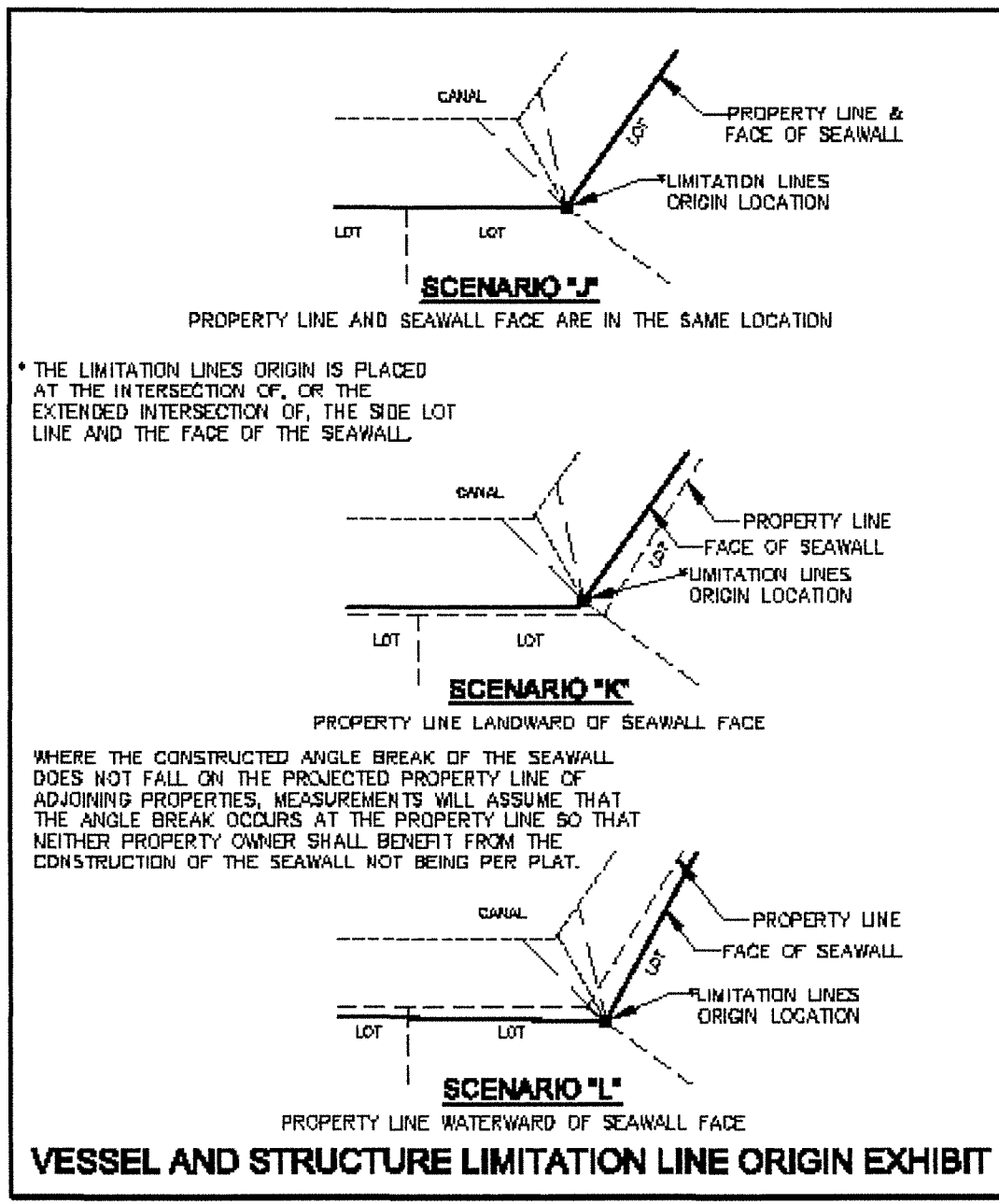


Figure 7.1d

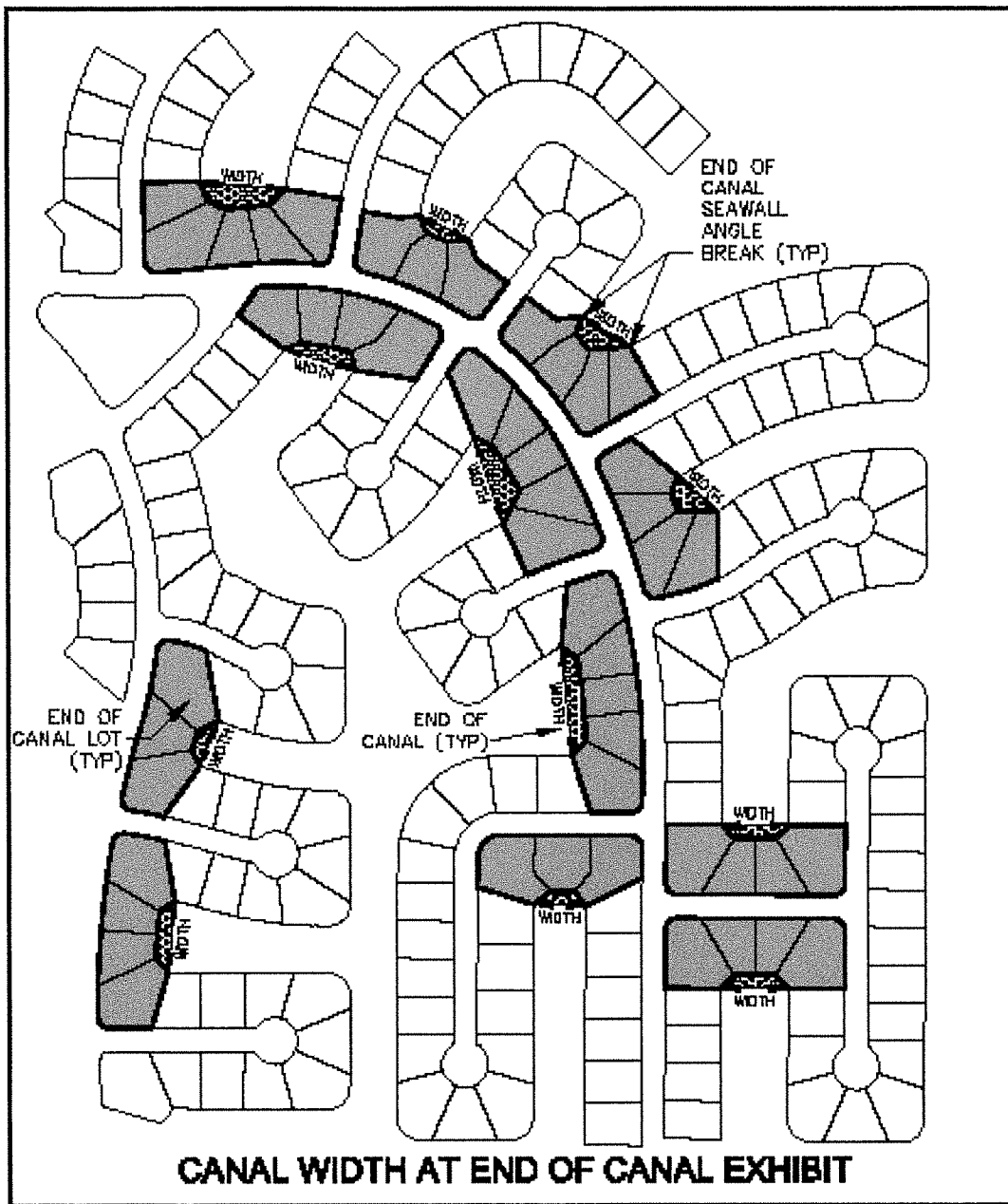


Figure 7.1e

- (3) Dock facilities, fishing piers, kayak launch structures, boardwalks, or any combination thereof with 500 square feet or greater over water shall may be required to provide a benthic species survey assessment if benthic resources are expected to be found. If the assessment shows resources will be impacted,

adjustment to the site plan or a mitigation plan will be required. An assessment will not be required for closed waterbodies such as lakes.

(d) *Setbacks.*

(1) All structures in natural waterbodies must be set back from all adjoining side lot and side riparian lines as follows:

- a. Marginal docks, boat lifts, and mooring pilings—No less than ten feet.
- b. All other boat mooring docks, fishing piers, boardwalks, or combination thereof—No less than 25 feet for lots with a water frontage of 65 feet or more and no less than 15 feet for lots with a water frontage of less than 65 feet.

~~(2)~~ ~~Except for lots abutting the end or corner of a canal, a~~ All boat docking facilities, fishing piers, and boardwalks in artificial waterbodies shall have a side setback requirement of ten feet. must be set back from all adjoining side lot and side riparian lines as follows:

- a. Five feet for lots with a water frontage of less than 65 feet;
- b. Ten feet for lots with a water frontage of 65 feet or greater;
- c. Lots abutting the end or concave corner of a canal shall follow the structure and vessel limitation limits as shown in Figures 7-1a through 7-1e.

~~(3)~~ All boat ramps must be set back ten feet from all adjoining side lot and side riparian lines.

~~(4)~~ The director, in his discretion, may permit administrative deviations from the setbacks required by this subsection (d) subject to the following:

- a. Construction of the structure outside the setback area will not cause or will minimize damage to wetland vegetation or other environmental resources or will not cause greater damage than will occur if the deviation is not granted; and
- b. The decreased setback will not create a hazard to navigation; and
- c. Adjoining property owners execute a written agreement in recordable form, agreeing to a setback less than that required or to a zero setback.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-359. Seawalls, retaining walls and riprap revetment.

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(d) *Retaining walls.*

(1) A retaining wall may be built as an alternative to a vertical seawall, provided that all activities, including dredging, filling, slope grading, or equipment access and similar activities and all portions of the wall are located ~~at one of the following distances, whichever is further:~~

- ~~a. Five feet landward of the mean high water line, or~~
- ~~b. Landward of any wetland vegetation, or~~
- e. Landward of the dripline of vegetation originating within the jurisdictional wetland area adjacent to surface water as depicted in the image below.

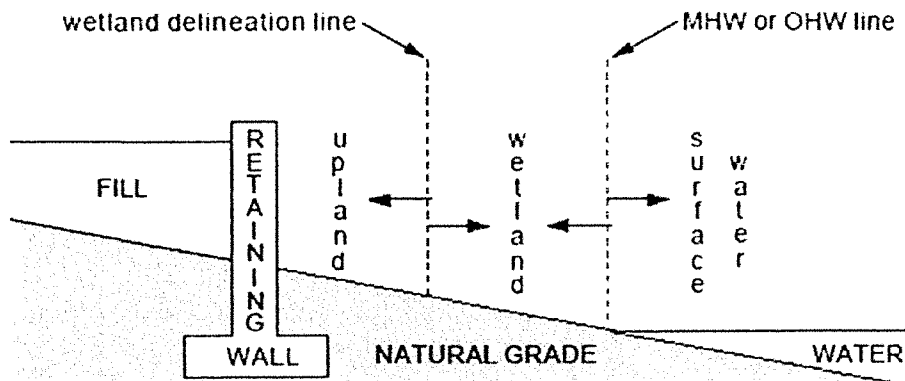


Figure 7-6 Cross-section of retaining wall

(g) *Riprap revetment.*

- (1) Riprap must be located and placed so as not to damage or interfere with the growth of wetland vegetation.
- (2) Material used for riprap should be sized properly for intended use, be a minimum average of 12 inches in diameter, and installed at a 45-degree angle or less no steeper than a 2:1 slope on top of filter fabric or equivalent material to prevent erosion of subgrade. Riprap must be clean and free of debris deemed harmful to the environment and public safety. Riprap shall not be cemented together.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-360. Accessory structures—Boathouses, boat canopies, and dock boxes.

(1) *Location.*

- a. Must be constructed adjacent to or over a waterway. Any boathouse constructed over land must be located, in its entirety, within 25 feet of the mean high-water line.
- b. Must not be constructed over submerged bottoms containing areas of dense submerged aquatic vegetation or other marine resources. Where benthic resources are expected to be found, a A benthic species survey assessment shall be required for all boathouses or boat canopies, with an area of 500 square feet over water or when the combined square footage of the docking facility and boathouse or boat canopy exceeds 500 square feet over water.
- c. Must not extend beyond 25 percent of the width of a navigable channel.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-361. Dredging.

- (b) All dredging of existing navigational channels shall meet the following standards:

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- (4) No dredge material is allowed to be ~~deposited~~retained on a single-family residential lot except in conjunction with an approved building permit utilizing the fill material. In no case will hydraulic pumping of dredge material onto residential lots be allowed. Erosion control measures shall be provided to contain the dredge material.

 - (6) A benthic species survey assessment ~~may be required~~shall be provided. If the assessment shows resources will be impacted, a mitigation plan will be required.

(Ord. No. 21-08 , § 2(Exh. A), 10-20-2021)

Sec. 7-362. Vegetation protection, removal, and mitigation.

- (b) *Vegetation removal and mitigation.*
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 - (2) For ~~rip rap~~ riprap installation projects, mangroves or native wetland shrubs or trees will be planted for every three feet of open shoreline in accordance with the requirements below.

Sec. 7-363. Beach dune walkovers.

- (b) *General design.*
 - 2. Decks, or platforms ~~or lights~~ are not permitted on beach/dune walkovers.

Sec. 9-27. Definitions.

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

AASHTO means American Association of State and Highway Transportation Officials.

Abutting means any property that shares a common border with another property, or is separated from a common border by a right-of-way, alley or easement.

Access point means an accessway or driveway which provides vehicle access to a single parcel of land.

Access street and *access road* mean a street or road that runs generally parallel to an arterial or collector street and is the primary access to properties that abut the arterial or collector street. An access street is intended only to provide access to parcels existing when it is constructed and does not provide frontage for newly created parcels as would a local street. See also *Frontage street*.

Access walkway means the portion of a structure that allows access from land to the mooring area of a docking facility or from land to a fishing pier or from land to a kayak launch.

Accessway means land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways include access points to commercial, industrial and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure.

Acre means a horizontal area of land containing 43,560 square feet of surface area.

Agriculture means the growing and harvesting, primarily for sale, of vegetation, crops or plants, or the feeding and raising, primarily for sale, of livestock, and timber production. The term "agriculture" includes any normal accessory structures thereto; provided, however, the following shall not be included in this definition: commercially owned or operated citrus plants, livestock sales facilities, packing plants and other similar commercial or industrial type facilities.

Amenity zone is defined as the area internal to the site and within 50 feet of the public right-of-way, which is intended for pedestrian-oriented uses that are visually attractive, take into consideration the human scale and proportion, and provide for multi-modal connections between the right-of-way and development.

Applicant means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity, or their duly authorized representative, conducting activities under this Code.

Application and appeal means any matter lying within the jurisdiction of the zoning board and any application for rezoning which will be or is scheduled to be heard by the city council, or designee.

Application for a development order means the submission of the documents as required in this Code to the city manager and/or his designated representative for review.

Arcade means a roof, similar to an overhang or canopy, but where the outer edge is supported by a line of pillars or columns.

Architect means a professional architect duly registered and licensed by the state.

Arterial roadway means streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is a secondary function.

Awning, continuous, means a cover of lightweight material such as canvas, plastic, or aluminum, extending over two or more doorways, windows or combinations thereof, and regardless of whether it is affixed to the wall or parapets or extends above the roofline of the wall or parapet.

Awning, single, means a cover of lightweight material such as canvas, plastic, or aluminum, extending over a single doorway or window, providing protection from the elements.

Benthic Species Survey Assessment means an assessment of the animals and plants that live on or in the bottom of a body of water and that is performed during spawning season. Supporting data are in the form of but are not limited to: benthic habitat species maps that depict the topography, photos, acoustic surveys, and an analysis of sedimentary samples beneath the body of water that provide data sufficient to determine the presence of shellfish and seagrass beds necessary for the habitat of benthic species to reproduce or feed.

Bicycle (bike) facilities means general accommodation to encourage bicycling, including but not limited to pathways, multi-use trails, bike lanes, bicycle storage facilities, refuge areas, and repair facilities.

Bike lane, separated, means an exclusive facility for bicyclists that is located directly adjacent to the travel lane(s), and that is separated from motor vehicle traffic by a horizontal or vertical element.

Bike lane, shared, means a travel lane within a street with signs and pavement markings that indicate to drivers that they are to share the roadway with bicyclists.

Block means a group of lots, including a tier of lots, existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name by which it may be identified.

Boat means a vehicle designed for operation in water propelled by sail or one or more electric or internal combustion engines. Boats include motorized personal watercraft. Personal, manually powered watercraft such as canoes and kayaks are not considered boats.

Boat canopy means a non-permanent roofed structure installed over or adjacent to water to provide a covered mooring or storage place for boats.

Boat Limitation Line means a line extending into the waterbody from a property corner as calculated by dividing the Total Included Angle between the property lines into two equal halves.

Boat ramp means a structure, manmade or altered natural feature, or an inclined and stabilized surface extending into the water from the shore, which facilitates the launching and landing of boats or manually powered watercraft into a waterbody or from which trailered boats can be launched and retrieved.

Boathouse means a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for boats.

Bonita Beach Road Corridor means all property located within the City of Bonita Springs fronting on Bonita Beach Road from the south end of Little Hickory Boulevard to the terminus of the city limits east of I-75 or as designated on the map in the Bonita Beach Road Corridor study, attached in Appendix I of chapter 4.

Building means any construction, erection, alteration, demolition, or improvement of, or in addition to, any structure for which permitting by local enforcement agency is required. The term "building" shall be construed as if followed by the words "or part thereof."

Building official means the person appointed by the city council to oversee the issuance of building permits for the city.

Building permit means an official document or certification issued by the building official and authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. In the case of a change in use or occupancy of an existing building or structure, the term "building permit" specifically includes certificates of occupancy and occupancy permits, as those permits are defined or required by city ordinance.

Building with mixed uses means a building that contains more than one principal use.

Bus pull-off area means a branch from or widening of a road that permits buses to stop, without obstructing traffic in the travel lane(s).

Bus stop means a designated location along a bus route(s) for passengers to board or transfer to transit vehicles.

Canopy, attached, means a permanent structural cover affixed to and extending from the wall of a building, protecting a doorway or walkway from the elements.

Canopy, detached, means a freestanding structure which covers a walkway or service area.

Capital improvement means land acquisition and related costs and expenses, site improvements, off-site improvements associated with new or expanded facilities, buildings and equipment, including communications equipment, with an average useful life of at least three years, but excludes maintenance and operations.

Centerline of Waterway shall mean the point equidistant from the mean high-water line of opposing shores for all waterways other than Estero Bay within the City of Bonita Springs. Where it can be shown on a bathymetric survey that an identifiable navigable channel exists within a waterway and the centerline of said channel is not at a point equidistant from the mean high-water line of opposing shores, the centerline shall be the point equidistant from the opposing edges of said navigable channel.

City means the City of Bonita Springs, acting through its city council, the city manager or designee, or through the division.

City attorney means the legal counsel for the city council or his designee.

City council means the City Council of the City of Bonita Springs.

City highway system means all existing roads maintained by the city department of transportation.

City manager means the city manager or the municipal officials that he may designate to administer the various provisions of this Code.

Class 1 road means an approved road shown on Map 3A of the transportation element of the comprehensive plan that is included as a city-funded road construction or improvement project on the five-year schedule of improvements within the comprehensive plan's capital improvements element adopted and amended from time to time in accordance with F.S. §§ 163.3177(3)(b) and 163.3187. Class 1 roads include access roads shown on the access road location map if the city requires their construction as a condition of development order approval or a specific written condition of the zoning approval. The term "Class 1 road" also means any arterial or collector road included in the road network established in the transportation element of the comprehensive plan of any participating municipality, if the road construction or improvement project is also included in the annual capital improvement program of the municipality to be funded through the use of roads impact fees. Notwithstanding their inclusion on the access road location map, Class 1 roads do not include site-related improvements such as access roads constructed to achieve site location standards for commercial development or to provide for internal circulation when such roads would not otherwise be required by the city pursuant to criteria in chapter 3.

Class 2 road means an approved road shown on Map 3A of the comprehensive plan transportation element that is scheduled for construction as a city-funded project in any ten-year capital improvement, but which is not included on the five-year schedule of improvements within the capital improvements element of the comprehensive plan.

Class 3 road means an approved road shown on Map 3A of the comprehensive plan transportation element that is not included for construction or improvement within the capital improvements element of the comprehensive plan or any ten-year capital improvement plan of the city. The term "Class 3 road" also means an approved road not on the five-year schedule of improvements within the comprehensive plan's capital improvement element, not in any ten-year capital improvement plan of the city, and not on Map 3A of the comprehensive plan transportation element, but which provides a reasonable alternative route for traffic that otherwise would travel a specific road shown on Map 3A of the comprehensive plan transportation element.

Coastal high hazard area means that area of the hurricane vulnerability zone defined as the landfalling category 1 evacuation zone as delineated by the Southwest Florida Regional Planning Council.

Collector roadway means streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting lands is a secondary function.

Commercial development means a planned commercial center providing building areas, parking areas, service areas, buffering, and adjacent roadway improvements. The term "commercial development" includes retail facilities, hospitals, shopping centers, office buildings, and multi-unit residential developments.

Community park means a tract of land designated and used by the public primarily for active recreation but also used for educational and social purposes and passive recreation. The term "community parks" also includes bikeways along the city road network that are designed and used primarily for active recreation. A community park generally serves a specific community composed of at least several neighborhoods. The comprehensive plan's community park standards are based upon several subclassifications of community parks: standard community parks, community recreation centers, community pools and school parks. The term "community park" specifically includes school sites and municipally owned parks where they are used as community parks.

Complete streets means roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

Comprehensive plan means the City of Bonita Springs Comprehensive Plan adopted pursuant to F.S. ch. 163.

Concurrency certificate means a certificate of concurrency compliance, a certificate of concurrency exemption, a concurrency variance certificate or a conditional certificate of concurrency compliance.

Concurrency management system means a financially feasible system to ensure that existing deficiencies are corrected within a specified time frame and to establish priorities for addressing backlog facilities in special concurrency districts or areas.

Concurrency variance certificate means the certification issued by the city manager and/or his designee pursuant to section 2-34. This certification means that the director has determined that a variance from the strict concurrency requirements of the comprehensive plan must be granted with respect to a specific development permit to avoid the unconstitutional taking of property without due process of law.

Conditional certificate of concurrency compliance means a certificate issued by the city manager and/or his designee pursuant to section 2-30(j). This certification means that the city manager and/or his designee has determined that:

- (1) A development permit which otherwise would violate the minimum concurrency requirements of the comprehensive plan can be issued consistent with the comprehensive plan if certain conditions are attached to the permit; or
- (2) The application for concurrency review is complete but for a particular document that can be submitted prior to the issuance of a building permit or certificate of occupancy.

Connection means a driveway, street, access road or other means of providing access to or from the city highway system. Two one-way driveways separated by no more than 50 feet will be considered one connection.

Conservation easement, as applied to the protected species requirements of this Code, means a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses; and which prohibits or limits the activities described in F.S. § 704.06, as such provisions now exist or may be amended.

Constrained roads means those roadway segments that cannot or will not be widened due to community scenic, historic, aesthetic, right-of-way or environmental constraints.

Consultant means an architect, attorney, engineer, environmentalist, landscape architect, planner, surveyor or other person engaged by the developer or applicant.

Contiguous means property that is in contact, adjoining, or touching other property. See also *Abutting*.

Controlled water depth means the vertical distance measured from the waterbody control elevation to the deepest point of the proposed waterbody.

Crosswalk means that part of a roadway at an intersection that is included within the extensions of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curb line, or in the absence of curbs from the edges of the roadway. Also, any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Cul-de-sac means a dead-end local street with a turnaround at one end.

Current pertains to the regulations in effect at the time an application for a development order is presented for acceptance or approval.

Dead-end street means a street having only one end open for vehicular access and closed at the other end.

Delegation of authority. A provision requiring the head of a department or some other city officer or employee to do some act or perform some duty is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty.

Density means an existing or projected relationship between numbers of dwelling units and land area. Refer to chapter 4, article VII, division 12, subdivision II, and division 19 of this Code.

Density bonus means an increase in the density of development that can be carried out on a parcel of land over and above the standard density range permitted by the comprehensive plan for the land use category in which it is located.

Department means that department charged with the planning and administration of zoning and development review for the incorporated area of the city. As used in this Code, the terms "department" and "division" are synonymous.

Developer means any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing development.

Development means the carrying out of building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. It is intended to have the same meaning given in F.S. § 380.04.

Development agreement means either a home rule development agreement or a statutory development agreement.

Development area means the total horizontal area of the development property less any area within any existing public street right-of-way or easement.

Development order means any order granting or granting with conditions an application for a development permit.

Development permit means a building permit, subdivision approval, certification or variance or other official action of local government having the effect of permitting the development of land. This definition conforms to that set forth in F.S. § 163.3164(7), except that it does not include zoning permits, zoning variances, rezoning, special exceptions, preliminary plan approvals, and special permits which, by themselves, do not permit the development of land.

Development review director means the city manager or designee assigned to oversee the development review process. He shall oversee the intake of applications for completeness, oversee the review of plans for compliance with this Code, and issue notifications to applicants. The term "development review director" is synonymous with the terms "development review coordinator" and "city engineer" as they are used in this Code.

Development right means any specific right to use real property which inures to an owner of real property through the common law, statutory law of real property, the United States and state constitutions and as further defined and delineated in this Code.

Director means the director of the department of community development, or designee, except when otherwise stated.

Division and dividing of land means:

- (1) The act of describing, by metes and bounds, platting or otherwise, one or more parcels of land which are lesser parcels of the original parcel or a recombination of lesser parcels or original parcels with another parcel for the purpose of conveying any interest in a parcel of land;
- (2) The act of describing, by metes and bounds, platting or otherwise, an easement or fee for accessway or right-of-way purposes;
- (3) The act of conveying any of the interests in land described in subsection (1) or (2) of this definition; or
- (4) The commencement of construction of a street, or a portion thereof, which is not platted.

Docking facility means a water-oriented structure(s) designed for the launching, retrieval, storage or mooring of boats. A docking facility may consist of an access walkway, finger pier, marginal dock, terminal platform, boat lift, boat ramp, floating dock, or any combination of these structures where permitted.

Drainage system includes the roadside swales, curb and gutter, valley gutter, inlet piping, lateral swales and related structures used to collect and transmit stormwater runoff from streets and lots to the detention or retention areas and percolation areas.

Driveway means a type of access point which provides vehicle access from a street to a single parcel of land containing two or fewer dwelling units in a single structure and from which vehicles may legally enter or leave the street in a forward or backward motion.

Duplex means a single, freestanding, conventional building on a single lot, designed for two dwelling units under single ownership, or wherein each dwelling unit is separately owned or leased but the lot is held under common ownership.

Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a weekly, monthly or longer basis, which is physically separated from any other rooms or dwelling units which may be in the same structure, and which contains sleeping and sanitary facilities and one kitchen. The term "dwelling unit" does not include rooms in hotels, motels or institutional facilities. Types of dwelling units are further defined in chapter 4 of the Land Development Code.

Easement means a grant of a right to use land for specified purposes. It is a nonpossessory interest in land granted for limited use purposes. Where the term "easement" is preceded by the term "street" or any other adjective, the preceding term describes the easement's purpose.

Engineer means a professional engineer duly registered and licensed by the state.

Equivalent residential connections means the total number of meter equivalents using the methodology of the state public service commission. The term "equivalent residential connections" is synonymous with the term "equivalent residential units" as used by the state public service commission.

Excavation depth means the vertical distance measured from the lowest existing natural grade along the bank of the proposed excavation to the deepest point of the proposed excavation.

Expressway means an arterial highway, usually divided, designed for the safe and relatively unimpeded movement of large volumes of through traffic, with full or partial control of access and grade separations at most intersections.

Exterior property line means the side lot line or riparian property line separating two or more lots or parcels under common ownership from the adjoining lots or parcels under separate ownership.

F.A.C. The abbreviation "F.A.C." refers to the Florida Administrative Code.

FDOT means the Florida Department of Transportation.

FLUCCS, as applied to the protected species requirements of this Code, means the Florida Land Use, Cover and Forms Classification System, published by the state department of transportation.

Facade means the exterior faces of a building.

Facade, primary. See section 3-489.

Fast food restaurant means an establishment whose principal business is the sale of food or beverages in a ready-to-consume state, for consumption either within the restaurant building, or off the premises, and which may contain drive-through facilities.

Feepayer means a person applying to the city, or to its authorized representative, for the issuance of a building permit, mobile home move-on permit or recreational vehicle development order for a type of land development activity specified in section 2-386(a), regardless of whether the person owns the land that is to be developed.

Final development order means a development order issued pursuant to chapter 3 of this Code.

Finger pier means a dock landing that branches from an access walkway or terminal platform to form a boat slip and provide direct access to the boat moored in the slip.

Fish and wildlife conservation commission, as applied to the protected species requirements of this Code, means the state game and fresh water fish commission, or its successor.

Fishing pier includes observation deck.

Frontage street means a type of access street which runs parallel to the adjacent arterial or collector street right-of-way and which separates the abutting properties from the right-of-way.

Furnishing zone means that portion of the right-of-way adjacent to the sidewalk used for street trees, street furniture, landscaping, transit stops, street lights and site furnishings.

Furniture, street. See *Street furniture*.

Glazing means the fitting of a building with glass, usually for windows or door covers.

Habitable floor means any floor area usable for living purposes, including working, sleeping, eating, cooking or recreation, or any combination thereof. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Habitat, as applied to the protected species requirements of this Code, means the place or type of site where a species naturally or normally nests, feeds, resides or migrates, including, for example, characteristic topography, soils and vegetative covering.

Habitat, occupied, as applied to the protected species requirements of this Code, means property that provides critical habitat and which is documented to be actively utilized by a listed species.

Habitat, significantly altered, as applied to the protected species requirements of this Code, means critical or occupied habitat which has been altered due to natural or manmade events.

Hazard to navigation means a boat or structure erected, under construction or moored that obstructs the navigation of boat(s) proceeding along a navigable channel or obstructs reasonable riparian access to adjacent properties.

Health department and county health department means the county public health unit organized pursuant to F.S. § 154.001 et seq.

Herbaceous plant means a plant with little or no woody tissue, primarily consisting of grasses, rushes and sedges. Trees and shrubs are not herbaceous plants.

Impervious surface means those surfaces which do not absorb water, and includes all water bodies, structures, driveways, streets, sidewalks, other areas of concrete, asphalt, compacted layers of limerock or shell, and certain parking areas. In the case of storage yards, areas of stored materials constitute impervious surfaces.

Improvement to land means any change to land or to any structure on the land, and shall include any movement or grading of land, except grading which is incidental to the removal of exotic vegetation and which is not prohibited by chapter 5; clearing of indigenous vegetation; and the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; provided, however, that any change to a building which does not involve a change in the building floor area shall not be deemed an improvement to land.

Individual sewage disposal system or facility means those sewage systems which include a septic tank, a system of piping, and a soil absorption bed or drainfield, as further defined and regulated by F.S. ch. 381 and F.A.C. ch. 10D-6.

Industrial means the use of a building or structure primarily for the storage, packaging or distribution of goods; the assembly, fabrication or manufacture of goods, either from raw materials or other goods; and the basic processing of foodstuffs.

Intensity of use means the extent to which nonresidential land is used as measured in terms of square footage of buildings, impervious surfaces, traffic generation, water consumption and sewage created.

Interior completion permit means any permit issued by the building official, which permits completion of a shell building or unit within a shell building, by authorizing work to finish interior units so that the building may receive a certificate of occupancy.

Intersection means the general area where two or more roads, streets, access ways or access points join or cross.

Joint authority. Words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Kayak launch means a structure that may be used for storing and/or launching kayaks, canoes, paddle boards or other non-motorized vessels.

Keeper and proprietor. The terms "keeper" and "proprietor" include any person, firm, association, corporation, club or co-partnership, whether acting alone or through a servant, agent or employee.

LBR means limerock bearing ratio, for purposes of sections 3-302 and 3-532.

Land development activity means any change in land use, or any construction of buildings or structures, or any change in the use of any building or structure that attracts or produces vehicular trips.

Land Development Code means the City of Bonita Springs, Florida, Land Development Code, as designated in section 1-1.

Land use map means the map adopted by the city council, which delineates land use categories of the comprehensive plan.

Landscape architect means a professional landscape architect duly registered and licensed by the state.

Large development means a project of ten acres or more in land area or two acres or more in impervious area.

Littoral zone means the shallow-water region of a waterbody where sunlight penetrates to the bottom.

Living unit means any temporary or permanent unit used for human habitation.

Local roadway means streets with primary function being to serve adjacent properties. As such, it provides the linkage from adjacent land uses to the collector street system. Through volume service is not a function of local streets.

Lot means a parcel of land considered as a unit.

Lot area means the total horizontal area within the lot lines.

Lot, corner, means:

- (1) A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the two streets is 135 degrees or less.
- (2) A lot abutting a curved street if straight lines drawn between the intersections of the side lot lines and the street right-of-way or easement to the foremost point of the lot form an interior angle of less than 135 degrees. (See section 3-524.)

Lot depth means the distance between the midpoints of the front lot line and the rear lot line. The midpoint of a curved front or rear lot line shall be considered to be the midpoint of a straight line connecting the points of its intersection with the side lot lines. (See section 3-525.)

Lot, double-frontage, means any lot, not a corner lot or through lot, having two or more property lines abutting a street right-of-way or easement. (See section 3-526.)

Lot, flag, means a lot not fronting on or abutting a street, and where access to the street is by a narrow private easement; or an L-shaped lot or other irregularly shaped lot which abuts and has access to a street but does not comply with the minimum frontage requirements of chapter 4. (See section 3-526.)

Lot, frontage, means the distance measured along a straight line between the points of intersection of the side lot lines with the street right-of-way or easement. (See section 3-526.)

Lot, interior, means any lot not defined as a corner, double-frontage or through lot. (See section 3-526.)

Lot line means a line which delineates the boundary of a lot.

Lot line, front, means the lot line which divides the lot from a street right-of-way or easement. (See section 3-526.)

Lot line, rear, means that lot line which is parallel to or concentric with and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to or concentric with and at the maximum possible distance from the front lot line shall be considered to be the rear lot line. In the case of a through lot, there shall be no rear lot line. In the case of a through frontage lot, the line directly opposite from the front line shall be designated as either a rear line or a side line depending upon the designation of the adjacent property. In the case of corner lots, the rear lot line shall be the line most nearly parallel to or concentric with and most distant from the front line most prevalent along the block. (See section 3-526.)

Lot line, side, means any lot line other than a front or rear lot line. (See section 3-526.)

Lot, L-shape, means an irregular lot shape, such as one in the shape of an "L" or "T," which meets the minimum frontage requirements of chapter 4. (See section 4-704.)

Lot of record means a lot which is part of a plat which has been lawfully recorded in the plat books in the office of the clerk of the circuit court and is in compliance with F.S. ch. 177, or a parcel of land, the deed of which was lawfully recorded in the office of the clerk of the circuit court on or before January 28, 1983.

Lot, through, means any lot having two opposite lot lines abutting a street right-of-way or easement. (See section 3-526.)

Lot width means the distance between the side lot lines, or a front and side lot line for corner lots, as measured along the minimum required street setback line. (See section 3-526.)

Luminaire means any one of a variety of lighting units including, but not limited to, florescent light fixtures, flood lights, spot lights, parking lights, and security lights.

Management, as applied to the protected species requirements of this Code, means a series of techniques applied to maintain the viability of species in a location. These techniques include, but are not limited to, controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

Management plan, as applied to the protected species requirements of this Code, means a plan prepared to address conservation and management of listed species and their habitat, which is approved by the director, following recommendations from the fish and wildlife conservation commission.

Manatee Protection Plan means the Lee County Manatee Protection Plan, dated June 17, 2004, approved by the board of county commissioners on June 29, 2004, as it may be amended from time to time.

Mangrove means any specimen of the species black mangrove (*Avicennia germinans*), white mangrove (*Laguncularia racemosa*), or red mangrove (*Rhizophora mangle*).

Mansard roof is a roof with two slopes, the lower almost vertical to allow extra roof space for the attic rooms.

Marine resources means natural resources found in brackish and salt water areas such as mangroves, seagrasses, oyster beds and other hard-bottom habitats.

Mean high water means the average height of the high waters over a 19-year period. For shorter periods of observation, the term "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean high water line means the intersection of the tidal plane of mean high water with the shore.

Mean low water means the average height of the low waters over a 19-year period. For shorter periods of observation, the term "mean low water" means the average height of the low waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Medical office means standard office space for the dispensing of medical and health-related services, including outpatient clinics incidental to such offices. Users may include medical doctors, osteopaths, chiropractors, naturopaths, nurse practitioners, health maintenance organizations and similar group practices, psychiatrists, clinical psychologists, counselors of all sorts and other similar licensed or professional practitioners, but shall not include small animal hospitals or other veterinary clinics.

Mobile home means a building, manufactured off the site in conformance with the Federal Mobile Home Construction and Safety Standards (24 CFR 3280 et seq.), subsequently transported to a site complete or in sections where it is emplaced and tied down in accordance with F.A.C. ch. 15C-1, with the distinct possibility of being relocated at a later date. Mobile homes not located within an established mobile home park will be treated as a single-family residence for impact fee calculation purposes.

Mobile home move-on permit means an official document or certification authorizing any purchaser, owner, mover, installer or dealer to move a mobile home onto a particular site. The term "mobile home move-on permit" also includes a permit authorizing the tie down of a park trailer in a mobile home zoning district.

Month means a calendar month.

Mooring area means the portion of a docking facility used for the mooring of boats.

Multi-modal means more than one travel mode, including vehicles/automobiles, bicycle, bus/transit, and pedestrian.

Multi-use path means a facility that is physically separated from the roadway and typically accommodates bi-directional travel by alternate modalities such as bicyclists and pedestrians. A multi-use path must be 11 feet or wider. Also known as a shared use path.

Multifamily means multiple-family building, duplex, two-family attached, townhouse and timeshare, as those terms are defined in this section.

Multiple-family building means a group of three or more dwelling units within a single conventional building, attached side by side, or one above another, or both, and wherein each dwelling unit may be individually owned or leased but the land on which the building is located is under common or single ownership. Dwelling units, other than caretaker's quarters, which are included in a building which also contains permitted commercial uses shall also be deemed to be multiple-family dwelling units.

Navigable channel means the area within a natural waterbody that has a minimum of three feet of water depth at mean low water. In artificial waterbodies, the navigable channel is measured from mean high waterline to mean high waterline.

Nonresidential means all commercial development excluding all residential development, and including multi-unit residential development.

Notary, notarize(d). Whenever the terms "notarize" or "notarized" appear, they expressly include and contemplate the use of the written declaration set forth under F.S. § 92.525 so long as the cited statutory requirements are met, except that written declarations may not include the words "to the best of my knowledge and belief" as this limitation is not permitted by the provisions of this Code.

Oath includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath; and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Occupied habitat buffer area, as applied to the protected species requirements of this Code, means occupied habitat, the dimensions of which coincide with the recommended buffer guidelines established in section 3-536 and section 3-456(b).

Office means the use of a building or structure primarily for the sale of professional, medical, financial or other services, as opposed to the sale or manufacture and storage of goods.

Officer and official. Whenever reference is made to any officer or official, the reference shall be taken to be to such officer or official of the city.

On-road bike facilities or bike lane means a portion of a roadway which has been specifically designated for the use of bicyclists. See also *Bike lane, shared*.

Open space means:

- (1) Areas of preserved indigenous native vegetation and areas replanted with vegetation after construction, such as natural systems, lawns, landscaped areas and greenways, which comply with the minimum dimensional requirements of section 3-417(d).
- (2) The outdoor recreational facilities as listed in section 3-417(d)(2)d.

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- (3) That portion of bodies of water, existing or proposed, that are within the proposed development area and subject to the restrictions and limitations in section 3-417(d)(2)c.
 - (4) Archaeological sites, including any area that contains evidence of past human activity ranging from large mound and midden complexes to a group of artifacts, the boundary and extent of which is determined by a survey by a professional archaeologist.
 - (5) Plazas, atriums, courtyards and other similar public spaces as specified in section 3-417(d)(2)e.

Ordinary high water line means the intersection of the tidal plane of ordinary high water with the shore as applied to artificial water bodies.

Overhang means:

- (1) The structural projection of an upper story or roof beyond the story immediately below;
- (2) The portion of a vehicle extending beyond the wheel stops or curb.

Owner, as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

PCP (permanent control point) means a marker as defined in F.S. § 177.031(13).

PRM (permanent reference monument) means a monument as defined in F.S. § 177.031(15).

Parapet means the part of an exterior wall that extends above the roof.

Parcel. See *Lot*.

Parking areas means all areas, paved or unpaved, designed, used or intended to be used for the parking or display of vehicles, excluding:

- (1) Areas used for parking or vehicle display that are under or within buildings;
- (2) Parking areas serving a single structure of two dwelling units or less; and
- (3) Areas used for the temporary storage of construction equipment.

Parking lot access means an accessway which provides vehicle access from a street to a parking lot containing five or more parking spaces, but from which vehicles are restricted to entering or leaving the street in a forward motion only.

Parking lot aisle means the portions (lanes) of a parking lot which provide direct access to individual parking spaces.

Pedestrian means a person on foot or in a wheelchair.

Pedestrian-scale means the use of human-proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large-scale, and include surface texture and patterns, lighting, colors, materials, and architectural details.

Permanent traffic means the traffic that a development can reasonably be expected to generate on a continuing basis upon completion of the development. The term "permanent traffic" does not mean the temporary construction traffic.

Permit means any official document or certificate required or issued by the city authorizing performance of a specified activity.

Permit, interior completion, means any permit issued by the building official that will permit completion of a shell building, or unit within a shell building, by authorizing work to finish interior units so that the building may receive a certificate of occupancy.

Planned development means a development that is designed and developed as a cohesive, integrated unit under single ownership or unified control which permits flexibility in building siting, mixture of housing types or land uses, clustering, common functional open space, the sharing of services, facilities and utilities and protection of environmental and natural resources. Planned developments are those zoning districts designated in chapter 4 as PUD, RPD, MHPD, RVPD, CFPD, IPD, AOPD, CPD, or MPD.

Planned development rezoning means any rezoning to a planned development zoning district pursuant to chapter 4.

Plat means a plat as defined by F.S. § 177.031(14), as amended.

Portico means an architectural entry feature structurally supported by columns or arches and protecting a doorway or walkway from the elements.

Preliminary development order means any development order other than a final development order.

Primary public hurricane shelter means a structure designated by the division as a place for shelter during a hurricane event. Only those structures located outside of the coastal high hazard area that have been designated by the city or the American Red Cross as primary shelters meet this definition.

Private street means a street that:

- (1) Is not dedicated to the public; or
- (2) Has been dedicated to the public but the offer has not been accepted by the board through express action at a public hearing.

Private water system means a water system that is supplied by a well, spring or other similar source of water, that is used for human consumption by four dwelling units or less and is regulated by F.S. ch. 381 and F.A.C. ch. 10D-4, as amended.

Property means:

- (1) Real and personal property; and
- (2) As applied to the protected species requirements of this Code, means the land which is the subject of the specific development application.

Public health, safety and welfare includes, but is not limited to, comfort, good order, appearance, convenience, law enforcement and fire protection, prevention of overcrowding of land, avoidance of undue concentration of population, facilitation of the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreation facilities, housing and other requirements and services; and conservation development, utilization and protection of natural resources.

Public or institutional use means a land use that cannot be classified in any other land use category included in the fee schedules on file in the city clerk's office.

Public or private warehouse means indoor terminal facilities, either available to the general public at a fee for the dead storage of farm products, furniture and other household goods or commercial or private goods of any nature or operated primarily for a specific commercial establishment or group of establishments in a particular industrial or economic field, such as moving companies, transfer companies, freight delivery, specific retail store storage or beverage distribution, but not generally accessible to the public.

Public service marina means a marina that generally leases wet storage to the general public on a first come, first serve basis, and also offers services such as the provision of supplies, sewage pump-out, repair of boats and wet or dry storage.

Public sewage system means a sewage system that contains a wastewater treatment plant, is not an individual sewage disposal system, and is not regulated by the state.

Public street means a street that has been dedicated to the public and where the public, through use of the street, or the city council, through express action at a public hearing, has accepted the offer of dedication. Regardless of the council's acceptance of the offer of public dedication, the council may or may not have accepted the street for maintenance purposes.

Public water system means a water system that is not a private water system, and includes those water systems regulated by the state and defined as public water systems by the state.

Receiver parcel means a parcel of land on which a development right is used.

Recreation facilities.

- (1) *Recreation facilities, commercial*, means recreation equipment or facilities not classified as a park (section 4-408(c)(32)), or as personal, private-on-site, or private-off-site facility, but instead operated as a business and open to the public for a fee. See section 4-408(c)(38).
- (2) *Recreation facilities, personal*, means recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts, swings, slides and other playground equipment provided as an accessory use on the same premises and in the same zoning district as the principal permitted use and designed to be used primarily by the owners, tenants, or employees of the principal use and their guests.
- (3) *Recreation facilities, private on-site*, means recreation equipment or facilities such as swimming pools, tennis, shuffleboard, handball or racquetball courts, swings, slides and other playground equipment which are owned, leased or operated by a homeowners', co-op, or condominium association and located in the development or neighborhood controlled by the association.
- (4) *Recreation facilities, private off-site*, means recreation equipment or facilities such as, but not limited to, swimming pools, tennis, shuffleboard, handball or racquetball courts, picnic facilities, swings, slides and other playground equipment owned, leased or operated by a homeowners', co-op, or condominium association for use by the association's members and guests, but which are not located in the development or neighborhood controlled by the association.

Recreational vehicle means a recreational vehicle type unit which is so defined in F.S. § 320.01(b).

Recreational vehicle development order means a final development order, as that term is used in chapter 3, permitting the placement of recreational vehicles on any area of land.

Redevelopment means construction of new buildings, typically after demolishing the existing buildings.

Regulatory standards means the minimum acceptable level of service as set forth in the comprehensive plan or this Code, whichever is more restrictive.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions of features of the property which are significant to its historical architectural and cultural values.

Retail means the use of a building or structure primarily for the sale of goods or foods that have not been made, assembled or otherwise changed in a way generally associated with manufacturing or basic food processing in the same building or structure.

Retaining wall means a vertical bulkhead constructed five feet landward of the mean-high water line and wetland vegetation.

Reverse frontage street means a local street or accessway that functions as an access street but which is not located adjacent to the arterial or collector street right-of-way.

Road has the same meaning given it in F.S. § 334.03(23).

Road capital improvement includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any road construction project, including but not limited to:

- (1) Construction of new through lanes;
- (2) Construction of new turn lanes;
- (3) Construction of new bridges;
- (4) Construction of new drainage facilities in conjunction with new roadway construction;
- (5) Purchase and installation of traffic signalization, including new signalization and upgrading signalization;
- (6) Construction of curbs, medians and shoulders;
- (7) Construction of on-road bikeways and bikepaths; and
- (8) Relocating utilities to accommodate new roadway construction.

Road expansion means all road and intersection capacity enhancements, and includes, but is not limited to, extension, widening, intersection improvements, upgrading signalization and improving pavement conditions.

Roadway is a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes, including the travelway, shoulders and swales, but which has not been accepted by the board.

Service area means:

- (1) The area subject to a fire control and rescue district's taxing authority by virtue of a valid special act establishing the fire district's boundaries within the city, as its boundaries may change from time to time. The term "service area" also includes an area the district provides fire and emergency medical services to by virtue of a valid interlocal or contractual agreement; or
- (2) The geographical region consisting of the lots being served or being proposed to be served by a public facility, including, but not limited to, public water or sewage systems.

Setback line, front or street, means a line drawn parallel to or concentric with the front lot line at a distance from the lot line equal to the setback required by chapter 4 for the classification of street upon which the lot abuts. If the front line is curved, the setback line shall be a curved line drawn an equal distance back from the intersections of the side lot lines with the street right-of-way line, and with the required setback measured at the point where the setback line is closest to the front lot line. (See section 3-526.)

Sever means the removal or separation of some specified right or use from the bundle of rights possessed by an owner of real property. The term "sever" connotes a removal or separation in perpetuity as distinguished from a restriction or limitation which may be overridden, deleted or subject to a time limitation.

Sewage system means a system of pipes, pumps, tanks or wastewater treatment plants and all other appurtenances or equipment needed to treat, transport and dispose of sewage.

Shell building means any commercial or industrial building, or portion of a building, so constructed to consist exclusively of exterior walls and unfurnished interior units with rough staged utilities, so as to preclude occupancy. The term "shell building" does not include agricultural or residential buildings.

Shopping center means an integrated group of commercial establishments planned, developed, owned or managed as a unit. A shopping center consists primarily of retail establishments, but may also contain some other uses, such as restaurants, medical or general offices. Shopping center out parcels will be treated as separate uses.

Sidewalk means any portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.

Sidewalk, off-site, means a pedestrian facility which is exterior to a parcel being improved and located in the right-of-way of the arterial or collector road adjacent to that parcel or within an easement dedicated to the public.

Sidewalk, on-site, means a pedestrian facility which is located within the boundaries of the parcel being improved.

Single-family residence means a single, freestanding, conventional building designed for one dwelling unit and which could be used for occupancy by one family.

Site-related improvements means capital improvements and right-of-way dedications for direct access improvements to the development in question. Direct access improvements include, but are not limited to, the following:

- (1) Site driveways and roads;
- (2) Median cuts made necessary by those driveways or roads;
- (3) Right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
- (4) Traffic control measures for those driveways or roads;
- (5) Access or frontage roads that are not shown as planned county or city-built or publicly owned roads on the county or city's access road location map, as amended;
- (6) Roads or intersection improvements whose primary purpose at the time of construction is to provide access to or within the development;
- (7) Unless required by the county or city pursuant to the criteria in section 3-283, access or frontage roads that enable a parcel to achieve site location standards for commercial development; and
- (8) Unless required by the county or city pursuant to the criteria in section 3-283, roads that provide frontage for newly created lots that would not normally have frontage.

Slip means a space designed for the mooring or storage of a single boat, regardless of size, which includes wet or dry slips, anchorage, beached or blocked, hoist, parked on trailers, open or covered racks, seawall or the number of parking spaces for boat ramps. Fishing piers are not considered wet slips.

Small development means a project of less than ten acres in land area and less than two acres in impervious area.

Soils classification means those categories and types of soils identified by the United States Department of Agriculture soil survey of the city.

State means the State of Florida.

Statutory development agreement means any agreement made specifically pursuant to the Florida Local Government Development Agreement Act. All other terms which are used in any statutory development agreement made by the city pursuant to the Florida Local Government Development Agreement Act, as such act may be amended from time to time, shall be defined as set forth in F.S. § 163.3221, unless otherwise specifically defined in a particular statutory development agreement. Terms not so defined shall be given their ordinary and customary meanings.

Stormwater management system includes the detention or retention areas, percolation trenches, discharge structures and outfall channels provided to control the rate of stormwater runoff within and from a development.

Street.

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- (1) The term "street" means:
 - a. An accessway which affords the principal means of ingress or egress for two or more parcels of land; or
 - b. A right-of-way or roadway which affords the principal means of ingress or egress for a parcel of land.
 - (2) The term "street" is synonymous with the term "avenue," "boulevard," "drive," "lane," "place," "road" or "way," or similar terms.

Street furniture means benches, lighting, bike racks and shelters, newsstands, informational signs, kiosks, waste receptacles, and other related infrastructure used to support the use of the street as public space.

Street right-of-way is a general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes, which has been dedicated to the public and accepted by the board.

Street stub means a street having one end open for vehicular traffic and the other terminated without a turnaround for vehicles.

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

Structure Limitation Line means a line extending into the waterbody from a property corner at a 45-degree angle from the property line. The Structure Limitation Line angle calculation is defined by its measure and is not dependent on the length of the property line. If the property line is a curve the Structure Limitation Line is measured from the tangent ray of the curve at the point of intersection. (See Figure 7.1a in Chapter 7 Section 7-358(b)). The Structure Limitation Line shall be utilized for permitting structures designed for water oriented uses only.

Subdivider means a person who creates a subdivision.

Subdivision.

- (1) A subdivision is a type of development. The term "subdivision" means the following:
 - a. The division of a lot wherein the new lot, or any remaining portion of the original lot, is less than ten acres in size;
 - b. The division of a lot, the result of which is the extension of an existing street or the establishment of a new street;
 - c. Creation of a condominium as defined in F.S. chs. 718 and 721, except that condominium developments are exempt from the provisions of this Code that require platting under F.S. ch. 177.
- (2) The combination or recombination of up to three lots of record is not a subdivision provided that all resulting lots comply with chapter 4, the comprehensive plan and all other applicable provisions of this Code. Specific provisions relating to the recombination of up to three lots are contained in section 3-231.
- (3) The term "subdivision" includes resubdivision or redivision and, when appropriate to the context, also means the process of subdivision or the land subdivided.

Submerged aquatic vegetation means fresh, saline or brackish submerged vegetation, not to include macroalgae, that may be used by manatees for food.

Surveyor means a professional land surveyor duly registered and licensed by the state.

TDR means transfer of development rights.

TDR unit means one dwelling unit or its equivalent density.

Tenant or occupant, as applied to a building or land, include any person holding a written or oral lease or who occupies the whole or part of such building or land, either alone or with others.

Terminal platform means the part of a docking facility connected to and generally wider than the access walkway that is used both for securing and loading a boat.

Timeshare means any arrangement, plan, scheme or similar device, other than an exchange program, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, or right-to-use agreement by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations, and facilities, if any, for a period of time less than a full year during any given year, but not necessarily for consecutive years, as defined in F.S. § 721.05.

Timeshare unit means:

- (1) Any dwelling unit or rooming unit for which a timesharing plan, as defined in F.S. ch. 721, has been established and documented.
- (2) A type of ownership that complies with the provisions of F.S. ch. 721, where a purchaser, in exchange for consideration, receives ownership rights to occupy a unit for a period of time less than a full year for the duration stated in the instrument of conveyance.

Total Included Angle means the shape formed over the canal by two property lines diverging from the common property corner which is used to determine the Boat Limitation Line as it extends into the canal. The Total Included Angle is measured between the property lines extending along the seawall on either side of the common property corner. The Total Included Angle is defined by its measure and is not dependent on the length of either property line. If one or both of the property lines is a curve the Total Included Angle is measured from the tangent ray(s) of the curve at the point of intersection. (See Figures 7-1b – 7.1e in Section 7-358(b)).

Townhouse means a group of three or more dwelling units attached to each other by a common wall or roof wherein each unit has direct exterior access and no unit is located above another, and each unit is completely separated from any others by a rated firewall or a fire and sound resistant enclosed separation or space, and wherein each dwelling unit is on a separate lot under separate ownership.

Trafficway means an existing or planned public right-of-way, the primary, though not necessarily the sole, purpose or use of which is to facilitate through movement of direct access to abutting properties. A trafficway may represent a freeway, expressway, arterial or collector street.

Transportation concurrency exception areas means areas designated under the comprehensive plan that allow exceptions to the transportation concurrency management requirement to promote urban infill development, urban redevelopment, or downtown revitalization.

Transportation concurrency management areas means compact geographic areas designated under the comprehensive plan with existing or proposed multiple, viable alternative travel paths or modes for common trips, which employ the use of an area-wide level of service standard and an accommodation and management of traffic congestion for the purpose of promoting infill development or redevelopment in a manner that supports more efficient mobility alternatives.

Turn lane means a width of pavement required to protect the health, safety and welfare of the public and reduce adverse traffic impacts from turning movements generated by a development on to and off of a street. Turn lanes shall include and enhance turning, acceleration, deceleration or storage movements of vehicles as required by this Code.

Two family as used in this Code, includes the term "duplex" as defined in chapter 4 of the Land Development Code.

Unified control means that a single property owner or entity has been authorized by all owners of the property to represent them and to encumber the parcel with covenants and restrictions applicable to development of the property as approved by the city.

Unified control document means a notarized statement evidencing a property owner's or entity's right and authority to impose covenants and restrictions on the parcel or otherwise bind the property with respect to conditions necessary to secure the approval requested. A notarized statement submitted to the city establishing a property owner's or entity's right and authority to impose covenants and restrictions on a parcel as a result of the issuance of development approval in accordance with this Code. The unified control document also constitutes an agreement that the property owner will not transfer, convey, sell or subdivide the subject parcel unencumbered by the covenants and restrictions imposed as part of the development order permitting process.

Used for includes the terms "arranged for," "designed for," "maintained for" or "occupied for."

Vehicle use area means all ground level impervious surfaces, including impervious parking areas, that may be used by vehicles for parking, circulation, and similar activities within the development. Street right-of-way, roadway easement, and those areas excluded from the definition of parking area are exempted.

Volume to capacity ratio means the ratio of traffic volume to the adopted level of service threshold (i.e., capacity) for a road.

Wall, front, means the wall closest to, and running roughly parallel to, the front lot line. On a corner lot, there are two front walls.

Water detention/retention area means a water storage area with a bottom elevation lower than one foot above the control elevation of the area.

Water system means a system of pipes, pumps, water treatment plants or water sources, and all other appurtenances or equipment needed to treat, transport and distribute water.

Week means seven consecutive days.

Work means and includes, but is not limited to, all dredging or disposal of dredge material, excavation, filling, construction, erection or installation, or any addition to or modification of a structure on a waterway.**¹

Written or in writing includes any representation of words, letters or figures, whether by printing or otherwise.

Year means a calendar year.

Zoning board means the city board that hears requests for zoning variances and performs the duties set forth in section 4-124.

Zoning ordinance means that document as adopted, and as may be amended by the city council for the purpose of dividing the incorporated area of the city into zoning districts and providing for the regulation of uses, land and structures within such districts, as set out in chapter 4.

(Ord. No. 05-04, § 2(9-5), 4-6-2005; Ord. No. 18-06, § 1, 5-16-2018; Ord. No. 21-08, § 2(Exh. A), 10-20-2021)

¹Editor's note(s)—**This definition is meant for work relating to dock and shoreline only. The term work can be found elsewhere in the Land Development Code.