



**HRCA Board of Directors Meeting
Monday, April 10th, 2017
4:00pm – Main Dining Room**

1. President Fred Forbes called the meeting to order, established a quorum of Directors and asked all present to silence all cell phones. In addition to President Forbes, Directors in attendance were Vice President Joanne Schoen, Treasurer Dick DeCoste, Secretary Don Wirsbinski, and Directors Bob Moe, Bill Bell and Lorrie Holly.
2. Motion made by Joanne Schoen to approve the minutes of the January 11, January 27, February 6 and the March 22, 2017 Board of Directors meetings, seconded by Bob Moe and approved by all Directors.
3. Treasurers Report given by Treasurer, Dick DeCoste. See attached.
4. Discussion on a proposed Hunters Ridge color palette was given by Ramon Acevedo, GMA Architects. Mr. Forbes made a motion to send a ballot to the membership to allow them to decide if the paint palette presented by GMA Architects should be used in Hunters Ridge. Motion seconded by Bill Bell and approved by all Directors.
5. Discussion on installation of new mailboxes at south tract properties. Joanne Schoen made a motion to send a ballot to the membership to allow them to decide between two options for landscaping at the bottom of the new mailbox post. Grass only or flowers (5 or 6 choices of a type specified, no taller than 18 inches and no wider than 24 inches in circumference). The motion was seconded by Bill Bell and approved by all Directors.
6. Motion to approve General Contractor J.P. Coleman as construction manager for the already approved clubhouse project/parking lots resurfacing with asphalt and pavers. When completed, the clubhouse project will make significant improvements to safety by eliminating several existing "trip and fall" locations at the building's entrances/exits. In addition, Pavers will cross Hunters Ridge Blvd. from the south clubhouse golf cart parking behind the lanai to #1 tee box and 15-17 new parking spots will be added to the north parking lot. The cost of \$278,000 includes all the pavers, asphalt and the General Contractor. Bob Moe made a motion to approve the project, seconded by Dick DeCoste and approved by all Directors.
7. External Affairs update by Fred Forbes. He introduced John Doemer from the City of Bonita Springs who went over the City's Dark Sky's Ordinance which prompted the change from mailbox streetlighting to FPL streetlighting and the new mailboxes.

President Forbes also advised that the owner of the 17-acre plus wooded parcel along the west side of Hunters Ridge Blvd., immediately adjacent to I-75, has requested to rezone the property to permit development of this prime interchange land parcel. The developer is proposing three

parcels facing Bonita Beach Road as out parcels zoned to allow a variety of commercial uses including fast food, restaurants and service stations. This would allow restaurants such as Wendy's or Applebee's. The height of these building would be limited to 45'.

Behind the buildings on Bonita Beach Road, a 65-ft high office and retail building beside I-75 is proposed. Also proposed is a 65-ft high 145 room hotel or 146 room assisted living facility. Should the hotel be built, it would have a restaurant and cocktail lounge. Between Hunters Ridge and the hotel or assisted living unit building there will be a large "L" shaped retention pond and large preserve area. This means the building would be at least 80 ft. away from the north property line of Hunters Ridge.

Assuming this project will ultimately be approved, almost all of the woods will be cleared to permit filling the site and facilitate drainage into the retention pond. The City has minimum landscaping standards including plant size minimums. It may be possible to create pockets around clumps of the existing trees which would not be initially filled so as to preserve some of the original mature healthy trees. City Council will be hearing this Zoning Case on May 15th at 9:00 AM at City Hall. Public comment is permitted during the hearing.

An upscale developer, John McGarvey has purchased all the vacant land in Bernwood in front of Hunters Ridge. This does not include the parcel which had been previously optioned for a hotel. He plans to build an office building facing Hunters Ridge Blvd., which is to be his new headquarters. In addition, he tentatively plans to build one or more additional office buildings. He is proposing some light industrial buildings similar to the buildings like Hole in One occupies, but upscale. Metal sided buildings are not allowed by the city land development code. Considerable landscaping and buffering is required by the City. They may also build retail buildings. These uses are all currently permitted and no rezoning is required. Because these uses are allowed by code, no public input or City Council approval is required.

In reference to the Self-Storage Building which will be built about 695 ft. north of the Hunters Ridge north property line, there is a dust barrier fence around the entire site. The area has been cleared and construction of the facility has started with an approximate completion date of late fall or end of 2017. This will be a very contemporary 2 story self-storage climate controlled facility with approximately 39,000 sf per floor for a total of approximately 78,000 sf. RV and boat storage is entirely surrounded by a non-climate controlled self-storage building approximately 14,000 sf, with the garage doors facing into the RV/vehicle storage yard. The facility is to be very well landscaped. Another non-climate controlled building of approximately 2700 sf is located on the east side of the two-story facility. The developer of Bernwood and the Self-Storage Facility worked cooperatively with the City Staff and City Architect in three meetings attended by City Councilman Forbes to significantly enhance not only the architecture, but the site landscaping.

8. The meeting was adjourned.

Treasurer's Report, YTD Ending Mar 31, 2017

Golf

Revenues for March were \$172,550, about equal to last year's results and ending in a YTD income of \$499,406. During the first quarter, increased expenses in building repairs and special golf events were more than offset by lower costs on several line items bringing total YTD course expenses to \$288,193 or 12% lower than forecast. Pro Shop expenses were 3% higher than forecast due mainly to salaries and health insurance costs. Golf course expenses continued to show improvement in several areas resulting in an overall surplus in golf for the first three months of \$97,318.

During the first quarter, total revenue added to reserves from reciprocal play (\$32,197) and equity member payments (\$18,000) contributed a total of \$50,197 to the golf reserve account.

Restaurant

March revenues were \$142,974, about equal to last year's results. Year to date revenues, however, for Food & Beverage operations were \$359,208, an improvement of 14% over forecast and last year due principally to higher Clubhouse food and beverage sales.

YTD cost of goods sold, at \$138,216, was 38.5% of sales - a 13% improvement over last year. Leading the way was a 29% margin in beverages followed by 43% in food.

Total operating expenses were \$282,275 resulting in a YTD net loss of \$61,284 which represents a 22% improvement over the forecasted YTD loss.

G & A

March YTD revenue was \$434,539, about equal to forecast and last year's performance. Corresponding expenses were \$362,118 or about 9% over forecast. Staff salaries, accounting expenses, pool supplies and utility expenses all exceeded their respective line item forecasts but operations still produced a first quarter surplus - ahead of forecast - of \$72,421.

Treatment Plant

First quarter Treatment Plant revenues were \$81,197 after allocation of \$25,000 to reserves. Expenses for the first 3 months were \$60,395 resulting in an operating surplus of \$20,802.

Realty

For the first quarter, revenues amounted to \$27,928. With total YTD realty expenses of \$12,442, realty operations generated income of \$15,487.

Year to date, the combined operations of Golf, Restaurant, G & A, Sewer Treatment Plant and Realty produced a surplus of \$144,744.

Treasurer's Report, YTD Ending Mar 31, 2017

Common Areas

Exclusive of condominium contributions and reserve deductions, Common Area revenue year to date was \$238,269, in line with the forecast. Corresponding expenses of \$205,290 were about 25% under forecast due principally to a delay in Comcast's new and higher billing rates. The first quarter ended with a surplus of \$97,945.

Excluding reserve account allocations, South Villa YTD income was \$105,187, in line with the forecast. Total expenses of \$92,849 were 7% over forecast but still resulted in an interim operating surplus of \$12,338. Higher salaries and insurance premiums were the main reasons for the higher than forecasted expenses.

Again, excluding reserve account allocations, North Villa YTD income was \$70,090, in line with the forecast. Total interim expenses of \$22,328 resulted in an operating surplus of \$47,762.

Single family income and expenses were in line with budgeted amounts and ended the first quarter with a surplus of \$183.

rad, 04/09/2017

Board Rule Approved By Membership Ballot

IMPORTANT BACKGROUND INFORMATION

Prospective home buyers are showing more and more interest in Home Owner Associations (HOA) for several reasons. Key to this interest is that the value of their home investment is protected by the regulations designed and supported by Chapter 720 of Florida HOA Law. These protections extend to HOA owners in many ways but, in particular, to changes made by an owner to the exterior of the home or property. With the best intentions of individual homeowners, changes made in remodeling the exterior, the home's exterior color scheme, the addition of yard art or the alteration of the property's landscaping can be objectionable to both their neighbors and Community. In order to protect all home owners from such objections and to assure that the interests of the majority of owners have been considered before any exterior change is made, the Architectural Review Board or Committee (ARB or ARC) was created. Most Associations have an ARB or ARC to review owner requested changes. The HOA Chapter 720 law grants and describes significant powers to the ARB or ARC to regulate, approve and disapprove all proposed changes which would be visible to other members, guests or prospective buyers, including color scheme approvals.

Numerous members through the years have repeatedly asked that the Hunters Ridge community's exterior painting color schemes be reviewed, and if necessary, revised by an independent firm. Currently, a few exterior color schemes were not submitted to the Architectural Review Committee (ARC) for approval before painting. In some cases approved color schemes were deviated by the home owner changing the shade and intensity of the color chips previously approved by the ARC without obtaining final approval for these changes.

Late last spring of 2016, in response to these numerous requests for a prompt and fair resolution of these issues, we requested GMA Architects, the architects for the clubhouse renovation project, to meet with the Chairman of the ARC, the General Manager and the President of the Board to discuss if they could provide professional assistance to resolve the situations outlined above. GMA Architects stated they could and requested they be allowed to make tours of our entire community.

Ramone Acivida, GMA Senior partner in GMA Architects, met with the ARC Chairman, General Manager, members of the Board and the Board President. GMA reported most of the color schemes were compatible with one another or the other home sites in the neighborhood, however, there were a few homes which clearly were not compatible with the surrounding homes. In addition, GMA indicated several of the color schemes were dated.

GMA indicated they have from time to time been asked to develop an exterior paint palette for other community associations. GMA was then asked by the ARC Chairman, the General Manager and the Board President to develop an easy to use color palette including color schemes which a member working with the ARC could select a primary or base color for their home plus a primary accent color and, if desired, a secondary accent color. It was further requested that these color schemes need to take into account various roof tile and driveway color schemes and allow for being

able to go two shades of a colors shade to increase individuality and flexibility. We asked if a member wants to propose a color scheme which is not on the palette, would GMA be willing to work with them to see if the color scheme is compatible to help them to pick alternate colors which would be compatible with our community. GMA agreed. Finally, GMA was asked to make sure we had several color schemes ranging from white, to greens, beiges, yellow, blue, and gray. GMA said in most cases the color schemes would be flexible whereas a primary accent color could be the primary base color and the base color could be a primary accent color.

GMA since late last spring has had at least seven meetings with our ARC Chairman, General Manager and Board President and in many cases other Board members discussing the palette and showing us earlier versions of the palette. In addition, GMA has been on site surveying our community to insure it knew every roof tile color and driveway color schemes. GMA has also spent significant office time and has made additional trips to Hunters Ridge, familiarizing themselves with the setting and scope of our Community. They recently met with several different homeowners proposing color schemes which would not have been compatible with the palette and/or their roof tile color.

We believe the proposed exterior paint palette and the procedures outlined in the proposed membership approved Board rule regarding exterior painting or repainting of HR home sites will best serve the needs of the community and provide a sound basis for the ARC and Membership Committee to use. Please note the paint palette will be updated every five years to make sure our community does not become dated. Passage of this Board Exterior Paint Palette Rules approved by the Membership in no way prevents a member from appealing a proposed color scheme being turned down by the ARC or any decisions relating to that action to the Board for a hearing.

A proposed paint palette is on display in the Clubhouse lobby or the Activities Center Administrative office. The Board and ARC has proposed the following Rule for the HRCA membership to approve or disapprove by this ballot. Ballots are due by May 15th, 2017, but the Board reserves the right to extend this deadline to insure that a maximum number of members participates in this balloting process. The effective date of the Exterior Paint Palette will be the day the final results are released by EBLAST and posted on the Pro Shop bulletin board.

Insert motion or proposed Board Rule here

Motion made to approve the color palette submitted by GMA Architects for all exterior and visible painting, including the base color, trim colors and front doors/other exterior doors for all homes, villas and condominiums notwithstanding existing condominium association exterior painting regulations in Hunters Ridge with the following understandings:

- Homes currently painted will be “grandfathered” assuming that the color scheme was initially approved by the Architectural Review Committee (ARC). Also, with prior approval of the ARC for minor “touch up” painting, the member may use the home’s current colors. When a member plans to repaint the exterior of their home for any reason, they must first request and receive approval from the ARC and use a color scheme from the approved exterior paint palette. The effective date of the new paint palette and these rules will be the date that the results of this ballot are made public by EBLAST and posting on the Pro Shop’s bulletin board.
- If a member of a single family home, north or south villa committee, or a committee from any condominium association in Hunters Ridge want to use a color not on this approved palette, they can submit a non-refundable fee of two hundred dollars (\$200) to the Hunters Ridge Community Association to have GMA Architects come on-site to work with the member in determining whether or not the color submitted would be acceptable. The final recommendation will be made by GMA Architects which may or may not be approved by the Architectural Review Committee (ARC).
- Exterior paint finishes for building walls, garage doors and front/side doors shall be flat or eggshell only. Additionally, front/side doors can also have a semi-gloss finish.
- If a member has repainted their residence prior to the date that this motion is effective and the member had obtained prior approval from the ARC, the painting color scheme is approved until such time in the future when the home will be repainted. If a member has repainted their home site prior to the date that this motion is effective without the painting color scheme being approved by the ARC, the ARC will contact the member and request immediate compliance. It is possible the member’s color scheme may be approved but, at the ARC’s option, a fee of \$200 may be required for GMA Architects to review the painting color scheme.
- Should a member repaint their home with a color scheme which is not in the approved Exterior Paint Palette and not approved by the ARC, the member will be given written notice from the Committee to repaint the home with a color scheme approved by the ARC. Within 30 days of this notice, the member must then make a good faith effort to comply with this request. Repainting must be scheduled for completion no later than 90 days following the ARC’s initial written notice of non-compliance. Should the member not comply with this requirement, the General Manager can review the problems and issues of the case with the Board of Directors. In the absence of any final resolution with the member, the case will be turned over to the Membership Committee for review and potential penalties for non-compliance

which could include member fines and/or suspension of community privileges. Formal legal action could result including responsibility for legal fees.

- That every five (5) years, the approved color palette be reviewed and updated as determined by GMA Architects and the ARC. If, for any reason, GMA Architects is not available for this review and updating, the ARC and Board of Directors reserve the right to select another independent licensed design professional to perform this work.

4/6/17, v.5

CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE 14 - 05

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; AMENDING BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3 (DEVELOPMENT STANDARDS); AMENDING §3-262 REGULATING SECURITY LIGHTING WITHIN PUBLIC AND PRIVATE RIGHT OF WAYS; AMENDING §3-608 SITE DESIGN STANDARDS; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE AND AN EFFECTIVE DATE.

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, the lighting standards within City of Bonita Springs Land Development Code did not regulate security lighting, nor was there a date for exterior building mounted luminaries to be removed from the City; and

WHEREAS, City Council wants lighting standards to have a improved deadline for ending night glow to implement dark skies throughout the City of Bonita Springs.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE CHAPTER 3

The following sections of Bonita Springs Land Development Code Chapter 3 are hereby amended to read as follows, with strike-through identifying deleted language and underline identifying additional language:

§3-262. Outdoor Commercial Lighting Standards.

- A. *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the night time visual environment by minimizing light pollution glare and light trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining night-time safety, utility security and productivity.
- B. *Applicability.* All new luminaires on commercial developments, regardless of whether a development order is required, must comply with the provisions and standards of this Section. All legal non-conforming Building Mounted Luminaries must meet current standards by January 1, 2020.
- C. *General exemptions.* The following are generally exempt from the provisions of this Section:
 1. Emergency lighting required for public safety and hazard warning luminaires required by federal or state regulatory agencies:

2. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;
 3. Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for holiday decoration;
 4. Lighting for public roads except as provided in Section 7-77;
 5. Outdoor lighting for single- and two-family residential units.
- D. *Standards and Criteria.* In addition to the standards and criteria for outdoor lighting established in this subsection, there are standards for sea turtle lighting in Chapter 7. When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply.
1. *Illuminance.* Table 1 is provided as a general synopsis of the illumination level requirements. These levels are based upon general use or task categories and are measured in footcandles on the task surface (for example the parking lot or area surface) with a light meter held parallel to the ground or other surface, facing up, unless otherwise specifically stated.

Table 1. Illumination Level Requirements (1)

Use/Task	Initial Actual Footcandles (2),(4)	Initial Uniformity Avg. (3)
Parking, multi-family		
Low vehicular/pedestrian activity	0.3 min.	4:1
Medium vehicular/pedestrian activity	0.8 min.	4:1
Parking, industrial/commercial/Institutional, municipal		
High activity, e.g., shopping centers, fast food facilities, major athletic/civic, cultural events.	1.2 min.	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events.	0.8 min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church	0.3 min.	4:1
Non-residential walkways and bikeways	0.3 min.	5:1
Canopy drive-thru fuel pumps, overhang	6.0 min.	5:1

Notes:

- (1) These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a certificate of compliance. The outdoor lighting must be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.
- (2) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.2 footcandle measured at 10 feet from the property line onto the adjacent residential property.

- (3) Uniformity ratios dictate that the average illumination values may not exceed initial values by more than the product of the initial value and the specific ratio. For example, in the case of commercial parking and high activity the initial average illuminance may not be in excess of 4.8 footcandles (1.2 x 4).
- (4) Where all-night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance but may not exceed 50% of the levels normally permitted for the use as specified in this code.

2. *Luminaire Standards.* Fully shielded, full cutoff luminaires with recessed bulbs are the only permitted fixtures for outdoor lighting with the following exceptions.

- a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20 watt incandescent bulb) regardless of number of bulbs, may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
- b. Luminaires that have an output of no more than 1,000 lumens per fixture (the approximate output of one 60 watt incandescent bulb) regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
- c. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.
- d. Flood or spot luminaires with a lamp or lamps rated at no more than 900 lumens may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward or directed towards the shoreline areas, The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.

Flood or spot luminaires with a lamp or lamps rated at more than 900 lumens are subject to the general luminaire standards in paragraph (2), above.

- e. All externally illuminated billboards and signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering, or symbols is preferred to minimize detrimental effects. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
- f. Fixtures used to accent architectural features, materials, colors, style of buildings landscaping or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.

3. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

- a. **Free Standing Luminaires.** Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed twenty five (25) feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within fifty (50) feet of a residentially zoned property or use may not exceed fifteen (15) feet. Poles used to illuminate pedestrian walkways may not exceed fifteen (15) feet. Lighting for outdoor recreational facilities (public or private) such as but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards provided that all other applicable provisions are met.
 - b. **Building Mounted Luminaires.** These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet or the roof, or twenty five (25) feet, whichever is the lowest.
 - c. **Non-Residential Canopy Lighting.**
 - i. **Application.** This paragraph applies to all non-residential development only. Single-family, two-family, and multi-unit residential developments are not subject to the provisions of this paragraph.
 - ii. **Standard.** Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to eighty five (85) degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. No part of the canopy may be back-lighted. Lights may not be mounted on the top or sides (fascias) of the canopy. The sides (fascias) of the canopy may not be illuminated in any manner.
 - d. **Trees and Landscaping.** To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- E. **Development Order and Permit Criteria.** The applicant for any development order or building permit, as applicable under the provisions of this code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:
- 1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - 2. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices under consideration for the project, with as much detail as possible, including manufacturer's catalogue cuts and drawings including pictures, sections, and proposed wattages for each fixture. Once a lighting device has been chosen, the developer must submit all information listed above related to the selected lighting device. In no case may a certificate of

compliance be issued prior to the submission of the required information related to the developer's lighting device selection.

3. All applications for development orders or building permits, except for single family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.
4. All applications for development orders or building permits except for single family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20 foot by 20 foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average minimum and maximum foot-candles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this code. The use of a Light Loss Factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this code.

F. *Compliance.*

1. Prior to the final inspection for a certificate of compliance pursuant to Section 3-183, site verified foot-candle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this code.
2. If any outdoor light fixture or the type of light source therein, is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to assure compliance with this code. This request or amendment must be approved prior to the installation of the proposed change.
3. Outdoor lighting must be maintained in compliance with this code.

G. *Existing Outdoor Lighting.* The requirements of this Section ~~do not apply to existing light fixtures~~ shall apply to all new and replacement fixtures and for any building mounted luminaries after January 1, 2020. See 3-262 B.

H. *Security lighting within public or private right of ways.*

1. Security Lighting is designed to provide for safety and security by illuminating all or a portion of a commercial or industrial site. This type of lighting is not associated with architectural or aesthetic reasons. Security lighting falls within the statutory definition of streetlights pursuant to Florida Statutes §768.1382, and any change in security lighting must comply with that statute.
2. Location of security lighting
 - i. Installation within public or private rights of way.

- a. Security lighting may be placed upon fixtures or property controlled by the power supplying franchisee or statutory streetlight provider at a location determined to be appropriate to provide security for a site, but may not be directed to induce glare upon adjacent properties or onto the right of way
- b. For security lighting placed within a right of way, fixtures must be fully shielded, full cutoff luminaires with recessed bulbs so that no light is directed above the fixture
- c. Size, type, and location.
 - 1. Security lighting features may not exceed twenty five (25) feet in height.
 - 2. Security lights may not be placed closer than fifty (50) feet to another security light unless a need can be shown as to why additional lighting is necessary
 - 3. A request for additional lighting will be processed as an administrative deviation from Chapter 3.
 - 4. Security lighting will be permitted where the illumination does not exceed 0.5 Footcandles measured (except for the property line where the light is located) when adjacent to commercially zoned property and 0.2 footcandles measured at the property line when adjacent to residential property.
 - 5. LED lighting is preferred over metal halide lighting.

(Ord. 05-03)

§3-608. Site Design Standards.

Compliance with the standards set forth in this Section shall be demonstrated by submittal of architectural drawings and a site development plan in accordance with Section 3-601(E) *Required Site Development or Improvement Plan*.

- A. *Off street parking design.* For details regarding standards for parking design, and location of parking see Section 3-601 *Design standards* applicable to structures subject to Article IV *Guidelines for Commercial Buildings and Developments*.
- B. *Pedestrian walkways.*
 - 1. *Purpose and intent.* To provide safe opportunities for alternative modes of transportation by connecting with existing and future pedestrian and bicycle pathways within the City and to provide safe passage from the public right-of-way to the building or project which includes the area between the parking areas and the building perimeter walk, and between alternative modes of transportation. The on-site pedestrian system must provide adequate directness, continuity, street and drive aisle crossings, visible interest and security as defined by the standards in this Section.
 - 2. *Pedestrian access standards.* Pedestrian walkways shall be provided from the building entry(s) to surrounding streets, external sidewalks, out-parcels and parking areas. Pedestrian walkways may be incorporated within a required landscape perimeter buffer, provided said buffer is consistent with the requirements of Section 3-416(B) *Minimum landscape buffering and screening*. Shared pedestrian walkways are encouraged between adjacent projects.
 - 3. *Minimum ratios.* Pedestrian walkways shall be provided at a minimum ratio of one for each public vehicular entrance to a project, excluding ingress and egress points intended primarily for service,

or delivery vehicles. Drive aisles leading to main entrances shall have, at a minimum, a walkway on one side of the drive isle.

4. *Minimum dimensions.* Pedestrian walkways shall be a minimum of five (5) feet wide.
5. *Materials.* Pedestrian walkways shall be consistent with the provisions of *Section 4.5. of the Americans with Disabilities Act (ADA), Accessibility Guidelines.* Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete. *Building perimeter walk.* A minimum 5-foot wide building perimeter walk is required as specified below:
 - a. A continued building perimeter walk, interconnecting all entrances and exits of a building, is required. Emergency exits-only are excluded.
 - b. If parking area is proposed along the building façade within fifteen (15) feet of a building wall, a building perimeter walk must be provided along the full length of the row of parking spaces facing the building.
6. *Pedestrian crosswalks at building perimeter.* Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.
7. *Shade, and site amenities.*
 - a. Pedestrian walkways shall provide intermittent shaded areas when the walkway exceeds fifty (50) linear feet in length at a minimum ratio of one shade canopy tree per every fifty (50) linear feet of walkway. The required shade trees shall be located no more than ten (10) feet from the edge of the sidewalk, taking into consideration the angle of the sun to shade the walkway.
 - b. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks (as required by Section 3-442 *Required facilities* drinking fountains, canopies and benches.
- C. *Service function areas and facilities.* Service function areas include, but are not limited to : loading areas and docks, outdoor storage, vehicle storage excluding car display areas, trash collection areas, trash compaction and recycling areas, roof top equipment, utility meters, antennas, mechanical and any other outdoor equipment and building services supporting the main use of operation of the property.
 1. *Purpose and intent.* To diminish the visual and acoustic impacts of service functions that may detract from, or have a negative impact on the surrounding properties and the overall community image.
 2. *Buffering and screening standards.* Service function areas shall be located and screened so that the visual and acoustic impacts of these functions are fully screened from adjacent properties, and public and private streets.
 3. *Screening material and design standards.* Screening materials, colors and design shall be consistent with design treatment of the primary facades of the building or project and the landscape plan.
 4. *Trash enclosures.* For the location, size, and design standards for trash enclosures, see Section 3-261 *Refuse and Solid Waste Disposal Facilities.*

5. *Loading areas, and docks.* Vehicle loading areas shall be screened from streets and adjacent residential districts. Screening shall consist of wing walls, shrubs, trees, berms, or combination thereof.
 6. *Conduits, meters and vents* and other equipment attached to the building or protruding from the roof shall be screened or painted to match surrounding building surfaces. Conduits and meters cannot be located on the primary façade of the building.
 7. *All rooftop mechanical equipment* protruding from the roof shall be screened from ground-level public view by integrating it into a building and roof design, see Section 3-606(L), *Roof Treatments*.
 8. *Outdoor vending machines* shall be located so that they are out of view from adjacent properties and street.
- D. *Fencing standards.* For restrictions on fence material, fence height, and design, see Section _____ *Fences*.
- E. *Drive-through facilities standards.*
1. *Drive-through facilities location and buffering standards.* Drive-through facilities shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located at side or rear locations that do not interrupt direct pedestrian access, and avoid potential pedestrian/vehicle conflict. Each drive-through facility shall provide a walk-up service option, as well as drive-in. If site constraints limit the location for the drive-through facility to the area between right-of-way and associated building, the vegetation required by a Type "B" landscape buffer shall be installed within the buffer width required for the project and maintained along the entire length of the drive-through lane and adjacent right-of-way. In addition to the vegetative buffer referenced above, a permanent, covered, porte-cochere or similar structure, (canvas awning, and canopies are excluded), shall be installed extending the width of the drive-through with the roof covering the service window(s). Such structure shall be an integral part of the design of the building.
 2. *Required floor area.* One drive-through facility is permitted per tenant. The minimum building size is 1,000 square feet of gross floor area. For multi-tenant building, each tenant must have a minimum of 5,000 square feet of gross floor area to qualify them for an additional drive-through facility.
- F. *Lighting*
1. *Purpose and intent.* All building sites and projects, including out-parcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or blend with the landscape.
 2. *Shielding standards.* Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjoining streets and all adjacent properties. Light sources shall be concealed or shielded.
 3. *Fixture height standards.* Lighting fixtures within the parking lot shall be a maximum of twenty-five (25) feet in height, and fifteen (15) feet in height for the non-vehicular pedestrian areas.

4. *Design standards.* Lighting shall be used to provide safety while accenting key architectural elements and to emphasize landscape features. Light fixtures shall complement the design of the project. This can be accomplished through style, material or color.
 5. *Illumination.* Background spaces, such as parking lots, shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, including building entrances and plaza seating areas, shall utilize local lighting that defines the space without glare.
 6. *Compliance.* All lighting must meet the standards in 3-262.
- G. *Water management areas.* For design standards for water management areas, including location and the required amenities, see Section 3-606 *Building Design Standards*.

(Ord. 05-03, Ord. 06-03)

SECTION FOUR: 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 FIVE: 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 SIX: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

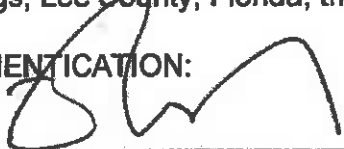
It is the intention of the City Council for the City of Bonita Springs that the provisions of this Ordinance shall become and be made part of the Bonita Springs City Code; and that sections of this ordinance may be renumbered or re-lettered and that the work "ordinance" may be changed to "section," "article," 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 SEVEN: EFFECTIVE DATE

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

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 7th day of May, 2014.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



City Attorney

Vote:

Nelson	Aye	Simmons	Aye
McIntosh	Aye	Gibson	Aye
Martin	Aye	Lonkart	Aye
Slachta	Absent		

Date filed with City Clerk:

5-12-14

remain there more than twenty-four (24) hours after scheduled collections.

- B. Any refuse containers that are not movable in accordance with subsection (a) shall be opaquely screened from view from streets and adjoining properties. This screening may be achieved by landscaping or by virtue of the location of the container on the site. Screening may also be achieved by walls or opaque fencing provided the wall or fence does not exceed the maximum height permitted for that location (see §4-1171 et. seq.) If the nonmovable refuse container would be visible above the allowable height, it must be replaced with a shorter container.

SECTION TWELVE: OUTDOOR SINGLE AND TWO FAMILY RESIDENTIAL LIGHTING STANDARDS

- A. *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the night-time visual environment by minimizing light pollution glare and light trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining night-time safety, utility security and productivity.
- B. *Applicability.* All luminaires on single and two family residential developments and all accessory structures, regardless of whether a Certificate of Occupancy or Certificate of Compliance is required, must comply with the provisions and standards of this Section. Nothing in this section shall be interpreted to supersede any requirements of the City of Bonita Springs Ordinance No. 01-06, which pertains to sea turtle conservation. In the event of a conflict with residential areas regulated by the Sea Turtle Ordinance, the terms of that ordinance will apply.
- C. *General exemptions.* The following are exempt from the provisions of this Section:
1. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and propane;
 2. ~~Low wattage decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for decoration in the lanai or porch area not visible from the road (however, the same lights in the yard may only be used for decoration from November 15 through January 15th for the holidays and not more than 30 days use in any one calendar year for other times);~~
 3. Candles;
 4. Dock lights ("snook lights") are permitted, as long as the light is shielded and is directional so that it does not reflect upon adjoining properties or

create a navigational hazard;

5. Flagpoles not to exceed twenty feet in height may have a luminaire mounted at the bottom of the pole, as long as the light is shielded and is directional to illuminate a flag as required by flag etiquette and/or protocol.

D. *Standards and Criteria.* When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of America (IESNA) will apply. Between the hours of 10:00 pm and 6:00 am all single and two family residential developments must conform to following provisions:

1. *Existing Outdoor Lighting.* The following standards apply to existing outdoor lighting installed and in existence as of February 1, 2008.

- a. *Luminaire Standards.* The following standards apply to luminaire designs.

- i. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane;
- ii. The cone of emitted light shall not project on to a neighboring property.

- b. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

- i. The pole on which a luminaire is mounted shall not exceed the height of the lowest eave of the dwelling unit, or 15 feet, whichever is lower;
- ii. Luminaires mounted on buildings may only be attached to walls and may not exceed the height of the eave, or 25 feet, whichever is lowest.

2. *New Outdoor Lighting.* The following standards apply to new outdoor lighting installed after February 1, 2008, between the hours of 10:00 p.m. and 6:00 a.m.

- a. *Luminaire Standards.* The following standards apply to luminaire designs.

- i. All light fixtures shall have bulbs that are fully recessed within the fixture and may not emit light above horizontal plane;
- ii. The cone of emitted light shall not project on to a neighboring property;
- iii. All luminaires shall have a maximum lamp wattage of 100 watts for

incandescent bulb types and 26 watts for compact fluorescent bulb types;

- iv. Solar lights are encouraged;
- v. Light from a luminaire that projects on to roadways that causes glare, annoyance, discomfort, or loss of visual ability shall not be permitted;
- vi. Lighting that is directed in such a manner as to shine light rays above the horizontal plane shall not be permitted;
- vii. Flashing or moving lights that change at intervals more frequently than once each six seconds shall not be permitted with the exception of low wattage decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for decoration;
- viii. Luminaires activated by motion detectors shall not remain on for more than 5 minutes and may not be activated by movement that occurs outside property boundaries.

b. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

- i. The pole on which a luminaire is mounted shall not exceed the height of the lowest eave of the dwelling unit, or 15 feet, whichever is lower.
- ii. Luminaires mounted on buildings may only be attached to walls and may not exceed the height of the eave, or 25 feet, whichever is lowest;
- iii. The pole on which a luminaire is mounted must be placed on the interior of the site at least 15 feet from the property boundary.

3. *Streetlights:* A streetlight is defined in Florida Statutes §768.1382, as an outdoor security light, or any outdoor area light that is owned or maintained by or for a streetlight provider (government or utility). The term "streetlight" does not include any customer-owned or customer-maintained streetlights, outdoor security lights, or outdoor area lights of any type, regardless of their location. Any streetlight installed on private residential property must be shielded so no light goes above the fixture, and should be directed so that it does not induce glare upon adjacent properties or upon the right-of-way. Customer-owned or customer-maintained lighting must be shielded in accordance with Section Twelve D, Standards and Criteria.

E. *Permit Criteria.* The applicant for any building permit, Certificate of Occupancy or Certificate of Compliance, as applicable under the provisions of the Building Code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 2. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices under consideration for the project, with as much detail as possible, including manufacturer's catalogue cuts and drawings including pictures, sections, and proposed wattages for each fixture. Once a lighting device has been chosen, the owner must submit all information listed above related to the selected lighting device. In no case may a certificate of compliance be issued prior to the submission of the required information related to the owner's lighting device selection.
 3. All applications for building permits, Certificates of Occupancy or Certificates of Compliance must provide data such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.
 4. All applications for building permits, Certificates of Occupancy or Certificates of Compliance must provide the location, number, wattage, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources must be included on the light plan. A city approved lighting plan is required before a building permit will be issued. Final inspections for a Certificate of Occupancy or Certificate of Compliance will be performed by the City.
- F. *Compliance.* Outdoor lighting must be maintained in compliance with this code.

SECTION THIRTEEN: DESIGNATION OF INVESTIGATING AND ENFORCING AUTHORITY

The Lee County Sheriff's Office and City of Bonita Springs Code Enforcement is hereby authorized to enforce the provisions of this Ordinance. The City Manager, or his designee, is hereby designated to assist with the investigation and enforcement of the provisions of this Ordinance. The City Manager or his designees are hereby directed and empowered to receive all complaints of violations of this Ordinance and to enter upon real property in conduct of official business pursuant to this ordinance, provided, however, this Ordinance shall not be construed to give the Lee County Sheriff's Office, the City of Bonita Springs Code Enforcement, the City Manager, or his designee any new or expanded powers to enter into any structure to enforce this ordinance or conduct official business pursuant to this Ordinance. Entry into any structure