

**CITY OF BONITA SPRINGS
ORDINANCE NO. 16-04**

AN AMENDMENT TO BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 3, AMENDING ARTICLE IV, DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS BY ADDING SECTION 3-498; TO PROHIBIT CERTAIN ARCHITECTURAL LIGHTING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, INCLUSION IN CODE, AND AN EFFECTIVE DATE AND AMORTIZATION.

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;

WHEREAS, §3-486 of Chapter 3, Article IV of the Bonita Springs Land Development Code explicitly states that the intent and purpose of Article IV of Chapter 3 is "to supplement existing development criteria in order to compliment, enhance and enrich the urban fabric of the city with a harmonious variety of architecture," and that "[t]he development of a positive, progressive and attractive community image and sense of place is vital to the economic health and vitality of the city;" and

WHEREAS, in order to achieve the stated intent and purpose of Chapter 3, Article IV of the City of Bonita Springs Land Development Code, City Council finds it necessary to adopt an ordinance clarifying that certain architectural lighting associated with commercial buildings and developments is prohibited in the City.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

**SECTION ONE: BONITA SPRINGS LAND DEVELOPMENT CODE
SECTION 3-498**

The City of Bonita Springs Land Development Code, Chapter 3, Article IV is hereby amended with the addition of new language underlined as follows:

ARTICLE IV. DESIGN STANDARDS AND GUIDELINES FOR COMMERCIAL BUILDINGS AND DEVELOPMENTS

Sec. 3-498. – Architectural Lighting

Any lighting affixed or connected to, or otherwise associated with, a building, including lighting affixed or connected to the interior of any window or window frame, or lighting positioned immediately adjacent to any window so as to illuminate the window and/or emit light beyond the

building, shall be required to be dark skies compliant, and no light emitted from such lighting shall be visible from beyond the parcel upon which the building is located, except that this requirement shall not apply to lighting allowed pursuant to the provisions contained in 3-269(c) and (d)(2) as well as 6-6(1)(g) and (h).

SECTION TWO: CONFLICTS OF LAW

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

SECTION THREE: SEVERABILITY

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

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

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

SECTION FIVE: EFFECTIVE DATE AND AMORTIZATION


The effective date of this ordinance shall be thirty (30) days from its adoption date. Any property failing to comply with this ordinance due to conditions existing on the property prior to the effective date of this ordinance shall have sixty (60) days from the effective date to comply with the ordinance.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of May, 2016.

AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM:



Asst. City Attorney

Vote:

DeWitt	Absent	Simmons	Aye
Forbes	Aye	Slachta	Aye
Gibson	Aye	Quaremba	Aye
O'Flinn	Absent		

Date filed with City Clerk: 5/9/16