

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 21 – 12

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4- ZONING, SECTION 4-1893 STREET SETBACKS TO ESTABLISH SETBACKS FOR ALLEYS, PROVIDING CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND AN EFFECTIVE DATE.

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

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

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

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

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted 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 Section 4-1893 of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be

given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part as if adopted with such part had not been included herein.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 of 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 15 day of Dec, 2021.

Attest:

CITY OF BONITA SPRINGS, FLORIDA

By: 
City Clerk

By: 
Mayor

Reviewed for legal sufficiency:

By: 
City Attorney

Vote:

Carr Aye
Purdon Aye
Forbes Aye
Corrie Aye

Gibson Aye
Quaremba Aye
Steinmeyer Aye

Date filed with City Clerk: 12/15/21

Sec. 4-1893. Street setbacks.

- (a) *Required setback.* Except as provided for in subsection (b) of this section, or unless a modification is granted as a variance or deviation, all buildings and structures must be set back from the adjacent street easement or right-of-way according to the functional classification of the adjoining street as set forth on the official trafficways map. Any street not shown on the trafficways map as a collector or arterial street will be presumed to be a local street or a private street for the purposes of this section.

SETBACKS FROM STREETS

Street Classification	Setback from Edge of Right-of-Way or Street Easement Line (feet)
Arterial or collector street:	
With frontage street*	65
Without frontage street	25
Local	25
Private	20
Rear and side alley**	5

* Note: Applies only where the frontage street is located within 40 feet of the right-of-way; does not apply where the frontage street is or will be located within the right-of-way

** Note: For accessory structures only. Utility service and/or fire access provided from the alley may require additional setbacks.

(b) *Exceptions.*

- (1) *Exception for certain structures.* Certain structures are exempt from the street setback requirements as follows:

- a. *Mail and newspaper delivery boxes.* Mail and newspaper delivery boxes may be placed in accordance with U.S. Postal Service regulations.
- b. *Bus shelters, bus stop benches and bicycle racks.* Bus shelters and bicycle racks may be located in any district, provided the location of the structure is approved by public works.
- c. *Telephone booths.* Telephone booths may be located in any district, provided that the location shall be approved by public works.
- d. *Utility equipment.* Accessory utility equipment such as pad-mounted transformers, service pedestals and telephone terminal or switching devices are exempt from certain setback requirements, provided that they comply with the provisions set forth in division 14 of this article.

- (2) *Exception for certain existing lots and structures.*

- a. The setbacks set forth in subsection (a) of this section shall not apply to residential structures or public schools erected prior to August 1, 1986, or which received a development order or building permit which is still valid on August 1, 1986.
- b. Street setbacks for corner lots recorded prior to January 28, 1983, which have a lot width of less than 100 feet shall be modified as follows:
 1. If the corner lot abuts two local streets, the setback for the street opposite the interior side yard may be reduced to 15 feet.

2. If the corner lot abuts a local street and a street of higher classification, the street setback for the local street may be reduced to 15 feet.

(c) *Modifications.* Upon determination that the setbacks set forth in subsection (a) of this section are not needed, the setbacks may be modified by a variance approved pursuant to section 4-195(e), or by a deviation as part of a planned development. Right-of-way modifications may not be granted through this provision.

(Ord. No. 11-02, § 3(4-2192), 1-19-2011)