

CITY OF BONITA SPRINGS

ORDINANCE NO. 13-22

AN ORDINANCE OF THE CITY OF BONITA SPRINGS; RELATING TO BUILDING AND CONSTRUCTION CODES; IDENTIFYING WORK NOT REQUIRING A PERMIT; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, INCLUSION IN CODE, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Florida Statutes §553.73 establishes the state-wide unified building code known as the Florida Building Code; and

WHEREAS, pursuant to Florida Building Code Section 105.2, the Building Official can determine whether certain work or improvements need a building permit; and

WHEREAS, the Building Official has determined that the work identified in this section do not require any building permits; and

WHEREAS, the Bonita Springs City Council is authorized pursuant to Section 166.01, Florida Statutes, to enact ordinances necessary for the exercise of its powers; and

WHEREAS, it is declared that the provisions and regulations hereinafter contained and enacted are for the purpose of securing and promoting the public health, safety and welfare of the inhabitants and property of the City of Bonita Springs.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION ONE: PURPOSE

The purpose of this Ordinance is to comply with the Florida Statutes §553.73 adopting the Florida Building Code.

SECTION TWO: AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 5

The Land Development Code is hereby amended by adding a section to be numbered 5-113 as follows:

Sec. 5-113. Improvements or repairs not requiring a permit.

FBC Section 105.2 pertaining to work exempt from permit is amended to include the following:

The following individual improvements or repairs performed within a 12-month period to a single individual dwelling unit do not require a permit. This exemption does not apply to any combination of items that exceed \$500.00 or

improvements undertaken as part of a larger project or work being performed on multiple dwelling units:

- (a) Replacement of plumbing or electric fixtures.
- (b) Replacement of water heaters when it does not generate a technology change (any change in technology will require a permit, e.g., a tank system to a tankless water heater system).
- (c) Installation, replacement or repair of low voltage systems for the following:
 - (1) Telephones;
 - (2) Data transmission;
 - (3) Security systems;
 - (4) Closed circuit and cable TV paging systems and speakers;
 - (5) Landscaping and pool lighting.
- (d) One hundred square feet or less of drywall, within any 12-month period, where no fire separation is involved.
- (e) A building permit is not required for the following non-commercial accessory structures when placed on a residentially zoned property:
 - (1) *Car cover*. Must be less than 200 square feet in size and less than ten feet in height, with a wood, metal or plastic frame and covered with canvas, plastic or vinyl covering.
 - (2) *Garden or yard trellis*. Must be less than 200 square feet in size and less than 12 feet in height.

Accessory building or structure setbacks must be observed and may not include electrical or plumbing.

SECTION FOUR: CONFLICT

Whenever the requirements or provisions of this Ordinance are in conflict with the provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

SECTION FIVE: 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 provision of this ordinance is held invalid or unconstitutional by and court of competent jurisdiction, that portion will be deemed a separate provision and will not affect any remaining provisions of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such unconstitutional provision was not included.

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 a 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 of public hearing, by filing a corrected or re-codified 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, Florida this 18th day of December, 2013.

AUTHENTICATION:


Mayor



City Clerk

APPROVED AS TO FORM:


City Attorney

Vote:
Nelson Aye Simmons Aye
McIntosh Aye Simons Aye
Martin Aye Lonkart Aye
Slachta Aye

Date Filed With City Clerk: 12-19-13