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CITY OF BONITA SPRINGS

Community Development Department
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**ADMINISTRATIVE ACTION REQUEST (2023)
POST DISASTER ADMINISTRATIVE RELIEF (SUPPLEMENT L)**

This administrative approval process may be requested by property owner(s) for structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds fifty (50) percent of the building's value (does not include land value) pursuant to Chapter 24, Floodplain Management, of the City of Bonita Springs City Code. These structures may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing those structure to be rebuilt or replaced to the size, style, and type of their original construction, including original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all federal and state regulations, local building and life safety regulations, and other local regulations, which do not preclude reconstruction otherwise intended by Future Land Use Element Policy 1.5.1 as set forth in Bonita Springs City Code Chapter 14, Section 14-55.

Applicant's Name: _____

Property Address: _____

STRAP Number: _____

Modifications to development regulations sought (See Explanatory Notes for Eligibility):

ADDITIONAL SUBMITTAL REQUIREMENTS:

1. Provide documentation as to the actual uses, density and/or intensity in existence at the time of earlier construction before authorizing modifications to the requirements requested above. This can be done through such means as photographs, diagrams, plans, affidavits, permits, property appraiser records, utility bills, etc.

EXPLANATORY NOTES

1. For single-family, two-family and duplexes and their accessory structures—The emergency review board is authorized to apply and modify development regulations for lot area and dimension, setbacks, lot coverage, height, handicapped access, and open space.
2. For multiple family, commercial and industrial buildings—The emergency review board is authorized to modify development regulations for lot area and dimensions, setbacks, lot coverage, height, handicapped access, buffering, open space, loading space and parking.
3. Any modifications granted will be the minimum necessary. No modifications will be granted that completely eliminate buffering or open space, or that will allow buildings to exceed the special height limitations specified in Land Development Code, Chapter 4, Zoning, Division 30, Property Development Regulations, Subdivision II, Height.

4. The emergency review board is specifically authorized to modify street, rear, side, or waterbody setback requirements under the following circumstances:
 - a. Street, rear, side, or waterbody setbacks may be modified to permit the reconstruction of, or additions to, pre-existing structures that are nonconforming with regard to a specific setback as long as: [The reconstruction will not result in a further diminution of the setback, however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback provided the encroachment does not protrude beyond the pre-existing overhang of the building.]
 - b. Prior to approving any modification of street or street easement setbacks, a determination will be made through consultation with Lee County Department of Transportation and City of Bonita Springs Public Works regarding future road widening requirements.
 - i. The reconstruction shall not result in a further diminution of the setback; however, the emergency review board may approve bay windows, chimneys and similar architectural features that encroach further into a setback, provided the encroachment does not protrude beyond the pre-existing overhang of the building; and
 - ii. Setbacks may be modified to allow the replacement of stairs or decking that will provide access into a dwelling unit.
 - c. The emergency review board is specifically authorized to modify the parking requirements under the following circumstances:
 - i. To improve ingress and egress to the site.
 - ii. To eliminate or reduce the instances where parked vehicles were required to back out onto thoroughfares to gain access to the roadway system.
 - iii. To provide on-site handicapped parking.
 - d. The emergency review board is specifically authorized to modify buffering requirements to accommodate modifications to parking or additional proposed parking.
 - e. The emergency review board may also consider other modifications, conditions, or variances necessary to reconstruct a pre-existing structure in a timely and expeditious manner, including requests for reconstruction not specifically set forth above.
 - f. The emergency review board may require documentation as to the actual uses, densities, and intensities in existence at the time of earlier construction through such means as photographs, diagrams, plans, affidavits, permits, etc., before authorizing modifications to the requirements referenced above.
5. No provision is made to redevelop property containing damaged structures for a more intense use or at a density higher than which existed prior to a major or catastrophic disaster. No redevelopment at a higher density or more intense use will be permitted unless appropriate zoning, development review, building permit and other applicable land development approvals are granted.
6. Once an application is deemed complete, the application will be scheduled for the next scheduled emergency review board meeting.

NOTE: ACCEPTANCE OF AN APPLICATION FOR POST DISASTER ADMINISTRATIVE MODIFICATION IN NO WAY GUARANTEES ITS APPROVAL. DECISIONS RENDERED BY THE EMERGENCY REVIEW BOARD MAY BE APPEALED TO THE CITY OF BONITA SPRINGS BOARD OF ZONING ADJUSTMENTS AND APPEALS.