

1 CITY OF BONITA SPRINGS, FLORIDA

2 ORDINANCE NO. 19-06

3 AN ORDINANCE REPEALING AND REPLACING BONITA
4 SPRINGS CODE SECTIONS 4-2124 THROUGH 4-2132,
5 TEMPORARY USES; PROVIDE FOR CONFLICTS OF
6 LAW, SEVERABILITY, CODIFICATION AND
7 SCRIVENER'S ERRORS, MODIFICATIONS THAT MAY
8 ARISE FROM CONSIDERATION AT PUBLIC HEARING
9 AND AN EFFECTIVE DATE.

10
11 WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida
12 Statutes, conferred upon local governments the authority to adopt regulations designed
13 to promote the public health, safety, and general welfare of its citizenry; and
14

15 WHEREAS, City Council ("the Council") is the governing body in and for the City
16 of Bonita Springs, a municipal corporation in the State of Florida; and
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18 WHEREAS Chapter 166, Florida Statutes, authorizes City Council, acting for the
19 City of Bonita Springs, Florida, to adopt Ordinances and Resolutions necessary for the
20 exercise of its powers and to prescribe fines and penalties for the violation of
21 Ordinances in accordance with law; and

22 WHEREAS, the City of Bonita Springs has determined that development patterns
23 have evolved since incorporation and as such, the ability to ensure compatibility of
24 temporary uses has changed; and

25 WHEREAS, the City of Bonita Springs intends to modify the permitting process
26 for temporary uses to allow for the evaluation of such proposed uses and to address the
27 existing and anticipated development patterns within the City; and

28 WHEREAS, the City Council finds it is in the public interest to amend its land
29 development regulations to ensure the public safety and welfare of its residents through
30 consistent regulations between permanent and temporary uses on developed and
31 undeveloped properties.

32 THE CITY OF BONITA SPRINGS HEREBY ORDAINS:
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1 **SECTION ONE: CODE AMENDMENT**

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3 The City Council hereby amends the Bonita Springs City Code; Part III, Land
4 Development Code, Chapter 4, Zoning, Article VI Supplemental District Regulations,
5 Division 37, Subordinate and Temporary Uses, Subdivision II, Temporary Uses, as
6 follows with underlined portions representing additions and ~~strikethroughs~~ representing
7 deletions:

8
9 Sec. 4-2124. ~~–Generally.~~ Temporary uses.

10
11 (a) ~~*Purpose.* The purpose of this subdivision is to specify regulations applicable to~~
12 ~~certain temporary uses which, because of their impact on surrounding land uses,~~
13 ~~require a temporary use permit.~~ *General.* Certain uses are temporary in character.
14 They vary in type and degree, as well as the length of time involved. The purpose of
15 this section is to specify regulations applicable to certain temporary uses which,
16 because of their impact on public infrastructure, services, and surrounding land
17 uses, require a temporary use permit. Unless otherwise specified in these zoning
18 regulations, the following regulations shall govern temporary uses. No temporary
19 use identified herein shall be exempt from the permit requirement except in
20 accordance with this section.

21 (1) Unless approved by the community development director, a temporary use
22 cannot occupy on-site parking required by these land development regulations
23 to accommodate the ordinary parking requirements of the existing structures
24 and uses on the property. Only surplus or otherwise unused parking may be
25 occupied for the temporary use and such use must itself have sufficient parking
26 for the anticipated traffic it generates.

27 (2) For the purposes of this section the following terms shall have the associated
28 meanings:

29 *Footprint* shall mean the area impacted by the temporary use as measured from
30 the outside line of all the area devoted to the use, or the drip line of a tent or
31 cover under which the use is conducted, whichever is greater.

32 *Sale(s)* shall be considered to include any form of commercial transaction,
33 including fund raising activities by charitable and nonprofit organizations or
34 school groups.

35 (3) Temporary use permits shall only be issued within the zoning districts for which
36 the use is allowed by right or for those uses which have been permitted by
37 special exception. For example, temporary use permits for commercial, sales,
38 or services uses shall not be issued in residential districts. Notwithstanding the
39 forgoing, commercial temporary uses are prohibited on Little Hickory Island due
40 to the predominant residential character, existing lot and transportation
41 constraints.

42 (4) Temporary use permits are restricted to those activities and locations listed on
43 the application and all temporary uses shall be confined to the dates and times

1 specified in the permit. A separate temporary use permit is required for each
2 temporary use. Hours of operation of temporary uses subject to this section
3 shall be limited to 8:00 a.m. to 9:00 p.m., Sunday through Thursday, and 8:00
4 a.m. to 11:00 p.m. on Friday and Saturday unless more restrictive hours are
5 appropriate as determined by the community development director based on
6 compatibility with adjacent uses.

7 (5) No permanent or temporary lighting may be installed without an electrical permit
8 and inspection. Temporary lighting used to illuminate the outdoor event after
9 dusk shall be designed and arranged to reflect away from adjacent properties.

10 (6) Any temporary structures or exhibits to be constructed must be permitted in
11 conjunction with the temporary use permit and subject to all other permit and
12 inspection requirements of applicable city codes and state law.

13 (7) No activity, temporary tent, mechanical device, temporary sanitary facility, or
14 animal associated with any outdoor temporary use shall be closer than one
15 hundred (100) feet from any residentially zoned property.

16 (8) One (1) temporary sign advertising the event may be erected on the property in
17 compliance with Chapter 6 of the Bonita Springs Land Development Code.

18 (9) Traffic control may be required by the City of Bonita Springs Public Works, Lee
19 County DOT or law enforcement and must be arranged and paid for by the
20 applicant.

21 (10) The applicant may be required to obtain approval from the Bonita Springs
22 Fire and Rescue District and/or Lee County Emergency Medical Services
23 (Fire/EMS) and employ, at the applicant's cost, any mitigation measures
24 required.

25 (11) Before any temporary use permit is issued for motor vehicle or
26 recreational vehicle sales, the applicant must furnish the city with a copy of a
27 current motor vehicle dealer or recreational dealer's license as required by F.S.
28 ch. 320.

29 (12) Any Type 1 or Type 2 temporary use that will, in the determination of the
30 community development director, require more parking spaces than allotted on
31 the subject property, will be required to obtain a special exception.

32 (13) The site of the temporary use must be cleared of all debris at the end of the
33 use, and all temporary structures must be removed no later than forty-eight (48)
34 hours after the termination of the use. A signed contract with the county's
35 garbage collection franchisee, or a notarized letter that the property
36 owner/applicant is responsible for the clean-up of the site, may be required as
37 part of the application for the temporary use permit.

38 (14) Issuance of a temporary use permit shall not dismiss any requirements to
39 obtain other required permits including, but not limited to, special event permits
40 and temporary fireworks sales.

41 (b) ~~Permit required. No temporary use shall be established until a temporary use~~
42 ~~permit has been obtained from the department. A special event permit or a mobile~~

1 ~~food vendor permit may also be required in addition to the temporary use permit.~~
2 Applicability. Any person or entity that desires to conduct any temporary use
3 described in this section or determined by the community development director to
4 be similar in nature to those described herein, unless specifically exempted herein,
5 shall be required to submit an application for a permit, and obtain the permit before
6 conducting the use. A permit issued to a corporation, organization, or entity shall
7 suffice for the persons engaging in the use on the site on behalf of the corporation,
8 organization, or entity. The owner(s) of the property upon which the temporary use
9 is to be conducted shall be bound by the terms of the permit, and shall signify
10 consent to the permit by signing the permit application before it is issued.

11 (1) Examples of temporary uses regulated by this section may include, but are not
12 limited to, the following:

- 13 a. Outdoor sales, parking lot sales or tent sales of merchandise, products,
14 services or other commercial activities.
- 15 b. Event uses, such as fairs, carnivals, circuses, and expositions or fair
16 associations chartered in accordance with F.S. ch. 616.
- 17 c. Fund raising events conducted offsite by charitable organizations, nonprofit
18 corporations, or school groups, as well as promotions, sales and other
19 activities by charitable organizations, nonprofit corporations, or school
20 groups.
- 21 d. Seasonal and holiday related promotions and sales, including Christmas
22 tree sales, pumpkin sales, fireworks sales, and the like.
- 23 e. Temporary religious or revival activities.
- 24 f. Neighborhood and community-wide yard sales and garage sales.
- 25 g. Any other temporary use similar in nature to the ones listed above, as
26 determined by the zoning official.

27 (2) Exemptions: The permit requirement of this section shall not apply to the
28 following types of uses, provided that such uses shall be required to meet all
29 other requirements of law, including but not limited to obtaining building or sign
30 permits for temporary structures or signage:

- 31 a. Yard or garage sales conducted on residential parcels; provided that the
32 use does not exceed any of the requirements of a Type 1 permit nor exceed
33 two (2) calendar days in length.
- 34 b. Grand opening sales by resident merchants connected with the grand
35 opening of a permanent use at the premises, including outside food and
36 beverage vending; provided such use does not exceed three (3)
37 consecutive calendar days.
- 38 c. Temporary outdoor storage in residential districts, incidental to and
39 exclusively in association with the construction of a principal structure and
40 only while a valid building permit is in effect.

1 d. Such temporary uses which are extensions of a principal permitted use on-
2 site and which are to be conducted on the premises but outside the
3 principal structure in which those uses are permitted to occur; provided
4 such use does not exceed five (5) consecutive calendar days. Examples of
5 which include, but are not limited to:

6 1. Religious or revival activities conducted on-site but outside the
7 structures of the place of worship.

8 2. Sidewalk sales, clearance, or tent sales conducted on-site by a
9 resident merchant but outside the principal permitted structures for such
10 use.

11 3. School events conducted on-site but outside the principal permitted
12 structures for such use.

13 ~~(c) *Lighting.* No permanent or temporary lighting shall be installed without an electrical~~
14 ~~permit and inspection. Type 1 permit.~~

15 (1) A Type 1 permit shall be required for any temporary use occupying a footprint
16 up to one thousand five hundred (1,500) square feet.

17 (2) No property shall have, or be a site of, more than six (6) Type 1 temporary uses
18 in a calendar year. No Type 1 temporary use shall continue for more than five
19 (5) consecutive calendar days; however, such uses may run concurrently (i.e.
20 up to thirty (30) days) without incurring additional permit fees.

21 (3) Notice shall be provided to all area property owners pursuant to Section 4-
22 229(b) prior to at least 15 days prior to beginning of Type 1 use.

23 ~~(d) *Time limit.* Type 2 permits.~~

24 ~~(1) All uses shall be confined to the dates specified by the director, on the~~
25 ~~temporary use permit; provided, however, that: A Type 2 permit shall be required for~~
26 ~~any temporary use occupying a footprint greater than one thousand five hundred~~
27 ~~(1,500) square feet.~~

28 ~~a. Except as provided in sections 4-2126 through 4-2130, the director may not~~
29 ~~authorize a temporary use for the more 30 days; and~~

30 ~~b. If no time period is specified on the temporary use permit, then the~~
31 ~~temporary use permit will expire and the use be abated within 30 days from the date of~~
32 ~~issuance.~~

33 ~~(2) A temporary use permit may not be renewed or reissued to the same~~
34 ~~applicant or on the same premises for a similar use more than four times per year,~~
35 ~~except for community gardens as described in section 4-1435, unless otherwise~~
36 ~~approved pursuant to a special event permit or a mobile food vendor permit. No property~~
37 ~~shall have, or be a site of, more than three (3) Type 2 temporary uses in a calendar~~
38 ~~year.~~

39 ~~(3) Permits for mobile food vendors will be limited in time by section 4-2155,~~
40 ~~permit required and permits for sales of fireworks pursuant to Ordinance No. 06-14, as it~~
41 ~~may be amended. No Type 2 temporary use shall continue for more than ten (10)~~

consecutive calendar days; however, such uses may run concurrently (i.e. up to twenty (20) days) without incurring additional permit fees.

(4) The final ten (10) day permits shall not run concurrently and must be spaced at least five (5) months apart.

(e) ~~Hours of operation.~~ Hours of operation shall be confined to those specified in the permit. Security Required. In addition to applicable permit fees, any Type 2 temporary use permit shall require the applicant to provide security in the amount of fifty thousand dollars (\$50,000.00), in the form of a surety bond, issued by a surety authorized to do business in the State of Florida, or an irrevocable letter of credit issued by a Florida financial institution, or in the form of a cash security. The security shall be in favor of the city, and benefit any person who shall suffer any loss that is provided for and recoverable under this subsection. The security shall be released ninety (90) calendar days following the conclusion of the temporary use upon the submittal of an affidavit from the applicant to the city, and the acceptance of said affidavit by the city, that all conditions of the security have been met. The conditions of such security shall be that:

(1) The applicant shall comply fully with all provisions of the Bonita Springs Code and all other applicable county, state, or federal laws regarding the temporary use sought; and

(2) The applicant has, to the city's satisfaction, mitigated any damages or impacts caused or created by the temporary use.

(f) ~~Cleanup.~~ The site shall be cleared of all debris at the end of the temporary use and all temporary structures shall be removed within 48 hours after termination of the use. A signed contract with a disposal firm shall be required as a part of the application for a temporary use permit to ensure that the premises will be cleared of all debris during and after the event, as well as proof of adequate insurance naming the city as additional insured. Application procedure and review. All applications for a temporary use permit shall be submitted to the community development director a minimum of fifteen (15) working days prior to the proposed use. The community development director shall grant or deny a temporary use permit or may grant a temporary use permit subject to suitable conditions, safeguards, and stipulations within seven (7) working days. If denied, the community development director shall state the reasons in writing to the applicant.

(g) ~~Traffic control.~~ Traffic control as may be required by the county sheriff's department and public works shall be arranged and paid for by the applicant. Application process and fees.

(1) Application. The applicant shall ensure that the application is accurate and complete. Any intentional misrepresentations on the application by the applicant shall be grounds for denying the permit. The application shall be made on a form acceptable to the community development director and shall include the following:

a. The name, address and telephone number of the applicant; and

- b. The address and legal description of the property where the temporary use will be held. If the property is not owned by the applicant, the name, address and telephone number of the owner(s) of the property and notarized authorization of all property owner(s) of record or their authorized agents, for use of the property; and
- c. The date(s) of the event and hours of operation; and
- d. The nature of the existing uses on the property along with the proposed temporary use; and
- e. Calculation required parking for existing use(s) as well as anticipated parking needs, including overflow; and
- f. The business tax receipt (BTR) of the applicant, if applicable; and
- g. A site plan, drawn to scale, indicating the following:
 1. Vehicular and pedestrian access onto the property; and
 2. Location and use of any existing structures on the property; and
 3. Location of any existing and proposed sanitary facilities; and
 4. Location and amount of current and anticipated parking areas, including overflow.
- h. For all Type 2 permits, the following additional application requirements shall be provided:
 1. A letter from the Lee County Sheriff setting forth the Sheriff's determination whether any additional security or police service is necessary and the arrangement that has been made to accommodate that need; and
 2. A letter from the Bonita Springs Fire and Rescue District setting forth a determination on whether any additional fire or rescue service is necessary and whether an arrangement has been made to accommodate that need; and
 3. A letter from the Bonita Springs Public Works Department or Lee County Department of Transportation setting forth a determination on whether any additional roadway plans are necessary and whether an arrangement has been made to accommodate that need;
 - a. If a road closure is less than 24-hour period, the roadway level-of-service impact on the roadway cannot be quantified due to these special events. However, the event coordinator should submit the proposed maintenance of traffic plan at least thirty (30) days prior to the event so that public works staff can visit the subject location and make suggestions before issuing the Public Works Department approval. Once public works department issues the approval, it is responsibility of the event coordinator to work with the fire/EMS and

1 sheriff's office on the needed support from those departments to
2 safely execute the special event.

3 b. If the special event needs a road closure for more than 24-hours
4 (other than for an emergency event), applicant needs to attach a
5 maintenance of traffic (MOT) plan (must be signed by a licensed
6 engineer in the State of Florida) with the permit application for the
7 review by the public works department at least forty-five (45) days
8 prior to the event. This will allow the public works department to
9 properly review the application, work closely with the appropriate
10 agencies and issue a public service announcement (PSA) about
11 the road closure.

12 (2) In reviewing an application the community development director shall take the
13 following factors into account:

14 a. Ensure that the proposed temporary use complies with all the requirements
15 of this section; and

16 b. Review the compatibility of any proposed use with surrounding uses,
17 ensuring that any anticipated nuisances or incompatible features involved
18 are suitably separated from adjacent uses; and

19 c. Ensure that the proposed temporary use will not create any vehicular
20 parking or circulation problems, or will result in excessive vehicular traffic
21 being generated or diverted onto residential streets.

22 (h) ~~Damage to public right of way. A right of way permit may be required for any~~
23 ~~improvements in the right of way or access connection, with proof of adequate~~
24 ~~insurance naming the city as additional insured or a cash bond based on public~~
25 ~~works requirements shall be posted with city to ensure the repair of any damage~~
26 ~~resulting to any public right of way as a result of the event. Temporary contractor's~~
27 ~~office and equipment storage shed.~~

28 (1) Contractor's office or construction equipment shed may be permitted in any
29 district where use is incidental to an ongoing construction project with an active
30 building permit or development order. Such office or shed shall not contain
31 sleeping or cooking accommodations. The contractor's office and construction
32 shed shall be removed within 30 days of the date of final inspection for the
33 project.

34 (i) Horse shows and exhibitions.

35 (1) A horse show or exhibition may be permitted at a boarding or commercial stable
36 for special occasions, including, but not limited to, dressage shows, exhibitions
37 and contests.

38 (2) A temporary use permit shall be required for those horse shows and exhibitions,
39 at commercial stables, where more than 15 horses (outside entrants) participate
40 at any one time.

41 (3) The maximum length of time for such use shall not exceed 15 days.

1 (i) Temporary use of mobile home.

2 (1) Rehabilitation or construction of residence following disaster.

3 a. If fire or other emergency as defined in F.S. § 252.34 renders a single-
4 family residence unfit for human habitation, the temporary use of a mobile
5 home, travel trailer or park-trailer located on the single-family lot during
6 rehabilitation of the original residence or construction of a new residence
7 may be permitted subject to the regulations set out in this section.

8 b. The maximum duration of the use is 18 months or 540 days after the date
9 the President of the United States issues a disaster declaration. If no
10 disaster declaration is issued, then the maximum duration of the use is six
11 months. The director may extend the permit once for a period not to
12 exceed 60 days in the event of circumstances beyond the owner's control.
13 Application for an extension must be made prior to expiration of the original
14 permit. Additional extensions may be granted only by the city council
15 approval.

16 (2) Rehabilitation or construction of a damaged business, commercial or industrial
17 uses following disaster.

18 a. Business, commercial or industrial uses, damaged by a major or
19 catastrophic disaster necessary for the public health and safety or that will
20 aid in restoring the community's economic base, may be permitted to use a
21 mobile home or similar type structure to carry out their activities until the
22 damaged structure is rebuilt or replaced according to applicable
23 development or redevelopment regulations.

24 b. The maximum duration of the temporary use is 270 days after the date the
25 President of the United States issues a disaster declaration. If no disaster
26 declaration is issued, then the maximum duration of the use is 180 days.
27 Reasonable extensions beyond such periods may be granted only by city
28 council.

29 (3) Construction of residence in AG district.

30 a. A temporary mobile home may be permitted to be emplaced on a lot during
31 construction of a conventional single-family dwelling in the agricultural
32 district.

33 b. The mobile home must be removed from the property within ten days of the
34 issuance of the certificate of occupancy, or expiration of the building permit
35 for the conventional dwelling, whichever occurs first.

36 (4) Conditions for use.

37 a. Required water and sanitary facilities must be provided.

38 b. The mobile home, travel trailer or park trailer must be removed from the
39 property within ten days after the certificate of occupancy is issued for the
40 new or rehabilitated residence, business, commercial or industrial use or
41 upon expiration of the temporary use permit, whichever occurs first.

1 c. Placement or setting of the mobile home, travel trailer or park trailer must
2 comply with chapter 6, article IV, pertaining to floodplain management.

3 (k) Temporary telephone distribution equipment.

4 Telephone distribution equipment may be granted a temporary permit during planning
5 and construction of permanent facilities, provided that:

6 (1) The equipment is less than six feet in height and 300 cubic feet in volume;
7 and

8 (2) The maximum length of the use shall be six months, but the director may
9 extend the permit for a period not to exceed six additional months in the
10 event of circumstances beyond the control of the telephone company.
11 Application for an extension shall be made at least 15 days prior to
12 expiration of the original permit.

13 (l) Temporary parking lots.

14 Temporary parking lots may be permitted in commercial and industrial zoning districts,
15 provided that they are in compliance with section 4-1732.

16
17 ~~Sec. 4-2125. Carnivals, fairs, circuses and amusement devices.~~

18
19 ~~(a) Location of amusement devices and other structures.~~

20 ~~(1) Setback from street for amusement devices. No use consisting of~~
21 ~~amusement devices shall be located closer to a street right-of-way line or street~~
22 ~~easement than 25 feet, or a distance equal to the height of the amusement device,~~
23 ~~whichever is greater.~~

24 ~~(2) Setback from bodies of water for amusement devices. No amusement~~
25 ~~device shall be located closer to a bay, canal or other body of water than 50 feet from~~
26 ~~the Gulf of Mexico or 25 feet from any other body of water, or a distance equal to the~~
27 ~~height of the amusement device, whichever is greater.~~

28 ~~(3) Setbacks from side and rear property lines for amusement devices. All~~
29 ~~amusement devices shall be set back from side and rear property lines a minimum~~
30 ~~distance equal to the greater of:~~

31 ~~a. The setbacks established for the zoning district in which located;~~

32 ~~b. The height of the device; or~~

33 ~~c. A minimum of 100 feet from any property zoned RS, TF, TFC, RM, MH,~~
34 ~~RPD or MHPD, or any existing residential use.~~

35 ~~(4) Setbacks from habitable structures for amusement devices. All amusement~~
36 ~~devices shall be set back from habitable structures a distance which is at least equal to~~
37 ~~the height of the device.~~

38 ~~(5) Placement of amusement devices in easement. Nothing contained in this~~
39 ~~chapter shall be construed as permitting placement of any amusement device within a~~
40 ~~utility easement or other easement prohibiting such placement.~~

1 ~~(6) General setback requirements.~~ Other structures associated with carnivals,
2 fairs or circuses shall be set back in accordance with the setbacks established for each
3 individual zoning district.

4 ~~(b) Off street parking.~~ Refer to section 4-1732(4)r for off street parking
5 requirements.

6 ~~(c) Hours of operation.~~ The hours of operation shall be limited to 10:00 a.m. to
7 10:00 p.m., unless otherwise extended by the director in writing.

8 ~~(d) Special event permit.~~ In addition to a temporary use permit, a carnival, fair,
9 circus or amusement device shall be subject to the provisions of the special event
10 permit, as applicable.

11
12 ~~Sec. 4-2126. Christmas tree sales.~~

13
14 ~~(a) Christmas tree sales may be permitted in any agricultural, commercial or~~
15 ~~industrial district, provided that:~~

16 ~~(1) No parking lot required for another use shall be used for display of trees;~~
17 ~~and~~

18 ~~(2) Temporary off street parking for at least five vehicles shall be provided~~
19 ~~utilizing an existing or approved parking lot entrance or driveway.~~

20 ~~(b) The maximum length of time for display and open lot sales shall be 45~~
21 ~~days.~~

22
23 ~~Sec. 4-2127. Temporary contractor's office and equipment storage shed.~~

24
25 ~~A contractor's office or construction equipment shed may be permitted in any~~
26 ~~district where use is incidental to an ongoing construction project with an active building~~
27 ~~permit or development order. Such office or shed shall not contain sleeping or cooking~~
28 ~~accommodations. The contractor's office and construction shed shall be removed within~~
29 ~~30 days of the date of final inspection for the project.~~

30
31 ~~Sec. 4-2128. Horse shows and exhibitions.~~

32
33 ~~(a) A horse show or exhibition may be permitted at a boarding or commercial~~
34 ~~stable for special occasions, including, but not limited to, dressage shows, exhibitions~~
35 ~~and contests.~~

36 ~~(b) A temporary use permit shall be required for those horse shows and~~
37 ~~exhibitions, at commercial stables, where more than 15 horses (outside entrants)~~
38 ~~participate at any one time.~~

39 ~~(c) The maximum length of time for such use shall not exceed 15 days.~~

40
41 ~~Sec. 4-2129. Temporary use of mobile home.~~

42
43 ~~(a) Rehabilitation or construction of residence following disaster.~~

44 ~~(1) If fire or other emergency as defined in F.S. § 252.34 renders a single-~~
45 ~~family residence unfit for human habitation, the temporary use of a mobile home, travel~~
46 ~~trailer or park trailer located on the single family lot during rehabilitation of the original~~

1 residence or construction of a new residence may be permitted subject to the
2 regulations set out in this section.

3 (2) ~~The maximum duration of the use is 18 months or 540 days after the date~~
4 ~~the President of the United States issues a disaster declaration. If no disaster~~
5 ~~declaration is issued, then the maximum duration of the use is six months. The director~~
6 ~~may extend the permit once for a period not to exceed 60 days in the event of~~
7 ~~circumstances beyond the owner's control. Application for an extension must be made~~
8 ~~prior to expiration of the original permit. Additional extensions may be granted only by~~
9 ~~the city council approval.~~

10 (b) ~~Rehabilitation or construction of a damaged business, commercial or~~
11 ~~industrial uses following disaster.~~

12 (1) ~~Business, commercial or industrial uses, damaged by a major or~~
13 ~~catastrophic disaster necessary for the public health and safety or that will aid in~~
14 ~~restoring the community's economic base, may be permitted to use a mobile home or~~
15 ~~similar type structure to carry out their activities until the damaged structure is rebuilt or~~
16 ~~replaced according to applicable development or redevelopment regulations.~~

17 (2) ~~The maximum duration of the temporary use is nine months or 27 days~~
18 ~~after the date the President of the United States issues a disaster declaration. If no~~
19 ~~disaster declaration is issued, then the maximum duration of the use is six months. The~~
20 ~~director may extend the permit once for a period not to exceed 60 days in the event of~~
21 ~~circumstances beyond the owner's control. Application for an extension must be made~~
22 ~~prior to expiration of the original permit. Additional extensions may be granted only by~~
23 ~~city council approval.~~

24 (c) ~~Construction of residence in AG district.~~

25 (1) ~~A temporary mobile home may be permitted to be emplaced on a lot during~~
26 ~~construction of a conventional single family dwelling in the agricultural district.~~

27 (2) ~~The mobile home must be removed from the property within ten days of the~~
28 ~~issuance of the certificate of occupancy, or expiration of the building permit for the~~
29 ~~conventional dwelling, whichever occurs first.~~

30 (d) ~~Conditions for use.~~

31 (1) ~~Required water and sanitary facilities must be provided.~~

32 (2) ~~The mobile home, travel trailer or park trailer must be removed from the~~
33 ~~property within ten days after the certificate of occupancy is issued for the new or~~
34 ~~rehabilitated residence, business, commercial or industrial use or upon expiration of the~~
35 ~~temporary use permit, whichever occurs first.~~

36 (3) ~~Placement or setting of the mobile home, travel trailer or park trailer must~~
37 ~~comply with chapter 6, article IV, pertaining to floodplain management.~~

38
39 Sec. 4-2130. ~~Temporary telephone distribution equipment.~~

40
41 Telephone distribution equipment may be granted a temporary permit during
42 planning and construction of permanent facilities, provided that:

43 (1) ~~The equipment is less than six feet in height and 300 cubic feet in volume;~~
44 ~~and~~

45 (2) ~~The maximum length of the use shall be six months, but the director may~~
46 ~~extend the permit for a period not to exceed six additional months in the event of~~

1 ~~circumstances beyond the control of the telephone company. Application for an~~
2 ~~extension shall be made at least 15 days prior to expiration of the original permit.~~

3
4 ~~Sec. 4-2131. Ancillary temporary uses in parking lots.~~

5
6 ~~(a) The following ancillary temporary uses may be permitted in parking lots~~
7 ~~upon application and issuance of a temporary use permit (see section 4-199):~~

8 ~~(1) Seasonal promotions.~~

9 ~~(2) Sidewalk or parking lot sales.~~

10 ~~(3) Fairs and carnivals (see section 4-2125).~~

11 ~~(4) Tent sales.~~

12 ~~(5) Flea markets by nonprofit organizations.~~

13 ~~(b) In approving a temporary permit, the director shall require that the area of~~
14 ~~the lot to be used is clearly defined and that the use will not obstruct pedestrian and~~
15 ~~vehicular movements to portions of the lot not so used.~~

16 ~~(c) Some of these uses may also require other permits, including a special~~
17 ~~events permit, fireworks sales, etc.~~

18
19 ~~Sec. 4-2132. Temporary parking lots.~~

20
21 ~~Temporary parking lots may be permitted in commercial and industrial zoning~~
22 ~~districts, provided that they are in compliance with section 4-1732.~~

23
24
25 **SECTION TWO: SEVERABILITY**

26
27 The provisions of this ordinance are severable, and it is the intention to confer
28 the whole or any part of the powers herein provided for. If any Court of competent
29 jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the
30 decision of such Court shall not affect or impair any remaining provisions of this
31 ordinance. It is hereby declared to be the legislative intent that this ordinance would be
32 adopted had such unconstitutional provision not been included therein.

33
34 **SECTION THREE: CONFLICTS OF LAW**

35
36 Whenever the requirements or provisions of this ordinance are in conflict with the
37 requirements or provisions of any other lawfully adopted City of Bonita Springs
38 ordinance or Florida Statutes, the more restrictive shall apply.

39
40 **SECTION FOUR: SCRIVENER'S ERRORS**

41
42 It is the intention of the City Council that the provisions of this ordinance may be
43 amended to correct typographical errors which do not affect the intent may be
44 authorized by the City Manager without need of public hearing, by filing a corrected
45 copy with the City Clerk.

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 17 day of July, 2019.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM:

~~City Attorney~~

Vote:

Carr	Aye	O'Flinn	Aye
DeWitt	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk: