

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 22 – 09

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA; AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 3-DEVELOPMENT STANDARDS, SECTION 3-263 - BIKEWAYS FACILITIES AND PEDESTRIAN FACILITIES, DIVISION 6-OPEN SPACE, BUFFERING, AND LANDSCAPING, AND SEC. 3-535 - PIPING MATERIALS FOR USE IN RIGHT-OF-WAY; AND CHAPTER 4- ZONING, DIVISION 18-HOME OCCUPATIONS AND DIVISION 37 – SUBORDINATE AND TEMPORARY USES, SUBDIVISION III. - MOBILE FOOD VENDORS, 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, additionally, the City Council of the City of Bonita Springs desires to amend certain sections of Chapter 3 and 4 of its Land Development Code to bring it into conformity with recent changes by the Florida Legislature; 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 the pertinent provisions of Chapters 3 and 4 Zoning 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 or 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 21 day of Sept, 2022.

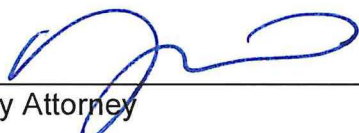
Attest:

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: 9/26/2022

Sec. 3-263. - Bikeways facilities and pedestrian facilities.

- (a) ~~*Bicycle and Pedestrian Master Plan.*~~ The Bicycle and Pedestrian Master Plan adopted on February 15, 2017 and as amended (hereinafter "the plan") shows locations of existing and proposed bike facilities and pedestrian facilities in the incorporated areas of the city. All development proposed along the roadways depicted on the plan must provide for bike facilities and pedestrian facilities in accordance with this section. Construction of bicycle and pedestrian facilities shown on the plan along the frontage of subject property are deemed to be site-related improvements. Any constructed bicycle and pedestrian facilities, such as sidewalks and bike lanes, must connect to existing facilities as well as to the internal development footprint in order to provide a safe network for all users, as required herein. All bike facilities and pedestrian facilities must comply with the complete streets policy.

Provision of bikeways facilities and pedestrian facilities. All development within the city must provide for bike facilities and pedestrian facilities in accordance with this section. The construction of bicycle and pedestrian facilities within properties, adjacent to the frontage of, and extending from properties are deemed to be site-related improvements. Any constructed bicycle and pedestrian facilities, such as sidewalks, bike lanes, multiuse trails, and pathways must connect to existing facilities as well as to the internal development footprint to provide a safe network for all users at all phases of development. All bike facilities and pedestrian facilities must comply with complete streets policies; and the standards provided herein.

- (b) *Provision of off-site bike facilities and pedestrian facilities.*

(1) *General.* Off-site bike facilities and pedestrian facilities are required for all new developments, redevelopment projects, and for expansion of any existing development,

(2) *Off-site facilities.*

- a. ~~Off-site facilities shown on the Bicycle and Pedestrian Master Plan.~~ The developer must construct a bike facility, or pedestrian facility, or multiuse facility in the public road rights-of-way abutting proposed development if the subject property abuts a street shown on the plan in accordance with the roadways cross sections set forth in LDC Section 3-302. the complete streets design requirements set forth in LDC Section 3-303.

Note: The developer may choose to construct the facility outside of the public road right-of-way on their own property. If the developer opts to construct the facility across the property in this manner, an easement must be provided the easement must be at least two feet wider in width than the bike facility, or pedestrian facility, or multiuse facility and be perpetually open to the public.

- b. Off-site facilities; other.

1. ~~When any portion of the property to be developed is located within one-quarter mile (as measured along the principal perimeter street) of any other road shown on the plan as requiring either a bike facility or pedestrian facility, or within a one-quarter mile (as measured along the principal perimeter street) of an existing facility, the developer must construct a similar facility within the existing road right of way from the subject property to the existing or proposed facility. This section will not require the purchase of right of way or easements where none exist. Where the facility cannot be constructed due to right of way constraints, a payment in lieu will be required in accordance AC 06-11-04, as it may be amended.~~

When any portion of a property to be developed is located within one-quarter mile (as measured along principal perimeter streets) of an existing facility, or is located within one-quarter mile (as measured along principal perimeter streets) of a proposed facility, the developer must provide for a bike facility, pedestrian facility, or multiuse facility consistent with the complete streets design

requirements set forth in LDC Section 3-303 within the existing road rights-of-way from the subject property to the existing or proposed facility. This will not require the purchase of right-of-way where none exist. Where the facility cannot be constructed due to right-of-way constraints, a payment in lieu will be required in accordance with the fee-in-lieu contribution schedule in AC-06-11-04, as it may be amended.

2. When any portion of a proposed residential subdivision development is located within one-quarter mile (as measured along the principal perimeter street) of an existing or proposed pedestrian generator such as schools, parks, playgrounds, shopping centers or employment centers, or transit facilities, the developer must construct a bike facilities and pedestrian facilities within the existing road right of way connecting the subdivision to the pedestrian generator in accordance with the roadway cross sections set forth in LDC Section 3 302. This section will not require the purchase of right of way or easements where none exist. Where the facility cannot be constructed due to right of way constraints, a payment in lieu will be required in accordance AC 06 11 04, as it may be amended. provide for a bike facility, pedestrian facility, or multiuse facility consistent with the complete streets design requirements set forth in LDC Section 3-303 within the existing road rights-of-way from the subject development to the pedestrian generator. This will not require the purchase of right-of-way where none exist. Where the facility cannot be constructed due to right-of-way constraints, a payment in lieu will be required in accordance with the fee-in-lieu contribution schedule in AC-06-11-04, as it may be amended.

3. In instances where a proposed development is within one-quarter mile of a road shown on the plan as requiring a bike facility or pedestrian facility and is also within one-quarter mile of an existing facility in the opposite direction on the same principal perimeter street, all connecting links will be required.

In instances where a proposed development is within one-quarter mile of an existing or proposed bike, pedestrian, or multiuse facility, and is also within one-quarter mile of another existing or proposed facility in the opposite direction on the same principal perimeter street, all connecting links will be required.

4. The developer must construct or bond the required bicycle, and pedestrian, and multiuse facilities along all street frontages, including non-buildable lots, common areas, stormwater ponds and other similar areas prior to issuance of a certificate of compliance for a project's infrastructure.
5. All Development and redevelopment within the Bonita Beach Road Corridor Overlay may provide a payment in lieu in accordance with AC 06 11 04, as it may be amended, for the required facility upon approval by the city manager, or designee.

All development and redevelopment of properties abutting the bicycle, pedestrian, and multiuse facilities identified in Figure 5 (*Long Range Bicycle/Pedestrian Master Plan*) of the Comprehensive Plan Transportation Element, must provide for the required facilities identified on the plan, consistent with the complete streets design requirements set forth in LDC Section 3-303. This will not require the purchase of right-of-way where none exist. Where the facility cannot be constructed due to right-of-way constraints, a payment in lieu will be required in accordance with the fee-in-lieu contribution schedule in AC-06-11-04, as it may be amended.

6. All development and redevelopment within the Bonita Beach Road Corridor Overlay must provide for bike facilities, pedestrian facilities, and multiuse facilities consistent with the Bonita Beach Road corridor design standards set forth in LDC Sections 3-304 and 4-899. Upon approval by the city manager or designee, a payment in lieu of the required facilities can be provided by the developer in

accordance with the fee-in-lieu contribution schedule in AC-06-11-04, as it may be amended.

~~e. Impact fee credit. See section 2-202.~~

(3) *Location.*

- a. *County roads.* Off-site bike facilities or pedestrian facilities may be located within the county road right-of-way or within any easement if approved by the affected utility companies, the city manager or designee, and the county department of transportation.
- b. *State roads.* Off-site bike facilities or pedestrian facilities may be located within state road rights-of-way subject to approval and issuance of a general use permit by FDOT.
- c. *City roads.* Off-site bike facilities or pedestrian facilities may be located within the city road right-of-way or within any easement if approved by the affected utility companies and the city manager or designee.
- d. Maintenance of the constructed facility will be determined at the time of certification of compliance with the appropriate jurisdiction(s).

(4) *Time of construction.* All off-site bike facilities and pedestrian facilities must be constructed prior to issuance of a certificate of compliance for the infrastructure of the development unless the developer posts a bond or other surety acceptable to the city as assurance of completion of the improvements. The city will not require construction of the bike facilities or pedestrian facilities where the right-of-way is scheduled for improvement within two years from the date of development order issuance, pursuant to the current city CIP and wherein the scheduled the right-of-way improvement would result in the destruction of the facility. In such circumstances, a payment in lieu of construction will be required in accordance with the fee-in-lieu contribution schedule in AC-06-11-04, as it may be amended.

(c) *Provision of on-site bike facilities and pedestrian facilities.*

(1) *General.*

- a. All developments. Interior bike facilities, and pedestrian facilities, and multimodal facilities are required for both privately maintained and publicly maintained roadways, in accordance with the roadways cross sections set forth in LDC Section 3-3023.
- b. Alternate betterment plan. The city manager or designee may approve developments that provide an alternate betterment plan for an internal bike/facility/pedestrian/multiuse facility circulation system if the alternate system is functionally equivalent to the standards set forth herein, connects with existing facilities, and meets all off-site requirements. The alternate plan must be submitted simultaneously with the request for a development order for a subdivision plat. The master plan must be drawn to scale sufficient to indicate all lots and include the following:
  - (i) The location of all lots and the number and type of dwelling units on each lot.
  - (ii) The location, width, and type of each bike, facility and pedestrian, and multiuse facility including those to be connected to the bike facilities/pedestrian/multiuse facilities off-site.
  - (iii) Description of alternate design for the provision of bicycle/pedestrian/multiuse circulation within the development.

(2) *Location.* The bike facilities or pedestrian (or any other bicycle and pedestrian-related facility, such as street furniture and street trees) facilities may be located within the road rights-of-way or within any easement(s) if approved by the affected utility companies and the city manager or designee, and where sited in accordance with the ~~roadway cross sections in LDC Section 3-302.~~ complete streets design requirements set forth in LDC Section 3-303.

(3) *Time of construction.* All on-site facilities must be coordinated with the bike facilities/pedestrian/multimodal facilities of the surrounding area. Bike facilities, and pedestrian facilities, and multimodal facilities in a proposed development must connect to existing facilities on adjacent property. Where facilities do not exist on adjacent property the development must provide for future connection(s), including necessary easement(s). Pedestrian, bicycle, and multiuse facilities along non-buildable lots, common areas, stormwater ponds, and other similar areas must be constructed by the developer prior to issuance of a certificate of compliance for the infrastructure unless the developer posts a bond or other surety acceptable to the city as assurance of completion of the improvements. Pedestrian, bicycle, and multiuse facilities along buildable lots will be the responsibility of the lot owner and must be constructed prior to issuance of a certificate of occupancy for any building on the lot. To ensure compliance, the covenants for the development must reflect that the lot owner must construct the required pedestrian, bicycle, and multiuse facilities facility prior to requesting a certificate of occupancy.

(d) *Construction standards.*

(1) *General.*

All roadways must be designed in accordance with the ~~roadway cross sections in LDC Section 3-302~~ complete streets design requirements set forth in LDC Section 3-303, in accordance with the Americans with Disabilities Act (ADA) Accessibility Guidelines, and applicable administrative codes.

- a. Curb cut ramps (wheelchair ramps) are required at all intersections where pedestrian facilities ways intersect roadway curb and gutter. Curb ramps may not exceed twelve foot horizontal to one foot vertical and must have a slip-resistant surface texture.
- b. ~~Bike and pedestrian facilities.~~ A minimum 72-inch-wide pathway, clear of obstacles, must be maintained within a bike facility or pedestrian facility (sidewalk six feet or less). Bike facilities and pedestrian facilities narrowed for some distance to the 36-inch minimum by the installation of a permanent obstacle must provide a passing space of at least 60 inches long by 60 inches wide every 200 feet. Permanent obstacles such as utility poles, signs, and similar items located within the pedestrian facility on city-maintained streets must maintain a minimum eight-foot height clearance above the pedestrian facility.
- c. If permanent obstacles such as utility pole signs, mailboxes, and similar items are located within a bike facility that is wide enough to accommodate two-way bike traffic on a city-maintained street, then a minimum eight-foot-wide pathway must be maintained within the bike facility.
- d. Bike facilities, and pedestrian facilities, and multimodal facilities must be located in the rights-of-way or within adjacent easements of interior or perimeter streets. However, the ~~facility~~ facilities may not be closer than one foot to an abutting property line. Sufficient distance from obstacles such as mailboxes, fire hydrants, drainage inlets, manholes, utility structures and streets must be maintained for the safety of the ~~bike facility or pedestrian facility users.~~ Where preventable, pedestrian facilities should not be located within the recovery area of the traveled way of the street.
- e. There must be no unsafe curves or sudden elevation changes in the bike facility, or pedestrian facility, or multiuse facility that would present a hazard to the user. All developments or redevelopment must be designed with bicycle and pedestrian street crossings at traffic-control signals, crosswalks, or intersections.

(2) *Off-site facilities.*

- a. *On-road.* Where the ~~Bicycle and Pedestrian Master Plan shows the use of bike lanes are installed~~ adjacent to the roadway, ~~these the~~ lanes must be constructed in compliance with the ~~roadway cross sections set forth in 3-302.~~ complete streets design requirements set forth in LDC Sections 3-303.

- b. *Off-road.* All off-road bike facilities, ~~and~~ pedestrian facilities, ~~and~~ multimodal facilities constructed off-site or along a street perimeter to the development must be eight feet in width and constructed of either:
1. Four-inch-thick Portland cement concrete, or
  2. A minimum 1½-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.

For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternate design, subject to the approval of the city manager or designee; provided it is structurally equal to, or better than, the options set forth above.

- (3) *On-site facilities.* All sidewalks constructed within the development must be a minimum of six feet in width and constructed of either:
- a. Four-inch-thick Portland cement concrete, or
  - b. A minimum of 1½-inch asphaltic concrete of FDOT type S-III on a four-inch limerock base and six-inch type B sub-grade.

For facilities constructed of Portland cement concrete, all driveway crossings must be a minimum of six inches thick. The applicant may submit an alternative design, subject to the approval of the city manager or designee, provided it is structurally equal to, or better than, the options set forth above.

- (e) *Maintenance.* On-site bikeways and pedestrian ways must be maintained by the property owners' association through the operation and maintenance covenants. The city public works department will maintain bikeway and pedestrian way facilities located within city-maintained rights-of-way. The city public works department will also maintain off-site bikeway, ~~and~~ pedestrian, ~~and~~ multiuse way facilities, constructed adjacent to the on-site property within a perpetual non-exclusive right-of-way easement upon acceptance by the City Council.

- (f) *Waiver of requirement.*

- (1) Any waiver of requirement is subject to approval by the city manager or designed. Notwithstanding the provisions of subsections (a) through (e) of this section, bikeways, ~~and~~ pedestrian, ~~and~~ multiuse way facilities will not be required where it can be demonstrated that: ~~the city manager or designee determines that:~~

- a. Their establishment would be contrary to public safety;
- b. The cost would be excessively disproportionate to the need or probable use; and
- c. Other available means or factors suggest an absence of need.

- (2) A funds-in-lieu contribution of the equivalent cost of construction of the site-related improvements must be paid prior to the issuance of any development order approval as a condition of approval of the waiver of requirement. The amount of the funds shall be determined ~~based on an administrative code for construction of bicycle and pedestrian facilities.~~ in accordance with the fee-in-lieu contribution schedule of AC-06-11-04, as it may be amended

- (g) *Special standards for large-scale retail establishments.*

- (1) *Applicability.* The following requirements are in addition to the sections above. Large-scale retail establishments must be designed to accommodate safe and convenient pedestrian and bicycle access within the development, in accordance with the following:

- a. Sidewalks must be provided internal to the site to provide pedestrian and bicycle connectivity between external sidewalk systems, ~~and~~ bike lanes, ~~and~~ multiuse facilities along adjacent roadways and the internal parking areas and buildings. Crosswalks must be provided internal to the site where sidewalks cross parking areas or driveways.



- b. All sidewalks and crosswalks internal to the site shall be distinguished from driving surfaces through the use of durable, low maintenance surface material(s), such as pavers, bricks, or scored concrete.
- c. Sidewalks must be provided along the full length of the building along any facade featuring a customer entrance, and along any facades abutting public parking areas. Sidewalks in these locations must be a minimum of eight feet in width and located at least six feet from the facade of the building to provide for building perimeter plantings, street furniture, and other required features. For outparcels, this requirement is reduced to a six-foot sidewalk located at least two feet from the facade of the building.
- d. Bicycle racks and respite facilities must be located outside of the parking lots, and within one hundred feet of the main entrance(s) of the large-scale retail establishment. Bicycle racks must provide a minimum of one bicycle parking space per 5,000 square feet of building area.

(Ord. No. 05-03, § 1(3-256), 1-19-2005; Ord. No. 14-18, § 1, 7-2-2014; Ord. No. 14-025, § 1, 10-15-2014; Ord. No. 18-05, § 1, 5-16-2018 )

## DIVISION 6. - OPEN SPACE, BUFFERING AND LANDSCAPING

Footnotes:

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**State Law reference**— Florida friendly landscaping, F.S. §§ 166.048, 373.185, 373.228; landscape architecture, F.S. § 481.301 et seq.; fertilizer, F.S. § 576.011 et seq.

Sec. 3-414. - Title and citation.

This division will be known and cited as the "City of Bonita Springs Landscape Code."

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(b) *Indigenous native vegetation.*

(1) Preservation.

- a. Large developments, with existing indigenous native vegetation, must provide 50 percent of their open space percentage requirement through the on-site preservation of existing indigenous native vegetation. Refer to section 3-523. A minimum setback of 30 feet is required from any habitable structure.
- b. If the development area does not contain existing indigenous native vegetation communities, but does contain existing indigenous native trees, then 50 percent of their open space percentage requirement must be met through the on-site preservation of existing native trees consistent with subsections (b)(1)b.1 through 4 of this section. Refer to Appendix A of this chapter.
  1. Preservation of indigenous tree clusters is preferred over individual tree protection. Reasonable efforts to retain individual trees must be made. It is recognized that site design requirements (e.g., fill) may limit the ability to retain some individual trees, and in that case the city will allow the removal of those trees.
  2. Sabal palms may be relocated in a horticulturally correct manner and clustered within open space areas.
  3. Native trees (four-inch caliper dbh or greater) may be relocated to open space areas when proper horticultural methods (e.g., root pruning; use of anti-transpirants) are utilized to ensure the survivability of the trees.
  4. Effort must be made to preserve heritage trees (indigenous trees or palms with a 20-inch or greater caliper dbh) (~~live oak, South Florida slash pine, or longleaf pine with minimum 20-inch caliper dbh~~). If a heritage tree must be removed from a site, then an approved replacement species tree with a minimum 20-foot height and 4-inch or greater caliper dbh must be planted within an appropriate open space area.

(2) Tree advisory board review.

- a. The tree advisory board may make recommendations to applicants and staff, concurrent with the zoning process and prior to the issuance of the development order, who may suggest modifications to the master concept plan. The tree advisory board's final recommendation may not take longer than 60 days from the date the matter is placed on their agenda, unless agreed to by the applicant.

- b. If the review is required as a zoning condition prior to the issuance of the development order, staff may approve administrative deviations to the parking plan or site layout upon input from the tree advisory board. Alternatively, if the staff believes the deviation exceeds the staff's designated authority, the staff may request the city council's concurrence that an administrative deviation is the best practice to promote the preservation of a heritage tree. Any request for city council concurrence will be considered at a regular city council meeting, with regular notice of the agenda (no special advertisement or public notice to parties of record). If city council determines the deviation warrants a public hearing resulting from changes in the parking plan or site layout, the applicant shall file for an amendment to their planned development through chapter 4.

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Sec. 3-418. - Landscape standards.

- (c) *Landscaping of parking and vehicle use areas.* The provisions of this section apply to all new off-street parking or other vehicular use areas. Existing landscaping that does not comply with the provisions of this LDC must be brought into conformity, to the maximum extent possible, when: the vehicular use area is altered or expanded except for re-striping or seal-coating of lots/drives, the building square footage is changed, or the structure has been vacant for a period of one year or more and a request for an occupational license to resume business is made. Consistent with the provisions of section 3-81, the city manager or designee may permit administrative deviations where a conflict exists between the application of this division and the requirements for the number of off-street parking spaces or area of off-street loading facilities.
  - (1) *Vehicular overhang of landscape areas.* The front of a vehicle may overhang any landscaped area a maximum of two feet; provided the landscaped area is protected by motor vehicle wheel stops or curbing. Two feet of such landscaped area or walkway may be part of the required depth of each abutting parking space. Walkways must be designed with a minimum of five feet width that is clear of any vehicle overhang.
  - (2) *Internal landscaping.* All parking areas must be internally landscaped to provide visual relief and cooling effects and to channelize and define logical areas for pedestrian and vehicular circulation, as follows:
    - a. Trees must be planted or retained in parking areas, including landscaped areas reserved for future parking spaces, to provide for canopy coverage when the trees mature. Trees in parking areas must have an average mature spread of 30 feet or more. At least one tree must be planted or retained for every 250 square feet of required internal planting area, and no parking space may be more than 65 feet from a tree planted in a permeable island, peninsula, or median of fifteen-foot ~~ten-foot~~ minimum width.
    - b. Landscaped areas on the parking area perimeter or internal islands must equal or exceed a minimum of ten percent of the total paved surface area. Landscaped areas reserved for future parking spaces pursuant to section 4-1729(d) may not be included in this calculation.

- c. The minimum average dimension of any required internal landscaped area must be five feet.
- d. No more than an average of ten parking spaces must occur in an uninterrupted row unless divider medians, as specified in subsection (c)(2)f of this section, are used. Where existing trees are retained in a landscape island the amount of parking spaces in that row may be increased to 15; provided that the 65-foot minimum distance from a shade tree is maintained.
- e. Each row of parking spaces must be terminated by landscaped islands that measure not less than five feet in width, and not less than 18 feet in length. Curbing is strongly encouraged. If terminal islands are used for required canopy trees, they must be a minimum of fifteen feet or greater ~~ten feet~~ in width.
- f. Optional divider medians may be used to meet interior landscape requirements. If divider medians are used, they must form a landscaped strip between abutting rows of parking spaces. The minimum width of a divider median must be five feet. One tree must be planted for each 40 linear feet of divider or fraction thereof. Trees in a divider median may be planted singly or in the case of palm trees in clusters. The maximum spacing of trees must be 60 feet.
- g. All interior landscaped areas not dedicated to trees or to preservation of existing vegetation must be landscaped with grass, ground cover, shrubs, or other approved landscaping materials, and this must be so noted on the landscape plans. Sand, gravel, rock, shell, artificial turf, or pavement are not appropriate landscape materials.
- h. Light poles must be located outside of all parking islands that contain required trees. Light poles and associated utility boxes (fixtures) may be placed in oversized landscape islands with the landscaping required in this code; however, in the event of a conflict between the required landscaping and the utility fixtures, the utility fixtures shall be altered instead of canopy trees being trimmed and/or removed other than what is permitted within this code.

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Sec. 3-422. - Plant material standards.

- (a) *Quality.* Plant materials used to meet the requirements of this division must meet the standards for Florida No. 1 or better, as set out in Grades and Standards for Nursery Plants, Parts I and II, Department of Agriculture, State of Florida (as amended). Root ball sizes on all transplanted plant materials must also meet state standards.
- (b) *Native varieties.* At least 75 percent of the trees and 75 ~~50~~ percent of the shrubs used to fulfill these requirements must be native Florida species.
- (c) *Species requirements.* A minimum of four separate tree and palm species, and a minimum six separate shrub, hedge and/or groundcover species must be used to meet the requirements of this division.
- (d) *Location requirements.* The native variety and plant material selection requirements of this division may extend across the entirety of a site with consideration of site design

as it relates to required plantings growth habit, viewsheds, signage, overhead power lines, utilities, lighting, and vehicle and pedestrian circulation.

(e) ~~(e)~~ *Trees and palms.*

- (1) Code-required trees, at the time of installation, must be a minimum of ten feet in height, have a two-inch caliper 12 inches above the ground and a four-foot spread. Palms must have a minimum of eight feet of clear trunk at planting. Palms may be used in place of trees at the rate of one palm for one tree for buffer and general tree requirements. Palms with a canopy less than 20 feet shall be clustered in groups in a minimum of three. Palms may only be used to meet 30 percent of the code-required trees. Small trees such as dahoon hollies that have an average mature spread or crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot crown spread. Trees adjacent to walkways, bike paths and rights-of-way must be maintained with eight feet of clear trunk. Palms must be properly staked at installation.
- (2) Larger trees substituted to reduce the minimum number of general trees, without the use of an alternative landscape betterment plan, must be no less than four inches in diameter at 12 inches above the ground, and no less than 16 feet in height at the time of planting. The general tree requirement cannot be reduced in number by more than 50 percent.

(f) ~~(d)~~ *Shrubs and hedges.* Shrubs must be a minimum of 24 ~~20~~ inches (48 inches for type F buffers) in height, above the on-site adjacent pavement or parking surface required to be buffered and/or screened, when measured at time of planting. They must be a minimum three-gallon container size and be spaced 18 to 36 inches on center. They must be at least 36 inches (60 inches for type F buffers) in height within 12 months of the time of planting and maintained in perpetuity at a height of no less than 36 inches (60 inches for type F buffers) above the adjacent pavement required to be buffered and/or screened, except for visibility at intersections and where pedestrian access is provided. Required hedges must be planted in double staggered rows and maintained so as to form a continuous, unbroken, solid visual screen within a minimum of one year after the time of planting.

(g) ~~(e)~~ *Mulch requirements.* A two-inch minimum layer, after watering-in, of mulch or other recycled materials must be placed and maintained around all newly installed ~~trees,~~ shrubs, and groundcover plantings. Each tree must have a ring of mulch starting no closer than six inches from the trunk to no less than 24 inches beyond its trunk in all directions. No more than a one-inch layer of mulch may be placed within the first six inches from the trunk. The use of cypress mulch is strongly discouraged.

(h) ~~(f)~~ *Invasive exotics.* The following highly invasive exotic plants must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include:

.....

Sec. 3-423. - Plant installation and maintenance standards.

(a) *Installation.*

- (1) Plant materials must be installed in soil conditions that are conducive to the proper growth of the plant material. Limerock located within planting areas must be removed and replaced with native or growing quality soil before planting.
- (2) A plant's growth habit must be considered in advance of conflicts that might be created (e.g., views, signage, overhead power lines, lighting, circulation). Trees may not be placed where they interfere with site drainage, subsurface utilities, or overhead utility lines, or where they will require frequent pruning in order to avoid interference with overhead power lines. Landscape designers must consult FP&L's guidelines for planting in and around power lines.
- (3) At the time of planting, a root barrier shall be installed, and maintained thereafter, for all required vegetation placed within ten feet of any adjacent structures, utilities, sidewalks, driveways, or infrastructure.
- (4) ~~(3)~~ All landscape materials must be installed in a recognized horticulturally correct manner. At a minimum, the following installation requirements must be met:
  - a. All required ~~A minimum of 75 percent of~~ plantings must utilize Florida-friendly design standards "right plant right place" practices.
  - b. All landscape areas must be mulched unless vegetative cover is already established.
  - c. Trees and shrubs used in buffers must be planted in a minimum width area equal to three-quarters ~~one-half~~ the required width of the buffer. However, in no case may the planting area be less than five feet in width.
  - d. All landscaped areas must be provided protection from encroachment by any type of vehicle.
  - e. All required plants used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas.
  - f. Utility, power, or drainage easements may not overlap with required buffers; ~~however, no~~ No required trees or shrubs may be located in any utility, power, or street easement or right-of-way, unless otherwise approved. To avoid conflicts with overhead utility lines on existing sites, ~~only~~ smaller trees, less than 20 feet in height at maturity, may be used directly adjacent to overhead lines.
  - g. Safe sight distance triangles at intersections and vehicle connections. Where an access way intersects a right-of-way or when a property abuts the intersection of two or more rights-of-way, a minimum safe sight distance triangular area must be established. Within this area, vegetation must be planted and maintained in a way that provides unobstructed visibility at a level between 30 inches and eight feet above the crown of the adjacent roadway. Landscaping must be located in accordance with the roadside recovery area provisions of the state department of transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways (FDOT Green Book) where appropriate.

**Sec. 3-535. Piping materials for use in right-of-way.**

Approved utility piping materials for use in rights-of-way are as follows:

	Concrete	Plastic Type	Clay	CI/DI	Steel	Aluminum
<i>Lines in traveled way:</i>						
Water	No	Yes (3)(6)(8)(9)	No	Yes	No	No
Sewer force main	No	Yes (4)(6)(8)(9)	No	Yes	No	No
Stormwater drain	Yes	No <u>Yes</u>	No	No	No	No
Sewer gravity main	No	Yes <sup>(5)</sup>	Yes	Yes	No	No
Utility conduit	Yes	Yes <sup>(2)(6)</sup>	No	Yes	No	No
<i>Lines in right of way:</i>						
Water	No	Yes <sup>(3)(8)</sup>	No	Yes	No	No
Sewer force main	No	Yes <sup>(4)(8)</sup>	No	Yes	No	No
Stormwater drain	Yes	Yes <sup>(7)</sup>	No	No	Yes <sup>(1)</sup>	Yes
Sewer gravity main	No	Yes	Yes	Yes	No	No
Utility conduit	Yes	Yes <sup>(2)</sup>	No	Yes	Yes	Yes
Stormwater lines in drainage easement	Yes	No	No	No	Yes <sup>(1)</sup>	Yes

Notes:

(1) Asphalt coated, or aluminum clad, corrugated pipe with approved connections.

(2) Encased in concrete, if in banks more than one layer, otherwise SDR 26, ASTM 2241 or AWWA C 900 or thicker.

(3) SDR 18 Type I, Grade I, or thicker only.

(4) SDR 26, ASTM 2241 or AWWA C 900 or thicker.

(5) SDR 35 or thicker only (ASTM 3034).

(6) In steel casing.

(7) ASTM D3350, AASHTO M294.

(8) High Density Polyethylene (HDPE) DR11.

(9) High Density Polyethylene (HDPE) DR11 Casing Pipe.

	<u>Concrete</u>	<u>Plastic Type</u>	<u>DI</u>	<u>Steel</u>	<u>Aluminum</u>	<u>HDPE</u>
<u>Lines in traveled way:</u>						
<u>Water</u>	<u>No</u>	<u>Yes (2)</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Sewer force main</u>	<u>No</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Sewer gravity main</u>	<u>No</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Reuse main</u>	<u>No</u>	<u>Yes (2)</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Stormwater drain</u>	<u>Yes</u>	<u>Yes (3)(5)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes (3)(5)</u>
<u>Utility conduit</u>	<u>Yes</u>	<u>Yes (1)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes (1)</u>
<u>Lines in right-of-way:</u>						
<u>Water</u>	<u>No</u>	<u>Yes (2)</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Sewer force main</u>	<u>No</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Sewer gravity main</u>	<u>No</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
<u>Reuse main</u>	<u>No</u>	<u>Yes (2)</u>	<u>Yes (2)</u>	<u>No</u>	<u>No</u>	<u>Yes (2)</u>
<u>Stormwater drain</u>	<u>Yes</u>	<u>Yes (3)</u>	<u>No</u>	<u>Yes (4)</u>	<u>Yes (4)</u>	<u>Yes (3)</u>
<u>Utility conduit</u>	<u>Yes</u>	<u>Yes (1)</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes (1)</u>
<u>Stormwater lines in drainage easement</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes (4)</u>	<u>Yes (4)</u>	<u>No</u>

(1) Encased in concrete, if in banks more than one layer; otherwise, SDR 26, ASTM 2241 or DR 25 AWWA C 900, DR17 HDPE, or thicker.

(2) In accordance with all requirements, specifications, and design manual of the utility service area provider (including all casing pipe requirements).

(3) In compliance with the latest edition of the FDOT Standards for Road and Bridge Construction and related indexes, including, but not limited to, supplemental specifications, standard modifications and approved materials list.

(4) Not on City or County-maintained roads.

(5) Not on City or County-maintained arterial or collector roads.

(Ord. No. 05-03, § 1(3-716), 1-19-2005)



## DIVISION 18. HOME-BASED BUSINESSES OCCUPATIONS

### Sec. 4-1495. Intent of division.

It is the intent of this division to allow the operation of home-based businesses by right in all districts permitting dwelling units, but to regulate them so that the average neighbor, under normal circumstances, will not be disturbed or inconvenienced by them, except as pre-empted by Florida Statute 559.955, as may be amended. For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property.

(Ord. No. 11-02, § 3(4-1771), 1-19-2011)

### Sec. 4-1496. Permitted uses; operation.

- (a) Any use of a residence for a home occupation must be clearly incidental and subordinate to its use for residential purposes by the occupants.
- (b) The use must be conducted entirely within the dwelling unit or customary accessory building. As viewed from the street, the use of the residential property shall be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- (c) No employees other than members of the immediate family residing in the dwelling may be permitted to work at the residence, but may be employed to work elsewhere; provided that the employees do not come to the residence for equipment, vehicles, or supplies. Under special conditions, such as a handicapped person or retiree needing clerical assistance, the director may allow one employee who is not a resident of the home to work at the residence. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees or independent contractors who do not reside at the residential dwelling, may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
- (d) There may be no exterior indication that the dwelling is used for any purpose other than a residence, except that one non-illuminated nameplate, not exceeding one square foot (144 square inches) in area, may be attached to the building on or next to the entrance.
- (e) No commodities, stores or display of products on the premises may be visible from the street or surrounding residential area. No outdoor display or storage of materials, goods, supplies or equipment used in the home-based business may be permitted on the premises. Parking related to the business activities of the home-based business must comply with applicable zoning requirements, and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
- (f) No equipment or process may be used which creates noise, vibration, glare, fumes, odors or electrical interference objectionable to the normal senses. No equipment or process may be used which creates visual

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or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

~~(g) No use permitted by this division may generate greater volumes of traffic than would otherwise be expected by normal residential uses.~~

(h) No use that attracts customers to the dwelling unit may be permitted under this section.

(Ord. No. 11-02, § 3(4-1772), 1-19-2011)

~~Sec. 4-1497 Home occupation with outside help.~~

~~(a) Approval required. The director of community development may administratively approve home occupations with outside help, as specified in the zoning district regulations, if the proposed use satisfies the requirements set forth in this division.~~

~~(1) Home occupations with outside help shall be limited to one employee or partner on the premises during the hours between 9:00 a.m. and 5:00 p.m., Monday through Friday.~~

~~(2) Home occupations with outside help shall be limited to two vehicle parking spaces for business-related purposes upon demonstration that there is adequate off-street parking at the residence to accommodate the vehicle.~~

~~(3) The resident of the premises shall not rent space to others in association with a home occupation.~~

~~(b) Application. An applicant for home occupation with outside help must submit the following information on the form provided by the city:~~

~~(1) The name, address and telephone number of the applicant.~~

~~(2) A notarized authorization from the property owner to apply for the permit.~~

~~(3) Location by STRAP and street address.~~

~~(4) Type of home occupation being requested.~~

~~(5) A site plan, drawn to scale showing:~~

~~a. The property in question, including all buildings on the property and adjacent property.~~

~~b. The location of business-related parking spaces.~~

~~(c) Findings by director. Prior to permit approval, the director must conclude all applicable standards have been met. In addition, the director must make the following findings of fact:~~

~~(1) The home occupation shall not be detrimental to the surrounding residential neighborhood by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.~~

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~~(2) The home occupation use and operation shall be consistent with adjacent permitted residential uses.~~

~~(3) There is adequate off street parking to accommodate the business related vehicles.~~

**Secs. 4-1498—4-1527. Reserved.**

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## Sec. 4-2153. Applicability, purpose and intent.

- (a) *Applicability.* The City of Bonita Springs recognizes that this use is temporary and mobile in nature. These regulations are intended to define the locations and development standards for a site to be permitted for mobile food vendors. The standards established in these regulations are intended to allow mobile food vendors to operate while mitigating impacts to the site in which they operate and adjacent properties and right-of-ways. These regulations do not address mobile food carts, or mobile vendors that visit sites to temporarily vend for a period of minutes and not days or hours (i.e. ice cream trucks, construction or work site vendors). These vehicles are permitted by other agencies and cannot operate in the same manner as a mobile food vendor.

*Permit required.* No mobile food vendor location is permitted without an approved permit. Such a permit may only address the location. Food vendors are required to provide evidence of all applicable inspections and permits with the city and not permitted or registered through this subdivision.

- (b) Property owners that have a fixed (stationery) mobile food vendor permitted before January 1, 2013, and have made substantial improvements to the property (obtained development orders and expended at least \$10,000.00 in site improvements) may continue to have a mobile food vendor on that site for eight years from adoption of the ordinance from which this subdivision is derived, subject to loss of nonconforming status per section 4-2320 et seq. The community development director may grant a two year extension to the property owner. Property owner may replace the mobile food vendor, who may remain as originally permitted. Any new mobile food vendor located at the site must comply with section 4-2156 except for the duration and physical movement of the vendor.

(Ord. No. 13-02, § 1(4-3061), 2-20-2013; Ord. No. 20-05 , § 2, 10-7-2020)

## Sec. 4-2154. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commissary* means an approved facility that provides support services for specific required functions of a mobile food vendor, including, but not limited to, mobile food vehicles and mobile food carts. Any food establishment permitted or licensed by a regulatory agency, such as a catering operation, restaurant, grocery store or similar establishment or any otherwise approved facility by FDACS in which food, containers, or supplies are kept, handled, prepared, packaged or stored can be considered for approval as a commissary. When not required at the mobile food establishment, commissaries may provide a three compartment sink for washing, rinsing and sanitization of equipment/utensils in addition to hand wash and rest room facilities. Services required of the commissary will be based on the food sold and the mobile food establishment type and capabilities. A private residence may not be used as a commissary (See Chapter 500, Florida Statutes).

*Food stand* means a temporary, non-motorized food unit with limited infrastructure, which serves food and/or beverage intended for immediate consumption and does not provide indoor seating.

*Mobile food cart* means any non-motorized mobile food unit with limited infrastructure, which serves food and/or beverages intended for immediate consumption. Mobile food carts may not exceed six feet in length, three feet in width (exclusive of wheels), or four feet in height (exclusive of wheels and umbrellas).

*Mobile food vehicle* means a motorized mobile food unit, which may be self-sufficient in terms of potable water, sanitary sewer and electric utilities, and generally consists of an enclosed truck, trailer or similar vehicle, where food may be stored, prepared, cooked, and/or served. An open bed truck, van or converted automobile is not considered a mobile food vehicle and is not eligible for a mobile food vending permit pursuant to this division.

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*Mobile food vendor* means any person or business selling foods other than fresh fruits or vegetables from a mobile food vehicle, mobile food cart or food stand.

*Mobile food vendor park* means a site approved through a special exception to allow for permanent location for three or more mobile food vehicles. Such sites must include required infrastructure and generally include public seating for all vehicles serving in the park.

(Ord. No. 13-02, § 1(4-3062), 2-20-2013; Ord. No. 20-05 , § 2, 10-7-2020)

#### **Sec. 4-2155. Permit required.**

No mobile food vendor shall be permitted to operate within the city unless a permit has been obtained for the proposed location upon which the vendor will operate.

*Permit submittal requirements:*

- (1) Completed application.
- (2) Signed authorization from the property owner or authorized representative.
- (3) Proof of insurance for the property, issued by an insurance company that is licensed to do business in the state. ~~Proof of business insurance, issued by an insurance company that is licensed to do business in the state, protecting the applicant from all claims for damages to property and bodily injury, including death, which may arise from operations under, or in connection with mobile food vending. Such insurance shall name the city as an addition insured party and shall be in at least the amount of \$500,000.00 for occurrence for injury and \$200,000.00 per person.~~
- (4) Site plan based on a valid survey, approved development order, or master concept plan with dimensions and infrastructure identified, including the proposed location of the mobile food vendors. For large or phased projects, the plan submitted must provide enough detail to determine pedestrian and vehicular access to a public right-of-way.
- (5) All sidewalks, driveways, rights-of-way, parking areas, outdoor seating areas, buildings with entry locations.
- (6) A statement declaring if biodegradable packaging will be utilized, and if not, why.
- (7) If required parking spaces are to be utilized, the times businesses use those spaces and the proposed time they would be used for mobile food vending.

*Non-compliance with permit:*

- (1) If a permit holder is found to operating inconsistent with the standards of the permit, as documented by a violation notice or conviction from the Bonita Springs Hearing Examiner, the permit may be suspended or revoked by the city council after hearing evidence of the violation in a public hearing. The burden to maintain the permit will be with the permit holder.

(Ord. No. 13-02, § 1(4-3063), 2-20-2013; Ord. No. 20-05 , § 2, 10-7-2020)

#### **Sec. 4-2156. General standards.**

- (1) Locations must not interfere with vehicular, multi-modal, pedestrian access and access ways.
- (2) Cannot be located in a required parking space or driveway, unless it is specifically demonstrated the parking or driveway is not used during the time and/or days the mobile food vendor location is permitted.

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- (3) A mobile food vendor cannot install or create features, signs, or other identification not utilized while driving, that extend more than three feet from the vending vehicle in any direction.
  - (4) Must be located on property or within a development with completed infrastructure improvements.
  - (6) All mobile food vendors shall be located in areas and in a manner that they do not create an adverse view or vista. More specifically, the food truck or anything associated with its operation shall block the view of signs or vehicular or multi-modal access ways.
  - (7) No more than two mobile food vendors can be requested on a single site. For purposes of this specific requirement, a site includes an entire commercial development even if that development consists of more than one parcel.
  - (8) A mobile food vehicle cannot be permitted within 250 feet of another permitted location, or mobile food vendor park. This separation requirement will not reduce or amend locational standards for particular overlay districts.
  - (9) Permitted sites will have the mobile food vendor removed at the end of permitted operating hours.
  - (11) Cannot be located on the site of an active, or abandoned gas station or convenience store.
  - (12) Alcohol shall not be sold or consumed from a mobile food vendor.
  - (13) Advertising signs may be permitted upon the mobile food vendor, but there will not be additional signage installed in any other location.
  - (14) Notification will only be provided by courtesy mailing for property owners within 1,000 feet and be the responsibility of the applicant. The mailing list and copy of notification will be provided to the city. ~~The request for approval will also be listed on the advertised city council agenda.~~
  - (15) Property owner responsibilities will include; and
    - (a) Provision of sanitary facilities consistent with the standards of the Florida Building Code while considering aesthetics of the site; portable sanitary facilities are prohibited; and
    - (b) The responsibility to ensure vendors meet all applicable federal, state, and local statues, regulations, laws, ordinances, rules and codes; and
    - (c) Acknowledgement that the regulations governing mobile food vendors hold the vendor and property owner responsible for violations of code.
    - (d) Ensure that the property (both the subject site, and other properties that may be directly impacted by mobile food vending) be kept in a continuously neat, clean, and orderly manner.

(Ord. No. 13-02, § 1(4-3064), 2-20-2013; Ord. No. 20-05 , § 2, 10-7-2020)

**Sec. 4-2157. Prohibited locations.**

- (a) Mobile food vending is prohibited on all parcels ~~zoned for residential uses~~ within a residential zoning district or parcels with existing residential uses, except as authorized under this Code pursuant to the special event or temporary use permit. Notwithstanding, mobile food vending may also be authorized at clubhouse or other portion of a residential community separate from the residences with the authorization of the homeowners association.
- (b) Mobile food vending is prohibited on Little Hickory Island, except as authorized under this Code pursuant to the special event or temporary use permit.
- (c) Mobile food vending is prohibited within the Downtown District on the future land use map except as authorized in LDC Section 4-868 and under this Code pursuant to a special event or temporary use permit.

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(Ord. No. 13-02, § 1(4-3065), 2-20-2013; Ord. No. 20-05 , § 2, 10-7-2020; Ord. No. 21-02 , § 2(Exh. A), 5-19-2021)

**Sec. 4-2158. Temporary event/use permit.**

- (a) *Intent; applicability.* It is the intent of this section to require mobile food vendors to obtain a temporary use permit for vending at the specific location where an event is held. This section pertains to, but is not limited to the following events:
  - (1) Grand openings or open houses at residential, commercial or industrial developments;
  - (2) Special outdoor holiday or celebration events;
  - (3) Political rallies or events;
  - (4) Block parties; and
  - (5) Carnivals.
- (b) *Limitations.* If the event for which the temporary permit is sought continues for longer than three days, the applicant may petition the director for an extended permit. A temporary use permit may not be issued for more than ten days.
- (c) *Procedure for approval.* The following is the procedure for requesting approval of mobile food vendor temporary use permit.
  - (1) Any mobile food vendor seeking approval of a temporary use permit must submit a written request to the department of community development. The written request must include:
    - a. The name and address of the applicant;
    - b. A general description of the event and exact site where food and/or beverages are to be sold and consumed;
    - c. The type of food and beverages to be sold and consumed;
    - d. Proposed hours of operation; and
    - e. A fee in accordance with the adopted fee schedule.
  - (2) The director will render a final decision within ten working days. The decision will be in the form of approval, approval with conditions or denial. The director may forward the request to other appropriate agencies for comment.

(Ord. No. 13-02, § 1(4-3066), 2-20-2013)

**Sec. 4-2159. Mobile food vendor park.**

*Applicability.* This applies to any location that intends to provide permanent locations for mobile food vendors either through dedicated parking within an existing facility, or the creation of parking for such purpose. It is the permanent nature and not the number of mobile food vendors that distinguishes a mobile food vendor park from temporary mobile food vendor locations.

*General standards:*

- (1) Must provide stabilized surface for the parking of the intended number of mobile food vendors
- (2) Central water and sewer must be provided for all mobile food vendors and the general public.

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- (3) A mobile food vendor park can only co-locate on a site with existing uses if the tenants of those legal uses sign a no objection form
  - (4) Any accessory structures, seating areas, pedestrian access must be specifically approved as part of the submitted plan.
  - (5) There shall be no more than one mobile food vending park within 250 feet of another permitted park or mobile food vending location. This separation requirement will not reduce or amend locational standards for particular overlay districts.
  - (6) Parking will be provided at three spaces per mobile food vendor, plus one additional parking space per 15 seats.
  - (7) Restroom facilities will be required based on the standards of the Florida Building Code.
  - (8) Cannot be located on the site of an active, or abandoned gas station or convenience store.
  - (9) A food truck site will not be permitted on Little Hickory Island or within the downtown district on the future land use map as provided by section 4-2157.
  - (10) Neighborhood meetings are required consistent with Bonita Springs LDC 4-28.
  - (11) Public notice will include courtesy mailed notices for property owners within 2,000 feet for both zoning board and city council hearings.
  - (12) Mobile food vendors may have advertising on their vehicles, however, signage for a mobile food vending park must be consistent with the standards of Bonita Springs Land Development Code Chapter 6.

*Permit submittal requirements:*

- (1) Mobile food vendor parks may only be approved through a special exception permit.
- (2) All required submittal requirements for a special exception, and
- (3) For open air central seating areas, an analysis for off-site impacts.
- (4) Analysis for off-site impacts of glare, dust, vibration, and odor on the adjacent and surrounding community.
- (5) For applications with outdoor entertainment, analysis for off-site impacts for noise.

*Mobile food vendors:*

- (1) For mobile food vendors to locate at an approved location (both an approved site or approved mobile food vendor park), they must provide evidence that all required permits, inspections, licensure, or other approvals as needed by either county, state, or federal agencies prior to operating within the city.
- (2) Documentation will be submitted to the city through copies or accepted electronic forms.
- (3) Submittal of these documents will not produce a permit and other than maintain evidence of documents for public records, it will not produce a registry or registration.

( Ord. No. 20-05 , § 2, 10-7-2020)

**Secs. 4-2160—4-2189. Reserved.**