

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 20-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BONITA SPRINGS, FLORIDA, DECLARING THAT THE CITY IS SUSPENDING PORTIONS OF ITS LAND DEVELOPMENT REGULATIONS AND ADOPTING INTERIM REGULATIONS TO PROVIDE TEMPORARY RELIEF IN RESPONSE TO COVID-19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, both the World Health Organization and federal Centers for Disease Control and Prevention (CDC) recognized the novel and virulent danger posed by COVID-19, declaring it a worldwide pandemic; and

WHEREAS, Ron DeSantis, Governor of Florida issued Executive Order 20-52 declaring a public health emergency due the public threat of COVID-19; and

WHEREAS, on March 13, 2020, the City Council began taking active steps to contain the spread of COVID-19 in accordance with state and federal guidance, including the declaration of a local state of emergency; and

WHEREAS, the Governor has issued a series of Executive Orders limiting both businesses and the public interactions consistent with his authority under Chapter 252, Florida Statutes, in order to slow the spread of COVID-19; and

WHEREAS, the based on the current data collected by the Florida Department of Health, the Governor has, beginning Executive Order 20-112, and will continue to issue Executive Orders lifting restrictions as Florida achieves positive health benchmarks; and

WHEREAS, the City Council desires to provide relief to businesses and residents consistent with guidance from state and federal officials to promote safe and efficient business operations and an economic recovery; and

WHEREAS, Section 3(B) of Emergency Order 20-112 provides for outdoor seating at restaurants and food establishments for consumption of food and beverages on the premises; and

WHEREAS, the Sections 252.38 and 252.45, Florida Statutes, the City Council is empowered to both waiver formalities otherwise required by law and to adopt rules necessary for emergency management purposes; and

WHEREAS, the City desires to place all affected parties on notice parties who are considering reopening their businesses impacted by COVID-19, that the City Council hereby adopts the following temporary order with respect to outdoor seating at restaurants and food and drink establishments.

NOW, THEREFORE, be it resolved by the City Council of the City of Bonita Springs, Florida:

SECTION ONE. The above recitals are true and correct and are incorporated herein by this reference.

SECTION TWO. The City Council of the City of Bonita Springs hereby adopts the following interim development regulations to provide standards and procedures for the temporary outdoor seating at restaurants within the City limits in furtherance of Executive Order 20-112, Section 3B:

Facilities authorized pursuant to Executive Order 20-112, as may be amended, may utilize up to 2,000 square feet of available outdoor space for additional outdoor seating, notwithstanding any land development code provisions to the contrary, without need for separate permit provided the following criteria are met:

1. Must comply with the provisions of Executive Order 20-112, including specifically all social distancing, party size, and occupancy requirements as set forth therein.
2. Must comply with all applicable Fire District regulations and requirements, including for any outdoor tents and to ensure any Fire District access is not impeded.
3. Must comply with all Florida Department of Health regulations.
4. Must comply with the Florida Building Code.
5. Outdoor seating must not impede or otherwise impact ingress or egress to any buildings or the property. Seating areas and pathways must also comply with the Americans with Disabilities Act.
6. If additional outdoor dining space is located within a parking area, a temporary physical barrier must be placed separating the dining from the remaining parking in a manner that keeps patrons safe from traffic and that adequate parking remains for staff and patrons.
7. Additional outdoor dining space cannot occupy or impact undeveloped space, existing required vegetative buffers or designated open space on a property.
8. All temporary outdoor dining areas must be maintained in a clean and orderly manner.
9. No outdoor seating may occupy any portion of any City sidewalk or right-of-way without obtaining a right-of-way permit.

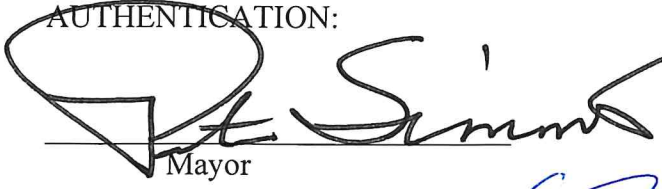
10. Any restaurant and food establishment business that intends to serve alcoholic beverages in the temporary outdoor dining areas shall have the appropriate license from the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco and authorization therefrom to serve in such temporary areas.
11. If a restaurant and food establishment is not the property owner, then it must obtain written permission from the landlord prior to installation.
12. Regulations pertaining to outdoor entertainment are not affected by this order and no outdoor entertainment may be conducted within temporary outdoor seating areas without complying with the provisions of Code of Ordinances Chapter 20.
13. Before beginning operations under this order, businesses must register with City by emailing the name, location, contact information and a description of the outdoor seating arrangements to permitting@cityofbonitaspringscd.org. Future updates to this or subsequent orders will be emailed to registered businesses and periodic inspections may occur during the term of this order.
14. City of Bonita Springs Community Development and Neighborhood Services staff are authorized to provide directives or make additional accommodations to registered businesses in order to comply with federal, state, or local regulations. Failure to comply with City officials directives may result in revocation of a business's authorization for temporary outdoor seating.
15. This order does not create any additional property rights or entitlements but is expressly intended as a temporary measure to address the current state of emergency. In the event this order expires, registered businesses will have 10 days to cease temporary outdoor seating.

SECTION THREE. This Resolution shall take effect immediately upon adoption. This temporary order shall expire within forty-five (45) days if not extended by the City Council.


DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida this 6th day of May, 2020.

[SIGNATURE PAGE FOLLOWS]


AUTHENTICATION:



Mayor



City Clerk

APPROVED AS TO FORM: 

City Attorney

VOTE:

Carr	Aye	Simmons	Aye
Forbes	Aye	Corrie	Aye
Gibson	Aye	Purdon	Aye
Quaremba	Aye		