

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-13-011**

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**To:** Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Zoning Official

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** April 1, 2014

**BZA meeting date:** April 9, 2014

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**Requested Action/General Information:**

John Lange, agent for Charlotte Harbor Sails, LLC, is requesting a special exception to allow outdoor display and sales of watercraft in the Charlotte Harbor Mixed Use zoning district. Subject property is located at 4760 Tamiami Trail (U.S. 41) in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Mixed Use (MU). This property has a Charlotte Harbor Mixed Use Future Land Use Map (FLUM) designation.

The applicant is proposing the outdoor storage of watercraft for sale in association with retail sales of boating products inside the existing commercial building. This building was constructed in 1989 for a business named "TV & Stereo Town". The Charlotte Harbor Community Development Code (CHCDC) was adopted in September of 2002. The outdoor sales and display of merchandise in the Mixed Use zoning district requires approval of a special exception, by the Board of Zoning Appeals, according to **Sub-section 3-9-50.5(a)(E)(2)f.6.** (Exhibit A-3 through A-7). As such, the applicant has submitted this application for a special exception.

The applicant has submitted the attached **Boundary Survey** (Exhibit B), which was used to prepare the attached **Site Plan** (Exhibit C). The site plan shows how the property is currently developed and where the applicant proposes to display watercraft outdoors on subject property. One of the purposes mentioned in the intent of the CHCDC code, as stated in **Sub-section 3-9-50.1(a)(3)** (Exhibit A-1), is to: "Provide for neighborhood business and commercial uses to serve the Charlotte Harbor CRA and the community as a whole." It is staff's belief that this proposed use does promote this intent and purpose.

The attached **Site Plan** (Exhibit C) shows the existing 5,975 square foot building and 15 off-street parking spaces located on this property. Code requires 15 parking spaces ( $5,975 \div 400 = 14.93$ ) for this proposed use. The outdoor watercraft display area is proposed to be located on the easterly side of the building. The applicant would also like to store up to five boats in the front yard at the locations indicated on the **Site Plan** (Exhibit C) by red ovals.

The applicant has also submitted the attached **Narrative** (Exhibit D) explaining why they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit E) dated March 17, 2014.

**Findings: The six standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:**

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The requested special exception is explicitly permitted in the zoning district for which it is requested based on Sub-section 3-9-50.5(a)(E)(2)f.6 of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Mini-storage and warehouse	Mixed Use (MU)	Charlotte Harbor Mixed Use
South	Office, greenhouse and church	Commercial Intensive (CI), Coastal Residential (CR-3.5) and Neighborhood Residential (NBR)	Charlotte Harbor Neighborhood Business and C. H. Tourist
East	Auto sales lot	Mixed Use (MU)	Charlotte Harbor Mixed Use
West	Car wash	Mixed Use (MU)	Charlotte Harbor Mixed Use

Finding: The surrounding land uses consist primarily of commercial retail and service uses. Staff believes that the proposed outdoor display of watercraft for sale would be compatible with the surrounding land uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: Three existing access drives currently serve this property. One off of Tamiami Trail and two off of Main Street. No changes are proposed to these existing access drives.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: All code requirements apply to this existing commercial development and must be maintained as originally approved. Tree requirements were adopted by Ordinance number 85-42 in 1985 and landscaping requirements were adopted by Ordinance number 92-72 in 1992. The **Development Plan (Exhibit F)** for this property was approved in 1989, which showed four trees, however, there is currently only one tree remaining. As such, staff recommends that the BZA require that this property be brought into compliance with the tree requirements of County code. Subject property is currently required to have and maintain 12 tree points for this lot and staff has indicated on the **Development Plan (Exhibit F)** where three new trees could be planted.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: Staff believes the proposed outdoor display of watercraft for sale would be in compliance with the **Smart Charlotte 2050 Plan**, which allows retail sales and service uses. Also, the Land Development Regulations, including the CHCDC, allows outdoor display if a special exception is approved by the Board of Zoning Appeals.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed outdoor display of watercraft for sale would not be detrimental to or endanger the public health, safety or general welfare of the surrounding commercial properties since the normal retail boating products will be inside the building and outdoor storage is for watercraft only, which will take place only in the designated areas as indicated on the **Site Plan (Exhibit C)**.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting a special exception staff believes that the proposed outdoor display of watercraft for sale can meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. The special exception as approved by the Board of Zoning Appeals is to allow outdoor display of watercraft for sale only as indicated on the **Site Plan (Exhibit C)** submitted by the applicant.
2. This special exception extends only to the land included in the Boundary Survey and legal description submitted with this application.
3. No more than five watercraft, not exceeding eight feet in width and 16 feet in length, may be located in the front yard and outside the "boat display area" indicated on the **Site Plan (Exhibit C)**.
4. The applicant, or property owner, shall plant and maintain at least three new two-inch shade trees and maintain at least 12 tree points on subject property until subject property is ever redeveloped.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

**Please be advised that the final decision regarding the application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-42 (2), Approval Letter, Section 3-9-52 (2), Boundary Survey, Narrative (5) and Environmental Specialist Memorandum



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-13-011

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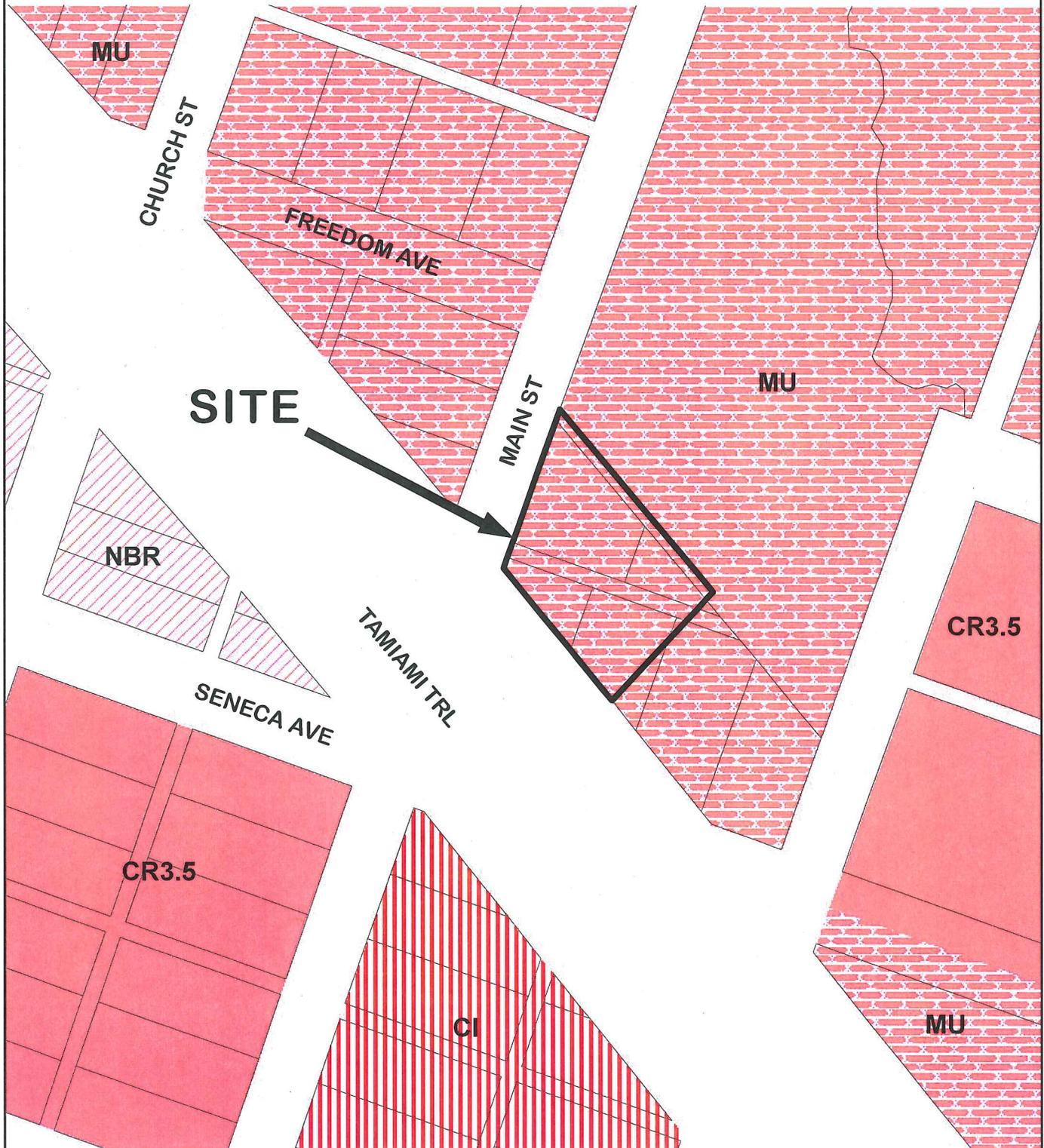
Community Development

# CHARLOTTE COUNTY Zoning Map for SE-13-011

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# CHARLOTTE COUNTY

## Aerial View for SE-13-011

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**Sec. 3-9-50. Charlotte Harbor Community Development Code/title.**

Sections 3-9-50 through 3-9-50.7 of the Code shall apply to development in the Charlotte Harbor CRA (as defined herein) and shall be known as the "Charlotte Harbor Community Development Code".

(Ord. No. 2002-040, § 1, 9-10-02)

**Sec. 3-9-50.1. Intent, applicability, and boundaries.**

- (a) *Intent.* Where the comprehensive plan may not be specific, the regulations contained within this Charlotte Harbor Community Development Code are intended to reinforce the comprehensive plan by assigning specific land use and zoning categories which are permitted, and which are prohibited, in existing zoning designations; and to establish new standards for development to existing development regulations within the boundaries of the Charlotte Harbor CRA. In addition, these regulations are intended to accomplish one (1) or more of the following purposes:
- (1) Invigorate the economic and social vitality of the Charlotte Harbor CRA;
  - (2) Protect the unique character of the existing single-family and medium density (multifamily) residential communities within the Charlotte Harbor CRA;
  - (3) Provide for neighborhood business and commercial uses to serve the Charlotte Harbor CRA and the community as a whole;
  - (4) Enhance Charlotte Harbor's community identity and sense of place through the design and placement of different land uses, buildings, and streets to create a distinct Charlotte Harbor community;
  - (5) Improve the character and prevent permanent decline of property values within the Charlotte Harbor CRA by controlling nuisances and ensuring that land uses which may contribute to the degradation of the community and possible criminal activity not be tolerated near residential areas; and that the design and placement of different land uses, buildings, streets, and other amenities (such as sidewalks and street lights) ensure that the public's health, welfare, and safety is protected;
  - (6) Reduce traffic demand on streets within the Charlotte Harbor CRA to permit sidewalks and reduce traffic noise, velocity, and air pollution;
  - (7) Use buildings, trees, street width modifications, curbs (where applicable), sidewalks and bicycle paths to create a shaded and diverse, but harmonious and safe environment that works for pedestrians as well as for motorized vehicles;
  - (8) Emphasize the use of incentives such as reduced parking requirements and mixed land uses to achieve a balance of retail, service, office, and residential uses within convenient walking distance of each other, which is a characteristic of a healthy community;
  - (9) Implement a parking code that treats parking as an element of public infrastructure in an urban center (instead of a private matter in a strip center) and that recognizes the benefits of shared parking in a vertically mixed development, and the opportunities of a bicycle/pedestrian system;
  - (10)

**Section 3-9-50.5(a)(E)(2f.6.)  
( Exhibit A-1 )**

Utilize the existing development review process that is timely, predictable, and requires a review of projects to ensure conformity with existing codes and the new specifications provided in this Charlotte Harbor Community Development Code;

- (11) Protect the canopy of existing trees and native trees to the maximum extent possible, promote continuity of development, and reduce the amount of stormwater runoff associated with the use of compacted fill material typically used for site preparation, by providing flexibility with county development regulations for parking and setback requirements, through the development review process, and by designating "no fill" areas (see "no fill" area map) where only pilings and stemwalls shall be used for all construction except the minimum amount of fill necessary within the building footprint and for drainfields associated with on-site waste treatment and disposal systems as required by federal, state or local statute, ordinance, law, rule, or regulation.
- (12) Establish sign regulations and design standards that will promote safety, protect and preserve the aesthetic and visual environment, character and quality of the Charlotte Harbor CRA and protect the value of property contained therein, create a more attractive economic and business climate, reduce urban and visual clutter, eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and buildings and will not adversely impact aesthetics, community character and quality of life within the Charlotte Harbor CRA, or promote signs and design standards that will not, by their size, type, location, construction or manner of display, endanger the safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety of the Charlotte Harbor CRA;
- (13) Provide private property owners and businesses within the Charlotte Harbor CRA with the flexibility to develop innovative, creative, and effective signage and building design to improve the aesthetic and visual qualities of the Charlotte Harbor CRA.
- (b) *Applicability.* In addition to any requirements contained elsewhere in the Code, the requirements of this Charlotte Harbor Community Development Code shall apply to any subdivision, special exception, variance, development review committee approval, site plan approval, planned development rezoning approval, building permit or sign permit, or any other official action of the county having the effect of permitting development and shall be in addition to each and every other requirement of the Code or any application for any of the preceding. In the event of any conflict between applicable provisions of the Code and this Charlotte Harbor Community Development Code regarding a specific application or development, the more restrictive shall apply.
- (c) *Boundaries and zoning atlas.* The boundaries of the Charlotte Harbor CRA shall be as delineated on Map No. 25 of the Future Land Use Map Series of the 1988 Charlotte County Comprehensive Plan and as adopted by the board in Resolution 92-251. The Charlotte County Zoning Atlas shall reflect the zoning designations for the Charlotte Harbor CRA initially adopted by Ordinance 96-011, and any subsequent amendments thereto.

(Ord. No. 96-011, § 1, 2-20-96; Ord. No. 2002-040, § 2, 9-10-02)

**Section 3-9-50.5(a)(E)(2f.6.)**  
**( Exhibit A-2 )**

### Sec. 3-9-50.5. Permitted uses.

(a) *Intent.* The future land use map (FLUM) designations within the Charlotte Harbor Community Plan are, for the most part, consistent with current Charlotte County zoning designations; however, there are some significant differences. Outlined below are the Charlotte Harbor Community Plan FLUM designations with the zoning districts which are consistent with each specific FLUM designation. Also listed below are the specific designations of coastal residential, neighborhood business residential, and mixed use. These specific designations within the CDC will supersede any underlying zoning district when the underlying zoning conflicts with the specific CDEC designation. A rezoning or zoning map amendment is required as a part of the PD process and the proposed PD shall not be approved unless it is consistent with the future land use map and the goals, objectives and policies of the comprehensive plan.

(A) *Low density residential FLUM designation: LDR (3-9-50.5(A)).*

- (1) Permitted zoning districts within a low density residential FLUM designation include the following:
- a. Residential single-family (RSF 1, 2, 2.5, 3.5, and 5), [section 3-9-32](#) (as may be amended);
  - b. Residential multifamily (RFM 3.5, and 5), [section 3-9-33](#) (as may be amended);
  - c. Planned development (PD), [section 3-9-49](#) (as may be amended); and
  - d. Environmentally sensitive (ES), [section 3-9-28](#) (as may be amended).

(B) *Coastal residential FLUM designation: CR (3-9-50.5(B)).*

- (1) Permitted zoning districts within the coastal residential FLUM designation include the following:
- a. Environmentally sensitive (ES), [section 3-9-28](#) (as may be amended);
  - b. Residential single-family (RSF 1, 2, 2.5, and 3.5; [section 3-9-32](#)) (as may be amended; except where it is inconsistent with the (CR) [section 3-9-50.5\(B\)\(2\)](#));
  - c. Planned development (PD), [section 3-9-49](#) (as may be amended). Multifamily residential structures, if approved through the planned development process ([section 3-9-49](#)), are permitted in the coastal, residential FLUM designation.
- (2) [Section 3-9-50.5\(B\)\(2\)](#), Coastal residential (CR) zoning district.
- a. Intent. Coastal residential (CR) zoning is primarily intended to be used for single-family residential dwellings and other uses which are compatible within the Charlotte Harbor Community. Among CR-1, CR-2, and CR-3.5 districts, there are variations in requirements for lot area, width, and certain yards. (See subsection [3-9-50.5\(B\)\(2\)f](#)).
  - b. Permitted principal uses and structures. The following uses and structures are permitted in this district:
    1. Single-family dwellings, excluding mobile homes;
    2. Nonprofit parks and pla
    3. Occupied single-family homes;

**Section 3-9-50.5(a)(E)(2f.6.)  
( Exhibit A-3 )**

3-9-50.5(a)

XVIII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than fifteen (15) feet or the building height, whichever is greater, except as provided herein.

Where properties lie within one thousand two hundred (1,200) feet of the water of Charlotte Harbor or the Peace River, structures must also be constructed in accordance with Waterfront property, section 3-9-98.

- h. Off-street parking. Off-street parking shall be in accordance with Off-street parking and loading facilities, section 3-9-90 (as may be amended). Shared-use parking agreements between adjacent commercial property owners shall be utilized whenever possible.
- (3) Notwithstanding the provisions of subsection 3-9-50.5(a)(D)(1)c. above, including the provisions of the Code subsections expressly referenced in subsection 3-9-50.5(a)(D)(1)c., the maximum front yard requirement for the office, medical and institutional zoning district referenced above in subsection 3-9-50.5(a)(D)(1)c. shall be nine (9) feet and the minimum front yard requirement for the office, medical and institutional zoning district shall be zero (0) feet.
- (4) Notwithstanding the provisions of subsection 3-9-50.5(a)(D)(1)d. above, including the subsections of the Code expressly referenced in subsection 3-9-50.5(a)(D)(1)d., the maximum front yard requirement for the commercial neighborhood zoning district referenced above in subsection 3-9-50.5(a)(D)(1)d. shall be nine (9) feet and the minimum front yard requirement for the commercial neighborhood zoning district shall be zero (0) feet.
- (5) Notwithstanding the provisions of subsection 3-9-50.5(a)(D)(1)e. above, including the subsections of the Code expressly referenced in subsection 3-9-50.5(a)(D)(1)e., the maximum front yard requirement for the commercial tourist zoning district referenced above in subsection 3-9-50.5(a)(D)(1)e. shall be nine (9) feet and the minimum front yard requirement for the commercial tourist zoning district shall be zero (0) feet.
- (6) Notwithstanding the provisions of subsection 3-9-50.5(a)(D)(1)g. above, including the subsections of the Code expressly referenced in subsection 3-9-50.5(a)(D)(1)g., the maximum front yard requirement for the commercial intensive zoning district referenced above in subsection 3-9-50.5(a)(D)(1)g. shall be nine (9) feet and the minimum front yard requirement for the commercial intensive zoning district shall be zero (0) feet.
- (7) Notwithstanding the provisions in subsections (3), (4), (5), and (6) above, the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the office, medical and institutional, commercial neighborhood, commercial tourist and commercial intensive zoning districts under the neighborhood business residential FLUM designation; provided, however, that if section 3-5-391 of the Code (the "Buffer Code") requires a wider buffer than nine (9) feet, it shall control over the nine (9) feet front yard requirement set forth herein, except as provided herein.

(E) *Mixed use FLUM designation: MU (3-9-50.5(E))*

- (1) Permitted zoning districts within a mixed use FLUM designation include the following:
- a. Residential single-family (RSF 1 through (h), as may be amended

**Section 3-9-50.5(a)(E)(2f.6.)**

**( Exhibit A-4 )**

3-9-50.5(a)(E)

- b. Residential multifamily (RFM 3.5, 5, 7.5, 10 and 15), section 3-9-33(a) through (h), as may be amended;
- c. Office, medical and institutional (OMI), section 3-9-39(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2);
- d. Commercial neighborhood (CN), section 3-9-41(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2);
- e. Commercial tourist (CT), section 3-9-45(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2);
- f. Commercial general (CG), section 3-9-42(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2);
- g. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2);
- h. Planned development (PD), section 3-9-49(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-50.5(E)(2); and
- i. Environmental sensitive (ES), section 3-9-28(a) through (h), as may be amended.

(2) Section 3-9-50.5(E)(2)- Mixed use (MU) zoning district.

- a. Intent. The mixed use zone (MU) is intended to take the place of the commercial intensive zoning district (section 3-9-43, as may be amended) within the Charlotte Harbor area, but modified to allow for compatibility with the combination of multifamily residential, commercial, and professional office development. As stated in policy 15.1 of the future land use element, mixed use FLUM designation allows for a combination of residential, commercial, and professional office land uses within the Charlotte Harbor Community Planning area. The mixed use FLUM designated areas also allow for single-family residential (RSF section 3-9-32, as may be amended) development up to three and one-half (3.5) units per acre, and multifamily (RMF section 3-9-33, as may be amended) development up to fifteen (15) units per gross acre, and general retail (CG section 3-9-42, as may be amended), neighborhood stores (CN section 3-9-41, as may be amended), commercial tourist (CT section 3-9-45, as may be amended) establishments, and professional offices (OMI section 3-9-39, as may be amended).
- b. Specific conditions applicable to the mixed use zoning district intended to provide daily convenience goods, professional, personal, and business services, and multifamily residential needs of the residents located within the Charlotte Harbor Community, are:
  1. Multifamily residences shall not exceed a density of fifteen (15) units per gross acre;
  2. Multi-use developments or **Section 3-9-50.5(a)(E)(2f.6.)**  
compatible with the surround  
only as a part of a planned **( Exhibit A-5 )**

## 3-9-50.5(a)(E)(2)

3. Residential dwelling units shall be located on a separate floor level from office or commercial uses on multi-use development sites;
  4. Except as provided in subsections 3-9-50.5(E)(2)c.—f., commercial intensive uses are prohibited from the mixed use zone. Commercial intensive uses shall be defined as those uses within the CI zoning district, as may be amended;
  5. Commercial uses are limited to eighty (80) percent of the total area of the site; and
  6. Residential uses are limited to eighty (80) percent of the total area of the site.
- c. Permitted principal uses and structures. The following uses and structures are permitted in this district:
1. All uses and structures permitted in the CG district (section 3-9-42, (a) through (d) and (h), as may be amended), except 3-9-42 (b)(10), (15), (23), (26) and (27). Resort marinas, as allowed in the CG district under section 3-9-42(b)(9), shall not have fuel pumps on premises, except that fuel pumps are allowable in the resort marinas where the pumps are located on navigable waterways and are for the exclusive use of watercraft entering or exiting the marina. Fuel pumps at resort marinas not located on the navigable waterway, situated to serve watercraft exclusively, shall be prohibited within the MU district. Fuel pumps for use by any land-based vehicles, including but not limited to automobiles, trucks, motorcycles, tractors and other lawn or yard equipment, or fuel pumps for use by any watercraft being towed, carried, or otherwise transported by land shall be prohibited within the MU district;
  2. All uses and structures permitted in the CT district (section 3-9-45, (a) through (d) and (f) through (h), as may be amended), except 3-9-45 (b)(6) and (11);
  3. All uses and structures permitted in the NBR district (section 3-9-50.5(D));
  4. Equipment rental in an enclosed facility;
  5. Outdoor commercial recreational facilities;
  6. Wholesale sales;
  7. Car wash; and
  8. Automobile rental agencies.
- d. Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.
- e. Prohibited uses and structures. Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.
- f. Special exceptions (for procedure see section 3-9-7, Special exceptions). The following uses may be granted as special exceptions in this district:

**Section 3-9-50.5(a)(E)(2f.6.)  
( Exhibit A-6 )**

## 3-9-50.5(a)(E)(2)f.

1. Colleges and universities;
  2. Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings;
  3. Heliports or heli-stops;
  4. Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages within one thousand (1,000) feet from a church or school, subject to the provisions of Alcoholic beverages, section 3-9-66, (as may be amended) Charlotte County Code, as accessory to hotels, motels, country clubs, or restaurants;
  5. Outdoor auditoriums;
  6. Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district;
  7. Carpentry, and cabinet shops;
  8. Light manufacturing and assembly in a completely enclosed building;
  9. Laundromats, provided central sewer is available;
  10. Lumber and building supply establishments, except ready-mixed concrete, asphalt plants, and concrete product manufacturing plants;
  11. Essential services; and
  12. Such other uses as determined by the community development director or his/her designee to be:
    - (i) Appropriate by reasonable implication and intent of the district;
    - (ii) Similar to another use either explicitly permitted in that district or allowed by special exception;
    - (iii) Not specifically prohibited in that district.
9. Development standards. The following development standards shall apply in this district:

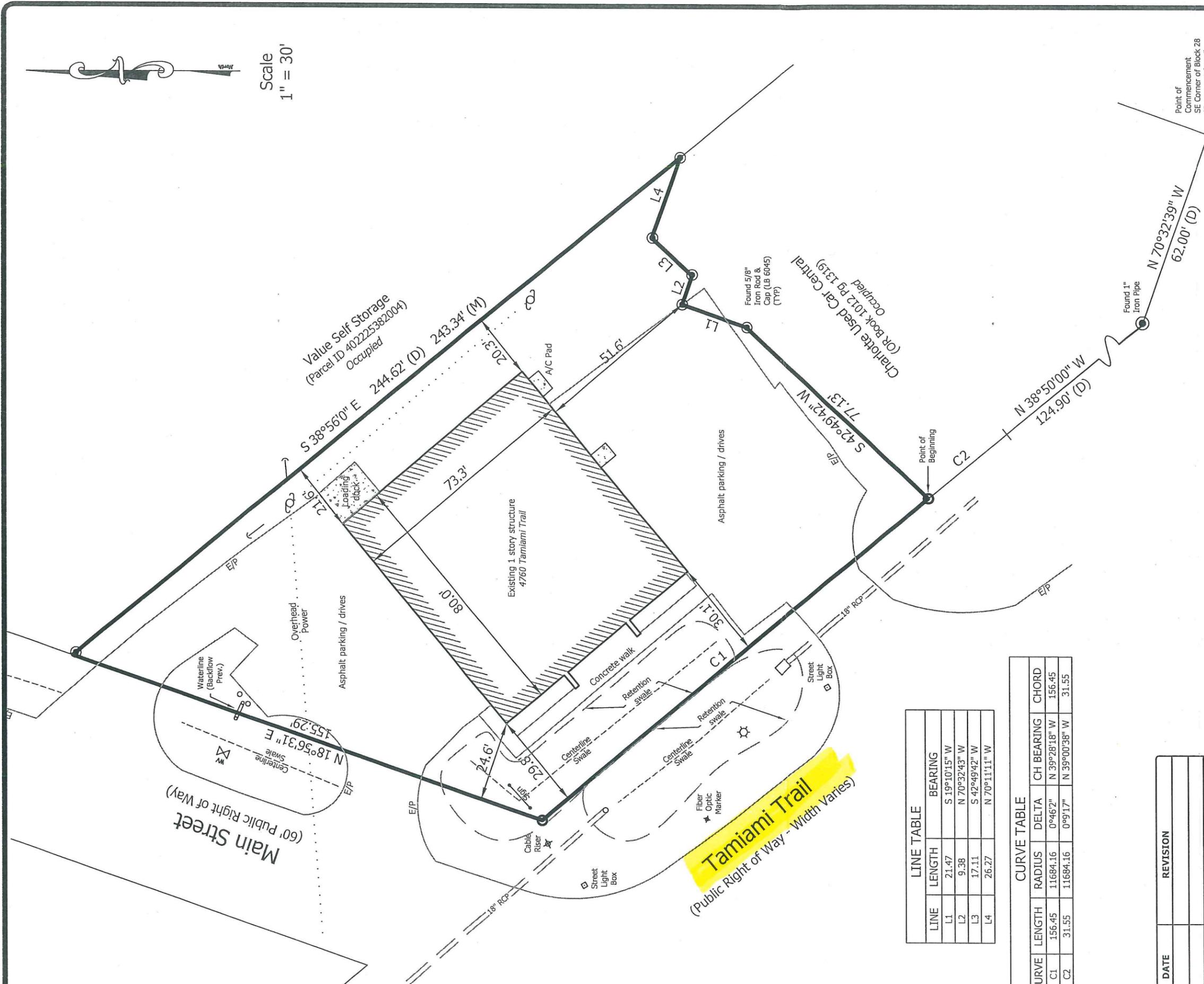
Minimum lot requirements:	
Area, square feet:	12,000
Width:	100 feet
Maximum lot requirements:	
Front yard:	*9 feet
	*unless <u>section 3-5-391</u> of the Code (the "Buffer Code) requires otherwise, except as provided herein
Minimum yard requirements:	
Front yard:	0 feet
Side yard:	
Interior:	None
Abutting a road:	½ the building height but not less than 15 feet
Abutting water:	20 feet
Rear yard:	
Abutting another lot:	½ the
Abutting a road:	25 feet

**Section 3-9-50.5(a)(E)(2f.6.)**  
**( Exhibit A-7 )**



Scale  
1" = 30'

Main Street  
(60' Public Right of Way)



**Tamiami Trail**  
(Public Right of Way - Width Varies)

LINE	LENGTH	BEARING
L1	21.47	S 19°10'15" W
L2	9.38	N 70°32'43" W
L3	17.11	S 42°49'42" W
L4	26.27	N 70°11'11" W

CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CHORD
C1	156.45	11684.16	0°46'2"	N 39°28'18" W	156.45
C2	31.55	11684.16	0°9'17"	N 39°00'38" W	31.55

**SURVEY NOTES:**

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.).
5. BEARINGS ARE BASED ON THE NORTHERLY LINE OF OR 3346, PG 1912-1913 AS MONUMENTED IN THE FIELD, BEING S 38°56'00" E.
6. DATE OF LAST FIELD WORK: JANUARY 21, 2014
7. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF AN UP TO DATE TITLE COMMITMENT.
8. ADDITIONS OR DELETIONS FROM SURVEY OR REPORTS BY OTHER PROFESSIONALS ARE NOT AUTHORIZED BY THIS SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER.
9. THIS SURVEY WAS PREPARED ONLY FOR THE CLIENTS AS NAMED HEREON AND NO THIRD OR OTHER PARTY CERTIFICATION IS EXPRESSED OR IMPLIED.

DATE	REVISION

**CERTIFIED TO:**  
Charlotte Harbor Seals, LLC

JOB # 14-0084 | PREPARED FOR: SKS Marion, LLC  
SECTION 25, TOWNSHIP 40S, RANGE 22E

## Boundary Survey (Exhibit B)

Boundary Survey of  
4760 Tamiami Trail,  
Deed recorded in OR Book 3346, Pgs 1912-1913  
Being A portion of Block 28, Charlotte Harbor  
Subdivision, According to Plat Book 1, Page 3 of the  
Public Records of Charlotte County, Florida.

**STOUTENCRAMER**  
PROFESSIONAL SURVEYORS

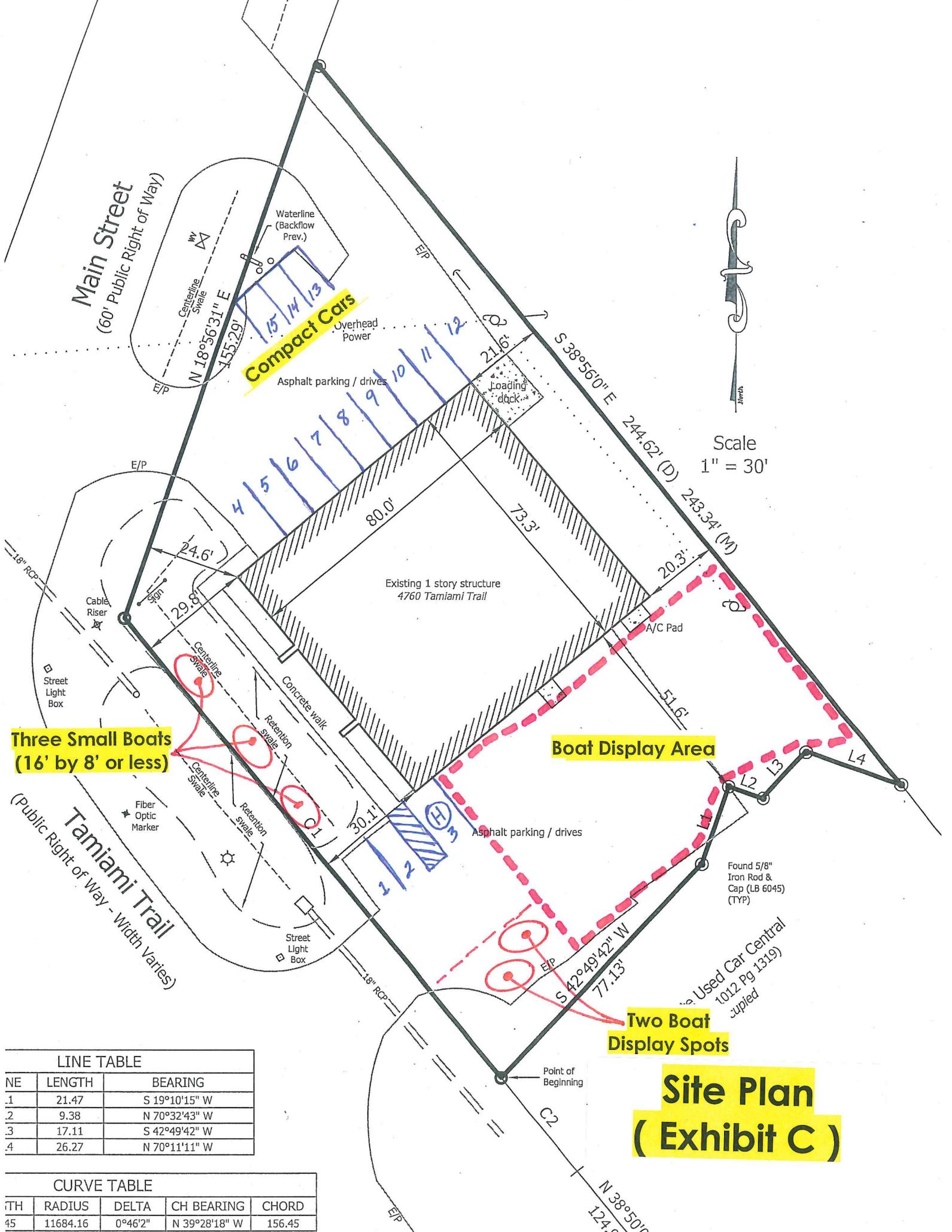
CERTIFICATE OF AUTHORIZATION: LB7922  
324 Nicholas Parkway West, Suite F, Cape Coral, FL 33991  
Phone: (239) 673-9541 Fax: (239) 424-8181  
www.scisurvey.com

**LEGEND**

FOUND NAIL AND TAG	SQ. FT. SQUARE FEET
FOUND NAIL AND TAB "LB 7922"	CONC. CONCRETE
SET NAIL AND TAB "LB 7922"	MON. MONUMENT
FOUND STEEL PIN	R/W RIGHT OF WAY
SET 5/8" IRON ROD AND CAP "LB 7922"	E/P EDGE OF PAVEMENT
POWER POLE	D.E. DRAINAGE EASEMENT
WELL	P.U.E. PUBLIC UTILITY EASEMENT
CHAIN LINK FENCE LINE (CLF)	(P) PLAT MEASUREMENT
OVER HEAD POWERLINE	(M) FIELD MEASUREMENT
OVER HEAD POWERLINE	(C) CALCULATED MEASUREMENT

I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on January 21, 2014, is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers, Chapter 53-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

**JEREMY D STOUTEN**  
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6594  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



Scale  
1" = 30'

**Three Small Boats  
(16' by 8' or less)**

**Boat Display Area**

**Two Boat  
Display Spots**

**Site Plan  
(Exhibit C)**

LINE TABLE		
NE	LENGTH	BEARING
.1	21.47	S 19°10'15" W
.2	9.38	N 70°32'43" W
.3	17.11	S 42°49'42" W
.4	26.27	N 70°11'11" W

CURVE TABLE				
STATION	RADIUS	DELTA	CH BEARING	CHORD
45	11684.16	0°46'2"	N 39°28'18" W	156.45

## Special Exception – Application

Line 12:

Charlotte Harbor Sails, LLC, formerly doing business as JM Marine, has been serving the Charlotte County community for over 3 years. We have been trying to acquire this location (4760 Tamiami Trail) since the inception of our first business plan in 2010. Noting that the building was in a poor state of repairs and an eyesore for the community, we hoped to move our small boat sales and parts and sporting goods business here to gain the visibility and respectability of the community.

We are not a rich corporation with the capital to do a complete renovation of the property; we re-invest every penny we make back into the business. We make advancements one step at a time, bringing the building up to code was a major expense, applying for this special exception to the zoning, and our next project will be bringing the signs into spec. We are also entertaining having a mural painted on the outside building walls. This takes time, but we are making forward progress.

As we feel that small sailboats are an asset and mainstay in Charlotte Harbor. Without the display and sales of small boats on the property, our business cannot survive. We are not a boat junkyard, however sometimes it may appear a little un-organized as we clean and move the boats around. We try our best to keep our display neat, clean and organized.

This building is bordered by a used car lot, an auto repair facility, a car wash, and a storage facility.

Nearby a Boat & RV sales lot, two golf cart dealers, ex-casino, veterans club, church, monuments, plumbing, and other retail business and vacant lots. We feel with the current climate of this community and being near the harbor, our operation fits right in and is an asset to the area.

With all the hard work and money we have put into upgrading and maintaining what appeared to be an abandoned property, we hope you will consider our application and allow us to display our small trailerable boats and products outside the building and grounds.

Thank You for your time and effort for considering our application for approval of this special exception. We appreciate all your hard work.

John & Marge Lange  
Charlotte Harbor Sails, LLC

**Narrative  
( Exhibit D )**



## MEMORANDUM

**Date:** March 17, 2014  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-13-011  
Charlotte Harbor Sails, 4760 Tamiami Trail

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes and ordinances and offers the following comments:

- ❖ A preliminary environmental review was conducted by staff. The site consists of a developed commercial lot in Charlotte Harbor on US 41. There are Oak trees located on site which may qualify as heritage trees per Section 3-2-190.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

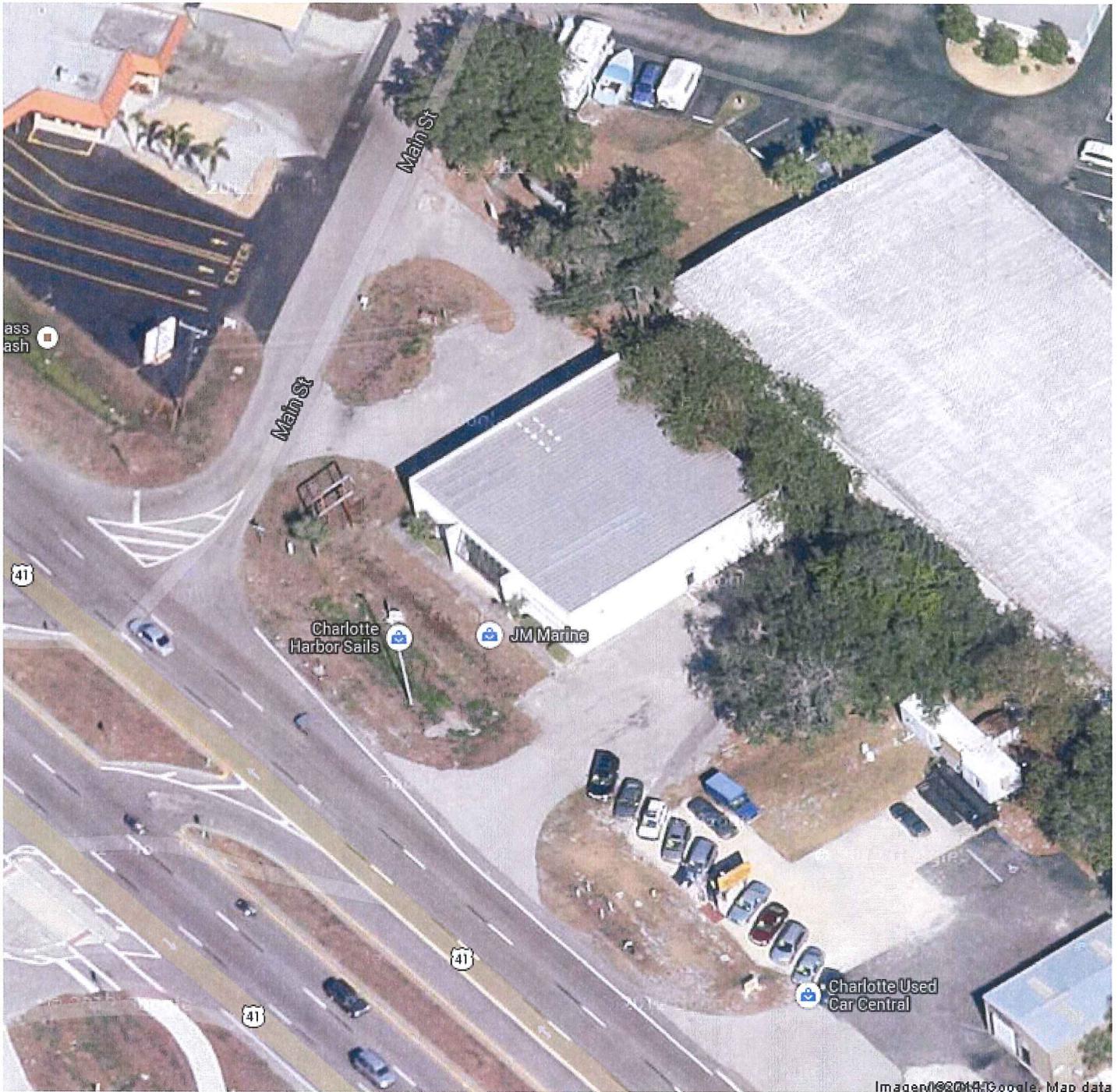
- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:
  - Chapter 3-2:
    - Article IX. *TREE REQUIREMENTS*
    - \*\*All heritage trees (per Section 3-2-190) must remain preserved.
  - Chapter 3-5:
    - Article IV, *CLEARING, FILLING AND SOIL CONSERVATION,*
    - Article XVIII, *LANDSCAPING AND BUFFERS.*

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

**( Exhibit E )**

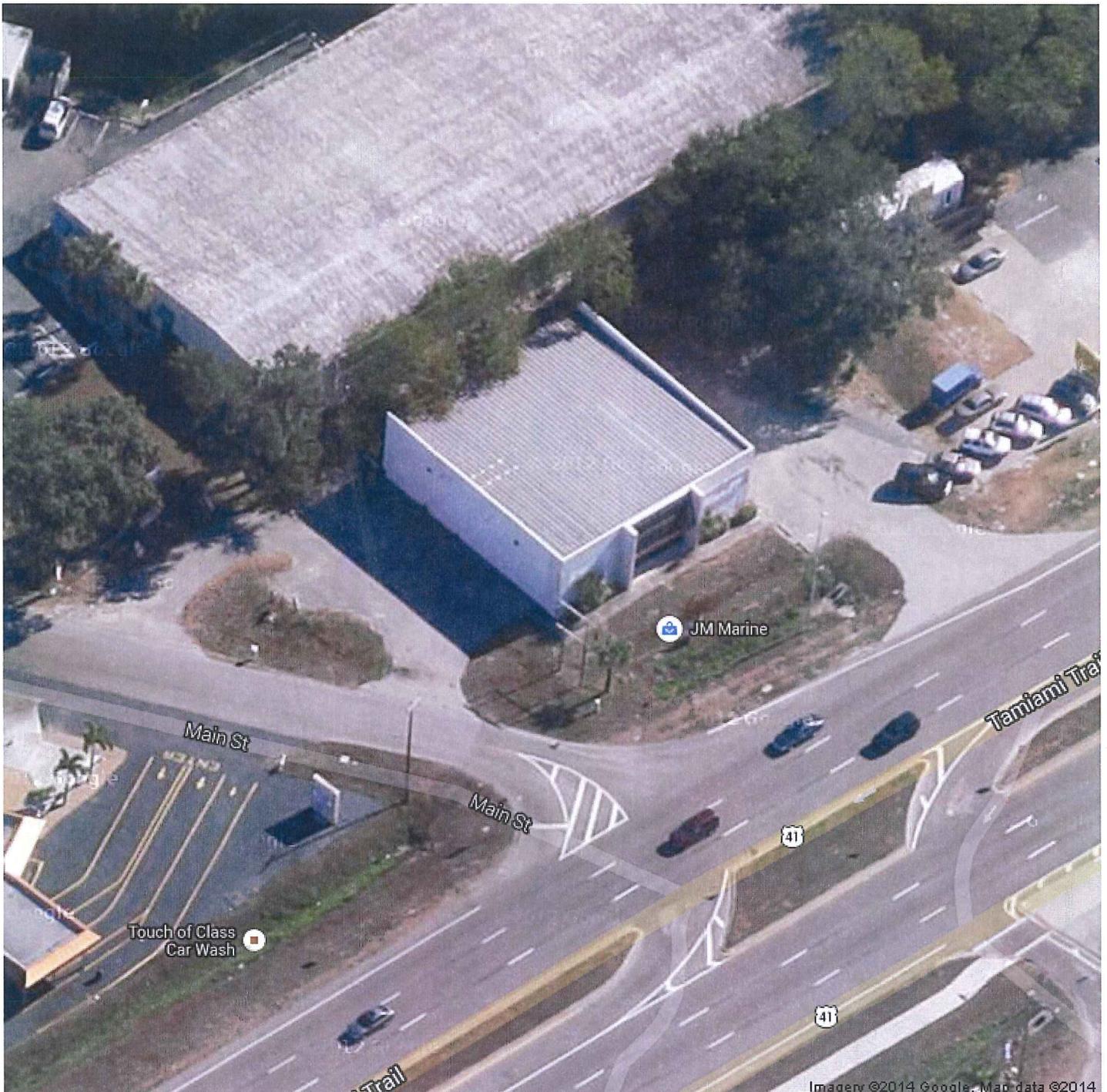




Google Map © 2014

4760 Tamiami Trail

( Exhibit G )



Google Map © 2014

4760 Tamiami Trail

( Exhibit H )