

STAFF REPORT
Community Development Department
Petition Number: SE-15-007

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: November 11, 2015 **BZA meeting date:** November 18, 2015

Requested Action/General Information:

Mr. Greg Held, agent for John Deere Landscapes, is requesting a special exception to allow a wholesale landscape materials supplier, with outdoor storage, in a Commercial General zoning district. Subject property is located at **752 Tamiami Trail**, Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a Commercial Future Land Use Map (FLUM) designation.

John Deere Landscapes intends to lease building #2, which is located on Lots 19, 20, 21, 22 and 23 (see attached **Aerial View**). The applicant would like to use 27 of the existing parking spaces, located to the rear of this parcel, for outdoor storage of landscape and irrigation materials. Subject property, which received Final Site Plan approval in October of 2004, was constructed by ENZYMEDICA in 2005; however, this building is now vacant and available for lease. A reduced copy of the **Record Drawing** (Exhibit A) is attached, which shows subject property and the 60 existing off-street parking spaces.

The Land Development Regulations for the Commercial General (CG) zoning district **Section 3-9-42(f)** (Exhibit B-2) does allow "Building trades contractor's office with storage yard on-premises..." The Zoning Official has determined that the Building trades contractor's office is most similar to the proposed new use and may be allowed as a special exception, provided the applicant complies with all development standards as well as any conditions imposed by the Board of Zoning Appeals "to protect the interest of the public health, safety, and general welfare, and prevent or minimize adverse effects on other property in the surrounding neighborhood" [section 3-9-6.2(h)(2)]. **Section 3-9-42(i)** (Exhibit B-3) of the CG district regulations also requires that: "Off-street parking shall be in accordance with section 3-9-79." **Section 3-9-79** (Exhibit C) is the Off-street Parking and Loading Facilities regulations, which must be met and maintained for the proposed new use.

Originally the parking requirements were based on both buildings (13,400 square feet) consisting only of office space, or retail sales and service uses, which requires one off-street parking space per 200 square feet per **Section 3-9-79(e)(33)** (Exhibit C-4). The proposed new use in building #2 will have some office space (800 sq. ft.); however, the majority (8,600 sq. ft.) is changing to wholesale, which only requires one off-street parking space per 1,000 square feet per **Section 3-9-79(e)(40)** (Exhibit C-4). The applicant has not provided any information regarding company vehicles; however, one parking space must also be provided for each company vehicle.

The applicant has submitted the attached **Narrative** (Exhibit D-1) explaining how they intend to use subject property and addressing the criteria for granting a special exception for this wholesale distributor of landscape and irrigation materials. Mr. Held has also submitted a copy of the **Record Drawing** (Exhibit A) showing the proposed **Storage Yards** (Exhibit D-3), which are proposed to occupy 27 existing parking spaces and related drive aisles.

Since nearly half of the off-street parking spaces (27 of 60) are proposed to be used for outdoor storage staff is concerned that adequate off-street parking will be available for this use and the remaining offices located in building #1. The applicant's **Narrative (Exhibit D-1)** stated that they intend to reduce the office space to 800 square feet so that they will have 8,600 square feet of warehouse space. The applicant included a table of parking calculations in their narrative; however, staff believes this table is confusing and inaccurate. Off-street parking for this 14,000 square foot commercial development was originally required at one space per 200 square feet of floor area, or 70 parking spaces. Various parking reductions were granted, which resulted in 60 off-street parking spaces required for this development (see **Exhibit A**).

The **Existing Floor Plan (Exhibit E)** from the Property Appraiser's Office shows building #2, which previously housed ENZYMEDICA, as having 3,722 square feet of office space and 5,683 square feet of warehouse space. Staff believes the uses within this building are separated by walls as indicated on this floor plan. The applicant has not submitted anything that indicates there will be revisions to this floor plan or that new walls will be erected within the building to separate the office use from the warehouse use. Staff recommends that the applicant be required to provide a floor plan during permitting to show the correct space arrangement proposed by the applicant and mentioned in the applicant's narrative (800 sq. ft. office and 8,600 sq. ft. warehouse).

Staff also created a table, shown on the attached **Exhibit E (Existing Floor Plan)**, which compares the parking requirements for ENZYMEDICA's floor plan with the parking requirements for the applicant's proposed special exception use. This original commercial development required **60** off-street parking spaces. The table in **Exhibit E** shows ENZYMEDICA's office and warehouse uses, and based on their floor plan **48** parking spaces are required. The special exception use, being proposed by John Deere, requires **36** off-street parking spaces. If 27 of the existing 60 parking spaces are used for outdoor storage then there will only be 33 parking spaces to serve subject property, three fewer than is required by code. Staff recommends that the outdoor storage yard be downsized by three parking spaces and that 12, instead of 9, parking spaces be retained along the north side of building #2.

The applicant's **Storage Yards (Exhibit D-3)** drawing seems to indicate that the existing dumpster may be going away or relocated. County codes require that a dumpster enclosure be provided for all commercial properties. This dumpster enclosure must remain where it is or it may be relocated if a new location is approved during the permitting process.

The Land Development Regulations requires screening of outdoor storage yards and the applicant's **Narrative (Exhibit D-1)** also mentions that the proposed outdoor storage areas will be screened with a six- to eight-foot high opaque fence. Staff has attached a copy of **Section 3-9-72 Fences & Walls (Exhibit F)**, which states the fences up to eight feet in height may be erected on commercial property, provided they maintain a setback of at least 7.5 feet from a street side yard. Byron Avenue is considered a street side yard for this development. Staff recommends that the Board require an opaque fence to screen all outdoor storage areas and that materials shall not be stored higher than the height of the opaque fence.

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit G)** dated October 27, 2015.

Findings: The standards for approval for a Special Exception according to Section 3-9-6.2(i) of the Charlotte County Zoning Code are as follows:

1. The proposed special exception is consistent with the Comprehensive Plan.
 Finding: Subject property is located in the Urban Service Area and the proposed wholesale sales falls under the general range of uses for the Future Land Use classification for Commercial properties. These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities. This is also consistent with the **Smart Charlotte 2050 Plan**.

2. The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Vacant lots	Commercial General	Commercial
South	Vacant lots	Commercial General	Commercial
East	Vacant lands	Commercial General	Commercial
West	Vacant lots	Residential Multifamily-5	Low Density Residential

Finding: The surrounding land uses consist of vacant commercial property to the north, east and south, and vacant multifamily residential lots across the street to the west. This landscape and irrigation wholesale business will serve other businesses needed to serve the surrounding residential and business community. As such, the Land Development Regulations requires that commercial uses with outdoor storage yards obtain a special exception and that they be developed according to all requirements of code, including screening and landscaping, in order to make the use compatible with surrounding land uses. If the off-street parking, landscaping and screening required by code are provided then this proposed special exception use would be compatible with surrounding land uses.

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

Finding: The existing commercial building, which was constructed in 2005, was developed with a significant amount of parking for planned commercial retail and service uses. As such, there is room to convert some of the off-street parking areas to outdoor storage for a wholesale operation, which has far less parking demand. Code requires 36 off-street parking spaces for the proposed uses, which means no more than 24 existing parking spaces should be converted to outdoor storage areas. If the proposed use, with an outdoor storage yard, meets the off-street parking and screening requirements of code, then this use would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed wholesale landscape materials supplier does meet all three criteria for 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. This special exception is to allow an outdoor storage yard, in conjunction with a wholesale landscape and irrigation material supplier, on subject property and extends only to this applicant, their proposed use, and the land included in the site plan and legal description submitted with this application.
2. The area allowed to be used for outdoor storage shall be the easterly most 24 parking spaces and access aisles located to the north and east of building #2. No storage or parking shall be allowed on the Storm-water Management Area or Septic Field.
3. The applicant shall obtain proper permitting, which may include Site Plan Review, for subject property to facilitate compliance with the Land Development Regulations and these conditions of approval of the special exception.
4. The permitting process, which may include Site Plan Review, shall include a Floor Plan of Building #2 with no more than 800 square feet of office space, and with the remainder dedicated only to warehouse space.
5. Prior to use of the outdoor storage yard the applicant shall erect an opaque fence six- to eight-foot high around the entire perimeter of the outdoor storage yard. This fence may not be a chain link fence with slats in the webbing or similar type of fencing.
6. The existing dumpster enclosure shall remain where it is and repaired to bring it into compliance with code, or constructed at a new location approved in permitting.
7. Company vehicles must be parked or stored inside the fenced storage yard, because they are not included in the required off-street parking calculations.
8. The applicant shall obtain all necessary permits and approvals, as applicable to this development, including but not limited to, paving, commercial fence permit, tree removal, landscaping, and invasive plant species removal.
9. If the proposed use is not established within two years of the date of approval of this special exception then this special exception shall expire and be null and void.
10. 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 petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (4), Location Map, Zoning Map, Arial View, Record Drawing, Section 3-9-42 (3), Section 3-9-79 (6), Narrative (2), Storage Yard Plan, Existing Floor Plan, Section 3-9-72, and Environmental Specialist Memorandum



Community Development

CHARLOTTE COUNTY

Location Map for SE-15-007

Charlotte County Government

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SARASOTA COUNTY



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Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2015\Special Exception\SE-15-007\PKCTLocation MapSE-15-007.mxd



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Community Development

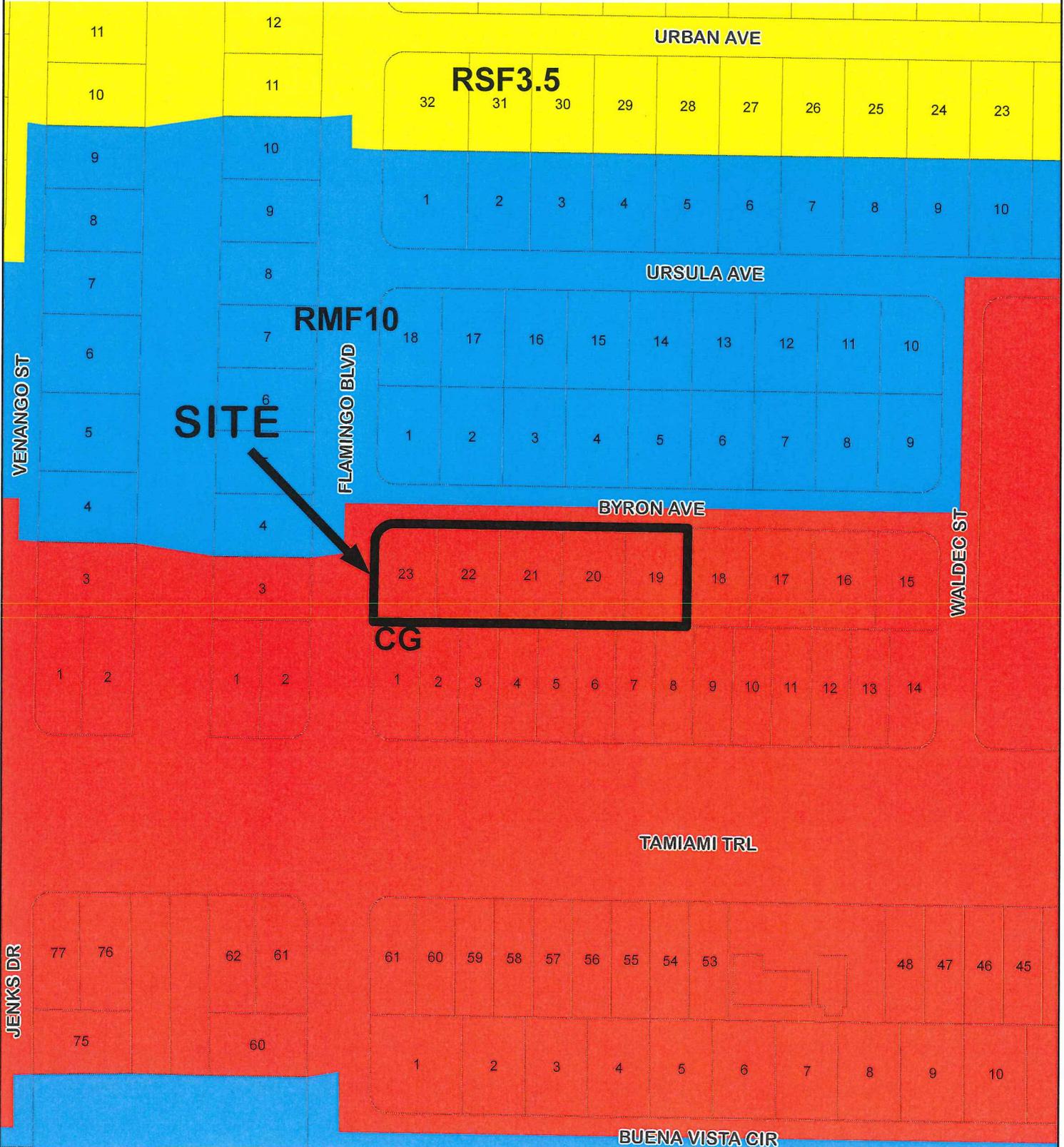
CHARLOTTE COUNTY

Zoning Map for SE-15-007

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(NOT TO SCALE)



Community Development

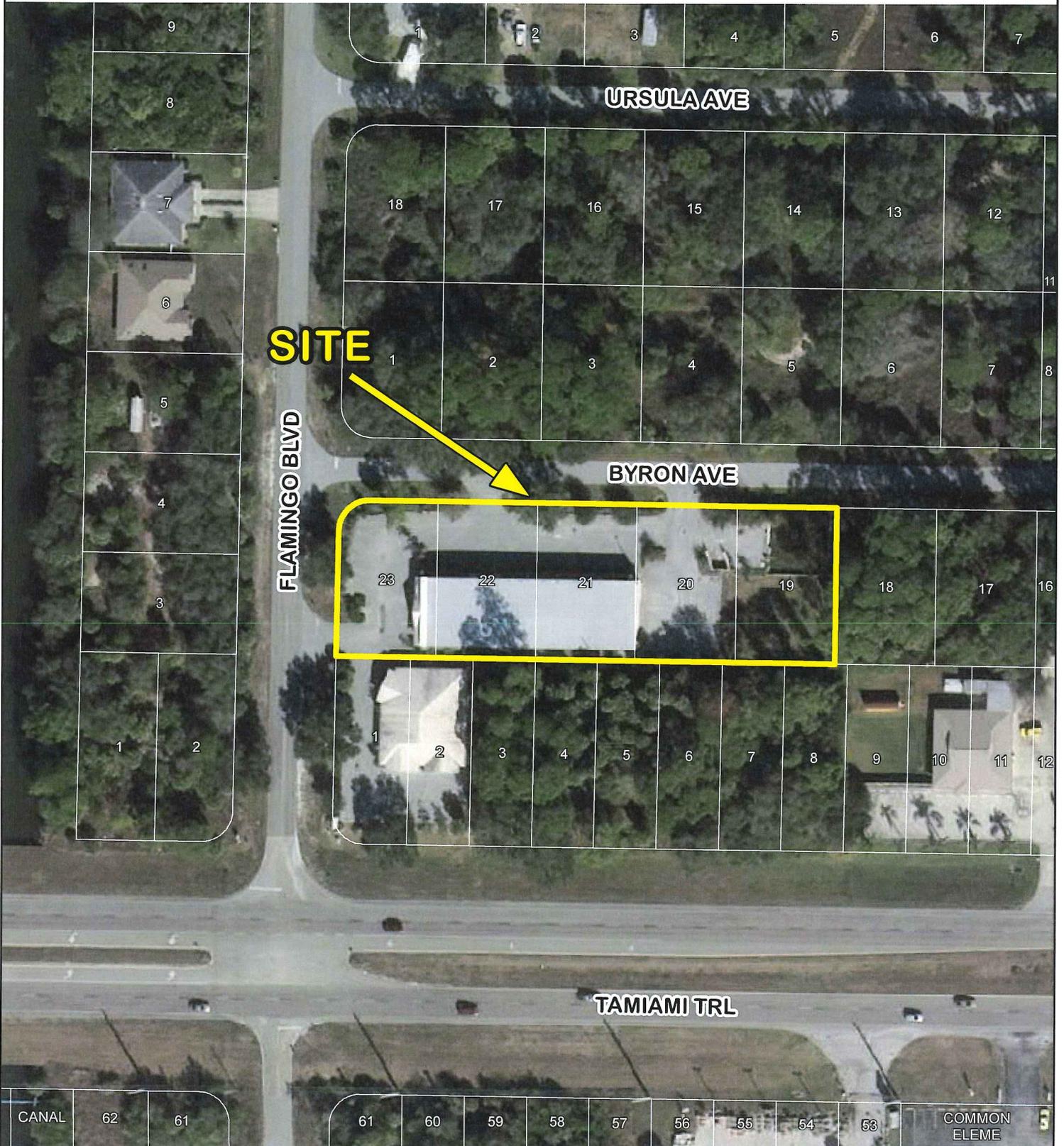
CHARLOTTE COUNTY

2014 Aerial View for SE-15-007

Charlotte County Government

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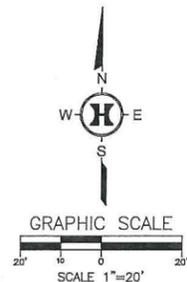
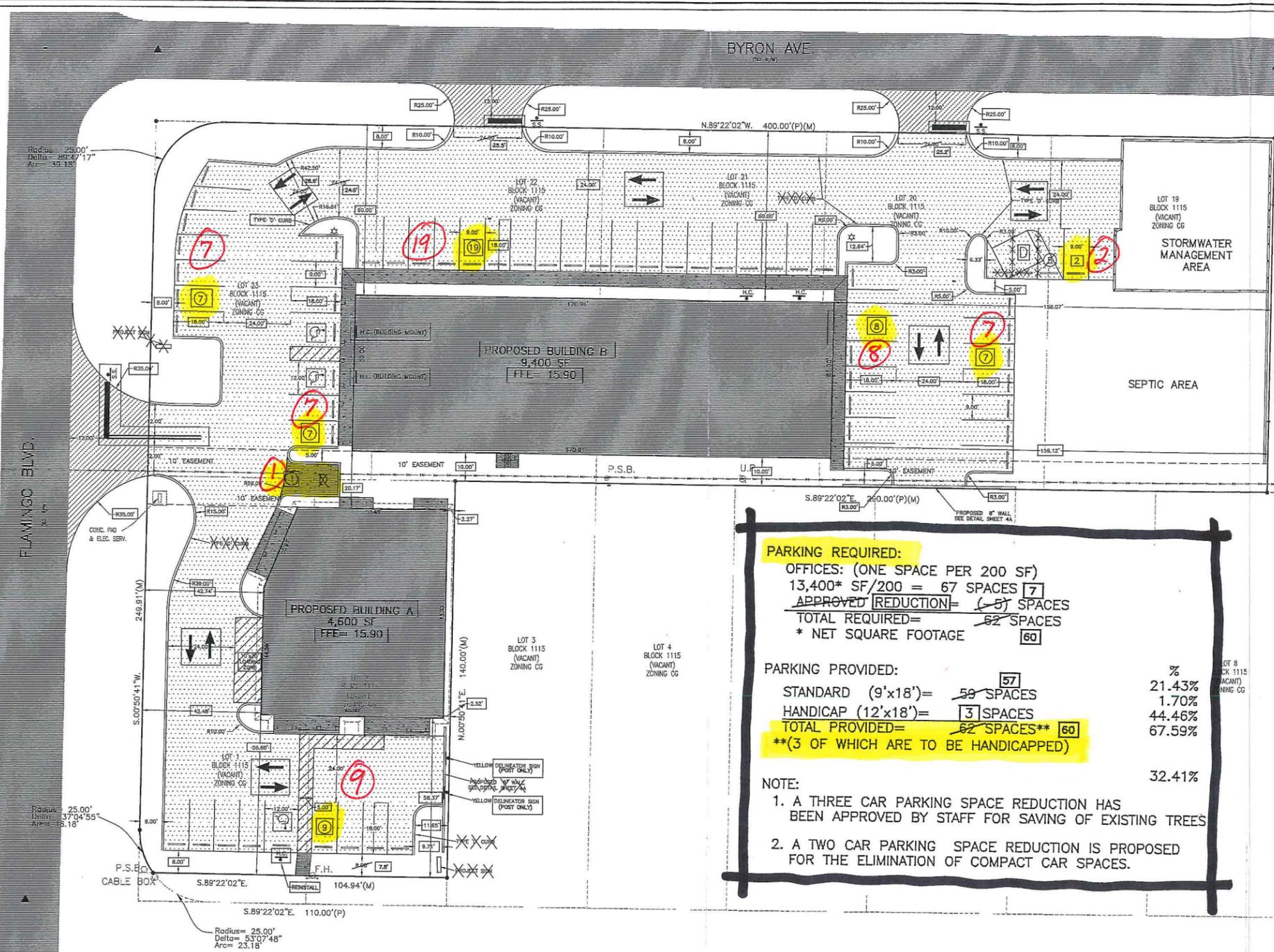


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(NOT TO SCALE)



- LEGEND**
- ▬ PROPOSED BUILDING
 - ▬ EXISTING BUILDING
 - ▬ EXISTING ASPHALT PAVING
 - ▬ EXISTING ASPHALT PAVING WITHIN RIGHT-OF-WAY (TO BE REMOVED)
 - ▬ PROPOSED ASPHALT PAVING (ON-SITE)
 - ▬ PROPOSED ASPHALT PAVING (OFF-SITE)
 - ▬ PROPOSED CONCRETE
 - Ⓛ SCREENED DUMPSTER LOCATION PER COUNTY ORDINANCE 2002-045
 - Ⓛ NUMBER OF PARKING SPACES
 - PAINTED TRAFFIC CIRCULATION ARROW
 - NON-PAINTED TRAFFIC CIRCULATION ARROW
 - Ⓛ 24" WHITE STOP BAR W/ 6" DOUBLE YELLOW
 - Ⓛ STOP SIGN (R1-1)
 - Ⓛ HANDICAP PARKING SIGN (R7-8)
 - Ⓛ PAINTED HANDICAP PARKING SYMBOL
 - Ⓛ POLE LIGHTING
 - Ⓛ CONCRETE WHEELSTOP

PARKING REQUIRED:
 OFFICES: (ONE SPACE PER 200 SF)
 $13,400 \text{ SF} / 200 = 67 \text{ SPACES}$ **7**
~~APPROVED REDUCTION = 5 SPACES~~
 TOTAL REQUIRED = ~~62~~ **62** SPACES
 * NET SQUARE FOOTAGE **60**

PARKING PROVIDED:

STANDARD (9'x18') = 59 57 SPACES	21.43%
HANDICAP (12'x18') = 3 3 SPACES	1.70%
TOTAL PROVIDED = 62 SPACES** 60	67.59%
** (3 OF WHICH ARE TO BE HANDICAPPED)	32.41%

NOTE:
 1. A THREE CAR PARKING SPACE REDUCTION HAS BEEN APPROVED BY STAFF FOR SAVING OF EXISTING TREES
 2. A TWO CAR PARKING SPACE REDUCTION IS PROPOSED FOR THE ELIMINATION OF COMPACT CAR SPACES.

SITE SUMMARY

LEGAL DESCRIPTION: LOTS 1,2,19,20,21,22 & 23 BLOCK 1115
 PORT CHARLOTTE SUBDIVISION SECTION 22
 PROJECT ZONING: CG (COMMERCIAL GENERAL)

PROJECT AREA:	65,340 SF	1.50± ACRES
IMPERVIOUS AREA:	AREA: 14,000 SF	0.321 AC.
	CONCRETE: 1,109 SF	0.025 AC.
	ASPHALT PAVEMENT: 28,051 SF	0.657 AC.
TOTAL IMPERVIOUS AREA:	44,160 SF	1.013 AC.
PERVIOUS AREA:	TOTAL PERVIOUS AREA: 21,180 SF	0.4870 AC.

PARKING REQUIRED:
 OFFICES: (ONE SPACE PER 200 SF)
 $13,400 \text{ SF} / 200 = 67 \text{ SPACES}$ **7**
~~APPROVED REDUCTION = 5 SPACES~~
 TOTAL REQUIRED = ~~62~~ **62** SPACES
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**Record Drawing
 (Exhibit A)**

RECORD DRAWING 12-15-05

DATE: _____ 20__

JAMES W. HERSTON, P.E.
 STATE OF FLORIDA NO. 43980

H **HERSTON ENGINEERING SERVICES, INC.**
 992 TAMiami TRAIL, UNIT 1
 PORT CHARLOTTE, FLORIDA 33953
 PHONE 941.629.2777 FAX 941.629.0046
 jherston@herstonengineering.com
 CERTIFICATE OF AUTHORIZATION NUMBER: 00007691

SITE PLAN
ENZYMEDICA

ENZYMEDICA
 C/O TOM BOHAGER
 1625 WEST MARION AVENUE, SUITE 14
 PUNTA GORDA, FLORIDA 33950
 941.505.5565

JAMES W. HERSTON, P.E.
 STATE OF FLORIDA NO. 43980
 DATE _____ 20__

REVISION	DATE	REMARKS	CHG. BY
4.	03-29-05	PER STAN IRISH	HAMES
3.	06-05-04	PER DRC	HAMES
2.	07-16-04	PER DRC	HAMES
1.	06-17-04	PER DRC	HAMES

SHEET **3** PROJECT: **2380**

Section 3-9-42

Commercial General (CG).

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted Uses and Structures (P):*
 - (1) Animal hospital, boarding facility.
 - (2) Art, dance, music, photo studio or gallery.
 - (3) Assisted living facility or day care center, adult, six or less. (see [section 3-9-62 Assisted Living Facility](#))
 - (4) Auditorium, convention center, performing arts center.
 - (5) Bank, financial services.
 - (6) Bar, cocktail lounge, nightclub, tavern.
 - (7) Business services.
 - (8) Clubhouse, community center.
 - (9) Day care center, child.
 - (10) Drug store, pharmacy.
 - (11) Dry cleaner.
 - (12) Elementary, middle, or high school.
 - (13) Emergency services.
 - (14) Essential services. (see [section 3-9-71 Essential Services](#))
 - (15) Funeral homes, crematoria.
 - (16) Gas station.
 - (17) General offices.
 - (18) General retail sales and services. (see [section 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage](#))
 - (19) Government uses and facilities.
 - (20) Homeless shelter.
 - (21) Hospital.
 - (22) Hotel, motel, inn.
 - (23) Laundromat.
 - (24) Liquor, package store.
 - (25) Mass transit station.
 - (26) Medical or dental office, clinic.
 - (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - (28) Model home. (see [section 3-9-78 Model Homes](#))
 - (29) Motor vehicle wash.
 - (30) Nursing home.
 - (31) Paid or public parking lot, garage, structure.
 - (32) Park, public or not-for-profit.
 - (33) Personal services.
 - (34) Place of Worship. (see [section 3-9-82 Places of Worship](#))
 - (35) Post office.
 - (36) Printing facilities.
 - (37) Private clubs.
 - (38) Professional services.
 - (39) Recreation, indoor.
 - (40) Recreation, outdoor.
 - (41) Restaurant.
 - (42) Sexually oriented business. (see [section 3-9-84 Sexually Oriented Businesses](#))
 - (43) Telecommunications facility, 50 feet or less in height. (see [section 3-9-68 Communication Towers](#))
 - (44) University or college.
 - (45) Vocational, trade, or business school.
 - (46) Wholesale sales.
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses, and also including, but not limited to:
 - (1) Fences or walls which may be permitted prior to the principal uses and structures.

Section 3-9-42 (CG)
(Exhibit B-1)

Section 3-9-42 Commercial General (CG). (continued)

- (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a Conditional Use, see section 3-9-69 Conditional Uses and Structures)
 - (1) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
 - (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
 - (3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers.
 - (4) Building trades contractor's office.
 - (5) Farm equipment sales and service.
 - (6) Laboratories, Class 1, 2 and 3.
 - (7) Marina.
 - (8) Noncommercial vehicle rental.
 - (9) Private off-site parking.
- (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 (S):* (For procedure see section 3-9-6.2 Special Exceptions)
 - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - (2) Amphitheater.
 - (3) Animal sanctuary.
 - (4) Biofuel production, less than 5,000 gallons per day.
 - (5) Building trades contractor's office with storage yard on-premises, or with more than ten service vehicles and with heavy equipment.
 - (6) Commercial laundry.
 - (7) Commercial vehicle rental.
 - (8) Heavy machinery, equipment rental, sales, service.
 - (9) Heliport, helistop.
 - (10) Industrial marina.
 - (11) Leisure vehicle rental.
 - (12) Light manufacturing and assembly in a completely enclosed building.
 - (13) Lumberyard.
 - (14) Outdoor market or exhibition space.
 - (15) Railroad sidings.
 - (16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.
 - (17) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
 - (18) Truck stop.
 - (19) Such other uses as determined by the Zoning Official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
 - c. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to section 3-9-6 Board of Zoning Appeals.

(g) *Development Standards:*

	CG
Lot (minimum)	---
Area (square feet)	12,000
Width (feet)	100
Setbacks (minimum feet)	
Front	15
Side (interior)	0
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (maximum)	
Lot coverage of all buildings	55%
Height (feet)	60
Density (units/acre)	0

Section 3-9-42**Commercial General (CG). (continued)**

Landscape buffers and screening shall be required in this district in accordance with the provisions of this Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, Waterfront Property.

(h) *Signs*. Signs shall be in accordance with section 3-9-85.

(i) *Off-street parking*. Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981; Res. No. 83-11, § 1, 02-15-1983; Res. No. 83-18, § 1, 03-22-1983; Res. No. 85-105, § 1, 06-11-1985; Res. No. 87-254, § 22, 10-20-1987; Res. No. 87-255, § 6, 10-20-1987; Res. No. 87-258, §§ 1, 2, 10-20-1987; Ord. No. 89-34, § 16, 05-31-1989; Ord. No. 92-44, §§ 1-3, 06-02-1992; Ord. No. 94-55, §§ 28, 29, 11-03-1994; Ord. No. 2001-031, § 1(m), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, § 8, 08-26-2003; Ord. No. 2014-063, § 1, 11-25-2014)

Section 3-9-42 (CG)
(Exhibit B-3)

Section 3-9-79**Off-street Parking and Loading Facilities.**

- (a) *Intent.* The intent and purpose of this section is to ensure that all development provides for adequate storage and safe movement of vehicles in a manner consistent with the best practices of engineering and site design. This section is intended to require all uses to provide off-street parking on the premises it is intended to serve.
- (b) *Applicability.*
- (1) *New development.* All uses shall be required to provide off-street parking in accordance with the provisions of this section.
 - (2) *Expansion of Existing Uses.* Existing buildings or uses which are enlarged in terms of floor area or seating capacity shall, if necessary, provide additional parking spaces for the additional floor area or seating capacity in accordance with this section. Existing buildings and uses which have existing off-street parking spaces may be modernized, altered, or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. This subsection does not apply to increased seating capacity in a shopping center.
 - (3) *Change of Use.* Any change in use of an existing building or unit thereof shall require additional off-street parking and off-street loading facilities for the new use in accordance with the requirements of this section unless:
 - a. The building, unit thereof, or use is located in a shopping center or an area with nonassigned common parking by deed or common public parking on a County right-of-way.
 - b. The building, unit thereof, or use is less than 2,000 square feet in floor area.
 - c. The new use has the same parking requirement or a less requirement than the previously existing use.
 - (4) *Non-conforming Parking.* Existing parking which does not conform to the standards of this section may not be reduced except through the use of an Alternative Parking Plan as provided in this section.
 - (5) *Non-parking uses of Parking Spaces.* Except for special events that receive a permit in accordance with the Special Event Permit requirements of this section, required on-site parking spaces shall only be used for parking.
- (c) *Definitions.* Unless otherwise specifically stated in this section, or unless otherwise clearly indicated by the context, the following terms when used in this section shall have the meanings indicated as follows:
- (1) *Park:* There are two types of parks, which are active parks and passive parks. Active parks are all recreational parks with the exception of those primarily used as nature trails, mitigation banks, or for environmental study and interpretation. Passive parks are any park facility not defined as an active use park herein.
 - (2) *Take-out Restaurant:* Any restaurant that is engaged in preparing and selling food primarily for off-site consumption by patrons. Take-out restaurants may offer limited seating for patrons, but do not typically provide waiter or waitress service. Such establishments may include bagel, coffee, and donut shops; pizzerias and sandwich shops; take-out restaurants; or any similar establishment as determined by the Zoning Official or his/her designee.
- (d) *Calculation.*
- (1) *Number of spaces.* When the determination of the number of off-street parking spaces required by this regulation results in a fractional space, the fraction shall be counted as one parking space.
 - (2) *Floor area.* Floor area shall be calculated as the sum of the gross floor area of all floors of a building as measured from the exterior faces of the exterior walls. Alternatively, the applicant may measure from the interior face of the exterior walls to arrive at a calculation of floor area provided that the applicant submits an affidavit, certified by a Registered Architect or Licensed Professional Engineer, as to its accuracy.
 - (3) *Multiple and Accessory Uses.* If a site contains multiple uses that could each be considered principal uses, parking shall be provided for each use listed in the table.

Section 3-9-79 Off-street Parking and Loading Facilities. (continued)

(e) **General Requirements.** Off-street parking shall be provided for all uses in accordance with the table below unless an adjustment to the parking requirement as permitted by this section is approved by the Zoning Official or his/her designee. Where a use is not specifically listed in this section, the Zoning Official shall determine the applicable parking requirement and, in doing so, shall take into consideration the development type(s) most similar to the proposed development and any parking study prepared in accordance with the requirements of this section.

Adjustments to Parking Requirements:

- (1) The required number of off-street parking spaces may be reduced by not more than ten percent of the total required number of off-street parking spaces where necessary to preserve existing trees in accordance with the standards of Section 3-9-100.3, Tree Requirements. This reduction in parking may be authorized by the Zoning Official or his/her designee. Any applicant seeking a reduction shall submit a site plan illustrating the improvements, parking area, and locations, sizes, and types of trees to be preserved. A narrative describing in significant detail the measures to be taken to ensure the survivability of the trees shall accompany the site plan. The Zoning Official or his/her designee shall review the submission and render a determination on the requested reduction. An appeal of this determination shall be heard by the Board of Zoning Appeals pursuant to Section 3-9-6.1, Administrative Appeals.
- (2) The required number of off-street parking spaces may be reduced as approved by the County Engineer or his/her designee. Any applicant seeking a parking reduction shall submit a parking study prepared by a Licensed Professional Engineer that provides justification for the requested reduction. At a minimum, the parking study shall address, where applicable:
 - a. The type of use(s).
 - b. Total square footage by use(s).
 - c. Estimated time of and number of spaces required at peak parking demand.
 - d. ADA-accessibility requirements.
 - e. Employment characteristics including, but not limited to, total number of employees and the number of employees per shift.
 - f. A description of any factors that may reduce or increase the parking demand.

The applicant may choose to further support the proposed number of parking spaces by providing documentation on the experience of similar uses located in the same or other jurisdictions.

	Use:	Minimum Off-street Parking Requirement
1.	Art gallery and museum	1 space per 250 sq. ft. of floor area
2.	Auto body shop, automobile service station, automobile quick service	4 space per service stall plus 1 space per employee (note #1)
3.	Automotive, boat, manufactured home, recreational vehicles sales or storage	1 space per 400 sq. ft. of building floor area
4.	Bowling alley	5 spaces per lane plus required parking for any other use on-site
5.	Building materials sales & garden center	1 space per 300 sq. ft. of floor area
6.	Car wash	2 spaces per washing stall or space plus drive up facilities
7.	Child care center, preschool, nursery school	2 spaces per employee (note #1)
8.	College, university, trade, vocational schools	1 spaces per employee (note #1) plus 1 space per 2 students
9.	Dry boat storage	1 space per 20 storage slips
10.	Essential & emergency service facilities	1 spaces per employee (note #1)
Note #1: Parking for employees shall be determined based on the number of employees on the largest shift during the Site Plan Review process.		

Section 3-9-79

Off-street Parking and Loading Facilities. (continued)

	Use:	Minimum Off-street Parking Requirement
11.	Funeral home & crematorium	1 space per 250 sq. ft. of floor area
12.	Furniture, appliance & floor covering stores	1 space per 400 sq. ft. of floor area
13.	Golf course	6 spaces per hole plus required parking for any other use on-site
14.	Health clubs & indoor recreational facilities (note #6)	1 space per 150 sq. ft. of floor area
15.	Hospital	1 space per bed plus 1 space per 3 employees (note #1)
16.	Indoor or outdoor market	1 space per 100 sq. ft. of display area
17.	Manufactured home park, RV Park	2 spaces per home or RV site plus 1 space per 500 sq. ft. of floor area of office, laundry and recreational buildings and the like which are intended for the use by residents only
18.	Manufacturing	1 space per employee (note #1), plus 5 additional spaces for customers for facilities over 3,000 sq. ft.
19.	Marina	1 space per 10 docking slips and required parking for accessory uses
20.	Medical & dental office	1 space per 150 sq. ft. of floor area
21.	Mini-warehouse	1 space per 6,000 sq. ft. of building floor area
22.	Miniature golf course	2 spaces per hole plus required parking for any other use on-site
23.	Model home (note #2)	4 space per model home
24.	Motel and hotel (note #3)	1 space per guest room plus 1 space per 3 employees (note #1)
25.	Multifamily dwelling	1.5 space per dwelling unit
26.	Nursing home, ALF, group home	1 space per 4 beds
27.	Park	1 space per acre up to the first 10 acres and 1 space for each additional 10 acres plus parking required for other recreational additional uses on-site
27a.	Ball fields	10 spaces per field
27b.	BMX track, playground, skate park	1 space per 2,000 sq. ft. of park or track area
27c.	Swimming pool	1 space per 250 sq. ft. of pool area
27d.	Tennis, handball, racquetball & other ball courts	2 spaces per court plus required parking for any additional uses on-site
28.	Places of worship (notes #4 and #5)	1 space per 3 seats in the principal area of assembly (that being the sanctuary or chapel area)
29.	Elementary & middle schools	1 spaces per employee (note #1) plus 1 space per 40 students
30.	High school	1 spaces per employee (note #1) plus 1 space per 2 students
<p>Note #1: Parking for employees shall be determined based on the number of employees on the largest shift during the Site Plan Review process.</p> <p>Note #2: In accordance with section 3-9-78, Model Homes.</p> <p>Note #3: Motel/hotels with a restaurant or lounge require 1 additional space per 200 square feet of restaurant or lounge area. Motels/hotels located within 1,500 feet of an interchange along I-75 shall provide five percent additional spaces with a minimum size of 10' by 40' for accommodation of trucks, motor homes, etc.</p> <p>Note #4: Up to 70 percent of the required parking spaces may be surfaced with a grass or lawn provided that these parking spaces are well drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved.</p> <p>Note #5: In the absence of a site plan, the number of spaces shall be computed as every 15 square feet equals one seat.</p>		

**Section 3-9-79
(Exhibit C-3)**

Section 3-9-79

Off-street Parking and Loading Facilities. (continued)

	Use:	Minimum Off-street Parking Requirement
31.	Research laboratory	1 space per 500 sq. ft. of floor area
32.	Restaurant, bar, cocktail lounge & nightclub	1 space per 100 sq. ft. of floor area
33.	Retail sales & services, business services, professional services, clinics & medical laboratories (including all offices except medical & dental offices)	1 space per 200 sq. ft. of floor area
34.	Rooming or boarding house	1 space per bed
35.	Shopping center	1 space per 200 sq. ft. of floor area less than 25,000 sq. ft.; 1 space per 250 sq. ft. of floor area over 25,000 sq. ft.
36.	Single-family & duplex dwellings	2 spaces per dwelling unit
37.	Take-out restaurant	1 space per 200 sq. ft. of floor area
38.	Theaters, auditoriums & places of assembly, private clubs & lodges	1 space per 3 seats in the principal area of assembly plus 1 space per employee (note #1)
39.	Warehouse	1 space per 400 sq. ft. of floor area
40.	Wholesale	1 space per 1,000 sq. ft. of floor area plus 1 space per company vehicle

Note #1: Parking for employees shall be determined based on the number of employees on the largest shift during the Site Plan Review process.
 Note #2: In accordance with section 3-9-78, Model Homes.
 Note #3: Motel/hotels with a restaurant or lounge require 1 additional space per 200 square feet of restaurant or lounge area. Motels/hotels located within 1,500 feet of an interchange along I-75 shall provide five percent additional spaces with a minimum size of 10' by 40' for accommodation of trucks, motor homes, etc.
 Note #4: Up to 70 percent of the required parking spaces may be surfaced with a grass or lawn provided that these parking spaces are well drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved.
 Note #5: In the absence of a specified seating arrangement, the parking ratio shall be computed as every 15 square feet equals one seat.
 Note #6: Swimming pools shall be counted as floor area.
 Note #7: 100 percent of the overflow parking may be allowed non-paved surface.

(3) In Community Redevelopment Areas, the off-street parking can be accommodated via public and/or private parking garages. The availability of parking spaces within these garages shall be determined by the Zoning Official or his/her designee. The need of the parking spaces within these garages can be determined by a parking study prepared by a Licensed Professional Engineer.

(f) *Drive-up facilities.* Any use providing drive-up facilities shall provide for the stacking of vehicles in accordance with the table below. Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces. Any overflow from stacking lanes shall be contained on the subject site and shall not overflow onto adjacent properties under different ownership, the public right-of-way, or internal traffic aisles.

Use:	Minimum Stacking Spaces: (notes #1 & #2)
Banks and financial institutions	4 spaces per service lane
Automated teller machine (ATM)	3 spaces per service lane
Restaurants	5 spaces per service lane
Car wash, automatic	4 spaces per service lane
Car wash, self-service	2 spaces per service lane
Other drive-through facilities	2 spaces per service lane

Note #1: Stacking spaces shall be measured from the point of transaction (teller window, order box or equivalent).
 Note #2: Stacking spaces shall be a minimum of eight feet by 20 feet (8' x 20').

Section 3-9-79
(Exhibit C-4)

Section 3-9-79 Off-street Parking and Loading Facilities. (continued)

(g) Development standards.

- (1) Required off-street parking spaces shall not encroach upon a public right-of-way, nor shall any required parking spaces be located in a dedicated parkway.
- (2) Off-street parking spaces shall be designed such that backing movements are accomplished within the limits of the property:
- (3) A full-size (standard) parking space shall be a minimum of nine feet wide by 18 feet long. Parallel spaces shall be a minimum of ten feet wide by 24 feet long.
- (4) ADA-accessible parking spaces shall be provided in accordance with Florida Statute and the Florida Accessibility Code within the Florida Building Code:
- (5) For non ADA-accessible parking spaces, driveways and aisles, the required parking shall be graded and paved with a hard surface of asphalt, concrete, or brick with the following exceptions:
 - a. Development on bridgeless barrier islands.
 - b. Bona fide agricultural uses.
 - c. Required parking associated with on-site, temporary construction offices.
 - d. Any parking that exceeds the required amount of parking defined by this section.
 - e. As otherwise permitted by the Zoning Official or his/her designee.
- (6) Each paved parking space shall be delineated by all-weather lines:
- (7) Any parking area required to accommodate the sale, rental, or repair of vehicles shall be provided in addition to the required number of off-street parking spaces for any such use and shall be dimensioned, graded and paved in accordance with the standards of this section or as determined by the Zoning Official or his/her designee.
- (8) All individual parking spaces shall be accessible at all times from a driving aisle intended to provide access to the space. Minimum aisle widths shall be as follows:

Angle of Parking:	Aisle Width:	
	One-Way:	Two-Way:
Parallel	12 feet	22 feet
45 degrees	12 feet	22 feet
60 degrees	18 feet	24 feet
90 degrees	20 feet	24 feet
In unique circumstances, 30 degree or 75 degree parking may be allowed at the discretion of the Zoning Official or his/her designee.		

- (9) Stacked parking of vehicles shall not be permitted except for stacking lanes as required by this section and single-family residential and duplex uses wherein one car may be parking behind another one. For multi-family residential, stacked parking of vehicles may be approved through the Site Plan Review process

(h) Other.

- (1) Except for special events such as seasonal promotions, sidewalk parking lot sales, fairs, carnivals, and tent sales, required off-street parking spaces shall not be used for sales, dead storage, repair, dismantling, or services of any type or kind, nor shall areas devoted to such activities count as meeting off-street parking requirements.
- (2) Required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve. Shared parking facilities for developments or uses with different operating hours or different peak periods may be permitted between properties if the shared parking complies with all of the following standards:
 - a. Shared parking spaces shall be located within a quarter mile of the primary entrance of all uses served by such an arrangement. A distance greater than a quarter mile may be permitted subject to the approval of the Zoning Official or his/her designee.
 - b. All shared parking proposals shall be accompanied by a shared parking analysis that demonstrates the feasibility of the shared parking proposal and addresses, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peaking parking and traffic loads for all uses that will be sharing parking spaces. The shared parking analysis shall be prepared by a Licensed Professional Engineer or other individual as determined by the

Section 3-9-79 Off-street Parking and Loading Facilities. (continued)

- c. All shared parking proposals shall require an agreement between all property owners, acceptable to the County Attorney's Office, that which will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. A shared parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.
 - d. Where the uses subject to a shared parking agreement change, the Zoning Official or his/her designee shall have the authority to require a revised shared parking analysis and a new shared parking agreement when the revised shared parking analysis indicates additional parking is required.
- (3) Required parking may be located on a separate, non-adjacent lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:
- a. No private off-site parking shall be located more than a quarter mile from the primary entrance of the building. Off-site parking may not be separated from the use served by an arterial road unless a grade separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.
 - b. Total parking spaces when combined or used together shall not be less than the sum of the requirements computed separately.
 - c. Any arrangement for combined off-street parking shall be subject to the recording of a legal instrument with the clerk of the court (reviewed by the county attorney), ensuring that such off-street parking will be maintained as long as the use or uses requiring such parking continue. The agreement shall contain a legal description of subject property, measures to ensure maintenance of said facility and shall be approved by the Zoning Official or his/her designee.
 - d. In the event that an off-site parking area is not under the same ownership as the principal use served, the County shall require an agreement between all property owners and the County, acceptable to the County Attorney's Office, that which will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. An off-site parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.
 - e. Where the uses relying on an off-site parking area change, the Zoning Official or his/her designee shall have the authority to require a revised parking analysis and a new off-site parking agreement when the revised parking analysis indicates additional parking is required.
 - f. Off-site parking may not be used for the storage of commercial vehicles or equipment.
 - g. Off-site parking areas must be developed in accordance with all applicable provisions of the County Code of Ordinances.
- (i) *Off-street loading.*
- (1) Commercial and industrial operations with a floor area of more than 6,000 square feet shall provide space for loading and unloading operations in a manner that does not impede the free movement of vehicles and pedestrians over sidewalks, streets and alleys. Any deviation from this requirement may be approved by the Zoning Official or his/her designee.
 - (2) Every off-street loading and unloading space shall have direct access to a public street or alley and shall have the following minimum dimensions:
 - Length: 30 feet
 - Width: 12 feet
 - Height: 14 feet
 - (3) required loading area shall be provided on the same lot or parcel it serves and shall be separate and distinct from off-street parking arrangements.

(Minutes of 12-08-1981, § 8; Ord. No. 89-47, § 17, 06-22-1989; Ord. No. 97-112, § 4, 11-18-1997; Ord. No. 2002-010, § 3, 03-26-2002; Ord. No. 2012-001, § 1, 01-24-2015; Ord. No. 15-028, § 1, 05-26-2015)

12. Narrative: On a separate sheet please explain in detail the nature of the request and how the requested special exception meets the criteria in subsection 3-9-6.2(i) of County Code.

John Deere Landscapes currently operates as a wholesale material supplier to the landscape contractor trade. The company provides a full line of irrigation, agronomics, lighting and hardscape products. The building will be open Monday – Friday, 7am – 4pm.

Current zoning of proposed property does not allow for outside storage with the exception of living plant material. John Deere Landscapes sells a wide variety of hard goods for the landscape that are stored outside including, but are not limited to; PVC piping, drainage piping, concrete pavers, stone, mulch, valve box and poly piping. Without the ability to store such materials outside the proposed facility does not meet our business needs.

As for the material stored outside - bundles of 20' length Poly Vinyl Chloride (PVC) pipe- white and reclaimed purple, bagged and palletized landscape mulch (various colors), concrete sprinkler head donuts, plastic irrigation in ground control valve boxes, irrigation Poly Flex pipe on pallets around 5-6' tall, and irrigation drip tubing on pallets around 5-6' tall.

Charlotte County Code - 3 Criteria:

1. The proposed special exception is consistent with the Comprehensive Plan as this property is currently zoned commercial.
2. To further address point #1 above, the future land use (for this property and surrounding properties) have a future land use of commercial and therefore, the proposed special exception is compatible with the existing and permitted uses surrounding the land as they are consistent with the Comprehensive Plan.
3. The proposed use and the establishment, maintenance, and/or operation will not, and will never be, detrimental to the public. The use will not endanger public health, safety or general welfare. The proposed use is capable of orderly, efficient integration and operation with other land uses and zoning districts.

To address concerns on the effect of the outdoor area placement are as follows:

Traffic Flow: Unchanged and unaffected.

Landscaping: Unchanged and unaffected.

Fence and gates: John Deere Landscapes will install a 6' to 8' opaque or screened fence located as indicated on the site plan and more than 7.5' set back from property line. South Fence abuts lots 5&6 which is part of building 2.

Parking: As the use of the building will be for wholesale distribution of landscape and irrigation supplies, we have accurately accounted for and comply with the codes and regulations set forth by the county as the parking regulations (ratio) is consistent with that of a wholesale distribution facility as outlined in County Code. A detailed description can be found on the site plan.

Building 2 is 9,400 square feet which is made up of 800 square feet office area and 8,600 square wholesale area. This building was originally planned for the office parking ratio. The change in use to wholesale distribution now reduces the parking ratio required.

Parking calculation outlined below:

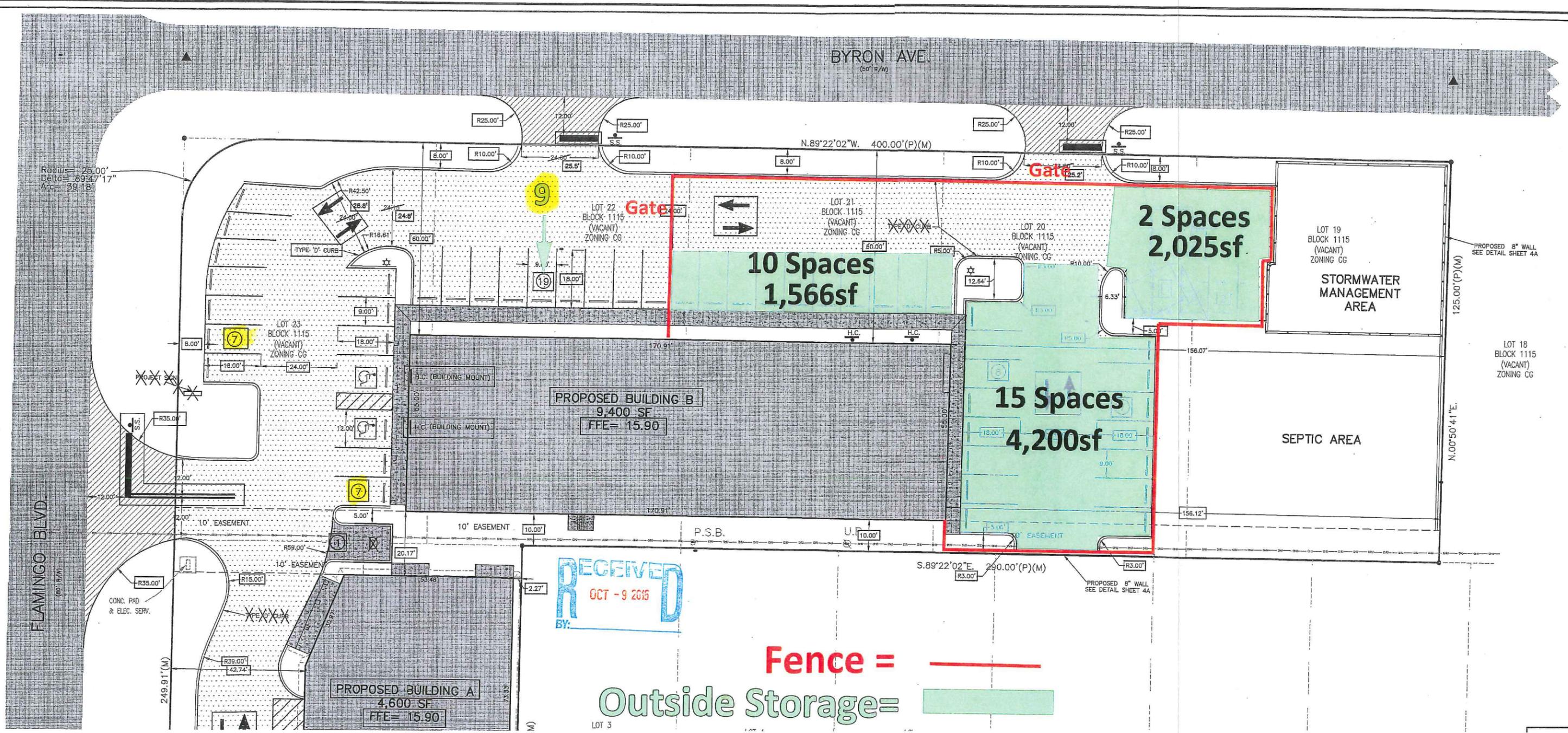
Narrative
(Exhibit D-1)



Parking Required			
	SF	1 per	
Building 1	4586		
1	1136	200	5.68
2	1150	200	5.75
3	2300	200	11.5
Building 2	9400		
Office	800	200	4
Wholesale	8600	1000	8.6
			35.53
		Required	36
	Reduction		
		Trees	5
		Compact	2
			29
	Current Parking		60
			31
	Outside storage		
		Spaces	27

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BY: _____

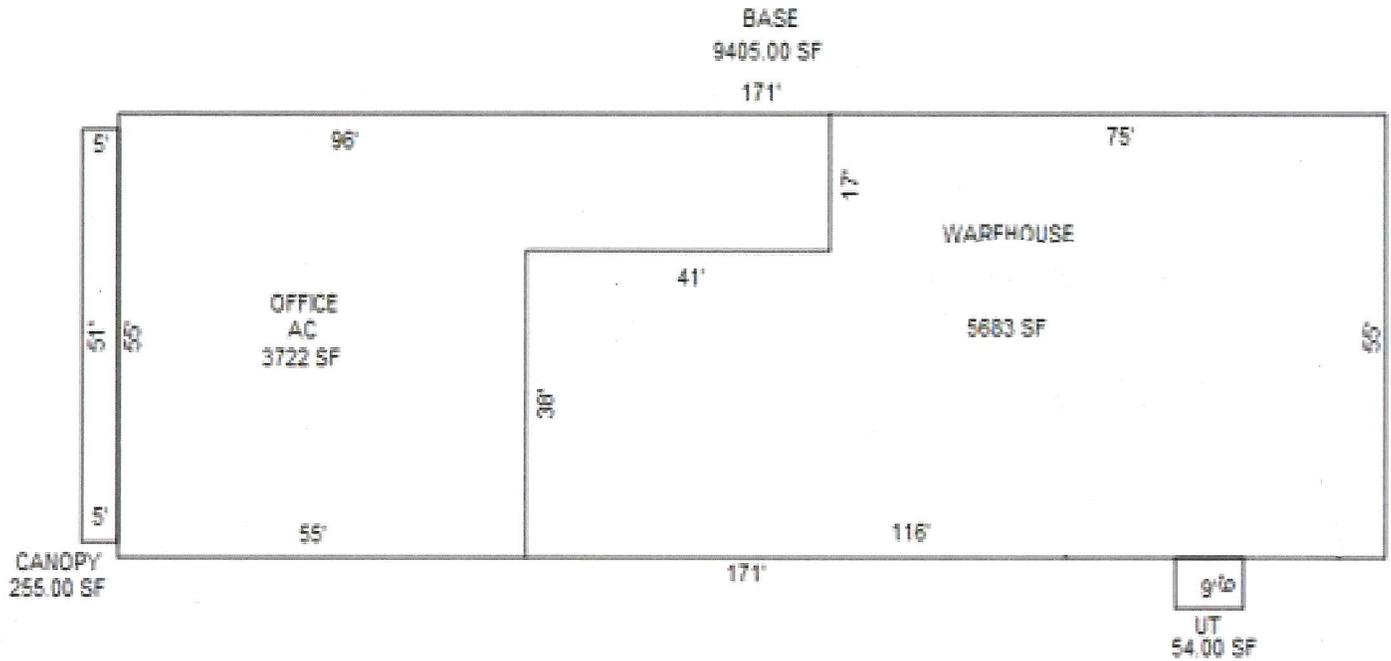
Narrative
(Exhibit D-2)



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Fence = 
 Outside Storage = 

**Storage Yard
(Exhibit D-3)**



Existing Parking Requirements:					Proposed Parking Requirements:			
	Type of Use:	Square Feet:	Parking Requirement:	Off-street Spaces Required:	Type of Use:	Square Feet:	Parking Requirement:	Off-street Spaces Required:
Building #1-A	Office	1136	1/200 sq. ft.	5.68	Same	Same	Same	Same
Building #1-B	Office	1150	1/200 sq. ft.	5.75	Same	Same	Same	Same
Building #1-C	Office	2300	1/200 sq. ft.	11.50	Same	Same	Same	Same
Building #1	Office	4,586	1/200 sq. ft.	23 spaces (22.93)	Office	4,586	1/200 sq. ft.	23 spaces (22.93)
Total:								
Building #2	Office	3,722	1/200 sq. ft.	18.61	Office	800	1/200 sq. ft.	4.0
Building #2	Warehouse	5,683	1/1,000 sq. ft.	5.68	Warehouse	8,600	1/1,000 sq. ft.	8.6
Building #2	Mixed	9,405	Mixed	25 spaces (24.29)	Mixed	9,405	Mixed	13 spaces (12.60)
Total:								
Grand Total:	---	13,991	---	48 spaces	---	13,991	---	36 spaces

**Existing Floor Plan
(Property Appraiser's Records)**

Section 3-9-72**Fences; Walls.**

- (a) In all residential districts except Residential Estate (RE), side and rear setback requirements shall not apply to fences and walls six feet high or less behind the minimum front setback line, except for a corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet of the property line and meet the requirements set forth in section 3-9-89, Visibility at Road Intersections. Front setback requirements shall not apply to opaque fences or walls three feet high or less or non-opaque fences or walls four feet high or less. Fences and walls exceeding six feet in height shall maintain the minimum setback requirements set forth in each zoning district.
- (b) In all non-residential districts and the RE district, fences and walls located on lot lines shall not exceed eight feet in height, except for a corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet off the property line and meet requirements set forth in section 3-9-89, Visibility at Road Intersections. Front setback requirements shall apply to opaque fences or walls of four feet or higher. Fences and walls exceeding eight feet in height shall maintain the minimum setback requirements set forth in each zoning district.
- (c) Fences charged with electricity are permitted only in Agriculture (AG), and Excavation and Mining (EM) districts as well as in RE district with an approved Special Exception for agricultural uses.
- (d) Barbed wire fencing shall be permitted only:
- (1) In AG and EM districts;
 - (2) In commercial and industrial districts on top of fences or walls; and
 - (3) Around institutional uses and utility installations in any district.
 - (4) In the RE district with an approved Special Exception for agricultural uses.
- (e) Fences and walls exceeding six feet in height shall be permitted and must maintain the minimum setback requirements set forth in each zoning district where the fence or wall is located.
- (f) For the purpose of this section, the height of the fence or wall shall be measured from the finished grade of the site, excluding berms.
- (g) All fences and walls shall be installed with the finished side facing the adjacent property or the public right-of-way. All fence posts must be located on the inside of the fence facing the property on which the fence is located unless the fence is designed and constructed to look the same on both sides. No element of fences and walls shall encroach on an adjacent lot or right-of-way.
- (h) Gates, columns, posts, and finials may exceed the maximum height of the fence by no more than one foot. Pergolas or arches associated with a gate or entrance may be permitted up to ten feet in height.
- (i) If the property abuts a water body, no fence or wall greater than four feet in height shall be permitted closer than 10 feet to the Mean High Water line, seawall, or the property line, whichever is more restrictive.
- (j) Subdivision perimeter walls may be approved through a Site Plan Review process without maintaining the minimum setback requirements set forth in each zoning district.

(Minutes of 12-08-1981, § 8; Ord. No. 89-47, § 8, 06-22-1989; Ord. No. 91-06, § 3, 02-26-1991; 2015; Ord. No. 92-68, § 1, 08-12-1992; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2015-008, § 1, 02-24-2015)

**Section 3-9-72
Fences, Walls
(Exhibit F)**



MEMORANDUM

Date: October 27, 2015
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: SE-15-007, John Deere Landscapes Outdoor Storage, 752 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 or ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The subject site consists of an existing developed commercial site. Open storage is proposed within existing developed parking area.

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:

- ❖ As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

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

SD

(Exhibit G)