STAFF REPORT
Community Development Department
Petition Number: SE-15-008

To:	**Charlotte County Board of Zoning Appeals**	
From:	**Shaun Cullinan, Zoning Official**	
Prepared By:	**Ken Quillen, AICP, Planner III**	
Report Date:	**December 2, 2015**	**BZA meeting date: December 9, 2015**

Requested Action/General Information:
Blake and Lisa Trottman are requesting a special exception to allow an outdoor recreation type use, consisting of a wedding venue, in the Agriculture (AG) zoning district. Subject property is located at **39990 Cook Brown Road** in East Charlotte County (see attached ***Location Map***). The attached ***Zoning Map*** shows the zoning of this property, which is *Agriculture (AG)*. This property has an *Agriculture* Future Land Use Map (FLUM) designation. The attached ***Aerial Photograph*** shows subject property, which consists of 16-acres, located on the north side of Cook Brown Road two miles west of State Route 31.

The applicants purchased subject property in November of 2013 and would like to rent portions of their land to the public for wedding ceremonies and receptions. The Land Development Regulations for the Agriculture (AG) zoning district, ***Section 3-9-30(f)*** (Exhibit A) allows a number of outdoor uses with the approval of a special exception by the Board of Zoning Appeals. The Zoning Official has determined that the proposed wedding venue is similar to other uses allowed by special exception in the AG zoning district 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.*" according to section 3-9-6.2(h)(2).

Section 3-9-30(h) (Exhibit A-3) of the Agriculture district regulations also requires that: "*Off-street parking shall be in accordance with section 3-9-79.*" ***Section 3-9-79*** (Exhibit B) is the Off-street Parking and Loading Facilities regulations, which must be met and maintained for the proposed new use. The parking requirements for this type of use will vary greatly with each event. However, the minimum parking requirements, as can best be determined by the Zoning Official, are based on the applicant's narrative, which states that the 1,449 square foot pavilion can accommodate approximately 75 people. Using this and the parking requirements for similar places of assembly, such as "*places of worship*" ***Section 3-9-79(e)(28)*** (Exhibit B-3) one space per three seats (75 ÷ 3 = 25) would require a minimum of 25 off-street parking spaces. The grass parking area set aside for guest parking is enough space for 100 or more parking spaces. Subject property has more than enough space to accommodate the minimum parking requirements. Staff's concern is that there may be an event that is so large that it could affect the surrounding properties as well as traffic on Cook Brown Road. Based on the applicants opening sentence in their ***Narrative*** (Exhibit C), which states in part: "*The land ... will be a venue, mostly for weddings.*", staff has concerns that events other than weddings may take place, such as concerts. Staff recommends that the Board of Zoning Appeals adopt conditions that limit the size or type of "venue" operated by the applicants.

The applicant has submitted the attached ***Narrative*** (Exhibit C) explaining how they intend to use subject property for this wedding venue. The applicant has also submitted the attached ***Site Plan*** (Exhibit D), which is an aerial photograph printed to scale (1" = 100') showing the locations of existing buildings and three ponds. The applicant has identified the areas for different activities for the wedding venues, including parking, ceremony field, and reception pavilion. The existing 3,199 square foot single-family residence is the home of Blake and Lisa Trottman who are full time residents of subject property.

The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached ***Memorandum*** (Exhibit E) dated November 20, 2015.

This wedding venue is a type of use which is considered a temporary use, since it is accessory to the principal use, which is the single-family residence, and because it occurs infrequently, such as one day per week. This proposed use could be allowed by the ***Temporary Uses*** (Exhibit F) section 3-9-87 with a *Temporary Use Permit*; however type one temporary uses are only permitted six events per calendar year. The applicants would like to be able to have more than six events per year and as such have applied for this special exception. Staff does not have any concerns with having more than six events per year; however, staff recommends that the applicants still be required to apply for and obtain the *Type One Permit*, as required by Code so that staff can review each proposed event ahead of time and get the appropriate agencies involved if necessary.

Findings: The three 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: The Smart Charlotte 2050 Comprehensive Plan states that lands designated as Agriculture (AG) are for agricultural activities consisting of "*ranching and crop farming, as well as, rural residential,* ***rural recreational uses****, rural industrial uses, and public service type uses*". Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres. The applicant owns four parcels for a total of 16-acres, which complies with the density requirements in the Agriculture designation. Staff believes that the proposed temporary accessory use, consisting of a wedding venue, is in compliance with the Comprehensive Plan, which allows "*rural recreational uses*".

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	Grazing Lands	Agriculture (AG)	Agriculture
South	Mining Lands	Agriculture (AG)	Agriculture
East	Single-family homes	Agriculture (AG)	Agriculture
West	Grazing Lands	Agriculture (AG)	Agriculture

Finding: The surrounding land uses consist primarily of Grazing and Mining Lands, vacant lots, and single-family residences at very low densities. Staff believes that this proposed temporary accessory use, consisting of a wedding venue, would be compatible with the 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: Staff believes that the proposed temporary accessory use, consisting of a wedding venue, would not be detrimental to or endanger the public health, safety or general welfare of the surrounding agricultural properties and single-family residences. Cook Brown Road is a paved County road, which is capable of handling the amount of traffic proposed by the applicant.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed accessory use, consisting of a wedding venue, does meet the three 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 only allow one-day temporary accessory uses, consisting of a wedding venue or similar uses, located on subject property for up to 24 times per year.
2. Musical events, such as concerts, or motor vehicle activities, may not be allowed on subject property.
3. This special exception may only be used by Blake or Lisa Trottman and shall expire if subject property is no longer their full time residence.
4. This special exception extends only to the land included in the Site Plan and legal description submitted with this application. The property owner shall maintain the four parcels as one lot to comply with the existing lot size of 16-acres.
5. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of any future buildings.
6. All events must be concluded by 8:00 PM.
7. The applicant must obtain a *Type One Temporary Use Permit* for all events as required by County Code. There currently is no fee for this permit. If the County ever adopts a fee for this permit the applicant shall still be able to obtain this permit at no charge.
8. 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 3-9-30 (3), Section 3-9-79 (6), Narrative, Site Plan, Environmental Specialist Memorandum and Section 3-9-87 (4)

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CHARLOTTE COUNTY

Location Map for SE-15-008

22/42/25 & 23/42/25

East County

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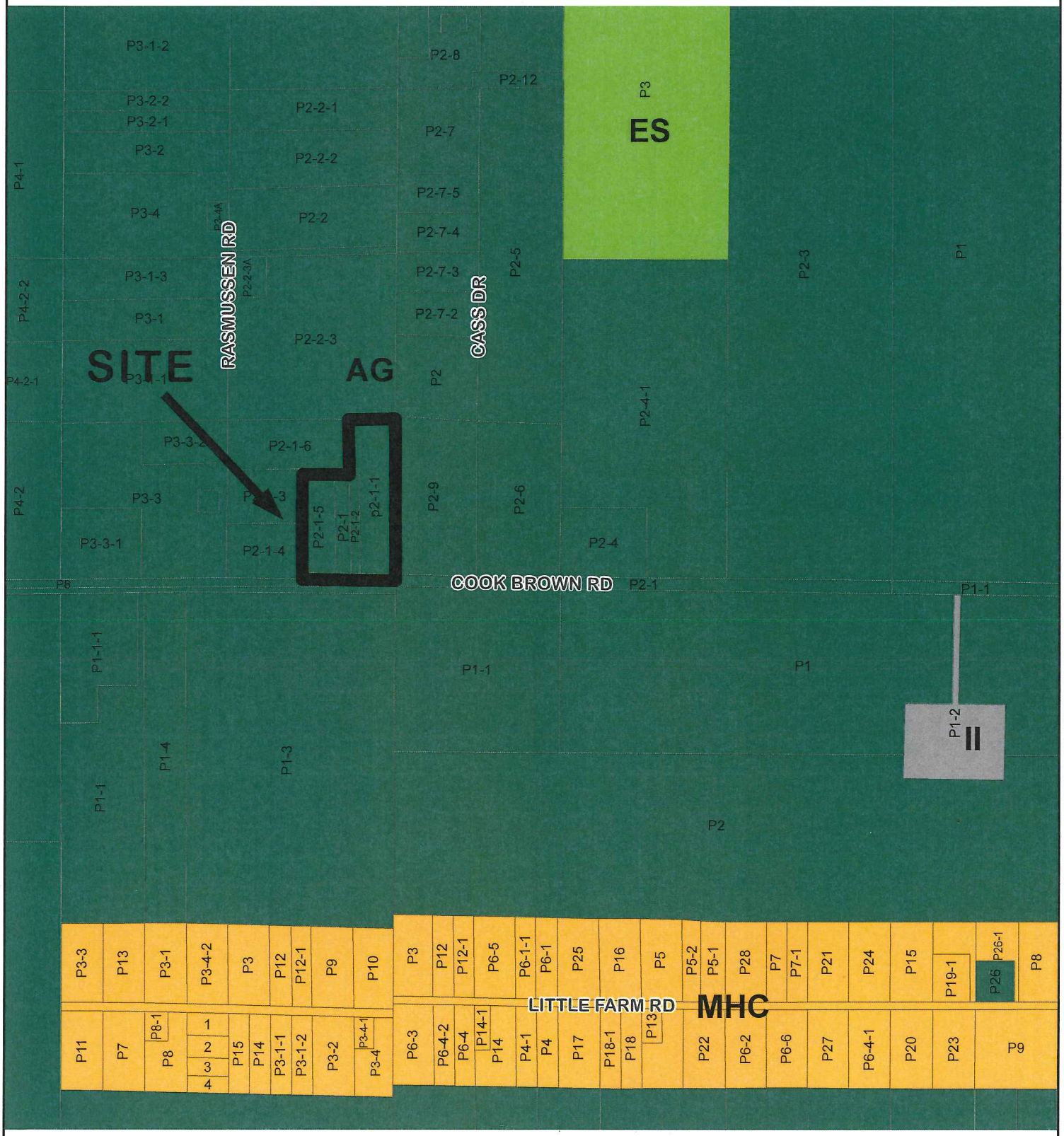
CHARLOTTE COUNTY
Zoning Map for SE-15-008



22/42/25 & 23/42/25

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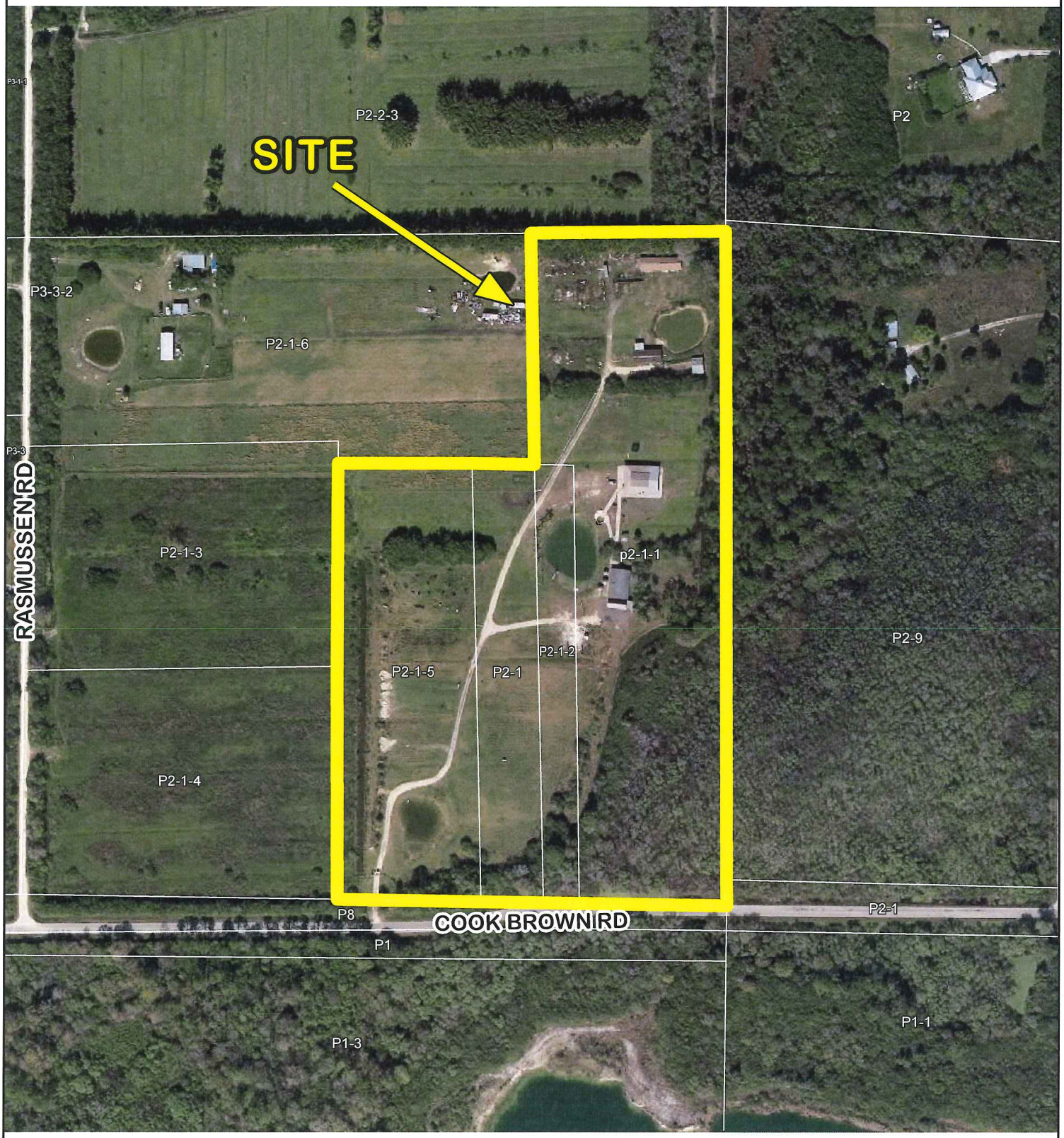
2014 Aerial View for SE-15-008



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Section 3-9-30 Agriculture (AG).

(a) *Intent.* The purpose and intent of this district is to allow agriculture, very-low-density residential, rural recreation, and other rural uses. Agriculture and agricultural activities are frequently associated with noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style living. However, agriculture forms a vital segment of the economy of the state, and provides diversity of economic opportunity and life styles for the County. Therefore, it is the purpose of this district to provide areas for the establishment and/or continuation of agricultural operations with residential uses being permitted only at very low densities and to accommodate those individuals who understand and desire to live in an agricultural environment.

(b) *Permitted Uses and Structures (P)*:

(1) 4H, FFA and similar uses and activities.

(2) Assisted Living Facility or day care center, adult, six or less. (see section 3-9-62 Assisted Living Facility)

(3) Biofuel production, less than 5,000 gallons per day.

(4) Cemetery, mausoleum.

(5) Community garden.

(6) Dairy, grain, fruit, field crop and vegetable production, cultivation, packing, and storage.

(7) Domestic animal breeding, boarding, and training.

(8) Emergency services.

(9) Fish and wildlife management area, nature preserve.

(10) Fish hatchery.

(11) Gamelands, public or private.

(12) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture, aquaculture, and commercial citriculture.

(13) Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses.

(14) Livestock breeding, boarding, training, and grazing.

(15) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure "C".

(16) Minor Home Occupation. (see section 3-9-74 Home Occupations)

(17) Model home. (see section 3-9-78 Model Homes)

(18) Outdoor educational facility.

(19) Park, public or not-for-profit.

(20) Plant nursery.

(21) Raising of poultry.

(22) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.

(23) Telecommunications facility, 50 feet or less in height. (see section 3-9-68 Communication Towers)

(24) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)

(c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are permitted in this district, including, but not limited to:

(1) Agricultural accessory uses and structures may be permitted prior to the principal uses and structures.

(2) Carports, garages, and storage structures associated with agricultural uses may be permitted prior to the principal uses and structures.

(3) Fences or walls which may be permitted prior to the principal uses and structures.

(4) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a detached guest suite. It must meet all applicable development standards set forth in the zoning district.

(5) Keeping of pets, excluding animal breeding, boarding, and training.

(6) Swimming pools, tennis nal uses and structures.

Section 3-9-30
(Exhibit A-1)

Section 3-9-30 **Agriculture (AG). (continued)**

(d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a Conditional Use or Structure, see section 3-9-69 Conditional Uses and Structures).

(1) Bed and breakfast, one or two bedrooms.
(1) Conservation subdivision.
(3) Farm labor housing.
(4) Guest home.
(5) Manufactured home (HUD), minimum requirement is Wind Zone Three.
(6) Minor yard trash processing facility. (see section 3-9-70 Debris and Waste Facilities)

(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.

(1) Park models and Recreational Vehicles for living purposes.

(f) *Special Exceptions (S)*: (For procedure see section 3-9-6.2 Special Exceptions)

(1) Agricultural industrial activities, leather tanning, wool processing, meat curing.
(2) Airport.
(3) All conditional uses and structures that cannot meet all conditions set forth in this Code.
(4) Amphitheater.
(5) Animal hospital with indoor or outdoor facilities.
(6) Animal and poultry slaughter, stockyards, rendering.
(7) Animal sanctuary, zoo.
(8) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
(9) Bed and breakfast, three or more bedrooms.
(10) Biofuel production, 5,000 to 15,000 gallons per day.
(11) Biofuel production, greater than 15,000 gallons per day.
(12) Campground.
(13) Clubhouse, community center.
(14) Cluster housing. (see section 3-9-67 Cluster Housing)
(15) Composting facility. (see section 3-9-70 Debris and Waste Facilities)
(16) Concentrated animal feeding operation.
(17) Correctional facility.
(18) Dairy, grain, fruit, field crop, and vegetable processing.
(19) Elementary, middle, or high school.
(20) Essential services. (see section 3-9-71 Essential Services)
(21) Exotic animal breeding, boarding, and training.
(22) Farm equipment sales and service.
(23) Fertilizer manufacturing.
(24) Gas station.
(25) Government uses and facilities.
(26) Heliport, helistop.
(27) Livestock auction.
(28) Lumberyard.
(29) Major Home Occupation. (see section 3-9-74 Home Occupations)
(30) Motor sports track, venue.
(31) Outdoor market space or exhibition space.
(32) Pistol, rifle, skeet, trap shooting and archery ranges.

Section 3-9-30 **Agriculture (AG). (continued)**

(f) *Special Exceptions (S)*: (continued)

(33) Place of Worship. (see section 3-9-82 Places of Worship)

(34) Power plant.

(35) Private clubs.

(36) Private landing field.

(37) Recreation, outdoor.

(38) Sawmill, machine shop.

(39) Single-family residences used as a foster care facilities.

(40) Transfer station. (see section 3-9-70 Debris and Waste Facilities)

(41) University or college.

(42) 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.

b. Not specifically prohibited in that district.

The Board of Zoning Appeals 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*:

	AG
Lot (minimum)	---
Area (acres)	10
Width (feet)	250
Setbacks (minimum feet)	
Front	40
Side	20
Rear	20
Abutting water	20
Bulk (maximum)	
Lot coverage of all buildings	10%
Lot coverage of structures related to process of hydroculture or similar uses, excluding warehouses	80%
Height (feet)	38
Density (units/acres)	one per ten acres

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

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

(Minutes of 12-08-1981, § 7; Res. No. 85-286, § 1, 10-15-1985; Res. No. 87-78, §§ 5, 6, 05-19-1987; Ord. No. 87-17, § 1, 05-19-1987; Res. No. 87-254, § 15, 10-20-1987; Ord. No. 89-34, § 4, 05-31-1989; Ord. No. 91-04, §§ 1-6, 02-26-1991; Ord. No. 91-05, § 2, 02-26-1991; Ord. No. 92-39, § 1, 06-02-1992; Ord. No. 93-17, § 1, 04-20-1993; Ord. No. 94-55, §§ 7, 8, 11-03-1994; Ord. No. 94-55, §§ 9, 10, 11-03-1994; Ord. No. 2002-008, §§ 1, 2, 01-28-2002; Ord. No. 2003-06149, §§ 3-5, 08-25-2003; Ord. No. 2014-049, § 1, 11-25-2014)

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 plus1 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

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.

Section 3-9-79
(Exhibit B-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 B-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:

	Aisle Width:	
Angle of Parking:	**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 Zonin

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, 01-24-2012; 028, § 1, 05-26-2015)

Blake and Lisa Trottman
39990 Cook Brown Road
Punta Gorda, Fl 33982

The land located at 39990 Cook Brown Road will be a venue, mostly for weddings. As you travel west on Cook Brown, this is a paved road, you will turn right onto our driveway. You will pass through a gate onto our property heading north. just to the east of the entry way there is a pond. I will refer to it as pond #1. Pond #1 is only about 5 foot deep and there is no activity around this pond at all. As you are still headed north on the driveway, approximately 100 yards on the west will be our parking lot. We also have an extra parking lot just north of parking lot #1. Parking lot #1 will be able to hold about 50 cars and trucks. Parking lot #2 will be able to hold another 30 - 40 vehicles. Keep heading north on the driveway and there is a road on the east side, just south of pond #2. This will be the pond in the middle of the property. Head east on this road and there is a pavilion at the end of the road. This is only an access road for caterers and drop offs. In front of the pavilion are three little tiki umbrellas, they will seat about 4 people each. They are located west of the pavilion and east of pond #2. The pavilion is located east of pond #2 and is the reception area for the wedding group. This is a pole barn that will hold about 75 people. They will set up tables for gifts and food. All events will be using catering for all food and beverage. We only offer our land and building. East of the pavilion is our ceremony field. This is a flat field where they give their vows. After the ceremony, all guest will move into and around the pavilion. Just north of the pavilion is a small shed. This houses our well. It is also used for photo opps for the bride. To the west of the shed is a small round pool. This is not used by any guest and is roped off. Keep heading north and the large structure is our home, we keep it locked and it is off limits to any guest. North of our home is a fence line that separates our venue from personal things. Heading north and going through the gate on the east is a old construction office. This is only used for storage. East of the storage office is an open pole barn. This structure is used to house our lawn mowers and other tools for the land. The back pond is pond #3. It sits behind the storage office and the utility barn. North of pond #3 is our animal barn, this is also a pole barn. This is a four stall barn.

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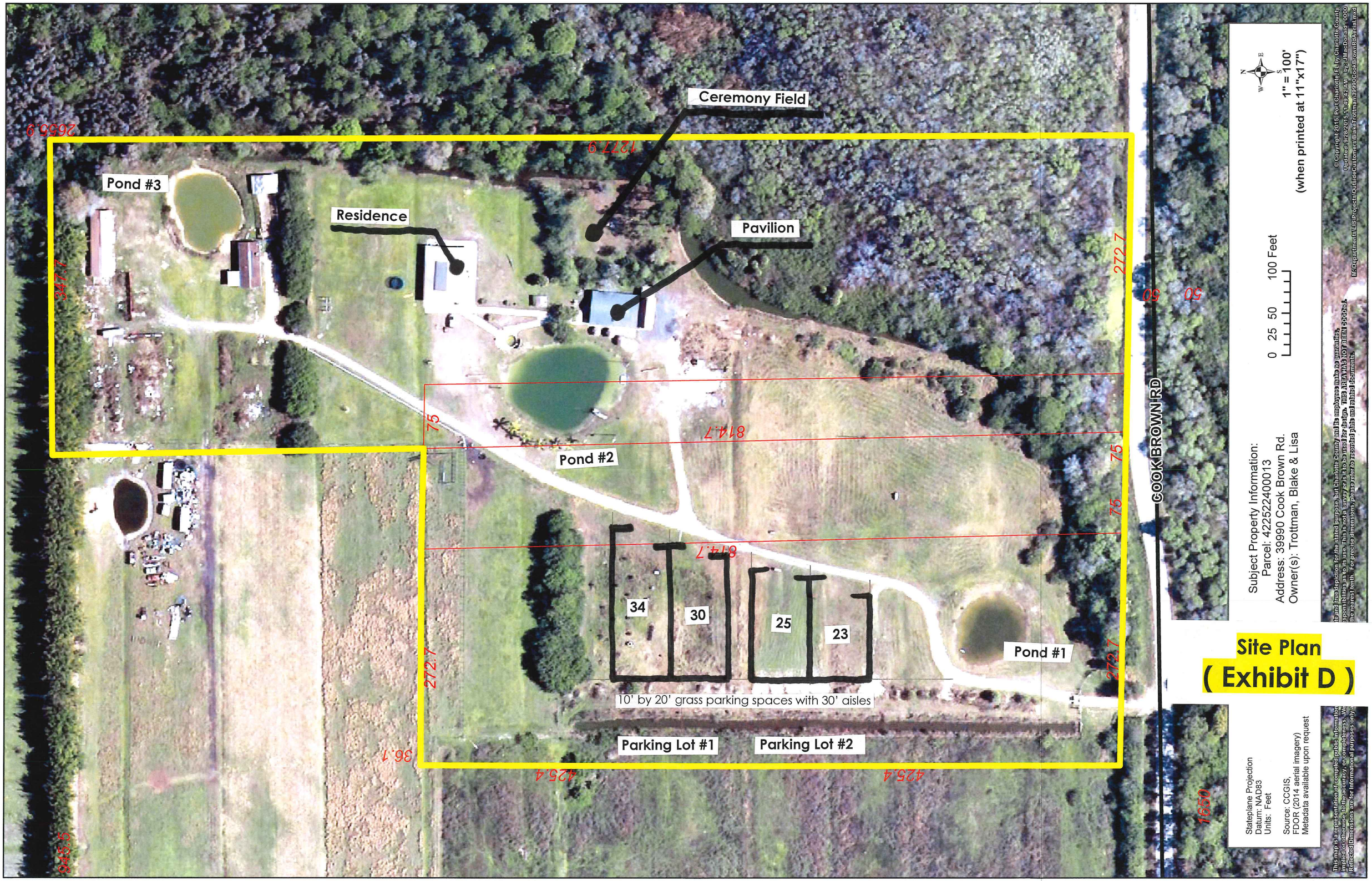
BY:

Narrative
(Exhibit C)


Ceremony Field
Pond #3
Residence
Pavilion
Pond #2
Pond #1
34
30
25
23
10' by 20' grass parking spaces with 30' aisles
Parking Lot #1
Parking Lot #2
COOK BROWN RD
2655.9
1277.9
347.7
272.7
60
60
75
814.7
75
75
814.7
272.7
272.7
36.1
425.4
425.4
945.5
1660
1" = 100'
(when printed at 11"x17")
0 25 50 100 Feet
Subject Property Information:
Parcel: 422522400013
Address: 39990 Cook Brown Rd.
Owner(s): Trottman, Blake & Lisa
Site Plan
(Exhibit D)
Stateplane Projection
Datum: NAD83
Units: Feet
Source: CCGIS,
FDOR (2014 aerial imagery)
Metadata available upon request
This map is a representation of compiled public information and true depiction for the stated purposes, but Charlotte County and its employees make no guarantee, implied or otherwise, to the accuracy, or completeness. We are not responsible for its use. This is not a survey or it is to be used for legal purposes. THIS AREA HAS NOT BEEN FOGOed. Reflected Dimensions are for informational purposes only to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.
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Updated 9/28/2015 1:49:42 AM by: MacDonald - 0000
M:\Departments\GIS\Projects\OutdoorCustomers\BlakeTrottman\39990CookBrownRd\parcel.mxd

MEMORANDUM

Date: November 20, 2015

To: Ken Quillen, Planner III

From: Susie Derheimer, Environmental Specialist

Subject: SE-15-008, 39990 Cook Brown Road

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 property consists of an existing residential and accessory structures and ponds. The southeast corner contains jurisdictional wetlands. A majority of the site was historically agriculture row crop use. The existing structures, ponds and proposed use is within the area previously developed for agriculture.

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 E)

P:animal/Specexcep_Variances/2015/SE-15-008(CookBrownWeddingVenue).doc

Section 3-9-86 Swimming Pools.

(a) *Location.* Swimming pools shall be located behind the leading edge of the living area of the residence within all zoning districts which allow residential uses except AG and EM zoning districts. The minimum setback from a waterway for a pool or screen enclosure shall be 15 feet.

(b) *Screen Enclosures.* Screen enclosures may be attached to the principal building but shall not be considered a part of the principal building.

(Minutes of 12-08-1981, § 8; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2015-022, § 1, 04-28-2015)

Section 3-9-87 Temporary Uses.

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

(1) Unless approved by the zoning official, a temporary use cannot occupy on-site parking required by these Land Development Regulations to accommodate the ordinary parking requirements of the existing structures and uses on the property.

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

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

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

(3) Temporary use permits shall only be issued within the zoning districts for which the use is allowed by right or for those uses which have been permitted by special exception. For example, temporary use permits for commercial, sales, or services uses shall not be issued in residential districts.

(4) Temporary use permits are restricted to those activities and locations listed on the application and all temporary uses shall be confined to the dates and times specified in the permit. A separate temporary use permit is required for each temporary use. Hours of operation of temporary uses subject to this section shall be limited to 8:00 a.m. to 9:00 p.m., Sunday through Thursday, and 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

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

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

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

(8) One temporary sign advertising the event may be erected on the property in compliance with section 3-9-95 of the Code.

(9) Traffic control may be required by the County or County Sheriff's Department and must be arranged and paid for by the applicant.

(10) The applicant may be required to obtain approval from the County's Fire Rescue and Emergency Medical Services (Fire/EMS) Department and employ, at the applicant's cost, any mitigation measures required.

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

Temporary Uses
(Exhibit F-1)

Section 3-9-87 **Temporary Uses. (continued)**

(b) *Applicability.* Any person or entity that desires to conduct any temporary use described in this section or determined by the zoning official to be similar in nature to those described herein, unless specifically exempted herein, shall be required to submit an application for a permit, and obtain the permit before conducting the use. A permit issued to a corporation, organization, or entity shall suffice for the persons engaging in the use on the site on behalf of the corporation, organization, or entity. The owner(s) of the property upon which the temporary use is to be conducted shall be bound by the terms of the permit, and shall signify consent to the permit by signing the permit application before it is issued.

(1) Examples of temporary uses regulated by this section consist of the following:

a. Outdoor sales, parking lot sales or tent sales of merchandise, products, services or other commercial activities.

b. Event uses, such as fairs, carnivals, circuses, and expositions or fair associations chartered in accordance with F.S. Ch. 616.

c. Fund raising events conducted offsite by charitable organizations, nonprofit corporations, or school groups, as well as promotions, sales and other activities by charitable organizations, nonprofit corporations, or school groups.

d. Seasonal and holiday related promotions and sales, including Christmas tree sales, pumpkin sales, fireworks sales, and the like.

e. Temporary religious or revival activities.

f. Neighborhood and community-wide yard sales and garage sales.

g. Any other temporary use similar in nature to the ones listed above, as determined by the zoning official.

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

a. Any temporary use as defined in this section which occupies a footprint less than one hundred eighty (180) square feet.

b. Yard or garage sales conducted on residential parcels; provided that the use does not exceed any of the requirements of a type one permit nor exceed two calendar days in length.

c. Grand opening sales by resident merchants connected with the grand opening of a permanent use at the premises, including outside food and beverage vending; provided such use does not exceed three consecutive calendar days.

d. Temporary outdoor storage in residential districts, incidental to and exclusively in association with the construction of a principal structure and only while a valid building permit is in effect.

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

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

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

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

Temporary Uses
(Exhibit F-2)

Section 3-9-87 **Temporary Uses. (continued)**

(c) *Type One Permit - Small.*

(1) A Type one permit shall be required for any temporary use occupying a footprint greater than 180 square feet or less than 1,500 square feet.

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

(3) Type one permits shall be exempt from any fee but shall be required to conform to all other provisions of this section.

(d) *Type Two Permit - Midsized.*

(1) A type two permit shall be required for any temporary use occupying a footprint greater than 1,500 square feet but less than 3,000 square feet.

(2) No property shall have, or be a site of, more than three type two temporary uses in a calendar year. No type two temporary use shall continue for more than ten consecutive calendar days; however, such uses may run concurrently (i.e. up to 30 days) without incurring additional permit fees.

(e) *Type Three Permit - Large.*

(1) A type three permit shall be required for any temporary use that will occupy a footprint of 3,000 square feet or more; or

(2) Any type one or type two temporary use that will, in the determination of the zoning official, require more parking spaces than allotted on the subject property.

(3) No property shall have, or be a site of, more than two type three temporary uses in a calendar year. No type three temporary use shall continue for more than three consecutive calendar days.

(4) The site of the temporary use must be cleared of all debris at the end of the use, and all temporary structures must be removed no later than 48 hours after the termination of the use. A cash bond in an amount not to exceed $2,000.00 or a signed contract with the county's garbage collection franchisee may be required as part of the application for the temporary use permit. Failure to clean up the site within said time period shall result in the forfeiture of any cleanup bond, and any additional costs of cleanup in excess of the cleanup bond may be assessed against the permit holder and/or property owner. In addition, no future temporary use permit will be issued to the applicant or property owner until any outstanding cleanup costs are paid in full.

(f) *Security Required.* In addition to applicable permit fees, any type two temporary use permit shall require the applicant to provide security in the amount of $25,000.00 and $50,000 for any type three permit, in the form of a surety bond, issued by a surety authorized to do business in the state of Florida, or an irrevocable letter of credit issued by a Florida financial institution, or in the form of a cash security. The security shall be in favor of the County, and benefit any person who shall suffer any loss that is provided for and recoverable under this subsection. The security shall be released 90 calendar days following the conclusion of the temporary use upon the submittal of an affidavit from the applicant to the County, and the acceptance of said affidavit by the County, that all conditions of the security have been met. The conditions of such security shall be that:

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

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

(g) *Application Procedure and Review.* All applications for a temporary use permit shall be submitted to the Zoning Official a minimum of ten working days prior to the proposed use. The Zoning Official shall grant or deny a temporary use permit or may grant a temporary use permit subject to suitable conditions, safeguards, and stipulations within seven working days. If denied, the Zoning Official shall state the reasons in writing to the applicant.

Temporary Uses
(Exhibit F-3)

Section 3-9-87 **Temporary Uses. (continued)**

(h) *Application Process and Fees.*

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

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

b. The address and legal description of the property where the temporary use will be held. If the property is not owned by the applicant, the name, address and telephone number of the owner(s) of the property and notarized authorization of all property owner(s) of record or their authorized agents, for use of the property; and

c. The date(s) of the event and hours of operation; and

d. The nature of the existing uses on the property along with the proposed temporary use; and

e. Required parking for existing use as well as anticipated parking needs, including overflow; and

f. The tax identification number of the applicant, if applicable; and

g. A site plan, drawn to scale, indicating the following:

1. Vehicular access onto the property; and
2. Location and use of any existing structures on the property; and
3. Location of any sanitary facilities; and
4. Location and amount of current and anticipated parking areas, including overflow.

h. For all type three permits, the following additional application requirements shall be provided:

1. A letter from the Charlotte County Sheriff setting forth the Sheriff's determination whether any additional security or police service is necessary and the arrangement that has been made to accommodate that need; and
2. A letter from the Charlotte County Fire/EMS setting forth a determination on whether any additional fire or rescue service is necessary and whether an arrangement has been made to accommodate that need; and
3. If a road closure is less than 24-hour period, the roadway Level-of-Service impact on the roadway cannot be quantified due to these special events. However, the event coordinator should submit the proposed maintenance of traffic plan at least 30 days prior to the event so that Public Works staff can visit the subject location and make suggestions before issuing the Public Works Department approval. Once Public Works Department issues the approval, it is the responsibility of the event coordinator to work with the Fire/EMS and Sheriff's Office on the needed support from those departments to safely execute the special event.
4. If the special event needs a road closure for more than 24-hours (other than for an emergency event), applicant needs to attach a Maintenance of Traffic (MOT) plan (must be signed by a licensed Engineer in the State of Florida) with the permit application for the review by the Public Works Department at least 45 days prior to the event. This will allow the Public Works Department to properly review the application, work closely with the appropriate agencies and issue a Public Service Announcement (PSA) about the Road Closure.

(2) Payment of a nonrefundable application fee shall be as follows:

a. Type One Permit: No Fee

b. Type Two Permit: $300.00

c. Type Three Permit: $1,000.00

(3) In reviewing an application the zoning official shall take the following factors into account:

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

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

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

(Ord. No. 89-47, § 18, 06-22-1989; Ord. No. 2002-041, § 1, 04-09-2002; Ord. No. 2008-088, § 1, 10-21-2008; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2014-076, § 1, 11-25-2014)

Temporary Uses
(Exhibit F-4)