

STAFF REPORT
Community Development Department
Petition Number: SE-16-004

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: April 6, 2016 **BZA meeting date: April 13, 2016**

Requested Action/General Information:

Ms. Geri Waksler, Attorney for P.G.B.K. Properties, L.C., is requesting a special exception to allow an outdoor storage yard, for trucks and heavy equipment, in the Commercial General (CG) zoning district. Subject property is located at **12120 Tamiami Trail**, Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property is located inside the Urban Service Area and has a Commercial Future Land Use Map (FLUM) designation. The attached **Aerial View** shows this four-acre parcel as an undeveloped vacant lot with semi-trucks and trailers parked on subject property.

A gas station and convenience store occupied lots 1 through 7 of subject property prior to 2008. The attached **2006 Aerial Photo** (Exhibit A1) shows this property as it existed in 2006. A fire destroyed the convenience store in 2008 and all of the buildings and structures on this property were demolished. The attached **2008 Aerial Photo** (Exhibit A1) shows subject property after the fire.

The current owner purchased lots 1 through 7 of subject property in October of 2012 and lots 8, 9 and part of lot 10 was purchased in November of 2012. The County received a complaint in January of 2013 that subject property was being cleared and trees removed without permits. An inspection found that a violation did exist and on January 23, 2013 a **Notice of Violation** (Exhibit B1-B4) was sent to the property owner. The attached **2011 Aerial Photo** (Exhibit A2) shows the vegetative conditions of this property in 2011. When no action was taken by the property owner to address this violation a **Notice of Hearing** (Exhibit B5-B6) was sent to the owner on February 4, 2013. A **Tree Permit Application** (Exhibit B7) was submitted by Jerry Young on February 11, 2013 and approval was granted for tree removal and clearing on this commercial lot that same day.

When a County Inspector performed a final inspection for a fence permit, in February of 2015, they observed a zoning violation consisting of outdoor storage. This was referred to Code Enforcement and a violation was documented in April of 2015 when a Code Compliance Officer visited the site and spoke with the owner, Mr. Young regarding the violation of outside storage of trailers on subject property. This use is not permitted in the CG zoning district unless a special exception is approved by the Board of Zoning Appeals (BZA). Since no action to correct this violation was taken by the owner a **Warning Letter** (Exhibit C1) was mailed to the property owner on June 13, 2015. An application for a **Special Exception** (Exhibit C2-C3) to allow outdoor storage on subject property was submitted on March 2, 2016 to bring this violation into compliance with the Land Development Regulations. The attached **Code Case Detail** (Exhibit C-4) shows the history regarding this violation.

The Land Development Regulations for the **Commercial General** (Exhibit D1-D4) zoning district (section 3-9-42) does allow a number of similar light industrial type uses as special exception uses. As such, the Zoning Official has determined that the applicant may apply for a special exception. For comparison staff has included a copy of section 3-9-43, the **Industrial General** (Exhibits D5-D8)

zoning district, which includes some of the special exception uses in CG as permitted uses in IG. An outdoor storage yard is considered an industrial use and is not allowed as a permitted use but only as a Conditional Use [section 3-9-69(e)(3)] in the IG zoning district provided it is appropriately buffered and screened. Portions of section 3-9-69 **Conditional Uses** (Exhibit E1-E4) are attached for the Boards information.

Section 3-9-42(g) establishes the **Development Standards** (Exhibits D-3 & D-4) of the CG zoning district, which also requires landscape buffers and screening in accordance with the provisions of this Code. Should the BZA approve a Special Exception, the use may be initiated and continued only if all of the development standards of Code and any additional conditions imposed by the BZA are maintained and complied with.

The applicant has submitted the attached Boundary Survey, which was done in 2012, as their **Site Plan** (Exhibit F) for the proposed outdoor storage yard. The **Site Plan** (Exhibit F) shows the existing conditions of subject property in 2012, which has since been cleared, covered with gravel and partly enclosed with a chain-link fence represented by X's on the drawing. The proposed "Limits of Storage Area" are outlined in yellow and it should be noted that the existing chain-link fence does not match the proposed storage area. The applicant has also submitted the attached **Narrative** (Exhibit G) explaining how they intend to use subject property and addressing the criteria for granting a special exception for the proposed outdoor storage yard. The applicant proposes to install a ten-foot wide type "D" landscape buffer, with a four-foot high hedge instead of the required six-foot high opaque fence or wall, around the perimeter of the storage yard. There is no mention as to whether or not subject property will be developed and improved with a building, parking lot, paving, access drives, or a storm-water system as required by code for all new developments.

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit H) dated March 28, 2016.

Although this application is intended to allow expansion of an existing business this is clearly a new use and development must comply with all development standards of County Codes. Staff has a number of concerns regarding the lack of even a preliminary engineered site plan showing any proposed improvements for the redevelopment of this commercial property for use as a storage yard. Without even a conceptual site plan it is difficult for staff to adequately review and comment on this proposed land use and its development as it relates to any County Codes, including the Land Development Regulations as required by section 3-9-6.2(f) for special exceptions.

Staff can point out some of the missing items, such as, an adequately designed truck parking and circulation drives and a storm water system, sized and designed to accommodate this nearly four-acres of impervious surface. Currently there is no indication as to where any storm water system would be located or how much of the land area may be required for an adequate storm water system. There has been no review or approval by the County Transportation Engineer regarding street access points, including number and size, and circulation to Tribune Boulevard and Tamiami Trail as is normally done through the Site Plan Review process for development of a new commercial or industrial use. Traffic access to public streets is clearly a life safety issue that needs to be addressed. Staff might agree that storage areas for heavy equipment could have gravel surfaces; however, semi-trailer parking areas should be a paved hard surface, such as asphalt, in order to reduce the tracking of dirt and gravel from subject property onto the adjacent roadways, which is currently happening. Since this proposed outdoor storage yard is located on one of the most heavily traveled access ways into our community the County has an interest in this use not becoming an eyesore and does have existing codes in place to screen or buffer and landscape this proposed industrial use from public view as much as reasonably possible.

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, has a Future Land Use classification of Commercial, and is also located in an Economic Corridor along Tamiami Trail according to the **2050 Framework Map #2 (Exhibit I)** of the Future Land Use Map Series.

The County's Goals, Objectives and Policies of the Comprehensive Plan establishes the intent to support and foster business creation and expansion in **FLU Goal 5 - Economic Development (Exhibit GOP)**. **Objective 5.5** also promotes business creation and expansion. This application is intended to accommodate the expansion of an existing business, Young Trucking, by allowing parking or storage of semi-trailers, as well as the storing of heaving equipment by another business entity.

The County's **FLU Goal 5 - Economic Development (Exhibit GOP)** Goals, Objectives and Policies also express the importance of improving the visual and functional quality of streets and highways and address land use and design issues such as access, parking lot design, vehicular access, and site or corridor landscaping requirements to guide future development in a manner consistent with the "... desired character of the County." These desires are included in **Objective 5.4: Economic Corridors; Policy 5.4.1: Strengthen Character; Objective 5.7: General Standards; Policy 5.7.2: Industrial Use Buffers; Policy 5.7.3: Commercial Access and Policy 5.7.4: Commercial Landscaping and Buffering**. The regulations implementing these goals, objectives and policies have been established in the County's Codes and Land Development Regulations.

The **Land Use Guide (Exhibit LUG)** located in Future Land Use Appendix I includes **Section 3: The Official Future Land Use Map**. This section depicts the land use classification system, which includes the Non-Residential Land Uses titled "**Commercial**" and "**Low Intensity Industrial**". This information is being provided to the Board to show that the proposed outdoor storage yard is not a commercial use, but is considered a low intensity industrial use, which may be allowed as a special exception use in the CG zoning district.

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 (CG)	Commercial
South	Tribune Boulevard and Young Trucking	Commercial General (CG) and Industrial General (IG)	Commercial and Low Intensity Industrial
East	Railroad (150' ROW) and vacant lots	Residential Multifamily-5 (RMF-5)	Low Density Residential
West	Tamiami Trail (250' ROW) and vacant lots	Commercial General (CG)	Commercial

Finding: Subject property is located adjacent to, or across a street from, commercial and industrial zoned property on the north, south and west. The nearest residential property, which is currently vacant, is zoned RMF-5 and is located to the east. Subject property is unique in that it is located between Tamiami Trail (U.S. 41) on the west and the railroad ROW on the east. The railroad ROW provides an additional 150 foot separation from the RMF-5 zoning district located to the east of the railroad. This distance separation will help lessen the impact this proposed outdoor storage yard will have on the future residential development to the east.

Charlotte County has determined that new developments shall comply with minimum construction, architectural, landscape and aesthetic design standards. The County has adopted a number of codes to implement these standards, including but not limited to, the Land Development Regulations in Chapter 3-9 and Commercial Design Standards in Article XXIV. The County's Land Development Regulations includes Section 3-9-100, Buffers, Landscaping and Tree

Requirements, which was adopted to establish minimum screening, landscaping and tree requirements for new developments including buffers to screen more intense land uses from less intense land uses and thereby making them more compatible when located next to each other.

Section 3-9-100(a) (Exhibit J-1) sets out the purpose and intent of the *Buffers, Landscaping, and Tree* requirements of these Land Development Regulations. In part this section states that "The purpose of the buffering provisions is to establish standards for transitional landscape buffers and screening. ... These standards are intended to improve the appearance of the county by eliminating or minimizing potential nuisances such as noise, lighting, unsightly buildings and structures, the visibility of outdoor aspects of intensive land uses, and off-street parking and loading areas ..."

Section 3-9-100.1(d) (Exhibit J-2) is part of the *Buffer* provisions and establishes *Special Provisions* for all outdoor storage yards. Sub-section (1) requires a Type D buffer around the perimeter of all outdoor storage yards, except that this buffer "may be reduced to Type B" when it has a common interior lot line abutting IG or II zoning districts. Sub-section (3) recognizes that in some cases an outdoor storage yard may be permitted as a special exception and under those circumstances "The type of buffering required will be established as a part of the Special Exception process." Staff interprets this section to mean that the BZA may increase or decrease the buffer requirements of code based on the specific circumstances for a special exception application.

Because the proposed outdoor storage yard is intended to store semi-trailers and large pieces of heavy equipment staff recommends that a Type D buffer be required along Tamiami Trail and Tribune Boulevards with the additional requirement for an eight-foot high fence or wall, instead of six feet high, to better screen this industrial use from the adjacent public streets. Because of the CG zoning to the north and the railroad on the east staff recommends that a Type B buffer be required along the north and east property lines. Staff has attached copies of the **Buffer Type Illustrations** (Exhibit J3-J7) for the Boards information.

Staff should also point out that there are **Minimum Tree Requirements** (Exhibit J8) for this proposed development as well. A rough calculation (4-acres x 43,560=174,240 Sq.Ft.÷2,000=87.12) indicates that approximately 87 tree points may be required for this proposed development.

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 proposed special exception use, consisting of an outdoor storage yard, could be developed with controlled or limited access, appropriate paving, storm water system, buffers, screening and landscaping so as not to be detrimental to or endanger the public health, safety or general welfare. However, other than the required buffer, there are no improvements proposed by the applicant that would indicate that this development would comply with all of Charlotte County's codes and development regulations. Staff believes there may be a traffic safety issue because the owner has created at least two new access drives to subject property from Tribune Boulevard without County review and approvals.

As such, staff cannot state that this proposal would not be detrimental to or endanger the public health, safety or general welfare. If this special exception is approved by the Board of Zoning Appeals staff recommends that one of the conditions of approval be that the owner be required to submit this proposed development to the Site Plan Review process and obtain Final Site Plan Review approval within a reasonable time period.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed outdoor storage yard does not meet all three criteria for a special exception. Specifically standard numbered 3 has not been met.

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 the CG zoning district and extends only to the land included in the site plan and legal description submitted with this application.
2. The applicant shall obtain proper permitting for subject property to facilitate compliance with all County Codes, the Land Development Regulations, and these conditions of approval of the special exception.
3. Within three months of approval of this special exception the owner shall submit to the Permitting process for this proposed development. These plans must be modified, if need be, as required by the Zoning Official so as to obtain approval within six months of approval of this special exception. Within 12 months of approval of this special exception the owner shall construct all of the improvements required by all applicable County Codes and Permitting approval.
4. The area designated for parking of semi-trucks or trailers shall be paved with an approved hard surface.
5. Charlotte County would like the owner to consolidate the existing driveways along Tribune Boulevard. The locations and number shall be determined through the Permitting process. The owner shall obtain comments from the Florida Department of Transportation regarding access to Tamiami Trail and shall provide the FDOT comments to the County during the Permitting process.
6. The west and south sides of the outdoor storage yard, adjacent to Tamiami Trail and Tribune Boulevard, shall be buffered with a Type D buffer, including an eight-foot high opaque fence or wall. Appropriately sized openings for access drives with opaque gates should be allowed. The opaque fence or wall shall be setback from the street right-of-way lines a minimum of 15 feet, which is the front yard setback required in the CG zoning district.
7. The north and east sides of the outdoor storage yard shall be screened with a Type B buffer.
8. Only licensed operable vehicles may be parked or stored on subject property and only on the paved areas identified on a plan approved through the Permitting process.
9. The applicant shall obtain all necessary permits and approvals, as applicable to this development, including but not limited to, street access, paving, fence or commercial wall permits, storm water management, and landscape plan approval.
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 (5), Location Map, Zoning Map, Arial View, Exhibit A (2), Notice of Tree Removal Violation (8), SE application (4), CG & IG Zoning Districts (8), Conditional Use (4), Site Plan, Narrative (2), Environmental Specialist Memorandum, Framework Map, GOPs (5), Land Use Guide (6) and Section 3-9-100 (8)



Community Development

CHARLOTTE COUNTY

Location Map for SE-16-004

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



02/42/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information - D. Vance -7768 Date Saved: 3/23/2016 4:19:10 PM

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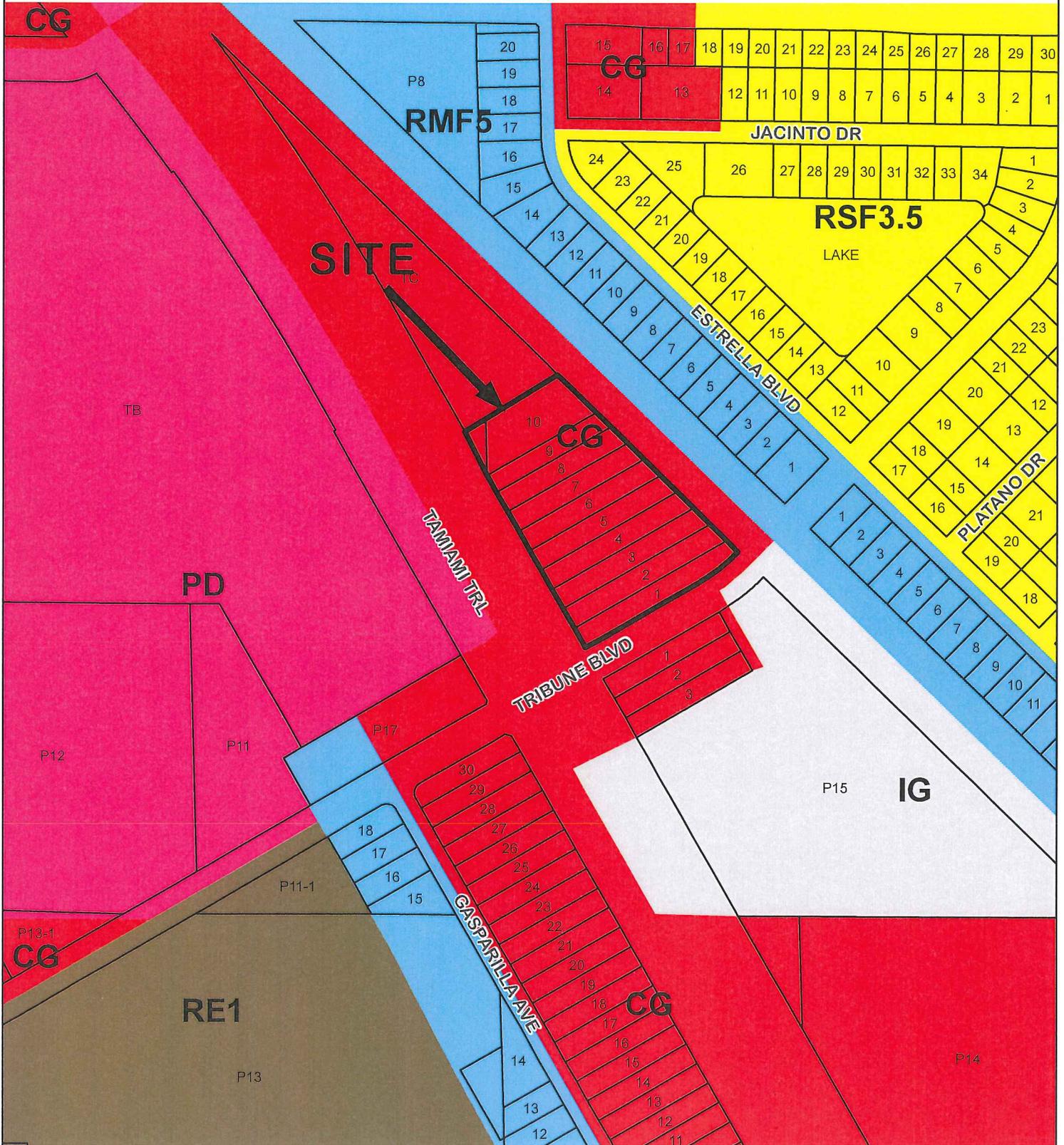
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CHARLOTTE COUNTY

Zoning Map for SE-16-004



02/42/23 East County

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(NOT TO SCALE)



CHARLOTTE COUNTY

2014 Aerial View for SE-16-004



02/42/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information - D. Vance 7768 Date Saved: 3/24/2016 9:03:23 AM



THE CODE ENFORCEMENT BOARD IN AND FOR CHARLOTTE COUNTY, FLORIDA

Charlotte County,

Petitioner,

v.

CASE NO. COD-13-00157

PGBK PROPERTIES, L.C.,

Respondents,

NOTICE OF VIOLATION

1. An inspection on **January 23, 2012** by a Code Compliance Officer, of your property, located at 12100 or 12106 or 12110 and 12120 Tamiami Trail, Punta Gorda, Florida, described and zoned as:

Parcel ID # 422302127001
Parcel ID # 422302127002
COMMERCIAL INTENSIVE (CI)

resulted in finding the above property cleared of all manner of vegetation

2. This is a direct violation of Charlotte County Code Sections 3-2-189, 3-5-95, 3-5-96, 3-5-97, and 3-5-98.

Section 3-2-189 - Tree Removal

- (a) Prior to the removal of any tree on a development site with a caliper four (4) inches or greater, or palm with a clear trunk six (6) feet or greater, the landowner or his agent must receive a tree removal authorization signed by an authorized county official.
- (b) All applicants proposing development must submit the following to the community development department at the time of application for building permits and prior to any clearing activity:
 - (1) A tree inventory consisting of a scaled drawing indicating:
 - a. Development site boundaries.
 - b. Location of all individual trees, other than prohibited species, which have a caliper four (4) inches or greater; the trees' common names; and their approximate calipers.
 - c. A scaled drawing superimposed on the tree inventory illustrating all proposed and existing improvements; which trees are to be removed; and which trees are to be preserved.
 - (2) Proof that removal of trees is consistent with tree removal criteria in section 3-2-192 or tree removal fee exemptions in section 3-2-193. If it is determined that the trees to be removed are exempt from removal fees, a memorandum of fee exemption will be issued as proof of compliance.

**Notice of Violation
(Exhibit B-1)**

- (3) A fee shall be charged for each caliper inch of tree which has been granted tree removal authorization. These fees shall be placed into the native tree replacement fund pursuant to section 3-2-195.
- (c) In the event that there are no trees on the development site, the applicant shall not be required to provide the tree inventory. In lieu of this requirement the applicant shall submit a "No Tree Affidavit."
- (d) For development requiring DRC (or its successor equivalent) approval, all documentation listed above and a landscape plan illustrating the incorporation of both preserved (if applicable) and planted trees into the proposed development must be submitted at the time of preliminary plan submittal.

Section 3-5-95 - Erosion Control at Development Site

- (a) Water quality. All drainage leaving cleared development sites shall be filtered by sediment barriers. It shall be the responsibility of the developer to maintain the effectiveness of filtration by regular clearing of captured sediments or by refurbishment, as necessary. Captured sediments are to be disposed of on upland portions of the development site.
- (b) Prevention of wetland degradation. Staked and entrenched hay bales, or other temporary sediment barriers shall be installed at the toe of all exposed slopes which meet or exceed four horizontal to one vertical (4:1) and are within twenty-five (25) feet of wetlands, waters of the state, or any surface water feature not bounded entirely by the limits of the development site. These shall be placed and maintained such that drainage will not overflow or bypass the barrier and shall remain in place until the slope is leveled or permanently stabilized.
- (c) Dust control. All development of one (1) acre or greater which will result in exposure of denuded soil during the months of November through March shall employ dust control procedures consistent with the guidelines of the Natural Resource Conservation Service or the FDEP Florida Development Manual.

Section 3-5-96 - Critical Area Stabilization

- (a) Intent. This section is intended to ensure that highly erodible or critically eroding areas including, but not limited to, dams, dikes, levees, cuts, ditches and other artificial watercourses, fills, spoil piles and denuded gullied sites, are stabilized to conserve topsoil and prevent sedimentation of surface waters.
- (b) Temporary soil stabilization. All graded or cleared areas greater than one (1) acre which will be subject to erosion by wind or water for a period of twelve (12) months or greater prior to the establishment of finished grade, agricultural crops, or permanent perennial vegetative cover shall be stabilized.
- (c) Fill slopes. All slopes of four horizontal to one vertical (4:1) or greater shall be sodded or otherwise stabilized in accordance with guidelines of the natural resource conservation service. In the event that the slope is a temporary result of earthmoving activities associated with development of a site and said slope will be modified within thirty (30) days, stabilization shall not be required. This shall not preclude compliance with the remaining provisions of this article.

**Notice of Violation
(Exhibit B-2)**

- (d) Swales and other drainage systems. All swales and other manmade, nonstructural drainage conveyances excavated after the effective date of these regulations shall be stabilized with perennial grass cover; application may be through sodding, hydroseeding, or other methods which achieve stabilization and are approved by the stormwater utility director or his designee. In the event that the bottom of the conveyance is below seasonal high groundwater levels, grass cover shall be required to extend down to the seasonal high groundwater line only. In no instance shall the preceding be construed to supersede the requirements of the Charlotte County Stormwater Management Ordinance.
- (e) Exemptions. Unpaved roads and other surfaces designed for vehicular circulation shall be exempt from the requirements of section 3-5-96(b).

Section 3-5-97 - Conservation of Native Topsoil

- (a) Intent. This section is intended to preserve native topsoils, where present, and to the greatest extent practicable.
- (b) Retention on-site. To the extent practicable, the topsoil which occurs on a site prior to development shall be retained or stockpiled throughout the development of the site such that it will not be buried during the placement of fill. Following fill placement and prior to landscaping, stockpiled topsoils shall be redistributed over the exposed, filled portions of the site. In no event shall the preceding be interpreted to require grade change within the dripline of trees to be preserved, nor the stockpiling of topsoils from any portion of the site which will not be filled.
- (c) Exemptions. Any development site which is identified by the natural resource conservation service as devoid of native topsoils shall be exempt from the requirements of section 3-5-97(b).

Section 3-5-98 - Enforcement, Violations and Penalties

- (a) Enforcement of this article will be by the community development department as designated by the county administrator.
- (b) After the issuance of the authorizations referenced in section 3-5-91 hereinabove, it shall be unlawful for the permitted to do any clearing [or] filling except in accordance with the terms and conditions of such authorizations. At the time of the final building inspection, the inspector shall determine if the site is graded in substantial conformance with the currently approved grading plan on file with the building department. Conformance with the approved plan shall be a prerequisite to the issuance of the certificate of occupancy. Any changes to the approved grading plan must receive prior approval of the building official, which approval shall be made administratively.
- (c) Violation of the provisions and requirements of these regulations shall be a civil violation within the jurisdiction of the code enforcement board with a maximum penalty of two hundred fifty dollars (\$250.00) per day.

**Notice of Violation
(Exhibit B-3)**

(d) Alternatively, a violation of these regulations may be prosecuted pursuant to F.S. section 125.69. Each incident of violation will be considered a separate offense.

3. You are hereby notified that you must correct the violation by providing a tree clearing permit to the Zoning Department in accordance with their application requirements for commercial development and by paying a quadruple fee of \$280.00 for the tree clearing permit.

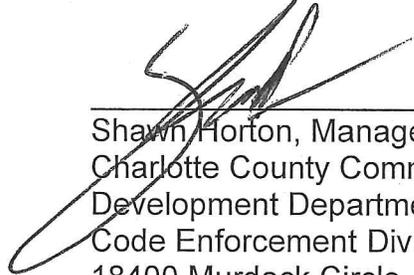
4. You will be allowed **ten (10) days** from your receipt of this Notice to correct this violation.

5. **Be advised that it is your responsibility to contact the Code Compliance Division, (941) 743-1544, to request an inspection to verify that the violation has been corrected.**

6. **Your failure to comply with the terms of this Notice will result in this matter being heard before Charlotte County Code Enforcement Board at the time and place shown on the attached Notice of Hearing.**



Richard Dalton, Certified Code
Compliance Officer
Charlotte County Community
Development Department
Code Enforcement Division
18400 Murdock Circle
Port Charlotte, FL 33948



Shawn Horton, Manager
Charlotte County Community
Development Department
Code Enforcement Division
18400 Murdock Circle
Port Charlotte, FL 33948

PGBK PROPERTIES LC
12164 TAMIAMI TRAIL
PUNTA GORDA, FL 33955

**Notice of Violation
(Exhibit B-4)**

THE CODE ENFORCEMENT BOARD IN AND FOR CHARLOTTE COUNTY, FLORIDA

Charlotte County,

Petitioner,

v.

CASE NO. COD-13-00157

PGBK PROPERTIES, L.C.,

Respondent(s).

NOTICE OF HEARING

1. YOU ARE HEREBY notified that the Charlotte County Community Development Department/Code Compliance Division has filed a Notice of Violation against you for the violations listed therein. A copy of this Notice of Violation is attached.

2. The Board will hear this matter on **March 6, 2013, at 9:00 a.m.**, or as soon thereafter as this case may be heard, in Room 119, Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

3. **If you have cleared the violations by the time stated in the Notice of Violation AND have received written notification from the Director of the Department or his/her authorized designee that all the violations have been cleared, the hearing will be canceled and you will not be required to appear.**

4. **IT IS YOUR RESPONSIBILITY TO CONTACT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT/CODE COMPLIANCE DIVISION TO ARRANGE FOR A REINSPECTION OF THE PROPERTY IN ORDER TO VERIFY THAT THE VIOLATIONS HAVE BEEN CORRECTED AND THAT THE PROPERTY HAS BEEN BROUGHT INTO COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE CHARLOTTE COUNTY CODE.**

5. Otherwise, you must be present at this hearing to avoid an order being entered against you solely on the evidence to be presented by the petitioner **AND A LIEN BEING RECORDED AGAINST YOUR PROPERTY.** Violations may be fined at the rate of \$250.00 per day of violation.

6. **If the Notice of Violation charges you with a Repeat Violation, the matter may be presented to the Board even if the repeat violation has been corrected prior to the Board hearing.** If a violation is found to be a repeat violation, the Board may increase the fine to \$500.00 for each day the repeat violation.

**Notice of Hearing
(Exhibit B-5)**

7. In addition to any fines, the amount of the lien may include the costs incurred in prosecuting the case pursuant to Section 162.07(2), F.S., and the reasonable costs of repairs that are required to bring the property into compliance pursuant to Section 162.09(1), F.S.

8. If you have witnesses or other evidence bearing on this matter, you should bring them with you at the time of the hearing.

9. If you wish to have witnesses subpoenaed, see the Clerk at once in Building Construction Services, 18400 Murdock Circle, Port Charlotte, Florida, for assistance.

10. If you wish, you may file a written answer denying the allegations of the complaint or the notice of violation or alleging substantial facts that would constitute an affirmative defense. Failure to answer shall constitute a denial of the allegations of the complaint or the notice of violation but shall bar the presentation of evidence of an affirmative defense.

11. If you decide to appeal any decision made by the Board, you will need a record of the proceedings, and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

12. You may come with or without an attorney.

If you should have any question regarding this case, please refer to the enclosed Notice of Violation for the Code Inspector's telephone number.

In accordance with the Americans with Disabilities Act, person needing a special accommodation or an interpreter to participate in this proceeding should contact the Code Compliance Officer at least seven (7) days prior to the date of the hearing.

Dated at Port Charlotte, Charlotte County, Florida, on this 4th day of February 2013.

Pattie Kuechmann

Pattie Kuechmann
Administrative Assistant I

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Notice of Violation and the Notice of Hearing was sent by Certified Mail, return receipt requested (7010 3090 0001 5274 3688) on this 4th day of February 2013, to PGBK Properties, L.C., 12164 Tamiami Trail, Punta Gorda, FL 33955

Pattie Kuechmann

Pattie Kuechmann
Administrative Assistant I

**Notice of Hearing
(Exhibit B-6)**

Code Comp - Rick

Permit 20130201852



CHARLOTTE COUNTY TREE PERMIT APPLICATION

Select from the following: [] Tree Preservation [] Tree Removal Authorization [] No Tree Affidavit [] Memorandum of Exemption of Fees

Contractor or Owner/Builder Jerry Young Contractor License #

Mailing Address: 12164 Tamiami Trail Punta Gorda Phone: 941-637-3723

Job Address: 12120 Tamiami Trail Punta Gorda FL 33955

Parcel ID # 422302127001 Lot: Block: Subdivision: and 27002

Check all that apply: Residential [] Individual Trees [] Other (specify) Commercial [x] Lot Clearing [x]

1. Tree Preservation: Will any trees be preserved on site? Yes [] No [x]

I certify that (number) of trees on the above-described property are to be preserved/protected according to the methods set forth in the Charlotte County Tree Code, Chapter 3-2-191. (Provide four (4) site plans.)

APPROVED

2. Tree Removal Authorization: Will any trees be removed from the site? Yes [x] No []

I request that (number) trees on the above-described property and indicated on the attached site plan be removed utilizing the Tree Removal Authorization as provided in the Charlotte County Tree Code, Chapter 3-2-192. (Provide four (4) site plans) Indicate reason for removal: all trees were removed without a permit.

AND/OR

3. Memorandum of Exemption of Fees:

I certify that (number) trees on the above-described property are exempt from Tree Removal Authorization and removal fees as provided by the tree protection requirements of the Charlotte County Tree Code, Chapter 3-2-193. (Provide four (4) site plans) Indicate reason for removal: all Australian pines and Brazilian peppers

I agree to assume full responsibility for the removal of said trees(s) and for compliance with all applicable County and State regulations regarding the proper disposal of brush and yard trimmings. Further, I will replace trees as required by the Charlotte County Code.

OR

4. No Tree Affidavit:

There are NO TREES currently located on site. (Use affidavit below)

Signature of Applicant Printed Name of Applicant

State of Florida, County of

The foregoing instrument was acknowledged before me this day of who is personally known as identification and wh

Signature of Notary Notary's Printed Name

Commission Number

Tree Permit Application (Exhibit B-7)

Environmental Inspection: Residential Tree: Commercial Tree*: *Plus total # of caliper inches removed 64 x \$1.00: Total Fee:

Fee schedule: \$55.00, \$70.00, \$80.00, \$64.00, \$144.00 x 4 quad fee

Applicant's Signature: [Signature] Date: 2-11-13 Authorized County Official: [Signature] Date: 2-11-13

576.00

THE CODE ENFORCEMENT BOARD
IN AND FOR CHARLOTTE COUNTY, FLORIDA

CHARLOTTE COUNTY,

Petitioner,

v.

CASE NO. COD-13-00157

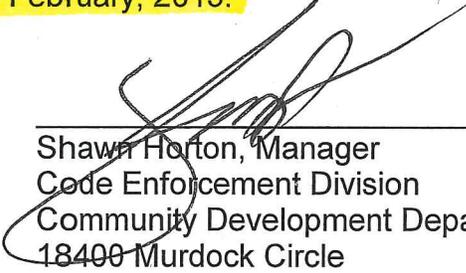
PGBK PROPERTIES, L.C.,

Respondent(s).

NOTICE OF DISMISSAL

COMES now Shawn Horton, Code Compliance Manager, who voluntarily dismisses this action against **PGBK PROPERTIES, L.C.**, regarding the property at 12100, 12106 12110 or 12120 Tamiami Trail, Punta Gorda, Florida, without prejudice.

Dated on this 12th day of February, 2013.



Shawn Horton, Manager
Code Enforcement Division
Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33948
941.764.4148

CERTIFICATE OF SERVICE

I certify that I have furnished a true and correct copy of the foregoing by mail on this 12th day of February, 2013, to PGBK Properties, L.C., 12164 Tamiami Trail, Punta Gorda, FL 33955.



Pattie Kuechmann
Administrative Assistant, I
Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33948
941.743.1543

**Notice of Dismissal
(Exhibit B-8)**



Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov

June 13, 2015

PGBK Properties
12164 Tamiami Trail
Punta Gorda, FL 33955

RE: **Code Compliance Violation**

LOCATION: **Parcel #422302127002: also known as: 12120 Tamiami Trail, Punta Gorda, Florida**

Dear Property Owner:

An inspection was conducted June 4, 2015 at the above location, which resulted in finding commercial trailers being stored on the vacant lot. This is a violation of **Charlotte County Code, Sections 3-9-42(e) and 3-9-62.1**. Copies of these sections are enclosed for your information.

It is requested that the violation be corrected **within thirty (30) days** from the date of this letter by removing all the above mentioned from the property and cease the prohibited use.

Your cooperation in clearing the violation will avoid the necessity in forwarding a case to the **Code Enforcement Special Magistrate**. If you have any questions, please contact me at (941) 764-4185. Thank you.

Sincerely,

David Santimauro
Code Compliance Officer

Enclosures

**Warning Letter
(Exhibit C-1)**

COMMUNITY DEVELOPMENT

Inspections | Code Compliance | CEB

Permitting | Licensing | CILB

Plans Review | Right of Way & Stormwater

Comprehensive Planning | Zoning

18400 Murdock Circle | Port Charlotte, FL 33948-1074

Phone: 941.743.1201 | Fax: 941.764.4907



Community Development Department

Current Planning and Zoning Division

18400 Murdock Circle Port Charlotte FL 33948-1094

Phone: (941) 743-1956 or (941) 743-1964 / Fax: (941) 743-1598

www.charlottecountyfl.gov

"Leading the Way in Defining Community Development"

Special Exception - Application

File Number: <u>SE-16-004</u>	Invoice Number: <u>252138</u>
Date Submitted: <u>March 2, 2016</u>	Date of BZA Meeting: <u>April 13, 2016</u>
(above for office use only)	

Incomplete applications will not be accepted.

- Name of Applicant:** P.G.B.K. Properties, L.C.
12164 Tamiami Trail Punta Gorda FL 33955
(Address) (City) (State) (Zip + four)
(941) 637-3723 / / terry@youngtruckingpg.com
(Phone Number) (Fax Number) (E-mail Address)
- Name of Local Agent:** Gerl L. Waksler, McCrory Law Firm
309 Tamiami Trail Punta Gorda FL 33950
(Address) (City) (State) (Zip + four)
(941) 205-1122 / (941) 205-1133 / geri@mccrorylaw.com
(Phone Number) (Fax Number) (E-mail Address)
- Owner of Record:** P.G.B.K. Properties, L.C.
12164 Tamiami Trail Punta Gorda FL 33955
(Address) (City) (State) (Zip + four)
(941) 637-3723 / / terry@youngtruckingpg.com
(Phone Number) (Fax Number) (E-mail Address)
- Owners Authorization:** If the applicant is not be the owner of subject property the applicant must attach a notarized Property Owner's Consent giving the applicant permission to submit this application.
- Full Property Address:** 12120 Tamiami Trail Punta Gorda, FL 33955
(Address) (City) (Zip + four)
- Parcel Identification Number(s):** 422302127002
- Legal description:** Lot(s): 1-9 and portion of 10 Block(s): 110
Subdivision: Tropical Gulf Acres Unit or Sub-section: 7
Parcel (P) or Tract (T):
Section(s): 02 ; Township: 42 (South); Range: 23 (East)
- Total Land Area:** (in square feet or acres) 4.15 acres
- Current Zoning Classification:** CG - Commercial General
- Current Future Land Use Map (FLUM) Designation:** Commercial

(Return completed form to the Zoning Of

Special Exception Application

(Exhibit C-2)



Community Development Department

Current Planning and Zoning Division

18400 Murdock Circle Port Charlotte FL 33948-1094

Phone: (941) 743-1956 or (941) 743-1964 / Fax: (941) 743-1598

www.charlottecountyfl.gov

"Leading the Way in Defining Community Development"

Special Exception - Application

(continued)

11. Special Exception Requested: Please specify what the proposed use is. (Example: a house of worship with fellowship hall and parochial school, grades 1-12 in a RSF-3.5 zoning district)
Outdoor storage in a CG zoning district

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

13. Site Plan or Plat of Survey: On separate sheets, please attach a **site plan** or **plat of survey**, of an appropriate scale, which illustrates clearly the placement of existing and proposed structures on the property, access, off-street parking, required yards and buffers.

14. Are there any existing structures located on the property? (circle one) YES NO
If so, what is the current use of the structures, and illustrate their locations and dimensions on the site plan. Chain link fence as shown on site plan

15. Are there any other hearings pending for this property? (circle one) YES NO
If YES, what is name of the applicant for the public hearing? _____

16. Was there a public hearing on this property within the past year? (circle one) YES NO
If YES, in whose name? _____
Petition number: _____ Nature of the request: _____

17. Is this request the result of a violation notice? (circle one) YES NO
If YES, in whose name was the violation served? PGBK Properties
What was the nature of the violation? Commercial trailer storage on a vacant lot

18. The applicant and owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only and are not final. Nor are they the specific conditions or demands required to gain approval of the application unless the conditions or demands are actually included in writing in the final development order, or the final denial determination or order.

(Return completed form to the Zoning

**Special Exception
Application**

(Exhibit C-3)



Charlotte County Government
Community Development

CODE CASE DETAIL

Code Case No. **COD-15-01282** Permit Type / Sub-Type : Code Enforcement / NA / NA

Case Status : Founded

Description of Case : Undeveloped storage lot

Location : **12120 Tamiami Trl, Punta Gorda, Fl, 33955**

Section : **2**

Township : **42**

Range : **23**

Folio # : **422302127002**

Legal Description : TROP G A UN 7 BLK110 LT:

Owner of Record : PGBK PROPERTIES LC

12164 Tamiami Trl

Punta Gorda, Fl, 33955

WORKFLOW STATUS/COMMENTS

Action Date	Task	Status	Comment	By
04/28/2015	Intake	Sufficient		SANTIMAUROD
04/29/2015	Inspections	Founded		SANTIMAUROD

GENERAL APPLICATION COMMENTS

INSPECTIONS

Date	Inspector	Comment	Status
04/29/2015	David Santimauro	Date: 4/29/2015 INSPECTION FINDING OUTSIDE STORAGE OF TRAILERS ON THE VACANT LOT. SPOKE WITH TERRY YOUNG WHO WAS AWARE OF THE SITUATION. ADVISED HIM TO SPEAK WITH MARYANN IN ZONING ON HIS OPTIONS. GIVING 30 DAYS TO COMPLY.	Founded
06/04/2015	David Santimauro	Conditions remain the same	Not in Compliance
06/12/2015	David Santimauro	Warning letter sent out to the property owner giving 30 days to comply.	Not in Compliance
07/17/2015	David Santimauro	Date: 7/17/2015 ALL CONDITIONS REMAIN THE SAME.	Not in Compliance
08/07/2015	David Santimauro	Per are meeting today with the county attorneys, Mr. young and his attorney Geri Waksler a special exception is going to be applied for to correct the existing violation for the use. Extending 90 days to complete the process.	Not in Compliance
11/12/2015	David Santimauro	Date: 11/12/2015 Per an email received Geri Waksler she stated they will be in by 11/19/15 to apply for the SE.	Not in Compliance
11/20/2015	David Santimauro	30 day extension per Shaun Cullinan.	Not in Compliance
02/23/2016	David Santimauro	Inspection finding the SE has not been applied for as of 2/22/16. Email communication with Geri Waksler stated they SE will be applied for this month for the next cycle. During my inspection of the property I found a shed type structure was build without the required permit.	Not in Compliance

**Code Case Detail
(Exhibit C-4)**

Sec. 3-9-42. - Commercial general (CG).

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted uses (P) and structures:*
- (1) Animal hospital, boarding facility.
 - (2) Art, dance, music, photo studio or gallery.
 - (3) Assisted living facility or day care center, adult, six (6) 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.

**Commercial General
(Exhibit D-1)**

- (34) Place of worship. (See section 3-9-82, places of worship.)
 - (35) Post office.
 - (36) Printing facilities.
 - (37) Private club.
 - (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, fifty (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.
- (d) *Conditional uses (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 (7) 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.
 - (3) Farm equipment sales and service.
 - (4) Laboratories, class 1, 2, 3.
 - (5) Marina.
 - (6) Noncommercial vehicle rental.
 - (7) 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, zoo.
 - (4) Biofuel production, less than five thousand (5,000) gallons per day.
 - (5) Building trades contractor's office with storage yard on-premises, or with more than ten (10) service vehicles and with heavy equipment.

Commercial General (Exhibit D-2)

- (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 fifty (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 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:

CG	
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Setbacks (min. ft.)	
Front	15
Side (interior)	0
Side (street)	10
Rear (interior)	10

**Commercial General
(Exhibit D-3)**

Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot coverage of all buildings	55%
Height (ft.)	60
Density (units/acre)	0

Landscape buffers and screening shall be required in this district in accordance with the provisions of article ~~XXII, chapter 3-5~~, of the Code, as the same may be amended.

IV Site Design Standards and Requirements (Section 3-9-100)

Where properties lie anywhere on a barrier island or within one thousand two hundred (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.

(Ord. No. 2014-063, § 1(Exh. A), 11-25-14)

Editor's note— Ord. No. 2014-063, § 1(Exh. A), adopted Nov. 25, 2014, repealed the former § 3-9-42, and enacted a new section as set out herein. The former § 3-9-42 pertained to Commercial, general (CG) and derived from Minutes of Dec. 8, 1981, § 7; Res. No. 83-11, § 1, adopted Feb. 15, 1983; Res. No. 83-18, § 1, adopted March 22, 1983; Res. No. 85-105, § 1, adopted June 11, 1985; Res. No. 87-254, § 22, adopted Oct. 20, 1987; Res. No. 87-255, § 6, adopted Oct. 20, 1987; Res. No. 87-258, §§ 1, 2, adopted Oct. 20, 1987; Ord. No. 89-34, § 16, adopted May 31, 1989; Ord. No. 92-44, §§ 1—3, adopted June 2, 1992; Ord. No. 94-55, §§ 28, 29, adopted Nov. 3, 1994; Ord. No. 2001-031, § 1(m), adopted June 12, 2001; Ord. No. 2002-008, § 1, adopted Jan. 28, 2002; and Ord. No. 2003-061, § 8, adopted Aug. 26, 2003.

**Commercial General
(Exhibit D-4)**

Sec. 3-9-43. - Industrial general (IG).

- (a) *Intent.* The purpose and intent of this district is to allow various light industrial and higher-intensity commercial uses. All industrial processes shall take place within completely enclosed buildings unless approved by a special exception. Storage of materials and finished products may be permitted within an enclosed yard with appropriate screens and buffering.
- (b) *Permitted uses (P) and structures:*
- (1) Biofuel production, less than five thousand (5,000) gallons per day.
 - (2) Biofuel production, five thousand (5,000) to fifteen thousand (15,000) gallons per day.
 - (3) Boat, travel trailer, and motor vehicle sales, including recreational vehicles and campers.
 - (4) Boat, travel trailer and motor vehicle repair, services, and storage, including recreational vehicles and campers.
 - (5) Building trades contractor's office with storage yard on-premises and heavy equipment.
 - (6) Commercial laundry.
 - (7) Commercial vehicle rental.
 - (8) Dairy, grain, fruit, field crop, and vegetable processing.
 - (9) Distribution center, wholesaling, warehousing.
 - (10) Dry cleaner.
 - (11) Emergency services.
 - (12) Essential services. (See section 3-9-71, essential services.)
 - (13) Farm equipment sales and service.
 - (14) Gas station.
 - (15) Government uses and facilities.
 - (16) Heavy machinery, equipment rental, sales, service.
 - (17) Heliport, helistop.
 - (18) Industrial marina.
 - (19) Light manufacturing and assembly in a completely enclosed building.
 - (20) Lumberyard.
 - (21) Mass transit station.
 - (22) Motor vehicle wash.
 - (23) Nonretail food production.
 - (24) Paid or public parking lot, garage, structure.
 - (25) Printing, lithographing, publishing, and similar establishments.
 - (26) Research, testing facility.
 - (27) Sales and storage of mobile homes.
 - (28) Sawmill, machine shop.
 - (29) Sexually oriented business. (See section 3-9-84, sexually oriented businesses.)
 - (30) Telecommunications facility, fifty (50) feet or less in height. (See section 3-9-68, communication towers.)

**Industrial General
(Exhibit D-5)**

- (31) Telecommunications facility, greater than fifty (50) feet in height. (See section 3-9-68, communication towers.)
- (32) Truck stop.
- (33) Vocational, trade, or business school.
- (c) *Permitted accessory uses and structures*: Uses, including retail sales, and structures which are customarily accessory and clearly incidental and subordinate to permitted and conditional uses and structures are also permitted in this district; however, no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises.
- (d) *Conditional use (C) and structures*: (For rules and regulations for any use designated as a conditional use, see section 3-9-69, conditional uses and structures.)
- (1) Laboratories, class 1, 2, 3.
 - (2) Mini transfer station. (See section 3-9-70, debris and waste facilities.)
 - (3) Minor yard trash processing facility. (See section 3-9-70, debris and waste facilities.)
 - (4) Outdoor storage yard.
 - (5) Private off-site parking.
 - (6) Recovered materials processing facility. (See section 3-9-70, debris and waste facilities.)
 - (7) Residential household hazardous waste collection center. (See section 3-9-70, debris and waste facilities.)
 - (8) Waste tire collection center. (See section 3-9-70, debris and waste facilities.)
- (e) *Prohibited uses and structures*: Any use or structure not specifically or by reasonable implication permitted herein, or permitted by special exception, shall be unlawful in this district, including the following:
- (1) Animal slaughterhouses.
 - (2) Any use not conforming to industrial performance standards.
 - (3) Chemical and fertilizer manufacturing.
 - (4) Explosives manufacturing.
 - (5) Hospitals and clinics, except clinics in connection with industrial activity.
 - (6) Paper and pulp manufacturing.
 - (7) Petroleum refining.
 - (8) Place of worship. (See section 3-7-82, places of worship.)
 - (9) Residential dwellings, except as permitted under accessory uses.
 - (10) Stockyards and feeding pens.
 - (11) Tanneries with curing or storage of raw hides.
 - (12) Wrecking yards, including automotive vehicle wrecking yards and junkyards.
- (f) *Special exceptions (S)*: (For procedure, see section 3-9-6.2, special exceptions.)
- (1) Airport.
 - (2) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - (3) Biofuel production, greater than fifteen thousand (15,000)
 - (4) Composting facility. (See section 3-9-70, debris and waste
 - (5) Flammable liquid storage.

**Industrial General
(Exhibit D-6)**

- (6) Light manufacturing and assembly not in a completely enclosed building.
- (7) Materials recovery facility. (See section 3-9-70, debris and waste facilities.)
- (8) Transfer station. (See section 3-9-70, debris and waste facilities.)
- (9) 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 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:*

IG		
Lot (min.)		Adjacent to nonindustrial uses
Area (sq. ft.)	12,000	12,000
Width (ft.)	100	100
Setbacks (min. ft.)		
Front	10	25
Side (interior)	0	10
Side (street)	10	15
Rear (interior)	10	15
Rear (street)	10	20
Abutting water	20	20
Bulk (max.)		
Lot Coverage of all buildings	50%	50%
Height (ft.)	60	60
Density (units/acre)	0	0

**Industrial General
(Exhibit D-7)**

All uses shall conform to the industrial performance standards as set forth in section 3-9-75.

Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended.

If the IG district abuts a residential district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than twenty-five (25) feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within one thousand two hundred (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.

(Ord. No. 2014-065, § 1(Exh. A), 11-25-14)

**Industrial General
(Exhibit D-8)**

Sec. 3-9-69. - Conditional uses and structures.

(a) **Purpose and intent.** The purpose of this section is to provide rules and regulations for any uses and structures designated as a "conditional use and structure (C)" on the use table and listed in all zoning districts found in chapter 3-9. These conditions supplement, modify, or further explain rules and regulations found elsewhere in this chapter, and unless specifically stated to the contrary, apply to all zoning districts.

Regulations over and above those imposed by other articles/sections of this chapter are necessary for certain uses which, because of their uniqueness or potential for substantial impact on surrounding land uses, warrant minimum standards that cannot be properly addressed in the development regulations set forth in specific districts. The purpose of this section is to set forth the detailed regulations, including but not limited to the bulk, layout, yard size, and lot area that apply to these uses.

(b) *Agricultural uses.*

- (1) 4H, FFA and similar uses and activities (RE).
 - a. Official documentation showing proof of participation in 4H, FFA or similar programs must be submitted to the county.
 - b. The uses and activities must cease at the completion of the 4H, FFA or similar programs.
- (2) Domestic animal breeding, boarding, and training (RE).
 - a. The property must be located in the rural service area.
 - b. Chickens shall be provided with a covered nesting box within an enclosed yard. Enclosures shall only be permitted in side and rear yards and shall be sufficiently screened from the street and neighboring properties.
 - c. All enclosures shall be kept sanitary and free from accumulations of animal excrement and objectionable odor, and constructed and maintained so as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure and to protect from predators.
- (3) Farm labor housing (AG, EM).
 - a. May consist of single-family detached, manufactured homes, or multifamily dwelling units, but shall not be platted or sold.
 - b. Must receive approval through site plan review.
 - c. The number of units shall not exceed the base density available on the agricultural operation the housing is intended to serve. The full extent of the agricultural operation shall be shown on the site plan review application.
 - d. Shall not occupy more than ten (10) acres.
 - e. All setbacks requirements must be double the minimum setback requirements.
 - f. A copy of an approved permit for migrant labor camp from Environmental Health Office at Charlotte County Health Department shall be provided as applicable. In addition, all rules and requirements set forth in F.S. §§ 381.008—381.00897, and Rule 64E-14 F.A.C., as may be amended, shall apply.
- (4) Guest home (see section 3-9-69.g.7.(b)).

**Conditional Uses
and Structures
(Exhibit E-1)**

- (5) Horse stable (RE).
 - a. All shelter structures shall be set back double the minimum setback requirements within that district.
 - b. Any manure stock piles shall be set back at least one hundred (100) feet from all lot lines.
 - c. The minimize size of the property shall be one (1) acre per horse.
 - d. The property must be located in the rural service area.
- (6) Livestock breeding, training, boarding, and grazing (PKR).
 - a. The property must be located in the rural service area.
- (7) Manufactured home (HUD), minimum requirement is Wind Zone 3. (AG, EM, ES).
 - a. The property must be located outside of the coastal high hazard areas.

(c) Commercial uses.

- (1) Assisted living facilities (ALFs) (see section 3-9-69.g.1.).
- (2) Animal hospital and boarding facility (OMI, CN).
 - a. Outdoor runs are prohibited.
- (3) Building trades contractor's office (CG).
 - a. No more than ten (10) service vehicles shall be allowed to be parked on the subject site.
 - b. No heavy equipment shall be allowed on the site.
 - c. Storage yard shall not be allowed on the site.
- (4) Farm equipment, supply (CG).
 - a. Any equipment over eight (8) feet in height must be either stored in a completely enclosed building or at least fifty (50) feet from any residential zoning.
 - b. Where items are stored outside in stacks or piles, the height shall not exceed fifteen (15) feet.
- (5) Laboratories, class 1, 2, 3 (CG, IG, II).
 - a. Provided central sewer is available.
- (6) Marina (RMF-T, CG).
 - a. The property must have direct access to water.
- (7) Private off-site parking (OMI, CG, CT, IG, II).
 - a. Required parking may be located on a separate, nonadjacent lot from the lot on which the principle use is located if the off-site parking complies with the following standards:
 - 1. Shall not be located more than six hundred (600) feet from the entrance of the building with which it is associated.
 - 2. Shall not be separated from the use served by an arterial road unless a grade-separated pedestrian walkway or crosswalk is provided or other traffic control or remote parking shuttle bus service is provided.
 - 3. An unobstructed route along sidewalks or pedestrian walkways shall be provided between the parking area and the associated site.
 - 4. 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, acceptable to the county attorney's office. An executed agreement shall be

**Conditional Uses
and Structures
(Exhibit E-2)**

- a. A twenty-five-foot setback is required from all lot lines.
- b. A Type C buffer defined in chapter 3-5, article XVIII, landscaping and buffers, is required when the site is adjacent to any nonindustrial or nonagricultural zoning district.
- c. The facility may be no larger than twenty (20) acres.
- d. Volume reduction operation machinery may not be located within one hundred fifty (150) feet of any of the following:
 1. Residential use.
 2. Residential zoning district.
 3. School.
 4. Park.
 5. Hospital or other health care facility.
- e. Any volume reduction operation machinery within three hundred (300) feet of any of the following shall be enclosed in a structure with at least three (3) sides and a roof, and with the open end facing away from the listed use:
 1. Right-of-way.
 2. Residential use.
 3. Residential zoning district.
 4. School.
 5. Park.
 6. Hospital or other health care facility.

**Conditional Uses
and Structures
(Exhibit E-3)**

(4) Waste tire collection center (IG, II).

- a. A thirty-foot setback is required from all lot lines.
- b. A Type D buffer as described in chapter 3-5, article XVIII, landscaping and buffers, with an opaque wall or fence is required along all lot lines.
- c. Poles of material may not exceed fifteen (15) feet in height.

(e) Industrial uses.

(1) Automobile wrecking and salvage yard (II).

- a. No storage of items is permitted within required front setback.
- b. The perimeter shall be buffered with:
 1. A Type D buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting residential zoning districts regardless of the width of any adjacent road or easement.
 2. A Type C buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting commercial zoning districts regardless of the width of any adjacent road or easement.
 3. A Type B buffer defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting IG or II zoning districts.
- c. Where items are stored in stacks or piles, the height shall not exceed fifteen (15) feet.
- d. Where items are stored in stacks or piles, the height over eight (8) feet shall be stored at least fifty (50) feet from any residential zoned properties.

(2) Building trades contractor's office with storage yards on-premises (IG).

- a. No storage of items is permitted within the required front setback.
- b. Storage yards shall be buffered with:
 1. A Type D buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting residential zoning districts regardless of the width of any adjacent road or easement.
 2. A Type C buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting commercial zoning districts regardless of the width of any adjacent road or easement.
 3. Where items are stored in stacks or piles, the height shall not exceed fifteen (15) feet.
 4. Where items are stored in stacks or piles, the height over eight (8) feet shall be stored at least fifty (50) feet from any residential zoned properties.

(3) Outdoor storage (IG, II).

- a. No storage of items is permitted within required front setback.
- b. The perimeter shall be buffered with:
 1. A Type D buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting residential zoning districts regardless of the width of any adjacent road or easement.
 2. A Type C buffer as defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting commercial zoning districts regardless of the width of any adjacent road or easement.
 3. A Type B buffer defined in chapter 3-5, article XVIII, landscaping and buffers, on interior lot lines abutting IG or II zoning districts.
- c. Where items are stored in stacks or piles, the height shall not exceed fifteen (15) feet.
- d. Where items are stored in stacks or piles, the height over eight (8) feet shall be stored at least fifty (50) feet from any residential zoned properties.

(f) *Public and civic uses.*

- (1) Detox center and substance abuse center (OMI).
 - a. Must be one thousand (1,000) feet from another detox center and substance abuse center.
 - b. In a residential neighborhood, no external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private, except a small sign with a maximum area of four (4) square feet.
- (2) Transitional/halfway housing (RMF, OMI).
 - a. Must be one thousand (1,000) feet from another transitional/halfway housing facility.
 - b. In a residential neighborhood, no external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private, except a small sign with a maximum area of four (4) square feet.

(g) *Residential uses.*

- (1) 4H, FFA and similar uses and activities (RSF, RMF, RMF-T, MHP, MHC).
 - a. Official documentation showing proof of participation in 4H, FFA or similar programs must be submitted to the county.
 - b. The uses and activities must cease at the completion
 - c.

**Conditional Uses
and Structures
(Exhibit E-4)**

SPECIAL EXCEPTION NARRATIVE
P.G.B.K. Properties, L.C.

Nature of the Request

P.G.B.K. Properties, L.C. (“PGBK”) is requesting a special exception to permit outdoor storage in the CG – Commercial General zoning district. The owners of PGBK also own Young Trucking, which has been operating on the adjacent property since the mid-1980’s. The special exception would permit Young Trucking to expand the parking area for its tractor units and semi-trailers as well as to offer a storage facility for other commercial vehicles and equipment.

IN 2015, PGBK installed a chain link fence around the site with all proper permits. PGBK intends to leave the fence, as installed. The proposed outdoor storage area will be located within a portion of the enclosed area, as shown on the site plan. A 10’ Type D/F1 buffer shall be placed along U.S. 41 within the 15’ between the property line and the chain link fence and along Tribune Boulevard along the property line. Since these areas are along rights-of-way, a 4’ high hedge as required by code shall replace the wall. A Type D buffer shall be placed along the north and east property lines between the storage area and the property lines.

Approval Criteria for Special Exceptions

1. The proposed special exception is consistent with the Comprehensive Plan.

The subject property is designated “Commercial” within the Urban Service Area on the Future Land Use Map. It is within the Economic Corridor framework. Generally, Commercial lands are intended for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities. The subject property is adjacent to other lands also designated Commercial. Consequently, the site would be part of a Community node.

Community Commercial developments, in addition to providing for daily shopping and service needs are also intended to provide “professional and business services which meet the needs of the trade area. The subject property is intended to provide parking for vehicles when not in use by the applicant’s adjacent affiliated commercial trucking business. Clearly, this is meeting a need of the trade area. Community Commercial developments must be adjacent to and with access provided by arterial or collector roadways. The subject property has access from U.S. 41, an arterial roadway. The development must be between three and 30 acres; the subject property is 4.15 acres.

FLU Objective 5.5 states Charlotte County’s intent to “support and foster economic development activities that focus on business creation and expansion . . .” The requested special exception will allow Young Trucking, a long-established Charlotte County business to continue the expansion of its fleet and its business, which currently employs over 40 people along with an additional 150 - 175 subcontractors as well as to

Narrative
(Exhibit G-1)

offer outdoor storage for other business operating within Charlotte County whose property is not large enough to accommodate all their equipment.

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

All property surrounding the subject site is currently vacant, with the exception of the property to the south, across Tribune Boulevard and the east. The southern property houses Young Trucking and the subject property will be an extension of that use. The property to the east is a railroad right-of way. To the north is commercially zoned property which would permit the same uses as the subject property. To the west, across U.S. 41 the property is zoned CG – Commercial General and PD – Planned Development. The PD zoning was approved in 1988 and has never been constructed. It is also designated as a commercial node on the Burnt Store Area Plan. The special exception will support the only existing use in the surrounding area. Permitted uses on surrounding properties would be identical to those to which the subject property is entitled, with the exception of the railroad to the east.

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

Young Trucking has had its tractor-trailers stored on the adjacent property since 1986 with no issue affecting the public health, safety or welfare. Believing the use was allowed under the former CI – Commercial Intensive zoning, the subject property has been used for overflow parking without issue since 2012. The approval of the special exception will include a requirement for buffers to be planted around the subject property, which will further reduce the visual impact of the use.

Narrative
(Exhibit G-2)



MEMORANDUM

Date: March 28, 2016
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: SE-16-004, Young Trucking Outdoor Storage Yard

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 site has been cleared with gravel and perimeter fence added.

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:

Chapter 3-5: Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*;

Chapter 3-9-100: *BUFFERS, LANDSCAPING, and TREE REQUIREMENTS*.

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

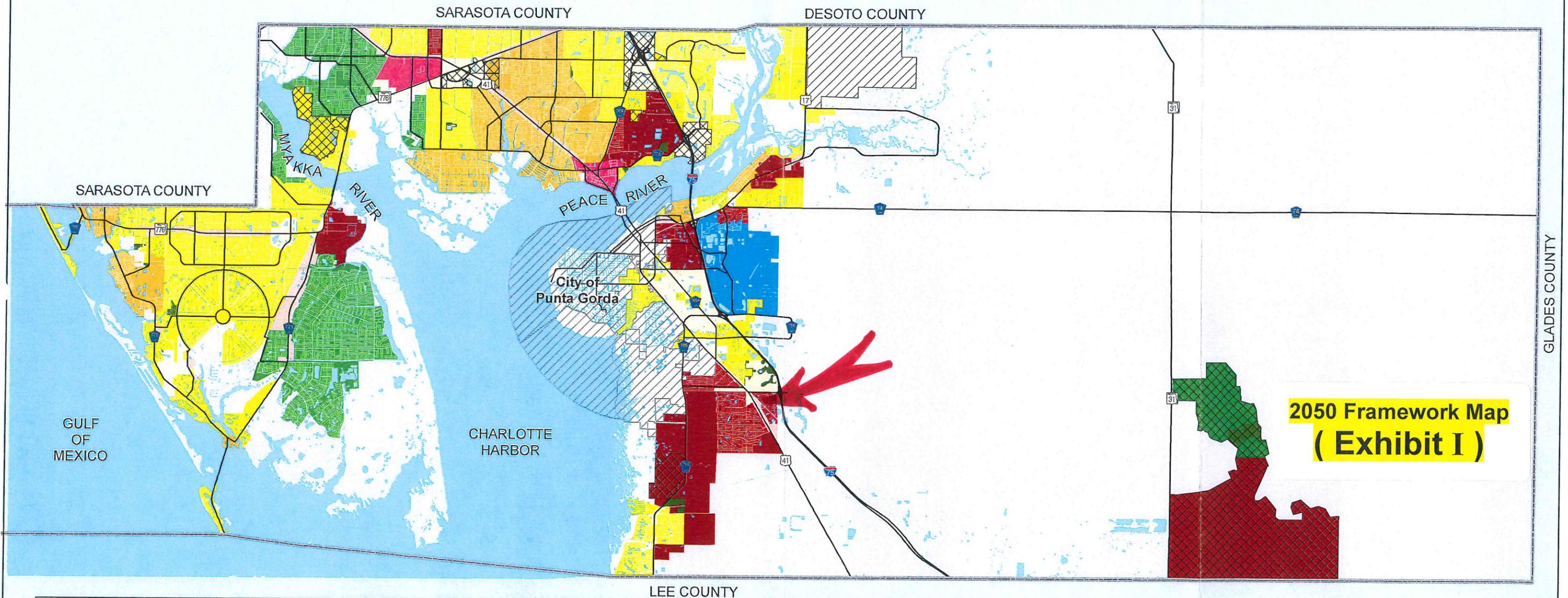
SD

(Exhibit H)



Land Information
Section

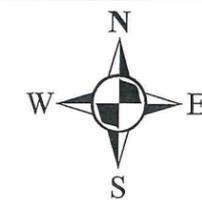
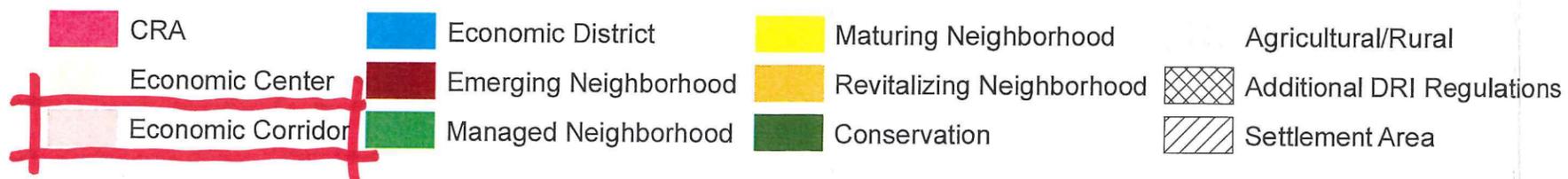
CHARLOTTE COUNTY Future Land Use Map Series Map #2: 2050 Framework



Stateplane Projection
Datum: NAD83
Units: Meters

Source: CCGIS, GROM

Metadata available upon request



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design.

FLU Policy 4.5.1: Limit and Constrain Managed Neighborhoods

The County shall discourage additional development within Managed Neighborhoods through actions that:

1. Allows a transfer density out of Managed Neighborhoods and into more appropriate urban locations. The County shall explore the feasibility of utilizing a bonus for removing density from contiguous lots in the Managed Neighborhoods. Any such bonus shall be adopted into the policies of this element.
2. Allow no increase in density or intensity beyond that allowed by the current zoning and FLUM designations.

FLU GOAL 5: SMART GROWTH CONCEPT PLAN IMPLEMENTATION - ECONOMIC DEVELOPMENT

Provide an Economic Development Program and Strategy that:

- Focuses on business creation and expansion.
- Aligns public investments, incentives and Future Land Use element policies to encourage and protect economic development opportunities that leverage existing economic assets.

FLU Objective 5.1: 2050 Framework - Economic Development

To focus economic development activity in the form of Economic Districts, Centers and Corridors to support economic growth and planned residential development.

FLU Policy 5.1.1: Priority for the Provision of Urban Services

The County shall establish the priority for the extension of urban services and facilities in Economic areas as follows:

1. *First priority:* Economic Districts.
2. *Second priority:* Economic Centers with completed Special Area Plans, Community Redevelopment Areas (CRAs) and Economic Corridors.
3. *Third priority:* Economic Centers and Corridors supporting Emerging Neighborhoods with completed Special Area Plans.
4. *Fourth priority:* Economic Centers and Corridors supporting Emerging Neighborhoods without completed Special Area Plans.

FLU Objective 5.2: Economic Districts

To allow designated areas for employment uses that benefit from existing economic support uses and catalyst sites.

and building design. Building design and location shall reinforce a pedestrian-oriented character including linkages between land uses through a functional bicycle-pedestrian system. Public gathering places shall be incorporated within each distinct land use area.

FLU Objective 5.4: Economic Corridors

To improve the visual and functional quality of streets and highways through actions that encourage mixed use development along corridors with a stronger emphasis on connectivity and more attractive physical design.

FLU Policy 5.4.1: Strengthen Character

The County shall continue to prepare Corridor Studies and to adopt FLUM and Zoning District Overlays for important corridors that address land use and design issues such as opportunities for mixed use development, building placement, parking lot design and access, shared parking options, site and corridor landscaping, and signage requirements to guide future development in a manner consistent with the desired character of the County. The priority order for the completion of these Corridor Studies shall be as follows:

1. US 41: Portion north of the Peace River - Complete.
2. US 17: Complete.
3. S.R. 776
4. C.R. 771
5. U.S. 41 south of the Peace River
6. Any other Corridors designated on the 2050 Framework Map

FLU Policy 5.4.2: Limit Expansion of Strip Commercial

The County shall deny FLUM amendments to the Commercial category that will allow new strip commercial development. An exception to this policy may be made in the case of infill development where a property is located between two properties already designated Commercial, or in order to increase the depth of an existing Commercial lot(s) where:

1. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is required to submit a unified development proposal; or
2. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is part of a Planned Development rezoning that includes both the existing and proposed properties.

FLU Policy 5.4.3: Access and Connectivity

The County shall amend the Code of Laws and Ordinances within one year of the effective date of this comprehensive plan to incorporate additional access and connectivity standards for developments along Economic Corridors with the following provisions:

1. Development should approach the internal street network in a way that prioritizes smaller walkable streets rather than wider streets designed solely for vehicular uses.
2. Require joint access for new developments between the allowable driveway openings and parking lots between developments, to increase internal circulation and connectivity.

FLU Policy 5.4.4: Scenic Highway Corridor Protection

The County shall encourage the enhancement of designated Scenic Highway Corridors S.R. 776, C.R. 771, and C.R. 775 (SPAM Series Map #4) and shall encourage the planting of canopy trees and native vegetation, where feasible.

FLU Objective 5.5: Support Business Creation and Future Economic Development Opportunities

To support and foster economic development activities that focus on business creation and expansion, and protection of future economic opportunities.

FLU Policy 5.5.1: Economic Development Strategy

The County shall continue to coordinate with and support the Economic Development Office in the pursuit of a coordinated economic development program that includes the following strategic actions:

1. *Target Businesses within Economic Districts.* Identify the types of businesses and locations that will meet the County's economic development goals.
2. *Recruiting.* Recruit target businesses to locate within the County.
3. *Retention.* Assist target businesses with start-up or expansion efforts.
4. *Infrastructure.* Provide the public infrastructure necessary to support economic development and existing businesses along major corridors.
5. *County leadership.* Provide incentives or remove disincentives to attract companies.
6. *Workforce development.* Forge partnerships to identify and develop needed workforce skills and innovations.
7. *Marketing.* Market Charlotte County as a Business Location.

development that includes a public marina component may be an allowed use within all residential, commercial, and industrial FLUM categories within the Urban Service Area if found consistent with this Plan. The development shall be built in accordance with the Compact Growth Mixed Use FLUM category.

FLU Policy 5.6.4: Boat Facility Siting Plan

The County is developing a county-wide boat facility siting plan. Once completed, this plan shall be incorporated into the Coastal Planning element as CPE Appendix I. Policies within that element and the FLUE shall be updated accordingly, as well as the Code of Laws and Ordinances, to provide effective guidance for siting and developing water-dependent uses.

FLU Objective 5.7: General Standards for Non-Residential Development

To ensure that future commercial, office and industrial uses are consistent and compatible with the character of the area in which the uses are located.

FLU Policy 5.7.1: Limiting Industrial Uses Adjacent to Residential

The County shall require industrial development infringing upon existing residential land uses or upon lands designated as a "Residential" land use category on the FLUM to provide a development plan that outlines methods that will be used to limit any noise, smell, and sight impacts of the development.

FLU Policy 5.7.2: Industrial Use Buffers

The County shall require industrial uses to create a buffer that protects adjacent incompatible land uses by means such as natural, vegetative barriers. These land uses include, but are not limited to, lands designated as Preservation, Resource Conservation and all lands acquired by county, State, or Federal agencies for preservation and conservation purposes. The Code of Laws and Ordinances will be updated within one year of the effective date of this Plan to provide standards for this buffering.

FLU Policy 5.7.3: Commercial Access

The County shall require that commercial land uses that request to have access to local roads, but which have frontage on and access to an arterial or collector roadway, provide an analysis that provides the reasons why it is necessary. Joint access with adjacent commercial sites and safety issues must be included as part of the analysis. The commercial access may be approved by the County as part of the Site Plan Review process should the need for the access be proven to improve the health, safety, and welfare of the public. Should the commercial land use be located within an area that has an adopted Revitalization Plan, Emerging Area Plan or Special Area Plan that provides standards for local

road access, a statement referring to these standards is adequate support material.

FLU Policy 5.7.4: Commercial Landscaping and Buffering

The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

FLU GOAL 6: COMMUNITY CHARACTER

Promote and enhance community character, identity and livability through Neighborhood and Area-wide Planning Programs that establish special planning policies and standards to guide and direct the future of the unique communities and neighborhoods of Charlotte County.

FLU Objective 6.1: Reinforce Community Character

To create functional, sustainable communities that reinforce and support the unique character of each area.

FLU Policy 6.1.1: Neighborhood and Area-wide Planning Programs

The County shall recognize, support and reinforce the unique community character of various neighborhoods, economic locations, and other large mixed use areas within the County through a formal planning process that provides a greater level of planning review, analysis, and recommendations for these areas. The process shall be unique to the scale and type of area that is under review and may include the following types of processes:

1. *Neighborhood Plans.* A community-based planning process that is designed to address the community character issues of a specific neighborhood and is focused on the establishment of community goals, the identification of neighborhood issues of concern, and development of specific strategies to resolve the issues and achieve the goals.
2. *Revitalization Plans.* A community- and stakeholder-based process that is designed to promote the economic and urban revitalization of specifically identified areas. These plans will enable property owners to rezone to the maximum density allowed by a FLUM category as identified in FLU Policy 1.2.7, create additional redevelopment incentives, and establish development standards to support redevelopment initiatives that lead to

SECTION 3: THE OFFICIAL FUTURE LAND USE MAP

GENERAL APPLICATION

The Charlotte County Future Land Use Element Appendix II contains the official Future Land Use Map. The map depicts a land use classification system that this appendix defines by location and range of permitted uses in each classification, the range of permitted densities and intensities of use, and other data necessary to comply with minimum State planning requirements.

These official Future Land Use Map (FLUM) categories are summarized in FLU Table A-1.

FLU Table A-1: Future Land Use Designations		
*Future Land Use Map Category	Abbrev.	Location Permitted
Resource Protection Land Uses		
Preservation	PR	County-wide
Resource Conservation	RC	County-wide
Parks & Recreation	PKR	County-wide
Rural Land Uses		
Agriculture	AG	Rural Service Area
Burnt Store Limited Development	BSLD	Burnt Store Overlay District (BSOD) Urban or Rural Service Area
Mineral Resource Extraction	MRE	Rural Service Area
Rural Community Mixed Use (to review description, see Mixed Use Land Use Categories)	RCMU	Rural Service Area
Urban Residential Land Uses		
Low Density Residential	LDR	Urban Service Area
Medium Density Residential	MDR	Urban Service Area
High Density Residential	HDR	Urban Service Area
Charlotte Harbor Coastal Residential	CHCR	Charlotte Harbor Community Redevelopment Area (CHCRA)
Non-Residential Land Uses		
Commercial	COM	Urban Service Area
Office and Institutional	OI	Urban Service Area
Charlotte Harbor Commercial	CHC	CHCRA
Enterprise Charlotte Airport Park	ECAP	Enterprise Charlotte Airport Park Overlay District
Low Intensity Industrial	LII	Urban Service Area
High Intensity Industrial	HII	Urban Service Area
Mixed Use Land Uses		
Compact Growth Mixed Use	CGMU	Urban Service Area
DRI Mixed Use	DRI	Urban Service Area
Burnt Store Village Residential	BSVR	BSOD Urban Service Area
Rural Community Mixed Use	RCMU	Rural Service Area
U.S. 41 Mixed Use	41MU	Urban Service Area

Minimum and Maximum Density

Charlotte Harbor Coastal Residential lands may be developed from one dwelling unit per acre up to a density of 3.5 dwelling units per acre.

Special Provision

Multi-family residential uses may only be developed if the property is rezoned to a Planned Development zoning district.

NON-RESIDENTIAL LAND USES

- Commercial*
- Office and Institutional*
- Charlotte Harbor Commercial*
- Enterprise Charlotte Airport Park*
- Low Intensity Industrial*
- High Intensity Industrial*

COMMERCIAL (COM)

The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur. Standards for strip-style commercial development are located in the Corridor sub-category, outlined in item 4 below.

General Range of Uses

These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.

Sub-category Standards

1. *Sub-neighborhood*: These developments are designed to provide for the convenience needs (convenience stores and other small retailers) of neighborhoods, with a service area of up to a 1 mile radius. Such developments are generally small in size and usually contain small, stand-alone structures. These centers are characterized by “quick stop” convenience stores, many of which sell gasoline and may have more than one stand-alone tenant per site. Zoning designations consistent with this land use are Commercial Neighborhood (CN) and Planned Development (PD).

Locational Standards: These developments shall be located within neighborhoods that are essentially residential in character. These uses are not intended to be located along major roadways or access roads paralleling major roadways.

- *Residential Support:* 3,000 to 4,000 persons
- *Size:* 0.5 to three acres
- *Maximum Intensity:* 0.4 FAR

2. *Community:* These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area.

Locational Standards: These developments shall be located adjacent to and with access provided by arterial or collector roadways.

- *Residential Support:* up to 40,000 persons
- *Size:* Three to 30 acres
- *Maximum Intensity:* 0.5 FAR for commercial / retail
1.0 FAR for professional office buildings

3. *Regional:* These developments provide the greatest variety of merchandise, institutional, and professional services with a service area that is county- and region-wide. They offer shopping goods, general merchandise, apparel, home furnishings, and other commodities.

Locational Standards: These developments shall be located with easy access to an I-75 interstate interchange.

- *Residential Support:* minimum 80,000 persons
- *Size:* greater than 30 acres
- *Maximum Intensity:* 1.75 FAR

4. *Corridor:* Corridors provide retail, service, and office uses along major roadways.

Locational Standards: Corridors are located along major urban corridors within Charlotte County. These corridors are U.S. 41, U.S. 17, S.R. 776, C.R. 775, and C.R. 771.

- *Maximum Intensity:* 0.6 FAR

Special Provisions

1. *Vesting of Residential Uses:* A property that was designated prior to October 7, 1997 on the adopted Zoning Atlas either as Office, Medical and Institutional (OMI),

Commercial Tourist (CT), Residential, multifamily (RMF), or Residential, multifamily/tourist (RMF-T), shall be allowed to develop multi-family residential not to exceed the density as specified in the Charlotte County Code of Laws and Ordinances for the Zoning Atlas designation applicable to that property. The applicable Zoning Atlas designations and their respective maximum densities are as follows: OMI - 10 units per acre; CT - 15 units per acre; RMF - 3.5 to 15 units per acre, depending on which RMF designation is applicable to the particular property; and RMF-T - 6 units per acre.

2. *Development of Non-vested Residential Uses:* A single residential dwelling may be incorporated into a commercial structure for use by a property owner, business owner, or manager or other employee of a business. The County shall allow only one dwelling unit per commercial structure, not per business. The residential dwelling unit can only account for up to 2,000 square feet or 25 percent of the structure, whichever is less.
3. *LEED Certification bonus:* For projects meeting a LEED certification level of Gold, the project can increase FAR by 0.1; for projects meeting a LEED certification level of Platinum, the project can increase FAR by 0.4.

OFFICE AND INSTITUTIONAL (OI)

These lands are designated for office and institutional uses as well as cultural activities.

General Range of Uses

Professional and business offices, museums, theatres and play houses, hospitals, clinics, nursing homes, group homes, assisted living facilities, studios, schools, funeral homes, and public services and facilities.

Maximum Intensity

Maximum FAR shall not exceed 0.6.

Special Provisions

1. The zoning district consistent with this FLUM designation is Office, Medical, and Institutional (OMI), Charlotte County Code of Laws and Ordinances, as may be amended.
2. *Neighborhood Office and Institutional:* Within residential neighborhoods, the minimum acreage for a map amendment to this category is 0.5 acres. Separate amendments may be approved for adjacent lands up to an aggregated acreage of 2 acres. An amendment of this type is expected to allow a development that serves 3,000 to 4,000 persons. The maximum intensity of development under these circumstances is 0.4 FAR.
3. *Development of Residential Uses:* A single residential dwelling may be incorporated into an office or institutional structure for use by a property owner, business owner, or manager or other employee of a business. The County shall allow only one

2. *Prohibited Uses*: Prohibited uses are listed below; additional restrictions and limitations are more specifically identified and described in the ECAP zoning district within the County Code.

- Wrecking yards, including automotive vehicle wrecking yards.
- Storage and manufacture of explosives, except that this restriction shall not preclude storage of explosives by any branch of the United States Armed Forces, the Coast Guard, the Florida National Guard, or any federal, state, or local law enforcement agency, or as part of approved special events with safety precautions.
- Bulk storage of flammable liquids except on Charlotte County Airport Authority property, but not storage of used motor oil.
- Asphalt/Concrete manufacturing and storage or similar uses.
- Sexually oriented businesses.
- Residential or model homes, and recreational vehicles. This restriction shall not preclude the maintenance or enlargement of any such use pre-existing on October 15, 2002, the date of adoption of this policy. Such maintenance or enlargement must take place solely within the boundaries of the property containing such use, as those boundaries existed at the time of the adoption of this policy.
- Institutional uses such as non-trade related schools, religious structures, nursing homes or hospitals, but not government owned buildings.
- Outdoor storage yards not associated with a business, such as recreational vehicle storage, boat trailer storage, etc.
- Recreational uses and museums.
- Chemical and fertilizer plants.
- Paper and pulp facilities.
- Tanneries engaging in the curing or storage of raw materials.
- Stockyards and feeding facilities.
- Landfills but not transfer facilities for recycling materials.
- Mini-warehouses or self storage facilities.
- Communication towers except those associated with the airport's communication and control equipment.

LOW INTENSITY INDUSTRIAL (LII)

These lands are designated for limited commercial uses and for facilities which assemble, market, and distribute products or engage in research and development. Low Intensity Industrial lands must have convenient access to principal highways or arterial roads.

General Range of Uses

Low intensity industrial including assembly, distribution and research and development, limited commercial, and public services and facilities.

Maximum Intensity

Maximum FAR shall not exceed 1.0.

Standards for Industrial Land Use Amendments:

The County shall consider Future Land Use Map amendments for new industrial uses based on the following criteria:

1. The site offers generally safe and easy access to major transportation facilities;
2. The site has direct access via direct frontage or private drive to a major rural collector, urban collector, minor arterial, or principal arterial thoroughfare;
3. The site is readily accessible to other forms of urban development, including significant employment opportunities;
4. The site has adequate potable water and sanitary sewer facilities;
5. Soils are suited to the intended use;
6. The site is generally compatible with surrounding land uses;
7. The site does not contain environmentally sensitive lands, or contains sufficient land which can support the proposed use without impacting environmentally sensitive lands;
8. The site shall not be placed within 200 feet of a Category I or II wetland unless it can be proven that such action will not adversely affect wetland functions and values;
9. The site is not located within a wellhead protection area;
10. The site, when developed at its full potential, will not adversely impact neighboring property owners; and
11. The site is within the Urban Service Area.

HIGH INTENSITY INDUSTRIAL (HII)

These lands are designated for facilities that manufacture products or sell items produced on site, as well as machinery and automotive repair shops, facilities which store fuel, oil, or gasoline, or commercial sites serving industrial uses. High Intensity Industrial lands must be located with convenient access to principal highways or major arterial roads.

General Range of Uses

High intensity industrial including manufacturing, machinery and automotive repair, limited commercial and public services and facilities.

Maximum Intensity

Maximum FAR shall not exceed 1.0.

Standards for Industrial Land Use Amendments

The County shall consider Future Land Use Map amendments for new industrial uses based on the following criteria:

Land Development Regulations
Chapter 3-9. Zoning
Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

(a) Purpose.

- (1) *Buffers.* The purpose of the buffering provisions is to establish standards for transitional landscape buffers and screening. Certain uses of property when abutting each other may be incompatible and create conflicts that may be reduced or eliminated by transitional buffers. These standards are intended to provide a comprehensive and consistent, yet flexible framework for providing adequate transitional buffer areas and screening between abutting incompatible uses. These standards are intended to improve the appearance of the county by eliminating or minimizing potential nuisances such as noise, lighting, unsightly buildings and structures, the visibility of outdoor aspects of intensive land uses, and off-street parking and loading areas, as well as assist in soil conservation and the natural control of air and water pollution and ensure the compatibility of different land uses over time.
- (2) *Landscaping.* The purpose of the landscaping provisions is to establish standards for landscaping areas associated with parking, traffic circulation, and other vehicular use. These standards are intended to provide a comprehensive and consistent, yet flexible, framework for landscaping intended to improve the appearance of the county by creating green space where development occurs, enhance soil conservation and the natural control of air, thermal, and water pollution, and ensure the compatibility of different land uses over time.
- (3) *Tree Requirements.* The purpose of the tree requirements provisions is to establish standards for the planting, preservation, and removal of trees. These standards are intended to provide a comprehensive and consistent, yet flexible framework for tree requirements intended to improve the appearance of the County by encouraging the proliferation of native trees and native vegetative cover, as well as relocation or replacement where necessary, and to control and eliminate invasive non-native species. Protection of trees and native vegetation is intended to promote carbon dioxide absorption, oxygen production, dust filtration; reduction of noise, wind, and glare; soil stabilization and enrichment; erosion prevention, surface drainage improvement and aquifer recharge; water pollution reduction, wildlife habitat, energy conservation, temperature moderation, the economic enhancement of improved and vacant lands; scenic beauty, quality of life, and the health, safety, welfare, and well-being of the County.

(b) 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) *Abutting:* see "Adjacent".
- (2) *Accent tree or understory tree:* trees referenced as accent trees or understory trees in Exhibit 8: List of Approved Tree Species.
- (3) *Access aisle:* the principal means of vehicular ingress and egress to abutting property from a street, right-of-way, or easement.
- (4) *Active use park:* all recreational parks with the exception of those used primarily as nature trails, mitigation banks, or for environmental study and interpretation.
- (5) *Adjacent:* contiguous, next to. When determining whether one land use or zoning district is adjacent to another, the existence of an intervening natural or man-made waterway (measured between mean high water lines or apparent high water lines), drainage facility, greenbelt, alley, or right-of-way which, alone or in combination are less than 200 feet in width, shall not be considered and the properties shall be treated as adjacent.
- (6) *Alley:* any public or private right-of-way intended to be used as a secondary means of access or service to abutting properties and not intended for general traffic circulation.

Land Development Regulations
Chapter 3-9. Zoning
Article IV. Site Design Standards and Requirements

3-9-100.1 Buffers

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

(d) Special provisions.

- (1) The perimeter of all outdoor storage yards shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. These buffer requirements may be reduced to Type B on interior lot lines abutting IG or II zoning districts.
- (2) The buffering required by this section shall be included in all planned developments (PD), as determined as part of the PD rezoning process.
- (3) The requirements of this section shall apply to property being used under the authority of a Special Exception. The type of buffering required will be established as a part of the Special Exception process.
- (4) Land uses for which a buffer type is not specifically provided for in this section shall be buffered at the level most likely to achieve the stated purpose of this division at the discretion of the Zoning Official or his/her designee.

(e) Installation standards.

- (1) Buffer areas shall be placed adjacent to the lot lines except:
 - a. Where necessary to avoid obstructions within the sight triangle;
 - b. At approved ingress and egress lanes;
 - c. Where easements or covenants regarding the use of the land prohibit such placement; or
 - d. Where natural features of the land prevent such placement.
- (2) Buffer areas may not be located on any portion of an existing or dedicated right-of-way or roadway easement.
- (3) No development or impervious surface is permitted within the required buffer.
- (4) No grading, development, or land-disturbing activities are permitted within the buffer unless approved by the Department.
- (5) Stormwater detention or treatment areas may not occupy more than 50 percent of the width of the buffer; provided however that this restriction does not apply to parcels less than or equal to 10,000 square feet.
- (6) Buffer areas may be used for passive recreation, sitting areas, and pedestrian and bicycle paths, provided, in the case of paths, that the width of the buffer is increased by the width of the path wherever the path is located and all other requirements of this section are met.
- (7) Buffer areas may be used for utility placement but only if:
 - a. No canopy tree will be displaced or damaged by the installation or maintenance of the utility; and
 - b. The applicant has produced written evidence that the utility has granted authority for such use;
- (8) Buffers must be maintained in compliance with this section.
- (9) Plants and trees shall be arranged in a uniform manner as depicted on the approved landscape plan.
- (10) Retaining existing native trees and vegetation within a buffer is encouraged unless a grade change exceeding six inches is required.
- (11) All prohibited plant species identified as Category I Invasive Species in the most recent edition of the Florida Exotic Pest Plant Council's List of Invasive Plant Species or listed in Exhibit 9: Prohibited Plants must be removed from the developed site during development or phase thereof.
- (12) Existing native trees listed in Exhibit 8: List of Approved Tree Species, may be used to meet the buffer plant material requirements if properly preserved as provided in Sec. 3-9-100.3: Tree Requirements.

Land Development Regulations
 Chapter 3-9. Zoning
 Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

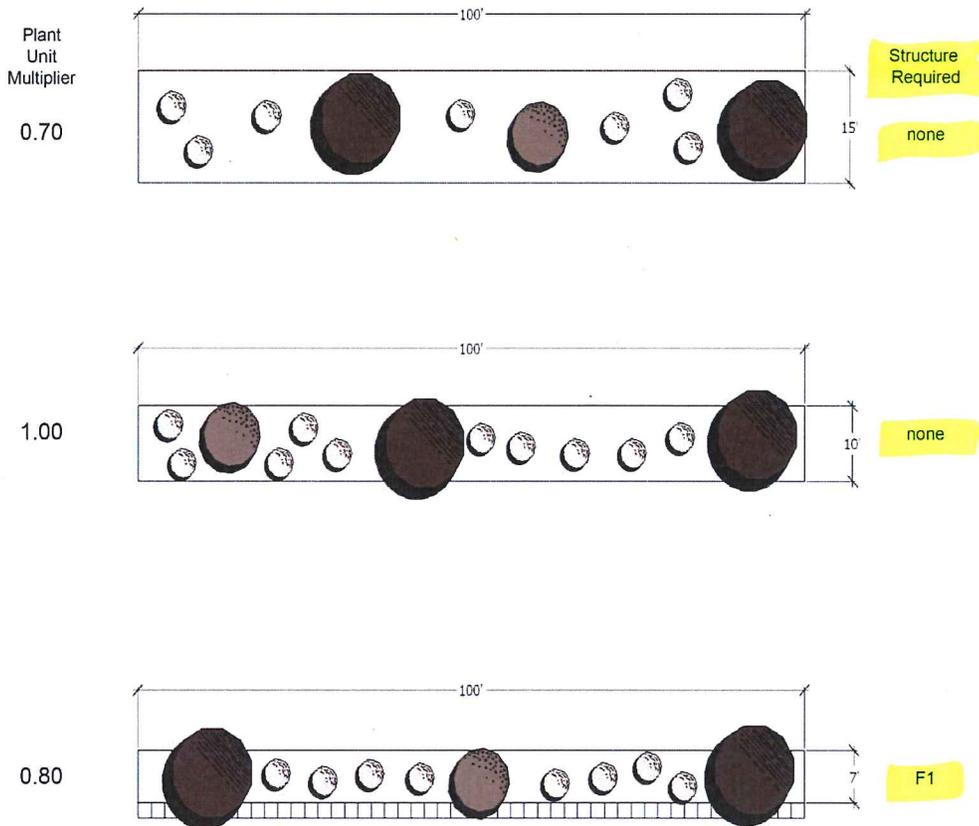
Exhibit 3: Buffer Type Illustrations

Exhibit 3A

**Buffer Type Illustration
 Buffer "A"**

Required Plant Units / 100 ft.		
	Canopy Tree	2
	Accent / Understory Tree	1
	Shrub	10

If Plant Unit Multiplier results in a fraction, round up.



**Section 3-9-100
 (Exhibit J-3)**

Land Development Regulations
 Chapter 3-9. Zoning
 Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

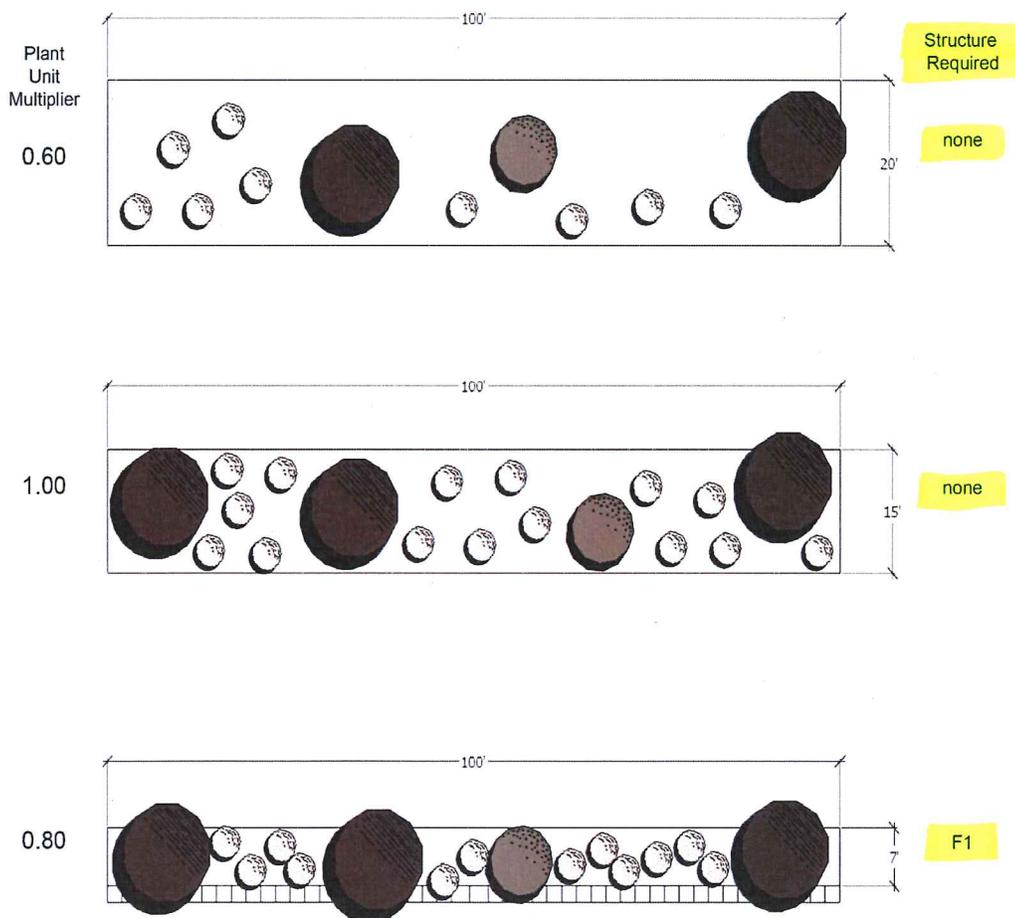
Exhibit 3B

Required Plant Units / 100 ft.

	Canopy Tree	3
	Accent / Understory Tree	1
	Shrub	15

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
 Buffer "B"



Section 3-9-100
 (Exhibit J-4)

Land Development Regulations
 Chapter 3-9. Zoning
 Article IV. Site Design Standards and Requirements

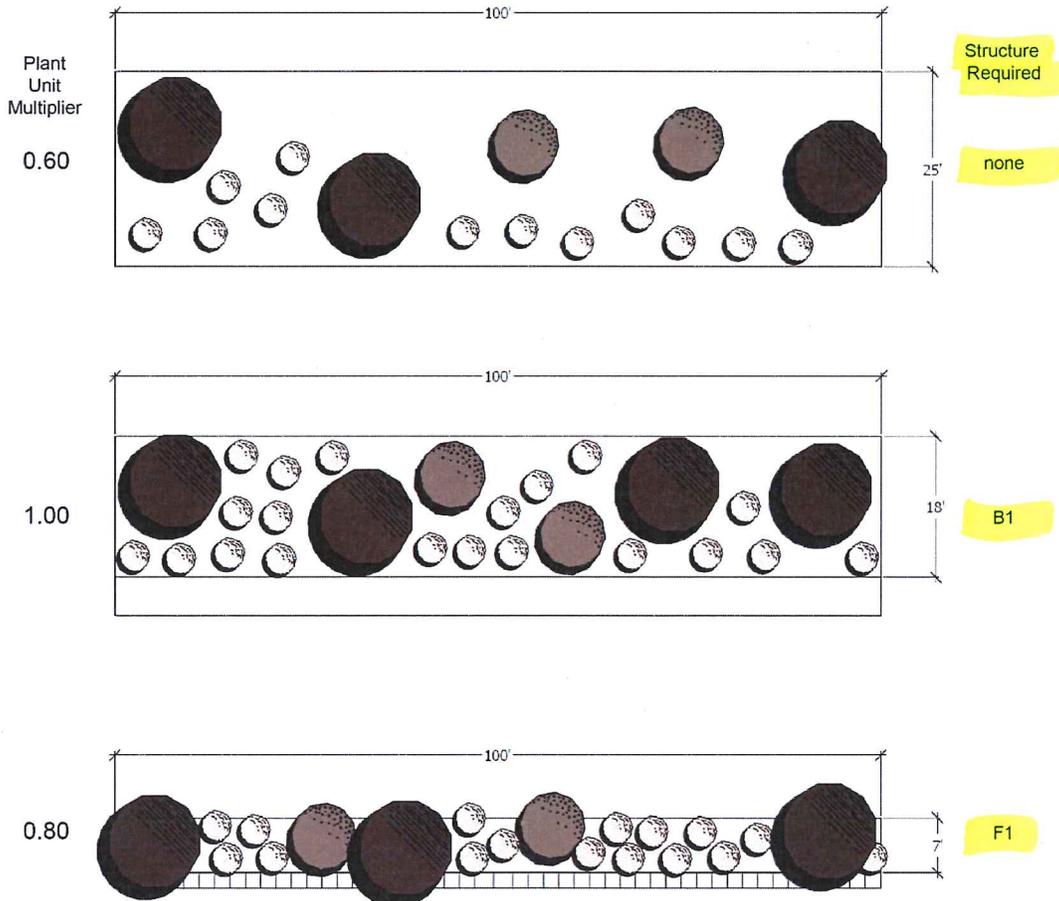
Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

Exhibit 3C

Buffer Type Illustration
 Buffer "C"

Required Plant Units / 100 ft.		
	Canopy Tree	4
	Accent / Understory Tree	2
	Shrub	20

If Plant Unit Multiplier results in a fraction, round up.



**Section 3-9-100
 (Exhibit J-5)**

Land Development Regulations
 Chapter 3-9. Zoning
 Article IV. Site Design Standards and Requirements

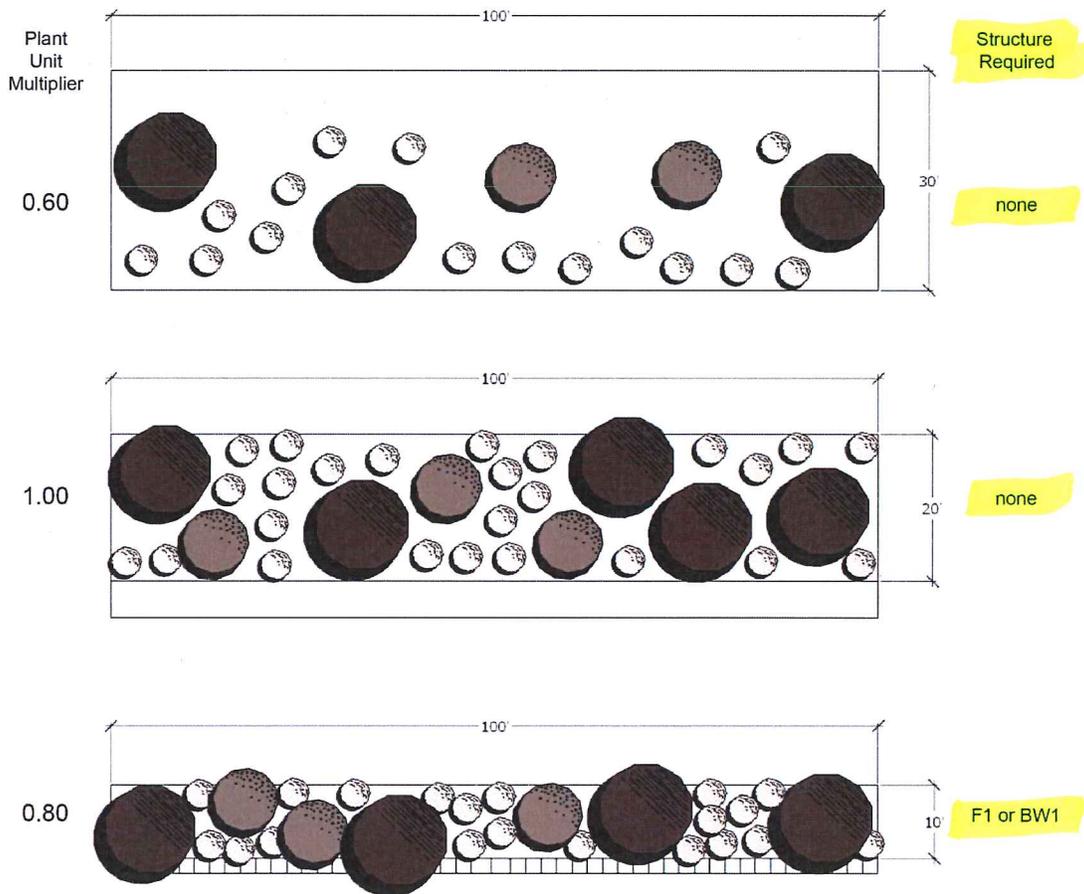
Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

Exhibit 3D

Required Plant Units / 100 ft.		
	Canopy Tree	5
	Accent / Understory Tree	3
	Shrub	25

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
 Buffer "D"



Section 3-9-100
 (Exhibit J-6)

Land Development Regulations
 Chapter 3-9. Zoning
 Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

Exhibit 4: Berms, Berm Walls, and Fences Illustrations

Berms

Berm	Height	Material
B1	3ft *	Earth
B2	5ft *	Earth

*Max. Slope = 3:1

Berm Walls

Berm	Height	Material
BW1	3ft *	w/ 5ft. Masonry Wall

*Max. Slope = 3:1

Fences

Fence or Wall	Height	Material
F1	6 ft.	-Cement block with stucco finish -Poured cement -Brick -Vinyl/PVC -Masonry -Wood

Land Development Regulations
Chapter 3-9. Zoning
Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

3-9-100.3 Tree Requirements

(c) Minimum tree requirements.

- (1) For all development regulated by this section, tree points must be preserved or planted according to Exhibit 6: Tree Points for Development Types. A list of trees acceptable for the purpose of this section is provided in Exhibit 8: List of Approved Tree Species.
- (2) For all landscaping purposes, trees found in the most recent edition of the "Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design," produced by the University of Florida/IFAS, but not listed in Exhibit 8: List of Approved Tree Species may be permitted at the discretion of the Zoning Official or his/her designee. The applicant must demonstrate that the tree is appropriate for the location. These trees may be considered for tree points.

Exhibit 5: Tree Points

Tree caliper (inches)	Retained Native (Except Palms)	Installed Native (Except Palms)	Non-Native* (Installed or Retained)	Native Palms (Minimum 6' clear trunk)	Preserved or Planted Wax Myrtles (Minimum 6' tall with at least one 2" stem) OR 25 sq. ft. Palmetto
2.0	1.0	1.0	0.5	0.5	0.5
3.0	1.5	1.5	1.0	0.5	N/A
4.0	3.5	2.5	1.5	0.5	N/A
5.0	4.0	3.0	2.0	0.5	N/A
6.0	4.5	3.5	2.5	0.5	N/A
7.0	5.0	4.0	3.0	0.5	N/A
8.0	5.5	4.5	3.5	0.5	N/A
9.0**	6.0	5.0	4.0	0.5	N/A

*From Exhibit 8: List of Approved Tree Species

**Add 0.5 points for every inch thereafter (except in the case of Palms, Wax Myrtles, and Palmetto).

Exhibit 6: Tree Points for Development Types

Development Type	Number of Tree Points Required
Residential, commercial and industrial	1 tree point for every 2,000 square feet of development site
Outdoor-oriented recreational activities which require open space and are available to the general public	1 tree point for every 4,000 square feet of development site
Manufactured home parks within a Manufactured Home Park (MHP) Zoning District	2 canopy trees per manufactured home site*
*Palms shall not be considered canopy trees for the purpose of satisfying the tree requirements for manufactured home parks within a Manufactured Home Park (MHP) Zoning District.	

**Section 3-9-100
(Exhibit J-8)**