

CHG  
BCE

ORDINANCE  
NUMBER 2015-028

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-79, OFF-STREET PARKING AND LOADING FACILITIES; PROVIDING FOR THE REVISED INTENT; PROVIDING FOR REVISED APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR CALCULATION; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR REVISED PARKING REQUIREMENTS FOR DRIVE-UP FACILITIES; PROVIDING FOR REVISED DEVELOPMENT STANDARDS; PROVIDING FOR REVISED REQUIREMENTS FOR OFF-STREET PARKING FACILITIES; PROVIDING FOR REVISED REQUIREMENTS FOR OFF-STREET LOADING; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, the County's Land Development Regulations (LDRs) were originally adopted in 1981 and took effect on December 8, 1981; and

WHEREAS, over time, County Staff was directed to revise the existing LDRs and has been working over the last several years to accomplish the desired revisions; and

WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and

WHEREAS, in order to thoroughly review and update the existing LDRs, County Staff has divided the project into three phases; and

WHEREAS, Phase I focused on revisions to the conventional zoning districts and some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

19  
M/W

1           WHEREAS, Phase II focuses on all overlay codes and the remaining sections of  
2 Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

3           WHEREAS, Phase III will focus on regulations found primarily in Chapter 3-5.  
4 Planning and Development, which may include topics such as wetlands, landscaping  
5 and buffers, and site and commercial design standards; and

6           WHEREAS, Phase I was approved by the Board of County Commissioners of  
7 Charlotte County, Florida (“Board”) on November 25, 2014; and

8           WHEREAS, in order to thoroughly review and revise the County’s LDRs, County  
9 Staff divided Phase II into small groups; and

10          WHEREAS, Phase II.1 was approved by the Board on February 24, 2015; and

11          WHEREAS, Phase II.2 was approved by the Board on April 28, 2015; and

12          WHEREAS, in Phase II.3, County Staff is recommending that Chapter 3-9 of the  
13 Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising  
14 Section 3-9-79. Off-Street Parking and Loading Facilities; providing for the revised  
15 intent; providing for revised applicability; providing for definitions; providing for  
16 calculation; providing for general requirements; providing for revised parking  
17 requirements for drive-up facilities; providing for revised development standards;  
18 providing for revised requirements for off-street parking facilities; and providing for  
19 revised requirements for off-street loading; and

20          WHEREAS, Phase II.3 has previously been heard by the Planning and Zoning  
21 Board (“P&Z Board”) and, based on the findings and analysis provided by County Staff  
22 and the evidence presented to the P&Z Board, has been recommended for approval on  
23 April 13, 2015; and

1           WHEREAS, the Board considered Phase II.3 in a public hearing held on May 26,  
2 2015; and

3           WHEREAS, based on the findings and analysis provided by County Staff and the  
4 evidence presented to the Board, the Board has determined that the changes are  
5 consistent with the County's Comprehensive Plan and are in the best interests of the  
6 County and its citizens.

7           NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
8 of Charlotte County, Florida:

9           Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,  
10 Florida, is hereby amended by revising Section 3-9-79. Off-Street Parking and Loading  
11 Facilities; providing for the revised intent; providing for revised applicability; providing for  
12 definitions; providing for calculation; providing for general requirements; providing for  
13 revised parking requirements for drive-up facilities; providing for revised development  
14 standards; providing for revised requirements for off-street parking facilities; and  
15 providing for revised requirements for off-street loading, by adding the underlined  
16 language and by ~~deleting the stricken language~~ to provide as shown in Exhibit "A" which  
17 is attached hereto and provided herein.

18  
19           Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall  
20 supersede any provision of existing ordinances in conflict herewith to the extent of said  
21 conflict.

22  
23           Section 3. Severability. If any subsection, sentence, clause, phrase, or portion  
24 of this Ordinance is for any reason held invalid or unconstitutional by any court of  
25 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
26 independent provision and such holding shall not affect the validity of the remainder of  
27 this Ordinance.

28  
29           Section 4. Effective Date. This Ordinance shall take effect upon its filing with the  
30 Office of the Secretary of State, State of Florida.

31  
32  
33

1 PASSED AND DULY ADOPTED this 26<sup>th</sup> day of May, 2015.

2  
3  
4  
5  
6 BOARD OF COUNTY COMMISSIONERS OF  
7 CHARLOTTE COUNTY, FLORIDA  
8  
9 By: William G. Truex  
10 William G. Truex, Chairman  
11  
12  
13  
14

15 ATTEST:  
16 Barbara T. Scott, Clerk of  
17 Circuit Court and Ex-Officio  
18 Clerk to the Board of County  
19 Commissioners

20  
21 By: Michelle DiBeardino  
22 Deputy Clerk  
23  
24  
25

26 APPROVED AS TO FORM  
27 AND LEGAL SUFFICIENCY:

28  
29 By: Janette S. Knowlton  
30 Janette S. Knowlton, County Attorney  
31 LR2015-3323  
32  
33  
34  
35  
36  
37  
38  
39

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

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

- (a) ~~Intent.~~ The standards in this section are intended ~~and purpose of this section is and shall be interpreted to assure ensure that all developments provides for adequate and safe storage and safe movement of vehicles in a manner consistent with the best practices of good engineering and site design principles. It is the intent of this regulation that~~ This section is intended to require all uses to provided off-street parking on the premises for which it is intended to serve. Where a use has not been specifically listed in this section, the zoning official shall assign the parking requirements in accordance with the most similar to the proposed development.
- (b) Applicability.
- (1) New developments. All residential and nonresidential uses shall be required to provide off-street parking spaces in accordance with the regulations specified within this section ~~provisions of this section.~~
- (2) Expansion of Existing Uses/developments. Existing buildings or uses which are enlarged in terms of floor area or seating capacity shall, if necessary, provide additional parking spaces for the additional floor area or seating capacity in accordance with this section. ~~Existing buildings and uses which have existing off-street parking spaces may be modernized, altered, or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. This subsection does not apply to increased seating capacity in a shopping center. a. Existing buildings and uses which have existing off street parking spaces may be modernized, altered, or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. Buildings which have been damaged in excess of fifty (50) percent of the replacement value of the structure as reflected in the valuation shown in the records of the property appraiser for the preceding fiscal year before the damage occurred shall be required to comply with all applicable regulations.~~
- ~~b. Existing buildings or uses which are enlarged in terms of floor area or seating capacity shall provide additional parking spaces in accordance with this section for the additional floor area of seating capacity;~~
- (3) Change of Use. Any change in use of an existing building or unit thereof shall require additional off-street parking and off-street loading facilities for the new use in accordance with the requirements of this section unless:
- a. The building, unit thereof, or use is located in a shopping center or an area with non-assigned common parking by deed or common public parking on a County right-of-way.
- b. The building, unit thereof, or use is less than 2,000 square feet in floor area.
- c. The new use has the same parking requirement or a less requirement than the previously existing use.
- (4) Non-conforming Parking. Existing parking which does not conform to the standards of this section may not be reduced except through the use of an Alternative Parking Plan as provided in this section.
- (5) Non-parking uses of Parking Spaces. Except for special events that receive a permit in accordance with the Special Event Permit requirements of this section, required on-site parking spaces shall only be used for parking.
- ~~Mixed uses.~~ In the case of mixed uses, the total requirements of off-street parking shall be the sum as proportional to the whole of the requirements of the various uses computed separately. The provision of off-street parking space for one (1) use shall not be considered as providing the required off-street parking for another use.



Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

(c) Definitions. Unless otherwise specifically stated in this section, or unless otherwise clearly indicated by the context, the following terms when used in this section shall have the meanings indicated as follows:

(1) Park: There are two types of parks, which are active parks and passive parks. Active parks are all recreational parks with the exception of those primarily used as nature trails, mitigation banks, or for environmental study and interpretation. Passive parks are any park facility not defined as an active use park herein.

(2) Take-out Restaurant: Any restaurant that is engaged in preparing and selling food primarily for off-site consumption by patrons. Take-out restaurants may offer limited seating for patrons, but do not typically provide waiter or waitress service. Such establishments may include bagel, coffee, and donut shops; pizzerias and sandwich shops; take-out restaurants; or any similar establishment as determined by the Zoning Official or his/her designee.

(d) ~~(c)~~ Computation/Calculation.

(1) Number of spaces. When the determination of the number of off-street parking spaces required by this regulation results in a fractional space, the fraction shall be counted as one (1) parking space.

~~(2) Places of assembly. In auditoriums, churches and other places of public assembly in which occupants utilize benches, pews, or the like, each twenty-four (24) linear inches of such seating facilities shall be counted as one (1) seat.~~

~~(23) Floor area. Floor area shall be calculated as the sum of the gross horizontal floor area of all floors of a building as measured from the exterior faces of the exterior walls. As an alternative, Alternatively, the applicant may measure from the interior face of the exterior walls to arrive at a calculation of floor area. Should this option be used, provided that the applicant shall be required to submit an affidavit, certified by a Registered Architect or Licensed Professional Engineer, as to its accuracy.~~

(3) Multiple and Accessory Uses. If a site contains multiple uses that could each be considered principal uses, parking shall be provided for each use listed in the table.

~~(ed) General Requirements. The table which follows specifies the required minimum number of off-street parking spaces. Off-street parking shall be provided for all uses in accordance with the table below unless an adjustment to the parking requirement as permitted by this section is approved by the Zoning Official or his/her designee, the percentage of spaces that may be allocated for compact vehicles, and, in the notes, any special requirements that may apply. Where a use has is not been specifically listed in this section, the Zoning Official shall assign the applicable parking requirements and, in doing so, shall take into consideration in accordance with the the development type(s) most similar to the proposed development and any parking study prepared in accordance with the requirements of this section.~~

Adjustments to Parking Requirements:

(1) The required number of off-street parking spaces may be reduced by not more than ten percent of the total required number of off-street parking spaces where necessary to preserve existing trees in accordance with the standards of Section 3-9-100.3, Tree Requirements. This reduction in parking may be authorized by the Zoning Official or his/her designee. Any applicant seeking a reduction shall submit a site plan illustrating the improvements, parking area, and locations, sizes, and types of trees to be preserved. A narrative describing in significant detail the measures to be taken to ensure the survivability of the trees shall accompany the site plan. The Zoning Official or his/her designee shall review the submission and render a determination on the requested reduction. An appeal of this determination shall be heard by the Board of Zoning Appeals pursuant to Section 3-9-6.1, Administrative Appeals.

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

(2) The required number of off-street parking spaces may be reduced as approved by the County Engineer or his/her designee. Any applicant seeking a parking reduction shall submit a parking study prepared by a Licensed Professional Engineer that provides justification for the requested reduction. At a minimum, the parking study shall address, where applicable:

- a. The type of use(s).
- b. Total square footage by use(s).
- c. Estimated time of and number of spaces required at peak parking demand.
- d. ADA-accessibility requirements.
- e. Employment characteristics including, but not limited to, total number of employees and the number of employees per shift.
- f. A description of any factors that may reduce or increase the parking demand

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

	Use	Minimum Off-Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full Size/Compact)	Notes
1.	Art gallery and mMuseum	1 space/250 square feet of floor area	75/25	
2.	Auto bBody sShop, aAutomobile sService sStation, aAutomobile qQuick sService	4 spaces/service stall plus 1 space/employee <sup>(1)</sup>	75/25	
3.	Automotive, bBoat, mMobile-Manufactured hHome, rRecreational vVehicle sSales or Storage	1 space/400 square feet of building floor area	75/25	
4.	Bowling aAlley	5 spaces/lane plus required parking for any other use on-site	75/25	
5.	Building mMaterials/sSales and gGarden eCenter	1 space/300 square feet of floor area	75/25	
6.	Car wWash	2 spaces/washing stall or space plus drive up facilities	75/25	

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

7.	Child Care Center, Preschool/Nursery School	2 spaces/employee <sup>(1)</sup>	100/0	
8.	College, University, Trade, Vocational Schools	1 space/employee plus 1 space/2 students	50/50	
9.	Dry boat storage	1 space/20 storage slips		
10.	Essential and Emergency Service Facilities	1 space/employee <sup>(1)</sup>	75/25	
11.	Funeral Home and Crematorium	1 space/250 square feet of floor area	75/25	
12.	Furniture, Appliance, and Floor Covering Stores	1 space/400 square feet of floor area	75/25	
13.	Golf Course	6 spaces/hole plus required parking for any other use on-site	75/25	
14.	Health Clubs and Indoor Recreational Facilities <sup>(2)</sup> , including game arcades, billiard center	1 space/150 square feet of floor area	75/25	Swimming pool shall be counted as floor area.
15.	Hospital	1 space/bed plus 1 space/3 employees <sup>(1)</sup> on the largest shift	75/25	
16.	Indoor or Outdoor Flea Market <sup>(1)</sup>	1 space/100 square feet of display area	75/25	100% of the overflow parking may be allowed nonpaved surface.
17.	Mobile Manufactured Home Parks/subdivisions RV Park	2 spaces/mobile manufactured home or RV site plus 1 space/250-500 square feet of floor area of office, laundry and recreational buildings and the like which are intended for the use by residents only	100/0	
18.	Manufacturing	1 space/employee <sup>(1)</sup> on the largest shift, plus 5 additional spaces for customers for facilities over 3,000 square feet	50/50	
19.	Commercial	1 space/10 docking slips		

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

	<u>m</u> Marina	and required parking for accessory uses-		
20.	<u>e</u> Medical and <u>d</u> Dental <u>o</u> ffices, <u>p</u> ain management clinics	1 space/150 square feet of floor area	75/25	
21.	Mini-warehouse	1 space/1500-6,000 square feet of <u>b</u> uilding floor area	50/50	
22.	Miniature <u>g</u> Golf <u>c</u> ourse	2 spaces/hole plus required parking for any other use on-site	75/25	
23.	Model <u>h</u> Home <sup>(4,2)</sup> s	4 spaces/model	100/0	In accordance with section 3-9-87
24.	Motels and <u>h</u> Hotel <sup>(3)</sup> s	1 space/guest room plus 1 space/3 employees <sup>(1)</sup>	75/25	Motels/hotels with a restaurant or lounge require 1 additional space/200 square feet of restaurant or lounge area. Motels/hotels located within 1500 feet of an interchange along I-75 shall provide 5% additional spaces with a minimum size of 10' x 40' for accommodation of trucks, motor homes, etc.
25.	Multifamily <u>d</u> Dwellings	1.5 spaces/unit	100/0	
26.	Nursing <u>h</u> Homes, ACLF's <u>g</u> roup <u>h</u> Homes	1 space/4 beds	75/25	
27.	<u>P</u> ark	<u>1 space per acre up to the first ten acres and 1 space for each additional 10 acres plus parking required for other recreational uses</u>		
27a.	<u>B</u> all Fields	<u>10 spaces/field</u>		
27b.	<u>B</u> MX Track, <u>P</u> layground, <u>S</u> kate <u>P</u> ark	<u>1 space/2,000 sq. ft. of park/track area</u>		
27c.	<u>S</u> wimming <u>P</u> ool	<u>1 space/250 sq. ft. of pool area</u>		
27d.	Tennis, <u>h</u> Handball, and <u>r</u> Racquetball and other Ball Courts facilities	2 spaces/court, plus required parking for any additional uses on-site	75/25	
28.	Houses <u>P</u> laces of <u>w</u> orship <sup>(4),(5)</sup>	1 space/3 seats of seating capacity of <u>i</u> n the principal	75/25	Up to 70% of the required parking spaces may be surfaced

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

		area of assembly (that being the sanctuary or chapel area)		with a grass or lawn provided that these parking spaces are well-drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved.
29.	<del>Private e</del> Elementary and <del>m</del> Middle <del>s</del> Schools	1 space/employee <sup>(1)</sup> plus 1 space/40 students	75/25	
30.	<del>Private and</del> parochial <del>h</del> High <del>s</del> School	1 space/employee <sup>(1)</sup> plus 1 space/2 students	75/25	
	Public schools	Compliance with state laws		
31.	Research <del>l</del> Laboratory	1 space/500 square feet of floor area	75/25	
32.	Restaurants, <del>b</del> Bars, <del>C</del> Cocktail <del>l</del> Lounges and <del>n</del> Nightclubs	1 space/100 square feet of floor area		
33.	Retail <del>s</del> Sales and <del>s</del> Services, <del>b</del> Business <del>s</del> Services, <del>p</del> Professional <del>s</del> Services, <del>e</del> Clinics and <del>m</del> Medical <del>l</del> Laboratories (includes aAll <del>e</del> Offices, except <del>m</del> Medical and <del>d</del> Dental <del>e</del> Offices)	1 space/200 square feet of floor area	75/25	
34.	Rooming or <del>b</del> Boarding <del>h</del> Houses	1 space/bed	100/0	
35.	Shopping <del>c</del> Center	1 space/200 square feet of floor area when less than 25,000 total square feet; 1 space/250 square feet of floor area between 25,000 square feet or more and 500,000 square feet; 1 space/200 square feet of floor area when greater than 500,000 square feet	75/25	
36.	Single-family and <del>D</del> duplex dwellings	2 spaces/unit	100/0	

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

37.	Take-out Restaurants	1 space/200 square feet of floor area		
38.	Public buildings, Theaters, Auditoriums, and Places of Assembly, Private Clubs and Lodges <sup>(5)</sup>	1 space/3 seats of in the principal area of assembly, plus 1 space/employee <sup>(1)</sup> on the largest shift	75/25	In the absence of a specified seating arrangement, the parking ratio shall be computed as every 15 square feet equals 1 seat.
39.	Warehouse	1 space/400 square feet of floor area	50/50	
40.	Wholesale	1 space/1,000 square feet of floor space plus 1 space/company vehicle	50.50	

- (1) Parking for employees shall be determined based on the number of employees on the largest shift during the Site Plan Review process.
- (2) In accordance with section 3-9-78: Model Homes.
- (3) Motels/hotels with a restaurant or lounge require 1 additional space/200 square feet of restaurant or lounge area. Motels/hotels located within 1500 feet of an interchange along I-75 shall provide 5% additional spaces with a minimum size of 10' x 40' for accommodation of trucks, motor homes, etc.
- (4) Up to 70% of the required parking spaces may be surfaced with a grass or lawn provided that these parking spaces are well-drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved.
- (5) In the absence of a specified seating arrangement, the parking ratio shall be computed as every 15 square feet equals 1 seat.
- (6) Swimming pools shall be counted as floor area.
- (7) 100% of the overflow parking may be allowed non-paved surface.

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

44-(f) Drive-up facilities: Any commercial establishment use providing drive-up facilities service windows or stalls shall provide for the stacking of vehicles lanes in addition to the requirements set forth for establishments without said drive-up facilities in accordance with the table below. Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces. Any overflow resulting from such stacking lanes shall be contained on the subject site, and shall not overflow onto not adjacent property properties under different ownership, nor any road the public right-of-way, or internal traffic aisles. The requirement shall be as follows:

<u>Use</u>	<u>Minimum Stacking Spaces<sup>(1)(2)</sup></u>
<u>Banks and Financial Institutions</u>	<u>4 per service lane</u>
<u>Automated Teller Machine (ATM)</u>	<u>3 per service lane</u>
<u>Restaurants</u>	<u>5 per service lane</u>
<u>Car Wash, Automatic</u>	<u>4 per service lane</u>
<u>Car Wash, Self-Service</u>	<u>2 per service lane</u>

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

<u>Other Drive-through Facilities</u>	<u>2 per service lane</u>
---------------------------------------	---------------------------

<sup>(1)</sup> Stacking spaces shall be measured from the point of transaction (teller window, order box, or equivalent)

<sup>(2)</sup> Stacking spaces shall be a minimum of eight feet by twenty feet (8 x 20)

- ~~a. Banks and financial establishments: Stacking lanes to accommodate four (4) cars per window.~~
- ~~b. Restaurants: Stacking lanes to accommodate six (6) cars per service lane.~~
- ~~c. Photo dropoff, laundry dropoff, etc.: Stacking lanes to accommodate three (3) cars per service lane.~~

(eg) *Development standards.*

- (1) Required off-street parking spaces shall not encroach upon a public right-of-way, nor shall any required parking spaces be located in a dedicated parkway.
- (2) Off-street parking spaces shall be designed such that backing movements are accomplished within the limits of the property.
- (3) A full-size (standard) parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long. Parallel spaces shall be a minimum of ten feet wide by 24 feet long.
- (4) ADA-accessible parking spaces shall be provided in accordance with Florida Statute and the Florida Accessibility Code within the Florida Building Code.
- (5) For non ADA-accessible All required parking spaces, driveways and aisles, the required parking shall be graded and paved with a hard surface of asphalt, concrete, paver block, turf block or brick with the following exceptions:
  - a. Grass or mulch overflow parking.
  - b. Development on bridgeless Bbarrier islands development without vehicular access to the mainland.
  - cb. Bona fide agricultural uses.
  - dc. Required parking associated with on-site, temporary construction offices or model residential units, when associated with temporary sales offices, may be graded and improved with stone, shell or marl in lieu of other paving surfaces, provided that such temporary use is approved as a special exception; and such use shall not exceed a period of two (2) years from the date on which a building permit is issued for the manufactured building.
  - d. Any parking that exceeds the required amount of parking defined by this section.
  - e. As otherwise permitted by the Zoning Official or his/her designee. Up to seventy (70) percent of the parking spaces for houses of worship and public schools may be surfaced with grass or lawn. Spaces that are not paved shall be compacted, stabilized, well-drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved.
- (56) ~~Each paved parking space shall be delineated by all-weather lines centered on the driving line between spaces and shall have wheel stops set every two (2) feet, where needed for safety, as certified by the developer's engineer.~~
- (67) Any parking area required to accommodate the sale, rental, or repair of vehicles shall be provided in addition to the required number of off-street parking spaces for any such use and shall be dimensioned, graded and paved in accordance with the standards of this section or as determined by the Zoning Official or his/her designee.

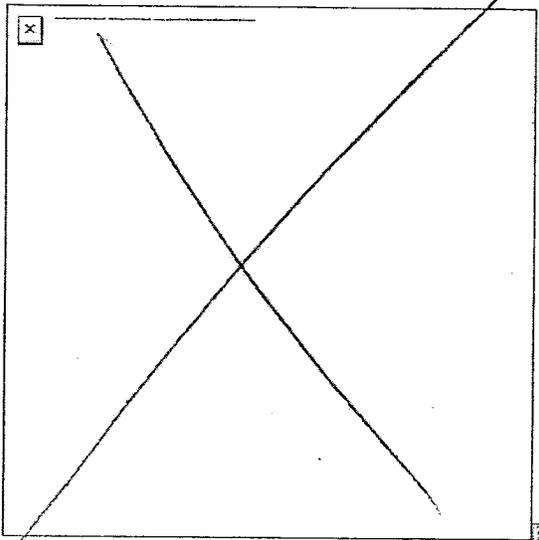
Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

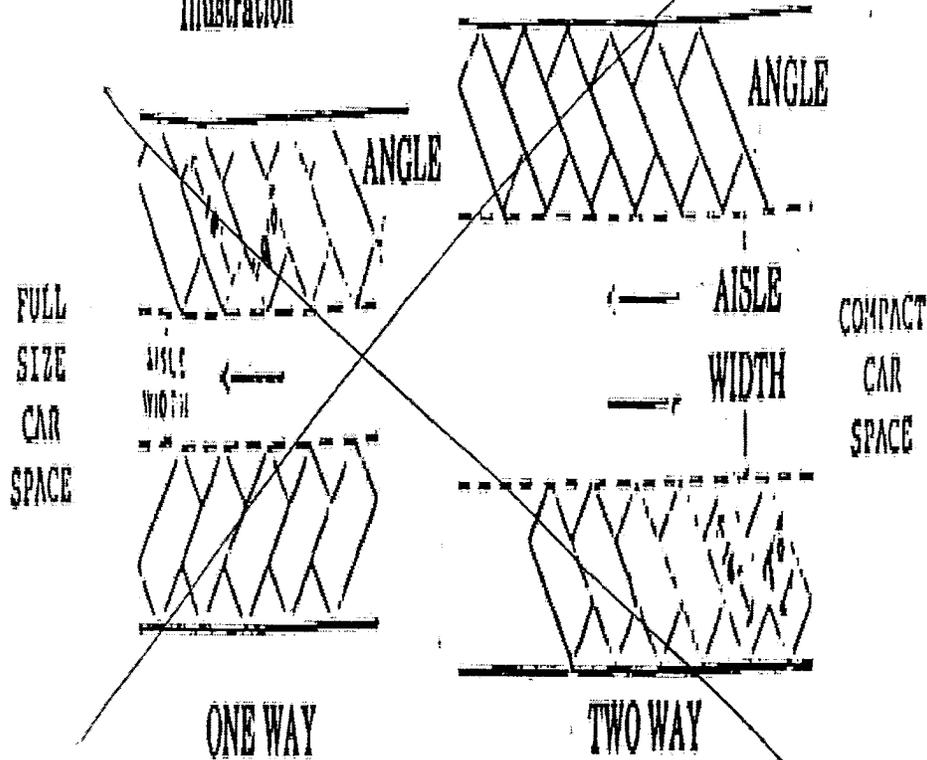
- ~~(8) A compact parking space shall be a minimum of seven and one-half (7½) feet wide by sixteen (16) feet long.~~
- ~~a. Compact spaces. Signs or signs combined within color-coded stall lines shall be used to distinguish compact car spaces from full-size car spaces.~~
- ~~b. Company car spaces shall be located no more and no less conveniently than full-size car spaces, and shall be grouped in identifiable clusters.~~
- (7) All individual parking spaces shall be accessible at all times from an driving aisle intended to provide access to the space. Minimum aisle widths shall be as follows:

	<b>Aisle Width</b>	
<b>Angle of Parking</b>	<b>One-Way</b>	<b>Two-Way</b>
Parallel	12 feet	22 feet
<del>30 degrees</del>	<del>12 feet</del>	<del>22 feet</del>
45 degrees	12 feet	22 feet
60 degrees	18 feet	24 feet
90 degrees	20 feet	24 feet

In unique circumstances, 30 degree or 75 degree parking may be allowed at the discretion of the Zoning Official or his/her designee.



Illustration



ILLUSTRATION

Land Development Regulations  
 Chapter 3-9. Zoning  
 Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

~~(89)~~ Stacked parking of vehicles shall not be permitted except for stacking lanes specified otherwise in this regulation as required by this section and single-family residential and duplex uses wherein one car may be parking behind another one. For multi-family residential, stacked parking of vehicles may be approved through the Site Plan Review process.

~~(f)~~ *Handicapped parking.*

- ~~(1)~~ Each handicapped parking space shall be a minimum of twelve (12) feet by eighteen (18) feet.
- ~~(2)~~ A "Parking for Handicapped" sign shall be provided for each handicapped parking space.
- ~~(3)~~ Except for single family residential and duplex uses, the following number of parking spaces shall be reserved for the handicapped. In multifamily developments, handicapped parking spaces and access ramps shall be located where needed.

Total Spaces	Required Number To Be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus one for each 100 over 1000

~~(g)~~ *Landscaping.* All off street parking and loading areas shall be landscaped in accordance with the requirements in sections 3-2-186 through 3-2-194

~~(hh)~~ *Other.*

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

- (1) Except for special events such as seasonal promotions, sidewalk parking lot sales, fairs, carnivals, and tent sales, required off-street parking spaces shall not be used for sales, dead storage, repair, dismantling, or services of any type or kind, nor shall areas devoted to such activities count as meeting off-street parking requirements.
- (2) Required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve. Shared parking facilities for developments or uses with different operating hours or different peak periods may be permitted between properties if the shared parking complies with all of the following standards: For uses other than residential, the board of zoning appeals (BZA) may grant a variance, provided the applicant meets the following criteria:
  - a. Shared parking spaces shall be located within a quarter mile of the primary entrance of all uses served by such an arrangement. A distance greater than a quarter mile may be permitted subject to the approval of the Zoning Official or his/her designee. The parcel is zoned the same, or more intensive, than the parcel on which the intended use is located provided the use is a permitted use in that zoning category;
  - b. All shared parking proposals shall be accompanied by a shared parking analysis that demonstrates the feasibility of the shared parking proposal and addresses, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peaking parking and traffic loads for all uses that will be sharing parking spaces. The shared parking analysis shall be prepared by a Licensed Professional Engineer or other individual as determined by the Zoning Official or his/her designee. The developer supplies a written agreement at the time of approval by the board of zoning appeals (BZA), assuring the continued availability of the off street parking facility for the use they are intended to serve. The developer shall agree to bear the expense of recording the agreement with the clerk of the court upon approval of the variance by the BZA. The agreement shall be voided, at the expense of the owner, if other off-street facilities are provided in accordance with this section;
  - c. All shared parking proposals shall require an agreement between all property owners, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. A shared parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.

Ease and safety of pedestrian access to the off-site parking spaces;
  - d. Where the uses subject to a shared parking agreement change, the Zoning Official or his/her designee shall have the authority to require a revised shared parking analysis and a new shared parking agreement when the revised shared parking analysis indicates additional parking is required. Parking on the same lot or parcel as the premises they are intended to serve is not feasible.
- (3) Required parking may be located on a separate, non-adjacent lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards: Joint use of off-street parking lots shall only be permitted in accordance with the following:
  - a. No private off-site parking shall be located more than a quarter mile from the primary entrance of the building. Off-site parking may not be separated from the use served by an arterial road unless a grade separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.
  - b. Two (2) or more owners or operators of buildings or uses requiring off-street parking facilities may make collective provision for such facilities.

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

- b. Total parking spaces when combined or used together shall not be less than the sum of the requirements computed separately.
- c. Any arrangement for combined off-street parking shall be subject to the recording of a legal instrument with the clerk of the court (reviewed by the county attorney), ensuring that such off-street parking will be maintained as long as the use or uses requiring such parking continue. The agreement shall contain a legal description of subject property, measures to ensure maintenance of said facility and shall be approved by the Zoning Official or his/her designee. ~~board of zoning appeals after review by the county attorney.~~
- d. In the event that an off-site parking area is not under the same ownership as the principal use served, the County shall require an agreement between all property owners and the County, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. An off-site parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.
- e. Where the uses relying on an off-site parking area change, the Zoning Official or his/her designee shall have the authority to require a revised parking analysis and a new off-site parking agreement when the revised parking analysis indicates additional parking is required.
- f. Off-site parking may not be used for the storage of commercial vehicles or equipment.
- g. Off-site parking areas must be developed in accordance with all applicable provisions of the County Code of Ordinances.
  - ~~(i) Adjustments to requirements.~~
    - ~~(1) The required number of off-street parking spaces may be reduced by not more than ten (10) percent where necessary to preserve existing trees, not including prohibited plants as listed in the county tree ordinance [section 3-2-186 et seq.]. This reduction in parking may be authorized by the zoning official or his designee through an administrative procedure. The developer shall submit a site plan illustrating the improvements, parking area, and locations of trees to be preserved. The size and type of tree shall be indicated in the request. A narrative shall accompany the site plan describing in significant detail the measures to be taken to insure the survivability of the trees (protective barriers, trimming, pervious parking surface, etc). The zoning official will renew this information in rendering a decision on the requested reduction. An appeal of the zoning official's decision would be heard by the board of zoning appeals pursuant to section 3-9-6~~
    - ~~(2) The required number of off-street parking spaces may be reduced by a maximum of fifteen (15) percent upon an affirmative decision of the board of zoning appeals. The burden of proof is upon the applicant to demonstrate, through a parking study and such other means, that the parking requirements are excessive. If the applicant demonstrates by competent substantial evidence that a reduction in parking spaces is warranted, the board of zoning appeals may grant the variance. Such variance request would be heard by the board of zoning appeals through a prescribed procedure set forth in section 3-9-6~~
  - ~~a. The applicant may choose to further support the proposed number of parking spaces by providing documentation on the experience of similar uses located in the same or other jurisdictions.~~
  - ~~b. When required, a parking study at a minimum shall contain the following information:~~
    - ~~1. For residential development:~~

\_Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

~~Type of housing: single family, townhouse or high-rise;~~  
~~Total square footage;~~  
~~Mix of units: opportunities for shared parking;~~  
~~Market orientation: luxury, market rate or subsidized;~~  
~~Cost of parking: purchase or rental of spaces;~~  
~~Estimate of peak demand spaces;~~  
~~Any other factor that may reduce/increase the parking demand.~~

2. ~~For nonresidential development:~~

~~Type of use;~~  
~~Total square footage of gross leasable area;~~  
~~Accessibility;~~  
~~Employment characteristics such as number of employees and number of shifts;~~  
~~Mode of travel of customers and employees;~~  
~~Cost of parking;~~  
~~Estimate of peak demand for parking spaces;~~  
~~Any other factor that may reduce/increase the parking demand.~~

~~Such parking studies must be prepared by a registered Florida engineer, architect or landscape architect.~~

(ii) *Off-street loading.*

- (1) ~~Retail, wholesale~~Commercial and industrial operations with a floor area of more than six thousand (6,000) square feet shall provide space for loading and unloading operations in a manner that does not impede so that the free movement of vehicles and pedestrians over sidewalks, streets and alleys shall not be impaired. Any deviation from this requirement may be approved by the Zoning Official or his/her designee.
- (2) Every off-street loading and unloading space shall have direct access to a public street or alley and shall have the following minimum dimensions:  
Length: 30 feet  
Width: 12 feet  
Height: 14 feet.
- (3) The required loading area shall be provided on the same lot or parcel it serves, and shall be separate and distinct from off-street parking arrangements.

Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-79. Off-Street Parking and Loading Facilities

- ~~(4) Required off-street loading facilities shall be located on the same lot or parcel of land they are intended to serve. For uses other than residential, the board of zoning appeals (BZA) may grant a variance, provided the applicant meets the following criteria:~~
- ~~a. The parcel is zoned the same, or more intensive, than the parcel on which the intended use is located provided the use is a permitted use in that zoning category;~~
  - ~~b. The developer supplies a written agreement at the time of approval by the board of zoning appeals, assuring the continued availability of the off-street loading facility for the use it is intended to serve. The developer shall agree to bear the expense of recording the agreement with the clerk of the court upon approval of the variance by the BZA. The agreement shall be voided, at the expense of the owner, if other off-street loading facilities are provided in accordance with this section;~~
  - ~~c. Ease and safety of pedestrian access to the off-site loading spaces;~~
  - ~~d. Loading on the same lot or parcel as the premises they are intended to serve is not feasible.~~

~~Cross-reference—Tree requirements, § 3-2-186 et seq.; landscaped buffers, § 3-9-83.~~



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 29, 2015

Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle DeBeradino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-028, which was filed in this office on May 29, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

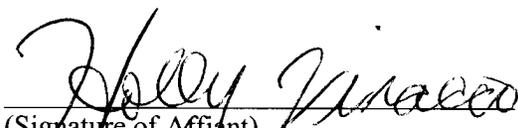


PUBLISHER'S AFFIDAVIT OF PUBLICATION  
STATE OF FLORIDA  
COUNTY OF CHARLOTTE:

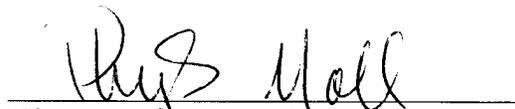
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issue(s) of:

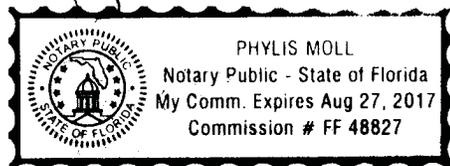
May 11, 2015

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

  
(Signature of Affiant)

Sworn and subscribed before me this 11<sup>th</sup> day of May, 2015.

  
(Signature of Notary Public)



Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

# NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, MAY 26, 2015, AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/Pages/BCC-meeting-agendas.aspx>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

## PETITIONS

### PA-15-02-01-LS

**Commission District II      Legislative**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from High Intensity Industrial (HII) (357.7± acres), Preservation (PR) (12.87± acres), and Commercial (COM) (45.36± acres) to Low Density Residential (LDR) with an annotation to the 2030 Future Land Use Map to limit the overall density of the site to 999 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, containing 415.93± acres; Commission District II: Petition No. PA-15-02-01-LS; Applicant: Crimson Tamiami Trail Holdings LLC; providing an effective date.

### Sec. 3-9-65.1, Boats Used for Living Purposed; Houseboats

**Countywide      Legislative**

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65.1, Boats Used for Living Purposes; Houseboats; providing for general requirements for living aboard boats and houseboats; providing for revised approval procedure; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

### Sec. 3-9-65, Boating Structures

**Countywide      Legislative**

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65, Boating Structures; providing for general requirements; providing for development standards for boating structures on waterbodies; providing for development standards for boat ramps; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

### Sec. 3-9-79, Off-street Parking and Loading Facilities

**Countywide      Legislative**

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79, Off-street Parking and Loading Facilities; providing for the revised intent; providing for revised applicability; providing for definitions; providing for calculation; providing for general requirements; providing for revised parking requirements for drive-up facilities; providing for revised development standards; providing for revised requirements for off-street parking facilities; providing for revised requirements for off-street loading; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

### Sec. 3-9-79.1, Parking of Boats, Recreational Vehicles, Trucks, and Trailers

**Countywide      Legislative**

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79.1, Parking of Trucks, Trailers Travel Trailers and renaming this Section to Parking of Boats, Recreational Vehicles, Trucks and Trailers; providing for the revised intent; providing for revised parking standards and restrictions for trucks and trailers; providing for parking standards for boats, RVs and trailers on private developed property; providing for revised violations and enforcement; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

### SV-15-01-01

**Commission District III      Legislative**

Gregory and Linda Nelson are requesting to vacate a portion of E. 8th Street lying between Pine Street and Manor Road, a total of 0.13 acres, more or less, as recorded in Plat Book 6, Page 1, of the Public Records of Charlotte County, Florida. The segment is located south of the Sarasota County line, north of 7th Street, east of Pine Street, and west of Manor Road, in Section 5, Township 41 South, Range 20 East, in Commission District III.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-743-1381, TDD/TTY 941-743-1234, or by email to: [Terri.Hendriks@charlottefl.com](mailto:Terri.Hendriks@charlottefl.com)