

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 21 - 10

AN ORDINANCE OF THE CITY OF BONITA SPRINGS FLORIDA, AMENDING THE BONITA SPRINGS LAND DEVELOPMENT CODE, CHAPTER 4 – ZONING, TO AMEND SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING AND AN EFFECTIVE DATE.

WHEREAS, the City of Bonita Springs, Florida is the governing body of Bonita Springs; and

WHEREAS, in 2019 and 2020, the City Council adopted amendments to the Land Development Code creating the Bonita Beach Road Corridor Overlay District and the Downtown Form-Based Code based on recommendations of the City’s consultants; and

WHEREAS, the City of Bonita Springs desires to amend the list of permitted uses in both of those Redevelopment Overlay Districts in response to feedback received by the business community; and

WHEREAS, the City of Bonita Springs desires to amend the parking section also in response to feedback received by the business community; and

WHEREAS, the parking amendments support shared parking infrastructure, accommodate multiple modalities (standard vehicles, compact vehicles, electric vehicles, scooters, etc.), and provide opportunities for an Applicant to request alternative parking requirements; and

WHEREAS, pursuant to the Article VIII of the Florida Constitution, the City of Bonita Charter and Section 166.021, Florida Statutes, the City Council is authorized to adopt ordinances necessary for the exercise of its powers in for health, safety, and general welfare; and

WHEREAS, the City Council has determined that it is in the best interests and welfare of the City of Bonita Springs and its residents to enact this Ordinance.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals Adopted.

That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. Amending Land Development Code

The Bonita Springs City Code is hereby amending Chapter 4 - Zoning of the City's Land Development Code, with deletions depicted with ~~strikethroughs~~ and underlined language as additions, as provided and further depicted in Exhibit A, attached hereto and incorporated herein by reference.

Section 3. SEVERABILITY

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would be adopted had such unconstitutional provision not been included therein.

Section 4. CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs ordinance or Florida Statutes, the more restrictive shall apply.

Section 5. CODIFICATION AND SCRIVENER'S ERRORS

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Bonita Springs Code; that sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; and that any typographical errors which do not affect the intent may be authorized by the City Manager without need of public hearing, by filing a corrected copy with the City Clerk. It is further the intent of the City Council that the provisions of this Ordinance may be modified as a result of consideration that may arise during public hearing(s) and that such modifications shall be incorporated into the final version.

Section 6. EFFECTIVE DATE


This Ordinance shall be effective immediately upon its adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs,
Lee County, Florida, this 16th day of June, 2021.

AUTHENTICATION:

 Mayor  City Clerk

APPROVED AS TO FORM:


City Attorney

Vote:

Carr	Aye	Gibson	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Steinmeyer	Aye
Corrie	Aye		

Date filed with City Clerk: 11/22/2021

Downtown Form-Based Code

Sec. 4-868. Uses.

- (a) *Permitted uses.* Uses which are permitted by-right in the downtown.
 - (1) Table 3.1-1 indicates which uses shall be permitted within each transect zone.
- (b) *Restricted uses.* Uses which shall require a special exception within the downtown.

TABLE 3.1-1. PERMITTED USES										
Use	Subcategory	T3-R	T3	T4	T5	T5-C	SD-IRD	SD-DID	C-OS	C-I
Residential	Single-family detached (All)	P	P	P						
	Single-family attached (All)			P	P	P	P	P		
	Two-family dwellings (All)		P*	P	P	P				
	Accessory dwellings	P	P	P	P	P		P		
	Mixed-use dwellings (All)				P	P	P	P		
	Extra occupancy rental house (All)				P	P	P	P		
	Group home (All)				P	P	P	P		
	Multi-family up to 6 units per building			P	P	P	P	P		
	Multi-family over 6 units per building				P	P	P	P		
	Long-term care facilities			P	P	P	P	P		

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

Commercial****	All commercial uses over 2,000 sf				P	P	P	P		
	All commercial uses under 2,000 sf			P**	P	P	P	P		
Lodging	Bed & breakfast up to 6 rooms			P	P	P	P	P		
	Lodging establishment up to 12 rooms				P	P	P	P		
	Lodging establishment over 12 rooms				P	P	P	P		
Manufacturing	Workshops and small industry							P		
Public, institutional	All educational uses									P
	Public use		P	P	P	P	P	P		P
	Minor public facilities	P	P	P	P	P	P	P	P	P
	Major public facilities					P	P	P	P	P
	Neighborhood support/recreation facilities		P	P	P	P	P	P	P	P
	Places of worship or assembly			P	P	P	<u>P</u>	<u>P</u>		
	Community facilities	P	P	P	P	P	P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Parks and recreation (all), outdoor amphitheaters	P	P	P	P	P	P	P	P	P
	Open lands						P		P	
Misc.	Parking garages, lots, and structures			P	P	P	P	P		P
	Outdoor vendor				P	P	P	P	P	P
	Accessory buildings	P	P	P	P	P	P	P	P	P
	Mobile food vendor							P		
	Mobile food vendor park***					P				
	<p>* Only for Cottage Court assemblages ** Only in cases of owner-occupancy (Live-work). Exception for owner-occupancy and max of 2,000 sf if the lot fronts Terry St/Bonita Beach Rd. *** Requires special exception ****Uses subject to special setback or distance regulations elsewhere in the LDC, other than the on-premises consumption of alcohol, must adhere to those regulations.</p>									

(Ord. No. 20-10 , § 2(Exh. A, § 3), 11-4-2020)

Bonita Beach Road Corridor Overlay

Sec. 4-898. Permitted uses.

Use regulations for the Bonita Beach Road Corridor Overlay district are as follows:

- (a) All uses of land are subject to comprehensive plan (the Bonita Plan) and the future land use plan map.
- (b) All developments categorized as developments of city impact shall be rezoned to a planned development pursuant to sections 4-272(a) and 4-272(b).

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING

TABLE 4-898. USE REGULATIONS FOR THE BONITA BEACH ROAD CORRIDOR OVERLAY

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Accessory uses and structures	4-923 et seq., 4-2012 et seq., 4-1588, 4-1840 et seq.	P	P	P	P
Accessory apartment	Note (1), 4-929	-	P	P	P
Administrative offices		P	P	P	P
Amateur radio antennas and satellite earth stations	4-927	SE	SE	SE	SE
Amusement park		SE	SE	SE	-
Animals:					
Clinic or kennel	4-1071 et seq.	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	- <u>P</u>
<u>Kennel</u>	<u>4-1071 et seq.</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	-
<u>Pet Day Care</u>	<u>4-1071 et seq.</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Control center (including Humane Society)		SE	SE	SE	-
Assisted living facility	4-1280 et seq., 4-1182	P	P	P	SE
ATM (automatic teller machine)		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Auto parts store		P	P	P	-
Automobile service stations		SE	SE	SE	SE
Auto repair and service (4-408(c)(2)), all groups	4-1098	SE	SE	SE	SE
Bait and tackle shop		P	P	P	P
Banks and financial establishments	4-408(c)(3)				
Group I		P	P	P	P
Bar or cocktail lounge	4-1020 et seq.	SE	SE	SE	SE
Bed and Breakfast		P	P	P	P
Boats:					
Boat parts store		P	P	P	P
Boat ramps and dockage (not marinas)		P	P	P	P
Boat rental		-	-	-	P
Boat repair and service	4-1099, 4-2069 et seq.	SE	SE	SE	SE
Boat sales		SE	SE	SE	SE
Boat storage, dry		SE	SE	SE	SE
Broadcast studio, commercial	4-1215 et seq.	P	P	P -SE	-

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
radio and television					
Building material sales (4-408(c)(4))	4-2069 et seq.	SE	SE	SE	-
Business services	4-408(c)(5)				
Group I		P	P	P	P
Group II		P	P	SE <u>P</u>	SE
Bus station/depot	4-1153 et seq.	SE	SE	SE	SE
Caretaker's residence		P	P	P	P
Car wash		SE	SE	SE	-
Cemetery, columbarium, mausoleum		P	P	P	-
<u>Cleaning and maintenance services (4-408(c)(7))</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Clothing stores, general (4-408(c)(8))</u>	<u>Note (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Clubs:					
Country		P	P	P	P
Commercial		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Fraternal, membership organization	4-1818	P	P	P	P
Private	4-1818	P	P	P	P
Communication facilities, wireless	4-1215 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Community Gardens	4-1435	AA	AA	AA	AA
Community residential home		P	P	P	SE
Consumption on premises	4-1020 et seq.	AA/SE	AA/SE	AA/SE	AA/SE
Continuing care facilities	4-1414	P	P	P	SE
Contractors and builders	4-408(c)(9), 4-1099, 4-2069 et seq.				
Group I		P	P	P	P
Group II		P	P	P	-
Convenience food and beverage store	Note (5 3)	SE	SE	SE	SE
Cultural facilities (4-408(c)(10))		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Day care center, child, adult		P	P	P	P
Dormitory		SE	SE	SE	SE
<u>Department store</u>	<u>Note (2)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>SE</u>
Drive-through facility for any permitted use		SE	SE	SE	SE
Drugstore, pharmacy		P	P	P	P
Dwelling unit:					
Single-family	Notes (7 4) and (8 5)	-	P	-	P
Duplex	Notes (7 4) and (8 5)	-	-	<u>P</u> =	P
Two-family attached	Notes (7 4) and (8 5)	<u>P</u> =	<u>P</u> =	<u>P</u> =	P
Townhouse, multiple-family building	Note (8 5)	P	P	P	P
Entrance gates and gatehouse	4-1841 et seq.	P	P	P	P
Emergency medical service (ambulance station)		P	P	P	P
Emergency operations center		P	P	P	SE

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Essential services	4-1362 et seq., 4-1841 et seq.	P	P	P	P
Essential service facilities (4-408(c)(13)):					
Group I	4-1362 et seq., 4-1841 et seq., 4-1840 et seq.	P	P	P	P
Group II	4-1362 et seq., 4-1841 et seq., 4-1840 et seq.	SE	SE	SE	SE
Group III	4-1362 et seq., 4-1841 et seq., 4-1840 et seq.	SE	-	-	-
Excavation:					
Water retention	4-1380	P	P	P	P
Fences, walls	4-1841 et seq.	P	P	P	P
Fire station		P	P	P	P
Fishing piers		P	P	P	P
Flea market:					
Open		SE	SE	SE	-

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Indoor		SE	SE	SE	SE
Food and beverage service, limited		P	P	P	P
Food stores (4-408(c)(16)):					
Group I		P	P	P	P
Group II		SE	SE	SE	SE
Funeral home and mortuary (with or without a crematory)		P	P	P	-
Gasoline dispensing system, special		SE	SE	SE	SE
Gift and souvenir shop		P	P	P	P
Golf course		P	P	P	P
Golf driving range		P	P	P	P
Government maintenance facility		SE	SE	SE	SE
Hardware store		P	P	P	P
Health care facilities	4-408(c)(19)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Group IV		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Group V		SE	SE	SE	SE
Group VI		P	P	P	SE
Heliport or helistop		SE	SE	SE	SE
Hobby, toy and game shops	4-408(c)(20)	P	P	P	P
Home care facility		P	P	P	-
Home occupation	4-1495 et seq.	P	P	P	P
<u>Hospice</u>		-	<u>P</u>	<u>P</u>	-
Hotel/motel	4-1528 et seq.	P	P	P	P
Household and office furnishings Group I	4-408(c)(21)	P	P	P	P
Laundry or dry cleaning	4-408(c)(22)				
Group I		P	P	P	P
Lawn and garden supply stores	<u>Note (2)</u> ; 4-1792	P	P	P	SE
Library		P	P	P	P
Manufacturing of:					
Food and kindred products, Group I, 4-408(c)(15)	4-408(c)(15) , Note (2 <u>6</u>); <u>4-2014</u>	P	P	P	P
Micro-breweries	Note (2 <u>6</u>); 4-1023 et seq.	P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Marina	4-1587	-	-	-	EO
Mini-warehouse		SE	SE	SE	-
<u>Model home</u>	<u>4-1662</u>		<u>AA/SE</u>		<u>AA/SE</u>
<u>Model unit</u>	<u>4-1662</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Motion picture production studio		P	P	SE	SE
Multi-slip docking facility		-	-	-	SE/EO
Night clubs	4-1020 et seq.	P	P	P	SE
Office—Business		P	P	P	P
Package store	4-1020 et seq.,	P	P	P	P
Paint, glass and wallpaper		P	P	P	P
Parks	4-408(c)(30)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		SE	SE	SE	SE
Parking lot:					
Accessory		P	P	P	P
Commercial		SE	SE	SE	SE
Garage, Private		P	P	P	P
Garage, Public		SE	SE	SE	SE
Temporary	4-1734	P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Personal services	4-408(c)(31)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Group IV		P	-	P	-
Pet services		P	P	P	P
Pet shop		P	P	P	P
Place of worship	4-1762 et seq.	P	P	P	P
Police or sheriff's station		P	P	P	P
Post office		P	P	P	P
Printing and publishing (4-408(c)(33))	Note (2 <u>6</u>)	P	SE	P	SE
Real estate sales office	Note (7), 4-1662 et seq., 4-2095	P	P	P	P
Recreational facilities: Commercial	4-408(c)(35)				
Groups I, III, and IV		P	P	P	P
<u>Groups III and IV</u>		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Religious facilities	4-1762 et seq.	P	P	SE	SE

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Rental or leasing establishment (4-408(c)(36)):					
Group I	4-1099, 4-2069 et seq.	P	P	P	P
Group II	4-951 et seq., 4-1099, 4-2069 et seq.	P	-	P	-
Group III	4-1099, 4-2069 et seq.	-	-	P	-
Repair shops (4-408(c)(37)):					
Group I		P	P	P	P
Group II		P	P	P	P
<u>Research and development laboratories (4-408(c)(38)):</u>					
<u>Group II</u>	<u>Note (8)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>
<u>Group IV</u>	<u>Note (8)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>-</u>
Residential accessory uses (4-408(c)(39))	4-923 et seq.	P	P	P	P
Restaurant, fast food		P	P	P	SE
Restaurants	4-408(c)(40)				
Groups I and III		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Group II		P	P	P	P
Group IV		P	P	P	P
Retail General not connivance		P	P	P	P
Schools:					
Commercial	4-408(c)(42) 4-1970	P	P	P	P
Noncommercial	<u>Note (9)</u> , 4-1970	P/ <u>SE</u>	P/ <u>SE</u>	P/ <u>SE</u>	P/ <u>SE</u>
Self-service fuel pumps	Note (4 <u>10</u>)	SE	SE	SE	SE
Signs in accordance with chapter 6		P	P	P	P
Social services (4-408(c)(43)):	4-2190 et seq.				
Group I		P	P	-	-
Specialty retail	4-408(c)(44)				
Group I		P	P	P	P
Group II		P	P	P	P
Group III		P	P	P	P
Storage:					
Indoor only	4-2069 et seq.	P	P	P	-
Storage, open	4-2069 et seq.	SE	-	-	-
Studios (4-408(c)(46))		P	P	P	P

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE, AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Temporary uses	4-2124 et seq.	P	P	P	<u>P</u>
Theater, indoor	4-2037 et seq.	SE <u>P</u>	SE <u>P</u>	SE	SE
Timeshare units		P	P	P	P
Transportation services	4-408(c)(50)				
Group I		SE	SE	P	P
Group II		SE	SE	SE	SE
Group III		SE	SE	SE	SE
Group IV		SE	SE	SE	SE
Used merchandise stores	4-408(c)(51)				
Group I		P	P	P	P
Variety store		P	P	P	P
Vehicle and equipment dealers	4-408(c)(52)				
Groups I, II and III		SE	SE	SE	-
Group IV		SE	-	-	-
Warehouse:					
Mini-warehouse		SE	SE	SE	-
Private		SE	SE	SE	-
Public		SE	SE	SE	-
Wholesale establishments					

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
 BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
 AND ARTICLE VI, DIVISION 26-PARKING

	Special Notes or Regulations	Interstate Zone	Commercial Zone	Historic Zone	Beach Zone
Group III	Note (6 g)	P	SE	P	-

Notes:

- (1) Permitted only when accessory to a lawfully permitted single-family dwelling unit.
- (2) Establishments exceeding 40,000 square feet require PD zoning. See section 4-1560 et seq.
- (3) Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998, will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises, but additional new pumps will not be permitted.
- (4) Any single-family, duplex, or two-family residential buildings fronting and/or visible from Bonita Beach Road shall meet the design requirements set forth in Chapter 3, Article IV. - Design Standards and Guidelines for Commercial Buildings and Developments unless pre-empted by Florida Statute.
- (5) Any increase in density and intensity is limited by Goal 5 of the Conservation/Coastal Management Element. Unless approved and located within a planned development, the property development regulations for residential development along the Bonita Beach Road Corridor District shall be as follows:
Single-family: RS-1 residential single-family district
Duplex/Two-Family Attached: TFC-2 residential two-family conservation district
Townhouse/Multiple-family: RM-2 multiple-family district
- (6) Uses that include an ancillary manufacturing component of less than 1,500 square feet are permitted when clearly incidental and subordinate to a permitted principal use on the same premises. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials. All operations must be conducted within a fully enclosed building. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the building. The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the building. Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.
- (7) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 4-1662 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.
- (8) Wholesale establishments, Group III and Research and Development. Uses less than 3,000 square feet in size per business are permitted as a part of a business/office park and/or shopping center. The use must be enclosed within a building and may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development area.
- (9) Noncommercial schools with 100 students must request a special exception.
- ~~(2) Uses that include an ancillary manufacturing component of less than 1,500 square feet are permitted when clearly incidental and subordinate to a permitted principal use on the same premises. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials. All operations must be conducted within a fully enclosed building. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the building. The use may not receive, process or create hazardous materials in sufficient quantity to constitute a danger to persons, property or activities outside the boundaries of the building. Open storage of raw materials, waste products or finished goods awaiting shipment is prohibited.~~
- ~~(3) Real estate sales offices in residential areas are limited to sales of lots, homes or units within the development, except as may be permitted in section 4-1662 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the certificate of occupancy for the sales office is issued. The director may grant one two-year extension at the same location.~~

PART III - LAND DEVELOPMENT CODE, LDC CHAPTER 4 – ZONING, SEC. 4-898.-PERMITTED USES WITHIN THE
BONITA BEACH ROAD CORRIDOR OVERLAY DISTRICT, SEC. 4-868.-USES FOR THE DOWNTOWN FORM-BASED CODE,
AND ARTICLE VI, DIVISION 26-PARKING

- (4) ~~Two pumps are permissible as an accessory use to businesses to provide fuel for their own fleet of vehicles and equipment. Additional pumps require approval of a special exception.~~
- (5) ~~Limited to eight self-service fuel pumps (df) unless a greater number is specifically approved as part of the planned development and depicted on the master concept plan. An existing business with more than eight lawfully permitted pumps as of January 31, 1998, will not be considered nonconforming. Existing pumps may be modernized, replaced, or relocated on the same premises, but additional new pumps will not be permitted.~~
- (6) ~~Wholesale establishments, Group III. Uses less than 3,000 square feet in size per business are permitted as a part of a business park and/or shopping center. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development area.~~
- (7) ~~Any single family, duplex, or two family residential buildings fronting and/or visible from Bonita Beach Road shall meet the design requirement set forth in the City Land Development Code Article IV. – Design Standards and Guidelines for Commercial Buildings and Developments.~~
- (8) ~~Any increase in density and intensity is limited by Goal 5 of the Conservation/Coastal Management Element. Unless approved and located within a planned development, the property development regulations for residential development along the Bonita Beach Road Corridor District shall be as follows:~~
 - ~~Single family: RS 1 residential single family district~~
 - ~~Duplex/Two Family Attached: TFC 2 residential two family conservation district~~
 - ~~Townhouse/Multiple family: RM 2 multiple family district~~

(Ord. No. 19-10 , § 1(Exh. A), 11-20-2019)

DIVISION 26. PARKING

Sec. 4-1723. Applicability of division.

- (a) *New developments.* All residential and nonresidential uses are required to provide off-street and on-street parking spaces in accordance with the regulations specified in this division.
- (b) *Existing developments.*
- (1) Existing buildings and uses with 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. Modernization of parking spaces for compliance with the Americans with Disabilities Act (ADA) of 1990 that result in a reduction of required parking may be reviewed and approved as part of the local development order review based section 4-1735. Buildings damaged in excess of 50 percent must comply with all applicable regulations.
 - (2) Existing buildings or uses enlarged in terms of floor area must provide additional parking spaces for the total floor area in accordance with this division.
 - (3) When the use of a building is changed to a different use that is required to have more parking than exists, the additional parking must be provided.
- (c) *On-street parking.* The director may approve parking to back out into rights-of-way ~~in residential developments~~ subject to the following limitations:
- (1) Residential developments
 - ~~(1-a)~~ The street must be a privately owned and maintained, low-volume, local street.
 - ~~(2-b)~~ All parking spaces must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses.
 - ~~(3-c)~~ Parking spaces may be perpendicular or at a 30 or 45 degree angle to the roadway, and must comply with the parking space dimensions set forth in section 4-1728(1); The director may require surfacing to comply with section 4-1729(a) or (b), depending on the type of amenity being serve.
 - ~~(4-d)~~ The director's decision is final and may not be appealed.
 - (2) Downtown District
 - (a) Parking spaces may be perpendicular, at a 30 or 45 degree angle to the roadway, or parallel, and must comply with the parking space dimensions set forth in section 4-1728(1);
 - (b) Requests are subject to review by the city engineer/public works manager in accordance with section 3-303.

(c) Parking shall comply with the locational standards set forth for each Transect in the Downtown District.

(d) *Developments on islands without vehicular access to mainland.* Developments located on islands where direct vehicular access to the mainland by bridge, causeway or street system is not attainable are not required to comply with this division.

(Ord. No. 11-02, § 3(4-2011), 1-19-2011)

Sec. 4-1724. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Drive-up. The terms "drive-up" and "drive-through" are synonymous.

Employees means the regular working staff, paid, volunteer or otherwise, at maximum strength and in full-time equivalent numbers, necessary to operate, maintain or service a given facility or use under normal levels of service.

Electric vehicle means any motor vehicle register to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles include battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles

Electric vehicle charging level means the standardized indicator of electrical force or voltage at which the battery of an electric vehicle is recharged.

Electric vehicle parking space means an off-street parking space that is equipped with an electric vehicle charging station.

Electric vehicle charging station means battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

High turnover applies to parking lots wherein vehicles are parked for relatively short periods of time, ranging from a few minutes to several hours. Customer parking for retail establishments, offices, or similar establishments is considered to be high turnover.

Low turnover applies to parking wherein vehicles are parked for relatively long periods of time, such as employee parking during the day, or uses such as marina parking, cruise ship parking, sports arena parking, etc., wherein customers leave their cars for periods of four or more hours while attending special events, or overnight parking in residential developments.

Parking aisle means an accessway within a parking lot that provides direct access to individual parking spaces.

Parking lot means an area of land designed, used or intended for parking five or more vehicles.

Parking lot entrance means the accessway that provides ingress or egress from a street right-of-way or easement to a parking lot.

Parking space means an area of land designed or intended for parking one vehicle. Parking spaces are designated as handicapped spaces or standard spaces, depending on the purpose of the space.

(Ord. No. 11-02, § 3(4-2012), 1-19-2011)

Sec. 4-1726. Parking plan.

A parking plan is required for all uses, except single-family residence, duplex, two-family attached and single-family mobile home dwelling units, and must be submitted for review and approval in accordance with chapter 3. Developments which are not required to be reviewed and approved in accordance with chapter 3 must submit plans to community development prior to issuance of a building permit. The plan must accurately designate the required parking spaces, parking aisles and parking lot entrance, as well as the relation of the off-street and on-street parking facilities to the uses or structures such facilities are designed to serve.

(Ord. No. 11-02, § 3(4-2014), 1-19-2011)

Sec. 4-1727. Location and design generally.

The location and design of all parking lots must embody the following provisions:

- (1) *Location.* All required parking spaces must be provided on the same premises and within the same or similar type zoning district as the use they serve.
- (2) *Design.*
 - a. All parking lots must be designed in accordance with the setback, buffer, landscaping and drainage requirements set forth in chapter 3.
 - b. If the parking lot will be used at night, adequate lighting must be provided for the driveways, ingress and egress points, and parking areas of all ~~commercial and industrial~~ nonresidential uses. Such lighting must be so arranged and directed to eliminate glare on any other use as set forth in chapter 3.
 - c. All individual parking spaces must be accessible from a parking aisle intended to provide access to the space. Stacking of vehicles (one behind the other) will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a specific garage or driveway appurtenant to it and in valet parking facilities wherein parking is performed only by employees of the facility.
 - d. All parking lot spaces must be provided with sufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion. Parking lots utilizing 90-degree parking with dead-end aisles must provide a turning bay for those spaces at the end of the aisle.
 - e. In any parking lot where more than one tier of parking spaces will be developed, a pedestrian system must be provided which accommodates safe and convenient pedestrian movement.
 - f. In parking areas containing twenty (20) or more parking spaces, up to ten (10) percent of the parking spaces may contain compact spaces of the total parking requirement. Compact spaces shall be grouped together and each shall be identified as a "Compact Space" through pavement markings. Compact spaces shall not be located in high turnover areas which are in close proximity to main building entrances.
 - g. In parking areas containing twenty (20) or more parking spaces, up to five (5) percent of the parking spaces may contain motorcycle/scooter spaces of the total parking requirement. These spaces shall be grouped together and shall be identified as a "Motorcycle/Scooter" through pavement markings.
 - h. Electric vehicle charging stations. Charging stations and the provision of electronic vehicle parking are strongly encouraged. See section 4-1728 of the division.

(3) Interconnectivity. To the extent practicable, adjoining parking and loading areas serving nonresidential buildings shall be interconnected.

(Ord. No. 11-02, § 3(4-2015), 1-19-2011)

Sec. 4-1728. Dimensional requirements; delineation of parking spaces.

In addition to satisfying all other provisions of this division, the arrangement and spacing of off-street parking lots and on-street must conform to the following requirements:

- (1) *Parking space dimensions.* Individual parking space dimensions are as follows:
 - a. Disabled parking (all): 12 feet by 18 feet. Parking access aisles must be no less than five feet wide and must be part of an accessible route to the building or facility entrance. In multi-tenant shopping centers, the disabled parking spaces shall be distributed throughout the site. The individual parking space dimensions do not preclude compliance with the Americans with Disabilities Act (ADA) of 1990.
 - b. High and low turnover parking lots:
 1. 90-degree parking: Nine feet by 18 feet.
 2. 30-, 45- or 60-degree parking: 8½ feet by 18 feet.
 3. Parallel parking: Eight feet by 22 feet.
 4. Compact parking: Sixteen feet by 8 feet.
 5. Motorcycle/Scooter spaces: Nine feet by 6 feet.
- (2) *Delineation of spaces.*
 - a. *Paved parking lots.*
 1. Parking spaces must be delineated by all-weather painted lines, or thermoplastic striping, not less than four inches in width, centered on the dividing line between spaces. Parking spaces for persons with disabilities must be prominently outlined with blue paint, and must be repainted when necessary to be clearly distinguishable as a parking space designated for persons who have disabilities. Signs erected after October 1, 1996, must indicate the penalty for illegal use of the space.
 2. Parking spaces which do not abut a curb, fence, wall or other structure must be provided with a parking block set two feet from the end of the parking space.
 - b. *Unpaved parking lots.*
 1. Parking spaces in unpaved parking lots must be delineated by placing a parking block two feet from the end of the parking space and centered between the sides of the space.

- 2. If the space abuts a structure, the space may be indicated on the structure, in which case parking blocks are not required.
- c. *Temporary parking lots.* (See section 4-1734) Individual spaces in temporary parking lots do not need to be delineated provided the end of each space and all aisles are clearly delineated with temporary posts and ropes.

(3) *Minimum aisle widths.* Minimum aisle widths are as follows:

Angle of Parking	Aisle Width	
	One-Way (feet)	Two-Way (feet)
Parallel	12	20
30	12	22
45	12	22
60	18	24
90	22	24

(4) Parking angle. Parking must be developed throughout the site utilizing the same degree of angle. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited except:

- a. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces provided on-site.
- b. Parking design may vary between individual parking areas provided that the parking areas are physically separated from one another by buildings or a continuous landscape buffer a minimum of five feet in width. The Director may approve a minimum number of vehicle access points to pass through the landscaped buffer.

(5) Electric vehicle parking and charging stations. If specifically designed and identified with appropriate markings and/or signage as outlined in this Section, the following design standards, in addition to all other design standards set forth in this section shall apply.

- a. Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines and curbs and/or wheel stops.
- b. Each electric vehicle parking space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devised (MUTCD) of the Federal Highway Administration.
- c. Each electric vehicle charging station shall be subject to the architectural provisions of chapter 3.
- d. Each electric vehicle charging station shall be equipped with a sign that includes the following information:
 - 1. Voltage and amperage levels;

2. Any applicable usage fees;
 3. Safety information; and
 4. Contact information for the owner of the charging station to allow a consumer to report issues relating to the charging station.
- e. Electric vehicle charging stations shall contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground surface.
 - f. Electric vehicle charging stations shall be screened from view from any abutting rights-of-way, with the exception of alleys.
 - g. Electric vehicle charging stations shall be maintained in good condition, appearance and repair.

(Ord. No. 11-02, § 3(4-2016), 1-19-2011)

Sec. 4-1729. Parking lot surface.

(a) *High turnover parking lots.*

- (1) *Parking aisles.* Except as provided in subsection (d) of this section, all high turnover parking lot aisles must be provided with a paved, dust free, all-weather surface.
- (2) *Parking spaces.* All parking spaces, except those seaward of the coastal construction control line, must have a paved, dust free, all-weather surface from the aisle to the parking block or curb. All handicapped parking spaces, including handicapped parking spaces seaward of the coastal construction control must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which create a danger to the user. For all other parking spaces, the term "paved" will be interpreted to mean and include asphalt, concrete, paving block and other similar types of treatment. Parking spaces, excluding handicapped parking spaces, located seaward of the coastal construction control line must be stabilized with treatments approved by the community development director.

(b) *Low turnover parking lots.*

- (1) Alternative surfaces may be permitted; provided the areas are adequately drained and continuously maintained in a dustfree manner. Alternative surfaces may include gravel, crushed shell or other similar materials. Parking on grass or other unimproved surfaces such as sand or dirt is prohibited.
- (2) Handicapped spaces must be paved with asphalt or concrete to provide a smooth surface without gaps or holes which would create a danger to the user.
- (3) Use of alternative surfaces may be approved through the local development order review process as outlined in chapter 3 and may be allowed under the following conditions:

1. The parking area meets all of the dimensional requirements of this section and the parking spaces are delineated by parking block, curb, or in an alternate fashion;
2. The unpaved area is contained by an approved barrier curb of sufficient size to prohibit erosion of surface material into the storm sewer or paved area; and
3. The owner shall provide and adhere to a maintenance plan that addresses how the parking will be maintained in a neat, graded, dust-free condition, useable for parking.

The city retains the ability to require the paving of any parking or circulation element subsequent to a finding that the lot is not being properly maintained or it no longer functions in a safe and convenient manner in its unpaved condition.

- (c) *Temporary parking lots.* Temporary parking lots do not need to be surfaced, and may be maintained as a grass area or in a dustfree manner.
- (d) *Reservation of spaces for future use.*
 - (1) When a use or activity is required by this chapter to provide more than ten high turnover parking spaces, the community development director may approve leaving up to 25 percent of the required spaces as landscaped areas reserved for future use; provided:
 - a. The applicant clearly shows the reserved parking spaces on the site plan;
 - b. The reserved parking areas are not counted towards the minimum open space or landscaping or buffering requirements of this chapter or chapter 3;
 - c. All drainage facilities must be calculated and built as though the reserved parking areas were impervious surfaces; and
 - d. The reserved parking areas may not be used for any purpose other than landscaped open space or temporary overflow parking during special holiday seasons or sales.
 - (2) If the property owner decides to pave the reserved area for parking, he must submit the original site plan or development order approval to the community development director, who is authorized to approve the paving; provided paving does not include new entrances onto a public street. If the parking areas does involve new entrances, then a limited review development order is required.
- (e) *Director discretion.*
 - (1) The community development director is authorized to permit high turnover parking lots, including parking lot aisles, to meet the surfacing standards for low turnover parking lots (section 4-1729(b)) under the following circumstances:
 - a. The proposed parking lot will contain no more than 25 spaces;

- b. The proposed alternative surface will be adequately drained; and
 - c. The proposed alternative surface is consistent with the uses and the parking lot surfaces in the surrounding neighborhood.
- (2) This subsection may not be construed inconsistently with the Americans with Disability Act (ADA) of 1990.
- (3) The director's decision is discretionary in nature and may not be appealed pursuant to section 4-124(a).

(Ord. No. 11-02, § 3(4-2017), 1-19-2011)

Sec. 4-1730. Joint use of parking lots.

- (a) Administrative approval. Except where specifically approved as part of a planned development district, joint use of parking lots will be permitted only after approval by the community development director. An applicant for joint use of parking lots must submit the following information on the form provided by the city.
- (1) A notarized statement identifying all property owners involved; indicating the use of each property; the extent of the activities on each parcel and the demand for parking; and the times these parking demands will occur.
 - (2) A draft joint use parking agreement specifically identifying the designated spaces that are subject to the agreement, including a statement indicating that the parties understand that these designated spaces cannot be counted to support any use other than that identified in the agreement. This agreement must also identify the current property uses, property owners, and the entity responsible for maintenance of the parking space area.
 - (3) Written agreements, covenants, contracts and the like acceptable to the city attorney's office, that ensure that the parking area is to be used jointly and establish the responsibility for maintenance. Upon approval of the agreement by the city attorney's office, the written joint use parking agreement must be recorded in the county public records at the applicant's expense.
 - (4) A backup plan to provide sufficient parking if the joint agreement is violated by either party.
 - (5) Violation of the agreement for joint use of off-street parking is sufficient grounds for revocation of the administrative approval.
- (b) Shared parking lots must be within 300 feet of each use. Shared parking lots may not be separated from the use by a street right-of-way or easement designated as an arterial or a collector roadway. exceeding 25 feet in width. Shared parking lots that are separated by an accessway or local road, two (2) lanes or less, must include marked, safe pedestrian access connecting the two parking lots.

- (c) No part of a parking lot used, designed or intended to satisfy required parking for any use may be used to offset the parking requirements for another use, unless the peak parking demands of the uses clearly occur at different times.

Ord. No. 11-02, § 3(4-2018), 1-19-2011; Ord. No. 12-17, § 1(4-2018), 12-19-2012)

Sec. 4-1731. Other use of parking lots.

Except as provided in this section and in section 4-2131, required off-street parking areas may not be utilized for the sale, display or storage of merchandise, or for repair, dismantling or servicing of vehicles or equipment.

- (1) This must not be interpreted to prohibit a residential property owner from the occasional servicing of his own noncommercial vehicle or conducting normal residential accessory uses.
- (2) The following structures and uses may be approved by the director provided that a site plan is submitted showing that the structure will not reduce the parking spaces required for the principal use, create a traffic or pedestrian hazard, and all other requirements of this division and this LDC are met:
 - a. Aluminum can or other similar receiving machines or facilities.
 - b. Automatic teller machines (ATMs).
 - c. ~~Video rental kiosks.~~
 - d. Other similar uses which do not interfere with the use of the parking lot.

(Ord. No. 11-02, § 3(4-2019), 1-19-2011; Ord. No. 12-17, § 1(4-2019), 12-19-2012)

Sec. 4-1732. Required spaces.

All uses permitted under this chapter are subject to the ~~following~~ minimum requirements below. For uses not listed, the director shall consider the requirements for similar uses or through a parking needs analysis.

- (1) *Dwelling, housing and living units.* For all common parking lots, in addition to the spaces required in this subsection, additional parking spaces equal to ten percent of the total required must be provided to accommodate guest parking.
 - a. *Single-family, duplex, two-family attached and mobile home units.* The minimum requirement is two spaces for each dwelling unit. Stacking of vehicles in the driveway is permitted.
 - b. *Townhouses.* Minimum requirements are as follows:
 1. For townhouses with individual parking driveways on each lot, two spaces per dwelling unit. Stacking of vehicles in the driveway is permitted.

2. For townhouses sharing a common parking lot, two spaces per dwelling unit. Stacking of vehicles in the driveway is not permitted.
 - c. *Multiple-family buildings.* Stacking of vehicles is not permitted. Minimum requirements are as follows:
 1. Studio or efficiency: 1.25 spaces per unit.
 2. One bedroom 1.5: spaces per unit.
 3. Two bedrooms: 1.75 spaces per unit.
 4. Three or more bedrooms: two spaces per unit.
 - d. *Assisted living facilities (section 4-1182), continuing care facilities (section 4-1183), health care facilities, Groups I and II (section 4-408(c)(19), social services, Groups III and IV (section 4-408(c)(4) and other similar uses).*
 1. Any living unit designed as a dwelling unit and intended primarily as a self-care facility will be treated as a dwelling unit and will be required to provide parking spaces as set forth in section 4-1732(1)a through c for similar type dwelling units. For purposes of this section, a microwave oven or other cooking facilities such as a toaster or a hot plate using 115-120 volt electrical service do not constitute customary cooking facilities. Where the living units are maintained under unified control and the residents are not capable or permitted to bring or operate private vehicles on the same premises, community development may authorize up to a 75 percent reduction in required parking spaces; provided sufficient parking is provided for employees and visitors.
 2. Living units which do not contain customary cooking facilities within the individual units but instead have a central kitchen for food preparation and where meals are served in a central dining area or individual rooms must calculate parking requirements as follows: one parking space per four residents or four beds (whichever is greater), plus ten percent. Where the living units are maintained under unified control and the residents are not capable or permitted to own or operate private vehicles on the same premises, community development may authorize up to a 75 percent reduction in required parking spaces; provided sufficient parking is provided for employees and visitors.
 - e. *Group quarters, excluding living units subject to section 4-1732(1)d.* The minimum requirement is one parking space per bedroom or one space per two beds, whichever is greater.
 - f. *Hotels and motels.* See division 19 of this article.
- (2) *Commercial uses.*

- a. *Animal clinics.* The minimum requirement is five spaces per veterinarian plus one space per employee.
- b. *Animal kennels.* The minimum requirement is five spaces.
- c. *Automotive repair and service (excluding "drive-in oil change establishments"); automotive service stations.* The minimum requirement is four spaces per service bay plus one space per employee. Drive-in oil change establishments must provide 1.5 parking spaces per service bay. In addition to the parking spaces, there must be two stacking spaces per service bay or five stacking spaces per site, whichever is greater. Each service bay may count as one stacking space.
- d. *Banks and financial establishments.* The minimum requirement is one space per 500 square feet of total floor area. See also subsection (2)h of this section pertaining to drive-up facilities.
- e. *Bars and cocktail lounges, nightclubs.* The minimum requirement is 21 spaces per 1,000 square feet of total floor area. See also subsection (2)m of this section, pertaining to restaurants, and subsection (5) of this section.
- f. *Barbershops, beauty shops, massage establishments, massage parlors, etc.* The minimum requirement is three spaces per operator (chair) or one space per 100 square feet of gross floor area, whichever is greater, with a minimum of five spaces.
- g. *Car washes.* The minimum requirement is 1.5 spaces per car wash stall or space, plus drive-up facilities (see subsection (2)h of this section). Each individual car wash stall or space may count as one of the required two parking spaces per stall.
- h. *Drive-up facilities.* Any commercial establishment providing drive-up service windows or stalls must provide separate vehicle stacking for those uses. For the purpose of this section, a stacking unit is defined as 18 feet in length and nine feet in width. The total number of stacking units required will be based on the type of business, as follows:
 1. Banks and financial establishments: Stacking lanes to accommodate five cars per window.
 2. Car wash: Stacking to accommodate one car per service stall or five cars, whichever is greater.
 3. Restaurants: Stacking lanes to accommodate ten cars per service lane, with a minimum of five spaces preceding the menu board or ordering station.
 4. Other:
 - (i) Photo drop-off, laundry drop-off or other similar type drop-off facilities: Stacking for three cars.

- (ii) All other: Stacking to accommodate five cars per service lane.
- i. *Funeral homes.* There must be at least one parking space per four seats, or four spaces per 250 square feet of chapel area, whichever is greater. (See subsection (7) of this section.)
- j. *Offices, excluding medical.* This category includes offices of all types not specifically listed elsewhere, including, but not limited to, business services Group I, contractors and builders, insurance companies, personal services, Group IV, social services, Group I, and other similar offices. The minimum requirement is one space per 300 square feet of total floor area.
- k. *Offices, medical and health care facilities, Group III.* The minimum requirement is 4.5 spaces per 1,000 square feet of total floor area.
- l. *Mobile food vendors.* The minimum requirement is three spaces per vendor.
- m. *Restaurants/bakeries.*
 - 1. *Restaurants/bakeries.* When a store such as a bakery provides seating for customers to eat the bakery products made on the premises, the store must provide a minimum of one parking space per table or 50 square feet of seating area (whichever is greater) in addition to one space per employee.
 - 2. When a restaurant is located within the same building as the principal use, and is clearly provided primarily for the employees and customers of the principal use, no additional parking spaces are required. In all other cases, parking will be as follows: The minimum requirement is 14 spaces per 1,000 square feet of total floor area, with outdoor seating calculated at the same rate.
 - 3. *Restaurants, fast food.* The minimum requirement is 13 spaces per 1,000 square feet of total floor area plus one space per four outdoor seats, except as provided for in section 4-1733. See also subsection (2)h of this section pertaining to drive-up facilities.
 - 4. *Restaurant, carry out.* The minimum requirement for restaurants that do not provide a seating area or on-premise consumption of food is three spaces per 1,000 square feet of total floor area.
- n. *Retail or business establishments, freestanding.* This subsection applies to individual retail or business establishments on separate parcels. The minimum number of parking spaces required will be as specified in this subsection, but in no case may be less than five spaces. Retail establishments proposing drive-up facilities must also meet the requirements of subsection (2)h of this section.
 - 1. *Building materials and sales (retail).* The minimum requirement is one space per 300 square feet of indoor sales and office area, plus one space per employee.

2. *Convenience food and beverage stores.* The minimum requirement is one space per 200 square feet of total floor area. If more than 20 percent of the total floor area or 600 square feet, whichever is less, is used for the preparation and/or sale of food or beverages in a ready-to-consume state, parking for this area will be calculated the same as a fast-food restaurant. One parking space per four pumps will be credited against the required parking, where applicable.
 3. *Small products or commodities.* This category includes stores specializing primarily in small (hand held) products, and is intended to include clothing stores; department stores; drugstores; food stores; hardware stores hobby, toy and game shops; package stores; personal services, Groups I and II, excluding barbershops, beauty shops, massage establishments massage parlors, and health clubs and spas which are listed separately, specialty retail shops Groups I, II and III, used merchandise stores, Group I; variety stores; and other similar type stores. The minimum parking requirement is one space per 250 square feet of total floor area, excluding required parking for areas within the principal building used only for dead storage and not available to the public.
 4. *Large products or commodities.* This category includes stores specializing in large products, and is intended to include auto or boat parts; household/office furnishings, Groups I and II; paint, glass and wallpaper; specialty retail stores, Group IV; used merchandise stores, Groups II and III; vehicle and equipment dealers, Group II; and other similar type establishments. The minimum parking requirement is 2.5 spaces for each 1,000 square feet of total floor area. Required parking for areas within the principal building used only for dead storage and not available to the public will be computed at the rate of one space per 1,000 square feet of dead storage.
 5. *Very large products or commodities.* This category includes establishments specializing in very large products, and is intended to include household/office furnishings, Group III; mobile home dealers; used merchandise stores, Group IV; vehicle and equipment dealers, Groups I, III, IV and V; and other similar very large products. The minimum parking requirement is one space per 700 square feet of total floor area, plus one space per 1,500 square feet of outdoor area used for sales or display.
- o. *Schools and studios, commercial.*
1. *Schools, commercial.* The minimum requirement is two spaces per 100 square feet of classroom floor area.
 2. *Studios.* The minimum requirement is one space per 300 square feet of total floor area.

(3) *Commercial/industrial uses.*

- a. *Manufacturing.* The minimum requirement is one space per employee, based upon the largest shift. If there is more than one shift, 1.5 spaces per employee must be provided based upon the largest shift. Five additional spaces must be provided for customers.
- b. *Processing and warehousing.* The parking requirement is the same as required for manufacturing.
- c. *Services not listed elsewhere.* This category is intended for those service-oriented businesses which do not normally generate customer traffic but often maintain a fleet of company vehicles. Uses include business services, Group II; cleaning and maintenance services; contractors and builders; essential service facilities service centers; non-store retailers, and repair shops, Groups II, III and IV. The minimum parking requirement is three spaces, plus parking for company vehicles and employee parking.
- d. *Terminal, freight.* The minimum requirement is one space per 2,000 square feet of total floor area, with a minimum of five spaces
- e. *Warehousing, private.* The minimum requirement is one space per 2,000 square feet of total floor area, with a minimum of five spaces.
- f. *Warehousing, public.* The minimum requirement is one space per 1,000 square feet of total floor area, with a minimum of five spaces.
- g. *Warehousing, mini-warehouses.* The minimum requirement is one space per ten storage cubicles, with a minimum of five spaces.
- h. *Wholesale establishments.* The minimum requirement is 1.25 spaces per 1,500 square feet of total floor area.

(4) *Miscellaneous uses.*

- a. *Airports, landing strips and heliports.* The required minimum number of parking spaces for these facilities will be determined by the director.
- b. *Bowling alleys.* The minimum requirement is six spaces for each lane, plus additional spaces for ancillary uses (see subsection (5) of this section).
- c. *Clubs; fraternal or membership organizations.* See *Meeting halls.*
- d. *Day care centers.* The minimum requirement is two spaces per employee in addition to adequate and safe provisions for loading and unloading of clients.
- e. *Educational institutions, including public, private and parochial.*
 1. *Public schools.* Parking must be provided in compliance with state law.
 2. *Private or parochial schools.*

- (i) *Elementary and middle schools.* The minimum requirement is one space per employee plus one space for every 40 students.
- (ii) *High schools.* The minimum requirement is one space per employee plus one space for every ten students.
- (iii) *Colleges, universities and trade and vocational institutions.* The minimum requirement is one space per employee plus sufficient space for student parking as the director deems necessary.

Where public use of an auditorium or other place of assembly within a school is likely, an additional one space for every six seats must be provided.

- f. *Essential service facilities.* The minimum requirement is one space per employee on the largest shift.
- g. *Golf courses.* Six spaces per hole (see subsection (5) of this section). However, where restaurants are made an integral part of the golf course facility, additional parking for the restaurant will be required in accordance with subsection (2)m.1 of this section to the extent that the parking requirement for the restaurant exceeds the parking requirement for the golf course.
- h. *Hospitals (health care facilities, Group IV).* The minimum requirement is one space per bed, excluding bassinets and gurneys, plus one space per employee on the largest shift.
- i. *Marinas and other water-oriented uses.*
 - 1. *Boat slips:* Two spaces per three slips.
 - 2. *Boat ramps:* For each boat ramp, ten parking spaces with dimensions of ten feet wide by 40 feet long to accommodate a vehicle and boat trailer.
 - 3. *Dry storage:* One space per four unit stalls.
 - 4. *Charter or party fishing boat services:* One space per three people based on maximum passenger capacity of the boats using the dock or loading facility.
 - 5. *Local cruise ships:* One space per two people based on the maximum passenger and crew capacity of the ship. Local cruise ships are ships that usually leave port and return in less than 24 hours and that usually provide at least one meal, gambling or other entertainment for customers.
 - 6. *Other uses:* Other uses including accessory or ancillary marina uses such as restaurants, bars or lounges, boat sales, etc., must be calculated separately in compliance with this division.
- j. *Meeting halls and other places for group assembly not otherwise listed.* The minimum requirement is one space per 100 square feet of floor area (for facilities with fixed seats, refer to *Recreation facilities, indoor*).

- k. *Miniature golf.* The minimum requirement is two spaces per hole for the first nine holes, plus one space per hole for each hole in excess of nine holes.
- l. *Museums, art galleries, libraries and other similar uses not covered elsewhere.* The minimum requirement is three parking spaces per 1,000 square feet of total floor area.
- m. *Places of worship and religious facilities.* Refer to division 27 of this article
- n. *Recreation facilities, indoor.*
 - 1. Gymnasiums, health clubs and similar type recreational establishments wherein large floor areas are required to accommodate equipment for individual users. Four parking spaces per 1,000 square feet of total floor area.
 - 2. All other indoor recreational facilities not specifically listed: One parking space per 100 square feet of total floor area.
- o. *Recreation facilities, outdoor, commercial.* To be determined by the director if the use is not listed in this section.
- p. *Tennis courts, commercial.* The minimum requirement is two spaces per court plus one space per three spectator seats. (See subsection (7) of this section).
- q. *Theaters, auditoriums, skating rinks, stadiums, arenas and other similar places of public assembly not covered elsewhere.* The minimum requirement is one parking space per three seats plus one space per employee. (See subsection (7) of this section). If the facility also contains uses such as restaurants (excluding concession stands), bars or lounges, or other retail facilities, parking for these uses must be calculated separately.
- r. *Flea markets.*
 - 1. Indoor: The minimum requirement is one space per 100 square feet of total floor area.
 - 2. Other: The minimum requirement is five spaces per rental space or booth.
- s. *Carnivals, fairs and amusement attractions and devices.*
 - 1. The minimum requirement is ten parking spaces provided for each amusement device.
 - 2. If the uses are located in an existing parking lot, the parking lot must have enough spaces to comply with the minimum requirements for both the principal use and the carnival, fair or amusement attraction or device. Prior to obtaining a temporary use permit (see division 37 of this article) for the temporary use of a parking lot for a carnival, fair or amusement attraction or device, the applicant must submit a site plan showing there will be no net

- loss or reduction in the number of parking spaces required for any existing principal use that relies on the parking lot.
3. The uses may not be located in an existing parking lot that is already nonconforming as to the number of spaces needed for the existing uses.
 - t. *Community gardens.* Off-street parking is not required for gardens on property less than 20,000 square feet in lot area. A low turn-over parking area must be provided for gardens over 20,000 square feet in lot area. Parking areas must be maintained as a grass area or in a dustfree manner.
- (5) *Combined uses.* The number of parking spaces required for combined uses is the total of the spaces required for each separate use established by this schedule, except as provided in section 4-1730 and as follows:
- a. Multiple-occupancy complexes. This subsection applies to shopping centers and other complexes where two or more different uses are located and which all share a common parking area. Specifically excluded from this subsection are:
 1. Theaters located outside of shopping centers or in shopping centers smaller than 100,000 square feet;
 2. Bowling alleys; and
 3. Bars and cocktail lounges and restaurants located outside of shopping centers or in shopping centers smaller than 50,000 square feet.
 - b. Minimum requirements are as follows:
 1. Total floor area of 25,000 square feet or less: Four spaces per 1,000 square feet (or major fraction thereof) of total floor area.
 2. Total floor area of 25,000 square feet but less than 600,000 square feet: 4.5 spaces per 1,000 square feet (or major fraction thereof) of total floor area.
 3. Total floor area of 600,000 square feet or more: Five spaces per 1,000 square feet (or major fraction thereof) of total floor area.
- (6) *Uses not specifically listed.* Parking for uses not specifically mentioned in this chapter must be the same as uses most similar to the one sought, it being the intent to require all uses to provide off-street parking.
- (7) *Bench and pew seating.* In stadiums, sports arenas, churches and other places of public, 24 inches of seating facilities will be counted as one seat for the purpose of computing off-street parking requirements. See division 27 of this article.

(Ord. No. 11-02, § 3(4-2020), 1-19-2011; Ord. No. 12-13, § 1(4-2020), 8-15-2012; Ord. No. 12-17, § 1(4-2020), 12-19-2012)

Sec. 4-1735

Opportunities for reduction of parking requirements shall be reviewed through a parking needs analysis. A developer may request a parking needs analysis parking during the local development order and/or building permit process by using the following method:

a. Submittal requirements

1. Preapplication Meeting. A property or business owner who wishes to have a parking needs analysis approved must schedule a preapplication meeting to determine specific application requirements and an acceptable methodology.
2. Contents. A parking needs analysis shall include one or more of the following:
 - a. If the Institute of Transportation Engineers (ITE) Reference Manual entitled Parking Generation allows a lesser number of parking spaces for the proposed use or a use of similar characteristics, then the number of parking spaces required for a development may be reduced.
 - b. Estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or the Traffic Institute, or industry standards based on data collected from geographic areas and uses or combinations of uses which are the same or comparable to the proposed area and use.
 - c. An operational procedure which indicates that the full parking requirement is not needed, and a guarantee of continuity of such procedure.
 - d. Actual parking counts for the building or site which indicate that the full number of parking spaces are not required due to parking peak demands occurring at different times. Such counts must be taken during the peak hours of the peak season.
3. Statement of remedies. Any parking needs analysis shall include a statement of the remedies which will be available if it is determined that the full number of parking spaces as required by this section is needed. The remedy shall demonstrate that it can be implemented within a 60-day period.
4. Preparation. If for any reason a traffic impact statement is required, the parking needs analysis shall be prepared by the registered professional engineer who prepared the traffic impact statement. If a traffic impact statement is not required, the parking needs analysis may be prepared by the owner or petitioner. The parking needs analysis shall be conducted according to the methodology agreed upon at the preapplication meeting and shall include all documentation agreed upon at the preapplication meeting.

c. If the number of spaces approved by the parking needs analysis is found to be insufficient, the city manager or designee shall notify the property owner by certified mail that remedies must be implemented within 60 days. The city manager or designee shall make a determination of insufficient parking by one of the following methods:

- (1) Monitoring of the parking;

(2) Increased parking in the right-of-way caused by insufficient parking on site for that property; or

(3) Verified complaints of parking on neighboring properties.

Secs. 4-~~17365~~ —4-1761. Reserved.