

FILED
APR 26 2 44 PM '81

AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, BY ADDING SUBSECTION 8.12f., OFF-STREET VEHICULAR FACILITIES - PARKING AND LOADING, IN ORDER TO ADD PROVISIONS FOR SHARED PARKING; , BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 5, 1982, the Board of County Commissioners approved Ordinance Number 82-2, which established the comprehensive Zoning Regulations for the unincorporated area of Collier County; and

WHEREAS, Thomas Wood of Vega, Brown, Stanley & Martin, P. A., representing Sign of the Vine Restaurant, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance Number 82-2 by amending Section 8, Supplementary District Regulations, by adding Subsection 8.12f, Off-Street Vehicular Facilities - Parking and Loading, in order to add provisions for shared parking;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

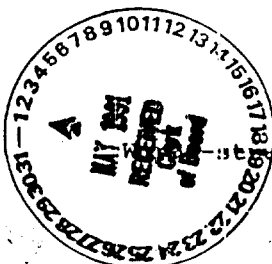
SECTION ONE: Amendments to Subsection 8.12 - Off-Street Vehicular Facilities - Parking and Loading, of Ordinance No. 82-2, the Collier County Zoning Ordinance, as amended.

Section 8, Supplementary District Regulations, Subsection 8.12, Off-Street Vehicular Facilities - Parking and Loading, of Ordinance 82-2, the Zoning Ordinance of Collier County, Florida is hereby amended by adding a new subsection to read as follows:

f. Off-Street Parking: Shared Parking

- 1) For the purposes of this subsection shared parking shall be defined as: off-site parking on property that normally is not under the same ownership as the structure or use the parking is designed to serve and consists of joint parking, where parking serves and is credited for land uses on two or more properties, and/or leased parking, where credited parking is provided on off-site leased land and any leased parking space is excess to the parking requirements of the lot on which it is located based on Section 8.23.

043 PAGE 314



Strike-through are deleted; words underlined are added.

- 2) An application for shared parking approval may be submitted, and shall be processed in conjunction with a Site Development Plan, pursuant to Section 10.5 of this Zoning Ordinance. The determination of the request shall be made by the Board of Zoning Appeals, after review and recommendation by the Planning Commission. The procedural requirements set forth in Section 11.1b. of the Zoning Ordinance shall be followed in the review and determination of shared parking petitions.
- 3) Proposed shared parking facilities shall meet all of the following provisions:
- (a) All parking spaces that are to be shared shall be paved;
 - (b) No shared parking space shall be located further than three hundred (300) feet from the buildings or uses they serve unless special circumstances exist including, but not limited to:
 - (1) Where the proposed off-site parking will serve Temporary Parking for Sports Events, Religious Events, or Community Events as described in Section 8.23;
 - (2) Where the proposed off-site parking will serve uses within the Immokalee Central Business District as described in Section 8.23A.;
 - (3) Where the proposed off-site parking spaces will only be for valet parking;
 - (4) Where the proposed off-site parking will serve water-dependent and/or water-related uses; and
 - (5) Where the proposed off-site parking will only be for employees (limited to a maximum of fifteen (15) percent of the project's total parking requirement).
 - (c) The shared parking spaces shall not be separated from the buildings or uses they are designed to serve by a roadway designated as a collector or arterial in the Transportation Element of the Growth Management Plan.
- 4) Credit for joint parking spaces shall be limited to the following amounts:
- (a) Where the request involves a church and another property whose predominant parking demand is between 7:00 A.M. and 6:00 P.M., Monday through Friday, or two (2) other properties, where the business hours of one (1) property do not overlap the business hours of the other property, the credit for joint parking spaces shall not exceed fifty (50) percent of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties; or
 - (b) In all other cases, the credit for joint parking spaces shall not exceed twenty-five (25) percent of the minimum required spaces for the property requiring the least amount of spaces. The credit may be applied all to one property or split between the two properties.

- 5) Credit for leased off-site parking spaces shall be limited in all cases to thirty-five (35) percent of the land use's parking requirement that the parking spaces are proposed to serve.
- 6) The petition for shared parking approval shall include:
- (a) A Site Development Plan with all necessary attachments, pursuant to Section 10.5 of this Zoning Ordinance;
 - (b) The Site Development Plan shall also depict: the proposed shared parking facility and its vehicular access drives and parking spaces; pedestrian walkways between the shared parking facility and all buildings or uses they are designed to connect; lighting and landscaping of the shared parking facility; and the alternate parking plan or land reservation plan described in Subsection 8.12f.6) of this Zoning Ordinance unless a minimum ten (10) year leased parking agreement is proposed;
 - (c) Notarized documentation demonstrating that the petitioner has permission for all involved property owners to obtain the necessary approvals and describing all buildings or uses that will be receiving credit for the shared parking including normal operating hours for such buildings or uses; and
 - (d) A proposed shared parking agreement between all involved property owners, with notarized signatures, describing the rights and limitations of all property owners and businesses. Such agreement shall bind the heirs, successors and assigns of each such owner.
- 7) The Board of Zoning Appeals shall base their determination of the requests for shared parking on the following review criteria:
- (a) The proposed shared parking facility, including its ingress and egress, is safe and convenient for motorists and pedestrians;
 - (b) The proposed shared parking facility will not adversely impact the character and quality of the neighborhood nor hinder the proper future development of surrounding properties;
 - (c) The shared parking plan will have environmental, economic or traffic flow benefits for the community;
 - (d) The shared parking plan will solve parking problems that were not created by the owners or leasees of the subject properties;
 - (e) Other more viable parking alternatives are not available for the subject properties;
 - (f) The operating hours, types of land uses, and other applicable factors are conducive for shared parking at the present time and are likely to remain constant;
 - (g) Approval of the Shared Parking Agreement would be consistent with the Future Land Use Element of the Growth Management Plan.

043 PAGE 316

Words-struck-through are deleted; words underlined are added.

- (h) Where the shared parking plan shows no land reservation or a minimum ten (10) year leased parking agreement, the petitioner has demonstrated that the alternative parking plan is feasible at the present time, and should be feasible in the future;
 - (i) Failure of the shared parking plan and the alternative parking plan or the minimum ten (10) year leased parking agreement would not have serious implications on the public health, safety and welfare; and
 - (j) Approval of the petition will not create parking problems for any neighboring property.
- 8) Where shared parking is approved under Subsection 8.12f. of this Zoning Ordinance the following provisions shall apply:
- (a) The Board of Zoning Appeals may impose requirements or conditions upon approval as appropriate to promote the public health, safety and welfare. These requirements or conditions may include, but shall not be limited to: pedestrian ground level and overhead walkways, traffic signals, traffic control devices, directional signs, signs to designate shared parking spaces, lighting standards, extra landscaping, buffers, screens and limited hours of operation;
 - (b) The shared parking agreement shall be recorded in the Public Records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the shared parking agreement and from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this Ordinance; and
 - (c) The Board of Zoning Appeals shall determine that the minimum ten (10) year leased parking agreement or the alternative parking plan is feasible or the petitioner and/or owner of the shared facility reserves sufficient land areas required to meet future parking needs. A land reservation shall be required for all shared parking approvals except where the shared parking is between a church and another land use or only between existing structures for joint parking or an existing structure for leased parking that have received Certificates of Occupancy. Such land reservation may include any number of parking spaces so long as there are sufficient spaces to accommodate the parking needs of both the sharing facility and the facility needing the additional parking. This reservation shall be recorded in the Public Records of Collier County, Florida at the owner's expense. Collier County shall release the parties to the land reservation agreement from the terms thereof, if other required off-street facilities are provided in accordance with the requirements of this Ordinance.

SECTION TWO: Conflict and Severability

In the event this Ordinance conflicts with any other Ordinance of Collier County and other applicable law, the more restrictive

shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: Effective Date

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 16 day of April, 1991.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

James C. Giles, Clerk
JAMES C. GILES, CLERK

BY: Patricia Anne Goodnight
PATRICIA ANNE GOODNIGHT, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

ZO-90-18 AMENDMENTS/4609

This ordinance filed with the
Secretary of State's Office the
26th day of April, 1991
and acknowledgement of that
filing received this 1st day
of May, 1991

By Debra Chesler
Deputy Clerk

043 PAGE 318

Words-struck-through are deleted; words underlined are added.

STATE OF FLORIDA)
COUNTY OF COLLIER)

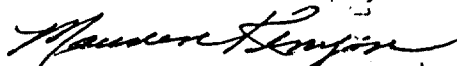
I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 91-33

which was adopted by the Board of County Commissioners on
the 16th day of April, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 23rd
day of April, 1991.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


By: /s/Maureen Kenyon
Deputy Clerk