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August 29, 2005

FILE 1448370 OR BK 02799 Pgs 1021 - 1027: (7 pgs) RECD 09/08/2005 08:52:36 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
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ORDINANCE  
NUMBER 2005 - 070

AN ORDINANCE PERTAINING TO FRONT YARD REQUIREMENTS IN THE CHARLOTTE HARBOR COMMUNITY DEVELOPMENT CODE; PROVIDING FOR THE AMENDMENT OF SUBSECTIONS 3-9-50.5 (a) (D)(1) AND (2), SUBSECTION 3-9-50.5 (a) (E)(1), SUBSECTION 3-9-50.5 (a) (G)(1), AND 3-9-50.5(a)(H) OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR MINIMUM AND MAXIMUM FRONT YARD REQUIREMENTS IN THE OFFICE, MEDICAL AND INSTITUTIONAL, COMMERCIAL NEIGHBORHOOD, COMMERCIAL TOURIST, COMMERCIAL INTENSIVE, COMMERCIAL GENERAL, MIXED USE, INDUSTRIAL OFFICE PARK, AND NEIGHBORHOOD BUSINESS RESIDENCE ZONING DISTRICTS IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR A NEW BUFFER CODE REQUIREMENT FOR ALL FLUM DESIGNATIONS AND ZONING DISTRICTS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Charlotte Harbor Community Redevelopment Area ("Charlotte Harbor CRA") was created by Resolution 92-251 on November 3, 1992, by the Board of County Commissioners of Charlotte County ("Board"); and

WHEREAS, the Charlotte Harbor Community Development Code was enacted by the Board on February 20, 1996, pursuant to Ordinance No. 96-0110A0 and included in the Code of Laws and Ordinances of Charlotte County ("Code") as Section 3-9-50 through 3-9-50.7; and

WHEREAS, the Charlotte County CRA Committee, an advisory committee to the Board (hereinafter "CRAC"), in consultation with Charlotte County staff, has recommended that the maximum front yard requirements for the Office, Medical and Institutional, Commercial Neighborhood, Commercial Tourist, Commercial General, Commercial Intensive, Mixed Use, Industrial Office Park, and Neighborhood Business Residential zoning districts be reduced to nine (9) feet and the minimum front yard requirements for said districts be reduced to zero (0); and

WHEREAS, the CRAC has recommended that in the event that Section 3-5-391 of the Code (hereinafter referred to as the "Buffer Code") requires that a buffer be wider than the maximum front yard requirement of nine (9) feet set forth

CHARLOTTE COUNTY  
CERTIFIED TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA

BY: [Signature]  
DEPUTY CLERK

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[Signature]

1 herein on any subject property, then the Buffer Code shall always control and the  
2 front yard setback must conform to the Buffer Code requirements; and

3  
4 WHEREAS, the Charlotte County Planning and Zoning Board has not  
5 recommended approval of the changes recommended by the CRAC; and

6  
7 WHEREAS, the Board agrees with the changes recommended by the  
8 CRAC; and

9  
10 WHEREAS, the Board has determined that the proposed changes will  
11 promote the Charlotte Harbor CRA's aesthetic and visual environment and  
12 character, enhance property values and create a more attractive economic and  
13 business climate.

14  
15 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
16 Commissioners of Charlotte County, Florida:

17  
18 **Section 1.** That portion of the graphic set forth in Subsection 3-9-  
19 50.5 (a) (D) (2) (g) pertaining to yard requirements for the Neighborhood  
20 Business Residential zoning district is hereby amended by adding the underlined  
21 language and by ~~deleting the stricken~~ language to provide as follows:

22  
23 Maximum yard requirements:

24  
25 Front yard \* 9 Feet  
26 \*(unless Section 3-5-391 of the Code  
27 (the "Buffer Code") requires otherwise)

28  
29 Minimum yard requirements

30  
31 Front yard 0 25 Feet

32  
33 **Section 2.** Subsection 3-9-50.5 (a) (D) of the Code, which sets  
34 forth zoning districts permitted within the Neighborhood Business Residential  
35 FLUM designation, is hereby amended to create new Subsections 3-9-50.5 (a)  
36 (D) (3) through (7), inclusive, which shall provide as follows:

37  
38 (3) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
39 (D)(1) (c) above, including the provisions of the Code subsections expressly  
40 referenced in Subsection 3-9-50.5 (a) (D)(1)(c), the maximum front yard  
41 requirement for the Office, Medical and Institutional zoning district referenced  
42 above in Subsection 3-9-50.5 (a) (D)(1)(c) shall be nine (9) feet and the minimum  
43 front yard requirement for the Office, Medical and Institutional zoning district shall  
44 be zero (0) feet.

45  
46 (4) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
47 (D)(1)(d) above, including the subsections of the Code expressly referenced in

1 Subsection 3-9-50.5 (a) (D)(1)(d), the maximum front yard requirement for the  
2 Commercial Neighborhood zoning district referenced above in Subsection 3-9-  
3 50.5 (a) (D)(1)(d) shall be nine (9) feet and the minimum front yard requirement  
4 for the Commercial Neighborhood zoning district shall be zero (0) feet.  
5

6 (5) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
7 (D)(1)(e) above, including the subsections of the Code expressly referenced in  
8 Subsection 3-9-50.5 (a) (D)(1)(e), the maximum front yard requirement for the  
9 Commercial Tourist zoning district referenced above in Subsection 3-9-50.5 (a)  
10 (D)(1)(e) shall be nine (9) feet and the minimum front yard requirement for the  
11 Commercial Tourist zoning district shall be zero (0) feet.  
12

13 (6) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
14 (D)(1)(g) above, including the subsections of the Code expressly referenced in  
15 Subsection 3-9-50.5 (a) (D)(1)(g), the maximum front yard requirement for the  
16 Commercial Intensive zoning district referenced above in Subsection 3-9-50.5 (a)  
17 (D)(1)(g) shall be nine (9) feet and the minimum front yard requirement for the  
18 Commercial Intensive zoning district shall be zero (0) feet.  
19

20 (7) Notwithstanding the provisions in (3), (4), (5), and (6) above,  
21 the maximum front yard requirement shall be nine (9) feet and the minimum front  
22 yard requirement shall be zero (0) feet in the Office, Medical and Institutional,  
23 Commercial Neighborhood, Commercial Tourist and Commercial Intensive  
24 zoning districts under the Neighborhood Business Residential *FLUM*  
25 designation; provided, however, that if Section 3-5-391 of the Code (the "Buffer  
26 Code") requires a wider buffer than nine feet, it shall control over the nine (9) feet  
27 front yard requirement set forth herein.  
28

29 **Section 3.** That portion of the graphic set forth in Subsection 3-9-  
30 50.5(a)(E)(2)(g) pertaining to yard requirements for the Mixed Use zoning district  
31 is hereby amended by adding the underlined language and by ~~deleting the~~  
32 ~~stricken~~ language to provide as follows:  
33

34 Maximum yard requirements:

35  
36 Front yard \* 9 Feet  
37 \*(unless Section 3-5-391 of the Code  
38 (the "Buffer Code") requires otherwise)  
39

40  
41 Minimum yard requirements

42  
43 Front yard 0 25 Feet  
44  
45  
46

1                   **Section 4.** Subsection 3-9-50.5(a)(E) of the Code, which sets  
2 forth zoning districts permitted within the Mixed Use *FLUM* designation, is hereby  
3 amended to create new Subsections 3-9-50.5(a)(E)(3) through (8), inclusive,  
4 which shall provide as follows:  
5

6                   (3) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
7 (E)(1)(c) above, including the provisions of the Code subsections expressly  
8 referenced in Subsection 3-9-50.5 (a) (E)(1)(c), the maximum front yard  
9 requirement for the Office, Medical and Institutional zoning district referenced  
10 above in Subsection 3-9-50.5 (a) (E)(1)(c) shall be nine (9) feet and the minimum  
11 front yard requirement for the Office, Medical and Institutional zoning district shall  
12 be zero (0) feet.  
13

14                   (4) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
15 (E)(1)(d) above, including the provisions of the Code subsections expressly  
16 referenced in Subsection 3-9-50.5 (a) (E)(1)(d), the maximum front yard  
17 requirement for the Commercial Neighborhood zoning district referenced above  
18 in Subsection 3-9-50.5 (a) (E)(1)(d) shall be nine (9) feet and the minimum front  
19 yard requirement for the Commercial Neighborhood zoning district shall be zero  
20 (0) feet.  
21

22                   (5) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
23 (E)(1)(e) above, including the provisions of the Code subsections expressly  
24 referenced in Subsection 3-9-50.5 (a) (E)(1)(e), the maximum front yard  
25 requirement for the Commercial Tourist zoning district referenced above in  
26 Subsection 3-9-50.5 (a) (E)(1)(e) shall be nine (9) feet and the minimum front  
27 yard requirement for the Commercial Tourist zoning district shall be zero (0) feet.  
28

29                   (6) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
30 (E)(1)(f) above, including the provisions of the Code subsections expressly  
31 referenced in Subsection 3-9-50.5 (a) (E)(1)(f), the maximum front yard  
32 requirement for the Commercial General zoning district referenced above in  
33 Subsection 3-9-50.5 (a) (E)(1)(f) shall be nine (9) feet and the minimum front  
34 yard requirement for the Commercial General zoning district shall be zero (0)  
35 feet.  
36

37                   (7) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
38 (E)(1)(g) above, including the provisions of the Code subsections expressly  
39 referenced in Subsection 3-9-50.5 (a) (E)(1)(g), the maximum front yard  
40 requirement for the Commercial Intensive zoning district referenced above in  
41 Subsection 3-9-50.5 (a) (E)(1)(g) shall be nine (9) feet and the minimum front  
42 yard requirement for the Commercial Intensive zoning district shall be zero (0)  
43 feet.  
44

45                   (8) Notwithstanding the provisions in (3), (4), (5), (6) and (7)  
46 above, the maximum front yard requirement shall be nine (9) feet and the

1 minimum front yard requirement shall be zero (0) feet in the Office, Medical and  
2 Institutional, Commercial Neighborhood, Commercial Tourist, Commercial  
3 General and Commercial Intensive zoning districts under the Mixed Use *FLUM*  
4 designation; provided, however, that if Section 3-5-391 of the Code (the "Buffer  
5 Code") requires a wider buffer than nine feet, it shall control over the maximum  
6 nine (9) feet front yard requirement set forth herein.

7  
8 **Section 5.** Subsection 3-9-50.5(a)(F) of the Code, which sets  
9 forth zoning districts permitted within the Commercial *FLUM* designation, is  
10 hereby amended to create new Subsection 3-9-50.5(a)(F)(5), which shall provide  
11 as follows:  
12

13 (6) Notwithstanding the provisions in 3-9-50.5(a)(F)(2), (3), (4)  
14 and (5), the maximum front yard requirement shall be nine (9) feet and the  
15 minimum front yard requirement shall be zero (0) feet in the Commercial  
16 Neighborhood, Commercial Tourist, Commercial General and Commercial  
17 Intensive zoning districts under the Commercial *FLUM* designation; provided,  
18 however, that if Section 3-5-391 of the Code (the "Buffer Code") requires a wider  
19 buffer than nine feet, it shall control over the maximum nine (9) feet front yard  
20 requirement set forth herein.  
21

22 **Section 6.** Subsection 3-9-50.5(a)(G) of the Code, which sets  
23 forth zoning districts permitted within the Commercial Tourist *FLUM* designation,  
24 is hereby amended to create new Subsections 3-9-50.5(a)(G)(3) through (5),  
25 inclusive, which shall provide as follows:  
26

27 (3) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
28 (G)(1)(b) above, including the provisions of the Code subsections expressly  
29 referenced in Subsection 3-9-50.5 (a) (G)(1)(b), the maximum front yard  
30 requirement for the Commercial Neighborhood zoning district referenced above  
31 in Subsection 3-9-50.5 (a) (G)(1)(b) shall be nine (9) feet and the minimum front  
32 yard requirement for the Commercial Neighborhood zoning district shall be zero  
33 (0) feet.  
34

35 (4) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
36 (G)(1)(c) above, including the provisions of the Code subsections expressly  
37 referenced in Subsection 3-9-50.5 (a) (G)(1)(c), the maximum front yard  
38 requirement for the Commercial Tourist zoning district referenced above in  
39 Subsection 3-9-50.5 (a) (G) (1)(c) shall be nine (9) feet and the minimum front  
40 yard requirement for the Commercial Tourist zoning district shall be zero (0) feet.  
41

42 (5) Notwithstanding the provisions in (3) and (4) above, the  
43 maximum front yard requirement shall be nine (9) feet and the minimum front  
44 yard requirement shall be zero (0) feet in the Commercial Neighborhood,  
45 Commercial Tourist and Commercial Intensive zoning districts under the  
46 Commercial Tourist *FLUM* designation; provided, however, that Section 3-5-391

1 of the Code (the "Buffer Code") requires a wider buffer than nine feet, it shall  
2 control over the maximum nine (9) feet front yard requirement set forth herein.

3  
4 **Section 7.** Subsection 3-9-50.5(a)(H) of the Code, which sets  
5 forth zoning districts permitted within the Industrial *FLUM* designation, is hereby  
6 amended to create new Subsections 3-9-50.5(a)(H)(2) through (4), inclusive,  
7 which shall provide as follows:

8  
9 (2) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
10 (H)(1)(a) above, including the provisions of the Code subsections expressly  
11 referenced in Subsection 3-9-50.5 (a) (H)(1)(a), the maximum front yard  
12 requirement for the Commercial Intensive zoning district referenced above in  
13 Subsection 3-9-50.5 (a) (H)(1)(a) shall be nine (9) feet and the minimum front  
14 yard requirement for the Commercial Intensive zoning district shall be zero (0)  
15 feet.

16  
17 (3) Notwithstanding the provisions of Subsection 3-9-50.5 (a)  
18 (H)(1)(b) above, including the provisions of the Code subsections expressly  
19 referenced in Subsection 3-9-50.5 (a) (H)(1)(b), the maximum front yard  
20 requirement for the Industrial Office Park zoning district referenced above in  
21 Subsection 3-9-50.5 (a) (H) (1)(b) shall be nine (9) feet and the minimum front  
22 yard requirement for the Industrial Office Park zoning district shall be zero (0)  
23 feet.

24  
25 (4) Notwithstanding the provisions in (2) and (3) above, the  
26 maximum front yard requirement shall be nine (9) feet and the minimum front  
27 yard requirement shall be zero (0) feet in the Commercial Intensive and Industrial  
28 Office Park zoning districts under the Industrial *FLUM* designation; provided,  
29 however, that Section 3-5-391 of the Code (the "Buffer Code") requires a wider  
30 buffer than nine feet, it shall control over the maximum nine (9) feet front yard  
31 requirement set forth herein.

32  
33 **Section 8.** Conflict With Other Ordinances. The provisions of this  
34 article shall supersede any provisions of existing ordinances in conflict herewith  
35 to the extent of said conflict.

36  
37 **Section 9.** Severability. In the event that any portion of this article  
38 is for any reason held invalid or unconstitutional by any court of competent  
39 jurisdiction, such portion shall be deemed a separate, distinct and independent  
40 provision, and such holding shall not affect the validity of the remaining portions  
41 of this article.

42  
43 **Section 10.** Effective Date. This Ordinance shall take effect upon  
44 filing in the office of the Secretary of State.

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PASSED AND DULY ADOPTED this 23 day of August, 2005.

BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: *Sara J. Devos*  
Sara J. Devos, Chairman

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

By: *Anne L. Bahler*  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: *Janette S. Knowlton*  
Janette S. Knowlton, County Attorney  
RB  
LR 2005-421

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