

Charlotte Harbor Land Development Code Proposed Revisions to Coastal Residential and Neighborhood Business Residential

December 9, 2009

Sec. 3-9-50.5. Permitted uses.

(a) Intent. To encourage redevelopment within the Charlotte Harbor Community Redevelopment Area that is consistent with the vision of the Charlotte Harbor Community Redevelopment Plan. Unless noted below, the Charlotte County Land Development Code will apply.

~~The zoning designations within the Charlotte Harbor Community Plan are, for the most part, consistent with current Charlotte County zoning designations; however, there are some significant differences. Outlined below are the Charlotte Harbor Community Plan zoning districts.~~

(b) (b) Definitions (Shall be consistent with and be included in Charlotte County Definition Section of the Code: Bed and Breakfast ;Building Frontage; Building Height; Guest House)

1. Charlotte Harbor CRA Advisory Committee as identified in Resolution 2008-072 (as may be amended).

(c) General Provisions

1. Charlotte Harbor Community Redevelopment Agency Advisory Committee shall review all special exceptions applications and uses not specifically mentioned in this code and provide a recommendation to the Zoning Official on the consistency to the Charlotte Harbor Community Redevelopment Plan.

2. Underground Power and Cable Lines

- a) All new aerial power and cable utility lines shall be placed under ground.
- b) On-site service. Within any new development, all power and cable utility lines installed to serve the project shall be placed underground without expense to the county or community redevelopment agency.
- c) Distribution Systems. All new utility distribution and transmission lines crossing public rights of way and property shall be placed underground. No new public right of way within the Charlotte Harbor Community Redevelopment Area shall cross any public right of way within the CRA without first obtaining a written permit by the Charlotte County Public Works Director following review by the Charlotte Harbor CRA Advisory Committee.

(d) Charlotte Harbor zoning districts include the following:

A. OPEN SPACE DISTRICT

1. **Environmentally sensitive (ES),** section 3-9-28 (as may be amended).

B. RESIDENTIAL DISTRICTS

1. **Residential single-family (RSF 1, 2, 2.5, 3.5, and 5),** section 3-9-32 (as may be amended). Residential single-family is permitted in the Coastal Residential FLUM designation except where it is inconsistent with the Coastal Residential zoning district. Residential single-family is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district.

2. Residential multifamily (RMF 3.5, and 5), section 3-9-33 (as may be amended). Residential multifamily is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district.

3. Residential multifamily (RMF-T), section 3-9-34(a) through (h), as may be amended;

C. COMMERCIAL DISTRICTS

1. Commercial neighborhood (CN), section 3-9-41(a) through (h), as may be amended. Commercial neighborhood is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district. Commercial neighborhood is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district. Maximum front yards in the Commercial neighborhood zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

2. Commercial tourist (CT), section 3-9-45(a) through (h), as may be amended. Commercial tourist is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district. Commercial tourist is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district. Maximum front yards in the Commercial tourist zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

3. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended. Commercial intensive is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district. Commercial intensive is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district. Maximum front yards in the Commercial intensive zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

The following commercial intensive (CI) uses are prohibited within the NBR FLUM due to the inconsistency with the intent of the CRA community plan.

1. Service stations and gas pumps;
2. Car washes.

The following commercial intensive (CI) uses are prohibited within the NBR and COM-T FLUMs due to the inconsistency with the intent of the CRA community plan.

1. Truck stops;
 2. Lumber and building supply establishments;
 3. Heavy machinery and equipment sales and services;
 4. Drive-in theaters;
 5. Railroad sidings;
 6. Indoor auditoriums and convention centers;
 7. Mass transit terminals and yards;
 8. Miniwarehouses, warehouses or storage facilities;
 9. Warehouses or storage facilities for flammable liquids;
 10. Building trades contractor with storage yard for materials and equipment on premises;
- and
11. Heliports and heli-stops.

4. Commercial general (CG), section 3-9-42(a) through (h), as may be amended. Commercial general is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district. Maximum front yards in the Commercial general zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

D. INDUSTRIAL DISTRICTS

1. Industrial office park (IOP), section 3-9-49(a) through (h), as may be amended; Maximum front yards in the Industrial office park zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

2. Industrial light (IL), section 3-9-47(a) through (h), as may be amended; and

E. SPECIAL DISTRICTS

1. Planned development (PD), section 3-9-49 (as may be amended) is permitted if consistent with the Charlotte Harbor Future Land Use Map designations. Multifamily residential structures are permitted in the Coastal Residential FLUM designation if approved through the PD process. Planned Development is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district. Planned Development is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district.

2. Office, medical and institutional (OMI), section 3-9-39(a) through (h), as may be amended. Office, medical and institutional is permitted in the Neighborhood Business Residential FLUM designation except where it is inconsistent with the Neighborhood Business Residential zoning district. Office, medical and institutional is permitted in the Mixed Use FLUM designation except where it is inconsistent with the Mixed Use zoning district. Maximum front yards in the Industrial office park zoning district shall be 9 feet unless section 3-5-391 of the Buffer Code requires otherwise (see Section 3-9-50.5(d)) and minimum front yards shall be 0 feet.

3. Coastal residential (CR)

a. Intent. Coastal residential (CR) zoning is primarily intended to be used for single-family residential dwellings and other uses which are compatible within the Charlotte Harbor Community. Among CR-1, CR-2, and CR-3.5 districts, there are variations in requirements for lot area, width, and certain yards. (See subsection 3-9-50.5(B)(2)f).

b. Permitted principal uses and structures. The following uses and structures are permitted in this district:

1. Single-family dwellings, excluding mobile homes;
2. Nonprofit parks and playgrounds;
3. Occupied single-family residences used as family day care homes;
4. Noncommercial boat docks; and
5. Art and music instruction, provided no more than two (2) students at a time are receiving instruction.

c. Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including:

1. Private garage and storage structures;

2. Greenhouses, the growing of plants and horticultural specialties, provided no retail sales are made on the premises;
 3. Swimming pools; and
 4. Tennis courts.
- d. Prohibited uses and structures. Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.
- e. Special exceptions. (For procedure, see section 3-9-7, Special exceptions).
1. Private parking lots, provided that a site plan is approved by the development review process ensuring that the maximum tree protection requirements are included, as well as significant vegetated buffers and aesthetic screening requirements are added to maintain compatibility with the surrounding coastal residential community and reduce visual intrusion. The following conditions must also be met:
 - (i) The parking lot must be within two hundred (200) feet of and in association with a proposed or approved development.
 - (ii) The parking lot shall be part of an approved development which includes, as an approval stipulation, the need for additional parking.
 - (iii) The parking lot cannot be the only or the primary parking for the associated development.
 - (iv) Specific site related amenities, such as caution lights, pedestrian crosswalks, sidewalks, etc., are provided to ensure pedestrian access and safety.
 2. One (1) guest house ~~or one (1) servants' quarters for each single-family dwelling, provided the lot area shall not be less than twice the minimum lot area required for a single-family dwelling;~~
 3. Home occupations, in accordance with section 3-9-79 (as may be amended);
 4. Child and adult day care facilities in accordance with the following standards:
 - (i) The minimum parcel size shall be twenty thousand (20,000) square feet;
 - (ii) The facility must be located on a collector or higher functional roadway classification as shown in the comprehensive plan;
 - (iii) Such facilities may not be located less than one thousand five hundred (1,500) feet from an established, existing facility in a residential single-family district. This distance shall be measured on a straight line from the nearest point of the proposed structure to the nearest point of the existing structure;
 - (iv) The facility may care for a maximum of twenty-five (25) children or adults;
 - (v) The facility must meet all requirements of the Florida Department of Health and Rehabilitative Services and maintain any required license and registrations;
 - (vi) The facility must have off-street parking in accordance with off-street parking and loading facilities, section 3-9-90 (as may be amended);
 - (vii) A fence (see architectural standards) six (6) feet in height must be installed along the side and rear property lines in accordance with fences, walls, section 3-9-77 (as may be amended);
 - (viii) A special exception for child or adult day care facilities shall cease upon change of ownership or discontinuance of the use for more than ninety (90) days.
 5. Essential services (substations);
 6. Adult congregate living facilities in accordance with adult congregate living facilities, section 3-9-63.1 (as may be amended);
 7. Radio and television transmission towers; and
 8. Such other uses as determined by the ~~community development director or his/her designee~~ Zoning Official to be:
 - (i) Appropriate by reasonable implication and intent of the district;
 - (ii) Similar to another use either explicitly permitted in that district or allowed by special exception;

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(iii) Reviewed and received a recommendation by the Charlotte Harbor CRA Advisory Committee; and

(iii) Not specifically prohibited in that district.

f. Development standards. The following development standards shall apply in this district:

TABLE INSET:

| | Coastal Residential-1 | Coastal Residential-2 | Coastal Residential-2.5 | Coastal Residential-3.5 |
|---|-----------------------|-----------------------|-------------------------|-------------------------|
| Minimum lot requirement (except as otherwise permitted) | | | | |
| Area, square feet: | 40,000 | 20,000 | 15,000 | 10,000 |
| Width, feet: | 125 | 100 | 100 | 80 |
| Front yard, feet: | 10 | 10 | 10 | 10 |
| Side yard | | | | |
| Interior feet: | 15 | 15 | 15 | 7.5 |
| Abutting a road, feet: | 20 | 20 | 20 | 15 |
| Maximum lot requirement | | | | |
| Front yard, feet: | 25 | 25 | 25 | 25 |
| Maximum lot coverage by all buildings, percent: | 35 | 35 | 35 | 35 |
| Maximum building height, feet: | 38 | 38 | 38 | 38 |
| Minimum rear yard, feet | | | | |
| Abutting a lot: | 20 | 20 | 20 | 20 |
| Abutting a platted road: | 25 | 25 | 25 | 25 |
| Abutting a constructed road: | 25 | 25 | 25 | 10 |
| Abutting a greenbelt: | 15 | 15 | 15 | 15 |
| Accessory building setbacks from | | | | |
| Rear lot line, | 10 | 10 | 10 | 10 |

| | | | | |
|---|--|----|----|----|
| feet: | | | | |
| Side yard: | Same as principal building | | | |
| Abutting road right-of-way: | Same as principal building | | | |
| Rear or side line abutting a waterway*, feet: | 20 | 20 | 20 | 20 |
| Within a designated no fill area: | Stemwall or stilt construction required. <u>Stemwall is preferred.</u> | | | |

*Where properties lie within one thousand two hundred (1,200) feet of the water of Charlotte Harbor or the Peace River, structures must also be constructed in accordance with Waterfront property, section 3-9-98 (as may be amended).

g. Off-street parking. Off-street parking shall conform with off-street parking and loading facilities, section 3-9-90 (as may be amended). Shared-use parking agreements between adjacent commercial property owners shall be utilized whenever possible.

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

4. Neighborhood Business Residential (NBR)

a. Intent. The neighborhood business residential (NBR) zoning as stated in policy 15.1 of the future land use element is intended to be a buffer and transition area separating residential and commercial areas which provide daily convenience goods, professional, personal, and business services, and multifamily residential needs of the residents located within the Charlotte Harbor Community.

b. Specific conditions applicable to the neighborhood business residential zoning district are:

1. Multifamily density shall not exceed ten (10) units per gross acre (properties without NBR zoning prior to December 31, 2009 will be required to obtain density through the Transfer of Dwelling Units (TDU) provision as provided in Ordinance 2007-083 (as may be amended) to achieve maximum permitted density;
2. Multifamily residential development is prohibited south of Bayshore Drive along Charlotte Harbor;
3. Maximum floor area ratio is ~~.60~~ 2.5 (Floor area ratio is a comparison of the floor area of a building with the total area of the site. The floor area is the sum of the areas of the floors of a structure. To calculate, divide the area of all floors by the gross site area.);
4. Maximum building coverage of a lot is fifty (50) percent and may be increased with written approval by the Growth Management Director. The Growth Management Director shall take into consideration the recommendation from the Charlotte Harbor CRA Advisory Committee.
5. ~~Multiuse developments on the same parcel must be compatible with the surrounding land uses as determined by the growth management director and may be developed only as a part of a planned development (PD);~~
6. ~~Residential dwelling units shall be located on a separate floor level from office or commercial uses on multi-use development sites, preferably on the upper level for flood protection purposes;~~

~~4.7.~~ Commercial uses are limited to ~~eight thousand (8,000)~~ three thousand (3,000) square feet of gross leasable area unless approved through the Special Exception process and must have a mix of residential and commercial uses on the site.

~~5.8. Sites~~ Developments with 3,000 or more square feet of gross leasable area must be approved through the Special Exception process and no one use (commercial or residential) can exceed 80% of the gross leasable area. developed as part of a PD;

~~8. Commercial uses are limited to eighty (80) percent of the total area of the site; and~~

~~9. Residential uses are limited to forty (40) percent of the total area of the site.~~

~~96. Sites will b~~Building heights in excess of 38 feet (measured from grade) must seek the additional height through the Special Exception process and must be compatible with the surrounding land use.

c. Permitted principal uses and structures. The following uses and structures are permitted in this district:

1. Personal, professional, and business offices;
2. Medical and dental clinics;
3. Art galleries, libraries, museums, community centers, publicly owned recreational facilities, and theaters for live stage productions with 99 seats or less (100 seats or greater must be developed by special exception);
4. Laboratories, class 3 provided central sewer is available;
5. Public parks, playgrounds, and buildings;
6. Dance, art, music, and photographic studios;
7. Child and adult day care facilities, and group home facilities (serving three or fewer persons);
8. Adult congregate living facilities;
9. Essential services (substations);
10. Multiple-family, two-family, and single-family dwellings excluding mobile homes;
11. Restaurants ~~not exceeding three thousand (3,000) square feet in total floor area;~~
12. Snack shops;
13. Butcher shops and delicatessens;
14. Repair shops for small appliances and shoes;
15. Jewelry, florist, gift, clothing, and accessory shops;
16. Branch banks and financial services not exceeding three thousand (3,000) square feet in floor area;
- ~~17. Convenience stores;~~
18. Drug stores or variety stores not exceeding three thousand (3,000) square feet in total floor area;
- ~~19. Supermarkets not exceeding three thousand (3,000) square feet in total floor area;~~
20. Specialty shops (including the sale of food items) and book stores; and
21. Bakery or pastry stores.

22. Bed and Breakfast

d. Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district including outdoor seating and outdoor display area in conjunction with art galleries and musuems.

e. Prohibited uses and structures. No drive-through facilities and no outdoor storage and ~~a~~Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district. No drive through facilities and no outdoor storage

f. Special exceptions (For procedure see section 3-9-7, Special exceptions). The following uses may be granted as special exceptions in this district:

1. Satellite college and university classrooms or activities;

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- 2. Essential services;
- 3. Alcohol beverage sales establishments (stand-alone or within a hotel, restaurant, or speciality store.);
- 4. Gun Sales;
- 5. Pawn Shop;
- 6. Sidewalk Cafes within the public right-of-way provided at least four feet of unobstructed right-of-way is provided as improved sidewalk for pedestrian connection provided ADA requirements are met.
- 7. Day Care home serving more than 3 persons;

3. Such other uses as determined by the ~~community development director or his/her designee~~ Zoning Official to be:

- (i) Reviewed by the Charlotte Harbor Community Redevelopment Agency Advisory Committee for consideration;
- (ii) Appropriate by reasonable implication and intent of the district;
- (iii) Similar to another use either explicitly permitted in that district or allowed by special exception; and
- (iv) Not specifically prohibited in that district.

g. Development standards. The following development standards shall apply in this district:
TABLE INSET:

| | |
|-----------------------------------|--|
| Minimum lot requirements | |
| Area, square feet: | 7,500 |
| Width: | <u>580</u> feet |
| Maximum yard requirements | |
| Front yard: | 9 feet unless section 3-5-391 of the Buffer Code requires otherwise, (see Section 3-9-50.5(d)) |
| Minimum yard requirements | |
| Front yard: | 0 feet |
| Side yard | |
| Interior: | 1/2 the building height but not less than 7.5 feet |
| Abutting a road: | 1/2 the building height but not less than 15 feet. |
| Abutting water: | 20 feet |
| Rear yard | |
| Abutting another lot: | 1/2 the building height but not less than 15 feet |
| Abutting a road: | 25 feet |
| Abutting water: | 20 feet |
| Maximum lot coverage: | 50 feet <u>(unless approval by Growth Management Director)</u> |
| Maximum building height: | 60 feet (all buildings higher than 38 feet require a special exception). |
| | 38 feet for buildings south of Bayshore Road |
| Maximum density units per acre: | 10 |
| Within a designated no fill area: | Stemwall preferred or stilt construction required. <u>Stemwall is preferred.</u> |

If a nonresidential or residential development within an NBR district abuts a residential district of lower density than that within the NBR district, no structure other than screening required pursuant to article XVIII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than fifteen (15) feet or the building height, whichever is greater, except as provided herein.

Where properties lie within one thousand two hundred (1,200) feet of the water of Charlotte Harbor or the Peace River, structures must also be constructed in accordance with Waterfront property, section 3-9-98.

h. ~~h.~~—Off-street parking. Off-street parking shall be ½ of the parking requirements provided in included be in accordance with Off-street parking and loading facilities, Section 3-9-90 (as may be amended). Shared-use parking agreements between adjacent commercial property owners shall be utilized whenever possible.

i. On-street parking is allowed and may be used to meet parking requirements provided spaces are delineated and a parking plan is approved by Charlotte County Public Works Director.

j. General Design Requirements

a. A minimum of 60% of the building frontage shall be oriented to the primary street and the primary entrance shall be facing the street and will provide pedestrian connection from the street to the front door.

b. Each floor of any building façade facing a street shall contain transparent windows covering from a minimum of 20% of total façade area for all facades facing the street and retail stores a minimum of 65% of glazed area.

c. Building Design should compliment the residential character of the surrounding historical district;

d. The following shall not be located in the yard adjacent to any public street:

i. Window and wall air conditions

ii. Electrical utility meters

iii. Air conditioning compressors;

iv. Irrigation and pool pumps

v. Dumpsters and recycling bins

e. The following are prohibited:

i. fences made of chain link, barbed wire, or plain wire mesh

ii. reflective and/or bronze-tint glass

