Sec. 3-9-47. -- Charlotte Harbor Community Development Code~~/title.~~

~~Sections 3-9-47 through 3-9-47.7 of the Code shall apply to development in the Charlotte Harbor CRA (as defined herein) and shall be known as the "Charlotte Harbor Community Development Code".~~

~~Sec. 3-9-47.1.~~ (a) Intent, applicability, and boundaries.

(~~a~~1) *Intent*. ~~Where the comprehensive plan may not be specific, the regulations contained within this Charlotte Harbor Community Development Code are intended to reinforce the comprehensive plan by assigning specific land use and zoning categories which are permitted, and which are prohibited, in existing zoning designations; and to establish new standards for development to existing development regulations within the boundaries of the Charlotte Harbor CRA. In addition, these regulations are intended to accomplish one (1) or more of the following purposes:~~The intent and purpose of the Charlotte Harbor Community Development Code is to meet the intent of the Charlotte Harbor Community Redevelopment Plan, providing a comprehensive approach to planning future development, improvements to transportation, utilities, and other public infrastructure in the Charlotte Harbor Community.

~~(1) Invigorate the economic and social vitality of the Charlotte Harbor CRA;~~

~~(2) Protect the unique character of the existing single-family and medium density (multifamily) residential communities within the Charlotte Harbor CRA;~~

~~(3) Provide for neighborhood business and commercial uses to serve the Charlotte Harbor CRA and the community as a whole;~~

~~(4) Enhance Charlotte Harbor's community identity and sense of place through the design and placement of different land uses, buildings, and streets to create a distinct Charlotte Harbor community;~~

~~(5) Improve the character and prevent permanent decline of property values within the Charlotte Harbor CRA by controlling nuisances and ensuring that land uses which may contribute to the degradation of the community and possible criminal activity not be tolerated near residential areas; and that the design and placement of different land uses, buildings, streets, and other amenities (such as sidewalks and street lights) ensure that the public's health, welfare, and safety is protected;~~

~~(6) Reduce traffic demand on streets within the Charlotte Harbor CRA to permit sidewalks and reduce traffic noise, velocity, and air pollution;~~

~~(7) Use buildings, trees, street width modifications, curbs (where applicable), sidewalks and bicycle paths to create a shaded and diverse, but harmonious and safe environment that works for pedestrians as well as for motorized vehicles;~~

~~(8) Emphasize the use of incentives such as reduced parking requirements and mixed land uses to achieve a balance of retail, service, office, and residential uses within convenient walking distance of each other, which is a characteristic of a healthy community;~~

~~(9) Implement a parking code that treats parking as an element of public infrastructure in an urban center (instead of a private matter in a strip center) and that recognizes the benefits of shared parking in a vertically mixed development, and the opportunities of a bicycle/pedestrian system;~~

~~(10) Utilize the existing development review process that is timely, predictable, and requires a review of projects to ensure conformity with existing codes and the new specifications provided in this Charlotte Harbor Community Development Code;~~

~~(11) Protect the canopy of existing trees and native trees to the maximum extent possible, promote continuity of development, and reduce the amount of stormwater runoff associated with the use~~

~~of compacted fill material typically used for site preparation, by providing flexibility with county development regulations for parking and setback requirements, through the development review process, and by designating "no fill" areas (see "no fill" area map) where only pilings and stemwalls shall be used for all construction except the minimum amount of fill necessary within the building footprint and for drainfields associated with on-site waste treatment and disposal systems as required by federal, state or local statute, ordinance, law, rule, or regulation.~~

~~(12) Establish sign regulations and design standards that will promote safety, protect and preserve the aesthetic and visual environment, character and quality of the Charlotte Harbor CRA and protect the value of property contained therein, create a more attractive economic and business climate, reduce urban and visual clutter, eliminate nuisance forms of advertising by ensuring that signs are compatible with surrounding land uses and buildings and will not adversely impact aesthetics, community character and quality of life within the Charlotte Harbor CRA, or promote signs and design standards that will not, by their size, type, location, construction or manner of display, endanger the safety of individuals, confuse or mislead, or obstruct the vision necessary for traffic safety of the Charlotte Harbor CRA;~~

~~(13) Provide private property owners and businesses within the Charlotte Harbor CRA with the flexibility to develop innovative, creative, and effective signage and building design to improve the aesthetic and visual qualities of the Charlotte Harbor CRA.~~

(~~b~~2) *Applicability*. In addition to any requirements contained elsewhere in the Code, the requirements of this Charlotte Harbor Community Development Code shall apply to any subdivision, special exception, variance, ~~development review committee approval,~~ site plan approval, planned development rezoning approval, building permit or sign permit, or any other official action of the county having the effect of permitting development and shall be in addition to each and every other requirement of the Code~~ or any application for any of the preceding~~. In the event of any conflict between applicable provisions of the Code and this ~~Charlotte Harbor Community Development Code~~Section regarding a specific application or development, the more restrictive shall apply.

(~~c~~3) *Boundaries~~ and zoning atlas~~*. The boundaries of the Charlotte Harbor ~~CRA~~ Community shall be ~~as delineated on Map No. 25 of the Future Land Use Map Series of the 1988 Charlotte County Comprehensive Plan and as adopted by the board in Resolution 92-251. The Charlotte County Zoning Atlas shall reflect the zoning designations for the Charlotte Harbor CRA initially adopted by Ordinance 96-011, and any subsequent amendments thereto~~the area as depicted as the Charlotte Harbor Community Redevelopment Area on Charlotte 2050 FLUM Series Map #26: Community Redevelopment Areas.

~~Sec. 3-9-47.2.~~ (b) Definitions.

Terms used in this Charlotte Harbor Community Development Code shall take their commonly accepted meaning unless otherwise defined in this ~~section~~ Section or in the Code. When there are terms defined both in this ~~section~~ Section and elsewhere in the Code, the definitions for such terms contained in this ~~section~~ Section shall control~~. In the Charlotte Harbor Community Development Code, the terms set forth in Appendix "A" attached to Ordinance No. 2002-040 and by reference made a part of this section shall have the meaning ascribed to them in Appendix "A"~~.

Access (vehicular): The principal means of vehicular ingress and egress to abutting property from a street, right-of-way or easement.

Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.

Application: An application for any subdivision, special exception, variance, ~~development review committee approval,~~ site plan approval, planned development rezoning, building permit, sign permit, or any

other official action of the county having the effect of permitting development of property. A rezoning (except a planned development) or a future land use map amendment shall not be considered an application herein.

Awning: A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.

Awning canopy: Awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.

BCC: The Board of County Commissioners of Charlotte County, Florida.

Building frontage: The length of the building which directly faces a street or, for a shopping center which exceeds ~~one hundred thousand (~~100,000~~)~~ square feet, an off-street parking area located on the development site. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business.

Canopy roof: A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to, canopies over gas pumps and drive-up windows.

Charlotte Harbor CRA: Community ~~r~~Redevelopment ~~a~~Area in Charlotte Harbor approved and adopted by the board by Resolution 92-251 on November 3, 1992, and amended by Resolution 2008-72 on July 8, 2008 in accordance with Part III, Chapter 163, Florida Statutes.

Code: The Code of Laws and Ordinances of Charlotte County, Florida, as the same may be amended from time to time by the board.

Committee: The Charlotte Harbor Community Redevelopment Area Advisory Committee created by the BCC on November 3, 1992 by Resolution 92-___ and amended by Resolution 2008-72 on July 8, 2008, to act as the advisory committee to the BCC while sitting as the Charlotte Harbor Community Redevelopment Agency.

Director: Director of the ~~c~~Community ~~d~~Development ~~d~~Department of the county or ~~his/her~~ designee~~, or such other person or position as may be determined by the county administrator to be the director for purposes of this Charlotte Harbor Community Development Code~~.

Erect or develop: Either term may be used to mean the following: To build, construct, install, reconstruct, move on, or conduct any physical development of a premises required for a building or other structure, or to excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection or development.

Historic building: A building that has been designated by the Charlotte County Historic Preservation Board and the ~~board~~BCC as a historic structure.

Historic district: A geographically definable area designated and possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

Live-work unit: A single dwelling unit that accommodates limited commercial uses within the dwelling but to a greater extent than a Home Occupation.

No-fill area: An area designated by ~~CRAC~~the BCC as an area of special development consideration as illustrated by the "No Fill" area map as attached to Ordinance 96-011, which map is on file and available for inspection ~~in~~at the county ~~zoning department~~, and which is by this reference made a part hereof.

(c) Zoning districts.

(1) *Zoning districts allowed.* The following zoning districts are the only zoning districts permitted within the Charlotte Harbor Community:

a. Environmentally Sensitive (ES), see Section 3-9-28 for allowable uses.

b. Residential Single-family (RSF), see Section 3-9-33 for allowable uses.

c. Residential Multi-family (RMF), see Section 3-9-34 for allowable uses.

d. Commercial General (CG), see Section 3-9-42 for allowable uses.

e. Industrial General (IG), see Section 3-9-43 for allowable uses.

f. Planned Development (PD), see Section 3-9-45 for allowable uses and required development standards.

g. Charlotte Harbor Coastal Residential (CHCR).

1. *Intent*. The purpose and intent of this district is to allow single-family residential dwellings and other compatible uses within the Charlotte Harbor Community. It is only permitted within the Charlotte Harbor Community.

2. *Permitted Uses and Structures (P)*.

(i) Assisted living facility or day care center, adult, six or less (See Section 3-9-62. Adult Congregate Living Facilities).

(ii) Emergency services.

(iii) Noncommercial boat docks.

(iv) Park.

(v) Single-family detached.

3. *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.

(i) Boat lifts, boat ramps, and noncommercial boat docks.

(ii) Carports, garages, and storage structures.

A. Detached accessory structures greater than 250 square feet in footprint shall be compatible in appearance with the primary residence. At a minimum, materials and colors shall be compatible with the primary residence.

B. The total footprint of all detached accessory structures shall not exceed 10% of the parcel size or 1,000 square feet, whichever is greater for a property less than 0.5 acres. If the property is 0.5 acres or more in size the total footprint of all detached accessory structures shall not exceed 3,000 square feet. The property owner(s) may apply for a Special Exception to exceed the total maximum accessory structures size limitations contained in this Section.

C. Detached accessory structures except carports and garages shall be located behind the leading edge of the living area of the residence, but must maintain required setbacks.

D. Construction trailers and cargo containers are prohibited.

(iii) Fences and walls which may be permitted prior to the principal uses and structures.

(iv) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.

(v) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a detached guest suite. It must meet all applicable development standards set forth in the zoning district.

(vi) Keeping of pets, excluding animal breeding, boarding, and training.

(vii) Swimming pools, tennis courts, or other similar noncommercial recreational uses and structures.

4. *Conditional Uses and Structures (C)*. (For rules and regulations for any use designated as a Conditional Use or Structure, see Section 3-9-69. Conditional Uses and Structures)

(i) Bed and breakfast, one or two bedrooms.

(ii) Cluster housing (See Section 3-9-67. Cluster Housing).

(iii) Minor home occupation (See Section 3-9-74. Home Occupations).

(iv) Model home (See Section 3-9-78. Model Homes).

(v) Telecommunications facility, 50 feet or less in height (See Section 3-9-68. Communication Towers).

5. *Prohibited Uses and Structures*. Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.

6. *Special Exceptions (S)*. (See Section 3-9-6.2. Special Exceptions)

(i) Assisted living facility or day care center, adult, seven or more (See Section 3-9-62. Adult Congregate Living Facilities).

(ii) Bed and breakfast, three or more bedrooms.

(iii) Day care center, child.

(iv) Essential services.

(v) Such other uses as determined by the Zoning Officer or his/her designee to be:

A. Appropriate by reasonable implication and intent of the district.

B. Similar to another use either explicitly permitted in that district or allowed by special exception.

C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official shall be appealable pursuant to Section 3-9-6. Board of Zoning Apppeals.

7. *Development Standards*.

	CHCR
Lot (min.)	
Lot area (sq. ft.)	10,000
Lot width (ft.)	80
Yard (min. ft.)	
Front	10
Side (interior)	7.5
Side (street)	15
Rear (interior)	20
Rear (street)	25
Abutting water	20

Abutting greenbelt	15
Bulk (max.)	
Lot coverage	40%
Height (ft.)	38
Density (units/acre)	3.5

(i) Setbacks for accessory structures shall be ten feet along the rear lot line and 20 feet abutting water.

(ii) Class I and Class II projects, as established by the architectural design standards included within this Section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

h. Charlotte Harbor Neighborhood Business Residential (CHNBR).

1. *Intent*. The purpose and intent of this district is to provide daily convenience goods, professional, personal, and business services, and multifamily residential needs of the residents located within the Charlotte Harbor Community and to act as a buffer between and transition between residential and commercial areas. It is only permitted within the Charlotte Harbor Community.

2. *Permitted Uses and Structures (P).*

(i) Art, dance, music, photo studio or gallery.

(ii) Assisted living facility or day care center, adult, six or less (See Section 3-9-62. Adult Congregate Living Facilities).

(iii) Assisted living facility or day care center, adult, seven or more (See Section 3-9-62. Adult Congregate Living Facilities).

(iv) Bank, financial services.

(v) Clubhouse, community center.

(vi) Day care center, child.

(vii) Duplex or triplex.

(viii) General offices.

(ix) General retail sales and services.

(x) Medical or dental office, clinic.

(xi) Park.

(xii) Personal services.

(xiii) Place of worship (See Section 3-9-82. Places of Worship).

(xiv) Professional services.

(xv) Public building.

(xvi) Restaurant.

3. *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.

4. *Conditional Uses and Structures (C)*. (For rules and regulations for any use designated as a Conditional Use or Structure, see Section 3-9-69. Conditional Uses and Structures)

   (i) Bed and breakfast, one or two bedrooms.

   (ii) Bed and breakfast, three or more bedrooms.

   (iii) Multi-family, provided it is not located south of Bayshore Drive along the Charlotte Harbor shoreline.

   (iv) Single-family attached, provided it does not front along U.S. 41.

   (v) Single-family detached, provided it does not front along U.S. 41.

   (vi) Telecommunications facility, 50 feet or less in height (See Section 3-9-68. Communication Towers).

5. *Prohibited Uses and Structures*. Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.

6. *Special Exceptions (S)*. (See Section 3-9-6.2. Special Exceptions)

   (i) Day care center, adult or child.

   (ii) Essential services.

   (iv) Live-work unit, provided the following conditions are met:

      A. Commercial activities shall be conducted only by a resident of the dwelling unit.

      B. No more than 50 percent of the gross floor area of the dwelling unit may be devoted to commercial use.

      C. No more than one non-illuminated sign, not exceeding four square feet in area, may be attached to the building. The sign must be on or next to the entrance.

      D. There shall be no outdoor storage of materials used in connection with the commercial use.

      E. Parking must be provided in accordance with the Parking provisions of this Code.

      F. Up to five persons who do not reside in the dwelling unit may be employed by the commercial use, subject to the provision of appropriate parking spaces.

      G. No portion of a live-work unit may be separately rented or sold as a commercial space for any person or persons not residing within the residential space, or as a residential unit for any person or persons not working within the commercial space.

      H. Hours of operation shall generally be between the hours of 8:00 AM and 11:00 PM. Deliveries and pick-up shall generally be between the hours of 8:00 AM and 5:00 PM.

      I. Any operator of the business in a live-work unit must obtain, and keep current for as long as the commercial use is in operation, a business tax receipt from the Charlotte County Tax Collector, also known as the "Local Business Tax Receipt."

      J. The following uses shall be prohibited from being operated in a live-work unit:

a. Animal boarding facility.

b. Bar, cocktail lounge, nightclub, tavern.

c. Drugstore, pharmacy.

d. Dry cleaner.

e. Equipment rental.

f. Laundromat.

g. Liquor, package store.

h. Passenger vehicle rental.

i. Printing.

(iv) Such other uses as determined by the Zoning Officer or his/her designee to be:

A. Appropriate by reasonable implication and intent of the district.

B. Similar to another use either explicitly permitted in that district or allowed by special exception.

C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official shall be appealable pursuant to Section 3-9-6. Board of Zoning Apppeals.

7. *Development Standards*.

	CHNBR
Lot (min.)	
Lot area (sq. ft.)	7,500
Lot width (ft.)	80
Yard (min. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	10
Front (along all other roads)	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	35
Front (along all other roads)	9
Bulk (max.)	
Lot coverage	80%

Height (ft.)	38
Density (units/acre)	10

(i) Setbacks for accessory structures shall be ten feet along the rear lot line and 20 feet abutting water.

(ii) Class I and Class II projects, as established by the architectural design standards included within this Section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special Regulations*.

(i) Single-family Residential Development

Any single-family dwelling in existence along U.S. 41 at the time of the adoption of this Section shall not be considered a nonconforming use. If a single-family dwelling along U.S. 41 is declared uninhabitable by the Building Official and application to make appropriate repairs is not made within 120 days of that declaration the structure shall be considered nonconforming.

(ii) Commercial Development.

A. Commercial-only buildings are limited to 3,000 square feet of gross leasable area. Larger developments may only be approved through Special Exception and must contain a mix of both residential and non-residential uses.

B. Drive-through facilities are permitted provided both the building and the drive-through window are accessible from an arterial road.

C. Off-street parking requirements shall be one-half those required by Section 3-9-79. Off-street Parking and Loading Facilities.

(iii) Setbacks to Adjoining Residential Zoning.

Any development that abuts a residential zoning district of lower density shall have a setback of at least 15 feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.

i. Charlotte Harbor Mixed Use (CHMU).

1. *Intent*. The purpose and intent of this district is to allow a combination of multi-family residential, commercial, and professional office development. It is only permitted within the Charlotte Harbor Community.

2. *Permitted Uses and Structures (P)*.

(i) Animal hospital, boarding facility.

(ii) Art, dance, music, photo studio or gallery.

(iii) Assisted living facility or day care center, adult, six or less (See Section 3-9-62. Adult Congregate Living Facilities).

(iv) Assisted living facility or day care center, adult, seven or more (See Section 3-9-62. Adult Congregate Living Facilities).

(v) Auditorium, convention center, performing arts center.

(vi) Bank, financial services.

(vii) Business services.

(viii) Clubhouse, community center.

(ix) Day care center, child.

(x) Drug store, pharmacy.

(xi) Dry cleaner.

(xii) Duplex or triplex.

(xiii) Emergency services.

(xiv) General offices.

(xv) General retail sales and services.

(xvi) Hotel, motel, inn.

(xvii) Laundromat.

(xviii) Medical or dental office, clinic.

(xix) Multi-family.

(xx) Nursing home.

(xxi) Paid or public parking lot, garage, structure.

(xxii) Park.

(xxiii) Passenger vehicle rental.

(xxiv) Personal services.

(xxv) Place of worship (See Section 3-9-82. Places of Worship).

(xxvi) Professional services.

(xxvii) Public building.

(xxviii) Recreation, indoor.

(xxix) Recreation, outdoor.

(xxx) Restaurant.

3. *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.

4. *Conditional Uses and Structures (C)*. (For rules and regulations for any use designated as a Conditional Use or Structure, see Section 3-9-69. Conditional Uses and Structures)

(i) Bed and breakfast, one or two bedrooms.

(ii) Equipment rental, provided that storage of all equipment and all business transactions shall be conducted within a fully enclosed building.

(iii) Private off-site parking.

(iv) Single-family attached, provided it does not front along U.S. 41.

(v) Single-family detached, provided it does not front along U.S. 41.

(vi) Telecommunications facility, 50 feet or less in height (See Section 3-9-68. Communication Towers).

(vii) Transitional/halfway housing.

5. *Prohibited Uses and Structures*. Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.

6. *Special Exceptions (S)*. (See Section 3-9-6.2. Special Exceptions)

   (i) Ampitheater.

   (ii) Bar, cocktail lounge, nightclub, tavern.

   (iii) Bed and breakfast, three or more bedrooms.

   (iv) Carpentry, cabinetmaking

   (v) Day care center, adult or child.

   (vi) Elementary, middle, or high school.

   (vii) Essential services.

   (viii) Heliport, helistop.

   (ix) Homeless shelter.

   (x) Leisure vehicle rental.

   (xi) Liquor, package store.

   (xii) Motor vehicle wash.

   (xiii) Non-retail food production.

   (xiv) Outdoor market or exhibition space.

   (xv) Printing.

   (xvi) University or college.

   (xvii) Vocational, trade, or business school.

   (xviii) Such other uses as determined by the Zoning Officer or his/her designee to be:

      A. Appropriate by reasonable implication and intent of the district.

      B. Similar to another use either explicitly permitted in that district or allowed by special exception.

      C. Not specifically prohibited in that district.

      The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official shall be appealable pursuant to Section 3-9-6. Board of Zoning Apppeals.

7. *Development Standards*.

	CHMU
Lot (min.)	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard (min. ft.)	
Front (along U.S. 41, Edgewater Dr,	15

Harborview Rd, or Kings Hwy)	
Front (along all other roads)	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	35
Front (along all other roads)	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	60
Density (units/acre)	15

(i) Setbacks for accessory structures shall be ten feet along the rear lot line and 20 feet abutting water.

(ii) Class I and Class II projects, as established by the architectural design standards included within this Section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special Regulations*.

(i) *Setbacks to Adjoining Residential Zoning*. Any development that abuts a residential zoning district of lower density shall have a setback of at least 15 feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.

(ii) *Height*.

A. Height may be increased to 90 feet according to the Development Standards provisions of this Section.

B. Property subject to the Waterfront Property provisions of this Code may achieve a height of 60 feet through an approved Special Exception.

j. Charlotte Harbor Riverwalk (CHRW).

1. *Intent*. The purpose and intent of this district is intended to allow a mix of commercial, multi-family residential, and tourist-related uses in a pedestrian-oriented manner while providing public access to Charlotte Harbor and connecting to downtown Punta Gorda. It is only permitted within the Charlotte Harbor Community.

2. *Permitted Uses and Structures (P)*.

(i) Art, dance, music, photo studio or gallery.

(ii) Assisted living facility or day care center, adult, six or less (See Section 3-9-62. Adult Congregate Living Facilities).

(iii) Bank, financial services.

(iv) Duplex or triplex.

(v) Emergency services.

(vi) General offices.

(vii) General retail sales and services.

(viii) Hotel, motel, inn.

(ix) Marina.

(x) Multi-family.

(xi) Paid or public parking lot, garage, structure.

(xii) Park.

(xiii) Personal services.

(xiv) Public building.

(xv) Restaurant.

3. *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.

4. *Conditional Uses and Structures (C)*. (For rules and regulations for any use designated as a Conditional Use or Structure, see Section 3-9-69. Conditional Uses and Structures)

(i) Assisted living facility or day care center, adult, seven or more (See Section 3-9-62. Adult Congregate Living Facilities).

(ii) Bed and breakfast, one or two bedrooms.

(iii) Boarding, rooming house.

(iv) Telecommunications facility, 50 feet or less in height (See Section 3-9-68. Communication Towers).

5. *Prohibited Uses and Structures*. Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.

6. *Special Exceptions (S)*. (See Section 3-9-6.2. Special Exceptions)

(i) Ampitheater.

(ii) Auditorium, convention center, performing arts center.

(iii). Bar, cocktail lounge, nightclub, tavern.

(iv) Bed and breakfast, three or more bedrooms.

(v) Community residential home, six or fewer clients.

(vi) Community residential home, seven or more clients.

(vii) Day care center, adult or child.

(viii) Leisure vehicle rental.

(ix) Liquor, package store.

(x) Outdoor market or exhibition space.

(xi) Passenger vehicle rental.

(xii) Recreation indoor.

(xiii) Recreation, outdoor.

(xiv) Such other uses as determined by the Zoning Officer or his/her designee to be:

A. Appropriate by reasonable implication and intent of the district.

B. Similar to another use either explicitly permitted in that district or allowed by special exception.

C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official shall be appealable pursuant to Section 3-9-6. Board of Zoning Apppeals.

7. *Development Standards*.

	CHRW
Lot (min.)	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard (min. ft.)	
Front	0
Side (interior)	7.5
Side (street)	0
Rear (interior)	15
Rear (street)	0
Abutting water	20
Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	25
Front (along all other roads)	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	35
Density (units/acre)	24

(i) Setbacks for accessory structures shall be ten feet along the rear lot line and 20 feet abutting water.

(ii) Class I and Class II projects, as established by the architectural design standards included within this Section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special Regulations*.

(i) *Setbacks to Adjoining Residential Zoning*. Any development that abuts a residential zoning district of lower density shall have a setback of at least 15 feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.

(ii) *Height*. Height may be increased to 90 feet according to the Development Standards provisions of this Section.

(iii) *Structure Dimensions*. Structures may abutting the shoreline may exceed 200 feet in width or length, provided that the structure is designed and positioned on the site in a way that maintains public pedestrian access to the Riverwalk trail and that views of the water are maintained.

(2) *Use Table.*

Charlotte Harbor Zoning Districts P = Permitted Use or Structure C = Permitted With Conditions S = Special Exception					
Specific Use	**CHCR**	**CHNBR**	**CHMU**	**CHRW**	**Specific Regulations**
Ampitheater			S	S	
Animal hospital, boarding facility			P		
Art, dance, music, photo studio or gallery		P	P	P	
Assisted living facility or day care center, adult, six or less	P	P	P	P	3-9-69
Assisted living facility or day care center, adult, seven or more	S	P	P	C	3-9-69
Auditorium, convention center, performing arts center			P	S	
Bank, financial services		P	P	P	
Bar, cocktail lounge, nightclub, tavern			S	S	
Bed and breakfast, one or two bedrooms	C	C	C	C	3-9-69
Bed and breakfast, three or more bedrooms	S	C	S	S	3-9-69
Boarding, rooming house				C	3-9-69
Business services			P		
Carpentry, cabinetmaking			S		
Clubhouse, community center		P	P		
Cluster housing	C				3-9-67
Community residential home, six or fewer clients				S	
Community residential home, seven or more clients				S	
Day care center, adult or child		S	S	S	
Day care center, child	S	P	P		
Drug store, pharmacy			P		
Dry cleaner			P		
Duplex or triplex		P	P	P	
Elementary, middle, or high school			S		
Emergency services	P		P	P	
Equipment rental			C		3-9-47(c)(1)i
Essential services	S	S	S		
General offices		P	P	P	
General retail sales and service		P	P	P	
Heliport, helistop			S		
Homeless shelter			S		
Hotel, motel, inn			P	P	
Laundromat			P		
Leisure vehicle rental			S	S	
Liquor, package store			S	S	
Live-work unit		S			

Marina				P	
Medical or dental office, clinic		P	P		
Minor home occupation	C				3-9-74
Model home	C				3-9-78
Motor vehicle wash			S		
Multi-family		C	P	P	
Noncommercial boat dock	P				
Non-retail food production			S		
Nursing home			P		
Outdoor market or exhibition space			S	S	
Paid or public parking lot, garage, structure			P	P	
Park	P	P	P	P	
Passenger vehicle rental			P	S	
Personal services		P	P	P	
Place of worship		P	P		3-9-82
Printing			S		
Private off-site parking			C		3-9-69
Professional services		P	P		
Public building		P	P	P	
Recreation, indoor			P	S	
Recreation, outdoor			P	S	
Restaurant		P	P	P	
Single-family, attached		C	C		3-9-47(c)(1)h; i
Single-family, detached	P	C	C		3-9-47(c)(1)h; i
Telecommunications facility, 50 feet or less in height	C	C	C	C	3-9-68
Transitional/halfway housing			C		3-9-69
University or college			S		
Vocational, trade, or business school			S		

~~Sec. 3-9-47.3.~~ (d) Development review procedure.

(~~a~~1) *Preapplication conference*. Prior to submitting an application for any type of development to the county, an applicant shall submit a request for a preapplication conference ~~and shall set such a preapplication conference~~ with ~~CRAC~~ the Committee or its designee (a member of ~~CRAC~~ the Committee duly appointed by ~~CRAC~~ the Committee as the representative) to review, discuss, and receive recommendations from ~~CRAC~~ the Committee regarding the proposed development's consistency and compliance with ~~the Charlotte Harbor Community Development Code~~this Section. Such request for review shall be accompanied by sketches, site plans, or any other documentation required by ~~CRAC~~the Committee~~, or its designee~~, to perform its review. ~~CRAC, or its designee,~~The Committee shall review the proposed development for consistency and compliance with ~~the Charlotte Harbor Community Development Code~~this Section. At the conclusion of the review, ~~CRAC, or its designee,~~the Committee will date and sign the applicable sketch, site plan, or other submitted documentation, or will prepare written comments regarding the proposed development with recommendations or notations as appropriate. Failure of ~~CRAC~~ the Committee to review a request for review of a proposed application within six ~~(6)~~ working days from the date all required information and documentation is received by the county shall forfeit ~~CRAC's~~ the Committee's prerogative to participate in the review process for that proposed application. Any sketch, site plan, or other documentation submitted to the county for review and approval shall be consistent with the sketch, site plan, or other documentation reviewed and signed by ~~CRAC~~ the Committee for the same proposed development.

(~~b~~2) *Application for development review*. Any application for any development within the Charlotte Harbor ~~CRA~~ Community shall adhere to the review and process requirements applicable to the development proposed by such application which are set forth in the Code. In addition, if a preapplication review by ~~CRAC~~ the Committee is required for any particular development, the sketch, site plan, or other documentation or written comments, dated and signed by ~~CRAC, or its designee,~~the Committee for that development shall be included with the application.

(~~c~~3) *Review*. A complete application shall be reviewed and acted on by the appropriate county staff in the time provided in the Code for such application with an additional five ~~(5)~~ working days' extension to provide for any additional review required for compliance with this ~~Charlotte Harbor Community Development Code~~Section.

(e) Development standards.

(~~d~~1) *Established nonconformities*. Established uses or structures, not including signs, within the Charlotte Harbor ~~CRA~~ Community shall not be rendered nonconforming by the provisions of this ~~Charlotte Harbor Community Development Code~~Section. Such structures and uses within the Charlotte Harbor ~~CRA~~ Community shall be treated as if they were conforming for the duration of the structure or use. If an existing use ceases for more than ~~one hundred twenty (~~120~~)~~ consecutive days, such use shall not be reestablished if such use would not be in compliance with the provisions of this ~~Charlotte Harbor Community Development Code~~Section, except when such cessation of use is caused by a catastrophic event beyond the property owner's control. Notwithstanding the foregoing, in the event an application to change the use of a property from a use not permitted under this ~~Charlotte Harbor Community Development Code~~Section to that of a conforming use is approved, the property and all development thereon must comply with all the provisions of this ~~Charlotte Harbor Community Development Code~~Section upon approval of such application, and any established uses or structures thereon shall be considered nonconforming thereafter.

(~~e~~2) *Disaster recovery*. Following a natural disaster, as determined by the ~~board of county commissioners~~BCC, a structure that was legally conforming or legally nonconforming immediately prior to said disaster may be replaced or restored on the original footprint, with no increase in square footage, and in compliance with ~~current~~ height requirements in effect at the time of original construction and applicable state and federal standards. If the structure cannot be rebuilt using the same footprint and within the allowed height, approval shall only be granted following the procedures outlined ~~in section 3-9-6.3,~~by the Variances provisions of this Code. Applications for approval under this procedure shall include a recommendation from the ~~advisory committee of the Charlotte Harbor Community Redevelopment Agency~~Committee. Reconstruction must begin within five years of the declaration of natural disaster, otherwise new construction must be in compliance with this Code.

(3) *Front setbacks.* In general, front setbacks in the Charlotte Harbor Community are intended to be reduced in order to create a pedestrian-friendly environment by reducing the scale of large surface parking areas along the corridors. All zoning districts unique to the Charlotte Harbor Community shall have their front setbacks established according to this Section. All other zoning districts shall have the following front setbacks:

	ES	RSF	RMF	CG	IG	PD
Along U.S. 41, Edgewater Dr, Harborview Rd, Kings Hwy						As established in the adopted Planned Development rezoning.
Minimum (ft.)	25	25	25	0	15	
Maximum (ft.)	None	None	35	25	None	
Along other Roads						
Minimum (ft.)	0	25	0	0	15	
Maximum (ft.)	None	None	9	9	None	

Class I and Class II projects, as established by the architectural design standards included within this Section shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

(4) *Buffers*. If a site is subject to buffer requirements, as established by this Code, greater in depth than the maximum front setback, the development may propose an alternative design that reallocates required buffer material to allow structures to comply with the front setback standard. The reallocated material shall equal that which would have otherwise been required for the linear frontage. That requirement shall be based on the minimum buffer for the applicable type, with the facade to be considered as the required wall/fence. In addition, up to an additional ten percent of the property's linear frontage buffer material may also be relocated onsite. To receive approval, the community development director's designee must review and approve the proposed design. That review will determine the design's ability to comply with the purposes and intent of the Code.

(5) *Street frontage*. In general, development other than single-family detached dwellings should be located closer to the street in order to create a pedestrian-friendly environment.

a. In certain zoning districts, a minimum percentage of the front facade of a building shall be placed along the front setback line according to the following table:

	RMF	CG	IG	CHNBR	CHMU	CHRW
Along U.S. 41, Edgewater Dr, Harborview Rd, Kings Hwy	30%	30%	15%	50%	50%	10%
Along other Roads	65%	50%	30%	75%	75%	10%

b. In the creation of a campus-style development with multiple buildings at least one building must be placed along the front setback line. Not all buildings in the campus must be placed along the front setback line.

(6) *Height increases.*

a. *Properties within the Riverwalk Sub-district that are adjacent to the shore*.

1. Projects may seek to increase structure height to 90 feet.

2. In order to increase height above 35 feet, a project is obligated to contribute to the revitalization of the Charlotte Harbor Community. Two opportunities to contribute are included below, with each allowing an increase in height as indicated. The first is required for any increase in height up to 60 feet. The second may be used to gain the full 90 feet of height.

(i) Waterfront projects that dedicate a non-exclusive 12-foot wide easement for public access to the waterfront shall receive an increase to the allowable maximum height of 25 feet. Said easement shall lie immediately adjacent to the shoreline. Future development of the easement shall not hinder the property owner's access to and from the water. The easement shall be for access of the general public and shall have as a goal the completion of a complete walkway system, called the Riverwalk, which links all waterfront projects in the Charlotte Harbor Riverwalk Sub-district.

(ii) Waterfront projects that agree to construct the Riverwalk within the dedicated 12-foot wide easement required above shall receive an increase to the allowable maximum height of 30 feet. Private construction of the Riverwalk must meet county-approved design standards.

b. *Properties within the Riverwalk Sub-district that are not adjacent to the shore*.

1. Projects may seek to increase structure height to 90 feet.

2. In order to increase height above 35 feet, a project is obligated to contribute to the revitalization of the Charlotte Harbor Community. Opportunities to contribute are included below, with each allowing an increase in height as indicated. The first is required for any increase in height up to 60 feet. The others may be used to gain the full 90 feet of height.

   (i) A project that agrees to contribute a calculated amount to the Harborwalk Enhancement Fund shall receive an increase to the allowable maximum height of 25 feet. The amount of the contribution shall be set by Resolution by the BCC.

   (ii) A project that dedicates an area equal to at least 50 percent of the square footage of the largest floor of the project to uses other than residential or hotel, such as retail or restaurants, shall receive an increase to the allowable maximum height of 10 feet. All non-residential and non-hotel uses shall be accessible to the general public in perpetuity and shall be located on the lowest habitable floor of the building.

   (iii) A project that provides public parking shall receive an increase to the allowable maximum height of 10 feet. Public parking shall meet all of the following standards:

      A. Public parking shall be provided on at least half of the non-residential parking spaces between 6:00 PM and 12:00 AM Monday through Thursday and between 6:00 PM and 2:00AM Friday through Monday.

      B. Parking must be inter-connected with adjacent parking lots. If the project is adjacent to a vacant parcel, adequate provisions for future connectivity shall be made as part of the project's site plan.

      C. The number of driveways connecting the parking lot to public rights-of-way shall be minimized.

   (iv) A project that provides additional green space shall receive an increase to the allowable maximum height of 10 feet.

c. *Properties within the U.S. 41 Gateway Sub-district*.

   1. Projects may seek to increase structure height to 90 feet.

      (i) A project that dedicates an area equal to at least 50 percent of the square footage of the largest floor of the project to uses other than residential or hotel, such as retail or restaurants, shall receive an increase to the allowable maximum height of 10 feet. All non-residential and non-hotel uses shall be accessible to the general public in perpetuity and shall be located on the lowest habitable floor of the building.

      (ii) A project that provides public parking shall receive an increase to the allowable maximum height of 10 feet. Public parking shall meet all of the following standards:

         A. Public parking shall be provided on at least half of the non-residential parking spaces between 6:00 PM and 12:00 AM Monday through Thursday and between 6:00 PM and 2:00AM Friday through Monday.

         B. Parking must be inter-connected with adjacent parking lots. If the project is adjacent to a vacant parcel, adequate provisions for future connectivity shall be made as part of the project's site plan.

         C. The number of driveways connecting the parking lot to public rights-of-way shall be minimized.

(iii) A project that provides additional green space shall receive an increase to the allowable maximum height of 10 feet.

(7) *Reduction of off-street parking requirements*. In order to reduce the amount of surface parking and present a more pedestrian-friendly development form, projects may reduce the number of off-street-parking spaces provided. This may be done through one or more of the following methods:

a. *Shared parking*. Shared parking facilities for developments or uses with different operating hours or different peak periods may be permitted if the shared parking complies with all of the following standards:

1. Shared parking spaces must be located within 600 feet of the primary entrance of all uses served.

2. Shared parking may be approved following a parking analysis that clearly demonstrates the feasibility of shared parking and addresses, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.

3. Shared parking shall require an agreement between all property owners and the county, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy provided to the Zoning Official. Recordation of the agreement must take place prior to issuance of development approval. A shared parking agreement may be dissolved only if all required parking spaces will be provided, in accordance with the provisions of this Code.

4. Where the uses subject to a shared parking agreement change, the Zoning Official shall have the authority to require a revised shared parking study and a new shared parking agreement when the revised shared parking study indicates additional parking is required.

b. *Public parking*. Public parking within one-quarter mile of a building entrance may be counted toward meeting an equivalent amount of required off-street parking.

c. *On-street parking*. Designated on-street parking spaces located within 500 feet of the entrance of a building may be counted toward meeting up to 25 percent of the required minimum off-street parking.

d. *Private off-site parking*. Required parking may be located on a separate, non-adjacent lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

1. No private, off-site parking may be located more than 600 feet from the entrance of the buiding with which it is associated. Off-site parking may not be separated from the use served by an arterial road unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.

2. In the event that an off-site parking area is not under the same ownership as the principal use served, the county shall require an agreement between all property owners and the county, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy provided to the Zoning Official. Recordation of the agreement must take place prior to issuance of development approval. An off-site parking agreement may be dissolved only if all required parking spaces will be provided, in accordance with the provisions of this Code.

3. Off-site parking may not be used for the storage of commercial vehicles or equipment.

4. Off-site parking must be developed according to all applicable development standards of this Code.

~~Sec. 3-9-47.4. -~~(8) *Signs*~~. in the Charlotte Harbor CRA.~~

~~(a)~~a. *Applicability*. All signs within the Charlotte Harbor Community shall be installed according to the general Sign provisions of this Code, except where detailed below, which shall supersede the general provisions.

~~(1) Any sign located in the Charlotte Harbor CRA that is erected, constructed, installed or altered shall conform to the provisions and conditions of this section.~~

~~(2) These regulations are intended to complement, not supersede, all other regulations and requirements applicable to signs, including, but not limited to, building and electrical codes, adopted by the county. Where there may be any inconsistency between this section and any other regulation or requirement, the more restrictive provisions shall apply.~~

~~(3) This section shall also supersede those regulations applicable to signs set forth in section 3-9-85 of the Code, except where otherwise indicated.~~

~~(4) In the event of any conflict between the provisions of this section and the CRA Design Requirements enacted pursuant to section 3-9-47.6 of the Charlotte Harbor Community Development Code, as amended, the provisions of this section shall prevail to the extent of such conflict.~~

~~(5) The requirements of this section shall be limited to properties located within the Charlotte Harbor CRA.~~

~~(6) Notwithstanding any other provisions of this Charlotte Harbor Community Development Code to the contrary, any sign, display or device allowed under this Charlotte Harbor Community Development Code may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of the Code and this Charlotte Harbor Community Development Code.~~

~~(b) *General* restrictions.~~

~~(1) Prior to the erection, construction, installation, or alteration of any sign, a permit shall be applied for and obtained from the county building department, subject to the prior approval of the zoning official and CRAC, or its designee, all in accordance with section 3-9-47.3 hereof and any other applicable provisions of the Code, unless such sign is specifically exempt in section 3-9-47.4(d) from the requirement for a permit. Normal maintenance as defined by the Florida Building Code, painting or repairs to existing signs, which do not alter the message, size, or height of the sign, shall not be deemed alterations within the meaning of this section, unless the activity involves removal and reinstallation of a sign face. Signs must be erected, constructed, installed or altered in accordance with a properly issued permit within one (1) year from the issuance of the permit.~~

~~(2) No sign attached to a building shall project horizontally beyond the end of the wall or vertically above its roof or in the case of a parapet wall vertically above the top of the parapet wall.~~

~~(3) No sign shall be located in a required side or rear yard where the lot abuts or is separated only by a right-of-way from a residential use.~~

~~(4) No sign of any type or classification, including an exempt sign, shall be erected, altered or maintained in such a location or position so that an unfinished side may be visible from off the site containing the sign.~~

~~(5) No sign shall be constructed or erected in a manner that interferes with any utility, communications or cable infrastructures without the prior authorization of the applicable utility, communications, or cable company.~~

~~(6) No private sign, including an exempt sign, shall be erected, altered or maintained over or upon any public property or public right-of-way, unless otherwise permitted in section 3-9-47.4 (d) 4, 9, 10 and 20, or 3-9-85(i)(14) of the Code.~~

~~(7) No Class "B" signs shall be permitted in any zoning district in the CRA.~~

~~(8) One (1) primary class A sign shall be allowed for each street frontage on which the lot or parcel containing the primary class A sign abuts. In addition, one (1) secondary class A sign per occupant on the lot or parcel shall be allowed for each street frontage on which the lot or parcel abuts, if otherwise allowed under this section 3-9-47.4.~~

~~(9) National and state flags, as the term "flag" is defined in section 256.08, Florida Statutes, shall be displayed in accordance with Title 36, United States Code, Chapter 10, as amended by Public Law 344, 94th Congress, approved July 7, 1977, and chapter 256, Florida Statutes.~~

~~(10) Any primary class A sign containing a changeable message device must be a monument sign.~~

~~(c) Prohibited signs. The following shall be prohibited:~~

~~(1) Any sign prohibited under F.S. ch. 479, pertaining to outdoor advertising.~~

~~(2) Any sign that constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination, or by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections or access facilities.~~

~~(3) Any sign that constitutes a traffic or pedestrian hazard or a detriment to traffic or pedestrian safety by obstructing the vision of pedestrians.~~

~~(4) Any sign preventing free ingress or egress from any door, window, fire escape or other entrance or exit to any building, or any sign attached to a standpipe or fire escape.~~

~~(5) Any sign which is obscene or constitutes a public nuisance.~~

~~(6) Any primary class A or secondary class A sign advertising an establishment no longer in business or a product no longer available. Such signs must have the facing(s) removed or be razed completely within thirty (30) days after the establishment is no longer in business or the product is no longer available.~~

~~(7) Snipe signs.~~

~~(8) Portable illuminated signs, revolving or whirling signs, animated signs or wind signs.~~

~~(9) More than two (2) national or state government flags displayed per principal building.~~

~~(10) Signs erected on the right-of-way of any public or private street, road or right-of-way, except:~~

~~A. Signs required by federal, state or local law to be erected by a governmental agency; and~~

~~B. As specifically allowed in sections 3-9-47.4 (d) 4, 9, 10 and 20, or 3-9-85(i)(14) of the Code.~~

~~(11) Roof signs.~~

~~(12) Any sign that is attached, painted on, or placed onto or inside a parked vehicle that is used primarily for advertising any matter other than the sale or rental of the vehicle itself. This is not intended to prohibit vehicle signs on a truck, bus, trailer, taxi or other vehicle parked on its own premises while in the course of business, provided that the primary use of the vehicle is not for the purpose of advertisement. Vehicles must be operable and licensed.~~

~~(13) Blank temporary signs.~~

~~(14) Signs that emit audible sound, odor or visible matter, such as smoke or steam.~~

~~(15) Class "B" signs, except as exempted under section 3-9-47.4(d)(18).~~

~~(16) Serial signs.~~

~~(17) Any model residential unit flag(s) or banners(s) on the property of a model residential unit, except for the first thirty (30) days after the model receives a certificate of occupancy.~~

~~(18) Neon signs.~~

~~(19) Flashing signs.~~

~~(d) Exempt signs. The following on-site signs may be erected, constructed or installed without first obtaining a permit and paying any fees; provided, however, all other provisions of the Code are met and, provided further, that if a sign exceeds the limits contained in this section, an application for a sign permit and payment of the permit fee shall be required:~~

~~(1) One (1) professional nameplate for each person or entity located at a site, not exceeding two (2) square feet in area.~~

~~(2) One (1) identification sign which may also include changeable copy for educational, charitable, religious or other similar instructional uses not exceeding twelve (12) square feet each, not more than six (6) feet high in a residential zoning district.~~

~~(3) One (1) sign advertising daily or weekly specials, not exceeding four (4) square feet maximum, which sign may be handwritten.~~

~~(4) Street address sign meeting all requirements in the Code governing such signs.~~

~~(5) Dedicatory tablets or memorial plaques setting forth the name or erection date of a building, commemorating a person or persons and like uses. Such signs shall be cast in metal or engraved in stone or concrete or otherwise suitably inscribed in or on a monumental material and affixed to the applicable building.~~

~~(6) One (1) occupational sign not exceeding two (2) square feet in area listing the name, location and business of an occupant within a building.~~

~~(7) One (1) identification sign at the entrance to residences, estates, ranches and like uses, which does not exceed four (4) square feet in area.~~

~~(8) A vehicle sign located on a licensed and operable truck, bus, trailer, taxi or other vehicle which is being operated or parked at the location of the business, provided that the primary use of said vehicle is not for the purpose of the advertisement. Such vehicles shall only be parked in paved parking areas immediately surrounding loading/delivery areas or in the closest nonhandicapped parking space to the primary entrance of the business advertised on the vehicle. In no case shall such vehicle be parked in the right-of-way.~~

~~(9) Nonadvertising directional signs, symbols, or devices relating to traffic, parking, public services, facilities or warnings on private property. Such signs include, but are not limited to, "entrance", "exit", "slow", "no trespassing", "restrooms", and "telephones". These signs shall not exceed four (4) square feet in area or contain any advertising matter other than a logo or business name.~~

~~(10) Traffic or other directional or traffic control signs or devices erected by any federal, state or local government or department or agency thereof.~~

~~(11) A maximum of two (2) entrance signs giving the name of a subdivision, provided that:~~

~~(A) No such sign exceeds twelve (12) square feet;~~

~~(B) Such sign shall be located only at the main entrance; and~~

~~(C) Such sign shall not contain any other advertising.~~

~~(12) One (1) sign, not exceeding twenty four (24) square feet in area, advertising a model residential unit located on the same parcel as the model and located a minimum of ten (10) feet from any adjoining property lines. The sign may not be erected until commencement of construction. No other sign, banner, flag or pennant shall be permitted in residential zoning districts after the thirty-day period for the grand opening of residential model units, except as permitted in section 3-9-47.4(c)(17).~~

~~(13) Political signs shall be regulated pursuant to section 3-9-85 of the Code and F.S. § 106.1435.~~

~~(14) Any flag, other than a national or state government flag, or identification sign or insignia of any civic, charitable, religious or fraternal organization. No such flag, identification sign or insignia shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way.~~

~~(15) Flags indicating weather conditions.~~

~~(16) One (1) or more direction signs for a church, school, public assembly facility or hospital/emergency room located on a local road, provided such sign(s) are not more than eight (8) square feet in area, and are not located in a right-of-way.~~

~~(17) Community identification signs not exceeding one hundred (100) square feet excluding wall(s) area for entry feature(s).~~

~~(18) Class "B" signs located along the inside perimeter of the athletic field fences of any athletic field owned or operated by the county or the Charlotte County School Board; provided that such advertising copy is not purposely positioned to be visible from a public or private roadway or right-of-way.~~

~~(19) One (1) or two (2) national or state government flags displayed per single "principal building", as such phrase single "principal building" is defined in section 3-9-2 of the Code. No such pole shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way so as to obstruct passage or to create a safety hazard. The requirements of title 36, United States Code, chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and chapter 256, Florida Statutes, concerning United States or state flags shall apply to any flag governed by this subsection.~~

~~(20) A directional or identification monument sign structure in the right-of-way adjacent to U.S. Route 41 (Tamiami Trail) in the Charlotte Harbor CRA for a church or house of worship, or service organization, fraternal organization, or charitable organization; provided the individual sign for each subject shall not exceed four (4) square feet.~~

~~(e) Temporary signs.~~

~~(1) The director may issue a permit to erect a temporary sign, as follows:~~

~~(A) The director may require reasonable conditions as are necessary to protect the public health, safety and general welfare, and public and private property; and~~

~~(B) A permit approval shall not exceed thirty (30) days within any six-month period; and~~

~~(C) Temporary on-site signs shall be allowed to address grand openings or special occasions, such as civic events or promotions, car, boat or craft shows, carnivals, parking lot sales, annual and semiannual promotions or other similar events, provided that:~~

~~(i) The temporary sign may be erected not more than fourteen (14) days prior to the event and shall be removed not more than twenty-four (24) hours after the event closes; and~~

~~(ii) A maximum of two (2) signs shall be allowed on-site in such a manner as to not create any traffic or pedestrian hazard, limited to an area of twenty-four (24) square feet for each sign.~~

~~(D) A developer may erect temporary model residential unit flags or banners; provided that there are no more than four (4) flags or banners on the property of a model residential unit and that the flags remain only for the first thirty (30) days after the model receives a certificate of occupancy. Such flags or banners are prohibited thereafter. In addition, when a model residential unit abuts an arterial or collector road, such temporary flags or banners may be displayed only while the model is open for business.~~

~~(E) All otherwise permitted signs may be used as temporary signs, provided that the sign shall otherwise comply with all requirements for that sign, pursuant to the requirements listed in this section.~~

~~(2) The following shall not be deemed temporary signs and shall not be subject to the preceding requirements of this subsection:~~

~~(A) Holiday decorations.~~

~~(B) One (1) sign denoting the architect, engineer and contractor for work under construction on the premises where the construction occurs, not exceeding twenty-four (24) square feet plus individual signs of subcontractors not exceeding four (4) square feet each. No signs under this subsection are to be erected on a site until work authorized under a building permit issued for the site has commenced. All signs under this subsection shall be removed no later than one (1) week after a certificate of occupancy is issued or, for repairs, remodeling or additions, one (1) week after the final inspection.~~

~~(C) Signs advertising current or future construction or financing on a parcel, provided that:~~

~~(i) In any residential zoning district, one (1) sign not exceeding twenty-four (24) square feet shall be allowed for a period not to exceed six (6) months or until issuance of the certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.~~

~~(ii) In any nonresidential zoning district, one (1) sign shall be allowed per street frontage, not exceeding forty (40) square feet and not exceeding a time period of six (6) months or until issuance of final certificate of occupancy, whichever occurs first, which sign shall be removed upon issuance of final certificate of occupancy.~~

~~(D) Signs advertising property for sale or rent, provided that:~~

~~(i) One (1) sign not exceeding four (4) square feet in area, excluding the rider, shall be allowed per single-family residential lot or residence, except lots or residences which are located on navigable bodies of water shall be allowed one (1) additional sign of four (4) square feet facing the body of water on which the property abuts.~~

~~(ii) One (1) sign not exceeding twenty (20) square feet in area shall be allowed per parcel or lot of property zoned or used as a nonresidential use of five (5) acres or larger in area. The foregoing shall not apply to individual, nonresidential units.~~

~~(iii) One (1) sign not exceeding ten (10) square feet in area shall be allowed per parcel, lot or individual nonresidential unit for property zoned for or used as a nonresidential use of less than five (5) acres in area.~~

~~(iv) All signs shall be removed no later than one (1) week after the sale or lease of the property.~~

~~(3) Signage in connection with tent sales, pursuant to section 3-9-87 of the Code, shall only be displayed during the duration of the tent sale.~~

~~(4) Flags, other than national or state government flags, that meet the restrictions contained in this subsection. Such flags shall only be allowed at a ratio of two (2) per fifty-foot of road frontage, and the number of flags shall not exceed eight (8) at any location. No flag shall be placed above a sidewalk, walkway, alley, driveway or public or private roadway or right-of-way. A site may not erect flags more than twice in a calendar year. No such flag may remain on-site for more than fourteen (14) days. In the event flags are erected on a site for less than fourteen (14) days, the remaining days shall be forfeited and cannot be applied to a second event. The fourteen-day and twice-per-calendar-year maximum time limit restrictions imposed in this subsection shall not apply to flags erected on any property owned and operated or leased by any federal, state, or local government or agency thereof.~~

~~(5) Banners or pennants erected in a nonresidential zoning district that meet the restrictions contained in this subsection. No banner or pennant shall be placed above a sidewalk, walkway, alley, driveway, or public or private roadway or right-of-way. No banner or pennant may remain on-site for more than fourteen (14) consecutive days. A site may not erect banners or pennants more than twice in a calendar year. The fourteen-day time limit restrictions and twice-per-calendar-year maximum time limit restrictions imposed in this subsection shall not apply to banners or pennants erected on any property owned and operated or leased by any federal, state or local government or agency thereof. In accordance with title 36, United States Code, chapter 10, as amended by Public Law 344, 94th Congress approved July 7, 1976, and chapter 256, Florida Statutes, the United States or state flags may not be used as a banner or a pennant.~~

~~(6) A temporary sign advertising activities of educational, religious, civic, fraternal, service, charitable or other nonprofit organizations or institutions may be permitted, if not in violation of other provisions of this Charlotte Harbor Community Development Code.~~

~~(7) Signs advertising open houses, provided that:~~

~~(A) No more than three (3) signs, not exceeding four (4) square feet each, may be erected, constructed or installed on the property where the open house is being conducted; and~~

~~(B) No more than six (6) off-site directional signs, not exceeding two (2) square feet each, shall be allowed; and~~

~~(C) All signs shall contain the name of the real estate broker or firm conducting the open house; and~~

~~(D) All signs relating to an open house shall be removed each day at the close of the open house or by dusk, whichever occurs first; and~~

~~(E) No sign shall be nailed, fastened or affixed to any tree, utility pole, street sign or any traffic control device.~~

~~(f) Permitted permanent signs. The following permanent signs are permitted if not otherwise prohibited or defined as a temporary or an exempt sign under this section, subject to the performance standards and requirements provided in the applicable subsection permitting such sign and any applicable requirements of this Charlotte Harbor Community Development Code:~~

~~(1) Class A primary signs and class A secondary signs are permitted.~~

~~(2) Awnings are permitted as follows:~~

~~(A) Permanently fixed or retractable awnings over private property are permitted; and~~

~~(B) Permanently fixed or retractable awnings shall have a minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above any alley or driveway; and~~

~~(C) Any lettering larger than three (3) inches in height or symbols exceeding four (4) square feet in area shall be included in the total area of signage allowed on the face of the building.~~

~~(3) Changeable copy signs (or reader boards) are permitted only as follows:~~

~~(A) Changeable copy sign for a theater or cinema incorporated in a secondary class A sign or in a separate facade-mounted changeable copy sign as follows:~~

~~(i) Changeable copy signage limited to a maximum of eight (8) square feet per sign face; and~~

~~(ii) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and~~

~~(iii) The maximum height of the lettering shall be ten (10) inches; and~~

~~(iv) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and~~

~~(v) The sign face may be illuminated or nonilluminated; and~~

~~(vi) The signage shall otherwise comply with the applicable total sign area regulations; and~~

~~(vii) This facade-mounted changeable copy sign may be part of a marquee.~~

~~(B) Changeable copy sign incorporated in the primary class A sign for a theater or cinema as follows:~~

~~(i) Changeable copy signage limited to a maximum eight (8) square feet per auditorium or screen with multiple auditoriums or screens to a building maximum of seventy-five (75) square feet per building;~~

~~(ii) The sign box or sign face shall be set back a minimum of fifty (50) feet from the road right-of-way if parking for the building is allowed in the front, or set back a minimum twenty-five (25) feet if no parking is allowed in the front of the building; and~~

~~(iii) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and~~

~~(iv) The maximum height of the lettering shall be six (6) inches; and~~

~~(v) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and~~

~~(vi) The sign face may be illuminated or nonilluminated; and~~

~~(vii) The signage shall otherwise comply with the applicable total sign area regulations; and~~

~~(C) A freestanding changeable copy sign is permitted only if incorporated in an otherwise permitted primary class A monument sign, except as provided below:~~

~~(i) The type of lettering shall be limited to plastic channel lettering, plastic card type lettering or raised wood lettering of typeset machine printed quality; and~~

~~(ii) The maximum height of the lettering shall be six (6) inches; and~~

~~(iii) All types of freehand lettering and chalk on chalkboard surfaces are prohibited; and~~

~~(iv) The sign face may be illuminated or nonilluminated; and~~

~~(v) The signage shall otherwise comply with the applicable total sign area regulations. The changeable copy portion of the primary class A sign shall be included in the total area of which it is a part.~~

~~(4) Projecting signs are permitted as follows:~~

~~(A) A projecting sign shall not project more than three (3) feet from the face of the building or structure; and~~

~~(B) A projecting sign shall not project over a public or private road right-of-way (excluding sidewalks); and~~

~~(C) A projecting sign shall have the minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above an alley or driveway; and~~

~~(D) A projecting sign shall project from the wall and be at a ninety-degree angle; and~~

~~(E) A projecting sign shall not extend vertically above the window sill of the second story of a building and shall not block the visibility of any other sign.~~

~~(F) The square footage of a projecting sign shall be included as part of the square footage allowed for secondary class A signs.~~

~~(5) Marquee signs are permitted as follows:~~

~~(A) A marquee sign shall be included in the calculation of the total area of signage allowed on the face of a building; and~~

~~(B) A marquee sign shall have the minimum clearance of eight (8) feet above a sidewalk or walkway and eighteen (18) feet above an alley or driveway.~~

~~(6) Canopy roof signs are permitted; provided, however, any area of the canopy roof which contains lettering, registered trademarks or service marks or copyrights, symbols, internal illumination, or decorative lights shall be considered a sign and shall comply with all the requirements of this Charlotte Harbor Community Development Code and shall be included in the total signage of primary class A signs.~~

~~(7) Window signs. Window signs shall cover no more than twenty (20) percent of the glass area of a window. All signage shall be included as part of the square footage of secondary sign.~~

~~(g)~~b. *Maximum signage allocation*. The signage allocation for any unit shall not exceed 350 square feet if a pole or pylon sign is used, including no more than 32 square feet used for additional signage, or 380 square feet if a monument sign is used, including no more than 32 square feet for additional signage.

c. ~~*Area/number of*~~*Maximum* ~~*signs*~~*sign area*.

1. Signs in the Charlotte Harbor Community shall have the following maximum areas:

Sign Type	Maximum Area
Primary Freestanding	
Pole or Pylon	100 s.f.
Monument	130 s.f.
Primary Building	250 s.f

2. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For designs consisting of individual letters or symbols attached to or painted on a surface, building wall, or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols.

~~(1) The area of a sign (also referred to as surface area) shall be computed as including the entire area within the periphery of a single simple geometric form comprising all of the display area of the sign. The geometric form shall include all of the elements of the matter displayed, any address information, and blank masking, but not including frames or structural elements of the sign bearing no advertising matter.~~

~~(2) In the case of two-sided signs where all faces advertise a single facility, product or service, only one (1) face shall count toward the total aggregate area so long as:~~

~~(A) With respect to a V-type sign, up to ninety-degree angle, the two (2) sides are to be separated by a distance no less than one (1) foot and with the sign being totally intersected at one (1) point; and~~

~~(B) With respect to a double-faced (back-to-back) sign, there can be no separation between the backs of each face of the sign other than the structural supports to which each sign face is attached.~~

~~The maximum square footage of signs allowed in each zoning district within the Charlotte Harbor CRA is depicted in Table 1, below:~~

~~Table 1~~

~~Zoning District~~	~~Maximum square footage for a primary class "A" sign*~~	~~Maximum square footage per secondary class "A" sign**~~
~~Environmentally sensitive~~	~~25~~	~~8~~
~~Coastal residential~~	~~25~~	~~8~~
~~Residential multifamily~~	~~25~~	~~8~~
~~Neighborhood business residential~~	~~50~~	~~15~~
~~Commercial general~~	~~75~~	~~50~~
~~Commercial intensive~~	~~75~~	~~50~~
~~Commercial tourist~~	~~75~~	~~50~~
~~Mixed use~~	~~75~~	~~50~~
~~Planned development~~	~~75~~	~~50~~
~~Industrial light~~	~~75~~	~~50~~

d-

* If a primary class A sign for a parcel or lot is a monument sign, the number of square feet or area allowed for the primary class A sign shall be limited to the number of linear feet or building frontage for all buildings located on the parcel or lot for which the primary class A sign is the principal advertising, plus thirty (30) percent of the total number of such linear feet of building frontage. In no event shall the area of a primary class A sign which is a monument sign exceed ninety-eight (98) square feet.

** Secondary class A (on-premises) signs shall be allowed one (1) square foot of surface area of signage for each linear floor of building frontage of the business up to a maximum of fifty (50) square feet.

(C) Primary and secondary class A signs are prohibited for single-family and duplexes, except in conjunction with a special exception or otherwise allowed in code.

(3) In addition to the limitations of Table 1, above, the following restrictions shall also apply:

(A) Primary class A signs.

(i) If a primary class A sign for a parcel or lot is not a monument sign, the number of square feet of area allowed for the primary class A sign shall be limited to (1) square foot per linear foot of total building frontage of the lot or parcel. In no event shall the area of the primary class A sign which is not a monument sign exceed seventy-five (75) square feet.

(ii) There shall be no more than one (1) primary class A sign for any parcel or lot, regardless of how many buildings or businesses are located on such parcel or lot. In addition, there shall be no more than one (1) primary class A sign for any one (1) building, regardless of the number of parcels or lots on which the building is located, except as provided in section 3-9-47.4(b)(8).

(B) Secondary class A signs.

(i) An individual nonresidential occupant located within a multiple-occupancy structure of two (2) or more establishments shall not be permitted an individual primary class A sign, but may display an individual secondary class A sign on the building in which the occupant is located.

(4) Address numbers. Each commercial business shall install address numbers on a primary class A sign with lettering of six (6) inches or more in height. Address numbers, or other address information for a commercial building, displayed on the primary display area of a sign shall not exceed three (3) square feet in area comprised of the following dimensions: a maximum of one (1) foot high by a maximum of three (3) feet wide, or a maximum of three (3) feet high by a maximum of one (1) foot wide. Address numbers, or other address information for a building, and the accompanying background of sign face shall be included in the calculation of area of any sign in which they are contained or from which they are projected. Address numbers projected from the top of the primary display area of a sign shall not be used in calculating the height of that sign.

(h). *Location, hHeight and setbacks*. Primary freestanding signs shall have the following height limits:

Sign Type	Maximum Height Above Crown of Right-of-Way
Pole or Pylon	15 ft.
Monument	10 ft.

e. *Window signs*. No more than 25 percent of a unit's total window area may be used to display additional signage.

f. *Portable signs*. Portable signs are allowed without a sign permit, provided they meet the following criteria. The area of a portable sign shall not be deducted from a unit's sign allocation.

1. Only one portable sign shall be permitted per unit.
2. Portable signs shall only be displayed during the hours of operation of the business they advertise.
3. Portable signs shall be placed so that they do not interfere with pedestrian or vehicle circulation, nor with sight triangle visibility.
4. Portable signs shall be placed within 20 feet of the business they advertise and on the same lot on which the business is located.
5. Portable signs are limited to 24 inches wide by 48 inches high.

g. Landscaping. Primary freestanding signs shall have their bases landscaped in order to soften their appearance. Such landscaping shall meet the following criteria:

1. Landscaping shall consist of groundcover or shrubs, as defined in the Buffers, landscaping, and tree requirements provisions of this Code.
2. The planting area around the base of the sign shall be equal to 40 percent of the total area of the sign.
3. All landscaping must be installed and maintained in accordance with the Buffers, landscaping, and tree requirements provisions of this Code.
4. Landscaping must maintain clear sight triangles in accordance with the Visibility at road intersections provisions of this Code.

~~(1) A sign shall have a minimum clearance of eight (8) feet above a sidewalk or other walkway and eighteen (18) feet clearance above an alley, driveway, or public or private roadway.~~

~~(2) Unless otherwise specified in this section, any primary class A sign that is a pole or pylon sign shall be fifteen (15) feet in height, except in environmentally sensitive and residential zoning districts, in which case the sign shall not exceed ten (10) feet in height. This shall not be a maximum height, but a uniform height for all primary class A signs that are pole or pylon signs in the Charlotte Harbor CRA. No address numbers projecting from the top of the display area of a primary class A sign shall be used in the calculation of the height of such sign, provided such address numbers meet all other applicable height and area requirements of the code.~~

~~(3) Monument signs shall not exceed ten (10) feet in height. Monument signs are excluded from the uniform height requirement.~~

~~(i) Illumination.~~

~~(1) A sign may be lighted internally or externally, but illumination shall be shielded or indirect to prevent glare, reflection or shining onto any road, street, or adjacent property, unless otherwise regulated elsewhere in the code.~~

~~(2) A sign in any residential district may not be illuminated, except for a sign identifying a place open to the public, a sign giving the name of a subdivision or community identification sign, such as ACLF or nursing home or other similar institution, a sign erected in conjunction with an approved special exception, principally permitted land uses or signs used in connection with essential services. Any sign permitted to be lighted may be lighted only indirectly in a manner that will prevent glare, reflection or shining onto any street or adjacent property.~~

~~(j) Maintenance.~~

~~(1) An owner shall maintain a sign in substantially similar condition as when the sign was originally permitted and erected. Such maintenance shall include periodic painting and replacement, including both the sign area and structure, or supporting structure, when necessary to achieve the substantially similar appearance as the originally permitted signs. The owner shall promptly repair, replace or remove any broken, worn or illegible elements of a sign, or sign awing or canopy. Any and all damaged plastic faces of an existing legally nonconforming sign may be replaced without the entire sign having to come into compliance with the existing regulations. If the entire sign has sustained damage greater than fifty (50) percent of replacement value said sign must comply with existing regulations. If the owner of the sign and the owner of the premises on which the sign is located are not the same, each shall be jointly or severally responsible for sign maintenance.~~

~~(2) The director may give an owner of the sign and the owner of the premises on which the sign is located written notice of the failure of the owner of the sign to fulfill the maintenance obligation and order the owner of the sign to forthwith repair, replace or remove the sign. In the event that the owner of the sign fails, refuses or neglects to repair, replace or remove the sign as ordered within thirty (30) days of the date of the notice, the director may, on behalf of the county, cause the sign to be removed.~~

~~(3) Any sign that poses an immediate hazard or danger to either person or property, the director may, in the director's sole discretion, remove the sign without notice. The owner of the sign and the owner of the premises on which the sign is located and removed as allowed above shall be jointly and severally liable to the county for the actual cost of the removal of the sign.~~

~~(4) Any remedy for failure to maintain a sign or to abate a hazardous or dangerous sign contained in this section 3-9-47.4(j) shall not constitute the county's sole or exclusive remedy, and the county may avail itself of any available remedies at law or in equity.~~

~~(k) Permits required; permit fees.~~

~~(1) All signs, except those exempt in section 3-9-47.4(d), shall require a sign permit and the payment of a fee.~~

~~(2) Any person desiring to erect or alter a sign, except those exempt in section 3-9-47.4(d) of the code, shall file an application for a sign permit and pay the application fee to the director. Normal maintenance to existing signs shall not be deemed alterations within the meaning of this section and shall not require a permit or fee.~~

~~(l) Applications for permits.~~

~~(1) Applications for sign permits shall be in a form approved by the director. The application shall include a complete description of the proposed sign and any existing signs and a site plan indicating the proposed and existing signs' size and type and location on the property, elevations of all sign faces detailing height, width, length, square footage per sign face, size of lettering, colors, lighting utilized, including total lumens (wattage) as shown on the drawings and specifications for construction of the sign, sealed by a licensed engineer, the proximity of existing utility infrastructures with regard to the location of a sign, and the written consent of the owner of the property on which the sign is to be erected. The application for a temporary sign shall also include the date the sign is placed and the date it is to be removed.~~

~~(2) The board shall determine the application fee for any sign permit.~~

~~(3) On receipt of an application, the director shall forward the application to CRAC, or its designee, pursuant to the provisions of section 3-9-47.3 of the Code. The director shall also forward the application to the appropriate county staff who shall review the application and may make an inspection of the site to determine compliance of the proposed sign with the existing laws and regulations, and to determine the location and size of any existing signs on the premises.~~

~~(m) Nonconforming signs.~~

~~(1) A person may continue to maintain a nonconforming sign; provided, however, that nonconforming signs are disfavored and that on occurrence of the first of any of the following events, the person shall make the sign conform to this section:~~

~~(A) The sign is enlarged, repainted, reworded or the message of the sign changed (except only an exempt sign, or any changeable sign or a time and temperature sign), redesigned or altered pursuant to subsection d below.~~

~~(B) The sign is abandoned, removed, dismantled or relocated.~~

~~(C) The sign is determined by the director to be a hazard to life, safety, property or welfare of the public;~~

~~(D) The sign has deteriorated or is damaged and the cost of repair or restoration, including actual market cost of labor and materials, of the sign equals or exceeds fifty (50) percent of the current value of the sign as determined by the Charlotte County Property Appraiser's Office or as determined by a qualified appraiser.~~

~~(E) The sign is a primary or secondary class A sign which advertises or calls attention to an occupant, a business, service, product or performance or event no longer in existence or available on the premises.~~

~~(F) When there is a change in ownership of the sign or the property on which the sign is located.~~

~~(G) Subject to the foregoing, any sign which existed and was maintained on the effective date of Ordinance No. 2002-040 may be continued although such sign does not conform to all of the provisions of this section; provided that all such nonconforming signs, supporting members and electric components shall be completely removed from the premises or brought into conformance with these requirements not later than January 1, 2012; provided, however, that nothing herein shall be construed as permitting the continuance of any illegal or prohibited sign.~~

~~Sec. 3-9-47.5. - Permitted uses.~~

~~(a) Intent. The future land use map (FLUM) 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 FLUM designations with the zoning districts which are consistent with each specific FLUM designation. Also listed below are the specific designations of coastal residential, neighborhood business residential, and mixed use. These specific designations within the CDC will supersede any underlying zoning district when the underlying zoning conflicts with the specific CDEC designation. A rezoning or zoning map amendment is required as a part of the PD process and the proposed PD shall not be approved unless it is consistent with the future land use map and the goals, objectives and policies of the comprehensive plan.~~

~~(A) Low density residential FLUM designation: LDR (3-9-47.5(A)).~~

~~(1) Permitted zoning districts within a low density residential FLUM designation include the following:~~

a. Residential single-family (RSF-1, 2, 2.5, 3.5, and 5), section 3-9-33 (as may be amended);

b. Residential multifamily (RFM 3.5, and 5), section 3-9-34 (as may be amended);

c. Planned development (PD), section 3-9-45 (as may be amended); and

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

(B) Coastal residential FLUM designation: CR (3-9-47.5(B)).

(1) Permitted zoning districts within the coastal residential FLUM designation include the following:

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

b. Residential single-family (RSF-1, 2, 2.5, and 3.5; section 3-9-33) (as may be amended; except where it is inconsistent with the (CR) section 3-9-47.5(B)(2));

c. Planned development (PD), section 3-9-45 (as may be amended). Multifamily residential structures, if approved through the planned development process (section 3-9-45), are permitted in the coastal, residential FLUM designation.

(2) Section 3-9-47.5(B)(2), Coastal residential (CR) zoning district.

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 section 3-9-47.5(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 3-9-6.2, 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 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 3-9-74 (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 3-9-79 (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 3-9-72 (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 assisted living facility, section 3-9-62 (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 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; and~~

~~(iii) Not specifically prohibited in that district.~~

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

	~~Coastal Residential~~	~~Coastal Residential~~	~~Coastal Residential~~	~~Coastal Residential~~
~~Minimum requirement (except~~				

~~as~~ ~~the~~ ~~rwise~~ ~~perm~~ ~~itted~~ ~~)~~				
~~Area,~~ ~~sq~~ ~~uar~~ ~~eef~~ ~~eet~~ ~~:~~	~~40,0~~ ~~00~~	~~20,0~~ ~~00~~	~~15,0~~ ~~00~~	~~10,0~~ ~~00~~
~~Widt~~ ~~h,~~ ~~feet~~ ~~:~~	~~125~~	~~100~~	~~100~~	~~80~~
~~Front~~ ~~yard~~ ~~,fe~~	~~10~~	~~10~~	~~10~~	~~10~~

~~eet:~~				
~~Side yard:~~				
~~Interior feet:~~	~~15~~	~~15~~	~~15~~	~~7.5~~
~~Abutting arod, feet:~~	~~20~~	~~20~~	~~20~~	~~15~~
~~Maximum lot requirene~~				

~~nt:~~				
~~Front yard, feet:~~	~~25~~	~~25~~	~~25~~	~~25~~
~~Maximum lot coverage by all buildings, percent~~	~~35~~	~~35~~	~~35~~	~~35~~

t ÷				
Maximum building height, feet ÷	38	38	38	38
Minimum rear yard, feet ÷				
Abutting a	20	20	20	20

lot:				
Abutting applied road:	25	25	25	25
Abutting constructed road:	25	25	25	10
Abutting agr	15	15	15	15

~~eenbelt:~~				
~~Setback for accessory buildings from:~~				
~~Rear lot line, free~~	~~10~~	~~10~~	~~10~~	~~10~~

t ÷				
Side yard ÷	Same as principal building			
Abutting road right-of-way ÷	Same as principal building			
Rear or side line abutting a	20	20	20	20

~~waterway*, feet:~~				
~~Within adesignated floodway:~~	~~Stemwall or stilt construction required~~			

~~*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 3-9-88 (as may be amended).~~

~~g. Off-street parking. Off-street parking shall conform with off-street parking and loading facilities, section 3-9-79 (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.~~

~~(C) Medium density residential FLUM designation: MDR (3-9-47.5(C)).~~

~~(1) Permitted zoning districts within a medium density residential FLUM designation include the following:~~

~~a. Residential single-family (RSF 1, 2, 2.5, 3.5, and 5), section 3-9-33(a) through (h), as may be amended;~~

~~b. Residential multifamily (RFM 3.5, 5, 7.5, and 10), section 3-9-34(a) through (h), as may be amended;~~

~~c. Environmentally sensitive (ES), section 3-9-28(a) through (h), as may be amended; and~~

~~d. Planned development (PD), section 3-9-45(a) through (h), as may be amended.~~

~~(D) Neighborhood business residential FLUM designation: NBR (3-9-47.5(D)).~~

~~(1) Permitted zoning districts within a neighborhood business residential FLUM designation include the following:~~

~~a. Residential single-family (RSF 1, 2, 2.5, 3.5, and 5), section 3-9-33(a) through (h), as may be amended, except where it is inconsistent with NBR Section 3-9-47.5(D)(2);~~

~~b. Residential multifamily (RFM 3.5, 5, 7.5, and 10), section 3-9-34(a) through (h), as may be amended, except where it is inconsistent with NBR section 3-9-47.5(D)(2);~~

~~c. Office, medical and institutional (OMI), section 3-9-39(a) through (h), as may be amended, except where it is inconsistent with NBR section 3-9-47.5(D)(2);~~

~~d. Commercial neighborhood (CN), section 3-9-40(a) through (h), as may be amended, except where it is inconsistent with NBR section 3-9-47.5(D)(2);~~

~~e. Commercial tourist (CT), section 3-9-41(a) through (h), as may be amended, except where it is inconsistent with NBR section 3-9-47.5(D)(2);~~

~~f. Planned development (PD), section 3-9-45(a) through (h), as may be amended, except where it is inconsistent with NBR section 3-9-47.5(D)(2); and~~

~~g. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended.~~

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

~~1. Truck stops, service stations and gas pumps;~~

~~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. Mini warehouses, 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;~~

~~11. Heliports and helistops; and~~

~~12. Car washes.~~

~~(2) Section 3-9-47.5D2 Neighborhood Business Residential (NBR) Zoning District.~~

~~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;~~

~~2. Multifamily residential development is prohibited south of Bayshore Drive along Charlotte Harbor;~~

~~3. Maximum floor area ratio is 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. Multiuse developments on the same parcel must be compatible with the surrounding land uses as determined by the community development director and may be developed only as a part of a planned development (PD);~~

~~5. Residential dwelling units shall be located on a separate floor level from office or commercial uses on multiuse development sites, preferably on the upper level for flood protection purposes;~~

~~6. Commercial uses are limited to eight thousand (8,000) square feet of gross leasable area unless developed as part of a PD;~~

~~7. Commercial uses are limited to eighty (80) percent of the total area of the site; and~~

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

~~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;~~

~~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;~~

~~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 and book stores; and~~

~~21. Bakery or pastry stores.~~

~~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.~~

~~e. 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.~~

~~f. Special exceptions (For procedure see section 3-9-6.2, Special exceptions). The following uses may be granted as special exceptions in this district:~~

~~1. Satellite college and university classrooms or activities;~~

~~2. Essential services; and~~

~~3. Such other uses as determined by the community development director or his/her designee 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; and~~

~~(iii) Not specifically prohibited in that district.~~

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

~~Minimum lot requirements:~~	
~~Area, square feet:~~	~~7,500~~
~~Width:~~	~~80 feet~~
~~Maximum yard requirements:~~	
~~Front yard:~~	~~*9 feet~~

	~~*unless section 3-5-391 of the Code (the "Buffer Code") requires otherwise, except as provided herein~~
~~Minimum yard requirements:~~	
~~Front yard:~~	~~0 feet~~
~~Side yard:~~	
~~Interior:~~	~~½ the building height but not less than 7.5 feet~~
~~Abutting a road:~~	~~½ the building height but not less than 15 feet.~~
~~Abutting water:~~	~~20 feet~~
~~Rear yard:~~	
~~Abutting another lot:~~	~~½ the building height but not less than 15 feet~~
~~Abutting a road:~~	~~25 feet~~
~~Abutting water:~~	~~20 feet~~
~~Maximum lot coverage:~~	~~50 percent~~
~~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 or stilt construction required~~

~~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 3-9-88.~~

~~h. Off-street parking. Off-street parking shall be in accordance with Off-street parking and loading facilities, section 3-9-79 (as may be amended). Shared-use parking agreements between adjacent commercial property owners shall be utilized whenever possible.~~

~~(3) Notwithstanding the provisions of section 3-9-47.5(a)(D)(1)c. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(D)(1)c., the maximum front yard requirement for the office, medical and institutional zoning district referenced above in section 3-9-47.5(a)(D)(1)c. shall be nine (9) feet and the minimum front yard requirement for the office, medical and institutional zoning district shall be zero (0) feet.~~

~~(4) Notwithstanding the provisions of section 3-9-47.5(a)(D)(1)d. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(D)(1)d., the maximum front yard requirement for the commercial neighborhood zoning district referenced above in section 3-9-47.5(a)(D)(1)d. shall be nine (9) feet and the minimum front yard requirement for the commercial neighborhood zoning district shall be zero (0) feet.~~

~~(5) Notwithstanding the provisions of section 3-9-47.5(a)(D)(1)e. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(D)(1)e., the maximum front yard requirement for the commercial tourist zoning district referenced above in section 3-9-47.5(a)(D)(1)e. shall be nine (9) feet and the minimum front yard requirement for the commercial tourist zoning district shall be zero (0) feet.~~

~~(6) Notwithstanding the provisions of section 3-9-47.5(a)(D)(1)g. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(D)(1)g., the maximum front yard requirement for the commercial intensive zoning district referenced above in section 3-9-47.5(a)(D)(1)g. shall be nine (9) feet and the minimum front yard requirement for the commercial intensive zoning district shall be zero (0) feet.~~

~~(7) Notwithstanding the provisions in subsections (3), (4), (5), and (6) above, the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the office, medical and institutional, commercial neighborhood, commercial tourist and commercial intensive zoning districts under the neighborhood business residential FLUM designation; provided, however, that if section 3-5-391 of the Code (the "Buffer Code") requires a wider buffer than nine (9) feet, it shall control over the nine (9) feet front yard requirement set forth herein, except as provided herein.~~

~~(E) Mixed use FLUM designation: MU (3-9-47.5(E))~~

~~(1) Permitted zoning districts within a mixed use FLUM designation include the following:~~

~~a. Residential single-family (RSF 1, 2, 2.5, 3.5, and 5), section 3-9-33(a) through (h), as may be amended;~~

~~b. Residential multifamily (RFM 3.5, 5, 7.5, 10 and 15), section 3-9-34(a) through (h), as may be amended;~~

~~c. Office, medical and institutional (OMI), section 3-9-39(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2);~~

~~d. Commercial neighborhood (CN), section 3-9-40(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2);~~

~~e. Commercial tourist (CT), section 3-9-41(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2);~~

~~f. Commercial general (CG), section 3-9-42(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2);~~

~~g. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2);~~

~~h. Planned development (PD), section 3-9-45(a) through (h), as may be amended, except where it is inconsistent with MU section 3-9-47.5(E)(2); and~~

~~i. Environmental sensitive (ES), section 3-9-28(a) through (h), as may be amended.~~

~~(2) Section 3-9-47.5(E)(2) - Mixed use (MU) zoning district.~~

~~a. Intent. The mixed use zone (MU) is intended to take the place of the commercial intensive zoning district (section 3-9-43, as may be amended) within the Charlotte Harbor area, but modified to allow for compatibility with the combination of multifamily residential, commercial, and professional office development. As stated in policy 15.1 of the future land use element, mixed use FLUM designation allows for a combination of residential, commercial, and professional office land uses within the Charlotte Harbor Community Planning area. The mixed use FLUM designated areas also allow for single-family residential (RSF section 3-9-33, as may be amended) development up to three and one-half (3.5) units per acre, and multifamily (RMF section 3-9-34, as may be amended) development up to fifteen (15) units per gross acre, and general retail (CG section 3-9-42, as may be amended), neighborhood stores (CN section 3-9-40, as may be amended), commercial tourist (CT section 3-9-41, as may be amended) establishments, and professional offices (OMI section 3-9-39, as may be amended).~~

~~b. Specific conditions applicable to the mixed use zoning district intended to provide daily convenience goods, professional, personal, and business services, and multifamily residential needs of the residents located within the Charlotte Harbor Community, are:~~

~~1. Multifamily residences shall not exceed a density of fifteen (15) units per gross acre;~~

~~2. Multi-use developments on the same parcel site must be compatible with the surrounding land uses and may be developed only as a part of a planned development (PD);~~

~~3. Residential dwelling units shall be located on a separate floor level from office or commercial uses on multiuse development sites;~~

~~4. Except as provided in sections 3-9-47.5(E)(2)c.—f., commercial intensive uses are prohibited from the mixed use zone. Commercial intensive uses shall be defined as those uses within the CI zoning district, as may be amended;~~

~~5. Commercial uses are limited to eighty (80) percent of the total area of the site; and~~

~~6. Residential uses are limited to eighty (80) percent of the total area of the site.~~

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

~~1. All uses and structures permitted in the CG district (section 3-9-42, (a) through (d) and (h), as may be amended), except 3-9-42 (b)(10), (15), (23), (26) and (27). Resort marinas, as allowed in the CG district under section 3-9-42(b)(9), shall not have fuel pumps on premises, except that fuel pumps are allowable in the resort marinas where the pumps are located on navigable waterways and are for the exclusive use of watercraft entering or exiting the marina. Fuel pumps at resort marinas not located on the navigable waterway, situated to serve watercraft exclusively, shall be prohibited within the MU district. Fuel pumps for use by any land-based vehicles, including but not limited to automobiles, trucks, motorcycles, tractors and other lawn or yard equipment, or fuel pumps for use by any watercraft being towed, carried, or otherwise transported by land shall be prohibited within the MU district;~~

~~2. All uses and structures permitted in the CT district (section 3-9-41, (a) through (d) and (f) through (h), as may be amended), except 3-9-41 (b)(6) and (11);~~

~~3. All uses and structures permitted in the NBR district (section 3-9-47.5(D));~~

~~4. Equipment rental in an enclosed facility;~~

~~5. Outdoor commercial recreational facilities;~~

~~6. Wholesale sales;~~

~~7. Car wash; and~~

~~8. Automobile rental agencies.~~

~~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.~~

~~e. 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.~~

~~f. Special exceptions (for procedure see section 3-9-6.2, Special exceptions). The following uses may be granted as special exceptions in this district:~~

~~1. Colleges and universities;~~

~~2. Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings;~~

~~3. Heliports or helistops;~~

~~4. Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages within one thousand (1,000) feet from a church or school, subject to the provisions of Alcoholic beverages, section 3-9-64, (as may be amended) Charlotte County Code, as accessory to hotels, motels, country clubs, or restaurants;~~

~~5. Outdoor auditoriums;~~

~~6. Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district;~~

~~7. Carpentry, and cabinet shops;~~

~~8. Light manufacturing and assembly in a completely enclosed building;~~

~~9. Laundromats, provided central sewer is available;~~

~~10. Lumber and building supply establishments, except ready-mixed concrete, asphalt plants, and concrete product manufacturing plants;~~

~~11. Essential services; and~~

~~12. Such other uses as determined by the community development director or his/her designee 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;~~

~~(iii) Not specifically prohibited in that district.~~

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

~~Minimum lot requirements:~~	
~~Area, square feet:~~	~~12,000~~
~~Width:~~	~~100 feet~~
~~Maximum lot requirements:~~	
~~Front yard:~~	~~*9 feet~~
	~~*unless section 3-5-391 of the Code (the "Buffer Code) requires otherwise, except as provided herein~~
~~Minimum yard requirements:~~	
~~Front yard:~~	~~0 feet~~
~~Side yard:~~	
~~Interior:~~	~~None~~
~~Abutting a road:~~	~~½ the building height but not less than 15 feet~~
~~Abutting water:~~	~~20 feet~~
~~Rear yard:~~	
~~Abutting another lot:~~	~~½ the building height but not less than 15 feet~~
~~Abutting a road:~~	~~25 feet~~
~~Abutting water:~~	~~20 feet~~
~~Maximum building height:~~	~~60 feet~~
~~Maximum density units per acre:~~	~~15~~
~~Within a designated no fill area:~~	~~Stemwall or stilt construction required~~

~~**If a nonresidential or residential development within an MU district abuts a residential district of lower density than that within the MU 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 twenty-five (25) feet or the building height, whichever is greater. Landscape buffers and**~~

~~screening are 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.~~

~~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 3-9-88.~~

~~h. Signs. In accordance with Architectural standards, section 3-9-47.6.~~

~~i. Off-street parking. Off-street parking shall be in accordance with Off-street parking and loading facilities, section 3-9-79 (as may be amended). Shared-use parking agreements between adjacent commercial property owners shall be utilized whenever possible.~~

~~(3) Notwithstanding the provisions of section 3-9-47.5(a)(E)(1)c. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(E)(1)c., the maximum front yard requirement for the office, medical and institutional zoning district referenced above in section 3-9-47.5(a)(E)(1)c. shall be nine (9) feet and the minimum front yard requirement for the office, medical and institutional zoning district shall be zero (0) feet.~~

~~(4) Notwithstanding the provisions of section 3-9-47.5(a)(E)(1)d. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(E)(1)d., the maximum front yard requirement for the commercial neighborhood zoning district referenced above in section 3-9-47.5(a)(E)(1)d. shall be nine (9) feet and the minimum front yard requirement for the commercial neighborhood zoning district shall be zero (0) feet.~~

~~(5) Notwithstanding the provisions of section 3-9-47.5(a)(e)(1)e. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(E)(1)e., the maximum front yard requirement for the commercial tourist zoning district referenced above in section 3-9-47.5(a)(E)(1)e. shall be nine (9) feet and the minimum front yard requirement for the commercial tourist zoning district shall be zero (0) feet.~~

~~(6) Notwithstanding the provisions of section 3-9-47.5(a)(E)(1)f. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(E)(1)f., the maximum front yard requirement for the commercial general zoning district referenced above in section 3-9-47.5(a)(E)(1)f. shall be nine (9) feet and the minimum front yard requirement for the commercial general zoning district shall be zero (0) feet.~~

~~(7) Notwithstanding the provisions of section 3-9-47.5(a)(E)(1)g. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(E)(1)g., the maximum front yard requirement for the commercial general zoning district referenced above in section 3-9-47.5(a)(E)(1)f. shall be nine (9) feet and the minimum front yard requirement for the commercial general zoning district shall be zero (0) feet.~~

~~(8) Notwithstanding the provisions in subsections (3), (4), (5), (6) and (7) above, the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the office, medical and institutional, commercial neighborhood, commercial tourist, commercial general and commercial intensive zoning districts under the mixed use FLUM designation; provided, however, that if section 3-5-391 of the Code (the "Buffer Code")~~

~~requires a wider buffer than nine (9) feet, it shall control over the maximum nine (9) feet front yard requirement set forth herein, except as provided herein.~~

~~(F) Commercial FLUM designation: COM (3-9-47.5(F)~~

~~(1) Permitted zoning districts within a commercial FLUM designation include the following:~~

~~a. Commercial neighborhood (CN), section 3-9-40(a) through (h), as may be amended;~~

~~b. Commercial tourist (CT), section 3-9-41(a) through (h), as may be amended;~~

~~c. Commercial general (CG), section 3-9-42(a) through (h), as may be amended;~~

~~d. Planned development (PD), section 3-9-45(a) through (h), as may be amended;~~

~~e. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended; and~~

~~f. Environmental sensitive (ES), section 3-9-28(a) through (h), as may be amended.~~

~~(2) Notwithstanding the provisions of section 3-9-47.5 (a)(F)(1)b. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(F)(1)b., the maximum front yard requirement for the commercial neighborhood zoning district referenced above in section 3-9-47.5 (a)(G)(1)a. shall be nine (9) feet and the minimum front yard requirement for the commercial neighborhood zoning district shall be zero (0) feet.~~

~~(3) Notwithstanding the provisions of section 3-9-47.5 (a)(F)(1)b. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(F)(1)b., the maximum front yard requirement for the commercial tourist zoning district referenced above in section 3-9-47.5(a)(F)(1)b. shall be nine (9) feet and the minimum front yard requirement for the commercial tourist zoning district shall be zero (0) feet.~~

~~(4) Notwithstanding the provisions of section 3-9-47.5(a)(F)(1)c. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(F)(1)c., the maximum front yard requirement for the commercial general zoning district referenced above in section 3-9-47.5(a)(F)(1)c. shall be nine (9) feet and the minimum front yard requirement for the commercial general zoning district shall be zero (0) feet.~~

~~(5) Notwithstanding the provisions of section 3-9-47.5(a)(F)(1)e. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(F)(1)e., the maximum front yard requirement for the commercial intensive zoning district referenced above in section 3-9-47.5(a)(F)(1)e. shall be nine (9) feet and the minimum front yard requirement for the commercial intensive zoning district shall be zero (0) feet.~~

~~(6) Notwithstanding the provisions in sections 3-9-47.5(a)(F)(2), (3), (4) and (5), the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the commercial neighborhood, commercial tourist, commercial general and commercial intensive zoning districts under the commercial FLUM designation; provided, however, that if section 3-5-391 of the Code (the "Buffer Code") requires a wider buffer than nine (9) feet, it shall control over the maximum nine (9) feet front yard requirement set forth herein, except as provided herein.~~

~~(G) Commercial tourist FLUM designation: COM-T (3-9-47.5(G)). It is the intent of the COM-T district to limit commercial development to those uses provided for herein.~~

~~(1) Permitted zoning districts within a commercial tourist FLUM designation include the following:~~

~~a. Residential multifamily (RMF-T), section 3-9-35(a) through (h), as may be amended;~~

~~b. Commercial neighborhood (CN), section 3-9-40(a) through (h), as may be amended;~~

~~c. Commercial tourist (CT), section 3-9-41(a) through (h), as may be amended;~~

~~d. Planned development (PD), section 3-9-45(a) through (h), as may be amended; and~~

~~e. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended.~~

~~The following commercial intensive (CI) uses are prohibited within the COM-T district 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 helistops.~~

~~(2) Notwithstanding the provisions of section 3-9-47.5(a)(G)(1)e. above, including the subsections of the Code expressly referenced in section 3-9-47.5(a)(G)(1)e., the maximum front yard requirement for the commercial intensive zoning district referenced above in section 3-9-47.5(a)(G)(1)e. shall be nine (9) feet and the minimum front yard requirement for the commercial intensive zoning district shall be zero (0) feet.~~

~~(3) Notwithstanding the provisions of section 3-9-47.5(a)(G)(1)b. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(G)(1)b., the maximum front yard requirement for the commercial neighborhood zoning district referenced above in section 3-9-47.5(a)(G)(1)b. shall be nine (9) feet and the minimum front yard requirement for the commercial neighborhood zoning district shall be zero (0) feet.~~

~~(4) Notwithstanding the provisions of section 3-9-47.5(a)(G)(1)c. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(G)(1)c., the maximum front yard requirement for the commercial tourist~~

~~zoning district referenced above in section 3-9-47.5(a)(G)(1)c. shall be nine (9) feet and the minimum front yard requirement for the commercial tourist zoning district shall be zero (0) feet.~~

~~(5) Notwithstanding the provisions in subsections (3) and (4) above, the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the commercial neighborhood, commercial tourist and commercial intensive zoning districts under the commercial tourist FLUM designation; provided, however, that if section 3-5-391 of the Code (the "Buffer Code") requires a wider buffer than nine (9) feet, it shall control over the maximum nine (9) feet front yard requirement set forth herein, except as provided herein.~~

~~(H) Industrial FLUM designation: IND (3-9-47.5(H)).~~

~~(1) Permitted zoning districts within an industrial FLUM designation include the following:~~

~~a. Commercial intensive (CI), section 3-9-43(a) through (h), as may be amended;~~

~~b. Industrial office park (IOP), section 3-9-49(a) through (h), as may be amended;~~

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

~~d. Planned development (PD), section 3-9-45(a) through (h), as may be amended.~~

~~(2) Notwithstanding the provisions of section 3-9-47.5(a)(H)(1)a. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(H)(1)a., the maximum front yard requirement for the commercial intensive zoning district referenced above in section 3-9-47.5(a)(H)(1)a. shall be nine (9) feet and the minimum front yard requirement for the commercial intensive zoning district shall be zero (0) feet.~~

~~(3) Notwithstanding the provisions of section 3-9-47.5(a)(H)(1)b. above, including the provisions of the Code subsections expressly referenced in section 3-9-47.5(a)(H)(1)b., the maximum front yard requirement for the industrial office park zoning district referenced above in section 3-9-47.5(a)(H)(1)b. shall be nine (9) feet and the minimum front yard requirement for the industrial office park zoning district shall be zero (0) feet.~~

~~(4) Notwithstanding the provisions in subsections (2) and (3) above, the maximum front yard requirement shall be nine (9) feet and the minimum front yard requirement shall be zero (0) feet in the commercial intensive and industrial office park zoning districts under the industrial FLUM designation; provided, however, that section 3-5-391 of the Code (the "Buffer Code") requires a wider buffer than nine (9) feet, it shall control over the maximum nine (9) feet front yard requirement set forth herein, except as provided herein.~~

~~(I) Preservation FLUM designation: PRE (3-9-47.5(I)).~~

~~(1) Permitted zoning districts within a preservation FLUM designation include the following:~~

~~a. Environmental sensitive (ES), section 3-9-28(a) through (h), as may be amended.~~

~~(J) Recreation nonpublic/public FLUM designation include the following:~~

~~(1) Permitted zoning districts within a recreation nonpublic FLUM designation include the following:~~

~~a. Planned development (PD), sections 3-9-45(a) through (h), as may be amended.~~

~~(b) Rezoning or zoning map amendments. Although the Charlotte Harbor CHD FLUM designations are generally consistent with the corresponding zoning designations, a rezoning application shall demonstrate that the proposed rezoning or map amendment is consistent with the future land use map and the goals, objectives, and policies of the Charlotte Harbor CRA Plan and the Charlotte County Comprehensive Plan. Although a proposed rezoning or map amendment may be consistent with the future land use map designation (as indicated above), the application shall also demonstrate that the timing is appropriate for the proposed rezoning by providing relevant data and analysis indicating how the proposed zoning designation would satisfy the growth management strategy outlined in the comprehensive plan.~~

~~(c) Increases in structure heights in the Charlotte Harbor Riverwalk district.~~

~~(A) Properties which are within the Charlotte Harbor Riverwalk District and immediately abut the Peace River. This category includes all those waterfront parcels within the Riverwalk District that are not zoned coastal residential. When a project includes waterfront properties and nonwaterfront properties, the provisions contained in this section shall apply to the entirety of the project, provided said project develops in one-phase and under single ownership at the time of development. The provisions contained in this section can be used for additions of land to existing waterfront projects which have been permitted according to this section, as this section may be amended. Waterfront projects seeking to increase structure height in any amount of feet, but limited to a maximum structure height of ninety (90) feet, may increase such height in the increments provided below. To be eligible to any increase in structure height, waterfront projects must meet all of the above classifications, and all of the following obligatory performance standards:~~

~~(1) Interior side yards for the project shall contain a minimum of seven and one-half (7.5) feet of green space. The seven and one-half (7.5) feet minimum yard shall not contain any structural elements on any of the floors or roof of the structure. Said green space shall be unencumbered by any structures, including balconies, sidewalks, driveways, and/or staircases. Projects which meet this performance standard shall be eligible for an additional height of ten (10) feet.~~

~~(2) Waterfront projects shall dedicate a twelve-foot wide easement for public access to the waterfront. Said easement shall lie immediately adjacent and parallel to the Charlotte Harbor Shore, or as designated by the zoning official and/or the Development Review Committee with a recommendation for approval made by the majority of the Charlotte Harbor CRA Advisory Committee. The easement shall be for access of the general public and shall have as a goal the completion of a complete walkway system which links all of the waterfront projects. Notwithstanding the contents of this section, setbacks shall be measured from the outmost boundary of said easement. Projects which meet this performance standard shall be eligible for an additional height of ten (10) feet.~~

~~Waterfront projects seeking to increase structure height in any amount of feet, but limited to a maximum structure height of ninety (90) feet, may increase such height in the increments provided below. The following performance standards are optional and additional to those found in sections 3-9-47.5(c)(A)(1) and 3-9-47.5(c)(A)(2), above. Projects which meet any of the following optional performance standards shall be eligible for structure height increases as these may apply:~~

~~(i) Mixed use. Projects which dedicate an area equivalent to at least fifty (50) percent of the square footage of the largest story of the project to uses other than residential/hotel, such as retail and restaurants, shall be eligible to an additional height of fifteen (15) feet. Said nonresidential/hotel uses shall be accessible to the general public in perpetuity, and shall be located on the lowest habitable floor of the structure.~~

~~(ii) Projects which agree to fund a proportionate share of the US 41 Revitalization Plan shall be eligible to an additional height of ten (10) feet. A project shall be entitled to the benefits of this subsection by contributing a monetary amount which shall be determined as follows: for every foot that the project abuts a public right-of-way, the project shall contribute the monetary amount to fund one (1) linear foot of the US 41 Revitalization Plan. The monetary amount per linear foot of the plan shall be determined according to the county's approved estimate for the project which is valid at the time the project obtains its first Development Review Committee (DRC) approval. Upon expiration of said DRC approval, the monetary amount per linear foot shall be determined by the county's estimate at the time of their following DRC approval.~~

~~(iii) Projects which agree to fund or construct their dedicated twelve-foot wide easement portion of the Riverwalk Concept Plan shall be eligible to an additional height of ten (10) feet. Private construction of the Riverwalk must meet the minimum design standards assigned to the Riverwalk project.~~

~~(B) Properties which are within the Charlotte Harbor Riverwalk District and do not abut the Peace River. This category includes all those parcels within the Riverwalk District that do not contain any waterfront and are not zoned coastal residential. When a project includes waterfront properties and nonwaterfront properties, the provisions contained in section 3-9-47.5(c)(A) shall apply to the entirety of the project, provided said project develops in one-phase and under single ownership at the time of development approval. The provisions contained in this section can be used for additions of land to existing waterfront projects which have not been permitted according to section 3-9-47.5(c)(A), as said section may be amended.~~

~~Projects seeking to increase structure height in any amount of feet, but limited to a maximum structure height of ninety (90) feet, may increase such height in the increments provided below. To be eligible to any increase in structure height, nonwaterfront projects must meet the following performance standards:~~

~~(1) Interior side yards for the project shall contain a minimum of 7.5 feet of green space. The seven and one-half (7.5) feet minimum yard shall not contain any structural elements on any of the floors or roof of the structure. Said green space shall be unencumbered by any structures, including balconies, sidewalks, driveways, and/or staircases. Projects which meet this performance standard shall be eligible for an additional height of ten (10) feet.~~

~~(2) Mixed use. Projects which dedicate an area equivalent to at least fifty (50) percent of the square footage of the largest story of the project to uses other than residential/hotel, such as retail and restaurants, shall be eligible to an additional height of fifteen (15) feet. Said nonresidential/hotel uses shall be accessible to the general public in perpetuity, and shall be located on the lowest habitable floor of the structure.~~

~~(3) Projects which agree to fund a proportionate share of the US 41 Revitalization Plan shall be eligible to an additional height of ten (10) feet. A project shall be~~

~~entitled to the benefits of this subsection by contributing a monetary amount which shall be determined as follows: for every foot that the project abuts a public right-of-way, the project shall contribute the monetary amount to fund one (1) linear foot of the US 41 Revitalization Plan. The monetary amount per linear foot of the plan shall be determined according to the county's approved estimate for the project which is valid at the time the project obtains its first Development Review Committee (DRC) approval. Upon expiration of said DRC approval, the monetary amount per linear foot shall be determined by the county's estimate at the time of their following DRC approval.~~

~~(4) Projects which agree to fund or construct a proportionate share of the Riverwalk Concept Plan shall be eligible to an additional height of ten (10) feet. Private construction of the Riverwalk must meet the minimum design standards assigned to the Riverwalk project. The monetary amount per linear foot of the Riverwalk shall be determined according to the county's approved estimate for the project which is valid at the time the project obtains its first Development Review Committee (DRC) approval. Upon expiration of said DRC approval, the monetary amount per linear foot shall be determined by the county's estimate at the time of their following DRC approval.~~

~~(C) Properties which are within the Charlotte Harbor Riverwalk District and do not abut the Peace River, and/or properties located within the Charlotte Harbor Gateway District and are not zoned coastal residential. Properties that meet this classification shall be eligible for an increase in height not to exceed a total of ninety (90) feet when the following are met:~~

~~(1) Structures shall be eligible for an additional height of ten (10) feet when all of the following are allowed:~~

~~(i) Allowing public parking on at least fifty (50) percent of their nonresidential parking spaces between the following hours: Monday through Thursday 6:00 p.m. to 12:00 p.m. (Midnight) Friday 6:00 p.m. through Monday 2:00 a.m.~~

~~(ii) Whenever possible, parking lots shall be interconnected with adjacent parking lots. If the project site is adjacent to a vacant parcel, adequate provisions shall be made during the DRC/permitting process to provide a lane for interconnectivity for future parking lots.~~

~~(iii) Whenever possible, the number of access points shall be minimized in order to reduce the number of driveways connecting private parking lots to public rights-of-way.~~

~~(2) Mixed use. Projects which dedicate an area equivalent to at least fifty (50) percent of the square footage of the largest story of the project to uses other than residential/hotel, such as retail and restaurants, shall be eligible to an additional height of fifteen (15) feet. Said nonresidential/hotel uses shall be accessible to the general public in perpetuity, and shall be located on the lowest habitable floor of the structure.~~

~~(3) Projects which agree to fund a proportionate share of the US 41 Revitalization Plan shall be eligible to an additional height of ten (10) feet. A project shall be entitled to the benefits of this subsection by contributing a monetary amount which shall be determined as follows: for every foot that the project abuts a public right-of-way, the project shall contribute the monetary amount to fund one (1) linear foot of the US 41 Revitalization Plan. The monetary amount per linear foot of the plan shall be determined according to the county's approved estimate for the project which is valid at the time the project obtains its first Development~~

~~Review Committee (DRC) approval. Upon expiration of said DRC approval, the monetary amount per linear foot shall be determined by the county's estimate at the time of their following DRC approval.~~

~~(4) Projects which agree to fund or construct a portion of the Riverwalk Concept Plan shall be eligible to an additional height of ten (10) feet. Said portion shall include the same number of linear feet as the proposed project's public right-of-way frontage. Construction of the Riverwalk must meet the minimum design standards assigned to the Riverwalk project. The monetary amount per linear foot of the Riverwalk shall be determined according to the county's approved estimate for the project which is valid at the time the project obtains its first Development Review Committee (DRC) approval. Upon expiration of said DRC approval, the monetary amount per linear foot shall be determined by the county's estimate at the time of their following DRC approval.~~

~~(d) Zero to nine-foot setbacks.~~

~~(1) Intent. The intent of the Charlotte Harbor Community Development Code is to create a pedestrian-friendly environment by reducing the scale of large surface parking areas along the corridors, using landscaping to highlight architectural building elements, providing an opportunity for shared public spaces, and making mixed use projects more convenient by developing pedestrian and bicycle systems. The alternative plan should: create a shaded and diverse, but harmonious and safe environment that works for pedestrians as well as for motorized vehicles; produce quality "hardscapes"; attempt to use "green-roof" technology; and comply with the rest of the purposes and intent of the Code.~~

~~The intent of this section of the Code is to reinforce that overall goal by creating an alternative front landscape and buffer standard for properties that comply with the zero (0) to nine-foot front setback requirements. This alternative is to provide aesthetically pleasing, pedestrian friendly spaces that meet or exceed the quality of design provided by existing code. All other landscape buffers and screening requirements shall be required in the Charlotte Harbor CRA in accordance with the provision of article XVIII, Chapter 3-5 of the Code.~~

~~(2) Design standards.~~

~~a. Setbacks. Setbacks for portions of the Charlotte Harbor CRA, as described in section 3-9-47, shall have a minimum setback of zero (0) feet, and a maximum setback of nine (9) feet.~~

~~b. Buffers. Except as provided herein, landscape buffers and screening shall be required in the Charlotte Harbor CRA (as defined herein) in accordance with the provisions of article XVIII, chapter 3-5, of the Code, as the same may be amended. If a subject property is in a zone that has a zero (0) to nine-foot setback, all development shall comply with one (1) of the following buffer standards:~~

~~1. Alternative Front Buffer #1. Project proposals must comply with article XVIII, chapter 3-5, of the Code; or~~

~~2. Alternative Front Buffer #2. Project proposals may propose an alternative design that reallocates required buffer material to allow structures to comply with the zero (0) to nine-foot setback standard. The reallocated material shall equal that which would have otherwise been required for the linear frontage that complies with the zero to nine-foot setback. That requirement shall be based on the minimum buffer for the applicable type, with the facade to be considered as the required wall/fence. In addition, up to an additional ten (10) percent of the~~

~~property's linear frontage buffer material may also be relocated onsite. To receive approval, the community development director's designee must review and approve the proposed design. That review will determine the design's ability to comply with the purposes and intent of the Code.~~

~~(3) Appeals. Upon a finding the proposal fails to comply with the above Code, according to the director's designee, an applicant may appeal to the board of zoning appeals, under section 3-9-6 of this Code.~~

~~Sec. 3-9-47.6. -~~(f) Charlotte Harbor Community architectural design standards~~Redevelopment Area design requirements ("CHCRA design requirements")~~.

~~The CHCRA Design Requirements are hereby provided for and shall regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the Charlotte Harbor CRA. The design requirements may be amended by the board of county commissioners (board) at such times as the board deems necessary.~~

(~~a~~1) *Purpose*. The purpose of the ~~CHCRA Design Requirements~~architectural design standards is to regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the ~~CRA~~Charlotte Harbor Community.

(~~b~~2) *Intent*. The intent of the ~~CHCRA Design Requirements~~architectural design standards is to enhance and maintain the character of the ~~CHCRA~~ Charlotte Harbor Community by establishing design requirements that serve two primary functions. The first is to enhance the integrity of existing structures. The second is to create a community whose character is consistent with the "old Florida" vernacular style of architecture. The latter development is anticipated over time, particularly as the ~~CHCRA Design Requirements~~standards are applied to new construction.

(~~c~~3) *Old Florida vernacular*. The "old Florida" vernacular style is adopted as the architectural pattern for the ~~CHCRA~~Charlotte Harbor Community.

(~~d~~4) *Classes of ~~CHCRA~~ design requirements*. The ~~CHCRA design requirements~~architectural design standards consist of general requirements and specifications, period requirements, and design requirements.

(~~e~~5) *Classes of construction*. There are four ~~(4)~~ classes of construction projects in the ~~CHCRA~~Charlotte Harbor Community. Each class of construction must comply with all of the general requirements and specifications and the design requirements that are applicable to that class of construction. Only ~~class~~ Class I and Class II projects must comply with the period requirements. The four ~~(4)~~ classes of construction are:

~~*Class I Projects*.~~

a. Class I projects consist of the building of a new structure, or modification or addition to an existing structure such that the existing structure must be elevated to meet base flood elevation requirements pursuant to the floodplain management provisions of this Code. Class I projects are intended over time to create a community whose character is consistent with the period style of architecture.

~~*Class II Projects*. Class II Projects~~

b. Class II projects are rehabilitation of commercial structures. Class II projects consist of any repair, rehabilitation or remodeling of an existing commercial structure valued at ~~fifty (~~50~~)~~ percent or more of the value of the existing structure over a five-year period regardless of whether such repair, rehabilitation or remodeling requires elevation of the existing structure to regulatory base flood levels pursuant to the floodplain management provisions of this Code.

~~*Class III Projects*. Class III Projects~~

c. Class III projects are residential rehabilitation not requiring the elevation of existing structures to regulatory base flood levels. Class III projects also include commercial rehabilitation, reconstruction, remodeling, or additions valued at forty-nine (49) percent or less of the value of the existing structure over a five-year period.

Class IV Projects. Class IV Projects

d. Class IV projects consist of decks, patios; permanent swimming pools; fences, walls, gazebos, sheds and other outbuildings, vending booths, carts, and other miscellaneous displays.

(f6) *Materials*. Wherever the general requirements and specifications, period requirements, or design requirements reference the use of period materials, nothing shall preclude the use of modern materials that are the visual equivalent of period materials and which are equal or superior to period materials in regard to strength and durability.

(g7) *General requirements and specifications*.

(1)a. *Applicability*. The general requirements and specifications apply to all development in the CHCRA. Development includes, but is not limited to, class I projects, class II projects, class III projects and class IV projectsCharlotte Harbor Community.

(2)b. *Generally*. Due to the broadness of the general requirements and specifications, each general requirement and specification will not pertain to every type of development activity in the CHCRACharlotte Harbor Community. If a development includes renovations to or new construction for any of the architectural elements listed in this subsectionSection, the development activity will need to comply with the general requirement and specification pertaining to that element. The Charlotte Harbor CRA Advisory Committee, or designee, may make a recommendation to the zoning official, or designee, that the change is minor and that an architectural requirement not apply to a particular portion of a development. The zoning official will make the final determination of which architectural element requirements apply to the development.

(3)c. *Building orientation*. Building entrance shall be oriented to the primary street with the main entrance visible from the primary street. Buildings located on corner parcels are encouraged to frame the building to relate to the street and provide the best use of the location.

(4)d. *Exteriors*. Wood is the most commonly used material for architectural features such as clapboards, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features are important in defining the character of a structure. The retention, protection and repair of all wood features shall be required in all rehabilitation projects.

(i)1. Exterior siding options.

(1i) Weatherboard, clapboard, of or lapped siding.

(2ii) Wood, vertical board-and-batten siding with one-inch x –by-two-inch or one-inch x –by-three-inch battens.

(3iii) Wood, horizontal novelty or drop siding.

(ii)2. A combination of exterior siding materials is prohibited unless period evidence indicates otherwise or additions were clad differently than the original structure.

(iii)3. The introduction of a new wood feature that is incompatible in size, scale, material, and or color is prohibited.

(iv)4. Exterior siding shall be painted.

(5)e. *Balustrades*. Wooden balustrades are significant in defining the period character of frame structures.

~~(i)~~1. Wooden balustrades shall be retained and preserved.

~~(ii)~~2. When replacement is necessary, balustrades shall be replaced with materials that are compatible with the structure.

~~(iii)~~3. New balusters shall match the original balusters in size and height above the porch floor.

~~(6)~~f. *Masonry*. Masonry features (such as brick cornices and door pediments, stone window architraves, terra cotta brackets and railings) as well as masonry surfaces (molding, bonding patterns, joint size and color) are important in defining the period character of a building. It should be noted that while masonry is among the most durable of building materials, it is also the most susceptible to damage by improper maintenance or repair techniques and by harsh and abrasive cleaning methods.

~~(i)~~1. Masonry features that are important in defining the overall period character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns shall be identified, retained, and preserved.

~~(ii)~~2. Masonry features shall be repaired using recognized preservation methods. Where masonry features are too deteriorated to repair, they shall be replaced in kind using physical evidence to guide the work.

~~(7)~~g. *Roofing (materials)*.

~~(i)~~1. The replacement or substitution of period roofing materials on period structures with roof treatments that are inconsistent with the period (e.g. Spanish tile) is prohibited.

~~(ii)~~2. Masonry joints must be repointed and deteriorated mortar must be removed by hand.

~~(8)~~h. *Roofs (shape)*. The roof with its shape, features such as dormers, widow's walks, and chimneys, and the size, color, and patterns of the roofing material are extremely important in defining the building's overall character.

~~(i)~~1. A roof's shape and features such as dormers, widow's walks, chimneys, scuttles, or roof porches shall be retained and preserved. The form and configuration of a roof must not be altered in pitch, design or shape unless such change will enhance the character and period design of a structure.

~~(ii)~~2. Changing the configuration of a roof such that the period character is diminished is prohibited.

~~(9)~~i. *Gutters*. Gutter style is reflective of the property's history in terms of appearance and technology.

~~(i)~~1. Only the half-rounded style of gutter shall be installed on structures erected prior to 1900.

~~(ii)~~2. Only half-round or "ogee" style shall be installed on structures erected after 1900.

~~(10)~~j. *Dormers*.

~~(i)~~1. A dormer addition shall be in scale and harmony with the existing building, shall have a roof consistent with that of the existing structure, and shall have windows of the same design as the existing structure.

~~(ii)~~2. The juncture of the dormer roof with the main roof shall be below the ridgeline of the main roof.

~~(11)~~k. *Widow's walks*.

~~(i)~~1. A widow's walk addition shall be in scale and harmony with the existing structure.

~~(ii)~~2. Period evidence of the prior existence of a widow's walk shall be the best justification for such an addition.

~~(12)~~l. *Secondary roof structures, skylights and scuttles*.

~~(i)~~1. Whenever possible, original skylights and wood roof scuttles shall be retained and preserved.

~~(ii)~~2. Flat, scuttles and skylights shall be located on the side that is least visible from a public street.

~~(13)~~m. *Entrances, porches, and doors*.

~~(i)~~1. Entrances and their functional and decorative elements that are important in defining the period character of a building, such as doors and door openings, fanlights, sidelights, pediments, hardware, pilasters, columns, balustrades, and stairs shall be identified retained and preserved.

~~(ii)~~2. Whenever possible, four- or six-paneled wood doors or horizontal panel doors as featured on late nineteenth and early twentieth century buildings shall be utilized. Larger buildings may have paired entry doors. Sliding glass doors may be appropriate for side or back entry but not front. French doors may be appropriate throughout the structure.

~~(iii)~~3. The additions of sidelights and entryway surrounds that are not original to the entrance are prohibited.

~~(iv)~~4. A porch on an existing structure, which contributes to the period character of the structure, shall not be removed. If a porch is to be enclosed, it shall be done in a manner consistent with the style and materials of the existing structure in a manner that preserves the character of the building.

~~(v)~~5. Whenever possible, entrances and porches shall be repaired by reinforcing existing materials. When repair is not possible, limited replacement in kind or with compatible substitute materials shall be allowed.

~~(vi)~~6. An entire entrance or porch that is too deteriorated to repair shall be replaced in kind. If the form and detailing are still evident, the physical evidence shall be used to guide the new work. If using the same kind of materials is not technically or economically feasible, then a compatible substitute material shall be used.

~~(vii)~~7. In constructing a new entrance or porch, the design shall be compatible in size, scale, material, and color with the character of the building.

~~(14)~~n. *Columns, posts, and pillars*.

~~(i)~~1. Existing posts or columns that contribute to defining the character of the building shall be retained and preserved.

~~(ii)~~2. When columns must be replaced, they shall be replaced with columns compatible in size, scale and material.

~~(iii)~~3. Columns that have historically defined a building shall not be replaced with posts or pillars that are uncharacteristic of a building's style. For example, simple four-inch x four-inch wood square posts, not rounded, decorative columns, shall be utilized for a shotgun style house.

~~(15)~~o. *Exterior stairs*.

~~(i)~~1. Exterior staircases shall be retained, preserved and, when necessary, replaced with materials that are compatible with both the individual structure and the ~~CHCRA~~Charlotte Harbor Community architectural pattern. Replacement of wood stairs with concrete stairs is prohibited.

~~(ii)~~2. The balusters, newel posts, and rails of an exterior staircase shall be replaced with the same material, and shall be proportional to the main structure.

~~(iii)~~3. Period stairways shall be upgraded to meet health and safety codes in a manner that assures their preservation.

~~(16)~~p. *Ramps*.

~~(i)~~1. Ramps, where required, shall be concealed with landscaping as much as possible, and shall blend with the scale and architectural features of the building.

~~(ii)~~2. ~~Construct r~~Ramps shall be constructed on less visible elevation using wrap-around design to achieve the needed grade change.

~~(17)~~q. *Windows*.

~~(i)~~1. Windows and their functional features that contribute to defining the period character of the building shall be identified, retained and preserved. Such features include frames, sash, muntins, glazing, sills, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds.

~~(ii)~~2. When the replacement of windows in a structure is unavoidable, the replacement windows shall maintain the character of the structure.

~~(iii)~~3. Changing of the number, locations, size, or glazing pattern of windows by cutting new openings, blocking in windows, and installing a replacement sash that does not fit a window opening is prohibited, except in the case of life/safety requirements.

~~(iv)~~4. Period windows shall only be replaced with period windows. Repair and restoration of period windows shall maintain the period character of the windows.

~~(v)~~5. Window glazing shall be clear, transparent, untinted and nonreflective. Stained glass may not be used on primary facades, except as an accent to the primary door or window covering no more than ten ~~(10)~~ percent of the total area. Original transoms or sidelights may not be removed or changed.

~~(18)~~r. *Shutters*.

~~(i)~~1. Existing shutters and their functional and decorative elements shall be retained, repaired and preserved.

~~(ii)~~2. If the overall form and detailing are still evident, a set of shutters that is too deteriorated to repair shall be replaced in kind using the physical evidence to guide the work. If using the same kind of material is not technically or economically feasible, a compatible substitute material shall be utilized.

~~(iii)~~3. Hurricane shutters or panels shall be architecturally compatible with the building. When traditional shutters are not feasible or are inappropriate, removable storm panels shall be utilized (panels are stored except during a storm). Tracks for removable panels shall be painted to match the wall. Roll-down shutters shall be utilized on commercial buildings so as to allow concealment of the overhead casing. Accordion shutters shall be utilized on existing commercial buildings only if the stacked shutter is not conspicuous within the opening.

~~(19)~~s. *Awnings*. Historically, the canvas or metal awning was an important design element in the traditional storefront, providing cover and added color. Awnings served as a transition between the storefront and the upper ~~façade~~facade.

~~(i)~~1. Standard street level awnings shall be mounted so that the valance is at least eight ~~(8)~~ feet above the sidewalk elevation.

~~(ii)~~2. Awnings shall be attached above the display window and below the cornice. An awning shall reinforce the frame of the storefront and shall not cover the space between the second story windowsills and the storefront cornice.

~~(iii)~~3. The size, scale, and shape of awnings shall be appropriate to the specific building.

~~(iv)~~4. If a flat canopy exists, it shall be dressed up with a ~~twelve~~12- to ~~twenty-four~~24-inch awning valance. Round or dome-shaped awnings must be compatible with the structures on which they are to be placed, and shall be in proportion to the entryway.

~~(v)~~5. Signage on an awning valance shall be approved on a case-by-case basis, taking into consideration the total number of signs per building or business establishment as provided by this Code. Lettering shall be one-half the height of the valance.

~~(vi)~~6. Freestanding fabric covered structures are allowed if they meet building code.

~~(20)~~t. *Exterior paint*.

~~(i)~~1. Neon and fluorescent colors shall not be used on any structure ~~in the CHCRA~~.

~~(ii)~~2. The use of black paint shall be limited to trim.

~~(21)~~u. *Building environment*.

~~(i)~~1. Features such as gardens, walkways, streets, alleys, plants, trees, fencing, and building setbacks which have traditionally linked buildings to their environment and which reflect the property's development shall be utilized and, in the case of existing structures, retained.

~~(ii)~~2. For walkways in residential areas, brick or paver type treatment shall be used whenever possible.

~~(iii)~~3. Traditional lawn and garden arrangements, with emphasis given to regional flora, shall be utilized whenever possible.

~~(iv)~~4. Concrete or gravel lawns, and permanent aboveground or in-ground swimming pools or hot tubs are prohibited in front yards. At least ~~twenty-five (~~25~~)~~ percent of a front yard shall be landscaped, and shall not be covered by brick, concrete, or gravel.

~~(v)~~5. Widening of existing streets, changing the paving materials, and introducing new streets and new parking lots shall be done in a manner which is compatible with the character of the neighborhood and maintains the relationship of the buildings to the environment.

~~(22)~~v. *Gazebos, sheds, and other outbuildings*.

~~(i)~~1. The design of any gazebo, shed, or other outbuilding greater than ~~one hundred (~~100~~)~~ square feet in area shall be complementary in terms of design, scale, proportion, color, finish, and details to the main building.

~~(ii)~~2. Sheds of less than ~~one hundred (~~100~~)~~ square feet in area shall be limited to two ~~(2)~~ on any one ~~(1)~~ residential parcel.

~~(iii)~~3. Siting on the lot shall determine the allowable location and dimensions.

~~(iv)~~4. Temporary outside storage units shall be allowed to remain on a property for no longer than ~~thirty (~~30~~)~~ days in a calendar year unless the zoning official authorizes a greater period of time.

~~(23)~~w. *Lattice infill*.

~~(i)~~1. The space between the floor of the ~~house~~ structure and the ground may be screened with lattice between supports of the house.

~~(ii)~~2. Only one ~~(1)~~ type of infill shall be used for each ~~house~~structure. Lattice infill may be wood or recycled plastic. If wood, the lattice shall be a minimum of ~~one-fourth of one (¼)~~0.25 inches and pressure-treated. Posts on which the lattice is to be mounted shall be set on four-foot centers.

~~(24)~~x. *Storefronts*. Because storefronts play a critical role in a store's advertising strategy to draw customers, they are often altered to meet the needs of a new business. Care shall be taken when working on storefronts so that the building's character is preserved in the process of rehabilitation.

~~(i)~~1. Storefronts and their functional and decorative elements that are important in defining the character of the building, such as display windows, doors, transoms, corner posts, entablatures, cornices, signs, and bulkheads shall be retained and preserved.

~~(ii)~~2. Fluorescent lighting shall be baffled so that lamps are not visible from the public right-of-way. Where neon tubing is visible from the street and used to outline building facades or window/door openings, it shall be limited to signage and not extended to bands.

~~(iii)~~3. The remodeling of storefronts shall be done in period style and materials. Repairs to storefronts and their features shall maintain the existing character of the structure.

~~(iv)~~4. Only appropriately scaled signs and logos that do not obscure, damage, or destroy a building's existing features shall be used.

~~(v)~~5. The use of chaser lights is prohibited.

~~(25)~~y. *Air conditioning units*.

~~(i)~~1. Air conditioning units shall be installed in such a manner that period material and features of a building are not damaged or obscured.

~~(ii)~~2. Through-the-wall air conditioning units or window units shall not be installed in the front ~~façade~~ facade of a building.

~~(iii)~~3. Air conditioning units shall be placed in new openings that align with the existing window frame. Molding shall be utilized as a trim element.

~~(iv)~~4. Air conditioning units shall be concealed by landscaping or otherwise screened from view and shall not be placed in the front of a lot.

~~(26)~~z. *Garbage and trash*.

~~(i)~~1. When not at curbside for pick up, garbage and trash units shall be placed out of the public view.

~~(ii)~~2. A picket fence or other approved enclosure shall be utilized to screen areas where garbage and trash are stored prior to pick up or disposal.

~~(27)~~aa. *Archeological resources*.

~~(i)~~1. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken according to state and federal regulations.

~~(ii)~~2. Discovered artifacts shall be promptly reported to the Charlotte County historic preservation board and the appropriate state and federal authorities.

~~(iii)~~3. Excavation of utility trenches, cisterns, and foundations require notification in advance so that activities may be monitored.

~~(28)~~bb. *Metal carports*.

~~(i)~~ Metal carports shall be utilized only on 1950/60's Mackle/GDC or other structures that were originally constructed with the structure.

(~~h~~8) *Period requirements*.

a. Only ~~class~~ Class I projects and ~~class~~ Class II projects shall be required to comply with the period requirements.

b. Class I projects and ~~class~~ Class II projects are required to use a minimum of four ~~(4)~~ of the features listed below when designing and constructing the building~~. Two (2) exceptions to the four (4) requirements are: 1) a project that utilizes a metal roof or veranda consistent with the period shall only be required to use two of the features below in addition to the period metal roof or veranda, and 2) a project that utilizes both a period metal roof and veranda will not be required to use any further features from the list below~~.

~~(1)~~1. ~~Veranda.~~ A veranda which runs the entire length of a structure's primary ~~façade~~facade, minus any portion of the primary ~~façade~~ facade necessary for vehicular access (e.g. garages). ~~, provided the~~Additional veranda length ~~of veranda not located along the primary façade due to vehicular use is located along one (1) of the sides abutting the primary façade as a continuous, "wrap-around" veranda~~located along one of the sides abutting the primary facade as a continuous “wrap-around” veranda must be provided, equal to the length of the primary facade left open for vehicle access.

~~(2)~~2. ~~Metal roof.~~ A metal roof of design and materials consistent with the period.

~~(3)~~3. A widow's walk.

~~(4)~~4. A cupola.

~~(5)~~5. Windows~~. Windows shall be~~, either as six/six (6/6) or two/two (2/2) windows.

~~(6)~~6. Awnings~~/~~ or canopies. Placement, size, and shape must be compatible with the character of the building. They should be wide enough to cover the window or door opening and ~~can~~ may be made of canvas or metal. Vinyl or plastic is prohibited. Fixed or retractable awnings are acceptable. They may be used on the street or upper stories as long as they are appropriate to and maintain the architectural style of the ~~façade~~facade. Awnings on commercial structures should be open sided and valances are permitted. Awnings should not cover architectural features of the building.

~~(7)~~7. ~~Shutters. S~~Exterior shutters ~~shall be exterior,~~that are fixed, louvered, or panel ~~that~~ and which are sized appropriate to the window frame. Color should complement the color of the main ~~façade~~facade. Bahama shutters are not permitted on the front, street level windows on commercial buildings. Bahama shutters can be used on the upper story.

~~(8)~~8. Decorative treatments. The use of decorative lattice or "gingerbread" treatments at gable peaks, building corners and other appropriate areas of the structure as illustrated in the pictures adopted as references to these standards.

~~(9)~~9. ~~Ground level details.~~ At least two ~~(2)~~ of the following ~~elements should be included~~ground-level details:

(i) ~~low~~ Low level decorative lighting.

(ii) ~~; hanging~~ Hanging flower baskets; planter boxes.

(iii) ~~;~~D~~ decorative~~ ecorative pavers leading to front door.

(iv) ~~; pedestrian~~ Pedestrian seating.

c. Exceptions to the four requirements are:

1. A project that utilizes a metal roof or veranda consistent with the period shall only be required to use to of the features above in addition to the period roof or veranda.

2. A project that utilizes both a period roof and a veranda will not be required to use any further features from the above list.

(~~i~~9) *Design requirements for ~~class~~ Class I projects*.

~~(1)~~a. *Site design and site preparation*. Improvements to property shall be undertaken with careful consideration to natural features, including, but not limited to, topography, drainage, and vegetation. To the greatest extent possible, natural features shall be incorporated into site design. For example, on-site stormwater ponds shall be located in those portions of the site which naturally occur at lower elevations in order to minimize the amount of fill material necessary to elevate the property in order to achieve drainage. This example also illustrates how proper site design will compliment other goals of the ~~CHCRA~~ Charlotte Harbor Community including the preservation of canopy trees and the minimization of fill within no-fill areas.

~~(2)~~b. *Compatibility*. Class I projects shall be compatible with the character of the ~~CHCRA~~ Charlotte Harbor Community in terms of size, scale, design, materials, color and texture.

~~(3)~~c. *Contemporary designs*. Contemporary designs shall complement and shall not conflict with the general requirements and specifications, period requirements, and design requirements. The distinction between contemporary and existing designs shall be and remain evident. Factors that shall be considered in blending contemporary with existing structures include, without limitation, size, pedestrian scale, relationship of building mass to adjacent structures, relationship to existing architectural details, elements, materials, color, texture and styles in the ~~CHCRA~~Charlotte Harbor Community, and similarity of window and door proportions.

~~(4)~~d. *Materials, textures, and colors*. Exterior finishes in the ~~CHCRA~~ Charlotte Harbor Community are wood or block/stucco with various types and colors of roofing materials. Roofing materials shall be consistent in appearance with the period. Class I projects shall establish a relationship with existing structures by utilizing the finishes and roofing materials required by this Code.

~~(5) *Siting*. No class I project shall be placed closer to the sidewalk, street, or visible alley, than the distance that has been predetermined by existing structures. Areas that have traditionally been reserved for parks or open spaces shall remain. Requirements for building setbacks shall be established either by studying original zoning permits and plat maps, by establishing a uniform setback, or as provided by the zoning code.~~

~~(6)~~e. *Height*. ~~The height of all class I projects shall not exceed the maximum height standard established for the zoning district within which the subject property is located.~~ There shall be a complementary relationship of height between ~~new buildings~~Class I projects and existing adjacent structures. An attached exterior addition shall be located at the rear or on an inconspicuous side of a structure, limiting its size and scale in relationship to the building.

~~(7)~~f. Additions. New additions shall not destroy features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired.

~~(8) Infill requirements. Where lattice is used to enclose open areas underneath buildings resulting from the use of pilings, piers, and methods of achieving elevation that do not result in opacity, only one (1) type of lattice infill may be used for an individual structure.~~

~~(9)~~h. *Lighting*. All street lighting, yard lighting, and, for commercial development, parking and vehicular circulation area lighting shall match the lighting standards used at the Bayshore Park and as shown on the adopted photos. Lighting shall be further designed, shielded, installed, or otherwise accomplished so as to contain all illumination within the development site. Exterior pole lighting shall not exceed ~~fifteen (~~15~~)~~ feet.

(~~j~~10) *Design requirements for ~~class~~ Class II projects*.

~~(1)~~a. *Site design and site preparation*. ~~Where class II projects also trigger the need for additional site improvements (for example, additional parking or stormwater treatment), such improvements~~Improvements shall be undertaken with careful consideration to natural features, including, but not limited to, topography, drainage, and vegetation. To the greatest extent possible, natural features shall be incorporated into site design. For example, on-site stormwater ponds shall be located in those portions of the site which naturally occur at lower elevations in order to minimize the amount of fill material necessary to elevate the property in order to achieve drainage. This example also illustrates how proper site design will compliment other goals of the ~~CHCRA~~ Charlotte Harbor Community including the preservation of canopy trees and the minimization of fill within no-fill areas.

~~(2)~~b. *Landscaping*. Parking lots and vehicular circulation areas associated with commercial redevelopment ~~within the CHCRA~~ shall be treated as new development and must be landscaped in accordance with ~~article XVIII of chapter 3-5~~the Site Design Standards and Requirements of this Code~~. Interior and perimeter landscaping areas are included within the scope of the preceding sentence~~. This ~~class II~~ design requirement shall control and supersede any exemption afforded to existing paved parking areas from compliance with landscaping standards that are applied to new paved parking areas pursuant to ~~section 3-5-392~~the Off-street parking and loading facilities requirements of this Code.

~~(3)~~c. *Compatibility*. Class II projects shall be compatible with the character of the ~~CHCRA~~ Charlotte Harbor Community in terms of size, scale, design, materials, color and texture.

~~(4)~~d. *Contemporary designs*. Contemporary designs shall complement and shall not conflict with the general requirements and specifications, period requirements, and design requirements. The distinction between contemporary and existing designs shall be and remain evident. Factors that shall be considered in blending contemporary with existing structures include, without limitation, size, pedestrian scale, relationship of building mass to adjacent structures, relationship to existing architectural details, elements, materials, color, texture and styles in the ~~CHCRA~~Charlotte Harbor Community, and similarity of window and door proportions.

~~(5)~~e. *Siting*. ~~No new addition shall be placed closer to the sidewalk, street, or visible alley, than the distance that has been predetermined by existing structures. Areas that have traditionally been reserved for parks or open spaces shall remain. Criteria for building setbacks shall be established either by studying original zoning permits and plat maps, by establishing a uniform setback or as provided by the zoning code.~~ Additions other than additional floors shall be located at the rear or on an inconspicuous side of a structure, limiting its size and scale in relationship to the building.

~~(6)~~f. *Height*. ~~Class II projects shall not exceed the maximum height standard established for the zoning district within which the subject property is located.~~ There shall be a complementary relationship of height between additions that increase the height of the structures to which they are added and existing, adjacent structures.

~~(7)~~g. *Additions*. New additions shall not destroy existing period features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired.

~~(8) Infill requirements. Where lattice is used to enclose open areas underneath buildings resulting from the use of pilings, piers, and methods of achieving elevation that do not result in opacity, only one type of lattice infill may be used for an individual structure.~~

~~(9)~~h. *Lighting*. All exterior lighting shall be done in period style, and shall be further designed, shielded, installed, or otherwise accomplished so as to contain all illumination within the development site. Exterior pole lighting shall not exceed ~~fifteen (~~15~~)~~ feet.

(~~k~~11) *Design requirements for ~~class~~ Class III projects*.

~~(1)~~a. *General*. Each property shall be recognized as a physical record of its time, place, and use. While most properties change over time, it is the intention of this section that the character of properties undergoing reconstruction, rehabilitation, or to which additions are added be maintained through preservation of distinctive features, finishes, construction techniques, or examples of craftsmanship.

~~(2)~~b. *Scale*. No existing structure shall be enlarged so that its proportions, particularly height, are out of scale with its surroundings. On any given block or area where a variety of sizes and styles exist, no structure shall surpass the majority of the structures in that area. Alterations shall be made in a manner that does not alter the scale of the streetscape.

~~(3)~~c. *Alterations*.

1. The alteration of existing period features is prohibited unless the alteration is necessary to salvage the structure. Whenever possible, deteriorated period features that characterize a property shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a period feature, the new period feature shall match the old period feature in design, color, texture, and other visual qualities and, where possible, materials. Documentary, physical, or pictorial evidence shall justify and substantiate the replacement of missing period features.

2. Exterior alterations and related new construction shall not destroy period features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired. New features shall be compatible with the massing, size, scale, and architectural features of existing features in order to protect the integrity of the structure, the property and the environment.

3.~~The~~ The removal or alteration of exterior spaces (such as porches, courtyards, etc.) that characterize a property is prohibited unless the removal or alteration is necessary to salvage the property or doing so enables the incorporation of period design elements.

4. The removal of period materials is prohibited unless the period materials are too deteriorated to repair. New period materials shall be utilized to replace deteriorated period materials. If new period materials are unavailable, modern building materials and techniques that are visually equivalent to the period materials shall be utilized.

(~~l~~12) Design requirements for ~~class~~ Class IV projects.

~~(1) Swimming pools. Permanent swimming pools, spas, or jacuzzis shall not be visible from the front of the building.~~

~~(2)~~a. *Fences and walls*. Fences and walls are important elements of the design and character of a structure and district.

~~(i)~~1. The scale and character of a fence and its posts and gates shall be compatible with the house and neighboring structures.

~~(ii)~~2. The height of fences and walls shall be governed by the ~~standards of the zoning district within which the fence or wall occurs or is proposed to occur~~Fences and walls provisions of this Code.

~~(iii)~~3. The beginning point for six-foot fences shall be rearward from the point where the ~~façade~~ facade of the house joins the front porch, or a minimum of ten ~~(10)~~ feet from the front property line. This ~~class IV design requirement~~ shall not be construed to exempt applicants from having to obtain a variance as may be required by this Code regarding setback requirements from fences and walls.

~~(iv)~~4. All concrete walls shall be stuccoed and capped.

~~(v)~~5. Unless approved by the ~~board of zoning appeals~~BZA for another location by way of a special exception, chain-link fencing shall not be installed forward of the back wall~~(s)~~ of any structure~~. No request for a special exception to allow chain-link fencing in any other location shall be placed on the agenda of the board of zoning appeals until such time as the community development department receives a written recommendation regarding the requested variance from the Charlotte Harbor CRA Advisory Committee~~.

~~(vi)~~6. Reed fencing is prohibited.

~~(vii)~~7. Fence structures erected within the required setback area (i.e. between the property line and the setback line) are subject to the same height restrictions as fences erected on the property line.

~~(3)~~b. *Vending booths, carts, and other merchandise displays*. The use or storage of vending booths, carts, and other merchandise displays is prohibited in the front yard or side yard of any structure adjoining a public street (i.e. between the front or side ~~façade~~ facade and the public right-of-way or sidewalk), and are prohibited in public rights-of-way. Vending carts or booths shall be located only in or on the periphery of parking lots, where vending will not displace required parking, or otherwise vacant properties. Merchandise shall not be mounted or displayed on the exterior surface of the front ~~façade~~facade. All vending machines shall be placed in kiosks or enclosures constructed in period style and materials.

(~~m~~13) *Pictures*. The board has adopted a series of pictures that depict structures that reflect the period vernacular. By this reference, the pictures are made a part hereof. The pictures are available for public inspection through the county web site. The county reserves the right to add and remove photographs from the pictures, as the case may be, provided that a complete set of the pictures shall be made available for public inspection at the location provided above. The purpose of the pictures is to present visual examples of combinations of design features that result in structures that display the period vernacular.

(~~n~~14) *Appeals*. Any applicant seeking approval of development subject to these regulations aggrieved by the decisions of the ~~Charlotte Harbor CRA Advisory~~ Committee or its architectural review subcommittee regarding interpretation or application of the requirements found herein may appeal such decisions to the ~~zoning~~ Zoning ~~official~~ Official who shall render a written determination regarding the disputed matter(s) which shall be considered the final resolution to the matter(s), subject to appeal as provided by ~~section 3-9-6 of~~ this Code.

(~~o~~15) *Definitions*.

Arch: A structural member shaped in the arc of a curve.

Architrave: The lower part of a classical entablature, which rests on a column.

Baluster: A post or upright supporting a handrail, often vase-shaped, a series of which makes up a balustrade.

Balustrade: A banister, railing, handrail or barrier.

Bargeboard: The decorative board attached to the projecting portion of a gable.

Bracket: A support element under eaves, shelves, or other overhangs.

Chamfer: The surface formed by cutting off a corner of a board or post; a bevel.

Column: A vertical support generally consisting of a base, circular shaft and capital.

Cornice: The horizontal molded projection at the top of a building or wall.

Cresting: A light repeated ornament, incised or perforated, carried along the top of a wall or roof.

Cupola: A spherical roof or dome-roofed structure built on top of a roof.

Dormer: A vertical window set in a sloping roof or a roofed structure containing such a window.

Eaves: The projecting overhang at the lower edge of a roof.

Entablature: A horizontal part in a classical post and beam system composed of the cornice, frieze and architrave.

~~*Façade*~~*Facade*: The front or principal face of a building.

Finial: An ornament at the top of a spire, gable or pinnacle.

Frieze: The part of the entablature between the architrave and cornice; any sculptured or ornamented band in a building.

Gable: The triangular portion of a wall between the enclosing lines of a sloping roof.

Hip roof: A roof with four ~~(4)~~ uniformly pitched sides.

Lattice: A structure consisting of strips of metal or wood, crossed or interlaced to form regularly spaced openings.

Lintel: A beam of any material used to span an opening (also known as an architrave).

Louvre: A series of inclined slats in a vertical frame allowing ventilation without admitting rain.

Moulding: A continuous decorative band that is either carved into or applied to the surface.

Mullion: A vertical member that divides a window or separates one (1) window or door from another.

Muntin: The wood or metal strips that divide a multipane window.

Parapet: A low solid protective wall or railing along the edge of a roof or balcony.

Period: The time period~~(s)~~ that are distinguishable by the use of architectural pattern~~(s)~~, feature~~(s)~~ and design~~(s)~~ that are consistent with the "old Florida" vernacular.

Pediment: A wide, low-pitched gable above a portico or door.

Porch: A covered structure or recessed space at the entrance of a building.

Portico: A major porch, with a pedimented roof supported by columns.

Rafter: Part of a wooden roof frame sloping down from the ridge to the eaves and establishing the pitch.

Ridge: The highest point of the roof, running from end to end.

Sash: A frame or window in which glass is set.

Shutter tiebacks: Hardware used to secure open shutters.

Specifications: The architectural patterns, features and designs that are consistent with the "old Florida" vernacular

Stucco: A type of plasterwork, either coarse or fine, used for surfacing interior or exterior walls.

Transom: A small window over a door or large window.

Turret: A small slender tower usually set at the corner of a building, often containing a circular shaft.

~~Sec. 3-9-47.7. Variance, appeal and enforcement.~~

~~(a) Variance. Upon appropriate application in writing and upon meeting the criteria for variance contained in this section and section 3-9-6.3 of the Code, an applicant may obtain a variance from the terms and provisions of this Charlotte Harbor Community Development Code.~~

~~(b) Appeal. Any party aggrieved by a decision regarding the administration, interpretation or enforcement of this Charlotte Harbor Community Development Code may appeal such decision as a decision of the zoning official or an act of an administrative official pursuant to the applicable provisions of the Code governing such appeal or appeals.~~

~~(c) Enforcement. Enforcement of this Charlotte Harbor Community Development Code shall be accomplished and allowed by any means permitted under any state or local statute, law, ordinance, code, rule or regulation at law or in equity.~~

~~APPENDIX A~~

~~CHARLOTTE HARBOR COMMUNITY DEVELOPMENT CODE [4]~~

~~Access (vehicular): The principal means of vehicular ingress and egress to abutting property from a street, right-of-way or easement.~~

~~Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.~~

~~Animated sign: A sign which utilizes motion of any part by any means, including wind power, or displays color changing, flashing, oscillating or intermittent lighting, electronic messages (except time and temperature), moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs with no other features of animation.~~

~~Application: An application for any subdivision, special exception, variance, development review committee approval, site plan approval, planned development rezoning, building permit, sign permit, or any other official action of the county having the effect of permitting development of property. A rezoning (except a planned development) or a future land use map amendment shall not be considered an application herein.~~

~~Area of sign: The area of any sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For~~

~~designs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols. Address numbers and their accompanying background shall not be considered in the area of a sign, provided that they are projected from, and not contained in, the primary display area of the sign, they are only address numbers and not entire addresses, and they meet the area requirements for address numbers contained in this Charlotte Harbor Community Development Code.~~

~~Awning: A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.~~

~~Awning canopy: Awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.~~

~~Banner, flag or pennant: Any cloth, plastic, paper or similar material intended for use as a sign used for advertising purposes attached to, or appended on or from, any structure, staff, pole, line or framing.~~

~~Building frontage: The length of the building which directly faces a street or, for a shopping center which exceeds one hundred thousand (100,000) square feet, an off-street parking area located on the development site. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business.~~

~~Canopy roof: A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to, canopies over gas pumps and drive-up windows.~~

~~Canopy sign: A sign painted on or attached to a canopy or awning.~~

~~Charlotte Harbor CRA: Community redevelopment area in Charlotte Harbor approved and adopted by the board by Resolution 92-251 on November 3, 1992, in accordance with Part III, Chapter 163, Florida Statutes.~~

~~Class "A" signs (on-site):~~

~~(a) Class "A", primary sign (or primary class "A" sign): A monument sign (as defined in this section), ground sign, or pole (or pylon) sign (as defined in this section), used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Primary class "A" signs are to be utilized as the principal advertising for the parcel or lot where one (1) or more business entities are located on the parcel or lot.~~

~~(b) Class "A", secondary sign (or secondary class "A" sign): A sign (as defined in this section) other than a class "A" primary sign which is attached to a building, and which is used to convey information visually relating to or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever on or related to the premises where the sign is located. Secondary class "A" signs provide advertising for individual occupants or businesses on a parcel or lot. Secondary class "A" signs are not monument signs, ground signs, or pole (or pylon) signs. Secondary class "A" signs can include, but are not limited to, window or wall signs.~~

~~Class "B" sign (off-site): A sign (as defined in this section) used to convey information visually relating to or for the attraction of the public to any place, person, firm, corporation, public performance, article, machine or merchandise whatsoever at a location or premises other than where the sign is located or to portray any message not directly related to the premises where the sign is located.~~

~~Code: The Code of Laws and Ordinances of Charlotte County, Florida, as the same may be amended from time to time by the board.~~

~~Community identification signs: Signs which identify the Charlotte Harbor CRA or specific or separate subdivision developments within the Charlotte Harbor CRA, typically by landscaped entry features, fountains and the like.~~

~~CRAC: The Charlotte County Community Redevelopment Agency Committee, created by the board on November 3, 1992, by Resolution 92-292, to act as the advisory committee to the board while sitting as the Charlotte County Community Redevelopment Agency.~~

~~Director: Director of the community development department of the county or his/her designee, or such other person or position as may be determined by the county administrator to be the director for purposes of this Charlotte Harbor Community Development Code.~~

~~Erect or develop: Either term may be used to mean the following: To build, construct, install, reconstruct, move on, or conduct any physical development of a premises required for a building or other structure, or to excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection or development.~~

~~Exempt sign: A sign that has been exempted from permit requirements or inspection fees, but is required to comply with all other provisions of the Code or this Charlotte Harbor Community Development Code.~~

~~Facade-mounted changeable copy sign for a theater or cinema: A sign mounted on the front wall of a building in which there is theater or cinema on which the sign copy changes periodically. The sign copy shall only relate to events occurring or to occur within the theater or cinema or on the premises.~~

~~Flashing sign: A sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.~~

~~Freestanding changeable copy sign: A freestanding sign on which the sign copy changes periodically.~~

~~Hanging sign: A sign that hangs down from and is supported by or attached to the underside of a canopy, awning, marquee or a projection from or an extension of a structure.~~

~~Height of a sign: Height of the vertical distance measured from the average ground level or crown of the adjoining road on which the property fronts, which ever is greater, to the top of the sign, including supports and design features and embellishments, but not including any address numbers and their accompanying background projected from the top of the primary display area of the sign, provided they are limited to address numbers and they meet the height requirement for numbers contained in this Charlotte Harbor Community Development Code.~~

~~Historic building: A building that has been designated by the Charlotte County Historic Preservation Board and the board as a historic structure.~~

~~Historic district: A geographically definable area designated and possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.~~

~~Identification sign: A sign that depicts the name and/or address of a building, an occupant or an establishment on the premises where the sign is located as a means of identifying said building, occupant or establishment.~~

~~Illuminated sign: A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source, including indirect lighting, neon, incandescent lights, backlighting and reflectorized signs which depend upon automobile headlights for an image.~~

~~Indirectly illuminated sign: A sign illuminated with a light directed primarily toward such sign, including back-lighted signs, and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.~~

~~Marquee: A marquee is a permanent roof-like structure attached to, supported by, and projecting from a building and providing protection from the elements.~~

~~Marquee sign: A sign attached to or painted on the face of a marquee and not projected above or beneath the marquee face.~~

~~Model residential unit flags: Flag(s) or banner(s) attracting attention to or advertising a model residential or business unit, which unit is intended to remain on the property.~~

~~Monument sign: A freestanding, self-supporting sign, supported by columns and a base which is placed on or at ground level and not attached to any building wall, fence or other structure, and in a fixed location. The definition of a monument sign and a pole sign are mutually exclusive. Not all ground signs are monument signs; however, all monument signs are ground signs. This definition does not include portable or trailer type signs.~~

~~No-fill area: An area designated by CRAC as an area of special development consideration as illustrated by the "No Fill" area map as attached to Ordinance 96-011, which map is on file and available for inspection in the county zoning department, and which is by this reference made a part hereof.~~

~~Nonconforming sign: Any sign which complied with the provisions of section 3-9-85 of the Code, or its predecessor, when first permitted and which was properly permitted under all applicable county, state, or federal regulations, but due to subsequent adoption of this Charlotte Harbor Community Development Code, no longer complies with the Code, is deemed a nonconforming sign.~~

~~Nonilluminated sign: A sign which has no source of illumination, either directly or indirectly.~~

~~Pole (or pylon) sign: A sign supported by at least one (1) upright pole, pylon or post which is secured to the ground and the bottom of the sign face is at least six (6) feet above the finished grade level, excluding Class "B" signs. The definitions of pole sign and monument sign are mutually exclusive.~~

~~Political or campaign sign: A sign related to a candidate for public office or measure on an election ballot that meets all requirements of section 3-9-85 of the Code.~~

~~Portable illuminated sign: A sign which is manifestly designed to be transported, as a trailer is transported, on its own wheels although the wheels of such signs may be removed and the remaining chassis may be attached permanently to the ground with electrical wiring and illumination as an integral part of total construction, and with potential electrical connection to power on the site to which it is transported. It is the characteristic of a portable illuminated sign that it is a changeable copy sign.~~

~~Portable sign: A sign which has no permanent attachment and by its design and use is not intended to be permanently attached to a building or the ground, including, but not limited to, A-frame signs, pole attachments, searchlights, and stands.~~

~~Prohibited sign: Any sign which is not permitted.~~

~~Projecting sign: A sign attached to a building or other structure and extending more than twelve (12) inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.~~

~~Real estate sign: A sign that advertises the sale, rental or development of the premises upon which it is located.~~

~~Revolving or whirling sign: A sign that revolves or turns by means of an external source of power, other than wind.~~

~~Rider: A small supplemental sign affixed to a real estate sign which conveys a message such as "Sale Pending", name of agent, and the like.~~

~~Roof sign: A sign erected, constructed and maintained wholly upon the roof or above the roof or roof line of any building.~~

~~Serial sign: Any use of a series of two (2) or more signs placed in a line generally parallel to the road or in a similar fashion, and displaying words or a message, part of which is contained on each sign.~~

~~Sign: Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, logo, symbol, device, stripe, line, trademark, reading matter or illuminated service, which is so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that it is used to convey information visually or for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which is displayed in any manner whatsoever, exposed to public view, whether or not legible. For the purposes of the Charlotte Harbor Community Development Code, the term "sign" shall include all structural members.~~

~~The following, however, shall not be considered "signs" within the context of the Charlotte Harbor Community Development Code:~~

~~(a) Legal notices, traffic, or informational signs or devices erected or required by federal, state or local government;~~

~~(b) Standard gasoline pumps bearing thereon in usual size and form the name, type and price of gasoline;~~

~~(c) Integral decorative or architectural feature of buildings; however, letters, registered trade or service or copyright marks, moving parts, and parts internally illuminated or decorated with gaseous tube or other lights shall be considered signs, notwithstanding that they are an integral part of the building.~~

~~Snipe sign: Any sign generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences or other objects when advertising matter appearing thereon is not applicable to the present use of the premises upon which the sign is located.~~

~~Street frontage: That portion of the principal structure that directly faces a street.~~

~~Temporary signs: Any sign that is intended to remain on a property for a period not to exceed a total of thirty (30) calendar days.~~

~~Time and temperature sign: A sign conveying a lighted message of time, temperature, tide change, barometric pressure or similar information by means of electrical impulse at changing intervals of not less than four (4) seconds in duration. Information displayed for four (4) seconds or greater shall not be deemed a flashing sign.~~

~~Trespassing or caution sign: A sign intended to warn off trespassers or to point out a hazard on the premises upon which the sign is located.~~

~~Wall sign: A sign that is painted on, incorporated into, or affixed parallel to any wall of a building or other structure and with the furthest limit of the exterior face not projecting more than twelve (12) inches from the building or structure.~~

~~Wind sign: Any sign or display, including but not limited to flags, banners, balloons, streamers and rotating devices, fastened in such a manner so as to move upon being subjected to air movement, whether natural or induced.~~

~~Window sign: A sign painted or placed on the inside or outside of a window that is visible from the exterior of the building.~~

Sec. 3-9-~~47.8~~47.1. - Charlotte Harbor Community Redevelopment Area tax increment financing~~.~~

~~[Provisions which pertain to Charlotte Harbor Community Redevelopment Area tax increment financing are hereby adopted.]~~

~~Sec. 3-9-47.9. - Short title.~~

~~Sections 3-9-47.8 through 3-9-47.15 shall be known as the "Charlotte Harbor TIF Code."~~

~~Sec. 3-9-47.10.~~ (a) Definitions.

Unless specifically defined below or elsewhere in ~~sections 3-9-47.9 through 3-9-47.15~~this Section, words and phrases used in this ~~[TIF]~~this Section ~~code~~ shall be ascribed a meaning which they have in common usage and which gives this Code its most reasonable application.

Fund shall mean the Charlotte Harbor Community Redevelopment Area Trust Fund.

Increment(s) shall mean amounts taxing authorities are required to appropriate to the fund on an annual basis as determined by a formula set forth hereafter.

Taxing authority(ies) shall mean the State of Florida, Charlotte County and any authority, special district (as defined in F.S. § 165.031(5) or other public body of the state, except a school district, library district, neighborhood improvement district created pursuant to the Safe Neighborhoods Act, metropolitan transportation authority, water management district created under F.S. § 373.069, a special district that levies ad valorem taxes on taxable real property in more than one (1) county or a special district the sole source or revenue of which is ad valorem taxes on the effective date of this Code [December 15, 2003].

~~Sec. 3-9-47.11.~~ (b) Funding of community redevelopment trust fund.

In accordance with F.S. § 163.387, the board hereby provides for the funding of the fund. Monies allocated to and deposited into the fund and monies earned by the fund are hereby appropriated to the agency for the purposes set forth in the plan and all other activities authorized by law.

~~Sec. 3-9-47.12.~~ (c) Annual appropriation of tax increment.

(~~a~~1) The fund shall be funded in an annual amount that is not less than the increment of each taxing authority.

(~~b~~2) The increment shall be determined and appropriated annually. The increment shall be an amount equal to ~~ninety-five (~~95~~)~~ percent of the difference between:

~~(1)~~a. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property within Charlotte Harbor; and

~~(2)~~b. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any amount from any debt service millage, upon the total of the assessed value of the taxable real property in Charlotte Harbor, as shown on the most recent assessment roll used in connection with the taxation of real property in Charlotte Harbor by each taxing authority prior to the effective date of this Code [December 15, 2003].

~~Sec. 3-9-47.13.~~ (d) Obligation of taxing authorities to appropriate funds annually.

(~~a~~1) Commencing on the effective date of this Code [December 15, 2003], each taxing authority shall appropriate a sum that is no less than the increment specified in ~~section 3-9-47.12(b) above~~this Section to the fund by January 1 of each year. Except as provided ~~in subsection (c)~~ below, the taxing authorities' obligation to annually appropriate the increments shall continue for so long as any

indebtedness pledging increment revenues for the payment thereof is outstanding, but shall not exceed ~~thirty (~~30~~)~~ years. If the plan is amended, each taxing authority shall make the annual appropriation for a period not to exceed ~~thirty (~~30~~)~~ years from the date that the plan is amended.

(~~b~~2) Any taxing authority that does not pay an annual increment to the fund by January 1 shall pay the fund a penalty of five ~~(5)~~ percent of the outstanding increment together with one (1) percent interest thereon for each month that the increment is outstanding.

(~~c~~3) Notwithstanding the other provisions of ~~subsection (a) above~~this Section, Charlotte County's obligation to annually appropriate the increment shall continue until all loans, advances, and indebtedness, if any, and interest thereon, undertaken or incurred by the agency as a result of redevelopment in Charlotte Harbor have been paid.

~~Sec. 3-9-47.14.~~ (e) Fund implementation.

(~~a~~1) Prior to the expenditure of any increment revenue, the recipient or the user of the revenue, the amount of the revenue to be expended, and the deadline for expenditure shall be specified. Each appropriation shall be reviewed every five ~~(5)~~ years. An appropriation shall be discontinued in the event that it is not renewed or approved for another five ~~(5)~~ years.

(~~b~~2) Monies in the fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in Charlotte Harbor pursuant to the plan:

~~(1)~~a. Administrative and overhead expenses necessary or incidental to plan implementation.

~~(2)~~b. Expenses of redevelopment, planning, surveys and financial analysis, including the reimbursement of Charlotte County or the agency for such expenses incurred before the plan was approved or adopted.

~~(3)~~c. The acquisition of real property in Charlotte Harbor.

~~(4)~~d. Capital projects approved by the board.

~~(5)~~e. The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in F.S. § 163.370 of the act.

~~(6)~~f. The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness.

~~(7)~~g. All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other forms of indebtedness including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or form of indebtedness.

(~~c~~3) The agency shall establish and set up the fund and develop and promulgate rules, regulations, and criteria whereby the fund may be promptly and effectively administered.

(~~d~~4) The agency shall establish and maintain books and records and adopt procedures to enable the agency to utilize monies in the fund for their stated purposes without undue delay.

(~~e~~5) On the last day of the agency's fiscal year, any money remaining in the fund after payment of expenses shall be:

~~(1)~~a. Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the fund by all taxing authorities within Charlotte Harbor for that year;

~~(2)~~b. Used to reduce the amount of any indebtedness to which increment revenues are pledged; or

~~(3)~~c. Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged.

~~Sec. 3-9-47.15.~~ (f) Fund management; independent audit.

(~~a~~1) The agency shall be responsible for the receipt, custody, disbursement, accountability, management and proper application of all monies paid into the fund, subject to the relevant provisions of Florida law, the plan and this Code.

(~~b~~2) The agency shall provide for an independent financial audit of the fund each fiscal year and a report of the audit. The report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from the fund during the fiscal year and the amount of principal and interest paid during the year on any indebtedness to which is pledged increment revenues and the remaining amount of the indebtedness. The agency shall provide a copy of the report to each taxing authority.