

MOST COMMONLY USED ZONING CODE SECTIONS

ZONING CODE SECTIONS

SECTION. 2-5-72. EXCESSIVE GROWTH.

- (a) No owner of a developed lot shall permit, allow or maintain excessive growth on said developed lot.
- (b) Developed lots with an active building permit shall not be subject to this section. An active building permit is considered to be when the permit has received an approved inspection within the preceding one hundred eighty (180) days.
Ord. No. 2008-091, § 1, 10-28-08)

SECTION 3-9-5. ADMINISTRATION AND ENFORCEMENT; BUILDING PERMITS.

(A) ADMINISTRATION.

- (1) **Planning and zoning board.** The planning and zoning board shall consist of six (6) members. Five (5) members of the planning and zoning board shall be voting members, consisting of one (1) qualified voter from each from each county commissioner's district. One member of the planning and zoning board shall be a nonvoting member nominated by the school board of Charlotte County whose duties shall be to attend any of those meetings of the planning and zoning board when, while acting in its capacity as the local planning agency, the planning and zoning board hears and application for a comprehensive plan amendment or rezoning which, if approved, would increase residential density on the subject property. All appointments to the planning and zoning board shall be made by the board of county commissioners. Members shall serve for four (4) years from the date of appointment but shall be subject to removal at the time by majority vote of the board of county commissioners.

Members of the planning and zoning board shall receive no salaries or other compensation for their services as members, but they shall be entitled to reimbursement of necessary expenses incurred in the performance of their duties.

The planning and zoning board shall elect from its membership a chairman and a vice chairman and other such officers as the board may deem necessary or proper. Officers of the planning and zoning board shall serve for one (1) year, but shall be eligible for reelection.

- (2) **Procedure.** The board of county commissioners may adopt rules of procedure for the transaction of business by the planning and zoning board. The planning and zoning board shall maintain a public record of all transactions and hearings. The planning and zoning board shall hold regular meetings at least once each calendar month
- (3) **Planning.** In addition to any other duties granted to it, the planning and zoning board shall act as the county's local planning agency, as that term

is defined in F.S. § 163.3174 The planning and zoning board shall acquire and maintain such information and material as shall be necessary for an understanding and evaluation of past trends, present conditions and probable future developments and trends within the county. It shall advise and inform the board of county commissioners and the general public in all matters relating to zoning, planning and future development. It shall conduct such public hearings and make such investigations as may be required in the performance of its duties. Amendments and alterations in the zoning regulations and district boundaries may be proposed by the board of county commissioners, by the planning and zoning board, by the local planning agency as that term is defined by general law or by a petition of the owners of the lands to be affected by the proposed amendments or regulations. Upon due notice and hearing, the planning and zoning board shall submit its recommendations to the board of county commissioners regarding the proposed amendment, which recommendation shall be acted upon as provided by law.

State law reference – Local planning agency, F.S. § 163.3174

- (4) Zoning.** The zoning official or his duly authorized representative shall be the executive officer in charge of the administration and enforcement of all zoning regulations established within the unincorporated areas of the county. The zoning official shall be appointed by and hold office at the pleasure of the board of county commissioners. The zoning official shall:
- a. Attend all meetings of the planning and zoning board and the board of zoning appeals;
 - b. Administer and enforce this chapter;
 - c. Receive and review all plans and specifications for proposed structures to ensure compliance with zoning regulations, and cause to be made periodic inspections of structures under construction to ensure compliance with approved plans and specifications;
 - d. Receive petitions for requests for special exceptions, petitions for variances and appeals from administrative rulings on zoning matters;
 - e. Issue public notices as required by the board of zoning appeals and the board of county commissioners;
 - f. Receive fees for permits, prepare budgets for operations of the zoning department, and to recommend the hiring of the personnel necessary for the expeditious performance of the duties assigned to this office, subject to approval by the board of county commissioners; and
 - g. Perform such other duties as may be established by the board of county commissioners.

B. APPLICATION. It shall be unlawful for any person to construct, alter, move, add onto, remove or demolish any building or structure on land or water, without first making application for a permit to the zoning official in such form as he may require and obtaining the proper permit. No existing use, new use or change of

use in land or water of any building or structure or any part thereof shall be made except in conformance with this chapter.

- C. BUILDING PERMITS.** In addition to other requirements of this chapter or other regulations, an application for a building permit shall contain each of the following:
- (1) Prints or drawings of an appropriate scale of the structures to be built;
 - (2) A site plan, to scale, showing the location of the structure and all appurtenances thereto on the property; distances to the property lines, bodies of water, or other buildings or structures; and off-street parking spaces showing access and maneuvering space;
 - (3) A signed and sealed survey showing all recorded easements and the apparent mean high-water line shall be submitted with applications for new construction;
 - (4) Where the existing or to be constructed building will be devoted to more than one (1) use, such plans shall show the percentage and areas of each use with the details thereof;
 - (5) A legal description of the lot upon which such structures are to be constructed; and
 - (6) A plan for screening of commercial and/or industrial property.

The application shall be made by the owner or his authorized agent. No building permit shall be issued without certification by the zoning official that the plans submitted conform to this chapter. It shall be the duty of the zoning official, upon receiving applications for permits, to examine the same within a reasonable period of time after filing, not to exceed thirty (30) days. If the zoning official finds that the proposed work will be in compliance with this chapter, he shall approve the application. If he finds that the proposed work is not in compliance with the regulations herein, he shall reject such application, noting his findings in a report to be attached to the application and delivering a copy to the applicant.

D. CERTIFICATE OF OCCUPANCY.

- (1) **Generally.** The zoning official shall approve the issuance of a certificate of occupancy after he has determined that the building has been constructed and screening installed in accordance with the provisions of the permit and that such building is designed, arranged and appears to be intended for use as specified in the building permit. No building shall be occupied or used until such permit is approved by the zoning official.
- (2) **Change of principal use.** Whenever the principal use of an existing structure is to be changed, the owner, agent, lessee or intended occupant thereof shall apply to the zoning official for issuance of a new certificate of occupancy, stating that the new use is approved within the district wherein it is located. A new certificate of occupancy shall only be approved by the zoning official when the new use conforms to this chapter.

- (E) **AUTHORITY TO REVOKE PERMIT.** The county commission may revoke any permit issued where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based or any permit issued in contravention of law.
- (F) **FEES.** The board of county commissioners shall by resolution fix reasonable recording, hearing and permit fees to be charged by a zoning official.

(Minutes of 12/8/81, ¶ 9; Res. No. 83-07, ¶ 1(9.5.1-9.5.6), 2-8-83; Res. No. 85-112, ¶ 3, 6-18-85; Ord. No. 89-49, ¶ 2, 6-22-89; Ord. No. 2003-076, §§ 1, 2, 11-25-03)

SECTION 3-9-32. RESIDENTIAL SINGLE FAMILY (RSF).

- (a) **Intent.** The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associated therewith. Among RSF-1, RSF-2, RSF-3.5 and RSF 5 districts, there are variations in requirements for lot area, width and certain yards.
- (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) Art and music instruction provided only one (1) student at a time is receiving instructions.
- (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. Detached permanent garage structures are subject to the yard setback requirements of this section. All other permitted accessory structures must be located behind the leading edge of the living area of the residence and must comply with applicable yard setback requirements. Permitted accessory structures include:
- (1) Private garage and storage structures subject to the following standards:
 - a. Metal buildings are limited to six hundred (600) square feet.
 - b. Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance to the residence.
 - c. The total maximum coverage area of all accessory structures shall not exceed the greater of one thousand (1,000) square feet or one-half (1/2) the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the thirty-five (35) percent maximum lot coverage established in subsection (F) of this section. Owners of property one (1) acre or more in size may apply for a special exception from the total maximum coverage area limitation established in this subsection.
 - (2) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.
 - (3) Swimming pools.
 - (4) Tennis courts.
 - (5) Noncommercial boat docks

- (d) **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.
- (e) **Special Exceptions.** (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:
- (1) Cluster houses and patio houses, provided a site plan is approved by the development review committee.
 - (2) Yacht clubs, country club, in conjunction with golf courses, and golf courses, Including executive or par-3 golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least one hundred (100) feet from adjacent property zoned for residential use.
 - (3) Houses of worship, in accordance with section 3-9-80.1.
 - (4) One (1) guest house or one (1) servant's 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.
 - (5) Elementary, middle and high schools.
 - (6) Home occupations, in accordance with Section 3-9-79.
 - (7) Group home facilities.
 - (8) Child and adult day care facilities in accordance with the following standards:
 - a. The minimum parcel size shall be twenty thousand (20,000) square feet.
 - b. The facility must be located on a collector or higher functional roadway classification as shown in the comprehensive plan.
 - c. Such facilities may not be located less than fifteen hundred (1,500) feet from an established, existing facility in residential single-family districts. This distance shall be measured from the nearest point of the proposed structure to the nearest point of the existing structure.
 - d. The facility may care for a maximum of twenty-five (25) children or adults.
 - e. The facility must meet all requirements of the Florida Department of Health and Rehabilitative Services and maintain any required license and registrations.
 - f. The facility must have off-street parking in accordance with Section 3-9-90.
 - g. An opaque fence six (6) feet in height must be installed along the side and rear property lines in accordance with Section 3-9-77.
 - h. A special exception for child or adult day care facilities shall cease upon change of ownership or discontinuance of the use for more than three hundred sixty-five (365) days.
 - (9) Essential services and emergency services.
 - (10) Adult congregate living facilities in accordance with Section 3-9-63.1.
 - (11) Radio and television transmission towers.

(12) Such other uses as determined by the zoning official 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 board of zoning appeals 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 or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

(f) **Development Standards.** The following development standards shall apply in this district:

	RSF-1	RSF-2	RSF-2.5	RSF-3.5	RSF-5
Minimum lot requirements, in square feet (except as otherwise permitted):					
	40,000	20,000	15,000	10,000	7,500
Width, feet	125	100	100	80	70
Front yard, feet	25	25	25	25	25
Side yard:					
Interior, feet	15	15	15	7.5	7.5
Abutting a road, feet	20	20	20	15	15
Maximum lot coverage by all buildings: 35 percent					
Maximum building height, 38 feet					
Minimum rear yard, feet:					
Abutting a lot	20	20	20	20	20
Abutting a road	25	25	25	25	25
Abutting a green belt	15	15	15	15	15
Setback for accessory buildings from:					
Rear lot line: 10 feet					
Side yard: Same as principal building					
Abutting road right-of way line: Same as principal building					
Rear or side line abutting a waterway: 20 feet					

Where properties lie anywhere on a barrier island or within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with Section 3-9-98.

Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same shall be amended.

(g) **Signs.** Signs shall be in accordance with Section 3-9-95.

(h) **Off-street Parking.** Off-street parking shall be in accordance with Section 3-9-90.

(Minutes of 12-8-81, § 7; Res. No. 85-286, § 1, 10-5-85; Res. No. 87-78, §§ 9, 10, 5-19-87, Res. No. 87-254, § 17, 10-20-87; Ord. No. 89-34, § 6, 5-31-89; Ord. No. 92-40, §§ 1—4, 6-2-92; Ord. No. 92-65, § 1, 8-18-92; Ord. No. 94-55, § 14, 11-3-94; Ord. No. 2001-031, § 1(a), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02; Ord. No. 2003-061, §§ 6, 7, 8-26-03)

Editor's Note – These provisions were formerly found in § 3-9-31. The provisions of former § 3-9-32 are now found in § 3-9-33.

Cross reference(s) – Tree requirement of RSF district, § 3-2-187.

SECTION 3-9-61. ABANDONED VEHICLES.

- (a) Vehicles and trailers which are unlicensed or which by outward appearance are not operable and which remain on private property or within the right-of-way for a period of ten (10) days shall be prohibited unless within a carport or garage or unless within a parcel on which such use is permitted.
- (b) Provided, however, a single unlicensed vehicle, which by outward appearance appears operable, and which is parked in the driveway of a developed lot, shall not constitute a violation of this section.
- (c) Upon a finding of a violation of this section, the Charlotte County Code Enforcement Board shall notify the board of county commissioners.
- (d) Upon the expiration of the time for compliance as ordered by the code enforcement board, the board of county commissioners or its designee may cause the vehicle(s) in violation to be removed from the premises.
- (e) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in, the fine imposed by the code enforcement board and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, pursuant to §162.09, Florida Statutes.

(Minutes of 12-8-81, § 8; Ord. No. 97-112, § 3, 11-18-97; Ord. No. 2002-010, § 1, 3-26-02)

Cross reference –Motor vehicles and traffic, Ch. 2-4.

SECTION 3-9-62.1. ACCESSORY USES, BUILDING AND STRUCTURES.

This section provides minimum regulations for those accessory uses, buildings and structures customarily incidental and subordinate to the principal use or building.

- (a) **Location.** All accessory buildings and structures shall be located on the same premises as the principal use in accordance with the development standards set forth in each zoning district.
- (b) **Permits Required.** Accessory uses are permitted by right in conjunction with a permitted principal use, or approved special exception subject to the building code requirements and this chapter.
- (c) **Time of Construction.**
 - (1) Except as provided below, no accessory use, building or structure shall be commenced, erected, placed or moved onto a lot or parcel prior to the principal use, building or structure.
 - (2) **Exceptions.**
 - a. Agricultural accessory structures in AE, AC, AG and AE-10 districts.
 - b. Fences or walls when in compliance with Section 3-9-77.
 - c. Accessory structures in the RE-1 through RE-5 districts.
 - d. Noncommercial boat docks in the RSF districts.

(Ord. No. 89-47, § 2, 6-22-89; Ord. No. 91-06, § 1, 2-26-91; Ord. No. 2003-061, § 9, 8-26-03)

SECTION 3-9-91. PARKING OF TRUCKS, TRAILERS, TRAVEL TRAILERS.

- (a) It shall be unlawful for any person to park trucks and trailers which have tandem axles or two (2) rear wheels per side, on public rights-of-way or private property in any RSF, RMF, RMF-T, MHP, MHS OR MHC district. This prohibition shall not apply to (i) motor homes as defined in this chapter, (ii) tow trucks owned and operated by a company or individual on a rotational list maintained by the Florida Highway Patrol or a Florida local law enforcement agency for response to emergency requests for service but only when the operator is present on the premises, (iii) pick up trucks of one (1) ton or less capacity with two (2) rear wheels per side provided said vehicle is owned by an occupant of the premises, and (iv) service and delivery vehicles while engaged in loading, unloading or servicing on the premises.
- (b) Provided, however, cargo trailers with no more than four (4) wheels and a cargo containment area not exceeding twenty (20) feet in length, pleasure boats, boat trailers with no more than four (4) wheels, and camping trailers, which appear operable, may be parked on private property in any district, provided they are parked within the area in which the principal building or accessory buildings are permitted.
- (c) Provided, however, a single boat trailer with no more than four (4) wheels, which by outward appearance appears operable, with or without a boat thereon, may be parked anywhere behind the leading edge of the house or in the driveway, but not within the triangle of visibility defined in Section 3-9-97.
- (d) Upon a finding of a violation of this section, the Charlotte County Code Enforcement board shall notify the board of county commissioners.
- (e) Upon the expiration of the time for compliance as ordered by the code enforcement board, the board of county commissioners or its designee may cause the property in violation to be removed from the premises.
- (f) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in, the fine imposed by the code enforcement board and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator, pursuant to F.S. section 162.09.

(Minutes of 12-8-81, § 8; Ord. No. 89-47, § 17, 6-22-89; Ord. No. 07-112, § 4, 11-18-97; Ord. No. 2002-010, § 3, 3-26-2002)

Cross reference(s)—Motor vehicles and traffic, Ch. 2-4.