

CHAPTER 2. DISTRICTS AND USES

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Article 2.1 General Provisions

2.1.1 Official Zoning Atlas

A. Establishment of Zoning Districts

The lands and waters within the unincorporated area of the County are hereby divided into the districts defined in this Chapter and shown on the official Zoning Atlas, which is incorporated by reference and made a part of this Chapter. The official Zoning Atlas shall bear the official County Seal. The Districts defined in this Chapter and delineated on the official Zoning Atlas are shown in the table below.

OPEN SPACE & RURAL	
ES	Environmentally Sensitive
MES	Manasota Environmentally Sensitive
AG	Agriculture General
EM	Excavation and Mining
RESIDENTIAL	
RE-1, 5	Residential Estate
LGI	Little Gasparilla Island
RSF-2, 3.5, 5	Residential Single-Family
MSF-1, 3.5, 5	Manasota Single-Family
CHCR	Charlotte Harbor Coastal Residential
MHC	Manufactured Home Conventional
MHP	Manufactured Home Park
RMF-3.5, 5, 10, 12, 15	Residential Multifamily
MMF-5, 7.5, 10, 12	Manasota Multifamily
RMF-T	Residential Multifamily Tourist
RVP	Recreational Vehicle Park
COMMERCIAL	
OMI	Office Medical Institutional
CN	Commercial Neighborhood
CG	Commercial General
MCG	Manasota Commercial General
CT	Commercial Tourist
MCT	Manasota Commercial Tourist
INDUSTRIAL	
IG	Industrial General
II	Industrial Intensive
ECAP	Enterprise Charlotte Airport Park
MIXED USE	
BSMU	Burnt Store Mixed Use
CHMU	Charlotte Harbor Mixed Use
CHNBR	Charlotte Harbor Neighborhood Business/Residential
CHRW	Charlotte Harbor Riverwalk
MU	Mixed Use

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B. Deleted Zoning Districts

The following zoning districts in effect prior to the effective date of this Code have been deleted or merged with other districts:

OPEN SPACE		
AC	Agriculture Conservation	<i>Deleted</i>
AE	Agriculture Estate	<i>Merged with RE-1</i>
AE-10	Agriculture Estates 10	<i>Merged with RE-5</i>
MP	Marine Park	<i>Deleted</i>
RESIDENTIAL		
MHS	Mobile Home Subdivision	<i>Merged with MHC</i>
RE-2, 3, 4	Residential Estate	<i>Deleted</i>
RSF-1	Residential Single-Family	<i>Merged with RE-1</i>
RSF-2.5	Residential Single-Family	<i>Merged with RSF-3.5</i>
RMF-7.5	Residential Multifamily	<i>Merged with RMF-10</i>
MMF-T	Manasota Multi-family Tourist	<i>Deleted</i>
COMMERCIAL		
COP	Commercial Office Park	<i>Deleted</i>
CH	Commercial Highway	<i>Merged with CG</i>
CI	Commercial Intensive	<i>Merged with CG</i>
INDUSTRIAL		
IOP	Industrial Office Park	<i>Deleted</i>

C. Rules for Interpretation of District Boundaries

1. Boundaries which appear to follow the centerlines of dedicated rights-of-way shall be construed as following such centerlines as they exist on the ground. If a right-of-way is vacated, the boundaries shall remain in the same location as before the street vacation.
2. Boundaries which appear to follow lot lines shall be construed as following such lines as they exist on the ground.
3. Boundaries which appear to follow city or county limits shall be construed as following such city or county limits as they exist on the ground.
4. Boundaries which appear to follow mean high water lines or centerlines of streams, canals, lakes or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high water line or the course of bodies of water, the boundaries shall be construed as moving with the change in the location of the mean high water line or centerline.
5. Boundaries indicated as parallel to or extensions of land or water features shall be construed as being parallel to or extensions of such features.
6. Distances not specifically indicated on the official Zoning Atlas shall be determined by the scale of the map on each page of the Zoning Atlas.
7. In cases not covered by the provisions of this Section, or where the property or street layout existing on the ground is at variance with that shown on the official Zoning Atlas, the Zoning Official shall interpret the official Zoning Atlas according to the intent and purpose of this Chapter. Appeal from the interpretation of the Zoning Official shall be an Appeal of Administrative Decision.

D. Zoning Atlas Amendments

Amendments to district boundaries shall be determined by reference to the official Zoning Atlas and the adopted ordinance by which amendments are made effective. The County shall maintain the Zoning Atlas changes by territory involved, petition number and effective date, and shall maintain the original copy of all petitions filed.

1 **E. Corrections to Zoning Atlas**

2 When, for the sake of clarity or in the case of error, it is necessary to adopt an
3 amended Zoning Atlas or an amended portion of the Zoning Atlas, the Zoning Official
4 shall prepare and present such amendments which may then be adopted according to
5 the procedure for the rezoning of more than five percent of the lands in the county
6 and which, when so adopted, shall supersede the previous Zoning Atlas which shall be
7 retained by the Clerk of the Circuit Court as a public document. Except as provided in
8 this Code, changes to the Zoning Atlas are prohibited.

9 **2.1.2 Application of District Regulations**

10 **A. General**

11 All regulations adopted pursuant to this Section shall be uniform throughout each
12 district, but the regulations applicable to one district may differ from those in other
13 districts. The regulations shall provide for the locating of specific uses in each district,
14 and may specify that certain uses may be excluded or subjected to reasonable
15 requirements or special regulations.

16 **B. Use or Occupancy**

17 All structures and uses on land or water shall conform with the regulations for the
18 district in which they are located.

19 **C. Required Yards**

20 **1. General**

- 21 **a.** No development shall occur within required yards except as
22 permitted by this Section.
- 23 **b.** No required yard for any development may be used to satisfy the
24 required yards for any other development.
- 25 **c.** The following items are permitted within the required yards:
- 26 **1)** Decorative architectural features projecting not more
27 than one foot into a required yard.
- 28 **2)** Awnings projecting not more than three feet into a
29 required yard, provided that the projection shall not
30 exceed one-half the width of the yard.
- 31 **3)** Window air conditioning units, chimneys, bay windows,
32 or pilasters projecting not more than three feet into a
33 required yard.
- 34 **4)** Fire escapes, stairways, and unroofed balconies
35 projecting not more than five feet into a required yard.
- 36 **5)** Driveway crossings.
- 37 **6)** Hoods, cornices, gutters, roof overhangs, all other air
38 conditioning units, and marquees projecting not more
39 than five feet into a required yard, but no less than one
40 foot from the lot line.
- 41 **7)** Solar Energy Conversion Systems, subject to the
42 Renewable Energy Facilities provisions of this Code.
- 43 **8)** Boating structures, subject to the Boating Structures
44 provisions of this Code.
- 45 **9)** Fences and walls, subject to the Fences and Walls
46 provisions and the Sight Triangle provisions of this Code.
- 47 **10)** Decorative landscaping features such as arbors,
48 fountains, sculpture and trellises, not to exceed ten feet
49 in height, and subject to the Sight Triangle provisions of
50 this Code.
- 51 **11)** Trees, landscaping, and gardens, subject to the Sight
52 Triangle provisions of this Code.

1 12) Outdoor seating, subject to the Outdoor Seating
2 provisions of this Code.

3 **2. Residential**

4 a. Accessory structures may be located within the required rear and
5 side yards, but not closer to any lot line than 7.5 feet.

6 **3. Non-Residential**

7 a. Required yards shall not be used for outdoor storage of materials
8 and equipment, or for parking.

9 **D. Lot Area**

10 1. No lot existing on the effective date of this Code shall be reduced in size,
11 dimension, or area below the minimum requirements of the district in
12 which it is located unless such reduction results from an acquisition for
13 public use or is permitted by an approved Planned Development.

14 2. When any right-of-way is vacated, the portion of right-of-way added to
15 an adjacent lot shall conform to the district regulations applicable to that
16 adjacent lot.

17 3. Where a district boundary divides a lot, the location of such boundary
18 shall be determined by use of the scale appearing on the Zoning Atlas,
19 unless the same is indicated by dimensions on the Zoning Atlas.

20 **E. Lot Coverage**

21 The amount of any lot covered by impervious surfaces shall include the total area of all
22 buildings and structures located on the lot. Maximum percentage of lot coverage
23 permitted shall not include projections of eaves, stairways or fire escapes, or play
24 structures. Maximum lot coverage permitted shall include any garage, carport, porch,
25 driveway, patio, pool, or storage area.

26 **F. Building Height**

27 Maximum heights do not apply to fire towers, water towers, agricultural silos, and
28 airport control towers. Maximum heights also do not apply to elevator shafts, spires,
29 belfries, cupolas, parapets, antennas, water tanks, ventilators, chimneys, and other
30 structures usually located above roof level and not intended for human occupancy.

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1 **Article 2.2 Permitted Uses and Use Table**

2 **2.2.1 Use Table**

3 **A. Use Table Key**

4 **1. Permitted Use (P)**

5 Use permitted in the respective district subject to any use standard, if
6 applicable. Such uses are also subject to all other applicable requirements of
7 this Code.

8 **2. Conditional Use (C)**

9 Use may be permitted in the respective district only where approved by the
10 Zoning Official in accordance with the required standards for development.
11 Conditional uses are subject to all other applicable requirements of this Code.

12 **3. Special Exception Use (SE)**

13 **a.** Use permitted in the respective district only where approved by
14 the Board of Zoning Appeals in accordance with the Special
15 Exception provisions of this Code. Special Exception uses are
16 subject to all other applicable requirements of this Code.

17 **b.** Uses not included in the Permitted Use Table may be determined
18 to be a Special Exception by the Zoning Official if the use is:

19 **1)** Appropriate by reasonable implication and intent of the
20 district.

21 **2)** Similar to another use either explicitly permitted in that
22 district or allowed by Special Exception.

23 **4. Use Not Permitted**

24 A blank cell indicates a use is not permitted in the respective district. Any
25 existing non-conforming use may continue subject to the Non-Conformities
26 provisions of this Code.

27 **5. Standards**

28 A cross-reference to any use standard listed in the Use Standards provisions of
29 this Code necessary for approval of a Conditional Use. Where no cross-
30 reference is shown, no additional use standard applies.

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DISTRICTS		Open Space			Rural		Residential										Commercial					Industrial			Mixed Use									
		P = Permitted Use C = Permitted With Conditions S = Special Exception Blank = Use Not Permitted For ECAP see Article 3.5 for description of use categories																																
USE CATEGORY	SPECIFIC USE	ES	MES	PKR	AG	EM	RE	BBI	RSF	MSF	CHCR	MHC	MHP	RMF	MMF	RMF-T	RVP	OMI	CN	CG	MCG	CT	MCT	IG	II	ECAP	BRMU	CHMU	CHNBR	CHRW	CMU	STANDARDS		
INDUSTRIAL USES	Manufacturing	Biofuel production, 15,000 gal per day or less				S	S																		P	P	I	P					2.6.3	
		Biofuel production, more than 15,000 gal per day				S	S																		S	P	I	S					2.6.3	
		Carpentry, cabinetmaking																			S				P	P	I	P	S					
		Dairy, grain, fruit, field crop, and vegetable processing				S	S																		P	P	I							
		Fertilizer manufacturing				S	S																			S	I							
		Non-retail food production																							P	P	I	P	S			S		
		Sawmill, machine shop				S	S																		P	P	I							
		Warehousing and Storage	Distribution center, wholesaling, warehousing																						P	P	D							
			Explosives storage																								S	A						
			Flammable liquid storage																							S	P	I						
		Outdoor storage yard																							C	C							2.4.6.A1	
	Industrial Services	Building trades contractor's office with storage yard on-premises																			S				P	P	I	C					2.4.6.B2	
		Heavy machinery, equipment rental, sales, service																							P	P	I							
		Printing																							P	P	I	S	S			S		
		Research and testing facility																							P	P	I	S						
		Truck stop																							S	P	D							

Article 2.3 Zoning Districts

2.3.1 Open Space Districts

A. Environmentally Sensitive (ES) & Manasota Environmentally Sensitive (MES)

1. Intent

The purpose and intent of this district is to preserve and protect land and water areas which have ecological, hydrological, or physiographic importance. It is intended to preserve and protect open spaces, park lands, wilderness areas, wetlands, watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna. It is intended to allow limited and low-impact public or private recreational and educational uses and their incidental accessory uses and structures.

2. Development Standards

	ES	MES
Lot (min.)		
Area (acres)	40	
Width (ft.)	250	
Yards (min. ft.)		
Front	40	
Side	20	
Rear	20	
Abutting water	20	
Side & rear abutting Gulf of Mexico	50	
Bulk (max.)		
Lot Coverage	10%	
Height (ft.)	38	
Density (units/acre)	0.025	

Manasota Environmentally Sensitive (MES) standards being developed

B. Parks and Recreation (PKR)

1. Intent

The purpose and intent of this district is to provide lands for recreational opportunities.

2. Development Standards

	PKR
Lot (min.)	
Area (sq. ft.)	5,000
Width (ft.)	25
Yards (min. ft.)	
Front	10
Side	10
Rear	10
Abutting water	20
Bulk (max.)	
Lot Coverage	50%
Height (ft.)	38

Density (units/acre)	0
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2.3.2 Rural Districts

A. Agriculture (AG)

1. Intent

The purpose and intent of this district is to allow agriculture, very-low density residential, rural recreation, and other rural uses.

2. Development Standards

	AG
Lot (min.)	
Area (acres)	10
Width (ft.)	250
Yards (min. ft.)	
Front	40
Side	20
Rear	20
Abutting water	20
Bulk (max.)	
Lot Coverage	10%
Height (ft.)	38
Density (units/acre)	0.1

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B. Excavation and Mining (EM)

1. Intent

The purpose and intent of this district is to allow agriculture, very-low density residential, rural recreation, other rural uses, and commercial excavation activities and associated uses.

2. Development Standards

	EM
Site (min.)	
Area (acres)	50
Width (ft.)	250
Yards (min. ft.)	
Front	100
Side	100
Rear	100
Bulk (max.)	
Lot Coverage	10%
Height (ft.)	60
Density (units/acre)	0.1

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2.3.3 Residential Districts

A. Estate (RE)

1. Intent

The purpose and intent of this district is to allow low-density, large lot residential and related uses.

2. Development Standards

	RE-5	RE-1
Lot (min)		
Area (acres)	5	1

Width (ft.)	250	125
Yards (min. ft.)		
Front	40	40
Side	20	20
Rear	20	20
Abutting water	20	20
Accessory Building		
Rear	10	10
Bulk (max.)		
Lot Coverage	20%	20%
Height (ft.)	38	38
Density (units/acre)	0.2	1

B. Bridgeless Barrier Island (BBI)

Standards being developed

C. Single-Family (RSF), Manasota Single-Family (MSF), Charlotte Harbor Coastal Residential (CHCR)

1. Intent

The purpose and intent of these districts is to allow single-family detached dwelling units and related uses. The Manasota Single-Family Districts are only permitted within the Manasota and Sandpiper Key Overlay District. The Charlotte Harbor Coastal Residential District is only permitted within the Charlotte Harbor Overlay District.

2. Development Standards

	MSF-1	RSF-2	MSF-3.5	CHCR	RSF-3.5	MSF-5	RSF-5
Lot (min)							
Area (sq. ft.)		20,000		10,000	10,000		7,500
Width (ft.)		100		80	80		70
Yard (min. ft.)							
Front		25		10	25		25
Side (interior)		15		7.5	7.5		7.5
Side (street)		20		15	15		15
Rear (interior)		20		20	20		20
Rear (street)		25		25	25		25
Abutting water		20		20	20		20
Abutting greenbelt		15		15	15		15
Accessory Buildings							
Rear		10		10	10		10
Bulk (max.)							
Lot coverage		40%		40%	40%		40%
Height (ft.)		38		38	38		38
Density (units/acre)		2		3.5	3.5		5

a. Manasota Single-Family Residential 1, 3.5, and 5

Standards being developed

b. Charlotte Harbor Coastal Residential

- 1) Setbacks for accessory buildings shall be ten feet along the rear lot line and 20 feet when abutting water.

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D. Manufactured Home Conventional (MHC)

1. Intent

The purpose and intent of this district is to allow manufactured homes and single-family detached dwelling units and related uses on individual platted lots.

2. Development Standards

MHC	
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	60
Yards (min. ft.)	
Front	25
Side (interior)	7.5
Side (street)	15
Rear (interior)	15
Rear (street)	25
Abutting water	20
Bulk (max.)	
Lot Coverage	40%
Height (ft.)	38
Density (units/acre)	5

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E. Manufactured Home Park (MHP)

1. Intent

The purpose and intent of this district is to allow parks consisting of manufactured homes occupied as single-family detached dwelling units. It is the further intent of this Code that the individual living sites not be platted, and the park must be retained in a form of common or single ownership.

2. Development Standards

MHP	
Park (min.)	
Area (acres)	20
Width (ft.)	250
Site (min.)	
Area (sq. ft.)	5,000
Width (ft.)	50
Yards (min. ft.)	
Park boundary	25
Front	10
Another structure	10
Abutting water	20
Bulk (max.)	
Park coverage	60%
Site Coverage	50%
Height (ft.)	38
Density (units/acre)	5

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a. Street Improvements

All streets within the proposed manufactured home park shall be private and designed and constructed to the appropriate standards established in the adopted Engineering Design Manual.

b. Street Lighting and Electrical Utilities

All streets within the park shall be lighted at night and a lighting plan shall be included with the site plans submitted for approval. All electrical service lines and facilities shall be placed underground.

c. Recreation and Open Space Areas

A minimum of fifteen percent of the land area within park boundaries shall be developed as recreation and open space areas. No more than ten percent of the required recreation and open space area may be occupied by lakes or waterways. No areas less than 5,000 square feet may be used towards meeting this requirement nor may any drainage attenuation structures or buffers be used in the calculation of required recreation and open space areas.

d. Landscaping

Each park shall provide for on-site landscaping consisting of at least two canopy trees per living site according to an overall landscape plan. The trees are not required to be located on the individual living sites. In addition, one canopy tree per 2,000 square feet of recreation and open space areas shall be provided.

e. Water and Sewer

Each living site shall be serviced by a central water and sewer system. The location of any water or sewer plants within the boundaries of the park shall be designed, located, landscaped and buffered so as not to be visible from adjacent properties.

f. Fire Protection

All parks shall have an appropriate fire protection plan and appropriate base facilities for fighting fire as approved by Charlotte County Fire/EMS.

F. Multifamily (RMF), Manasota Multifamily (MMF)

1. Intent

The purpose and intent of these districts is to allow multifamily dwelling units, single-family attached dwelling units, and related uses. The Manasota Multifamily Districts are only permitted within the Manasota and Sandpiper Key Overlay District.

2. Development Standards

	RMF-3.5	MMF-5	RMF-5	MMF-7.5	RMF-10	MMF-10	RMF-12	MMF-12	RMF-15
Lot (min.)									
Area (sq. ft.)	7,500		7,500		7,500		5,000		5,000
Width (ft.)	80		80		80		50		50
Yard (min. ft)									
Front	25		25		25		25		25
Side (interior)	See below		See below		See below		See below		See below
Side (street)	15		15		15		15		15
Rear (interior)	See below		See below		See below		See below		See below
Rear (street)	15		15		15		15		15
Abutting water	20		20		20		20		20
Bulk (max.)									
Lot coverage	40%		40%		40%		40%		40%
Height (ft.)	60		60		60		60		60
Density (units/acre)	3.5		5		10		12		15

- a. **Residential Multifamily 3.5, 5, 10, 12, and 15 (RMF-3.5, RMF-5, RMF-10, RMF-12, RMF-15)**

Standards being developed

- b. **Manasota Multifamily 5, 7.5, 10, and 12 (MMF-5, MMF-7.5, MMF-10, MMF-12)**

- 1) Side interior setbacks shall be at least half the building height, but no less than 10 feet.
- 2) Setbacks abutting property zoned MSF shall be equal to 25 feet or the building height, whichever is greater.

G. Multifamily Tourist (RMF-T)

1. Intent

The purpose and intent of this district is to allow multifamily dwelling units and tourist-related facilities. Although this district allows both residential and non-residential uses, it is not a mixed-use district, and it is the further intent of this district that individual lots be developed with a single use.

2. Development Standards

	RMF-T
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	80
Yards (min. ft.)	
Front	25
Side (interior)	See below
Side (street)	15
Rear (interior)	See below
Rear (street)	25
Abutting water	20
Bulk (max.)	
Lot Coverage	40%
Height (ft.)	60
Density (units/acre)	6

a. Setbacks

- 1) Side interior setbacks shall be at least half the building height, but no less than 7.5 feet.
- 2) Rear interior setbacks shall be at least half the building height, but no less than 20 feet.

b. Increase of Density

Density may be increased to 10 units per acre through the Transfer of Density Units according to the TDU provisions of this Code.

H. Recreational Vehicle Park (RVP)

1. Intent

The purpose and intent of this district is to allow transient living in recreational vehicles and campgrounds. It is the further intent of this Code that the individual living sites not be platted and the park must be retained in a form of common or single ownership.

2. Development Standards

	RVP
Park (min.)	

Area (acres)	15
Width (ft.)	250
Site (min.)	
Area (sq. ft.)	3,000
Width (ft.)	40
Yards (min. ft.)	
Park boundary	25
Abutting water	20
Bulk (max.)	
Park coverage	60%
Site Coverage	50%
Height (ft.)	38
Density (units/acre)	8

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a. Occupancy Time Limit

The occupancy of any individual living site by any individual or group of individuals shall be strictly limited to 180 days and no individual or group of individuals may re-establish occupancy of any individual living site until at least 30 days following their departure. The County reserves the right to inspect occupancy records of the park to ensure enforcement of this condition.

b. Site Access

Parks shall not have access through local, residential roadways unless a traffic study submitted to and approved by the County determines that the use of the roads by the proposed park does not create a traffic safety hazard. Any necessary developer-funded improvements to the existing rights-of-way will not receive any impact fee credits.

c. Street Improvements

All streets within the park shall be private and designed and constructed to the appropriate standards established in the adopted Engineering Design Manual.

d. Street Lighting and Electrical Utilities

All streets within the park shall be lighted at night and a lighting plan shall be included with the site plans submitted for approval. All electrical service lines and facilities shall be placed underground.

e. Recreation and Open Space Areas

A minimum of 15 percent of the land area within park boundaries shall be developed as recreation and open space areas, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts. No more than ten percent of the required recreation and open space area may be occupied by lakes or waterways. No areas less than 5,000 square feet may be used towards meeting this requirement nor may any drainage attenuation structures or buffers be used in the calculation of required recreation and open space areas.

f. Water and Sewer

Each individual living site shall be serviced by a central water and sewer system. The location of any water or sewer plants within the boundaries of the park shall be designed, located, landscaped, and buffered so as not to be visible from adjacent properties. If living sites are to be provided that have no bath or toilet facilities, then those sites shall be located not more than 400 feet from approved shower and toilet facilities.

g. Fire Protection

All parks shall have an appropriate fire protection plan and appropriate base facilities for fighting fire as approved by Charlotte County Fire/EMS.

h. Buffering

Recreational vehicles located adjacent to single-family lots shall be buffered by use of a minimum ten-foot wide Type C buffer including a wall or berm.

2.3.4 Commercial Districts

A. Office Medical and Institutional (OMI)

1. Intent

The purpose and intent of this district is to allow professional and business offices, and institutional and cultural activities. Although this district may allow both residential and non-residential uses, it is not a mixed-use district, and it is the further intent of this district that individual lots be developed with a single use.

2. Development Standards

	OMI
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	80
Yards (min. ft.)	
Front	10
Side (interior)	7.5
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot Coverage	35%
Height (ft.)	60
Density (units/acre)	10

a. Setbacks Abutting Property Zoned Residential Single-Family or Environmentally Sensitive

Setbacks abutting property zoned RSF or ES shall be at least 25 feet.

b. Residential Density

Residential density is only granted to those parcels zoned OMI prior to October 7, 1997.

B. Commercial Neighborhood (CN)

1. Intent

The purpose and intent of this district is to allow small-scale commercial uses within or adjacent to residential neighborhoods in order to encourage pedestrian activity and reduce the number and length of automobile trips, as well as provide increased convenience to all users.

2. Development Standards

	CN
Lot (min.)	
Area (sq. ft.)	20,000
Width (ft.)	100
Yards (min. ft.)	
Front	15
Side (interior)	7.5

Side (street)	15
Rear (interior)	15
Rear (street)	15
Abutting water	20
Bulk (max.)	
Lot Coverage	35%
Height (ft.)	38
Density (units/acre)	0

a. Outdoor Retail Sales and Storage

All retail sales and storage shall be conducted within an enclosed structure except as permitted by the Outdoor Retail Sales and Storage provisions and Temporary Use provisions of this Code.

C. Commercial Tourist (CT), Manasota Commercial Tourist (MCT)

1. Intent

The purpose and intent of this district is to allow tourist-related facilities near or adjacent to tourist attractions such as Gulf beach frontage, theme parks, major public or private parks, and other recreational or scenic resources. Although this district may allow both residential and non-residential uses, it is not a mixed-use district, and it is the further intent of this district that individual lots be developed with a single use. The Manasota Commercial Tourist District is only permitted within the Manasota and Sandpiper Key Overlay District.

2. Development Standards

Lot (min.)	CT	MCT	
		commercial use	residential use
Area (sq. ft.)	12,000		
Width (ft.)	100		
Yards (min. ft.)			
Front	10		
Side (interior)	0		
Side (street)	10		
Rear (interior)	10		
Rear (street)	10		
Abutting water	20		
Bulk (max.)			
Lot Coverage	50%		
Height (ft.)	60		
Density (units/acre)	6		

Standards for Manasota Commercial Tourist (MCT) being developed

a. Setbacks Abutting Property Zoned Residential or Environmentally Sensitive

Setbacks abutting property zoned Residential or Environmentally Sensitive shall be at least 25 feet.

b. Residential Density

Parcels zoned CT or MCT and located within a commercial FLUM designation have Residential density only if they were zoned such prior to October 7, 1997.

c. Outdoor Retail Sales and Storage

All retail sales and storage shall be conducted within an enclosed structure except as permitted by the Outdoor Retail Sales and Storage provisions and Temporary Use provisions of this Code.

D. Commercial General (CG), Manasota Commercial General (MCG)

1. Intent

The purpose and intent of this district is to allow general commercial activity. The Manasota Commercial General District is only permitted within the Manasota and Sandpiper Key Overlay District.

2. Development Standards

	CG	MCG
Lot (min.)		
Area (sq. ft.)	12,000	
Width (ft.)	100	
Yards (min. ft.)		
Front	10	
Side (interior)	0	
Side (street)	10	
Rear (interior)	10	
Rear (street)	10	
Abutting water	20	
Yards (max. ft.)		
Front	N/A	
Bulk (max.)		
Lot Coverage	50%	
Height (ft.)	60	
Density (units/acre)	0	

Standards for Manasota Commercial General (MCG) being developed

a. Setbacks Abutting Property Zoned Residential or Environmentally Sensitive

Setbacks abutting property zoned Residential or Environmentally Sensitive shall be at least 25 feet.

b. Outdoor Retail Sales and Storage

All retail sales and storage shall be conducted within an enclosed structure except as permitted by the Outdoor Retail Sales and Storage provisions and Temporary Use provisions of this Code.

2.3.5 Industrial Districts

A. Industrial General (IG)

1. Intent

The purpose and intent of this district is to allow various light industrial and higher-intensity commercial uses. All industrial processes shall take place within enclosed buildings. Storage of materials and finished products may be permitted within an enclosed yard with appropriate screens and buffering.

2. Development Standards

	IG
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Yards (min. ft.)	
Front	10
Side (interior)	0

Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot Coverage	50%
Height (ft.)	60
Density (units/acre)	0

a. Setbacks Abutting Property Zoned Residential or Environmentally Sensitive

Setbacks abutting property zoned Residential or Environmentally Sensitive shall be equal to 25 feet or the building height, whichever is greater.

B. Industrial Intensive (II)

1. Intent

The purpose and intent of this district is to allow various heavy industrial uses including those that produce noise, odors, noxious or toxic by-products, increased hazards of fire or explosion, or are generally incompatible with lower intensity land uses. Industrial processes are not required to take place within enclosed buildings. Work areas, and the storage of materials and finished products may be permitted within an enclosed yard with appropriate screens and buffering.

2. Development Standards

II	
Lot (min.)	
Area (sq. ft.)	40,000
Width (ft.)	200
Yards (min. ft.)	
Front	10
Side (interior)	0
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot Coverage	50%
Height (ft.)	60
Density (units/acre)	0

a. Setbacks Abutting Property Zoned Residential or Environmentally Sensitive

Setbacks abutting property zoned Residential or Environmentally Sensitive shall be equal to 25 feet or the height of the building, whichever is greater.

C. Enterprise Charlotte Airport Park (ECAP)

1. Intent

The purpose and intent of this district is to create a mixed use commercial/industrial zoning district which promotes economic development within its boundaries.

[Prohibit all C/R development greater than 100,000 square feet.]

Category	D	20	7.5	7.5	25	7.5	7.5	110	10
	O	7.5	7.5	7.5	7.5	7.5	7.5	110	10
	A	30	30	30	30	30	7.5	110	10

¹ AG refers to adjacent agricultural uses and vacant lots within the ECAP Zoning District

² B refers to the boundary of the ECAP Zoning District, except for I-75, U.S. 17, and Jones Loop Road

³ ROW refers to adjacent rights-of-way, either public or private

- 2) Setbacks may vary due to FAA rules and regulations for development.
- 3) Setbacks for uses developed adjacent to the boundary of ECAP may be reduced by two feet for every foot of height below 90 feet. Setbacks shall not be reduced to less than 50 feet.
- 4) If a proposed use is on a lot adjacent to Charlotte County Airport Authority property that constitutes a glide slope, then there shall be no minimum setback requirement from the Airport Authority property.

d. Special Exceptions

- 1) Modification or reduction of design and development standards for Essential Services or Emergency Services. The following additional conditions shall apply:
 - i. No waiver of the design and development standards shall be permitted.
 - ii. Cost shall not be an appropriate basis for approval.
- 2) Structure heights above 90 feet.

2.3.6 Mixed Use Districts

A. Babcock Ranch Mixed Use (BRMU)

Standards being developed

B. Charlotte Harbor Mixed Use (CHMU)

1. Intent

The purpose and intent of this district is to allow residential and commercial development in the Charlotte Harbor Community Redevelopment Area in a manner consistent with the Charlotte Harbor Community Redevelopment Plan. This district is only permitted within the Charlotte Harbor Overlay District.

2. Development Standards

	CHMU
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Yards (min. ft.)	
Front	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yards (max. ft.)	
Front	9
Bulk (max.)	
Lot coverage	80%

Height (ft.)	38
Density (units/acre)	15

a. 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.

b. Outdoor Retail Sales and Storage

All retail sales and storage shall be conducted within an enclosed structure except as permitted by the Outdoor Retail Sales and Storage provisions and Temporary Use provisions of this Code.

C. Charlotte Harbor Neighborhood Business/Residential (CHNBR)

1. Intent

The purpose and intent of this district is to allow residential and limited commercial development in the Charlotte Harbor Community Redevelopment Area in a manner consistent with the Charlotte Harbor Community Redevelopment Plan. This district is only permitted within the Charlotte Harbor Overlay District.

2. Development Standards

	CHNBR
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	80
Yards (min. ft.)	
Front	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yards (max. ft.)	
Front	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	38
Density (units/acre)	10

a. Commercial Development

- 1)** Commercial-only buildings are limited to 3,000 square feet of gross leasable area. Larger developments may only be approved by Special Exception, and must contain a mix of both residential and non-residential uses.
- 2)** Drive-through facilities are permitted provided both the building and its drive-through window are accessible from an arterial or collector road.
- 3)** Off-street parking requirements shall be one-half those required by the Parking and Loading standards of this Code.

b. 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

1 residential zoning district within which no structure other than any
2 required landscaping and screening may be constructed.

3 **c. Outdoor Retail Sales and Storage**

4 All retail sales and storage shall be conducted within an enclosed
5 structure except as permitted by the Outdoor Retail Sales and Storage
6 provisions and Temporary Use provisions of this Code.

7 **D. Charlotte Harbor Riverwalk (CHRW)**

8 **1. Intent**

9 The purpose and intent of this district is to allow multifamily dwelling units and
10 tourist-related facilities in the Charlotte Harbor Community Redevelopment
11 Area in a manner consistent with the Charlotte Harbor Community
12 Redevelopment Plan. This district is only permitted within the Charlotte
13 Harbor Overlay District.

14 **2. Development Standards**

	CHRW
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Yards (min. ft.)	
Front	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yards (max. ft.)	
Front	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	38
Density (units/acre)	15

15 **a. Setbacks to Adjoining Residential Zoning**

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

20 **b. Outdoor Retail Sales and Storage**

21 All retail sales and storage shall be conducted within an enclosed
22 structure except as permitted by the Outdoor Retail Sales and Storage
23 provisions and Temporary Use provisions of this Code.

24 **E. Compact Mixed Use (CMU)**

25 **1. Intent**

26 The purpose and intent of this district is to allow a mixture of uses in order to
27 encourage innovative community designs, well-connected and integrated
28 neighborhoods, and a variety of transportation options.

29 **2. Development Standards**

	CMU
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Yards (min. ft.)	

Front	0
Side (interior)	0
Side (street)	0
Rear (interior)	10
Rear (street)	0
Abutting water	20
Yards (max. ft.)	
Front	10
Side (street)	15
Rear (street)	15
Bulk (max.)	
Lot coverage	80%
Height (ft.)	90
Density (units/acre)	65

a. Outdoor Retail Sales and Storage

All retail sales and storage shall be conducted within an enclosed structure except as permitted by the Outdoor Retail Sales and Storage provisions and Temporary Use provisions of this Code.

b. Off-street Parking

- 1) Parking requirements for all uses on a site shall be considered as a whole, and shall not necessarily equal the sum total for all uses as calculated by the Parking requirements established in this Code. Final parking requirements shall be established on a case-by-case basis during Site Plan Review and shall include shared parking arrangements, the use of on-street parking, where available, and the use of nearby public parking structures, if available.
- 2) Off-street parking areas shall be screened from the street by a continuous hedge between 36 and 48 inches high.

c. Drive-through Facilities

Drive-through facilities shall be permitted only on the side or rear of buildings.

d. Signage

Freestanding signs are prohibited between a street and a principal building when there is no front yard.

F. Planned Development District (PD)

1. Intent

The purpose and intent of this district is to encourage concentrated, energy-efficient land development through the use of innovative land use planning and structural design techniques. It is also intended that the public, the County, and other public agencies gain assurance that development of the project will occur in accordance with the approved concept plan and that the applicant gains assurance that development may be undertaken and carried out in accordance with the approved concept plan. Conventional zoning requirements are replaced by performance criteria intended to accomplish the following goals:

- a. Increase efficiency by utilizing flexibility in site design to reduce infrastructure costs, reduce Green House Gas production, reduce waste and pollution, improve interior and exterior circulation patterns, improve interconnectedness, and promote open space.

- b. Provide a diversification of uses, structures, and spaces while maintaining cohesiveness in design features.
- c. Create an organized development that is compatible in density and intensity with surrounding land uses.
- d. Adapt development to natural features such as wetlands and other native habitats, avoid the disruption of natural drainage patterns, preserve and protect environmental assets and natural amenities, and utilize these areas as scenic and functional open space areas.
- e. Utilize imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment.

2. Permitted Uses

All uses and structures except commercial excavations are permitted in this district, provided the proposed development is shown to be consistent with the goals, objectives, and policies of the Comprehensive Plan and the criteria and standards established for Planned Developments.

3. Design Criteria

a. Generally

Proposed development shall be compatible with existing and potential development in the general vicinity, and between uses within the PD.

b. Natural Features

The natural topography, soils, and vegetation shall be preserved and utilized where physically feasible through the careful location and design of structures, parking areas, recreation areas, open spaces, utilities, drainage, and other facilities. The preservation of natural features (i.e., tree clusters, vegetation, wetlands, etc.) shall be achieved through flexibility provided in the siting of structures and parking facilities.

c. Landscaping

Where appropriate, landscaping shall be provided consistent with the landscaping and buffering requirements of this Code. Florida Friendly landscaping shall be required.

d. Concurrency

PDs shall demonstrate consistency with all adopted level of service standards for concurrency.

e. Relation to Utilities, Public Facilities, and Services

PDs shall utilize sanitary sewer, potable water, stormwater management systems, and other applicable urban utility systems and installations. This requirement may be waived if the proposed PD meets all of the following conditions:

- 1) Provide private facilities, utilities, or services approved by the appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning.
- 2) Assure the satisfactory, continuing operation of any facilities provided during the period of development.
- 3) Make provision for the continued operation of any facilities provided, or until public facilities, utilities, and services are available for use.

f. Other Requirements

The criteria of this Code shall apply when relevant to all or portions of proposed PDs.

1 **4. Development Standards**

2 **a. Maximum Density and Intensity**

3 The maximum density and intensity permitted within a PD shall be
4 consistent with the requirements of the Comprehensive Plan.

5 **b. Minimum Lot and Yard Requirements**

6 Lot and yard requirements shall be established through the preliminary
7 concept plan review process, except that in the Charlotte Harbor and
8 Manasota and Sandpiper Key Overlay Districts, minimum lot and yard
9 requirements shall be equal to the most restrictive required by a
10 zoning district that permits the proposed use.

11 **c. Maximum Height of Structures**

12 Height shall be established through the preliminary concept plan
13 review process. In general, height limits shall follow the requirements
14 of the Code specific to that structure or use, such as the Sign
15 provisions or the zoning district within which a proposed use is
16 permitted. The following conditions apply when relevant:

- 17 1) Increases in height allowed within the Charlotte Harbor
18 Overlay District.
- 19 2) Heights allowed within the Manasota and Sandpiper Key
20 Overlay District.
- 21 3) Heights allowed within the Waterfront Overlay District.

22 **d. Open and Public Space**

23 The type and distribution of Open and Public space shall be established
24 through the preliminary concept plan review process. The minimum
25 Open and Public space requirement is 20 percent of the subject site,
26 unless otherwise established within the Comprehensive Plan.

27 **e. Utilities**

28 Potable water supply, sewage treatment, stormwater management
29 systems, utility lines, and easements shall be designed in accordance
30 with requirements of this Code and the Code of Laws and Ordinances.

31 **f. Internal Circulation**

32 Streets shall be designed and constructed in accordance with this Code
33 or other appropriate design standards. All streets shall be designed to
34 provide safe, efficient, and convenient access to land uses within the
35 development and to roadways adjacent to the development. In
36 addition to vehicular thoroughfares, functional pedestrian and bicycle-
37 path systems are required. Appropriate locations for interconnecting
38 access to adjacent properties for vehicles, bicycles and pedestrians
39 shall be provided where possible.

40 **g. Modification of Standards**

- 41 1) In its concept plan review of any proposed PD, the Board
42 of County Commissioners may allow a modification of the
43 standards of this Section if an applicant shows that a
44 modification is necessary and will achieve innovative,
45 creative, compatible, and site-sensitive design. The
46 applicant must demonstrate that measures for mitigating
47 potential adverse impacts have been taken and the
48 proposed development will be better than that required
49 by existing and conventional zoning.
- 50 2) In its concept plan review of any proposed PD, the Board
51 of County Commissioners may allow a modification of the
52 height restrictions within the Waterfront Overlay District
53 if an applicant shows that a modification is necessary and
54 will achieve innovative, creative, compatible, and site-

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sensitive design. Maximum heights may be increased to no more than 65 feet, provided that a corresponding amount of additional outdoor open space, beyond that required by this Section, is created at the ground level to offset by a one-to-one ratio the additional cumulative square footage of all floors over 35 feet high. For example, if 20,000 square feet of space above 35 feet is allowed, an additional 20,000 square feet of open space shall be provided on the ground.

- i. The PD application shall identify all requests for additional height above 35 feet, the square footage of each floor higher than 35 feet, and identify and tabulate additional open space furnished in return for any such increase in height. Pavers and green roofs shall not count towards open space.
 - ii. In order to allow public input early in the preliminary concept plan review process, prior to application to Site Plan Review for the concept plan, the applicant for any proposed PD seeking to modify height above the 35-foot limit will hold a neighborhood public meeting concerning the height to be added and the additional open space to be provided. Notice of this meeting shall be given to any property owner within 1,000 feet of the proposed PD.
- 3)** All modifications pursuant to this Section will be clearly described within the applicant's petition narrative and the staff report and clearly articulated as part of the presentation to the Board of County Commissioners. The Board of County Commissioners shall approve or deny each individual modification request or continue the application in order to receive additional information and review from staff or the applicant.
- 4)** No modification pursuant to this Section shall be made to or for any development on property located within the Barrier Island Overlay District shown on Smart Charlotte 2050 FLUM Series Map #9: Barrier Island Overlay District.
- 5)** Any modification of mitigation measures provided pursuant to subsection 1) or 2) above shall always be considered a Major Modification.

1 **Article 2.4 Conditional Uses**

2 **2.4.1 General**

3 The purpose of this Article is to provide rules and regulations for any use designated as a
4 Conditional Use on the Use Table. These supplement, modify, or further explain rules and
5 regulations found elsewhere in this Chapter and apply only in those zoning districts where the
6 specified use is designated as a Conditional Use.

7 Regulations over and above those imposed by other articles of this Chapter are necessary for
8 certain uses which, because of their uniqueness or potential for substantial impact on
9 surrounding land uses, warrant minimum standards that cannot properly be addressed in the
10 development regulations set forth in specific districts. The purpose of this Article is to set
11 forth the detailed regulations, including but not limited to the bulk, layout, yard size, and lot
12 area that apply to these uses.

13 **2.4.2 Rural Uses**

14 **A. Agriculture**

15 **1. Horse Stable**

- 16 **a.** May not be a commercial enterprise.
- 17 **b.** Must be located in the RE-5 district.
- 18 **c.** All horses shall be provided with fixed, covered shelter, permitted
19 through the County. All shelter structures shall be set back at
20 least 100 feet from all lot lines.
- 21 **d.** All shelters shall be maintained so as to prevent rodents or other
22 pests from being harbored underneath, within, or within the walls
23 and to protect from predators.
- 24 **e.** Any manure piles shall be set back at least 100 feet from all lot
25 lines.
- 26 **f.** A continuous drinking water supply is required on site.
- 27 **g.** All grain used for feed or commercially-produced animal feed
28 shall be stored in a secured, rodent-proof container and housed
29 within an enclosed structure.
- 30 **h.** All horses shall be kept within a fenced enclosure.
- 31 **i.** The number of horses allowed shall comply with the Animal Units
32 provisions of this Code.

33 **2. Livestock Breeding, Training, and Boarding**

- 34 **a.** Livestock breeding is not permitted.
- 35 **b.** Only horses and ponies are permitted.

36 **B. Resource Extraction**

37 **1. Commercial Excavation**

- 38 **a.** See Earthmoving standards

39 **2. Stockpiling of Fill**

- 40 **a.** See Earthmoving standards

41 **2.4.3 Residential Uses**

42 **A. Household Living**

43 **1. Cluster or Conservation Subdivision**

- 44 **a.** See Cluster or Conservation Subdivision standards

45 **2. Multifamily Residential**

- 46 **a.** A property that was zoned OMI prior to October 7, 1997, shall
47 have a residential density of ten units per acre.

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3. Recreational Vehicle Park

- a. No more than 20 percent of the individual living sites may be occupied by recreational vehicles.
- b. The occupancy of of recreational vehicles on any individual living site by any individual or group of individuals shall be strictly limited to 180 days and no individual or group of individuals may re-establish occupancy of any individual living site until at least 30 days following their departure. The County reserves the right to inspect occupancy records of the park to ensure enforcement of this condition.

4. Single-family attached

- a. In the CHMU and CHNBR Districts, not permitted on any lot with frontage on US 41.

5. Single-family detached, modular

- a. In the RVP District, one manager’s residence may be permitted in a recreational vehicle park.
- b. In the CHMU and CHNBR Districts, not permitted on any lot with frontage on US 41.

B. Group Living

1. Boarding, Rooming House

- a. Must be owner-occupied.
- b. May not have more than one occupant per rented room.

2. Community Residential Home

- a. No external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private.

2.4.4 Public and Civic Uses

A. Community Service

1. Transitional Housing

- a. Must be 1,000 feet from another transitional housing facility or community residential home.
- b. In a residential zoning district, no external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private.

B. Medical Facilities

1. Pain Management Clinic

- a. Shall not be colocated on the same property as a pharmacy.
- b. Shall not operate within 1,000 feet of any pharmacy, school, day care center, or place of worship.
- c. Shall not operate within two miles of Interstate 75.
- d. Shall not operate within five miles of another pain management clinic.

C. Park and Open Areas

1. Outdoor Educational Facility

- a. Shall be developed using Low Impact Development design techniques.
- b. The site shall be developed in a manner that is least disruptive to the environmentally-sensitive resources.

D. Debris and Waste Facilities

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1. Automobile Wrecking and Salvage Yard

- a. No storage of items is permitted within required yards.
- b. The perimeter shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement.
- c. Where items are stored in stacks or piles, the height shall not exceed 20 feet.

2. Mini Transfer Station

- a. A 25-foot setback is required from all lot lines.
- b. A Type C buffer is required along all lot lines, and an opaque wall or fence is required when the site is adjacent to any non-industrial or non-agricultural zoning district.
- c. The facility may be no larger than 20 acres.
- d. Piles of material, either prior to or following processing, may not exceed 15 feet in height.
- e. Volume reduction operation machinery may not be located within 150 feet of any of the following:
 - 1) Residential use.
 - 2) Residential zoning district.
 - 3) School.
 - 4) Park.
 - 5) Hospital or other health care facility.
- f. Any volume reduction operation machinery within 300 feet of any of the following shall be enclosed in a structure with at least three sides and a roof, and with the open end facing away from the listed use:
 - 1) Right-of-way.
 - 2) Residential use.
 - 3) Residential zoning district.
 - 4) School.
 - 5) Park.
 - 6) Hospital or other health care facility.

3. Minor Yard Trash Processing Facility

- a. A 30-foot setback is required from all lot lines.
- b. A Type D buffer is required along all lot lines, and an opaque wall or fence is required when the site is adjacent to any non-industrial or non-agricultural zoning district.
- c. The facility may be no larger than 20 acres.
- d. Piles of material, either prior to or following processing, may not exceed 25 feet in height.
- e. Volume reduction operation machinery may not be located within 150 feet of any of the following:
 - 1) Residential use.
 - 2) Residential zoning district.
 - 3) School.
 - 4) Park.
 - 5) Hospital or other health care facility.
- f. Any volume reduction operation machinery within 300 feet of any of the following shall be enclosed in a structure with at least three sides and a roof, and with the open end facing away from the listed use:

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- 1) Right-of-way.
- 2) Residential use.
- 3) Residential zoning district.
- 4) School.
- 5) Park.
- 6) Hospital or other health care facility.

4. Recovered Materials Processing Facility

- a. A 25-foot setback is required from all lot lines.
- b. A Type C buffer is required along all lot lines, and an opaque wall or fence is required when the site is adjacent to any non-industrial or non-agricultural zoning district.
- c. Piles of material, either prior to or following processing, may not exceed 15 feet in height.
- d. Volume reduction operation machinery may not be located within 150 feet of any of the following:
 - 1) Residential use.
 - 2) Residential zoning district.
 - 3) School.
 - 4) Park.
 - 5) Hospital or other health care facility.
- e. Any volume reduction operation machinery within 300 feet of any of the following shall be enclosed in a structure with at least three sides and a roof, and with the open end facing away from the listed use:
 - 1) Right-of-way.
 - 2) Residential use.
 - 3) Residential zoning district.
 - 4) School.
 - 5) Park.
 - 6) Hospital or other health care facility.

5. Residential Household Hazardous Waste Collection Center

- a. A 25-foot setback is required from all lot lines.
- b. A Type C buffer is required along all lot lines, and an opaque wall or fence is required when the site is adjacent to any non-industrial or non-agricultural zoning district.
- c. The facility may be no larger than 20 acres.
- d. Piles of material, either prior to or following processing, may not exceed 15 feet in height.
- e. Volume reduction operation machinery may not be located within 150 feet of any of the following:
 - 1) Residential use.
 - 2) Residential zoning district.
 - 3) School.
 - 4) Park.
 - 5) Hospital or other health care facility.
- f. Any volume reduction operation machinery within 300 feet of any of the following shall be enclosed in a structure with at least three sides and a roof, and with the open end facing away from the listed use:

- 1) Right-of-way.
- 2) Residential use.
- 3) Residential zoning district.
- 4) School.
- 5) Park.
- 6) Hospital or other health care facility.

6. Waste Tire Collection Center

- a. A 30-foot setback is required from all lot lines.
- b. A Type D buffer with an opaque wall or fence is required along all lot lines.
- c. Piles of material may not exceed 15 feet in height.

2.4.5 Commercial Uses

A. Office

1. Model Residential Units

- a. The model residential unit shall register with the County.
- b. Customers or clients may visit the model only between the hours of 8:00 AM and 6:00 PM.
- c. Units are permitted a single Primary Sign no greater than 24 square feet in area which must be set back at least 20 feet from any adjacent lot.

B. Overnight Lodging

1. Bed and Breakfast

- a. Operator shall reside on the property.
- b. No more than two guest rooms shall be allowed for rent.
- c. Must have two off-street parking spaces for the operator and one space per guest room.
- d. No more than one non-illuminated sign, not exceeding four square feet in area, may be attached to the building on or next to the entrance.
- e. No external evidence of such use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent properties, public or private.
- f. Shall register with the County as a Type 1 Home Occupation.
- g. Must obtain, and keep current, a business license from Charlotte County, also known as "Local Business Tax Receipt."

2. Campground

- a. Recreational vehicles are not permitted.
- b. Each campground shall be supervised by a manager and provide office space for the use of the manager.
- c. Each campground shall prepare a public safety plan.
- d. In the ES District, only primitive campgrounds are permitted.
- e. In the RMF-T District, only developed campgrounds are permitted.

C. Parking

1. 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:

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- a. Shall not be located more than 600 feet from the entrance of the building with which it is associated.
- b. Shall 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.
- c. An unobstructed route along sidewalks or pedestrian walkways shall be provided between the parking area and the associated site.
- d. 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 Article.
- e. Shall not be used for the storage of commercial vehicles or equipment.

D. Recreation

1. Leisure Vehicle Rental

- a. Storage of vehicles on uplands shall be inside a completely enclosed building or screened by an opaque barrier. Vehicles on the water do not need to be screened.
- b. No storage of vehicles within required yards.

E. Retail Sales and Service

1. Animal Hospital, Boarding Facility

- a. Outdoor runs are prohibited.

2. Farm Equipment, Supply

- a. Any equipment over eight feet in height must be either stored in a completely enclosed building or at least 50 feet from any residential zoning.
- b. Where items are stored outside in stacks or piles, the height shall not exceed 15 feet.

3. Lumberyard

- a. No storage of items is permitted within required yards.
- b. The perimeter shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. Buffer requirements may be reduced to Type B on interior lot lines abutting IG or II zoning districts.
- c. Where items are stored outside in stacks or piles, the height shall not exceed 15 feet.

4. Sexually Oriented Business

- a. No sexually oriented business shall be located closer than 2,000 feet to another sexually oriented business, measured on a straight line connecting the closest points of the buildings.
- b. No sexually oriented business shall be located closer than 1,000 feet on a straight line from any residential district or use, any property zoned Commercial Tourist, any area within a planned

1 development district or intended to be developed for residential
2 use.

- 3 **c.** No sexually oriented business shall be located closer than 1,000
4 feet measured on a straight line from any school, park, church,
5 public recreation facility, or child care facility.
- 6 **d.** All doors, windows and other building openings of a structure
7 housing a sexually oriented business shall be so located, covered
8 or screened to effectively prevent visual access into the interior
9 of the building from any public area.
- 10 **e.** The premises at which a sexually oriented business is located
11 shall be buffered in such a way that no part of the sexually
12 oriented business, which in any way conveys a message as to the
13 goods or services offered therein, is visible from any residentially
14 zoned property, any property zoned Tourist, or any school, park,
15 church, public recreation facility, or child care facility.
- 16 **f.** The premises at which a sexually oriented business is located
17 shall have exterior lighting that eliminates any darkened areas
18 within, for example, parking areas, around dumpsters, and
19 building recesses. Such lighting shall be directional, recessed, or
20 otherwise controlled to not illuminate or become a nuisance to
21 surrounding residential properties.
- 22 **g.** Signage associated with any use subject to this section, whether
23 on or off the site, shall not include any display or depiction,
24 including silhouettes, of specified anatomical areas or involving
25 specified sexual activities.
- 26 **h.** All sexually-oriented businesses shall comply with the
27 requirements of Article V, Chapter 1-10, of the Charlotte County
28 Code of Laws and Ordinances.

29 **F. Vehicle Sales and Service**

30 **1. Passenger Vehicle Rental**

- 31 **a.** Outdoor parking of vehicles shall be screened by an opaque
32 barrier when adjacent to residentially zoned property.
- 33 **b.** No storage of vehicles is permitted within required yards.
- 34 **c.** No maintenance, cleaning, or detailing of vehicles may be
35 performed within 50 feet of a residentially zoned property.
- 36 **d.** No outdoor amplified sound systems.

37 **2. Motor Vehicle Sales**

- 38 **a.** Outdoor parking of vehicles shall be screened by an opaque
39 barrier when adjacent to residentially zoned property.
- 40 **b.** No storage of vehicles is permitted within required yards.
- 41 **c.** No maintenance, cleaning, or detailing of vehicles may be
42 performed within 50 feet of a residentially zoned property.
- 43 **d.** No outdoor amplified sound systems.

44 **3. Motor Vehicle Repair and Service**

- 45 **a.** Outdoor parking of vehicles shall be screened by an opaque
46 barrier when adjacent to residentially zoned property.
- 47 **b.** No storage of vehicles is permitted within required yards.
- 48 **c.** No maintenance, cleaning, or detailing of vehicles may be
49 performed within 50 feet of a residentially zoned property.
- 50 **d.** No outdoor amplified sound systems.

51 **2.4.6 Industrial Uses**

52 **A. Warehousing and Storage**

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1. Outdoor Storage

- a. No storage of items is permitted within required yards.
- b. The perimeter shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. Buffer requirements may be reduced to Type B on interior lot lines abutting IG or II zoning districts.
- c. Where items are stored in stacks or piles, the height shall not exceed 15 feet.

B. Industrial Services

1. Building Trades Contractor’s Office with Storage Yard On-Premises

- a. No storage of items is permitted within required yards.
- b. Where a storage yard abuts an adjacent property, the storage yard shall be buffered with a Type D buffer. Buffer requirements may be reduced to Type B when abutting IG or II zoning districts.
- c. Where items are stored in stacks or piles, the height shall not exceed 15 feet.

1 **Article 2.5 Accessory Uses and Structures**

2 **2.5.1 General**

3 Accessory uses and structures are those that are customarily accessory and clearly incidental
4 to permitted principal uses and structures, and are allowed by right in conjunction with a
5 principal use. Some accessory uses and structures may be subject to additional conditions.

6 **A. Location**

7 All accessory uses and structures shall be located on the same lot as the principal use
8 and structure in accordance with the development standards set forth in each zoning
9 district.

10 **B. Time of Construction**

11 Except as provided below, no accessory use or structure shall be established on a lot
12 prior to the principal use or structure.

- 13 1. Agricultural accessory structures in the AG district.
- 14 2. Fences or walls.
- 15 3. Non-commercial boat docks and boat ramps in the BBI, CHCR, RSF, and
16 MSF districts.

17 **2.5.2 Rural Uses**

18 **A. Agriculture**

- 19 1. Farm labor housing, provided the following conditions are met:
 - 20 a. May consist of single-family detached, manufactured home, or
 - 21 multifamily dwelling units, but shall not be platted or sold.
 - 22 b. Must receive approval through Site Plan Review.
 - 23 c. Shall include a single manager’s residence.
 - 24 d. The number of units shall not exceed the base density available
 - 25 on the agricultural operation the housing is intended to serve.
 - 26 The full extent of the agricultural operation shall be shown on the
 - 27 Site Plan Review application.
 - 28 e. May include a day care center.
 - 29 f. Shall not occupy more than three percent of the gross acreage of
 - 30 the agricultural operation, or ten acres, whichever is less.
 - 31 g. Shall be set back at least 100 feet from any public right-of-way.
 - 32 h. Internal roadways shall be surfaced with a hard, dustless
 - 33 material.
 - 34 i. Certification as a migrant labor camp, according to Florida
 - 35 Administrative Code, Migrant Labor Camp rules, is required.

36 **B. Resource Extraction**

- 37 1. Asphalt plant or concrete batch plant, associated with a commercial
38 excavation.

39 **2.5.3 Residential Uses**

40 **A. Household Living**

- 41 1. Garages and storage structures, subject to the following additional
42 conditions:
 - 43 a. Accessory buildings greater than 250 square feet in area shall be
 - 44 compatible in appearance with the primary residence.
 - 45 b. The total area of all accessory structures in the RE, RSF, MSF,
 - 46 CHCR, MHC, and MHP districts shall not exceed 1,000 square feet
 - 47 or 50 percent of the footprint of the principal residence,
 - 48 whichever is greater.

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- 2.** Accessory dwelling unit, provided the following conditions are met:
 - a.** The property is located in the AG, EM, RE, RSF, MSF, CHCR, or BRMU districts.
 - b.** Only one accessory dwelling unit shall be permitted for each single-family dwelling, provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling or one density unit is transferred onto the site, in accordance with the Transfer of Density Units provisions of this Code.
 - c.** Must be a detached structure.
 - d.** Must comply with all setback requirements of the zoning district in which it is located.
 - e.** Must be built of the same materials and in the same color scheme as the principal dwelling.
 - f.** May not exceed one-half the footprint of the principal dwelling, or 1,200 square feet, whichever is smaller.
 - g.** May be permitted in the MHC zoning district if the principal dwelling is a site-built home. Accessory dwelling units shall not be permitted if the principal dwelling is a manufactured home.
- 3.** Guest suite, provided that it shall be contained within the principal dwelling and consist of living and sanitary facilities only. Cooking facilities shall not be permitted in a guest suite. Home Occupation, as permitted in the Home Occupation provisions of this Code.
- 4.** Keeping of chickens in the RSF, MSF, CHCR, and MHC districts, provided the following conditions are met:
 - a.** No more than three chickens may be kept. Roosters are prohibited.
 - b.** The killing and dressing of chickens is prohibited.
 - c.** Chickens shall be provided with a covered nesting box within an enclosed yard. Enclosures shall only be permitted in side and rear yards and shall be sufficiently screened from the street and neighboring properties.
 - d.** All enclosures shall be kept sanitary and free from accumulations of animal excrement and objectionable odor, and constructed and maintained so as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure and to protect from predators.
 - e.** All animal feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.
- 5.** Keeping of livestock in the RE districts, provided the following conditions are met:
 - a.** Minimum lot size shall be one acre.
 - b.** No structure for the keeping of livestock shall be located within 100 feet of any residentially-zoned property.
 - c.** All livestock shall be kept in an adequately fenced enclosure.
 - d.** The breeding of livestock for commercial use or sale shall not be considered an accessory use.
 - e.** The number of livestock allowed shall comply with the Animal Units provisions of this Code.
- 6.** Gardens, provided no agricultural products, including flowers, shall be sold from a residential site. This provision shall not prohibit the property owner from delivering agricultural products to another location for sale.
- 7.** In the LGI district, only the following accessory uses are permitted:

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- a. Private storage structures and greenhouses, subject to the following additional conditions:
 - 1) Accessory buildings greater than 125 square feet in area shall be compatible in appearance with the primary residence.
 - 2) The total area of all accessory structures shall not exceed 1,000 square feet or 50 percent of the footprint of the principal residence, whichever is smaller.
- b. Swimming pools.
- c. Tennis courts.
- d. Noncommercial boat docks and ramps.
- e. Gardens.
- f. Home occupations, as permitted in the Home Occupation provisions of this Code, and subject to the following additional conditions:
 - 1) Bed and breakfast inns are not permitted.
 - 2) No restrictions are placed upon the days of the week during which customers or clients may visit.

2.5.4 Public and Civic Uses

A. Park and Open Areas

- 1. Day care center, provided it is associated with a developed park.

1 **Article 2.6 Special Use Standards**

2 **2.6.1 General**

3 The purpose of this Article is to provide rules and regulations that supplement, modify, or
4 further explain rules and regulations found elsewhere in this Chapter and, unless specifically
5 stated to the contrary, apply to all zoning districts.

6 Regulations over and above those imposed by other articles of this Chapter are necessary for
7 certain uses which, because of their uniqueness or potential for substantial impact on
8 surrounding land uses, warrant minimum standards that cannot properly be addressed in the
9 development regulations set forth in specific districts. The purpose of this Article is to set
10 forth the detailed regulations, including but not limited to the bulk, layout, yard size, and lot
11 area that apply to these uses.

12 **2.6.2 Animal Hospital, Boarding Facility**

- 13 **A.** Outdoor runs shall be set back 100 feet from residential uses or any residentially
14 zoned property.
- 15 **B.** Dogs shall not be allowed in the runs between sunset and sunrise.

16 **2.6.3 Biofuel Production, Storage**

17 **A. AG and EM Districts**

- 18 **1.** Production and storage facilities shall not occupy more than five acres.
- 19 **2.** No less than 50 percent of the crop processed into biofuel must originate
20 on site.

21 **2.6.4 Cluster and Conservation Subdivisions**

22 **A. Intent**

23 The intent of Cluster and Conservation Subdivisions is to provide a development
24 alternative to conventional subdivision design. Cluster and Conservation Subdivisions
25 involve placing a group of home sites within a portion of the development site,
26 allowing housing units on smaller lots than those permitted in a conventional
27 subdivision to promote environmentally sensitive development, make more efficient
28 use of the land, and provide additional common open space. Other purposes of a
29 Cluster or Conservation Subdivision include the following:

- 30 **1.** To preserve in perpetuity unique or sensitive natural resources such as
31 groundwater, floodplains, wetlands, streams, steep slopes, woodlands,
32 and wildlife habitat.
- 33 **2.** To preserve historic and archaeological elements.
- 34 **3.** To reduce the amount of infrastructure necessary for development.
- 35 **4.** To reduce erosion and sedimentation by minimizing land disturbance and
36 removal of native vegetation in development.
- 37 **5.** To promote interconnected greenways and corridors throughout the
38 community.
- 39 **6.** To create contiguous green space within and adjacent to the
40 development site.

41 **B. Applicability**

- 42 **1.** Cluster Subdivisions are permitted in the Residential Estate, Residential
43 Single-Family, Manasota Single-Family, and Charlotte Harbor Coastal
44 Residential districts.
- 45 **2.** Conservation Subdivisions are permitted in the Agriculture (AG) district
46 on lands designated as Wildlife Corridor Critical Linkages on Smart
47 Charlotte 2050 FLUM Series Map #22: Critical Wildlife Corridors, as may
48 be amended.

3. Cluster Subdivisions are the only form of residential development permitted within the Burnt Store Overlay District, and shall follow both the provisions of this Article and the provisions of the BSOD.

C. Development Standards

1. Community Plans

All applicable accepted community plans shall be taken into consideration when evaluating cluster subdivision proposals.

2. Constraints and Opportunities Map

A Cluster or Conservation Subdivision must be designed using a Constraints and Opportunities Map showing the existing natural features, the potential developable area, and the proposed developed area of the site. Each map shall specifically delineate:

- a. All natural features, including:
 - 1) Primary conservation areas such as:
 - i. Waterbodies, both natural and manmade.
 - ii. Wetlands.
 - iii. Floodplains.
 - iv. Rare and imperiled communities.
 - v. Steep slopes.
 - vi. Historical and archeological resources.
 - 2) Secondary conservation areas such as:
 - i. Woodlands, including Heritage Trees.
 - ii. Areas of listed species use or habitat.
 - iii. Areas of active agriculture.
 - iv. Other appropriate natural features.
- b. The potential developable area, which shall exclude all primary conservation areas.
- c. The proposed developed area, which shall include only that portion of the potential development area sufficient to accommodate the proposed residential units while preserving as much of the secondary conservation areas as possible and meeting the minimum required preserved open space.

3. Mix of Housing Types

Multifamily and townhouse units may comprise no more than 50 percent of the total dwelling units of a proposed Cluster or Conservation Subdivision. Multifamily units are not permitted in a Conservation Subdivision.

4. Dimensional Standards

	CLUSTER SUBDIVISION	CONSERVATION SUBDIVISION
Lot (max.)		
Single-family lot area (sq. ft.)	6,000	12,000
Townhouse lot area (sq. ft.)	3,000	3,000
Multifamily lot area (sq. ft.)	20,000	N/A
Yard (min. ft.)		
Front	15	20
Between structures	10	10
Side yard (street)	15	15
Abutting water	20	20
Abutting preserved	15	15

open space		
Bulk (max.)		
Single-family house height (ft.)	38	38
Townhouse height (ft.)	38	38
Multifamily height (ft.)	60	N/A
Lot Coverage (max.)		
Single-family lot	75%	50%
Townhouse lot	90%	90%
Multifamily lot	75%	N/A
Density (units/acre)	By Zoning District	0.2
Open space (min.)		
Preserved open space	50%	70%

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5. Number of Attached Units

No single structure may contain more than eight units, including townhouses or row houses.

6. Interior Setbacks for Attached Structures

No interior side setbacks shall be required on the attached side of attached dwelling units. This shall include duplex, triplex, quadplex, and row house or townhouse units.

7. Connectivity

- a. All Cluster and Conservation Subdivisions shall provide connections with adjoining undeveloped property, in accordance with the Access and Interconnectivity provisions of this Code, except that the preservation of open space as required by this Article may take precedence over connectivity.
- b. Block dimensions shall conform with the Urban Service Area block standards contained in the Access and Interconnectivity provisions of this Code.

D. Open Space Requirements

1. Configuration

- a. The minimum width for any required open space shall be 50 feet.
- b. At least 60 percent of the required open space shall be in a contiguous parcel. For the purposes of this Section, contiguous shall include any open space bisected by a residential street (including a residential collector), provided that:
 - 1) A pedestrian crosswalk is constructed to provide access to both sides of the street.
 - 2) The right-of-way area is not included in the calculation of minimum open space required.
 - 3) Pedestrian access to common open space within the developed portion of the site shall occur every 600 feet of linear length of the common open space.
- c. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

- d. The required open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjacent lots shall be provided with safe, convenient access to the open space such as mid-block connections in logical locations. No lot within the subdivision should be further than one-quarter of a mile from the required open space. This distance shall be measured in a straight line, without regard for street, sidewalk or trail connections to the open space.
- e. Access to the open space shall be provided either by an abutting street or easement. Such easement shall be not less than 30 feet wide. Access shall be visible from dwelling units and shall not be isolated by walls, screening, landscaping, or any other kind of barrier.
- f. Recreational uses and private recreational facilities such as a club house, swimming pool, tennis courts, basketball courts and similar facilities may be included in the development, but these uses shall not be used to satisfy open space requirements.
- g. Open space within Conservation Subdivisions must include wildlife corridors that must be configured to the following standards:
 - 1) Wildlife corridors shall be at least 500 feet wide for 80 percent of their length, and may be no less than 300 feet wide for the remaining 20 percent of their length.
 - 2) Development shall not be located within designated wildlife corridors.

2. Permitted Recreational Uses of Open Space

- a. A maximum of 25 percent of the open space within a Cluster Subdivision may be improved with the following uses:
 - 1) Single or multipurpose trails.
 - 2) Canoeing and kayaking facilities, and limited storage for non-motorized boats.
 - 3) Boardwalks and fishing facilities such as docks.
 - 4) Community gardens, provided that all applicable best management practices are used to minimize environmental impacts.
 - 5) Similar low-impact uses.
- b. A maximum of 50 percent of the open space within a Conservation Subdivision may be improved with any of the uses allowed above, and the following uses:
 - 1) Equestrian trails.
 - 2) Bona fide agricultural uses.
 - 3) Stormwater management systems serving the community provided the stormwater systems are unfenced and are surrounded by, or adjoin, areas that are improved for use by wildlife and accessible to the residents of the development.
 - 4) Any required buffers.

3. Prohibited Uses of Open Space

Open space shall not include the following:

- a. Community or individual wastewater disposal systems.
- b. Streets (except for street crossings as expressly provided above) and parking areas.
- c. Conventional stormwater management facilities.

- d. Recreational uses and private recreational facilities such as a club house, swimming pool, tennis courts, basketball courts, sports fields, golf courses, and similar facilities.

4. Ownership and Management of Open Space

a. Ownership

The responsibility for owning and maintaining the open space and any facilities shall be borne by one of the following entities:

- 1) Charlotte County.
- 2) A land conservancy or land trust.
- 3) A homeowners association representing residents of the subdivision.

b. Failure To Maintain

In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance shall be charged to the owner or owners, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

c. Legal Instrument for Permanent Protection

- 1) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - i. A permanent conservation easement in favor of one of the following:
 - a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions.
 - b) A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter. If the entity accepting the easement is not the County, then a third right of enforcement favoring the County shall be included in the easement.
 - ii. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - iii. An equivalent legal tool that provides permanent protection, if approved by the County.
- 2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

1 **d. Management**

2 Applicants shall submit a plan for the management of open space that,
3 at a minimum:

- 4 **1)** Allocates responsibility and guidelines for the
5 maintenance and operation of the open space, and any
6 facilities located thereon, including provisions for ongoing
7 maintenance, the use of Best Management Practices, and
8 habitat and stream restoration.
9 **2)** Estimates the costs and staffing requirements needed for
10 maintenance and operation of, and insurance for, the
11 open space and outlines the means by which such
12 funding will be obtained or provided.
13 **3)** Provides that any changes to the Plan be approved by
14 the County.
15 **4)** Provides for enforcement of the Plan.
16 **5)** Provides for periodic review of the Plan.

17 **e. Maintenance**

- 18 **1)** All maintenance shall be done in accordance with the
19 approved management plan.
20 **2)** Maintenance is limited to removal of litter, dead tree,
21 brush, and plant materials obstructing pedestrian
22 movement.
23 **3)** Natural water courses are to be maintained as free-
24 flowing and devoid of debris. Stream channels shall be
25 maintained so as not to alter floodplain levels.
26 **4)** Open space areas shall be accessible to all residents of
27 the development. Maintenance is limited to ensuring that
28 there exist no hazards, nuisances or unhealthy
29 conditions.

30 **2.6.5 Communication Towers**

31 **A. Communication Towers 50 Feet or Less**

- 32 **1.** All communication towers 50 feet or less in height shall be set back at
33 least the height of the structure from all lot lines, residential structures,
34 and school buildings.
35 **2.** No accessory structures shall be located in any front yard or side (street)
36 yard and must be set back from all interior and rear lot lines a minimum
37 of 10 feet.
38 **3.** All communication towers and accessory structures must be landscaped
39 and screened from adjacent properties and public roads with an opaque
40 fence or wall not less than eight feet in height and a type "C" landscape
41 buffer located on the outside of the required fencing.
42 **4.** Communication towers shall not have any form of advertisement
43 attached or otherwise affixed.
44 **5.** A communication tower shall not be artificially lighted except as required
45 by Federal, State, or local laws or regulations or as a condition attached
46 to a Special Exception.
47 **6.** Development of a communication tower site shall be subject to the Open
48 Space/Habitat Reservation provisions of this Code.

49 **B. Communication Towers Over 50 Feet**

1 **1. Exceptions**

2 The following uses are exempt from the provisions of this Subsection, provided
3 they do not exceed the Federal obstruction standards set forth in 14 CFR part
4 77:

- 5 **a.** Noncommercial freestanding and structure-mounted "receive
6 only" antennas which receive direct broadcast satellite service or
7 video programming services via multi-point distribution services
8 which are three meters or less in diameter.
- 9 **b.** Amateur radio antennas and towers subject to accessory use
10 standards as set forth in the Accessory Structures and Uses
11 provisions of this Code, and modified by any Exceptions from
12 Height Limitations established in this Code.
- 13 **c.** An antenna or tower used as an accessory use to emergency or
14 essential services.
- 15 **d.** Temporary towers associated with a special event may be
16 permitted for a limited period of time by the county as part of the
17 event.
- 18 **e.** Temporary towers necessary to aid in post disaster relief efforts.
- 19 **f.** Equipment which is not fixed and ordinarily moves. Such a
20 facility is typically the end user's equipment, such as a wireless
21 telephone.
- 22 **g.** Telecommunication equipment on the premises of a
23 telecommunication customer for the use of the occupants of the
24 premises.
- 25 **h.** Towers of less than 200 feet located in the Agriculture (AG),
26 Industrial General (IG) or Industrial Intensive (II) zoning districts
27 where the base of the tower is located 500 feet or more from a
28 residential district boundary line.

29 **2. Replacement**

30 No tower shall be erected on any property with a land use designation of
31 Preservation (or similar designation) or on any property designated for
32 preservation through a conservation easement, except for a tower replacing an
33 existing tower greater than 1,000 feet in height with the new tower also
34 exceeding 1,000 feet in height, and when such replacement is reasonably
35 required to comply with a federal, state or local statute, ordinance, rule or
36 regulation, no tower shall be erected on any property where the land use
37 designation is preservation or conservation or the zoning designation is
38 environmentally sensitive or resource conservation. Any replacement tower
39 which falls into the exception created in the preceding sentence, and which is
40 granted a special exception, shall be sited on property under the same
41 ownership and control of the existing tower to be replaced. Such replacement
42 tower and the existing tower may coexist for up to two years from the date of
43 the completion of the replacement tower. In the event the regulation requiring
44 the replacement tower is a Federal Communications Commission ("FCC")
45 requirement that a broadcast tower change from analog to digital
46 broadcasting, then the replacement and existing towers may coexist for up to
47 two years from the date of completion of the replacement tower or for up to
48 one year from the date the FCC allows the termination of the existing analog
49 signal, whichever is longer, in order to allow the reasonable conversion to the
50 replacement tower and its digital signal, to avoid disruption in service, and to
51 allow economic and reasonably efficient dismantling of the existing tower. The
52 timing and procedure for construction, conversion and dismantling of the
53 towers may be addressed and be provided as conditions of the special
54 exception considerations for the replacement tower. In addition, no tower shall
55 be erected on any property containing a rare vegetation community including,
56 but not limited to, forested wetlands, tropical hardwood hammock, sandhill, or

1 xeric oak scrub, if the construction, erection, or maintenance of the proposed
2 tower would cause the destruction of all or a portion of the rare vegetation
3 community.

4 **3. Permit Holder Information**

5 As a requirement for any existing permit holder or as a condition of a permit
6 issued subsequent to the adoption, a holder of a permit for a tower must
7 provide the county Zoning Official with the name, address and telephone
8 number of a contact person or persons who can be reached at any time to
9 address or repair any problems with the tower; the permit holder (or its
10 successor in interest) must promptly update the contact person information in
11 the event of any changes; and the permit holder (or its successor in interest)
12 must post and maintain the contact person information at the tower site where
13 it can be easily read. Any holder of an existing permit shall have 30 days from
14 the adoption to provide and post the required information. Failure to comply
15 with the requirement to provide and post the contact person information shall
16 be a violation of this section.

17 **4. Special Exception Application**

18 Applications for special exceptions shall be processed in accordance with the
19 requirements of this Code shall include:

- 20 a. Special exception application including all specified supporting
21 documentation.
- 22 b. Copies of the following letters and all responses. The applicant
23 shall send a certified letter, return receipt requested, to other
24 entities owning or using non-exempt communication towers in
25 Charlotte County inquiring whether said entities have a need to
26 co-locate antennas or have tower space available for co-location
27 of antennas. All responses received within 30 days of mailing
28 shall be submitted to staff for inclusion in the special exception
29 file prior to the public hearing. The Growth Management
30 Department shall maintain a list of towers which shall be
31 considered the minimum contact list.
- 32 c. A statement from the Florida Fish and Wildlife Conservation
33 Commission (FWC) stating that the proposed tower meets all
34 required setbacks from any nesting locations for birds listed as
35 protected species in the FWC's Official Lists of Endangered and
36 Potentially Endangered Fauna and Flora in Florida or its
37 successor.
- 38 d. A statement by the applicant as to whether construction of the
39 tower will accommodate co-location of additional antennas for
40 future wireless service providers, including the co-location
41 capacity. Towers may be designed for additional antennas to be
42 added at a later time and, if the design will allow the
43 accommodation of additional antennas without additional cost,
44 towers shall be built to accommodate additional antennas.
- 45 e. The applicant's geographic search area as set forth by
46 engineering report and the existing towers or suitable alternate
47 support structures within such geographic search area. If the
48 applicant is not a service provider, the applicant must submit a
49 letter from a service provider indicating their intent to use the
50 tower. The geographic search area and other relevant data will
51 be based, at minimum, on the service provider's need.
- 52 f. The type of tower or supporting structure.
- 53 g. The height of the tower including antennas above ground and
54 above MSL.
- 55 h. Latitude and longitude of the site.

- i. Distances in feet from the proposed tower location on the lot to each property line, and to the nearest single- or multiple-family dwelling unit, any school building, and any emergency evacuation route up to the distance equal to twice the height of the proposed tower.
- j. A tower 200 feet or more in height, or which exceeds the federal obstruction standards set forth in 14 CFR part 77, must include applicant's notice of proposed construction or alteration and the FAA response thereto, if available at the time of application, or, if not, prior to the public hearing but if the FAA response is not available for the public hearing, the hearing may be continued at the request of staff or the BZA, and no continuance fee will be charged to applicant.
- k. Where a tower exceeds the federal obstruction standards set forth in 14 CFR part 77, whether or not the FAA determines it to be a hazard to air navigation, a height extension permit must be obtained from the Board of Zoning Appeals before the special exception may be granted, unless the FAA, FDOT, and the executive director of the Charlotte County Development Authority submit in writing, or waive comment, that such tower is determined not to be a hazard to air navigation, using the appropriate Federal, State, or local criteria. A special exception shall not be approved unless the applicant submits both documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation.

5. Special Exception Standards

In addition to the standards of approval for a special exception, the applicant must demonstrate that no existing tower or alternate support structure within the applicant's geographic search area is reasonably available to support the applicant's antenna. The applicant must demonstrate that the existing towers or alternate support structures located within the geographic area required to meet the applicant's engineering requirements meet one of the following criteria:

- a. They are not of sufficient height to meet the applicant's engineering requirements.
- b. They do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- c. They do not have sufficient space to allow applicant's antenna and related equipment to function effectively and reasonably in parity with other similar equipment.
- d. They are unavailable for lease under a reasonable leasing agreement.
- e. They would result in electromagnetic interference with or by the antenna.
- f. They have other limiting factors, including adverse economic reasons, that render the existing tower or alternative support structure unsuitable. Costs over the life of the applicable lease in excess of the cost of permitting and constructing a new tower shall be presumed to create an adverse economic reason.

6. Height Extension Permit

Where a structure exceeds the federal obstruction standards set forth in 14 CFR part 77, the Board of Zoning Appeals may grant a height extension permit for such proposed development. Such permit shall be processed in a manner similar to Variances, as established in this Code. The permit shall be processed

1 concurrently with the special exception and shall require no additional fee
2 beyond that of the special exception. A permit may be granted by the Board of
3 Zoning Appeals if it determines that a literal enforcement of the regulations
4 would result in practical difficulty or unnecessary hardship and where the
5 permit approval would not be contrary to the public interest (i.e. the
6 development can be accommodated in navigable airspace without adverse
7 impact to the county's public use airports or aviation operations) but would do
8 substantial justice and be in accordance with the intent of Chapter 333, F.S.,
9 and provided that:

10 **a.** A condition to be attached to the permit approval to require that
11 the approved structure is marked and lighted to indicate to
12 aircraft pilots the presence of an obstruction in accordance with
13 the standards of FAA Advisory Circular Number 70/7460-1J, as
14 amended. Where such marking or lighting is required, such
15 requirement shall be satisfied prior to the issuance of a certificate
16 of occupancy for the structure.

17 **b.** Consideration shall be given to:

18 **1)** The nature of the terrain and height of existing
19 structures.

20 **2)** Public and private interests and investments.

21 **3)** The character of flying operations and planned
22 development of airports. Affected airports will be
23 considered as having those facilities which are shown on
24 the airport master plan, or an airport layout plan
25 submitted to the FAA airport district office.

26 **4)** FAA designated federal airways.

27 **5)** Whether construction of the proposed structure would
28 cause an increase in the minimum descent altitude or the
29 decision height at the affected airport.

30 **6)** Technological advances.

31 **7)** The safety of persons on the ground and in the air.

32 **8)** Land use density.

33 **9)** The safe and efficient use of navigable airspace.

34 **10)** The cumulative effects on navigable airspace of all
35 existing structures, proposed structures identified in the
36 applicable jurisdiction's comprehensive plans, and all
37 other known proposed structures in the area.

38 **11)** FAA determinations and an aeronautical evaluation (may
39 consist of the evaluation conducted by or for the FAA).

40 **12)** FDOT comments and recommendations, including FDOT
41 findings relating to standards and guidelines established
42 in Chapter 333.025, F.S., or the waiver thereof.

43 **13)** Comments and recommendations from local airport
44 authorities.

45 **14)** Other testimony and findings of aviation operations and
46 safety experts.

47 **15)** In addition to the notice of proposed construction or
48 alteration, at the time of filing the application, the
49 applicant shall forward to FDOT by certified mail, return
50 receipt requested, a copy of the application. FDOT shall
51 have 45 days from the receipt of the application to
52 comment and to provide its comments or waiver of that
53 right to the applicant and the Board of Zoning Appeals. If
54 FDOT fails to provide its comments within 45 days of

1 receipt of the application, its right to comment is waived.
2 The Board of Zoning Appeals may proceed with its
3 consideration of the application only upon the receipt of
4 FDOT's comments or waiver of that right as
5 demonstrated by the filing of a copy of the certified mail
6 return receipt with the board showing that the time
7 frame has been exceeded. The applicant may provide, as
8 appropriate, a response to the listed criteria and
9 considerations as set forth.

10 **7. Location**

- 11 **a.** All tower supports and peripheral anchors shall be located
12 entirely within the boundaries of the property and in no case less
13 than five feet from property lines. Notwithstanding the foregoing,
14 the following setbacks and height requirements shall also apply
15 to the erection of any communication tower:
- 16 **1)** For a tower located in any Residential zoning district, the
17 base of the tower shall be set back from all property lines
18 a distance equal to or greater than the height of the
19 tower.
 - 20 **2)** For a tower located in any zoning district other than a
21 Residential zoning district, the base of the tower shall be
22 set back from the boundary of any Residential zoning
23 district a distance equal to or greater than the height of
24 the tower.
 - 25 **3)** For any tower, the base of the tower shall be set back
26 from any existing dwelling unit a distance equal to or
27 greater than the height of the tower.
 - 28 **4)** For any tower, the base of the tower shall be set back
29 from any existing school building or the right of way of
30 any emergency evacuation route a distance equal to or
31 greater than half the height of the tower.
 - 32 **5)** For any tower, the base of the tower shall be set back
33 from the mean high water line of the water of Charlotte
34 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound,
35 Placida Harbor, Red Fish Cove, the Myakka River or the
36 Peace River a distance of one-half mile.
- 37 **b.** All towers shall comply with regulations for height restrictions in
38 airport zones of the Federal Aviation Administration, Federal
39 Communication Commission and the Florida Department of
40 Transportation, Division of Aeronautics, or a municipal or other
41 airport authority qualified by law to establish airport hazard
42 zoning regulations.
- 43 **c.** Placement of more than one tower on a land site is preferred and
44 encouraged, and may be permitted provided, however, that all
45 setbacks, design, height, and landscape requirements are met as
46 to each tower and site. All new towers shall be engineered so
47 that in case of collapse, all parts of the structure will fall within
48 the site. Structures may be located as close to each other as
49 technically feasible provided tower failure characteristics of the
50 towers on the site will not likely result in multiple tower failures
51 in the event that one tower fails, or will not otherwise present an
52 unacceptable risk to any other tower on the site.
- 53 **d.** A tower may be located on a lot containing other principal uses.
54 The tower, and the necessary equipment, accessory building and
55 structures, may be located with an area smaller than the
56 minimum lot size of the applicable zoning district, provided that

1 the specified setbacks and height restrictions are met, and the lot
2 complies with the applicable minimum lot size for the zoning
3 district, or is a legal nonconforming lot. The necessary support
4 equipment shall meet the setbacks of a principal use. The tower
5 shall meet the setbacks of a principal use, or the setbacks and
6 height requirements contained in this Section, whichever are
7 greater.

- 8 **e.** To foster co-location of antennas and minimize adverse aesthetic
9 impacts associated with the proliferation of towers, the co-
10 location of antennas by more than one carrier on existing or new
11 towers or alternate support structures will be considered a
12 permitted use and will only require application and approval of a
13 building permit.
- 14 **f.** Co-locating on an existing tower or alternate support structure
15 which must be modified or reconstructed to accommodate the
16 co-location shall be considered a permitted use and may be
17 modified or rebuilt to a taller height, not to exceed 40 feet over
18 the tower's existing height provided:
- 19 **g.** It does not exceed the federal obstruction standards set forth in
20 14 CFR part 77.
- 21 **h.** The total of all such modifications or reconstruction shall not
22 exceed 40 feet over the original tower height.
- 23 **i.** Alternate support structures to which an antenna may be
24 attached include, but are not limited to, commercial, industrial,
25 office and industrial buildings, multifamily residential buildings,
26 water tanks, utility and light poles, poles at publicly owned
27 facilities, athletic facilities or other structures not originally
28 designed as antenna mounts.

29 Rooftop antenna structures and antennas are permitted up to a height
30 of 20 feet above the maximum roof line for the zoning district in which
31 the tower is located. Any antenna structure, tower or antenna that
32 exceeds 20 feet or exceeds the federal obstruction standards set forth
33 in 14 CFR part 77, must be approved as a special exception. The
34 tower, structure or antenna shall be an unobtrusive color and where
35 feasible, the design elements of the building (i.e., parapet wall, screen
36 enclosures, other mechanical equipment) shall be used to screen such.

- 37 **j.** Any tower located in a residential zoning district, on a barrier
38 island or within 1,200 feet of Charlotte Harbor, the Gulf of
39 Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Redfish
40 Cove, the Myakka River, the Peace River, or Coral Creek, shall be
41 required to be a monopole.

42 **8. Setback of Accessory Buildings**

43 All accessory building and structures shall conform to the setback
44 requirements for the district in which the use is located.

45 **9. Access and Fencing**

46 A fence or wall not less than eight feet in height from finished grade shall be
47 provided around each tower, or site, or combination thereof. Access to the
48 tower(s) shall be through a locked gate. Structure-mounted facilities shall be
49 located and designed to be accessible to authorized personnel only.

50 **10. Signs**

51 If high voltage is necessary for the operation of the facility and is present in a
52 ground grid or in the tower, signs located every 20 feet and attached to the
53 fence or wall or, on roof-mounted antennas, within ten feet of the antenna,
54 shall display in large bold letters the following: "HIGH VOLTAGE--DANGER". A
55 sign shall also be erected and maintained which indicates the names,

addresses, and telephone numbers of contact persons who can be reached at any time to address or repair any problems with the tower. Towers and antennas shall not have signs, banners, or other forms of commercial advertisement attached or otherwise affixed to the tower or antenna.

11. Lighting

A communication tower shall not be artificially lighted except as required by federal, state or local laws or regulations or as a condition attached to the special exception.

12. Landscaping

The base of the tower and any accessory buildings shall be landscaped and screened from adjacent properties and public roads in accordance with the provisions for landscape buffers and screening contained in the Landscaping and Buffering requirements of this Code.

13. Abandonment

If a tower ceases to operate, in that there is no operational antenna located thereon for a period of one year, then the tower will be deemed to be abandoned. The owner/operator of the abandoned tower shall be given 180 days after being provided with written notice of the determination of abandonment, to either reactivate or dismantle and remove the tower. If the tower is not removed or reactivated, the county may obtain authorization from a court of competent jurisdiction to remove the tower and necessary support equipment and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in the removal and disposal of the tower and support equipment plus court costs and attorney fees. Where the county determines that physical factors or the non-use constitutes an unsafe condition under the building code, such building code provisions and process shall supersede any time elements set forth.

14. Open Space/Habitat Reservation

The development of the tower site shall be subject to the Open Space/Habitat Reservation requirements established in this Code.

2.6.6 Community Gardens

A. General

1. Community Gardens shall not exceed three acres in size.
2. The use of mechanical equipment in a Community Garden is prohibited except for plowing of the earth during initial construction.
3. One sign shall be permitted on each street frontage identifying the Community Garden and listing hours of operation and contact information. Signs shall not exceed four square feet in area and, if freestanding, shall not exceed four feet in height. Signs shall be set back at least five feet from all property lines unless attached to a fence.
4. Walkways and parking spaces must be unpaved and covered with mulch, shell, or gravel, except for handicapped-accessible areas.

B. Accessory Structures

1. Community Gardens may contain accessory structures including sheds, greenhouses, hoophouses, cold frames, raised planting beds, composting bins, farm sheds, or other similar structures, provided that none exceed 15 feet in height.
2. Fences are permitted in accordance with the Fences and Walls provisions of this Code.

C. Health and Safety

1. Composting may be conducted on the premises of a Community Garden if limited to on-site use and if stored in a manner that controls odor,

1 prevents infestation, and minimizes runoff into waterways and onto
2 adjacent properties.

- 3 **2.** All land included in a Community Garden shall be well-maintained and
4 free of excessively tall weeds and non-crop grasses. All accessory
5 structures shall also be well-maintained.
- 6 **3.** All seed and fertilizer shall be stored in a secured, rodent-proof container
7 and housed within an enclosed structure.

8 **D. Irrigation**

9 Every community garden must have a source of water for irrigation.

10 **E. Prohibited Activities**

- 11 **1.** Amplified music or speaking.
- 12 **2.** Recreational sports.

13 **2.6.7 Debris and Waste Facilities**

14 **A. Types of Debris and Waste Facilities**

15 Debris and waste facilities shall be divided into Low Impact and High Impact Waste
16 Facilities. Low Impact Waste Facilities shall be considered Conditional Uses, and
17 subject to the conditions established in the appropriate Conditional Use provisions of
18 this Code. High Impact Waste Facilities are considered to have significant impacts
19 upon the health, safety, and welfare of the public and shall be considered Special
20 Exception Uses.

21 **1. Exemptions**

22 The following are exempt from the requirements of this Section:

- 23 **a.** Backyard composting.
- 24 **b.** Composting or anaerobic digestion of wastes generated on a
25 farm, as part of agronomic, horticultural or silvicultural
26 operations, for use on the farm as part of these operations.
- 27 **c.** Open burning of land clearing debris as permitted by the State of
28 Florida, provided all the material to be burned originates on-site
29 and burning is on a temporary basis.
- 30 **d.** The use of non-putrescible solid waste material for grade
31 improvement done in conjunction with a building permit.
- 32 **e.** The storage of non-putrescible fill material for future use.
- 33 **f.** The disposal of clean debris in an excavation.
- 34 **g.** The processing, management and disposal of solid wastes
35 generated as a result of a major storm, tornado or other natural
36 or manmade disaster when undertaken by, under the supervision
37 of, or at the direction of a local, State or Federal agency.
- 38 **h.** Facilities that have been identified in an overlay district that
39 implements the US 17 Corridor Planning Area, if such district
40 contains siting and development standards for such facilities.

41 **2. Low Impact Waste Facilities**

- 42 **a.** Mini transfer station.
- 43 **b.** Minor yard trash processing facility.
- 44 **c.** Recovered materials processing facility.
- 45 **d.** Waste tire collection center.

46 **3. High Impact Waste Facilities**

- 47 **a.** Auto salvage yard.
- 48 **b.** Composting facility.
- 49 **c.** Materials recovery facility.
- 50 **d.** Soil treatment facility.

- e. Solid waste combustor.
- f. Solid waste disposal facility.
- g. Transfer station.
- h. Used oil processing facility.
- i. Waste tire processing facility.
- j. Waste tire site.

B. Additional Application Requirements

1. General

In addition to the standard application requirements, the following information shall be submitted upon application for any debris and waste facility:

- a. Type of facility proposed.
- b. An operation plan appropriate for the type of facility proposed, including the following information in narrative form:
 - 1) Anticipated type and source of material, as well as limitations on types and source of material.
 - 2) Volume of material to be received, expressed in cubic yards per day or tons per day.
 - 3) Time limitations related to storage of material.
 - 4) Method of operation of the facility.
 - 5) Planned active life of the facility, the final design height of the facility, and the maximum height of the facility during its operation.
 - 6) Source and type of cover material.
 - 7) Methods of controlling odor, dust, litter, and vectors.
 - 8) Method of management of byproducts from waste processing.
 - 9) Emissions controls, including gas, leachate, and surface run-off.
 - 10) Hours of operation.
 - 11) Operating parameters and test results of identical or, if not available, comparable equipment.
- c. A site plan illustrating all structures, disposal areas, staging areas, special waste areas, internal drive aisles, parking areas, and other items required for operation of the proposed facility. Square footage and total floor area ratio of each building shall be labeled and total impervious surface area of the site shall be indicated on the plan.
- d. A vicinity map or aerial photograph, taken no more than one year prior to the application, showing the facility site and relevant surface features located within 1,000 feet of the proposed facility.
- e. A regional map showing the project location in relation to major roadways and population centers and how the location meets the setback and restriction requirements of this Section. Multiple maps may be submitted.
- f. A regional map showing the haul routes to be utilized to haul material to the facility.
- g. A closure plan.
- h. A contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters.

- i. An emergency plan appropriate for the type of facility to respond to emergencies such as fires, explosions, or natural disasters.
- j. A statement of how the applicant will demonstrate financial responsibility for the closing and long-term care of the facility.
- k. An engineer's certification that the facility and all equipment thereof will meet or exceed the design requirements set forth by the State for this type of facility and all County requirements including the Industrial Performance Standards provisions of this Code.
- l. Current and projected population and area to be served by the proposed site.

2. High Impact Waste Facilities

- a. In addition to the standard application requirements and the additional general waste and debris facility application requirements, the following information shall be submitted upon application for any High Impact Waste Facility:
 - 1) A needs analysis including market surveys, letters of commitment and contracts, and any other information required by the County.
 - i. For a solid waste disposal facility, the analysis needs to determine that the added disposal capacity is required in order to service permanent County residents.
 - ii. For all other facilities, the analysis must show how the facility will benefit permanent County residents.
 - 2) A traffic impact analysis evaluating the trip generation of the proposed facility including:
 - i. Ingress, egress, and access control to the site.
 - ii. The impact(s) of the proposed facility on the transportation system which will support the proposed facility, including anticipated increases in road maintenance requirements.
 - iii. The estimated public cost of maintaining the area's transportation system.
 - iv. Any other information required by the County Engineer.
 - 3) A public facilities impact analysis evaluating the impacts of the proposed facility on schools, parks, hospitals, and potable water supplies within two miles of the proposed facility.
 - 4) An environmental impact analysis evaluating the impacts of the proposed facility on:
 - i. Conservation areas, aquatic preserves, and other natural water bodies within two miles of the proposed facility.
 - ii. Endangered or threatened species which occur on or utilize the property on which the proposed facility is to be developed or occur on or utilize adjacent property (as known).
 - iii. Air quality within one and one-half mile from the site, noting direction of the prevailing wind.
 - iv. Wildlife habitat and native vegetative communities on the site.

- v. Surface and groundwater quality within one-half mile from the site (the analysis must include a map showing all Class I surface waters, as defined by the FDEP, within 3,000 feet of the boundary of the subject property).
- vi. Impacts on any Class I waterways within the watershed where the site is located.
- vii. Any areas of the subject property that lie within the 100-year flood zone.

5) For facilities that receive and process, store, or dispose of putrescible waste outdoors, a map showing any licensed airport runways within six miles of the facility or a statement that none exist. If a runway is within six miles, evidence shall be supplied that the facility notified the affected airport and received acknowledgement of that notification.

6) The following additional information shall be provided by an applicant for a solid waste disposal facility:

- i. A plan of the site showing dimensions, locations of proposed and existing water quality monitoring wells or points, locations of soil borings, proposed plan of trenching or disposal areas, original elevations, proposed final contours, any previously filled waste disposal areas, and fencing. Cross sections shall be included showing both the original and proposed fill elevations. The scale of the plot plan shall not be greater than 200 feet to the inch.
- ii. Topographic maps at a scale of not greater than 200 feet to the inch with 5-foot contour intervals. These maps shall show the proposed fill area, any borrow area, access roads, grades required for proper drainage and cross sections of lifts, special drainage devices if necessary, fencing, and equipment facilities.

b. Due to the complexity of the information required for these facilities, the review timeframe for applications in association with these facilities shall be extended by at least two months. The item shall not be placed on a Board of Zoning Appeals agenda until review is complete.

c. All applications shall require review by the Charlotte County Solid Waste Division. This Division may suggest further siting, development and operational conditions based on the specific facility and the proposed plans. These conditions may be applied as conditions of approval.

d. All applications shall require review by the Fire Marshall.

C. High Impact Waste Facilities Approval Standards

A High Impact Waste Facility Use shall only be approved if positive findings of fact can be made for all of the following:

- 1. The proposed facility is appropriately sited as determined through review of the standards, requirements, analysis and facility operations plan.
- 2. Approval of the facility will not adversely affect the public interest.
- 3. The use and operation of the proposed facility will not endanger the public health or safety.

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- 4.** There is a need for the proposed facility or there is a benefit gained to the County by development of the facility.
- 5.** The proposed facility is consistent with the adopted Charlotte County comprehensive plan.
- 6.** Safe and adequate access to the facility exists or will be provided for general and emergency services.

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D. High Impact Waste Facilities Development Standards

1. Siting Criteria

Resource		High Impact Waste Facility								
		Transfer Station	Composting Facility	Solid Waste Disposal Facility (SWDF)	Solid Waste Combustor (SWC)	Materials Recovery Facility (MRF)	Waste Tire Processing Facility (WTPF)	Waste Tire Site (WTS)	Soil Treatment Facility (STF)	Used Oil Processing Facility (UOPF)
Watershed Protection Overlay District	Tippen Bay and Long Island Marsh	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	½ mile of creek system		Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	¼ mile of creek system			Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	All other areas of the Overlay			Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted
Prime Aquifer Recharge Area		Not Permitted	Permitted		Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
100 Year Floodplain			Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Wetlands			Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Wildlife Corridor Critical Linkages				Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted		Not Permitted
Public Water System Wellhead Protection Area				Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted		Not Permitted
If developed residential density of more than two units per acre exists within a one-half mile buffer of the proposed facility site		Permitted	Permitted	Not Permitted	Not Permitted	Permitted	Permitted	Permitted		Permitted

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2. Location Setbacks

Resources	High Impact Waste Facility								
	Transfer stations	Composting Facilities	SWDF	SWC	MRF	WTPF	WTS	STF	UOPF
Tippen Bay and Long Island Marsh	Not Applicable (N/A)	None	1,000 ft.	1,000 ft.	N/A	N/A	N/A	1,000 ft.	N/A
Shell Creek and Prairie Creek	N/A	1,500 ft.	3,000 ft.	3,000 ft.	N/A	N/A	N/A	3,000 ft.	N/A
Alligator Creek or any other identified potable water source such as wellheads	200 ft.	100 ft.	3,000 ft.	3,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	3,000 ft.	3,000 ft.	3,000 ft.	3,000 ft.
Other water bodies, including wetlands, except stormwater ponds entirely on-site	200 ft.	50 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	500 ft.
100 Year Floodplain	50 ft.	50 ft.	500 ft.	500 ft.	100 ft.	500 ft.	500 ft.	500 ft.	500 ft.
Residential use or residentially zoned property	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
School, park, hospital or other health care facility	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
Licensed and operating airport runway used by turbine powered aircraft	10,000 feet if the facility includes any outdoor storage, disposal or processing of waste, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								
Licensed and operating airport runway used by piston engine aircraft	5,000 feet if the facility includes any outdoor storage, disposal or processing of waste unless applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								

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Other location standards.

- a. No facility that requires air quality permits from the US Environmental Protection Agency or Florida Department of Environmental Protection may be placed within one-half mile of any land designated with a Future Land Use Map designation that is primarily for residential use

3. Other Development Standards

Facilities	Standards			
	Buffering	Setbacks from all property lines no outdoor storage, processing or disposal shall take place within the setback	Height of Outdoor Piles	Volume Reduction Operation Machinery
Transfer stations	Type D; opaque wall or fence around entire perimeter of facility	30 feet	20 feet	If within 300 feet of a right-of-way, residential use, residential zoning district, school, park, hospital or other health care facility, such machinery shall be enclosed in a structure with at least three sides and a roof, with the open end facing away from these elements.
Composting Facilities	Type C; 5 foot high berm or opaque fence required	*50 feet	40 feet	
SWDF	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	200 feet	
SWC	25 foot wide Type C buffer; opaque wall or fence around entire perimeter of facility	250 feet	40 feet	
MRF	Type D; opaque wall or fence around entire perimeter of facility	30 feet	25 feet	
WTPF	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	25 feet	
WTS	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	50 feet	25 feet	
STF	Type C; 5 foot high berm or opaque fence required	30 feet	40 feet	
UOPF	Type C; 5 foot high berm or opaque fence required	30 feet	N/A	

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E. High Impact Waste Facility Financial Requirements

- 1. Following approval of a Special Exception for a High Impact Waste Facility but prior to any other development approvals, either the owner or the operator shall be bonded or insured, in an amount and form acceptable to the County Attorney, to guarantee the financial responsibility of both the owner and operator for any liability that may be incurred in the operation of the facility and to provide that, upon closure, abandonment, or interruption of operation of the facility for any reason, all appropriate measures are taken to prevent damage to human health, safety, and welfare; the environment; and private and public property. If these financial responsibilities are addressed through the State and Federal permitting requirements, that may satisfy the financial requirements. However, in granting approval to a facility pursuant to this Section, the County may require additional, reasonable bonding or insurance as deemed necessary to protect the public health, safety, and welfare.

- 1 2. Any bond or insurance obtained to satisfy this requirement shall be
2 maintained in the amount established by the County and shall be
3 maintained until the County determines that the owner and operator
4 have satisfactorily closed the facility and until the County authorizes
5 cancellation, modification, or liquidation of the bond or insurance.

6 **F. High Impact Waste Facility Inspections and Enforcement**

- 7 1. Representatives from the County shall, no less than twice a year, inspect
8 all facilities subject to this Section for compliance with the provisions
9 contained herein. Such inspections will, at a minimum, verify that
10 landscape buffers are being maintained in good order and that all
11 materials found at the subject facility are allowed under the conditions of
12 the permits and approvals issued for the facility.
- 13 2. Any County official having official business pertaining to the enforcement
14 of this Section shall, upon identification, be admitted to the premises
15 during regular business hours to conduct inspections and shall be given
16 full and immediate access to the premises and all records required by
17 this Section. Failure to admit a County official onto a facility shall
18 constitute a violation of these regulations and a Stop Work order shall be
19 issued. Upon issuance of a Stop Work order, the facility will immediately
20 cease operations.
- 21 3. If, at any time during the operational life of the facility, it is determined
22 that the facility is being operated in violation of the conditions of the
23 permits, licenses or approvals which pose an immediate threat to the
24 health, safety or welfare of the general public or surrounding properties,
25 a Stop Work order shall be issued which shall remain in force and effect
26 until the facility is brought into compliance with such conditions and
27 damage to surrounding properties, if any, is remedied. For purposes of
28 enforcement, each violation shall be considered a separate offense.

29 **2.6.8 Home Occupations**

30 **A. General Conditions**

31 Some types of work can be conducted at home with little or no effect on the
32 surrounding neighborhood. It is the intent of this Section to allow the operation of
33 home occupations as an accessory use in any residential dwelling unit and to regulate
34 them so that a neighbor, under normal circumstances, will not be disturbed or
35 inconvenienced. The following regulations are intended to permit residents to engage
36 in such work while ensuring that it does not become a detriment to the character and
37 livability of the surrounding area.

- 38 1. A home occupation shall be subordinate to the allowed principal use.
- 39 2. A home occupation shall be conducted only by residents of the principal
40 dwelling unit.
- 41 3. No more than 20 percent of the gross floor area of a dwelling unit may
42 be devoted to a home occupation.
- 43 4. No stock-in-trade shall be stored or sold upon the premises, other than
44 those made on the premises, such as hand-crafted items.
- 45 5. No more than one non-illuminated sign, not exceeding two square feet in
46 area, may be attached to the building on or next to the entrance.
- 47 6. There shall be no exterior indication that the dwelling is being used for
48 any purpose other than a residence (other than an allowed sign) when
49 viewed from the street right of way or from any adjacent lot. Examples
50 of prohibited alterations include construction of parking lots, paving of
51 required yards, or adding commercial-like exterior lighting.
- 52 7. There shall be no outside storage of materials used in connection with
53 the home occupation.

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8. No equipment shall be used in connection with a home occupation which creates noise, vibration, glare, fumes, odors, electrical interference, or requires the storage of hazardous substances which are not typically incidental to a residential uses (lawn maintenance, home repairs, etc.) unless such equipment is appropriately shielded.
 9. Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8:00 AM and 8:00 PM. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. Tractor trailers are expressly prohibited.
 10. Any operator of a home occupation must obtain, and keep current for as long as the home occupation is in operation, a business license from Charlotte County, also known as "Local Business Tax Receipt."
 11. The following uses shall be prohibited from being operated as a home occupation from any dwelling unit.
 - a. Any type of repair, assembly, or storage of vehicles or equipment with internal combustion engines (such as automobiles, motorcycles, scooters, marine engines, lawn equipment, chain saws, and other small engines), or of large appliances (such as washing machines, dryers, and refrigerators), or any other work related to automobiles and their parts.
 - b. Any business where employees come to the site to be dispatched to other locations.
 - c. Animal care or boarding facilities including animal hospitals, kennels, commercial stables or other types of animal care and boarding facilities.

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B. Type 1 Home Occupation

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1. Examples of Type 1 home occupations include Internet sales, professional or paraprofessional services, consulting, home-made crafting, artist studios, and home offices.
 2. A Type 1 home occupation is allowed without the need for a Special Exception provided it complies with all of the General Conditions established above as well as all of the following conditions.
 - a. The Type 1 home occupation shall register with the County.
 - b. No more than one customer or client may visit the home at any one time.
 - c. Customers or clients may visit the home only between the hours of 8:00 AM and 6:00 PM.
 - d. Only residents of the home may be employed in the home occupation.
 - e. The approval of a Type 1 home occupation shall expire upon termination of the home occupation or a change in residency, whichever occurs first.

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C. Type 2 Home Occupations

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1. Examples of Type 2 home occupations include beauty or barber shops, professional or paraprofessional services, consulting, animal grooming, and home offices.
 2. A Type 2 home occupation may be allowed as a Special Exception use provided it complies with all of the General Conditions established above as well as all of the following conditions and any conditions that may be added by the Board of Zoning Appeals.
 - a. No more than two customers or clients may visit the home at any one time.

- b. Customers or clients may visit the home only between the hours of 8:00 AM and 6:00 PM, Monday through Friday or unless different hours of operation are set by the Special Exception.
- c. In addition to residents of the home employed in the home occupation, one full-time, or two part-time, non-resident employees may be employed. The term "full-time" shall mean a maximum of eight hours per day, and the term "part-time" shall mean a maximum of four hours per day.
- d. Additional off-street parking spaces may be required by the Board of Zoning Appeals.
- e. The granting of a Special Exception to conduct a Type 2 home occupation shall be automatically conditioned upon continued compliance with all the requirements of this section. Failure of the occupant to meet these requirements shall empower the Board of Zoning Appeals to revoke the Special Exception after notice and a hearing.
- f. The approval of a special exception for a Type 2 home occupation shall expire upon termination of the home occupation or a change in residency, whichever occurs first.

2.6.9 Outdoor Retail Sales, Display, and Storage

A. Purpose

The purpose of this Section is to provide reasonable limits on the outside storage and display of equipment and merchandise. These standards ensure that such display and storage contribute to the normal activities of a use while not creating a public health or safety hazard or a nuisance.

B. Applicability

All outdoor uses regulated by this Section shall require a Special Exception except when the total area used for outdoor retail sales and storage is 300 square feet or less, or the area is solely used for the storage of living plant material.

C. Accessory Outdoor Retail Sales, Display, and Storage

1. Accessory Outdoor Retail Sales, Display

- 2. Outdoor retail sales and display that is accessory to a principal use must meet the following minimum standards:
 - a. All vending machines shall be located within a shelter roofed and enclosed on three sides and architecturally consistent with the principal structure.
 - b. Sales areas may not occupy any required parking spaces, including any handicapped spaces.
 - c. Sales areas shall not be located closer than five feet to any doorway.
 - d. Sales areas shall be arranged to allow at least four feet of clear passage along the sidewalk or pedestrian way.
 - e. Galvanized or slatted chain link fencing may not be used to enclose sales areas.

3. Accessory Outdoor Storage

- 4. Outdoor storage that is accessory to a principal use, excluding parking for fleet vehicles, must meet the following minimum standards:
 - a. Storage areas are not permitted in front of the building.
 - b. Where items are stored in stacks or piles, the height shall not exceed 10 feet.
 - c. Storage areas shall be screened with an opaque wall or fence.

- d. Storage areas may not occupy any required parking spaces, including any handicapped spaces.
- e. Materials shall not be stored closer than five feet to any doorway.

5. Uses not Regulated by this Section

- a. Leisure vehicle rental.
- b. Farm equipment, supply.
- c. Lumberyard.
- d. Passenger vehicle rental.
- e. Truck or trailer rental.
- f. Motor vehicle sales.
- g. Motor vehicle repair, service.
- h. Heavy machinery, equipment rental, sales, service.
- i. **Sawmill.**
- j. Building trades contractor's office with storage yard on-premises.
- k. Asphalt plant, concrete batch plant.
- l. **Debris and waste facilities.**
- m. **Outdoor storage yard.**

D. Outdoor Market and Exhibition Space

Outdoor markets and exhibition spaces must meet the following minimum standards:

- 1. Prior to establishment of the use, Site Plan approval must be obtained.
- 2. Adequate parking must be provided according to the Parking provisions of this Code.
- 3. All electrical systems shall require an electrical permit and inspection.
- 4. All lighting shall be directed away from adjacent properties.
- 5. Any amplified sound shall be directed away from adjacent residential properties.
- 6. Adequate sanitary facilities must be provided.

2.6.10 Renewable Energy Facilities

A. Wind Energy Conversion Systems (WECS)

1. General

- a. Shall only be located on lots with an area of one acre or greater.
- b. WECS may be located on an existing structure or freestanding.
- c. Noise may not exceed 60 decibels as measured at the property line.
- d. All height measurements of the WECS shall include the radius of the rotor blades.
- e. Shall be set back from all lot lines a minimum distance equal to the total height of the WECS.
- f. Signage of any kind shall not be allowed on any part of a WECS.
- g. Any WECS that is abandoned or is inoperable for more than 180 days must be removed from the property.
- h. Support structures may not have any fixed ladders or climbing apparatus within 15 feet of the ground unless the structure is enclosed with a locked fence at least eight feet in height.
- i. Shall not be illuminated in any manner, unless required by FAA regulations.

2. Small

- a. Shall not exceed 10 kilowatts (kW) electrical generating capacity.

1 **b.** The total height shall not exceed 80 feet.

2 **3. Large**

3 **a.** Shall not be located in any Residential district.

4 **b.** May be greater than 10 kilowatts (kW) in electrical generating
5 capacity.

6 **4. Wind Farms**

7 Wind farms shall be considered a power plant, and shall comply with the
8 appropriate regulations of this Code.

9 **B. Solar Energy Conversion Systems (SECS)**

10 **1.** SECS may be located on an existing structure or freestanding.

11 **2.** Any freestanding SECS may be located in the required rear yard provided
12 it does not exceed six feet in height and is located at least five feet from
13 the rear lot line and at least one foot from any recorded easement, as
14 measured from the closest point of the structure including its foundation
15 and anchorages.

16 **3.** Solar farms shall be considered a power plant, and shall comply with the
17 appropriate regulations of this Code.

18 **2.6.11 Temporary Uses**

19 **A. General**

20 The purpose of this Section is to specify regulations applicable to certain temporary
21 uses which, because of their impact on public infrastructure, services, and surrounding
22 land uses, require a temporary use permit. No temporary use identified herein shall be
23 exempt from the permit requirement except in accordance with this Section.

24 **1.** Unless approved by the Zoning Official, a temporary use cannot occupy
25 required on-site parking for the existing structures and uses on the
26 property.

27 **2.** For the purposes of this Section the following terms shall have the
28 associated meanings:

29 **a.** Sale shall be considered to include any form of commercial
30 transaction, including fund raising activities by charitable and
31 nonprofit organizations or school groups.

32 **b.** Footprint shall mean the area impacted by the temporary use as
33 measured from the outside line of all the area devoted to the
34 use, or the drip line of a tent or cover under which the use is
35 conducted, whichever is greater.

36 **3.** Temporary use permits shall only be issued within the zoning districts for
37 which the use is allowed by right or for those uses which have been
38 permitted by Special Exception.

39 **4.** A separate temporary use permit is required for each temporary use.

40 **5.** Temporary use permits are restricted to those activities and locations
41 listed on the application and all temporary uses shall be confined to the
42 dates and times specified in the permit. The maximum hours of
43 operation of temporary uses shall be limited to 8:00 AM to 9:00 PM,
44 Sunday through Thursday, and 8:00 AM to 11:00 PM on Friday and
45 Saturday.

46 **6.** All electrical systems shall require an electrical permit and inspection.

47 **7.** All lighting shall be directed away from adjacent properties.

48 **8.** Any temporary structures or exhibits that are subject to other permit
49 and inspection requirements must also be permitted in conjunction with
50 the temporary use permit.

51 **9.** No temporary use associated with a non-residential use shall be located
52 closer than 100 feet from any residential structure.

- 1 **10.** Signage shall be in compliance with the Signs requirements of this Code.
2 **11.** Traffic control and emergency services may be required by the County
3 and must be arranged and paid for by the applicant.
4 **12.** Before any temporary use permit is issued for motor vehicle or
5 recreational vehicle sales, the applicant must furnish the County with a
6 copy of a current motor vehicle dealer or recreational dealer's license as
7 required by Chapter 320, F.S.
8 **13.** The site of the temporary use must be cleared of all debris at the end of
9 the use, and all temporary structures must be removed no later than 48
10 hours after the termination of the use. A cash bond in an amount not to
11 exceed \$2,000.00 or a signed contract with the County's garbage
12 collection franchisee may be required as part of the application for the
13 temporary use permit. Failure to clean up the site within said time period
14 shall result in the forfeiture of any cleanup bond, and any additional
15 costs of cleanup in excess of the cleanup bond may be assessed against
16 the permit holder and property owner. In addition, no future temporary
17 use permit will be issued to the applicant or property owner until any
18 outstanding cleanup costs are paid in full.

19 **B. Applicability**

- 20 **1.** All temporary uses, except those specifically exempted, shall require a
21 Temporary Use Permit. A permit issued to a corporation, organization,
22 or entity shall suffice for the persons engaging in the use on the site on
23 behalf of the corporation, organization, or entity. The owner of the
24 property upon which the temporary use is to be conducted shall be
25 bound by the terms of the permit, and shall signify consent to the permit
26 by signing the application before the permit is issued.
27 **2.** The permit requirement of this Section shall not apply to the following
28 types of uses, provided that such uses shall be required to meet all other
29 requirements of law, including but not limited to obtaining building or
30 sign permits for temporary structures or signage:
31 **a.** Outdoor retail sales, services, and storage regulated by the
32 Outdoor Retail Sales and Storage provisions of this Code.
33 **b.** Yard or garage sales conducted on residential lots, provided that
34 the sale does not exceed three consecutive calendar days in
35 length, and no more than six sales are held on the same lot in
36 the same calendar year.
37 **c.** Temporary outdoor storage incidental to and exclusively in
38 association with the construction of a permitted structure and
39 only while a valid building permit is in effect.

40 **C. Type 1 Permit – Small**

- 41 **1.** Type 1 Permits shall be required for any temporary use occupying a
42 footprint no greater than 1,500 square feet.
43 **2.** No property shall be used for more than six Type 1 temporary uses in a
44 calendar year. No Type 1 temporary use shall continue for more than
45 five consecutive calendar days, however, such uses may run
46 consecutively for up to 30 days.
47 **3.** Type 1 Permits shall be exempt from any fee but shall be required to
48 conform to all other provisions of this Section.

49 **D. Type 2 Permits – Medium**

- 50 **1.** Type 2 Permits shall be required for any temporary use occupying a
51 footprint greater than 1,500 square feet but no greater than 3,000
52 square feet.
53 **2.** No property shall be used for more than three Type 2 temporary uses in
54 a calendar year. No Type 2 temporary use shall continue for more than

1 ten consecutive calendar days, however, such uses may run
2 consecutively for up to 30 days without incurring additional permit fees.

- 3 **3.** Type 2 permits shall require the applicant to provide security in the
4 amount of \$25,000.00 in the form of a surety bond, issued by a surety
5 authorized to do business in the State of Florida, or an irrevocable letter
6 of credit issued by a Florida financial institution, or in the form of a cash
7 security or another form acceptable to the County. The security shall be
8 in favor of the County, and benefit any person who shall suffer any loss
9 that is provided for and recoverable under this subsection. The security
10 shall be released 90 calendar days following the conclusion of the
11 temporary use upon the submittal of an affidavit from the applicant to
12 the County, and the acceptance of said affidavit by the County, that all
13 conditions of the security have been met. The conditions of such security
14 shall be that:

- 15 **a.** The applicant shall comply fully with all provisions of this Code
16 and all other applicable County, State, or Federal laws regarding
17 the temporary use sought.
18 **b.** The applicant has, to the County's satisfaction, mitigated any
19 damages or impacts caused or created by the temporary use.

20 **E. Type 3 Permits – Large**

- 21 **1.** Type 3 Permits shall be required for any temporary use that will occupy
22 a footprint of greater than 3,000 square feet or for any Type 1 or Type 2
23 temporary use that will, in the determination of the Zoning Official,
24 require more parking spaces than allotted on the subject property.

- 25 **2.** No property shall be used for more than two Type 3 temporary uses in a
26 calendar year. No Type 3 temporary use shall continue for more than
27 three consecutive calendar days.

- 28 **3.** Type 3 permits shall require the applicant to provide security in the
29 amount of \$50,000.00 in the form of a surety bond, issued by a surety
30 authorized to do business in the state of Florida, or an irrevocable letter
31 of credit issued by a Florida financial institution, or in the form of a cash
32 security or another form acceptable to the County. The security shall be
33 in favor of the County, and benefit any person who shall suffer any loss
34 that is provided for and recoverable under this subsection. The security
35 shall be released 90 calendar days following the conclusion of the
36 temporary use upon the submittal of an affidavit from the applicant to
37 the County, and the acceptance of said affidavit by the County, that all
38 conditions of the security have been met. The conditions of such security
39 shall be that:

- 40 **a.** The applicant shall comply fully with all provisions of this Code
41 and all other applicable County, State, or Federal laws regarding
42 the temporary use sought.
43 **b.** The applicant has, to the County's satisfaction, mitigated any
44 damages or impacts caused or created by the temporary use.

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1 **Article 2.7 Special Regulations**

2 **2.7.1 General**

3 The purpose of this Article is to provide rules and regulations for uses that are not Principal or
4 Accessory uses and do not appear on the Use Table.

5 Regulations over and above those imposed by other articles of this Chapter are necessary for
6 certain uses which, because of their uniqueness or potential for substantial impact on
7 surrounding land uses, warrant minimum standards that cannot properly be addressed in the
8 development regulations set forth in specific districts. The purpose of this Article is to set
9 forth the detailed regulations, including but not limited to the bulk, layout, yard size, and lot
10 area that apply to these uses.

11 **2.7.2 Abandoned Vehicles and Watercraft**

12 **A.** Any and all watercraft that appear to be in a state of decay, neglect, or
13 abandonment on private or public property including any craft, regardless of
14 condition, that is an interference or a danger or threat of danger to the environment
15 or the public health, safety, and welfare may be subject to removal. Any watercraft
16 located on private property and contained within an enclosed building or under repair
17 in a zoning district that permits the repair of watercraft shall not be deemed to be
18 abandoned.

19 **B.** Upon discovery by any enforcement agent of abandoned watercraft in violation of
20 this Section, the Charlotte County Code Enforcement Division, or its designee, or any
21 other law enforcement agency of the County, shall follow the procedures set forth in
22 Ordinance No. 2007-050, regarding abandoned, derelict, or otherwise hazardous
23 vessels, which procedures may from time to time be altered by resolution.

24 **C.** The Charlotte County Board of County Commissioners has designated the Code
25 Enforcement Division and its officers and any other law enforcement agency of the
26 County to administer the provisions of this section, in cooperation with any other law
27 enforcement agency, including the Natural Resources Division of Charlotte County's
28 Environmental and Extension Services.

29 **D.** When requested to do so by a property owner upon whose private land an
30 abandoned vessel has been docked, grounded, or beached, the County, through its
31 Code Enforcement Division or other enforcement agency, may assist such property
32 owner to remove such vessel at the expense of the owner of the vessel, pursuant to
33 Ch. 823.11(3)(a), F.S.

34 **E.** Any law enforcement officer or code enforcement officer or any person authorized by
35 them is immune from prosecution, civil or criminal, for reasonable, good faith
36 trespass upon real property while in the discharge of duties imposed by this section.

37 **F.** Whoever opposes, obstructs, or resists any enforcement officer or code enforcement
38 officer or any person authorized by them in the discharge of her or his duties as
39 provided in this Section, upon conviction is guilty of a misdemeanor of the second
40 degree, punishable as provided in Ch. 775.082 or Ch. 775.083, F.S.

41 **G.** Upon a finding of a violation of this section, the Code Enforcement Board shall notify
42 the Board of County Commissioners.

43 **H.** Upon the expiration of the time for compliance as ordered by the Code Enforcement
44 Board, the Board of County Commissioners or its designee may cause the watercraft
45 in violation to be removed from the premises.

46 **I.** The reasonable cost of such removal, and all incidental costs, shall be in addition to,
47 and included in, the fine imposed by the code enforcement board and shall constitute
48 a lien against the land on which the violation exists and upon any other real or
49 personal property owned by the violator, pursuant to Ch. 162.09, F.S.

50 **2.7.3 Animal Units**

51 **A. Calculation**

1 Agricultural and animal breeding uses shall be limited to one animal unit per acre if
2 animals are to be kept or raised. An animal unit is defined as any of the following:

- 3 **1.** One cow, horse, pig, or other large animal including bison, llama,
4 donkey, and similar.
- 5 **2.** Two sheep, goats, ponies, or other medium-sized animals.
- 6 **3.** Two ostriches, emus, or other large birds.
- 7 **4.** Four adult dogs or cats, if raised for profit.
- 8 **5.** Six beehives.
- 9 **6.** Twelve chickens, turkeys, ducks, geese, or other poultry or domestic
10 fowl.
- 11 **7.** Twelve rabbits.

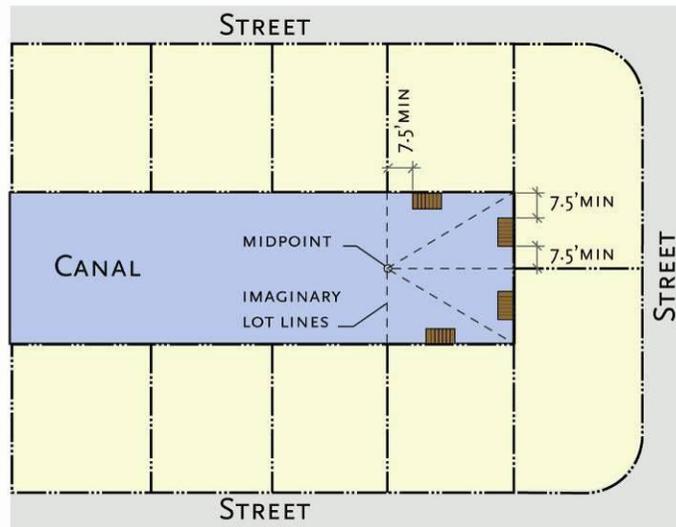
12 **B. Exotic Animals Prohibited**

13 No exotic animal not included in this list, including carnivorous mammals and reptiles,
14 shall be considered livestock.

15 **2.7.4 Boating Structures**

16 **A. General**

- 17 **1.** No boating structure, including boat docks, boat ramps, boat lifts, or
18 boat shelters, shall be constructed without the issuance of a building
19 permit.
- 20 **2.** No boating structure shall be permitted in the waters of the Gulf of
21 Mexico.
- 22 **3.** Boating structures are required to be built adjacent to the shoreline, and
23 are not required to meet the minimum yard requirement on the water
24 access side of the lot.
- 25 **4.** Unwalled roofed areas are permitted on boating structures, provided
26 that no part of such structures, except for roof eaves not to exceed two
27 feet, shall extend further seaward than a permitted dock. Such eaves
28 shall be a minimum of 15 feet above the mean high water line.
- 29 **5.** All pilings and other mooring devices shall be marked with red or yellow
30 reflectors or other acceptable reflective markings, and the top three feet
31 shall be painted white.
- 32 **6.** Seaward cradle ends of boat lifts shall have vertical markers with white
33 reflectors visible above the surface of the water when submerged so that
34 passing boat traffic will be able to identify their location in the water.
- 35 **7.** No boating structure shall fall within a State Sovereign Submerged Land
36 easement granted to the County unless approved by the County.
- 37 **8.** No boating structure shall impede safe navigation.
- 38 **9.** Boating structures must be located at least 7.5 feet from any common
39 lot line. At the end of canals, such structures may not extend into the
40 area created by an imaginary lot line as illustrated in the figure below.



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- 10. In multi-family developments, the number of boat slips shall not exceed the number of dwelling units included in the development.
- 11. This Section shall not apply to structures within a three-sided marina basin, provided, however, that all three sides of the marina basin and the underlying marina basin bottom land are under unitary ownership and control, except that all structures shall require a building permit.

B. Boating Structures on Natural Waterbodies and Watercourses

- 1. The length of boating structures shall be sufficient to provide for no less than four feet of draft at mean low water, except that no boating structure shall be erected nearer than 25 feet to the centerline of the navigable channel or extend seaward further than ten percent of the open water span at the point of installation, measured at the mean high water line, whichever is less.
- 2. Boating structures shall be designed to prevent or minimize impacts to grassbeds and other biologically productive bottom habitats. A benthic survey shall be required. An extended dock length may be permitted if it is necessary to prevent impacts to grassbeds and other sensitive bottom habitats, except that no boating structure shall be erected nearer than 25 feet to the centerline of the navigable channel.
- 3. A water depth of no less than four feet of draft at mean low water may be permitted if it can be demonstrated that the lesser depth will not result in boat impacts to sensitive bottom communities.

C. Boating Structures on Man-made Waterbodies and Watercourses

Boating structures shall not extend seaward further than 25 percent of the open water span or 25 feet from the mean high waterline or seawall, whichever is less.

D. Boat Ramps

- 1. In the event of separate access created for a boat ramp, a driveway must be built in accordance with the requirements of the Charlotte County Code of Ordinances.
- 2. Seawall removal in conjunction with boat ramp construction must be done in accordance with the requirements of the Charlotte County Code of Ordinances.
- 3. All boat ramps must be set back 15 feet from all adjoining side lot lines. If the side yard abuts a road, the setback shall be 20 feet.
- 4. All private boat ramps shall prohibit access when not in use.

- 1 5. All boat ramps may only be constructed on waterbodies with no less
2 than four feet of draft at mean low water. Dredging shall not be
3 permitted to meet the minimum required draft.
- 4 6. Private boat ramps shall not extend more than ten feet into a
5 waterbody, and public boat ramps shall not extend more than 15 feet
6 into a waterbody.

7 **2.7.5 Construction Offices**

8 Construction offices may be erected on-site in conjunction with an active building
9 permit. Such offices may remain on-site so long as structures are actively being built.
10 Such offices must be removed upon completion of the project or for any long-term
11 delay or stop in construction.

12 **2.7.6 Fences and Walls**

- 13 **A.** All fences and walls shall be installed with the finished side facing the adjacent
14 property or the public right-of-way. All fence posts must be located on the inside of
15 the fence facing the property on which the fence is located unless the fence is
16 designed and constructed to look the same on both sides.
- 17 **B.** No element of fences and walls shall encroach on an adjacent lot or right-of-way.
- 18 **C.** The height limitations of this section may be exceeded for chain-link fencing, netting
19 or similar open fencing erected on recreational or school grounds for unique activities
20 such as tennis courts, ball fields, play fields, pool enclosures, or golf driving ranges.
21 Any other fencing or wall shall meet all the regulations of the zoning district in which
22 it is located.
- 23 **D.** For the purpose of this section, the height of the fence or wall shall be measured
24 from the finished grade at the point of installation to the highest point of the fence.
- 25 **E.** Gates, columns, posts, and finials may exceed the maximum height of the fence by
26 no more than one foot. Pergolas or arches associated with a gate or entrance may be
27 permitted up to ten feet in height.
- 28 **F.** Trellises and other landscaping structures shall not be attached to fences or walls
29 within required yards unless they meet the permitted maximum fence height.
- 30 **G.** Embedded glass is prohibited.
- 31 **H.** Electrified fences are prohibited.
- 32 **I.** No fence or wall greater than four feet in height shall be permitted closer than 15
33 feet to a waterbody.
- 34 **J.** In all Open Space, Residential, and Mixed Use zoning districts:
 - 35 **1.** Fences and walls in front and street side required yards shall be limited
36 to four feet in height.
 - 37 **2.** Fences and walls in side and rear required yards shall be limited to six
38 feet in height.
 - 39 **3.** Fences and walls exceeding six feet in height shall be permitted in the
40 buildable area of the lot.
 - 41 **4.** Chain-link fencing may only be used if any barbed ends are on the
42 bottom of the fence and the knuckled side is on the top of the fence.
 - 43 **5.** Barbed or razor wire is not permitted, except around institutional uses
44 and utility installations.
- 45 **K.** In all Commercial and Industrial zoning districts:
 - 46 **1.** Fences and walls in front and street side required yards shall be limited
47 to four feet in height.
 - 48 **2.** Fences and walls in side and rear required yards shall be limited to eight
49 feet in height.
 - 50 **3.** Fences and walls exceeding eight feet in height shall be permitted in the
51 buildable area of the lot.

- 1 **L.** In all Rural Zoning Districts:
 - 2 **1.** Fences and walls in any required yard shall be limited to eight feet in
 - 3 height.
 - 4 **2.** Fences and walls exceeding eight feet in height shall be permitted in the
 - 5 buildable area of the lot.

6 **2.7.7 Junk and Junkyard Conditions Prohibited**

- 7 **A.** It shall be unlawful for any person to allow or permit on his property or property
- 8 under his control by rent, lease, or otherwise, the dumping or storage of junk unless
- 9 such junk is kept or stored in a completely enclosed building in such a manner and
- 10 under such conditions that the keeping or storage of such junk shall not constitute a
- 11 menace to the public health, safety, and general welfare and thereby become a
- 12 public nuisance, or unless within a parcel on which such use is permitted.
- 13 **B.** Upon a finding of a violation of this section, the Code Enforcement Board shall notify
- 14 the Board of County Commissioners.
- 15 **C.** Upon the expiration of time for compliance as ordered by the code enforcement
- 16 board, the Board of County Commissioners or its designee may cause the junk to be
- 17 removed from the premises.
- 18 **D.** The reasonable cost of such removal, and all incidental costs, shall be in addition to,
- 19 and included in, the fine imposed by the Code Enforcement Board and shall
- 20 constitute a lien against the land on which the violation exists and upon any other
- 21 real or personal property owned by the violator, pursuant to Ch. 162.09, F.S.
- 22 **E.** In the event the violation is found by the Code Enforcement Board to have occurred
- 23 on an undeveloped lot not abutting a developed lot under the same ownership, and
- 24 without the consent of the owner, the costs of removal under established in this
- 25 Section may be waived.

26 **2.7.8 Marinas**

27 **A. General**

- 28 **1.** All parking, dry storage, and non-water-dependent facilities shall be built
- 29 on existing uplands.
- 30 **2.** Marina development shall avoid grass beds, oyster reefs, and areas
- 31 where manatees are known to congregate.
- 32 **3.** Marinas located on natural waterbodies or watercourses shall provide dry
- 33 storage facilities that make up 90 percent of the total slips provided.
- 34 **4.** Fueling facilities shall be designed to immediately contain spills.
- 35 **5.** Marinas shall include catchment systems for filtering pollutants from
- 36 stormwater runoff originating in boat yard repair and painting areas and
- 37 bilge water drained at boat lifts and boat ramps.

38 **B. Houseboats**

- 39 **1.** One potable water connection shall be provided for each houseboat slip
- 40 consisting of at least a water hydrant and the necessary equipment to
- 41 protect it against backflow and siphonage. All houseboat slips shall use
- 42 the same potable water supply as the marina in general.
- 43 **2.** Indoor central sanitary facilities shall be provided, consisting of a
- 44 minimum of one toilet, one sink, and one shower for each gender.
- 45 Additional sanitary facilities shall be provided as follows:
 - 46 **a.** For women:
 - 47 **1)** One toilet for each 15 houseboat slips.
 - 48 **2)** One sink for each 20 houseboat slips.
 - 49 **3)** One shower for each 20 houseboat slips.
 - 50 **b.** For men:
 - 51 **1)** One toilet for each 20 houseboat slips,

