

**Sec. 3-9-41. Commercial, neighborhood (CN).**

~~(a) *Intent.* The commercial, neighborhood (CN) district is intended to apply to areas where selected establishments may be appropriately located to provide small-scale neighborhood shopping and personal needs of the surrounding residential areas and within convenient traveling distance. It is further specifically intended that the internal development be of a residential scale and appearance comparable with the surrounding residential area. It is generally intended to utilize this district to implement the comprehensive plan. The purpose and intent of the commercial, neighborhood district is to permit the designation of suitable locations for small-scale commercial facilities within or adjacent to areas or neighborhoods which are essentially residential in nature; and to facilitate their small retail and service establishments in close proximity to residential land uses, it will encourage pedestrian activity and otherwise reduce the number and length of automobile trips, as well as providing increased convenience to all users. It is further intended that substantial buffering and other design techniques shall be used to prevent negative impacts on nearby or adjacent residential/or lower intensity land uses.~~

~~(b) *Permitted principal uses and structures.* The following uses and structures are permitted in this district:~~

~~(1) Personal services.~~

~~(2) Professional services and business offices.~~

~~(3) Laundromats and dry cleaners.~~

~~(4) Restaurants not exceeding three thousand (3,000) square feet in floor area.~~

~~(5) Ice cream shops.~~

~~(6) Butcher shops and delicatessens.~~

~~(7) Repair shops for small appliances and shoes.~~

~~(8) Jewelry, florist, gift, clothing, and accessory shops.~~

~~(9) Branch banks and financial services not exceeding three thousand (3,000) square feet in floor area.~~

~~(10) Package stores for the sale of liquor.~~

~~(11) Convenience stores.~~

~~(12) Drug stores or variety stores not exceeding eight thousand (8,000) square feet in floor area.~~

~~(13) Supermarkets not exceeding thirty thousand (30,000) square feet in floor area.~~

~~(14) Houses of worship in accordance with section 3-9-80.1~~

~~(c) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including post offices.~~

~~(d) *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or by special exception, including the outside storage or display of merchandise, shall be unlawful in this district.~~

~~(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:~~

~~(1) Gas pumps.~~

~~(2) Essential and emergency services.~~

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1 ~~(3) Such other uses as determined by the zoning official or his/her designee to be:~~

2 ~~a. Appropriate by reasonable implication and intent of the district.~~

3 ~~b. Similar to another use either explicitly permitted in that district or allowed by special~~  
4 ~~exception.~~

5 ~~c. Not specifically prohibited in that district.~~

6 ~~The board of zoning appeals shall review a favorable determination of the zoning official under this~~  
7 ~~provision at the time the special exception application is presented to it. An unfavorable determination of~~  
8 ~~the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.~~

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

10 ~~Minimum lot requirements:~~

11 ~~Area, square feet .....20,000~~

12 ~~Width, feet .....100~~

13 ~~Minimum yard requirements:~~

14 ~~Front yard, feet .....25~~

15 ~~Side yard:~~

16 ~~Interior, feet .....25~~

17 ~~Abutting a road, feet .....20~~

18 ~~Abutting water, feet .....20~~

19 ~~Rear yard:~~

20 ~~Abutting a lot, feet .....25~~

21 ~~Abutting a road, feet .....25~~

22 ~~Abutting water, feet .....20~~

23 ~~Maximum lot coverage, percent .....35~~

24 ~~Maximum building size, square feet .....60,000~~

25 ~~Maximum height of structures, feet .....20~~

26 ~~Site plan approval pursuant to section 3-9-5.1 is required prior to all development in this district.~~  
27 ~~Landscape buffers and screening shall be required in this district in accordance with the provisions of~~  
28 ~~article XXII, chapter 3-5, of the Code, as the same may be amended. If the CN district abuts a residential~~  
29 ~~district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall~~  
30 ~~be erected closer to the abutting residentially zoned property than twenty five (25) feet or the building~~  
31 ~~height, whichever is greater.~~

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

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- 1 ~~(g) Off-street parking. Off-street parking shall be in accordance with section 3-9-90~~  
2 ~~(h) Lighting. Maximum height of lighting fixtures shall be fifteen (15) feet, arranged so that no direct~~  
3 ~~source of light is visible from any residentially zoned property.~~  
4 ~~(i) Utility areas. Utility areas, including trash receptacles, shall be completely screened from the view of~~  
5 ~~customers and adjacent property owners and shall be located in the rear yard in case of interior lots~~  
6 ~~and in the side yard in case of corner lots.~~  
7 ~~(j) Signs. Signs shall be in accordance with section 3-9-95~~  
8 ~~(Ord. No. 89-34, § 15, 5-31-89; Ord. No. 94-58, §§ 1-5, 11-3-94; Ord. No. 2001-031, § 1(l), 6-12-01;~~  
9 ~~Ord. No. 2002-008, § 1, 1-28-02)~~

10 Editor's note—

11 The provisions of former § 3-9-41 are now found in § 3-9-45

12 **Sec. 3-9-40. Commercial Neighborhood (CN)**

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

16 ~~(b) Permitted Uses (P) and Structures:~~

- 17 ~~(1) Art, dance, music, photo studio or gallery.~~  
18 ~~(2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate~~  
19 ~~Living Facilities)~~  
20 ~~(3) Bank, financial services.~~  
21 ~~(4) Business services.~~  
22 ~~(5) Day care center, child.~~  
23 ~~(6) Drug store, pharmacy.~~  
24 ~~(7) Dry cleaner.~~  
25 ~~(8) Emergency services.~~  
26 ~~(9) General offices.~~  
27 ~~(10) General retail sales and services. (see Sec. 3-9-61. Accessory Outdoor Retail Sales, Display,~~  
28 ~~and Storage)~~  
29 ~~(11) Laundromat.~~  
30 ~~(12) Liquor, package store.~~  
31 ~~(13) Medical or dental office, clinic.~~  
32 ~~(14) Park, public or not-for-profit.~~  
33 ~~(15) Personal services.~~  
34 ~~(16) Place of Worship. (see Sec. 3-9-82. Places of Worship)~~  
35 ~~(17) Post office.~~  
36 ~~(18) Professional services.~~  
37 ~~(19) Restaurant.~~

Draft Date 9/12/14 for BCC on 10/28/2014

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(20) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication Towers)

(c) Permitted Accessory Uses and Structures. Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including but not limited to:

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

(d) Conditional Use (C) and structures: (For rules and regulations for any use designated as a Conditional Use, see Sec.3-9-69. Conditional Uses and Structures)

(1) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult Congregate Living Facilities)

(2) Animal hospital and boarding facility.

(e) Prohibited Uses and Structures. Any use or structure not expressly or by reasonable implication permitted herein or by Special Exception, including the outside storage or display of merchandise, shall be unlawful in this district.

(f) Special Exceptions (S): (For procedure see Sec. 3-9-6.2. Special Exceptions)

(1) All conditional uses and structures that cannot meet all conditions set forth in this Code.

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

(3) Essential services. (see Sec. 3-9-71. Essential Services)

(4) Gas station.

(5) Government uses and facilities.

(6) Outdoor market or exhibition space.

(7) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication Towers)

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

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

b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.

c. Not specifically prohibited in that district.

The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning Appeals.

(g) Development Standards:

|                            |               |
|----------------------------|---------------|
| <b>Lot (min.)</b>          |               |
| Area (sq. ft.)             | <u>20,000</u> |
| Width (ft.)                | <u>100</u>    |
| <b>Setbacks (min. ft.)</b> |               |
| Front                      | <u>0</u>      |
| Side (interior)            | <u>7.5</u>    |
| Side (street)              | <u>15</u>     |
| Rear (interior)            | <u>15</u>     |

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|                                      |     |
|--------------------------------------|-----|
| Rear (street)                        | 15  |
| Abutting water                       | 20  |
| <b>Bulk (max.)</b>                   |     |
| <u>Lot Coverage of All Buildings</u> | 40% |
| <u>Height (ft.)</u>                  | 38  |
| <u>Density (units/acre)</u>          | 0   |

Site plan approval pursuant to Sec. 3-9-7 is required prior to all development in this district. Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5, of the Code, as the same may be amended. If the CN district abuts a residential district, no structure other than screening required pursuant to Article XXII, Chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than 25 feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88. Waterfront Property.

(g) Off-street parking. Off-street parking shall be in accordance with Sec. 3-9-79.

(h) Lighting. Maximum height of lighting fixtures shall be 15 feet, arranged so that no direct source of light is visible from any residentially zoned property.

(i) Utility Areas. Utility areas, including trash receptacles, shall be completely screened from the view of customers and adjacent property owners and shall be located in the rear yard in case of interior lots and in the side yard in case of corner lots.

(j) Signs. Signs shall be in accordance with Sec. 3-9-85.