

1 **Sec. 3-9-69. Conditional Uses and Structures**

2 **a. Purpose and Intent**

3 The purpose of this section is to provide rules and regulations for any uses and structures designated
4 as a "Conditional Use and Structure (C)" on the Use Table and listed in all Zoning Districts found in
5 Chapter 3-9. These conditions supplement, modify, or further explain rules and regulations found
6 elsewhere in this Chapter, and unless specifically stated to the contrary, apply to all Zoning Districts.

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

14
15 **b. Agricultural Uses**

16
17 **1. 4H, FFA and similar uses and activities (RE)**

18 (a) Official documentation showing proof of participation in 4H, FFA or similar programs must
19 be submitted to the County.

20 (b) The uses and activities must cease at the completion of the 4H, FFA or similar programs.

21 **2. Domestic Animal Breeding, Boarding, and Training (RE)**

22 (a) The property must be located in the Rural Service Area.

23 (b) Chickens shall be provided with a covered nesting box within an enclosed yard.
24 Enclosures shall only be permitted in side and rear yards and shall be sufficiently
25 screened from the street and neighboring properties.

26 (c) All enclosures shall be kept sanitary and free from accumulations of animal excrement
27 and objectionable odor, and constructed and maintained so as to prevent rodents or
28 other pests from being harbored underneath, within, or within the walls of the enclosure
29 and to protect from predators.

30 **3. Farm Labor Housing (AG, EM)**

31 (a) May consist of single-family detached, manufactured homes, or multifamily dwelling units,
32 but shall not be platted or sold.

33 (b) Must receive approval through Site Plan Review.

34 (c) The number of units shall not exceed the base density available on the agricultural
35 operation the housing is intended to serve. The full extent of the agricultural operation
36 shall be shown on the Site Plan Review application.

37 (d) Shall not occupy more than ten acres.

38 (e) All setbacks requirements must be double the minimum setback requirements.

39 (f) A copy of an approved permit for migrant labor camp from Environmental Health Office at
40 Charlotte County Health Department shall be provided as applicable. In addition, all rules
41 and requirements set forth in 381.008-381.00897, F.S. and Rule 64E-14 F.A.C., as may
42 be amended, shall apply.

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1 4. Guest Home (see Sec. 3-9-69. g .7.(b))

2 5. Horse Stable (RE)

3 (a) Riding lessons or instruction provided that no more than five students at a time are
4 receiving instructions.

5 (b) Tack shop associated with the horse stable shall be allowed.

6 (c) All shelter structures shall be set back double the minimum setback requirements within
7 that district.

8 (d) Any manure stock piles shall be set back at least 100 feet from all lot lines.

9 (e) The minimize size of the property shall be one acre per horse.

10 6. Livestock Breeding, Training, Boarding, and Grazing (PKR, RE)

11 (a) The property must be located in the Rural Service Area.

12 7. Manufactured home (HUD), minimum requirement is Wind Zone 3. (AG, EM, ES)

13 (a) The property must be located outside of the Coastal High Hazard Areas.

14
15 **c. Commercial Uses**

16
17 1. Assisted Living Facilities/Adult Congregate Living Facilities (see Sec. 3-9-69. g. 1.)

18 2. Animal Hospital and Boarding Facility (OMI, CN)

19 (a) Outdoor runs are prohibited

20 3. Building Trades Contractor's Office (CG)

21 (a) No more than ten service vehicles shall be allowed to be parked on the subject site.

22 (b) No heavy equipment shall be allowed on the site.

23 (c) Storage yard shall not be allowed on the site.

24 4. Farm Equipment, Supply (CG)

25 (a) Any equipment over eight feet in height must be either stored in a completely enclosed
26 building or at least 50 feet from any residential zoning.

27 (b) Where items are stored outside in stacks or piles, the height shall not exceed 15 feet.

28 5. Laboratories, Class 1,2,3 (CG, IG, II)

29 (a) Provided central sewer is available.

30 6. Marina (RMF-T, CG)

31 (a) The property must have direct access to water.

32 7. Private Off-Site Parking (OMI, CG, CT, IG, II)

33 (a) Required parking may be located on a separate, non-adjacent lot from the lot on which
34 the principle use is located if the off-site parking complies with the following standards:

35 (1) Shall not be located more than 600 feet from the entrance of the building with which
36 it is associated.

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1 (2) Shall not be separated from the use served by an arterial road unless a grade-
2 separated pedestrian walkway or crosswalk is provided or other traffic control or
3 remote parking shuttle bus service is provided.

4 (3) An unobstructed route along sidewalks or pedestrian walkways shall be provided
5 between the parking area and the associated site.

6 (4) In the event that an off-site parking area is not under the same ownership as the
7 principal use served, the County shall require an agreement between all property
8 owners, acceptable to the County Attorney's office. An executed agreement shall be
9 recorded with the Clerk of the Circuit Court by the applicant and recordation of the
10 agreement must take place prior to issuance of development approval.

11 (5) Shall not be used for the storage of commercial vehicles or equipment.

12 8. Vehicle Sales, Service and Rental (CG)

13 (a). Boat, Travel Trailer and Motor Vehicle Sales and Rentals, including Recreational
14 Vehicles and Campers.

15 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
16 to residentially zoned property.

17 (2) No repair, maintenance, cleaning, or detailing of vehicles may be performed within
18 30 feet of a residentially zoned property.

19 (3) No outdoor amplified sound systems if the property is immediately adjacent to
20 residential uses or zoning.

21 (b). Boat, Travel Trailer and Motor Vehicle Repair and Services, including Recreational
22 Vehicles and Campers.

23 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
24 to residentially zoned property.

25 (2) No repair, maintenance, cleaning, or detailing of vehicles may be performed within
26 30 feet of a residentially zoned property.

27 (3) No outdoor amplified sound systems if the property is immediately adjacent to
28 residential uses or zoning.

29 (c). Noncommercial Vehicle Rental

30 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
31 to residentially zoned property.

32 (2) No repair, maintenance, cleaning, or detailing of vehicles may be performed within
33 30 feet of a residentially zoned property.

34 (3) No outdoor amplified sound systems if the property is immediately adjacent to
35 residential uses or zoning.

36
37 **d. Debris and Waste Facilities**

38
39 1. Mini Transfer Station (IG, II)

40 (a). A 25-foot setback is required from all lot lines.

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1 (b). A Type C buffer defined in Chapter 3-5 Article XVIII. Landscaping and Buffers is required
2 along all lot lines, and an opaque wall or fence is required when the site is adjacent to
3 any non-industrial or non-agricultural zoning district.

4 (c). The facility may be no larger than 10 acres.

5 (d). Piles of material, either prior to or following processing, may not exceed 15 feet in height.

6 (e). Volume reduction operation machinery may not be located within 150 feet of any of the
7 following:

8 (1) Residential use

9 (2) Residential zoning district

10 (3) School

11 (4) Park

12 (5) Hospital or other health care facility

13 (f). Any volume reduction operation machinery within 300 feet of any of the following shall be
14 enclosed in a structure with at least three sides and a roof, and with the open end facing
15 away from the listed use:

16 (1) Right-of-way

17 (2) Residential use

18 (3) Residential zoning district

19 (4) School

20 (5) Park

21 (6) Hospital or other health care facility

22 2. Recovered Materials Processing Facility (IG, II)

23 (a). A 25-foot setback is required from all lot lines

24 (b). A Type C buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers is required
25 along all lot lines and an opaque wall or fence is required when the site is adjacent to any
26 non-industrial or non-agricultural zoning district.

27 (c). Piles of material, either prior to or following processing, may not exceed 15 feet in height

28 (d). Volume reduction operation machinery may not be located within 150 feet of any of the
29 following:

30 (1) Residential use

31 (2) Residential zoning district

32 (3) School

33 (4) Park

34 (5) Hospital or other health care facility

35 (e). Any volume reduction operation machinery within 300 feet of any of the following shall be
36 enclosed in a structure with at least three sides and a roof, and with the open end facing
37 away from the listed use:

38 (1) Right-of-way

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1 (2) Residential use

2 (3) Residential zoning district

3 (4) School

4 (5) Park

5 (6) Hospital or other health care facility

6 3. Residential Household Hazardous Waste Collection Center (IG, II)

7 (a). A 25-foot setback is required from all lot lines.

8 (b). A Type C buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers is required
9 when the site is adjacent to any non-industrial or non-agricultural zoning district.

10 (c). The facility may be no larger than 20 acres.

11 (d). Volume reduction operation machinery may not be located within 150 feet of any of the
12 following:

13 (1) Residential use

14 (2) Residential zoning district

15 (3) School

16 (4) Park

17 (5) Hospital or other health care facility

18 (e). Any volume reduction operation machinery within 300 feet of any of the following shall be
19 enclosed in a structure with at least three sides and a roof, and with the open end facing
20 away from the listed use:

21 (1) Right-of-way

22 (2) Residential use

23 (3) Residential zoning district

24 (4) School

25 (5) Park

26 (6) Hospital or other health care facility

27 4. Waste Tire Collection Center (IG, II)

28 (a). A 30-foot setback is required from all lot lines.

29 (b). A Type D buffer as described in Chapter 3-5. Article XVIII. Landscaping and Buffers with
30 an opaque wall or fence is required along all lot lines.

31 (c). Poles of material may not exceed 15 feet in height.

32
33 **e. Industrial Uses**

34
35 1. Automobile Wrecking and Salvage Yard (II)

36 (a). No storage of items is permitted within required front setback.

37 (b). The perimeter shall be buffered with:

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1 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
2 interior lot lines abutting residential zoning districts regardless of the width of any
3 adjacent road or easement.

4 (2) A Type C buffer as defined in Chapter 3-5 Article XVIII. Landscaping and Buffers on
5 interior lot lines abutting commercial zoning districts regardless of the width of any
6 adjacent road or easement.

7 (3) A Type B buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
8 interior lot lines abutting IG or II zoning districts.

9 (c). Where items are stored in stacks or piles, the height shall not exceed 15 feet.

10 (d). Where items are stored in stacks or piles, the height over eight feet shall be stored at
11 least 50 feet from any residential zoned properties.

12 2. Building Trades Contractor's Office with Storage Yards On-Premises (IG)

13 (a). No storage of items is permitted within the required front setback.

14 (b). Storage yards shall be buffered with:

15 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
16 interior lot lines abutting residential zoning districts regardless of the width of any
17 adjacent road or easement.

18 (2) A Type C buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
19 interior lot lines abutting commercial zoning districts regardless of the width of any
20 adjacent road or easement.

21 (3) Where items are stored in stacks or piles, the height shall not exceed 15 feet.

22 (4) Where items are stored in stacks or piles, the height over eight feet shall be stored
23 at least 50 feet from any residential zoned properties.

24 3. Outdoor Storage (IG, II)

25 (a). No storage of items is permitted within required front setback.

26 (b). The perimeter shall be buffered with:

27 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
28 interior lot lines abutting residential zoning districts regardless of the width of any
29 adjacent road or easement.

30 (2) A Type C buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
31 interior lot lines abutting commercial zoning districts regardless of the width of any
32 adjacent road or easement.

33 (3) A Type B buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
34 interior lot lines abutting IG or II zoning districts.

35 (c). Where items are stored in stacks or piles, the height shall not exceed 15 feet.

36 (d). Where items are stored in stacks or piles, the height over eight feet shall be stored at
37 least 50 feet from any residential zoned properties.

38
39 **f. Public and Civic Uses**
40

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1 1. Detox center and substance abuse center (OMI)

2 (a). Must be 1,000 feet from another detox center and substance abuse center.

3 (b). In a residential neighborhood, no external evidence of such use, distinguishing the living
4 facility from a regular dwelling, shall be visible from adjacent properties, public or private,
5 except a small sign with a maximum area of four square feet.

6 2. Transitional/Halfway Housing (RMF, OMI)

7 (a). Must be 1,000 feet from another transitional/halfway housing facility.

8 (b). In a residential neighborhood, no external evidence of such use, distinguishing the living
9 facility from a regular dwelling, shall be visible from adjacent properties, public or private,
10 except a small sign with a maximum area of four square feet.

11
12 **g. Residential Uses**

13
14 1. Assisted Living Facilities/Adult Congregate Living Facilities (RMF-T, OMI, CG, CN, CT)

15 (a) See Sec. 3-9-62. Adult Congregate Living Facilities

16 (b) All applicable requirements set forth in Florida Statutes shall apply.

17 (c) Within the Coastal High Hazard areas, such use shall have a direct access to a major
18 thoroughfare, such as Placida Road, Gasparilla Road, S.R. 776, or U.S. 41. Additionally,
19 the following requirements shall apply:

20 (1) The proposed building will be constructed to provide for either shuttering or
21 shatterproof glass in all windows.

22 (2) The facility will include an independent emergency power supply.

23 (3) The facility will provide a written emergency management plan under State of Florida
24 rules with the plan being submitted to and approved by the Charlotte County
25 Emergency Management Director.

26 2. Bed and Breakfast (AG, ES, EM, RE, RSF, MHC, RMF, RMF-T)

27 (a) Property owner shall reside on site.

28 (b) No more than two guest rooms shall be allowed.

29 (c) Must have room for two off-street parking spaces for the operator and one space per
30 guest room.

31 (d) No more than one non-illuminated sign, not exceeding four square feet in area, may be
32 attached to the building on or next to the entrance.

33 (e) No external evidence of such use distinguishing the living facility from a regular dwelling
34 shall be visible from adjacent properties, public or private, except the aforementioned
35 sign.

36 (f) Shall register with the County as a Minor Home Occupation.

37 (g) Must obtain and keep an active business license from Charlotte County, also known as a
38 "Local Business Tax Receipt".

39 3. Boarding, Rooming House (RMF, RMF-T)

40 (a) Must be owner-occupied.

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1 4. Clubhouse (RE, RSF, RMF, RMF-T, MHP, MHC)

2 (a). Must be under unified residential development.

3 (b). Restaurants or banquet facility for residents of the development and their guests are
4 permitted. Public restaurants or banquet facility shall be permitted only by a Special
5 Exceptional approval.

6 5. Cluster Housing (RE, RSF)

7 (a). Must be approved under the Site Plan Review process.

8 (b). Must meet the base density of the property.

9 (c). The subdivision may contain a golf course and/or clubhouse.

10 (d). See Sec. 3-9-67. Cluster Housing.

11 6. Conservation Subdivision (AG, EM)

12 (a) Follow PD process

13 7. Guest Home

14 (a) The property is located in the RSF, MHC districts.

15 (1) Provided the lot area shall be not less than twice the minimum lot area required for a
16 single-family dwelling.

17 (2) Must be under one ownership.

18 (3) Must comply with all development standards within the appropriate zoning district.

19 (4) Must be built of the same materials and in the same color scheme as the principal
20 dwelling.

21 (5) Impact fee shall be assessed as a dwelling unit.

22 (b) The property is located in the AG, EM, RE districts.

23 (1) Only one accessory dwelling unit shall be permitted for each single-family dwelling.
24 If necessary, one density unit shall be transferred onto the site, in accordance with
25 the Transfer of Density Units provisions of this Code.

26 (2) Must be under one ownership.

27 (3) Must comply with all development standards within the appropriate zoning district.

28 (4) Must be built of the same materials and in the same color scheme as the principal
29 dwelling.

30 (5) Impact fee shall be assessed as a dwelling unit.

31 8. Nursing Home (RMF, RMF-T)

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

34 (b) All applicable requirements set forth in Florida Statutes shall apply.

35 9. Recreational Vehicle Use (MHP)

36 (a). No more than 1/3 of the sites may be occupied by recreational vehicles.

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1 (b). The occupancy of recreational vehicles on any individual living site by any individual or
2 group of individuals shall be strictly limited to 180 days and no individual or group of
3 individual may re-establish occupancy of any individual living site until at least 30 days
4 following their departure. The County reserves the right to inspect occupancy records of
5 the park to ensure enforcement of this condition.

6 10. Single-family and Multifamily Residential (CT, OMI, RMF-T)

7 (a) Any property that was zoned CT or prior to October 7, 1997, shall have a residential
8 density of 15 units per acre. Any property that was zoned OMI prior to October 7, 1997,
9 shall have a residential density of ten units per acre. Any property that was zoned RMF-T
10 prior to October 7, 1997, shall have a residential density of six units per acre.

11 (a).

12 11. Subdivided lots with 50 foot wide frontage and 5,000 square foot lot. (RSF, MHC)

13 (a). The property must be located inside the Urban Service Area.

14 (b). Must meet the base density of the property.