

**CHARLOTTE
COUNTY
ZONING
REGULATIONS**

**ADOPTED DECEMBER 8, 1981
CONFIRMED BY RESOLUTION 81-123**

and as amended by Resolutions #82-37, #82-38, and #82-39 adopted
April 20, 1982 by the Charlotte County Board of County Commissioners

**Charlotte County Zoning Department
18500 Murdock Circle
Port Charlotte, Florida 33952**

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SECTION 1. TITLE

These regulations shall be the Zoning Regulations for Charlotte County, Florida, and may be referred to as the Zoning Regulations.

SECTION 2. INTENT AND PURPOSE

These regulations shall be effective within the unincorporated area of Charlotte County, Florida, and are enacted to promote the health, safety, morals and general welfare of the people, and to regulate the height and size of buildings and structures and the use of land for commercial, industrial, residential and other uses, and to properly implement the Comprehensive Plan.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING ATLAS

3.1 ESTABLISHMENT OF DISTRICTS The lands and waters within the unincorporated area of Charlotte County are hereby divided into the districts described in Section 7 and shown on the Official Zoning Atlas which atlas is incorporated by reference and made a part of these regulations.

3.2 OFFICIAL ZONING ATLAS

3.21 The cover sheet of each Official Zoning Atlas book shall be signed by the Chairman of the Board of County Commissioners, attested by the Clerk of the Board of County Commissioners, and bear the seal of Charlotte County under the following statement:

"This is to certify that this is Atlas Book # _____ of the Official Zoning Atlas, incorporated by reference as part of the Charlotte County Zoning Regulations by Resolution No. _____ of the Board of County Commissioners of Charlotte County, Florida, adopted _____, 19____."

BOARD OF COUNTY COMMISSIONERS

ATTEST:

By _____
Chairman

Clerk

3.22 The boundaries of each district shall be shown on the Official Zoning Atlas and the district symbol in Section 7 applicable to the land or water shall be used to designate the district.

3.3 CHANGES IN DISTRICT BOUNDARIES Changes in district boundaries shall be determined by reference to the Official Zoning Atlas and the minutes of the meetings of the Board of County Commissioners at which changes are made effective. To facilitate reference to the appropriate minutes, the zoning official shall maintain in his office a duplicate Zoning Atlas marking thereon changes by territory involved, number of petition and effective date, and shall maintain the original copy of all petitions filed.

- 3.4 AMENDMENT OF ZONING ATLAS When, in the discretion of the zoning official, it is advisable for the sake of clarity to adopt an amended Zoning Atlas or amended portion of the Zoning Atlas, he shall prepare and present such amended Atlas or portion thereof which may then be adopted according to the procedure for the rezoning of more than five per cent (5%) of the lands in the county and which, when so adopted, shall supersede the previous Zoning Atlas which shall be retained by the Clerk as a public document. Except as herein provided, changes in the Zoning Atlas are prohibited.
- 3.5 UNAUTHORIZED CHANGES PROHIBITED No changes shall be made in the Official Zoning Atlas except in conformity with the procedures set out in these zoning regulations. Any unauthorized change by any person shall be considered a violation of these zoning regulations, punishable as a misdemeanor as provided in Special Act 63-1209, Laws of Florida.
- 3.6 FINAL AUTHORITY AS TO ZONING The Zoning Atlas, minutes of the meetings of the Board of County Commissioners and petitions considered at those meetings shall be the final authority as to the zoning status of all lands and waters in the unincorporated area of the county.
- 3.7 RETENTION OF EARLIER ZONING MAPS OR ATLASES All previous zoning maps or atlases which have had the force and effect of official zoning maps or atlases for Charlotte County shall be retained by the Clerk as a public record and as evidence of the zoning status of lands and waters prior to the effective date of these regulations.

SECTION 4. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- 4.1 DISTRICT REGULATIONS EXTEND TO ALL PORTIONS OF DISTRICTS SURROUNDED BY BOUNDARIES Except as otherwise provided, a district symbol shown within boundaries on the Official Zoning Atlas indicates that district regulations pertaining to the identified district extend throughout the entire area surrounded by the boundary line.
- 4.2 WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING ATLAS, the following rules shall apply:
- 4.21 Boundaries which appear to follow the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such centerlines as they exist on the ground. If a street is vacated, the boundaries shall remain in the same location as before the street vacation.
- 4.22 Boundaries which appear to follow lot, boundary or property lines shall be construed as following such lines as they exist on the ground, provided, however, that where such lot, boundary or property lines are adjacent to a dedicated street, alley, highway, or right-of-way, the boundaries shall be construed as running to the middle of the street, alley, highway, or right-of-way. If a street is vacated, the boundaries shall remain in the same location as before the street vacation.
- 4.23 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.
- 4.24 Boundaries which appear to follow railroad tracks or rights-of-way shall be construed as following the centerline of the railroad tracks or rights-of-way as they exist on the ground.

- 4.25 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.
- 4.26 Boundaries which appear to enter a body of water but do not continue to intersection with another zoning district boundary or with the limits of jurisdiction of Charlotte County shall be construed as extending in the direction in which they run to the point of intersection with another zoning boundary or with the limits of County jurisdiction.
- 4.27 Boundaries indicated as parallel to or extensions of land or water features described in subparagraphs 4.21 through 4.26 above shall be construed as being parallel to or extensions of such features.
- 4.28 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.
- 4.3 CASES NOT COVERED ABOVE In cases not covered by the foregoing provisions of Section 4, 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 these zoning regulations. Appeal from the interpretation of the Zoning Official shall be to the Board of Zoning Appeals pursuant to the procedure provided in Section 10 of these regulations.

SECTION 5 APPLICATION OF DISTRICT REGULATIONS

- 5.1 USE OR OCCUPANCY No building, structure, land, water or part thereof shall be used, occupied, erected, constructed, reconstructed, located, moved or structurally altered except in conformity with the regulations for the district in which it is located or as otherwise specified in these regulations.
- 5.2 MULTIPLE USE OF REQUIRED OPEN SPACE PROHIBITED No part of a required yard, off-street parking or off-street loading space or other open space provided in connection with a building, structure or use shall be included as meeting the requirements for any other building, structure or use except where specific provision therefor is made in these zoning regulations.
- 5.3 LOT AREA
- 5.31 No lot or yard existing on the effective date of these regulations shall be reduced in size, dimension or area below the minimum requirements of the district in which it is located unless such reduction results from an acquisition for public use or is permitted by an approved development plan. Lots or yards created after the effective date of these regulations shall meet at least the minimum requirements established herein.
- 5.32 No permit shall be issued for any lot less than five thousand (5,000) square feet in area or less than fifty (50) feet in width, unless otherwise provided for in these regulations or approved by the Board of Zoning Appeals.
- 5.33 Where any street, highway, alley or right-of-way is officially vacated or abandoned subsequent to the enactment of these regulations, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

SECTION 5

- 5.34 Where a district boundary divides a lot (as defined in Section 13), the location of such boundary shall be determined by use of the scale appearing on the Official Zoning Atlas, unless the same is indicated by dimensions on the Official Zoning Atlas.
- 5.35 Where a district boundary line divides a lot (as defined in Section 13) on the effective date of these regulations, the Board of Zoning Appeals may, in its discretion, permit a use authorized in either portion of such lot to extend to the entire lot.

SECTION 6 NONCONFORMITIES

- 6.1 INTENT At the time these regulations become effective or are amended, there may exist lots, structures, uses of land or water or characteristics of use which were lawful prior to the adoption or amendment of these regulations, but are prohibited, regulated or restricted by these regulations or amendments thereto. It is the intent of these regulations that nonconformities shall not be enlarged, expanded, intensified, extended, nor be used as a basis for the addition of other structures or uses otherwise prohibited in the same district.
- 6.2 CONTINUATION OF NONCONFORMITY A lot, use, building or structure lawfully in existence on the effective date of these regulations which is made nonconforming by these regulations or an amendment thereto may be continued except as otherwise provided by these regulations.
- 6.3 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD A variance shall be required prior to the issuance of a building permit for a structure proposed on a nonconforming lot of record less than 50' in width or 5,000 square feet in area. Permits may be issued for lots of record on the effective date of these regulations which are otherwise nonconforming.
- 6.4 CONTINUATION OF NONCONFORMING USE A use lawfully in existence on the effective date of these regulations which is made nonconforming by these regulations may be continued, provided:
- 6.41 No nonconforming use shall be enlarged, intensified, increased or extended to occupy a greater area of land than it occupied on the effective date of these regulations.
- 6.42 No such nonconforming use shall be moved to any portion of the lot or parcel other than that occupied by such use on the effective date of these regulations.

6.43 If any nonconforming use ceases for a period greater than 270 consecutive calendar days for any reason except when governmental action impedes access, any subsequent use shall conform to the applicable district regulations.

6.5 NONCONFORMING STRUCTURES A structure lawfully in existence on the effective date of these regulations which is made nonconforming by these regulations or any amendment thereto may be continued provided:

6.51 No such nonconforming structure may be enlarged, structurally altered or moved unless such change conforms with these regulations.

6.52 If any such nonconforming structure is destroyed to an extent of more than fifty per cent (50%) of its replacement cost at the time of destruction as determined by the property valuation on the most recent county tax roll, it shall not be reconstructed except in conformity with these regulations.

SECTION 7 DISTRICT REGULATIONS

7.1 DISTRICTS Districts defined in these Regulations and delineated on the Official Zoning Atlas are:

<u>Subsection</u>	<u>District Symbol</u>	<u>District Name</u>
7.2	ES	Environmentally Sensitive
7.3	AG	Agriculture, General
7.3	AE	Agriculture, Estate
7.4	RE-1 & 5	Residential, Estate
7.5	RSF-1,2,2.5,3.5 & 5	Residential, Single-Family
7.6	RMF-5, 10, 12 & 15	Residential, Multi-Family
7.7	RMF-T	Residential, Multi-Family Tourist
7.8	MHP	Mobile Home Park
7.9	MHS	Mobile Home Subdivision
7.10	MHC	Mobile Home Conventional
7.11	OMI	Office, Medical, Institutional
7.12	CG	Commercial, General
7.13	CI	Commercial, Intensive
7.14	CH	Commercial, Highway
7.15	CT	Commercial, Tourist
7.16	IL	Industrial, Light
7.17	IG	Industrial, General
7.18	MP	Marine Park
7.19	PD	Planned Development

7.2 ENVIRONMENTALLY SENSITIVE (ES)

7.2.1 INTENT This district is composed of environmentally sensitive areas which require limited development. It is intended to preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water recharge areas, scenic areas, beaches and native flora and fauna in those areas designated ES or LD on the Comprehensive Plan Map.

7.2.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks, and open spaces.
- (b) Water conservation areas, reservoirs and control structures, drainage systems and water wells.
- (c) Agricultural uses.
- (d) Non-commercial piers, docks, and wharves which comply with Section 8.10, Boat Docks, Boathouses, and Boat Lifts.
- (e) Single family residences.

7.2.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.

7.2.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.2.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Campgrounds, commercial recreation areas and hunting and fishing camps.
- (b) Resort and sports marinas and commercial fisheries.
- (c) Essential services and emergency services.

7.26 DEVELOPMENT STANDARDS

Minimum lot requirements

Area	10 acres
Width	250 feet

Minimum yard requirements

Front yard	25 feet
Side yard	10 feet
Rear yard	20 feet

Maximum lot coverage by all buildings	10%
Maximum height of structures	38 feet
Maximum residential density:	1 unit per 10 acres

7.27 SIGNS

If a portion of the parcel is zoned ES and part or all of the remainder is zoned residential or commercial, one (1) class "A" sign only on the portion zoned for residential or commercial use; otherwise, no signs except exempt signs.

7.3 AGRICULTURE (AG and AE)

7.31 INTENT Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low density residential, recreation and other uses consistent therewith.

ES/AG

7.3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Raising of cattle, sheep, swine or other animals provided no swine shall be kept within one thousand (1,000) feet of a non-agricultural district.
- (b) Raising of poultry.
- (c) Raising of dairy herds and production and processing of dairy products.
- (d) Breeding, training and boarding of animals.
- (e) Harvesting, cultivation, processing and sale of crops grown on premises, including silvaculture.
- (f) Single-family dwellings, barns, workshops and other structures incidental to agricultural or residential uses, but not including mobile homes.
- (g) Elementary and high schools with conventional academic curricula.
- (h) Single family residences used as foster care facilities.

7.3.3 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.3.4 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Housing for farm labor.
- (b) Livestock auction.

SECTION 7

- (c) Industrial activities such as leather tanning, wool processing, slaughter houses, feed pens, meat curing and similar activities.
- (d) Public and private recreation facilities, including country clubs, race tracks, pistol, rifle, skeet, trap shooting and archery ranges, and riding stables.
- (e) Garbage dumps and sanitary landfills, but not including junkyards or automobile wrecking yards.
- (f) Plant nurseries with retail sales of garden supplies and equipment.
- (g) Cluster houses and patio houses, provided the total density shall not exceed one unit per acre in AE districts or one unit per ten acres in AG districts and provided a development plan is approved.
- (h) Nursing homes.
- (i) Airports, heliports and landing fields.
- (j) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (k) Child care centers and group home facilities.
- (l) Commercial radio, television and other transmitting or receiving stations, and line of sight relay devices, structures, or towers over fifty (50) feet in height.
- (m) Cemeteries, mausoleums, crematoriums, and funeral homes located within a cemetery, provided no grave, monument or structure shall be closer than twenty-five (25) feet to a side property line.
- (n) Essential services and emergency services.
- (o) Yacht clubs, country clubs and golf courses, including executive or par three golf courses, but not including miniature golf courses or driving ranges not associated with a golf course, provided that any required parking area or building is located at least fifty (50) feet from property zoned for residential use.
- (p) Mobile homes used as residences.
- (q) Neighborhood convenience commercial, provided a development plan is approved.

AG

7.35 DEVELOPMENT STANDARDS

Minimum lot requirements

Area

AG 10 acres

AE 1 acre

Width

AG 250 feet

AE 125 feet

Minimum yard requirements

Front yard 40 feet

Side yard 20 feet

Rear yard 20 feet

Maximum lot coverage by all buildings 10%

Maximum height of structures 38 feet

Maximum residential density

AG 1 unit per 10 acres

AE 1 unit per acre

7.36 SIGNS

- (a) One (1) class "A" sign.
- (b) Class "B" signs.
- (c) Exempt signs.

7.4 RESIDENTIAL, ESTATE (RE)

7.41 INTENT This district is intended to require low density, highly restricted, large lot developments using a small percentage of the lot area for buildings.

7.42 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Single-family dwellings.
- (b) Non-profit parks and playgrounds.

AG/RE

7.4.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structure, including:

- (a) Private garages and storage structures.
- (b) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.
- (c) Non-commercial hobby or craft shops.
- (d) Non-commercial music and photographic studios.
- (e) Swimming pools.
- (f) Boat docks.
- (g) Private stables (one horse per acre).
- (h) Tennis courts.

7.4.5 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.4.6 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Cluster houses and patio houses, provided the minimum area for development in an RE-5 District is ten acres and the minimum area for development in an RE-1 District is five acres and provided a development plan is approved.
- (b) Yacht clubs, country clubs and golf courses, including executive or par three golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least fifty feet from property zoned for residential use.
- (c) Houses of worship, provided minimum parcel shall be two (2) acres.

- (d) One guest house or bona fide servants quarters for each permitted single family dwelling, provided that total lot area shall be not less than twice the minimum lot area required for a single family dwelling.
- (e) Private aircraft landing strip and heliports.
- (f) Home occupations.
- (g) Child care centers and group home facilities.
- (h) Essential services and emergency services.
- (i) Neighborhood convenience commercial, provided a development plan is approved.

7.4.7 DEVELOPMENT STANDARDS

Minimum lot requirements

Area	
RE-5	5 acres
RE-1	1 acre
Width	
RE-5	250 feet
RE-1	125 feet

Minimum yard requirements

Front yard	40 feet
Side yard	20 feet
Rear yard	20 feet

Accessory buildings shall be not closer than ten feet from any rear property line.

Maximum lot coverage by all buildings	20%
Maximum height of structures	38 feet
Maximum residential density for:	
RE-5	1 unit per 5 acres
RE-1	1 unit per 1 acre

7.4.8 SIGNS

Exempt signs only.

RE

7.5 RESIDENTIAL, SINGLE FAMILY (RSF)

7.51 INTENT These districts are intended to be used for single family residential dwellings and other uses normally associated therewith. Among RSF-1, RSF-2, RSF-3.5, and RSF-5 districts, there are variations in requirements for lot area, width and certain yards.

7.52 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Single family dwellings.
- (b) Non-profit parks and playgrounds.

7.53 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including:

- (a) Private garage and storage structures.
- (b) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.
- (c) Non-commercial hobby or craft shops.
- (d) Non-commercial music, art or photographic studio.
- (e) Swimming pools.
- (f) Boat docks.
- (g) Tennis courts.

7.54 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to commercial parking lots.

7.55 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Cluster houses and patio houses, provided a development plan is approved.
- (b) Yacht clubs, country clubs and golf courses, including executive or par three golf course, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least one hundred (100') feet from property zoned for residential use.
- (c) Houses of worship, provided minimum parcel area shall be two (2) acres.
- (d) One guest house or one servants' quarters 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.
- (e) Elementary and high schools with conventional academic curricula.
- (f) Home occupations.
- (g) Child care centers and group home facilities.
- (h) Nursing homes.
- (i) Neighborhood convenience commercial, provided a development plan is approved.
- (j) Essential services and emergency services.

7.56 DEVELOPMENT STANDARDS

	<u>RSF-1</u>	<u>RSF-2</u>	<u>RSF-2.5</u>	<u>RSF-3.5</u>	<u>RSF-5</u>
Minimum lot requirements (except as (otherwise permitted))	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
Width	125 ft.	100 ft.	100 ft.	80 ft.	70 ft.
Front yard	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Side yard					
Interior	15 ft.	15 ft.	15 ft.	7.5 ft.	7.5 ft.
Abutting					
a road	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.
Maximum lot coverage					
by all buildings	35%	35%	35%	35%	35%

RSF

Maximum building height	38 ft.	38 ft.	38 ft.	38 ft.	38 ft.
Minimum rear yard					
Abutting a lot	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Abutting a road	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Abutting greenbelt	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Setback for accessory buildings from:					
Rear lot line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Side yard				Same as principal building	
Road right-of way line				Same as principal building	
Rear or side line					
abutting a waterway	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

7.57 SIGNS

Exempt signs only.

7.6 RESIDENTIAL, MULTI FAMILY (RMF)

7.61 INTENT These districts are intended to be low to high density residential districts with emphasis on multi-family use.

7.62 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) All principal uses and structures permitted in RSF districts.
- (b) Two family dwellings.
- (c) Multiple family dwellings.
- (d) Cluster houses.
- (e) Townhouses.
- (f) Patio houses.
- (g) Rooming and boarding houses.

FOR ALL PRINCIPAL USES EXCEPT SINGLE AND TWO FAMILY DWELLINGS, DEVELOPMENT PLAN APPROVAL IS REQUIRED.

7.6.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.

7.6.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.6.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Yacht clubs, country clubs and golf courses, including executive or par three golf courses, but not including miniature golf courses or practice driving ranges not associated with a golf course, provided that any required parking area or building is located at least fifty feet from other property zoned for residential use.
- (b) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (c) Elementary and high schools with conventional academic curricula.
- (d) Home occupations.
- (e) Child care centers and group home facilities.
- (f) Essential services and emergency services.
- (g) Resort marinas.
- (h) Restaurants.
- (i) Neighborhood convenience commercial, provided a development plan is approved.

7.66 DEVELOPMENT STANDARDS

	<u>RMF-5</u>	<u>RMF-10</u>	<u>RMF-12</u>	<u>RMF-15</u>
Minimum lot requirements				
Area (except as other- wise permitted)	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Width	80 ft.	80 ft.	80 ft.	80 ft.
Front yard	25 ft.	25 ft.	25 ft.	25 ft.
Rear yard				
Abutting a lot	$\frac{1}{2}$ building height but not less than 15 ft.			
Abutting a road	25 ft.	25 ft.	25 ft.	25 ft.
Minimum side yard				
Interior	$\frac{1}{2}$ building height but not less than 7.5 ft.			
Abutting a road	15 ft.	15 ft.	15 ft.	15 ft.
Maximum lot coverage				
by all buildings	35%	35%	35%	35%
Maximum building height	38 ft.	60 ft.	60 ft.	60 ft.
Maximum density (units per acre)	5	10	12	15

A LANDSCAPED BUFFER IS REQUIRED ADJACENT TO SINGLE FAMILY ZONED PROPERTY.

7.67 SIGNS

- (a) One (1) secondary Class "A" sign for each street frontage for all uses except single and two family dwellings.
- (b) Exempt signs.

7.7 RESIDENTIAL, MULTI FAMILY/TOURIST (RMF-T)

- 7.71 INTENT This district is intended to permit multi-family dwellings, apartments and tourist related facilities.

RMF/RMF-T

7.72 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) All principal uses and structures permitted in RMF districts.
- (b) Hotels, motels and tourist accommodations.
- (c) Resort and sport marinas.

FOR ALL PRINCIPAL USES EXCEPT SINGLE AND TWO FAMILY DWELLINGS,
DEVELOPMENT PLAN APPROVAL IS REQUIRED.

7.73 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.

7.74 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.75 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Private clubs, lodges and fraternal organizations.
- (b) Restaurants, bars, cocktail lounges, taverns, saloons and nightclubs.
- (c) Package liquor stores.
- (d) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (e) Child care centers and group home facilities.
- (f) Elementary and high schools with conventional academic curricula.
- (g) Essential and emergency services.
- (h) Neighborhood convenience commercial, provided a development plan is approved.

7.76 DEVELOPMENT STANDARDS

Minimum lot requirements

Area

7,500

sq. ft.

Minimum lot requirements (cont.)

Width	80 ft.
Front yard	25 ft.
Rear yard	
Abutting a lot	15 ft.
Abutting a road	25 ft.
Side yard	
Interior	7.5 feet or one-half building height, whichever is greater
Abutting a road	15 ft.
Maximum lot coverage by all buildings	35%
Maximum building height	38 ft.
Maximum density (units per acre)	6

7.7.7 SIGNS

- (a) One (1) secondary Class "A" sign for each street frontage for all uses except single and two family dwellings.
- (b) Exempt signs.

7.8 MOBILE HOME PARK (MHP)

7.8.1 INTENT This district is intended to provide for parks consisting of mobile homes occupied as single family dwellings in an environment of residential character. Recreational vehicle/campsite uses may be allowed by special exception but shall be for short term visitation and not for year round residential use.

7.8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Mobile homes.
- (b) Park recreation facilities, including community room or center, courts for games, docks, piers, and boat launching areas.

- (c) Park offices and maintenance facilities.
- (d) Enclosed storage structures and garage facilities with use limited to park management and its residents.

DEVELOPMENT PLAN APPROVAL IS REQUIRED FOR ALL MOBILE HOME PARKS AND THE EXPANSION OR MODIFICATION OF EXISTING PARKS.

7.8.3 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures are permitted if they: (1) are customarily accessory to permitted uses and structures; (2) are located on the same lot or parcel as the mobile home park, (3) are not likely to attract visitors in large numbers, and (4) involve operations or structures consistent with the character of a mobile home park, including the following:

- (a) Laundry facilities and sales of groceries and sundries, subject to the following:
 - (1) Such establishments and parking areas related primarily to their operations shall not occupy more than two (2%) percent of the area of the park;
 - (2) Such establishments shall be used primarily by occupants of the park;
 - (3) The commercial nature of such establishments shall not be visible from any street outside the park so as to attract customers other than occupants of the park;
 - (4) Such establishments shall not be located closer than one hundred (100) feet from any public street and shall be accessible only from a street within the park; and
- (b) Additions of mobile home type construction, adjacent to and attached to mobile homes, including cabanas, carports and storage units. The length and height of such an addition shall not exceed that of the mobile home to which it is attached.

7.8.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.8.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Resort marinas.
- (b) Child care centers and group home facilities.
- (c) Open storage areas for mobile homes and recreational equipment, the use of which is limited to park residents. No such areas shall exceed five percent of the total park area.
- (d) Travel trailers, recreational vehicles and campsites provided a development plan is approved.
- (e) Essential services and emergency services.

7.8.6 DEVELOPMENT STANDARDS (Mobile Home Parks)

(1) Lot and yard requirements:

Minimum park area 20 acres

Minimum lot requirements

Lot area 4,000 square feet

Lot width 50 feet

Minimum yard requirements:

(a) No structure or site shall be located closer than twenty-five feet (25') to a park boundary. Within said twenty-five foot setback, a buffer in compliance with subparagraph (6) hereof shall be located.

(b) No structure shall be located closer than ten feet (10') to any other structure or to the pavement line of any internal street.

Maximum height of structures 38 feet

Maximum density (units per acre) 6

(2) Street Improvements Streets to be dedicated to the public shall be designed and constructed in accordance with these regulations and the Subdivision Regulations. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development.

In addition to vehicular thoroughfares, functional pedestrian and bicycle path systems are encouraged where appropriate.

(3) Street Lighting All streets within the park shall be lighted at night.

(4) Garbage Disposal Park owners shall allow public garbage collectors access throughout park streets for the purpose of collection of garbage and trash. All residential waste shall be placed in containers not to exceed twenty (20) gallons or tied in bundles not to exceed fifty (50) pounds each and located not further than 300 feet from any mobile home site. In the alternative, the use of a central park garbage collection system may be permitted. The location of central garbage collection areas shall be shown on the development plan with approved access for collection. All waste shall be placed at the approved collection area prior to the time designated for collection.

(5) Recreational Areas A minimum of five per cent of the gross land area within park boundaries shall be used as a park and/or recreation area.

(6) Buffers In lieu of the buffer requirements of Section 8.23, Landscaped Buffers, the following shall apply:

- (a) Mobile home parks shall be surrounded by buffer strips at least twenty-five (25') feet wide along all property lines. No side or rear buffer is required between adjacent mobile home parks. Streets shall not be located in buffer strips.
- (b) Buffers shall be attractively landscaped, neatly maintained and otherwise unoccupied except with permitted utility facilities, signs or entranceway ornamentation.
- (c) Any portion of a mobile home park abutting a pre-existing residential district shall be screened therefrom by a four feet high masonry wall of solid face construction or an approved fence with a minimum height of four feet and screened from the residential use by dense evergreen foliage. Such screening shall

be erected and maintained by the developer of the mobile home park. In lieu of a wall or fence, the Zoning Official may permit the planting of evergreen foliage in accordance with specifications adopted by the Board of County Commissioners. The installation and method of maintenance of the foliage shall be approved by the Zoning Official before a certificate of occupancy is issued.

7.8.7 DEVELOPMENT STANDARDS (Recreational vehicle/campsite parks)

Where travel trailers, recreational vehicles or campsites are permitted by special approval, the following development standards shall apply, in addition to the development standards required for mobile home parks. However, where the development standards for mobile home parks and this subsection differ, this subsection shall prevail.

- (a) Required Facilities Every recreational vehicle site or travel trailer site shall be provided water and sewer facilities at the site. No campsite shall be located more than two hundred (200) feet from an approved water and toilet facility.
- (b) Minimum Recreation Area Not less than ten (10) per cent of the total area shall be allocated for recreational or park areas.
- (c) Site Size Recreational vehicle and travel trailer sites shall be clearly marked and shall have a minimum width of thirty (30) feet and minimum lot area of 1,800 square feet. Density shall not exceed twelve (12) sites per acre.

7.8.8 SIGNS

- (a) One (1) secondary Class "A" sign to identify each entrance to a mobile home park.
- (b) Exempt signs.

7.9 MOBILE HOME SUBDIVISION (MHS)

7.9.1 INTENT This district is intended for mobile homes on individually platted lots in accordance with Charlotte County Subdivision Regulations. This is a single family residential district and uses and development standards are intended to promote a residential character.

7.9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Mobile homes.
- (b) Non-profit parks, playgrounds and recreational facilities.
- (c) ADDITIONS ONLY OF MOBILE HOME TYPE CONSTRUCTION, including cabanas, carports, and storage units. The length and height of such additions shall not exceed that of the mobile home to which it is attached.

7.9.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including:

- (a) Private garages and storage structures.
- (b) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.
- (c) Non-commercial hobby or craft shops.
- (d) Non-commercial music, art or photographic studio.
- (e) Swimming pools.
- (f) Boat docks.
- (g) Private stables (one horse per acre).
- (h) Tennis courts.

7.9.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permissible by Special Exception including:

- (a) Commercial or industrial uses.
- (b) Travel trailers or motor homes used as a living unit.

7.9.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (b) Home occupations.
- (c) Child care centers and group home facilities.
- (d) Essential services and emergency services.

7.9.6 DEVELOPMENT STANDARDS

Minimum subdivision area	5 acres
Minimum mobile home living area	400 square feet
Minimum lot requirements	
Area	7,500 square feet
Width	60 feet
Minimum yard requirements:	
Front yard	25 feet
Side yard	
Interior	7.5 feet
Abutting a road	15 feet
Rear yard	
Abutting another lot	15 feet
Abutting a road	25 feet
Minimum setback of accessory buildings from	
Rear lot line	10 feet
Side lot line	7.5 feet
Road right-of-way line	Same as principal building
Rear or side line abutting	
a waterway	20 feet
Maximum lot coverage	35%

Maximum building height	38 feet
Maximum density (units per acre)	5

7.97 SIGNS

Exempt signs only.

7.10 MOBILE HOME CONVENTIONAL (MHC)

7.10.1 INTENT This district is intended to provide for mobile homes and conventional single family structures in an environment of residential character. Uses not compatible with single family residential uses are prohibited. This district shall be applied to existing developments containing a mixture of mobile homes and conventional dwelling units. Lands may not be rezoned to this district without a showing of significant cause to prevent the decline of the area.

7.10.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Mobile homes and modular homes.
- (b) Conventional single family dwelling units.
- (c) Non-profit parks, playgrounds, and recreational facilities.

7.10.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structure, including:

- (a) Private garages and storage structures.
- (b) Greenhouses, growing of plants and other horticultural uses, provided no retail sales are made on the premises.
- (c) Non-commercial hobby or craft shops.
- (d) Non-commercial music and photographic studios.
- (e) Swimming pools.

- (f) Boat docks.
- (g) Private stables (one horse per acre).
- (h) Tennis courts.

7.10.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including:

- (a) Commercial or industrial uses.
- (b) Travel trailers and motor homes.

7.10.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Houses of worship, provided that the minimum parcel size shall be two (2) acres.
- (b) Home occupations.
- (c) Child care centers and group home facilities.
- (d) Essential services and emergency services.

7.10.6 DEVELOPMENT STANDARDS

Minimum mobile home living area	400 square feet
Minimum lot requirements	
Area	7,500 square feet
Width	60 feet
Minimum yard requirements:	
Front yard	25 feet
Side yard	
Interior	7.5 feet
Abutting a road	15 feet
Rear yard	
Abutting another lot	15 feet
Abutting a road	25 feet

Minimum setback for accessory buildings from	
Rear lot line	10 feet
Side lot line	7.5 feet
Road right-of-way line	Same as principal building
Rear or side line abutting a waterway	20 feet
Maximum lot coverage	35%
Maximum building height	38 feet
Maximum density (units per acre)	5

7.10.7 SIGNS

Exempt signs only.

7.11 OFFICE, MEDICAL, AND INSTITUTIONAL (OMI)

7.11.1 INTENT This district is intended for professional and business offices and institutional and cultural activities. Multi-family residential use is permitted by special exception. Although this district is not commercial in character, limited commercial uses are permissible by special exception, if they support office and institutional uses.

7.11.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Professional and business offices.
- (b) Hospitals and nursing homes, but no such facility shall have a lot area less than 2.5 acres.
- (c) Medical and dental clinics.
- (d) Art galleries, libraries, museums, community centers, publicly owned recreational facilities and theaters for live stage productions.
- (e) Laboratories not emitting odor, noise, smoke or other noxious effects detectable off the premises and not involving manufacturing processes.

MHC/OMI

- (f) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (g) Elementary and high schools with conventional academic curricula.
- (h) Public parks, playgrounds and buildings.
- (i) Dance, art, music and photographic studios.
- (j) Funeral homes.
- (k) Private clubs.
- (l) Animal hospitals, provided the boarding of animals occurs in completely enclosed buildings.
- (m) Single family dwellings, patio houses, cluster houses, townhouses, two family dwellings and multi-family dwellings.
- (n) Child care centers and group home facilities.

DEVELOPMENT PLAN APPROVAL IS REQUIRED FOR ALL USES EXCEPT SINGLE AND TWO FAMILY RESIDENTIAL USES.

7.11.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.

7.11.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception.

7.11.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Colleges and universities.
- (b) Vocational, trade or business schools, provided all activities are conducted in completely enclosed buildings.
- (c) Sanitariums.
- (d) Detoxification centers which comply with state and federal regulations.

OMI

(e) Essential services and emergency services.

7.11.6 DEVELOPMENT STANDARDS

Minimum Lot Requirements:

Area	7,500 square feet
Width	80 feet
Minimum yard requirements	
Front yard	25 feet
Side yard	
Interior	$\frac{1}{2}$ building height but not less than $7\frac{1}{2}$ ft.
Abutting a road	$\frac{1}{2}$ building height but not less than 15 ft.
Rear yard	
Abutting	
another lot	$\frac{1}{2}$ building height but not less than 15 ft.
Abutting a road	25 feet
Maximum lot coverage	35%
Maximum building height	60 feet (all buildings higher than 38' require special approval)
Maximum density (residential units per acre)	10

A SCREENING BUFFER IS REQUIRED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.

7.11.7 SIGNS

- (a) One (1) secondary Class "A" sign for each street frontage for all uses except single family and two family dwellings.
- (b) Exempt signs.

7.12 COMMERCIAL GENERAL DISTRICT (CG)

7.12.1 INTENT This district is intended to provide areas in which the customary and traditional conduct of trade and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.

7.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Hotels, motels and restaurants.
- (b) Professional services.
- (c) Personal services.
- (d) Business services.
- (e) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
- (f) Parking lots and parking garages.
- (g) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers, instruments and radio repair; provided the services performed on parts off of the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
- (h) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
- (i) Resort marinas.
- (j) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the buildings.
- (k) Private clubs, lodges and union halls.
- (l) Post offices.
- (m) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.

- (n) Vocational, trade and business schools, provided all activities are conducted in completely enclosed buildings.
- (o) Banks and other financial institutions.
- (p) Animal hospitals with boarding of animals in completely enclosed buildings.

DEVELOPMENT PLAN APPROVAL IS REQUIRED FOR ALL PRINCIPAL USES.

7.12.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including Residential and dwelling units within the same structure as the principal use for occupancy by owners or employees of permitted uses.

7.12.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by Special Exception.

7.12.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Houses of worship, provided the minimum parcel size shall be two acres.
- (b) Multi-family dwellings as a principal use.
- (c) Package stores for sale of liquor, and bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages.
- (d) Gasoline pumping stations.
- (e) Mass transit stations.
- (f) Sport marinas.
- (g) Miniature golf courses.
- (h) Elementary and high schools with conventional academic curricula.

- (i) Billiard parlors and game arcades as principal uses.
- (j) Essential services and emergency services.
- (k) Retail sales of recreation vehicles and trailers.

7.12.6 DEVELOPMENT STANDARDS

(a) For multi-family principal uses, development standards are the same as in RMF-15 districts.

(b) For all other uses:

Minimum lot requirements

Area	12,000 square feet
Width	100 feet

Minimum yard requirements:

Front yard 25 feet

Side yard

Interior None

Abutting a road 20 feet

Rear yard

Abutting a lot 10 feet

Abutting a road 25 feet

Maximum lot coverage 50%

Maximum height of structures 60 feet

A SCREENING BUFFER IS REQUIRED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.

7.12.7 SIGNS

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign for each separate business on any single lot.
- (b) Class "B" signs permissible by Special Exception.
- (c) exempt signs.

7.13 COMMERCIAL INTENSIVE DISTRICT (CI)

7.13.1 INTENT This district is intended to provide protected areas in which compatible businesses oriented to the sale and service of automobiles and boats may exist.

7.13.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) All uses and structures permitted in the CG District.
- (b) Automotive sales and services, provided major mechanical and body overhaul and repair is conducted within a fully enclosed building.
- (c) Boat, trailer and motor sales.
- (d) Service stations and truck stops.
- (e) Lumber and building supply establishments, except ready mixed concrete and concrete product manufacturing plants.
- (f) Sport marinas.
- (g) Sale and storage of mobile homes, travel trailers and campers.
- (h) Heavy machinery and equipment sales and service.
- (i) Funeral homes.
- (j) Carpentry and cabinet shops.
- (k) Equipment rental.
- (l) Drive-in theaters, golf driving ranges, par three golf courses, and outdoor commercial recreation facilities.
- (m) Dry cleaning and laundry package plants in completely enclosed buildings.
- (n) Railroad sidings.
- (o) Auditorium and convention centers.
- (p) Wholesale sales.
- (q) Mass transit terminals and yards.

DEVELOPMENT PLAN APPROVAL REQUIRED FOR ALL PRINCIPAL USES.

7.13.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including residential dwelling units within the same structure as the principal use for occupancy by owners or employees of permitted uses.

7.13.4 PROHIBITED USES AND STRUCTURES

Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by Special Exception.

7.13.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Package stores for sale of liquor, bars, nightclubs, cocktail lounges and taverns for on-premises consumption of alcoholic beverages.
- (b) Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district.
- (c) Houses of worship, provided minimum parcel size is two (2) acres.
- (d) Warehouses or storage facilities, but not bulk storage of flammable liquids.
- (e) Billiard parlors and game arcades as principal uses.
- (f) Building trades contractor with storage yard for materials and equipment on premises.
- (g) Crematoria.
- (h) Television and radio transmitter towers.
- (i) Parimutuel wagering establishments with seating for one thousand (1000) or more. Development plan approval required regardless of location.
- (j) Essential services and emergency services.
- (k) Carnivals and circuses.
- (l) Light manufacturing and assembly in a completely enclosed building.
- (m) Heliports.

7.13.6 DEVELOPMENT STANDARDS

Minimum lot requirements	
Area	12,000 square feet
Width	100 feet
Minimum yard requirements	
Front yard	25 feet
Side yard	
Interior	None
Abutting a road	20 feet
Rear yard	
Abutting a lot	10 feet
Abutting a road	25 feet
Maximum lot coverage	50%
Maximum height of structures	60 feet

SCREENING BUFFER REQUIRED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.

7.13.7 SIGNS

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign separate business on any single lot or parcel.
- (b) Class "B" signs permissible by Special Exception.
- (c) Exempt signs.

7.14 COMMERCIAL HIGHWAY DISTRICT (CH)

7.14.1 INTENT This district is a specialized district intended to apply to areas where adequate lot depth is available to provide meaningful development for vehicle related uses for the traveling public.

7.14.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Automotive service stations and truck stops.

CI/CH

- (b) Motels and hotels.
- (c) Restaurants.
- (d) Gift, novelty and curio shops, sale of fruit and similar uses catering to tourists, provided all display of products shall be inside a completely enclosed building and carried on in connection with another use permitted in the district.

DEVELOPMENT PLAN APPROVAL REQUIRED FOR ALL PRINCIPAL USES.

7.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including residential dwelling units within the same structure as the principal use for occupancy by owners or employees of permitted uses.

7.14.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically, provisionally or by reasonable implication permitted herein, or permissible by Special Exception.

7.14.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

Essential services and emergency services.

7.14.6 DEVELOPMENT STANDARDS

Minimum lot requirements,
except as otherwise provided
in Section 8.34, Automotive
Service Stations

Area	40,000 square feet
Width	200 feet

Minimum yard requirements:

Front yard	50 feet
Side yard	20 feet
Rear yard	20 feet
Maximum lot coverage by all buildings	35%
Maximum height of structure	45 feet

SCREENING BUFFER REQUIRED ADJACENT TO RESIDENTIALLY ZONED PROPERTY

7.14.7 SIGNS

No signs except:

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign for each separate business on any single lot or parcel.
- (b) Class "B" signs by Special Exception.
- (c) Exempt signs.

7.15 COMMERCIAL TOURIST (CT)

7.15.1 INTENT This district is intended to provide for tourist oriented resort facilities and is limited to uses typical of and desirable in a tourist-resort area.

7.15.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Hotels and motels.
- (b) Multiple family dwellings.
- (c) Professional and business services.
- (d) Personal services.
- (e) Restaurants, drug and sundry shops, tobacco shops and newsstands, florists, gift shops, confectionary stores, and self-service laundries.
- (f) Resort marinas.
- (g) Parking lots, garages and structures.
- (h) Houses of worship, provided minimum parcel size shall be two (2) acres.
- (i) Sports marinas.

DEVELOPMENT PLAN APPROVAL REQUIRED FOR ALL PRINCIPAL USES.

7.15.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including residential dwelling units within the same structure as the principal use for occupancy by owners or employees of permitted uses.

7.15.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically or by reasonable implication permitted herein or permitted by Special Exception is prohibited.

7.15.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Recreation and entertainment uses.
- (b) Automobile, motorcycle and bicycle but not truck or trailer rentals.
- (c) Essential services and emergency services.
- (d) Retail sales and services not otherwise expressly permitted.

7.15.6 DEVELOPMENT STANDARDS

- (a) For multi-family principal uses, developments standards are the same as in RMF-15 Districts.
- (b) For all other uses:

Minimum lot requirements

Area	12,000 square feet
Width	100 feet

CT

Minimum yard requirements		
Front yard		25 feet
Side yard		
Interior		None
Abutting a road		20 feet
Rear yard		
Interior		10 feet
abutting a road		25 feet
Maximum lot coverage by all buildings		50%
Maximum height of structures		38 feet
Accessory buildings		Same as principal building

A SCREENING BUFFER IS REQUIRED ADJACENT TO RESIDENTIALLY ZONED PROPERTY.

7.15.7 SIGNS

No signs except:

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign for each separate business on any single lot or parcel.
- (b) Exempt signs.

7.16 INDUSTRIAL, LIGHT (IL)

7.16.1 INTENT This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution.

7.16.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) All uses and structures permitted in CI District.
- (b) Wholesaling, warehousing, storage, and distribution establishments, and similar uses.
- (c) Light manufacturing, processing, including food processing, packaging, and fabricating in completely enclosed buildings.

- (c) Printing, lithographing, publishing, and similar establishments.
- (d) Bulk storage yards, but not including bulk storage of flammable liquids.
- (e) Outdoor storage yards or lots, provided such outdoor storage yards or lots shall not be located closer than 25 feet to any public street; and provided further that this provision shall not permit wrecking yards (including automobile wrecking yards), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sale of any scrap, salvage or second hand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.
- (f) Retail and repair establishments for sale or repair of new and used automobiles, motorcycles, trucks or tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), heavy machinery or equipment, farm equipment, retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.
- (g) Service establishments catering to commerce and industry, including linen supplies, freight movers, communication services, restaurants, hiring and union halls, employment agencies, sign companies, automotive service and truck stops, and similar uses.
- (h) Vocational, technical, trade and industrial schools, and similar uses.
- (i) Medical clinic in connection only with industrial activities.
- (j) Miscellaneous uses such as express offices, telephone exchanges, commercial parking lots and parking garages, motor bus or truck or other transportation terminals, and related uses.
- (k) Radio and television stations and transmitters.

DEVELOPMENT PLAN APPROVAL REQUIRED FOR ALL PRINCIPAL USES.

7.16.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses, including retail sales, and structures which are customarily accessory and clearly incidental and subordinate to permitted princi-

pal uses and structures; provided, however, that no residential facilities shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises, or for employees who will be temporarily quartered on the premises.

7.16.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically or by reasonable implication permitted herein, or permitted by special exception, including the following:

- (a) Residential dwellings, except as permitted under Accessory Uses.
- (b) Hospitals and clinics, except clinic in connection with industrial activity.
- (c) Wrecking yards, including automotive vehicle wrecking yards and junk yards.
- (d) Chemical and fertilizer manufacture.
- (e) Explosives manufacturing and storage.
- (f) Paper and pulp manufacture.
- (g) Petroleum refining.
- (h) Stockyards and feeding pens.
- (i) Animal slaughterhouses.
- (j) Tanneries with curing or storage of raw hides.
- (k) Any use not conforming to Industrial Performance Standards.

7.16.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Bulk storage of flammable liquids, subject to the provisions of county and state fire codes.
- (b) Industrial marinas.
- (c) Houses of worship, provided minimum parcel size shall be two acres.

- (d) Essential services and emergency services.
- (e) Asphalt plants.
- (f) Concrete batch plants.
- (g) Hotels and motels.
- (h) Heliports.

7.16.6 DEVELOPMENT STANDARDS

Minimum lot requirements

Area	12,000 square feet
Width	100 feet

Minimum yard requirements

Front yard	25 feet
Side yard	

Interior	None
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Abutting a road	15 feet
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Rear yard

Interior	10 feet
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Abutting a road	25 feet
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Maximum lot coverage by all buildings	40%
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Maximum height of structures	60 feet
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Accessory buildings	Same as principal building
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A SCREENING BUFFER IS REQUIRED ADJACENT TO RESIDENTIALLY
ZONED PROPERTY.

7.16.7 SIGNS

No signs except:

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign for each separate business on any single lot or parcel.
- (b) Class "B" signs by Special Exception.
- (c) Exempt signs.

IL

7.17 INDUSTRIAL, GENERAL (IG)

7.17.1 INTENT This district is intended primarily for manufacturing and related uses.

7.17.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) All uses permitted in IL districts.
 - (b) Asphalt plants and concrete batch plants.
 - (c) Industrial marinas.
 - (d) Business machine services and canteen services.
- DEVELOPMENT PLAN APPROVAL REQUIRED FOR ALL PRINCIPAL USES.

7.17.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures, provided, however, that no residential facility shall be permitted in the district except for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.

7.17.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically or by reasonable implication permitted herein or permitted by special exception, including the following:

- (a) Residential dwelling units, except as provided under Accessory Uses.
- (b) Hospitals or clinics, except clinics in connection with industrial activity.
- (c) Fertilizer manufacture.
- (d) Explosives manufacturing or storage.

- (e) Paper and pulp manufacture.
- (f) Petroleum refining.
- (g) Any use not conforming to Industrial Performance Standards.

7.17.5 SPECIAL EXCEPTIONS

(For procedure see Section 11, Special Exceptions)

- (a) Automobile wrecking yards and junkyards in other than a completely enclosed building, provided that such yards shall not be located closer than 100 feet, not including intervening street rights-of-way, to residentially zoned property, and provided that no portion of the lot within 25 feet of a public street shall be used for any business purpose other than off-street parking for patrons of the establishment. Any such activity shall be completely surrounded by an 8 foot high 100% opaque fence or wall and the entire fence or wall shall be of the same type of construction, which construction shall not be tin or galvanized metal.
- (b) Any industrial use not specifically permitted or prohibited which is otherwise lawful and which conforms to Industrial Performance Standards.
- (c) Essential services and emergency services.
- (d) Stockyards and feeding pens.
- (e) Animal slaughterhouses.
- (f) Tanneries and the curing or storage of raw hides.
- (g) Laboratories.
- (h) Heliports.

7.17.6 DEVELOPMENT STANDARDS

Minimum lot requirements

Area	40,000 square feet
Width	200 feet

Minimum yard requirements

Front yard	25 feet
Side yard	
Interior	None
Abutting a road	15 feet
Rear yard	
Interior	10 feet
Abutting a road	25 feet
Maximum lot coverage by all buildings	40%
Maximum height of structures	60 feet
Accessory buildings	Same as principal building

SCREENING BUFFER REQUIRED ADJACENT TO ANY RESIDENTIALLY
ZONED PROPERTY.

7.17.7 SIGNS

No signs except:

- (a) One (1) Class "A" sign for each street frontage for each lot or parcel under separate ownership, plus one (1) secondary Class "A" sign for each separate business on any single lot or parcel.
- (b) Class "B" signs by Special Exception.
- (c) Exempt signs.

7.18 MARINE PARK (MP)

7.18.1 INTENT To protect and preserve submerged lands in Charlotte County extending seaward from the mean high water line or bulkhead line. Fresh water canals, manmade lakes, ponds, and water impoundment areas are specifically excluded from the operation of this section.

7.18.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- (a) Uses such as boating, swimming, fishing, diving, water skiing, surfboarding, wading, and similar activities.

IG/MP

- (b) Boat docks and boat lifts.
- (c) Seawalls, bulkheads, riprap and similar structures.
- (d) Navigational markers and signal devices.
- (e) Public utility lines.

7.18.3 PERMITTED ACCESSORY USES AND STRUCTURES

Uses, but not structures, which are customarily accessory and clearly incidental to permitted uses.

7.18.4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically or by reasonable implication permitted herein.

7.18.5 SPECIAL EXCEPTIONS

(a) Structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting an MP district.

(b) Covered boat slip and boat houses.

(c) Commercial wet storage of boats.

USES PERMISSIBLE BY SPECIAL EXCEPTION ARE SUBJECT TO ALL REGULATIONS AND PERMITTING PROCEDURES OF ALL AGENCIES HAVING JURISDICTION OVER COUNTY WATERS.

7.18.6 DEVELOPMENT STANDARDS

See Section 8.10, Boat Docks, Boat Houses and Boat Lifts.

7.18.7 SIGNS

All signs are prohibited except signs for navigation, warning, trespassing, and caution.

7.19 PLANNED DEVELOPMENT DISTRICTS (PD)

7.19.1 INTENT The Planned Development district (PD) is intended to encourage concentrated, energy efficient land development through the use of innovative land use planning and structural design techniques. Conventional zoning requirements are replaced by flexible performance requirements intended to:

- (a) provide for the planning, review and approval of one or a combination of residential, commercial, public and industrial land uses and structures which result in an organized, compatible development;
- (b) allow a diversification of uses, structures and spaces compatible with existing or proposed uses and structures on surrounding properties;
- (c) minimize improvement costs through a more efficient arrangement of structures, utilities and ingress and egress than is permitted under conventional zoning and subdivision regulations;
- (d) preserve, where feasible, environmental assets and natural amenities as scenic and functional open space areas;
- (e) encourage an increase in the amount and usability of open space by permitting more concentrated building area than is allowed under conventional zoning and subdivision regulation;
- (f) encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment;
- (g) assure the County and other public agencies that development of the project will occur in accordance with the approved Concept Plan, Detail Plan(s) and final plat(s); and

(h) assure the applicant that development may be undertaken and carried out in accordance with approved Concept Plan, Detail Plan(s) and final plat(s).

7.19.2 USES PERMITTED Any residential, commercial or industrial land use and structures, provided such uses and structures are designed harmoniously internally and with neighboring areas.

7.19.3 DESIGN CRITERIA AND DEVELOPMENT STANDARDS Because of the unique characteristics of a PD, conventional zoning requirements are inappropriate. Instead, the following design criteria and development standards shall apply:

(1) Design Criteria

(a) Generally. The location and arrangement of buildings and other facilities shall not be detrimental to development in the general vicinity.

(b) Natural Features The natural topography, soils and vegetation should be preserved and utilized where economically and physically feasible through the careful location and design of structures, parking areas, recreation areas, open spaces, utilities, drainage and other facilities.

(c) Landscaping Where appropriate, landscaping shall be provided consisting of any combination of trees, shrubs, vines, ground cover, etc. The use of native plant materials and retention of undisturbed areas is encouraged. Irrigation facilities may be required in high visibility areas of the PD.

(d) Relation to Transportation Facilities PDs shall be so located with respect to arterial, major or minor collector streets and/or other transportation facilities as to provide adequate access.

- (e) Relation to Utilities, Public Facilities and Services PDs shall be located in proximity to sanitary sewers, water lines, storm and surface drainage systems, and other applicable utilities systems and installations. The preceding sentence shall not apply if the developer: (1) provides private facilities, utilities or services approved by appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning; and (2) assures their satisfactory, continuing operation during the period of development; and (3) makes provision for their continued operation thereafter, or until public facilities, utilities and services are available for use. The purpose of this paragraph is that there be no undue public cost of the development higher than would be incurred for a development of similar size and scope in compliance with conventional zoning requirements.
- (f) Other Requirements Certain additional design criteria and development standards set forth in Section 8, Special Regulations, shall apply when relevant to all or portions of proposed Planned Developments. These criteria and standards are:
- (1) Section 8.9, Base Setback Line, as it applies to the perimeter of the Planned Development and to any arterial or collector routes within the Planned Development.
 - (2) Section 8.10, Boat Docks, Boat Houses, and Boat Lifts.
 - (3) Section 8.23, Landscaped Buffer Areas
 - (4) Section 8.27, Model Residential Units.
 - (5) Section 8.37, Visibility at Road Intersections.
 - (6) Section 8.7, Areas of Special Flood Hazard.
 - (7) Section 8.30, Off Street Parking and Loading Facilities.
 - (8) Section 8.21, Industrial Performance Standards.

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The above requirements do not preclude the application of other Special Regulations (Section 8) to the Planned Development where appropriate.

(2) Development Standards

(a) Maximum Base Residential Density The maximum base dwelling unit density permitted within a PD shall be:

(1) For areas designated for environmentally sensitive, mobile home, agricultural or residential uses on the Charlotte County Zoning Atlas, as amended, the maximum density designated for such areas.

(2) For areas designated for commercial or industrial use on said Zoning Atlas, fifteen (15) dwelling units per acre.

(3) Residential density shall be computed by dividing the total acreage of the PD, less any acreage proposed for commercial or industrial uses, by the total number of proposed dwelling units therein.

(b) Residential Density Bonus In addition to the base dwelling unit density permitted in subparagraph (a), bonus dwelling unit density may be granted upon Concept Plan approval on the basis of the following:

<u>% Over Base</u>	<u>Action</u>
(1) up to 10%	Rezoning to Planned Development (PD)
(2) " " 20%	Redesign and replatting of previously recorded subdivisions
(3) " " 20%	Preservation of prime agricultural lands
(4) " " 10%	Underground electric, telephone and cable T.V. systems
(5) " " 10%	Preservation of environmentally sensitive areas, natural land cover or habitats

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- | | | | | |
|-----|---|---|-----|---|
| (6) | " | " | 10% | Solar sensitive site design |
| (7) | " | " | 10% | Inclusion of subsidized housing or other facilities meeting current social and economic needs |
| (8) | " | " | 50% | Significant contributions of land, facilities or equipment to public use |

Final approval of residential bonus units may be granted when Detail Plan(s) and supplemental documents assure actions proposed at the time of Concept Plan Approval.

- (c) Cumulative Bonus In no event shall the cumulative density granted exceed the maximum density permitted under the Comprehensive Plan.
- (d) Minimum Lot and Yard Requirements None, provided no structure shall be located closer to the peripheral property line of the PD than 25' or as required by Section 8.38, Waterfront Property, whichever is greater.
- (e) Maximum Height of Structures None, except as required by Section 8.38, Waterfront Property.
- (f) Recreation Space Unless otherwise provided for the area, residential PD projects shall provide recreation space or its equivalent to serve the PD project residents. The amount of recreation space shall be commensurate with the amount recommended in the Recreation and Open Space element of the Comprehensive Plan for the neighborhood in which the PD is located. Recreation space shall include passive and active open and recreation space, including greenbelts, natural preservation areas, environmentally sensitive areas, waterways and water impoundment areas, golf courses and other recreational amenities and other similar spaces and facilities, whether public or private.
- (g) Open Space A minimum of 20% of the PD site shall be open space which may include waterways or vegetated areas unencumbered by an impervious surface.

- (h) Utilities Potable water supply, sewage treatment, and water management systems, utility lines and easements shall be designed in accordance with requirements of the Charlotte County Subdivision Regulations except as modified in subsection 7.19.3(1)(e), Relation to Utilities, Public Facilities and Services.
- (i) Internal Circulation Streets to be dedicated to the public shall be designed and constructed in accordance with these regulations and the Subdivision Regulations. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development.

In addition to vehicular thoroughfares, functional pedestrian and bicycle path systems are encouraged where appropriate.

7.19.4 PROCEDURES FOR REZONING TO PD

- (a) Pre-application Conference A pre-application conference shall be scheduled by the applicant with the Zoning Official and Planning Official or their designee(s). The applicant shall prepare for the pre-application conference a generalized sketch plan for the proposed development which shall include preliminary data regarding proposed land use, residential density, lot coverage, project amenities, storm water retention and disposal, sewage treatment and potable water supply. The applicant shall be advised at the pre-application conference of existing plans and policies to be considered in the preparation of subsequent PD Concept Plans or Detail Plans and any other information relevant to the proposed PD.
- (b) Application Applications for rezoning to PD and approval of Concept Plans shall be filed with the Zoning Official and Planning Official. An applicant may file a Detail Plan for all or part of the proposed PD simultaneously with the application

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for PD rezoning and approval of Concept Plan. In any event, the procedure for approval of the Detail Plan shall be the same as the approval procedure for rezoning to PD. If, however, the Detail Plan is not filed simultaneously with the Concept Plan, it shall be reviewed pursuant to Section 9.5, Development Plan Approval except that, after review by the Development Review Committee, it shall be reviewed by the Board of County Commissioners. In no event shall the Detail Plan be approved before approval of the Concept Plan.

- (c) Pre-Hearing Conference with Applicants After the Zoning Official or his designee determines that a complete application and Concept Plan or Detail Plan have been filed, the Zoning Official shall forward copies thereof to the Development Review Committee (DRC), and Planning and Zoning Board (PZ Board). The DRC shall review the application and Plans and forward its written recommendations to the PZ Board for public hearing on the application and Plans. The applicant shall be given reasonable notice of all review hearings and shall be entitled to appear and be heard. The PZ Board shall issue written recommendations and forward the application, Plans and recommendations to the Board of County Commissioners. Upon written request of the applicant, the Board shall conduct a public hearing thereon within 120 days after filing of a complete application, or within 60 days after filing a written request therefor, whichever occurs last, whether or not written recommendations have been made by the PZ Board.

- (d) Effect of Decision The decision of the Board of County Commissioners shall be by resolution. A resolution which approves a PD rezoning application and Plans shall state all of the terms and conditions for approval, including the projected period of development, and its adoption shall constitute a rezoning of the area to PD. Subsequent design and development action shall be in accordance with the approved PD Concept Plan. The Official Zoning Atlas shall be amended to identify the area of the PD and

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the resolution number. The approved PD Concept Plan shall be filed and available for inspection at the Zoning Department. Approval of the Concept Plan shall be valid for the projected period of development. PD Detail Plans and/or Final Plats for at least the first phase of the PD shall be filed within two (2) years after approval of the Concept Plan. Detail Plans or Final Plats for remaining phases of the PD shall be filed within the time projected for the period(s) of development. Construction of proposed development shall be undertaken accordingly. However, on public hearing and for good cause shown, the County Commission may grant an extension of time for the development or an adjustment of the phasing plan. Any terms, conditions or stipulations imposed or entered into at the time of approval of the PD by the County Commission shall be binding on applicant and any successors in interest of applicant. Deviation from the approved Concept Plan or Detail Plan, or failure to comply with any requirement of these zoning regulations, except as modified by the Plan(s) as approved, shall constitute a violation of these zoning regulations.

(e) PD Concept Plans A PD Concept Plan shall accompany the rezoning application and include the following:

- (1) The title of the project and the names of the professional project planner and the land owner of record;
- (2) Scale, date, north arrow and general location map;
- (3) Legal description of the property;
- (4) Map showing all existing streets, buildings, water courses, easements and other important physical features in and adjoining the property;
- (5) Overall concept design map showing general locations, acreage and density for each proposed land use;
- (6) Map showing points of access and general traffic flow;

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- (7) Tabulations of total gross acreage in the proposed development, the percentage of total acreage to be devoted to each proposed use and projected density by dwelling types;
- (8) Development time schedule and phasing plan for entire PD.

(f) PD Detail Plans

- (1) Contents The Detail Plan(s) shall contain all information required by Section 9.5, Development Plan Approval, of these regulations.
- (2) Approval Procedure: The applicant shall submit a Detail Plan and supporting documents for all or the first phase of the PD simultaneously with the Concept Plan or within two (2) years after approval of the Concept Plan. Notwithstanding the foregoing, a Detail Plan for all of the proposed PD may be filed in lieu of a Concept Plan if the Detail Plan satisfies the requirements of subparagraphs (5) and (6) above. If platting is required, the Preliminary Plat may be reviewed simultaneously with review of the PD Detail Plan. Plats shall meet all requirements of the Subdivision Regulations. In the event of conflict between the Subdivision Regulations and the Zoning Regulations, the Zoning Regulations and approved Detail Plan shall prevail. Upon approval, the PD Detail Plan shall be filed with the Concept Plan and noted on the Zoning Atlas. Following the effective date of such approval, the arrangement and use of all buildings, structures and other improvements within the PD shall be in accordance with the approved Detail Plan instead of other zoning or subdivision requirements.

(g) Plan Amendments and Deviations

- (1) Amendments to PD Detailed Plan Additions, deletions or changes in use, density, sequence of development or other specifications

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of an approved PD Detail Plan which are determined by the Zoning Official to be substantial may be permitted only after public hearing by the Board of County Commissioners. Minor variations, extensions, alterations or modifications of the proposed uses, buildings, structures or other improvements which are consistent with the purpose and intent of the approved Concept Plan may be authorized by the Zoning Official.

A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the PD Detail Plan unless an amendment to the Plan is approved by the Board of County Commissioners at public hearing.

Building and Zoning Officials shall not authorize issuance of permits for construction of structures or land improvements in the PD except in conformity with all standards and conditions specified for approval.

- (2) Building Permits No building permit or Certificate of Occupancy or Certificate of Zoning Compliance shall be issued for a PD except in conformity with all provisions of the approved Detail Plan, as amended. All buildings and improvements in a particular phase need not be complete before issuance of a Certificate of Occupancy for a completed building in that phase, unless otherwise required by the Detail Plan as approved.

SECTION 8. SPECIAL REGULATIONS

8.1 ABANDONED VEHICLES Vehicles which are abandoned for a period of thirty (30) days shall be prohibited on public property or private property unless within a carport or garage or unless within a parcel on which such use is permitted.

8.2 ABANDONED WATERCRAFT All watercraft which are inoperative or unregistered and appear to the Zoning Official to be in a state of decay or abandonment shall be prohibited on any waterway, shore, public or private property unless contained in an enclosed building or unless such watercraft are under repair and located in a district which permits the repair of watercraft.

8.3 ACCESS TO COMMERCIAL USES Where commercial district property abuts two (2) streets and where that portion of such streets abutting commercial district property also abuts any residential district, access to such commercial district property shall be provided only from the street not abutting a residential district.

8.4 AGRICULTURAL USES IN RESIDENTIAL AREAS Nothing in these regulations shall prohibit the growing of plants in residential districts, including vegetable gardens and horticultural specialties, provided no agricultural products, including plants, shall be sold from a residential site. This provision shall not prohibit the property owner from delivering agricultural products to another location for sale.

8.5 AIR HAZARD ZONES

8.5.1 Purpose. Zones of restricted height are hereby created to prevent the creation of airport hazards, thereby protecting the lives and property of users of the Charlotte County and other airports and of occupants of land in their vicinity and preventing destruction or

impairment of the utility of the airport and the public investment therein.

8.5.2 Application. This section shall apply to all zoning districts except as otherwise provided in this section. Where this section imposes a greater restriction upon the use of land than is imposed by other regulations or districts, the provisions of this section shall govern.

8.5.3 Airport Zoning Map. In order to define the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard, the Charlotte County Airport Approach and Clear Zone Plan, dated March 30, 1981, is attached hereto, incorporated herein and made a part hereof.

8.5.4 Airport Height Zones and Limitations. An area located in more than one of the airport height zones is considered to be in the zone with the more restrictive height limitation. The airport height zones are hereby established and defined as follows:

Public Civil Airport Height Zones and Limitations

- (a) Primary Zone - An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction shall be permitted within the primary zone that is not part of the landing and take-off area, and is of a greater height than the nearest point on the runway centerline. The width of the primary zone of Charlotte County Airport is as follows:

- (1) Runways 9, 27, 15, 33 and 21 -
500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths of a statute mile.

(2) Runway 3 -

1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(b) Horizontal Zone - The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc for the Charlotte County Airport is:

(1) Runways 9, 27, 15, 33, 3 and 21 -

10,000 feet for all runways other than utility or visual.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.

No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

(c) Conical Zone - The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

(d) Approach Zone - An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end. For Charlotte County Airport the approach zones are:

(1) Runways 9, 27, 15, 33 and 21 -

3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile.

Runway 3 - 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

Runways 9, 27, 15, 33 and 21 -

10,000 feet for all nonprecision instrument runways other than utility.

Runway 3 -

50,000 feet for all precision instrument runways.

(3) The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(4) Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

Runways 9, 27, 15, 33 and 21 -

Permitted height increases one foot vertically for every 34 feet horizontal distance for all nonprecision instrument runways other than utility.

Runway 3 -

Permitted height increase one foot vertically for every 50 feet horizontal distance for the first

10,000 feet and then increases one foot vertically for every 40 feet horizontal distance for an additional 40,000 feet for all precision instrument runways.

- (e) Transitional Zone - The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
- (f) Other Areas - In addition to the height limitations imposed in subparagraphs (a) through (e) above, no structure or obstruction will be permitted within Charlotte County that would cause a minimum obstruction clearance altitude, a minimum descent altitude, minimum radar vectoring altitude or a decision height to be raised.

8.5.5 Airport Land Use Restrictions. Notwithstanding any other provision of these regulations, no use may be made of land or water within any zones established by this section in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- (a) All lights or illumination used in conjunction with streets, parking, signs or uses of land or structures shall be arranged and operated in such a manner that they are not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

- (b) No operations from any land use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport without prior notice to the airport manager not less than 24 hours beforehand. Said notice shall state the exact location, type of activity, duration and date of occurrence. No such occurrence may be of a duration of more than four (4) hours without prior written approval of the airport manager.
- (c) No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
- (d) Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assembly of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

8.5.6 Lighting. Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments thereto on such structure. Additionally, high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and Amendments.

8.5.7 Variances. Any person desiring to erect or increase the height of any structures, or use his property not in accordance with these regulations, may apply to the Board of Zoning Appeals for a variance from such regulations.

No application for variance to the requirements of this Section may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Charlotte County Airport Manager.

8.5.8 Hazard Marking and Lighting. Any permit or variance granted shall require the owner to work and light the structure in accordance with FAA Advisory Circular 70-7460-1 as amended. The permit may be

conditioned to permit Charlotte County or the City of Punta Gorda at their own expense to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

8.5.9 Definitions.

- (a) Airport - Charlotte County Airport.
- (b) Airport Elevation - The highest point of an airports usable landing area measured in feet above mean sea level.
- (c) Airport Obstruction - Any structure or object or natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR §77.21, 77.23, 77.25 and 77.28, as amended, or which obstructs the airspace required for flight of aircraft in landing and take-off at an airport or is otherwise hazardous to such landing or take-off of aircraft.
- (d) Airspace Height - To determine the height limits in all zones set forth in these regulations, the datum shall be mean sea level elevation (AMSL) unless otherwise specified.
- (e) Decision Height - The height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.
- (f) Minimum Enroute Altitude - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (g) Minimum Obstruction Clearance Altitude - The specified altitude in effect between radio fixes and VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- (h) Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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- (i) Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (j) Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (k) Non-precision Instrument Runway - A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military services's military airport planning document.
- (l) Precision Instrument Runway - A runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR); also, a runway for which a precision approach system is planned and indicated on an FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
- (m) Accident Potential Hazard Area - An area within 5,000 feet of the approach or departure end of a runway or in proximity to an airport in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure or the ground.
- (n) Minimum Descent Altitude - Means the lowest altitude, expressed in feet above mean sea level, to which descent

is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

8.6 ALCOHOLIC BEVERAGES Business establishments shall not sell or serve alcoholic beverages without the prior approval of the Board of County Commissioners. No bar, cocktail lounge, package store, nightclub or tavern shall be located less than one thousand (1,000) feet from an established school or house of worship, which distance shall be measured on a straight line connecting the closest point of the structure of such bar, nightclub, package store, cocktail lounge or tavern to the closest point of the structure of such school or house of worship. If a school or house of worship shall be located within one thousand (1,000) feet of any established bar, cocktail lounge, package store, nightclub or tavern, such established use or structure shall not be deemed a nonconforming use or structure.

8.7 AREAS OF SPECIAL FLOOD HAZARD

8.7.1 Definitions

(a) Areas of Special Flood Hazard are lands in the flood plain within the unincorporated area of the county subject to a one (1%) percent or greater chance of flooding in any given year.

(b) Coastal High Hazard Areas are those portions of a coastal flood plain having special flood hazards that are subject to velocity waters, including hurricane wave wash and tidal waves, and which are designated as a "V" zone on the applicable FIRM (Flood Insurance Rate Map).

(c) Existing Mobile Home Park or Mobile Home Subdivision means a parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be

affixed, including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, was completed before December 30, 1974.

(d) Expansion to an Existing Mobile Home Park or Mobile Home Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets.

(e) Flood or Flooding means

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters; (b) the unusual and rapid accumulation or runoff of surface waters from any source or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water accompanied by severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

(f) Flood Insurance Rate Maps (FIRM) are the most current set of maps of various areas of the unincorporated portion of Charlotte County, Florida, as provided by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, delineating both the special hazard areas and the risk premium zones applicable to Charlotte County.

(g) Flood Proofing means any combination of structural and non-structural additions, changes or adjustments to structures, which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(h) Mangrove Stand means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing, adventitious roots above the ground and which contain one or more of the following species: black mangrove, red mangrove, white mangrove and buttonwood.

(i) Sand Dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

(j) Substantial Improvement means any enlargement of a structure, the area of which equals or exceeds fifty (50%) percent of the existing enclosed area of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

8.7.2 Requirements for Residential Construction All new construction of dwellings or substantial improvement of existing dwellings shall have the lowest habitable floor of such structure, including basements, elevated to or above the applicable level of the one hundred (100) year flood as shown by the FIRM.

8.7.3 Requirements for Non-Residential Construction All new construction of non-residential structures within Zones A-1 to 30 on the FIRM, shall (a) have the lowest floor (including basement) elevated to or above the base flood level, or (b) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the

passage of water and with structural components having the capability of resisting hydrostatic or hydrodynamic loads and effects of buoyancy. Where option (b) above is followed, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained in the office of the Zoning Official.

8.7.4 Development of Coastal High Hazard Areas Within all zones rated V-1 to 30 on the flood maps

(a) All new construction shall be located landward of the reach of mean high tide.

(b) All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest portion of the structural members of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood level, and a registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wash.

(c) All new construction and substantial improvements shall have the space below the lowest dwelling floor free of obstructions or be constructed with break-away walls intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure of abnormally high tides or wind driven water is minimized. Such temporarily enclosed space shall not be used for human habitation.

(d) Fill shall not be used for structural support of buildings.

(e) No mobile homes shall be located except in existing mobile home parks and mobile home subdivisions.

(f) Manmade alteration of sand dunes and mangrove stands which would increase potential flood damage is prohibited.

8.7.5 Record of Flood Elevations Within the area of special flood hazard as shown by the FIRM, including all A and V Zones, the Zoning Official shall

(a) Obtain the elevation above mean sea level of the lowest habitable floor, including basement, of all new or substantially improved structures and ascertain whether the structure has been floodproofed, the elevation above mean sea level to which the structure was floodproofed, and

(b) Maintain a record of all such information.

8.7.6 Mobile Home Parks and Subdivisions

Within Zones rated A-1 through A-30 on the FIRM, new mobile home parks and mobile home subdivisions and expansions to existing mobile home parks and mobile home subdivisions which equal or exceed fifty (50%) percent of the value of the improvements before the repair, reconstruction or improvement has commenced, and any mobile home placed in a location other than a mobile home park or mobile home subdivision, shall be constructed so that

(a) Stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level and

(b) Adequate surface drainage and access for a hauler shall be provided and

(c) In the case of elevation on pilings, lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above ground level.

8.7.7 Flood Plain Management Within all zones rated A or V on the FIRM, the Building Director and the Zoning Official shall review all proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law including Section 404, The Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, as amended.

8.7.8 New Water and Sewer Systems Within areas of special flood hazard as shown on the FIRM, the developer, using the most current engineering standards and as approved by the County Engineer, shall ensure that

(a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and

(b) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

8.7.9 Variances Upon receipt of an application for a variance from the provisions of this section under Section 10.4 of these regulations, the Zoning Official shall file written notice to the owner recording a copy thereof in the Public Records of Charlotte County, that (a) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to an amount as high as twenty-five (25) Dollars for one hundred (\$100.00) Dollars of insurance coverage, and (b) such construction below the base flood level increases risks to life and property. The Zoning Official shall maintain a record of all variance actions, including

justification for their issuance, and annually report such variances issued to the Federal Insurance Administrator. In the event the variance is granted and a building permit issued, a copy of such notice will be attached to the building permit.

8.8 AUTHORITY TO ENTER UPON PRIVATE PROPERTY In the performance of their duties under these regulations, the Zoning Official and members of his staff may enter upon land and make such examinations and surveys as are necessary.

8.9 BASE SETBACK LINE Required yards and setback lines abutting a road right-of-way shall be measured from the base setback line, which shall be a line parallel to the centerline of the road right of way. Such line shall be the following distances from the centerline of the right of way of the applicable road classification indicated on the Charlotte County Traffic Circulation Plan:

Major Arterial	60 feet
Minor Arterial	50 feet
Major Collector	40 feet
Minor Collector	35 feet
All Others	25 feet

If the base setback line plus the yard requirements of the applicable zoning district are greater than the district setback, the more restrictive shall prevail.

8.10 BOAT DOCKS, BOAT HOUSES, AND BOAT LIFTS No boat docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit.

In natural bodies of water, such structures shall not be erected nor watercraft moored nearer to the centerline of an open water span than fifteen (15) feet, nor shall structures extend from the mean high water line more than 10% of the open water span at point of installation, or fifteen (15) feet from the centerline of the open water span, whichever is less. The open water span shall be measured from seawall to seawall or mean high water line to mean high water line at point of

installation. On man-made bodies of water such structures shall not extend further seaward than the lesser of 10% of the open water span or twelve feet (12') from the mean high water line or seawall. Unwalled roofed areas or boat shelters are permitted on conforming piers, docks or wharves, provided that no part of such structure shall extend further seaward than a permitted dock or wharf.

No such structure shall be permitted in the waters of the Gulf of Mexico.

No pilings or other mooring devices shall extend further seaward in a man-made canal than the lesser of 25% of the width of the canal or 25'. All pilings and other mooring devices located in a canal more than fifteen (15) feet seaward of the seawall or mean high water line shall be marked with red or yellow reflectors or other acceptable reflectorized markings and the top three feet (3') thereof shall be painted white.

Structures enumerated in this subsection are exempt from setback requirements from the mean high water line.

8.11 CLUSTER HOUSING In certain districts, cluster housing is permitted. In such developments, lot size smaller than normally required is permitted so long as density does not exceed the maximum density permitted in such district.

8.11.1 Procedure for Development Land to be used for cluster housing shall be developed in accordance with an approved Development Plan.

8.11.2 Ownership and Encumbrance A Certificate of Apparent Ownership and Encumbrance or other evidence acceptable to the Zoning Official, which evidence shows that the developer has unified control of the development, shall be submitted prior to Development Plan approval.

8.11.3 Development Standards The development standards of the applicable district shall apply except that there shall be no interior yard setback or minimum lot area or width requirements.

8.12 DEED RESTRICTIONS No public agencies shall be responsible for enforcing deed restrictions or restrictive covenants.

8.13 DETRIMENTAL USES The purpose of this section is to provide reasonable regulations to alleviate the adverse effects of certain detrimental uses of land which tend to create a skid-row atmosphere where concentrated and which tend to degrade residential areas and public facilities when located in close proximity thereto.

8.13.1 No detrimental use shall be located closer than one thousand feet (1,000') to another detrimental use, measured on a straight line connecting the closest points of the buildings, unless a conditional use permit shall have been applied for and issued for such location.

8.13.2 No detrimental use shall be located closer than one thousand feet (1,000') measured on a straight line from any residential or mobile home district or use unless a conditional use permit shall have been applied for and issued for such use at such location.

8.13.3 No detrimental use shall be located closer than one thousand feet (1,000') measured on a straight line from any hotel, motel, restaurant, school, park, playground, church, public recreation facility, cultural center, rooming and boarding house or hospital, unless a conditional use permit shall have been applied for and issued for such use at such location.

8.13.4 All doors, windows and other building openings of a structure housing a detrimental use shall be so located, covered or screened as to effectively prevent visual access into the interior of the building from any public area.

8.13.5 The Board of Zoning Appeals may, under the procedure for the granting of special approvals under Section 11 of these regulations, grant upon such terms and conditions as it considers necessary, conditional use permits for detrimental uses on finding, in addition to the findings required by Section 11, that such detrimental use:

- (a) Will conform to the spirit and intent of these regulations;

(b) Will not enlarge or encourage the development of a skid-row area;

(c) Will not be contrary to any program of neighborhood conservation;

(d) Will not be injurious to the health, safety, morals or welfare of those using public facilities;

(e) Will not be unreasonably injurious to the use of residentially zoned property located within one thousand feet (1,000') of such proposed use.

8.14 ESSENTIAL SERVICES Essential services are permitted in any district by special exception subject to approval of a Development Plan.

8.15 EXCEPTIONS TO REQUIRED YARDS In all districts, yards shall be as established by the applicable district regulations except as follows:

8.15.1 When lots comprising forty (40%) percent or more of the frontage on one (1) side of a street between intersecting streets have been developed with the principal buildings having an average front yard with a variance of not more than six (6) feet from the required front yard, the Zoning Official may approve the issuance of a building permit to provide for a front yard of not less than the average established.

8.15.2 Where residential lots of record are nonconforming because of width, the minimum side yards shall be not less than ten (10%) percent of the lot width, provided that no side yard shall be less than five (5) feet wide.

8.15.3 If a multi-family, commercial or industrial district abuts a single-family district, no structure shall be erected closer to the abutting single-family zoned property than twenty-five (25) feet or the building height, whichever is greater.

8.15.4 Every part of required yards shall be open and unobstructed, subject to the following:

(a) Sills and belt courses may project not over twelve (12) inches into a required yard.

(b) Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard.

(c) Window or wall mounted air conditioning units, chimneys, fireplaces, bay windows or pilasters may project not over three (3) feet into a required yard.

(d) Fire escapes, stairways and balconies which are unroofed and unenclosed may project not more than five (5) feet into a required ~~side~~ yard.

(e) Hoods, ^{cornices, gutters} canopies, roof overhangs, air conditioning units and marquees may project not more than five (5) feet into a required yard, but in no event closer than one (1') foot to the lot line.

(f) Fences, walls, and hedges are permitted in required yards, subject to the provisions of Section 8.17, Fences and Walls, and Section 8.37, Visibility at Road Intersection.

(g) Cornices, eaves and gutters may not project over three (3) feet into a required yard. If the required yard is less than six (6) feet in width, such projection shall not exceed one-half (1/2) the width of the yard.

(h) Except as provided by Section 8.37, Visibility at Road Intersections, nothing in these regulations shall be construed to prohibit landscaping or gardening on any lot.

(i) No structures other than those approved by the County Engineer may be located in or project into a drainage easement of record.

8.16 EXCLUSIONS FROM HEIGHT LIMITATIONS Height limitations contained in Section 7, Schedule of District Regulations, do not apply to elevator shafts, spires, belfries, cupolas, flagpoles, antennas, water tanks, ventilators, chimneys, feed storage structures and other appurtenances usually located above roof level and not intended for human occupancy, nor to fire towers or airport control towers. The height of such structures shall not exceed limitations prescribed by the Federal Aviation Administration (FAA) or Section 8.5, Air Hazard Zones.

8.17 FENCES AND WALLS

8.17.1 In all residential districts except Residential Estate (RE), side and rear setback requirements shall not apply to fences and walls six (6) feet high or less behind the minimum front setback line. Front setback requirements shall not apply to opaque fences or walls three (3) feet high or less or non-opaque fences or walls four (4) feet high or less.

8.17.2 In all non-residential and Residential Estate (RE) districts, fences and walls located on lot lines shall not exceed eight (8) feet in height, except as otherwise provided in Section 8.37, Visibility at Road Intersections.

8.17.3 Fences charged with electricity are permitted only in agricultural districts (AG and AE).

8.17.4 Barbed wire fencing shall be permitted only

- (a) In agricultural districts; and
- (b) In commercial and industrial districts on top of fences or walls; and
- (c) Around institutional uses and utility installations in any district.

8.18 FORM OF OWNERSHIP These zoning regulations shall be construed and applied with regard to the use of property and without regard to the form of ownership.

8.19 HOME OCCUPATIONS Home occupations may be conducted in any district by special exception, subject to the following conditions:

(a) Home occupations shall be conducted only by residents of the principal dwelling unit and not more than one (1) nonresident employee.

(b) No more than 20% of the total floor area of a dwelling unit may be devoted to such uses.

(c) The principal use of the dwelling unit shall at all times during the conduct of the home occupation remain residential.

(d) No retail sales shall be conducted on the premises.

(e) There shall be no outside storage of materials used in connection with the home occupation.

(f) No equipment or process which creates undue noise, vibration, glare, fumes, odors or electrical interference detectable off the premises shall be used in any home occupation.

(g) The grant of a special exception to conduct a home occupation shall be automatically conditional upon continued compliance with all the requirements of this Section. Failure of the occupant to meet these requirements shall empower the Board of County Commissioners to revoke the special exception after notice and a hearing.

8.20 HOUSEBOATS AND BOATS USED FOR LIVING PURPOSES Living aboard boats and houseboats is prohibited in any district except within a marina approved by the Board of County Commissioners in accordance with the following:

8.20.1 Procedure All applications for approval of such marinas shall be filed with the Zoning Official in a form to be specified by him, accompanied by such plans and specifications as he may require and by a filing fee in an amount to be specified from time to time by resolution of the Board of County Commissioners. If the Zoning Official finds that the proposed marina meets all requirements of these zoning

regulations, he shall cause the application to be set for public hearing before the Board of County Commissioners. The Board may allow such use if it determines that the use will meet all the standards herein and also finds

(a) That the use will not be unduly detrimental to surrounding properties;

(b) That the use is suitable in its proposed location;

(c) That the use will not unduly burden the transportation system;

(d) That the use will not result in undue economic burdens on the public or undue demands on utilities, community facilities and public services; and

(e) That the use will not be detrimental to the safety, health, morals or general welfare of the public.

8.20.2 Standards No marina shall be approved unless it provides:

(a) Water Supply. An adequate, safe and potable supply of water shall be provided in compliance with all applicable governmental regulations. Whenever a municipal or public water supply is available to the marina, such water supply shall be used. At least one (1) service connection shall be provided for each boat slip consisting of at least a water hydrant and the necessary appurtenances to protect it against back-flow and siphonage.

(b) Toilet Facilities. In addition to those required for employees, not less than the following toilet and bathing facilities contained in central units for men and women shall be provided: For Women: One (1) toilet seat for each fifteen (15) boat slips or fraction thereof. One (1) lavatory for each twenty (20) boat slips or fraction

thereof. One (1) shower bath for each twenty (20) boat slips or fraction thereof. For Men: One (1) toilet seat for each twenty (20) boat slips or fraction thereof. One (1) urinal for each twenty-five (25) boat slips or fraction thereof. One (1) lavatory for each twenty (20) boat slips or fraction thereof. One (1) shower bath for each twenty (20) boat slips or fraction thereof.

(c) Sewage Disposal. An adequate and safe method of sewage collection, treatment and disposal shall be provided in compliance with all applicable governmental regulations. Whenever a municipal or public sewer system is available to the marina, such system shall be used. Equipment shall be provided for the pumping of sewage holding tanks and for the disposal of the effluent therefrom. No sewage shall be discharged at any time into the water.

(d) Garbage and Refuse Disposal. Storage, collection and disposal of garbage and refuse shall be so managed as to prevent the creation of nuisances, odors, rodent or insect breeding areas, accident hazards or air pollution. All garbage shall be stored in tightly covered impervious containers provided in sufficient number to prevent garbage from overflowing. Individual containers shall not exceed twenty (20) gallons, which shall be kept in racks or holders designed to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. Plastic bags may be used, provided they meet the above requirements. All garbage shall be collected at least twice weekly and transported in covered vehicles or covered containers. Refuse shall be stored, transported and disposed of in accordance with the provisions of all applicable governmental regulations.

(e) Office and Manager. Live-aboard marinas shall be supervised by a manager. Each marina shall provide office space for the use of the manager.

(f) Registration of Patrons. All persons living aboard boats shall register immediately upon docking. Registration records shall contain the name, mailing address and street address of the boat owner or operator, and the name, if any, and registration number of the boat. Such records shall be preserved and available on request of the Zoning Official, property appraiser, law enforcement officers or other public officers.

(g) Rules and Regulations to be Posted and Enforced. Each marina owner or operator shall enforce and post rules providing at least the following:

(1) Occupant Responsibility. Each occupant of the marina shall be required to use the sanitary facilities furnished by the marina.

(2) Condition of Boats. All live aboard boats except those docked for emergency repairs must be capable of getting underway under their own power within 24 hours.

8.20.3 Revocation Any approval may be revoked at public hearing by the Board of County Commissioners upon a finding that these standards are not being met.

8.20.4 Conflict If these standards conflict with any state or federal regulation, the more restrictive shall apply.

8.21 INDUSTRIAL PERFORMANCE STANDARDS In addition to standards imposed by other governmental authorities, including the Florida Department of Environmental Regulation, the following standards shall apply to the permitting of industrial uses.

8.21.1 Radioactive Emission There shall be no radiation emitted from materials or byproducts that creates a dangerous level of radioactivity at any point. Radiation emission shall not exceed those levels

established as safe by the U.S. Bureau of Standards. Radioactive material storage or disposal of radioactive waste is prohibited.

8.21.2 Electromagnetic Interference Electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than sources of electromagnetic energy, which disturbances interfere with the operation of electromagnetic receptors.

No persons shall operate or cause to be operated any source of electromagnetic radiation for any purpose unless such source shall comply with then applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or electromagnetic radiators because of proximity, primary field, blanketing spurious reradiation, conducted energy and power or telephone systems or harmonic content.

The determination of "abnormal degradation in performance" shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers and the Radio Manufacturers' Association. In case of any conflict between the standards and principles of the above named groups, the following priority of interpretation shall apply:

- (1) American Institute of Electrical Engineers
- (2) Institute of Radio Engineers
- (3) Radio Manufacturers' Association

It shall be unlawful for any person to operate or maintain without a permit any source of electromagnetic energy, the radiated power from which exceeds 1,000 watts.

8.21.3 Smoke, Dust, and Dirt Emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, air vents or other openings or from any other source into the air shall meet Department of Environmental Regulation standards. Fuels shall be smokeless or shall prevent emission of fly ash or cinders into the air.

8.21.4 Fumes, Vapors, and Gases There shall be no emission of fumes, vapors or gases of a noxious, toxic or corrosive nature which cause danger to humans, animals, vegetation or any form of property.

8.21.5 Sewage, Industrial Waste There shall be no discharge of liquid or solid waste into any public sewage disposal system which shall overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial waste into any private sewage disposal system, stream or the ground of any kind or nature which would contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid waste conducive to the breeding of rodents or insects. There shall be no storage or disposal of industrial waste, solids or liquids, within the unincorporated area of Charlotte County.

8.21.6 Measurement of Emissions Measurement of an emission at the property line on which the principal use is located for all districts except IG and measurement of the emission at the district boundaries for all properties zoned IG shall be determined as follows:

(a) Vibration - There shall be no perceptible earth vibration. All stamping machines, punch presses, press brakes, hot forges, steam, board hammers, or similar devices shall be placed on shock absorbing mountings and on suitable reinforced concrete footings. No machine shall be loaded beyond the capacity prescribed by the manufacturer.

(b) Heat, Cold, Dampness or Movement of Air. Activities which produce any adverse effect on the temperature, motion or humidity of the atmosphere shall not be permitted.

(c) Noise. The permitted level of noise or sound emission shall not exceed the values in any octave band of frequency in the following table. Sound pressure levels shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to the specifications published by the American Standards Association.

(1) For industrially zoned property:

MAXIMUM SOUND PRESSURE LEVEL IN DECIBELS
(Decibel=0.0002 Dynes Per Square Centimeter)

<u>Cycles Per Sound</u>	<u>IL</u>	<u>IG</u>
Below 75	70	73
75- 150	65	68
150- 300	57	60
300- 600	50	53
600-1,200	44	47
1,200-2,400	38	41
2,400-4,800	32	35
4,800- Over	30	33

(2) For all other property: The permitted level of noise or sound emission shall at no time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity. The determination of noise level shall be measured with a sound level meter conforming to the specifications published by the American Standards Association.

(d) Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. Chapter 5, Air Pollution Abatement Manual, copyright 1951, published by Manufacturing Chemists, Inc., Washington, D.C., is hereby incorporated herein as a guide in determining quantities of offensive odors.

(e) Glare. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding, or other source of high intensity lighting, so as to be visible at the points of measurement.

8.21.7 Administration of Performance Standards in Industrial Districts Prior to the establishment of industrial uses in industrial districts, every person shall apply for such uses under the following procedures:

(a) Application. Application for a Building Permit or a Certificate of Occupancy for any industrial use shall be submitted to the Zoning Official. The applicant shall also submit, in duplicate, a plan for the proposed construction or development, including a description of the proposed machinery operations, products, and specifications for the mechanisms and techniques used in restricting the emission of dangerous or objectionable elements previously referred to in this section. The applicant shall also acknowledge, in writing, his understanding of the applicable performance standards and shall submit an agreement to conform with such performance standards at all times. Notwithstanding, no applicant shall be required to reveal any secret process or patented process and any information submitted will be treated as confidential, if so requested.

(b) Review of Application. If, after review of the application by the Zoning Official, there is found to be a reasonable doubt as to the likelihood of conformance with industrial performance standards, the Zoning Official shall refer the application to the Board of Zoning Appeals. The Board of Zoning Appeals may determine whether or not the Building Permit or Certificate of Occupancy should be issued. In the event the Board of Zoning Appeals is unable to determine whether or not the applicant will conform to the performance standards set forth in this section, the Board of Zoning Appeals may, on its own motion, request advice and recommendation from experts or consultants in such technical fields as may be deemed necessary. Costs of such experts or consultants shall be borne by the applicant.

8.21.8 Enforcement The Zoning Official shall cause any alleged violations of the industrial performance standards to be investigated. If there is found to be reasonable evidence that a violation exists, such violation shall be treated as a misdemeanor as provided in Special Act 63-1209, Laws of Florida.

8.22 LAND AND WATER FILLS, DREDGING, EXCAVATION AND MINING No person shall fill land or water areas, dredge, excavate land or remove earth or conduct a mining operation without prior approval of the County Commission on public hearing. The property owner may be required to post a bond for any excavation, the amount of which will be determined by the County Commission. A reclamation plan shall be submitted to insure that upon completion of excavation, the land will be returned to a useable state. Approval of engineering plans by the County Engineer and issuance of a permit or approval of a preliminary or final plat by the County Commission shall constitute approval for such filling, dredging and excavation as may be shown on the approved engineering plan. No further application for a permit will be required if undertaken within the period of time specified by the County Commission at the time of subdivision plat approval.

8.22.1 Excavation Review Board There is hereby created the Excavation Review Board which shall consist of the Zoning Official, who shall be chairman, the County Engineer, a representative appointed by the Soil Conservation Service, a representative appointed by the Local Planning Agency and the director of Mosquito Control.

8.22.2 Procedure The original and seven copies of an application for permit, together with a filing fee in such amount as may be determined by the County Commission, shall be filed with the Zoning Official. The Zoning Official shall forward one copy of the application to each of the members of the Excavation Review Board.

Within a reasonable time after filing the application, the chairman of the Excavation Review Board shall call a meeting of the

Board to consider such application. Written notice of such meeting shall be mailed to members of the Board and the applicant.

The Excavation Review Board shall consider all aspects of the request, including such safeguards as may be necessary to protect and promote the public health, safety and welfare and to minimize flood damage within any area of special flood hazard. The Board shall forward its recommendation containing conditions and restrictions, if any, including reclamation agreements and a sufficient surety bond, if required, to the County Commission.

8.22.3 Public Hearing After the Excavation Review Board hearing, the Zoning Official shall set the matter for public hearing before the County Commission.

8.23 LANDSCAPED BUFFERS AND SCREENING BUFFERS

8.23.1 Landscaped Buffer Requirements Where these regulations require a landscaped buffer, the following requirements apply:

(a) A landscaped buffer shall be not less than ten (10) feet in width and shall be established along and contiguous to designated property lines;

(b) The area shall be designed, planted and maintained to seventy-five (75%) percent or more opacity between two feet and six feet above average ground level;

(c) Types and numbers of plantings shall be depicted on the site or development plan, together with plans and statements demonstrating how the buffer will be irrigated and maintained in the future;

(d) Plantings shall be of a size and type which will insure seventy-five (75%) percent opacity within twelve (12) months after the date of first planting; and

(e) Irrigation systems to maintain landscaped buffers shall be required.

8.23.2 Screening Buffer Requirements

(a) A screening buffer shall be a six (6) foot masonry wall of solid or open face construction of 25% or less which shall be erected and maintained by the property owner;

(b) The wall will be constructed within ten (10) feet of the adjoining residential property which it adjoins;

(c) There will be no substitution for such masonry wall screening.

8.23.3 Substitution for Landscaped Buffer Area A six (6) foot high opaque structure set in a five (5) foot wide landscaped buffer area may be substituted for the landscaped buffer described in subsection 8.23.1 above. For each ten (10) feet thereof, an average of one (1) shrub or vine abutting such structure shall be planted. Such shrubs or vines shall be planted along the outside of such structure unless they are of sufficient height at the time of planting to be readily visible over the top of such structure. The remainder of the buffer areas shall be ground cover or other landscaping. (See also Section 8.35).

8.23.4 Buffer Adjacent to Points of Access on Public Rights-of Way When a point of access intersects a public right-of-way, landscaping or structures shall not obstruct visibility at a level between two and one-half (2-1/2) and six (6) feet above average ground level within a ten (10) foot radius of the point of intersection; provided that trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into said visibility area shall be allowed; and further provided such trees are located so as not to create a traffic hazard.

8.24 MISCELLANEOUS STRUCTURES Upon approval of the Board of County Commissioners, bus shelters may be located in any district. No advertisement shall be permitted on such structures in residential districts.

8.25 MOBILE HOMES AND TRAVEL TRAILERS Mobile homes in MHP, MHS and MHC Districts shall be limited to one habitable (1) story with customary additions, including cabanas, carports and storage units which are manufactured for combination. Travel trailers used for living purposes shall be allowed only in a Mobile Home Park. Commercial storage of unoccupied travel trailers and mobile homes shall be conducted only in CI, MHP and industrial districts. Mobile homes used for living purposes in agricultural districts shall require a minimum of eighty (80) acres per mobile home.

8.26 MOVING OF STRUCTURES No structure shall be moved from one lot to another lot or moved to another location on the same lot unless such structure shall thereafter conform to these regulations and all other applicable regulations.

8.27 MODEL RESIDENTIAL UNITS Models of residential units may be permitted in areas zoned for such residential units after obtaining a building permit. Sales from temporary branch offices within models shall be permitted only for the sale of units offered by the owners or developers, provided that a model residential unit shall not be used as a contractor's office, general real estate office or a resale listing office unless such offices are located in zones permitting such occupations.

The use of a model residential unit as a sales or rental office shall be conditioned on the following:

8.27.1 A minimum of two (2) parking spaces shall be provided for customers.

8.27.2 One (1) sign not exceeding thirty-two (32) square feet in area and set back not less than twenty (20) feet from another adjoining lot shall be permitted.

8.28 NEIGHBORHOOD CONVENIENCE COMMERCIAL8.28.1 Permitted Principal Uses and Structures

Food markets, including specialty stores such as bakeries and delicatessens.

8.28.2 Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, including:

- (a) Drug stores.
- (b) Beauty and barber shops.
- (c) Self-service laundries and dry cleaning pickup stations.
- (d) Shoe repair shops.
- (e) Drygood sales.
- (f) Hardware stores.
- (g) Lending libraries.
- (h) Restaurants.
- (i) Gasoline pumping stations.

8.28.3 Lot and Building Requirements

Minimum Lot Area	20,000 square feet
Maximum lot area	40,000 square feet
Minimum set back from rights-of-way	40 feet
Minimum rear yard	40 feet
Minimum side yard	40 feet
Maximum building height	one habitable story
Maximum Building Area	
Principal Use	3,500 square feet
Each accessory use	2,000 square feet

8.28.4 Architectural Control All buildings shall be architecturally designed to complement and preserve the architecture and other amenities of the neighborhood.

8.28.5 Additional Site Requirements The development plan for the facility shall separate pedestrian shoppers from shoppers in automobiles and vehicles. A landscaped buffer shall be provided and maintained around the facility so as to protect nearby residents from view, noise, traffic hazards and glare. The development plan shall be designed to encourage pedestrian access from adjacent residential areas.

8.28.6 Prior to development plan approval, the applicant shall submit studies to show the neighborhood to be served by the facility. Normally, the service area shall not be more than one mile in all directions measured along streets and roads from the facility. The minimum number of families which may be served by the facility shall be 400 or a population of 1,000.

8.28.7 SIGNS All signs shall be shown on the development plan and may be subject to special approval.

8.29 NONCONFORMING MULTIFAMILY LOT. Any lot, platted and recorded on the effective date of these regulations, which lot is located in a zoning district that permits multifamily residential dwellings and which exceeds in area the minimum lot size for the district but which does not contain the area required by the district for two (2) dwelling units, nevertheless may have constructed on it two (2) dwelling units. Notwithstanding the foregoing, the density shall not exceed the maximum density permitted by the Comprehensive Plan.

8.30 OFF STREET PARKING AND LOADING FACILITIES In all districts, off street parking shall be provided as follows:

(a) For single family dwellings, two spaces for each dwelling unit

(b) For multi-family dwellings, one and one-half spaces for each dwelling unit. The Board of Zoning Appeals may require two parking spaces per dwelling unit for a multi-family dwelling when it is in the best interests of the public safety and welfare

(c) For houses of worship, funeral homes, schools, public buildings, theatres, auditoriums, places of assembly, private clubs and lodges, one space for each five seats of seating capacity of the principal area of assembly

(d) For retail sales and services, business services, professional services and personal services, one off street space per 200 square feet of gross leasable floor area

(e) For country clubs, golf clubs, gun clubs, tennis clubs and other organizations designed to provide outdoor sporting or recreational activities, one space for each five members.

(f) For hospitals, one space for each bed.

(g) For nursing homes and group care facilities, one and one-half spaces for each two beds.

(h) For motels and hotels, one space for each guest room or one space for each bathroom, whichever is greater, plus one space for every three employees.

(i) For restaurants and bars, one space for each four seats, plus one space for every three employees.

(j) For rooming and boarding houses, one space for each bed.

(k) For wholesale manufacturing, industrial and warehouse concerns, one space for each 400 square feet of gross floor area.

8.30.1 Development Standards

(a) Required parking spaces shall not encroach upon a public right-of-way.

(b) Required off street parking spaces shall be located on the same lot or parcel of land as they are intended to serve, provided that the Zoning Official may allow the

establishment of off street parking facilities within 600 feet (600') of the premises they are intended to serve (but not within residential zones) when:

- (1) Parking on the same lot or parcel as the premises they are intended to serve is not feasible; and
 - (2) The use is compatible with surrounding uses.
- (c) Parking spaces for two or more uses may be provided in a common parking area if the total number of parking spaces shall equal the number of spaces required for all such uses.
- (d) Properties abutting service roads parallel and adjoining U.S. 41 in Port Charlotte may include parking spaces within the right-of-way of one side of the access road on the basis of one space per 22 feet of property frontage along the service road for parallel parking, one space per 12 feet for 45°-angle parking, and one space per nine feet for perpendicular parking. Said parking spaces shall be placed and marked to prevent encroachment upon the driving lanes of the access road and to minimize hazards and congestion and such spaces shall be graded and paved to specifications established by the County Engineer.
- (e) Each parking space shall be not less than nine (9) feet by eighteen (18) feet.
- (f) All required parking spaces shall be surfaced with a durable, dust-free material.

8.30.2 Off Street Loading

- (a) Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet shall provide space for loading and unloading operations so that the free movement of vehicles and pedestrians over sidewalks, streets and alleys shall not be impaired.

- (b) Every off street loading and unloading space shall have direct access to a public street or alley and shall have the following minimum dimensions:

Length - 30'

Width - 12'

Height - 14'

8.31 PARKING OF TRUCKS, TRAILERS AND TRAVEL TRAILERS Trucks, trailers and wagons which have tandem axles or two (2) rear wheels per side designed to haul material other than people shall not be parked for storage purposes, including overnight, on public rights-of-way or private property in any residential district except within a completely enclosed garage. Pleasure boat trailers, camping trailers and cargo trailers may be parked on private property in any district provided such trailers are parked within the area in which the principal building or accessory buildings are permitted.

8.32 PATIO HOUSES In certain districts, as a permitted use or on special approval, the owner of a lot or contiguous lots exceeding 30,000 square feet in area may construct patio houses. Patio houses are single family detached dwelling structures, each on individually platted lots and designed to provide maximum useage of outdoor living space while insuring privacy from adjacent housing by providing a side yard on one side of the structure and no side yard or a reduced yard on the other side.

All requirements of the subdivision regulations and the zoning district in which the patio houses are located shall be complied with, except that no side yard shall be required on one side of each parcel but the combined side yard requirement of the applicable zoning district shall be required on the opposite side of each parcel. No patio house shall be located closer than the combined side yard distance from any other patio house nor shall any patio house be located closer than the minimum setback of the applicable zoning district from the property line of any other dwelling unit not a patio house. As a condition of final

approval, covenants running with the land shall be submitted, providing for the aforementioned side yard setbacks and maintenance easements, if applicable, for each lot within the subject property.

8.33 PROPERTY FRONTAGE No permit shall be issued for the erection of a building on a parcel of land or lot which does not abut a public or private road right-of-way for at least fifty (50) feet, except that a minimum road abutment of twenty (20) feet shall apply to properties of an irregular shape if there is a minimum building lot width of fifty (50) feet at the required front setback lines.

8.34 SERVICE STATIONS, AUTOMOTIVE Service stations, truck stops and gasoline pumping stations shall comply with the following:

8.34.1 Lot and Building Requirements

Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum setback from public right-of-way lines	
To curb from principal building	50 feet
To curb from pump island	25 feet for one (1) pump island
	15 feet for two (2) pump islands one in front of the other
To edge of canopy	15 feet
Minimum setback of all buildings, structures and storage tanks from all property lines not abutting a public road	20 feet

When a service station is to be located on a corner lot which also abuts a street to the rear of said lot, the setback for the service station building shall be fifty (50) feet from the front and side streets and shall be twenty (20) feet from the rear street.

8.34.2 Storage Tanks All storage tanks shall be underground.

8.34.3 Storage, Sale and Rental of Vehicles and Trailers The storage of vehicles and trailers shall be permitted only as incidental to the customary servicing of vehicles and trailers, except that one (1) vehicle or trailer may be stored for each two hundred (200) square feet of land over fifteen thousand (15,000) square feet of lot area. The sale of vehicles and trailers shall be prohibited. The rental of vehicles or trailers shall be permitted provided that an additional two hundred (200) square feet of land over fifteen thousand (15,000) square feet of lot area is provided for each rental vehicle and/or trailer.

8.34.4 Pavement All lot surface area upon which vehicles will move or be stored shall be paved with asphalt or cement/concrete, or an equivalent hard surfaced, dustless material.

8.34.5 Truck Stops Truck stops shall be permitted in CH districts, provided the lot has minimum frontage and depth of at least three hundred (300) feet and minimum setback of all buildings and structures including delivery pumps of fifty (50) feet from perimeter property lines. Landscaped buffers shall be provided as required in Section 8.23.

8.34.6 Gasoline and Fuel Pumps as Accessory Uses Gasoline and fuel pumps may be installed as accessory uses to a principal use not classified as automotive service station in zones permitting service stations, provided fuel pumps and islands meet minimum setback requirements of this section. Upon the conversion of any discontinued service station or pumping station to any other use, fuel storage tanks shall be removed.

8.35 SIGNS

8.35.1 Classification

Class "A" signs shall include all signs advertising any product for sale, service to be rendered, or admission to the grounds or to a performance on the premises where the sign is located.

Class "B" signs shall include all signs advertising any product for sale, service to be rendered or admission to the grounds or to a performance at a location other than on the premises where the sign is located.

8.35.2 Permits Required Prior to the erection, construction, installation or alteration of any sign, a permit therefor shall be secured from the Charlotte County Building Department, subject to prior approval from the Zoning Official, unless such sign is specifically exempted herein. Normal maintenance, painting, and repairs to existing signs shall not be deemed alterations within the meaning of this section and shall not require a permit.

8.35.3 Exempt Signs The following signs shall be exempt from the above permit requirement and also from any permit or inspection fees. However, all other provisions of these regulations shall apply.

(a) Professional name plates not exceeding two (2) square feet in area.

(b) Bulletin boards or directories for public, charitable or religious institutions located on the premises of said institutions and not exceeding forty (40) square feet in area.

(c) Signs denoting the architect, engineer, contractor, subcontractor and suppliers of materials and/or equipment on the premises of work under construction. Individual signs shall not exceed four (4) square feet in area; a single sign listing all names shall not exceed forty (40) square feet in area.

(d) One sign not exceeding four (4) square feet in area per single family residential lot or forty (40) square feet in area per parcel of property zoned commercial and/or industrial or five (5) acres or larger in area, all of which is for sale, rent or lease.

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

(f) Occupational signs not exceeding two (2) square feet in area listing the name, location and business of an occupant within the building.

(g) Non-structural Class "A" signs consisting of letters, numerals or ornamentation painted or applied to awnings, canopies,

windows and door or show windows. No business shall have more than ten (10) square feet of total area of such signs without a permit.

(h) Identification signs at the entrance to residences, estates, ranches and like uses which do not exceed two (2) square feet in area.

(i) Non-advertising directional signs or symbols (such as "entrance," "exit," "slow," or "no trespassing" and the like) pertaining to private property, none to exceed four (4) square feet in area, containing no advertising other than logo or name of business.

(j) Traffic or other directional signs erected by municipal, county, state or federal authorities. Also, non-advertising signs by private contractors or public carriers established for public warning purposes, such as "danger-high voltage," "railroad crossing" and the like.

(k) Street identification signs and entrance signs giving the name of a subdivision, which signs shall be located at the main entrance, shall not exceed seventy-five (75) square feet in area and shall contain no other advertising.

(l) Temporary signs advertising activities of educational, religious, charitable or other non-profit institutions may be permitted if not in violation of other sections of these regulations.

(m) One sign advertising a model home or apartment not exceeding thirty-two (32) square feet in area, located on the same parcel as the model and located a minimum of twenty (20) feet from any adjoining property.

(n) Political signs.

8.35.4 Permit Applications and Fees All applications for sign permits shall be in a form approved by the Building Director and Zoning Official and shall set forth a complete description of the proposed sign, including its size and type, approximate location on the property as well as drawings and/or specifications for its construction, and shall be accompanied by a filing fee determined by the Board of County Commissioners.

Upon receipt of an application, the Zoning Official shall cause an on-site inspection to be made to determine compliance of the

proposed sign with existing laws and regulations and to determine the location, size and content of any existing signs on the premises. Upon determination that the proposed sign would be in compliance with all zoning regulations, the Zoning Official shall note his approval on the application and forward it to the Building Department.

Each application for a sign permit shall have attached thereto the written consent of the owner of the property on which the sign is to be erected or attached.

8.35.5 Temporary Signs Permits may be issued for temporary signs not fully conforming to the requirements set forth for permanent signs, providing the Zoning Official may require such reasonable conditions as are necessary to protect the public health, safety and general welfare. Applicants for temporary sign permits shall pay the same permit fee as for standard signs unless specifically exempted. The time limit for temporary signs shall not exceed sixty (60) days unless a longer limit is approved by the Board of Zoning Appeals. The requirements for temporary signs shall be the same as those for permanent signs. The following shall not be deemed temporary signs.

(a) Any flag, identification sign or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic or fraternal organization.

(b) Holiday decorations.

(c) Political signs.

(d) Signs advertising any civic, not-for-profit and non-commercial health, safety or welfare campaign.

8.35.6 Prohibited Signs

(a) Any sign prohibited by Chapter 479, Florida Statutes.

(b) Any sign creating a traffic hazard by obstructing vision at intersections or producing a hazardous amount of glare.

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

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

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

(f) Any sign containing lights which are not shielded from direct view or which exceed ten (10) candle power per square foot of sign measured ten (10) feet from the sign.

(g) Any sign which displays intermittent or flashing lights not embodied within the perimeter of the sign face itself, or any rotating or flashing lights within one hundred (100) feet of any public right-of-way, excepting therefrom a sign in which the lights convey a public service message, or the time, temperature and/or tide.

(h) Any sign nailed or affixed to any tree.

(i) Portable signs, trailer signs, or any signs designed to be moved from one location to another.

(j) Any sign except those specifically exempted herein located upon any public property or right-of-way. The Zoning Official or his designated representative may at any time summarily remove any such sign. Any sign so removed shall be held by the Zoning Department for a minimum period of ten (10) days. At any time during the ten (10) day holding period the owner of the sign may reclaim the sign after having paid a removal and storage fee of Ten (\$10.00) Dollars. If, after the tenth day, the sign has not been claimed and the removal and storage fee paid, the sign may be destroyed summarily.

8.35.7 Construction, Inspection, Maintenance and Removal of Signs
Except as otherwise specifically provided herein, the Building Code of Charlotte County shall control.

8.35.8 Restrictions

(a) No Class "A" or Class "B" signs, except those listed under Section 8.35.3, Exempt Signs, or exempted by other sections of these regulations, shall be permitted in any RE or RSF residential districts, and no Class "B" signs shall be permitted in any RMF, MHP, MHS or MHC districts.

(b) For each lot or parcel of land in districts permitting Class "A" signs, one (1) Class "A" sign shall be allowed for each street on which the lot or parcel abuts, plus one (1) secondary Class "A" sign for each street on which the lot abuts for each separate business enterprise on that lot.

(c) No Class "B" signs shall be closer than one thousand (1,000) feet to another Class "B" sign fronting along the same right-of-way as measured along the centerline of said right-of-way, except that two (2) Class "B" signs may be connected back-to-back or connected in a "V" having an included angle no greater than ninety degrees (90°).

8.35.9 Heights and Setbacks

(a) No private sign shall be erected, altered or maintained over or upon any public property of public right-of-way unless permitted by the Board of County Commissioners after a recommendation by the County Engineer.

(b) No signs over walkways or driveways shall have any portions thereof less than eight (8) feet above the surface of such walkway or driveway. Any sign located within any designated parking area of any property which is elevated less than eight (8) feet above the finished grade shall have a planter around the base not less than eighteen (18) inches high and a minimum of eighteen (18) inches from any extremity of said sign.

(c) No roof sign shall be erected, altered or maintained having any portion thereof within five (5) feet of the side or rear wall lines of any structure, nor shall it extend more than twenty (20) feet above the roof level at any point.

(d) No ground sign shall have a total height at any point greater than thirty (30) feet above the average ground level or crown of the adjoining road on which the property fronts, whichever is higher.

(e) No setback is required for exempt or Class "A" signs. Class "B" signs shall not have any portion thereof nearer than fifteen (15) feet to a right-of-way.

(f) No sign of any type or classification, including exempt signs, shall be erected, altered or maintained in such a location or position as to present any unsightly or objectionable, unfinished side toward adjacent property.

(g) Special approval may be granted by the Board of Zoning Appeals for signs to exceed the height limitations set forth herein, provided conditions and safeguards shall be established by said Board of Zoning Appeals which it may deem necessary for the protection of adjoining private property or the public interest.

8.35.10 Size Limitations

(a) Class "A" signs shall not exceed three hundred (300) square feet in area.

(b) Secondary Class "A" signs shall not exceed fifty (50) square feet in area.

(c) Class "B" signs shall not exceed five hundred four (504) square feet in area.

(d) The surface area of a sign shall be computed as including the entire area within the periphery of a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign, including all of the elements of the matter displayed but not including blank masking, frames or structural elements of the sign bearing no advertising matter. In the case of double-faced signs where both faces advertise a single facility, product or service, only one (1) face shall count toward the total aggregate area.

(e) Special approval may be granted by the Board of Zoning Appeals for Class "A" signs or Class "B" signs to exceed the above area provided that conditions and safeguards shall be established by said Board of Zoning Appeals which it may deem necessary for the protection of adjoining private property or the public interest.

8.35.11 Non-Conforming Signs.

(a) Existing signs which do not comply with these regulations, or signs which may, because of changes in zoning or these regulations, fail to comply, shall be termed "non-conforming signs." Where Class "B" signs do not conform to spacing requirements, the sign or signs last constructed shall be the non-conforming signs.

(b) Non-conforming signs shall be required to comply with these regulations upon the occurrence of the first to happen of any of these following events:

- (1) The sign is removed or dismantled.
- (2) The sign has been determined by the Building Director to be a hazard to the life, safety, property or welfare of the public.
- (3) The sign has deteriorated or been damaged to an extent which reduces its value to less than fifty (50%) percent of its replacement value.
- (4) The sign advertises a business no longer in existence or a product or service no longer available or, if a Class "A" sign, a business, service, product or performance no long available on the premises.

8.35.12 Political Signs During a period of time commencing sixty (60) days before an election and ending ten (10) days following an election, signs meeting the following conditions, which signs advocate any candidate or issue to be voted on at such election may be erected on private property in any area without regard to land use classification, size restrictions or setback restrictions, by any registered candidate, political party or political group which has posted with the Clerk of Circuit Court a cash bond in the amount of Five Hundred (\$500.00) Dollars to guarantee the removal of all such signs within the time required. The posting of a bond by a recognized political party shall be sufficient to meet the requirements hereof as to all of that party's local candidates.

(a) No such sign shall be erected on any public property or within any public right-of-way.

(b) No such sign shall be erected on private property without the express permission of the owner of the property.

(c) No such sign shall be erected upon any tree, fence post or utility pole.

The Zoning Official or his designee may remove and salvage or destroy any political signs erected and/or maintained in violation of this section, deducting the cost of Ten (\$10.00) Dollars per sign for such removal or destruction from the bond amount required to be posted hereunder. After the thirtieth (30th) day following the election, the Clerk shall, upon demand, return any remaining portion of such bond monies to the person or organization which deposited the cash bond.

8.36 SWIMMING POOLS

8.36.1 Swimming pools shall be located only in the buildable area where principal buildings and accessory buildings are permitted, except that the minimum setback from a waterway for a pool or screen enclosure shall be fifteen (15) feet.

8.36.2 Screen Enclosures Screen enclosures may be attached to the principal building but shall not be considered a part of the principal building.

8.37 VISIBILITY AT ROAD INTERSECTIONS

Within the area formed by the right-of-way of intersecting roads and a straight line connecting points of such right-of-way lines at a distance of forty (40) feet from the point of intersection, such connecting line extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between a height of three (3) feet and a height of eight (8) feet above the average grade of

each road as measured at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Trees shall be permitted in the clear space if foliage is cut away within the prescribed heights. Lamp posts and sign posts shall be permitted if illuminating fixtures and sign faces are not within the prescribed clear space.

8.38 WATERFRONT PROPERTY

8.38.1 On any lot abutting any creek, canal, river, lake or other body of water, natural or artificial, excepting therefrom the Gulf of Mexico, Charlotte Harbor, the Peace River, the Myakka River, Gasparilla Sound, Placida Harbor, Lemon Bay and Red Fish Cove, no principal building shall be located less than the greater of the distance required by the zoning classification or twenty (20) feet from any seawall, bulkhead or bulkhead line except that marine businesses and waterfront industrial uses shall be permitted to build up to a seawall, bulkhead or bulkhead line.

8.38.2 On any portion of any lot lying within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River or the Peace River, except as to mobile homes and single family residences, the following requirements shall apply in addition to all other zoning requirements:

(a) No building shall exceed thirty-five (35) feet in height.

(b) Buildings shall be set back from property lines abutting streets no less than the greater of the distance required by the applicable zoning district or a distance equal to the building height.

(c) Buildings shall be set back from side property lines not abutting streets no less than the greater of the distance required by the zoning classification or a distance equal to one half building height except in the case of cluster, patio and townhouses. No building shall be constructed or located within twenty (20) feet or a distance equal to the building height, whichever is greater, of the mean high water line of those bodies of water enumerated in Section 8.38.2. Furthermore, no building shall be constructed seaward of the Coastal Construction Control Line unless a permit therefor has been issued by the State of Florida.

(d) No building except single story accessory structures shall be constructed a lesser distance from another building on the same lot than a distance equal to the height of the higher building.

(e) Fifteen (15%) percent of the ground area of said portion of said lot shall be developed in such a manner as to be usable for lawns, gardens, and other landscaping.

(f) No building shall exceed two hundred (200) feet in width or length on properties abutting the shorelines of the Gulf of Mexico, Lemon Bay, Placida Harbor, Gasparilla Sound, Charlotte Harbor, the Myakka River, the Peace River and Redfish Cove.

8.38.3 Any existing beachfront or waterfront lot of record not less than fifty (50) feet wide and not less than fifteen thousand (15,000) square feet in area in any district permitting multiple-family, two family or single-family residential uses may be divided into two (2) or more lots, each of which shall have not less than the minimum lot area required for the district in which the lot is located. There shall be permitted one (1) driveway easement not less than ten (10) feet in width along either side lot line of the total parcel, which driveway shall connect to a public road. Side yards not less than five (5) feet from the driveway easement shall be required for all buildings. Rear yards and front yards may be perpendicular to the driveway easement as required for the district in which the property is located.

8.39 WELLFIELD PROTECTION (PUBLIC)

8.39.1 Prior to the issuance of any permit, an applicant for all commercial and industrial uses located within fifteen hundred (1,500) feet of a well of a public potable water supply system, shall comply with the following:

- (a) The applicant shall, as a prerequisite, submit an application to the Utility Authority operating the well or well field. The applicant shall describe the means to be used to prevent contamination of the well or well field.
- (b) If after meeting, the applicant and the Utility Authority are able to arrive at an agreement, the agreement shall be signed by both parties and a copy thereof shall be submitted to the Board of County Commissioners as part of the application for approval. The Board of County Commissioners shall conduct a public hearing with regard to the request, giving notice to both the applicant and the Utility Authority. If the application is approved by the Board of County Commissioners, the agreement as submitted by the applicant and the Utility Authority shall become a part of the approval along with any other stipulations so adopted by the Board. Any deviations from the terms of approval shall be considered a violation of these zoning regulations.
- (c) If the applicant and Utility Authority are unable to reach an agreement, the applicant may petition the Board of County Commissioners to approve his application. The Board of County Commissioners shall conduct a public hearing with regard to the request, giving notice to both the applicant and the Utility Authority. In such cases, the applicant shall provide such technical information as may be requested by the Board of County Commissioners.
- (d) If the application is approved by the Board of County Commissioners, any stipulations so adopted by the Board shall become part of the approval. Any deviation from the terms of approval shall be considered a violation of the zoning regulations.

SECTION 9. ADMINISTRATION AND ENFORCEMENT:

BUILDING PERMITS.

9.1 ADMINISTRATION

9.11 Planning and Zoning Board The Planning and Zoning Board shall consist of one (1) qualified voter from each county commissioner's district. Appointments to the Planning and Zoning Board shall be made by the Board of County Commissioners. Members shall serve for four (4) years from the date of appointment, but shall be subject to removal at any time by majority vote of the Board of County Commissioners.

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

The Planning and Zoning Board shall elect from its membership a chairman and a vice chairman and such other officers as the Board may deem necessary or proper. Officers of the Planning and Zoning Board shall serve for one (1) year, but shall be eligible for re-election.

9.12 Procedure The Board of County Commissioners may adopt rules of procedure for the transaction of business by the Planning and Zoning Board. The Planning and Zoning Board shall maintain a public record of all transactions and hearings. The Planning and Zoning Board shall hold regular meetings at least once each calendar month.

9.13 Planning The Planning and Zoning Board shall acquire and maintain such information and material as shall be necessary for an understanding and evaluation of past trends, present conditions and probable future developments and trends within Charlotte County. It shall advise and inform the Board of County Commissioners and the general public in all matters relating to zoning, planning and future

development. It shall conduct such public hearings and make such investigations as may be required in the performance of its duties. Amendments and alterations in the zoning regulations and district boundaries may be proposed by the Board of County Commissioners, by the Planning and Zoning Board, by the Local Planning Agency as that term is defined by general law, or by a petition of the owners of the lands to be affected by the proposed amendments or regulations. Upon due notice and hearing, the Planning and Zoning Board shall submit its recommendations to the Board of County Commissioners regarding the proposed amendment, which recommendation shall be acted upon as provided by law.

9.14 Zoning The Zoning Official or his duly authorized representative shall be the executive officer in charge of the administration and enforcement of all zoning regulations established within the unincorporated areas of Charlotte County. The Zoning Official shall be appointed by and hold office at the pleasure of the Board of County Commissioners. The Zoning Official shall

- (a) Attend all meetings of the Planning and Zoning Board and the Board of Zoning Appeals.
- (b) Administer and enforce these zoning regulations.
- (c) Receive and review all plans and specifications for proposed structures to insure compliance with zoning regulations, and cause to be made periodic inspections of structures under construction to insure compliance with approved plans and specifications.
- (d) Receive petitions for zoning amendments, requests for special approval, petitions for variances and appeals from administrative rulings on zoning matters.

- (e) Issue public notices as required by the Planning and Zoning Board and the Board of County Commissioners.
- (f) Receive fees for permits, prepare budgets for operations of the Zoning Department, and to recommend the hiring of the personnel necessary for the expeditious performance of the duties assigned to this office, subject to approval by the Board of County Commissioners.
- (g) Perform such other duties as may be established by the Board of County Commissioners.

9.2 APPLICATION

It shall be unlawful to construct, alter, move, add onto, remove or demolish any building or structure on land or water, or to excavate, fill or dredge any land or water area within the unincorporated area of Charlotte County, Florida, without first making application for a permit to the Zoning Director in such form as he may require and obtaining the proper permit. No existing use, new use or change of use in land or water of any building or structure or any part thereof shall be made except in conformance with these regulations.

9.3 BUILDING PERMITS

In addition to other requirements of these or other regulations, an application for a building permit shall contain each of the following:

- (a) Prints or drawings of an appropriate scale of the structures to be built.
- (b) A site plan showing the location of the structures on the property, distances to property lines and other buildings or structures and off-street parking spaces showing access and maneuvering space.

- (c) Where the existing or to be constructed building will be devoted to more than one use, such plans shall show the percentage and areas of each use with the details thereof.
- (d) A legal description of the lot upon which such structures are to be constructed.
- (e) Plan for screening of commercial and/or industrial property.

9.31 Application for Permit

Application shall be made by the owner or his authorized agent.

9.32 Certification

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

9.4 CERTIFICATE OF OCCUPANCY The Zoning Official shall approve the issuance of a Certificate of Occupancy after he has determined that the building has been constructed and screening installed in accordance with the provisions of the permit and that such building is designed, arranged and appears to be intended for use as specified in the building permit. No building shall be occupied or used until such permit is approved by the Zoning Official.

9.4.1 Change of Principal Use Whenever the principal use of an existing structure is to be changed, the owner, agent, lessee or intended occupant thereof shall apply to the Zoning Official for issuance of a new Certificate of Occupancy, stating that the new use is approved within the district wherein it is located. A new Certificate of Occupancy shall only be approved by the Zoning Official when the new use conforms to these regulations.

9.5 DEVELOPMENT PLAN APPROVAL

9.5.1 A preapplication conference may be scheduled by the applicant with the Zoning Official or his designee.

9.5.2 Application. Where approval of a development plan is required by these regulations prior to the issuance of a building permit, such development plan shall be filed with the Zoning Official and shall include the following:

- (a) The name, address and telephone number of the record fee simple owner of the property and of the applicant;
- (b) A statement which describes in detail the character and intended use of the development;
- (c) A general location map which shows the relationship of the property to streets, schools, utilities, shopping areas, important physical features in and adjoining the property, and the like;
- (d) A site plan which contains the following:
 - Name of the project;
 - Names of the project planner, engineer and/or architect;
 - Name of the developer;
 - Date;

North arrow;

Boundaries of the property;

Existing streets, buildings, watercourses, easements and section lines;

The location of all buildings and structures;

Proposed access and traffic flow;

The manner in which vehicular traffic will be separated from pedestrian traffic;

Off street parking and loading areas and facilities;

Recreational facilities and open space;

Screens, fences, walls, and landscaped buffers;

Refuse collection areas;

Essential services, including points of utility hookup, and emergency services.

- (e) A statement of the total gross acreage in the project and the percentage thereof proposed to be devoted to each permitted use; lot coverage; and coverage by all impervious surfaces;
- (f) Project density stated in dwelling units per acre;
- (g) The number of off street parking and loading spaces;
- (h) If common facilities such as recreation areas or structures, private streets, and open space are to be provided for the development, a statement as to how such common facilities are to be maintained permanently; such statements may be in the form of proposed deed restrictions, property owners associations, guarantees by cash or surety bond or otherwise or other legal instruments providing assurances to the county which show that such common facilities will not become a future liability of the county;
- (i) Conceptual drainage plans acceptable to the County Engineer;

- (j) A legend containing the total number of dwelling units and the portion thereof devoted to different sizes and/or types;
- (k) The location of signs, if any;
- (l) A conceptual landscape plan;
- (m) If applicable, a fire prevention plan which shall be approved by the fire prevention director in accordance with the county fire code;
- (n) Such additional data as the applicant deems pertinent to the development plan.

In his discretion, the Zoning Official or his designee may determine that one or more of the above requirements of the development plan do not apply to a particular development. The site plan, drainage plan and any surveys shall be prepared by a registered Florida surveyor, engineer, architect or land planner.

9.5.3 Procedure After a development plan is filed with the Zoning Official, together with such fee that may be required by the Board of County Commissioners, the Zoning Official shall determine whether or not the development plan complies with these regulations. A development plan shall be reviewed by the Development Review Committee if:

- (a) The total number of residential dwelling units exceeds 6;
- (b) The total square footage of non-residential buildings exceeds 6,000;
- (c) The Zoning Official, in his discretion, requires such review.

If the Zoning Official and, if applicable, the Development Review Committee determine that the development plan complies with these regulations and all other laws, ordinances and regulations, the Zoning Official shall approve the development plan by noting on the face of the development plan his approval, the date of approval and the signature of the Zoning Official. If, however, the Zoning Official determines that the development plan does not comply with these regulations and all other laws, ordinances and regulations, he shall note on the face of the development plan the reasons therefor, the date of such determination and his signature. After the Zoning Official shall have determined

whether or not the proposed development plan complies with this regulations, he shall provide due written notice to the applicant and the Board of Zoning Appeals that he intends to issue or deny the development permit. The decision of the Zoning Official will become final unless a notice of appeal to the Board of Zoning Appeals is filed within fifteen (15) days after entry of the Notice of Intent and receipt thereof by the applicant.

9.5.4 Appeal The applicant may appeal the decision of the Zoning Official. Upon the filing of a Notice of Appeal, the Zoning Official promptly shall provide notice of the date, time and place of the hearing before the Board of Zoning Appeals. Notice will be published at least thirty (30) days prior to the hearing and the hearing will be held within forty-five (45) days after filing of the Notice of Appeal.

9.6 AUTHORITY TO REVOKE PERMIT The County Commission may revoke any permit issued where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based or any permit issued in contravention of law.

9.7 FEES The Board of County Commissioners shall by resolution fix reasonable recording, hearing and permit fees to be charged by the Zoning Official.

9.8 VIOLATIONS Whenever violations of these regulations are observed by or reported to the Zoning Official, he shall promptly investigate. If such violation exists, the Zoning Official shall immediately notify the offending party in writing. If written notification fails to result in compliance within a reasonable time, the Zoning Official shall request legal counsel to take appropriate action.

SECTION 10. BOARD OF ZONING APPEALS; POWERS AND DUTIES, PROCEDURE

10.1 GENERAL INTENT

It is intended herein to establish procedures whereby aggrieved parties may appeal for relief from undue hardships imposed by strict and literal enforcement of the requirements or restrictions of these regulations.

10.2 BOARD OF ZONING APPEALS.

The Board of County Commissioners shall serve as the Board of Zoning Appeals and, when acting in this capacity, shall:

(a) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination or action of the Official in the enforcement of these regulations;

(b) Hear and decide whether to authorize special exceptions subject to these regulations, with reasonable safeguards in particular circumstances;

(c) Authorize, upon proper petition, such variances from the terms of these regulations as shall not be contrary to the public interest where in specific cases owing to special circumstances a literal enforcement of the provisions of these regulations will result in unnecessary and undue hardship.

10.3 APPEALS FROM ADMINISTRATIVE RULINGS

10.3.1 Any person aggrieved by any ruling by Zoning Official may appeal in writing to the Zoning Official and to the Board of County Commissioners. Any such appeal must be filed within thirty (30) days after the act or decision upon which any appeal is made and must specify the grounds on which it is based.

10.3.2 Upon receipt of a written appeal, the Board of County Commissioners shall determine the date, time and place of the hearing thereof and shall give published notice as well as written notice by first class mail to all substantially interested parties at least fifteen (15) days prior to the date of said hearing. Such notice shall be considered effective when placed in the United States Mail, postage paid, and failure to receive notice shall not invalidate any appeals proceeding. The Zoning Official shall transmit to the Board of County Commissioners all papers or other records upon which the action or decision appealed from is based. At the hearing of an appeal, any substantially interested person may appear and be heard in person or by agent or attorney.

10.3.3 When an appeal from any decision of the Zoning Official has been taken and filed with the Board of County Commissioners, the Board may, in its discretion, issue a stay order if it determines that irreparable harm will be done by failure to issue such stay order.

10.4 APPLICATION FOR VARIANCE

10.4.1 Any owner, agent, lessee or occupant of land may apply in writing to the Board of County Commissioners for a variance from the requirements or restrictions of these regulations except those relating to uses. Applications shall be submitted through the Zoning Official, stating specific grounds and the relief requested.

10.4.2 If the variance requested is for relaxation of the minimum yard requirements of these regulations by one (1) foot or less, the Zoning Official shall, upon proper investigation, make a determina-

tion whether all of the conditions required by Section 10.4.4. of these regulations exists. If he finds that the conditions do exist and that the variance requested is for relaxation of the minimum yard requirements by one (1) foot or less, he may proceed to grant the variance in accordance with the following procedure.

Notice of intention to grant the requested variance, stating the description of the property affected including a description by street address, if possible, the nature of the variance requested, and the existence of the right of appeal shall be published one time in a newspaper of general circulation, published in Charlotte County, Florida, and mailed to the owners as revealed by the current tax roll of each contiguous parcel. Within ten (10) days of the publication of notice but not thereafter, any interested person may apply, in writing, stating his name, the nature of his interest, and the nature of his objection, for a hearing of the matter before the Board of County Commissioners, which shall conduct a de novo hearing on the matter in accordance with the following procedure. The request for hearing shall be the exclusive appeal from such a determination by the Zoning Official.

The provisions of Section 10.3 of these regulations shall not be applicable thereto.

10.4.3. Upon receipt of an application for variance or timely request for consideration of an administrative grant of variance, the Board of County Commissioners shall fix a date, time and place for the hearing thereof, give public notice, and mail notice of such hearing by first class mail to the owner of the affected parcel and to all owners of record, as determined from the records of the County Property

Appraiser's Office, of all parcels contiguous to the property for which the variance is requested at least ten (10) days prior to the date of said hearing. Such notice shall be considered effective when placed in the United States Mail, postage paid, and failure to receive notice shall not invalidate any variance proceeding. The Zoning Official shall investigate the conditions pertaining to the particular variance requested and shall submit a report at the hearing giving the facts involved. The parties in interest may appear at the hearing in person or by agent or attorney.

10.4.4 After hearing the application for variance, together with such other reports or testimony as may be pertinent, the Board of County Commissioners may deny the appeal or grant such variance from the terms of these regulations as meets the conditions hereinafter set forth. Action by the Board of County Commissioners shall require the concurrence of a majority of the members present and a variance can be granted only if all of the following conditions are found to exist:

(a) Unique or peculiar conditions or circumstances apply to the property in question which do not apply to other properties in the same district;

(b) The strict and literal enforcement of the terms of these regulations would result in demonstrable and undue hardship or deprive the petitioners of rights commonly enjoyed by other property owners in the same district;

(c) The granting of the variance would not confer upon the petitioner any special privilege that is denied by these regulations to other property in the same district;

(d) The granting of the variance would not be injurious to surrounding properties nor contrary to the public interest; and

(e) The variance requested does not involve any use which is prohibited in the district wherein the property is located.

10.5 PUBLIC NOTICE OF MEETING

Public notice of all hearings shall be given in the manner required by law. The Zoning Official shall cause to be published all public notices for hearings by the Planning and Zoning Board, the Board of Zoning Appeals, and the Board of County Commissioners, and proof of publication of such notice shall be filed with the record of such hearing.

10.6 APPEALS FROM BOARD OF COUNTY COMMISSIONERS AND BOARD OF ZONING APPEALS

Appeals from decisions of the Board of County Commissioners or Board of Zoning Appeals may be taken to a court of competent jurisdiction within thirty (30) days after such decision shall have become final, but not thereafter. Persons who decide to appeal any decision made by the Board of County Commissioners or Board of Zoning Appeals will need a record of the proceedings. Such persons may, at their own expense, ensure that a verbatim record of the proceedings is made which includes the evidence upon which the appeal is to be based.

SECTION 11. SPECIAL EXCEPTIONS

A special exception is permission for a use that would not be permissible generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, relation to the neighborhood and such other restrictions as may be deemed appropriate in each case, would promote the public health, safety and welfare.

11.1 APPLICATION

The special exceptions contemplated by this regulation may be permitted in any district unless specifically prohibited by the district regulation.

11.2 WRITTEN PETITION

An application for special exception shall be submitted to the Zoning Official in such form as he may require. Such application shall include, but is not limited to, the following where applicable:

- (a) Site plans of an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off street parking and off street loading areas, refuse and service areas, and required yards and other spaces.
- (b) Plans showing proposed locations for utilities hookups.
- (c) Plans for screening and buffers, with references to type, dimensions and character.
- (d) Proposed landscaping.
- (e) Proposed signs and lighting, including type, dimension and character.

11.3 PUBLIC HEARING

After finding the request in order, the Zoning Official shall forward it to the Planning and Zoning Board, which shall set a date and time for a public hearing on the request. Following the public hearing, and after its own review of the request, the Planning and Zoning Board shall forward a recommendation to the Board of Zoning Appeals which may grant or deny the special exception or may grant approval subject to compliance with certain conditions, restrictions or requirements as the Board of Zoning appeals may deem necessary to protect the interest of the public health, safety, morals and welfare. Approval of a special exception, with or without conditions, shall be considered permanent to the extent that it may only be revoked following the procedure for amendment to the zoning maps, unless a time limit is provided in the approval of the use, in which case, the approval shall become void and the use shall be terminated at the end of the time specified in the approval.

11.4 NOTICE OF PUBLIC HEARING

The owner of the property for which a special exception is sought shall be notified by mail at least fifteen (15) days prior to a public hearing. Notice of the public hearing shall be advertised in a newspaper of general circulation in the county at least one (1) time, not less than fifteen (15) days prior to the public hearing. Notice shall be given by mail to all owners of property contiguous to the property for which a special exception is requested at least ten (10) days prior to the public hearing. For purposes of this provision, owners of contiguous properties within the distances set forth herein

shall be deemed those whose names appear on the latest available tax rolls of Charlotte County. Notwithstanding any other provision herein contained, failure to provide written notice to contiguous property owners shall not constitute a jurisdictional defect provided that proper legal notice has been published.

11.5 STANDARDS FOR APPROVAL

The Planning and Zoning Board shall recommend, and the Board of Zoning Appeals shall approve, disapprove, or approve with conditions, each request for a special exception after finding that the proposed exception

- (a) is necessary and appropriate to the area;
- (b) will conform to the spirit and intent of these regulations;
- (c) will not have an unreasonably adverse effect on surrounding properties;
- (d) will not enlarge or encourage development of a skid now area;
- (e) is a suitable use in regard to its location, site characteristics and intended purpose;
- (f) will not be contrary to a program of neighborhood conservation;
- (g) will provide economic benefit to the community, and
- (h) will not result in excessive demands on utilities, community facilities and public services;
- (i) will not be detrimental to public health, morals, safety or welfare.

11.6 SPECIAL USES

Uses of land, structures and water which are permitted upon special exception, shall include but not be limited to the following public and private uses:

- (a) Parks, playgrounds, recreational facilities, neighborhood or community centers or youth centers.
- (b) Administration buildings, fire, law enforcement, rescue and emergency facilities.
- (c) Communications facilities, telephone, radio and television transmission towers, yards for machinery and equipment storage, maintenance and repair, material storage and distribution.
- (d) Utility facilities, including sewage treatment plants and lift stations; water wells, storage tanks, pumping stations, and water treatment plants; electric generating plants, distribution, equipment storage and transformer stations, gas pumping, metering, processing, distribution and storage facilities.
- (e) Transportation uses; bus depots and terminals; garages for storage, maintenance and repair, freight terminals and depots, airports, landing fields and air strips; sea plane landing areas and bases; heliports; railroad facilities and stations; marine terminals, marinas, port facilities, docks and anchorage areas.
- (f) Educational and cultural facilities including libraries, auditoriums, museums, open air theaters and outdoor facilities.
- (g) Schools, public, private and parochial; day nurseries; schools for the retarded, exceptional or handicapped persons; business, vocational and technical schools; academies.
- (h) Mental institutions, insane asylums.

- (i) Correctional institutions, detention homes, jails, prisons, homes for delinquents; rehabilitation homes, farms and ranches.
- (j) Orphanages, missions and homes for the homeless and poor; eleemosynary institutions.
- (k) Nursing homes, convalescent homes, homes for the aged, geriatric centers.
- (l) Churches, missions, seminaries, monasteries, convents, church camps, church retreats, religious institutions, memorials and activities including temporary tent revivals.
- (m) Funeral homes, mortuaries, cemeteries, mausoleums, and crematories.
- (n) Golf courses, riding academies, clubs and lodges.
- (o) Hospitals, clinics, medical and dental laboratories, dormitories.
- (p) Temporary uses, sales offices.
- (q) Any use or activity not specifically permitted or prohibited by these regulations.
- (r) Race tracks, drag strips.
- (s) Fairs, carnivals, circuses, exhibits, expositions, festivals and similar uses.

11.7 CONDITIONS AND SAFEGUARDS

Violation of the conditions and safeguards that may be imposed on any special exception by the Board of Zoning Appeals when made a part of the terms under which the special exception is granted shall be deemed a violation of these zoning regulations.

11.8 LOT AND BUILDING REQUIREMENTS

Lots and buildings shall comply with the lot and building requirements of the district in which the special exception is to be located, or shall comply with more stringent requirements as may be imposed by the Board of Zoning Appeals upon approval of the special exception.

11.9 SIGNS PERMITTED

Signs shall comply with the district requirements for the district in which the special exception is located, or such requirements as may be imposed by the Board of Zoning Appeals upon approval of the special exception.

SECTION 12. AMENDMENTS

These regulations and the official Zoning Atlas may, from time to time, be amended or repealed as follows:

12.1 INITIATION OF PROPOSALS FOR AMENDMENTS

An amendment to these regulations or the Zoning Atlas may be proposed by

- (a) The Board of County Commissioners;
- (b) The Planning and Zoning Board;
- (c) The Board of Zoning Appeals;
- (d) The Local Planning Agency;
- (e) The owner of the land to be rezoned.

All proposals for zoning regulation amendments shall first be considered by the Local Planning Agency. The Local Planning Agency shall review and make recommendations as to the relationship of the proposed amendments to the adopted Comprehensive Plan or elements thereof. Such recommendations shall be made within thirty (30) days after the receipt of said proposals. All proposals for zoning amendments shall be submitted in writing to the Zoning Director in such form as he may require, along with the payment of such fees and charges as have been established by the Board of County Commissioners. No application for zoning amendment shall be heard by the Planning and Zoning Board until such fees and charges have been paid by the petitioner or waived by the Board of County Commissioners.

12.2 NOTICE

No request for zoning regulation amendment may be considered by the Planning and Zoning Board until such time as notice of a public hearing on the proposed amendment has been given by publication

in a newspaper of general circulation in the county at least fifteen (15) days in advance of the public hearing.

12.3 STANDARDS FOR APPROVAL

12.3.1 For the rezoning of land, the recommendations of the Planning and Zoning Board and the determination of the Board of Zoning Appeals shall be made after giving due consideration to:

- (a) Whether the proposed change would be contrary to the Comprehensive Land Use Plan;
- (b) The existing land use pattern in adjacent areas;
- (c) The population density pattern and possible increased load on public facilities such as schools, utilities and streets;
- (d) Whether changed conditions make the passage of the proposed amendment appropriate;
- (e) Whether the proposed change will adversely influence living conditions or property values in adjacent areas;
- (f) Whether the proposed change will affect public safety;
- (g) Whether the proposed change will reduce light and air to adjacent areas; and
- (h) Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

12.3.2 When pertaining to other proposed amendments of these zoning regulations, the Planning and Zoning Board and the Board of Zoning Appeals shall consider

- (a) The need and justification for the proposed change.
- (b) The relationship of the proposed amendment to the Comprehensive Plan.

12.4 BOARD OF COUNTY COMMISSIONERS ACTION ON PLANNING AND ZONING
BOARD RECOMMENDATIONS

Upon receipt of the Planning and Zoning Board recommendations and the Local Planning Agency recommendations, the Board of County Commissioners shall hold a second public hearing with notice to be given as required by law.

In addition to the notice provided for in subsection 12.2 above, notice of the time and place of the public hearing before the Board of County Commissioners shall be sent at least thirty (30) days in advance of the hearing by first class mail to the owner of the subject property or his designated agent or attorney. Notice of the time and place of the public hearing before the Board of County Commissioners shall be sent at least fifteen (15) days in advance of the hearing by first class mail to all owners of property contiguous to the property of which rezoning is sought. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing in the latest tax rolls of Charlotte County. Notwithstanding any other provision herein contained, failure to provide written notice to contiguous property owners shall not constitute a jurisdictional defect provided that proper legal notice has been published.

12.5 LIMITATIONS ON THE REZONING OF PROPERTY

Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning and Zoning Board shall not thereafter consider any application for the same rezoning of any part or all of the same property for a period of six (6) months from the date of such action, except that this requirement may be waived by the positive votes of a majority of the Board of County Commissioners when the Board deems such action necessary to prevent injustice or to facilitate the proper development of Charlotte County.

SECTION 13. DEFINITIONS

General. The following words and phrases shall have the meaning indicated:

Person includes firm, association, organization, partnership, trust, company, or corporation.

The present tense includes the future, the singular number includes the plural, the masculine includes feminine and neuter, and so forth.

The word shall is mandatory; the word may is permissive.

Used or Occupied includes intended, designed, or arranged to be used or occupied.

The word lot includes plot, parcel, or tract.

Structure includes building, as well as other things constructed or erected on the ground, attached to something having location on the ground or requiring construction or erection of the ground.

The word land includes the words water, marsh, or swamp.

Abandoned Vehicle Any vehicle which is unlicensed or by outward appearance not driveable.

Accessory Use, Building or Structure A use or structure customarily incidental to the principal use or structure on the same lot or on a contiguous lot under the same ownership.

Adult Book Store An establishment maintained for the sale or distribution to adults of material, the sale of which to juveniles would be prohibited by Florida Statutes. See also Detrimental Uses.

Adult Exhibition An establishment maintained for the exhibition for monetary consideration of motion pictures, exhibitions, shows, presentations, or representations, the exhibition of which to a minor would be prohibited by Florida Statutes. See also Detrimental Uses.

Alley Any public or private right-of-way intended to be used as a secondary means of access or service to abutting properties and not intended for general traffic circulation.

Alteration Any change in size, shape, occupancy, character or use of a building or structure. Alteration does not include customary maintenance or repairs.

Apartment A single dwelling unit in a multiple family dwelling; a separate housing unit including at least a bath, kitchen and living and sleeping accommodations.

Automotive Sales and Service Service stations, paint and body repair shops, automotive repair garages, and the sale or storage of new and used automobiles.

Automotive Service Station An establishment the principal business of which is the retail dispensing of automotive fuels and oil but which provides mechanical services.

Automotive Vehicle Any self-propelled vehicle or conveyance designed to transport persons, animals, freight, merchandise, or any substance, to include tractors, construction equipment, machinery or motorcycles, but not mopeds or motorized bicycles.

Bar, Cocktail Lounge, Tavern, Saloon or Nightclub Any establishment devoted primarily to the sale and on-premises drinking of alcoholic beverages.

Boarding House See Rooming and Boarding Houses.

Boat or Watercraft Any structure designed or made to float on the water, including a floating structure permanently anchored to a dock or to the shore.

Buildable Area That area within and bounded by required yards and setbacks.

Building Any structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building.

Building, Accessory A subordinate building, the use of which is incidental to that of the principal building on the same lot. See also Accessory Use Building or Structure.

Building, Height of The vertical distance measured from the lowest minimum habitable floor elevation for which a building permit may be issued to the highest point of the roof structure.

Building, Principal A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which it is located. An attached carport, garage, shed or other building shall comprise a part of the principal building and shall be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport or other structure shall conform to the requirements of an accessory building.

Building Site The lot upon which a building has been or is proposed to be erected.

Bulkhead Line The mean high water line on waterfront property defined by an existing seawall or survey.

Business Services Any commercial activity primarily conducted in an office, not involving the sale of goods or commodities available in the office, and not dispensing personal services, but including such businesses as real estate brokers or agents, insurance agencies, stock brokers, automobile brokers, counselors, consultants, accountants, collection agencies, title and abstract companies, income tax services, travel agencies, advertising agencies, studios of art, music, dancing or photography, laboratories, business or stenographic schools, and any similar office type use.

Campground Any area where two or more sites for tents, tent campers, truck-car campers, or travel trailers are offered for sleeping or eating accommodations, most generally to the transient public, where there is direct remuneration in money or money's worth to the owner or indirect benefit to the owner in connection with a related business.

Cemetery Land set apart for the sole purpose of burying the bodies of dead persons or animals and for the erection of customary markers, monuments, and mausoleums.

Centerline A line bisecting and lying everywhere equidistant between the boundaries of an object. For a road, the boundaries shall be construed as the right-of-way lines; for a body of water, the boundaries shall be the shoreline or bulkhead line thereof.

Child Care Center A residence or building in which three or more children under seventeen years of age are received for full or parttime care, and for whom board may or may not be provided. The term shall include "day nursery," "nursery school" and "day care center."

Church See House of Worship.

Club, Private An association or organization of a civic, fraternal or social character not operated or maintained for profit, and to which there is no unrestricted public access or use. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Cluster Housing A grouping of dwelling units, with no dwelling unit located above another dwelling unit, on a building site under unified control at the time of development, without regard to required lot size or interior setbacks.

Coastal Construction Control Line The line established pursuant to state law seaward of which construction may not be undertaken without a permit from the State of Florida, Department of Natural Resources.

Condominium The form of real property ownership defined by Florida law as such.

Country Club A public or private recreational facility, primarily outdoor in nature, including structures accessory to the recreational uses; includes, but is not limited to yacht clubs, tennis clubs, golf courses and ancillary activities.

Density, Residential The number of residential dwelling units permitted per acre of land within the parcel.

Detoxification Center A medical facility open 24 hours a day meeting comparable standards to a hospital or nursing home.

Detrimental Uses Any use of property and premises which for any reason excludes juveniles or excludes juveniles except when accompanied by a parent or legal guardian; also, those uses which could be construed as injurious to the health, safety, morals or welfare of the people of the County, such as, but not limited to, adult bookstores, adult exhibitions, massage parlors and dance halls.

Development Review Committee That committee composed of the County Administrator, County Engineer, Zoning Official, a representative of the Charlotte County/Punta Gorda Planning Council and the Fire Prevention Director, or their authorized designees, to perform the functions delegated to it by this regulation.

Development Standards The minimum requirements set forth in each zoning classification regulating the location, height, bulk, use and other aspects of development within such zoning classification.

Dock or Pier A structure extending over water for use as a landing place for water craft or as a walkway.

Dwelling Unit A building or portion thereof designed for residential occupancy by one family, having all rooms of the unit accessible from within the unit, with complete housekeeping facilities for the exclusive use of the occupant family, including only one facility for the cooking and preparation of food.

Eaves The extension or overhang of a roof, measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Emergency Services Police, fire, rescue or ambulance but not funeral home services.

Essential Services Utility service installations other than distribution and collection systems. Water wells and septic tanks are not deemed essential services.

Family One person or a group of persons interrelated by blood, marriage or legal adoption, occupying a single housekeeping unit and using common cooking facilities. The persons thus constituting a family may also include, but not exceed, a combined total of four guests and domestic servants.

Filling Station See Automotive Service Station.

Garage, Parking A building or portion thereof designed or used for commercial parking of motor vehicles or boats.

Garage, Private A building for the private use of the owner or occupant of a principal building, situated on the same lot as the principal building, for the storage of motor vehicles or boats, with no facilities for mechanical services or repair of a commercial or public nature.

Garage, Repair A building designed and used for the storage, care, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint and body work.

Gasoline Pumping Station Any principal or accessory use engaged only in the sale and delivery of motor oils and fuels but not including any other service or repair of vehicles, except that water and air may be available for radiators and inflation of tires, but not for washing or cleaning purposes. Any service offered in excess of those described herein shall cause the use to be classified as an Automotive Service Station as defined in these regulations.

Group Home Facility A building used as a dwelling for a group of unrelated persons living together as a unit under the supervision of a local or state agency. Includes the terms foster care home and congregate living facility.

Guest House A dwelling unit in a building separate from and in addition to the principal residential building on a lot, intended for intermittent or temporary occupancy without compensation.

Home Occupation Any vocation, trade or profession carried on within a dwelling by the occupant thereof within the limits and provisions of the regulations pertaining to home occupations.

Hospital A building or group of buildings having facilities for overnight care of one or more human patients, providing services to inpatients and medical care to the sick and injured, which may include as related facilities laboratories, outpatient services, training facilities, central service facilities and staff facilities; provided, however, that any related facility shall be incidental and subordinate to the principal hospital use and operation.

Hospital, Animal Any structure or premises used primarily and essentially for the medical care of ill, injured or disabled animals.

Hotel, Motel, Motor Hotel, Motor Lodge, or Tourist Court A building or group of buildings in which sleeping accommodations are offered to the public for a daily or weekly charge. If more than twenty-five percent (25%) of the units in a hotel, motel, motor hotel, motor lodge or tourist court have cooking facilities, such an operation shall be deemed a multifamily dwelling and shall be subject to these zoning regulations as a multi-family dwelling.

Houseboat A boat containing facilities, permanent or temporary, for cooking, bathing, sleeping or the disposal or storage of waste water or refuse.

House of Worship Any building used for non-profit purposes by any duly constituted and legally established sect, primarily intended to be used as a place of worship, together with customary accessory uses.

Industry Any activity involving the manufacturing of any commodity including the assembly, packaging, canning, bottling or processing of any item. To change any commodity in composition, form, size, shape, texture or appearance is deemed to be an industrial process.

Junk Old or scrap copper, brass, rope, rags, batteries, papers, trash, rubber, debris, including construction and land clearing debris, waste, and including wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, iron, steel and other scrap materials.

Junkyard A location, establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk; the term shall include all dumps and land fills except those operated under the terms of a currently valid permit issued by the State of Florida Department of Environmental Regulation.

Landscaping Grass, ground cover, shrubs, vines, hedges, trees, berms and complementary structural landscape features such as rock, fountains, sculpture, decorative walls or structures and tree wells.

Living Aboard The use of the cooking, bathing, wastewater, or refuse disposal or storage facilities of any houseboat which has not been underway in open water within the preceding 24 hours.

Living Area That area of a dwelling unit enclosed and protected from the elements, including interior halls, closets, utility and storage areas, but excluding garages and carports, and utility or storage areas contained therein, screened porches, unenclosed areas, cellars, basements and attics. The living area of a mobile home shall be determined by the area of the basic unit only, and shall not include additions such as cabanas, carports, storage areas or screened enclosures. Living area is determined by exterior dimensions.

Lot A piece, parcel, tract or plot of ground contained within the property lines of a specific area as described by metes and bounds or by lot, block and subdivision identification as recorded in the Public Records of Charlotte County, Florida, including land within easements but excluding land within any street, road or other right-of-way.

Lot Area The horizontal land area computed in square feet or acres. Small boat slips or other minor indentation shall be considered upland of the shoreline or the bulkhead line when computing waterfront property areas.

Lot, Corner Any lot situated at the intersection of two streets and abutting such streets on two adjacent sides.

Lot Coverage The total area in square feet of all buildings and structures located on a lot. Maximum percentage of lot coverage permitted shall not include covered parking areas without side or rear walls, nor projections of eaves, stairways, or fire escapes, but shall include any garage, carport, porch, or storage area attached to the principal building. Swimming pools and patios, covered or uncovered with screened enclosures, shall not be included in computing coverage.

Lot Depth The distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot Frontage The property line of a lot abutting a street or streets.

Lot, Interior Any lot bounded on both sides by lots or greenbelts.

Lot Line

- (a) Front lot line shall be that property line which is common with the road right-of-way. In lots having frontages on two or more streets, the front lot line shall be considered to be that lot line facing the street with the least frontage.
- (b) Rear lot line shall be that property line or, on waterfront property that bulkhead line or shoreline, most nearly opposite the front lot line and generally running parallel thereto.
- (c) Side lot line shall be any property line, or on waterfront property that bulkhead line or shoreline, other than the front or rear line. On lots abutting two or more streets in residential zones property lines other than street frontage shall be considered as interior side lines in applying setback requirements.

Lot of Record A lot whose existence, location and dimensions have been legally registered or recorded in a deed or on a plat.

Lot Width The mean horizontal distance between the side lot lines, measured at right angles to the depth at the midpoint of the depth.

Marina, Industrial A marine-oriented establishment engaged in the construction, manufacture, sale, maintenance, repair, docking and storage of commercial boats, barges, watercraft, and accessories, to include engines, motors, winches, mechanical equipment, supplies, the sale of fuel, lubricants, and provisions; and the receiving, processing, storage and distribution of seafood products; and living aboard as provided in these regulations.

Marina, Resort A sheltered water or harbor area with docking facilities for sports and pleasure boats and, upon such approval as may be required, docking facilities for living aboard. Accessory uses may also include the sale of fuel and lubricants provisions, bait, and tackle; service buildings with laundry facilities, showers, toilets, lavatories, and recreational facilities may be included.

Marina, Sports A commercial establishment engaged in the sale, maintenance, repair, docking and storage, wet or dry, of boats and watercraft used for pleasure or sports purposes, and accessories, including motors, trailers, equipment and supplies. The sale of fuel and lubricants, provisions, bait and tackle shall be permitted, and upon such approval as may be required, docking facilities for living aboard.

Marquee and Canopy Any shelter, cover or protection extending beyond the outer face of the building wall, of either rigid or nonrigid construction, designed and intended to be used for the shelter or protection of entrances and doorways.

Massage Parlor A shop, establishment or place of business wherein is administered treatments with mechanical or electrical apparatus for the purpose of body slenderizing, body reducing, or body contouring, or all or any one or more of the following subjects and methods of treatment, viz: oil rubs, salt glows, hot or cold packs, all kinds of baths including steam rooms, cabinet baths, sitz baths, irrigations, body

massage, either by hand or by any mechanical or electrical apparatus or device excluding fevertherapy, the application of such movements as stroking, friction, rolling, vibration, kneading, cupping, pettrassage, rubbing, effleurage, or tapotement. Provided, however, that this definition shall not apply to the bona fide practice of the profession or business of persons authorized by the laws of the state to practice medicine, surgery, osteopathy, chiropractic, neuropathy or chiropody, or persons holding a drugless practitioner's certificate under the laws of the State of Florida, nor to registered nurses or barbers or beauticians duly licensed under the laws of the State of Florida, nor to licensed practical nurses, orderlies or attendants, nor to nurses aides in hospitals acting under the direction of a licensed physician, nor to masseurs practicing in a bona fide gymnasium facility nor to masseurs acting as trainers for a bona fide athletic team.

Mean High Water Line For purposes of this regulation, mean high water line, including the term mean high water mark, shall be deemed to be the existing bulkhead line on waterfront property having such line, or the line established by a certified survey provided to the Zoning Official by a registered Florida land surveyor; provided that, in the event such certified survey is shown to be widely at variance with the actual high water line on the subject property, the Zoning Official may require the property owner seeking the benefit of determination of mean high water line to provide an additional Certified Survey as described above.

Mobile Home A movable living unit or similar portable structure, designed to be transported on the highway on its own wheels, flatbed or other trailer, having no foundation other than wheels, jacks or blocks, in excess of eight feet of overall width and/or in excess of thirty-five feet in overall length, including hitch.

Mobile Home Park A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of mobile homes to be used for living and storage purposes, and including the customary accessory uses such as owner's and manager's living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Mobile Home Site A lot or parcel of ground within a mobile home park, designated for the accomodation of not more than one mobile home.

Mobile Home Subdivision A subdivision in which mobile homes are parked for non-transient living or sleeping purposes and in which lots are set aside or offered for sale as mobile home sites in accordance with Charlotte County Subdivision regulations, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

Model Residential Unit A residential structure used for demonstration and sales purposes, not occupied as a dwelling unit, and open to the public for inspection.

Motor Home Includes the terms "motor coach" and "sport coach" and describes any self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping and the preparation of food.

Multi-family Denotes a residential structure containing three or more dwelling units.

Neighborhood Convenience Commercial Limited commercial uses as permitted by special exception in neighborhoods pursuant to these regulations.

Non-conforming Lot A lot conforming when created, which, because it was created prior to the first of zoning regulations in Charlotte County, or which, because of a change in regulations subsequent to its creation, does not meet the minimum development standards or other requirements of these regulations for use as a building site for the zoning district in which such lot is located.

Non-conforming Structure Any structure lawfully in existence on the effective date of these regulations or which, because of a change in regulations subsequent to its creation, does not conform to the regulations for the district in which it is located.

Non-conforming Use of Land The use of any land other than a use specifically permitted in the district in which the lot or parcel is located, and which use was lawfully in existence prior to the effective date of this regulation or any amendment thereto.

Non-conforming Use of Structure The use of any structure other than a use specifically permitted in the district in which the structure is located, and which use was lawfully in existence prior to the effective date of this regulation or any amendment thereto.

Nursery, Plant The use of land and buildings for the purpose of growing for sale or selling various ornamental plants, grasses, shrubs, flowers, and horticultural specialties, and including the sale of landscaping accessories such as statuary, fertilizer, tools and similar commodities as accessory to the propagation and growth of plants.

Nursing Home Any institutional type operations designed to provide full or parttime supervision and assistance to those persons not able to care for themselves, to include convalescent homes, homes for the aged, rest homes and similar facilities, but excluding homes for the mentally ill, hospitals, clinics and institutions devoted primarily to the diagnosis and treatment of the sick and injured.

Occupancy, Change of The discontinuance of use by a prior occupant, with or without a change in ownership, and the inception of the same or a different use by a new occupant. A change in the form of business organization of an occupant shall not be deemed a change of occupancy.

Open Space That land area not occupied by buildings.

Package Store A place where alcoholic beverages are sold in containers for consumption off the premises. Package stores shall not include a place where only beer or wine or both are sold for consumption off premises.

Parking Lot An area or plot of land used for the storage or parking of vehicles.

Parking Space, Off-Street A permanently designated space of not less than nine by eighteen feet (9' x 18') off the public right-of-way for the off-street parking or storage of vehicles, except where a different dimension is specifically authorized by these regulations.

Patio Houses Single family dwellings on individual lots providing for a side yard or patio of greater than normal width on one side of the dwelling and no yard or a greatly reduced yard on the other; also known as zero lot line housing.

Personal Services A use in which a service is performed to or on a person, such as beauty parlors, shops, or salons, barber shops, reducing or slenderizing studios, steam or turkish baths, poodle parlors, or animal grooming shops.

Planned Development A zoning district wherein all uses and development standards are subject to an approval pursuant to the requirements of these regulations based on a unified plan of development.

Planning Official The executive director of the Charlotte County-Punta Gorda Planning Council, the Local Planning Agency pursuant to Chapter 163, Florida Statutes.

Premises Any lot, parcel, plot or tract of land, together with any buildings or structures thereon.

Professional Services The conduct of business as in any of the following or related categories: law, architecture, planning, engineering, medicine, dentistry, osteopathy, chiropractic medicine, opticians, or consulting in these or related fields; veterinarians with no outdoor kennels or runs; and similar professional activities.

Public Dance Hall An establishment maintained solely for promiscuous and public dancing, the rules for admission to which are not based upon personal selection or invitation. This definition shall not include the establishments operating under Alcoholic Beverage Commission license or establishments operated by bona fide non-profit, educational, charitable, or religious organizations.

Public Gaming Room An establishment maintained for the purpose of providing the public, for a fee or other remuneration, with a place to engage in or play games of cards, keno, roulette, faro, or other games of chance. This definition shall not include establishments maintained by bona fide non-profit, charitable, educational, or religious organizations.

Public Use The use of any land, water or building by a public body or for a public service or purpose.

Recreation and Entertainment Any activity or use designed for the active or passive relaxation, enjoyment or leisure of participants or spectators.

Recreation Vehicle A self-propelled or non-self-propelled vehicle, designed to be used as a temporary dwelling for travel, recreation or vacation purposes; includes campers, motor homes and travel trailers.

Repair of Structure Restoration of portions of a structure to their condition before decay, wear or damage, but not including alteration of the shape or size of any portion of the structure.

Residential Hotel See Rooming and Boarding Houses.

Restaurant An establishment where meals or prepared foods, including non-alcoholic beverages and confections, are served to customers.

Retail Sales and Services Those business activities customarily providing retail conveniences or goods, such as department stores,

variety stores, drug and sundry stores, restaurants, groceries and markets, gift shops, wearing apparel shops, home and auto supply, hardware stores, furniture and stationery stores, shoe repair shops, radio and television sales and service shops, floor covering shops, sporting goods shops, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting fixture shops, pet shops and similar uses. For the purpose of these regulations, package stores, cocktail lounges and nightclubs are not included in the definition of "Retail Sales and Services."

Right-of-Way Line The line which bounds a right-of-way at its outermost edge.

Road Any public or private thoroughfare set aside for travel, excluding alleys, as defined in these regulations. The word "road" shall also include the words "street," "avenue," "lane," "boulevard," "thoroughfare," and "highway" for such purposes.

Rooming and Boarding House A residential building used or intended to be used as a place where sleeping and housekeeping accommodations are furnished or provided for pay to transient or permanent guests or tenants, which may maintain a public dining room in the same building, serving only residents and regular boarders by the week or month.

Servants' Quarters Dwelling units for domestic servants employed on the premises, either within the principal building or in an accessory building.

Setback See Yard, Minimum.

Shoreline See Mean High Water Line.

Sign Any outdoor advertising display using letters, words, figures, pictures, designs, or combinations thereof or symbols to attract the attention of the public to any place, subject, person, firm, corporation, or any merchandise or service whatsoever.

variety stores, drug and sundry stores, restaurants, groceries and markets, gift shops, wearing apparel shops, home and auto supply, hardware stores, furniture and stationery stores, shoe repair shops, radio and television sales and service shops, floor covering shops, sporting goods shops, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting fixture shops, pet shops and similar uses. For the purpose of these regulations, package stores, cocktail lounges and nightclubs are not included in the definition of "Retail Sales and Services."

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Shoreline See Mean High Water Line.

Sign Any outdoor advertising display using letters, words, figures, pictures, designs, or combinations thereof or symbols to attract the attention of the public to any place, subject, person, firm, corporation, or any merchandise or service whatsoever.

Slip The waterway existing for the reception of one boat for mooring.

Special Exception, Special Approval and Special Use Permission by the Board of County Commissioners of Charlotte County for a use that would not be permissible generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, relation to the neighborhood and to such other restrictions as may be deemed appropriate in each case, would not be detrimental to the public health, safety and welfare.

Story That portion of a building included between the upper surface of a floor or average grade, finished or unfinished, open or enclosed, and the upper surface of the floor or roof next above and having a minimum ceiling height of seven feet or more.

Structure Any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner.

Townhouse A single-family living unit in a group of similar units situated on its own lot or parcel of land, having no side yards or setbacks from adjacent townhouses in the same group and no openings in side walls.

Trailer, Travel or Camping Any non-motorized vehicular portable structure built on a chassis, designed by the manufacturer as a temporary dwelling for travel, recreational, or vacation use, and, when equipped for the road, with a body width not exceeding eight feet and overall length not exceeding thirty-five feet.

Transient For purposes of these regulations, a person present in Charlotte County but having no fixed place of residence therein.

Truck Stop An establishment where the principal use is the refueling and servicing of trucks and tractor-trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Use Any activity, function, or purpose to which a parcel of land or building is put; shall include the words "used," "arranged," or "occupied" for any purpose.

Use, Principal The main use establishing the reason and basis for a building or structure and comprising the general activity for which such building and or property is used.

Utilities See Essential Services.

Variance A relaxation of the terms of these zoning regulations with regard to the height, area, or size of structures or size of yards and open spaces.

Waterfront Property which physically abuts any body of water, including creeks, canals, rivers, lakes or any other body of water, natural or artificial.

Yard Minimum The minimum horizontal distance between the street, rear or side lot lines and the front, rear or side lines of the building; when two or more lots under one ownership are used for a single permitted principal use, the exterior property lines of the lots so grouped shall be used in determining setbacks. In determining setback requirements for all residential districts, roof overhangs, chimneys, awnings, air conditioner apparatus, balcony projections, open stairways, canopies, pilasters, decoration, etc. projecting three feet (3') or less into required yards shall not constitute the building line. Buildings of two stories or more, where permitted, may be "stepped" provided that the setback for each story of the building meets the minimum setback required for its height as specified in the lot and building requirements of the Zoning District in which the building is located.

Yard, Front The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage.

Yard, Rear That yard most nearly opposite the front yard as defined above, except that corner lots shall be considered to have only front and side yards.

Yard, Side Any yard other than a front yard or rear yard.

Zoning District An area assigned a specified classification of uses and structures pursuant to these regulations.

Zoning Official The person duly authorized by the Board of County Commissioners and delegated the responsibility for the administration and enforcement of the zoning regulations of Charlotte County, Florida.