

Comprehensive
ZONING REGULATIONS
for
CHARLOTTE COUNTY,
FLORIDA

RESOLUTION 70-22

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RESOLUTION 70 - 22

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, ESTABLISHING ZONINNG REGUALTIONS

WHEREAS, Chapter 63-1209, Laws of Florida, 1963, did authorize the Board of County Commissioners of Charlotte County, Florida, to adopt zoning regulations for that portion of Charlotte County lying outside the corporate limits of any municipality; and

WHEREAS, the duly appointed Charlotte County Planning and Zoning Board has heretofore recommended the adoption of a revised set of zoning regulations; and

WHEREAS, there have heretofore been held several public hearings following duly advertised notice thereof, and all other requirement of Chapter 63-1209, Laws of Florida, have been complied with;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Charlotte County, Florida, in public meeting assembled for the purpose of accomplishing coordinated and harmonious development of Charlotte County so as to provide for existing and anticipated future needs and in order to promote the health, safety, morals and general welfare of the County that the following Regulations attached hereto Exhibit "A", entitled Zoning Regulations, Charlotte County, Florida, Publication Number 8, of the Comprehensive County Plan, the cover of which is identified by the signature of the Chairman of the Board of County Commissioners and attested by the Clerk, be and the same are hereby adopted as the Comprehensive Zoning Regulations for Charlotte County, Florida, prepared in accordance with the Comprehensive County Plan, for that portion of Charlotte County lying outside the corporate limits of any municipality, together with the Official Zoning Maps filed in the office of the Circuit Court Clerk as shown on Exhibit "B" attached hereto and by this reference made a part hereof, which maps consist of nine books of half-section maps designated by the signature of the Chairman of the Board of County Commissioners and attested by the Clerk on the cover page of each of said nine books.

PASSED AND DULY ADOPTED this 26th day of May, 1970.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: (s) William H. Ehrenfeld
Chairman

ATTEST:
J. T. Lawhorne, Clerk of the Board of County
Commissioners of Charlotte County, Florida

By: (s) Vona E. Held
Deputy Clerk

TABLE OF CONTENTS

		<u>Page No.</u>
Article	I	SHORT TITLE..... 9
Article	II	PURPOSE 10
Article	III	ZONING DISTRICTS 11
	Section	1. Establishment of Districts 11
		2. District Boundaries 12
		3. Zoning Maps 12
Article	IV	DEFINITION OF WORDS 14
Article	V	GENERAL PROVISIONS 27
	Section	1. Abandonment..... 27
		2. Abandoned Vehicles 27
		3. Abandoned Watercraft..... 27
		4. Access Control 27
		5. Agricultural Uses in Residential Areas..... 28
		6. Authority to Enter Upon Private Property..... 28
		7. Approval of Subdivision Plat..... 28
		8. Boat docks, Boat Houses, Boat Lifts and Seawalls 28
		9. Churches and Schools 29
		10. Condominiums 29
		11. Deed Restrictions 29
		12. Development Requirements for Filled Land or Low Land 29
		13. Fences and/or Hedges 30
		14. Group Housing 30
		15. Home Occupations..... 30
		16. Houseboats and Boats Used for Living Purposes..... 31
		17. Interpretation of Uses Permitted 31
		18. Junk Yards 31
		19. Land and Water Fills, Dredging, Excavating and Mining 31
		20. Land Subject to Flooding..... 32
		21. Living Units in Zones Other Than Residential..... 35
		22. Maximum Building Dimensions on Shoreline Properties..... 36
		23. Minimum Setback from Centerline of All Roads... 36
		24. Mobile Homes 36
		25. Moving of Buildings 36

TABLE OF CONTENTS

Article		<u>Page No.</u>
V	GENERAL PROVISIONS (continued)	
	Section 26. Non-Conforming Buildings or Structures.....	37
	27. Non-Conforming Lots	37
	28. Non-Conforming Use of Buildings and Structures	37
	29. Non-Conforming Mobile Homes	38
	30. Nursing Homes.....	38
	31. Non-Conforming Use of Land	38
	32. Obstruction to Vision at Road Intersections	38
	33. Off-Street Parking and Loading Facilities.....	39
	34. Overhanging or Extruding Projections	41
	35. Parking of Trucks, Trailers and Travel Trailers	41
	36. Performance Standards.....	41
	37. Permits in Conflict With These Regulations	42
	38. Permitted Building Area.....	42
	39. Principal Building On A Lot.....	42
	40. Property Frontage	42
	41. Sanitary Regulations	43
	42. Service Stations	43
	43. Shopping Centers.....	44
	44. Storage of Flammable Liquids	45
	45. Structures, Dilapidated, Removal of	45
	46. Subdivision of Land	46
	47. Exceptions to Subdivision of Lots	46
	48. Swimming Pools.....	46
	49. Use of Public Right-Of-Way.....	46
	50. Waterfront Properties	46
	51. Yards and Open Spaces	48
	52. Model Homes, Apartments and Condominiums...	48
	53. Detrimental Uses.....	48
Article VB	AIRPORT HAZARD ZONING.....	51
	Section 1. Purpose.....	51
	2. Application.....	51
	3. Airport Zoning Map.....	51
	4. Airport Height Zones and Limitations	51
	5. Use Restrictions	52
	6. Non-Conforming Use.....	53
	7. Lighting	53
	8. Variances	53
	9. Severability.....	53
	10. Definitions	53

TABLE OF CONTENTS

			<u>Page No.</u>
Article	VI	AGRICULTURAL DISTRICTS.....	55
	Section	1. Purpose.....	55
		2. Application.....	55
		3. AC, Agricultural, Crops.....	55
		4. AG, Agricultural, General.....	56
		5. Camp Sites.....	57
Article	VII	RESIDENTIAL DISTRICTS	59
	Section	1. Purpose.....	59
		2. Application.....	59
		3. RE-1 and RE-2, Residential, Estate Districts	59
		4. R-1a, Single Family, Low Density; R-1b, Single Family, Medium Density; and R-1c, Single Family, High Density	60
		5. R-2, Two-Family Residential.....	61
		6. R-3, Townhouses; Cluster Houses, attached and detached; Garden, Court and Patio Homes ..	62
		7. R-4a, Multiple Family, Low Density; R-4b, Multiple Family, Medium Density; R-4c, Multiple Family, High Density;	65
		7A. R-4d, Multiple Family-Tourist Environmental	66
		8. RP, Residential, Professional Districts.....	67
		9. RHM, Residential, Hospital, Medical.....	67
		10. RT, Residential, Tourist.....	68
		11. Apartment Projects.....	69
Article	VIII	P-D, PLANNED DEVELOPMENT DISTRICTS.....	73
	Section	1. Purpose.....	73
		2. Definitions	74
		3. Uses Permitted.....	74
		4. Site and Development Standards	75
		5. Approval Procedure.....	77
		6. Requirements for Preliminary Development Plan	80
		7. Requirements for Final Development Plan	81
Article	IX	MOBILE HOMES AND TRAVEL TRAILER DISTRICTS.....	83
	Section	1. Purpose.....	83
		2. Application.....	83
		3. MHE, Mobile Home, Estate Districts.....	83
		4. MHC, Modular Homes and Conventional Dwelling Districts	84
		5. MHS, Mobile Home Subdivisions	86
		6. MHP, Mobile Home Park Districts.....	86
		7. MHP(S), Mobile Home Parks (Subdivisions) Districts	90
		8. MC, Travel Trailer & Resort Districts	94

TABLE OF CONTENTS

		<u>Page No.</u>
Article	X	BUSINESS DISTRICTS 97
	Section	1. Purpose..... 97
		2. Application..... 97
		3. BT, Business, Tourist-Resort Districts 97
		4. BP, Business-Professional Districts..... 98
		5. BR, Business, Retail Sales and Services..... 99
		6. BA, Business, Automotive Districts..... 100
		7. BW, Business, Wholesale, Warehousing Districts 101
		8. BH, Business, Highway Districts..... 102
		9. MB, Business, Marine Oriented 103
		10. General Provisions for Business Districts 104
Article	XI	INDUSTRIAL DISTRICTS 105
	Section	1. Purpose..... 105
		2. Application..... 105
		3. ILR, Industrial, Local Service, Residential..... 105
		4. ILS, Industrial, Local Service 106
		5. IM, Industrial, Manufacturing Districts..... 107
		6. IP, Industrial Park Districts 108
		7. IW, Industrial, Marine Districts 110
		8. Industrial Performance Standards 111
		9. Administration and Enforcement of Performance Standards..... 113
		10. General Provisions for Industrial Districts 113
Article	XII	SPECIAL USES 115
	Section	1. Purpose..... 115
		2. Application..... 115
		3. Procedure..... 115
		4. Standards of Approval 116
		5. Special Uses 116
		6. Lot and Building Requirements..... 117
		7. Signs Permitted..... 117
Article	XIII	SIGNS..... 119
	Section	1. Definitions 119
		2. Classification 119
		3. Permits Required..... 119
		4. Exempt Signs 119
		5. Permit Applications and Fees 120
		6. Temporary Signs 120
		7. Prohibited Signs 121

TABLE OF CONTENTS

Page No.

Article	XIII	SIGNS (continued).....	
	Section	8. Construction, Inspection, Maintenance and Removal of Signs	121
		9. Restrictions	121
		10. Heights and Setbacks.....	122
		11. Size Limitations	122
		12. Non-Conforming Signs	123
		13. Political Signs.....	123
Article	XIV	ADMINISTRATION AND ENFORCEMENT	125
	Section	1. Administration	125
		2. Application.....	126
		3. Building Permits	127
		4. Special Permits	128
		5. Certificate of Occupancy	128
		6. Expiration of a Building Permit.....	128
		7. Posting of Permit.....	128
		8. Authority to Revoke Permit.....	128
		9. Fees	128
		10. Violations.....	128
Article	XV	APPEALS AND AMENDMENTS	129
	Section	1. General Intent	129
		2. Board of Zoning Appeals	129
		3. Appeals from Administrative Rulings	129
		4. Application for Variance.....	130
		5. Public Notice of Hearing	131
		6. Appeals from Board of County Commissioners and Board of Zoning Appeals	131
		7. Amendment.....	131
Article	XVI	LEGAL STATUS PROVISIONS.....	132
	Section	1. Savings Clause	132
		2. Interpretation	132
		3. Conflict With Other Legal Documents.....	132
		4. Repeal Clause.....	132
		5. Effective Date.....	132

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ARTICEL I

SHORT TITLE

This Resolution shall be known as the "Comprehensive Zoning Regulations for Charlotte County, Florida". The Zoning Maps referred to herein are identified by the title "Zoning Maps of Charlotte County, Florida", dated May 26, 1970, and all explanatory matter thereon is hereby adopted and made a part of this Comprehensive Zoning Regulation.

ARTICEL II

PURPOSE

This Resolution is enacted for the purpose of promoting the health, safety, morals, and general welfare of the people of Charlotte County, Florida, and to be effective within all of the unincorporated areas of Charlotte County, Florida, outside of the corporate limits of any city or town, and to regulate and restrict the height, number of stories, size of buildings, structures and land for trade, industry, residence, or other specific use, to be regulated for the safety, health, morals and general public welfare.

This Resolution is also designed to lessen congestion on the highways to secure safety from fire, panic, and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to preserve and facilitate the development and display of the natural beauty and attractiveness of roadsides; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements, with consideration given to the character of each district and its peculiar suitability for particular uses, and with a view to conserve the value of land and buildings and to encourage the most appropriate uses of land and water throughout the unincorporated territory of Charlotte County, Florida.

ARTICLE III

ZONING DISTRICTS

Section 1. Establishment of Districts. For the purpose of the administration and enforcement of this Comprehensive Zoning Resolution, and in accordance with the provisions of Article II of this Resolution, the unincorporated areas of Charlotte County, Florida, not including the corporate areas of any city or town, are classified into Zoning Districts as follows:

1.1 Agriculture

- AC, Agriculture, crops
- AG, Agriculture, general

1.2 Residential

- RE-1 Residential, Estate
- RE-2 Residential, Estate
- R-1a Single Family, Low Density
- R-1b Single Family, Medium Density
- R-1c Single Family, High Density
- R-2 Two Family Residential
- R-3 Townhouses, Cluster Houses, Garden, Court & Patio Houses
- R-4a Multiple Family, Low Density
- R-4a2 Multiple Family, Low Density
- R-4b Multiple Family, Medium Density
- R-4c Multiple Family, High Density
- R-4d Multiple Family-Tourist Environmental
(Amendment #?, ??-??-19??)
- RP Residential, Professional
- RHM Residential, Hospital-Medical
- RT Residential, Tourist

1.3 P-D, Planned Development Districts

- Planned Residential Communities
- Planned Commercial Centers
- Planned Industrial Parks

1.4 Mobile Homes and Travel Trailer Districts

- MHC Mobile Home and Conventional Dwellings
- MHS Mobile Home Subdivision
- MHP Mobile Home Parks
- MC Travel Trailer Resorts
- MHE Mobile Home, Estate, Districts
- MHP(s) Mobile Home Parks (Subdivision) Districts
(Amendment #?, ??-??-19??)

1.5 Business

- BT Business, Tourist-Resort
- BP Business, Professional
- BR Business, Retail Sales and Services
- BA Business, Automotive
- BH Business, Highway Oriented
- BW Business, Wholesale and Warehousing
- MB Business, Marine Oriented

1.6 Industrial

- ILR Industrial, Local Service, Residential
- ILS Industrial, Local Service
- IM Industrial, Manufacturing
- IP Industrial, Parks
- IW Industrial, Marine

Section 2. District Boundaries.

- 2.1 Zoning Districts are hereby established and declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Comprehensive Zoning Maps of Charlotte County, Florida.
- 2.2 Unless otherwise indicated on the Comprehensive Zoning Maps of Charlotte County, Florida, the boundaries of the districts are lot and property lines, the centerline of streets, street rights-of-way, alleys, railroad rights-of-way, the corporate limits of municipalities as they exist at the time of the enactment of this Resolution, section lines, land grant lines, or such other geographical or topographical features as may be indicated including rivers, streams, drainage canals, shorelines or channels.
- 2.3 Any unsubdivided property where a zoning district boundary line is shown and where no other feature exists which would indicate the exact location of such boundary, unless the same is indicated by dimension, shall be determined by the use of the scale appearing on the Zoning Map.

Section 3. Zoning Maps.

- 3.1 The Official Zoning Maps shall consist of nine (9) books of half-section maps and such supplemental Zoning Maps as may be prepared and used until half-section maps are prepared for Zoning Map purposes. The signature of the Chairman of the Board of County Commissioners and attested by the Clerk shall be on the cover page of each of the nine (9) books of Zoning Maps.
- 3.2 The territory covered by each of the nine (9) books of half-section maps shall be indicated on an index map for each book and which may also comprise the cover page of each said (9) books of Zoning Maps. The Index Map shall show in sufficient clarity the location, area covered, and section identification of each half-section or other map contained in the book to which the Index Map applies.
- 3.3 The Official Zoning Maps, as described in this Section, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Resolution, to the same extent as if herein reproduced in full.
- 3.4 The original Official Zoning Maps, properly signed by the Chairman of the Board of County Commissioners and attested by the Clerk SHALL be located and maintained under the supervision of the Zoning Director, and shall be the final authority as to the current zoning status of all land and water area, buildings, and other structures within the unincorporated areas of Charlotte County. No changes of any kind shall be made on the Official Zoning Maps except in conformity with the provisions set forth in Article XIV of these Regulations.

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ARTICEL IV

DEFINITION OF WORDS

For the purpose of the administration and enforcement of this Resolution, and unless otherwise stated in this Resolution, the following words shall have a meaning as indicated herein:

Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and words uses in the plural number shall include the singular number. The word "shall" is mandatory, not directory. The word "may" is permissive.

ACCESSORY USE or ACCESSORY STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental to the principal use or structure, and which is not an integral part of the main structure.

ACCOMMODATION. Any hotel, motel, tourist court, rooming house or rental unit intended to be used for transient persons or tourists, for overnight lodging or longer. Any business containing one (1) or more rental units for transients or tourists shall be deemed an accommodations facility

ADULT BOOK STORE. An establishment maintained for the sale or distribution to adults of materials, the sale of which to juveniles would be prohibited by Section 847.012 Florida Statutes, as that statute now exists or may from time to time be amended. (Amendment #117, ??-??-19??)

ADULT EXHIBITION. An establishment maintained for the exhibition for a monetary consideration of motion pictures, exhibitions, shows, presentations or representations, the exhibition of which to a minor would be prohibited by Section 847.013, Florida Statute as that statute now exists or may from time to time be amended. (Amendment #117, ??-??-19??)

ADVERTISING SIGNS. Any outdoor surface, support upon which advertising matter is set in public view, and including every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projected sign, marquee sign, awning sign, street clocks or thermometer, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person.

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

ALTERATION. Any change in the arrangement or a building; any work affecting the structural parts of a building; or any change in the wiring, plumbing, heating or cooling system; and includes the words "to alter" and "alter". Alteration does not include customary maintenance and repairs.

APARTMENT. A single dwelling unit in a multiple family dwelling; a separate housekeeping unit including at least a bath, kitchen and living room, plus one (1) or more separate bed rooms.

APARTMENT, EFFICIENCY. Similar to an "apartment" as defined, except that sleeping accommodations, living room, and/or kitchenette are combined.

APARTMENT BUILDING. A building which contains three (3) or more apartments or efficiency apartments.

APARTMENT HOTEL. An apartment building designed and operated similar to a hotel, having public dining facilities for occupants; may also have maid and room service.

AUTOMOTIVE SALES AND SERVICES. The sale or storage of new and used automobiles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any automobile component.

AUTOMOTIVE VEHICLES. Any self-propelled vehicle or conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters; but shall not include tractors, construction equipment or machinery, or any device used for performing a job except as stated above.

BAR. See "COCKTAIL LOUNGE".

BOARD OF ZONING APPEALS. The Board of Zoning Appeals shall mean the Charlotte County Board of Zoning Appeals as provided in the Resolution, being the same as provided in Chapter 63-1209, Laws of Florida.

BOARDING HOUSE. See "ROOMING AND BOARDING HOUSES".

BUILDING. Any structure constructed or used for residence, business, industry or other public or private purposes or accessory thereto, and including but not limited to, tents, lunchwagons, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, store rooms, billboards, signs, gasoline pumps, boat docks, boat hoists, and boat houses, and similar structure whether stationary or moveable, with or without roof and with or without walls.

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 the same is located. An attached carport, garage, shed or other structure with one (1) wall being a part of the principal 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. A structurally independent garage, carport or other building conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six (6) feet in width. A connecting breezeway in excess of six (6) feet in width and/or enclosed on one (1) or both sides, including louvers and/or screening, shall cause the entire structure to be construed as the principal building and shall be subject to the regulations applicable to the principal building.

BUILDING, ACCESSORY. A subordinate building, the use of which is incidental to that of the principal building on the same lot.

BUILDING AREA. That area within and bounded by the building line established by required yards and setbacks.

BUILDING HEIGHT. The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the top of the roof of the uppermost story. The height of a building with a flat roof shall be measured from the footing as stated above to the highest point of the roof, but shall not include the parapet or coping. A flat roof shall be considered a roof that has a slope of less than seven (7) degrees with the horizontal. Maximum height limitations shall not apply to church spires, belfries cupolas, domes, monuments, utility towers, cooling towers, mechanical equipment and housing for same, or other appurtenances either temporary or permanent.

BUILDING LINE. The line established within a lot or parcel of land by setbacks or yard requirements, measured perpendicular from the property line, street centerline, or other reference line or point as may be designated. Within the area between such building line and the property line, no principal building may be erected and no accessory building may be erected except as otherwise permitted.

BUILDING REQUIREMENTS. Lot and building requirements, as contained in the Lot and Building Regulations set forth in this Resolution do not imply reference to the building requirements as set forth in any Building Code for Charlotte County, Florida, now in effect, or which may be adopted hereafter.

BUILDING SITE. The lot or parcel of land upon which a building has been or is proposed to be erected. A building site must provide at least the minimum width and area set forth for the particular zone or district in which it is located, except as hereinafter provided for existing lots of record.

BULKHEAD LINE. A line on the waterfront property abutting Sovereign (State-owned) land which has been established by survey and approved by proper authority; or by an existing seawall; or if not so established, a line which follows the general configuration of the mean high water mark.

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, counselors, consultants, accountants; collection agencies; title and abstract companies; income tax services; travel agencies, advertising agencies, studios of art, music, dancing and photography, laboratories, business or stenographic schools, and any similar office type use.

CAMP SITE. Any described area where two (2) or more sites for tents, tent campers, truck-car campers, or travel trailers are offered by any person, firm or corporation for sleeping or eating accommodations, most generally to transient public, and where there is direct remuneration in money to the owner, or indirect benefit to the owner in connection with a related business.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons and for the erection of customary markers, monuments and mausoleums.

CENTER LINE. A line bisecting, or lying everywhere equidistant from the extreme boundaries of a subject. When the subject is a street, highway or other thoroughfare, the boundaries shall be construed as the right-of-way lines; when the subject is a body of water, the boundaries shall be construed as the shoreline or the bulkhead line thereof.

CHURCH. 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, and customary accessory uses.

CLUB, PRIVATE. An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. This definition shall include the terms "lodge", "fraternal order" and "societies" and shall apply to all social organizations not operated as a profit-making business.

COCKTAIL LOUNGE. The term "Cocktail Lounge" shall include the terms "bar" and "tavern", "saloon" and similar uses in which alcoholic beverages are sold for consumption on the premises, and in which no customer dancing or paid entertainment other than music is permitted.

CONDOMINIUM. That form of ownership of condominium property under which units of improvements are subject to ownership by one or more owners, and there is appurtenant to each unit as part thereof an undivided share in the common element.

CONVALESCENT HOME. See "NURSING HOME".

COUNTY. The term "County" shall refer to Charlotte County, a legally constituted subdivision of the State of Florida.

COUNTY ENGINEER. The term "County Engineer" shall mean the person duly appointed as County Engineer by the Board of County Commissioners of Charlotte County, Florida.

COUNTY COMMISSION. The term "County Commission" shall mean the Board of County Commissioners of Charlotte County, Florida.

DAY NURSERY. A day nursery is defined as a residence or building in which one (1) or more children under seventeen (17) years of age are received, for full time or part time care or training and for whom board may or may not be provided, and that for such care and/or custody, remuneration shall be paid by the parents or legal guardians of the children, and shall include the terms "kindergarten", "nursery schools", "schools for child care" and "child care centers". A day nursery shall be subject to the provisions of this Resolution regulating private school.

DRIVE-IN ESTABLISHMENTS. The term "drive-in establishments" includes drive-in restaurants, drive-in theaters, or any retail sales or service facility in which persons receive goods or services in the automobile, but excludes drive-in tellers, drive-in windows for business transactions, or drive-in facilities of an accessory nature.

DUPLEX. A single residential building containing two (2) dwelling units.

DWELLING. A house, apartment or building used primarily for human habitation. The word dwelling shall not include dormitories, fraternities, sororities, hotels, motels, tourist courts, or other buildings for transients.

DWELLING UNIT. A building or portion thereof designed for residential occupancy by one (1) family, having all rooms of the unit accessible from within the unit, with complete housekeeping facilities for the exclusive of the occupant family, including only one (1) facility for the cooking and preparation of food.

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

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 (4) guests and domestic servants.

FILLING STATION or GAS PUMPING STATION. See "SERVICE STATION".

FLOOR AREA RATIO. The numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which such building or buildings are located. For the purpose of determining floor area ratio, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings, measured from the exterior faces of the exterior walls. In particular, "gross floor area" shall include:

- a. All interior floor space designed or used for residential, commercial, industrial or public purposes and accessory uses incident thereto.
- b. Elevator shafts and stair wells at each floor.
- c. Floor space used for mechanical equipment where the structural headroom exceeds seven and one half (7-1/2) feet, except equipment, open or enclosed, located on the roof, e.g.: elevator control rooms, water tanks, and cooling towers.
- d. Interior balconies and mezzanines.
- e. Enclosed porches and solariums, but not open terraces or screen porches.

FRONTAGE. The distance or width of a parcel of land measured along a public street right-of-way.

GARAGE APARTMENT. An accessory building with storage capacity for one (1) or more automobiles, and having one (1) or more living units.

GARAGE COMMUNITY. A structure, or series of structures under one (1) roof, and under one (1) ownership, for the storage of vehicles by three (3) or more owners or occupants of property in the vicinity, where said structure has no public shop or mechanical services in connection therewith.

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, with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC. A building designed and used for the storage of automotive vehicles, operated as a business enterprise, with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

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 works.

GASOLINE PUMPING STATION. Any principal or accessory use engaged only in the sale and delivery of motor oil and fuels; not including any other service or repair to 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 a SERVICE STATION as defined in these Regulations. Fuel and oil may be dispensed by an attendant or by self-service methods. (Amendment #101, 04-22-1975)

GROUP HOUSING. Two (2) or more single family or multi-family dwellings constituted as separate buildings on a single lot or parcel of land having common yards, open spaces, and other facilities, also referred to as "housing projects" or "apartment projects".

GUEST HOUSE. Any dwelling in which rooms are rented for guests or for the lodging of transients and travelers for compensation and so advertised to the public.

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 as provided in this Resolution.

HOTEL. A building designed to provide accommodations for transients or persons for short time residence, with or without meals, providing for ten (10) or more sleeping rooms with no provisions for cooking in the rooms, and including customary accessory uses in connection with the principal use.

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. Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, including construction and land clearing debris, waste and shall include wrecked, inoperative or partially dismantled motor vehicles, trailers, boats machinery, refrigerators, washing machines, plumbing fixtures, furniture, iron, steel and other old scrap ferrous or non-ferrous materials. (Amendment #114, 12-21-1976)

JUNKYARD. Junkyard means a location, establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk and the term shall include all dumps and landfills except those operated under the terms of a currently valid permit issued by the State of Florida Department of Environmental Regulations. (Amendment #114, 12-21-1976)

LAUNDRY, SELF SERVICE. A business rendering a retail service by renting to the individual customer equipment for the washing, drying, and otherwise processing laundry with such equipment to be serviced and its use and operation supervised by the management, and includes the terms "automatic" and "coin-operated".

LIVING AREA. That area of a dwelling unit, enclosed, which is protected from the elements, including interior halls, closets, utility and storage areas, but excluding garages and carports, together with 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 screening enclosures

LIVING UNIT. See definition of "DWELLING UNIT".

LOT. A piece, parcel, tract, or plot of land 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, roads 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 line or the bulkhead line when computing waterfront property areas.

LOT, CORNER. Any lot situated at the intersection of two (2) 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 uncovered with screen enclosures shall not be included in computing coverage.

LOT, DOUBLE FRONTAGE. Any lot abutting two (2) streets on opposite ends, or sides, rather than adjacent sides at the intersection of two (2) streets.

LOT, DEPTH. The depth of the lot is 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, INTERIOR. Any lot bounded on both sides by lots.

LOT LINE.

- (a) "Front lot line" shall be that property line which is common with the road right-of-way. In lots having frontage on two (2) or more streets, the front lot line shall be considered to be that facing the major entrance of the principal building which has been or is proposed to be erected thereon.
- (b) "Rear lot line" shall be that property line, or on waterfront property that bulkhead line or shoreline as applicable, 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 as applicable, other than the front or rear line. On lots abutting two (2) 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 recorded or registered in a deed or on a plat, either prior to the effective date of this Resolution or after the effective date of this Resolution.

LOT WIDTH. The mean, horizontal distance between the side lot lines, measured at right angles to the depth.

MARINAS, INDUSTRIAL. A marine oriented establishment engaged in the construction, manufacture, sale, maintenance, repair, docking and storage of commercial boats, barges, and watercraft; and accessories including engines, motors, winches, mechanical equipment, supplies, the sale of fuel, lubricants, and provisions; receiving, processing, storage and distribution of seafood products. Boats and watercraft used for living purposes shall be in the water and shall meet the requirements of the County and State Boards of Health.

MARINAS, RESORT. A sheltered water or harbor area with docking facilities for sports and pleasure boats, houseboats, and water craft to be used for living purposes, meeting the requirements of the County and State Boards of Health, but may also include watercraft docked and not used for living purposes. Accessory uses may also include the sale of fuel and lubricants; service buildings with laundry facilities, showers, toilets, lavatories; and recreational facilities.

MARINAS, 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. Watercraft used for living purposes shall be permitted only with the craft in the water, and meeting the requirements of the County and State Boards of Health.

MARQUEES AND CANOPIES. Any shelter, cover or protection, extending beyond the outer face of the building wall, of either rigid or non-rigid construction designed and intended to be used for the purpose of the shelter or protection for 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 fever therapy, the application of such movements as stroking, friction, rolling, vibration, kneading, cupping, pettrasage, rubbing, effleurage, tapotement. Provided, however, 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 practitioners certificate under the laws of the State of Florida or registered nurses or barbers or beauticians duly licensed under the laws of the State of Florida or to licensed practical nurses, orderlies or attendants or nurses aides in hospitals acting under the direction of a licensed physician, or to masseurs practicing in a bona fide gymnasium facility or to masseurs acting as trainers for a bona fide athletic team. (Amendment #117, ??-??-1977)

MINIMUM ZONED AREA. The minimum land area permitted for a single zoning district. Additions to or expansion of a district by an amount less than the required minimum zoned area is not applicable to this definition.

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 (8) feet in overall width and/or in excess of thirty three (33) feet in overall length, including hitch. See also definition of "TRAVEL TRAILER".

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 both living and storage purposes, and including the customary accessory uses such as owner's and manager's living quarters, rest rooms, laundry facilities, utility areas, and facilities for parks and recreation.

MOBILE HOME SUBDIVISION. A subdivision of land recorded in the land recorded in the office of the Clerk of Circuit Court of Charlotte County, Florida, designed for the parking of mobile homes, and/or single family dwellings, the lots of which are sold for individual ownership and which provides dedicated streets, sewers, drainage, parks and other public use areas and facilities.

MODULAR UNIT, Prefabricated, Conventional. A modular unit structure fabricated off-site and assembled on the building site, so constructed to meet the requirements of the Building Code, Plumbing Code, Electrical Code, and such other codes as may be applicable for conventional construction.

MODULAR UNIT, Prefabricated, Non-Conventional. A modular unit structure, fabricated off-site and assembled on the building site, not meeting the requirements of the Building Code, Electrical Code, Plumbing Code, and such other codes as may be applicable for conventional construction. Such non-conventional prefabricated modular units are those customarily built by manufacturers of mobile homes.

MOTEL. The term "motel" shall include the term "motor hotel", "tourist court" and "transient accommodations", primarily for those persons travelling by automotive vehicles and consisting of two (2) or more units or buildings designed to provide sleeping accommodations with no common entrance or lobby.

MOTEL, EFFICIENCY. A motel with units having facilities for the preparation of food and including a sink, cooking units, refrigerator and eating area.

MOTOR HOME. The term "motor home" shall include the terms "motor coach", "sport coach" and described any self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping and the preparation of food.

NIGHT CLUB. A commercial establishment dispensing alcoholic beverages for consumption on the premises in which customer dancing is permitted, and includes the term "cabaret" and may include floor shows and paid entertainment.

NON-CONFORMING BUILDING. Any building which does not conform to the regulations for the district in which it is located.

NON-CONFORMING LOT. A lot created prior to the first imposition of zoning regulations in Charlotte County, or a lot which, because of a change in regulations subsequent to its creation, which does not, because of such imposition or change, meet the minimum lot and building requirements or other requirements of these regulations for use as a building site for the zoning district in which said lot is located. (Amendment #124, 02-20-1979)

NON-CONFORMING USE OF BUILDING. The use of any building other than a use specifically permitted in the district in which the building 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.

NURSERY. 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 same of landscaping accessories such as statuary, fertilizer, tools and similar commodities as accessory to the propagation and growth of plants.

NURSING HOME. The term "Nursing home" shall apply to all institutional type operations designed to provide full or part time supervision and assistance to those persons not able to care for themselves and shall include convalescent homes, home for the aged, 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.

PACKAGE STORE. A place where alcoholic beverages are sold in containers for consumption off the premises. Package store shall not include a place where only beer or wine or both are sold for consumption off premises. (Amendment #89, 08-27-1974)

PARKING LOT. An area or plot of land used for the storage or parking of vehicles.

PARKING SPACE. A permanently designated space of not less than nine (9) by twenty (20) feet off the public rights-of-way for the off-street parking or storage of Vehicles.

PERSON. The word "person" shall include any individual, group of persons, firm, corporation, municipal corporation, association, organization or any legal public entity.

PERSONAL SERVICES. Beauty parlor, shop or salon; barber shop; massage, reducing or slenderizing studios; steam or turkish baths, or any similar use where a service is performed to or on a person; poodle parlors, and animal grooming shops.

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

PRIVATE SCHOOL. Any school owned and operated by a non-public agency, provided such school receives less than fifty (50%) percent of its financial support from public sources.

PROFESSIONAL SERVICES. The conduct of business as in any of the following or related categories; law, architecture, planning, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these or related fields; small animal veterinarians, with no outdoor kennels or runs; and similar professional activities.

PUBLIC BODY. Any government or governmental agency of Charlotte County, the State of Florida, the United States Government, or any municipality within Charlotte County, Florida.

PUBLIC DANCEHALL. 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 an Alcoholic Beverage Commission license or establishments operated by bona fide non-profit, educational, charitable or religious, organizations. (Amendment #117, ??-??-1977)

PUBLIC GAMING ROOM. An establishment maintained for the purpose of providing the public for a fee or other remuneration, with a place to engage 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. (Amendment #117, ??-??-1977)

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

RECREATION AND ENTERTAINMENT. Recreation and entertainment uses include, but are not limited to, amusement arcades, pool halls, bowling lanes, skating rinks, miniature golf, carnival type concessions, rides, boating, and fishing facilities.

REPAIR. Restoration of portions of a building to its condition before decay, wear or damage, but not including alternation of the shape or size of any portion.

RESOLUTION. The term "Resolution" as used in these Regulations means the Zoning Resolution of Charlotte County, Florida, including the Zoning Maps as adopted as a part thereof.

RESTAURANTS. An establishment where meal or prepared foods, including non-alcoholic beverages, and confections are served to customers. Restaurants are hereby classified and further defined into four (4) categories: (Amendment #89, 08-27-1974)

1. Type "A" Restaurants, Conventional; consisting of eighty (80) seats or more at tables or booths; with the number of counter stools not exceeding fifteen percent (15%) of the number of tables and/or booth seats; with all service indoors; and providing no service to persons in vehicles or at walkup windows and shall include cafeterias.
2. Type "B" Restaurants, Conventional; same as Type "A" restaurants, except no minimum of seats and/or counter stools, and including delicatessens.
3. Type "C" Restaurants, Short Order; specializing in short order foods and non-alcoholic beverages including the preparation of food to be taken out and consumed off the premises; may be a total counter stool type operation or with any combination of counter stool and/or tables and booths; and no service provided to person; in vehicles.

Establishments dispensing foods from service windows for consumption either on the premises or off the premises are classified as Type "C" restaurants.

4. Type "D" Restaurants, Drive-ins; any restaurant serving food and/or non-alcoholic beverages to persons in their automobiles for consumption in automobiles on the premises shall cause such restaurant to be classified as Type "D".

RETAIL SALES AND SERVICES. Retail sales and services shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, Types "A" and "B" restaurants, grocery and markets, gift shops; wearing apparel, home and auto supply, hardware stores, furniture and stationery stores, shoe repair shops, radio and television sales and service, floor coverings, sporting goods, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting fixtures, pet shops and similar uses. For the purpose of these Regulations, package stores, cocktail lounges and night clubs are not included in the definition of Retail Sales and Services. (Amendment #89, 08-27-1974)

RIGHT-OF-WAY LINE. The right-of-way line shall be considered as the property line and all setback requirements provided in this Resolution shall be measured from said right-of-way line, or except as otherwise may be provided.

ROAD. Any public or private right-of-way set aside for public travel, excluding alleys, as defined in these Regulations. The word "road" shall also include the words "streets", "avenues", "lane", "boulevard", "thoroughfare" and "highway" for such purposes.

ROAD CENTERLINE. The line midway between the road right-of-way lines, or the surveyed and platted centerline of a road which may or may not be the line midway between the existing right-of-way lines.

ROAD RIGHT-OF-WAY LINE. The lines which bound a right-of-way set aside for use as a road.

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 in which less than ten (10) and more than three (3) rooms are used for the accommodation of such 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.

SEMI-PUBLIC BODY. Includes churches or organizations operating as a non-profit activity serving a public purpose or service and includes such organizations as non-commercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

SERVICE STATIONS. Any business engaged primarily in the servicing of automotive vehicles, including the sale and delivery of fuel, lubricants, and other products necessary to the operation of automotive vehicles, including the sale and installation of accessories, tires and batteries, seat covers, tire repair, cleaning facilities, minor engine tune-ups and wheel balancing and aligning, brake service, but not including mechanical or body repair facilities, the sale or rental of vehicles or trailers. This term shall also include the term "filling station" and "gasoline pumping stations".

SETBACK. The minimum horizontal distance between the street, rear or side lines, and front, rear or side lines of the building, including steps, terraces, or any projection thereof; when two (2) or more lots under one (1) 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, awnings, balcony projections, and open stairways projecting three (3) feet or less, shall not constitute the building line. Canopies, pilasters and store front decorations may project beyond front building setback lines in commercial districts not more than two (2) feet, except upon special approval from the

Board of Zoning Appeals. Buildings of three (3) 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. (Amendment #84, 05-21-1974)

SHORELINE. A line on waterfront property other than a bulkhead line which follows the general configuration of the mean high water line.

SPECIAL APPROVAL. The affirmative consent of the Zoning Board in the approval of Special Uses or “Uses Permitted upon Special Approval” where specific provision is made, and under the conditions provided in these Regulations.

SPECIAL USE. Uses of land and/or water and buildings, not permitted as a matter of right, or as a permitted principal use, in a particular district, but which may be permitted by special approval of the Zoning Board in accordance with the provisions of these Regulations.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling above it. Any portion of a building on pilings or columns where the floor is not more than five (5) feet above the average grade shall not be included in computing the number of stories.

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

SUBDIVISION. A division of a lot, tract or parcel of land or water into two (2) or more lots, plots, sites or other subdivisions of land or water for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorage or other use, and which further includes the term “subdivide” meaning to divide land by conveyance or improvement into lots, blocks, parcels or tracts, or other portions.

TOURIST COTTAGE. A single family dwelling unit used as a part of a Tourist Park.

TOURIST PARK. A lot or parcel of land upon which three (3) or more tourist cottages are offered as living accommodations for the public.

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 group and no openings in side walls; being physically separated and structurally independent from adjoining townhouses.

TRAILER. Any portable or movable structure or non-self-propelled vehicle not used for living purposes but used for moving and hauling freight, equipment or merchandise and including collapsible camping trailers, boat trailers and construction trailers.

TRAVEL TRAILER. Any vehicular portable structure built on a chassis, designed by the manufacturer as a temporary dwelling for travel, recreational, and vacation use and when equipped for the road, with a body width not exceeding eight (8) feet, and overall length not exceeding thirty three (33) feet, and weight not exceeding 4,500 pounds, hereinafter called “travel trailer”.

TRUCK COACH OR CAMPER. Any portable structure without chassis or wheels built by the manufacturer for transport by truck and designed as a temporary dwelling for travel, recreational and vacation use, hereinafter called “camper”.

TRUCK STOP. Any business primarily engaged in providing services to truckers and the servicing of trucks, tractors, semi-trailers while enroute, of any size up to and including the legal maximum size and weight permitted to travel on Florida roads and highways. Service shall include the sale and delivery of fuel, lubricants, and other products necessary to the operation of trucks, tractors and semi-trailers, including the sale, installation or repair of accessories, tires, batteries, and filters; engine tune-up and minor engine repairs; wheel balancing and aligning;

brake service; cleaning facilities; service and repair to the electrical system and electrical components; but shall exclude major engine and mechanical repairs; engine and transmission overhaul; paint and body repairs except as may be required as an emergency repair to permit a truck, tractor, and/or semi-trailer to proceed safely to its destination. Accessory uses may include a restaurant, bunk house, or lodging accommodations and personal services for truckers.

USE. Any activity, function, or purpose to which a parcel of land or a building is put, and shall include the words, "used", "arranged" or "occupied" for any purpose including all residential, commercial, business, industrial, public or any other use.

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.

USE, ACCESSORY. Accessory uses are those activities established as secondary, in support of and dependant upon the principal use. No accessory use shall be permitted which is not otherwise permitted as a principal use in the district in which both the principal use and accessory use are proposed.

VACANT. A building or parcel of and shall be deemed vacant when it is neither occupied nor used, or when it is in a non-operative status for a period of one (1) year.

VARIANCE. The reduction or relaxation of the terms of restrictions or requirements in regard to lot area or width, or building height, size, or setback granted by the Board of Zoning Appeals; provided such action is not contrary to the public interest, and where due to conditions peculiar to a given property, the strict enforcement of the terms would result in obvious and undue hardships. No variance can grant land use which is otherwise prohibited.

WATERFRONT. Any site shall be considered waterfront property provided that any portion of such property physically abuts any body of water including creeks, canals, rivers, lakes, or any other body of water, natural or artificial.

YARD. The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and the building line.

YARD, FRONT. The yard extending across the entire width of the lot between the front lot line and front building line. 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, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two (2) streets not intersecting at a corner of the lot shall be the yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

YARD, REAR. The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line.

YARD, SIDE. The yard extending from the front building line to the rear building line between the side lot line and the side building line.

ZONING BOARD. The term "Zoning Board" shall refer to the Charlotte County Planning and Zoning Board as provided in Chapter 63 - 1209; Laws of Florida, Special Acts of 1963.

ZONING DIRECTOR. The term "Zoning Director" as used in this Resolution shall mean 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.

ZONING DISTRICT. The unincorporated areas of Charlotte County, Florida, having been assigned a classification as provided by law and as designated on the Zoning Map of Charlotte County, Florida.

ZONING MAP. The term "Zoning Map" or "Maps" shall refer to the official Zoning Map of Charlotte County, Florida.

ZONING REGULATIONS. Zoning Regulations shall mean the Zoning Regulations of Charlotte County, Florida.

ARTICLE V

GENERAL PROVISIONS

Regulations under this Article shall apply to all zoning districts and to all buildings, structures and uses of land or water in all zoning districts except as may otherwise be provided in the following Regulations.

Section 1. Abandoned Real Property.

- a. For any public street or alley which is hereafter officially vacated or abandoned, the Regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned. In the event abandoned property is not divided at the centerline for abutting properties, the Zoning Districts applicable shall apply to such ownership lines as determined by virtue of such abandonment.
- b. For any public property other than streets or alleys, the Regulations applicable to the zoning classification which abuts the property for the greatest number of lineal feet shall apply to the entire property.

Section 2. Abandoned Vehicles. Within all zoning districts except BA, BW, ILR, ILS, and MP Districts, all vehicles which are inoperative and/or unlicensed for a period of thirty (30) days shall be prohibited on any public right-of-way or on private property except within a completely enclosed garage.

Section 3. Abandoned Watercraft. Within all districts except MB, ILR, ILS, and IW, all watercraft which are inoperative and/or unlicensed and appear to be in a state of decay and/or abandonment, as determined by the Zoning Director shall be prohibited on any waterway, shore, private or public property unless contained in a completely enclosed building.

Section 4. Access Control. In order to promote the safety of motorists and the pedestrians and to minimize traffic congestion and conflict, the following Regulations shall apply:

- 4.1 A point of access, that is, a driveway or other opening for vehicles onto a public road shall not exceed twenty four (24) feet in width, except as otherwise provided in this Section.
- 4.2 The maximum number of points of access permitted onto any one (1) road shall be as follows:

<u>Lot Width Abutting Road</u>	<u>Number of Points of Access</u>
Less than 65 feet	1
65 feet 200 feet	2
Over 200 feet	2, plus one (1) for each additional 200 feet
- 4.3 In lieu of any two (2) openings permitted onto any one (1) road, there may be permitted a single point of access up to thirty five (35) feet in width.
- 4.4 There shall be a minimum distance of twenty (20) feet between any two (2) openings onto the same road.
- 4.5 No point of access shall be allowed within twenty five (25) feet of the intersection of the right-of-way lines of any public road.

- 4.6 No curbs shall be cut or altered, and no point of access or opening for vehicles onto a public road shall be established without a permit issued by the Zoning Director.
- 4.7 State Road Department specifications on State Roads shall be complied with.
- 4.8 The County Engineer may require the construction of pull-over lanes for access to commercial uses generating significant traffic problems on U.S. Highways 17 and 41. The cost of these lanes shall be borne by the applicant, and shall be constructed in cooperation with the State Road Department standards and regulations. It shall be the responsibility of the applicant to contact the State Road Department Engineers and to arrive at a workable agreement with the State Road Department for the construction of pull-over lanes. A Building Permit shall not be issued until the Zoning Director or the County Engineer receives in writing sufficient evidence to indicate that such pull-over lanes will be constructed. (Amendment #84, 05-21-1974)
- 4.9 On commercial properties where an applicant proposes development of an area abutting U.S. Highways 17 and 41, a distance of three hundred (300) feet or more, the County Engineer may require the applicant to construct a marginal access road; such road intended to provide limited access to U.S. Highways 17 and 41, and providing direct access to each business use along the property which it abuts. The cost of constructing such marginal access road shall be borne by the applicant. (Amendment #84, 05-21-1974)

Section 5 Agricultural Uses in Residential Areas. Nothing in these Regulations shall be construed to prohibit the customary growing of plants in residential districts including vegetable gardens and the growing of horticultural specialties, provided that no agricultural products, including plants, shall be sold from the premises. This provision shall not prohibit the property owner from selling plants or agricultural products delivered to other locations for sale.

Section 6 Authority to Enter Upon Private Property. Any member of the Zoning Board or any of its authorized employees, in the performance of their duties under the provisions of this Resolution, may enter upon land and make examinations and surveys as deemed necessary in the administration and enforcement of these Regulations.

Section 7 Approval of Subdivision Plat. All plats for the subdivision of land shall comply with the provisions of the Charlotte County Subdivision Regulations as adopted and amended.

Section 8 Boat Docks, Boat Houses, Boat Lifts. No boat docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit and the prior approval of the zoning officials, subject to the following. (Amendment #126, 04-17-1979; Res. No. 81-39, 05-26-1981)

- a. 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 feet (15') nor extend from the mean high water line more than ten percent (10%) of the open water span at point of installation, whichever, is less. The open water span shall be measured 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 ten percent (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 wharfs provided that no part of such structure shall extend further seaward than a permitted dock or wharf.

- b. No such structure shall be permitted in the waters of the Gulf of Mexico.
- c. No piling or other mooring devices shall extend further seaward in a canal than the lesser of twenty five percent (25%) of the width of the canal or twenty five feet (25'). All pilings and other mooring devices located in a canal more than fifteen feet (15') 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. Such structures are exempt from set back requirements from the mean high water line.

Section 9 Churches and Schools. Public and private schools shall be subject to the Regulations in this Resolution, set forth in Article XI, Special Uses. Churches and religious institutions may be permitted in any district only after approval of the Board of Zoning Appeals which shall hold a public hearing on such request after giving fifteen (15) days notice of the time and place of such hearing. (Amendment #84, 05-21-1974)

- 9.1 No cocktail lounge, package store or night club shall be located at a distance of less than one thousand (1,000) feet from an established school or church, which distance shall be measured on a straight line connecting the closest point of such proposed night club, package store or cocktail lounge and such school or church. (Amendment #94, 11-26-1974)

Section 10 Condominiums. These Zoning Regulations shall be construed and applied with reference to the nature of the use of such property without regard to the form of ownership. Condominium forms of ownership shall be subject to these Regulations as is any other form of ownership. Condominiums of any kind, type or use shall comply with the provisions of Chapter 711, Florida Statutes, known as the "Condominium Act".

Section 11 Deed Restrictions. These Regulations shall not affect any deed restrictions or restrictive covenants recorded with any deed, plat or other legal documents, relating to the use of lot and building requirements. No person or agency, in the capacity of enforcing and administering these Regulations shall be responsible for enforcing and deed restrictions or restrictive covenants. Property owners and builders should take such restrictions into consideration before applying for a permit to avoid possible action by aggrieved parties.

Section 12 Development Requirements for Filled Land or Low Land. Within building.

- a. A minimum floor elevation of six (6) feet above mean sea level or the mean level of the waterway it abuts, whichever is greater.
- b. Proper slope and drainage into a natural or artificial storm drainage system adequately sized to carry off surface water.
- c. Soil bearing capacity meeting the minimum requirements for foundations as provided in the Southern Standard Building Code for the type of foundation proposed. Non-hydraulic fill must be thoroughly compacted by mechanical means to meet bearing requirements.
- d. No permit shall be issued on filled land which contains a measurable amount of organic debris or material, or on land fill over a muck pocket.
- e. No permit shall be issued for a septic tank and drain field except in the required front yard on a waterfront lot, or as otherwise approved by the State Board of Health.

Section 13 Fences and/or Hedges. In all residential districts except RE, Residential Estate Districts, rear setback requirements shall not apply to fences and/or hedges of six (6) feet in height or less and also shall not apply to chain link fences and/or hedges of six (6) feet in height or less from the rear lot line to the front setback line. Front and side setback requirements shall not apply to fences and/or hedges less than three (3) feet high and also shall not apply to chain link fences less than four (4) feet high.

In all districts other than residential, chain link fences and walls located on the lot lines shall not exceed a height of eight (8) feet above the ground except as otherwise provided in district regulations.

A variance may be granted for additional fence or wall height, subject to reasonable safeguards in particular circumstances.

Fences charged with electricity are permitted only in agricultural zones.

Barbed wire fencing shall be permitted only in agricultural districts; and only above the top rail of chain link or other type fencing or walls in business and industrial districts, and around institutional uses and utility installations in any district.

Section 14 Group Housing. Group housing developments of two (2) or more single or multiple family dwellings to be constructed on a plat of ground under single ownership of one (1) acre or more, not subdivided into customary streets and lots, and which shall not be so subdivided, may be developed in any multiple family residential districts provided that:

- a. Maximum percent of lot coverage shall not exceed that which is required for the district in which the project is located.
- b. Height limits, front, side or rear yard requirements shall be met in accordance with the district in which such group housing is permitted.

Section 15 Home Occupations. Home occupations, including any profession, vocation, business, trade or personal services, may be conducted in any Agricultural District and any R-1b, R-1c, R-2 or R-4 Districts only after approval of the Board of Zoning Appeals which shall hold a public hearing on such request, after giving fifteen (15) days notice of the time and place of such hearing. The Board of Zoning Appeals may then deny or grant approval of the home occupation in accordance with such regulations as the Board of Zoning Appeals may determine to be in the public interest, and also in accordance with the Zoning Regulations. (Amendment #84, 05-21-1974)

- a. The home occupations shall be conducted within the principal building and only by a person resident in the building. Not more than one (1) person shall be employed who is not a resident of the premises.
- b. No more than twenty percent (20%) of the total floor area of any dwelling may be devoted to such use.
- c. For the purpose of identification of such uses, one (1) non-illuminated wall sign not exceeding two (2) square feet in area may be permitted. Such sign shall identify only the name of the profession and the name of the occupant of the premises.
- d. No motor power other than electrically operated motors shall be used in conjunction with such home occupations and the total horsepower of such permitted electrical motors shall not exceed three (3) horsepower or one (1) horsepower for any single motor.
- e. There shall be no alteration in the residential character of the premises in connection with such home occupation.

- f. No merchandise or articles for sale shall be displayed for advertising purposes and no sign device relative to the sale of such merchandise shall be displayed on the premises.
- g. No articles or materials used in connection with such home occupations shall be stored other than in the principal building so used,
- h. Any home occupation as provided for in the Section may be reviewed by the Board of Zoning Appeals at any time after twelve (12) months following the approval of such use, and may revoke permission to continue such home occupation at any time thereafter. (Amendment #84, 05-21-1974)

Section 16 Houseboats and Boats Used for Living Purposes. No boats of houseboats shall be used for living purposes in any "R" (residential) district. Living aboard houseboats or boats shall be permitted only in marinas approved for this purpose by the Board of Zoning Appeals, and where permitted shall comply with all regulations of the State Board of Health. (Amendment #84, 05-21-1974)

Section 17 Interpretation of Uses Permitted. In the administration and enforcement of these Regulations, all uses not expressly permitted in any district are otherwise prohibited.

Section 18 Junk Yards. Junk yards as defined in these Regulations shall be permitted only in ILS districts with special approval. All junk yards shall be screened from view from public right-of-way by a masonry wall with a minimum of six (6) feet of height of solid face construction and two (2) feet ornamental superstructure. The required wall along a public right-of-way shall conform to the front yard requirement of the ILS district. No junk shall be stacked which would make it to be visible from the public roads.

Section 19 Land and Water Fills, Dredging, Excavation and Mining. No person shall engage in the filling of land or water areas, dredging, the excavation of land or removal of earth, and no mining operation shall be undertaken without approval of the County Commissioners which shall deny or grant permission only after a public hearing. Provided however, that engineering plans, when approved by the County Engineer, along with a subdivision plat approved by the Board of County Commissioners shall constitute sufficient approval for the undertaking of such land and water fills, dredging and excavation as may be shown on such approved engineering plan, and no further application for a permit will be required for all or part of such work if undertaken within the period of time specified in the terms of agreement with the Board of County Commissioners as part of subdivision plat approval.

- a. There is hereby created and Excavation Review Board consisting of the County Engineer who shall be Chairman, the Director of Building and Zoning, a representative to be appointed by the County Health Department, a representative to be appointed by the Regional Planning Council and the County Attorney.
- b. Procedure. All applications for permits to be issued under this section shall be filed, in quintuplicate with the Zoning Director, accompanied by a filing fee in the amount of fifty dollars (\$50.00). The Zoning Director shall submit one (1) copy of such application to each of the other members of the Excavation Review Board.

Upon receipt of such application, the Chairman of the Excavation Review Board shall call, within a reasonable time after filing of such application, a meeting of the Excavation Review Board to consider such application and shall give notice, by mail, of such meeting to all the other members of the Board and to the applicant.

At such meeting the Excavation Review Board shall consider all aspects of the request, including the safeguards as may be necessary to protect and promote the public health, morals and welfare, and to the minimization of flood damage within any area of special flood hazard, and shall formulate a recommendation to the County Commission regarding the issuance of written permission for the requested activity, and conditions and restrictions, if any, necessary for the protection of the public. (Amendment #120, 02-14-1978)

- c. Public Hearing. Upon formulation of the recommendation of the Excavation Review Board, the Zoning Director shall request the County Commission to set the matter of granting or denying the written permission for public hearing, and upon the determination of a date, time and place for such hearing by the County Commission, the Zoning Director shall publish a notice of such hearing one (1) time in a newspaper of general circulation in Charlotte County, Florida, not less than fifteen (15) days prior to the date of said hearing.

Section 20 Areas of Special Flood Hazard.

(Amendment #83, 03-19-1974; Amendment #120, 02-14-1978)

20.1 Definitions.

Area of Special Flood Hazard is the land in the floodplain within the unincorporated area of the county subject to a one percent (1%) or greater chance of flooding in any given year.

Building Permit. The permit required by Section 2 and 3, Article XIV, of these regulations.

Coastal High Hazard Area. The portion of a coastal flood plain having special flood hazards that is subject to velocity waters, including hurricane wave wash and tidal waves, and which is designated as a "V" zone on the applicable FIRM.

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) is completed before December 30, 1974.

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 or the construction of streets).

Flood or Flooding means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal water; (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- b. 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 current 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 of by some similarly unusual and foreseeable event which results in flooding as defined in (a) above.

Flood Insurance Rate Maps (FIRM). The set of eight (8) separate maps of various areas of the unincorporated portion of Charlotte County, Florida, as revised August 5, 1977 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.

Floodproofing means any combination of structural and non-structural additions, changes or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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.

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

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.

20.2 Requirements for Residential Construction. All new construction of dwellings or substantial improvement of existing dwellings shall have the lowest 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.

20.3 Requirements for Non-Residential Construction. All new construction of non-residential structures within Zones A-1 to 30 on the FIRM, shall (i) have the lowest floor (including basement) elevated to or above the base flood level, or (ii) 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 effect of buoyancy.

(a) Where option (ii) 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 Director.

20.4 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 piling or columns and securely anchored to such pilings or columns so that the lowest portion of 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 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 by abnormally high tides or wind driven water is minimized. Such temporarily enclosed space shall not be used for human habitation.
- (d) Shall not use fill for structural support of buildings.
- (e) Within Zones rated V-1 to 30 on the FIRM, no mobile homes shall be placed except in existing mobile home parks and mobile home subdivisions.
- (f) Within Zones rated V-1 to 30 on the FIRM, man made alteration of sand dunes and mangrove stands which would increase potential flood damage is prohibited.

20.5 Record of Flood Elevations. Within the area of special flood hazard as shown by the FIRM, including all A and V Zones, the Zoning Director shall:

- (a) Obtain the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not such structures contain a basement, obtain if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed and
- (b) maintain a record of all such information.

20.6 Mobile Home Parks and Subdivisions. Within Zones rated A-1 to 30 on the FIRM, new mobile home parks and mobile home subdivisions and expansions to existing mobile home parks and mobile home subdivisions and existing mobile home parks and mobile home subdivisions, whether consisting of repair, reconstruction or improvement of the streets, utilities and pads, equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, 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.
- (b) Adequate surface drainage and access for a hauled shall be provided.
- (c) In the instance 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.

Within Zones rated A-1 to 30 on the flood maps, all mobile homes placed in locations other than into a mobile home park or mobile home subdivision shall be placed so that:

- (a) Stands or lots are elevated on compacted fill or pilings so that the lowest floor of the mobile home will be at or above the base flood level.
- (b) Adequate surface drainage and access for a hauler shall be provided.
- (c) In the instance of elevation on piling, 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 piers more than six (6) feet above the ground level.

20.7 Flood Plain Management. Within all Zones rated A or V on the FIRM, the Director of Building and the Director of Zoning shall review all proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by federal or state law including Section 40, The Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

20.8 New Water and Sewer Systems. With (within) areas of special flood hazard as shown on the FIRM:

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

20.9 Variances. Upon receipt of an application for a variance from the provisions of this section under Section 4, Article XV of these regulations, the Zoning Director shall give written notice to the owner recording a copy thereof as deeds are recorded in Charlotte County, that (i) 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 Dollars (\$25.00) for One Hundred Dollars (\$100.00) of insurance coverage, and (ii) such construction below the base flood level increases risks to life and property. The Director of Zoning shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued annually to Federal Insurance Administrator. In the event of the granting of a variance and the issuance of a building permit, a copy of such notice will be attached to the building permit. No variance from the terms of this section shall be granted unless:

- (a) A showing of good and sufficient cause is made.
- (b) A determination is made that failure to grant the variance would result in exceptional hardship to the applicant.
- (c) A determination is made that the granting of a variance will not result in increased flood height, additional threats to public safety, extraordinary public expense, the creation of a nuisance, fraud or victimization of the public, or be in conflict with a succinct local laws or ordinances.
- (d) A determination is made that the variance is the minimum necessary considering the flood hazard to afford relief.

Section 21 Living Units in Zones Other Than Residential. Dwellings shall not be permitted in any business or industrial zone as a principal use. However, living units may be permitted on existing lots of record including other uses permitted on the same lots as an accessory use. (Amendment #121, 06-20-1978)

Section 22 Maximum Building Dimensions on Shoreline Properties. 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 and the Peace River.

Section 23 Minimum Setback from Centerline of All Roads. Required yards and setback lines abutting a road shall be measured from a line parallel to the centerline of such road; such parallel line shall be a distance from the centerline of the road classifications as indicated on the Revised Major Road Plan for Charlotte County, as follows:

Principal Arterial (including U.S. Routes)	80 feet
Minor Arterial (including S.R. Routes)	60 feet
Major Collector	40 feet
Minor Collector	35 feet
Local Road (All others)	25 feet

All setback lines also must meet the front yard requirements as set forth in sections herein establishing minimum front yard requirements.

Portions or sections of these routes where the application of setback provisions of this section are deemed excessive by the County Engineer, said setbacks may be reduced in the sections of these routes and to the extent as approved by the Board of County Commissioners upon recommendation of the County Engineer and the Planning and Zoning Board. A schedule for the sections of routes thus affected and the amount of setback required shall be prepared by the County Engineer and available in the office of the County Engineer and the Planning, Zoning and Building Department.

Section 24 Mobile Homes. Mobile homes shall be permitted to be used for living purposes in agricultural districts as provided in the Agricultural District Regulations; and in MHE, MHC, MHS and MHP Districts. Mobile homes in the MHP, Mobile Home Park Districts shall be limited to one (1) story single wide or double wide units with customary additions including cabanas, carports and storage units. Travel trailers, as defined in these Regulations, shall be permitted in any Mobile Home Park and in any MC, Travel Trailer Resort Districts. Mobile homes used for temporary construction offices on the job site shall be permitted in any district during construction under a valid Building Permit, and shall be removed from the premises before the Certificate of Occupancy is issued. Unoccupied travel trailers and mobile homes shall be stored only in BA Districts and in Mobile Home Parks. Travel trailers and mobile homes shall be prohibited in any District except as provided in this Section, Section 35 of this Article and Article IX of this Resolution.

Section 25 Moving of Buildings. Any person desiring to move any building from any location within or without Charlotte County to any location within the unincorporated area of Charlotte County shall first secure a Building Permit for the reconstruction of the building at the proposed site in conformance with all ordinances, codes and regulations of Charlotte County and shall post with the Clerk of Circuit Court a bond in the penal sum of TWENTY FIVE HUNDRED DOLLARS (\$2,500) payable to the Board of County Commissioners of Charlotte County, Florida, conditioned upon the indemnification of Charlotte County against damages to public facilities caused by the moving and further conditioned upon the reconstruction and relocation of the building in accordance with the terms of the permit and all ordinances, laws, codes and regulations of Charlotte County within six (6) months from the date of issuance of the permit. (Amendment #123, 11-21-1978)

Section 26 Non-Conforming Buildings or Structures. Non-conforming buildings or structures shall be made to comply with these Regulations only after destruction exceeding two thirds (2/3) of the fair market value as determined by the County Tax Assessor of Charlotte County, immediately prior to the destruction. An existing non-conforming building or structure may be added onto or altered provided that such additions and use are in compliance with these Regulations. (Amendment #100, 03-18-1975)

Section 27 Non-Conforming Lots.

- 27.1 The Zoning Director is authorized to approve the issuance of building permits on non-conforming lots upon the making of all of the following findings:
 - a. The lot is at least fifty (50) feet wide.
 - b. The lot abuts a public roadway for at least fifty (50) feet.
 - c. The proposed building will meet all requirements as to setback and other requirements, except minimum lot area, minimum lot width and minimum lot depth of the zoning district in which the lot lies.
- 27.2 No change in the zoning district classification of any lot shall be made which will cause the lot to be non-conforming under the proposed reclassification.
- 27.3 Dwellings on Substandard Lots of Record. Application for a Building Permit for single or multiple family dwellings on a substandard lot, as defined in these Regulations shall be approved only by the Board of Adjustment which may also grant such variances on lots and building requirements in cases of hardship as may be found justified.

Section 28 Non-Conforming Use of Buildings and Structures.

- 28.1 The use of any building or structure not in conformance with these Regulations pertaining to uses permitted on the effective date of this Resolution may not be:
 - a. Changed to another non-conforming use.
 - b. Re-established after discontinuance for nine (9) months.
 - c. Extended, enlarged or expanded.
 - d. Rebuilt or repaired after damage exceeding fifty percent (50%) of the fair market value as determined by the County Tax Assessor of Charlotte County, Florida immediately prior to the damage.
- 28.2 The use of all buildings and structures, except residential uses, shall be made to conform on the basis of the fair market value as fixed by the County Tax Assessor of Charlotte County, Florida, at the time of the effective date of this Resolution as follows:

Market Value		Years
0	- \$ 2,000	3
2,001	- 5,000	7
5,001	- 10,000	15
10,001	- 25,000	20
25,001	- 50,000	25
50,001	- and over	30

- 28.3 Debris resulting from any building burned or demolished by any cause shall be removed within thirty (30) days following the disaster, or within thirty (30) days after settlement of any pending insurance claims.

Section 29 Non-Conforming Mobile Homes, Travel Trailers and Mobile Home Parks.

Once a non-conforming mobile home or travel trailer is removed from its location, no other mobile home or travel trailer shall be substituted in its place. Non-conforming mobile homes and travel trailers shall conform with these Regulations within two (2) years after official notice by the Zoning Director. Mobile home parks in operation prior to the adoption of this Resolution and having a valid State License and State Board of Health Certificate shall be construed as conforming uses if not otherwise located in a zoning district permitting such use.

Section 30 Nursing Homes. Nursing homes shall include convalescent homes, homes for the aged, and such other activities designed to take care of the aged or persons unable to care for themselves without supervision or assistance. Nursing homes shall be permitted in any R-3, R-4, RP, and RHM Districts. Nursing homes shall be permitted in any other district only after application is made and approved by the Zoning Board, which shall hold a public hearing on such request after giving fifteen (15) days notice of the time and place of such hearing. Such uses shall comply with the off-street parking requirements as set forth by State or Federal agencies regulating such activities, and shall, upon application for either Building Permit or Occupancy Certificate submit certificates indicating approval by such State or Federal agencies. The use of private homes for keeping nursing home type cases shall be limited to four (4) cases per home.

Section 31 Non-Conforming Use of Land. All non-conforming use of land, excluding agricultural uses, without principal buildings, including open storage, building supplies, vehicles, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; signs, billboards, junk yards and commercial animal yards and similar uses shall comply with these Regulations pertaining to uses permitted within one (1) year from the effective date of the Resolution. Non-conforming agricultural uses determined by the Zoning Director to have adverse effects on adjacent properties shall be made to conform within one (1) year after notice by the Zoning Director. An appeal may be made of the Zoning Appeals Director as provided in Section 3 of Article XV of these Regulations.

(Amendment #88, 07-23-1974)

Section 32 Obstruction to Vision at Road Intersections. In order to minimize accidents caused by obstruction to vision at road intersections, the following Regulations shall apply to all Districts.

- 32.1 Within the area formed by the right-of-way lines of intersecting roads, and a straight line connecting points of such rights-of-way lines at a distance of forty (40) feet from their points 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.
- 32.2 The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.
- 32.3 Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.
- 32.4 Lamp posts and street name sign posts shall be permitted, provided that illuminating fixtures and name plates are not within the prescribed clear space.

Section 33 Off-Street Parking and Loading Facilities. In all districts, off-street parking shall be provided as follows:

- a. Single family dwellings, two (2) spaces for each dwelling unit.
- b. Multiple family dwellings, apartments, one and one half (1-1/2) spaces for each unit. The Board of Zoning Appeals may require two (2) parking spaces per dwelling unit for a multi-family dwelling when the Board of Zoning Appeals determines this requirement to be in the best public interest and welfare. (Amendment #84, 05-21-1974)
- c. Churches, temples, or places of worship; funeral homes; schools, public buildings, theaters, auditoriums; areas and places of assembly; private clubs and lodges; one (1) space for each five (5) seats of maximum seating capacity of the principal area of assembly.
- d. Five (5) off-street parking spaces per one thousand (1,000) square feet of gross leasable floor area shall be required for retail sales and services, business services, professional services, and personal services. (Amendment #85, 07-23-1974)
- e. Country clubs, golf clubs, gun clubs, tennis clubs, and organizations designed to provide outdoor sporting or recreational activities, one (1) space for each five (5) members.
- f. Hotels, one (1) space for each three (3) bedrooms, plus one (1) additional space for each five (5) employees.
- g. Hospitals and sanitariums, one (1) space for each hospital bed.
- h. Nursing homes, one (1) space for each hospital bed.
- i. Motels, one (1) space for each guest room or one (1) space for each bathroom, whichever is greater, plus one (1) space for each three (3) employees.
- j. Restaurants, or other seating places (non-drive-ins) one (1) space for each four (4) seats, plus one (1) space for each three (3) employees.
- k. Rooming houses, boarding houses, dormitories, fraternities, and sororities, one (1) space for each two (2) beds.
- l. Wholesale and warehouse concerns, one (1) space for each three (3) employees, plus one (1) space for each company vehicle operating from the premises, plus one (1) space for each hundred fifty (150) square feet devoted to wholesale or retail sales and services.
- m. Manufacturing, industrial concerns not catering to retail trade, one (1) space for each three (3) employees on the largest working shift, plus one (1) space for each company vehicle operating from the premises.
- n. Manufacturing, industrial concerns with retail business on premises, one (1) space for each three (3) employees on largest working shift, plus one (1) space for each company vehicle operation from the premises; and one (1) space for each hundred fifty (150) square feet devoted to retail sales and service.

33.1 Location.

- a. Such parking space as required in this section shall in no part exist upon, and no portion of any vehicle shall overhang the right-of-way of any public road, street, alley or walkway. There shall be no off-street parking in the front yards of residential districts except as normally exists in driveways.
- b. Parking spaces for all dwellings shall be located on the same plot with the main building.
- c. Parking spaces for all other uses shall be provided on the same plot with the main building, or not more than three hundred (300) feet distant, as measured along the nearest pedestrian walkway, provided that such area

is under the same ownership as the principal use. Such parking area may be located in an adjacent residential district, contiguous to the business property which it will serve, provided that such area is screened so as to prevent headlights from shining on residential properties and to minimize vehicular noise. A plan for any such parking area proposed in a residential district to serve an abutting commercial establishment shall be submitted to the Board of Zoning Appeals for a public hearing. The Board of Zoning Appeals may impose such regulations or conditions upon approval as it may deem appropriate for the protection of the residential property, or it may deny the request. The applicant for a building permit which proposes to use an area for off-street parking on order to meet requirements of this Resolution and in accordance with the provisions of this subsection, shall submit evidence of a restrictive covenant running with the land to be used for off-street parking purposes stating that such land shall not be encroached upon, used, sold, leased or conveyed for any purpose until such time as the principal building ceases to be required to provide such off-street parking facilities. (Amendment #84, 05-21-1974)

- d. Parking requirements for two (2) or more uses, of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership. Accessory uses shall not be required to have additional parking space other than those required by the principal use.
- e. Off-street parking areas may be situated in any R-2, R-3, "R-4", RHM or RP district abutting any "B" district or "M" district to a depth not exceeding three hundred (300) feet and provided that all off-street parking lot improvements as provided in Section 33.2 of this section are complied with.
- f. Properties abutting the service roads parallel to and adjoining U.S. 41 in Port Charlotte providing required parking spaces may include parking spaces which can be provided within the right-of-way on one side of the access road on the basis of one (1) space per twenty two (22) feet for parallel parking, one (1) space per twelve (12) feet for forty five (45) degree angle parking, and one (1) space per nine (9) feet for perpendicular parking, of property frontage along the service road. Said spaces shall be laid out and marked to prevent encroachment upon the driving lanes of the access road and to minimize hazards and congestion, provided said area is graded and paved to the specifications established by the County Engineer.

33.2 Off-Street Parking Requirements.

- a. Screen Wall. The parking area will be provided with a continuous screening masonry wall of four (4) feet solid masonry construction, with two (2) feet of ornamental superstructure totaling six (6) feet in height, where such off-street parking lot abuts a property used for single family purposes in a single family residential district.

In lieu of the above described masonry wall, the Zoning Director may approve planning evergreen foliage in accordance with specifications approved and adopted by the Zoning Board. Such planting shall be installed and evidence shown of maintenance capability acceptable to the Zoning Director before a Certificate of Occupancy is issued for the applicable property.

- b. Retail operation, wholesale operations, and industrial operations, with a gross floor area of less than twenty thousand (20,000) square feet shall provide sufficient space for loading and unloading operations in order that the free movement of vehicles and pedestrians over a sidewalk, street or alley shall not be impaired.
- c. Every off-street loading and unloading space shall have a direct access to a public street or alley, and shall have the following minimum dimensions:

Length: thirty (30) feet. Width: twelve (12) feet. Height: fourteen (14) feet

Section 34 Overhanging or Extruding Projections. Eaves shall not extend more than thirty six (36) inches over any required yard; open fire escapes, outside stairways, balconies, chimneys and flues, and uncovered steps may not extend more than thirty six (36) inches into any required yard. The setback exceptions in this paragraph are permitted only in residential zones.

Section 35 Parking of Trucks, Trailers and Travel Trailers. Within any "R" or "MH" districts no trucks, trailers, wagons, motor homes or motor coaches shall be parked for storage purposes, including overnight, on any public right-of-way.

Trucks, trailers and wagons in excess of one (1) ton capacity or travel trailers, or motor homes or motor coaches in excess of thirty (30) feet of body length shall not be parked on private property in any "R" and "MH" districts except within a completely enclosed garage.

Trailers of less than one (1) ton capacity, including pleasure boat trailers, collapsible camping trailers and cargo trailers may be parked on private property in any District provided that such trailers are parked within the areas in which the principal building or accessory buildings are permitted. One (1) travel trailer or motor home or motor coach, not to exceed thirty (30) feet in body length may be parked on private property in any District provided that such trailer, motor home or motor coach be parked within the areas in which the principal building or accessory buildings are permitted. Trucks, trailers, wagons, motor homes, or motor coaches as referred to in this section may only be parked in the same lot or parcel with and after the principal building is erected.

Section 36 Performance Standards. These performance standards shall apply to all non-residential uses.

- 32.1 Smoke, Dust and Dirt. There shall be no emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, vents, or other openings or from any other sources, into the air. All fuel shall be either smokeless in nature or shall be so used as to prevent any emission of visible smoke, fly ash or cinders into the air.
- 32.2 Fumes, Vapors and Gases. There shall be no emissions of any fumes, vapors, or gases of a noxious or toxic or corrosive nature, which can cause any damage or irritation to health, animals, vegetation or to any forms of property.
- 32.3 Sewage. There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground of a 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 wastes conducive to the breeding of rodents or insects.

- 32.4 Heat, Cold, Dampness or Movement of Air. Activities which shall produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted.
- 32.5 Noise. The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any 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 that conforms to the specifications published by the American Standards Association.
- 32.6 Odor. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious, or unpleasant beyond the property line on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of any such odors shall be provided with both a primary and secondary safeguard system so that odor control may be maintained in the event of the failure of the primary safeguard system.
- 32.7 Glare. There shall be no direct glare visible from any residential district or public street caused by unshielded floodlights, or other source of high intensity lighting.

Section 37 Permits in Conflict With These Regulations. Permits for either the construction of buildings or for the use of land or buildings which have been issued prior to the adoption of this Resolution and which are in violation with the Regulations of this Resolution shall be declared null and void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning.

Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation, is under way within sixty (60) days after the adoption of the Resolution, such permit shall become void.

Section 38 Permitted Building Area. The principal building on any lot or parcel of land shall be erected within the area bounded by the building lines established by yard or setback requirements. Accessory buildings may be erected within any building line established for the principal building and in required rear yards as may be otherwise provided in these Regulations. The side street setback requirement (in residential zones) on any lot abutting the front yard of an adjoining residential lot, shall be not less than twenty five (25) feet for the principal building and accessory structures.

Section 39 Principal Building On A Lot. Except as otherwise provided in these Regulations, only one (1) principal building and its customary accessory buildings may be hereafter erected on any lot of record. In any residential district, a dwelling shall be deemed to be the principal building on the lot on which it is located.

Section 40 Property Frontage. No parcel of land or lot shall be created 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 provided that a minimum building line width of fifty (50) feet is met at the required front setback lines.

Section 41 Sanitary Regulations.

- 41.1 All regulations of the State Sanitary and Plumbing Laws shall be observed.
- 41.2 No plumbing fixtures shall be installed unless water is supplied under pressure.
- 41.3 Only upon approval of the Board of Health shall a permit be issued for a septic tank and drain field, or other private sewage disposal and treatment systems. Public water and sewer systems shall be used where available.
- 41.4 Liquid petroleum and bottled gas installations and services shall meet the current requirements of the National Board of Fire Underwriters

Section 42 Service Stations. Service stations, as defined in these Regulations, shall comply with the following provisions:

- 42.1 Zones in Which Permitted. BA, BH, BW, MB and ILS districts, and as approved in accordance with a Shopping Center Plan, Community Development Plan or other Planned Unit Development.
- 42.2 Lot and Building Requirements.
 - a. Minimum Lot Width 150 feet
 - b. Minimum Lot Depth 100 feet
 - c. Right-of-Way Lines:
 - To curb around principal building 50 feet
 - To curb around 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
 - To underground storage tanks 15 feet
 - d. Minimum setback of all buildings, structures and storage tanks from all property lines not abutting a public road: 20 feet.
 - e. Gasoline and fuel pumps may be installed as accessory uses to the principal use not classified as service station, in zones permitting service stations, provided fuel pumps and islands meet the minimum setback regulations of this Section.
 - f. 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 may be twenty (20) feet from the rear street.
- 42.3 Storage Tanks. All storage tanks shall be underground, except that the Planning and Zoning Board may grant a special exception for tanks above ground.
- 42.4 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.

- 42.5 Pavement. All lot surface area upon which vehicles will move or be stored shall be paved with asphalt or Portland Cement Concrete, or an equivalent hard surface and dustless material.
- 42.6 Access. Curb openings or points of access to a public street shall not exceed forty two (42) feet in width and not more than two (2) openings shall be permitted on any one (1) public road. There shall be a minimum distance of twenty (20) feet between any two (2) openings on the same road. No point of access shall be within twenty five (25) feet of the intersection of the right-of-way lines of any public road, and no closer than five (5) feet to any other lot line.
- 42.7 Truck Stops. Truck stops as defined in these Regulations, shall be permitted in any BA or BH Districts, provided that the lot has a minimum frontage of at least three hundred (300) feet, a minimum depth of three hundred (300) feet, and a minimum setback of all buildings and structures including delivery pumps of fifty (50) feet from all perimeter property lines. Screening shall be provided as required in Section 10 of Article X. All performance standards as required in Section 36 of this Article shall be complied with.

Section 43 Shopping Centers.

- 43.1 Definition. Shopping centers are hereby defined as a group of retail sales and service business establishments customarily under single ownership and/or management, identified as a shopping entity, constructed in accordance with an approved plan as provided in the Section, consisting of at least five (4) acres of land with a minimum depth of three hundred (300) feet and having common ingress, egress and parking facilities.
- 43.2 Zones in Which Permitted. Shopping centers as defined in this Section shall be permitted in any BR, BA and BW Districts.
- 43.3 Uses Permitted. Any use permitted in the district in which the shopping center is located. Service stations and automobile service facilities, excluding major repairs and paint-and-body works, shall be permitted in shopping centers in BR Districts as approved by the Board of Zoning Appeals. (Amendment #84, 05-21-1974)
- 43.4 Requirements.
1. A minimum area of five (5) acres and a minimum depth of three hundred (300) feet.
 2. There shall be provided 5.5 parking spaces per one thousand (1,000) square feet of gross floor area.
 3. No building or structure shall be closer than twenty five (25) feet to any perimeter boundary line.
 4. All points of access shall be to a public street. No public streets or alleys shall be located within the shopping center.
- 43.5 Plan Requirements. An application for approval of a shopping center plan shall include the following:
1. Location Map at suitable scale.
 2. A Site Plan at a scale of 1" = not less than fifty (50) feet meeting all requirements of Section 43.4 of this Article showing:

- a. All property and/or parcel lines and dimensions; the location and dimensions of each building; the square footage of each building and unit and total of all buildings by one (1) retail sales or business use area, (2) storage and other non-retail and non-business uses, and (3) total.
- b. The layout and location of off-street parking spaces, total number of spaces, ingress and egress locations and dimensions, driving lanes, pedestrian ways, sidewalks, curb lines, loading and unloading zones.
- c. Screening, including walks, and landscaping.
- d. Storm drainage facilities, water and sanitary sewer mains, by location and size.

Approval of the plan by the Board of Zoning Appeals and County Engineer, with such changes and recommendations as may be required for approval constitutes authority for the building official to issue a Building Permit(s) for all or part of the shopping center as approved, subject to all other codes and regulations of Charlotte County. If the shopping center is to be constructed in phases, no further reviews or approval of the plan will be required for subsequent Building Permits provided such permits are issued in accordance with the plan as originally approved. Otherwise, such plan must again be reviewed and approved as required in this section, if subsequent changes are made, or if twelve (12) months have elapsed and no permit(s) have been secured for the construction of the shopping center as approved, the site plan approval shall become invalid after a period of twelve months after the date of the initial; but may be extended by request of the applicant and approved by the Board of Zoning Appeals and the County Engineer for a period of time not to exceed another twelve (12) months provided the request for extension is made prior to the expiration of the initial approval period; otherwise the applicant must re-submit the site plan and follow the procedures required for approval of the site plan, including payment of the required application fee. (Amendment #84, 05-21-1974; Amendment #96, 02-18-1975)

- 43.6 Ownership. Parcels of land may be sold to separate owners within the shopping center area, and the original plan may include one (1) or more parcels, under separate ownership, provided the total area meets all the requirements of this Section.

Section 44 Storage of Flammable Liquids. No buildings, structures or premises shall be used for the storage, sale or use of gasoline or other liquid with a flashpoint of sixty (60) degrees Fahrenheit or less where any of the boundaries of the lot upon which such gasoline or other liquid is stored, used or sold are within two hundred (200) feet, measured in a straight line, of the nearest boundary line of any building or structure used as a church, school or hospital, home for the aged, nursing home, orphanage, auditorium, or theater, except open air theaters. This provision shall not prevent the use of liquefied gases for domestic heat purposes. Any storage of flammable liquids shall be subject to the requirements of the National Board of Fire Underwriters.

Section 45 Structures, Dilapidated, Removal of. Any structure or building in a dilapidated condition deemed a safety hazard by the Zoning Director or a health hazard by the Health Department shall be removed by the owner of such building or structure within sixty (60) days after official notice.

Section 46 Subdivision of Land. After the effective date of this Resolution, no land shall be subdivided, platted or recorded, nor lots or parcels created for sale by metes and bounds description which would result in the creation of a lot or parcel of land less than the minimum area, width and depth as required in this Resolution for the district in which it is to be located. Classification RE, "R-1", R-2, R-3, R-4, RP, RHM, MHC, MHS, MHP(S) shall meet the requirements of the Charlotte County Subdivision Regulations.

Section 47 Exceptions to Subdivision of Lots. Any existing beachfront or waterfront lot of record of not less than fifty (50) feet wide and no less than fifteen thousand (15,000) square feet in are in any district permitting multiple family, duplexes or single family residential uses, may be subdivided into two (2) or more lots of 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 connecting to a public road, of not less than ten (10) feet in width along either side lot line of the total parcel, providing access to each lot. Side setback of 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. This provision shall also apply to any such parcel not subdivided into lots, but on which more than one dwelling is constructed as provided in Section 14, Group Housing, of the Article.

In zoning classification AC, AG, RE and MHE the provisions of the second paragraph, page 3, definition of Subdivision in Article II of the Charlotte County Subdivision Regulations shall apply.

Section 48 Swimming Pools.

- 48.1 Swimming pools shall be located only in areas permitting the principal building and accessory buildings and shall meet the yard and setback requirements of the principal building if built in permitted building area, and shall meet the yard and setback requirements for the accessory building if constructed in the rear yard, except that the rear yards setback for a pool or screened enclosure shall be no less the fifteen (15) feet from any waterway or canal.
- 48.2 Fencing. All swimming pools for single family dwellings, duplexes and mobile homes shall be completely enclosed by a fence or wall not less than four (4) feet high.
- 48.3 Screened Enclosures. Screened enclosures over and around swimming pools shall be erected so as to comply with the yard and setback requirements as described in Section 48.1. Screened enclosures may be attached to the principal building, shall not be located or shielded so as not to be visible from adjoining properties.

Section 49 Use of Public Right-of-Way. The sale of merchandise from within the limits and confines of all public roads or street rights-of-way lying within the territory under the jurisdiction of this Resolution is prohibited.

Section 50 Water Front Property.

- 50.1 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 of twenty (20) feet from any seawall, bulkhead or bulkhead line except that marine businesses and water front industrial uses shall be permitted to build up to a

seawall, bulkhead or bulkhead line. See Section 8 of this Article pertaining to boat docks.

- 50.2 On any lot, the closest border of which lies within twelve hundred (1,200) feet of the waters of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River or the Peace River, excepting mobile homes and single family residences, the following special shoreline requirements shall apply in addition to all other zoning requirements.
- a. No building shall exceed thirty-five (35) ~~thirty-eight (38)~~ feet in height. For the purpose of administering this section, building height shall be the vertical distance measured from the lowest finished grade adjacent to the building to the level of the highest point of the underside of the finished ceiling line of the uppermost floor (~~peak of roof?~~).
 - b. Residential density shall not exceed twenty (20) dwelling units per acre of lot area.
 - c. Buildings shall be set back from property lines abutting streets no less than the greater of the distance required by the applicable zoning classification or a distance equal to the building height.
 - d. 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. No building shall be constructed or located within fifty (50) ~~thirty-eight (38)~~ feet of the mean high water line of those bodies of water enumerated in Section 2, or seaward of the Coastal Construction Setback Line unless a variance has been sought and appropriately issued by the State of Florida, or a distance equal to the building height, whichever is greatest.
 - e. No building shall be constructed less distance from another building on the same lot, excepting single story accessory structures, than a distance equal to the height of the higher building.
 - f. Every lot shall be developed in such a manner that at least fifteen percent (15%) of its ground area is useable for lawns, gardens, and other landscaping.
 - g. The floor area ratio shall not exceed 0.75.
- 50.3 Buildings or structures not in accord with the foregoing requirements as to building height may be permitted under the procedure for the permitting of special uses provided by Article XII of these regulations. Provided, however, that the petitioner for such approval shall, as part of his petition, submit a competently produced development plan (which may be first submitted in preliminary form) and shall demonstrate that the plan offers amenities to the community (such as architectural excellence, superior landscaping, increased open space, design or provision of public recreational facilities) to compensate for the effects of additional building height and must show that there will not be an adverse impact on existing public facilities and on neighboring property. Any building permitted by special approval to exceed thirty-five (35) ~~thirty-eight (38)~~ feet in height shall be set back from property lines not abutting the street no less than a distance equal to the building height, nor shall such building be constructed less distant from another building on the same lot (excepting single story accessory structures) than a distance equal to twice the height of the higher building.

Section 51 Yards and Open Spaces. The minimum yards and open spaces, as required in this Resolution, existing at the time of the adoption of this Resolution, or for any buildings hereafter erected or altered, shall not be encroached upon or considered as yard or open space or use requirements for any other building.

Section 52 Model Homes, Apartments and Condominiums. Model homes and models of rental apartments and condominiums may be permitted in areas zoned residential, after obtaining a building permit in accordance with all lot and building requirements applicable to the district in which the model is located. (Amendment #86, 08-20-1974)

Sales from temporary branch offices with the models may be permitted, only for the sales of units being offered by the owners or developers (of models completed or on display) providing a temporary Sales Office permit is secured from the County Zoning Director, which shall be issued for a temporary period of one (1) year each. Model homes of apartment offices shall not be used as a contractor's office, a general real estate office, or a resale listing office unless such offices are located in zones permitting such occupations.

The issuing of a temporary permit for Sales Office shall be conditioned on the following:
(Amendment #86, 08-20-1974)

1. Such sales office shall be used in accordance with Florida Real Estate Commission rules.
2. A minimum of two (2) off-street parking spaces shall be provided for customers, in addition to space required for sales personnel.
3. One (1) sign shall be permitted, not to exceed fifteen (15) square feet in size and shall be set back not less than twenty (20) feet from another adjoining lot.
4. Traffic to the model shall be so arranged, as to not to interfere with adjoining residential uses.

Section 53 Detrimental Uses. The purpose of this section is to provide reasonable regulations to alleviate the adverse affect 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. (Amendment #115, 05-03-1975)

- 53.1 Definition. Detrimental uses are the use of property for adult book stores, adult exhibitions, public gaming rooms, public dance halls or massage parlors.
- 53.2 No detrimental use shall be located closer than one thousand (1,000) feet measured on a straight line from the closest wall of any building containing another detrimental use, unless a conditional use permit shall have been applied for and issued pursuant to Section 53.5.
- 53.3 No detrimental use shall be located closer than one thousand (1,000) feet measured on a straight line from any district zoned for residential or mobile home use under Articles VII, VIII, of IX of these regulations unless a conditional use permit shall have been applied for and issued for such use at such location pursuant to Section 53.5.
- 53.4 No detrimental use shall be located closer than one thousand (1,000) feet 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 under Section 53.5.

- 53.5 The Board of Zoning Appeals may, acting under the procedure for the granting of special approvals under Article XII of these regulations, grant upon such terms and conditions as it may consider necessary, conditional use permits for detrimental uses upon finding in addition to the findings required by Article XII that such detrimental use:
- a. Will conform to the spirit and intent of this regulation;
 - b. Will not enlarge or encourage the development of a skid row;
 - 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; **(Amendment #117, ??-??-19??)**
 - e. Will not be unreasonably injurious to the use of residentially zoned property situated within one thousand (1,000) feet of such proposed use; and
 - f. Will not violate any law relating to obscenity or gambling.

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ARTICLE VB
(Amendment #99, 02-18-1975)

AIRPORT HAZARD ZONING

Section 1. Purpose. In pursuance of the authority conferred by Chapter 333 of the Laws of Florida and for the purpose of promoting the health, safety and general welfare of the inhabitants of Charlotte County, zones of restricted height are created in this Article to prevent the creation or establishment of airport hazards thereby protecting the lives and property of users of the Charlotte County Airport and the lives and general welfare of occupants of land in its vicinity and preventing destruction or impairment of the utility of the airport and the public investment therein.

Section 2. Application. This Article shall apply to all zoning districts except as may otherwise be provided in the following Sections of this Article. Where this Article imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other regulations or ordinance, the provisions of this Article shall govern.

Section 3. Airport Zoning Map. In order to outline definitely the horizontal and vertical limits beyond which the projection of any structure or tree will constitute an airport hazard the Charlotte County Airport Height Zoning Map, dated _____ of the Charlotte County Airport, Charlotte County, Florida, attached hereto and marked "Exhibit A" is hereby incorporated into this ordinance and made a part thereof.

Section 4. Airport Height Zones and Limitation.

4.1 Horizontal Zone.

The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation. The perimeter of the horizontal zone at Charlotte County Airport is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of Runways fifteen (15), thirty three (33), twenty one (21) and three (3), and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall be permitted in the horizontal zone that would exceed one hundred fifty (150) feet above the established airport elevation as depicted on the Charlotte County Airport Zoning Map.

4.2 Conical Zone.

The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20 to 1) for a horizontal distance of four thousand (4,000) feet. No structure shall be permitted in the conical zone that would penetrate the conical surface as depicted on the Charlotte County Airport Height Zoning Map.

4.3 Approach Zones.

The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for the runway end and is depicted on the Charlotte County Airport Height Zoning Map.

- a. The inner edge of the approach surface is the same width as the primary surface of each runway, five hundred (500) feet wide for Runways fifteen (15) and thirty three (33); and one thousand (1,000) feet wide for

Runways three (3) and twenty one (21). The outer edge of the approach surface is:

1. Three thousand five hundred (3,500) feet for Runways fifteen (15) and thirty three (33) and twenty one (21).
 2. Sixteen thousand (16,000) feet for Runway three (3).
- b. The approach zone extends for a horizontal distance of ten thousand (10,000) feet for Runways fifteen (15), thirty three (33) and twenty one (21) and fifty thousand (50,000) feet for Runway three (3).
- c. The slopes of the approach zones are as follows:
1. Thirty four (34) to one (1) for Runways fifteen (15), thirty three (33) and twenty one (21).
 2. Fifty (50) to one (1) for the first ten thousand (10,000) feet horizontal distance with an additional twelve thousand (12,000) feet horizontal distance at the slope of forty (40) to one (1) until intersection with a plane five hundred (500) feet above the airport elevation for twenty three thousand (23,000) feet, as depicted on the Charlotte County Airport Height Zoning Map.
- d. No structure shall be permitted in the approach zone that would penetrate the approach slope for that runway, as depicted on the Charlotte County Airport Height Zoning Map.

4.4 Transitional Zone.

The land lying under the surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the approach surfaces. However, when the slope of seven (7) to one (1) intersects a plane five hundred (500) feet above the established airport elevation, the transitional surface becomes a plane five hundred (500) feet above the established airport elevation as depicted on the Charlotte County Airport Height Zoning Map.

- 4.5 No structure shall be permitted in Charlotte County that would raise an existing published Minimum Descent Altitude or Decision Height for any instrument approach to any runway at the Charlotte County Airport, nor shall any structure be permitted that would raise or increase the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude on any Federal Airway in Charlotte County.

Section 5. Use Restrictions. NOTWITHSTANDING any other provisions of this Article, no use may be made of land or water within Charlotte County in such a manner as to interfere with the operation of an airbourne aircraft. The following special requirements shall apply to each permitted use:

- 5.1 All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.
- 5.2 No operations from any land use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Charlotte County Airport.

- 5.3 No operations from any land use in Charlotte County shall produce electronic interference with navigation signals or radio communications between airport and aircraft.

Section 6. Non-Conforming Uses. The regulations prescribed in Sections 4 and 5 of this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure the construction or alteration of which was begun prior to the effective date of this ordinance.

Section 7. Lighting. NOTWITHSTANDING the provisions of the Article the owner of any structure over two hundred (200) feet above ground level or any structure that equals or exceeds the heights described in Section 4 of this ordinance and shown on the Charlotte County Airport Height Zoning Map must install on that structure lighting in accordance with Federal Aviation Administration Advisory Circular 70/7460-1D and subsequent revisions. Additionally, any structure exceeding nine hundred forty nine (949) feet above mean sea level must install on the structure high intensity white obstruction lights. These lights must conform to requirements of Federal Aviation Administration Advisory Circular 70/7460-1D and subsequent revisions. (Amendment #109, 02-17-1976)

Section 8. Variances. Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this Article, may apply to the Charlotte County Board of Zoning Appeals. No application for variance to the requirements of this ordinance may be considered by any Board of Appeals unless a copy of the application has been furnished the Charlotte County Airport Manager for advice as to the aeronautical effects of the variance. If the Charlotte County Airport Manager does not respond to the application for variance within fifteen (15) days after receipt, the Board of Appeals may act on its own to grant or deny said application.

Section 9. Severability. If any of the provisions of this Article or the application thereof to any person or circumstances is held invalid, such invalidation shall not affect other provisions or application of the Article which can be given effect without the invalid provision or application, and to this end the provisions of the Article are declared to be severable.

Section 10. Definitions.

AIRPORT means the Charlotte County Airport, Charlotte County, Florida.

AIRPORT ELEVATION – The highest point of an airport’s usable landing area measured in feet above mean sea level. The established airport elevation of Charlotte County Airport is twenty five (25) feet above mean sea level.

AIRPORT HAZARD – Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT PRIMARY SURFACE – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part Seventy Seven (77) of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

AIRPORT ZONING MAP – Refers to a chart or map of the area affected by the airport zoning, which shows the layout of the runways, the airport boundaries and the airport elevation. The chart also sets forth the various zones with the applicable height limitations for each. The chart identifying topographic features such as major streams, rivers, railroads, roads and streets.

AIRSPACE HEIGHT – For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning maps, the datum shall be mean sea level elevation unless otherwise specified.

CONTROL ZONE – Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

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.

HELIPORT – A designated land area, other than an airport, used primarily for the operation and basing of rotocraft.

HELIPORT PRIMARY SURFACE – The area of the primary surface coincides size and shape with the designated landing and takeoff area of a heliport or helistop. This surface is a horizontal plane at the elevation of the established heliport or helistop elevation.

HELISTOP – A designated land area other than an airport, used for the operating rotorcraft where no basing facilities are provided.

INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

MINIMUM DESCENT ALTITUDE – The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

MINIMUM ENROUTE ALTITUDE – The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

MINIMUM OBSTRUCTION CLEARANCE ALTITUDE – The specified altitude in effect between radio fixes on 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 twenty two (22) miles of a VOR.

RUNWAY – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

ARTICEL VI

AGRICUTURAL DISTRICTS

Section 1. Purpose. Agricultural districts are intended to conserve land areas for the cultivation of crops, the raising of livestock, and other agricultural activities which are necessary and/or desirable for the promotion of health, safety and welfare of the entire community. These districts are divided into classifications based on their compatibility with other land uses, their basic land area requirements, and the maintenance of land values.

Section 2 Application. Within the AC, Agricultural, Crops, and the AG, Agricultural, General Districts as shown on the Zoning Map, the following regulations shall apply:

Section 3 AC, Agricultural, Crops. This District is intended to provide areas for cultivation of vegetables, grains, fruit and other food crops having commercial value. It is intended to permit any cultivation, harvesting, sale and reasonable processing of crops, provided the sale or processing does not involve industrial or commercial aspects.

3.1 Principal Uses Permitted.

- a. Cultivation of any food or commercial crops, except narcotics.
- b. Harvesting, processing and sale of crops grown on premises.
- c. Any residential use incidental to permitted agricultural uses including duplex or multi-family dwellings for farm labor, but not including mobile homes and non-conventional pre-fabricated modular units except as provided in Section 3.3c of this Articles. (Amendment #18, 12-22-1972)
- d. Single family dwellings.

3.2 Accessory Uses Permitted.

- a. Storage barns for crops and equipment.
- b. Work shops for the maintenance of farm equipment.
- c. Raising of livestock for personal use, but not to include commercial numbers.
- d. Offices for the transaction of business incidental to agricultural uses.
- e. Any accessory uses permitted for single family dwellings.

3.3 Uses Permitted Upon Special Approval.

- a. Schools, churches and church schools.
- b. Special processing of crops grown upon premises, but not commercial or industrial processing of crops grown by others.
- c. Temporary mobile homes for farm labor on farms of twenty (20) acres or more under cultivation.
- d. Farm labor camps, subject to approval by the State Board of Health.
- e. Public and private recreational facilities, race tracks, pistol and rifle ranges, skeet and trap shooting, golf courses, riding stables, archery ranges.
- f. Campsites.

3.4 Uses Prohibited.

- a. Any commercial enterprise which is not directly connected with the agricultural use, including collection or sale of crops grown by others.
- b. Any industrial use or activity, such as commercial packing, canning, saw milling, ginning of cotton, distilling of turpentine or other crop spirits, and any similar type use.
- c. Manufacturing, fabricating or commercial processing.
- d. No swine shall be kept within one thousand (1,000) feet of any non-agricultural district.

3.5 Lot and Building Requirements.

- a. Minimum Living Area per Living Unit 750 sq. ft.
- b. Minimum Building Site Area 7,500 sq. ft.
- c. Minimum Building Site Depth 100 feet
- d. Minimum Building Site Width 75 feet
- e. Minimum Front Yard:
 - Minor and Collector Roads 25 feet
 - All other Roads 35 feet
- f. Minimum Rear Yard:
 - Principal Building 25 feet
 - Accessory Building 10 feet
- g. Minimum Side Yard:
 - One Story 7-1/2 feet
 - Two Story 12 feet
 - Accessory Building 7-1/2 feet
- h. Maximum Building Height 35 feet

3.6 Signs Permitted.

- a. One class "A" sign is permitted at the main entrance to any parcel used for agricultural purposes.
- b. Class "B" signs permitted, subject to spacing requirements set forth in Article XII.

Section 4 AG, Agricultural, General. This district is intended to provide areas for the breeding and/or raising of live animals and fowl for commercial purposes. This includes food animals, dairy herds and dairy products, poultry and poultry products, fur-bearing animals, sporting animals and similar activities.

4.1 Principal Uses Permitted.

- a. Any use permitted in AC districts.
- b. Raising of cattle, sheep, pigs, hogs or other food animals.
- c. Breeding and/or training of sport animals or fowl, such as horses, dogs and cocks.
- d. Raising of poultry for food and food products.
- e. Raising of dairy herds and production and process of dairy products.
- f. Commercial breeding, training or boarding animals.
- g. Single family dwelling.

4.2 Accessory Uses Permitted.

- a. Barns or other structures for sheltering animals or farm equipment.
- b. Structures to house permitted processing activities.
- c. Any accessory use permitted for single family dwellings.

4.3 Uses Permitted Upon Special Approval.

- a. Special processing of animal or fowl products raised upon the premises, but not commercial or industrial processes for those grown by others.
- b. Temporary mobile homes for farm labor on farms of twenty (20) acres or more.
- c. Farm labor camps, subject to approval by the State Board of Health.
- d. Any use permitted upon Special Approval in the AC District.

4.4 Uses Prohibited.

- a. Any commercial enterprise which is not directly connected with the permitted principal use, including collection or sale of animals, fowl or products grown by others.
- b. Any industrial activity, such as tanning of leather, processing of wool, slaughter houses, or meat curing and similar activities.
- c. Manufacturing, fabricating or commercial processing.
- d. No swine shall be kept within on thousand (1,000) feet of an non-agricultural district.

4.5 Lot and Building Requirements. Same as AC Districts.

4.6 Signs Permitted. Same as AC Districts.

Section 5. Camp Sites. Camp sites, as defined in these Regulations, shall be permitted in the AC and AG Districts only upon special approval of the Board of Zoning Appeals which shall hold a public hearing for each request, and in accordance with the following Regulations: **(Amendment #84, 05-21-1974)**

- 5.1 Camp sites shall have a minimum of twenty (20) acres of well drainage land, suitable for location and topographically adaptable for a camp site.
- 5.2 All requirements of the State Board of Health shall be complied with, and in addition, such other codes of Charlotte County, including the Charlotte County Plumbing Code, as may be applicable.
- 5.3 Camp sites shall be clearly marked off into individual parcels which shall have a minimum size of thirty (30) feet by sixty (60) feet. Density shall not exceed twelve (12) individual sites per gross acre.
- 5.4 All streets shall have a minimum width as follows:

One way streets	20 feet
Two way streets	25 feet
Two way streets with campsites	30 feet

Streets abutting and parallel to a perimeter property line shall provide not less than ten (10) additional feet between the property line and street for planting and screening purposes.

- 5.5 Not less than ten percent (10%) of the total land area shall be allocated for recreational areas. Such areas shall be strategically located so as to be easily accessible from all campsites.
- 5.6 Where the perimeter of a campsite abuts property used for residential, commercial, industrial or public uses, screening by foliage or fencing shall be required as approved by the Board of Zoning Appeals. A setback of twenty five (25) feet shall be required from all perimeter property lines not abutting a public road, and fifty (50) feet setback shall be required along a public road.
(Amendment #84, 05-21-1974)
- 5.7 Each application for a camp site shall be accompanied by a Sketch Plan including a location map of the campsite, and the Camp Site Plan, at a scale of one (10 inch = not less than one hundred (100) feet, showing all streets, parcels for individual campsites, ingress and egress, and recreational areas; the location and use of accessory buildings and such other information as may be necessary to clearly explain the proposed camp site. Principal dimensions shall be shown indicating the size of each camp site, the width of the streets and the location of the accessory buildings. The total area of the camp site in acres, the number of individual camp sites, and area devoted to recreational and other uses must be shown.
- 5.8 The Board of Zoning Appeals shall consider any unusual or unique circumstances which may affect the suitability of each camp site in their approval and disapproval of each application. The Board of Zoning Appeals may withhold approval of a campsite application if, in the opinion of the Board of Zoning Appeals, additional time is required to further investigate the conditions of the proposed cam site. The Board of Zoning Appeals may make such additional requirements as may be deemed to be in the best interest of the general public health, safety, morals and welfare.
(Amendment #84, 05-21-1974)

ARTICEL VII

RESIDENTIAL DISTRICTS

Section 1. Purpose. Residential districts are intended to provide protected homesites; to preserve and provide amenities conducive to a lining environment; and to prevent the use of land and buildings which would tend to adversely affect these conditions.

Section 2 Application. Within the RE-1 and RE-2, Residential, Estate; R-1a, Single Family, Low Density; R-1b, Single Family, Medium Density; R-1c, Single Family, High Density; R-2, Two Family Residential; R-3, Townhouses, Cluster Houses, attached and detached, Garden, Court and Patio Houses; R-4a, Multiple Family, Low Density; R-4b, Multiple Family, Medium Density; R-4c, Multiple Family, High Density; RP, Residential-Professional; RT, Residential, Tourist and RHM, Residential, Hospital Medical, the following regulations shall apply:

Section 3 RE-1 and RE-2, Residential, Estate Districts. This District is intended to provide a residential area consisting of single family dwellings on relatively large lots and with a relatively low population density.

3.1 Principal Uses Permitted.

- a. Permanent, conventional single family dwellings.
- b. Non-profit parks and playgrounds.

3.2 Accessory Uses Permitted.

- a. Private garage, storeroom.
- b. Greenhouse and growing of plants and the horticultural specialties, provided no retail sales are made on the premises.
- c. Hobby or craft shop, not for commercial use and not producing a nuisance.
- d. Music, art, or photography studio, not for commercial use.
- e. Swimming pools, as provided in Section 48, Article V, of these Regulations.
- f. Boat docks, as provided in Section 8, Article V, of these Regulations.
- g. Private stables, one (1) horse per acre. (Amendment #105, 09-16-1975)

3.3 Uses Permitted Upon Special Approval.

- a. Churches and church schools, providing a minimum of three (3) acres in building site.
- b. Bona fide servants' quarters.
- c. Public and private utility installations and buildings.
- d. Non-profit educational, recreational and social centers.
- e. Provide room and board for not more than four (4) guests or indigent persons.

3.4 Uses Prohibited.

- a. Any commercial or industrial use.
- b. Mobile homes and non-conventional prefabricated modular units.
- c. All other uses.

3.5	<u>Lot and Building Requirements.</u>	<u>RE-1</u>	<u>RE-2</u>
	a. Minimum Living Area	1,500 sq. ft.	750 sq. ft.
	b. Minimum Lot Area	1 acre	1 acre
	c. Minimum Lot Width	125 feet	125 feet
	d. Minimum Lot Depth	125 feet	125 feet
	e. Minimum Front Yard	40 feet	40 feet
	f. Minimum Rear Yard	40 feet	40 feet
	g. Minimum Side Yard		
	1 story	20 feet	20 feet
	2 story	25 feet	25 feet
	h. Accessory buildings, from any property line	10 feet	10 feet
	i. Maximum Building Height	35 feet	35 feet
	(Amendment #90, 10-29-1974)		
	j. Maximum Percent of Lot Coverage	10 %	10 %
3.6	<u>Signs Permitted.</u> Only those signs listed as "exempt" signs as provided in Article XIII of these Regulations.		

Section 4 R-1a, Single Family, Low Density; R-1b, Single Family, Medium Density; and R-1c, Single Family, High Density. These Districts are intended to provide a residential areas consisting of single family dwellings on moderate size lots; the distinction between these districts is density.

- 4.1 Principal Uses Permitted. Same as RE, Residential, Estate.
- 4.2 Accessory Uses Permitted. Same as RE, Residential, Estate, except that private stables and horses shall not be permitted.
- 4.3 Uses Permitted Upon Special Approval. Same as RE, Residential, Estate. Home occupations shall be permitted in R-1c districts only, as provided in Section 15, Article V, of these Regulations.
- 4.4 Uses Prohibited. Same as RE, Residential, Estate.

4.5	<u>Lot and Building Requirements.</u>	<u>R-1a</u>	<u>R-1b</u>	<u>R-1c</u>
	a. Minimum Living Area	1,200 sq. ft.	900 sq. ft.	750 sq. ft.
	b. Minimum Lot Area	12,500 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
	c. Minimum Lot Width	100 feet	80 feet	70 feet
	d. Minimum Lot Depth	125 feet	110 feet	100 feet
	e. Minimum Front Yard	25 feet	25 feet	25 feet
	f. Minimum Rear Yard			
	Abutting another Lot	25 feet	25 feet	20 feet
	Abutting a Road	25 feet	25 feet	25 feet
	g. Minimum Side Yard			
	Interior, 1 story	15 feet	7-1/2 feet	7-1/2 feet
	Interior, 2 story	20 feet	12 feet	12 feet
	Abutting a Road	20 feet	20 feet	15 feet
	h. Setback for Accessory Buildings from:			
	Rear Lot Line	15 feet	7-1/2 feet	7-1/2 feet
	Side Lot Line	20 feet	12 feet	12 feet
	Abutting a Road	20 feet	20 feet	15 feet
	Rear or Side Lot Line			
	Abutting a Waterway	20 feet	20 feet	20 feet
	i. Maximum Building Height	35 feet	35 feet	35 feet
	(Amendment #90, 10-29-1974)			
	j. Maximum Percent of Lot Coverage	35%	35%	35%
	(Amendment #112, 05-18-1976)			
	k. Maximum Density	None	None	5 units per acre

- 4.6 Front Yard Exceptions. When lots comprising forty (40) percent or more of the frontage on one (1) side of a street between intersecting streets are 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 Director may issue a building permit to provide for front yard of not less than the average established. This provision shall apply to all residential districts.
- 4.7 Side Yard Exceptions. In any R-1a, R-1b or R-1c districts any existing lot, platted and recorded prior to September 25, 1962, having an average width of not less than sixty (60) feet, and if it has been determined by the Zoning Director that the remedies provided in Section 27, Article V, cannot be complied with, it shall be permitted to have a side yard of not less than ten (10) percent of the average lot width; but not less than five (5) feet for an interior side yard, and not less than ten (10) feet for a side yard abutting a road. Any corner lot, abutting to the rear any portion of the front yard of a lot facing the intersecting road, shall be required to set back all buildings from the intersecting road, a distance of not less than the required front yard applicable to the abutting lot facing the intersecting road.
- 4.8 Signs Permitted. Same as RE, Residential, Estate Districts.

Section 5 R-2, Two Family Residential. These Districts are intended to provide residential areas in which duplexes may be constructed and occupied.

- 5.1 Uses Permitted.
 - a. Any use permitted in R-1c districts.
 - b. Any permanent, conventional two family dwellings or duplexes.
- 5.2 Accessory Uses Permitted. Same as R-1c districts.
- 5.3 Uses Permitted Upon Special Approval. Same as R-1c districts.
- 5.4 Uses Prohibited. Same as R-1c districts.

5.5 <u>Lot and Building Requirements.</u>	<u>Single Family</u>	<u>Two Family</u>
a. Minimum Living Area	750 sq. ft.	500 sq. ft.
b. Minimum Lot Area	7,500 sq. ft.	8,000 sq. ft.
c. Minimum Lot Width	70 feet	80 feet
d. Minimum Lot Depth	100 feet	100 feet
e. Minimum Rear Yard		
Abutting another Lot	20 feet	20 feet
Abutting a Road	25 feet	25 feet
f. Minimum Front Yard	25 feet	25 feet
g. Minimum Side Yard		
Interior, 1 story	7-1/2 feet	7-1/2 feet
Interior, 2 story	12 feet	12 feet
Abutting a Road	15 feet	15 feet
h. Setback for Accessory Buildings from:		
Rear Lot Line	10 feet	7-1/2 feet
Side Lot Line	7-1/2 feet	7-1/2 feet
Road Right-of-Way Line	Same as	principal building
Rear or Side Lot Line Abutting a Waterway	20 feet	20 feet
i. Maximum Building Height	35 feet	35 feet
(Amendment #90, 10-29-1974)		
j. Maximum Percent of Lot Coverage	30%	30%
k. Maximum Density	---	8 units / acre

- 5.6 Front Yard Exceptions. See section 4.6.

Section 6 R-3, Townhouses; Cluster Houses; attached and detached; Garden, Court and Patio Homes.

- 6.1 Purpose. It is the purpose of this section to provide a zoning district in which apartments, townhouses, cluster houses, garden, court and patio houses may all be constructed in groups making efficient, economical, comfortable and convenient use of land and open space and further serve the public purposes of zoning by alternate means to conventional arrangements of yards, open spaces and building areas.
- 6.2 Principal Uses Permitted.
- a. Any use permitted in R-2 districts.
 - b. Apartments.
 - c. Townhouses, cluster houses, attached and detached; garden, court and patio houses.
- 6.3 Accessory Uses Permitted.
- a. Private garages or vehicle shelters.
 - b. Swimming pools.
 - c. Parks, recreational areas and buildings.
 - d. Storage and service buildings.
 - e. Offices of manager or superintendant.
- 6.4 Uses Permitted Upon Special Approval.
- a. Churches and church schools.
 - b. Kindergarten and child care centers.
 - c. Public and private utility installations and buildings.
 - d. Non-profit, educational, recreational and social centers.
- 6.5 Uses Prohibited.
- a. Any commercial or industrial use.
 - b. Mobile homes and non-conventional prefabricated modular units.
 - c. All other uses.
- 6.6 Signs Permitted. Only those signs listed as "exempt" signs as provided in Article XIII of these Regulations.
- 6.7 Minimum Project Area. Two (2) acres.
- 6.8 Maximum Density. Density shall not exceed sixteen (16) units per net acre (excluding streets and public areas) nor twelve (12) units per gross acre (including streets and public areas.)
- 6.9 Off-Street Parking. Off-street parking facilities shall be provided in the ratio of one and one half (1-1/2) off-street parking spaces for each living unit. Such off-street parking spaces may be either adjacent to the living unit which it serves, or may be provided in parking bays, either adjacent to streets or in the interior of blocks, and shall be no more than one hundred (100) feet by the most direct pedestrian route from the door of the living unit which it is intended to serve.
- 6.10 Land or Lot Coverage. Land or lot coverage shall not exceed thirty (30) percent of gross area or forty (40) percent of net area.
- 6.11 Accessory Structures. Shall be located no closer than (10) feet to the rear line of twenty (20) feet from the mean high water line.

- 6.12 Maximum Building Height. Shall not exceed two (2) stories or thirty five (35) feet.
- 6.13 Park and Recreation Area. Any project comprising five (5) acres or more shall be required to provide no less than then (10%) percent of the total land area devoted to park and recreational uses for the occupants of the project. Such park and recreational land shall be common property if a condominium under the management of the condominium director, or a homes association if the properties are individually sold, or shall be maintained by the owner of the project is rental or leased units.
- 6.14 Maintenance. In order to insure the general maintenance and appearance of the total project, the applicant shall also submit a proposed restrictive covenant setting forth the manner or method by which such properties shall be maintained after purchase.
- 6.15 Subdivision Plat. Any application for a permit for a project permitted under this section shall include a subdivision plat if any parcels of land are to be sold and/or streets or other land areas dedicated to the public, in accordance with the procedures and requirements of the Charlotte County Subdivision Regulations; or a Site Plan if no land is to be divided or separate parcels sold and no public streets or lands to be dedicated to the public. Such subdivision plat or site plan shall be drawn to a scale of one (1) inch equals not less than fifty (50) feet, and shall show all property lines and dimensions, lot, parcel and block numbers or appropriate identification, street and easement line and dimensions, off-street parking spaces, the location and dimension of all buildings, structures, yards and open spaces; and the identification of uses of all buildings and lands.
- Each subdivision plat or site plan shall be submitted to the Board of Zoning Appeals for its review and approval. No building permit shall be issued for less than twelve (12) units and no Certificate of Occupancy shall be issued until at least twelve (12) units are completed. (Amendment #84, 05-21-1974)
- 6.16 Compliance With Condominium Act. Condominiums shall also meet the requirements of Chapter 711, Condominium Act, Laws of Florida.
- 6.17 Lot and Building Requirements. Single family dwellings and duplexes: Same as R-2 districts.
- a. Apartments. Same as R-4a, except that additional lot area per additional unit shall be 3,600 square feet and a maximum density shall not exceed twelve (12) units per gross acre.
- b. Townhouses.
- (1) Not more than six (6) contiguous townhouses shall be built in a row with the same front line, and not more than twelve (12) townhouses shall be contiguous in any one (1) group or block.
 - (2) The minimum width of a lot on which a townhouse is to be constructed shall be twenty (20) feet.
 - (3) Minimum lot area shall be three thousand (3,000) square feet for each townhouse.
 - (4) Separation. No part of a townhouse or accessory structure in or related to one (1) group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or to any building outside the townhouse area.

(5) Yards. No side yard for an individual unit is required in connection with townhouses. However, each townhouse shall have on its own lot one (1) or more yards, courts or patios, totaling not less than fifteen hundred (1,500) square feet, at least one of which shall be reasonably secluded from view from streets or neighboring property. Such yards shall not be used for off-street parking or for any accessory building.

(6) Setbacks (individual units).

a. Front:

1 story	10 feet
2 story	20 feet

b. Rear:

1 and 2 story	20 feet
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c. Cluster Houses, attached and detached.

(1) Not more than six (6) attached cluster houses shall be built in a row with the same front building line, and no more than twelve (12) attached cluster houses shall comprise any one (1) cluster.

(2) The minimum width of a lot on which an attached cluster house may be built shall be twenty four (24) feet, and for detached cluster houses shall be forty (40) feet.

(3) Minimum lot area shall be three thousand (3,000) square feet for each cluster house.

(4) Separation. No portion of an attached or detached cluster house shall be closer than twenty (20) feet to any structure of an adjoining attached or detached cluster.

(5) Yards. At least two (2) yards shall be provided for each attached cluster house, with both totaling not less than two thousand (2,000) square feet; and four (4) yards shall be required for each detached cluster house with side yards of not less than ten (10) feet between detached units in a single cluster, and with not less than two thousand (2,000) square feet of front and rear yards.

d. Garden, Court and Patio Houses.

(1) The minimum width of a lot on which a garden, court or patio house may be built shall be twenty four (24) feet.

(2) Not more than six (6) garden, court or patio houses shall be built in a row with the same front building line, and not more than twelve (12) garden, court or patio houses shall comprise any one (1) group.

(3) Minimum lot area shall be three thousand (3,000) square feet for each living unit.

(4) Separation. No portion of any living unit shall be closer than twenty (20) feet to any structure of an adjoining or detached living unit.

(5) Yards. At least two (2) yards shall be provided for each attached living unit, with both yards totaling not less than two thousand (2,000) square feet; and four (4) yards shall be required for each detached living unit with side yards of not less than ten (10) feet between detached living units in a single group, and with not less than two thousand (2,000) square feet total of front and rear yards.

Section 7 R-4a, Multiple Family, Low Density; R-4b, Multiple Family, Medium Density; R-4c, Multiple Family, High Density. These districts are intended to provide residential areas in which multiple family dwellings or apartments may be constructed and occupied with the amenities of a protected living environment.

- 7.1 Principal Uses Permitted.
 - a. All principal uses permitted in R-3 districts.
 - b. Multiple family dwelling apartments.
 - c. Rooming houses, boarding houses, guest homes.
- 7.2 Accessory Uses Permitted.
 - a. Same as R-3 districts.
 - b. Apartment buildings of one hundred (100) or more units; sale of goods and services accessible only from within the principal building.
- 7.3 Uses Permitted Upon Special Approval. Same as R-3 districts.
- 7.4 Uses Prohibited. Same as R-3 districts.
- 7.5 Lot and Building Requirements.

	<u>R-4a</u>	<u>R-4a2</u>	<u>R-4b</u>	<u>R-4c</u>
Minimum Living Area:				
Single Family Units	750 sq. ft.	750 sq. ft.	750 sq. ft.	750 sq. ft.
Duplex Units	500 sq. ft.	500 sq. ft.	500 sq. ft.	500 sq. ft.
Multiple Family Units	400 sq. ft.	400 sq. ft.	400 sq. ft.	400 sq. ft.
Efficiency Units	300 sq. ft.	300 sq. ft.	300 sq. ft.	300 sq. ft.
Minimum Lot Area:				
1 & 2 Family Units	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.	7,500 sq. ft.
Additional Lot Area per Additional Unit	3,600 sq. ft.	2,000 sq. ft.	2,000 sq. ft.	1,200 sq. ft.
Minimum Lot Width:	60 feet	60 feet	60 feet	60 feet
Minimum Lot Depth:	100 feet	100 feet	100 feet	100 feet
Minimum Front Yard:	25 feet	25 feet	25 feet	25 feet
Abutting a State Road or Highway	35 feet	35 feet	35 feet	35 feet
Minimum Rear Yard:				
Abutting Another Lot	20 feet	20 feet	20 feet	20 feet
Abutting a Road	(25 feet plus six inches for each foot of building height over 35 feet)			
Minimum Side Yard:				
Interior, 1 story	7-1/2 feet	7-1/2 feet	7-1/2 feet	7-1/2 feet
Interior, 2 story	12 feet	12 feet	12 feet	12 feet
Interior, 3 story & over	(12 feet plus six inches for each foot of building height over 35 feet)			
Abutting a Road:				
1 and 2 stories	15 feet	15 feet	15 feet	15 feet
3 story and over	(20 feet plus six inches for each foot of building height over 35 feet)			
Maximum Building Height:	35 feet	45 feet	45 feet	None
Maximum % of Lot Coverage:	30 %	30 %	30 %	30 %
Maximum Density, Units Per Acre:	12	24	20	30
Accessory Buildings, from any Property Line:	7-1/2 feet	7-1/2 feet	7-1/2 feet	7-1/2 feet
Maximum Distance Between Buildings:	15 feet	15 feet	15 feet	15 feet

- 7.6 Signs Permitted. Only one (1) secondary Class "A" sign for each street frontage for apartment buildings or other permitted uses.

Section 7A. R-4d, Multiple Family-Tourist Environmental. This district is intended to provide multiple family dwellings or apartments and tourist-related facilities while protecting a fragile environment. (Amendment #??, ??-??-????)

7A.1 Principal Uses Permitted.

- a. All principal uses permitted in R-3 districts.
- b. Multiple family dwelling apartments.
- c. Rooming houses, boarding houses, guest homes.
- d. Hotels, motels, tourist accommodations, resort marinas.
- e. Parking lots and parking garages.
- f. Churches.

7A.2 Accessory Uses Permitted.

- a. Same as R-3 districts.
- b. Apartment buildings or motels of one hundred (100) or more units; sale of goods and services accessible only from within the principal building.

7A.3 Uses Permitted Upon Special Approval.

- a. Same as R-3 districts.
- b. Clubs, lodges.
- c. Fraternities, sororities.
- d. Nightclubs.
- e. Package stores.
- f. Cocktail lounges.

7A.4 Uses Prohibited. All uses not otherwise permitted.

7A.5 Lot and Building Requirements.

Minimum Living area:		
Single Family Units		750 sq. ft.
Duplex Units		500 sq. ft.
Multiple Family Units		400 sq. ft.
Efficiency Units		300 sq. ft.
Minimum Lot area:		
One Family Unit		10,800 sq. ft.
Additional Lot Area Per Additional Unit		6,400 sq. ft.
Minimum Lot Width:		80 feet
Minimum Lot Depth:		100 feet
Minimum Front Yard:		25 feet
Abutting a State Road or Highway		35 feet
Minimum Rear Yard:		
Abutting Another Lot		20 feet
Abutting a Road	(25' plus six inches for each foot of building height over 35')	
Minimum Side Yard:		
Interior, 1 story		7-1/2 feet
Interior, 2 story		12 feet
Interior, 3 story and over	(12' plus six inches for each foot of building height over 35')	
Abutting a Road:		
1 and 2 stories		15 feet
3 stories and over	(20' plus six inches for each foot of building height over 35')	
Maximum Building Height:		35 feet
Maximum Percent of Lot Coverage:		30 percent
Maximum Density Units per Acre:		6
Accessory Building, from any Property Line:		7-1/2 feet
Minimum Distance Between Buildings:		15 feet

7A.6 Signs Permitted. Only one (1) secondary Class "A" sign for each street frontage for apartment buildings or other permitted uses.

Section 8 RP, Residential, Professional Districts. This district is intended to provide an area with residential characteristics in which residential, business uses, and professional uses may exist individually or in any combination of residential, business uses and professional uses.

- 8.1 Principal Uses Permitted.
 - a. All principal uses permitted in "R-4" Districts.
 - b. Professional services.
 - c. Business services.
- 8.2 Accessory Uses Permitted.
 - a. Any accessory use permitted in "R-4" Districts.
 - b. Any use accessory and customarily incidental to principal uses as defined for "Professional Services and Business Services".
- 8.3 Uses Permitted Upon Special Approval.
 - a. Any Special Approval permitted in "R-4" Districts.
 - b. Hospitals, clinics.
 - c. Nursing homes, homes for the aged.
 - d. Funeral Homes, mortuaries.
 - e. Motels, hotels.
- 8.4 Uses Prohibited.
 - a. Personal services.
 - b. Any retail sales or services.
 - c. Automotive sales and services.
- 8.5 Lot and Building Requirements. Same as "R-4c" Districts.
- 8.6 Signs Permitted.
 - a. Any sign permitted in "R-4" Districts.
 - b. All exempt signs permitted.

Section 9 RHM, Residential, Hospital, Medical. This district is intended to provide an area with residential characteristics in which residential uses, professional uses, and business uses oriented to hospital and medical facilities may locate with the assurance of a protected environment of hospital and medical amenities.

- 9.1 Principal Uses Permitted.
 - a. Any principal uses permitted in RP Districts, related to hospitals and medical activities and facilities.
 - b. Hospitals, clinics.
 - c. Nursing homes, homes for the aged.
 - d. Funeral homes, mortuaries.
 - e. Dormitories, clinical laboratories.
 - f. Medical and dental schools, nursing schools.
 - g. Pharmacies, with retail uses limited exclusively to drugs, medicines, surgical and orthopedic supplies.
- 9.2 Accessory Uses Permitted. Within each hospital, clinic, medical or dental building, accessory uses may be permitted for the convenience of the employees, patients and visitors, provided that such uses shall be accessible from a lobby or corridor within the principal building. There shall be no advertising or visible indication of such accessory uses from the outside of the principal building. Such accessory uses may include, but are not limited

to, the sale of foods and beverages, periodicals, tobaccos, and other convenience items.

- 9.3 Uses Permitted Upon Special Approval. Personal services.
- 9.4 Uses Prohibited.
 - a. Any retail sales or service except as otherwise provided in this Section.
 - b. Automotive sales or services.
- 9.5 Lot and Building Requirements. Same as RP Districts.
- 9.6 Signs Permitted. Same as RP Districts.

Section 10 RT, Residential, Tourist. This district is intended to provide an area for accommodations oriented to the transient and resort trade, with a residential character, and preserving and protecting the amenities of a living environment.

- 10.1 Principal Uses Permitted.
 - a. Any use permitted in "R-4" Districts.
 - b. Hotels, motels, tourist accommodations; marinas, resort.
 - c. Parking lots and parking garages.
 - d. Churches.
- 10.2 Accessory Uses Permitted.
 - a. Hotels, Motels, and Tourist Accommodations. Any hotel, motel, or tourist accommodations facility in any RT District containing one hundred (100) rental units or more shall be permitted to establish accessory uses within the principal building, designed to serve only the guests of the facility, and accessible only from an interior court, lobby or corridor as follows:

Drug and sundry shops, florists, gift shops, confectionary stores, restaurants, coffee shops, news stands, personal services. (Amendment #89, 08-27-1974)
 - b. Apartment Buildings. Any apartment building in any RT district containing two hundred (200) or more rental units shall be permitted to establish accessory uses within the principal building, designed to serve only the occupants of the building and accessible only from an interior court, lobby or corridor as follows:

All uses permitted in paragraph "a" of this subsection relating to hotels, motels, and tourist accommodations, and in addition, stock brokers, travel agents, accountants, professional offices including physicians, dentists and attorneys.
- 10.3 Uses Permitted Upon Special Approval.
 - a. Clubs, lodges.
 - b. Fraternities, sororities.
 - c. Night clubs.
 - d. Package stores.
 - e. Cocktail lounges
- 10.4 Uses Prohibited. All uses not otherwise permitted.
- 10.5 Lot and Building Requirements. Same as R-4 districts.
- 10.6 Signs Permitted. Same as RP, Residential, Professional districts.

Section 11 Apartment Projects. This section sets forth the requirements and procedures to be followed for apartment projects, and is supplementary to all districts permitting apartment projects.

- 11.1 Definition. Apartment projects are hereby defined for the purpose of the administration and enforcement of these Regulations as two (2) or more multiple family buildings constructed on a parcel of land under single ownership, not subdivided into customary streets and lots, and which shall not be so subdivided; including rental, cooperative or condominium types, or any combination thereof.
- 11.2 Uses Permitted. Multiple family buildings and customary accessory buildings, including laundry and storage of maintenance equipment and supplies, recreational buildings and facilities.
- 11.3 Zones in Which Permitted. Apartment projects shall be permitted in any R-3, "R-4", RP, RHM and RT districts, provided that the Regulations for the district in which they are located are met in addition to compliance with the Regulations of this section.
- 11.4 Off-Street Parking. Off-street parking shall be required on the basis of one and one half (1-1/2) parking spaces per living unit. Such spaces shall be located convenient to the living units which they are intended to serve, and in no instance shall be further removed than two hundred (200) feet. Off-street parking areas shall comply with the provisions of Section 33, Article V, General Provisions, of these Regulations.
- 11.5 Minimum Setback of Building from Single Family Residential Districts. No principal building shall be constructed within twenty five (25) feet and no accessory building within ten (10) feet of any single family residential district.
- 11.6 Screening. Any land of an apartment project site which has a common boundary with any other land in a single family residential zoning classification shall be provided a landscaped buffer area not less than five (5) feet in width, measured at right angles to the property lines for screening purposes along the entire length and contiguous to the property line. Such areas shall be so designed and planted with dense evergreen foliage so as to be no less than ten (10) percent opaque when viewed horizontally between two (2) feet above average ground level and six (6) feet above average ground level. No portion of this landscaped buffer area may be used for off-street parking purposes.
- 11.7 Approval. Each application for approval of an apartment project shall be submitted in quadruplicate to the Zoning Director including all information required in this section. The Board of Zoning Appeals shall review and act upon each application at the next regular meeting after fifteen (15) days from the date of filing. The Board of Zoning Appeals shall review and act upon all requirements of the plan except storm drainage, utilities, construction details, and engineering matters, which shall be approved by the County Engineer, provided all applicable regulations are complied with. After review by the Board of Zoning Appeals and the County Engineer, it is determined that the application meets all requirements of these Regulations and such other regulations as may be applicable, the Board of Zoning Appeals and the County Engineer shall approve the application. The Zoning Director shall then be authorized to issue a Building Permit for all or part of the apartment project, and subject to all other codes and regulations of Charlotte County. If the apartment project is to be constructed in phases, no further review or

approval of the plan will be required for subsequent building permits, provided such permits are issued in accordance with the plan as originally approved; otherwise such plan must again be reviewed and approved as required in this Section, if subsequent changes are made, or, if twelve (12) months have elapsed and no permit(s) have been secured for the construction of the apartment project as approved, the site plan approval shall become invalid after a period of twelve (12) months after the date of the initial approval, but may be extended by request of the applicant and approved by the Board of Zoning Appeals and the County Engineer for a period of time not to exceed another twelve (12) months provided the request for extension is made prior to the expiration of the initial approval period; otherwise the applicant must re-submit the site plan and follow the procedures required for approval of the site plan, including payment of the required application fee. (Amendment #84, 05-21-1974; Amendment #95, 02-18-1975)

11.8 This section number was missing so no text for this section.

11.9 Plan Requirements. An application for approval of an apartment project site plan shall include the following:

- a. Location Map at a suitable scale showing the location of the proposed project in relation to the community or general area in which the project is located. This map should show major identification features such as major roads and highways, public buildings and water courses, scale, north arrow, and city or county boundaries.
- b. The Site Plan should be prepared at a scale of no less than 1" = 50', and shall show the following:
 - (1) All property and/or parcel lines and dimensions, the location and dimension of each building, the square footage of each building, the number of square feet in each building, accessory buildings and facilities, recreational buildings and facilities, building heights, and building setbacks.
 - (2) The layout and location of off-street parking spaces as required, showing the total number of spaces, ingress and egress locations and dimensions, driving lanes, pedestrian ways, sidewalks and curb lines.
 - (3) Screening, landscaped buffer areas, landscaping, architectural entrance features, and the location, size and screening of storage and garbage collection areas.
 - (4) Plans showing the storm drainage, water and sanitary sewer mains, by location and size, and utility easements.

11.10 Design Standards.

- a. General Considerations. The apartment project shall be laid out with consideration given to the purpose which it is intended to serve, including the type of occupants, such as being specifically designed for elderly, persons, persons in working age brackets, or students; the type of project from a managerial standpoint, such as cooperative, rental or condominium apartments, and with due consideration given to the economies involved. The physical layout of buildings, streets, parking areas, and pedestrian ways shall be in accordance with accepted good design standards and principles, in order to make them aesthetically

pleasing and comfortable living environment, in addition to preserving the value of the project itself and to enhance, rather than adversely affect, the surrounding property values.

- b. Streets. Streets shall be constructed in accordance with standards established by the Charlotte County Engineer. Street rights-of-way widths and pavement widths in addition to construction standards shall be in accordance with the Charlotte County Subdivision Regulations.
- c. Utilities. Water and sanitary sewer service may be either provided by an existing public system or by private systems approved by the State Board of Health. Approval of water and sanitary sewer systems by the State Board of Health shall be prerequisite to the approval of the apartment project. Storm sewers shall be approved by the County Engineer in conjunction with the approval of streets and the drainage plan. Private utilities, including electrical power, gas, and telephone service shall comply with such state and county regulations as may be applicable to the installation of these services.
- d. Landscaping. The apartment project plan shall include a basic landscaping scheme for the entire development.

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ARTICEL VIII

P-D, PLANNED DEVELOPMENT DISTRICTS

Section 1. Purpose. Planned Development Districts are established for the purpose of providing a more appropriate and suitable zoning alternative than otherwise provided by conventional zoning district regulations in order to:

- 1.1 Provide for planned residential developments or communities containing residential buildings offering a variety and diversity of building arrangements, and which may include commercial or industrial uses, or both, that are compatible with and complement the residential uses; planned commercial developments with residential or industrial uses, or both, which are complementary and compatible; planned industrial parks with residential or commercial uses, or both, which are complementary and compatible; or any combination of uses of land or types of development which lend themselves to an organized development of complementary and compatible uses, all of which are to be developed in accordance with an approved Final Development Plan.
- 1.2 Allow a diversification of uses, structures, and open spaces in a manner compatible with existing uses of land or proposed developments on surrounding and abutting properties.
- 1.3 To minimize costs of improvements through a more efficient use of land and lesser magnitudes of utilities and street networks than is otherwise possible with developments under conventional zoning.
- 1.4 To insure that the development will be built in accordance with the limitations and phasing as approved on the Final Development Plan including but not limited to the uses of land, the location of such uses, design, density, land coverage and phasing of development.
- 1.5 Preserve the environmental assets and natural amenities of the land and surrounding area by encouraging the improvement and preservation of both scenic and functional open spaces and features on the project.
- 1.6 Permit and encourage an increase in the amount and usability of open space areas by permitting a more economical and concentrated use of building areas than would otherwise be possible through conventional zoning and subdivision practices.
- 1.7 Provide maximum opportunity for the application of imaginative and innovative concepts of land development, site planning and the arrangement and orientation of buildings, in the creation of aesthetically pleasing and functional living, shopping, and working environments on land areas of adequate size, proper shape, and suitable location.
- 1.8 Assure the County and public agencies that development of the project will occur in accordance with the approved Final Development Plan.
- 1.9 Assure the developer that development may be undertaken and carried out in accordance with the approved Final Development Plan.

Section 2 Definitions. For the purpose of effective administration and enforcement of the provisions of this District, the following definitions shall apply:

- 2.1 Development Review Committee. A committee appointed by the Board of County Commissioners, including the County Administrator, the County Attorney, the County Engineer, and representatives from the County Departments of Agriculture, Health, Pollution Control, Planning and Zoning, Recreation, and the Board of Public Instruction.
- 2.2 Floor Area Ratio. The ratio of the number of square feet, or fraction thereof, of covered floor area for every square foot of land area, exclusive of public or private streets.
- 2.3 Garden Apartments. Multiple family dwellings up to three (3) stories in height provided with community amenities such as swimming pools, tennis courts, and laundry rooms. Typically, garden apartments have units one above another, with several units sharing a common entrance hall or court.
- 2.4 Gross Acre. An acre of land committed to the explicit use of residential, commercial, industrial, public or utility buildings or structures, or any such other designated use which contributes to the amenities of the development including, but not limited to, open spaces, park areas, streets, parking areas and access drives, and recreation areas. Lakes and major water areas shall not be included.
- 2.5 Lot Line Wall. A wall adjoining and parallel to the lot line, used primarily by the party upon whose lot the wall is located.
- 2.6 Open Spaces. Gross acreage exclusive of buildings, structures, and covered parking areas.
- 2.7 Patio Homes. Single family dwelling units with a private outdoor living area, side walls of which may be party walls or lot line walls.
- 2.8 Recreation Space. Any open space having a minimum size of ten thousand (10,000) square feet and a minimum dimension of fifty (50) feet, improved for recreational uses. Improved trails and paths may also qualify as recreational space.
- 2.9 Townhouses. Self contained dwelling units located side by side with no units located above or below each other which are designed and constructed so that the units may be individually owner. Townhouse units customarily provide privacy with individual outdoor living areas available to each unit.

Section 3 Uses Permitted. The following uses shall be permitted in the Planned Development District as designated on the approved Final Development Plan:

- 3.1 Planned Residential Communities. Including compatible and complementary commercial and industrial uses, provided such uses are designed harmoniously into the total residential community within the Planned Development District.
- 3.2 Planned Commercial Centers. Complementary and compatible residential and industrial uses may also be included if properly designed into the total commercial center within a Planned Development District.
- 3.3 Planned Industrial Parks may include complementary and compatible residential and commercial uses if properly related to the total industrial park within a Planned Development District.

- 3.4 Any other private, public or semi-public use complementary to and compatible with planned residential, commercial or industrial developments, and including any combination of these permitted uses as may be designated on an approved Final Development Plan.

Section 4 Site and Development Standards.

- 4.1 Purpose. Site development standards shall be submitted by the applicant for each Planned Development in order to insure adequate levels of light, air and density; to maintain and enhance locally recognized values of community appearance and design; to promote functional compatibility of uses; to promote the safe and efficient circulation of pedestrian and vehicular traffic; to provide for orderly phasing of development, and otherwise protect the public health, safety and general welfare.
- 4.2 The applicant shall submit proposed densities of residential areas, maximum height limitations, and types of uses for identifiable areas along with the preliminary development plan. Various types of residential construction may be intermixed provided approved residential density, height limitations and other criteria are complied with.
- 4.3 Criteria for establishing the residential density and height of structures shall include:
- a. Compatibility with other zoning districts in the vicinity of the subject property, in keeping with adopted County Land Use and Development Plans and policies.
 - b. The preservation of the natural features and environmental characteristics and attributes of the site.
 - c. The provision for open space and recreational facilities for the project and for the use of the occupants.
 - d. The adequacy of the roads, utilities, community services and facilities required to serve the development.
- 4.4 The applicant shall submit with the preliminary development plan to the Planning and Zoning Board the proposed floor area ratio for commercial and industrial areas.
- 4.5 The following site development standards shall apply, unless specifically waived by the Planning and Zoning Board and the Board of County Commissioners upon finding that the unique characteristics of the development under consideration make unnecessary the application of one or more of these provisions in order to carry out the intent and purpose of the Planned Development District.
- a. The natural topography, soils and vegetation should be preserved and utilized where possible, through the careful location and design of all buildings and structures, parking areas, recreation areas, open space, utility and drainage facilities.
 - b. Landscaping shall be provided consisting trees, shrubs, vines, groundcover or any combination. Irrigation facilities shall be installed in all landscaped common areas of residential developments and in all landscaped areas of commercial and industrial areas. Special landscaping consideration shall be given to the location and type of plants in and around the parking areas, refuse storage areas, and in building

setback and separation areas, in order to achieve adequate screening of these areas from occupied buildings and exterior roadways.

- c. Open space and recreation space shall be provided of adequate size and proper location to sufficiently serve the occupants of the Planned Development District.
- d. The location and arrangements of proposed buildings should be so arranged as not to be detrimental to existing or prospective adjacent land uses or to the existing or proposed development of the general area. Building setbacks from the mean high water line of all waterways, lakes and streams shall be a minimum of fifty (50) feet except that lesser distances may be approved provided certain features unique to the development justify a lesser distance. Established minimum floor elevations shall be observed. There shall be no minimum lot size and no minimum lot width, but the major street setback requirements as otherwise provided in these Regulations shall apply. Individual structures or groups of structures such as townhouses or cluster houses shall be separated from other buildings and groups of structures by a minimum of twenty (20) feet. The minimum floor area per dwelling unit as required in these Regulations shall apply. Lighting, points of access, and any activity resulting in high noise levels which may adversely affect abutting property shall not be permitted.
- e. Streets to be dedicated to the public shall be designed and constructed in accordance with the provisions of the County Subdivision Regulations. Private streets and driveways shall be constructed in accordance with specifications as determined by the County Engineering Department, and designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. The local, collector and arterial street systems must provide adequate access to the development. The local streets shall be so located that future urban development will not require their conversion to arterial routes. Collector and arterial streets shall be free of backing movement from adjoining parking areas.
- f. Parking and loading requirements for residential, commercial and industrial uses and such other uses as may be provided on the preliminary Development Plan shall be as otherwise provided in these Regulations. Parking spaces should be located within one hundred and fifty (150) feet of the units they serve and should be grouped in parking areas. Entrances to parking areas shall be easily accessible and identifiable from local streets and driveways, and shall not interfere with traffic movement on adjoining streets. Public rights-of-way shall not be improved as parking areas. Parking areas shall be surfaced with an durable, dustless material, designed with regard to pedestrian safety and constructed for long-term low maintenance use. Grassed parking areas may be permitted where frequency of use does not destroy ground cover, where soil and water table conditions permit, water conservation and filtration devices shall be provided to reduce run-off and increase percolation.
- g. Wherever practicable, vehicular and pedestrian passageways shall be separated. A system of walk-ways and bicycle paths between buildings, common open spaces, recreation areas, community facilities and parking

areas shall be provided and adequately lighted where appropriate for night-time use.

- h. Central water systems, sewage systems, storm water systems, utility lines and easements shall be provided in accordance with the Charlotte County Subdivision Regulations.
- i. All areas shown on the Final Development Plan as common open space, private parks, and private recreation facilities shall be subject to deed restrictions which will insure the payment of taxes and the maintenance of areas and facilities for a safe, healthful and attractive living environment.

Section 5 Approval Procedure. The procedure for obtaining approval of a planned development shall be as follows:

- 5.1 Pre-application Conference. A pre-application conference shall be scheduled by the applicant with the Planning and Zoning Director or his designee for the purpose of reviewing the proposed development with the applicant. The applicant shall have prepared for the pre-application conference a sketch plan showing the general concept of the proposed development along with preliminary data including the types of proposed land use, proposed densities, amenities of the project and the proposed method of handling water and sanitary sewage treatment. The applicant shall be advised at the pre-application conference of existing plans and policies to be considered in the preparation of a subsequent Preliminary Development Plan and such other information as the Planning and Zoning Director or his designee may determine appropriate for consideration by the applicant.
- 5.2 Socio-Economic Impact Study. The applicant shall have prepared a Socio-Economic Impact Study on any project of twenty five (25) acres or more, to be submitted with the Preliminary Development Plan for review by the Development Review Committee. Applicants for projects of less than twenty five (25) acres may be required to submit a Socio-Economic Impact Study with the Preliminary Development Plan for review by the Development Review Committee.

The Socio-Economic Impact Study shall include a narrative description, written and presented in report form, of the following:

- a. Description of the planned development, including location, project type, proposed land use, amenities, and phasing of construction.
- b. Population, including proposed population to reside within and generated by number of persons, characteristics of the new population including age groups and estimated number of school age children by elementary, junior and senior high school categories, average family size or average persons per unit; and impact on the county population.
- c. Economics, including retail sales, construction, financial, employment, housing, income and impact on the county economy.
- d. Community facilities and services including schools, recreational facilities, water, sanitary sewage treatment, storm drainage, solid waste disposal, electricity, telephone, fire protection, law enforcement, hospital and medical services, cultural and county administration.
- e. Transportation, including roads, access and input of traffic volume.

- f. Summary of revenues, costs and benefits to the county including direct revenues to the county, direct expenses to the county, and net direct benefits or net direct costs to the county.
- g. The study should also include any additional information which may be helpful to the Development Review Committee in their evaluation and recommendations on the project. Any special or unique features of the planned development should be explained, such as the impact on retirement, tourism, or resort attractions.
- h. Tables, graphs and charts may be used to tabulate data and to document the findings of the report.
- i. The report shall include a table of contents; pages shall be numbered; a bibliography shall be provided; and the sources of statistical data, projections, estimates, standards and information shall be shown.

- 5.3 Development Review Committee. After the pre-application conference, if it is determined by the applicant to proceed with the application, he shall then prepare and submit a formal application to the Planning and Zoning Director which shall include ten (10) copies off the Preliminary Development Plan, supporting material, the preliminary development report, the Socio-Economic Impact Study if required, and fees as prescribed by the Board of County Commissioners. The applicant shall then schedule a meeting with the Development Review Committee. Members of the Board of County Commissioners may participate in the Development Review Committee meeting. The meeting with the Development Review Committee is intended to provide the applicant an opportunity to discuss the proposed development and to benefit from comments by the various county officials.

The Development Review Committee shall make a written recommendation to the Planning and Zoning Board on the proposed project with a copy of the recommendations sent to the applicant prior to the review scheduled by the Planning and Zoning Board.

Upon receipt of the written recommendation of the Development Review Committee, the Planning and Zoning Board shall, at a public meeting, review the application along with the written recommendation of the Development Review Committee and determine whether to hold a public hearing on the application for PD zoning.

- 5.4 Preliminary Development Plan. After it is determined by the Planning and Zoning Board at a public meeting that a public hearing shall be held on the proposed application, the public hearing shall be duly advertised as provided in these Regulations and the public hearing shall be held for the proposed project. After the public hearing in accordance with these Regulations, the Planning and Zoning Board shall submit its recommendation to the Board of County Commissioners for public hearing and final action by them as provided in the Regulations.

Approval of the Preliminary Development Plan by the Board of County Commissioners shall constitute the rezoning of the area applied for to Planned Development zoning classification in accordance with the approved Preliminary Development Plan, and such preliminary approval shall constitute an amendment to the Zoning Map on which the Planning and Zoning Director shall cause to be shown the area of the Planned Development District, and in

such area on the Zoning Map shall identify the amendment number of the Planned Development District.

The approved Preliminary Development Plan shall be on file and available for inspection as a part of the Zoning Maps of Charlotte County. Approval of the Preliminary Development Plan shall be valid for a period of one (1) year after which, unless the applicant has either submitted Final Development Plans for all or part of the approved Preliminary Development Plan or has obtained an extension of the time of approval of the Preliminary Development Plan from the Planning and Zoning Board, the Planned Development zoning classification shall terminate and the area covered by the Planned Development zoning shall revert to the zoning classification existing on it at the time the Preliminary Development Plan was approved, or such other classification as recommended by the Planning and Zoning Board after public hearing.

- 5.5 Final Development Plan. The applicant shall submit a Final Development Plan and supporting documents for all or the first part of the approved Preliminary Development Plan within twelve (12) months after approval of the Preliminary Development Plan, and the granting of the PD zoning classification. The Final Development Plan shall be reviewed by the Development Review Committee in the same manner as proposed subdivision plats, and, when platting is required, the review of the preliminary plat may be accomplished simultaneously with review of the Final Development Plan

The Development Review Committee shall submit its recommendation to the Planning and Zoning Board which shall approve the Final Development Plan to determine compliance with the approved Preliminary Development Plan and other appropriate requirements. (Amendment #84, 05-21-1974)

The Planning and Zoning Board shall submit its recommendation to the Board of County Commissioners which shall, at a public hearing held upon due notice, grant or deny approval of the Final Development Plan. Upon approval of the Final Development Plan by the County Commission, the Planning and Zoning Board shall designate on the official Zoning Map those portions of the planned development plans. Said Final Development Plans shall be on file and available for inspection. Approval of the final development plan by the County Commission shall be recorded on the plan along with any conditions specified in granting approval. Following the effective date of such approval, the use of all buildings and structures, or other improvements within the planned development, shall be in accordance with the approved Final Development Plan rather than any other zoning regulations of subdivision regulations.

- 5.6 Phasing. If the initial approval of the Final Development Plan does not cover the complete Preliminary Development Plan, the second phase or any subsequent Final Development Plan section shall be submitted within time periods specified by the applicant and approved by the County Commission. If the applicant fails to meet the scheduled submission of Final Development Plans, the County Commission may initiate a rezoning of all or a portion of the property shown on the Final Development Plan to the zoning classifications in effect upon the property at the time the property was zoned to the PD classification, or to some other more appropriate classification if, in the opinion of the County Commission, such action becomes necessary. (Amendment #84, 05-21-1974)

- 5.7 Amendments to Final Development Plan. Additions, deletions or changes proposed to the approved Final Development Plan which are substantial in nature as determined by the Planning and Zoning Director, in requested change of use, densities, sequence of development or other specifications may be permitted only by the County Commission following a review and recommendation from the Development Review Committee and a public hearing and approval of the request to amend the Final Development Plan. **(Amendment #84, 05-21-1974)**

Minor variations, extensions, alterations or modification of the proposed uses, buildings, structures or other improvements which are consistent with the purposes and intent of the approved Comprehensive Development Plan may be authorized by the Planning and Zoning Director.

A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Development Plan unless amendment to the Development Plan is approved by the County Commission for another use at the public hearing.

The Building and Zoning Director shall not authorize issuance of permits for buildings, structures or land improvements in the PD District except in conformance with the approved Final Development Plan, and with all other applicable standards, regulations, and conditions specified for approval.

If the applicant commences construction in accordance with an approved Final Development Plan within twelve (12) months from the date of such approval, the approved plan shall remain in full force and effect for as long as the applicant carries on substantial and continuous development.

- 5.8 Deviation from Approved Final Development Plan. Any unapproved deviation from the approved Final Development Plan shall constitute a breach of agreement between the applicant and Charlotte County. Such deviation may cause the county to suspend construction until such time as the deviations are corrected, or the Final Development Plan is appropriately modified by the applicant and approved as provided in Section 5.7 of this Article. Failure to correct unauthorized deviations shall cause the Final Development Plan approval to be revoked, and the applicant will be subject to penalties for violations of the Zoning Regulations as provided by law.

Section 6 Requirements for Preliminary Development Plan. The Preliminary Development Plan shall consist of properly identified exhibits and supporting materials clearly indicating the following:

- 6.1 The name, location, legal description, acreage and type of planned development.
- 6.2 The existing land use and the proposed land use; dwelling units by types, location and density. The floor area of commercial or industrial uses; or the ratio of commercial or industrial floor area to the gross acreage reserved for such uses.
- 6.3 The existing topography and other natural features including lakes, marshes or swamps, water courses (USGS Maps acceptable) and soils, and a general description of the vegetation.
- 6.4 Maximum height of buildings and structures.

- 6.5 The priority and phasing of development and the manner in which each phase of development can exist as an independent unit capable of creating an environment of sustained desirability and stability.
- 6.6 The location of collector and arterial streets and highways proposed in the development, the general location of access points to abutting arterial streets and highways, projected traffic generation based on standards established by the County Engineering Department.
- 6.7 The proposed method of providing for all necessary road improvements, sanitary sewage systems, and storm drainage, fire protection, and law enforcement.
- 6.8 The proposed location of public uses including schools, open spaces, and recreational spaces.
- 6.9 Identification of the present ownership and the developers of all land included in the development.
- 6.10 Identification of consultants involved in plan preparation.

Those items in the above paragraphs which lend themselves to presentation and identification on the Preliminary Development Plan shall be indicated on such plan. Those items requiring narrative documentation may be included in a document identified as the "Preliminary Development Report" with such items being described and submitted in customary report form.

Section 7 Requirements for Final Development Plan. The Final Development Plan shall consist of properly identified exhibits and supporting materials and shall include the following:

- 7.1 Preliminary subdivision plat if applicant proposed to create two (2) or more parcels or dedicate a public street.
- 7.2 Location maps showing the relationship between the area proposed for development and the remainder of the area within the approved Preliminary Development Plan, and the surrounding area.
- 7.3 Legal description of gross acreage for the area submitted for final approval.
- 7.4 Final Development Plan with scale dimensions for area to be included.
- 7.5 The name, location, width and design of existing streets, including abutting arterial highways within two hundred (200) feet.
- 7.6 The names, locations, right-of-way widths, widths of pavement of proposed streets, easements, pedestrian ways, bicycle paths, riding paths and water courses.
- 7.7 The location and dimensions of all buildings and structures including proposed property lines, utility plants and permanent signs.
- 7.8 The proposed use, the number of dwelling units or the floor area of commercial or industrial uses, the density by number of dwelling units per gross residential acre or commercial industrial floor area ratio, the setbacks or building separations, the maximum lot coverage and height of structures.
- 7.9 Open space and recreation space per gross acre and private outdoor living areas.
- 7.10 Schematic landscaping and tree planning plan.

- 7.11 Open and covered off-street parking areas, indicating landscaping and external lighting systems.
- 7.12 Distance of dwelling units from vehicular access ways and parking areas.
- 7.13 Walls, fencing or landscaping where required, between private and common areas, along streets, roads and highways, drainage ways, railroads and along the perimeter of the development.
- 7.14 Refuse storage areas and methods of solid waste disposal.
- 7.15 Method of providing street lighting, external lighting, and roof mounted equipment.
- 7.16 Preliminary engineering plans for the provision of roads, water, fire protection, sewage and storm water management systems for the entire planned development, and an environmental impact comment when required by the Development and Review Committee.
- 7.17 Covenants, conditions, restrictions, agreements and grants which govern the use, maintenance, and continued protection of buildings, structures, and landscaping within the planned development.
- 7.18 The areas to be conveyed or dedicated, and improved for roadways, parks, parkways, playgrounds, school sites, utilities, public buildings and public service uses. Improvement bonds shall be posted for facilities to be owned by the County before the issuance of Building Permits. Before final acceptance of the Final Development Plan all instruments of dedication shall be submitted and accepted.
- 7.19 Identification of the present ownership and the developers of all land included in the development.
- 7.20 Identification of consultants involved in plan preparation.

ARTICEL IX

MOBILE HOMES AND TRAVEL TRAILER DISTRICTS

Section 1. Purpose. These Districts are established for the sole purpose of providing suitable areas of protected residential character for mobile homes and travel trailers used for living purposes, recognizing that mobile homes and travel trailers are, in varying degrees, incompatible with conventional dwellings, although their occupants are entitled to the same protection and amenities of a living environment as those persons residing in conventional dwellings.

Section 2 Application. Within the MHE, Mobile Home, Estate; MHC, Mobile Homes and Conventional Dwellings Districts; MHS, Mobile Home Subdivision Districts, and MC, Travel Trailer Resort Districts the following Regulations shall apply:

Section 3 MHE, Mobile Home, Estate Districts. This District is intended to permit single family dwellings, individual mobile homes and limited agricultural pursuits on parcels of land five (5) acres or more, with a minimum zoned area of forty (40) acres, and shall meet the requirements of the Charlotte County Subdivision Regulations.

3.1 Principal Uses Permitted.

- a. Single family dwellings, both conventional and non-conventional.
- b. Mobile homes.
- c. Cultivation and harvesting of any food or commercial crops, including field crops, truck crops, horticultural specialties, and citrus groves, and timber.
- d. Breeding and raising cattle, dairy cows, sheep, goats and fowl.
- e. Breeding, raising, training and boarding of pet and sport animals.
- f. Apiaries.

3.2 Accessory Uses Permitted.

- a. Barns and other structures for storage and sheltering of crops, animals, products and equipment.
- b. Customary processing of crops and animal products raised on the premises only.
- c. Structures to house processing activities.
- d. Sale of crops, animals, crop products, and animal products grown, raised or processed on the premises only.

3.3 Uses Permitted Upon Special Approval.

- a. Veterinarians, animal hospitals.
- b. Pet cemeteries.
- c. Agricultural research and development projects.
- d. Parks and recreational facilities including riding stables.
- e. Churches, church schools, schools and clubs oriented to agricultural pursuits.
- f. Travel trailer and camper storage areas and provisions for fencing or screening of same.

- 3.4 Uses Prohibited.
 - a. Raising and/or keeping of swine.
 - b. Any commercial processing activity not directly related to the products raised on the premises.
 - c. Any processing or activity which would create emissions objectionable to persons residing on adjacent or adjoining property.

- 3.5 Lot and Building Requirements. (Amendment #106, 09-16-1975)
 - a. Minimum Lot Area 5 acres
 - b. Minimum Living Area
 - Single family dwellings 750 sq. ft.
 - Mobile homes 400 sq. ft.
 - c. Minimum Lot Width 100 feet
 - d. Minimum Lot Depth 125 feet
 - e. Minimum Front Yard 40 feet
 - f. Minimum Rear Yard
 - Principal Building 40 feet
 - Accessory Building 10 feet
 - g. Minimum Side Yard
 - 1 story 20 feet
 - 2 story 25 feet
 - h. Maximum Building Height 35 feet
 - i. Barns and structures having animals and/or fowl shall not be less than fifty (50) feet from any property line.

- 3.6 Signs Permitted.
 - a. One class "A" sign is permitted at the main entrance to any parcel used for agricultural purposes.
 - b. Class "B" signs subject to spacing requirements as set forth in Article XIII.

Section 4 MHC, Modular Homes and Conventional Dwelling Districts. This District is intended to permit both modular homes and conventional dwellings on individual lots, in existing subdivisions, with a minimum zoned area of twenty (20) acres.

- 4.1 Principal Uses Permitted.
 - a. Mobile homes on permanent foundations, blocks or jacks with wheels removed; single family units.
 - b. Pre-fabricated, non-conventional modular single family units.
 - c. Pre-fabricated conventional modular single family units.
 - d. Conventional single family dwellings.
 - e. Non-profit parks, playgrounds and recreational facilities, including private club operations.

- 4.2 Accessory Uses Permitted.
 - a. Private garage, store room.
 - b. Greenhouse, not for commercial use.
 - c. Hobby or craft shop, not for commercial use and not producing a nuisance.
 - d. Music, art, photography studio, not for commercial use.
 - e. Swimming pools, as provided in Section 48, Article V, of these Regulations.
 - f. Boat docks, as provided in Section 8, Article V, of these Regulations.

4.3 Uses Permitted Upon Special Approval.

- a. Church and church schools, providing a minimum of three (3) acres in building site.
- b. Bona fide servants' quarters.
- c. Public and private utility installations and buildings.
- d. Home occupations as provided in Section 15, Article V, of these Regulations.
- e. Travel trailer and camper storage areas and provisions for fencing and screening of same.

4.4 Uses Prohibited.

- a. Any commercial or industrial use.
- b. All other uses.

4.5 Lot and Building Requirements.

- a. Minimum Living Area:

Mobile homes	400 sq. ft.
All other dwellings	750 sq. ft.
- b. Minimum Lot Area 7,500 sq. ft.
- c. Minimum Lot Width 60 feet
- d. Minimum Lot Depth 100 feet
- e. Minimum Front Yard 25 feet
- f. Minimum Rear Yard

Abutting a Road	25 feet
Abutting Another Lot:	
Lot Depth 105' or more	20 feet
Lot Depth less than 105'	15 feet
- g. Minimum Side Yard

Interior, 1 story	7-1/2 feet
Interior, 2 story	12 feet
Abutting a Road	15 feet
- h. Setback for Accessory Building From:

Rear Lot Line	25 feet
Side Lot Line	
Road Right-of-Way Line	Same as Principal Building
Rear of Side Lot Line Abutting a Waterway	20 feet
- i. Maximum Building Height 35 feet
(Amendment #90, 10-29-1974)
- j. Maximum Percent of Lot Coverage 30 %
- k. Maximum Density 5 units per acre

4.6 Front Yard Exceptions. Same as R-1c.

4.7 Side Yard Exceptions. Same as R-1c.

4.8 Signs Permitted. Only those signs listed as "exempt" signs as provided in Article XII of these Regulations.

Section 5 MHS, Mobile Home Subdivisions. This District is intended to provide the same conditions as the MHC District, with the exception that only mobile homes and prefabricated non-conventional modular units and permitted accessory uses are permitted, with a minimum zoned area of twenty (20) acres.

- 5.1 Principal Uses Permitted. Same as MHC Districts except that conventional dwellings are not permitted.
- 5.2 Accessory Uses Permitted. Same as MHC Districts.
- 5.3 Uses Permitted Upon Special Approval. Same as MHC Districts.
- 5.4 Uses Prohibited.
 - a. Conventional dwellings.
 - b. Any commercial or industrial use.
 - c. Any other use.
- 5.5 Lot and Building Requirements. Same as MHC Districts.
- 5.6 Front Yard Exceptions. Same as MHC Districts.
- 5.7 Side Yard Exceptions. Same as MHC Districts.
- 5.8 Signs Permitted. Same as MHC Districts.

Section 6 MHP, Mobile Home Park Districts. This District is established for the purpose of providing a district for mobile homes in approved parks, occupied as single family dwellings with the intent of creating an environment of residential character, designed to enhance living conditions and permitting only those uses, activities and services which are compatible with the residential environment. The MHP, Mobile Home Park District, is a residential district, not a commercial district. The following Regulations are intended to protect the residential character of mobile home parks.

- 6.1 Principal Uses Permitted.
 - a. Parking, occupancy or storage of mobile homes and travel trailers.
 - b. Service buildings, including bath, toilet and laundry facilities for park occupants.
 - c. Lounge, recreational building and areas, and facilities.
 - d. Office and living accommodations for park manager and his immediate family.
 - e. Storage buildings.
 - f. The sale of new and used mobile home shall be permitted within the boundaries of an approved mobile home park subject to the following conditions.
 1. Allowable Number. The number of mobile homes for sale shall not exceed ten percent (10%) of the total number of approved mobile home spaces in the mobile home park.
 2. Location. Mobile homes for sale shall be located only on approved mobile home spaces in the mobile home park and shall be subject to the same setbacks and yard requirements as occupied mobile homes.

3. Maintenance. There shall be no renovating, overhaul or repair to mobile homes offered for sale within the mobile home park. However customary maintenance shall be permitted, such as would be permitted for an occupant while living in a mobile home.
 4. Advertising. There shall be no advertising signs, banner, pennants, or any type of display advertising mobile homes for sale, except that one (1) sign not over 18 x 24 inches shall be permitted to be posted on each mobile home offered for sale.
 - g. Sale of tobacco, sundries, pre-packaged foods and non-alcoholic beverages for the convenience of the mobile home park occupants only, accessible only from within the park, with a minimum park area of one hundred (100) acres and as approved in the mobile home park plan.
 - h. Marinas, Resort.
- 6.2 Accessory Uses Permitted. Temporary additions adjacent to and attached to mobile homes, including cabanas, carports, storage units of mobile home type construction only, excluding permanent conventional type construction and subject to approval of the Zoning Director; the size of the additions shall not exceed the length, width or height of the mobile home to which it is attached, and shall not encroach into any required yard or setback.
- 6.3 Uses Permitted Upon Special Approval. None.
- 6.4 Uses Prohibited. All other uses.
- 6.5 Approval of Mobile Home Parks. No mobile home park may hereafter be developed or expanded until the Site Plan thereof has the approval of the County Commission of Charlotte County, which approval shall be given provided the plans as submitted meet the requirements contained in this Resolution. Unless substantial construction has commenced in accordance with the approved site plan, approval of the site plan shall become invalid after a period of twelve (12) months after the date of the initial approval; but may be extended by request of the applicant and approved by the Board of County Commissioners for a period of time not to exceed another twelve (12) months provided the request for extension is made prior to the expiration of the initial approval period; otherwise the applicant must re-submit the site plan and follow procedures required for approval of the site plan, including payment of the required application fee. (Amendment #84, 05-21-1974; and Amendment #97, 02-18-1975)
- 6.6 Contents of Plans. Complete site plans for mobile home parks shall be submitted at a scale of no less than 1" = 50' and shall show:
- a. The area and dimensions of the proposed mobile home park.
 - b. The street and lot layout.
 - c. The location of water, natural gas and sewer lines.
 - d. A preliminary drainage plan for the mobile home park prepared by a registered engineer.
 - e. Location and dimensions of all buffers, office structures, utility buildings, recreation areas and like uses.

6.7 Development Requirements. The park shall be designed and constructed in accordance with the following requirements:

a. Size and Density. The minimum allowable area for a park shall be twenty (20) acres and the maximum density of mobile homes within the park shall be ten (10) mobile homes or twelve (12) travel trailers per gross acre. (Gross acreage shall include all area within the approved mobile home park boundaries.)

b. Mobile Home Space. Each mobile home space shall be clearly defined and shall abut on a driveway or street with unobstructed access to a public street, and each mobile home space shall contain no more than one (1) mobile home and accessory structures.

1. Each single family mobile home space shall contain a minimum of three thousand seven hundred fifty (3,750) square feet and shall not be less than forty (40) feet wide, nor less than twenty (20) feet wide at street frontage. Each travel trailer space shall contain a minimum of eighteen hundred (1,800) square feet with a minimum width of thirty (30) feet.

2. Minimum yards required between mobile homes or any enclosed appurtenances and lot lines shall be:

Front Yard	10 feet
Side Yard	5 feet
Rear Yard	5 feet

Minimum distance between detached structures: 10 feet

Minimum setback of any structure from boundary of mobile home park:

Street	25 feet
Interior	10 feet

Minimum setback from any waterway or canal: 10 feet

c. Street and Driveway Improvements. All streets and driveways shall be paved in accordance with specifications as set forth in the Charlotte County Subdivision Regulations and shall have a minimum pavement width of twenty (20) feet for streets; ten (10) feet for single driveways; fifteen (15) feet for driveways serving two (2) through four (4) units, and twenty (20) feet for driveways serving more than four (4) units.

d. Street Lighting. All streets and driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 footcandles.

e. Required Utilities. An electrical outlet supplying at least one hundred ten (110) volts with adequate current to provide for the needs of each mobile home shall be provided for each trailer space. All such outlets shall be weatherproof and underground to each space.

Water Supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

Sanitary Sewer System. Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks and laundries in service and other buildings within the park shall be discharged into a central sewage plant which shall have been approved by the County and State Boards of Health.

- f. Garbage Receptacles. Approved garbage cans with tight fitting covers shall be provided in quantities adequate to permit disposal no further than three hundred (300) feet from any mobile home space. The cans shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. The use of a central garbage collection system shall be permitted as an alternative. The location of garbage collection areas shall be shown on the Mobile Home Park Plan.
- g. Fire Protection. Every park shall be adequately equipped at all times with fire extinguishing equipment in good working order. No open fires shall be permitted at any place which may endanger life or property. No fires shall be unattended at any time.
- h. Required Recreational Area. A minimum of five (5) percent of the gross land area within the park boundaries shall be designated for use as a park and recreation area.
- i. Required Buffers.
 - 1. Mobile home parks shall be surrounded by buffer strips at least ten (10) feet in depth on the sides and rear and twenty five (25) feet along street frontage, provided however that no side or rear buffer is required between adjacent mobile home developments. Streets may not be located in buffer strips.
 - 2. Buffers shall be attractively landscaped and neatly maintained, and shall otherwise be unoccupied except for permitted utility facilities, signs or entrance ornamentations.
 - 3. Landscaping and screening in buffer strips as required in this Section shall not be required along that portion of a boundary where the mobile home park has a common boundary with AC or AG agricultural districts provided that no dwelling is located within two hundred (200) feet of such boundary. Upon a change of abutting AC or AG agricultural districts to any other zoning classification, the mobile home park owner shall comply with the landscaping and screening requirements as provided in this Section.
- j. Noise. Intercommunication systems must not be audible beyond the park boundary. Outdoor public address systems shall not be permitted.
- k. Screening. Any portion of the property of a mobile home park abutting any residential, business or industrial districts shall be screened therefrom by a four (4) foot masonry wall of solid face construction or an approved fence with a minimum height of four (4) feet screened from the residential use by dense evergreen foliage maintained to a minimum height of four (4) feet. Such screening shall be erected and maintained by the owners of the mobile home park property.

In lieu of the above described masonry wall, the Zoning Director may approve planting evergreen foliage in accordance with specifications approved and adopted by the Zoning Board. Such planting shall be installed and evidence shown of maintenance capability acceptable to the

Zoning Director before a Certificate of Occupancy is issued for the applicable property.

- i. Parking. No parking shall be allowed on any mobile home space access driveway unless a paved parking lane of not less than eight and one half (8-1/2) feet shall be provided in addition to the required minimum width access driveway.
- m. Anchors and Tiedowns. All mobile homes shall be tied down to anchors with both tiedowns and anchors as approved by the Building Department.
- n. Minimum Elevation. Each mobile home space shall have an elevation of not less than five (5) feet above mean sea level or the mean level of the waterway which it abuts, whichever is greater. Mobile home parks shall also comply with the Development Requirements on Filled or Low Land of Section 12, Article V.

Section 7 MHP(S), Mobile Home Park (Subdivisions) Districts. This District is established for the purpose of providing for single family homes, in approved parks, on individual lots or parcels of land, which may be sold by the park developer or owner to buyers for mobile home use in accordance with these Regulations. This is a residential district, designed to enhance living conditions and permitting only those uses compatible with the residential environment.

7.1 Principal Uses Permitted.

- a. Parking, occupancy or storage of single family mobile homes.
- b. Service buildings, including bath, toilet and laundry facilities for park occupants.
- c. Lounge, recreational buildings and areas, and facilities.
- d. Office and living accommodations for park manager and his immediate family.
- e. Storage buildings.
- f. The sale of new and used mobile home shall be permitted within the boundaries of an approved mobile home park (subdivision) subject to the following conditions:
 - 1. Allowable Number. The number of mobile homes for sale shall not exceed ten percent (10%) of the total number of approved mobile home lots in the mobile home park (subdivision).
 - 2. Location. Mobile homes for sale shall be located only on approved mobile home lots in the mobile home park (subdivision) and shall be subject to the same setbacks and yard requirements as occupied mobile homes.
 - 3. Maintenance. There shall be no renovating, overhaul or repair to mobile homes offered for sale within the mobile home park (subdivision). However, customary maintenance shall be permitted, such as would be permitted for an occupant while living in a mobile home.
 - 4. Advertising. There shall be no advertising signs, banner, pennants, or any type of display advertising mobile homes for sale, except that one (1) sign not over 18 x 24 inches shall be permitted to be posted on each mobile home offered for sale.

- g. Sale of tobacco, sundries, pre-packaged foods and non-alcoholic beverages for the convenience of the mobile home park (subdivision) occupants only, accessible only from within the subdivision, with a minimum park area of two hundred (200) acres and as approved in the mobile home park (subdivision).
 - h. Marinas, Resort.
- 7.2 Accessory Uses Permitted. Temporary additions adjacent to and attached to mobile homes, including cabanas, carports, and storage units of mobile home type construction only, excluding permanent conventional type construction and subject to approval of the Zoning Director; the size of any addition shall not exceed the length, width or height of the mobile home to which it is attached, and shall not encroach into any required yard or setback.
- 7.3 Uses Permitted Upon Special Approval. None.
- 7.4 Uses Prohibited.
- a. Travel trailers and campers.
 - b. All other uses.
- 7.5 Approval of Mobile Home Parks (Subdivisions). No mobile home park (subdivision) may hereafter be developed or expanded until the site plan and plat thereof has the approval of the Board of County Commissioners of Charlotte County, which approval shall be given provided the plans as submitted meet the requirements contained in this Resolution, and further comply with the Subdivision Regulations of Charlotte County. (Amendment #84, 05-21-1974)
- 7.6 Contents of Plans. Complete site plans for mobile home parks (subdivisions) shall be submitted at a scale of one (1) inch equals not less than fifty (50) feet and shall show:
- a. The area and dimensions of the proposed mobile home park (subdivision).
 - b. The street and lot layout.
 - c. The location of water, natural gas and sewer lines.
 - d. A drainage plan for the mobile home park (subdivision) prepared by a registered engineer and approved by the County Engineer.
 - e. Location and dimensions of all buffers, office structures, utility buildings, recreation areas and other uses.
- 7.7 Development Requirements. The park shall be designed and constructed in accordance with the following requirements:
- a. Size and Density. The minimum allowable area for a park shall be forty (40) acres. The maximum density of mobile homes within the park shall be ten (10) mobile homes per gross acre. Gross acreage shall include all area within the approved mobile home park (subdivision) boundaries.
 - b. Mobile Home Lot. Each mobile home lot shall be clearly marked and shall abut on a driveway or street with unobstructed access to a public street. Each mobile home lot shall contain no more than one (1) single family mobile home and its accessory structures.

1. Each single family mobile home lot shall contain a minimum of three thousand seven hundred fifty (3,750) square feet and shall not be less than forty (40) feet wide, nor less than twenty (20) feet wide at street frontage.
2. Minimum yards required between mobile homes or any enclosed appurtenances and lot lines shall be:

Front Yard	10 feet
Side Yard	5 feet
Rear Yard	5 feet

Minimum distance between detached structures: 10 feet

Minimum setback of any structure from boundary of mobile home park (subdivision):

Street	25 feet
Interior	10 feet

Minimum setback from any waterway or canal: 10 feet

- c. Street and Driveway Improvements. All streets and driveways within the park shall be private, paved in accordance with specifications as set forth in the Charlotte County Subdivision Regulations. Minimum right-of-way and pavement width shall be as follows:

<u>Type</u>	<u>Right-of-Way</u>	<u>Pavement</u>
One-way, no parking	30 feet	12 feet
One-way, parking one side	30 feet	20 feet
Two-way, no parking	40 feet	20 feet
Two-way, parking one side	40 feet	28 feet
Two-way, parking both sides	50 feet	36 feet

- d. Street Lighting. All streets and driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 footcandles.

- e. Required Utilities. An electrical outlet supplying at least one hundred ten (110) volts with adequate current to provide for the needs of each mobile home shall be provided for each mobile home lot. All such outlets shall be weatherproof and underground to each lot.

Water Supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home lots within the park to meet the requirements of the park. Each mobile home lot shall be provided with a cold water tap. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing, cleansing and laundry facilities.

Sanitary Sewer System. Waste from showers, bath tubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into a central sewage plant, which shall have been approved by the County and State Boards of Health.

- f. Garbage Receptacles. Approved garbage cans with tight fitting covers shall be provided in quantities adequate to permit disposal no further than three hundred (300) feet from any mobile home lot. The cans shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. The use of a central garbage collection system shall be permitted as an alternative. The location of garbage collection areas shall be shown on the Site Plan.

- g. Fire Protection. Every park shall be adequately equipped at all times with fire extinguishing equipment in good working order. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.
- h. Required Recreational Area. A minimum of five (5%) percent of the gross land area within the park (subdivision) boundaries shall be designated for use as a park and recreational area, owned, operated and maintained by the park (subdivision) owner.
- i. Required Buffers.
1. Mobile home parks (subdivisions) shall be surrounded by buffer strips (except waterfront) at least ten (10) feet in depth on the sides and rear and twenty five (25) feet along street frontage, provided, however, that no side or rear buffer is required between adjacent mobile home developments. Streets may not be located in buffer strips.
 2. Buffers shall be attractively landscaped and neatly maintained, and shall otherwise be unoccupied except for permitted utility facilities, signs or entrance ornamentations.
 3. Landscaping and screening in buffer strips as required in this Section shall not be required along that portion of a boundary where the mobile home park (subdivision) has a common boundary with AC or AG Agricultural Districts provided no dwelling is located within two hundred (200) feet of such boundary. Upon a change of abutting AC or AG Agricultural Districts to any other zoning classification, the mobile home park (subdivision) owner shall comply with the landscaping and screening requirements as provided in this Section.
- j. Noise. Intercommunication systems must not be audible beyond the park boundary. Outdoor public address systems shall not be permitted.
- k. Screening. Any portion of the property of a mobile home park (subdivision) abutting any residential, business or industrial district (except waterfront) shall be screened therefrom by a four (4) foot masonry wall of solid face construction or an approved fence with a minimum height of four (4) feet screened from the residential side by dense evergreen foliage maintained to a minimum height of four (4) feet. Such screening shall be erected and maintained by the owners of the mobile home park (subdivision).
- In lieu of the above described masonry wall, the Zoning Director may approve planting evergreen foliage in accordance with specifications approved and adopted by the Zoning Board. Such planting shall be installed and evidence shown of maintenance capability acceptable to the Zoning Director before a Certificate of Occupancy is issued for the applicable property.
- l. Parking. Two (2) off-street parking spaces shall be provided for each mobile home lot.
- m. Anchors and Tiedowns. All mobile homes shall be tied down to anchors with both tiedowns and anchors as approved by the Building Department.
- n. Minimum Elevation. Each mobile home space shall have an elevation of not less than five (5) feet above mean sea level or the mean level of the waterway which it abuts, whichever is greater. Mobile home parks

(subdivisions) shall also comply with the Development Requirements on Filled or Low Land of Section 12, Article V.

- o. Legal Documents. Along with the Subdivision Plat the park owner shall submit restrictive covenants to run with the land, to be reviewed by the Zoning Board and approved by the Board of County Commissioners after review and approval by the County Attorney. The Board of County Commissioners may also require the owner to submit such other legal documents as may be recommended by the County Attorney to assure the park lot buyers of perpetual repair and maintenance of streets, recreational areas, buffer strips, utilities, service buildings, common use areas, and services agreed to be provided by the park owner and relieving Charlotte County of any liability or responsibility to provide same.

Section 8 MC, Travel Trailer & Resort Districts. This District is intended to provide an area in which travel trailer resorts and related facilities may be developed in accordance with the procedures and requirements of this Section.

8.1 Principal Uses Permitted.

- a. Travel trailers and camper parking.
- b. Mobile homes shall be allowed within the district provided that there shall be a separate and distinct mobile home parking area which shall be physical separated from the travel trailer and camper area by a street, canal, or planting area; such physical separation to be at least forty (40) feet in width and meeting the requirements of these Regulations for mobile home parks and/or modular home subdivisions.
- c. Marinas, resort.

8.2 Accessory Uses Permitted.

- a. Offices related to the travel trailer resort.
- b. Residence of a manager and his immediate family.
- c. Service buildings, including bath, toilet, and laundry facilities.
- d. Recreational facilities including swimming pools, golf, recreational and social center buildings, and other recreational facilities and areas.
- e. Utility buildings and storage buildings.
- f. Marinas, including docking, storage, fuel and supplies, but excluding any repairs or overhaul of boats, motors or equipment.

8.3 Uses Permitted Upon Special Approval. A travel trailer resort development providing on hundred (100) or more spaces may have a marina, a filling station, restaurant and cocktail lounge, retail stores, and service establishments for the primary use of the development provided:

- a. No signs or displays other than on-site identification signs not exceeding eight (8) square feet in area indicating such use shall be visible from any dedicated public street.
- b. Such uses are for the convenience of the occupants of the development and not normally available to other persons.
- c. Travel trailer and camper storage areas and provisions for fencing and screening of same.

- 8.4 Uses Prohibited. All other uses.
- 8.5 Approval of Travel Trailer Parks. No Travel Trailer Park may hereafter be developed or expanded until the Site Plan thereof has the approval of the County Commission of Charlotte County, which approval shall be given provided the plans as submitted meet the requirements contained in this Resolution. Unless substantial construction or development has commenced in accordance with the approved site plan, approval of the site plan shall become invalid after a period of twelve (12) months after the date of the initial approval; but may be extended by request of the applicant and approved by the Board of County Commissioners for a period of time not to exceed another twelve (12) months provided that the request for extension is made prior to the expiration of the initial approval period; otherwise the applicant must re-submit the site plan and follow procedures required for approval of the site plan, including payment of the required application fee. (Amendment #98, 02-18-1975)
- 8.6 Development Requirements.
- a. The site proposed shall contain not less than twenty (20) acres, shall have not less than eighty (80) mobile home spaces or twelve (12) travel trailer spaces or camper spaces per gross acre.
 - b. A landscaped vegetative buffer zone at least twenty five (25) feet in width shall be provided where this district abuts some other zoning district of a higher classification.
 - c. Each travel trailer space shall be at least thirty (30) feet in width and contain no less than eighteen hundred (1,800) square feet; and each mobile home space shall be at least forty (40) feet in width and contain no less than thirty two hundred (3,200) square feet.
 - d. No part of any travel trailer, camper, mobile home or appurtenance thereto shall be placed within ten (10) feet of any other such unit or appurtenance thereto. No part of any unit shall be located within twenty five (25) feet of any accessory structure or building or service building located in the development.
 - e. Each site or space shall abut on a driveway or unobstructed access way of not less than thirty (30) feet in width, which driveway or access way shall have unobstructed access to a street. Such driveway or access way shall have an all-weather roadway not less than twenty (20) feet in width and adequately lighted. A paved or all weather surface of not less than ten (10) feet in width shall be provided for both the travel trailer and automobile parking space on each site.
 - f. A potable water supply shall be furnished to another(?) site. No travel trailer, camper, or mobile home shall be located more than two hundred (200) feet from approved toilet facilities, except that this provision shall be deemed to have been met when approved sewage hook-ups are supplied to individual sites and where the unit to be placed on the site is provided with adequate toilet facilities.
 - g. Garbage, trash and refuse collection shall be furnished to each site.
 - h. The development shall have a sewage disposal system approved by the Charlotte County Health Department.

- i. Porches, additions and other appurtenances to travel trailers, campers and mobile homes shall comply with this Resolution and the building regulations of Charlotte County. All canvas, or other demountable roofs, porches or other appurtenances shall be dismantled and stored if the dwelling is not to be occupied for a period of thirty (30) days or more, provided roof, porch, or appurtenance constructed under a building permit issued by Charlotte County is not subject to this requirement.
 - j. A recreation area shall be provided and maintained equivalent to one hundred (100) square feet of land area for each site or space within the development. Such recreation area shall not be longer than two (2) times its width. The reception area shall be maintained in a clean, safe and presentable condition.
 - k. Display or sale of travel trailers, campers, mobile homes or any second hand articles is prohibited within the development, except that unoccupied units previously occupied on the same site, or an occupied unit, may be sold by the owner on that site, together with any appurtenant equipment.
 - l. Dwelling units or living quarters, except in a travel trailer, camper, or mobile home or as an accessory use are prohibited in a Travel Trailer Resort.
 - m. Travel trailers located in the development may not be rented by the owner or the manager to others for use or occupancy within the development.
- 8.7 Condominiums and Planned Unit Developments for travel trailer resorts shall be permitted in accordance with the provisions of these Regulations and the Charlotte County Subdivision Regulations. (Amendment #98, 02-18-1975)

ARTICEL X

BUSINESS DISTRICTS

Section 1. Purpose. Business districts are 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 on unsuitable residential uses, and protected from the adverse effects of undesirable industrial uses.

Section 2 Application. Within the BT, Business, Tourist-Resort Districts; BP, Business-Professional Districts; BR, Business Retail Sales and Services Districts; BA, Business, Automotive Districts; BH, Business, Highway Oriented Districts; BW, Business, Wholesale and Warehousing Districts; and MB, Business, Marine Oriented Districts, the following Regulations shall apply:

Section 3 BT, Business, Tourist-Resort Districts. This District is intended to protect and enhance the areas best suited for the preservation and development of tourist oriented resort type facilities, including both accommodations and business related to tourist-resort trade.

(Amendment #90, 04-01-1980) this number and date do not match up.

3.1 Principal Uses Permitted.

- a. Motels, hotels, tourist accommodations.
- b. Professional services.
- c. Business services.
- d. Personal services.
- e. Restaurants, Types "A" and "B" only; drug and sundry shops, tobacco and newsstands, florists, gift shops, confectionary stores, and coin operated laundries.
- f. Recreation, entertainment and amusement uses, including theaters, bowling lanes, pool halls, amusement arcades, dance halls, night clubs, auctions, and art galleries; provided that all such uses are in a completely enclosed building.
- g. Marinas, Resort.

3.2 Accessory Uses Permitted.

- a. Parking lot and parking garages.

3.3 Uses Permitted Upon Special Approval.

- a. Retail sales and services not expressly permitted.
- b. Outdoor or open air recreation, amusement, entertainment.
- c. Rental of motor scooters or motorcycles, automobiles, or any other self propelled conveyance.
- d. Multiple family dwellings.
- e. Type "C" restaurants.
- f. Wood frame or temporary buildings.
- g. Cocktail lounges.
- h. Night Clubs.
- i. Package stores.

3.4 Uses Prohibited.

- a. Single family dwellings.
- b. Automotive sales and services.
- c. Type "D" restaurants.
- d. Industrial and manufacturing uses.

3.5 Lot and Building Requirements.

- a. Multiple family dwellings (apartments) same as R-4c districts.

- b. All other uses:

Minimum Lot Area	11,250 sq. ft.
Minimum Lot Width	75 feet
Minimum Lot Depth	150 feet
Minimum Front Setback	25 feet
Minimum Rear Setback;	
Abutting Another Lot	10 feet
Abutting a Road	20 feet
Minimum Side Setback;	
Abutting a Road	20 feet
Interior	5 feet

(Except that no side setback shall be required provided side walls are eight (8) inches thick masonry construction without openings, and extend above roof line as required in the Building Code.)

Abutting a Residential District	5 feet
Accessory Buildings	Same as principal building
Maximum Building Height	None
Maximum Percent of Lot Coverage	80%

3.6 Signs Permitted.

- 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. All class "B" signs are prohibited.

Section 4 BP, Business-Professional Districts. This district is intended to provide areas in which business and professional uses may be conducted in an environment precluding retail shopping, automotive and industrial uses.

4.1 Principal Uses Permitted.

- a. Motels, hotels, tourist accommodations.
- b. Professional services.
- c. Personal services.
- d. Business services.
- e. Churches and schools.
- f. Clubs and lodges.
- g. Funeral homes and mortuaries.
- h. Hospitals, clinics and medical and dental laboratories.
- i. Nursing homes, homes for the aged.
- j. Coin operated laundries.

- 4.2 Accessory Uses Permitted.
 - a. Parking lots and parking garages.
 - b. Accessory uses for motels and hotels as permitted in RT districts.
- 4.3 Uses Permitted Upon Special Approval.
 - a. Multiple family dwellings.
 - b. Wood frame or temporary buildings.
 - c. Marinas, resort.
- 4.4 Uses Prohibited.
 - a. Single family dwellings.
 - b. Retail sales and services.
 - c. Automotive sales and services.
 - d. Industrial and manufacturing uses.
- 4.5 Lot and Building Requirements.

Multiple family dwellings (apartments): same as R-4c districts.
All other uses: same as BT district.
- 4.6 Signs Permitted. Same as BT district.

Section 5 BR, Business, Retail Sales and Service. This district is intended to protect, preserve and enhance areas intended for retail shopping activities and related accessory uses.

- 5.1 Principal Uses Permitted.
 - a. Hotels, motels.
 - 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 service is performed on parts off of the vehicle and no installation or removal from the vehicle is performed on the premises.
 - h. Automotive parts, excluding used parts; provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
 - i. Marinas, Resort.
 - j. Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Plants shall not be propagated or grown on the premises, but shall be in containers or otherwise readily movable upon sale. Storage and sales areas for plants and live vegetation may be outside of the building.
 - k. Veterinarians.
- 5.2 Accessory Uses Permitted. Apartments within the principal building on second floor and above only.

- 5.3 Uses Permitted Upon Special Approval.
- a. Churches.
 - b. Technical and vocational schools.
 - c. Clubs, lodges.
 - d. Parks and recreation areas.
 - e. Funeral homes and mortuaries.
 - f. Hospitals, clinics, medical and dental laboratories.
 - g. Marinas, sports.
 - h. Wood frame or temporary buildings.
 - i. Multiple family dwellings.
 - j. Cocktail lounges.
 - k. Night Clubs.
 - l. Package stores.
 - m. Gasoline pumping station.
- 5.4 Uses Prohibited.
- a. Single family dwellings.
 - b. Any use, except vehicular parking, not contained within a completely enclosed building.
 - c. Any industrial or manufacturing use.
 - d. Wholesale and warehousing establishments.
 - e. Automotive sales and services, except that as may be approved in conjunction with a Shopping Center Plan as provided in Section 41 of Article V.
- 5.5 Lot and Building Requirements.
- Apartment buildings: Same as R-4c districts.
All other uses: Same as BT district.
- 5.6 Signs Permitted. Same as BT district and class "B" signs permitted only upon special approval.

Section 6 BA, Business, Automotive Districts. This district is intended to provide protected areas in which compatible businesses oriented to the sale and servicing of automobiles may exist.

- 6.1 Principal Uses Permitted.
- a. Any use permitted in BR districts except apartments. (Amendment #55, 06-19-1973)
 - b. Automotive sales and services.
 - c. Boats, trailers and motor sales.
 - d. Service stations and truck stops.
 - e. Major mechanical and body overhaul and repair, to be conducted within a fully enclosed building.
 - f. Lumber and building materials, excluding cement, ready-mix concrete and concrete products manufacturing plants.
 - g. Restaurants, Types "C" and "D".
 - h. Marinas, sports; Marinas, resort.
 - i. Sale and storage of mobile homes, travel trailers and campers.
 - j. Plant nurseries.

6.2 Accessory Uses Permitted. Living uses only for watchmen and caretakers.

6.3 Uses Permitted Upon Special Approval.

- a. Same as BR districts.
- b. Sales, service, storage and parking of construction machinery and equipment.
- c. Class "B" signs.
- d. Wood frame or temporary buildings.
- e. Apartments as accessory uses. (Amendment #55, 06-19-1973)

6.4 Uses Prohibited.

- a. Single family dwelling.
- b. Wholesale or warehousing.
- c. Industrial and manufacturing uses.

6.5 Lot and Building Requirements.

- a. Apartment buildings: Same as R-4c districts.
- b. All other uses:

Minimum Lot Area	11,250 sq. ft.
Minimum Lot Depth	150 feet
Minimum Lot Width	75 feet
Minimum Front Setback	25 feet
Minimum Rear Setback;	
Abutting Another Lot	10 feet
Abutting a Road	20 feet
Minimum Side Setback;	
Interior	5 feet
<i>(Except that no side yard or setback shall be required provided side walls are eight (8) inch thick masonry construction without openings, and extend above roof line as required in the Building Code.)</i>	
Abutting a Road	10 feet
Accessory Buildings	Same as principal building
Maximum Building Height	None
Maximum Percent of Lot Coverage	80%

6.6 Signs Permitted. Same as BR, except as otherwise provided.

Section 7 BW, Business, Wholesale, Warehousing Districts. This district is intended to provide areas suitably situated for the conduct of businesses engaged in the wholesaling, warehousing and distributing of goods and commodities.

7.1 Principal Uses Permitted.

- a. Any use permitted in BA districts.
- b. Warehouses, wholesaling.
- c. Truck terminals, freight depots.
- d. Moving and storage facilities.
- e. Sales, storage and repair of construction machinery and equipment.
- f. Truck stops.
- g. Bulk petroleum storage and distribution.

7.2 Accessory Uses Permitted. Living uses for watchmen and caretakers only.

7.3 Uses Permitted Upon Special Approval.

- a. Assembly of premanufactured parts and components.
- b. All other, same as BA districts.

- 7.4 Uses Prohibited.
 - a. Single family dwelling.
 - b. Industrial and manufacturing uses.
- 7.5 Lot and Building Requirements. Same as BA districts.
- 7.6 Signs Permitted. Same as BA districts.

Section 8 BH, Business, Highway Districts. This district is intended to provide strategically located areas for businesses serving the public travelling upon the highway.

- 8.1 Principal Uses Permitted.
 - a. Motels and hotels.
 - b. Service stations and truck stops.
 - c. Restaurants, all types.
 - d. Gift shops, souvenirs.
- 8.2 Accessory Uses Permitted.
 - a. Any customary accessory use.
 - b. Same as RT District for motels and hotels.
 - c. Utility buildings and facilities.
- 8.3 Uses Permitted Upon Special Approval.
 - a. Retail sales and services.
 - b. Apartments as accessory uses.
 - c. Class "B" signs.
 - d. Automotive sales and services not otherwise permitted.
 - e. Marinas, resort; marinas, sports.
 - f. Wood frame or temporary buildings.
- 8.4 Uses Prohibited.
 - a. Single family dwelling.
 - b. Any industrial and manufacturing use.
- 8.5 Lot and Building Requirements. Same as BA districts.
 - a. Apartments, when permitted, same as R-4c Districts.
 - b. All other uses, except as otherwise provided for:

Minimum Lot Area	15,000 sq. ft.
Minimum Lot Depth	150 feet
Minimum Lot Width	100 feet
Minimum Front Setback	50 feet
Minimum Rear Setback	20 feet
Minimum Side Setback	20 feet
Accessory Buildings	Same as principal building
Maximum Building Height	None
Maximum Percent of Lot Coverage	80%
- 8.6 Signs Permitted. Class "A" signs and class "B" signs complying with the sign requirements provided in these Regulations.

Section 9 MB, Business, Marine Oriented. This district is intended to provide suitable areas for marine oriented business engaged in the sale, servicing and storage of boats and accessories.

9.1 Principal Uses Permitted.

- a. Marinas, Resort; Marinas, Sports.
- b. Docking facilities for both wet and dry boat storage, covered and enclosed boat houses.
- c. Sales, service, repair and maintenance of boats, motors and accessories.
- d. Sale of fuel, lubricants and supplies.
- e. Motels or "boatels".
- f. Related sales and services.
- g. Personal services.
- h. Types "A" and "B" restaurants.

9.2 Accessory Uses Permitted.

- a. Any customary accessory use.
- b. Parks and recreation facilities.

9.3 Uses Permitted Upon Special Approval.

- a. Amusements and entertainment uses.
- b. Apartments.
- c. Cocktail lounges.
- d. Package stores.
- e. Night clubs.

9.4 Uses Prohibited.

- a. Manufacturing.
- b. Industrial uses, including commercial fishing docks, seafood processing, sales or storage.

9.5 Lot and Building Requirements.

- a. Motels, "boatels": Same as BT districts.
- b. Apartments: Same as R-4c Districts.
- c. All other uses:

Minimum Lot Area	1 acre
Minimum Lot Depth	150 feet
Minimum Lot Width	150 feet
Minimum Front Setback	50 feet
Minimum Rear Setback	25 feet

Except that boat service buildings may build up to the mean high water line, or bulkhead line as established.

Minimum Side Setback	20 feet
Adjoining Business Districts	5 feet
Adjoining all other Districts	25 feet
Accessory Buildings	Same as principal building
Maximum Building Height	35 feet
Maximum Percent of Lot Coverage	40%

9.6 Signs Permitted. Same as BT districts.

Section 10 General Provisions for Business Districts.

- 10.1 Facing of Business Uses. When applicable, business uses shall face another business or commercial district across a street if within a business or industrial zone and shall not face residential zones which may front on an intersecting or rear street adjacent to such business or commercial zone.
- 10.2 Access to Business Uses. Where business district property abuts two (2) streets and where that portion of such streets abutting business district property also abuts any residential district, access to such business district property shall be provided only from the street not abutting a residential district.
- 10.3 Screening of Business Property. Any lot in a business or industrial zone abutting a residential zone or the site of a school, church or other public building shall provide screening for the protection of the residential or private property as follows: **(Amendment #89, 08-27-1974)**
 - a. A four (4) foot masonry wall of solid or open face construction of twenty five percent (25%) or less, with a two (2) foot ornamental superstructure totaling six (6) feet in height, shall be erected and maintained by the owner or occupant of the business property.

In lieu of the above described masonry wall, the Zoning Director may approve planting evergreen foliage in accordance with specifications approved and adopted by the Zoning Board. Such planting shall be installed and evidence shown of maintenance capability acceptable to the Zoning Director before a Certificate of Occupancy is issued for the applicable property.
 - b. On any lot in a business zone which abuts a lot lying within a residential zone or the site of any school, church or other public building, there shall be provided a minimum setback of five (5) feet for the principal building and accessory buildings on the property in the business zone along property lines abutting properties in a residential zone or the site of any school or other public building.
- 10.4 Construction. All construction in business districts shall be of not less than fire resistant Type IV and V ordinary construction as defined in the Southern Standard Building Code, paragraph 605 and 606. Any construction of less fire resistance shall be permitted upon special approval as provided in these Regulations.

ARTICEL XI

INDUSTRIAL DISTRICTS

Section 1. Purpose. Industrial districts are intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities. The several industrial districts are established to provide areas in which compatible or related industrial type uses may be located.

Section 2 Application. Within the ILR, Industrial, Local Service, Residential; ILS, Industrial, Local Service; IM, Industrial, Manufacturing; IP, Industrial Park Districts, and IW, Industrial, Marine Districts, the following Regulations shall apply:

Section 3 ILR, Industrial, Local Service, Residential. This District is intended to provide an area in which a person may both live and have on the same property a local service industrial type operation, which will not adversely affect other similar type living and local service industrial use.

3.1 Principal Uses Permitted.

- a. Single family dwellings and duplexes.
- b. Professional services.
- c. Personal services.
- d. Business services.
- e. Retail sales and services for products manufactured on the premises only.
- f. Wholesale, warehousing and distribution of products manufactured on the premises only.
- g. Manufacturing, fabrication and processing of goods and commodities, primarily intended for use or consumption within the local trade area including construction and fabrication of building equipment such as cabinet shops, sheet metal shops, heating and air conditioning, plumbing, electrical, welding; laundries and dry cleaners; bakeries; bottling plants, printing, boat building and outfitting; light manufacturing and processing.

3.2 Accessory Uses Permitted. Any customary accessory use incidental to the principal use permitted.

3.3 Uses Permitted Upon Special Approval.

- a. Schools and churches.
- b. Clubs and lodges.
- c. Recreation, amusement and entertainment.
- d. Automotive sales and services.
- e. Mobile homes and travel trailer sales and services.

3.4 Uses Prohibited.

- a. Junk yards.
- b. Service stations.
- c. Restaurants, all types.
- d. Used parts, furniture, appliances and building materials.

3.5 Lot and Building Requirements.

Minimum Lot Area	7,500 sq. ft.
Minimum Lot Width	50 feet
Minimum Lot Depth	125 feet
Minimum Front Yard	25 feet
Minimum Side Yard	
Abutting Interior Property Line	5 feet (1 story)
	7-1/2 feet (2 story)
Abutting Side Road	25 feet

Minimum Rear Yard: A minimum rear yard of twenty five (25) feet shall be provided where the rear yard does not abut a residential zone; a minimum rear yard of fifty (50) feet shall be required where a rear yard abuts a residential zone.

Maximum Building Height: None, except that for each foot of building height in excess of thirty five (35) feet, the required side and rear yards shall be ten (10) feet plus four (4) inches for each foot of building height over thirty five (35) feet.

Maximum Percent of Lot Coverage: None, except that provisions must be made for off-street parking as required in these Regulations.

Accessory Buildings: Accessory buildings shall be permitted on any portion of the lot on which the principal building is situated, provided however that no accessory building shall be within the front yard, or no closer than five (5) feet to any lot line.

3.6 Adjacent Residential Uses. No industrial use or structure shall be placed closer than twenty (20) feet to an existing residence.

3.7 Limitations on Manufacturing and Industrial Uses.

- a. Employees working on the premises shall not exceed ten (10) at any one time.
- b. Buildings used for business or industrial uses shall not exceed twenty thousand (20,000) square feet in floor area.
- c. All industrial and manufacturing uses shall comply with the most restrictive Industrial Performance Standards as provided in these Regulations.

3.8 Signs Permitted. Same as ILS, Industrial, Local Service.

Section 4 ILS, Industrial, Local Service. This District is intended to provide suitable areas for local service industry and manufacturing uses, excluding residential uses, except as accessory to principal uses permitted.

4.1 Principal Uses Permitted.

- a. Professional services.
- b. Personal services.
- c. Business services.
- d. Retail sales and services.
- e. Automotive sales and services.
- f. Mobile home sales and services.
- g. Restaurants, all types.
- h. Recreational, amusement and entertainment.
- i. Wholesale, warehousing and distribution.

- j. Moving, storage and freight depots.
 - k. Local service and light manufacturing uses complying with the most restrictive Industrial Performance Standards as provided in the Regulations.
- 4.2 Accessory Uses Permitted.
- a. Single family dwellings for use by resident manager, caretaker or watchman.
 - b. Marinas, industrial.
- 4.3 Uses Permitted Upon Special Approval.
- a. Junk yards.
 - b. Schools and churches.
 - c. Clubs and lodges.
- 4.4 Uses Prohibited. All uses not expressly permitted as principal uses, accessory uses, or upon special approval are prohibited.
- 4.5 Lot and Building Requirements. Same as ILR districts.
- 4.6 Adjacent Residential Uses. No industrial use or structure shall be placed closer than twenty (20) feet to an existing residence.
- 4.7 Signs Permitted.
- a. One (1) class "A" sign per plant entrance, provided that two (2) such signs may be placed back to back or connected in a V-shape; plus one (1) secondary class "A" sign per principal structure.
 - b. Class "B" signs must conform to spacing requirements as set forth in Article XII.

Section 5 IM, Industrial, Manufacturing, Districts. This District is intended to provide suitable areas for manufacturing and industrial uses not primarily serving the local trade areas; whose products are primarily exported, and consisting of generally larger and heavier industrial and manufacturing plants.

- 5.1 Principal Uses Permitted.
- a. Manufacturing and industrial uses meeting the requirements of the Industrial Performance Standards as provided in these Regulations.
 - b. Warehousing and distribution facilities.
 - c. Related offices, laboratories, and testing facilities.
 - d. Research and development facilities.
- 5.2 Accessory Uses Permitted.
- a. Wholesale and retail sale of products manufactured or processed on the premises.
 - b. Living units as required for resident manager, caretaker, or watchman.
- 5.3 Uses Permitted Upon Special Approval.
- a. Parks and recreation areas.
 - b. Amusement and entertainment.
 - c. Schools and churches.
 - d. Clubs and lodges.
 - e. Restaurants, all types.
 - f. Marinas, Industrial.

- 5.4 Uses Prohibited. All uses not expressly permitted as principal uses, accessory uses, or upon special approval are prohibited.
- 5.5 Lot and Building Requirements.

Minimum Lot Area	20,000 sq. ft.
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Front Setback	35 feet
Minimum Rear Setback	25 feet
Minimum Side Setback	15 feet
Accessory Buildings	Same as principal building.
Maximum Building Height	As provided in Charlotte County Building Code for particular occupancy and construction used.
Maximum Percent of Lot Coverage	50%
- 5.6 Signs Permitted. Same as ILS Districts.

Section 6 IP, Industrial Park Districts. An Industrial Park District is an organized or planned industrial district which is subdivided and developed according to a Comprehensive Plan for the use of a community of industries. The Plan includes provisions for transportation, utilities, the use of the land, and must insure adequate control of the area and buildings through Zoning Regulations, private restrictions incorporated as legal requirements in deeds of sale or leases, and the provisions of continuing management, all for the purpose of protecting the investments of both developers of the district and industries occupying the improved sites.

- 6.1 Principal Uses Permitted. (Amendment #87, 07-23-1974)
 - a. Manufacturing and processing.
 - b. Fabrication and assembly.
 - c. Packaging, canning and bottling.
 - d. Warehousing, storage and distribution facilities.
 - e. Business and professional offices.
 - f. Laboratories.
 - g. Product showrooms, wholesale and retail sales related to products on premises.
- 6.2 Accessory Uses Permitted.
None. (Amendment #87, 07-23-1974)
- 6.3 Uses Permitted Upon Special Approval.
 - a. Park and recreation facilities.
 - b. Restaurants.
- 6.4 Uses Prohibited. All uses not expressly permitted as principal uses, accessory uses, or upon special approval are prohibited.

- 6.5 Lot and Building Requirements.

Minimum Land Area for Total Park	10 acres
Minimum Lot Depth	200 feet
Minimum Lot Width	200 feet
Minimum Setback of all buildings from property line abutting:	
Highway and Major Arterials	80 feet
Other Perimeter Streets	60 feet
All Other Streets within Park	40 feet
Interior Property Lines	20 feet
Railroad Right-of-Way	20 feet
Railroad Siding (as required for loading dock)	20 feet
Maximum Percent of Lot Coverage (all buildings)	30%
Maximum Building Height	40 feet

- 6.6 Blocks and Lots. In order to provide as much flexibility as possible in the Plan, lots shall not be required to be platted for approval of the Industrial Park Plan. However, if lots are platted, they must conform to the minimum widths and depths as indicated in the Lot and Building Requirements, and when sold or leased after approval of the Plan, shall in no case be less than the minimum provided under the Lot and Building Requirements. Block widths shall be no less than two hundred (200) feet, nor more than five hundred (500) feet. Block lengths shall be no less than six hundred (600) feet, nor more than eighteen hundred (1,800) feet.

- 6.7 Streets. Primary streets within the Industrial Park shall have a minimum right-of-way width of seventy (70) feet; with secondary street rights-of-way of not less than fifty (50) feet. Pavement widths shall be no less than forty (40) feet for primary streets and thirty three (33) feet for secondary streets. Street improvements shall be subject to the same standards required by the Charlotte County Engineer. All streets within the Park shall be dedicated as public streets after approval by the County Engineer and one (1) year after maintenance by the developer.

- 6.8 Rail Service. Rights-of-way for rail service shall be no less than seventeen (17) feet for a single track and thirty three (33) feet for a double track.

- 6.9 Utilities. Water and sanitary sewer service may be either provided by an existing public facility or by private systems approved by the State Board of Health. Approval of water and sanitary sewer systems by the Stat Board of Health shall be pre-requisite to approval of the Industrial Park Plan. Storm sewers shall be approved by the County Engineer in conjunction with the approval of streets and the drainage plan. Private utilities, including electric power, gas, and telephone services shall comply with such State and County regulations as may be applicable to the installation of these services.

- 6.10 Off-Street Parking. No on-street parking shall be permitted within an approved Industrial Park District. Off-street parking and loading facilities shall comply with the provisions of Section 33, Article V, General Provisions, of these Regulations.

- 6.11 Landscaping. The Industrial Park Plan shall include a basic landscaping scheme of the entire development.

- 6.12 Outdoor Storage. Outdoor storage shall not be permitted unless fenced with an opaque material. Outdoor storage may exist only in the rear half of the property.
- 6.13 Signs Permitted. Same as ILS, Industrial, Local Service.

Section 7 IW, Industrial, Marine Districts. This District is intended to provide suitable areas for marine oriented industries and related uses which are dependent upon close proximity and access to navigable and open water, and the use of large quantities of open water as a resource for their operations.

- 7.1 Principal Uses Permitted.
 - a. Boat, barge and ship building, maintenance, repairs, sales and services.
 - b. Piers, docks and warehouses.
 - c. Seafood processing and production.
 - d. Wholesale, warehousing, storage and distribution facilities, truck terminals.
 - e. Boat and ship supply establishments.
 - f. Bulk petroleum products storage, and facilities for distribution and sale.
 - g. Terminals for passengers and freight.
 - h. Operation bases for marine salvage, off-shore drilling, or oceanographic research.
 - i. Marinas, Industrial.

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

7.3 Uses Permitted Upon Special Approval. Any other manufacturing or industrial use only if determined to be related to marine, waterfront or port functions and facilities.

7.4 Uses Prohibited. Any use not clearly related to marine, waterfront or port functions and facilities.

7.5 Lot and Building Requirements.

Minimum Lot Area	1 acre
Minimum Lot Width	150 feet
Minimum Lot Depth	150 feet
Minimum Front Setback	50 feet
Minimum Rear Setback	25 feet
<i>Except that boat service building facilities may build up to the mean high water line or bulkhead line as established.</i>	
Minimum Side Setback	25 feet
Accessory Buildings	Same as principal building
Maximum Building Height	35 feet
Maximum Percent of Lot Coverage	40%

7.6 Signs Permitted. Same as ILS, Industrial, Local Service.

Section 8 Industrial Performance Standards. All uses in industrial districts shall comply with the standards set forth in this Section regulating the emission or existence of dangerous, detrimental, and objectionable elements.

8.1 Measurement at the point of emission shall be determined for the following items:

- a. Fire and Explosion Hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion including adequate fire fighting and fire suppression equipment.
- b. Radioactive Emission. There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.
- c. Electromagnetic Interference. For the purpose of these Regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic receptors of quality and proper design.

No person shall operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the Federal Communications Commission Regulations regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission Regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or electromagnetic radiators of quality and proper design because of proximity, primary field, blanketing spurious re-radiation, conducted energy in power or telephone systems, or harmonic content.

The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institution of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, (3) Radio Manufacturer's Association.

Recognizing the special nature of many of the operations which will be conducted because of the research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained any planned or intentional source of electromagnetic energy, the radiated power from which exceeds one thousand (1,000) watts, without a permit.

- d. Smoke, Dust and Dirt. There shall be no 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. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.
- e. Fumes, Vapors and Gases. There shall be no emissions of any fumes, vapors or gasses of a noxious, toxic or corrosive nature which can cause any danger or irritation to health, animals, vegetation, or to any form of property.
- f. Industrial Waste. There shall be no discharge of wastes into any public or private sewage disposal system, stream, or into the ground of a kind or nature which may contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.

8.2 Measurement at the property line on which the principal uses is located of the emission shall be determined for the following items:

- a. Vibration. There shall be no perceptible earth vibration. All stamping machines, punch presses, press brakes, hot forgings, 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 as prescribed by the manufacturer.
- b. Heat, Cold, Dampness or Movement of Air. Activities which shall produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- c. Noise. The permitted level of noise or sound emission at the property line on which the principal use is located shall not exceed the values given in the following table in any octave bank of frequency. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to the specification published by the American Standards Association.

MAXIMUM SOUND PRESSURE LEVEL IN DECIBLES

(Decibel = 0.0002 Dynes Per Square Centimeter)

<u>Cycles Per Second</u>	<u>ILR & ILS</u>	<u>IM & IP</u>	<u>IW</u>
Below 75	70	73	79
75 – 150	65	68	74
150 – 300	57	60	66
300 – 600	50	53	59
600 – 1,200	44	47	53
1,200 – 2,400	38	41	47
2,400 – 4,800	32	35	41
4,800 – Over	30	33	39

- d. Odor. There shall be no emission of odorous gasses 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 a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system. There is hereby established, as a guide in

determining such quantities of offensive odors, Chapter 5, "Air Pollution Abatement Manual", copyright 1951, by Manufacturing Chemists, Inc., Washington, D.C.

- e. Glare. There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible at the specified points of measurement.

Section 9 Administration and Enforcement of Performance Standards. Every application for individual uses shall be subject to the following procedures.

- 9.1 Application. Application for a Building Permit or a Certificate of Occupancy for an individual use shall be submitted to the Zoning Director. 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 as referred to in Section 8.1 of this Article. 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. No applicant shall be required to reveal any secret process, and any information submitted will be treated as confidential if so requested.
- 9.2 Review of Application. If, after review of such application by the Zoning Director, there is found to be any reasonable doubt as to the likelihood of conformance, the Zoning Director shall refer the application to the Zoning Board. The Zoning Board may determine whether or not the Building Permit should be issued. In the event the Zoning Board is unable to determine whether or not the applicant will conform to the performance standards as set forth in this Article, the Zoning Board may, of its own initiative, request advice and recommendations from specialists or consultants in such technical fields as might be deemed necessary. Costs of such consultants or specialists shall be borne by the applicant.
- 9.3 Enforcement. The Zoning Director shall cause any alleged violations of these performance standards to be investigated, and if there is found to be reasonable ground that a violation exists, such violation shall be so noted and shall be treated as all violations of this Resolution.

Section 10 General Provisions for Industrial Districts.

- 10.1 Facing of Industrial Districts. When applicable, industrial uses shall face other business or industrial districts across a road if within a business or industrial district, and shall not face a residential zone which may front on an intersecting or rear street adjacent to such business or industrial zone.
- 10.2 Access to Industrial Uses. Where industrial district property abuts two (2) roads, and where that portion of such road abutting industrial district property also abuts any residential district, access to such industrial district property shall be provided only from the road not abutting a residential district.
- 10.3 Screening of Industrial Property. Any lot in an industrial district abutting a residential district to the rear and to the side, including across a road, shall provide screening for the protection of the residential or tourist property as follows:

- a. A four (4) foot masonry wall of solid or open face construction of twenty five (25%) percent or less, with a two (2) foot ornamental superstructure totaling six (6) feet in height shall be erected and maintained by the owner or occupant of the industrial property.

In lieu of the above described masonry wall, the Zoning Director may approve planting evergreen foliage in accordance with specifications approved and adopted by the Zoning Board. Such planting shall be installed and evidence shown of maintenance capability acceptable to the Zoning Director before a Certificate of Occupancy is issued for the applicable property.

- b. On any lot in an industrial district which abuts a lot lying within a residential district, there shall be provided a minimum setback of five (5) feet for the principal building and accessory buildings on the property in the industrial district along property lines abutting properties within a residential district.

ARTICLE XII

SPECIAL USES

Section 1. Purpose. This Article provides for the approval of Uses Permitted Upon Special Approval not otherwise provided for in the various district Regulations, which are unique in character, or because of unusual circumstances related to such uses, may be proper uses in suitable locations, with appropriate restrictions as may be determined in each case. This article also provides for the approval of special exceptions as provided by Section 2.2 of Article XV, Appeals and Amendments. (Amendment #84, 05-21-1974)

Section 2 Application. The "Uses Permitted Upon Special Approval" as provided in this article may be permitted in any district except where district Regulations expressly prohibit such uses in the district for which the use is being sought. None of the special uses specified in this article are permitted in any district as a matter of right, except where such uses are specified under "Principal Uses Permitted" for the district in which the use is requested, and no use shall be permitted upon special approval in a district in which such use is expressly prohibited.

Special uses approved as provided in this article are not transferable except upon approval of the Zoning Board as provided for an original application. Special exceptions, as provided by Section 2.2 of Article XV, shall be applicable to all districts and subject to the limitations of uses permitted upon special approval in each of the zoning districts. (Amendment #84, 05-21-1974)

Section 3 Procedure. Requests for approval of special uses permitted upon special approval and special exceptions shall be submitted to the Zoning Director in writing in such form as he may require, setting forth in detail the special use or special exception and such other plan or information as the Director may deem pertinent. After finding the request in order, the Director shall forward the request to the 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 Zoning Board shall forward a recommendation to the Board of Zoning Appeals. Such board may grant or deny the special exception or may grant approval, subject to compliance with conditions, restrictions or requirements as the Board of Zoning Appeals may deem necessary to protect the public health, safety, morals and welfare. Except as herein otherwise provided, approval of a special use, use permitted upon special approval, or special exception, with or without conditions, shall be considered effective for a period of one (1) year commencing with the granting of such approval. Provided, however, that such approval may be revoked at any time for cause by the Board of Zoning Appeals upon compliance with the procedures hereinabove described for the granting of such approval. (Amendment #84, 05-21-1974)

The Zoning Director, upon proper application, is hereby authorized to extend approvals of a special use, use permitted upon special approval or special exception, for successive periods of one (1) year each upon application to him by the owner to whom such special approval has been granted for such extension. If he finds, upon investigation, that the conditions in effect at the time of the granting of the special approval have not changed substantially.

All special approval granted under Sections 3.3c and 4.3b relating to temporary mobile homes for farm labor on farms of twenty (20) acres or more under cultivation, of Article VI, Agricultural Districts, shall expire within one (1) year from the granting thereof; provided, however, the owner to whom such special approval has been granted or his agent may, before the expiration of such time, apply to the Zoning Director for an extension of the term of such special approval. The Zoning Director is hereby authorized to extend such approvals for successive periods of one (1) year each upon application as herein provided if, upon investigation, he finds that the mobile home is being used for farm labor, the agricultural use of the land still exist, and the size of the parcel being farmed has not been reduced to less than twenty (20) acres. (Amendment #103, 05-20-1975)

Section 4 Standards of Approval. The Board of Zoning Appeals shall either disapprove, approve or approve with conditions each request for a special use after giving due consideration to: **(Amendment #84, 05-21-1974)**

- a. The effect of such use upon surrounding properties.
- b. The suitability of the use in regard to its location, site characteristics and intended purpose.
- c. Access, traffic generation and road capacities.
- d. Economic benefits or liabilities.
- e. Demands on utilities, community facilities, and public services.
- f. Compliance with the Comprehensive Plan for Charlotte County.
- g. Factors relating to safety, health, morals and general public welfare.

Section 5 Special Uses. Uses permitted upon special approval of land, buildings, and water subject to provisions of the Article, shall include but not be limited to the following:

3.1 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. Education 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, memorial 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. Excavations, cuts or fill of earth; dredge and/or fill of water and/or shoreline areas.
- q. Temporary uses, sales offices.
- r. Any use of activity not otherwise provided for in these Regulations.
- s. Race tracks, drag strips.
- t. Fairs, carnivals, circuses, exhibits, expositions, festivals and similar uses.

Section 6 Lot and Building Requirements. Lot and building requirements shall comply with the lot and building requirements of the district in which the special use is to be located, or shall comply with such requirements as may be imposed by the Board of Zoning Appeals upon approval of the Special Use.

Sewage treatment plants and lift stations and other (special uses) equipment that may cause noise or odors shall not be located less than forty (40) feet from adjoining property lines. Screening shall also be installed around structures permitted under this section. The limit on noise, fumes, gases, or odors shall not exceed the standards as set forth in Article X, Section 8, of these Regulations.

Section 7 Signs Permitted. Signs shall comply with the District requirements in which the Special Use is located or such requirements as may be imposed by the Board of Zoning Appeals upon approval of the Special Use. (Amendment #84, 05-21-1974)

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ARTICEL XIII

SIGNS

Section 1. Definition. For the purpose of these regulations and whenever used herein, the term "sign" shall include 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.

Section 2 Classification.

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

Section 3 Permits Required. Prior to the erection, construction, installation or alteration of any sign within the unincorporated area of Charlotte County, a permit therefor shall be secured from the Charlotte County Building Department, subject to prior approval from the Zoning Director, unless such sign is specifically exempted herein. Normal maintenance and painting repairs to existing signs shall not be deemed to be alterations within the meaning of this section and shall not require a permit.

Section 4 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. Provided that individual signs shall not exceed four (4) square feet in area or a single sign listing all names not to 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 either commercial and/or industrial or a parcel which is five (5) acres or larger, 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, or like uses. Provided that such signs are cast in metal, 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. Provided that no business shall have more than ten (10) square feet of total area of such signs.

- 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) whether such signs be temporary or permanent warnings.
- k. Street identification signs and entrance signs giving the name of a subdivision. The latter shall be located at the main entrance, not to exceed seventy five (75) square feet in area and shall contain no other advertising.
- l. Temporary signs advertising activities or 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.

Section 5 Permit Applications and Fees. All applications for sign permits shall be in a form approved by the Building and Zoning Directors 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 specification for its construction, and shall be accompanied by a ten dollar (\$10.00) filing fee.

Upon receipt of an application, the Zoning Director 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 Director shall note his approval on the application and forward it to the Building Department.

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

Section 6 Temporary Signs. Permits may be issued for temporary signs not fully conforming to the requirements set forth for permanent signs, providing that the Zoning Director 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 so approved by the Board of Zoning Appeals. The following signs are excluded from these provisions.

- 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.

Section 7 Prohibited Signs.

- 7.1 Any sign prohibited by Chapter 479, Florida Statutes.
- 7.2 Any sign creating a traffic hazard by obstructing vision at intersections or producing a hazardous amount of glare.
- 7.3 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.
- 7.4 Any sign which is obscene or constitutes a public nuisance.
- 7.5 Any sign no longer advertising a going business or available product must have the facing(s) of the sign removed or the sign must come down completely within thirty (30) days.
- 7.6 Any sign containing lights which are not shielded from direct view or which exceed ten (10) candle power per square foot of sign measured at ten (10) feet from the sign.
- 7.7 Any sign which displays intermittent or flashing lights not embodied under the covering 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, limited to the time, temperature and/or tide.
- 7.8 Any sign nailed or affixed upon any tree.
- 7.9 Portable signs, trailer signs, or any signs designated to be moved from one location to another.
- 7.10 Any sign except those specifically exempted herein located upon any public property or right-of-way. The Zoning Director or his designated representatives 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 Dollars (\$10.00). If after the tenth day, the sign has not been claimed and the removal and storage fee paid, the sign may be destroyed summarily.

Section 8 Construction, Inspection, Maintenance and Removal of Signs. Except as otherwise specifically provided herein, the Building Code of Charlotte County shall control.

Section 9 Restrictions.

- 9.1 No Class "A" or Class "B" signs, except those listed under Section 4, Exempt Signs, or exempted by other section of these regulations, shall be permitted in any R-1 or R-2 residential districts, and no Class "B" signs shall be permitted in any R-3, R-4, RP or RHM districts.
- 9.2 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 or parcel.
- 9.3 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, 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 90 degrees (90°). No class "B" sign shall be closer than two thousand (2,000) feet along the same right-of-way to another Class "B" sign advertising the identical business entity.

Section 10 Height and Setbacks.

- 10.1 No private sign shall be erected, altered or maintained over or upon any public property or public right-of-way unless permitted by the Board of County Commissioners on the advice of the County Engineer.
- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 No setback is required for exempt or Class "A" signs. Class "B" signs shall not have any portion thereof nearer than fifteen (15) feet along the right-of-way.
- 10.6 No sign of any type or classification, including exempt signs, shall be erected, altered or maintained in such a location or position which presents any unsightly or unreasonably objectionable unfinished side facing toward adjacent property.
- 10.7 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 private property or public interest.

Section 11 Size Limitations.

- 11.1 Class "A" signs shall not exceed three hundred (300) square feet in area.
- 11.2 Secondary Class "A" signs shall not exceed fifty (50) square feet in area.
- 11.3 Class "B" signs shall not exceed five hundred four (504) square feet in area.
- 11.4 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.
- 11.5 Special approval may be granted by the Charlotte County Board of Zoning Appeals for Class "A" signs or Class "B" signs to exceed the above areas provided that conditions and safeguards shall be established by said Board of Zoning Appeals which it may deem necessary for the protection of private property or public interest.

Section 12 Non-Conforming Signs.

- 12.1 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.
- 12.2 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:
 - a. The sign is removed or dismantled.
 - b. The sign has been determined by the Building Director to be a hazard to the life, safety, property and welfare of the public.
 - c. The sign has deteriorated or been damaged to an extent which reduces its value to less than fifty per cent (50%) of its replacement value.
 - d. 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 longer available on the premises.

Section 13 Political Signs. During a period of time commencing sixty (60) days before any election and ending ten (10) days following any general election, signs meeting the following conditions advocating any candidate or issue to be voted on at such election may be erected on private property in any area without regards to land use classification, size restrictions or setback restrictions by an 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 Dollars (\$500) to guarantee the removal of all signs promoting such candidate or advertising such issue within the time. The posting of a bond by a recognized political party shall be sufficient to meet the requirements hereof as to all of the 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 Director of Zoning or his nominee may remove and salvage or destroy any political signs erected and/or maintained in violation of this section, deducting the cost of Ten Dollars (\$10.00) 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 depositing the original amount.

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ARTICEL XIV

ADMINISTRATION AND ENFORCEMENT

Section 1. Administration.

1.1 Planning and Zoning Board. The Planning and Zoning Board shall consist of one (1) qualified voter from each of the County Commissioner's districts. Members shall serve for terms of four (4) years but shall be subject to removal at any time by majority vote of the Board of County Commissioners. Appointments to the Planning and Zoning Board shall be made by the Board of County Commissioners.

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

The Planning and Zoning Board shall elect from its membership a chairman and a secretary and such other officers as the Board may deem necessary or proper. The Chairman, secretary and other officers of the Planning and Zoning Board shall serve for one (1) year but shall be held able to be re-elected.

1.2 Procedure. The Board of County Commissioners shall adopt rules of procedure for the transaction of business by the Planning and Zoning Board. The Planning and Zoning Board shall maintain a record of all transactions and the same shall be public record.

The Planning and Zoning Board shall hold regular meetings at least once each calendar month.

1.3 Planning. The Planning and Zoning Board shall acquire and maintain such basic 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. From such information it shall prepare and from time to time but not less than annually, review and revise a comprehensive and coordinated general plan for meeting present requirements, and future anticipated needs for the orderly development of Charlotte County. It shall advise and inform the Board of County Commissioners and the general public in all matters related 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 function.

Upon due public hearing, the Planning and Zoning Board shall adopt a comprehensive plan and submit it to the Board of County Commissioners which shall approve and adopt said plan in whole or in part or reject it, in which event the Planning and Zoning Board shall revise and amend the plan and again submit it to the Board of County Commissioners for final action.

The Planning and Zoning Board shall annually or upon request from the Board of County Commissioners, revise and review the comprehensive plan and recommend changes therein or amendments thereto.

1.4 Zoning. The Planning and Zoning Board shall on its own motion or after the request of the Board of County Commissioners, make preliminary recommendations providing for the boundaries of zoning areas or districts

and the regulations and restrictions to be enforced in each, including a draft of proposed zoning regulations together with zoning maps and other explanatory material. Such preliminary recommendations shall be submitted upon completion to the Board of County Commissioners which shall consider and return them with approval or other recommendations to the Planning and Zoning Board for the preparation of a final draft of Zoning Regulations. Upon due notice and hearing upon said final Zoning Regulations, the Board of County Commissioners shall adopt final Zoning Regulations for the County which need not conform exactly to the proposed final regulations.

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, or by a petition of the owners of fifty (50%) percent or more 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 recommendation to the Board of County Commissioners regarding the proposed amendment which recommendation shall be acted upon after further notice and hearing as provided by law.

- 1.5 Zoning Director. The Director of Planning and Zoning, hereinafter called the Director, or his duly authorized representative, shall be the executive officer in charge of the administration and enforcement of all zoning regulations as well as Building, Electrical, Plumbing Codes established within the unincorporated areas of Charlotte County. The Director shall be appointed by the Board of County Commissioners upon the recommendation of the Planning and Zoning Board and the Director shall hold office at the pleasure of the County Commission.

The duties of the Director shall include the following:

- a. To attend all meetings of the Planning and Zoning Board, Building Board, and Board of County Commissioners.
- b. To administer and enforce the Zoning Regulations.
- c. To administer and enforce the Building, Electrical and Plumbing Codes.
- d. To receive and review all plans and specification for proposed structures to ensure compliance with zoning and code requirements, and to have responsible charge of periodic inspections of structures under construction, to assure compliance with approved plans and specifications.
- e. To issue or deny permits and certificates of occupancy as set forth herein, as well as those prescribed by the various codes established.
- f. To receive petitions for zoning amendments, requests for special approval, petitions for variances or appeals from administrative rulings.
- g. To issue public notices as required by the Zoning Board and Board of County Commissioners.
- h. To receive fees for permits, prepare budgets for operations of the Building and Zoning Department and to hire the personnel necessary for the expeditious performance of the duties assigned to this office, subject to approval by the Board of County Commissioners.
- i. To perform such other duties as may be established by the Planning and Zoning Board, the Building Board or the Board of County Commissioners.

Section 2 Application. It shall be unlawful to construct, alter, move add on to, remove or demolish any building or structure on land or water; 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 a proper permit. Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall on such application disclose the name and address of every person having a beneficial interest in the real property however small or minimal. No existing use, new use or change of use on land or water of any building or structure or any part thereof shall be made except in conformance with these Regulations. (Amendment #93, 11-19-1974)

Section 3 Building Permits.

- 3.1 Requirements. An applicant for a permit, in addition to other requirements in this Resolution, shall submit one (1) each of the following.
- a. Prints or drawings, at an appropriate scale, of the building or buildings and structures to be built upon the lot.
 - b. A site plan showing the location of the building or buildings on the property, distances to property lines and other buildings or structures and off-street parking spaces as required under the provisions of this Resolution showing access and maneuvering space.
 - c. Where the building, existing or to be constructed, will be devoted to more than one (1) use, such plans shall show the percentage and areas of each use with details thereof.
 - d. Legal Description of Lot Required. Each application for a Building Permit shall be accompanied by a legal description of the lot or parcel of land upon which such building or buildings are to be constructed. Said legal description shall include the lot and block number or identification, along with name and section description if within a recorded plat of record, or shall include a metes and bounds description prepared by a surveyor or engineer registered in the State of Florida.
- 3.2 Application for Permit. Shall be made by the owner or lessee, or agent of either, or architect, engineer, or building employed in connection with the proposed work.
- 3.3 If a permit is issued, a copy shall be delivered by the Building Inspector to the County Tax Assessor.
- 3.4 Additional Requirements. A building permit shall be issued in compliance with the requirements set forth in the Zoning and Building Regulations of Charlotte County, Florida, and upon the presentation of sufficient evidence that all other necessary permits have been received from those governmental agencies from which approval is required by Federal or State law. (Amendment #84, 05-21-1974)
- 3.5 Plans, Specifications and Supervision of all commercial buildings and structures shall be prepared by registered architects and engineers in accordance with and when required by Florida law and statutes pertaining thereto.
- 3.6 Issuance of Buildings Permits. It shall be the duty of the Zoning Director or his authorized employees, upon receiving the application for permits provided herein, to examine the same within a reasonable time after filing, not to exceed thirty (30) days. If after examination, he finds no objection to the same, and it appears that the proposed work will be safe and, if the land lies in an area of special flood hazard, the proposed construction or work will be

reasonably safe from flooding, he shall approve such application and issue a permit for the same. If his examination reveals otherwise, he shall reject such application, noting his findings in a report to be attached to the application and delivering a copy to the applicant. (Amendment #120, 02-14-1978)

Section 4 Special Permits. Special permits shall be required for any mining, excavation, borrow pits, dredging, or filling operation when permitted under the provisions of Section 19, Article V, except that no Special Permit shall be required for such work included in engineering plans approved by the County Engineer and the Board of County Commissioners as provided in Section 19, Article V. Special permits shall also be required for the moving of buildings, as provided in Section 25, Article V.

Section 5 Certificate of Occupancy.

- 5.1 It shall be the duty of the Zoning Director to issue a Certificate of Occupancy after it has been determined that the building has been constructed 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. In no event shall such building be occupied or used until such Occupancy Permit issued by the Building Inspector.
- 5.2 Whenever the principal use of an existing structure or parcel is to be changed, the owner, agent, lessees, or intended occupant thereof shall apply to the Director for a Certificate of Occupancy stating that the new use is approved within the district wherein it is located.

The Director shall issue a Certificate of Occupancy only when the new use conforms to the requirements set forth herein, and no construction permits are necessary.

Section 6 Expiration of a Building Permit. Unless work on any building or structure is commenced within sixty (60) days after issuance of a building permit, such permit shall become void unless it is renewed for an extended time period. After work is begun, should such work cease before completion of the work, the permit shall become void after twelve (12) months of no work activity.

Section 7 Posting of Permits. A copy of the permit shall be posted in a conspicuous place on the premises and visible during construction and until the completion of same.

Section 8 Authority to Revoke Permit. The County Commission may revoke any permit issued in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. (Amendment #84, 05-21-1974)

Section 9 Fees. The Board of County Commissioners shall by resolution fix reasonable recording, hearing and permit fees to be charged by the Director. (Amendment #84, 05-21-1974)

Section 10 Violations. Whenever violations of this Resolution are observed by or reported to the Director, he shall promptly investigate. If such violation exists, the Director shall immediately notify the offending party in writing. If written notification fails to result in satisfactory conformity within a reasonable time the Director shall request legal counsel to petition the courts for an injunction to require satisfactory conformity, or in the alternative violators of this Resolution may be charged with a misdemeanor, as set forth in Section 21, Chapter 63-1209, Laws of Florida, of 1963.

ARTICLE XV

APPEALS AND AMENDMENTS

Section 1. General Intent. It is intended herein to establish whereby aggrieved parties may appeal for relief from undue hardships imposed by strict and literal enforcement of the requirements or restrictions of this Resolution, and to provide for amendments that may hereafter be required to maintain the usefulness of these Regulations in promoting the public interest.

Section 2 Board of Zoning Appeals. The Board of County Commissioners shall serve as the Board of Zoning Appeals, and when acting in the latter capacity shall have the following duties:

- 2.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision determination or action of the administrative official or his staff in the enforcement of this Resolution.
- 2.2 To permit, authorize and grant special exceptions to the Zoning Regulations subject to reasonable safeguards in particular circumstances.
- 2.3 To authorize upon proper petition such variances from the terms of the Zoning Regulations as shall not be contrary to public interest where in specific cases owing to special circumstances a literal enforcement of the provisions of the Regulations will result in unnecessary and undue hardship, except that the Board of County Commissioners shall not issue or grant variances or special exceptions or permit a land use in a zone or district in which such use is forbidden by the Zoning Regulations.
- 2.3a Applications for special exceptions as provided in Section 2.2 of this Article shall be made as a special use in accordance with and subject to the provisions of Article XII, Special Uses, of these Regulations, in addition to the provisions of this Article. (Amendment #84, 05-21-1974)

Section 3 Appeals from Administrative Rulings.

- 3.1 Any person or persons claiming to be aggrieved on account of any ruling by an official charged with enforcing this Resolution may appeal in writing to the official involved and to the Chairman of 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 thereof.
- 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 public notice as well as written notice to all parties of interest. The official charged with error shall forthwith transmit to the Board of County Commissioners all papers or other records upon which the action or decision appealed from was taken. Upon the hearing of an appeal, any party in interest may appear in person or by agent or attorney.
- 3.3 An appeal from administrative ruling shall stay all proceeding and all work on the premises involved unless such stay shall be deemed to imperil life or property. In such cases, proceedings or work shall not be stayed except by a restraining order which may be granted by the Board of County Commissioners or by the Circuit Court if the same shall have theretofore been refused by the Board of County Commissioners. The Board of County Commissioners may, upon proper petition and after reasonable notice and

hearing, reverse or affirm, wholly or partly, or may modify the order, requirement or decision or determination made by an administrative official in the enforcement of any Zoning Regulation adopted pursuant to this act or may make such decision or take such action as the official should have made or taken. To that end, the Board shall have the powers of the official from whose decision the appeal is taken.

Section 4 Application for Variance.

- 4.1 Any owner, agent, lessee or occupant of land or structure may appeal in writing to the Board of County Commissioners for variance from the requirements or restrictions of this Resolution; except that no appeal for use variance may be considered. Appeals should be submitted through the Director, stating specific variances requested.
- 4.2 Upon receipt of application for variance, the Board of County Commissioners shall fix a date, time and place for the hearing thereof and publish notice of such hearing in a newspaper of general circulation in Charlotte County, Florida, by one (1) publication at least fifteen (15) days prior to the time set for said hearing. On behalf of the Board of County Commissioners, the Zoning Director shall prepare and mail notice of such hearing by first class mail to all owners of record, as determined from the records of the County Tax Assessor'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 prepaid, and failure to receive notice shall not invalidate any variance proceeding. The Director shall investigate the conditions pertaining to the particular variance requested and shall submit a written report at the hearing giving the facts involved. The parties in interest may appear at the hearing in person or by agent or attorney. (Amendment #111, 05-18-1976)
- 4.3 After hearing the application for variance, together with such other reports or testimony deemed pertinent, the Board of County Commissioners may deny the appeal or grant such variance from the terms of this Resolution as may meet the conditions hereinafter set forth. Action by the Board of County Commissioners shall require the concurring vote of a majority of its members, 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 this Resolution would result in demonstrable and undue hardships, 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 this Resolution to other properties in the same district.
 - d. The variance, if granted, would not be injurious to surrounding properties nor contrary to the public interest.
 - e. The variance requested does not involve any use which is not permissible in the district wherein the property is located.

Section 5 Public Notice of Hearing. Public notice of all hearings shall be given in the manner required by Chapter 63-1209, Acts of 1963, Laws of Florida.

The Director shall cause to be published all public notice for hearings by the Planning and Zoning Board and the Board of County Commissioners, and proofs of publication of such notice shall be filed with the record of each hearing.

Section 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 the Circuit Court for the Twentieth Judicial Circuit in and for Charlotte County within thirty (30) days after such decision shall have become final but not thereafter. (Amendment #84, 05-21-1974)

Section 7 Amendment. This Resolution may be amended by concurring votes of a majority of the members of the Board of County Commissioners; provided, however, that such Board shall have given public notice as prescribed in Chapter 63-1209, Acts of 1963, and held a public hearing on the portions to be amended.

Amendments may be made by the Board of County Commissioners: (1) on their own initiative, (2) upon recommendation by the Zoning Board, after the Zoning Board has held its own public hearing thereon, (3) upon petition by the owners of fifty (50) percent or more of the lands to be affected by the proposed amendment, provided that such petition shall first have been considered by the Zoning Board in a public hearing prior to submission to the County Commission.

The Zoning Director shall prepare and mail a "Notice of Public Hearing" by first class mail to all owners of record, as determined from the County Tax Assessor's Office, of all adjoining property of subject property for which rezoning is requested, at least ten (10) days prior to the public hearing scheduled to be held; the Zoning Director shall also arrange for the posting of said property by placard.

ARTICEL XVI

LEGAL STATUS PROVISIONS

Section 1. Savings Clause. If any Section, sentence, clause, phrase, or word of this Resolution shall be for any reason held or declared to be unconstitutional, inoperative or void, such holdings or invalidity shall not affect the remaining portions of this Resolution; and it shall be construed to have been the legislative intent to pass this Resolution without such unconstitutional, invalid or inoperative part therein; and the remainder of this Resolution, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included herein; or if this Resolution or any provision thereof shall be held inapplicable to any person, group or persons, property, circumstances or set of circumstances, such holding shall not affect the applicability to any other person, property or circumstances.

Section 2 Interpretation. In interpreting and applying the provisions of this Resolution they shall be held to be the minimum requirements for the promotion of public health, safety, morals and general welfare of the County.

Section 3 Conflict With Other Legal Documents. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other resolutions, rules, regulations, laws, or by easements, covenants, or agreements, the provisions of this Resolution shall control.

Section 4 Repeal Clause. All resolutions or parts of resolutions and amendments thereto, heretofore adopted by the Board of County Commissioners of Charlotte County, Florida, and in conflict herewith be, and the same are hereby repealed.

Section 5 Effective Date. This Resolution, together with the Official Zoning Maps, incorporated herein by reference, shall become effective upon the date of its adoption and passage.

Appendix "A" - List of Amendments

<u>Amendment No.:</u>	<u>Date:</u>	<u>Article & Section:</u>	
Resolution No. 70-22	05-26-1970	All	Adopted entire new zoning code
Amendment No. 18	12-22-1972	VI, sec. 3,	residential uses in AC
Amendment No. 55	06-19-1973	X, sec. 6,	apartments in BZ
Amendment No. 83	03-19-1974	V, sec. 20,	flood hazards
Amendment No. 84	05-21-1974	IV, sec.	definitions,
		V, sec. 4, 9, 15, 16, 33	access control, churches, schools,
		VI, sec. 5,	home occupations, houseboats, parking
		VII, sec. 6, & 11	camp sites in the AG district
		VIII, sec. 5,	subdivision plat, apartment projects
		IX, sec. 6, & 7,	PD approval procedure
		XII, sec. 1, 2, 3, 4 & 7,	MHP parks, MHP subdivisions
		XIV, sec. 3, 8, 9,	special uses
		XV, 2 & 6,	building permits, revoke, fees,
		V, sec. 33,	BZA, appeals to courts
Amendment No. 85	07-23-1974	V, sec. 52,	parking
Amendment No. 86	08-20-1974	XI, sec. 6,	model homes
Amendment No. 87	07-23-1974	V, sec. 31,	uses in IP district
Amendment No. 88	07-23-1974	IV, Definitions	non-conforming use
Amendment No. 89	08-27-1974	VII, sec. 10,	definitions, package liquors, retail sales,
		X, sec. 10,	accessory uses in RT,
Amendment No. 90	10-29-1974	VII, sec. 3 & 4,	screening Res. zones from businesses
		IX, sec. 4,	building height in RE, R-1a & R-2
		X, sec. 3,	building height in MHC
Amendment No. 93	11-19-1974	XIV, sec. 2,	BT, Business Tourist-Resort district
Amendment No. 94	11-26-1974	V, sec. 9,	sign applications
Amendment No. 95	02-18-1975	VII, sec. 11,	sale alcohol w/in 1,000' of church/school
Amendment No. 96	02-18-1975	V, sec. 43,	apartment projects
Amendment No. 97	02-18-1975	IX, sec. 6,	shopping centers
Amendment No. 98	02-18-1975	VB,	MHP parks
		IX, sec. 8,	airport hazard zoning
Amendment No. 99	02-18-1975	Article VB	travel trailer parks
Amendment No. 100	03-18-1975	V, sec. 26,	Adopted all new <i>Airport Hazard Zoning</i>
Amendment No. 101	04-22-1975	IV, Definitions	non-conforming structures
Amendment No. 103	05-20-1975	XII, sec. 3,	definition for gasoline pumping stations
Amendment No. 105	09-16-1975	VII, sec. 3,	special uses
Amendment No. 106	09-16-1975	IX, sec. 3,	stables in RE district
Amendment No. 109	02-17-1976	VB, sec. 7,	mobile homes
Amendment No. 111	05-18-1976	XV, sec. 4,	lighting structures over 200 feet high
Amendment No. 112	05-18-1976	VII, sec. 4,	variance applications
Amendment No. 114	12-21-1976	IV, Definitions	lot coverage in RE
Amendment No. 115	05-03-1975 *	V, sec. 53,	junk, junkyards
Amendment No. 117	??-??-1977	IV, Definitions	adult uses
		V, sec. 53,	adult book store, exhibition, massage
		V, sec. 19 & 20,	parlor, public dancehall, public gaming
Amendment No. 120	02-14-1978	XIV, sec. 3,	room,
		V, sec. 21,	detrimental uses
Amendment No. 121	06-20-1978	V, sec. 25,	excavation, flood hazards
Amendment No. 123	11-21-1978	IV, Definitions	building permits
Amendment No. 124	02-20-1979	V, sec. 8,	living units
Amendment No. 126	04-17-1979		moving structures
			non-conforming lot
			boating structures

* - amendment number does not match up with the date

