

Sec. 3-9-47. - Charlotte Harbor Community Development Code.

(a) *Intent, applicability, and boundaries.*

- (1) *Intent.* The intent and purpose of the Charlotte Harbor Community Development Code is to meet the intent of the Charlotte Harbor Community Redevelopment Plan, providing a comprehensive approach to planning future development, improvements to transportation, utilities, and other public infrastructure in the Charlotte Harbor Community.
- (2) *Applicability.* In addition to any requirements contained elsewhere in the Code, the requirements of this Charlotte Harbor Community Development Code shall apply to any subdivision, special exception, variance, site plan approval, planned development rezoning approval, building permit or sign permit, or any other official action of the county having the effect of permitting development and shall be in addition to each and every other requirement of the Code. In the event of any conflict between applicable provisions of the Code and this section regarding a specific application or development, the more restrictive shall apply.
- (3) *Boundaries.* The boundaries of the Charlotte Harbor Community shall be the area as depicted as the Charlotte Harbor Community Redevelopment Area on Charlotte 2050 FLUM Series Map #26: Community Redevelopment Areas.

- (b) *Definitions.* Terms used in this Charlotte Harbor Community Development Code shall take their commonly accepted meaning unless otherwise defined in this Section or in the Code. When there are terms defined both in this Section and elsewhere in the Code, the definitions for such terms contained in this Section shall control.

Access (vehicular): The principal means of vehicular ingress and egress to abutting property from a street, right-of-way or easement.

Alter or alteration: Any change in size, shape, character or use of a structure, including, but not limited to a change, rearrangement or reconstruction of the structural parts and the moving from one location or position to another. Normal maintenance, painting and repairs to existing signs shall not be deemed alterations within the meaning of this section.

Application: An application for any subdivision, special exception, variance, site plan approval, planned development rezoning, building permit, sign permit, or any other official action of the county having the effect of permitting development of property. A rezoning (except a planned development) or a future land use map amendment shall not be considered an application herein.

Awning: A covering either permanently attached to the building or which can be raised or retracted to position against the building when not in use.

Awning canopy: Awning with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building.

BCC: The Board of County Commissioners of Charlotte County, Florida.

Building frontage: The length of the building which directly faces a street or, for a shopping center which exceeds 100,000 square feet, an off-street parking area located on the development site. Where a business may not face a street or off-street parking area, the building frontage shall be the main face or front of the business.

Canopy roof: A freestanding structure attached to or covering a building designed to provide pedestrian and vehicular protection, including, but not limited to, canopies over gas pumps and drive-up windows.

Charlotte Harbor CRA: Community Redevelopment Area in Charlotte Harbor approved and adopted by the board by Resolution 92-251 on November 3, 1992, and amended by Resolution 2008-72 on July 8, 2008 in accordance with Part III, Chapter 163, Florida Statutes.

Code: The Code of Laws and Ordinances of Charlotte County, Florida, as the same may be amended from time to time by the board.

Director: Director of the community development department of the county or designee.

Erect or develop: Either term may be used to mean the following: To build, construct, install, reconstruct, move on, or conduct any physical development of a premises required for a building or other structure, or to excavate, fill, drain, cut or remove trees, brush or other vegetation in preparation for erection or development.

Historic building: A building that has been designated by the Charlotte County Historic Preservation Board and the BCC as a historic structure.

Historic district: A geographically definable area designated and possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history.

Live-work unit: A single dwelling unit that accommodates limited commercial uses within the dwelling but to a greater extent than a home occupation.

Microbrewery: An establishment that produces malt beverages for sale on premises and in packages for later consumption off premises via retail carry-outs or through distribution.

Microdistillery: An establishment that produces distilled spirits for sale in packages for later consumption off premises via retail carry-outs or through distribution. Sales for on-premises consumption are prohibited.

Microwinery: An establishment that produces wine, as defined by Florida Statute, including alcoholic cider and mead, for sale on premises and in packages for later consumption off premises via retail carry-outs or through distribution.

(c) *Zoning districts.*

(1) *Zoning districts allowed.* The following zoning districts are the only zoning districts permitted within the Charlotte Harbor Community:

- a. Environmentally Sensitive (ES), see section 3-9-28 for allowable uses.
- b. Residential Single-family (RSF), see section 3-9-33 for allowable uses.
- c. Residential multi-family (RMF), see section 3-9-34 for allowable uses.
- d. Commercial general (CG), see section 3-9-42 for allowable uses.
- e. Industrial general (IG), see section 3-9-43 for allowable uses.
- f. Planned development (PD), see section 3-9-45 for allowable uses and required development standards.
- g. Charlotte Harbor Coastal Residential (CHCR).
 1. *Intent.* The purpose and intent of this district is to allow single-family residential dwellings and other compatible uses within the Charlotte Harbor Community. It is only permitted within the Charlotte Harbor Community.
 2. *Permitted uses and structures (P).*
 - (i) Assisted living facility or day care center, adult, six or less (See section 3-9-62, Adult congregate living facilities).
 - (ii) Emergency services.
 - (iii) Noncommercial boat docks.
 - (iv) Park.
 - (v) Single-family detached.
 3. *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.
 - (i) Boat lifts, boat ramps, and noncommercial boat docks.
 - (ii) Carports, garages, and storage structures.
 - A. Detached accessory structures greater than two hundred fifty (250) square feet in footprint shall be compatible in appearance with the primary residence. At a minimum, materials and colors shall be compatible with the primary residence.
 - B. The total footprint of all detached accessory structures shall not exceed ten (10) percent of the parcel size or one thousand (1,000) square feet, whichever is greater for a property less than one-half (0.5) acre. If the property is 0.5 acre or more in size the total footprint of all detached accessory structures shall not

exceed three thousand (3,000) square feet. The property owner(s) may apply for a special exception to exceed the total maximum accessory structures size limitations contained in this section.

- C. Detached accessory structures except carports and garages shall be located behind the leading edge of the living area of the residence, but must maintain required setbacks.
 - D. Construction trailers and cargo containers are prohibited.
- (iii) Fences and walls which may be permitted prior to the principal uses and structures.
 - (iv) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.
 - (v) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a detached guest suite. It must meet all applicable development standards set forth in the zoning district.
 - (vi) Keeping of pets, excluding animal breeding, boarding, and training.
 - (vii) Swimming pools, tennis courts, or other similar noncommercial recreational uses and structures.
4. *Conditional uses and structures (C).* (For rules and regulations for any use designated as a conditional use or structure, see section 3-9-69, Conditional uses and structures)
- (i) Bed and breakfast, one (1) or two (2) bedrooms.
 - (ii) Cluster housing (See section 3-9-67, Cluster housing).
 - (iii) Minor home occupation (See section 3-9-74, Home occupations).
 - (iv) Model home (See section 3-9-78, Model homes).
 - (v) Telecommunications facility, fifty (50) feet or less in height (See section 3-9-68, Communication towers).
5. *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by special exception, shall be unlawful in this district.
6. *Special exceptions (S).* (See section 3-9-6.2, special exceptions)
- (i) Assisted living facility or day care center, adult, seven (7) or more (See section 3-9-62, Adult congregate living facilities).
 - (ii) Bed and breakfast, three (3) or more bedrooms.
 - (iii) Day care center, child.
 - (iv) Essential services.

- (v) Place of worship.
- (vi) Private off-site parking.
- (vii) Such other uses as determined by the zoning officer or his/her designee to be:
 - A. Appropriate by reasonable implication and intent of the district.
 - B. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official shall be appealable pursuant to section 3-9-6, board of zoning appeals.

7. Development standards.

	CHCR Standards
Lot (min.)	
Lot area (sq. ft.)	10,000
Lot width (ft.)	80
Yard (min. ft.)	
Front	10
Side (interior)	7.5
Side (street)	15
Rear (interior)	20
Rear (street)	25
Abutting water	20
Abutting greenbelt	15

Bulk (max.)	
Lot coverage	40%
Height (ft.)	38
Density (units/acre)	3.5

- (i) Setbacks for accessory structures shall be ten feet along the rear lot line and 20 feet abutting water.
- (ii) Class I and Class II projects, as established by the architectural design standards included within this section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

h. *Charlotte Harbor Neighborhood Business Residential (CHNBR).*

1. *Intent.* The purpose and intent of this district is to provide daily convenience goods, professional, personal, and business services, and multifamily residential needs of the residents located within the Charlotte Harbor Community and to act as a buffer between and transition between residential and commercial areas. It is only permitted within the Charlotte Harbor Community.
2. *Permitted uses and structures (P).*
 - (i) Art, dance, music, photo studio or gallery.
 - (ii) Assisted living facility or day care center, adult, six (6) or less (See section 3-9-62, Adult congregate living facilities).
 - (iii) Assisted living facility or day care center, adult, seven (7) or more (See section 3-9-62, Adult congregate living facilities).
 - (iv) Bank, financial services.
 - (v) Clubhouse, community center.
 - (vi) Day care center, child.
 - (vii) Duplex or triplex.
 - (viii) General offices.
 - (ix) General retail sales and services.
 - (x) Medical or dental office, clinic.
 - (xi) Park.

- (xii) Personal services.
 - (xiii) Place of worship (See section 3-9-82. Places of worship).
 - (xiv) Professional services.
 - (xv) Public building.
 - (xvi) Restaurant.
3. *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.
4. *Conditional uses and structures (C).* (For rules and regulations for any use designated as a conditional use or structure, see section 3-9-69, Conditional uses and structures).
- (i) Bed and breakfast, one (1) or two (2) bedrooms.
 - (ii) Bed and breakfast, three (3) or more bedrooms.
 - (iii) Multi-family, provided it is not located south of Bayshore Drive along the Charlotte Harbor shoreline.
 - (iv) Single-family attached, provided it does not front along U.S. 41.
 - (v) Single-family detached, provided it does not front along U.S. 41.
 - (vi) Telecommunications facility, fifty (50) feet or less in height (See section 3-9-68, Communication towers).
5. *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.
6. *Special exceptions (S).* (See section 3-9-6.2, Special exceptions).
- (i) Day care center, adult or child.
 - (ii) Essential services.
 - (iii) Live-work unit, provided the following conditions are met:
 - A. Commercial activities shall be conducted only by a resident of the dwelling unit.
 - B. No more than fifty (50) percent of the gross floor area of the dwelling unit may be devoted to commercial use.
 - C. No more than one (1) non-illuminated sign, not exceeding four (4) square feet in area, may be attached to the building. The sign must be on or next to the entrance.
 - D.

There shall be no outdoor storage of materials used in connection with the commercial use.

- E. Parking must be provided in accordance with the parking provisions of this Code.
 - F. Up to five (5) persons who do not reside in the dwelling unit may be employed by the commercial use, subject to the provision of appropriate parking spaces.
 - G. No portion of a live-work unit may be separately rented or sold as a commercial space for any person or persons not residing within the residential space, or as a residential unit for any person or persons not working within the commercial space.
 - H. Hours of operation shall generally be between the hours of 8:00 a.m. and 11:00 p.m. Deliveries and pick-up shall generally be between the hours of 8:00 a.m. and 5:00 p.m.
 - I. Any operator of the business in a live-work unit must obtain, and keep current for as long as the commercial use is in operation, a business tax receipt from the Charlotte County Tax Collector, also known as the "Local Business Tax Receipt."
 - J. The following uses shall be prohibited from being operated in a live-work unit:
 - a. Animal boarding facility.
 - b. Bar, cocktail lounge, nightclub, tavern.
 - c. Drugstore, pharmacy.
 - d. Dry cleaner.
 - e. Equipment rental.
 - f. Laundromat.
 - g. Liquor, package store.
 - h. Passenger vehicle rental.
 - i. Printing.
- (v) Private off-site parking.
- (vi) Such other uses as determined by the zoning officer or his/her designee to be:
- A. Appropriate by reasonable implication and intent of the district.
 - B. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. an unfavorable determination of the zoning official shall be appealable pursuant to section 3-9-6, board of zoning appeals.

7. *Development standards.*

	CHNBR Standards
Lot (min.)	
Lot area (sq. ft.)	7,500
Lot width (ft.)	80
Yard (min. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	10
Front (along all other roads)	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	35
Front (along all other roads)	9

Bulk (max.)	
Lot coverage	80%
Height (ft.)	38
Density (units/acre)	10

- (i) Setbacks for accessory structures shall be ten (10) feet along the rear lot line and twenty (20) feet abutting water.
- (ii) Class I and Class II projects, as established by the architectural design standards included within this section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special regulations.*

- (i) Single-family residential development. Any single-family dwelling in existence along U.S. 41 at the time of the adoption of this section shall not be considered a nonconforming use. If a single-family dwelling along U.S. 41 is declared uninhabitable by the building official and application to make appropriate repairs is not made within one hundred twenty (120) days of that declaration the structure shall be considered nonconforming.
- (ii) Commercial development.
 - A. Commercial only buildings are limited to three thousand (3,000) square feet of gross leasable area. Larger developments may only be approved through special exception and must contain a mix of both residential and non-residential uses.
 - B. Drive-through facilities are permitted provided both the building and the drive-through window are accessible from an arterial road.
 - C. Off-street parking requirements shall be one-half (½) those required by section 3-9-79, Off-street parking and loading facilities.
- (iii) Setbacks to adjoining residential zoning. Any development that abuts a residential zoning district of lower density shall have a setback of at least fifteen (15) feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.

i. *Charlotte harbor mixed use (CHMU).*

1. *Intent.* The purpose and intent of this district is to allow a combination of multi-family residential, commercial, and professional office development. It is only permitted within the Charlotte Harbor Community.
2. *Permitted uses and structures (P).*
 - (i) Animal hospital, boarding facility.
 - (ii) Art, dance, music, photo studio or gallery.
 - (iii) Assisted living facility or day care center, adult, six (6) or less (See section 3-9-62, Adult congregate living facilities).
 - (iv) Assisted living facility or day care center, adult, seven (7) or more (See section 3-9-62, Adult congregate living facilities).
 - (v) Auditorium, convention center, performing arts center.
 - (vi) Bank, financial services.
 - (vii) Business services.
 - (viii) Clubhouse, community center.
 - (ix) Day care center, child.
 - (x) Drug store, pharmacy.
 - (xi) Dry cleaner.
 - (xii) Duplex or triplex.
 - (xiii) Emergency services.
 - (xiv) General offices.
 - (xv) General retail sales and services.
 - (xvi) Hotel, motel, inn.
 - (xvii) Laundromat.
 - (xviii) Medical or dental office, clinic.
 - (xix) Multi-family.
 - (xx) Nursing home.
 - (xxi) Paid or public parking lot, garage, structure.
 - (xxii) Park.
 - (xxiii) Passenger vehicle rental.
 - (xxiv) Personal services.
 - (xxv) Place of worship (See section 3-9-82, Places of worship).
 - (xxvi) Professional services.
 - (xxvii) Public building.

(xxviii) Recreation, indoor.

(xxix) Recreation, outdoor.

(xxx) Restaurant.

3. *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.

4. *Conditional uses and structures (C).* (For rules and regulations for any use designated as a conditional use or structure, see section 3-9-69, Conditional uses and structures).

(i) Bed and breakfast, one (1) or two (2) bedrooms.

(ii) Equipment rental, provided that storage of all equipment and all business transactions shall be conducted within a fully enclosed building.

(iii) Microbrewery, microdistillery, or microwinery, provided the following conditions are met:

A. All brewing, distilling, or winemaking equipment visible from the street (excluding alleys), adjacent residential uses, or adjacent residential zoning shall be screened using architectural features consistent with the principal structure or shall be displayed in a manner that showcases the equipment and function.

B. For loading, storage, and equipment areas facing U.S. 41, Kings Highway, Harborview Road and Edgewater Drive, a perimeter landscape strip with parking lot screening, as established in section 3-9-100.2, shall be installed and maintained to screen those areas. In instances where redevelopment of a site may not require site plan review, a landscape plan showing the required buffer, signed and sealed by a Florida Registered Landscape Architect, shall be submitted for approval.

C. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers, and tractor trailers. Spent or used grain or fruit may be approved to be stored outdoors for a period not to exceed twenty-four (24) hours if such storage complies with the following standards:

a. It shall be designated on the approved site plan.

b. It shall be prohibited within any required area (parking, open space, landscape buffers, etc.) or any setback adjacent to residential uses or residential zoning.

c. It shall be fully enclosed within a sealed container, secured and screened behind a solid, opaque fence or wall at least six (6) feet in height.

D.

The requirements and standards of the appropriate state and federal department shall be met and evidence of current appropriate state and federal licenses must be shown.

- (iv) Private off-site parking.
 - (v) Single-family attached, provided it does not front along U.S. 41.
 - (vi) Single-family detached, provided it does not front along U.S. 41.
 - (vii) Telecommunications facility, fifty (50) feet or less in height (See section 3-9-68, Communication towers).
 - (viii) Transitional/halfway housing.
5. *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by special exception, shall be unlawful in this district.
6. *Special exceptions (S).* (See section 3-9-6.2, Special exceptions)
- (i) Amphitheater.
 - (ii) Bar, cocktail lounge, nightclub, tavern.
 - (iii) Bed and breakfast, three or more bedrooms.
 - (iv) Carpentry, cabinetmaking.
 - (v) Day care center, adult or child.
 - (vi) Elementary, middle, or high school.
 - (vii) Essential services.
 - (viii) Heliport, helistop.
 - (ix) Homeless shelter.
 - (x) Leisure vehicle rental.
 - (xi) Liquor, package store.
 - (xii) Motor vehicle wash.
 - (xiii) Non-retail food production.
 - (xiv) Outdoor market or exhibition space.
 - (xv) Printing.
 - (xvi) University or college.
 - (xvii) Vocational, trade, or business school.
 - (xviii) Such other uses as determined by the zoning officer or his/her designee to be:
 - A. Appropriate by reasonable implication and intent of the district.
 - B.

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

C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the Zoning official shall be appealable pursuant to section 3-9-6, board of zoning appeals.

7. *Development standards.*

	CHMU Standards
Lot (min.)	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard (min. ft.)	
Front (along U.S 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	15
Front (along all other roads)	0
Side (interior)	10
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	35

Front (along all other roads)	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	60
Density (units/acre)	15

- (i) Setbacks for accessory structures shall be ten (10) feet along the rear lot line and twenty (20) feet abutting water.
- (ii) Class I and Class II projects, as established by the architectural design standards included within this section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special regulations.*

- (i) Setbacks to adjoining residential zoning. Any development that abuts a residential zoning district of lower density shall have a setback of at least fifteen (15) feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.
- (ii) Height.
 - A. Height may be increased to ninety (90) feet according to the development standards provisions of this section.
 - B. Property subject to the waterfront property provisions of this Code may achieve a height of sixty (60) feet through an approved special exception.

j. Charlotte Harbor Riverwalk (CHRW).

1. *Intent.* The purpose and intent of this district is intended to allow a mix of commercial, multi-family residential, and tourist-related uses in a pedestrian-oriented manner while providing public access to Charlotte Harbor and connecting to downtown Punta Gorda. It is only permitted within the Charlotte Harbor Community.
2. *Permitted Uses and Structures (P).*
 - (i) Art, dance, music, photo studio or gallery.
 - (ii)

Assisted living facility or day care center, adult, six or less (See section 3-9-62. Adult congregate living facilities).

- (iii) Bank, financial services.
 - (iv) Duplex or triplex.
 - (v) Emergency services.
 - (vi) General offices.
 - (vii) General retail sales and services.
 - (viii) Hotel, motel, inn.
 - (ix) Marina.
 - (x) Medical or dental office, clinic.
 - (xi) Multi-family.
 - (xii) Paid or public parking lot, garage, structure.
 - (xiii) Park.
 - (xiv) Personal services.
 - (xv) Public building.
 - (xvi) Restaurant.
3. *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.
4. *Conditional uses and structures (C).* (For rules and regulations for any use designated as a Conditional Use or Structure, see section 3-9-69, Conditional uses and structures).
- (i) Assisted living facility or day care center, adult, seven or more (See section 3-9-62, Adult congregate living facilities).
 - (ii) Bed and breakfast, one (1) or two (2) bedrooms.
 - (iii) Boarding, rooming house.
 - (iv) Microbrewery, microdistillery, or microwinery, provided the following conditions are met:
 - A. All brewing, distilling, or winemaking equipment visible from the street (excluding alleys), adjacent residential uses, or adjacent residential zoning shall be screened using architectural features consistent with the principal structure or shall be displayed in a manner that showcases the equipment and function.
 - B. For loading, storage, and equipment areas facing U.S. 41, Kings Highway, Harborview Road and Edgewater Drive, a perimeter landscape strip with parking lot screening, as established in section 3-9-100.2, shall be installed and

maintained to screen those areas. In instances where redevelopment of a site may not require site plan review, a landscape plan showing the required buffer, signed and sealed by a Florida Registered Landscape Architect, shall be submitted for approval.

- C. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers, and tractor trailers. Spent or used grain or fruit may be approved to be stored outdoors for a period not to exceed twenty-four (24) hours if such storage complies with the following standards:
 - a. It shall be designated on the approved site plan.
 - b. It shall be prohibited within any required area (parking, open space, landscape buffers, etc.) or any setback adjacent to residential uses or residential zoning.
 - c. It shall be fully enclosed within a sealed container, secured and screened behind a solid, opaque fence or wall at least six (6) feet in height.
 - D. The requirements and standards of the appropriate state and federal department shall be met and evidence of current appropriate state and federal licenses must be shown.
- (v) Telecommunications facility, fifty (50) feet or less in height (See section 3-9-68, Communication towers).
5. *Prohibited uses and structures.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception, including but not limited to mobile homes, commercial parking lots, and private clubs not otherwise permitted, or permitted by special exception, shall be unlawful in this district.
6. *Special exceptions (S).* (See section 3-9-6.2, Special exceptions).
- (i) Amphitheater.
 - (ii) Auditorium, convention center, performing arts center.
 - (iii) Bar, cocktail lounge, nightclub, tavern.
 - (iv) Bed and breakfast, three (3) or more bedrooms.
 - (v) Community residential home, six (6) or fewer clients.
 - (vi) Community residential home, seven (7) or more clients.
 - (vii) Day care center, adult or child.
 - (viii) Leisure vehicle rental.
 - (ix) Liquor, package store.
 - (x) Outdoor market or exhibition space.
 - (xi) Passenger vehicle rental.

- (xii) Private off-site parking.
- (xiii) Recreation indoor.
- (xiv) Recreation, outdoor.
- (xv) Such other uses as determined by the zoning officer or his/her designee to be:
 - A. Appropriate by reasonable implication and intent of the district.
 - B. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - C. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official shall be appealable pursuant to section 3-9-6, Board of zoning appeals.

7. *Development standards.*

	CHRW Standards
Lot (min.)	
Lot area (sq. ft.)	12,000
Lot width (ft.)	100
Yard (min. ft.)	
Front	0
Side (interior)	7.5
Side (street)	0
Rear (interior)	15
Rear (street)	0
Abutting water	20

Yard (max. ft.)	
Front (along U.S. 41, Edgewater Dr, Harborview Rd, or Kings Hwy)	25
Front (along all other roads)	9
Bulk (max.)	
Lot coverage	80%
Height (ft.)	35
Density (units/acre)	24

- (i) Setbacks for accessory structures shall be ten (10) feet along the rear lot line and twenty (20) feet abutting water.
- (ii) Class I and Class II projects, as established by the architectural design standards included within this section, shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

8. *Special regulations.*

- (i) *Setbacks to adjoining residential zoning.* Any development that abuts a residential zoning district of lower density shall have a setback of at least fifteen (15) feet adjacent to the residential zoning district within which no structure other than any required landscaping and screening may be constructed.
- (ii) *Height.* Height may be increased to ninety (90) feet according to the development standards provisions of this section.
- (iii) *Structure dimensions.* Structures may abutting the shoreline may exceed two hundred (200) feet in width or length, provided that the structure is designed and positioned on the site in a way that maintains public pedestrian access to the Riverwalk trail and that views of the water are maintained.

(2) *Use Table.*

Specific Use	Charlotte Harbor Community Districts				Specific Regulations
	CHCR	CHNBR	CHMU	CHRW	
Ampitheater			S	S	
Animal hospital, boarding facility			P		
Art. dance, music, photo studio or gallery		P	P	P	
Assisted living facility or day care center, adult, six or less	P	P	P	P	<u>3-9-69</u>
Assisted living facility or day care center, adult, seven or more	S	P	P	C	<u>3-9-69</u>
Auditorium, convention center, performing arts center			P	S	
Bank, financial services		P	P	P	
Bar, cocktail lounge, nightclub, tavern			S	S	
Bed and breakfast, one or two bedrooms	C	C	C	C	<u>3-9-69</u>
Bed and breakfast, three or more bedrooms	S	C	S	S	<u>3-9-69</u>
Boarding, rooming house				C	<u>3-9-69</u>
Business services			P		

Carpentry, cabinetmaking			S		
Clubhouse, community center		P	P		
Cluster housing	C				<u>3-9-67</u>
Community residential home, six or fewer clients				S	
Community residential home, seven or more clients				S	
Day care center, adult or child		S	S	S	
Day care center, child	S	P	P		
Drug store, pharmacy			P		
Dry cleaner			P		
Duplex or triplex		P	P	P	
Elementary, middle, or high school			S		
Emergency services	P		P	P	
Equipment rental			C		<u>3-9-47(c)(1)i</u>
Essential services	S	S	S		
General offices		P	P	P	
General retail sales and service		P	P	P	
Heliport, helistop			S		
Homeless shelter			S		

Hotel, motel, inn			P	P	
Laundromat			P		
Leisure vehicle rental			S	S	
Liquor, package store			S	S	
Live-work unit		S			
Marina				P	
Medical or dental office, clinic		P	P		
Microbrewery, microdistillery, or microwinery			C	C	<u>3-9-47(c)(1)i., j.</u>
Minor home occupation	C				<u>3-9-74</u>
Model home	C				<u>3-9-78</u>
Motor vehicle wash			S		
Multi-family		C	P	P	
Noncommercial boat dock	P				
Non-retail food production			S		
Nursing home			P		
Outdoor market or exhibition space			S	S	
Paid or public parking lot, garage, structure			P	P	
Park	P	P	P	P	

Passenger vehicle rental			P	S	
Personal services		P	P	P	
Place of worship	S	P	P		<u>3-9-82</u>
Printing			S		
Private off-site parking	S	S	C	S	<u>3-9-69</u>
Professional services		P	P		
Public building		P	P	P	
Recreation, indoor			P	S	
Recreation, outdoor			P	S	
Restaurant		P	P	P	
Single-family, attached		C	C		<u>3-9-47(c)(1)h; i</u>
Single-family, detached	P	C	C		<u>3-9-47(c)(1)h; i</u>
Telecommunications facility, 50 feet or less in height	C	C	C	C	<u>3-9-68</u>
Transitional/halfway housing			C		<u>3-9-69</u>
University or college			S		
Vocational, trade, or business school			S		

(d) *Development standards.*

- (1) *Established nonconformities.* Established uses or structures, not including signs, within the Charlotte Harbor Community shall not be rendered nonconforming by the provisions of this section. Such structures and uses within the Charlotte Harbor Community shall be treated as if they were conforming for the duration of the structure or use. If an existing use ceases for more than one hundred twenty (120) consecutive days, such use shall not be reestablished if such use would not be in compliance with the provisions of this section, except when such cessation of use is caused by a catastrophic event beyond the property owner's control. Notwithstanding the foregoing, in the event an application to change the use of a property from a use not permitted under this section to that of a conforming use is approved, the property and all development thereon must comply with all the provisions of this section upon approval of such application, and any established uses or structures thereon shall be considered nonconforming thereafter.
- (2) *Disaster recovery.* Following a natural disaster, as determined by the BCC, a structure that was legally conforming or legally nonconforming immediately prior to said disaster may be replaced or restored on the original footprint, with no increase in square footage, and in compliance with height requirements in effect at the time of original construction and applicable state and federal standards. If the structure cannot be rebuilt using the same footprint and within the allowed height, approval shall only be granted following the procedures outlined by the variances provisions of this Code. Reconstruction must begin within five (5) years of the declaration of natural disaster, otherwise new construction must be in compliance with this Code.
- (3) *Front setbacks.* In general, front setbacks in the Charlotte Harbor Community are intended to be reduced in order to create a pedestrian-friendly environment by reducing the scale of large surface parking areas along the corridors. All zoning districts unique to the Charlotte Harbor Community shall have their front setbacks established according to this section. All other zoning districts shall have the following front setbacks:

	Front Setback					
	ES	RSF	RMF	CG	IG	PD

Along U.S. 41, Edgewater Dr, Harborview Rd, Kings Hwy						As established in the adopted planned development rezoning.
Minimum (ft.)	25	25	25	0	15	
Maximum (ft.)	None	None	35	25	None	
Along other Roads						
Minimum (ft.)	0	25	0	0	15	
Maximum (ft.)	None	None	9	9	None	

Class I and Class II projects, as established by the architectural design standards included within this section shall not be placed closer to the sidewalk, street, or visible alley than the average distance established by existing structures.

- (4) *Buffers.* If a site is subject to buffer requirements, as established by this Code, greater in depth than the maximum front setback, the development may propose an alternative design that reallocates required buffer material to allow structures to comply with the front setback standard. The reallocated material shall equal that which would have otherwise been required for the linear frontage. That requirement shall be based on the minimum buffer for the applicable type, with the facade to be considered as the required wall/fence. In addition, up to an additional ten percent of the property's linear frontage buffer material may also be relocated onsite. To receive approval, the community development director's designee must review and approve the proposed design. That review will determine the design's ability to comply with the purposes and intent of the Code.
- (5) *Street frontage.* In general, development other than single-family detached dwellings should be located closer to the street in order to create a pedestrian-friendly environment.
 - a. In certain zoning districts, a minimum percentage of the front facade of a building shall be placed along the front setback line according to the following table:

	Percentage of Front Facade Along Front Setback Line
--	--

	RMF	CG	IG	CHNBR	CHMU	CHRW
Along U.S. 41, Edgewater Dr, Harborview Rd. Kings Hwy	30%	30%	15%	50%	50%	10%
Along other Roads	65%	50%	30%	75%	75%	10%

- b. In the creation of a campus-style development with multiple buildings at least one building must be placed along the front setback line. Not all buildings in the campus must be placed along the front setback line.
- c. When a parcel fronts along U.S. 41, Edgewater Drive, Harborview Road, or Kings Highway, that frontage shall be considered the front of the parcel, and street frontage requirements shall apply to that roadway. When a parcel fronts along more than one of these roadways, the following hierarchy shall be used to determine the front:
 - 1. U.S. 41.
 - 2. Kings Highway.
 - 3. Harborview Road.
 - 4. Edgewater Drive.
- d. When a parcel is located at a corner, both sides of the corner shall be considered the front and shall meet front setback and street frontage requirements.

(6) *Height increases.*

- a. *Properties within the Riverwalk sub-district that are adjacent to the shore.*
 - 1. Projects may seek to increase structure height to ninety (90) feet.
 - 2. In order to increase height above thirty-five (35) feet, a project is obligated to contribute to the revitalization of the Charlotte Harbor Community. Two opportunities to contribute are included below, with each allowing an increase in height as indicated. The first is required for any increase in height up to sixty (60) feet. The second may be used to gain the full ninety (90) feet of height.
 - (i) Waterfront projects that dedicate a non-exclusive twelve-foot wide easement for public access to the waterfront shall receive an increase to the allowable maximum height of twenty-five (25) feet. Said easement shall lie immediately adjacent to the shoreline. Future development of the easement shall not hinder the property owner's access to and from the water. The easement shall be for

access of the general public and shall have as a goal the completion of a complete walkway system, called the Riverwalk, which links all waterfront projects in the Charlotte Harbor Riverwalk sub-district.

- (ii) Waterfront projects that agree to construct the Riverwalk within the dedicated twelve-foot wide easement required above shall receive an increase to the allowable maximum height of thirty (30) feet. Private construction of the Riverwalk must meet county-approved design standards.

b. *Properties within the Riverwalk sub-district that are not adjacent to the shore.*

1. Projects may seek to increase structure height to ninety (90) feet.
2. In order to increase height above thirty-five (35) feet, a project is obligated to contribute to the revitalization of the Charlotte Harbor Community. Opportunities to contribute are included below, with each allowing an increase in height as indicated. The first is required for any increase in height up to sixty (60) feet. The others may be used to gain the full ninety (90) feet of height.

- (i) A project that agrees to contribute a calculated amount to the Harborwalk Enhancement Fund shall receive an increase to the allowable maximum height of twenty-five (25) feet. The amount of the contribution shall be set by resolution by the BCC.
- (ii) A project that dedicates an area equal to at least fifty (50) percent of the square footage of the largest floor of the project to uses other than residential or hotel, such as retail or restaurants, shall receive an increase to the allowable maximum height of ten (10) feet. All non-residential and non-hotel uses shall be accessible to the general public in perpetuity and shall be located on the lowest habitable floor of the building.
- (iii) A project that provides public parking shall receive an increase to the allowable maximum height of ten (10) feet. Public parking shall meet all of the following standards:
 - A. Public parking shall be provided on at least half of the non-residential parking spaces between 6:00 p.m. and 12:00 a.m. Monday through Thursday and between 6:00 p.m. and 2:00 a.m. Friday through Monday.
 - B. Parking must be inter-connected with adjacent parking lots. If the project is adjacent to a vacant parcel, adequate provisions for future connectivity shall be made as part of the project's site plan.
 - C. The number of driveways connecting the parking lot to public rights-of-way shall be minimized.

(iv)

A project that provides additional green space shall receive an increase to the allowable maximum height of ten (10) feet.

c. *Properties within the U.S. 41 Gateway sub-district.*

1. Projects may seek to increase structure height to ninety (90) feet.

(i) A project that dedicates an area equal to at least fifty (50) percent of the square footage of the largest floor of the project to uses other than residential or hotel, such as retail or restaurants, shall receive an increase to the allowable maximum height of ten (10) feet. All non-residential and non-hotel uses shall be accessible to the general public in perpetuity and shall be located on the lowest habitable floor of the building.

(ii) A project that provides public parking shall receive an increase to the allowable maximum height of ten (10) feet. Public parking shall meet all of the following standards:

A. Public parking shall be provided on at least half (½) of the non-residential parking spaces between 6:00 p.m. and 12:00 a.m. Monday through Thursday and between 6:00 p.m. and 2:00 a.m. Friday through Monday.

B. Parking must be inter-connected with adjacent parking lots. If the project is adjacent to a vacant parcel, adequate provisions for future connectivity shall be made as part of the project's site plan.

C. The number of driveways connecting the parking lot to public rights-of-way shall be minimized.

(iii) A project that provides additional green space shall receive an increase to the allowable maximum height of ten (10) feet.

(7) *Reduction of off-street parking requirements.* In order to reduce the amount of surface parking and present a more pedestrian-friendly development form, projects may reduce the number of off-street-parking spaces provided. This may be done through one or more of the following methods:

a. *Shared parking.* Shared parking facilities for developments or uses with different operating hours or different peak periods may be permitted if the shared parking complies with all of the following standards:

1. Shared parking spaces must be located within six hundred (600) feet of the primary entrance of all uses served.

2. Shared parking may be approved following a parking analysis that clearly demonstrates the feasibility of shared parking and addresses, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated

rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.

3. Shared parking shall require an agreement between all property owners and the county, acceptable to the county attorney's office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the clerk of the circuit court by the applicant and a certified copy provided to the zoning official. Recordation of the agreement must take place prior to issuance of development approval. A shared parking agreement may be dissolved only if all required parking spaces will be provided, in accordance with the provisions of this Code.
 4. Where the uses subject to a shared parking agreement change, the zoning official shall have the authority to require a revised shared parking study and a new shared parking agreement when the revised shared parking study indicates additional parking is required.
- b. *Public parking.* Public parking within one-quarter ($\frac{1}{4}$) mile of a building entrance may be counted toward meeting an equivalent amount of required off-street parking.
 - c. *On-street parking.* Designated on-street parking spaces located within five hundred (500) feet of the entrance of a building may be counted toward meeting up to twenty-five (25) percent of the required minimum off-street parking.
 - d. *Private off-site parking.* Required parking may be located on a separate, non-adjacent lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:
 1. No private, off-site parking may be located more than six hundred (600) feet from the entrance of the building with which it is associated. Off-site parking may not be separated from the use served by an arterial road unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.
 2. In the event that an off-site parking area is not under the same ownership as the principal use served, the county shall require an agreement between all property owners and the county, acceptable to the county attorney's office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the clerk of the circuit court by the applicant and a certified copy provided to the zoning official. Recordation of the agreement must take place prior to issuance of development approval. An off-site parking agreement may be dissolved only if all required parking spaces will be provided, in accordance with the provisions of this Code.

3. Off-site parking may not be used for the storage of commercial vehicles or equipment.
4. Off-site parking must be developed according to all applicable development standards of this Code.

(8) *Signs.*

- a. *Applicability.* All signs within the Charlotte Harbor Community shall be installed according to the general sign provisions of this Code, except where detailed below, which shall supersede the general provisions.
- b. *Maximum sign allocation.* The signage allocation for any unit shall not exceed three hundred fifty (350) square feet if a pole or pylon sign is used, including no more than thirty-two (32) square feet used for additional signage, or three hundred eighty (380) square feet if a monument sign is used, including no more than thirty-two (32) square feet for additional signage.
- c. *Maximum sign area.*

1. Signs in the Charlotte Harbor Community shall have the following maximum areas:

Sign Type	Maximum Area
Primary Freestanding	
Pole or Pylon	100 square feet
Monument	130 square feet
Primary Building	250 square feet

2. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed including the frame around the sign, but not any supporting structure or brace. For designs consisting of individual letters or symbols attached to or painted on a surface, building wall, or window, or signs in which the letters or symbols extend beyond the frame, the area shall be considered to be that of the smallest geometric shape which encompasses all of the letters and symbols.

d. *Height.* Primary freestanding signs shall have the following height limits:

Sign Type	Maximum Height
Pole or Pylon	15 ft.
Monument	10 ft.

e. *Window signs.* No more than twenty-five (25) percent of a unit's total window area may be used to display additional signage.

f. *Portable signs.* Portable signs are allowed without a sign permit, provided they meet the following criteria. The area of a portable sign shall not be deducted from a unit's sign allocation.

1. Only one (1) portable sign shall be permitted per unit.
2. Portable signs shall only be displayed during the hours of operation of the business they advertise.
3. Portable signs shall be placed so that they do not interfere with pedestrian or vehicle circulation, nor with sight triangle visibility.
4. Portable signs shall be placed within twenty (20) feet of the business they advertise and on the same lot on which the business is located.
5. Portable signs are limited to twenty-four (24) inches wide by forty-eight (48) inches high.

g. *Landscaping.* Primary freestanding signs shall have their bases landscaped in order to soften their appearance. Such landscaping shall meet the following criteria:

1. Landscaping shall consist of groundcover or shrubs, as defined in the buffers, landscaping, and tree requirements provisions of this Code.
2. The planting area around the base of the sign shall be equal to forty (40) percent of the total area of the sign.
3. All landscaping must be installed and maintained in accordance with the buffers, landscaping, and tree requirements provisions of this Code.
4. Landscaping must maintain clear sight triangles in accordance with the Visibility at road intersections provisions of this Code.

(e) *Charlotte Harbor Community architectural design standards.*

- (1) *Purpose.* The purpose of the architectural design standards is to regulate the design of new construction and the repair, rehabilitation or remodeling of existing structures throughout the Charlotte Harbor Community.
- (2) *Intent.* The intent of the architectural design standards is to enhance and maintain the character of the Charlotte Harbor Community by establishing design requirements that serve two primary functions. The first is to enhance the integrity of existing structures. The second is to create a community whose character is consistent with the "old Florida" vernacular style of architecture. The latter development is anticipated over time, particularly as the standards are applied to new construction.
- (3) *Old Florida vernacular.* The "old Florida" vernacular style is adopted as the architectural pattern for the Charlotte Harbor Community.
- (4) *Classes of design requirements.* The architectural design standards consist of general requirements and specifications, period requirements, and design requirements.
- (5) *Classes of construction.* There are four (4) classes of construction projects in the Charlotte Harbor Community. Each class of construction must comply with all of the general requirements and specifications and the design requirements that are applicable to that class of construction. Only Class I and Class II projects must comply with the period requirements. The four classes of construction are:
 - a. *Class I projects.* Class I projects consist of the building of a new structure, or modification or addition to an existing structure such that the existing structure must be elevated to meet base flood elevation requirements pursuant to the floodplain management provisions of this Code. Class I projects are intended over time to create a community whose character is consistent with the period style of architecture.
 - b. *Class II projects.* Class II projects are rehabilitation of commercial structures. Class II projects consist of any repair, rehabilitation or remodeling of an existing commercial structure valued at fifty (50) percent or more of the value of the existing structure over a five-year period regardless of whether such repair, rehabilitation or remodeling requires elevation of the existing structure to regulatory base flood levels pursuant to the floodplain management provisions of this Code.
 - c. *Class III projects.* Class III projects are residential rehabilitation not requiring the elevation of existing structures to regulatory base flood levels. Class III projects also include commercial rehabilitation, reconstruction, remodeling, or additions valued at forty-nine (49) percent or less of the value of the existing structure over a five-year period.
 - d.

Class IV Projects. Class IV projects consist of decks, patios; permanent swimming pools; fences, walls, gazebos, sheds and other outbuildings, vending booths, carts, and other miscellaneous displays.

- (6) *Materials.* Wherever the general requirements and specifications, period requirements, or design requirements reference the use of period materials, nothing shall preclude the use of modern materials that are the visual equivalent of period materials and which are equal or superior to period materials in regard to strength and durability.
- (7) *General requirements and specifications.*
 - a. *Applicability.* The general requirements and specifications apply to all development in the Charlotte Harbor Community.
 - b. *Generally.* Due to the broadness of the general requirements and specifications, each general requirement and specification will not pertain to every type of development activity in the Charlotte Harbor Community. If a development includes renovations to or new construction for any of the architectural elements listed in this section, the development activity will need to comply with the general requirement and specification pertaining to that element. The zoning official will make the final determination of which architectural element requirements apply to the development.
 - c. *Building orientation.* Building entrance shall be oriented to the primary street with the main entrance visible from the primary street. Buildings located on corner parcels are encouraged to frame the building to relate to the street and provide the best use of the location.
 - d. *Exteriors.* Wood is the most commonly used material for architectural features such as clapboards, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features are important in defining the character of a structure. The retention, protection and repair of all wood features shall be required in all rehabilitation projects.
 1. Exterior siding options.
 - (i) Weatherboard, clapboard, or lapped siding.
 - (ii) Wood, vertical board-and-batten siding with one-inch—by-two-inch or one-inch—by-three-inch battens.
 - (iii) Wood, horizontal novelty or drop siding.
 2. A combination of exterior siding materials is prohibited unless period evidence indicates otherwise or additions were clad differently than the original structure.
 3. The introduction of a new wood feature that is incompatible in size, scale, material, or color is prohibited.
 4. Exterior siding shall be painted.
 - e.

Balustrades. Wooden balustrades are significant in defining the period character of frame structures.

1. Wooden balustrades shall be retained and preserved.
 2. When replacement is necessary, balustrades shall be replaced with materials that are compatible with the structure.
 3. New balusters shall match the original balusters in size and height above the porch floor.
- f. *Masonry.* Masonry features (such as brick cornices and door pediments, stone window architraves, terra cotta brackets and railings) as well as masonry surfaces (molding, bonding patterns, joint size and color) are important in defining the period character of a building. It should be noted that while masonry is among the most durable of building materials, it is also the most susceptible to damage by improper maintenance or repair techniques and by harsh and abrasive cleaning methods.
1. Masonry features that are important in defining the overall period character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns shall be identified, retained, and preserved.
 2. Masonry features shall be repaired using recognized preservation methods. Where masonry features are too deteriorated to repair, they shall be replaced in kind using physical evidence to guide the work.
- g. *Roofing (materials).*
1. The replacement or substitution of period roofing materials on period structures with roof treatments that are inconsistent with the period (e.g. Spanish tile) is prohibited.
 2. Masonry joints must be repainted and deteriorated mortar must be removed by hand.
- h. *Roofs (shape).* The roof with its shape, features such as dormers, widow's walks, and chimneys, and the size, color, and patterns of the roofing material are extremely important in defining the building's overall character.
1. A roof's shape and features such as dormers, widow's walks, chimneys, scuttles, or roof porches shall be retained and preserved. The form and configuration of a roof must not be altered in pitch, design or shape unless such change will enhance the character and period design of a structure.
 2. Changing the configuration of a roof such that the period character is diminished is prohibited.
- i. *Gutters.* Gutter style is reflective of the property's history in terms of appearance and technology.
1. Only the half-rounded style of gutter shall be installed on structures erected prior to 1900.

2. Only half-round or "ogee" style shall be installed on structures erected after 1900.

j. *Dormers.*

1. A dormer addition shall be in scale and harmony with the existing building, shall have a roof consistent with that of the existing structure, and shall have windows of the same design as the existing structure.
2. The juncture of the dormer roof with the main roof shall be below the ridgeline of the main roof.

k. *Widow's walks.*

1. A widow's walk addition shall be in scale and harmony with the existing structure.
2. Period evidence of the prior existence of a widow's walk shall be the best justification for such an addition.

l. *Secondary roof structures, skylights and scuttles.*

1. Whenever possible, original skylights and wood roof scuttles shall be retained and preserved.
2. Flat, scuttles and skylights shall be located on the side that is least visible from a public street.

m. *Entrances, porches, and doors.*

1. Entrances and their functional and decorative elements that are important in defining the period character of a building, such as doors and door openings, fanlights, sidelights, pediments, hardware, pilasters, columns, balustrades, and stairs shall be identified retained and preserved.
2. Whenever possible, four- or six-paneled wood doors or horizontal panel doors as featured on late nineteenth and early twentieth century buildings shall be utilized. Larger buildings may have paired entry doors. Sliding glass doors may be appropriate for side or back entry but not front. French doors may be appropriate throughout the structure.
3. The additions of sidelights and entryway surrounds that are not original to the entrance are prohibited.
4. A porch on an existing structure, which contributes to the period character of the structure, shall not be removed. If a porch is to be enclosed, it shall be done in a manner consistent with the style and materials of the existing structure in a manner that preserves the character of the building.
5. Whenever possible, entrances and porches shall be repaired by reinforcing existing materials. When repair is not possible, limited replacement in kind or with compatible substitute materials shall be allowed.

6. An entire entrance or porch that is too deteriorated to repair shall be replaced in kind. If the form and detailing are still evident, the physical evidence shall be used to guide the new work. If using the same kind of materials is not technically or economically feasible, then a compatible substitute material shall be used.
7. In constructing a new entrance or porch, the design shall be compatible in size, scale, material, and color with the character of the building.

n. *Columns, posts, and pillars.*

1. Existing posts or columns that contribute to defining the character of the building shall be retained and preserved.
2. When columns must be replaced, they shall be replaced with columns compatible in size, scale and material.
3. Columns that have historically defined a building shall not be replaced with posts or pillars that are uncharacteristic of a building's style. For example, simple four-inch × four-inch wood square posts, not rounded, decorative columns, shall be utilized for a shotgun style house.

o. *Exterior stairs.*

1. Exterior staircases shall be retained, preserved and, when necessary, replaced with materials that are compatible with both the individual structure and the Charlotte Harbor Community architectural pattern. Replacement of wood stairs with concrete stairs is prohibited.
2. The balusters, newel posts, and rails of an exterior staircase shall be replaced with the same material, and shall be proportional to the main structure.
3. Period stairways shall be upgraded to meet health and safety codes in a manner that assures their preservation.

p. *Ramps.*

1. Ramps, where required, shall be concealed with landscaping as much as possible, and shall blend with the scale and architectural features of the building.
2. Ramps shall be constructed on less visible elevation using wrap-around design to achieve the needed grade change.

q. *Windows.*

1. Windows and their functional features that contribute to defining the period character of the building shall be identified, retained and preserved. Such features include frames, sash, muntins, glazing, sills, paneled or decorated jambs and moldings, and interior and exterior shutters and blinds.
- 2.

When the replacement of windows in a structure is unavoidable, the replacement windows shall maintain the character of the structure.

3. Changing of the number, locations, size, or glazing pattern of windows by cutting new openings, blocking in windows, and installing a replacement sash that does not fit a window opening is prohibited, except in the case of life/safety requirements.
4. Period windows shall only be replaced with period windows. Repair and restoration of period windows shall maintain the period character of the windows.
5. Window glazing shall be clear, transparent, untainted and nonreflective. Stained glass may not be used on primary facades, except as an accent to the primary door or window covering no more than ten percent of the total area. Original transoms or sidelights may not be removed or changed.

r. *Shutters.*

1. Existing shutters and their functional and decorative elements shall be retained, repaired and preserved.
2. If the overall form and detailing are still evident, a set of shutters that is too deteriorated to repair shall be replaced in kind using the physical evidence to guide the work. If using the same kind of material is not technically or economically feasible, a compatible substitute material shall be utilized.
3. Hurricane shutters or panels shall be architecturally compatible with the building. When traditional shutters are not feasible or are inappropriate, removable storm panels shall be utilized (panels are stored except during a storm). Tracks for removable panels shall be painted to match the wall. Roll-down shutters shall be utilized on commercial buildings so as to allow concealment of the overhead casing. Accordion shutters shall be utilized on existing commercial buildings only if the stacked shutter is not conspicuous within the opening.

s. *Awnings.* Historically, the canvas or metal awning was an important design element in the traditional storefront, providing cover and added color. Awnings served as a transition between the storefront and the upper facade.

1. Standard street level awnings shall be mounted so that the valance is at least eight (8) feet above the sidewalk elevation.
2. Awnings shall be attached above the display window and below the cornice. An awning shall reinforce the frame of the storefront and shall not cover the space between the second story windowsills and the storefront cornice.
3. The size, scale, and shape of awnings shall be appropriate to the specific building.
- 4.

If a flat canopy exists, it shall be dressed up with a 12- to 24-inch awning valance. Round or dome-shaped awnings must be compatible with the structures on which they are to be placed, and shall be in proportion to the entryway.

5. Signage on an awning valance shall be approved on a case-by-case basis, taking into consideration the total number of signs per building or business establishment as provided by this Code. Lettering shall be one-half the height of the valance.
6. Freestanding fabric covered structures are allowed if they meet building code.

t. *Exterior paint.*

1. Neon and fluorescent colors shall not be used on any structure.
2. The use of black paint shall be limited to trim.

u. *Building environment.*

1. Features such as gardens, walkways, streets, alleys, plants, trees, fencing, and building setbacks which have traditionally linked buildings to their environment and which reflect the property's development shall be utilized and, in the case of existing structures, retained.
2. For walkways in residential areas, brick or paver type treatment shall be used whenever possible.
3. Traditional lawn and garden arrangements, with emphasis given to regional flora, shall be utilized whenever possible.
4. Concrete or gravel lawns, and permanent aboveground or in-ground swimming pools or hot tubs are prohibited in front yards. At least twenty-five (25) percent of a front yard shall be landscaped, and shall not be covered by brick, concrete, or gravel.
5. Widening of existing streets, changing the paving materials, and introducing new streets and new parking lots shall be done in a manner which is compatible with the character of the neighborhood and maintains the relationship of the buildings to the environment.

v. *Gazebos, sheds, and other outbuildings.*

1. The design of any gazebo, shed, or other outbuilding greater than one hundred (100) square feet in area shall be complementary in terms of design, scale, proportion, color, finish, and details to the main building.
2. Sheds of less than one hundred (100) square feet in area shall be limited to two on any one (1) residential parcel.
3. Siting on the lot shall determine the allowable location and dimensions.
- 4.

Temporary outside storage units shall be allowed to remain on a property for no longer than thirty (30) days in a calendar year unless the zoning official authorizes a greater period of time.

w. *Lattice infill.*

1. The space between the floor of the structure and the ground may be screened with lattice between supports of the house.
2. Only one type of infill shall be used for each structure. Lattice infill may be wood or recycled plastic. If wood, the lattice shall be a minimum of 0.25 inches and pressure-treated. Posts on which the lattice is to be mounted shall be set on four-foot centers.

x. *Storefronts.* Because storefronts play a critical role in a store's advertising strategy to draw customers, they are often altered to meet the needs of a new business. Care shall be taken when working on storefronts so that the building's character is preserved in the process of rehabilitation.

1. Storefronts and their functional and decorative elements that are important in defining the character of the building, such as display windows, doors, transoms, corner posts, entablatures, cornices, signs, and bulkheads shall be retained and preserved.
2. Fluorescent lighting shall be baffled so that lamps are not visible from the public right-of-way. Where neon tubing is visible from the street and used to outline building facades or window/door openings, it shall be limited to signage and not extended to bands.
3. The remodeling of storefronts shall be done in period style and materials. Repairs to storefronts and their features shall maintain the existing character of the structure.
4. Only appropriately scaled signs and logos that do not obscure, damage, or destroy a building's existing features shall be used.
5. The use of chaser lights is prohibited.

y. *Air conditioning units.*

1. Air conditioning units shall be installed in such a manner that period material and features of a building are not damaged or obscured.
2. Through-the-wall air conditioning units or window units shall not be installed in the front facade of a building.
3. Air conditioning units shall be placed in new openings that align with the existing window frame. Molding shall be utilized as a trim element.
4. Air conditioning units shall be concealed by landscaping or otherwise screened from view and shall not be placed in the front of a lot.

z. *Garbage and trash.*

1. When not at curbside for pick up, garbage and trash units shall be placed out of the public view.
2. A picket fence or other approved enclosure shall be utilized to screen areas where garbage and trash are stored prior to pick up or disposal.

aa. *Archeological resources.*

1. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken according to state and federal regulations.
2. Discovered artifacts shall be promptly reported to the Charlotte County historic preservation board and the appropriate state and federal authorities.
3. Excavation of utility trenches, cisterns, and foundations require notification in advance so that activities may be monitored.

bb. *Metal carports.* Metal carports shall be utilized only on 1950/60's Mackle/GDC or other structures that were originally constructed with the structure.

(8) *Period requirements.*

- a. Only Class I projects and Class II projects shall be required to comply with the period requirements.
- b. Class I projects and Class II projects are required to use a minimum of four (4) of the features listed below when designing and constructing the building.
 1. A veranda which runs the entire length of a structure's primary facade, minus any portion of the primary facade necessary for vehicular access (e.g. garages). Additional veranda length located along one of the sides abutting the primary facade as a continuous "wrap-around" veranda must be provided, equal to the length of the primary facade left open for vehicle access.
 2. A metal roof of design and materials consistent with the period.
 3. A widow's walk.
 4. A cupola.
 5. Windows, either as six/six (6/6) or two/two (2/2) windows.
 6. Awnings or canopies. Placement, size, and shape must be compatible with the character of the building. They should be wide enough to cover the window or door opening and may be made of canvas or metal. Vinyl or plastic is prohibited. Fixed or retractable awnings are acceptable. They may be used on the street or upper stories as long as they are appropriate to and maintain the architectural style of the facade. Awnings on commercial structures should be open sided and valances are permitted. Awnings should not cover architectural features of the building.

7. Exterior shutters that are fixed, louvered, or panel and which are sized appropriate to the window frame. Color should complement the color of the main facade. Bahama shutters are not permitted on the front, street level windows on commercial buildings. Bahama shutters can be used on the upper story.
 8. Decorative treatments. The use of decorative lattice or "gingerbread" treatments at gable peaks, building corners and other appropriate areas of the structure as illustrated in the pictures adopted as references to these standards.
 9. At least two (2) of the following ground-level details:
 - (i) Low level decorative lighting.
 - (ii) Hanging flower baskets; planter boxes.
 - (iii) Decorative pavers leading to front door.
 - (iv) Pedestrian seating.
- c. Exceptions to the four requirements are:
1. A project that utilizes a metal roof or veranda consistent with the period shall only be required to use two of the features above in addition to the period roof or veranda.
 2. A project that utilizes both a period roof and a veranda will not be required to use any further features from the above list.

(9) *Design requirements for Class I projects.*

- a. *Site design and site preparation.* Improvements to property shall be undertaken with careful consideration to natural features, including, but not limited to, topography, drainage, and vegetation. To the greatest extent possible, natural features shall be incorporated into site design. For example, on-site stormwater ponds shall be located in those portions of the site which naturally occur at lower elevations in order to minimize the amount of fill material necessary to elevate the property in order to achieve drainage. This example also illustrates how proper site design will compliment other goals of the Charlotte Harbor Community including the preservation of canopy trees.
- b. *Compatibility.* Class I projects shall be compatible with the character of the Charlotte Harbor Community in terms of size, scale, design, materials, color and texture.
- c. *Contemporary designs.* Contemporary designs shall complement and shall not conflict with the general requirements and specifications, period requirements, and design requirements. The distinction between contemporary and existing designs shall be and remain evident. Factors that shall be considered in blending contemporary with existing structures include, without limitation, size, pedestrian scale, relationship of building mass

to adjacent structures, relationship to existing architectural details, elements, materials, color, texture and styles in the Charlotte Harbor Community, and similarity of window and door proportions.

- d. *Materials, textures, and colors.* Exterior finishes in the Charlotte Harbor Community are wood or block/stucco with various types and colors of roofing materials. Roofing materials shall be consistent in appearance with the period. Class I projects shall establish a relationship with existing structures by utilizing the finishes and roofing materials required by this Code.
- e. *Height.* There shall be a complementary relationship of height between Class I projects and existing adjacent structures. An attached exterior addition shall be located at the rear or on an inconspicuous side of a structure, limiting its size and scale in relationship to the building.
- f. *Additions.* New additions shall not destroy features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired.
- g. *Lighting.* All street lighting, yard lighting, and, for commercial development, parking and vehicular circulation area lighting shall match the lighting standards used at the Bayshore Park and as shown on the adopted photos. Lighting shall be further designed, shielded, installed, or otherwise accomplished so as to contain all illumination within the development site. Exterior pole lighting shall not exceed fifteen (15) feet.

(10) *Design requirements for Class II projects.*

- a. *Site design and site preparation.* Improvements shall be undertaken with careful consideration to natural features, including, but not limited to, topography, drainage, and vegetation. To the greatest extent possible, natural features shall be incorporated into site design. For example, on-site stormwater ponds shall be located in those portions of the site which naturally occur at lower elevations in order to minimize the amount of fill material necessary to elevate the property in order to achieve drainage. This example also illustrates how proper site design will compliment other goals of the Charlotte Harbor Community including the preservation of canopy trees.
- b. *Landscaping.* Parking lots and vehicular circulation areas associated with commercial redevelopment shall be treated as new development and must be landscaped in accordance with the site design standards and requirements of this Code. This design requirement shall control and supersede any exemption afforded to existing paved parking areas from compliance with landscaping standards that are applied to new paved parking areas pursuant to the Off-street parking and loading facilities requirements of this Code.
- c.

Compatibility. Class II projects shall be compatible with the character of the Charlotte Harbor Community in terms of size, scale, design, materials, color and texture.

- d. *Contemporary designs.* Contemporary designs shall complement and shall not conflict with the general requirements and specifications, period requirements, and design requirements. The distinction between contemporary and existing designs shall be and remain evident. Factors that shall be considered in blending contemporary with existing structures include, without limitation, size, pedestrian scale, relationship of building mass to adjacent structures, relationship to existing architectural details, elements, materials, color, texture and styles in the Charlotte Harbor Community, and similarity of window and door proportions.
- e. *Siting.* Additions other than additional floors shall be located at the rear or on an inconspicuous side of a structure, limiting its size and scale in relationship to the building.
- f. *Height.* There shall be a complementary relationship of height between additions that increase the height of the structures to which they are added and existing, adjacent structures.
- g. *Additions.* New additions shall not destroy existing period features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired.
- h. *Lighting.* All exterior lighting shall be done in period style, and shall be further designed, shielded, installed, or otherwise accomplished so as to contain all illumination within the development site. Exterior pole lighting shall not exceed fifteen (15) feet.

(11) *Design requirements for Class III projects.*

- a. *General.* Each property shall be recognized as a physical record of its time, place, and use. While most properties change over time, it is the intention of this section that the character of properties undergoing reconstruction, rehabilitation, or to which additions are added be maintained through preservation of distinctive features, finishes, construction techniques, or examples of craftsmanship.
- b. *Scale.* No existing structure shall be enlarged so that its proportions, particularly height, are out of scale with its surroundings. On any given block or area where a variety of sizes and styles exist, no structure shall surpass the majority of the structures in that area. Alterations shall be made in a manner that does not alter the scale of the streetscape.
- c. *Alterations.*
 - 1. The alteration of existing period features is prohibited unless the alteration is necessary to salvage the structure. Whenever possible, deteriorated period features that characterize a property shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a period feature, the new period feature

shall match the old period feature in design, color, texture, and other visual qualities and, where possible, materials. Documentary, physical, or pictorial evidence shall justify and substantiate the replacement of missing period features.

2. Exterior alterations and related new construction shall not destroy period features that characterize the property and shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the property and its environment would be unimpaired. New features shall be compatible with the massing, size, scale, and architectural features of existing features in order to protect the integrity of the structure, the property and the environment.
3. The removal or alteration of exterior spaces (such as porches, courtyards, etc.) that characterize a property is prohibited unless the removal or alteration is necessary to salvage the property or doing so enables the incorporation of period design elements.
4. The removal of period materials is prohibited unless the period materials are too deteriorated to repair. New period materials shall be utilized to replace deteriorated period materials. If new period materials are unavailable, modern building materials and techniques that are visually equivalent to the period materials shall be utilized.

(12) *Design requirements for Class IV projects.*

- a. *Fences and walls.* Fences and walls are important elements of the design and character of a structure and district.
 1. The scale and character of a fence and its posts and gates shall be compatible with the house and neighboring structures.
 2. The height of fences and walls shall be governed by the fences and walls provisions of this Code.
 3. The beginning point for six-foot fences shall be rearward from the point where the facade of the house joins the front porch, or a minimum of ten feet from the front property line. This shall not be construed to exempt applicants from having to obtain a variance as may be required by this Code regarding setback requirements from fences and walls.
 4. All concrete walls shall be stuccoed and capped.
 5. Unless approved by the BZA for another location by way of a special exception, chain-link fencing shall not be installed forward of the back walls of any structure.
 6. Reed fencing is prohibited.
 7. Fence structures erected within the required setback area (i.e. between the property line and the setback line) are subject to the same height restrictions as fences erected on the property line.

b. *Vending booths, carts, and other merchandise displays.* The use or storage of vending booths, carts, and other merchandise displays is prohibited in the front yard or side yard of any structure adjoining a public street (i.e. between the front or side facade and the public right-of-way or sidewalk), and are prohibited in public rights-of-way. Vending carts or booths shall be located only in or on the periphery of parking lots, where vending will not displace required parking, or otherwise vacant properties. Merchandise shall not be mounted or displayed on the exterior surface of the front facade. All vending machines shall be placed in kiosks or enclosures constructed in period style and materials.

(13) *Pictures.* The board has adopted a series of pictures that depict structures that reflect the period vernacular. By this reference, the pictures are made a part hereof. The pictures are available for public inspection through the county web site. The county reserves the right to add and remove photographs from the pictures, as the case may be, provided that a complete set of the pictures shall be made available for public inspection at the location provided above. The purpose of the pictures is to present visual examples of combinations of design features that result in structures that display the period vernacular.

(14) *Definitions.*

Arch: A structural member shaped in the arc of a curve.

Architrave: The lower part of a classical entablature, which rests on a column.

Baluster: A post or upright supporting a handrail, often vase-shaped, a series of which makes up a balustrade.

Balustrade: A banister, railing, handrail or barrier.

Bargeboard: The decorative board attached to the projecting portion of a gable.

Bracket: A support element under eaves, shelves, or other overhangs.

Chamfer: The surface formed by cutting off a corner of a board or post; a bevel.

Column: A vertical support generally consisting of a base, circular shaft and capital.

Cornice: The horizontal molded projection at the top of a building or wall.

Cresting: A light repeated ornament, incised or perforated, carried along the top of a wall or roof.

Cupola: A spherical roof or dome-roofed structure built on top of a roof.

Dormer: A vertical window set in a sloping roof or a roofed structure containing such a window.

Eaves: The projecting overhang at the lower edge of a roof.

Entablature: A horizontal part in a classical post and beam system composed of the cornice, frieze and architrave.

Facade: The front or principal face of a building.

Finial: An ornament at the top of a spire, gable or pinnacle.

Frieze: The part of the entablature between the architrave and cornice; any sculptured or ornamented band in a building.

Gable: The triangular portion of a wall between the enclosing lines of a sloping roof.

Hip roof: A roof with four uniformly pitched sides.

Lattice: A structure consisting of strips of metal or wood, crossed or interlaced to form regularly spaced openings.

Lintel: A beam of any material used to span an opening (also known as an architrave).

Louvre: A series of inclined slats in a vertical frame allowing ventilation without admitting rain.

Moulding: A continuous decorative band that is either carved into or applied to the surface.

Mullion: A vertical member that divides a window or separates one (1) window or door from another.

Muntin: The wood or metal strips that divide a multipane window.

Parapet: A low solid protective wall or railing along the edge of a roof or balcony.

Period: The time periods that are distinguishable by the use of architectural patterns, features and designs that are consistent with the "old Florida" vernacular.

Pediment: A wide, low-pitched gable above a portico or door.

Porch: A covered structure or recessed space at the entrance of a building.

Portico: A major porch, with a pedimented roof supported by columns.

Rafter: Part of a wooden roof frame sloping down from the ridge to the eaves and establishing the pitch.

Ridge: The highest point of the roof, running from end to end.

Sash: A frame or window in which glass is set.

Shutter tiebacks: Hardware used to secure open shutters.

Specifications: The architectural patterns, features and designs that are consistent with the "old Florida" vernacular

Stucco: A type of plasterwork, either coarse or fine, used for surfacing interior or exterior walls.

Transom: A small window over a door or large window.

Turret: A small slender tower usually set at the corner of a building, often containing a circular shaft.

(Ord. No. 2016-042, § 1(Exh. A), 11-22-16; Ord. No. 2017-026, § 1, 6-13-17; Ord. No. 2018-047, § 1(Exh. A), 11-13-18; Ord. No. 2022-005, § 1, 1-25-22)

Footnotes:

--- (4) ---

Editor's note— Ord. No. 2016-042, § 1(Exh. A), adopted Nov. 22, 2016, repealed former §§ 3-9-47—3-9-47.15, and enacted new provisions as herein set out. Former §§ 3-9-47—3-9-47.15 pertained to the Charlotte Harbor Community Development Code and Charlotte Harbor Community Redevelopment Area tax increment financing. See the Code Comparative Table at the end of Volume II for a listing of ordinances which amended these former sections.