

Sec. 3-9-48. - Enterprise Charlotte Airport Park (ECAP).

- (a) *Intent.* The intent of the ECAP district is to create a mixed industrial and business oriented zoning district including the Punta Gorda Airport and surrounding lands. The provisions of this district are intended to enhance and promote economic development within its boundaries as well as within the county, and to provide for quality and consistency in design and development while still maintaining flexibility for market responsiveness. The ECAP district is also subject to applicable standards of the airport protection and land use compatibility overlay code of section 3-9-63.
- (b) *Definitions.* In the absence of a definition in this section, words, terms, and phrases shall have the meaning ascribed to them in section 3-9-2. In the event of conflict between these meanings and meanings provided elsewhere in the Code, the meanings provided in this section shall prevail.

Building trades contractors: Destination-oriented service and subcontractors or construction-type companies, such as plumbing, electrical, roofing, pool construction, etc., for which space requirements are for the most part office and storage, with potentially some showroom area for the display of merchandise.

Developments of countywide economic impact: Any development with greater than two hundred fifty thousand (250,000) square feet of industrial or distribution center floor area.

ECAP industrial or green industry: An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products using moderate amounts of partially processed and raw materials to produce items. These activities do not include storage of large volumes of highly flammable, toxic matter or explosive materials as a primary use. Green industry may be either a light or heavy industrial use. This term includes uses that: 1) research and develop new energy technologies, including hydrogen energy, biofuel energy, fuel cells and coal gasification power generation; 2) manufacture renewable energy equipment including solar panels, wind turbines, etc.; 3) generate energy from renewable sources, including solar energy, wind energy, biofuel energy, hydro energy, marine energy, geothermal energy; 4) produce a product that is widely accepted as "green" if the manufacture, assembly, and fabrication processes reduce production waste, reduce hazardous waste, provide for on-site material reuse, provide for improved work practices, and provide for efficient utilization of resources. This term includes industries that are recognized as green technology industries by Charlotte County's Locally Designated Targeted Industries list (Resolution 2010-119, as amended). All green industries should embrace the concepts of the EPA Pollution Prevention program. ECAP or green industrial activities are subject to industrial performance standards of section 3-9-75.

Wholesale business: The sale of goods by an individual or firm, usually in large quantities and at lower prices, to another individual or firm for the purpose of resale. A business that sells goods in large quantities and at lower prices to an individual or firm for personal consumption, or even which sells such goods for both personal consumption as well as for resale will be considered a retail business.

- (c) *Permitted uses and structures (P).*

- (1) *Commercial/retail (CR), subject to use standards listed in subsection 3-9-48(d):*
- a. Commercial parking.

- b. Restaurants.
- c. Business services.
- d. Professional services.
- e. Laundromats.
- f. Assisted living facility or day care center, adult, six (6) or less (subject to airport compatibility standards of section 3-9-63).
- g. Day care center, child.
- h. Personal services.
- i. Motor vehicle wash.
- j. General retail sales and services (see section 3-9-61. for rules governing accessory outdoor retail sales, display, and storage).
- k. Hotel, motel, inn.
- l. Apparel and appliance sale and repair stores.
- m. Boat, travel trailer and motor vehicle sales or rental, including recreational vehicles and campers.
- n. Gas stations.
- o. Class 3 laboratories.
- p. Any other use which by reasonable implication would be similar to one (1) of the other uses listed in this category.

(2) *Industrial (I)*:

- a. Aircraft servicing and repairing, aircraft storage, air freight handling, airline catering services, aircraft hangars.
- b. Heliports and helistops.
- c. Building trades contractors.
- d. Class 1 and 2 laboratories.
- e. Heavy machinery and equipment sales, service, and rental.
- f. Lumber.
- g. Farm equipment sales and service.
- h. Light manufacturing and assembly.
 - i. Dairy, grain, fruit, field crop, and vegetable processing.
 - j. Sawmill, machine shop.
 - k. Printing, lithographing, publishing, and similar establishments.
 - l. Service establishments catering to industry, telephone exchanges, business machine services.
- m. ECAP industrial.

- n. Green industry.
- o. Research, testing facility.
- p. Distribution center, wholesaling, warehousing.
- q. Wholesale business.
- r. Bulk storage of other than flammable liquids or explosive materials.
- s. Any other use which by reasonable implication would be similar to one (1) of the other uses listed in this category.

(3) *Office/governmental (O):*

- a. Terminal services, customs clearance, or flying charter services, sightseeing airplane services and flight instruction schools.
- b. Professional services.
- c. Business services.
- d. Banks, financial services.
- e. Essential services. (see section 3-9-71, essential services)
- f. Vocational, trade, and business schools.
- g. Mass transit station.
- h. Medical and dental office, clinics.
- i. Governmental uses and facilities.
- j. Any other use which by reasonable implication would be similar to one (1) of the other uses listed in this category.

(4) *Airport property (A):*

- a. Uses permitted on airport property are all uses per the Federal Aviation Administration (FAA) approved Airport Master Plan. This includes:
 - 1. Those uses customarily associated with the operation of an airport.
 - 2. Non-aviation uses are also permitted on airport property outside the airport operations area.
 - 3. Development within the airport operations area and all airside development is exempt from landscaping and building design standards. Development of non-aviation uses and all development otherwise outside the airport operations area on airport property is subject to the applicable commercial, industrial, office, or governmental standards for development, landscaping and building design.

(5) *Agriculture (AG):* The use of property for bona fide agricultural purposes is allowed and eligible for agricultural exemption as determined by the Charlotte County Property Appraiser, provided no swine shall be kept within one thousand (1,000) feet of a nonagricultural use. Allowable

activities also include: silviculture, aquaculture and commercial citriculture, harvesting of timber, hatcheries, and any other use which by reasonable implication would be similar to one (1) of the other uses listed in this category.

(6) *Conservation and natural resources (CN)*: public and private game preserves, fish and wildlife management areas, refuges, parks and open spaces, water conservation areas, reservoirs and control structures, drainage systems and water wells, limited educational facilities such as canoeing, hiking and nature study, and outdoor education, boating, swimming, fishing, diving, water skiing, surfboarding, wading and similar activities, boat docks and boat lifts, and any other use which by reasonable implication would be similar to one (1) of the other uses listed in this category.

(d) *Use standards.*

(1) *Mix of uses.* The following land use types and corresponding allowable amounts of acreage are independent guidelines to ensure a mix of industrial and business development in ECAP surrounding the Punta Gorda Airport property. These percentages and acreages apply to the corresponding land use type in the entire ECAP land area outside of Airport property. Applications for development approval shall identify and describe the land use type and corresponding amount of acreage for county staff to maintain the inventory of land uses and areas as they are approved. Uses on airport property, agricultural uses, and conservation and natural resource uses are allowed without regard to the mix of use guidelines.

Land Use Type	Allowable Percent of ECAP Development Area (Off Airport)	Allowable Acreage (2,540 acres total)
Commercial/Retail —including hotel/ motel	35%	889 acres
Office/Government —including medical office	50%	1,270 acres
Industrial —including warehousing, manufacturing, distribution	75%	1,905 acres

Notes: Variation of +/-20% is allowable to be flexible for market factors.

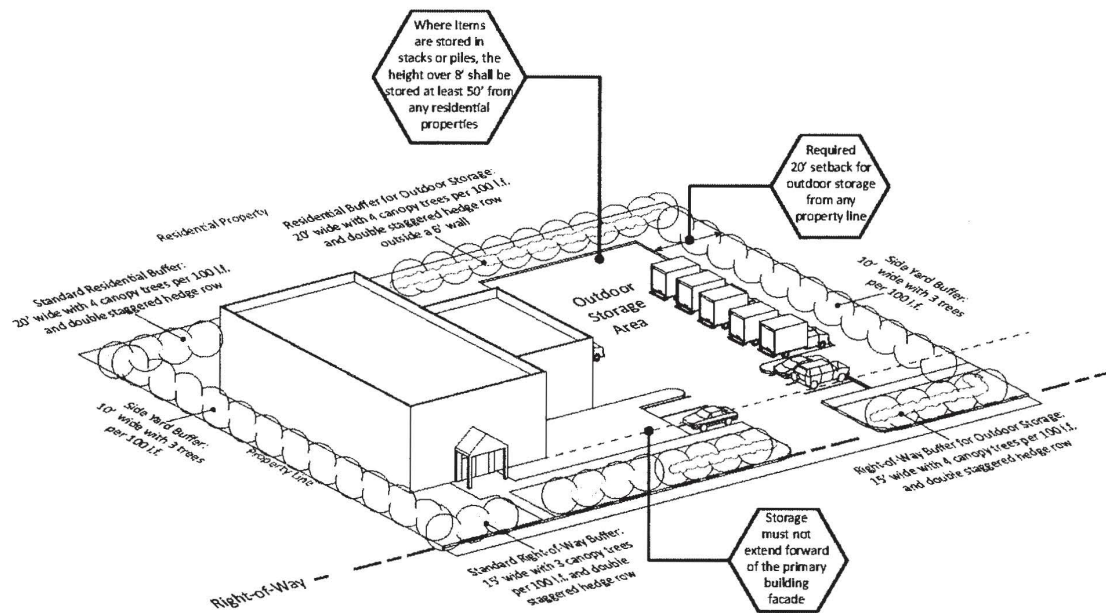
Uses of the airport operation area, agricultural uses, and conservation and natural resource uses are allowed without regard to the mix of use guidelines.

- (2) *Commercial/retail use location criteria.* To maintain the industrial, business and economic development intent of the ECAP district and to control the proliferation of other uses, the following location criteria are required for commercial/retail uses:
- a. Commercial/retail uses are permitted on parcels that abut arterial or collector roadways and on parcels within one-quarter ($\frac{1}{4}$) mile of intersections of arterial and collector roadways (measured from the arterial or collector road right-of-way line). If a qualifying parcel is subdivided, the created lots still qualify for commercial/retail use.
 - b. For properties that do not meet criterion (a) above, commercial/retail uses are allowed as follow:
 1. Up to ten (10) percent of the land area of any subdivision may be designated for commercial/retail uses.
 2. Up to ten (10) percent of any office or industrial building area may be designated for commercial/retail uses.
 - c. Alternative locations may be approved by special exception per section 3-9-6.2. Applicants must demonstrate that transportation facilities and access are adequate through traffic impact analysis and that proposed uses are viable according to a professional market demand study.
- (e) *Existing uses.* The ECAP zoning district classification shall not render an existing use on that property as nonconforming, even if such existing use is not a principal permitted use or a permitted accessory use in the ECAP. Any such existing use shall be considered nonconforming, however, if any of the following occur:
- (1) An existing nonresidential use shall be considered nonconforming if a valid local business tax receipt related to the use expires and is not renewed. The county shall allow a grace period not to exceed sixty (60) days between the expiration and renewal of an local business tax receipt for such use. If an local business tax receipt expires during a period of inactivity caused by a natural disaster or act of God, such as a fire, hurricane, or other natural disaster, the county shall not count the time which passes during which repairs are being made against the sixty-day grace period. If applications for the permits necessary to effect repairs are not received by the county within one hundred twenty (120) days of the cessation of the use, the use will be considered nonconforming.
 - (2) An existing residential use shall be considered nonconforming if, for any reason other than a natural disaster or act of God, such as a fire, hurricane or other natural disaster, the structure containing such residential use is declared substantially damaged by the building official. In cases where a residential use ceases due to the damage or destruction of a residential structure arising from a natural disaster or act of God, such as a fire, hurricane, or other natural disaster, the county shall allow the owner to apply for permits to effect repairs to the

structure, during which time the existing residential use shall not be considered nonconforming. If applications for the permits necessary to effect repairs are not received by the county within one hundred twenty (120) days of the damage or destruction of the residential structure, the use will be considered nonconforming.

(f) *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted uses are also permitted in this district, including but not limited to the following:

- (1) An accessory use or structure which by reasonable implication would be related to and supportive of airport operations shall be considered a permitted accessory use.
- (2) Crew quarters consisting of sleeping, kitchen, bath, and sanitary facilities for the accommodation of on-call personnel associated with uses that provide public or private emergency services (including but not limited to fire stations, emergency medical transportation, and similar uses) shall be considered permitted accessory uses. During times of emergency, the quartering of emergency personnel shall be considered a permitted accessory use.
- (3) Outdoor storage of materials or vehicles or outdoor assembly that is subordinate to a principal use. The following criteria apply to outdoor storage and fleet parking, but do not apply to car rental fleets and aircraft parking or storage:
 - a. Outdoor storage or fleet parking or outdoor assembly must be setback a minimum of twenty (20) feet from any property line, and additionally must not extend forward of the primary building façade, which is where a customer entrance fronts a right-of-way.
 - b. The outdoor storage or fleet parking or outdoor assembly shall be screened from view from the right-of-way with a minimum fifteen-foot wide buffer planted with four (4) canopy trees per one hundred (100) linear feet and a double staggered hedge row at least twenty-four (24) inches in height at time of planting and maintained at a minimum of thirty-six (36) inches in height within one (1) year of planting. For any property line abutting a residentially zoned or used property, a minimum six-foot wall is also required.
 - c. Where items are stored in stacks or piles, the height over eight (8) feet shall be stored at least fifty (50) feet from any residential zoned or used properties.



d. A deviation from these criteria may be granted upon a finding that alternative design, buffering or screening meets or exceed the intent of these criteria to obscure the outdoor storage or assembly from view of the right-of-way.

(g) *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.

(1) Outdoor repair or construction as a principal use, subject to the following criteria:

- a. No outdoor repair or construction is permitted within the required front setback.
- b. The perimeter of the outdoor area shall be buffered with a minimum 15' wide buffer planted with four (4) trees per one hundred (100) linear feet and a double staggered hedge row at least twenty-four (24) inches in height at time of planting and maintained at a minimum of thirty-six (36) inches in height within one (1) year of planting. For any property line abutting a residentially zoned or used property, a minimum six-foot wall is also required.
- c. For outdoor repair or construction that involves equipment or products that exceed eight (8) feet in height, the outdoor activity must be conducted at least fifty (50) feet from any residential zoned properties.

(h) *Prohibited uses and structures*. Any use or structure not expressly or by reasonable implication permitted herein or permitted by conditional use or special exception shall be unlawful in this district. Refer to the comprehensive plan for specific list of prohibited uses in ECAP, and refer to [section 3-9-63](#) for prohibited uses associated with airport protection and land use compatibility.

(i) *Special exceptions (S)*: (For procedure see [section 3-9-6.2](#), special exceptions)

(1) Structures with heights in excess of ninety (90) feet, subject to the following standards for approval:

- a. Airport compatibility. The applicant must demonstrate that there will be no adverse impact or effect as a result of such use to the Charlotte County Airport Authority property or to the

operations of the Charlotte County Airport. The applicant must also demonstrate that a copy of the petition and notice of the hearing on the petition was provided to the Charlotte County Airport Authority and the Federal Aviation Administration at its Airports District Office in Orlando, Florida.

b. Light attenuation. The applicant must demonstrate that all outside lighting shall be designed to prevent direct glare, light spillage, or hazardous interference with aircraft operation and flight patterns.

(2) Commercial/retail uses that do not meet the location criteria of section 3-9-48(d)(2) may be approved by special exception per section 3-9-6.2. Applicants must demonstrate that transportation facilities and access are adequate through a traffic impact analysis and that proposed uses are viable according to a professional market demand study.

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

- a. Appropriate by reasonable implication and intent of the district.
- b. Similar to another use either explicitly permitted in that district or allowed by special exception.
- c. Not specifically prohibited in that district.

The 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 or his/her designee shall be appealable pursuant to section 3-9-6, board of zoning appeals.

(j) *Development standards.* The following development standards apply to all development in ECAP.

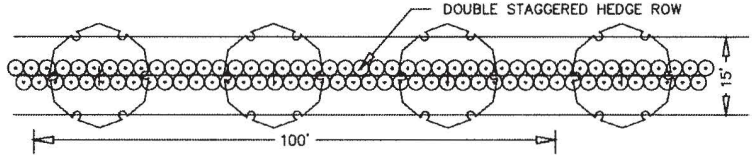
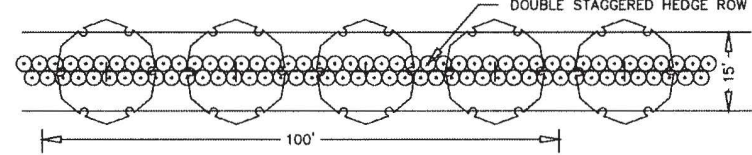
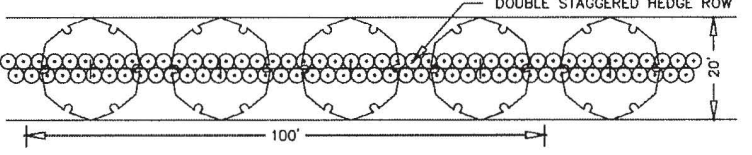
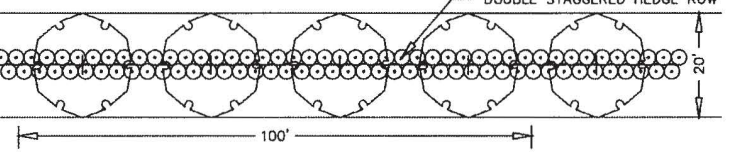
	ECAP
<i>Lot (minimum)</i>	
Area (square feet)	12,000 s.f.
Width (feet)	100 feet
<i>Setbacks (minimum feet)</i>	
Front	20 feet
Side (interior)	Total of all interior side yards shall be at least 20 percent of lot width, with maximum total of 50 feet. Minimum side yard is 10 feet.

Rear	15 feet
Abutting water	20 feet
Adjacent to residential use or residential zoning district	50 feet
<i>Bulk (maximum)</i>	
Lot coverage of all buildings	50%
Max. height	90 feet. Height exceeding 90 feet must be approved by special exception.

(k) *Landscaping standards.* The following landscaping standards apply to all development in ECAP, except that development within the airport operations area and all airside development is exempt from these landscaping standards. Development of non-aviation uses and all development otherwise outside the airport operations area on airport property is subject to the applicable standards, and subject to provisions of subsection (2) below.

(1) Buffer requirements. Minimum buffer requirements are identified in the table below. Within ECAP, buffer trees must be canopy trees that are not bird attracting species for compatibility with the airport. Hedge rows must be planted at twenty-four (24) inches in height and maintained at a minimum of thirty-six (36) inches in height within one (1) year of planting, with shrub species that are not bird attractants for compatibility with the airport.

Type	Min. Width	Min. Trees per 100 Linear Feet	Min. Shrubs
Typical side and rear yards	10'	3 canopy trees	0

<p>Along right-of-way</p>	<p>15'</p>	<p>3 canopy trees</p>	<p>Double staggered hedge row</p>
			
<p>Screening along right-of-way for subordinate outdoor storage or assembly areas</p>	<p>15'</p>	<p>4 canopy trees</p>	<p>Double staggered hedge row</p>
			
<p>Note: Where property lines of outdoor storage or assembly areas abut residential use or residentially zoned property, the min. buffer width increases to 20' and a min. 6' wall is also required with plantings placed along outside of wall.</p>			
<p>Perimeter buffer for master planned subdivisions</p>	<p>20'</p>	<p>4 canopy trees</p>	<p>Double staggered hedge row</p>
			
<p>Any property line abutting residential use or residentially zoned property</p>	<p>20'</p>	<p>4 canopy trees</p>	<p>Double staggered hedge row</p>
			
<p>Note: Where property lines of outdoor storage or assembly areas abut residential use or residentially zoned property, a min. 6' wall is also required with plantings placed along outside of wall.</p>			

- (2) All landscaping for parking areas shall comply with the provisions of section 3-9-100 including non-aviation development on airport property (development within the airport operations area and all airside development is exempt). To minimize wildlife attractants, Charlotte County Airport Authority is allowed to locate the landscaping required for landside parking areas elsewhere on airport property or within public right-of-way within the ECAP district in lieu of the parking area landscaping requirements, subject to site plan review and approval.
- (3) Building perimeter plantings shall be located adjacent to the primary building facade to the maximum extent possible, including building entrance areas, plazas, and courtyards. These areas shall be landscaped with any combination of trees, palms, shrubs and ground covers. The building perimeter shall be planted in the amount of one hundred (100) square feet of planting area per one thousand five hundred (1,500) square feet of building ground floor area. Planting areas shall be raised or ground level and be a minimum of eight (8) feet wide. Seating courtyards, eating areas and plazas may be incorporated within the planting areas. The portion of the building(s) consisting of distribution, loading and industrial facilities and buildings in the airport operations area and airside buildings on airport property are excluded from this standard.
 - (l) *Signs.* Signs shall be in accordance with section 3-9-85.
 - (m) *Design standards.*
 - (1) Commercial, retail, and office uses are subject to commercial design standards under section 3-5-501 of this code. Development within the airport operations area and all airside development is exempt from these design standards. Development of non-aviation uses and all development otherwise outside the airport operations area on airport property is subject to the applicable building design standards.
 - (2) Government and industrial uses are subject to the design standards listed below to support quality of appearance within the ECAP district. Development within the airport operations area and all airside development is exempt from these design standards. Development of non-aviation uses and all development otherwise outside the airport operations area on airport property is subject to the applicable building design standards.
 - a. Building orientation must provide for the main entrances facing the abutting street, or at least one (1) of the abutting streets in the case of corner lots.
 - b. The building's primary facade must provide for a point of entry that is articulated with an awning or other functional design element that is architecturally compatible and provides shade and protection from climate.
 - c. Corner lots at the intersection of road rights-of-way shall incorporate corner gateway treatments while maintaining safe visibility triangles for ingress and egress. Inclusion of any one (1) of the following criteria shall fulfill this requirement:

1. Developments or buildings may utilize a corner tower element.
 2. A landscape mass [minimum four (4) trees of overall height at planting of eighteen (18) feet and one hundred (100) square feet of landscaping at base of landscape mass] may be planted at the corner to create a landscaped tower.
 3. Landscape markers [minimum of four (4) and not less than six (6) feet in height] may be utilized.
 4. A hardscape structure like a trellis or a monument sign with dimensional qualities that are greater than three (3) inches for a minimum of fifteen (15) percent of the road faced signage (meeting county standards) located in the corner to create a threshold element, may be incorporated at the corner creating a landmark.
 5. Exceptions. Development of individual lots within a platted subdivision will not be required to meet the gateway feature requirements, provided the platted subdivision contains a perimeter screen around the entire perimeter of the subdivision (excluding access rights-of-way to the subdivision) that meets the requirements contained in section 3-9-48(k); and provided further, that each entryway into the platted subdivision provides a gateway feature that meets these design intent/objective and criteria.
- d. Service, loading, refuse and equipment areas shall be located at the rear or sides of buildings and obscured from the view of rights-of-way. These areas shall be designed to accommodate all backing and maneuvering on-site without encroachment into a road travel lane. Refuse storage and collection areas shall be fully enclosed. Enclosures shall be constructed of concrete block and finished to match the primary building's design, or be finished with stucco, and painted the same base color as the main building. Enclosures shall be provided with opaque, painted steel, aluminum or wood gates and designed to be subject to abuse without short-term deterioration.
- e. Exterior mechanical equipment shall be screened from ground view on all sides by a screening device, such as a screen wall or parapet wall for roof mounted equipment or landscaping or structural screening that is aesthetically compatible with the design of the building or the landscape for ground mounted equipment. Equipment screening shall be at least the height of the exterior components to be screened. Equipment screening should occur as monolithic unit(s) versus several small individual screens. These mechanical equipment screening requirements do not apply to small fans, vent stacks, or other small equipment of similar size.
- f. Overhead doors shall not be located on the primary facade facing or visible from rights-of-way. If there is a demonstrated need which dictates the placement of an overhead door on the primary facade, the appearance must be minimized by clustering trees within the right-of-way buffer to obscure direct view of the door and by blending it into the primary facade of the structure. Blending shall be accomplished by painting the overhead door the same

color as the primary facade and by either recessing that portion of the primary facade containing the overhead door by three (3) feet or by a combination of recessing the primary facade and eave overhang.

g. Building materials are restricted as follows:

1. Metal panels, plastic siding and/or tiles shall not be used to cover more than fifty (50) percent of any primary facade except that siding may be used to cover more than fifty (50) percent of a primary facade when it is necessary to achieve a recognizable architectural theme approved by the zoning official.
2. Smooth faced concrete on a primary facade shall have a cementitious exterior coating (the visual equivalent of stucco or some other decorative finish such as split faced block). Untreated concrete block is not an acceptable finished material for primary facades.

h. Pedestrian access and walkways shall provide for internal connections on the site and for connection to any existing public sidewalks abutting the site.

i. Minimum off-street parking and loading spaces requirements are outlined in section 3-9-79.

(n) *Deviations*. Proposed deviations from or alternatives to design standards within the ECAP district must be submitted for review by the zoning official. The zoning official may approve the deviation or alternative design per the following criteria:

- (1) Minor deviations from the dimensional standards which amount to no more than ten (10) percent of the requirements or one (1) foot, whichever is greater may be granted an administrative variance pursuant to the process laid out in section 3-9-6.3(l) of the Charlotte County Code.
- (2) For architectural deviations or other similar deviations, the zoning official may approve alternative designs on such sites which do not meet the letter of this article, but nonetheless result in efficient, aesthetically pleasing development in harmony with structures already existing on the site and which do not detract from the appearance of the community.

(Ord. No. 2003-067, § 2, 10-14-03; Ord. No. 2004-050, § 1, 7-13-04; Ord. No. 2008-055, § 1, 7-15-08; Ord. No. 2011-015, § 1, 5-17-11; Ord. No. 2011-042, § 1, 12-13-11; Ord. No. 2014-041, § 1(Exh. A), 11-25-14; Ord. No. 2018-002, § 1(Exh. A), 1-23-18)