

DRAFT

ORDINANCE NUMBER 2020 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9, ZONING, ARTICLE II, DISTRICT REGULATIONS, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY: (1) REVISING LAND DEVELOPMENT REGULATIONS TABLE OF CONTENTS TO ADD NEW SECTION 3-9-26.5: USE TABLE – MIXED USE DISTRICTS, AND TO RENAME SECTION 3-9-46 FROM COMPACT MIXED USE (CMU) TO MIXED-USE (MU); (2) CREATING NEW SECTION 3-9-26.5: USE TABLE – MIXED USE DISTRICTS; (3) CREATING SECTION 3-9-46: MIXED-USE (MU) TO PROVIDE FOR INTENT; PROVIDE FOR APPLICABILITY; PROVIDE FOR MIXED-USE CATEGORIES; PROVIDE FOR USES AND STRUCTURES PERMITTED; AND PROVIDE FOR DEVELOPMENT STANDARDS; AND (4) AMENDING ARTICLE III, SPECIAL REGULATIONS, SECTION 3-9-69: CONDITIONAL USES AND STRUCTURES, TO ADD CONDITIONAL USES UNDER SECTION 3-9-46: MIXED-USE (MU) TO THIS SECTION, AND TO PROVIDE FOR STANDARD CONDITIONS; PETITION TLDR-20-03; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, at the direction of the Board of County Commissioners of Charlotte County, Florida ("Board"), County Staff has undergone the process of creating a Mixed-Use (MU) zoning district which implements the Compact Growth Mixed Use Future Land Use Map category of the County's Comprehensive Plan and allows for compact, walkable, mixed-use development in Charlotte County; and

WHEREAS, at its October 13, 2020 meeting, the Board also considered the associated request submitted by the Applicant, for a large scale plan amendment, under Petition TCP-20-04; and

39 WHEREAS, after holding multiple roundtables with area stakeholders
40 and soliciting public input on the creation of a Mixed-Use (MU) district, County
41 Staff at this time, in Petition TLDR-20-03, is proposing an amendment to Chapter
42 3-9, Zoning, Article II: District Regulations, and Article III: Special Regulations, of
43 the Code of Laws and Ordinances of Charlotte County, Florida ("Code"), all as
44 provided in Exhibits "A," "B," and "C," which are attached hereto and by this
45 reference provided herein; and

46 WHEREAS, Petition TLDR-20-03 has previously been heard by the
47 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the
48 findings and analysis provided by County Staff and the evidence presented to the
49 P&Z Board, has been recommended for denial on September 14, 2020; and

50 WHEREAS, in public hearings held on Tuesday, October 13, 2020 and
51 Tuesday, October 27, 2020, the Board reviewed Petition TLDR-20-03 and, based
52 on the findings and analysis provided by County Staff and the evidence
53 presented to the Board, the Board found that approval of Petition TLDR-20-03 is
54 consistent with the County's Comprehensive Plan and is in the best interests of
55 the County and its citizens.

56 NOW, THEREFORE, BE IT ORDAINED by the Board of County
57 Commissioners of Charlotte County, Florida:

58 Section 1. Adoption. Chapter 3-9, Zoning, of Article II, District
59 Regulations, of the Code of Laws and Ordinances of Charlotte County, Florida, is
60 hereby amended by adding the underlined language and by ~~deleting the stricken~~

language as shown in Exhibits "A," "B," and "C," which are attached hereto and by this reference provided herein.

Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall supersede any provision of existing ordinances in conflict herewith to the extent of said conflict.

Section 3. Severability. If any subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect upon (1) filing in the Office of the Secretary of State, State of Florida, but, (2) only after the companion plan amendment, TCP-20-04, to this rezoning, becomes effective. The effective date of TCP-20-04, if not timely challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, TCP-20-04 may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that TCP-20-04 is in compliance.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 27th day of October, 2020.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

DRAFT

By: _____
William G. Truex, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

DRAFT

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DRAFT

By: _____
Janette S. Knowlton, County Attorney
LR2020-0588

Land Development Regulations
Chapter 3-9. Zoning

Section	Heading	Abbreviation
	Article I. In General	
3-9-1	Reserved	
3-9-2	Rules of Construction; Definitions	
3-9-3	Violations	
3-9-4	Intent and Purpose	
3-9-5	Administration and Enforcement; Building Permits	
3-9-5.1	Authority to Enter Upon Private Property	
3-9-5.2	Deed Restrictions	
3-9-5.3	Exceptions to Required Yards	
3-9-5.4	Expedited Permitting Process for Certified Affordable Housing Development	
3-9-5.5	Exclusions from Height Limitations	
3-9-5.6	Form of Ownership	
3-9-5.7	Moving of structures	
3-9-5.8	Property Frontage	
3-9-6	Board of Zoning Appeals; Powers and Duties; Procedure	
3-9-6.1	Administrative Appeals	
3-9-6.2	Special Exceptions	
3-9-6.3	Variances	
3-9-7	Site Plan Review	
3-9-8	Rules for Interpretation of District Boundaries	
3-9-9	Legal Nonconformities	
3-9-10	Amendments	
	Article II. District Regulations	
3-9-26	Districts	
3-9-26.1	Prohibited Uses	
3-9-26.2	Use Table – Environmental and Agricultural Districts	



Land Development Regulations
Chapter 3-9. Zoning

3-9-26.3	Use Table – Residential Districts	
3-9-26.4	Use Table – Commercial Districts	
3-9-26.5	Use Table – Industrial Districts	
3-9-27	Application of District Regulations	
3-9-28	Environmentally Sensitive	ES
3-9-29	Parks and Recreation	PKR
3-9-30	Agriculture	AG
3-9-31	Excavation and Mining	EM
3-9-32	Residential Estate	RE
3-9-33	Residential Single-family	RSF
3-9-34	Residential Multi-family	RMF
3-9-35	Residential Multi-family Tourist	RMF-T
3-9-36	Manufactured Home Park	MHP
3-9-37	Manufactured Home Conventional	MHC
3-9-38	Recreational Vehicle Park	RVP
3-9-39	Office Medical and Institutional	OMI
3-9-40	Commercial Neighborhood	CN
3-9-41	Commercial Tourist	CT
3-9-42	Commercial General	CG
3-9-43	Industrial General	IG
3-9-44	Industrial Intensive	II
3-9-45	Planned Development	PD
3-9-46 (Reserved)	Compact Mixed Use Mixed-Use	CMU
3-9-47	Charlotte Harbor Community Development Code/title	CHCDC
3-9-47.1	Intent, Applicability, and Boundaries	
3-9-47.2	Definitions	

Land Development Regulations
Chapter 3-9. Zoning

3-9-47.3	Development review procedure	
3-9-47.4	Signs in the Charlotte Harbor CRA	
3-9-47.5	Permitted uses	
3-9-47.6	Charlotte Harbor Community Redevelopment Area design requirements ("CHCRA design requirements")	
3-9-47.7	Variance, appeal and enforcement	
3-9-47.8	Charlotte Harbor Community Redevelopment Area Tax Increment Financing	
3-9-47.9	Short Title	
3-9-47.10	Definitions	
3-9-47.11	Funding of Community Redevelopment Trust Fund	
3-9-47.12	Annual Appropriation of Tax Increment	
3-9-47.13	Obligation of Taxing Authorities to appropriate Funds Annually	
3-9-47.14	Fund Implementation	
3-9-47.15	Fund Management; Independent Audit	
3-9-48	Enterprise Charlotte Airport Park	ECAP
3-9-49	U.S. 41 Zoning District Overlay	US41ZDO
3-9-50	Manasota Key Zoning District Overlay	MKZDO
3-9-51	Babcock Overlay Zoning District	BOZD
3-9-51.1	Babcock Community Pattern Book	
3-9-52	Bridgeless Barrier Island	BBI
3-9-53	Little Gasparilla Island Zoning District Overlay	LGIZDO
3-9-54 (Reserved)	Parkside Zoning District Overlay	PZDO
3-9-55 (Reserved)	U.S. 17 Zoning District Overlay	US17ZDO
Article III. Special Regulations		
3-9-60	Purpose	
3-9-61	Accessory Outdoor Retail Sales, Display, and Storage	

Land Development Regulations
Chapter 3-9. Zoning

3-9-62	Assisted Living Facility	
3-9-63	Airport Zones, Airspace Height Limitations and Noise Zones	
3-9-64	Alcoholic Beverages	
3-9-65	Boating Structures	
3-9-65.1	Boats Used for Living Purposes; Houseboats	
3-9-66	Bridgeless Barrier Islands	
3-9-67	Cluster Housing	
3-9-68	Communication Towers	
3-9-69	Conditional Uses and Structures	
3-9-70	Debris and Waste Facilities	
3-9-71	Essential Services	
3-9-72	Fences; Walls	
3-9-73	Fertilizer Regulations	
3-9-74	Home Occupations	
3-9-75	Industrial Performance Standards	
3-9-76	Junklike Conditions Prohibited	
3-9-77	Manufactured Homes and Recreational Vehicles	
3-9-78	Model Homes	
3-9-79	Off-Street Parking and Loading Facilities	
3-9-79.1	Parking of Trucks, Trailers, Travel Trailers	
3-9-80	Pain Management Clinics	
3-9-81	Patio Houses	
3-9-82	Places of Worship	
3-9-83	Service Stations, Automotive	
3-9-84	Sexually Oriented Businesses	
3-9-85	Signs	
3-9-86	Swimming Pools	

Land Development Regulations
Chapter 3-9. Zoning

3-9-87	Temporary Uses	
3-9-88	Waterfront Property	
3-9-89	Visibility at Road Intersections	
3-9-90	Wellhead Protection Area	
	Article IV. Site Design Standards and Requirements	
3-9-100	Buffers, Landscaping, and Tree Requirements	
3-9-100.1	Buffers	
3-9-100.2	Landscaping	
3-9-100.3	Tree Requirements	
	Article V. Environmental Requirements and Other Requirements	
3-9-150	Transfer of Density Units	

Section 3-9-46 – Mixed-Use

Section 3-9-46 Mixed-Use (MU)

- (a) Intent. The intent of the Mixed-Use (MU) district is to accommodate the development of vibrant, pedestrian-oriented places featuring a mixture of complimentary land uses including residential, commercial, office, and light industrial. Mixed-use developments should be designed to integrate multiple uses in individual buildings as well as throughout the site. In order to facilitate compact, walkable developments, the MU district allows for higher density and intensity and provides more flexible design standards and guidelines than found in traditional zoning. The MU district promotes the adaptive reuse of existing, outdated sites, and encourages the consolidation of small parcels into larger, viable, mixed-use developments. Mixed-use developments should feature networks of sidewalks to provide safe, comfortable, and attractive access to pedestrians, and be designed at a human scale to promote a distinct sense of place.
- (b) Applicability.
- (1) The standards set forth in this section shall apply to all new development within a MU district.
 - (2) For existing commercial sites that have been rezoned to MU, the standards set forth in this section shall apply to the redevelopment of existing buildings which increases gross floor area or assessed valuation by more than 50 percent, and the redevelopment of commercial structures in which more than 50 percent of the assessed valuation of the structure has been destroyed.
 - (3) This section is not intended to prevent the use of alternative design solutions that meet the intent and purpose of this section, as determined by the Zoning Official or their designee.
- (c) Mixed-Use District Categories
- (1) Neighborhood Mixed Use (MU-N).
 - a. Scale. Neighborhood Mixed-Use developments are intended to be smaller, lower impact, and integrate well into the surrounding residential community. MU-N developments are intended to be pedestrian- and bicycle-oriented, contribute to the efficient functioning and attractiveness of the surrounding neighborhood, and have a maximum size of 10 acres. The mix of uses may include retail, restaurants, dwelling units above the first floor, multifamily and single-family attached dwellings, general offices, medical offices, and civic uses.
 - b. Location. The location of a proposed MU-N development shall be designed to take advantage of daily activity patterns, such as at the corner of a residential collector street, at the entrance to a neighborhood, or in conjunction with a park, school, civic use, or public space. To serve its purposes, a MU-N development should be sited at the edges of a residential neighborhood, at a collector and arterial street intersection or a collector and local street intersection.
 - (2) Activity Center Mixed Use (MU-AC).
 - a. Scale. Activity centers, depending on their size and service area, may serve several neighborhoods within a surrounding residential area with a mix of retail, office, service, civic, and attached residential uses, may accommodate large retail establishments, and may serve multiple residential areas and neighborhoods over a significant portion of the County.
 - b. Small activity centers range between 10 and 25 acres in size. They are typically anchored by a grocery store, with supporting establishments. Secondary uses include other supporting neighborhood-oriented uses and residential uses, including upper floor units and townhouses to assure extended hours of activity within the district and support a mix of uses. The district should balance automobile access from arterial streets with transit orientation, pedestrian and bicycle

Section 3-9-46 – Mixed-Use

access and circulation, and provides good transitions and connectivity with the surrounding neighborhoods.

- c. Large activity centers are typically greater than 25 acres in size and include a mix of commercial with supporting office, service, medical, residential and civic uses. Higher density residential is a critical component to assure extended hours of activity within the district and provide support for a mix of uses. Activities and uses should be concentrated and mixed in order to create more diversity and synergy between uses, combine destinations, support effective future transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian and bicycle connectivity within the center as well as to adjoining areas. Aging single or limited use local commercial centers and corridors should be redeveloped under this zone.
- d. Location. Small MU-AC zone districts serve multiple neighborhoods and should balance automobile access from arterial and collector streets with transit orientation, pedestrian access and circulation, and have good connections with the surrounding neighborhoods. Large MU-AC districts serve significant subareas of the County and shall be designed to allow vehicle and pedestrian connectivity to surrounding residential areas.

(3) Regional Mixed Use (MU-R).

- a. Scale. Regional Center Mixed-Use developments are greater than 50 acres in size and are the most intensive category of mixed-use developments, combining the uses of higher-density residential, commercial centers, and employment centers, and serve the County and region as a whole. The MU-R category should include a mix of commercial and employment uses integrated into a single, mutually supportive regional destination. These uses may range from regional mall anchor stores, government offices, and corporate headquarters to specialized retail and higher density housing. Because of their size, both sets of activities function as regional centers in terms of market for retail and employment opportunities. Higher density residential use is a critical component of a MU-R center in order to assure extended hours of activity within the district and provide support for a mix of uses.
- b. Activities and uses should be concentrated and mixed to create more diversity and synergy among uses, combine destinations, support effective future transit service, and provide viable pedestrian and bicycle access and circulation. Mobility choices should be integrated by providing transit, pedestrian, and bicycle connectivity within the center as well as to the adjoining areas.
- c. Location. A MU-R zone district should typically be located at the intersection of two major arterial roadways, along major arterial roads, along the County's planned transit system, near other major regional transit terminals, or close to limited access freeways and interstate highways. Sites with direct access to existing or planned major transportation facilities and compatibility with adjacent land uses are appropriate for the RU zone district.

(d) Uses and Structures Permitted.

(1) Use Table

P = Permitted Use; C = Conditional Use; S = Special Exception Use; --- = Prohibited Use

<u>Specific Uses</u>	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>	<u>Specific Regulations</u>
Amphitheater	<u>S</u>	<u>S</u>	<u>S</u>	

Section 3-9-46 – Mixed-Use

<u>Specific Uses</u>	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>	<u>Specific Regulations</u>
<u>Animal hospital, boarding facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Art, dance, music, photo studio or gallery</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Assisted living facility or adult day care center, six or less</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-62, Sec. 3-9-69</u>
<u>Assisted living facility or adult day care center, seven or more</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-62, Sec. 3-9-69</u>
<u>Auditorium, convention center, performing arts center</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Automotive, boat, and travel trailer sales, service, repair</u>	<u>---</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Bank, financial services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bar, cocktail lounge, nightclub, tavern</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Bed and breakfast, 1 or 2 bedrooms</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Bed and breakfast, 3 or more bedrooms</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Building trades contractor's office</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Business services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Clubhouse</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Community center</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Commercial laundry</u>	<u>---</u>	<u>---</u>	<u>S</u>	
<u>Commercial or leisure vehicle rental</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Community garden</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Day care center, child care</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Detox, substance abuse center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Drug store, pharmacy, dispensary</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Dry cleaner</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Duplex or triplex</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Elementary, middle, or high school</u>	<u>---</u>	<u>P</u>	<u>P</u>	
<u>Emergency services</u>	<u>S</u>	<u>P</u>	<u>P</u>	
<u>Essential services</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>Sec. 3-9-71</u>
<u>Funeral home, crematorium</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Gas station</u>	<u>---</u>	<u>---</u>	<u>S</u>	
<u>General offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>General retail sales and services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Government uses and facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Section 3-9-46 – Mixed-Use

<u>Specific Uses</u>	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>	<u>Specific Regulations</u>
<u>Heliport, helistop</u>	---	<u>S</u>	<u>P</u>	
<u>Hospital</u>	---	<u>S</u>	<u>P</u>	
<u>Hotel, motel, inn</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Laboratories, Class 1, 2, 3</u>	---	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Laundromat</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Light manufacturing and assembly in a completely enclosed building</u>	---	<u>S</u>	<u>S</u>	
<u>Liquor, package store</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Live-work units</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Sec. 3-9-69</u>
<u>Major home occupation</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Sec. 3-9-74</u>
<u>Marina</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Mass transit station</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Medical or dental office, clinic</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Microbrewery, micro-distillery, micro-winery</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>Minor home occupation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 3-9-74</u>
<u>Multifamily</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Nursing home</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Outdoor dining</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Outdoor market or exhibit space</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-61</u>
<u>Paid or public parking garage, structure</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Pain management clinic</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 3-9-80</u>
<u>Park, public or not-for-profit</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Personal services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Place of worship</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 3-9-82</u>
<u>Post office</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Printing, lithographing, publishing, and similar facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Private club</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Professional services</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Recreation, indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Recreation, outdoor (excluding parks)</u>	<u>S</u>	<u>S</u>	<u>S</u>	
<u>Research, testing facility</u>	---	<u>S</u>	<u>P</u>	
<u>Restaurant (without drive-through)</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Section 3-9-46 – Mixed-Use

<u>Specific Uses</u>	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>	<u>Specific Regulations</u>
<u>Sanitariums</u>	<u>---</u>	<u>P</u>	<u>P</u>	
<u>Sexually oriented business</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-84</u>
<u>Single-family attached</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Telecommunications facility, 50' or less in height</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 3-9-68</u>
<u>Telecommunications facility, over 50' in height</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Sec. 3-9-68</u>
<u>Transitional or halfway housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Sec. 3-9-69</u>
<u>University or college</u>	<u>---</u>	<u>P</u>	<u>P</u>	
<u>Vocational, trade, or business school</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Wholesale sales</u>	<u>---</u>	<u>P</u>	<u>P</u>	

- a. Permitted accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses, and also including, but not limited to:
 - i. Fences or walls.
 - ii. Clubhouse, community center on the same lot as the residential development or within the same residential development.
 - iii. Swimming pools, tennis courts, or other similar recreational uses and structures on the same lot as the residential development or within the same residential development.
 - iv. Boat docks, boat lifts, and boat ramps.
 - v. Other accessory uses or structures as determined by the Zoning Official or their designee.
- b. Conditional uses and structures: For rules and regulations for any use designated as a conditional use, see Section 3-9-69: Conditional Uses, as may be amended.
- c. Special exception uses and structures: For procedure, see Section 3-9-6.2 of the County Code, as may be amended.
 - i. All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - ii. Such other uses as determined by the Zoning Official or their designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in this district or allowed by special exception.
 - c. Not specifically prohibited in this district.

The Board of Zoning Appeals 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 their designee shall be appealable pursuant to Section 3-9-6: Board of Zoning Appeals.
- d. Prohibited uses and structures: Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district, including:
 - i. Single-family detached homes.
 - ii. Outdoor storage.

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- iii. Indoor storage as a principal use.
- iv. Drive-through restaurants.
- v. Stand-alone surface parking lots.

(2) Required Mix of Uses. To ensure a balance between housing, retail, office, and other commercial and light industrial development within the MU zone categories, the following standards shall apply:

Exhibit 1: Required Mix of Uses

<u>Use Type</u>	<u>Minimum percentage total (gross acreage)</u>	<u>Maximum percentage total (gross acreage)</u>
<u>Residential</u>	<u>20</u>	<u>75</u>
<u>Commercial</u>	<u>20</u>	<u>75</u>
<u>Industrial</u>	<u>None</u>	<u>50</u>
<u>Recreational or Open Space</u>	<u>5</u>	<u>10</u>

- a. Neighborhood Mixed-Use developments under five acres in size are exempt from the open space requirement

(3) Mix of Uses Required in Phased Developments. If the development is phased, the first phase shall be sufficient to stand on its own as a mixed-use development. At a minimum, non-residential development shall be in the ratio of 50 square feet per dwelling unit.

(e) Development Standards.

(1) Density

- a. Initial allowable density shall be established at the time of Preliminary Site Plan Review. All density increases shall require a transfer of density units consistent with the County's TDU program. Mixed-use categories shall have a required minimum and total maximum density according to the following table:

Exhibit 2: Density Allowances

	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>
<u>Minimum</u>	<u>10 units / acre</u>	<u>10 units / acre</u>	<u>30 units / acre</u>
<u>Maximum</u>	<u>30 units / acre</u>	<u>45 units / acre</u>	<u>65 units / acre</u>

- b. Density increase. In addition to the base density, additional density units may be granted through the County's Incentive Density program upon Preliminary Site Plan Review approval on the basis of the following:

Exhibit 3: Density Increase Calculations

<u>Action:</u>	<u>Percent of the Proposed Residential Density:</u>
1. <u>Extension of reclaimed water facilities more than one mile.</u>	<u>20</u>

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2. <u>Redesign and re-platting of previously recorded subdivisions established prior to October 6, 1992.</u>	<u>20</u>
3. <u>Underground utilities.</u>	<u>5</u>
4. <u>Onsite systems to treat and reuse water within individual buildings or collection, treatment, and reuse of water for irrigation, toilet flushing, and cooling systems.</u>	<u>5</u>
5. <u>Rental or workforce housing pursuant to FLU Policy 1.2.17</u>	<u>100</u>
6. <u>Multi-use trail system for pedestrians, bicyclists, motorists, and transit riders of all ages and abilities.</u>	<u>20</u>
7. <u>Contributions of land, facilities or equipment to public use in excess of those required by impact fees.</u>	<u>20</u>
8. <u>Passive and active recreational uses, open to the public</u>	<u>10</u>
9. <u>All similar amenities or project improvements not listed above as may be approved by the BCC</u>	<u>Percentage as determined by the BCC</u>

- a. Final approval of bonus units will be granted when concept plans and supplemental documents assure actions proposed at the time of Preliminary Site Plan Review approval.
- b. Cumulative Bonus. In no event shall the cumulative density granted exceed the maximum density permitted under the underlying land use in the comprehensive plan.
- c. Incentive Density may be granted as long as the County has adequate supply of Incentive Density units. Incentive Density allocation to a specific project is valid for three years and can be extended one time by the Board on the consent for additional two years.

(2) Location.

- a. No MU district shall be located on a bridgeless barrier island.
- b. MU districts may be permitted within the Coastal High Hazard Area, but are not eligible for density increases.

(3) Minimum Lot and Yard Requirements.

- a. The minimum lot size for a mixed-use district is two acres.
- b. There are no minimum yard requirements for this district, provided when subject property directly abuts a residentially-zoned property rather than being separated by a public right-of-way such as a street, no structure shall be located closer to the peripheral property line of the mixed-use district than 25 feet or as required by Section 3-9-88, Waterfront Property, as may be amended, whichever is greater. If the mixed-use district abuts water, the minimum setback shall be 20 feet. However, minimum lot and yard requirements other than those contained in this section and Section 3-9-88 may also be established through the Final Site Plan Review approval process.
- c. There is no maximum lot coverage.
- d. To encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and walkways, the County encourages principal, non-residential, multi-family, and mixed-use buildings to be built to the back edge of the public sidewalk (zero-foot build-to line) except as necessary to allow room for outdoor seating and service areas, outdoor sales and displays, landscaping, entryways, and similar pedestrian and customer amenities. The build-to area between the front property line and the front building wall of residential structures may be used to provide space for privacy, landscaping, private courtyards/open areas/entryways, and similar amenities.

(4) Setbacks

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- a. Setbacks are established based upon the street frontage of the lot, according to the street types established as follows:
1. Perimeter Streets: Existing streets bounding the perimeter of the site.
 2. Primary Streets: Streets that provide connections from Secondary streets to the Perimeter streets.
 3. Secondary Streets: Streets that provide connections internal to the mixed-use development. These streets are intended to maintain low vehicle speeds and facilitate pedestrian and bicycle movements.
 - i. Angled roadways and offset intersections are acceptable on Secondary Streets.
 - ii. Secondary streets should be laid out in a connected network. The use of cul-de-sacs is prohibited.
 - iii. Driveway access is not limited, but alley access and shared driveways are encouraged.
 4. Alleys: Alleys provide rear access to sites for parking access, refuse collection, utilities, and other services.
 - i. The use of alleys is encouraged.
 - ii. Alley access points are permitted only onto Secondary streets.
 - iii. Fire access shall not be required for alley design where adequate emergency service access exists along another frontage street.

Exhibit 4: Model Street Network Diagram

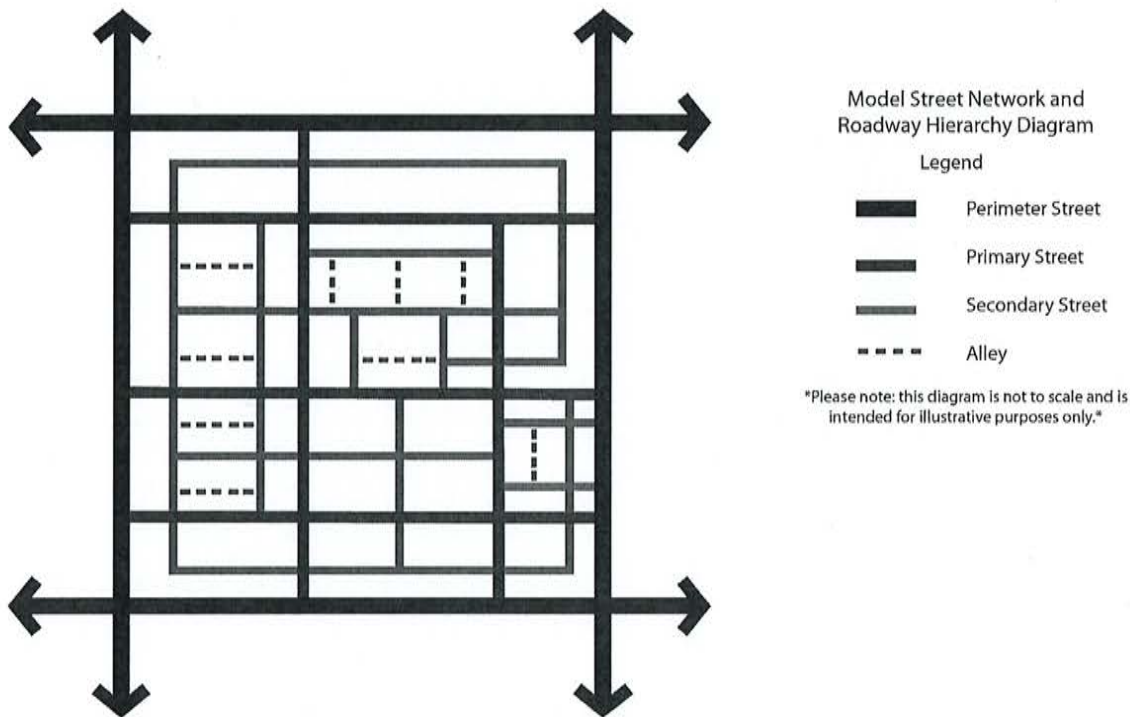


Exhibit 4: Maximum Setbacks

<u>Abutting Street Type</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>Perimeter</u>	<u>20</u>	<u>20</u>	<u>None</u>

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<u>Primary</u>	<u>15</u>	<u>10</u>	<u>20</u>
<u>Secondary</u>	<u>15</u>	<u>10</u>	<u>20</u>
<u>Alley</u>	<u>N/A</u>	<u>None</u>	<u>None</u>

(5) Height Allowances

Exhibit 6: Building Height Allowances

	<u>MU-N</u>	<u>MU-AC</u>	<u>MU-R</u>
<u>Base height allowance (feet)</u>	<u>60</u>	<u>60</u>	<u>60</u>
<u>Action</u>	<u>Additional feet above base</u>		
<u>Bonus for adaptive re-use of an existing building on site</u>	<u>10</u>	<u>20</u>	<u>20</u>
<u>Bonus for residential built over parking garage – open to public</u>	<u>10</u>	<u>10</u>	<u>20</u>
<u>Bonus for retail-wrapped parking garage</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Bonus for meeting/exceeding enhanced design guidelines through use of an approved pattern book</u>	<u>10</u>	<u>10</u>	<u>20</u>
<u>Bonus for providing community garden space</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Bonus for inclusion of adaptive play areas and equipment</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Bonus for at least 10% affordable housing units</u>	<u>10</u>	<u>20</u>	<u>30</u>
<u>Bonus for meeting/exceeding enhanced landscape guidelines through the use of an approved pattern book</u>	<u>10</u>	<u>10</u>	<u>20</u>
<u>Bonus for meeting/exceeding at least 3 of the sustainability bonuses as provided in subsection (15) – Sustainable design.</u>	<u>10</u>	<u>20</u>	<u>20</u>
<u>Maximum height</u>	<u>100</u>	<u>150</u>	<u>200</u>

- a. Cumulative bonus: In no event shall the cumulative height bonuses exceed the maximum height established for the proposed development's applicable mixed-use category.

- (6) Transitional zone tools. To mitigate potential conflicts between land uses of varying intensities and character, the following considerations shall be made during the Site Plan Review process with particular focus to proposed structures and uses located at the perimeter of the proposed MU development:
- Site and building design: building setbacks, building placement and orientation, building heights.
 - Green and open space: use and location of parks, plazas, squares, promenades, courts, etc., and use of natural features such as topography, waterways, existing trees and vegetation.

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- c. Siting of less-intensive uses around perimeter of MU development, particularly when a MU development directly abuts a residential area (i.e. offices instead of bars/restaurants).
- d. Operational standards for commercial uses sited at the perimeter of the development, including hours of operation, delivery hours and loading zones, location and intensity of lighting, etc.
- e. Use of parkways and streetscape enhancements.
- f. Enhanced landscaping and buffers between mixed-use developments and existing single-family residential areas.

(7) Site and building design.

- a. In order to allow for creative site and building design within mixed-use districts, these regulations do not establish a required architectural style. In order to create a sense of place, site design should produce an overall unified theme and be designed to maximize pedestrian comfort and accessibility.
- b. In the event any portion of this article conflicts with any other County Code provision or provision of applicable law, the provision that establishes specific architectural themes shall prevail. In the event that neither conflicting provision establishes a specific architectural theme, the more restrictive provision shall apply.
- c. Block standards.
 1. Block standards shall apply to all development larger than 5 acres.
 2. In order to prevent traditional linear or "strip" style commercial development, depth-to-width ratios shall not exceed 1-to-4. All block dimensions shall be measured from back of curb to back of curb. Right-of-way widths shall not be included in the measurement of block widths.
 3. All development shall be arranged in a pattern of interconnecting streets and blocks to form a grid-like system. This system may be made up of publicly-dedicated rights-of-way, private streets, or a combination of both.
 4. The minimum building separation on alleys shall be 30 feet from building face to building face.
 5. The minimum block face shall be 200 feet.
 6. The maximum block face shall be 800 feet.
 7. For block faces that exceed 500 feet in length, a mid-block pedestrian pass-through shall be provided connecting opposite sides of block faces.
 8. An applicant may submit alternative block standards, provided they meet the intent of this section, at the time of Preliminary Site Plan review.
- d. Building orientation.
 1. A continuous pedestrian walkway extending the full length of the perimeter of the site shall be provided. Perimeter walkways shall be at least eight feet wide.
 2. All buildings shall have at least one building entrance oriented toward an abutting internal or perimeter street with on-street parking, or toward an on-site pedestrian walkway connected to a public sidewalk.
 3. A minimum of 50 percent of the front facade of a building shall be placed along the front setback line. When a lot is located at a corner, both sides of the corner shall be considered the front and shall meet front setback and street frontage requirements.
 - i. For developments with multiple buildings on a single lot, at least one building shall be placed along the front setback line.
 - ii. For larger MU developments consisting of multiple lots, each lot shall be subject to this requirement.

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4. For developments with multiple buildings, all buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development, as applicable, and is consistent with one of the following site layouts:
 - i. Buildings orient toward, frame, and enclose a main pedestrian and/or vehicle access corridor within the development site, including an entry/spine street; or
 - ii. Buildings orient toward, frame, and enclose, on at least 3 sides, parking areas, public spaces, or other on-site amenities; or
 - iii. Buildings orient toward and frame the corner of a perimeter or internal street intersection; or
 - iv. Buildings orient toward adjoining development, respecting adjoining exterior street alignment(s) that frame and enclose on at least 3 sides parking areas, public spaces, or other on-site amenities.
 5. Corner lots shall place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.
 6. Buildings may front along a pedestrian plaza in place of fronting along a street. Any building located at the corner of a street and a pedestrian plaza shall include a public entrance along the street facade, even if the main entrance faces the pedestrian plaza.
 7. Building entrance design: the primary public entry to the building shall be clearly defined and building entrances shall incorporate elements that provide shade from the sun and weather protection for pedestrians.
- e. Appearance, building mass, and design treatments.
- The following standards are the minimum design standards. In order to qualify for the enhanced design criteria and receive bonus height allowances, the applicant is required to submit a pattern book in accordance with Subsection (14) *Pattern Book Requirements*, below, for review which exceeds these minimum design standards. Pattern books shall be approved as part of the Site Plan Review process.
- The intent of this section is to encourage development that improves the view from the street and requires buildings to be designed with architectural features and patterns that provide visual interest and enhance the community's identity and character. These standards are intended to reduce the mass, scale, and monolithic appearance of large, unadorned walls, particularly those visible from the street.
- The regulations set forth in Article XXIV: Commercial Design Standards, as may be amended, shall apply to MU districts except as specifically addressed in the following subsections.
1. *Facades.*
 - i. All exterior building facades which face a public right-of-way, even if they are separated by a median or interior travel way, face a plaza or other public space, or have a primary customer entrance are defined as primary facades and shall meet the primary facade standards outlined herein.
 - ii. Buildings which directly abut a plaza or other public gathering space shall feature a primary customer entrance on the side of the building abutting the plaza or other public gathering space.

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- iii. Primary facades shall be consistent in terms of design, materials, details, and treatments.
 - iv. Window coverage on ground floors shall be a minimum of 40 percent. Window coverage for upper floors shall be a minimum of 20 percent. Reflective glass may not be used on the ground floor of any building to prevent glare from vehicular traffic.
 - v. All primary building entrances shall be accentuated. Permitted entrance architectural accents may include but are not limited to: recessed, protruding, canopy, portico, or overhang.
 - vi. Buildings located on corner lots at an intersection of two or more perimeter streets shall be designed to emphasize their location as transition points within their community or commercial block. Buildings or structures on corner lots shall include embellishments such as corner towers, clock towers or other design features as may be approved by the Zoning Official or their designee to emphasize their position.
 - vii. Loading doors, service doors, and loading docks shall not be located on any primary facade facing a street.
 - viii. New buildings that are to be located within 200 feet of any existing commercial or residential building on an abutting lot, and that are to be more than twice the height of any existing building located within 200 feet of the new building, shall incorporate elements to transition the height of the new building to the height of the existing building(s). The transitional height element must be incorporated on the new building(s) at the average height of existing building(s) located within 200 feet of the new building.
Transitional height elements may include:
 - a. Cornices or other decorative elements which run the length and width of the building and project a minimum of three feet from the wall.
 - b. Offset floors.
 - c. Any other element that as determined by the Zoning Official or their designee, meets the intent and purpose of this section.
 - ix. Murals are permitted on building facades except where facing a perimeter street.
2. Building massing.
- i. Buildings shall be designed to avoid the appearance of a large, monotonous building mass by dividing large facades into the appearance of several sections or smaller buildings.
 - ii. Buildings must have at least a 3-foot break in depth in all front facades for every 100 feet of continuous facade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions or recesses, balconies, towers, and other architectural treatments.
- f. All new utilities shall be located underground unless prohibited by the respective utility provider.
 - g. Dumpsters shall comply with Section 3-5-513, as may be amended.
 - h. Loading and service areas shall comply with Section 3-9-79(i) and Section 3-5-513, as may be amended.
 - i. Fences and walls shall comply with Section 3-9-72, as may be amended.
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- j. All exterior mechanical and electrical equipment shall be fully screened from view from public rights-of-way and public plazas.

(8) Parking.

- a. Off-street parking shall be in accordance with Section 3-9-79, as may be amended.
- b. Areas of off-street surface parking shall be located at the side or the rear of the primary structure it is intended to serve. Areas of off-street surface parking shall not directly abut any perimeter streets. For structures without frontage on a perimeter street, parking areas may be permitted at the front of the structure.
- c. The required number of off-street parking spaces may be reduced as approved by the County Engineer or their designee. Any applicant seeking a parking reduction shall submit a parking study prepared by a licensed professional engineer that provides justification for the requested reduction. At a minimum, the parking study shall address, where applicable:
1. The types of uses
 2. Total square footage by uses
 3. Estimated time and number of spaces required at peak parking demand.
 4. ADA-accessibility requirements,
 5. Employment characteristics including, but not limited to, total number of employees and number of employees per shift.
 6. A description of any factors that may reduce or increase the parking demand.

The applicant may choose to further support the proposed number of parking spaces by providing documentation on the experience of similar uses located in the same or other jurisdictions.

- d. Traffic impact statements are required during Preliminary Site Plan Review.
- e. Areas of off-street surface parking shall be landscaped in accordance with subsection (10), Landscaping, below.
- f. All parking spaces shall incorporate curbing, wheel stops, bollards, or other similar element as approved during the Site Plan Review process.
- g. Parking structures.
1. Stand-alone parking structures shall comply with the design requirements of this section.
 2. Stand-alone parking structures are encouraged to accommodate retail or commercial wrapped around the ground floor.
 3. Parking structure facades shall be designed to screen views of automobiles by the general public through the use of features such as grills, lattices, mock windows, louvers, or false facades. Such screening shall be in keeping with the rest of the building's architectural style and materials.
 4. Parking structures without ground floor retail uses along the front facade shall have a minimum 10-foot wide building perimeter planting area.
 5. All structures with uncovered parking on the top level shall have rooftop planters around the perimeter that are a minimum of five feet wide located around a minimum of 80 percent of the perimeter of the parking integral to the structure, or suitable architectural features to soften the building edge.

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6. Lighting fixtures located on the top level of uncovered parking structures shall be a maximum of 20 feet in height. Lighting shall incorporate full shield cut-offs to contain light to the surface of the deck only.
- h. Bicycle parking.
 1. A minimum number of bicycle parking spaces shall be provided, equal to ten percent of the total number of vehicle parking spaces provided by the development, but not less than one space.
 2. Bicycle parking facilities shall be located no further than 100 feet away from a building entrance, shall be visible from the uses and structures they serve, and shall not be located in remote vehicle parking areas. Bicycle parking facilities shall not be located in places that impede pedestrian or automobile traffic flow or that would cause damage to landscaping.
 3. Spaces for short-term bicycle parking shall provide a means for the bicycle frame and one wheel to be attached to a permanent fixture, designed for securing bicycles, by means of a lock.
- (9) Pedestrian circulation.
 - a. All pedestrian pathways shall be constructed with a minimum width of eight feet and meet or exceed all regulations established in the Americans with Disabilities Act.
 - b. All new development and redevelopment shall provide and contribute to an on-site system of pedestrian pathways that provide continuous access to all land uses within a development site and to all land uses on adjacent properties. All new sidewalks and multi-modal paths shall connect with adjacent existing sidewalks and multi-modal paths.
 - c. Freestanding planters and protective devices, such as bollards, may be installed between sidewalks and adjacent vehicular traffic to help shape the pedestrian environment.
 - d. Intersections. At all on-site intersections and pedestrian crossings, brick pavers, stamped concrete or other similar material shall be installed to provide clear visual delineation for pedestrian and vehicular traffic.
 1. Crosswalks shall be a minimum of six feet and a maximum of 12 feet in width.
 2. All crosswalks for perimeter and primary streets shall include illuminated or flashing crosswalk signage.
 - e. Internal pedestrian circulation and connections. The on-site system of sidewalks or multi-modal pathways shall provide the most efficient access route between the intended points on travel. Specifically, on-site pedestrian connections shall be provided to and between the following points:
 1. The primary entrance(s) to each building containing a principal use.
 2. Greenways, bikeways, and trail systems.
 3. Existing and/or planned transit stops, stations, and park and ride locations.
 4. On-site amenities, as provided in subsection (11), below.
 5. Parking areas.
 - f. Pedestrian malls or promenades.
 1. Pedestrian malls or promenades shall be developed within the equivalent of a street right-of-way, with a minimum 50-foot right-of-way width. Buildings shall be set back from the right-of-way area the same distance as from a street. The pedestrian mall or promenade shall intersect a public street in the same manner that a street would.

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2. Except for landscaping, pedestrian paving shall cover the entire right-of-way. Pedestrian paving shall be enhanced through decorative pavers or other similar materials; asphalt and plain concrete paving shall not be permitted.
3. With the exception of emergency and delivery vehicles, automobiles shall be prohibited in pedestrian mall or promenade areas. Paving sections shall be designed to accommodate emergency and delivery vehicles. Necessary clear zones shall be kept so that vehicles may access the buildings. Deliveries shall be restricted to hours when the pedestrian mall is not open to the public.
4. Loading dock entries shall not face onto pedestrian malls or promenades.
5. Seating areas, which may include benches or seats grouped around or attached to a table, shall be provided along each block face at a rate of five linear feet of seating per 300 linear feet of pedestrian mall or promenade.
6. Landscaping shall be provided throughout pedestrian malls or promenades and shall comprise at least 25 percent of the pedestrian area. Up to 50 percent of the landscaped area may be planted with shrubs or flowers in planters or pots. Additionally, at least one tree shall be planted for every 500 square feet of required planting area. Planting areas should utilize native, Florida-Friendly groundcover other than sod.
7. Between two and four paired trash and recycling receptacles shall be placed along each block face with more than 40,000 square feet of building area.
- g. Traffic calming. Developments shall incorporate one or more of the following traffic calming devices to slow traffic and improve pedestrian mobility and safety. The location, type, and number of traffic calming devices on-site shall be determined during Final Site Plan Review by the County Engineer or their designee. Options for traffic calming devices include, but are not limited to:
 1. Curb extensions/bulb-outs.
 2. Raised median islands.
 3. Traffic circles/roundabouts.
 4. Chicanes.
 5. Speed tables.
 6. Raised crosswalks/intersections.
 7. On-street parking.

(10) Landscaping.

The following standards are the minimum design standards. In order to qualify for the enhanced design criteria and receive bonus height, the applicant is required to submit a pattern book for review which exceeds these minimum design standards.

- a. The regulations set forth in Section 3-9-100: Buffers, Landscaping, and Tree Requirements, as may be amended, shall apply to MU districts except as specifically addressed in the following subsections.
- b. MU districts are not eligible to pay into the native tree replacement fund established in Section 3-9-100(i) in lieu of planting the required number of trees.
- c. Florida-Friendly landscaping principles shall be employed in all landscaped areas in MU developments. A minimum of 75 percent of required tree points shall be obtained from native species.

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- d. The use of Florida-Friendly groundcover, such as native grasses, is encouraged as an alternative to sod throughout the development.
- e. Root barriers shall be installed where canopy trees with large root systems are proposed in required parking lot islands or where proposed within ten feet of curbing, driveways, sidewalks, and buildings in order to prevent roots from damaging infrastructure.
- f. Building perimeter plantings. All new development and redevelopment in MU districts shall provide, at a minimum, building perimeter plantings equal to ten percent of the proposed building ground level gross floor area. These plantings shall be located abutting at least three sides of the building with emphasis on the sides most visible to the public, not including any loading area(s).
1. The building perimeter planting areas shall consist of raised planters, planter boxes, or in-ground landscaping areas. Building perimeter plantings shall include shrubs and ground cover plants with a minimum 50 percent coverage of the landscaped area at time of planting. Trees are also permitted to be planted in the building perimeter planting areas.
 2. The use of sod or other non-ornamental grasses is not permitted in building perimeter planting areas.
 3. Stormwater management areas may not be located in building perimeter planting areas.
 4. Pedestrian pathways may cross through and loading areas may be placed in the building perimeter planting areas, but these shall not be counted towards the minimum planting area or open space requirements.
 5. Decorative paving areas incorporating courtyards, walkways, water features, plazas, covered seating and outdoor dining spaces may be used to meet up to 20 percent of the required building perimeter planting area.
 6. Vine planted arbors, wall planters, and trellis structures may be used to meet up to 15 percent of the required building perimeter planting area.
- g. Perimeter landscape strips.
1. Perimeter landscape strips are required wherever a lot abuts a public right-of-way. Required plantings may be located in public rights-of-way with written consent from the County Engineer and authorized occupation of easement agreement(s), as applicable.
 2. Perimeter landscape strips shall be a minimum of five feet in width.
 3. Perimeter landscape strips shall be planted with a minimum of one tree per 35 linear feet, and one shrub, at least 18 inches in height at the time of planting, per eight linear feet. Trees within a section of perimeter landscape strip may be grouped, but the distance between trees in a section shall not exceed 50 feet.
- h. Parking lot landscaping.
1. Where surface parking abuts a street, pedestrian pathway, or residential use, a continuous hedge of at least three feet in height shall be planted, in addition to one tree per 35 linear feet, or fraction thereof.
 2. Parking lot island landscaping shall comply with Section 3-9-100.2.
 3. Parking lot medians shall contain one tree per 35 linear feet, or fraction thereof, and shall be planted at regular intervals.
 4. Landscaping treatments such as shrubs, groundcover, and/or flower beds shall be planted in parking lot medians.
 5. Sod is not permitted in parking lot islands or medians.
- i. Buffers. Where a MU district abuts residential-zoned property and is not separated from the adjacent property by a public right-of-way, a minimum 25-foot wide Type C buffer is required, as

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described in Section 3-9-100.1 of the County Code, as may be amended. There is no zoning buffer required for MU districts abutting existing commercial- or industrial-zoned properties.

(11) On-site community amenities.

a. Plazas and public gathering spaces.

1. Required open space areas shall be designed as focal points within the development and shall be easily accessible and open to the public.
2. MU developments with more than 100,000 square feet of gross floor area shall provide a minimum of one square foot of plaza area for every 50 square feet of gross building floor area.
3. Individual plazas shall be a minimum of 2,000 square feet and a maximum of 50,000 square feet.
4. Plazas shall be surrounded on all sides by streets, pedestrian walkways, or by primary facades of buildings.
5. Areas of surface parking shall not be located adjacent to any plazas or public gathering spaces.
6. At least 25 percent, but no more than 80 percent, of a plaza shall be landscaped with trees, shrubs, and groundcover.
 - i. A minimum of 75 percent of all plantings shall be native species.
 - ii. Trees shall be planted near seating areas to provide shade.
7. Plazas shall be centrally located within MU developments and provide easy and convenient access from all residential and non-residential buildings.
8. Plazas shall include a defining central element, such as a large fountain, sculpture, gazebo, pavilion, pagoda, clock tower, pond, or similar feature. Plazas shall also be improved with a variety of other amenities, such as small fountains, public art, shade trees, trash receptacles, benches, play equipment, decorative pedestrian lighting, trellises, and other similar features.
9. All hardscape elements, including but not limited to street furniture, planters, lighting fixtures, trash receptacles, and drinking fountains, shall have a cohesive theme for the development.
10. Each plaza shall contain at least one wayfinding sign or informational kiosk.
11. Stormwater management areas may be permitted in plaza and open space areas in the form of bioswales.

b. Outdoor seating.

1. Outdoor seating areas shall be incorporated within the site to create assembly areas for pedestrians whenever possible. When all setbacks, sight lines, and safety regulations are followed, the use of a widened sidewalk may be used to accommodate a seating area. Seating areas shall incorporate umbrellas, attached structural awnings, canopy trees, and/or other pedestrian amenities.
2. A minimum of five linear feet of seating, such as a bench or cluster of chairs, shall be provided for every 1,000 square feet of plaza area. Areas seating at least 4 people at a time shall be provided at the rate of one per block face, outside of plaza areas.
3. Outdoor dining areas shall not encroach into pedestrian pathways. Areas of outdoor dining shall be separated from pedestrian pathways and other public rights-of-way by utilizing decorative fencing or bollards with linked chains measuring 4 feet in height.
4. For areas of outdoor dining, advertising or promotional features shall be limited to umbrellas, a menu board, and canopies.

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- c. Inclusive play. All designated play areas and play equipment on site shall follow the principals of Universal Design (North Carolina State University, 1997) to ensure accessibility for people of all ages and abilities.
- d. Street furniture and streetscaping.
1. Street furniture shall be maintained by the property owner and shall be constructed of durable materials such as cast iron, stainless steel, aluminum, or similar materials.
 2. Between two and four paired trash and recycling receptacles shall be placed along each block face with more than 40,000 square feet of commercial uses, one pair at each end of the block and additional receptables spaced evenly between. A minimum of one additional paired trash and recycling receptacle shall be provided for each 5,000 square feet of plaza/open space.
 3. One drinking fountain shall be provided for each 10,000 square feet of plaza/open space.
 4. The use of "hostile architecture" or "defensive architecture," in street furniture, including "anti-homeless spikes," is prohibited.

(12) Lighting.

The intent of this section is to prevent the intrusion of light from mixed-use developments onto adjacent properties and to create a compatible and consistent design of lighting for the project. This section further intends to prevent the interference of lighting with automotive and pedestrian traffic, which can create potentially hazardous conditions. The regulations set forth in Section 3-5-512: Lighting, of the County Code, shall apply except as addressed in the following subsections.

- a. A development-wide lighting plan shall be submitted for review at the time of Final Site Plan Review submittal. This plan shall address at a minimum the general location and general types of lighting to include the following: street lighting, pedestrian walkway lighting, crosswalk lighting, signage lighting, and lighting for service and delivery areas.
- b. The design of the actual lighting fixtures shall complement the design of the project in style, color, materials, and location. Lighting shall have a unified theme for the entire site, including outparcels. Lighting fixtures shall be ornamental and decorative, but all lighting fixtures located along the perimeter of the site or illuminating a public street or right-of-way shall meet or exceed standards established by the Charlotte County Public Works Department or FDOT.
- c. The use of decorative lighting fixtures on building facades is encouraged.

(13) Signage.

The intent of this section is to ensure consistency in the design of signage associated within a development, whether developed as a single phase or in multiple phases, and to ensure consistency in design between signage constructed on outparcels and the buildings constructed in the principal area of a project site that may have more than one delineated, buildable lot, and which may or may not be developed at the same time or by the same builder.

- a. In addition to advertising goods and services available at a location, signs are intended to compliment, rather than detract from, the visual impact of a commercial development on the community by using design elements consistent with those employed for the building(s), and by minimizing conflicts with on-site landscaping and vehicular use areas.
- b. All signs shall comply with the requirements of Section 3-9-95 of the County Code, except that all primary freestanding signs shall be monument signs. The use of pole signs, pylon signs, and flutter flags are prohibited.

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- c. Where multiple on-premises signs are proposed for a single site or project (including outparcels), or in the case of a shopping center or multi-tenant/use building, a unified signage plan shall be employed. Signage plans shall be submitted during the Final Site Plan Review process and shall be accompanied by a written narrative and graphic depiction of the signage that will be developed on-site which illustrates consistency of design. The unified sign plan may, upon application to and approval of the Zoning Official or their designee, be amended to reflect style changes or tenant needs. Design elements, which shall be addressed in both graphic and narrative form, include:
1. Adherence with the provisions of Section 3-9-95 of the County Code;
 2. Colors;
 3. Construction materials;
 4. Architectural design;
 5. Landscape design, as applicable;
 6. Illumination method;
 7. Copy style; and
 8. Sign type(s) and locations.
- d. Illuminated crosswalk signs shall be installed at all internal crosswalks and where crosswalks connect to public sidewalks and other rights-of-way
- e. Wayfinding signage
1. Wayfinding signage is intended to provide directions and identify points of interest, not for advertisement of any particular business. Wayfinding signage is exempt from the size and quantity provisions of Section 3-9-95.
 2. Wayfinding signage shall measure a minimum of two feet by two feet.
 3. Colors, fonts, and overall design shall feature a unified theme for the entire development.
 4. Wayfinding signs shall be illuminated and comply with all ADA regulations.
- f. Primary freestanding signs shall feature a decorative base and shall include landscaping around the base of the sign to soften their appearance. The planting area around the base of the sign shall be equal to a minimum of 40 percent of the total area of the sign and shall include shrubs and groundcover. Landscaping shall maintain clear sight triangles in accordance with Section 3-9-89, Visibility at Road Intersections.

(14) Pattern book requirements.

- a. Pattern books may be used to establish design standards which exceed those set forth in this section. If an applicant has elected to use a pattern book, the pattern book must demonstrate how the site will exceed the established site, building, and/or landscaping design standards through a detailed narrative, written guidelines, and illustrated renderings. If approved, the applicant may be eligible for the bonus development allowances as stated in this section.
- b. Pattern books shall be submitted as part of the Preliminary Site Plan Review process.
- c. Pattern books may be submitted to define development parameters and design standards applicable within a defined site, area or subdistrict to establish some or all of the governing design parameters and standards, which may constitute waivers of submittal requirements and deviations, including but not limited to: setbacks, building heights, building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes, coverages, and standards for roadway design and rights-of-way.
- d. Approval of pattern books shall be issued by the Zoning Official or their designee upon finding that standards, waivers, and deviations are consistent with and not detrimental to the public health,

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safety and welfare. An amendment to an approved pattern book may be requested at any time, to be approved by the Zoning Official. Approval of pattern books and pattern book amendments shall not be unreasonably withheld, and if approval is not granted by the Zoning Official within 30 days of submittal, the pattern book shall be subject to review and approval by the Board of County Commissioners. Where standards defined in an approved pattern book conflict with provisions of this section, the pattern book shall apply. Development in areas that are not subject to a pattern book shall be governed by the standards and provisions set forth in this section. Approved pattern books shall be available for inspection upon request at the Community Development Department.

(15) Sustainable design bonuses.

- a. In order to qualify for additional height bonuses provided in Exhibit 6: Building Height Allowances, a minimum of three of the following options shall be incorporated into the site and building designs. Approval shall be determined during the Preliminary Site Plan Review process.
 1. Bioswales.
 2. Use of native groundcover and plants in replacement of sod throughout entire development – pollinator gardens, native grasses, wildflowers, etc.
 3. Reuse of water – reclaimed water for irrigation, etc.
 4. Electric car charging stations.
 5. Rain garden.
 6. Green roof covering at least 50 percent of roof; rooftop gardens; vertical wall plantings.
 7. Use of permeable/pervious pavers.
 8. Recycling of non-hazardous construction and demolition debris.
 9. Utilization of a minimum of 50 percent recycled building materials.
 10. Solar powered lights (non-safety lights).
 11. Other sustainable design elements as determined by the Zoning Official or their designee.

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Chapter 3-9. Zoning
Article III. Special Regulations
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h. Mixed-Use Districts

1. Automotive, boat, and travel trailer sales, service, repair.
 - (a) Shall only be permitted in completely enclosed buildings.
2. Building trades contractor's office.
 - (a) No heavy machinery.
 - (b) Outdoor storage prohibited.
3. Commercial or leisure vehicle rental.
 - (a) Shall only be permitted in completely enclosed buildings.
 - (b) Includes scooters, e-scooters, bicycles, motorized bicycles, etc.
4. Drug Store, pharmacy, dispensary
 - (a) Drive-through windows may only be permitted through the special exception process.
5. Live-work units. Live-work units may be allowed as a special exception use, provided it complies with all of the general conditions established as follows, as well as any conditions that may be added by the BZA. The following conditions must be met and complied with by all operators of any live-work unit.
 - (a) Commercial activities shall be conducted only by a resident of the dwelling unit.
 - (b) No more than 50 percent of the gross floor area of the dwelling unit may be devoted to commercial use.
 - (c) No more than one non-illuminated sign, not exceeding four 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 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:
 - (1) Animal boarding facility.
 - (2) Bar, cocktail lounge, nightclub, tavern.
 - (3) Drugstore, pharmacy.
 - (4) Dry cleaner.



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- 1 (5) Equipment rental.
- 2 (6) Laundromat.
- 3 (7) Liquor, package store.
- 4 (8) Passenger vehicle rental.
- 5 (9) Printing.
- 6 6. Micorbrewery, micro-distillery, micro-winery
- 7 (a) All brewing, distilling, or winemaking equipment visible from the street (excluding alleys),
- 8 adjacent residential uses, or adjacent residential zoning shall be screened using
- 9 architectural features consistent with the principal structure or shall be displayed in a
- 10 manner that showcases the equipment and function.
- 11 (b) For loading, storage, and equipment areas facing a perimeter street, a perimeter landscape
- 12 strip with parking lot screening, as established in Section 3-9-100.2 of the County Code,
- 13 as may be amended, shall be installed and maintained to screen those areas. In instances
- 14 where redevelopment of a site may not require site plan review, a landscape plan showing
- 15 the required buffer, signed and sealed by a Florida Registered Landscape Architect, shall
- 16 be submitted for approval.
- 17 (c) No outdoor storage shall be allowed, including the use of portable storage units, cargo
- 18 containers, and tractor trailers. Spent or used grain or fruit may be approved to be stored
- 19 outdoors for a period not to exceed 24 hours if such storage complies with the following
- 20 standards:
- 21 (1) It shall be designated on the approved site plan.
- 22 (2) It shall be prohibited within any required area (parking, open space, landscape
- 23 buffers, etc.) or any setback adjacent to residential uses or residential zoning.
- 24 (3) It shall be fully enclosed within a sealed container, secured and screened behind a
- 25 solid, opaque fence or wall at least six feet in height.
- 26 (d) The requirements and standards of the appropriate state and federal department shall be
- 27 met and evidence of current appropriate state and federal licenses must be shown.