

City
BCC #14
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FILED WITH THE DEPARTMENT OF STATE August 25, 2006

Commissioner
Hendrickson
Clerks Office



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ORDINANCE
NUMBER 2006 - 076

AN ORDINANCE PERTAINING TO DISASTER RECOVERY AND SIGN AND SETBACK REQUIREMENTS IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE AMENDMENT OF SECTION 3-9-50 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Charlotte Harbor Community Redevelopment Area ("Charlotte Harbor CRA") was created by Resolution 92-251 on November 3, 1992, by the Board of County Commissioners of Charlotte County ("Board"); and

WHEREAS, the Charlotte Harbor Community Development Code was enacted by the Board on February 20, 1996, pursuant to Ordinance No. 96-0110A0 and included in the Code of Laws and Ordinances of Charlotte County ("Code") as Section 3-9-50; and

WHEREAS, the Charlotte County CRA Committee, an advisory committee to the Board ("Advisory Committee"), in consultation with Charlotte County staff, has recommended that Section 3-9-50 be amended to allow owners of existing businesses damaged by Hurricane Charley to rebuild their buildings and signs to a pre-Hurricane Charley state; and

WHEREAS, the Advisory Committee, in consultation with Charlotte County staff, has recommended that Section 3-9-50 be amended by adding a new subsection 3-9-50.3(e) which shall permit legal conforming or legal nonconforming structures to be replaced or restored on the original footprint, with

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1 no increase in square footage and in compliance with current height and
2 applicable state and federal standards; and

3 WHEREAS, the Advisory Committee, in consultation with Charlotte
4 County staff, has recommended that Section 3-9-50 also be amended by adding
5 a new sentence to subsection 3-9-50.4(j) to allow the replacement of damaged
6 plastic sign faces without having to bring the entire sign into compliance with the
7 sign regulations; and

8 WHEREAS, the Advisory Committee, in consultation with Charlotte
9 County staff, has recommended that Table 1 of subsection 3-9-50.4(g)(2)(B) be
10 amended to increase the maximum size of Secondary Class "A" signs from 25
11 square feet to 50 square feet; and

12 WHEREAS, the Advisory Committee, in consultation with Charlotte
13 County staff, has recommended that subsection 3-9-50.4(m)(1)(G) be amended
14 to extend the period of time for all signs to come into compliance with the Code
15 requirements from 2010 to 2012; and

16 WHEREAS, the Charlotte County Planning and Zoning Board has
17 recommended approval of the changes recommended by the Advisory
18 Committee and the County staff; and

19 WHEREAS, the Board agrees with the changes recommended by the
20 Advisory Committee and the County staff and has determined that the proposed
21 changes will promote the Charlotte Harbor CRA's aesthetic and visual
22 environment and character, and is in the best interests of the County and its
23 citizens.

1 NOW, THEREFORE, BE IT ORDAINED by the Board of County
2 Commissioners of Charlotte County, Florida:

3 **Section 1.** Section 3-9-50.3 is hereby amended by adding the
4 underlined language and by ~~deleting the stricken~~ language to provide as follows:

5 **Sec. 3-9-50.3. Development review procedure.**

6 (e) Disaster Recovery. Following a natural disaster, as determined by the Board
7 of County Commissioners, a structure that was legally conforming or legally non-
8 conforming immediately prior to said disaster may be replaced or restored on the
9 original footprint, with no increase in square footage, and in compliance with
10 current height requirements and applicable state and federal standards. If the
11 structure cannot be rebuilt using the same footprint and within the allowed height,
12 approval shall only be granted following the procedures outlined in Section 3-9-
13 6.1, Variances. Applications for approval under this procedure shall include a
14 recommendation from the Advisory Committee of the Charlotte Harbor
15 Community Redevelopment Agency.

16
17 **Section 2.** Section 3-9-50.4 is hereby amended by adding the
18 underlined language and by ~~deleting the stricken~~ language to provide as follows:

19
20 **Sec. 3-9-50.4. Signs in the Charlotte Harbor CRA.**

21 (g) *Area/number of signs.*

22 (2)(B) Table 1 (see next page)

Zoning District	Maximum square footage for a primary class "A" sign*	Maximum square footage per secondary class "A" sign**
Environmentally sensitive	25	8
Coastal residential	25	8
Residential multifamily	25	8
Neighborhood business residential	50	15
Commercial general	75	25 <u>50</u>
Commercial intensive	75	25 <u>50</u>
Commercial tourist	75	25 <u>50</u>
Mixed use	75	25 <u>50</u>
Planned development	75	25 <u>50</u>
Industrial light	75	25 <u>50</u>

1 * If a primary class A sign for a parcel or lot is a monument sign, the number of
2 square feet or area allowed the primary class A sign shall be limited to the
3 number of linear feet or building frontage for all buildings located on the parcel or
4 lot for which the primary class A sign is the principal advertising, plus thirty (30)
5 percent of the total number of such linear feet of building frontage. In no event
6 shall the area of a primary class A sign which is a monument sign exceed ninety-
7 eight (98) square feet

8 ** Secondary Class "A" (on-premise) signs shall be allowed one (1) square foot
9 of surface area of signage for each linear floor of building frontage of the
10 business up to a maximum of fifty (50) square feet.

11
12 **Section 3.** Section 3-9-50.4 is hereby further amended by adding
13 the underlined language and by ~~deleting the stricken~~ language to provide as
14 follows:

1 **Sec. 3-9-50.4. Signs in the Charlotte Harbor CRA.**

2 (j) *Maintenance.*

3 (1) An owner shall maintain a sign in substantially similar condition as when the
4 sign was originally permitted and erected. Such maintenance shall include
5 periodic painting and replacement, including both the sign area and structure, or
6 supporting structure, when necessary to achieve the substantially similar
7 appearance as the originally permitted signs. The owner shall promptly repair,
8 replace or remove any broken, worn or illegible elements of a sign, or sign awing
9 or canopy. Any and all damaged plastic faces of an existing legally
10 nonconforming sign may be replaced without the entire sign having to come into
11 compliance with the existing regulations. If the entire sign has sustained damage
12 greater than 50% of replacement value said sign must comply with existing
13 regulations. If the owner of the sign and the owner of the premises on which the
14 sign is located are not the same, each shall be jointly or severally responsible for
15 sign maintenance.

16
17 **Section 4.** Section 3-9-50.4 is hereby further amended by adding
18 the underlined language and by ~~deleting the stricken~~ language to provide as
19 follows:

20
21 **Sec. 3-9-50.4. Signs in the Charlotte Harbor CRA.**

22 (m) *Nonconforming signs.*

23 (1)(G) Subject to the foregoing, any sign which existed and was maintained on
24 the effective date of Ordinance No. 2002-040 may be continued although such
25 sign does not conform to all the provisions of this section: provided that all such
26 nonconforming signs, supporting members and electric components shall be
27 completely removed from the premises or brought into conformance with these
28 requirements not later than January 1, ~~2010~~ 2012; provided, however, that
29 nothing herein shall be construed as permitting the continuance of any illegal or
30 prohibited sign.

1 **Section 5.** Conflict With Other Ordinances. The provisions of this
2 article shall supersede any provisions of existing ordinances in conflict herewith
3 to the extent of said conflict.

4 **Section 6.** Severability. In the event that any portion of this article
5 is for any reason held invalid or unconstitutional by any court of competent
6 jurisdiction, such portion shall be deemed a separate, distinct and independent
7 provision, and such holding shall not affect the validity of the remaining portions
8 of this article.

9 **Section 7.** Effective Date. This Ordinance shall take effect upon
10 filing in the office of the Secretary of State.

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[SIGNATURE PAGE FOLLOWS]

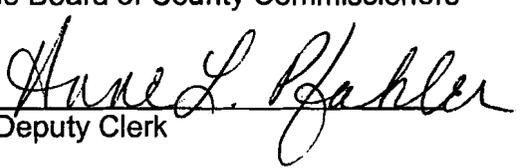
1 PASSED AND DULY ADOPTED this 15 day of August, 2006.
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4 BOARD OF COUNTY COMMISSIONERS OF
5 CHARLOTTE COUNTY, FLORIDA
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7
8 By: 
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10 Tom D'Aprile, Vice Chairman
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12 ATTEST:
13 Barbara T. Scott, Clerk of the
14 Circuit Court and Ex-Officio Clerk
15 to the Board of County Commissioners
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18 By: 
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20 Deputy Clerk
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23 APPROVED AS TO FORM AND
24 LEGAL SUFFICIENCY:
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27 By: 
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29 Janette S. Knowlton, County Attorney
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