

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**July 11, 2011 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:29 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Michael Gravesen  
Michael Brown  
James Marshall  
Brenda Bossman

**ABSENT**

**ATTENDING**

Derek Rooney, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of June 13, 2011 were approved as circulated.

**ANNOUNCEMENTS**

The oath was administered, whereupon the meeting commenced.

**PETITIONS**

**PA-11-05-10-LS**

**Legislative**

**Commission District I**

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for review and Comments Report; the amendment request is to change the Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); for property located north of Harborview Road, south of Westchester Boulevard, northeast of Tamiami Trail (U.S.41) and west of Kings Highway, in the Port Charlotte area, containing 13.07± acres; Commission District I; Petition No. PA-11-05-LS; Applicant: Seahorse Marina, Inc.; providing an effective date.

**Z-11-05-11**

**Quasi-Judicial**

**Commission District I**

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Mobile Home Park (MHP) to Commercial General (CG); for property located north of Harborview Road, south of Westchester Boulevard, northeast of Tamiami Trail (U.S.41) and west of Kings Highway, in the Port Charlotte area, containing 13.07± acres; Commission District I; Petition No. Z-11-05-11; Applicant: Seahorse Marina, Inc.; providing an effective date.

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July 11, 2011 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

**Staff Presentation**

**Roxann Read, Planner II**, presented the findings and analysis of the petitions with a recommendation of *Approval*, based on the reasons stated in the staff reports dated June 24, 2011 and the evidence presented at the public hearing on the applications. Ms. Read discussed the site history and the way in which the proposed changes would foster the Smart Growth principles outlined in the County's new comprehensive plan.

**Questions for Staff**

**Chair Hess** asked for the current procedure when dealing with a unified petition involving a large-scale plan amendment and companion rezoning, e.g., the preferred timing of the decision on the rezoning; **Assistant County Attorney Derek Rooney** indicated that the Board should issue a recommendation on both petitions, though the rezoning would not be adopted until it was time for the plan amendment adoption also.

**Applicant's Presentation**

**Geri Waksler, Esq.**, applicant's agent, spoke in support of the project, providing a brief history of the site with reference to the destruction of the Palmetto Mobile Home Park during Hurricane Charley, and with the change in times and surroundings that make this site no longer suitable for a mobile home park. She noted that the change in permitted uses would turn the area into a reasonable transition between the single-family residential to the north and the light industrial to the south.

**Public Input**

None.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

**Discussion**

**Chair Hess** stated she was in agreement with staff and applicant's agent as to the change in neighborhood requirements that make the petitions appropriate.

**Recommendation**

**Mr. Brown** moved that application **PA-11-05-10-LS** be forwarded to the Board of County Commissioners with a recommendation of *Approval* for transmittal to the Department of Community Affairs for review and a Comments Report, based on the findings and analysis in the staff report dated June 24, 2011, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**Mr. Brown** moved that application **Z-11-05-11** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated June 24, 2011, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**LDR Text Amendment (Signs) Legislative County-wide**

An ordinance amending Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County, Florida, by amending Section 3-9-95 Signs; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

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**Staff Presentation**

**Derek Rooney, Assistant County Attorney**, presented the findings and analysis of the text amendment with a recommendation of *Approval*. He discussed the Code Enforcement actions which had been part of the activity that had led to a reconsideration of the sign code, and the staff analysis of the old code and its shortcomings, including the large number of exemptions.

Staff discussions resulted in a plan for rolling the various existing types of permits into a single allocation-based permit (covering all types of signs including window signs, flutter flags, vehicles, etc.) with an allocation for signage based on building square footage, the formula being changed from one square foot of signage for a linear square foot of building or road frontage, to three square feet of signage. This would be the total for attached and free-standing signage, as well as window signs, flutter flags or temporary banner. There will no longer be a need to get each sign permitted; the total would be available as a right, based on the linear square feet of building or road frontage.

**Mr. Rooney** noted that the process for awarding the new permits will be somewhat changed; there will still need to be a building sign permit or a monument sign permit, because of their need to go through the building inspection process; all other types of signs can be installed under a single permit which is renewed annually and which defines the allocation. The owner can have the type of signs and as many signs, and change them as often, as they wish, as long as the total square footage of all their signs remains within the permitted allocation. He stated that there is an anticipation that the business owners will do the right thing with the increased allocation, choosing classier permanent signs over lots of cheap-looking signs.

**Mr. Rooney** discussed the intention to have the two specialty sign codes (Manasota Key and Charlotte Harbor) referenced within the new sign code; it was also noted that the new code will involve illustrations of the types of signs, for greater user-friendliness. In response to a question from the Chair, he noted that there will be no set-back requirements (there currently are none). One significant change was described: Under the existing code, non-conforming signs must come down when they are damaged more than 50 percent; when the new code goes into effect, any existing non-conforming sign will get an negative allocation which should become an incentive to take down old non-conforming to get more allocation on the property.

**Questions for Staff**

**Chair Hess** asked if truck signs had been addressed, both signs on trucks and cases where the vehicles themselves were the signs, like Truly Nolen. **Mr. Rooney** responded that where the vehicle is the sign or carries the sign, it comes out of the total allocation. In future, such businesses will have to choose amongst all their signs to stay within their allocation. He also spoke about the "snipe signs" on the wire frames which are frequently found in the rights-of-way; he noted that it already is a misdemeanor to put them in the right of way, but law enforcement still has to see the person do it in order to act. **Ms. Bossman** asked what the penalty is for improperly placing such a sign; under the new code, it is \$500 or 60 days in jail. To the question whether any type of snipe signs – open house, yard sale, etc. – are exempt, **Mr. Rooney** that responded improper placement of snipe signs is technically illegal right now. There is no longer a requirement that the sign be advertising something connected with the property where the sign is posted. Signs can be placed on someone's property with their permission; placement in the right-of-way is what's illegal. But even if properly placed on someone's property, it has to be within the allocation of the property.

Further discussion ensued on these yard signs and the process for getting them permitted.

**Mr. Rooney** noted that there are currently two classes of signs: primary (on the building,

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requiring electricity, monument signs, permanent signs) and temporary (everything else.) He said that he had been asked if the new rules will lead to a vast increase in signs; he stated that it would not. A primary purpose of the new code was in reducing inequalities (which arise via exemptions, etc.)

**Mr. Marshall** asked how this will apply during election; further discussion ensued on political and other snipe signs. He also asked if this code is more liberal than the prior code, which Mr. Rooney said it is, especially in giving wider choice to the property owner as to what mix of signage to use; it will be more restrictive in terms of the penalties against people who improperly place signs on public property.

**Chair Hess** asked if this set of changes had been commented on by the Chamber? **Mr. Rooney** stated that staff held workshops with and talked directly to business owners, particularly some of the people who had been cited under the current sign code, to better understand the issues. Further discussion ensued regarding the timing of the matter coming before the Commissioners. **Mr. Marshall** inquired if there was any way to make snipe signs in the rights-of-way (ROW) legal or provide a temporary exemption to churches; **Mr. Rooney** explained that while regulations had been loosened so that signs could advertise businesses located on some other property, they were still illegal in the public ROW under state law, and he asked Mr. Quick, the County Engineer and interim Director of Building and Growth Management, to comment. **Mr. Quick** commented on difficulties such signs may cause with regard to drivers' visibility or ability to pull off the road safely in an emergency, mowing of the ROW, drainage and other considerations.

**Ms. Bossman** asked about balloons; **Mr. Rooney** responded with information regarding the change in the definition of signs. Signs used to be anything intended to get peoples' attention, which would have included a balloon. That has created problems when considering other things such as murals or artwork which is not intended as a commercial display. Therefore, the definition of signs is now limited to those things which are visible from the ROW and which convey a message; that is to say, the actual text. So balloons with no text (or a trademarked image or symbol) would not count as a sign, while for instance, a painting of the Golden Arches on the side of a building would count. Further discussion ensued with regard to how square footage is calculated on unusual shapes.

**Chair Hess** encouraged the group to provide suggestions as to further refinements to the code that should be considered. **Mr. Marshall** asked to have "free standing flag" defined; **Mr. Rooney** responded on that, and also with more general information regarding the use of flags, and the definition or lack of it of "obscene" content on signs. **Mr. Quick** gave the dates when the matter was anticipated to go to BCC (Aug. 16) and **Mr. Rooney** noted that the effective date would be somewhat delayed in order to 'get the word out' in the community about the various changes.

**Discussion**

**Mr. Marshall** asked if the ordinance was in final form; **Mr. Rooney** said that some additional material (such as the definition of "obscene" etc.) was still anticipated.

**Recommendation**

**Mr. Gravesen** moved that the sign code amendment and concepts as presented during the meeting be forwarded to the Board of County Commissioners with a recommendation of *Approval*, second by **Ms. Bossman** and carried by a four to one vote.

The secretary was requested to poll the Board:

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Paula Hess – Aye  
Michael Gravesen – Aye  
Michael Brown – Aye  
Brenda Bossman – Aye  
James Marshall – No

**Mr. Marshall** stated that he opposed the measure because he felt the matter was not complete.

There being no further business to come before the Board, meeting was adjourned at 2:18 p.m.