CH6
BCC

FILED WITH THE DEPARTMENT OF STATE: September 24, 2014

ORDINANCE
NUMBER 2014 – 030

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING CST POLICY 3.2.5 OF THE COASTAL PLANNING (CST) ELEMENT OF CHARLOTTE COUNTY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 20, 2010, the Board of County Commissioners of Charlotte County, Florida ("Board"), in a public hearing, adopted the Smart Charlotte 2050 Comprehensive Plan ("Smart Charlotte Plan"), which became effective on June 15, 2011; and

WHEREAS, during the implementation of the Smart Charlotte Plan, it became apparent that some policies needed to be revised in order to fulfill the vision that was established in the Smart Charlotte Plan, exercise the "Home Rule" authority in the County's Charter, and better guide redevelopment and future development within the County; and

WHEREAS, at the Board's direction, staff has been working on revisions to CST Policy 3.2.5 of the Coastal Planning (CST) Element; and

WHEREAS, on May 12, 2014, Petition PA-14-04-06-LS, regarding amendments to Charlotte County's Comprehensive Plan and changing the name to Charlotte 2050 Comprehensive Plan ("Charlotte Plan"), was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the evidence presented to it by Staff, the P&Z Board recommended approval of the revisions to CST Policy 3.2.5 of the

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3905, PGS 323-327 5 pg(s)
INSTR # 2297495
Doc Type GOV, Recorded 09/30/2014 at 11:06 AM
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Coastal Planning Element to be transmitted to the Department of Economic Opportunity ("DEO") for review and comments; and

WHEREAS, on June 24, 2014, Petition PA-14-04-06-LS was heard by the Board, and based on the Memorandum to the Board dated May 2, 2014, revised on June 3, 2014, it was approved for transmittal to DEO for review and comments; and

WHEREAS, on July 18, 2014, DEO issued a letter stating that it had no comments regarding Petition PA-14-04-06-LS; and

WHEREAS, other relevant state agencies also reviewed the revisions to CST Policy 3.2.5 of the Coastal Planning (CST) Element and had no comments; and

WHEREAS, after due consideration regarding Petition PA-14-04-06-LS and the analysis and evidence presented to the Board, the Board has found the proposed revisions to CST Policy 3.2.5 of the Coastal Planning (CST) Element are in the best interests of the health, safety, and welfare of the County and the future the County envisions and desires for itself.

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

Section 1. Adoption of the Revisions to CST Policy 3.2.5 of the Coastal Planning (CST) Element of the Charlotte 2050 Comprehensive Plan ("Charlotte Plan"). CST Policy 3.2.5 of the Coastal (CST) Element of the Charlotte Plan is hereby amended by the deletion of the strike through language and addition of the underlined language as provided in Exhibit "A," which is attached hereto and by reference made a part hereof be and the same is hereby adopted.

Section 2. Severability. If any section, subsection, clause, phrase, or provision of this ordinance or its accompanying Charlotte Plan element is for any reason held invalid or unconstitutional by any court or body of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance or its accompanying Charlotte Plan element invalid or unconstitutional.

Section 3. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 23RD day of SEPT., 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Kenneth W. Doherty, Chairman

ATTEST:
Barbara T. Scott, Clerk of the
Circuit Court and Ex-officio Clerk to
the Board of County Commissioners

By _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR2014-2872

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LR2014-2872
9/11/2014

COASTAL PLANNING – GOALS, OBJECTIVES AND POLICIES

CST Policy 3.2.5: Development Requiring Special Needs Assistance

The County shall ~~prohibit~~ discourage the development of any institutional uses, such as assisted living facilities, group homes for handicapped persons, hospitals and such similar uses, from developing in the CHHA. This will help limit public expenditures for pre- and post-disaster assistance. Charlotte County shall continue to amend and implement its Code of Laws and Ordinances to require all newly-constructed nursing homes, adult congregate living facilities, and hospitals to include shuttering or the use of shatterproof glass, as well as independent emergency power supplies located above base flood elevation or otherwise protected from flooding, as part of such facilities' design and construction.

EXHIBIT A

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

September 8, 2014

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

#372.00

(Signature of Affiant)

Sworn and subscribed before me this 8th day of September, 2014.

(Signature of Notary Public)

Phylis Moll
(Print Name of Notary Public)

PHYLIS MOLL
Notary Public - State of Florida
My Comm. Expires Aug 27, 2017
Commission # FF 48827

Personally known ___✓___ OR Produced Identification ___

Type of Identification Produced _____

NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, **SEPTEMBER 23, 2014, AT 2:00 P.M.** OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: **http://www.charlottecountyfl.gov/Pages/BCC-meeting-agendas.aspx**

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

Excavation and Earthmoving Code **Legislative** **Countywide**

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Part III Land Development and Growth Management, Chapter 3-5 of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article XXI Excavations and Article XXIII Excavation and Earthmoving in their entirety, and creating new Article XXIII Earthmoving; providing for applicability and definitions; providing for nonconformities; providing for exemptions; providing for general location and operation standards; providing for standard earthmoving and construction permits; providing for specific earthmoving permits; providing for specific earthmoving permit application requirements; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

Landscaping and Buffers Code **Legislative** **Countywide**

An ordinance of the Charlotte County Board of County Commissioners, Florida, amending Part III Land Development and Growth Management, Chapter 3-5, Article XVIII Landscaping and Buffers, of the Code of Laws and Ordinances of Charlotte County, Florida, by revising Section 3-5-397 Planting Standards; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

PA-14-04-06-LS **Legislative** **County-wide**

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the request is to amend the Future Land Use (FLU) Element, Natural Resources (ENV) Element, Coastal Planning (CST) Element, FLU Appendix I: Land Use Guide and FLU Appendix III, Definitions; Petition No. PA-14-04-06-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our Office at 941-764-4191, TDD/TTY 941-743-1234, or by email to mailto:Terri.Hendriks@charlottefl.com

Publish: September 8, 2014

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 24, 2014

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2014-030, which was filed in this office on September 24, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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www.dos.state.fl.us