CH6 BCC #14

FILED WITH THE DEPARTMENT OF STATE : July 15, 2015

ORDINANCE
NUMBER 2015 – 037

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, RESCINDING ORDINANCE NO. 2014-026, WHICH RELATED TO REVISIONS TO THE FUTURE LAND USE (FLU) ELEMENT, ORDINANCE NO. 2014-027, WHICH RELATED TO REVISIONS TO FLU APPENDIX I: LAND USE GUIDE, ORDINANCE NO. 2014-028, WHICH RELATED TO REVISIONS TO FLU APPENDIX III, DEFINITIONS, ORDINANCE NO. 2014-029, WHICH RELATED TO REVISIONS TO THE NATURAL RESOURCES (ENV) ELEMENT, AND ORDINANCE NO. 2014-030, WHICH RELATED TO REVISIONS TO THE COASTAL PLANNING (CST) ELEMENT; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3993 PAGE 306 PAGE 1 OF 4
INSTR # 2367849 Doc Type GOV
Recorded 7/16/2015 at 1:27 PM
Rec Fee RECORDING $35.50
Cashier By LILAIE

RECITALS

WHEREAS, on September 23, 2014, the Board of County Commissioners of Charlotte County, Florida ("Board") adopted five ordinances (as set forth below in the following paragraphs) to provide for revisions to the County's Comprehensive Plan; and

WHEREAS, Ordinance No. 2014-026 provided for revisions to the Future Land Use (FLU) Element; and

WHEREAS, Ordinance No. 2014-027 provided for revisions to FLU Appendix I: Land Use Guide; and

WHEREAS, Ordinance No. 2014-028 provided for revisions to FLU Appendix III: Definitions; and

WHEREAS, Ordinance No. 2014-029 provided for revisions to the Natural Resources (ENV) Element; and

WHEREAS, Ordinance No. 2014-030 provided for revisions to the Coastal Planning (CST) Element; and

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WHEREAS, subsequent to the adoption of these ordinances on September 23, 2014, two organizations and one citizen ("Petitioners") filed challenges with the Division of Administrative Hearings ("DOAH"); and two property owners joined as Interveners with DOAH; and

WHEREAS, over the past several months, County Staff and the Petitioners have been working together in an effort to resolve any differences that were identified in the challenges as to the adopted revisions and the Petitioners' positions; and

WHEREAS, at this time, the Board desires to move the process forward by rescinding the adopted ordinances and subsequently resubmitting plan amendments to revise the previously adopted revisions to the County's Comprehensive Plan; and

WHEREAS, if the Board approves this Ordinance, the DOAH administrative hearing proceedings will be dismissed; and

WHEREAS, the newly proposed revisions to the County's Comprehensive Plan will be presented to the Board for consideration at future public hearings; and

WHEREAS, the Board considered this Ordinance in a public hearing held on July 14, 2015; and

WHEREAS, the Board has determined that this Ordinance is in the best interests of the County and its citizens.

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

Section 1. The following ordinances are hereby rescinded:

- Ordinance No. 2014-026
- Ordinance No. 2014-027
- Ordinance No. 2014-028

- Ordinance No. 2014-029
- Ordinance No. 2014-030

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 its filing with the Office of the Secretary of State, State of Florida.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 14th day of July, 2015.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA
By: William G. True
William G. True, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners
By: Michelle D. Berardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:
By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2015-3100

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LR2015-3100

FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 15, 2015

Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-037, which was filed in this office on July 15, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270 • Facsimile: (850) 488-9879
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SUN NEWSPAPERS

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

Before the undersigned authority personally appeared Natalie Musser, who on oath says that she is legal clerk of the Charlotte Sun and the Englewood Sun, each 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:

July 4, 2015

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 publication 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.

Natalie Musser
(Signature of Affiant)

Sworn and subscribed before me this 6th day of July, 2015

Phyllis Moll
(Signature of Notary Public)

$306 —

PHYLIS MOLL
MY COMMISSION # FF 48827
EXPIRES August 27, 2017
(407) 398-0153 FloridaNotaryService.com

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, JULY 14, 2015, AT 10:00 A.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://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

Rescinding Ordinances **Legislative** **Countywide**

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, rescinding Ordinance No. 2014-026, which related to revisions to the Future Land Use (FLU) Element, Ordinance No. 2014-027, which related to revisions to FLU Appendix I: Land Use Guide, Ordinance No. 2014-028, which related to revisions to FLU Appendix III, Definitions, Ordinance No. 2014-029, which related to revisions to the Natural Resources (ENV) Element, and Ordinance No. 2014-030, which related to revisions to the Coastal Planning (CST) Element; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

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 941-743-1381, TDD/TTY 941-743-1234, or by email to: Terri.Hendriks@charlottefl.com

Publish: July 4, 2015

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