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O R D I N A N C E
N U M B E R 2 0 1 5 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY REVISING SECTION 3-9-64, ALCOHOLIC BEVERAGES; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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R E C I T A L S

WHEREAS, the County's Land Development Regulations (LDRs) were originally adopted in 1981 and took effect on December 8, 1981; and

WHEREAS, over time, Staff was directed to revise the existing LDRs and has been working over the last several years to accomplish the desired revisions; and

WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and

WHEREAS, in order to thoroughly review and update the existing LDRs, Staff has divided the project into three phases; and

WHEREAS, Phase I focuses on revisions to the conventional zoning districts and some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

WHEREAS Phase II will focus on all overlay codes and the remaining sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

1 WHEREAS, Phase III will focus on regulations found primarily in Chapter 3-5.
2 Planning and Development, which may include topics such as wetlands, landscaping
3 and buffers, and site and commercial design standards; and

4 WHEREAS, Phase I was approved by Charlotte County Board of County
5 Commissioners ("Board") on November 25, 2014; and

6 WHEREAS in order to thoroughly review and revise the County's LDRs, Staff
7 divided Phase II into small groups; and

8 WHEREAS, Staff is presenting Phase II.1 to the Planning and Zoning Board
9 ("P&Z Board") and the Board of for consideration; and

10 WHEREAS, Staff is recommending that Chapter 3-9 of the Code of Laws and
11 Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-64,
12 Alcoholic Beverages; and

13 WHEREAS, revisions have previously been heard by the P&Z Board and, based
14 on the memorandum dated December 19, 2014, and the evidence presented to the P&Z
15 Board, has been recommended for approval on January 12, 2015; and

16 WHEREAS, the Board considered the revisions in public hearing held on
17 February 24, 2015; and

18 WHEREAS, the Board has determined that the changes are consistent with the
19 County's Comprehensive Plan and are in the best interests of the County and its
20 citizens.

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

23 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
24 Florida, is hereby amended by revising Section 3-9-64, Alcoholic Beverages, by adding

1 the underlined language and by ~~deleting the stricken language~~ to provide as shown in
2 Exhibit "A" which is attached hereto and provided herein.

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

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

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14 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the
15 Office of the Secretary of State, State of Florida.

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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULLY ADOPTED this _____ day of _____, 2015.

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BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, Clerk of
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
LR2014-2992

1 **Sec. 3-9-64. Alcoholic Beverages**

2 No bar, cocktail lounge, nightclub or tavern shall be located less than ~~one thousand~~ (1,000) feet from
3 an established school ~~or house of worship~~, which distance shall be measured on a straight line
4 connecting the closest point of the structure of such bar, nightclub, cocktail lounge or tavern to the closest
5 point of the structure of such school ~~or house of worship~~ unless a Special Exception is approved by the
6 Board of Zoning Appeals. If a school ~~or house of worship~~ shall be located within ~~one thousand~~ (1,000)
7 feet of any established bar, cocktail lounge, nightclub or tavern, such established use or structure (bar,
8 cocktail lounge, nightclub or tavern) shall not be deemed a nonconforming use or structure. For the
9 purpose of this section, "school" shall mean a public or private facility devoted to primary, secondary or
10 advanced education. The sale of alcoholic beverages for on-premises consumption in conjunction with a
11 private club shall be considered to be an accessory use provided that such sale and consumption be
12 restricted from public access or use.