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O R D I N A N C E
NUMBER 2015 –

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 3-9-66, BRIDGELESS BARRIER ISLANDS; 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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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 3-9-66,
12 Bridgeless Barrier Islands; 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 3-9-66, Bridgeless Barrier Islands, by

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

3
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.

7
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. 3-9-66. Bridgeless Barrier Islands**

2 This section provides for a maximum residential density on those barrier islands having no access by
3 road from the mainland.

4 (a) All parcels one ~~(1)~~ acre or greater in size (as of ~~January 1~~October 22, 1990) shall be limited to a
5 density of one ~~(1)~~ unit per gross acre, except where vested rights relating to allowable densities
6 are determined to exist under the vested rights provisions of Chapter 3-10 of this Code. It is not
7 the intent of this provision to exempt these areas from any applicable concurrency
8 requirements.

9 (b) All legally created parcels (as of ~~January 1~~October 22, 1990) less than one ~~(1)~~ acre in size shall
10 have an allowable density of one ~~(1)~~ unit per ~~subdivision lot~~parcel, except where vested rights
11 relating to allowable densities are determined to exist under the vested rights provisions of
12 Chapter 3-10 of this Code. It is not the intent of this provision to exempt these areas from any
13 applicable concurrency requirements.

