

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 3-9-71,
12 Essential Services; 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 3-9-71, Essential Services, 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

Land Development Regulation
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-71. Essential Services

1 **Sec. 3-9-71. Essential Services.**

2 Essential ~~S~~services shall be permitted in ~~RMF-T, COP, CG, CTCL, IL-IG and IG-II~~ zoning districts and
3 permitted by special exception in ~~AE, AG, EM, AC, AE-10, ES, RMF-T, OMI, RE, RSF, RMF, MHP, MHS,~~
4 ~~MHC, RVP and CN~~ zoning districts. The term "essential services" shall include utility facilities, including
5 sewage treatment plants and lift stations, water wells, storage tanks, pumping stations, and water
6 treatment plants; electric generating plants, distribution, equipment storage and transformer stations; gas
7 pumping, metering, processing, distribution and storage; and telephone and cable television facilities. The
8 term shall not include water wells, treatment plants, and septic tanks which are not associated with a
9 utility facility, ~~nor shall it include transmission and distribution lines~~. Essential services shall be required to
10 comply with all other requirements as set forth within the land development regulations. The following
11 standards shall also apply:

- 12 (1) New sewage treatment plants shall be no closer than ~~five hundred (500)~~ feet to any residential
13 structure. Expansion to existing sewage treatment plants shall be exempt from this setback
14 requirement. Additionally, sewage treatment plants, when a part of a ~~mobile-manufactured~~
15 home park or a recreational vehicle park, shall be exempt from the above setback requirement.
- 16 (2) New water treatment plants shall be located no closer than ~~two hundred (200)~~ feet to any
17 residential structure. Expansion to existing water treatment plants shall be exempt from this
18 setback requirement.
- 19 (3) Holding ponds required for the operation of sewage treatment facilities shall be required to be
20 set back a minimum ~~one hundred (100)~~ feet from any residential structure, or ~~fifty (50)~~ feet from
21 the residential property line, whichever is greater. Measurement shall be from the residential
22 structure or property line to the edge of the water.
- 23 ~~(4) Essential Services located in zoning districts other than RMF-T, COP, CG, CI, IL and IG shall~~
24 ~~be required to provide a screening buffer in accordance with section 3-9-83.~~
- 25 (5) No variance to the above minimum setback requirements shall be allowed.