



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 3-9-84,  
12 Sexually Oriented Businesses; 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 a 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 3-9-84, Sexually Oriented Businesses,

1 by 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.

13  
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 Regulations

Chapter 3-9. Zoning

Article III. Special Regulations

Sec. 3-9-84. Sexually Oriented Businesses

1 **Sec. 3-9-84. Sexually Oriented Businesses.**

2 (a) The purpose of this section is to provide reasonable regulations to alleviate the adverse secondary  
3 effects of certain detrimental uses of land which tend to create a skid-row atmosphere where  
4 concentrated and which tend to degrade residential areas and public facilities when located in close  
5 proximity thereto.

6 (b) All sexually oriented businesses shall comply with requirements set forth in Chapter I, Article V.  
7 Sexually Oriented Business.

8 (cb) No sexually oriented business shall be located closer than ~~two thousand~~ (2,000) feet to another  
9 sexually oriented business, measured on a straight line connecting the closest points of the  
10 buildings.

11 (de) No sexually oriented business shall be located closer than ~~one thousand~~ (1,000) feet on a straight  
12 line from any residential or ~~mobile-manufactured~~ home district or use, any property zoned  
13 Commercial Tourist, any area within a planned development developed or intended to be developed  
14 for residential use.

15 (ed) No sexually oriented business shall be located closer than ~~one thousand~~ (1,000) feet measured on a  
16 straight line from any school, park, church, public recreation facility, or child care facility.

17 (fe) At the time of application for an occupational license to operate any establishment subject to this  
18 section, the applicant shall provide a street address and legal description of the property containing  
19 the existing or proposed sexually oriented business, accompanied by a survey signed and sealed by  
20 a professional surveyor registered in the State of Florida which depicts the locations and distances to  
21 any residentially zoned property, any property zoned Commercial Tourist, or any school, park,  
22 church, public recreation facility, or child care facility measured on a straight line connecting the  
23 closest point of the buildings. If the building within which a proposed sexually oriented business  
24 would operate does not yet exist, the applicant must provide a site plan of the proposed  
25 establishment prepared by a professional architect or engineer registered in the state of Florida  
26 which, in conjunction with the survey, shall verify that the distance requirements set forth in this  
27 section shall be maintained.

28 (gf) All doors, windows and other building openings of a structure housing a sexually oriented business  
29 shall be so located, covered or screened as to effectively prevent visual access into the interior of the  
30 building from any public area.

31 (hg) The premises at which a sexually oriented business is located shall be buffered in such a way that  
32 no part of the sexually oriented business, which in any way conveys a message as to the goods or  
33 services offered therein, is visible from any residentially zoned property, any property zoned  
34 Commercial Tourist, or any school, park, church, public recreation facility, or child care facility.

35 (ih) The premises at which a sexually oriented business is located shall have exterior lighting such as to  
36 eliminate any darkened areas within, for example, parking areas, around dumpsters, and building  
37 recesses. Such lighting shall be directional, recessed, or otherwise controlled so as to not illuminate  
38 or become a nuisance to surrounding residential properties.

39 (ii) Signage associated with any use subject to this section, whether on or off the site, shall not include  
40 any display or depiction, including silhouettes, of specified anatomical areas or involving specified  
41 sexual activities.

42 (kj) Applicability of this Section:

43 (1) Any establishment which was considered a detrimental use under prior law because of a use  
44 which would be classified as a sexually oriented business under this chapter and which was  
45 granted a Special Exception for such use before the effective date of this section and which  
46 meets the definition of a sexually oriented business in this chapter shall be considered a  
47 sexually oriented business and may continue to operate the existing business at that location,

February 2015 Adoption



Land Development Regulations

Chapter 3-9. Zoning

Article III. Special Regulations

Sec. 3-9-84. Sexually Oriented Businesses

1 subject to the requirements of ~~section 1-10-125~~ Section. 1-10-125(c) of this Code, until the  
2 occurrence of any of the following:

- 3 a. The use is expanded, altered, modified, enlarged or intensified; or  
4 b. The use violates any of the terms and conditions of the Sspecial Eexception; or  
5 c. The Sspecial Eexception expires pursuant to ~~subsection 3-9-7 3-9-6.2(h)~~ of this Code.

6 Provided, however, that upon the transfer of ownership of a business granted such a Sspecial  
7 Eexception, subsequent owners may continue to operate the existing business at that location,  
8 but shall be required to conform to all other requirements of ~~chapter 1-10~~ Chapter 1-10,  
9 Article V, of this Code.

- 10 (2) Any establishment which was considered a detrimental use under prior law because of a use  
11 which would be classified as a sexually oriented business under this chapter but which was not  
12 required to obtain a Sspecial Eexception and which meets the definition of a sexually oriented  
13 business in this chapter shall be considered a sexually oriented business and may continue to  
14 operate the existing business at that location, subject to the requirements of ~~section 1-10-125~~  
15 Ssection. 1-10-125(c) of this Code, until the occurrence of any of the following:

- 16 a. The use is expanded, altered, modified, enlarged or intensified; or  
17 b. The business fails to renew its occupational license by December 31 of any year; or  
18 c. The use ceases for a period of ~~ninety (90)~~ consecutive days or more for any reason; or  
19 d. The transfer of ownership of the business.

- 20 (3) Any establishment which was not considered a detrimental use under prior law but which meets  
21 the definition of a sexually oriented business in this chapter shall be considered a sexually  
22 oriented business and may continue to operate the existing business at that location, subject to  
23 the requirements of ~~section 1-10-125~~ SSection. 1-10-125(c) of this Code, until the occurrence of  
24 any of the following:

- 25 a. The use is enlarged or intensified; or  
26 b. The business fails to renew its occupational license by December 31 of any year; or  
27 c. The use ceases for a period of ~~ninety (90)~~ consecutive days or more for any reason; or  
28 d. The transfer of ownership of the business.

- 29 (4) Upon the occurrence of any of the events set forth above in the absence of a valid sexually  
30 oriented business license for the premises, said sexually oriented business shall cease  
31 operation.