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BCC

May 29, 2015

ORDINANCE
NUMBER 2015 - 026

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-65, BOATING STRUCTURES; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR DEVELOPMENT STANDARDS FOR BOATING STRUCTURES ON WATER BODIES; PROVIDING FOR DEVELOPMENT STANDARDS FOR BOAT RAMPS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

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

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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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

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

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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 the Board of County Commissioners of
5 Charlotte County, Florida (“Board”) on November 25, 2014; and

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

8 WHEREAS, Phase II.1 was approved by the Board on February 24, 2015; and

9 WHEREAS, Phase II.2 was approved by the Board on April 28, 2015; and

10 WHEREAS, in Phase II.3, County Staff is recommending that Chapter 3-9 of the
11 Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising
12 Section 3-9-65, Boating Structures; providing for general requirements; providing for
13 development standards for boating structures on water bodies; and providing for
14 development standards for boat ramps; and

15 WHEREAS, Phase II.3 has previously been heard by the Planning and Zoning
16 Board (“P&Z Board”) and, based on the findings and analysis provided by County Staff
17 and the evidence presented to the P&Z Board, has been recommended for approval on
18 April 13, 2015; and

19 WHEREAS, the Board considered Phase II.3 in a public hearing held on May 26,
20 2015; and

21 WHEREAS, based on the findings and analysis provided by County Staff and the
22 evidence presented to the Board, the Board has determined that the changes are

1 consistent with the County's Comprehensive Plan and are in the best interests of the
2 County and its citizens.

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

5 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
6 Florida, is hereby amended by revising Section 3-9-65, Boating Structures; providing for
7 general requirements; providing for development standards for boating structures on
8 water bodies; and providing for development standards for boat ramps, by adding the
9 underlined language and by ~~deleting the stricken language~~ to provide as shown in
10 Exhibit "A" which is attached hereto and provided herein.

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12 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall
13 supersede any provision of existing ordinances in conflict herewith to the extent of said
14 conflict.

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

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

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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this 20th day of May, 2015.

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6 BOARD OF COUNTY COMMISSIONERS OF
7 CHARLOTTE COUNTY, FLORIDA
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9 By: William G. Truex
10 William G. Truex, Chairman
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15 ATTEST:
16 Barbara T. Scott, Clerk of
17 Circuit Court and Ex-Officio
18 Clerk to the Board of County
19 Commissioners

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21 By: Michelle D. Berardino
22 Deputy Clerk
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26 APPROVED AS TO FORM
27 AND LEGAL SUFFICIENCY:
28
29 By: Janette S. Knowlton
30 Janette S. Knowlton, County Attorney
31 LR2015-3323
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Sec. 3-9-65. Boating Structures

(a) General

- (1) For the purposes of this section, boating structures shall include all boat docks, boat ramps, boat lifts, marine elevators, pilings, boat shelters or other structures as determined by the Zoning Official or his/her designee. Where non-commercial boat docks are constructed as the principal use on a vacant property, fences, walls and boat lifts shall be permitted as accessory uses and structures.
- (2a) No boating structures docks, boat houses or boat lifts, covered or uncovered, shall be constructed without the issuance of a building permit.
- (e3) No such boating structures shall be permitted in the waters of the Gulf of Mexico.
- (4) Boating structures are required to meet the minimum side yard requirement set forth in the zoning district in which the property is located except as otherwise permitted in this section.
- (5) At the end of canals boating structures must remain within an area determined by extending a line from each corner of the canal on a 45 degree angle to the mid point of the canal. Where two properties share a property line at the end of a canal the property line will extend in to the canal to establish division between the properties.
 - (a) Boating structures at the end of canals with less than 75 feet of water frontage must maintain a 10% side setback as determined by the portion of the property that abuts the water.
- (6) Unwalled roofed areas or boat shelters are permitted on boating structures provided the overhang extends no more than two feet seaward of the permitted dock or boat lift conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.
- (7) All mooring pilings, docks, lifts and exposed boat lift cradles located in a canal more than 15 feet seaward of the seawall or mean high waterline shall be marked with white or yellow reflectors, and the top three feet shall be painted white. Docks extending more than 15 feet seaward of the seawall or mean high water line shall be required to mark only the two outermost pilings with reflectors.
- (8) No boating structures shall fall within a State Sovereign Submerged Land easement granted to the County unless approved by the County.
- (9) No boating structures shall impede safe navigation nor shall any such structures extend into the navigable channel.
- (f10) This section, except that portion requiring a building permit, shall not apply to structures within a three-sided marina-basin, provided, however, that all three (3) sides of the marina-basin and the underlying marina-basin bottom land are under unitary ownership and control.
- (11) If the requirements of this section cannot be met, an application for a Special Exception may be filed in accordance with the procedures of Section 3-9-6.2, Special Exceptions.

(b) Boating Structures on Waterbodies

- (b1) In natural bodies of water, including those which have been altered or dredged, such no boating structures shall not be erected or watercraft moored nearer to the centerline of an open water span or edge of marked channel than fifteen (15) feet, nor shall any structures extend from the mean high waterline more than ten (10) 25 percent of the open water span at the point of installation, or less than fifteen (15) feet from the centerline of the open water span or edge of marked channel, whichever is less. The edge of the marked channel shall be considered the



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

Sec. 3-9-65. Boating Structures

straight line drawn between successive channel markers. The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation.

- (2) On man-made bodies of water, such structures shall not extend further seaward than the lesser of ten (10) 25 percent of the open water span or twelve (12) 25 feet from the mean high waterline or seawall at the point of installation, whichever is less. Unwalled roofed areas or boat shelters are permitted on conforming piers, docks or wharves, provided that no part of such structures shall extend further seaward than a permitted dock or wharf.
- (3) Signs prohibiting mooring shall be posted on the seaward end of any boat structure that extends the maximum length into a waterbody as permitted in this section.
- (4) The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation. County staff will verify the open water span of a water body at the applicant's request with a review fee.
- (5) Boating structures shall be designed to prevent or minimize impacts to grass beds and other biologically productive bottom habitats. Where a boating structure is in conflict with subsections (b) (1) or (2) of this article, an extended length may be permitted where necessary to prevent impacts to grass beds and other biologically sensitive bottom habitats. A benthic survey prepared by an environmental professional may be required by the Zoning Official or his/her designee.
- (6) The length of boating structures shall be sufficient to provide for a minimum water depth of minus four (-4) feet mean low water. Where a boating structure is in conflict with subsections (b)(1) or (2) of this article, an extended length may be permitted where necessary to obtain minus four (-4) feet mean low water. A bathymetric survey verifying sufficient depth shall be required from a licensed professional.
- (7) A water depth of less than minus four (-4) feet mean low water may be permitted if it can be demonstrated that the lesser depth will not result in boat impacts to sensitive bottom communities.

(c) Boat Ramps

- (1) In the event separate access is created for a boat ramp from a public right-of-way, a permitted driveway apron must be built in accordance with the requirements of the Charlotte County Code of Ordinances.
 - (2) Seawall removal in conjunction with boat ramp construction must be done in accordance with the requirements of the Charlotte County Code of Ordinances.
 - (3) Boat ramps are required to meet a minimum side yard setback of six feet in all zoning districts.
 - (4) Boat ramps in residential zoning districts shall not be used for commercial purposes.
- (d) No pilings or other mooring devices shall extend further seaward in a man-made canal than the lesser of twenty five (25) percent of the width of the canal or twenty five (25) feet. All pilings and other mooring devices located in a canal more than fifteen (15) feet seaward of the seawall or mean high waterline shall be marked with red or yellow reflectors or other acceptable reflectorized markings and the top three (3) feet thereof shall be painted white.

Cross reference— Boats, docks and waterways, Ch. 3-1. & Article XV. Surface Water and Wetland Protection, Sec. 3-5-348. Standards.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 29, 2015

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

Attention: Ms. Michelle DeBeradino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-026, which was filed in this office on May 29, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

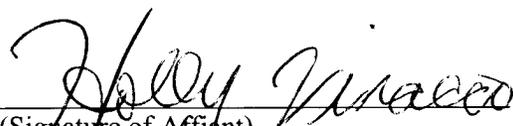


PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

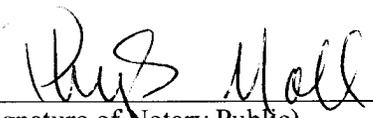
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issue(s) of:

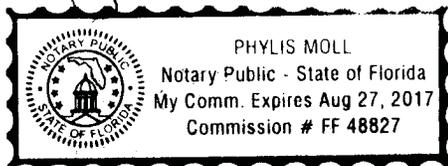
May 11, 2015

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 said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 11th day of May, 2015.


(Signature of Notary Public)



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, **MAY 26, 2015, AT 2:00 P.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://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

PA-15-02-01-LS

Commission District II Legislative

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity for review and comments; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from High Intensity Industrial (HII) (357.7± acres), Preservation (PR) (12.87± acres), and Commercial (COM) (45.36± acres) to Low Density Residential (LDR) with an annotation to the 2030 Future Land Use Map to limit the overall density of the site to 999 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, containing 415.93± acres; Commission District II; Petition No. PA-15-02-01-LS; Applicant: Crimson Tamiami Trail Holdings LLC; providing an effective date.

Sec. 3-9-65.1, Boats Used for Living Purposed; Houseboats

Countywide Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65.1, Boats Used for Living Purposes; Houseboats; providing for general requirements for living aboard boats and houseboats; providing for revised approval procedure; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Sec. 3-9-65, Boating Structures

Countywide Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-65, Boating Structures; providing for general requirements; providing for development standards for boating structures on waterbodies; providing for development standards for boat ramps; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Sec. 3-9-79, Off-street Parking and Loading Facilities

Countywide Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79, Off-street Parking and Loading Facilities; providing for the revised intent; providing for revised applicability; providing for definitions; providing for calculation; providing for general requirements; providing for revised parking requirements for drive-up facilities; providing for revised development standards; providing for revised requirements for off-street parking facilities; providing for revised requirements for off-street loading; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Sec. 3-9-79.1, Parking of Boats, Recreational Vehicles, Trucks, and Trailers

Countywide Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, Zoning, by revising Section 3-9-79.1, Parking of Trucks, Trailers Travel Trailers and renaming this Section to Parking of Boats, Recreational Vehicles, Trucks and Trailers; providing for the revised intent; providing for revised parking standards and restrictions for trucks and trailers; providing for parking standards for boats, RVs and trailers on private developed property; providing for revised violations and enforcement; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

SV-15-01-01

Commission District III Legislative

Gregory and Linda Nelson are requesting to vacate a portion of E. 8th Street lying between Pine Street and Manor Road, a total of 0.13 acres, more or less, as recorded in Plat Book 6, Page 1, of the Public Records of Charlotte County, Florida. The segment is located south of the Sarasota County line, north of 7th Street, east of Pine Street, and west of Manor Road, in Section 5, Township 41 South, Range 20 East, in Commission District III.

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

