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BCC

May 29, 2015

ORDINANCE
NUMBER 2015-027

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING 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 PROCEDURES; 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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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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Lp

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 3-9-65.1, Boats Used for Living Purposes; Houseboats; providing for general
13 requirements for living aboard boats and houseboats; and providing for revised approval
14 procedures; 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 3-9-65.1, Boats Used for Living
7 Purposes; Houseboats; providing for general requirements for living aboard boats and
8 houseboats; and providing for revised approval procedures, by adding the underlined
9 language and by ~~deleting the stricken language~~ to provide as shown in Exhibit "A" which
10 is attached hereto and provided herein.

11
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.

15
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.

21
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.

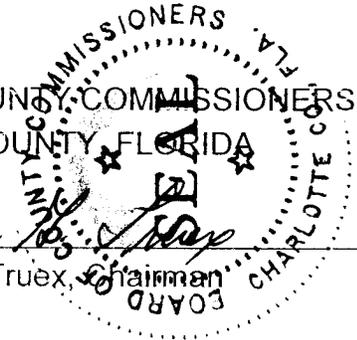
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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this 26th day of May, 2015.

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6 BOARD OF COUNTY COMMISSIONERS OF
7 CHARLOTTE COUNTY, FLORIDA

8
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

20
21 By: Michelle D. Bernardino
22 Deputy Clerk

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25
26 APPROVED AS TO FORM
27 AND LEGAL SUFFICIENCY:

28
29 By: Janette S. Knowlton
30 Janette S. Knowlton, County Attorney
31
32 *K.M.*
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41 LR2015-3323

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations
Sec. 3-9-65.1. Boats Used for Living Purposes; Houseboats

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

(a) *Generally.* Living aboard boats and houseboats is prohibited in any district except within a marina ~~approved by the board of county commissioners as an accessory use approved by Site Plan Review process~~ in accordance with this section.

(b) *Procedure.* All applications for approval of such ~~accessory marinas use must~~ shall meet be filed with the zoning official in a form to be specified by him, accompanied by such plans and specifications as he may require and by a filing fee in an amount to be specified from time to time by resolution of the board of county commissioners. ~~If the zoning official finds that the proposed marina meets all requirements of this chapter, he shall cause the application to be set for public hearing before the board of county commissioners. The board may allow such use if it determines that the use will meet all the standards herein and also finds that the use~~ the following standards:

~~(1) Will not be unduly detrimental to surrounding properties;~~

~~(2) Is suitable in its proposed location;~~

~~(3) Will not unduly burden the transportation system;~~

~~(4) Will not result in undue economic burdens on the public or undue demands on utilities, community facilities and public services; and~~

~~(5) Will not be detrimental to the safety, health, morals or general welfare of the public.~~

(c) *Standards.* No marina shall be approved unless it provides the following:

(1) *Water supply.* An adequate, safe and potable supply of water shall be provided in compliance with all applicable governmental regulations. Whenever a municipal or public water supply is available to the marina, such water supply shall be used. At least one ~~(1) service connection~~ shall be provided for each boat slip consisting of at least a water hydrant and the necessary appurtenances to protect it against backflow and siphonage.

(2) *Toilet facilities.* In addition to those required for employees, not less than the following toilet and bathing facilities contained in central units for men and women shall be provided: For women: One ~~(1) toilet seat for each fifteen (15) boat slips or fraction thereof, one (1) lavatory for each twenty (20) boat slips or fraction thereof and one (1) shower bath for each twenty (20) boat slips or fraction thereof.~~ For men: One ~~(1) toilet seat for each twenty (20) boat slips or fraction thereof, one (1) urinal for each twenty five (25) boat slips or fraction thereof, one (1) lavatory for each twenty (20) boat slips or fraction thereof and one (1) shower bath for each twenty (20) boat slips or fraction thereof.~~

(3) *Sewage disposal.* An adequate and safe method of sewage collection, treatment and disposal shall be provided in compliance with all applicable governmental regulations. Whenever a municipal or public sewer system is available to the marina, such system shall be used. Equipment shall be provided for the pumping of sewage holding tanks and for the disposal of the effluent therefrom. No sewage shall be discharged at any time into the water.

(4) *Garbage and refuse disposal.* Storage, collection and disposal of garbage and refuse shall be so managed as to prevent the creation of nuisances, odors, rodent or insect breeding areas, accident hazards or air pollution. All garbage shall be stored in tightly covered impervious containers provided in sufficient number to prevent garbage from overflowing. ~~Individual containers shall not exceed twenty (20) gallons, which shall be kept in racks or holders designed to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. Plastic bags may be used, provided they meet the above requirements. All garbage shall be collected at least twice weekly and transported in covered vehicles or covered containers. Refuse shall be stored, transported and disposed of in accordance with the provisions of all applicable governmental regulations.~~



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

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

- 1 (5) *Office and manager.* Live-aboard marinas shall be supervised by a manager. Each marina shall
2 provide office space for the use of the manager.
- 3 (6) *Registration of patrons.* All persons living aboard boats shall register immediately upon docking.
4 Registration records shall contain the name, mailing address and street address of the boat
5 owner or operator, and the name, if any, and registration number of the boat. Such records shall
6 be preserved and available on request of the ~~zoning~~ Zoning Official, property appraiser, law
7 enforcement officers or other public officers.
- 8 (7) *Rules and regulations to be posted and enforced.* Each marina owner or operator shall enforce
9 and post rules providing at least the following:
- 10 a. *Occupant responsibility.* Each occupant of the marina shall be required to use the sanitary
11 facilities or sewer disposal facilities furnished by the marina.
- 12 b. *Condition of boats.* All live-aboard boats except those docked for emergency repairs must
13 be capable of getting under way under their own power within ~~twenty-four~~ (24) hours.
- 14 ~~(d) *Revocation.* Any approval may be revoked at a public hearing by the board of county commissioners~~
15 ~~upon a finding that the standards in this section are not being met.~~
- 16 (ec) *Conflict.* If these standards conflict with any state or federal regulation, the more restrictive shall
17 apply.



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. 2015-027, which was filed in this office on May 29, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

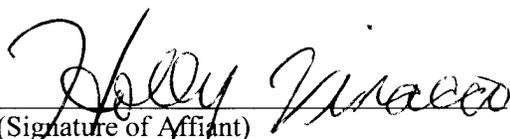


PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

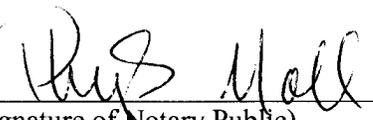
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice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

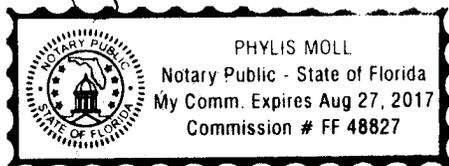
May 11, 2015

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

