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FILED WITH THE DEPARTMENT OF STATE : December 1, 2014

ORDINANCE  
NUMBER 2014 - 075

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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 3-9-80.1, HOUSES OF WORSHIP, RENUMBERING AND RENAMING AS SECTION 3-9-82, PLACES OF WORSHIP; 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, 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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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

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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, Staff is recommending that Chapter 3-9 of the Code of Laws and  
5 Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-80.1,  
6 Houses of Worship, renumbering and renaming as Section 3-9-82, Places of Worship;  
7 and

8           WHEREAS, revisions have previously been heard by the Charlotte County  
9 Planning and Zoning Board ("P&Z Board") and, based on the memorandum dated  
10 August 29, 2014, and the evidence presented to the P&Z Board, has been  
11 recommended for approval on September 8, 2014; and

12           WHEREAS, the Board considered the revisions in public hearings held on  
13 October 28, 2014 and November 25, 2014; and

14           WHEREAS, the Board has determined that the changes are consistent with the  
15 County's Comprehensive Plan and are in the best interests of the County and its  
16 citizens.

17           NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
18 of Charlotte County, Florida:

19           Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,  
20 Florida, is hereby amended by revising Section 3-9-80.1, Houses of Worship,  
21 renumbering and renaming as Section 3-9-82, Places of Worship, by adding the  
22 underlined language and by ~~deleting the stricken language~~ to provide as shown in  
23 Exhibit "A" which is attached hereto and provided herein.

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25           Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall  
26 supersede any provision of exiting ordinances in conflict herewith to the extent of said  
27 conflict.

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

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

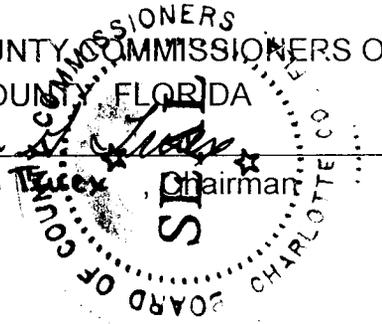
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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULLY ADOPTED this 25<sup>th</sup> day of November, 2014.

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6 BOARD OF COUNTY COMMISSIONERS  
7 CHARLOTTE COUNTY, FLORIDA

8 By: William G. Tease  
9 William G. Tease, Chairman



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11  
12 ATTEST:

13 Barbara T. Scott, Clerk of  
14 Circuit Court and Ex-Officio  
15 Clerk to the Board of County  
16 Commissioners

17 By: Michelle DiBerardino  
18 Michelle DiBerardino  
19 Deputy Clerk

20  
21  
22 APPROVED AS TO FORM  
23 AND LEGAL SUFFICIENCY:

24 By: Janette S. Knowlton  
25 Janette S. Knowlton, County Attorney  
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27 LR2014-2992  
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Land Development Regulations  
Chapter 3-9. Zoning  
Article III. Special Regulations

Sec. 3-9-82. Places of Worship

1 **Sec. 3-9-82. Places of Worship.**

2 The purpose of this section is to provide regulations for the establishment of places of worship within  
3 certain zoning districts. Unless specifically stated in other sections of this Code, the following regulations  
4 shall apply:

- 5 (1) Any places of worship, regardless of size, shall be subject to site plan approval through the site  
6 plan review committee. Those places of worship located in an existing building having parking in  
7 accordance with Sec. 3-9-79 are exempt from this requirement.
- 8 (2) The minimum property size for places of worship is located in RSF and RMF zoning districts  
9 shall be two acres. No variance from this requirement shall be allowed.
- 10 (4) Parking shall be in accordance with Sec. 3-9-79.
- 11 (5) Places of worship shall be allowed as principal permitted uses in accordance with all  
12 development standards in the OMI, CG, CN, and CT zoning districts.
- 13 (6) Places of worship shall be allowed by special exception in the following zoning districts: AE, AE,  
14 RE, RSF, RMF, MHC, MHP and MHS.
- 15 (7) Places of worship shall be prohibited in the ES, RMF-T , IG and I zoning districts.  
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**FLORIDA DEPARTMENT *of* STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 1, 2014

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2014-075, which was filed in this office on December 1, 2014.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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

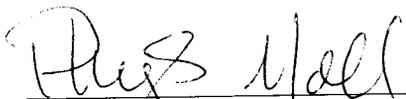
Before the undersigned authority personally appeared Casandra Cancelliere, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice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

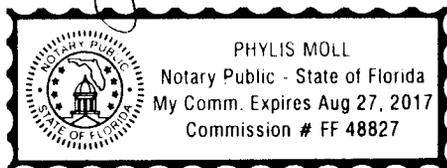
November 10, 2014

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 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 the said newspaper.

  
\_\_\_\_\_  
(Signature of Affiant)

Sworn and subscribed before me this 10<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
(Signature of Notary Public)



Personally known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Page 1  
# 1102.50

[Page Two of Two]

**Home Occupations****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-79, Home Occupations in its entirety, and creating a new section 3-9-74, Home Occupations; providing for purpose and intent; providing for general conditions for home occupations; provide for minor home occupations; provide for major home occupations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Industrial General (IG) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-46, Industrial Office Park (IOP) and Section 3-9-47, Industrial Light (IL) in their entirety, and creating new Section 3-9-43, Industrial General (IG) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Industrial Intensive (II) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-48, Industrial General (IG) in its entirety and creating new Section 3-9-44, Industrial Intensive (II) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Junklike Conditions Prohibited****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-61, Abandoned Vehicles, Section 3-9-62, Watercraft Abandoned, Derelict or a Hazard to Navigation, Section 3-9-81, Junkyards and automobile Wrecking Yards and Section 3-9-82.1, Junk and Junkyard Conditions Prohibited in their entirety, and creating new Section 3-9-76, Junklike Conditions Prohibited, providing for the dumping or storage of junk; providing for a single unlicensed motor vehicle parking requirement; providing for conditions to remove junk; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legal Nonconformities****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-10, Nonconformities and renaming this Section to Legal Nonconformities; providing for revised development requirements for nonconforming lots of record; providing for current nonconforming use; providing for conforming uses; providing revised development requirements for nonconforming structures; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Manufactured Home Conventional (MHC) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-36, Mobile Home Subdivision (MHS) and Section 3-9-37, Mobile Home Conventional (MHC) in their entirety, and creating new Section 3-9-37, Manufactured Home Conventional (MHC) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Manufactured Home Park (MHP) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-35, Mobile Home Park (MHP) in its entirety and creating new Section 3-9-36, Manufactured Home Park (MHP) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Model Homes****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-87, Model Residential Units and renumbering to Section 3-9-78, and renaming to Model Homes; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Office, Medical and Institutional (OMI) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-39, Office, Medical and Institutional (OMI) in its entirety and recreating Section 3-9-39, Office, Medical and Institutional (OMI) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Parks and Recreation (PKR) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-29, Marine Park (MP) in its entirety and creating new Section 3-9-29, Parks and Recreation (PKR) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Places of Worship****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-80.1, Houses of Worship, renumbering and renaming as Section 3-9-82, Places of Worship; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Estates (RE) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-31, Residential Estates (RE) in its entirety, and creating new Section 3-9-32, Residential Estates (RE) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Multi-Family Tourist (RMF-T) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-34, Residential Multi-Family Tourist (RMF-T) in its entirety and creating new Section 3-9-35, Residential Multi-Family Tourist (RMF-T) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Multi-Family (RMF) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-33, Residential Multi-Family (RMF) in its entirety and creating new Section 3-9-34, Residential Multi-Family (RMF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Single Family (RSF) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-32, Residential Single Family (RSF) in its entirety and creating new Section 3-9-33, Residential Single Family (RSF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Recreational Vehicle Park (RVP) Zoning District****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-38, Recreational Vehicle Park (RVP) in its entirety and recreating Section 3-9-38, Recreational Vehicle Park (RVP) zoning; providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Accessory Outdoor Retail Sales, Display and Storage****Legislative****Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by creating new Section 3-9-61, Accessory Outdoor Retail Sales, Display and Storage; providing for purpose and applicability; providing for requirements for accessory outdoor retail sales, display and storage; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Section 3-9-5**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-68, Authority to Enter Upon Private Property, Section 3-9-72, Deed Restrictions, Section 3-9-75, Exceptions to Required Yards, Section 3-9-8.2, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-76, Exclusions from Height Limitations, Section 3-9-78, Form of Ownership, Section 3-9-86, Moving of Structures and Section 3-9-93, Property Frontage in their entirety, and creating new Section 3-9-5.1, Authority to Enter Upon Private Property, Section 3-9-5.2, Deed Restrictions, Section 3-9-5.3, Exceptions to Required Yards, Section 3-9-5.4, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-5.5, Exclusions from Height Limitations, Section 3-9-5.6, Form of Ownership, Section 3-9-5.7, Moving of Structures and Section 3-9-8, Property Frontage, and revising Section 3-9-5, Administration and Enforcement, Building Permits; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Section 3-9-27**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-27, Application of District Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Site Plan Review**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-5.1, Site Plan Review and renumbering to Section 3-9-7, Site Plan Review; providing for applicability and procedure; providing for initiation; providing for application requirements; providing for requirements of amendments and changes to land Development Regulations; providing for preliminary site plan review; providing for final site plan review; providing for conformity to plan; providing for modification of site plans; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Temporary Uses**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-95.1, Temporary Uses, and renumbering as Section 3-9-87; providing for revised application process and fees; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Land Development Regulations**

Legislative Countywide  
**Table of Contents**  
 An Ordinance amending Charlotte County Code Chapter 3-9, by reorganizing the table of contents; deleting some sections in their entirety; creating new sections; revising some sections; renumbering sections in alphabetic order in Article III, Special Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Use Table – Commercial Districts**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.3, Use Table – Commercial Districts; providing for a list of permitted uses and structures under Office, Medical and Institutional (OMI), Commercial Neighborhood (CN), Commercial General (CG) and Commercial Tourist (CT) Zoning Districts; providing for a list of conditional uses and structures under OMI, CN, CG and CT Zoning Districts; providing for a list of Special Exception uses under OMI, CN, CG and CT Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Use Table – Environmental and Agricultural Districts**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.1, Use Table – Environmental and Agricultural Districts; providing for a list of permitted uses and structures under Environmentally Sensitive (ES), Parks and Recreations (PKR), Agriculture (AG) and Excavation and Mining (EM) Zoning Districts; providing for a list of conditional uses and structures under ES, AG and EM Zoning Districts; providing for a list of Special Exception uses under ES, AG and EM Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Use Table – Industrial Districts**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.4, Use Table – Industrial Districts; providing for a list of permitted uses and structures under Industrial General (IG) and Industrial Intensive (II) Zoning Districts; providing for a list of conditional uses and structures under IG and II Zoning Districts; providing for a list of Special Exception uses under IG and II Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Use Table – Residential Districts**

Legislative Countywide  
 An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.2, Use Table – Residential Districts; providing for a list of permitted uses and structures under Residential Estate (RE), Residential Single-family (RSF), Residential Multi-family (RMF), Residential Multi-family Tourist (RMP-T), Manufactured Home Park (MHP), Manufactured Home Conventional (MHC), and Recreational Vehicle Park (RVP) Zoning Districts; providing for a list of conditional uses and structures under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for a list of Special Exception uses under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Z-14-08-12**

Quasi-Judicial Commission District 1  
 An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Residential Estates 1 (RE-1), for property located at 1374 Blanot Drive and 27347 San Carlos Drive, in the Harbor Heights area, containing 1.46+ acres; Commission District 1; Petition No. Z-14-08-12; Applicants: Kendall V. and Trace A. Baird; providing an effective date.

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 Devices 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 941-764-4191, TDD/TTY 941-743-1234, or by email to Terri.Hendriks@charlottefl.com.

