

May 1, 2015

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BCC

ORDINANCE  
NUMBER 2015 - 020

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING SECTION 3-9-77, MANUFACTURED HOMES AND RECREATIONAL VEHICLES; 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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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, in Phase II.2, county staff is recommending that Chapter 3-9 of the  
10 Code of Laws and Ordinances of Charlotte County, Florida, be amended by revising  
11 Section 3-9-77, Manufactured Homes and Recreational Vehicles; and

12           WHEREAS, Phase II.2 has previously been heard by the Planning and Zoning  
13 Board (“P&Z Board”) and, based on the memorandum dated February 24, 2015, and  
14 the evidence presented to the P&Z Board, has been recommended for approval on  
15 March 9, 2015; and

16           WHEREAS, the Board considered Phase II.2 in a public hearing held on April 28,  
17 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 3-9-77, Manufactured Homes and

1 Recreational Vehicles; by adding the underlined language and by ~~deleting the stricken~~  
2 ~~language~~ to provide as shown in Exhibit "A" which is attached hereto and provided  
3 herein.

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

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

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

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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this 28<sup>th</sup> day of April, 2015.

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6 BOARD OF COUNTY COMMISSIONERS OF  
7 CHARLOTTE COUNTY, FLORIDA

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



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14 ATTEST:

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

19 By: Michelle DiBeardino  
20 Deputy Clerk

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23  
24 APPROVED AS TO FORM  
25 AND LEGAL SUFFICIENCY:

26 By: Janette S. Knowlton  
27 Janette S. Knowlton, County Attorney  
28 LR2015-3278

Land Development Regulation  
Chapter 3-9. Zoning  
Article III. Special Regulations  
Sec. 3-9-77. Manufactured Homes and Recreational Vehicles

1 **Sec. 3-9-77. ~~Manufactures~~ Manufactured Homes and Recreational Vehicles**

2 ~~Mobile~~ Manufactured homes in MHP, ~~MHS~~ and MHC districts shall be limited to one (1) habitable  
3 story with customary additions, including ~~lanais, cabanas,~~ carports and storage units which are  
4 manufactured for combination. Recreational vehicles used for temporary living purposes shall be allowed  
5 only in recreational vehicle parks. Commercial storage of unoccupied recreational vehicles shall be  
6 conducted only in ~~CICG~~, RVP and industrial districts. Commercial storage of unoccupied ~~mobile~~  
7 manufactured homes shall be conducted only in ~~CICG~~, MHP and industrial districts. ~~Mobile homes used~~  
8 ~~for living purposes when approved in agricultural districts shall require a parcel size of one (1) acre in an~~  
9 ~~AE zoning district, ten (10) acres in the AG or AE-10 zoning districts, and forty (40) acres in an AC zoning~~  
10 ~~district.~~





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 4, 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. 2015-020, which was filed in this office on May 1, 2015.

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 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:

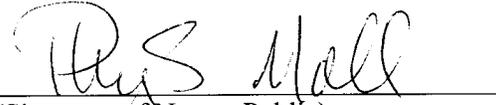
April 13, 2015

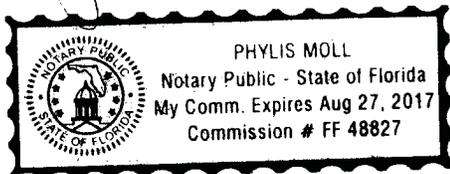
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication 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)

\$ 503-

Sworn and subscribed before me this 13<sup>th</sup> day of April, 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, **APRIL 28, 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-14-09-14-LS**

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to 1) amend FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category, amending the "Requirements of the Plan Amendment" and the "Special Provisions" subsections of the MRE FLUM category; 2) replace the term "Group III excavation(s)" with "Commercial Excavation(s)" in the County's Comprehensive Plan; 3) amend FLUM Series Map #24: MRE Prohibited Locations to correct scrivener's errors; Petition No. PA-14-09-14-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

**Legislative**

**Countywide**

## **Buffers, Landscaping, and Tree Requirements**

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Part III Land Development and Growth Management, Chapter 3-5, Planning and Development, of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article XVIII Landscaping and Buffers; amending Chapter 3-2, Buildings and Building Regulations, of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article IX Tree Requirements; and amending Article IV, Site Design Standards and Requirements of Chapter 3-9, Zoning, by creating new Section 3-9-100, Buffers, Landscaping and Tree Requirements, new Section 3-9-100.1, Buffers, new Section 3-9-100.2, Landscaping, and new Section 3-9-100.3, Tree Requirements; providing for revised buffers and landscaping requirements, standards, and maintenance; providing for revised tree requirements, standards, and maintenance; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Section 3-9-69, Conditional Uses and Structures**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-69, Conditional Uses and Structure; providing for revised conditions for boat, travel trailer and motor vehicle sales and rentals, including recreational vehicles and campers; providing for revised conditions for boat, travel trailer and motor vehicle repair and services, including recreational vehicles and campers; providing for revised conditions for noncommercial vehicle rental; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Section 3-9-77, Manufactured Homes and Recreational Vehicles**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-77, Manufactured Homes and Recreational Vehicles; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Section 3-9-81, Patio Houses**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-81, Patio Houses; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Section 3-9-86, Swimming Pools**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-86, Swimming Pools; providing for revised location requirements; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Section 3-9-89, Visibility at Road Intersections**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-89, Visibility at Road Intersections; providing for revised requirements regarding clear sight triangles; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Land Development Regulations Table of Contents**

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by adding Article IV, Site Design Standards and Requirements; deleting Section 3-9-8, Establishment of Zoning Districts and Official Zoning Atlas; renumbering Section 3-9-9, Rules for Interpretation of District Boundaries to Section 3-9-8; renumbering Section 3-9-10, Legal Nonconformities to Section 3-9-9; and renumbering Section 3-9-11, Amendments to Section 3-9-10; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**Countywide**

## **Revisions to Manasota and Sandpiper Key Zoning District Overlay**

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, by revising Section 3-9-50, Manasota Key Zoning District Overlay, and renaming this Section to Manasota and Sandpiper Key Zoning District Overlay; clarifying the intent and requirements of the code; adding back in provisions that were omitted in 2013 revisions; adding new provisions to address issues that have arisen during implementation of the code; making minor corrections and editorial changes; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legislative**

**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.