

CHG
BCC

May 1, 2015

ORDINANCE
NUMBER 2015 - 023

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING 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.

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WHEREAS, the purpose of these revisions is to update development regulations by removing some outdated regulations and requirements and adding new standards, to make the LDRs more user-friendly, and to be consistent with the County's Comprehensive Plan; and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 3-9-89, Visibility at Road Intersections, by providing for revised requirements
12 regarding clear sight triangles; and

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

17 WHEREAS, the Board considered the revisions in a public hearing held on April
18 28, 2015; and

19 WHEREAS, the Board has determined that the changes are consistent with the
20 County’s Comprehensive Plan and are in the best interests of the County and its
21 citizens.

22 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
23 of Charlotte County, Florida:

1 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
2 Florida, is hereby amended by revising Section 3-9-89, Visibility at Road Intersections;
3 providing for revised requirements regarding clear sight triangles by adding the
4 underlined language and by ~~deleting the stricken language~~ to provide as shown in
5 Exhibit "A" which is attached hereto and provided herein.

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

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

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

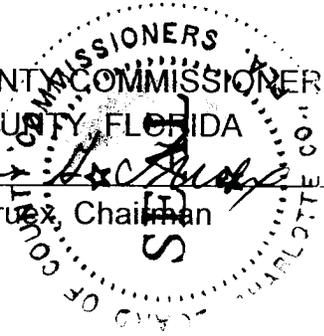
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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this 28th day of April, 2015.

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6 BOARD OF COUNTY COMMISSIONERS OF
7 CHARLOTTE COUNTY, FLORIDA

8 By: William G. Truex
9 William G. Truex, 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 DiBernardino
20 Deputy Clerk

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24 APPROVED AS TO FORM
25 AND LEGAL SUFFICIENCY:

26 By: Janette S. Knowlton
27 Janette S. Knowlton, County Attorney
28 LR2015-3278
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Sec. 3-9-89. –Visibility at Road Intersections.

- (a) Clear sight triangles shall be required at the intersection of all vehicular travel ways to maintain adequate visibility, safe sight distance, and safe movement of traffic. A sight triangle shall be considered the triangular area at the intersection of two vehicular travel ways where a driver's vision of oncoming traffic must remain unobstructed. Such sight triangles shall consist of two 30-foot segments (Figure 1) running at the edge of the right-of-way, which meet at the intersection and the third side is the line connecting the ends of the 30-foot segments farthest from the intersection. For driveways, sight triangles shall consist of two 20-foot segments (Figure 2) running at the property line, and the third side is the line connecting the ends of the 20-foot segments farthest from the intersection. There shall be a clear space with no obstruction to vision between a height of two feet and six feet above grade. The County Engineer may approve alternative sight triangles under circumstances where the requirements of this section cannot be met. Within the area formed by the right-of-way of intersecting roads and a straight line connecting points of such right-of-way lines at a distance of forty (40) feet from the point of intersection, such connecting line extending beyond the points to the curb lines, there shall be a clear space with no obstruction to vision between a height of three (3) feet and a height of eight (8) feet above the average grade of each road as measured at the centerline thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

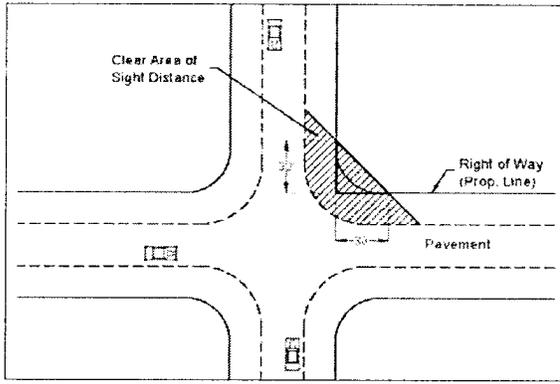


Figure 1: Visibility Triangle at Road Intersections

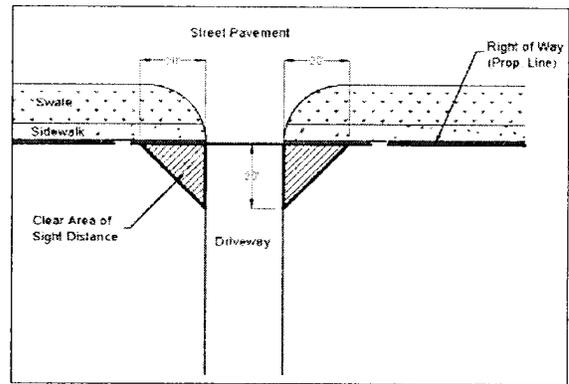


Figure 2: Visibility Triangle at Driveways

- (b) Trees shall be permitted in the clear space if foliage is cut away within the prescribed heights. Lamp posts and sign posts shall be permitted if illuminating fixtures and sign faces are not within the prescribed clear space.

Cross reference— Roads and bridges, Ch. 3-6.





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. 2015-023, which was filed in this office on May 1, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

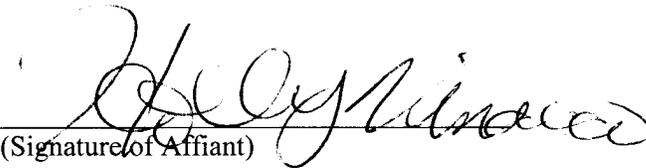


PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

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:

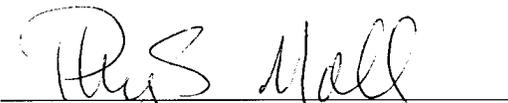
April 13, 2015

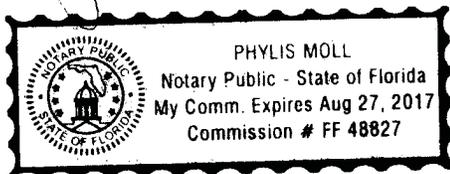
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication 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 13th 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.