

R E S O L U T I O N  
NUMBER 2024-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, REPEALING RESOLUTION NO. 2022-142; PROVIDING FOR THE TEMPORARY SUSPENSION OF A PORTION OF SECTION 3-9-79.1(D) OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, section 2-1-45 of the Code of Laws and Ordinances of Charlotte County, Florida (the "Code") authorizes the Board of County Commissioners of Charlotte County, Florida (the "Board") to suspend, under certain limited circumstances, such as when a major natural disaster impacts the County, specific provisions of the Code on a temporary basis to facilitate reconstruction of public and private properties; and

WHEREAS, on September 28, 2022, Category 4 Hurricane Ian caused Charlotte County to be included in Florida counties that suffered a catastrophic disaster as defined in section 252.34(2)(a), Florida Statutes, meaning the county requires massive state and federal assistance to recover and rebuild; and

WHEREAS, on September 26, 2022, the Board adopted Resolution No. 2022-115, which declared a local state of emergency pursuant to section 2-1-43 of the Code in response to Hurricane Ian and thereafter extended same; and

WHEREAS, on October 25, 2022, the Board adopted Resolution No. 2022-142, which temporarily suspended parts of section 3-9-79.1(d) of the Code to allow for limited use of RVs (recreational vehicles) and trailers for living, sleeping, housekeeping or

business purposes in Charlotte County residential zoning districts for those whose homes were rendered uninhabitable by Hurricane Ian; and

WHEREAS, the 2023 Florida legislature adopted SB 250, which provides that following the declaration of a state of emergency issued by the Governor for a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable, a county may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property under specific circumstances; and

WHEREAS, the Governor subsequently, on August 23, 2023, declared a state of emergency for Hurricane Idalia; and

WHEREAS, the Board continues to find the existence of a local shortage of available housing that would allow residents and property owners to secure and supervise reconstruction of their damaged homes; and

WHEREAS, the Board continues to find that securing and reconstructing Charlotte County residents' housing stock is critical to rebuilding the community and to ensuring the life, health and safety of Charlotte County residents and visitors; and

WHEREAS, the Board continues to find that allowing residents to occupy temporary housing on the lot where the reconstruction of their damaged homes will be taking place is economically advantageous to homeowners and the larger community while also preserving the life, health and safety of Charlotte County residents and visitors; and

WHEREAS, the Board continues to find that the local, state and national economy currently face shortages of building materials and workers; and

WHEREAS, the Florida legislature adopted a statute defining the period of time a property owner can place one temporary shelter on a residential property under specific circumstances; and

WHEREAS, Charlotte County Code regulations at present do not allow for residential occupation of recreational vehicles in Charlotte County's residential zoning districts; and

WHEREAS, the Board finds that allowing temporary residential occupancy of recreational vehicles in Charlotte County's residential zoning districts does not constitute a change to the actual list of permitted, conditional, or prohibited uses in Charlotte County's residential zoning districts.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that:

1. The above recitals are true and correct and are incorporated by this reference.
2. The Board hereby repeals Resolution No. 2022-142 rendering such resolution null and void.
3. The Board hereby suspends section 3-9-79.1(d) of the Code to allow the following: RVs (recreational vehicles) and trailers may be used for living, sleeping, housekeeping or business purposes in Charlotte County residential zoning districts for those whose homes were rendered uninhabitable by Hurricanes Ian or Idalia.

4. The Board does not suspend any other provision of section 3-9-79.1(d) of the Code.

5. For properties that placed an RV or trailer on residential property damaged by Hurricane Ian and otherwise complying with section 125.023, Florida Statutes, the suspension described in this resolution shall expire on September 22, 2025, or until a certificate of occupancy is issued pursuant to section 125.023, Florida Statutes, whichever occurs first.

6. For properties that placed an RV or trailer on residential property damaged by Hurricane Idalia and otherwise complying with section 125.023, Florida Statutes, the suspension described in this resolution shall expire on August 23, 2026, or until a certificate of occupancy is issued pursuant to section 125.023, Florida Statutes, whichever occurs first.

7. The County Administrator is authorized hereby to promulgate reasonable regulations implementing this suspension including, but not limited to, regulations on discharge of waste and temporary connection to utilities.

8. The suspension of the above-described Code section shall apply Countywide but shall not apply to the City of Punta Gorda.

9. The suspension of the above-described Code section shall not interfere with or supersede duly recorded and in-force private agreements such as deed restrictions.

10. This Resolution is effective on the date it is adopted by the Board of County Commissioners.

PASSED AND DULY ADOPTED this 8th day of October, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and ex-officio Clerk of the  
Board of County Commissioners

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
LR2024-0750 \_\_\_\_\_