



MEMORANDUM

Date: 3-4-23

To: Honorable Board of County Commissioners

From: Community Development Department

Subject: Revisions to Section 3-9-2 and Creation of New Section 3-9-91, Application Number TLDR-22-03

Request:

A staff-initiated request 1) to amend Section 3-9-2. Rules of Construction, Definitions by adding the new definition of Farmers' Market, and revising the definition of "Park" and "Private Park"; and 2) to create new Section 3-9-91 Accessory Use - Farmers' Market.

Applicant:

Charlotte County Board of County Commissioners
18500 Murdock Circle
Port Charlotte, FL 33948

Data and Analysis:

On January 9, 2023, this application was presented to the Planning and Zoning Board for recommendation. Based on comments received during the Board meeting, staff believes that it is necessary to clarify the definition of "Park" and "Private Park", which is scheduled to be presented to the Planning and Zoning Board on March 13, 2023, for recommendation. The following are proposed revisions to the definition of "Park" and "Private Park":

Park, public: A tract of land owned by a governmental entity that is used by the public for active and passive recreation and related events. Public park uses shall be subject to rules and regulations promulgated by the government entity which owns the public park.

Private Park, not-for profit: A park facility operated by a nonprofit organization (such as a homeowners or condominium association) which is open only to invitees of the not-for-profit park's owner. Commercially operated parks are not included in this definition.

In order to provide an opportunity for local farmers and residents to sell agricultural and organic products, arts and crafts, or other similar goods, staff initiated an amendment to the Charlotte County Land Development Regulations, Chapter 3-9: Zoning by:

- Amending Article I: In General, Section 3-9-2. Rules of Construction; definitions to add "Farmers' Market: a location where, as an accessory use subject to Section 3-9-91. Accessory Use – Farmers'



Market, as may be amended , agricultural and organic items, arts and crafts, or other similar goods, may be offered for sale. Resale of retail items is not permitted”

- Revising Article III: Special Regulations to create new Section 3-9-91. Accessory Use – Farmers’ Market. The new section will allow the farmers’ market as an accessory use for some primary uses within certain zoning districts and establish requirements and conditions for such accessory use.

Conclusion and Staff Summary:

Based upon the analysis set forth herein, in staff's professional opinion, the application (Application No. TLDR-22-03) is not contrary to goals, objectives, and policies established in Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances, and other applicable guidelines.

Planning and Zoning Board’s Recommendation on January 09, 2023:

*Motion to forward application No. TLDR-22-03 (Part 1: Amendment to Section 3-9-2. Rules of Construction, Definitions by adding the new definition of Farmers’ Market; and creation of new Section 3-9-91 Accessory Use - Farmers’ Market) the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the Board memo dated January 4, 2023, and the evidence presented at the public hearing held by the Planning and Zoning Board on January 9, 2023.*

Planning and Zoning Board’s Proposed Recommendation on March 13, 2023:

*Motion to forward application No. TLDR-22-03 (Part 2: Amendment to Section 3-9-2. Rules of Construction, Definitions by revising the definition of “Park” and “Private Park”) to the Board of County Commissioners with a recommendation of **Approval/Denial**, based on the findings and analysis in the Board memo dated February 27, 2023, and the evidence presented at the public hearing held by the Planning and Zoning Board on March 13, 2023.*

Land Development Regulations
Chapter 3-9. Zoning

Section 3-9-2. Rules of Construction; Definitions

Farmers' Market: a location where, as an accessory use subject to Section 3-9-91. Accessory Use – Farmers' Market, as may be amended, agricultural and organic items, arts and crafts, or other similar goods, may be offered for sale. Resale of retail items is not permitted.

Park, public: A tract of land owned by a governmental entity that is used by the public for active and passive recreation, and related events. Public park uses shall be subject to rules and regulations promulgated by the government entity which owns the public park.

~~Private p~~Park, not-for profit: A park facility operated by a nonprofit organization (such as a homeowners or condominium association) which is open only to bona fide members and guests invitees of said organization the not-for-profit park's owner. Commercially operated parks are not ~~within~~included in this definition.

Section 3-9-91. Accessory Use – Farmers’ Market

- (1) The intent and purpose of this section is to provide a venue for local farmers and residents to primarily sell agricultural and organic products; also allowing limited arts and crafts, or other similar goods. However, no services can be sold or provided. This section provides regulations for the establishment of accessory use of Farmers’ Market within certain zoning districts. Unless specifically stated in other sections of this Code, the following regulations shall apply:
- a. Farmers’ Market may be an accessory use to the following primary use, which may be located in PKR, RSF, RMF, or PD zoning district:
 - i. Clubhouse.
 - ii. Community garden.
 - iii. Park, not-for-profit.
 - iv. Place of worship.
 - v. Recreation, indoor.
 - vi. Recreation, outdoor.
 - b. A Special Event Permit - Farmers’ Market shall only be issued if the following requirements are met and may be renewed every six months:
 - i. A layout of this accessory use must be provided, including but not limit to, placement of booths, parking area, location of restroom facilities, location of waste collection, and traffic circulation.
 - ii. Hours of operation of this accessory use shall be limited to 7:00 a.m. to 10:00 p.m., one day per business week, Saturday, and Sunday.
 - iii. One temporary sign advertising the accessory use may be erected on the property in compliance with Section 3-9-85 of the Code.
 - iv. Traffic control may be required by the County or County Sheriff's Department and must be arranged and paid for by the applicant.
 - v. The applicant may be required to obtain approval from the County's fire rescue and emergency medical services (Fire/EMS) Department and employ, at the applicant's cost, any mitigation measures required.
 - vi. The applicant shall be required to obtain an approval from the County's Community Service Department if such accessory use occurs on the County-owned parks or recreational facilities.
 - vii. The site must be cleared of all debris at the end of this accessory use, and all temporary structures must be removed no later than 48 hours after the termination of such accessory use. A signed contract with the County's garbage collection franchisee, or a notarized letter that the property owner/applicant is responsible for the clean-up of the site, may be required as part of the application for the accessory use permit.
 - viii. A copy of vendor’s license is required.