

ORDINANCE
NUMBER 2023 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9: ZONING, OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY: (1) REVISING ARTICLE I: IN GENERAL, SECTION 3-9-2. RULES OF CONSTRUCTION; DEFINITIONS, TO (A) ADD THE DEFINITION OF "FARMERS' MARKET", AND (B) REVISE THE DEFINITION OF "PARK" AND "PRIVATE PARK"; AND (2) REVISING ARTICLE III. SPECIAL REGULATIONS, BY ADDING NEW SECTION 3-9-91. ACCESSORY USE – FARMERS' MARKET, PROVIDING FOR INTENT, PROVIDING FOR PURPOSE; PROVIDING FOR REQUIREMENTS AND CONDITIONS; PETITION TLDR-22-03; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, County Staff, in Petition TLDR-22-03, is proposing an amendment to Chapter 3-9, Zoning, of the Code of Laws and Ordinances of Charlotte County, Florida ("Code") by: (1) revising Article I: In General, Section 3-9-2. Rules of Construction; Definitions, to (a) add the definition of "Farmers' Market", and (b) revise the definition of "park" and "private park"; and (2) revising Article III. Special Regulations, by adding new Section 3-9-91. Accessory Use – Farmers' Market, all as provided in Exhibit "A" attached hereto and by this reference provided herein; and

WHEREAS, Petition TLDR-22-03, Part 1, to add the definition of "Farmers' Market" and to add new Section 3-9-91. Accessory Use – Farmers' Market has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and

the evidence presented to the P&Z Board, has been recommended for approval on January 9, 2023; and

WHEREAS, based on comments received during the January 9, 2023 P&Z Board meeting, County Staff has determined that it is necessary to clarify the definition of “park” and “private park”; and

WHEREAS, Petition TLDR-22-03, Part 2, to revise the definition of “park” and “private park” has previously been heard by the P&Z Board and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, has been recommended for approval on March 13, 2023; and

WHEREAS, in public hearings held on Tuesday, February 28, 2023 and Tuesday, March 28, 2023, the Board reviewed Petition TLDR-22-03 and, based on the findings and analysis provided by County Staff and the evidence presented to the Board, the Board found that approval of Petition TLDR-22-03 is consistent with the County’s Comprehensive Plan and is in the best interests of the County and its citizens.

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

Section 1. Adoption. Chapter 3-9, Zoning, of the Code of Laws and Ordinances of Charlotte County, Florida, is hereby amended by: (1) revising Article I: In General, Section 3-9-2. Rules of Construction; Definitions, to (a) add the definition of “Farmers’ Market”, and (b) revise the definition of “park” and “private park”; and (2) revising Article III. Special Regulations, by adding new

57 Section 3-9-91. Accessory Use – Farmers’ Market, all as provided in Exhibit “A”
58 which is attached hereto and provided herein.

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

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

67 Section 4. Effective Date. This Ordinance shall take effect upon
68 filing in the Office of the Secretary of State, State of Florida.

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75 [SIGNATURE PAGE FOLLOWS]
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PASSED AND DULY ADOPTED this 28th day of March, 2023.

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



LR2022-0954

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.

Adoption Date: March 2023



Land Development Regulations
Chapter 3-9. Zoning

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.