

DRAFT

ORDINANCE NUMBER 2024 –

1
2
3
4 AN ORDINANCE OF THE BOARD OF COUNTY
5 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA
6 (“BOARD”), PURSUANT TO SECTION 163.3184(3), FLORIDA
7 STATUTES, AMENDING THE COUNTY’S COMPREHENSIVE
8 PLAN BY AMENDING THE POTABLE WATER AND SANITARY
9 SEWER SUB ELEMENT UNDER THE INFRASTRUCTURE
10 ELEMENT BY REVISING WSW POLICY 3.3.3: COMMUNITY
11 UTILITY SYSTEM REPORTING AND CREATING A NEW WSW
12 POLICY 3.3.4: FEASIBILITY OF PROVIDING SANITARY SEWER
13 SERVICES; PETITION TCP-24-01; APPLICANT: BOARD OF
14 COUNTY COMMISSIONERS OF CHARLOTTE COUNTY,
15 FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN
16 EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF
17 ADOPTED ORDINANCE.
18
19

RECITALS

20
21
22

23 WHEREAS, the intent of Florida House Bill (H.B.) 1379, which became
24 effective on July 1, 2023, is to improve local government long-term comprehensive
25 planning to support environmental restoration; and

26 WHEREAS, H.B.1379 mandates that local governments consider the
27 “feasibility” and needs of providing sanitary sewer service to large (more than 50 residential
28 lots) existing and future neighborhoods and to amend their comprehensive plans to achieve
29 requirements under the bill; and

30 WHEREAS, in order to be in compliance with H.B. 1379, County Staff, via
31 PetitionTCP-24-01, proposes amending the Potable Water and Sanitary Sewer sub-
32 element under the Infrastructure Element by: (1) creating a new WSW Policy 3.3.4:
33 Feasibility of Providing Sanitary Sewer Services, and (2) revising WSW Policy 3.3.3:

34 Community Utility System Reporting, to include new WSW Policy 3.3.4; all as provided in
35 Exhibit "A" attached hereto; and

36 WHEREAS, on March 11, 2024, Petition TCP-24-01 was heard before the
37 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and
38 analysis provided by County Staff and the evidence presented to the P&Z Board, Petition
39 TCP-24-01 was found to be consistent with the County's Comprehensive Plan and the P&Z
40 Board recommended approval for transmittal of Petition TCP-24-01 to the Florida
41 Department of Commerce and other state agencies for review and comment; and

42 WHEREAS, in a public hearing held on Tuesday, April 23, 2024, the Board of
43 County Commissioners of Charlotte County, Florida ("Board") reviewed plan amendment
44 Petition TCP-24-01 and, based on the findings and analysis provided by County Staff
45 regarding the amendment and the evidence presented to it, the Board approved transmittal
46 of Petition TCP-24-01 to the Florida Department of Commerce and other state agencies for
47 review and comment; and

48 WHEREAS, Petition TCP-24-01 was transmitted to the Florida Department of
49 Commerce and other state agencies for review and comment; and

50 WHEREAS, any comments received from the reviewing agencies have been
51 considered, addressed, and incorporated into the findings and analysis provided by County
52 Staff; and

53 WHEREAS, after due consideration regarding Petition TCP-24-01 in a public
54 hearing held on _____, 2024, and based on the findings and analysis
55 presented to it, the Board finds that approval of Petition TCP-24-01 is consistent with the
56 County's Comprehensive Plan, and that it is in the best interests of the County.

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

59 Section 1. Approval. Petition TCP-24-01 requesting to amend the County's
60 Comprehensive Plan by amending the Potable Water and Sanitary Sewer sub-element
61 under the Infrastructure Element by: (1) creating a new WSW Policy 3.3.4: Feasibility of
62 Providing Sanitary Sewer Services, and (2) revising WSW Policy 3.3.3: Community Utility
63 System Reporting, to include new WSW Policy 3.3.4, all as provided in Exhibit "A" attached
64 hereto, is hereby approved.

65 Section 2. Severability. If any section, subsection, clause, phrase, or
66 provision of this Ordinance is for any reason held invalid or unconstitutional by any court or
67 body of competent jurisdiction, such holding shall not be construed to render the remaining
68 provisions of this Ordinance invalid or unconstitutional.

69 Section 3. Effective date. The effective date of this plan amendment, if the
70 amendment is not timely challenged, shall be 31 days after the state land planning agency
71 notifies the local government that the plan amendment package is complete. If timely
72 challenged, this amendment shall become effective on the date the state land planning
73 agency or the Administration Commission enters a final order determining this adopted
74 amendment to be in compliance. No development orders, development permits, or land
75 uses dependent on this amendment may be issued or commence before it has become
76 effective. If a final order of noncompliance is issued by the Administration Commission, this
77 amendment may nevertheless be made effective by adoption of a resolution affirming its
78 effective status, a copy of which resolution shall be sent to the state land planning agency.

79 Section 4. Transmittal. County Staff is hereby directed to forward a copy of
80 this Ordinance and its attachments to the Department of Economic Opportunity, 107 East
81 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest
82 Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, FL
83 33907.

84

85

86

87

88

89

90

91

[SIGNATURE PAGE FOLLOWS]

92

93

94

95

96

97

98

99

100

101

102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

DRAFT

By: _____
William G. Truex, Chairman

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

DRAFT

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

DRAFT

By: _____
Janette S. Knowlton, County Attorney
LR2024-0170

INFRASTRUCTURE - POTABLE WATER AND SANITARY SEWER (WSW) GOALS, OBJECTIVES AND POLICIES

WSW Objective 3.3: Non-Centralized Utility Systems

To provide for non-centralized potable water supply and sanitary sewage disposal in those areas not served by a certificated utility.

WSW Policy 3.3.1: New Platted Lots and On-Site Septic Systems

The County shall require that new lots platted and intended to be served by an on-site septic system shall have a minimum lot area consistent with the requirements of Chapter 64E-6, Florida Administrative Code (F.A.C.) or local ordinance, whichever standard is more restrictive.

WSW Policy 3.3.2: Community Utility Systems

The County may permit pre-manufactured treatment facilities designed and used to treat potable water and sanitary sewage at flows of 0.002 million gallons per day to 0.500 million gallons per day in small communities (package treatment plants) provided they are built to the standards specified by FDEP or the County, whichever standard is more restrictive.

WSW Policy 3.3.3: Community Utility System Reporting

The County shall coordinate with local community utility system operators to begin monitoring and data collection to be used in evaluating community system potable water supply and sanitary sewer collection needs. This data will be incorporated into the analysis of the next the Water Supply Facilities Work Plan, except where otherwise regulated per WSW Policy 3.3.4.

WSW Policy 3.3.4: Feasibility of Providing Sanitary Sewer Services

For any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, Charlotte County must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary.

