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FILED WITH THE DEPARTMENT OF STATE: July 25, 2018

ORDINANCE
NUMBER 2018 - 032

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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 ADDING NEW ARTICLE VIII, ALLOWING DOGS IN DESIGNATED OUTDOOR AREAS OF FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR NEW SECTION 3-5-206, DEFINITIONS; PROVIDING FOR NEW SECTION 3-5-207, REQUIREMENTS OF FOOD SERVICE ESTABLISHMENTS WHICH ALLOW DOGS; PROVIDING FOR NEW SECTION 3-5-208, COMPLAINTS AND REPORTING; PROVIDING FOR NEW SECTION 3-5-209, ENFORCEMENT AND PENALTIES; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4341 PAGE 742 PAGE: 1 OF 9
INSTR # 2632521 Doc Type GOV
Recorded: 7/25/2018 at 4:02 PM
Rec Fee RECORDING \$78.00
Cashier By JOAIC

RECITALS

WHEREAS, section 509.233, Fla. Stat., states that "the governing body of a local government may establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code to allow patrons' dogs within certain designated outdoor portions of public food service establishments"; and

WHEREAS, the adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government but shall be subject to the limitations stated in section 509.233(3), Fla. Stat.; and

WHEREAS, the local exemption shall provide for codification within the land development code of a participating local government; and

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35 WHEREAS, the County shall have such powers as are reasonably necessary to
36 regulate and enforce the local exemption pursuant to section 509.233(4), Fla. Stat.

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

39 Section 1. Article VIII, of the Code of Laws and Ordinances of Charlotte County,
40 Florida, shall be created as follows (underlined words are inserted, words that are struck
41 through are deleted):

42 **Article VIII. Dogs in Designated Areas of Food Service Establishments.**

43 **Section 3-5-206. Definitions.**

44 In this Article, the following words and phrases shall have the meanings indicated. Except
45 as defined herein, all other words used in this Article shall have their customary dictionary
46 definitions.

47 Department: The Charlotte County Community Development Department, or its
48 successor.

49 Division: The Florida Department of Business and Professional Regulation,
50 Division of Hotels and Restaurants, or its successor.

51 Employee: Employee or Employees shall include, but is not limited to, the owner
52 or owners of the Food Service Establishment.

53 Food Service Establishment: Food Service Establishment is defined in Section
54 2-3-21, of the Code of Laws and Ordinances of Charlotte County, Florida.

55 **Section 3-5-207. Requirements of Food Service Establishments Which Allow Dogs.**

56 (a) Food Service Establishments that have received a permit pursuant to this Article are
57 exempt from those sections of the Food and Drug Administration Food Code that prohibit

58 live animals in Food Service Establishments.

59 (b) No dog shall be in a Food Service Establishment unless allowed by state law and the
60 Food Service Establishment has received and maintains an unexpired permit pursuant to
61 this Article allowing dogs in designated outdoor areas of the establishment.

62 (c) Food Service Establishments must apply for and receive a permit from the Department
63 before patrons' dogs are allowed on the premises. The Board of County Commissioners
64 of Charlotte County, Florida ("Board") shall adopt by resolution a reasonable fee to pay
65 for the cost of processing the initial application, permitting, inspections, renewals, and
66 enforcement. The application for a permit shall require the following information:

67 (1) Name, location, mailing address and Division-issued license number of the
68 Food Service Establishment.

69 (2) Title, name, mailing address, and telephone contact information of the permit
70 applicant. Applications are accepted from only the owner of the Food Service
71 Establishment or the owner's authorized agent, which authorization must be in
72 writing and notarized. The Food Service Establishment shall also provide the
73 name, mailing address, and telephone contact information of the owner to the
74 Department if the owner is not the permit applicant.

75 (3) A diagram and description of the outdoor area which is requested to be
76 designated as available to patrons' dogs, including:

- 77 i. dimensions of the designated area;
- 78 ii. a depiction of the number and placement of tables, chairs, and restaurant
79 equipment, if any; the entryways and exits to the designated outdoor area;
- 80 iii. the boundaries of the designated area and of the other outdoor dining areas

81 not available for patrons' dogs;

82 iv. any fences or other barriers; and

83 v. surrounding and adjacent property lines and public rights-of-way, including
84 sidewalks and common pathways.

85 (4) The diagram referenced in subsection (3) above shall be accurate and to scale
86 but need not be prepared by a licensed design professional. A copy of the
87 approved diagram shall be attached to the permit.

88 (5) A list of the days of the week and hours of operation that patrons' dogs will be
89 permitted in the designated outdoor area of the Food Service Establishment.

90 (d) Food Service Establishments that receive a permit to allow dogs in a designated
91 outdoor area pursuant to this Article shall require that:

92 (1) Employees shall wash their hands promptly after touching, petting, or otherwise
93 handling any dog.

94 (2) Employees shall be prohibited from touching, petting, or otherwise handling
95 any dog while serving food or beverages or handling tableware or before entering
96 other parts of the Food Service Establishment.

97 (3) Patrons in a designated outdoor area shall be advised by appropriate signage,
98 at conspicuous locations, that they should wash their hands before eating and
99 waterless hand sanitizer be provided at all tables in the designated outdoor area.

100 (4) Patrons keep their dogs under control and on a leash at all times.

101 (5) Employees and patrons shall not allow dogs to come into contact with serving
102 dishes, utensils, tableware, linens, paper products, or any other items involved with
103 food service operations.

104 (6) Employees and patrons shall not allow any part of a dog to be on chairs, tables,
105 or other furnishings.

106 (7) Employees shall clean and sanitize all table and chair surfaces with an
107 approved product between seating of patrons.

108 (8) Employees shall remove all dropped food and spilled drink from the floor or
109 ground as soon as possible but in no event less frequently than between seating
110 of patrons at the nearest table.

111 (9) Employees and patrons shall remove all dog waste immediately and the floor
112 or ground be immediately cleaned and sanitized with an approved product.
113 Employees shall keep a kit with the appropriate materials for this purpose near the
114 designated outdoor area.

115 (10) Employees and patrons shall not permit dogs to be in, or to travel through,
116 indoor or non-designated outdoor portions of the Food Service Establishment.

117 (11) At all times while the designated outdoor portion of the Food Service
118 Establishment is available to patrons and their dogs, at least one sign shall be
119 posted in a conspicuous and public location near the entrance to the designated
120 outdoor portion of the Food Service Establishment, notifying patrons that the
121 designated outdoor portion of the Food Service Establishment is currently
122 available to patrons accompanied by their dog or dogs. The mandatory sign shall
123 be not less than eight and one-half inches in width and 11 inches in height (8½ x
124 11) and printed in easily legible typeface of not less than 20-point font size.

125 (12) At least one sign reminding patrons of the applicable rules, including those
126 contained in this part, and any permit conditions, which may be imposed by the

127 Department, shall be posted in a conspicuous location within the designated
128 outdoor portion of the Food Service Establishment. The mandatory sign shall be
129 not less than eight and one-half inches in width and 11 inches in height (8½ x 11)
130 and printed in easily legible typeface of not less than 20-point font size.

131 (13) At least one sign reminding employees of the applicable rules, including those
132 contained in this part, and any permit conditions, which may be imposed by the
133 Department, shall be posted in a conspicuous location frequented by employees
134 within the Food Service Establishment. The mandatory sign shall be not less than
135 eight and one-half inches in width and 11 inches in height (8½ x 11) and printed in
136 easily legible typeface of not less than 20-point font size.

137 (14) Ingress and egress to the designated outdoor area shall not require entrance
138 into or passage through any indoor area or non-designated outdoor portions of the
139 Food Service Establishment.

140 (15) The Food Service Establishment and designated outdoor area shall comply
141 with all permit conditions and the approved diagram.

142 (16) Employees and patrons shall not allow any dog to be in the designated
143 outdoor areas of the Food Service Establishment if the Food Service
144 Establishment is in violation of any of the requirements of this Article.

145 (17) Permits shall be conspicuously displayed in the designated outdoor area.

146 (e) A permit issued pursuant to this Article shall expire automatically upon the sale of the
147 Food Service Establishment and cannot be transferred to a subsequent owner. The
148 subsequent owner may apply for a permit pursuant to this Article if the subsequent owner
149 wishes to continue to allow patrons' dogs in a designated outdoor area of the Food

150 Service Establishment. Permits shall expire on June 30 of each year.

151 **Section 3-5-208. Complaints and Reporting.**

152 (a) Complaints may be made in writing to the Department. The Department shall accept,
153 document, and respond to all complaints and shall timely report to the Division all
154 complaints and the response to such complaints.

155 (b) The Department shall provide the Division with a copy of all approved applications
156 and permits issued.

157 (c) All applications, permits, and other related materials shall contain the Division issued
158 license number for the Food Service Establishment.

159 **Section 3-5-209. Enforcement and Penalties.**

160 (a) It shall be unlawful to fail to comply with any of the requirements of this Article. Each
161 instance of a dog on the premises of a Food Service Establishment that does not have a
162 valid permit authorizing dogs at the Food Service Establishment is a separate violation.

163 (b) It shall be the responsibility of the Department to enforce the provisions of this Article
164 within Charlotte County.

165 (c) A permit may be revoked by the Department if, after notice and reasonable time in
166 which the grounds for revocation may be corrected as specified in the notice, the Food
167 Service Establishment fails to comply with any condition of the permit, fails to comply with
168 the approved diagram, fails to maintain any required state or local license, or is found to
169 be in violation of any provision of this Article. If the ground for revocation is a failure to
170 maintain any required state or local license, the revocation may take effect immediately
171 upon giving notice of revocation to the permit holder.

172 (d) If a Food Service Establishment's permit for allowing dogs at the Food Service

173 Establishment is revoked, no new permit may be approved for the Food Service
174 Establishment until the expiration of 180 days following the date of revocation.

175 (e) Any Food Service Establishment that fails to comply with the requirements of this
176 Article shall be guilty of violating this part of the Charlotte County Code of Laws and
177 Ordinances and shall be subject to any and all enforcement proceedings consistent with
178 the Code of Laws and Ordinances of Charlotte County, Florida and general law. Each
179 day a violation exists shall constitute a distinct and separate offense.

180 (f) This Article shall not apply to the use of dogs as service animals under federal or state
181 law.

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

185 Section 3. Severability. If any section, subsection, clause, phrase, or provision of
186 this Ordinance is for any reason held invalid or unconstitutional by any court of competent
187 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision
188 and such holding shall not affect the validity of the remainder of this Ordinance.

189 Section 4. Effective Date. A certified copy of this Ordinance shall be filed with the
190 Department of State of the State of Florida within 10 days of enactment and shall take
191 effect upon filing with said department.

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[SIGNATURE PAGE FOLLOWS]

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PASSED AND DULY ADOPTED this 24th day of July, 2018.

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ATTEST:

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Roger D. Eaton, Clerk of the

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Circuit Court and Ex-officio Clerk of

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the Board of County Commissioners

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By: Michelle DeBuardino
Deputy Clerk

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BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA
By: Kenneth W. Doherty
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR18-0316



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 25, 2018

Mr. Roger D. Eaton
Clerk of the Circuit Court
County Comptroller
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2018-032, which was filed in this office on July 25, 2018.

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 Melinda Dickinson, who on oath says that she is legal clerk of the Charlotte Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being an **Legal Notice (BCC 07-24-2018)** was published in said newspaper in the issues of:

July 09, 2018

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 day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 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 the said newspaper.

Melinda Dickinson
 (Signature of Affiant)

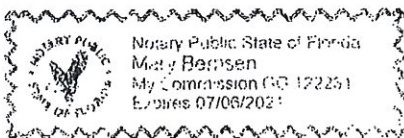
Sworn and subscribed before me this 9th day of July, 2018.

Wauw Bensen
 (Signature of Notary Public)

Wauw Bensen
 (Print Name of Notary Public)

Personally known X 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, ZONINGS, PRELIMINARY AND FINAL PLATS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY July 24, 2018, 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 EARLY 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/jes/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 941-764-1333 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

18-04-04 **Quasi-Judicial** **Commission District IV**
 Equi Group, LLC, has requested Preliminary Plat approval for a subdivision to be named, Murdock Village, consisting of a platted right-of-way. The site is 434.68 acres, more or less, and is located south of Franklin Avenue, east of Bowman Terrace, north of El Jobean Road, and west of Market Circle, in Sections 11 and 12, Township 40S, Range 21E, in Commission District IV.

18-04-05 **Quasi-Judicial** **Commission District III**
 Kokonoor has requested Preliminary Plat approval for Lake Emily Subdivision. The project consists of seven mixed use tracts on 176 acres, more or less, located north of Roosevelt Street, east on Cisa Drive, west of Winchester Boulevard, and south of Avenue of the Americas, in Section 16, Township 40 South, Range 20 East, in Commission District III.

18-03-02 **Quasi-Judicial** **Commission District I**
 Babcock Property Holdings, LLC has requested Final Plat approval for a subdivision to be named, Babcock Ranch Community Phase 1B1 Northeast, consisting of 85 mixed use lots and three streets. The site is 18.32 acres, more or less, and is located south of Belmont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, in Section 29, Township 42S, Range 26E, in Commission District I.

18-03-03 **Quasi-Judicial** **Commission District I**
 Horton, Inc. has requested Final Plat approval for a subdivision to be named, Calusa Creek Section B, consisting of 66 single-family lots. They also seek approval of a Developer's Agreement surety to cover the construction of the plat infrastructure. The site is 14.54 acres, more or less, and is located south and east of Duncan Road, north of Belmont Road, and west of Quail Drive, in Section 34, Township 40S, Range 23E, in Commission District I.

C-18-00031 **Quasi-Judicial** **Commission District I**
 Detail Site Plan
 J Group is requesting Final Detail Site Plan approval for 120-key Extended Stay hotel and associated infrastructure. This 20+ acre site is located at 24100 Beatrix Blvd, in the Port Charlotte area. This project is located within the Sandhill DRI.

18-03-08-LS **Legislative** **Commission District II**
 Ordinance pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment request is to 1) change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) (59.23+ acres) to Commercial (COM), from Preservation (PR) (0.61+ acres) to Commercial (COM), and from Low Density Residential (LDR) (13.07+ acres) to Preservation (PR); 2) remove an annotation to the 2030 Future Land Use Map which limits the overall density of 425.93 acres of the site to 999 units; 3) change Charlotte County FLUM Series Map #2: 2050 Framework, from Conservation to Economic Center for 13.48+ acres, from Economic Center to Conservation for 13.07+ acres; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, the property subject to the Future Land Use Map (FLUM) designations' amendment and the Framework designations' amendment containing 85.78+ acres; Commission District II; Petition No. PA-18-03-08-LS; Applicant: Tuckers Point 1 Limited Partnership; providing an effective date.

8-03-09-TDU **Quasi-Judicial** **Commission District II**
 Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) (370.58+ acres), Residential Estate 1 (RE-1) (193.57+ acres), and Residential Multi-family 5 (RMF-5) (1.59+ acres) to PD; increasing the base density from 19 units to 1,689 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area; containing 565.74+ acres; Commission District II; Petition No. Z-18-03-09-TDU; Tuckers Point 1 Limited Partnership; providing an effective date.

18-05-26-LS **Legislative** **County-wide**
 Ordinance pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; the request is to amend Future Land Use (FLU) Policy 1.2.3: Service Area Delineation and FLU Policy 1.2.6: Expansion of the Urban Service Area; Petition No. PA-18-05-26-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

18-05-27-LS **Legislative** **Commission District V**
 Ordinance pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; the amendment request is to 1) change Charlotte County FLUM Series Map #2: 2050 Framework, from Economic Corridor to Revitalizing Neighborhood; and 2) change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Public Lands and Facilities (PL) to High Density Residential (HDR); potentially increasing the base density from 0 units to 1,013 units; property located northwest of Veterans Boulevard, south of Hillsborough Boulevard, and east of Morningstar Waterway, in the Port Charlotte area, containing 67.54+ acres; Commission District V; Petition No. PA-18-05-27-LS; Applicants: Charlotte County Board of County Commissioners and Charlotte County School Board; providing an effective date.

3-04-23 **Legislative** **County-wide**
 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, in the Code of Laws and Ordinances of Charlotte County, Florida, by Adding new Article VIII, Allowing Dogs in Designated Outdoor Areas of Food Service Establishments, providing for Section 3-5-206, Definitions; providing for new Section 3-5-207, Requirements of Food Service Establishments Which Allow Dogs; providing for new Section 3-5-208, Complaints and Reporting; providing for new Section 3-5-209, Enforcement and Penalties; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

3-04-16 **Legislative** **County-wide**
 Ordinance of the Board of Commissioners of Charlotte County, Florida, amending Chapter 3-9, Zoning, by revising subsections under Section 3-9-87, Temporary Uses; providing for conflict with other Ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

18-04-25-LS **Legislative** **Commission District 1**
 Ordinance pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; this request is to amend Future Land Use (FLU) Appendix IV: Revitalization Plans by amending existing JApp IV Policy 1.1.6: CHC Petition Review; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

IF 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. SUCH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.