

Date: _____	Application #: _____
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TDU Ordinance
Petition to
Request a Variance from the Code
Article XX., Sec. 3-5-433, County Code

The County will only process this application if the petitioner is also the owner of the Receiving Zone (RZ) property or the Sending Zone (RZ) property, as applicable.

The variance procedure allows a petitioner to seek limited relief from the requirements of this section of the code. Submit one paper copy of the application and a disc containing a copy of the application in PDF format to the Growth Management Department. (Any changes or additions to the application will require you to resubmit the PDF document)

Fee is \$1,485, made payable to the Charlotte County Board of County Commissioners



APPLICANT INFORMATION

1) Applicant's: (add an attachment to the application if there is more than one owner and include % interest of each owner)

Name: _____

Mailing Address: _____

City: _____	State: _____	Zip Code: _____
Phone Number: _____	Fax Number: _____	

2) Agent's:

Name: _____

Mailing Address: _____

City: _____	State: _____	Zip Code: _____
Phone Number: _____	Fax Number: _____	

3) Parcel(s) Property Account #: _____

4) Land Size (Square Feet or Acres): _____

5) Existing Zoning Classification of Property: _____

6) Existing Future Land Use Map Designation of Property: _____

7) Attach a narrative.

- A. Explain what section(s) of the TDU are you requesting relief from; and
- B. Explain the nature of the relief; and
- C. Draft a response to conditions 1 through 6 below.

8) Once the petition is evaluated by Growth Management Staff, additional information may be requested if deemed necessary for a true and complete evaluation of the variance. If the application is found to be insufficient, you will be notified within ten (10) working days from the submittal of the application and you will be responsible for supplying the additional information and/or clarification.

CRITERIA APPLICABLE TO VARIANCE

Section 3-5-433 Charlotte County Code

After hearing the application for a variance, together with such other reports or testimony as may be relevant, the Board of County Commissioners may deny the requested variance or grant such variance from the terms of this section if the request meets the conditions hereinafter set forth. Action by the Board of County Commissioners shall require the concurrence of a majority of the members present.

A variance can be granted only if all of the following conditions are found to exist:

Condition 1. The strict application of the requirements of the TDU code prohibiting the Certification or Transfer of Density would create an unnecessary hardship as distinguished from a mere inconvenience, on the property owners; and

Condition 2. The conditions giving rise to the requested variance have not been created by any person presently having an interest in the affected properties; and

Condition 3. The variance requested is the minimum modification of the regulation at issue to effectuate the relief necessary; and

Condition 4. The granting of the variance would not be injurious to or incompatible with the surrounding neighborhood or otherwise detrimental to the public welfare; and

Condition 5. Owing to the specific circumstances which gave rise to the prohibition or hardship, the spirit and intent of this article would be preserved by granting the variance; and

Condition 6. The requested variance is consistent with the Charlotte County Comprehensive Plan. *Attachment 1 contains Comprehensive Plan policies that specifically reference Transfers of Density Units. The relevance of these and other Policies, Goals and Objectives within the Comprehensive Plan will depend upon the nature of the Variance request. The separate elements of the Comprehensive Plan may be viewed at the following website:*

http://www.charlottecountyfl.com/ComprehensivePlan/chapter_1.asp

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the

[] fee owner

[] part owner (% of ownership -)

of the property identified by the account number(s) listed in this application. I understand this application must be complete and accurate before the hearing can be advertised. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that all information submitted with the application is honest and true to the best of my knowledge and belief.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this ____ day of _____, 20 __, by _____ who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Notary Public Signature	Signature of Applicant
Notary Printed Signature	Printed Signature of Applicant
Title	Address
Commission Code	City, State, Zip
	Telephone Number

Attachment 1
Comprehensive Plan Policies referencing Transfers of Density Units

Future Land Use Element

Policy 1.1.4: Charlotte County will discourage premature development within the Suburban Areas by providing incentives for the consolidation of lands and their conversion to other, less intensive uses through programs such as administrative deplattings, minimum area requirements for septic system usage, and transfers of density units.

Policy 1.4.2: Charlotte County will encourage the reduction of platted lots through the following measures:

- a. assembly and de-platting of lots by private interests for re-platting and eventual development or other purposes;
- b. public acquisition of platted lands for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds as appropriate and available; or
- c. consider selective acquisition of individual lots by Charlotte County for use in property assembly, lot swaps, or transfers of density units where such action facilitates a public need, such as the provision of infrastructure or urban services.

Policy 2.2.26: Charlotte County will protect environmentally sensitive lands and waters from urban development through various means including, but not limited to, the acquisition and maintenance of land and density units, or through land use regulation. Implementation programs shall include transfers of density units, stormwater management, the Special Surface Water Protection Overlay District, prohibition of discharges of untreated wastewater, and erosion control.

Policy 2.6.6: New Community proposals must include transfers of density units from targeted platted lands or environmentally sensitive areas as a component of a master development plan. The residential development potential of a New Community shall be achieved through a transfer of density units. Lands from which a transfer of density units occur shall be encumbered through a recorded covenant or transfer of deed to Charlotte County, state government, or federal government. Transferred densities shall be a one-for-one transfer.

Policy 2.6.13: Transfer of density unit sending zones for New Communities shall not include Infill area locations.

Policy 2.7.9: Rural Community proposals will include transfers of density units as a component of a master development plan. The residential development potential of a Rural Community shall be achieved through transfer of density units. Lands from which a transfer of density units occur shall be encumbered through a recorded covenant. Transferred densities shall be a one-for-one transfer.

Policy 2.7.14: Transfer of density unit sending zones for Rural Communities shall not include Infill area locations.

Natural Resources and Coastal Planning Element

Policy 1.16.6: Charlotte County will actively facilitate the removal of density from the Coastal High Hazard Area by plat vacation and other means.

Policy 1.16.7: Bridgeless barrier islands and areas within the Coastal High Hazard Area may be used as sending zones for transfers of density units.

Policy 1.20.3: Charlotte County will limit maximum residential development in the Coastal High Hazard Areas to those densities depicted on the Future Land Use Map as part of this Comprehensive Plan, unless a change of land use is accompanied by a transfer of density (no density may be transferred from other areas of the County into the West County Planning Area).

Historic Preservation Element

Policy 1.1.5: Charlotte County will utilize transfers of density units or other incentives for preservation of properties containing historic or archaeological resources.