

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119,
Port Charlotte, Florida
Minutes of Regular Meeting
September 8, 2014 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:32 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Ken Chandler
Stephen Vieira
Paul Bigness

ABSENT

ATTENDING

Joshua Moye, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of June 9, and of August 11, 2014 were both approved as circulated.

ANNOUNCEMENTS

Upon the oath being administered, **Chair Hess** indicated how she intended the meeting material to be organized for discussion, separating the items into subsections, each having Board discussion and then public comment, in order that the matter might move along efficiently. She said the first five agenda items would be considered as a group, the four Use Tables as a second group, with their zoning districts related to them, followed by Section 3-9-27, and wrapping up with the miscellaneous regulations. She emphasized efficient handling of the matters at hand and asked that comments be limited to the category being discussed.

Mr. Shaun Cullinan, Planning and Zoning Manager, gave a brief historical overview of the process which has culminated in today's presentation, mentioning the various phases in which the material would be presented, beginning today with Phase I (uses) and continuing in the future with phases II and III (design standards and environmental regs.)

PETITIONS:

**Revisions to the Charlotte County Land
Development Regulations**

See individual sections, below

Legislative

Countywide

Recommendation

Community Development Department: Approval

Chair Hess made additional comments about the process and the success of the roundtables in helping to achieve the goals. She asked Jie Shao, Planner III, if she wanted to make a presentation or simply stand by to answer questions, and Ms. Shao said she would be happy to stand by. The first items to be discussed were:

Land Development Regulations

**Table of Contents
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by reorganizing the table of contents; deleting some sections in their entirety; creating new sections; revising some sections; renumbering sections in alphabetic order in Article III, Special Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Section 3-9-5

Countywide

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-68, Authority to Enter Upon Private Property, Section 3-9-72, Deed Restrictions, Section 3-9-75, Exceptions to Required Yards, Section 3-9-5.2, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-76, Exclusions from Height Limitations, Section 3-9-78, Form of Ownership, Section 3-9-86, Moving of Structures and Section 3-9-93, Property Frontage in their entirety, and creating new Section 3-9-5.1, Authority to Enter Upon Private Property, Section 3-9-5.2, Deed Restrictions, Section 3-9-5.3, Exceptions to Required Yards, Section 3-9-5.4, Expedited Permitting Process for Certified Affordable Housing Development, Section 3-9-5.5, Exclusions from Height Limitations, Section 3-9-5.6, Form of Ownership, Section 3-9-5.7, Moving of Structures and Section 3-9-8, Property Frontage, and revising Section 3-9-5, Administration and Enforcement, Building Permits; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Board of Zoning Appeals, Administrative Appeals,

Special Exceptions and Variances

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-6, Board of Zoning Appeals, Powers and Duties; Procedure; creating new Section 3-9-6.1, Administrative Appeals; revising Section 3-9-7, Special Exceptions and renaming it to Section 3-9-6.2, Special Exceptions; revising Section 3-9-6.1, Variances and renaming it to Section 3-9-6.3, Variances; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Site Plan Review

Countywide

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-5.1, Site Plan Review in its entirety, and creating new Section 3-9-7, Site Plan Review; providing for applicability and procedure; providing for initiation; providing for application requirements; providing for requirements of amendments and changes to land Development Regulations; providing for preliminary site plan review; providing for final site plan review; providing for conformity to plan; providing for modification of site plans; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Legal Nonconformities
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-10, Nonconformities and renaming this Section to Legal Nonconformities; providing for revised development requirements for nonconforming lots of record; providing for current nonconforming use; providing for conforming uses; providing revised development requirements for nonconforming structures; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Chair Hess first addressed the terms of Planning and Zoning Board members in Section 3-9-5, suggesting some changes in the language regarding the terms of P&Z Board members to reference the filling of vacancies that occur before a term expires. She also asked about the requirement that a P&Z Board member serve on the Affordable Housing Advisory Committee, specifically whether that obligation should also be included in this paragraph; **Assistant County Attorney Josh Moyer** concurred. **The Chair** next sought comments from other Board members.

Mr. Gravesen commented on the matter of a signed and sealed site plan being required for any building permit and asked why this was added; **Ms. Mary Ann Franks, Zoning Technician** responded noting that for single-family homes, a survey is needed for the building permit, also for any additions to single-family homes. **Mr. Gravesen** indicated he had an issue about requiring a signed and sealed survey for "any" building permit. Ms. Franks agreed that it would not be required for "any" building permit. **Mr. Gravesen** noted that some permits are issued for internal remodeling, but this language would require a site plan; **Ms. Franks** indicated that the Zoning Division does not review any permits interior for interior remodeling so this wouldn't apply. **Mr. Cullinan** offered to add language that specifies "if the footprint is enlarged" in hopes that would clarify the matter; **Mr. Gravesen** was not convinced this would be adequate to address his concerns over the language requiring signed and sealed site plans and surveys. Chair Hess asked that the matter move along, and the Board hear from the public.

Mr. Gravesen next went to page 6, dealing with exceptions to required yards if the street is 40% built-out, which he felt is a limitation on what people can do on their property, while also acknowledging it was not new language but existed in the current Code. He also had some formatting error comments regarding lines 11-20 on page 8.

Mr. Bigness next commented on Section 3-9-5 and asked how does the authorization to enter private property work when someone is residing there? **Mr. Cullinan** responded that applying for building permit gives tacit approval to staff entering upon the property for purposes of inspection. **Mr. Bigness** asked about interior remodel, do you have to knock on the door? **Mr. Cullinan** responded that this is a building permit question but that his understanding is that the customer is given a time frame when the inspection is set up. Staff then arrives at the site, they knock on the door, and if no one answers and they can't complete their work, the inspectors have to fail the inspection. At that point the inspection would have to be rescheduled.

Mr. Chandler indicated that was his question also. The Board discussion being concluded, **Chair Hess** call for any questions from the public, asking in particular if any of the attorneys who had attended the roundtable discussion had any thoughts specifically on the issue raised by Mr. Gravesen regarding the requirement for a signed and sealed site plan.

Mr. Berntsson first praised the efforts of the staff in general and Ms. Shao in particular, noting that the amount of work to produce what is being considered today was really phenomenal. Responsive to Mr. Gravesen's concerns, **Mr. Berntsson** said that yes, this is about zoning specifically, but no it doesn't say that explicitly and the language should probably be tweaked a bit. He also pointed out this is a "living document" and things will change as contradictions or other disparities are discovered. He closed by requesting support for these changes, noting that it was very exciting to someone like himself who had seen many attempts to update the Code to finally see a revision come this far along.

Chair Hess closed the discussion of this section with direction to Mr. Gravesen for the language of the motion, based on the comments heard. This would be to include in 3-9-5.1 "when a vacancy occurs, the Commissioners shall appoint a new member to serve out the unexpired term." That should be the last sentence; she also suggested adding: "A member of the P&Z shall serve as a member of the BZA an the AHAC." Additionally, there should be language to clarify when this signed and sealed site plan and survey would be necessary.

Recommendation

Mr. Gravesen moved that the first five agenda items, (Table of Contents; Section 3-9-5; Board of Zoning Appeals, Administrative Appeals, Special Exceptions and Variances; Site Plan Review; Legal Nonconformities) be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, and including new language as follows: include in 3-9-5.1 "when a vacancy occurs, the Commissioners shall appoint a new member to serve out the unexpired term." That should be the last sentence; also adding: "A member of the P&Z shall serve as a member of the AHAC." And finally, there should be language to clarify when this signed and sealed site plan and survey would be necessary, second by **Mr. Viera** and carried by a unanimous vote.

The next group to be discussed included the Use Tables and their Districts:

Use Table – Environmental and Agricultural Districts

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.1, Use Table – Environmental and Agricultural Districts; providing for a list of permitted uses and structures under Environmentally Sensitive (ES), Parks and Recreations (PKR), Agriculture (AG) and Excavation and Mining (EM) Zoning Districts; providing for a list of conditional uses and structures under ES, AG and EM Zoning Districts; providing for a list of Special Exception uses under ES, AG and EM Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Environmentally Sensitive (ES) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-28, Environmentally Sensitive (ES) in its entirety and recreating Section 3-9-28, Environmentally Sensitive (ES) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Parks and Recreation (PKR) Zoning District **Legislative Countywide**

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-29, Marine Park (MP) in its entirety and creating new Section 3-9-29, Parks and Recreation (PKR) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Agriculture (AG) Zoning District

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-29.5, Agriculture conservation (AC), Section 3-9-30, Agriculture (AG and AE), and Section 3-9-30.5, Agriculture Estates 10 (AE-10) in their entirety, and recreating Section 3-9-30, Agriculture (AG) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and

providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Excavation and Mining (EM) Zoning District Legislative Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-55, Excavation and Mining (EM) in its entirety and creating new Section 3-9-31, Excavation and Mining (EM) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Chair Hess raised an issue about the subject of the keeping of pets and whether there is an upper limit to the number or size of pets that you can keep in a single-family residence, or even what constitutes a "pet" – e.g., horses, snakes, what? **Ms. Shao** indicated there would be definitions of "pets" in the Definitions section, but that there is no language regarding any limitation on the number of pets. **The Chair** said she felt there should be some kind of regulation concerning that, and also a definition since some people consider large animals such as a horse to be a pet, while others consider snakes, rabbits or ducks to be pets, and this is pertinent not only in the ES District, but also in Residential districts. **Ty Harris, Director, Community Development Department**, responded that when you review the Definitions section, that would be the time to address this issue; he also noted that there is recent case law on this subject, and stated that he will come back with more information on these issues at the next Phase of matters being brought forward.

No specific comments were given by Mr. Vieira, Mr. Gravesen, Mr. Chandler, or Mr. Bigness; the Chair called for public comment, but there was none forthcoming.

Recommendation

Mr. Gravesen moved that the first Use Table be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, and noting that the Definitions section will be forthcoming in a future phase, second by **Mr. Chandler** and carried by a unanimous vote.

The Second Use Table was addressed next:

**Use Table – Residential Districts
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.2, Use Table – Residential Districts; providing for a list of permitted uses and structures under Residential Estate (RE), Residential Single-family (RSF), Residential Multi-family (RMF), Residential Multi-family Tourist (RMF-T), Manufactured Home Park (MHP), Manufactured Home Conventional (MHC), and

Recreational Vehicle Park (RVP) Zoning Districts; providing for a list of conditional uses and structures under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for a list of Special Exception uses under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Estates (RE) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-31, Residential Estates (RE) in its entirety and creating new Section 3-9-32, Residential Estates (RE) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Single Family
(RSF) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-32, Residential Single Family (RSF) in its entirety and creating new Section 3-9-33, Residential Single Family (RSF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Residential Multi-Family
(RMF) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-33, Residential Multi-Family (RMF) in its entirety and creating new Section 3-9-34, Residential Multi-Family (RMF) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Residential Multi-Family Tourist

**(RMF-T) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-34, Residential Multi-Family Tourist (RMF-T) in its entirety and creating new Section 3-9-35, Residential Multi-Family Tourist (RMF-T) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Manufactured Home Park
(MHP) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-35, Mobile Home Park (MHP) in its entirety and creating new Section 3-9-36, Manufactured Home Park (MHP) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Manufactured Home Conventional
(MHC) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-36, Mobile Home Subdivision (MHS) and Section 3-9-37, Mobile Home Conventional (MHC) in their entirety, and creating new Section 3-9-37, Manufactured Home Conventional (MHC) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Recreational Vehicle Park
(RVP) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-38, Recreational Vehicle Park (RVP) in its entirety and recreating Section 3-9-38, Recreational Vehicle Park (RVP) zoning; providing for intent; providing for

permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

The Chair stated that she agrees with change from AG Estates to Residential Estates for one to five acres but she indicated she had serious reservations regarding the option in RE-1 for allowing a horse stable as a conditional use, and then in the Special Regs, it includes riding lessons, instruction for five students at a time, tack shop, etc. Chair Hess was firm in her opinion that, taking into account required setbacks for everything plus a residence on one acre, there would not be enough land to maintain a horse.

Ms. Shao commented that livestock and domestic animals as Conditional Uses is just for property located outside the Urban Service Area (USA). **Chair Hess** said the language doesn't specify that, and invited her to review it; **Ms. Shao** agreed. Further discussion ensued, with **Chair Hess** holding firm that one acre would not support a horse and a residence, along with a shelter or stable (a must in this climate), a place to store water, feed and a manure pile, which attracts rats and flies. AG1, now RE1, is often located adjacent to RSF which makes the keeping of horses an obnoxious intrusion. **Mr. Gravesen** noted that some of these properties were five or ten acres, which the Chair agreed would work for this purpose. She suggested that the conditions should be crafted according to acreage. She noted that she was only referring to properties inside the USA and stated that if there hasn't been a problem yet in this district, it's because most folks living in the AE district are savvy enough (so far) to know that a single acre won't work.

Ms. Shao noted that for the conditional use, the one acre property doesn't need the house, so you could have only the horse stable on one acre. **Chair Hess** said that still doesn't work, the issue is that you can't maintain a horse on one acre; she suggested also that a single horse would need a companion animal. It will be necessary to figure out what acreage is required, but it is certain that one acre won't work for this purpose. **Mr. Cullinan** spoke to acreage for RE, noting that very few actually have just one acre; that is just the minimum acreage required in that zoning district. **Chair Hess** asked when does the decision get made whether they can do the conditional use? **Mr. Cullinan** answered that, for instance, when the owners apply for a permit to erect a barn for the horse, that's when the lot coverage and other standards are checked. Further discussion ensued on this matter; **Mr. Gravesen** offered a resolution, where under the conditional use, an item "E" could be added that a minimum lot size for having a horse needs to be five acres, and that becomes one of the conditions of the conditional use. **Mr. Cullinan** agreed that could be added. **Chair Hess** closed the subject with further remarks about how having too little acreage would ultimately impact upon the health of the animal(s) being kept, as well as being an aggravation to neighbors.

Chair Hess continued with the items in this section, going back to Residential RSF; under B.8, line 15, Permitted structures, she noted it allows a structurally-attached guest suite

with cooking facilities. The Chair said that she understood the intent (for granny or for caretakers' quarters, or even an adult offspring who have come back home) but noted there have been abuses where this is allowed, because large numbers of unrelated people may occupy a single-family residence, particularly in hard economic times. She wanted to know if "single family" defines that such accommodations can't be done, and how is "guest" defined? She asked what provides protection against whole piles of people in a single-family residence which degrades the neighborhood, considering the cars and possibly kids going to school on one taxable residence.

Mr. Cullinan noted that this was a big debate over many meetings with Mr. Berntsson and Ms. Waksler; this language is the outcome of those negotiations. The determination of what constitutes a "family" is unenforceable; we can't require a blood test. It's impossible to tell if someone is renting out a room to a stranger. He also discussed a residence on he had visited on Palm Island which had a kitchen on every floor and one of the rooftop; the question becomes, is this a multi-family residence? Or is this simply a convenience for the residents? **Chair Hess** responded that while she understands it's difficult to make a judgment call, but you can't do that sort of thing in PG; she asked about Special Regulations where the same detached facilities are permitted on a lot twice the minimum size, and wondered if that would also apply to secondary cooking facilities under one roof. **Mr. Cullinan** responded that, theoretically yes, since people with two buildable lots have the density units to make that work; we could include a similar regulation for this situation, if so directed by this Board and the Commission. **Mr. Gravesen** commented regarding how this might be affected by the limitations of lot coverage; **Chair Hess** responded that some of these facilities would be on a second floor, and thus not affected by that limitation. **Mr. Gravesen** noted that there is requirement, if you are on septic, to increase septic system when you increase your square footage under air. **Mr. Cullinan** suggested the group listen to the arguments of the proponents when they step up.

The Chair next mentioned the permitted uses in RSF-T includes allowance for detached or attached guest quarters with cooking facilities, and further on under permitted used and structures, there are indications that guest quarters with cooking facilities are not permitted (B-12, line 17 allows; C-5, line 37 does not permit.) She asked if this was a discrepancy or if she had missed something. **Ms. Shao** responded that this is a density issue, and that the Florida Building Code doesn't address this. **Chair Hess** suggested it be reviewed separately, and also noted that within C, the numbering goes from 3 to 5, leaving out 4. Further discussion ensued; **Mr. Cullinan** said that he sees where it could be changed. The other Board members indicated they did not have comments on this; **Mr. Vieira** indicated he wanted to hear the public comments; he noted that this was a troublesome issue in his own neighborhood.

Geri Waksler, Esq. commented on the quality of the rewrite process, and gave plaudits to staff, especially to Jie Shao. Regarding the code, she says, this was originally written in the 80s and she noted how much life has changed in the meantime. This specific issue addresses today's circumstances and looks forward to accommodating modern realities, such as adult children moving back in with family; she agreed it was a hotly-debated

subject. The intent is not to create a scenario where unrelated people live under one roof; that might happen, but do we legislate for the bad apple or to accommodate the majority? We have regulations to cover abuse of these regulations. **Ms. Waksler** indicate that her home has an outdoor kitchen in addition to the one indoors, so technically she is out of compliance; her house is also ready to accommodate parents should the need arise. This seems like a reasonable option for people today.

Ms. Michelle Roth spoke, thanking everybody for their hard work. She provided her viewpoint on regarding the keeping of chickens and exchanged comments with the Chair regarding how keeping chickens doesn't work in the RSF environment as opposed to RE.

Robert H. Berntsson, Esq., addressed the Board, reiterating what Ms. Waksler had said on the subject of the guest suites, and confirming that lots of discussion went into this subject. He stated that if the kitchen aspect is excluded, we shouldn't be regulating guest suites at all. He also noted that the Building Division has been permitting these facilities over the years; he agreed that it would not be best to write code primarily for the abusers. Additionally, **Mr. Berntsson** noted that he agreed with Chair Hess regarding the horse stables and the need for appropriate acreage; he also noted that, regarding the reference to keeping of pets, this language is in some sections but not in others, and should be added to the rest for consistency.

Recommendation

Mr. Gravesen moved that the second Use Table (Residential Districts: Residential Estate (RE), Residential Single-family (RSF), Residential Multi-family (RMF), Residential Multi-family Tourist (RMF-T), Manufactured Home Park (MHP), Manufactured Home Conventional (MHC), and Recreational Vehicle Park (RVP) Zoning Districts; providing for a list of conditional uses and structures under RE, (RSF), RMF, MHP, MHC, and RVP Zoning Districts) be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, and noting that Conditional Uses and Structures regarding Horse Stables, needs to have added language indicating a minimum of five acres is required for the keeping of horses, second by **Mr. Viera** and carried by a unanimous vote.

The Third Use Table was addressed next:

**Use Table – Commercial Districts
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.3, Use Table – Commercial Districts; providing for a list of permitted uses and structures under Office, Medical and Institutional (OMI), Commercial Neighborhood (CN), Commercial General (CG) and Commercial Tourist (CT) Zoning Districts; providing for a list of conditional uses and structures under OMI, CN, CG and CT Zoning Districts; providing for a list of Special Exception uses under OMI, CN, CG and CT Zoning Districts; providing for conflict with other ordinances;

providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Office, Medical and Institutional
(OMI) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-39, Office, Medical and Institutional (OMI) in its entirety and recreating Section 3-9-39, Office, Medical and Institutional (OMI) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Commercial Neighborhood
(CN) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-41, Commercial Neighborhood (CN) in its entirety and creating new Section 3-9-40, Commercial Neighborhood (CN) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Commercial General (CG) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-40, Commercial Office Park (COP), Section 3-9-42, Commercial General (CG), Section 3-9-43, Commercial Intensive (CI) and Section 3-9-44, Commercial Highway (CH) in their entirety, and recreating Section 3-9-42, Commercial General (CG) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Commercial Tourist (CT) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-45, Commercial Tourist (CT) in its entirety and creating new Section 3-9-41,

Commercial Tourist (CT) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

The Third Use Table addressed next:

Chair Hess opened comments by indicating that she appreciates the OMI intent allowing residential and non-residential uses in the same district, since it puts essential services in neighborhoods and encourages walkability to those services; she also commented on the small-scale commercial uses within or adjacent residences available under the CN (Commercial Neighborhood) asking whether there was a need to include buffering design techniques (preventing negative impacts, specifying size limits, and the like) here or whether that was provided someplace else in Code. **Ms. Shao** indicated that the list of permitted uses is all low-impact, and there are set-back requirements as well, so additional language is not required. To the Chair's question about the old square foot limit on food markets, **Ms. Shao** noted that in the Comp Plan we have sizes and lot coverage parameters which cover this issue; **Mr. Cullinan** observed that size limitations are also affected by the lot size and the related parking and stormwater requirements, among other issues, that work to limit what can be done inside the primary structure.

Chair Hess next commented on the combination of the CG and CI districts, which she approved of, but asked where motor vehicle repair would now be allowed. **Mr. Gravesen** and **Ms. Shao** responded that it is in the chart under the conditional uses for CG. **The Chair** also commented she felt the CT District also represented a step forward with more facilities near tourist attractions.

Mr. Gravesen provided comments on the combination of the CG and CI districts, stating for example that he believes the lack of serious conditions will cause the proliferation of used car lots. He noted that there had been equal amounts of CI and CG properties in the county and that limited where these kind of business could go; the value of having CI-zoned property has been diminished for those holding that CI property. He also said he would like to see a residential component in the commercial district; live above the store type of residential, which can be more affordable. He said he understood that there would be a density issue in accomplishing this. **Mr. Cullinan** noted that right now dwelling units in the commercial district is allowed by the Comp Plan; this is for caretaker quarters. **Mr. Gravesen** clarified that his point was not limited to just caretaker's quarters, but to any non-related renter. **Mr. Cullinan** agreed that mixed-use developments could be very successful, but agreed that it's a density issue which has to be addressed at the comp plan level. He felt it would be offered on a case-by-case basis, not county-wide. **Mr. Gravesen** said he was not sold on mixed use, he just saw the need for limited residential, which would offer extra income for the property owner and be cheaper to rent for the resident. **Mr. Bigness** observed that it also helps with crime prevention. **Mr. Cullinan**

pointed out that the County can't regulate who is renting, the property owner could say it's a caretaker, and we wouldn't know if that was true.

Mr. Cullinan then commented on the combination of the CG/CI districts which he characterized as forward looking. He noted that CI zoning isn't losing anything, they still have those uses; as for the concern over proliferation of used car lots, going forward such properties would have to be developed to current standards. He acknowledged that there had been issues recently with some small used car lots. **Mr. Gravesen** argued that CI lots have had the right to put in a small car lot without a lot of development, but now that would be conditional; **Mr. Cullinan** said that such properties still had to meet those conditions and design standards. There was some disagreement on these points, with Mr. Cullinan emphasizing that no matter what uses are permitted in a district, these uses still have to meet standards like the dimensional standards. **Mr. Moyer** asked whether there are more requirements now under CG conditional than under CI; Mr. Cullinan responded that it's the same.

Ms. Waksler spoke to the issues first, saying that she would respectfully disagree with Mr. Gravesen, noting that it was an impossible district to get rezoned TO since there were so many objectionable uses that could be placed on the property without regulation, and so a Planned Development was the only practical approach, a costly, time consuming process. In the current version, some of the more objectionable CI uses have gone up to Industrial, where they belong. She said that the great accomplishment in this code is the introduction of Conditional Uses to handle situations that used to require a Special Exception, which is also costly and time consuming. With this approach, she pointed out, common conditions are covered in the Conditional Uses; so now, rather than looking at resuming the CI district, look at the variety of better conditions – any losses are matched by gains. **Chair Hess** asked how the new language gets around the "gospel" that you can't put conditions on zoning; **Ms. Waksler** responded that the prohibition applied to a zoning request; identifying conditions when you are writing the underlying regulations is a different situation.

Mr. Bertsson noted that there had been lots of debate on this matter, but he felt the important point was that what we are really getting away from now is pyramidal zoning – you no longer get the whole "waterfall" of options from every district less restrictive than the one you are, and this is a very important change. He pointed out that there is new language in the section on Non-conforming Uses that speaks to this change and protects existing such uses. Another point he felt was important to note was that in the conditional uses, if you can't meet all the conditions, you can still apply for a Special Exception. Finally, **Mr. Bertsson** said, that while he agreed that we still make bad decisions using the density blinders, he doesn't see that changing in the general commercial area at this point, but for instance, you can have mixed used in the RMF-T, CT and OMI and a few other commercial areas, just not in CG/CI.

The Chair then discussed the content of the upcoming motion, asking if the options offered made Mr. Gravesen more comfortable; he responded that they did not. The other Board members indicated they were OK with the material. **Mr. Gravesen** indicated that

he would make the motion but continues to be uncomfortable with the combination of the CI and CG Districts.

Recommendation

Mr. Gravesen moved that the third Use Table (Commercial Districts: Office, Medical and Institutional (OMI), Commercial Neighborhood (CN); Commercial General (CG) Commercial Tourist (CT)) be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, and a recommendation that the Commission review the discussion as provided, second by **Mr. Bigness** and carried by a unanimous vote.

The Chair called for a brief intermission[[2:55:24 PM](#) - [3:02:19 PM](#)] after which the Fourth Use Table was discussed.

**Use Table – Industrial Districts
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by adding new Section 3-9-26.4, Use Table – Industrial Districts; providing for a list of permitted uses and structures under Industrial General (IG) and Industrial Intensive (II) Zoning Districts; providing for a list of conditional uses and structures under IG and II Zoning Districts; providing for a list of Special Exception uses under IG and II Zoning Districts; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Industrial General (IG) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-46, Industrial Office Park (IOP) and Section 3-9-47, Industrial Light (IL) in their entirety, and creating new Section 3-9-43, Industrial General (IG) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Industrial Intensive (II) Zoning District
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-48, Industrial General (IG) in its entirety and creating new Section 3-9-44, Industrial Intensive (II) zoning, providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for conditional uses and structures; providing for prohibited uses and structures; providing for special exceptions; providing for development standards; providing for

conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

**Section 3-9-27
Countywide**

Legislative

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-27, Application of District Regulations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Chair Hess next requested comments on the Industrial Districts use table, after which there would be a review of Section 3-9-27, Application of District Regulations.

No comments were offered from the Board members; no member of the public offered any comments.

Recommendation

Mr. Gravesen moved that the fourth Use Table (Industrial Districts: Industrial General (IG); Industrial Intensive (II); and Section 3-9-27 Application of District Regulations) be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

Chair Hess indicated that the remaining material would be the "miscellaneous" regulations:

**Accessory Outdoor Retail Sales,
Display and Storage**

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by creating new Section 3-9-61, Accessory Outdoor Retail Sales, Display and Storage; providing for purpose and applicability; providing for requirements for accessory outdoor retail sales, display and storage; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Base Setback Line

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-69, Base Setback Line and renumbering to Section 3-9-65, Base Setback Line; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Communication Towers

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-71.1, Communication Towers in its entirety and create new Section 3-9-69,

Communication Towers; providing for exempt telecommunication facilities; providing for co-location requirements; providing for additional application requirements; providing for conditions of approval; providing for replacement; providing for abandonment; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Debris and Waste Facilities

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by creating new Section 3-9-71, Debris and Waste Facilities; providing for types of debris and waste facilities; providing for additional application requirements; providing for high impact waste facilities approval standards; providing for high impact waste facilities development standards; providing for high impact waste facility financial requirements; providing for high impact waste facility inspections and enforcement; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Home Occupations

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-79, Home Occupations in its entirety, and creating a new section 3-9-75, Home Occupations; providing for purpose and intent; provide for general conditions for home occupations; provide for minor home occupations; provide for major home occupations; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Junklike Conditions Prohibited

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-61, Abandoned Vehicles, Section 3-9-62, Watercraft Abandoned, Derelict or a Hazard to Navigation, Section 3-9-81, Junkyards and automobile Wrecking Yards and Section 3-9-82.1, Junk and Junkyard Conditions Prohibited in their entirety, and creating new Section 3-9-77, Junklike Conditions Prohibited, providing for the dumping or storage of junk; providing for a single unlicensed motor vehicle parking requirement; providing for conditions to remove junk; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Model Homes

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-87, Model Residential Units and renumbering to Section 3-9-79, 3-9-79, and renaming to Model Homes; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Places of Worship

Legislative

Countywide

An Ordinance amending Charlotte County Code Chapter 3-9, by revising Section 3-9-80.1, Houses of Worship, renumbering and renaming as Section 3-9-83, Places of Worship; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Mr. Cullinan advised the Board that the section on Base Set-back line is being removed based on some legal issues. He also noted that the Conditional Uses section had not been included in the legal ad, so that item will be coming before the Board next month; **Mr. Gravesen** indicated he wanted to talk about some Conditional Use issues, and **Mr. Moye** noted that since it would be back next month, he could discuss it now or then. **Mr. Gravesen** wanted to talk about farm housing, noting that not all farm labor is migrant labor; Mr. Cullinan said that would be looked into, and possibly could be cured simply by adding the phrase "as applicable".

Mr. Moye suggested that Mr. Gravesen assemble the Conditional Uses things he would like the group to look at, for the next meeting; **Chair Hess** suggested Mr. Gravesen might want to go to the roundtable on Conditional Uses to present his ideas.

Chair Hess stated that she was in favor of the Home Occupation language as long as the effects on the neighbors were minimal. Likewise she noted that the simplification of the regulations dealing with junklike conditions was welcome; that there didn't seem to be much change in the sections on Model Homes and Places of Worship.

Mr. Gravesen asked why the language had been changed from "Houses" to "Places"? One suggestion was that not all services take place inside these days; not everyone meets in a structure; **Mr. Cullinan** indicated the point was to make it more generic so that it covered all the varieties of worship. **Mr. Gravesen** challenged the change, stating that the traditional phrase 'house of worship' refers to all types of buildings used for worship. **Mr. Moye** added that there is an language inconsistency that needs to be corrected and also noted that it would also be in the Definitions section, in any event. **Mr. Gravesen** expressed concern that the goal was to get more things under regulation; **Mr. Cullinan** pointed out that they are all currently under the regulations anyway. Further discussion ensued on this matter, with **Mr. Cullinan** pointing out that some bible study groups in private homes generate enough traffic and parking that it becomes a proper issue for regulation, and **Mr. Gravesen** finding this a 'slippery slope'.

No public comment was forthcoming. Chair Hess called for the motion; Mr. Gravesen indicated that was going to list some things in the course of making the motion

Recommendation

Mr. Gravesen moved that the legislative changes for Accessory Outdoor Retail Sales, Display and Storage 3-9-61; Communication Towers 3-9-69; Debris and Waste Facilities 3-9-71; Home Occupations 3-9-75; Junklike Conditions Prohibited 3-9-77; Model Homes 3-9-87, be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014,

along with the evidence presented at today's meeting, and recommend that commission review the discussion, second by **Mr. Chandler** and carried by a unanimous vote.

Mr. Gravesen then pointed out that his motion did not include the "places of worship" section, because he does not agree with that one. **Mr. Moye** noted that Base Setback Line was being withdrawn, Conditional Uses is being continued until properly advertised; and Places of Worship is still on the table to be presented to the Commission. **Mr. Gravesen** noted that he could now offer an additional motion that it not be adopted but should remain "House" of worship. **Chair Hess** polled the Board and announced that motion died for lack of a second.

Mr. Cullinan asked the Board to consider that very often worship services take place in different quarters on a temporary basis, for instance, they may be held in a school where the primary use of the building is as a school. He pointed out that in such a case, we'd be talking about a place of worship, not a house of worship.

Mr. Bigness asked for clarification to better understand the concern that is being raised; Mr. Gravesen noted that schools have a constitutional right to rent out their spaces to worshippers and now we are looking at regulating that as a place of worship via conditions in the zoning code. In the Zoning Code, the permitted use is a school; therefore, he said, he feels there is an intrusion by this code by changing it to a place of worship, to open up the broad universe of the county to the regulation for this in an effort, nobody here may be having it, but it can be used to stifle any religious activities. **Chair Hess** referred to having a religious ceremony in a church or in a meeting hall, they have big evangelical meetings with thousands of people in Madison Square Garden, that's not the establishment of a place of worship within a zoning district is it; we not addressing that as house of worship, are we? **Mr. Cullinan** responded affirmatively, in a building like that, probably we are not; he also indicated that there was no problem with changing the phrase back to the original version, it was merely an attempt to modernize the term, since people can worship anywhere. He wasn't sure whether the matter would have to be readvertised if the name change suggestion was eliminated. Mr. Moye indicated the recommendation to the Commission could include changing it back to House of Worship. Further discussion ensued on how best to proceed.

Recommendation

Mr. Gravesen moved that the legislative changes for Places of Worship 3-9-83, be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, changing references to "Places of Worship" back to "Houses of Worship" and making related changes to the other places in the Zoning Code where this phrase appears, second by **Mr. Bigness**, and carried unanimously.

Public Input

None

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

Chair Hess indicated they would now move on to the Babcock material:

Babcock Land Development Regulations Legislative District I

An Ordinance amending Charlotte County Code Chapter 3-9, by deleting Section 3-9-54, Babcock Ranch District Overlay (BRDO) in its entirety and creating new Section 3-9-51, Babcock Overlay Zoning District (BOZD) and new Section 3-9-51.1, Babcock Community Pattern Book; providing for intent; providing for permitted uses and structures; providing for accessory uses and structures; providing for prohibited uses and structures; providing for development standards; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of Approval, based on the reasons stated in the staff report dated August 29, 2014, giving brief details of the partnership with Babcock in working out the pattern book and code to provide more flexibility and to streamline the process.

Questions for Staff

None.

Applicant's Presentation

Robert H. Berntsson, Esq., applicant's agent, spoke in support of the project, noting it replaces the current code with an overlay code in order to have more flexibility in this innovative community. He requested the Board's approval.

Public Input

None

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

Discussion

Chair Hess indicated that if the Babcock team was happy with the outcome, then she was happy as well.

Recommendation

Mr. Vieira moved that the 3-9-51 Babcock Overlay Zoning District and the 3-9-51-1 Babcock Community Pattern Book be sent to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

Z-14-08-10

Quasi-Judicial

Countywide

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from:

1. Agriculture Estate (AE) to Agriculture (AG) for all properties located in the Rural Service Area, containing 40,613± acres;
2. Agriculture Estate (AE) to Residential Estate-1 (AE-1) for all properties located in the Urban Service Area, containing 14,124± acres;
3. Mobile Home Park (MHP) to Manufactured Home Park (MHP), containing 1,366± acres ;
4. Mobile Home Conventional (MHC) to Manufactured Home Conventional (MHC), containing 1,573± acres;
5. Mobile Home Subdivision (MHS) to Manufactured Home Conventional (MHC), containing 671.7± acres;
6. Residential Single-family -1 (RSF-1) to Residential Estate -1 (RE-1), containing 53.25± acres;
7. Residential Single-family -2.5 (RSF-2.5) to Residential Single-family -3.5 (RSF-3.5), containing 36.43± acres;
8. Residential Multi-family 7.5 (RMF-7.5) to Residential Multi-family 10 (RMF-10), containing 2.49± acres;
9. Commercial Highway (CH)(16.4± acres), Commercial General (CG)(1,198± acres), and Commercial Intensive (CI)(1,198± acres) to Commercial General (CG), containing a total of 1, 214.4± acres;
10. Industrial Light (IL) to Industrial General (IG), containing 827.65± acres;
11. Industrial General (IG) to Industrial Intensive (II), containing 655± acres;
12. Agriculture Estate (AE)(148.68± acres), Commercial General (CG)(0.42± acres), Commercial Intensive (CI)(1.3± acres), Commercial Tourist (CT)(0.65± acres), Industrial General (IG)(2.91± acres), Industrial Light (IL)(3.46± acres), Office, Medical and Institutional (OMI)(13.26± acres), Marina Park (MP) (0.16± acres), Planned Development (PD)(80± acres), Residential Multi-family 10 (RMF-10)(6.17± acres), Residential Multi-family 12 (RMF-12)(2.5± acres), Residential Multi-family 15 (RMF-15)(3.1± acres), Residential Multi-family 5 (RMF-5)(21.98± acres), Residential Single-family 1 (RSF-1)(134± acres), Residential Single-family 3.5 (RSF-3.5)(547.8± acres), and Residential Single-family 5 (RSF-5)(230.6± acres), (230.6± acres), to PKR, containing a total of 1,197± acres, for all properties are currently designated as Parks and Recreation on the 2030 Future Land Use Map and owned by Charlotte County;
13. Marina Park (MP) (76,797± acres) to Parks and Recreation (PKR);
14. Babcock Ranch District (BRD) to Babcock Overlay Zoning District (BOZD), containing 13,518± acres; providing an effective date. Petition No. Z-14-08-10; Applicant: Charlotte County Board of County Commissioners.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of Approval, based on the reasons stated in the staff report dated August 29, 2014, giving brief details. This petition implements the zoning changes previously

discussed and recommended for approval, and is necessary to amend the zoning map to reflect those changes.

Questions for Staff

Chair Hess asked for clarification on why the format changed at number 12 in the list of changes. **Ms. Shao** clarified that this concerned the Parks and Recreation category, which was not a separate designation before; the County's parks are on lands designated by various zoning districts such as AE or RSF-5, and all these properties where parks have been established are being changed to PKR under the new code. CH asked if there would ever be a map again that showed the location of parks in relation to residential areas, etc.

Chair Hess also inquired whether the Department would produce a new map to replace the old version which enabled people to see at a glance by color what any particular property was zoned, and what that zoning was near to – she asked if this would be done again? The suggestion was made that it be suggested to the Commission. **Ms. Shao** indicated there was an interactive map available online and introduced this resource to the Board members.

Public Input

None.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Vieira** with a unanimous vote.

Discussion

None.

Recommendation

Mr. Gravesen moved that application **Z-14-08-10** be sent to the Board of County Commissioners with a recommendation of *Approval* for the countywide rezoning to update the zoning maps to coincide with the change in the zoning district codes of the Land Development Regulations, based on the findings and analysis in the staff report dated August 29, 2014, along with the evidence presented at today's meeting, second by **Mr. Bigness** and carried by a unanimous vote.

There being no further business to come before the Board, the meeting was adjourned at 3:38 p.m.