



## MEMORANDUM

Date: April 26, 2013

To: Honorable Board of County Commissioners  
The Planning and Zoning Board

From: Inga Williams, AICP, Principal Planner  
Jie Shao, Planner III

Subject: Section 3-9-57, Little Gasparilla Island (LGI) Zoning District Overlay Code

Recommendation: Approve adoption of the proposed Section 3-9-57 Little Gasparilla Island Zoning District Overlay.

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The purpose of creating the Little Gasparilla Island (LGI) Zoning District Overlay is to implement the vision and intent of the Little Gasparilla Island Community Plan, which was accepted by the Board of County Commissioners on October 16, 2007. Staff worked closely with the Little Gasparilla Island Advisory Committee to develop this overlay, which allows the development of some limited, but essential, commercial uses within the BBI zoning district in order to maintain the unique community on Little Gasparilla Island.

The proposed LGI Zoning District Overlay:

- Establishes the restrictive standards for some Special Exception uses.
- Sets development standards for all development associated with an approved Special Exception use.

### COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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O R D I N A N C E  
NUMBER 2013--

AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, PROVIDING THAT THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BE AMENDED BY CREATING A NEW SECTION 3-9-57, LITTLE GASPARILLA ISLAND (LGI) ZONING DISTRICT OVERLAY; PROVIDING FOR INTENT; PROVIDING FOR DEVELOPMENT STANDARDS FOR COMMERCIAL USES NOT TYPICALLY ALLOWED WITHIN A RESIDENTIAL ZONING DISTRICT; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Little Gasparilla Island (the "**Island**") is a bridgeless barrier island on Florida's west coast, in Charlotte County (the "**County**"); the island has access to both the Gulf of Mexico and Placida Harbor; and

WHEREAS, the Island is approximately 2.5 miles in length and averages between  $\frac{1}{4}$  and  $\frac{1}{2}$  mile in width, and

WHEREAS, the island is physically connected to Don Pedro Island to the north; however, the Don Pedro State Park serves as a buffer which only allows for pedestrian through-access; and

WHEREAS, in November 2000, the Little Gasparilla Island Steering Committee was established to formulate a vision for the Island and to begin addressing concerns of the residents; and

WHEREAS, The Board of County Commissioners (the "**Board**") passed a resolution (Resolution Number 2004-062) by which the Little Gasparilla Island Advisory Committee (the "**Advisory Committee**") was formally established; and,

WHEREAS, in response to the Advisory Committee's request, the Board provided the Advisory Committee with County planning staff support and retained a team of consultants for the preparation of a *Little Gasparilla Island Community Plan* (the "**Plan**") to serve as a guide for the future development of the Island; and,

WHEREAS, the Board voted to accept the Plan on October 16, 2007; and,

1 WHEREAS, the Board directed the County's planning staff to prepare  
2 amendments to the County's Zoning Code and Zoning Atlas to provide for a Little  
3 Gasparilla Island Zoning District Overlay Code ( the "**LGI Overlay Code**") which  
4 implements portions of the Plan; and

5 WHEREAS, the LGI Overlay Code has been prepared by the County's planning  
6 staff; and

7 WHEREAS, the County's Planning and Zoning Board (the "**P&Z Board**") held a  
8 hearing on the LGI Overlay Code based on the findings and analysis presented in the  
9 Planning Division staff report dated April 30, 2013, and the evidence presented at the  
10 public hearing, the P&Z Board recommended approval of the LGI Overlay Code; and

11 WHEREAS, the Board considered the LGI Overlay Code in public hearings held  
12 on June 25, 2013 and July 23, 2013; and

13 WHEREAS, AFTER DUE CONSIDERATION, The Board has found that the LGI  
14 Overlay Code is consistent with the Charlotte County Smart Charlotte 2050  
15 Comprehensive Plan, will preserve and enhance the Little Gasparilla Island, and is in  
16 the best interests of the County and its citizens;

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

19 Section 1. The Code of Laws and Ordinances of Charlotte County,  
20 Florida (the "**County Code**") is hereby amended to create new Section 3-9-57, which  
21 shall provide as follows:

22  
23 **Section 3-9-57. Little Gasparilla Island Zoning District Overlay**

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25 **A. Intent and Purpose**

26 The intent and purpose of the Little Gasparilla Island Zoning District Overlay (LGI  
27 Overlay Code) is to provide development standards for commercial uses not typically  
28 allowed within a residential zoning district in order to maintain the unique community on  
29 Little Gasparilla Island.

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31 **B. Boundary**

32 The LGI Overlay Code shall only apply to Little Gasparilla Island.

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34 **C. General Island-wide Development Standards**

1 1. Metal buildings and metal paneling are prohibited. This does not apply to  
2 roofing material.

3 2. Accessory buildings over 125 square feet shall be compatible in appearance  
4 with the primary structure.

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6 **D. Specific Special Exception Restrictions-Development Standards**

7 1. Home occupations shall be subject to the following condition:

8 a. Customers shall only visit between the hours of 9:00 a.m. and 5:00 p.m.

9 2. Golf cart, kayak, paddleboard, and bicycle rental, sales, and service shall be  
10 subject to the following conditions:

11 a. The total maximum size for a principal structure shall be ~~1,500~~ 1,000  
12 square feet.

13 b. The maximum lot coverage for the entire operation, including but not  
14 limited to, any structures, paved areas, and outside storage and display  
15 areas, shall be 60 percent of the lot.

16 3. Barge and ferry landing sites shall be subject to the following conditions:

17 a. Minimum water frontage shall be at least 50 feet.

18 b. Docks and landing ramps shall be set back at least 15 feet from side lot  
19 lines.

20 c. Hours of operation shall be limited to between 7:00 AM and 7:00 PM.

21 d. The parking and the storage of vehicles, equipment, or material on the site  
22 for longer than 24 hours is prohibited.

23  
24 **E. General Special Exception Development Standards.**

25 ~~All development associated with an approved Special Exception use shall meet~~  
26 ~~the following conditions:~~

27 1. Principal structures shall imitate residential dwellings. This shall not apply to  
28 buildings used for Essential and Emergency Services.

29 2. ~~Metal-paneled principal structures are prohibited.~~ Accessory structures shall  
30 follow the "Permitted accessory uses and structures" standards of the BBI  
31 Zoning District. ~~Accessory structures~~ shall not exceed 20 feet in height.

32 3. No less than three off-street parking spaces shall be provided per use. The  
33 total number of parking spaces shall be appropriate for the approved use.

34 4. A walking path at least four feet wide shall be provided from the parking area  
35 to the main entrance of the use.

- 1 5. A landscaped buffer at least five feet in width or a 100% opaque fence at  
2 least six feet high shall be required along rear and side yard property  
3 boundaries; chain link fencing with some type of screening material shall not  
4 be used to satisfy this requirement. If using landscaping:
  - 5 a. A continuous hedge shall be planted within the buffer to provide screening  
6 between the use and adjacent properties.
  - 7 b. The hedge species shall be a minimum of 24 inches upon planting and be  
8 spaced and maintained in order to form a continuous, solid visual screen  
9 within one year from planting.
  - 10 c. The hedge shall be a type that reaches at least 60 inches upon maturity.
- 11 6. No outdoor light pole or standard shall be higher than ten feet.
- 12 7. All lights shall be shielded to prevent glare onto neighboring properties, and  
13 shall be in accordance with Chapter 3-5, Article XII, Sea Turtle Protection.
- 14 8. Signs shall conform to the Signs provisions of thise County Code except as  
15 specified below:
  - 16 a. The only Additional Signage allowed is window signs. Window signs shall  
17 display only the proprietor's name, business name, and property address.  
18 All letters and numbers shall be no more than two inches in height.
  - 19 b. Signs shall not be lighted.
  - 20 c. No more than one building sign is permitted and they shall be constructed  
21 of the same material as the predominant material of the principal building.
  - 22 d. Building sign colors shall reflect the predominant colors of the principal  
23 buildingstructure.
  - 24 e. Building signs shall not exceed three square feet in area.
  - 25 f. No directional signs are permitted.

#### 27 **F. Development Review Procedure.**

28 The LGI Advisory Committee, or its designee, may review any applications for a special  
29 exception use within the LGI Zoning District Overlay for consistency and compliance  
30 with the LGI Zoning Overlay Code and the LGI Community Plan. The LGI Advisory  
31 Committee, or its designee, may prepare written comments to the appropriate Charlotte  
32 County agencies regarding the proposed development, with recommendations as  
33 appropriate. Such comments, however, shall not be binding nor delay the timeframe for  
34 review by the staff and approval/denial by the Board of Zoning Appeal.

1 SECTION 2. This ordinance shall take effect upon filing in the Office of the Secretary of  
2 State, State of Florida

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PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_,  
2013.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
Christopher G. Constance, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney

**Economic Impact Statement  
for the Little Gasparilla Island Zoning District Overlay**

**I. Purpose**

Staff is proposing an overlay of the new zoning district for properties on Little Gasparilla Island. Staff worked very closely with the Little Gasparilla Island Advisory Committee and other citizens on the island to develop this overlay, which allows the development of some limited, but essential, commercial uses. The completion of the overlay implements some of the policies of the LGI Community Plan, which was accepted by the Board of County Commissioners in 2008.

This overlay code is supported by the intent of Smart Charlotte 2050 Comprehensive Plan, specifically related to the Community Plan and the Barrier Island District listed below:

***BARRIER ISLAND OVERLAY DISTRICT (BIOD)***

*The BIOD consists of Charlotte County's barrier islands including Manasota and Sandpiper Key and Gasparilla Island as well as the bridgeless barrier island chain which includes Don Pedro Island, Knight Island, Thornton Key, and Little Gasparilla Island. This overlay district is illustrated on FLUM Series Map #9. The County may adopt regulations for Manasota and Sandpiper Key and Gasparilla Island as well as Little Gasparilla Island to address their community vision and specific challenges associated with the islands. Increases in density on any barrier island is prohibited.*

*Compared to the bridgeless barrier islands, bridged barrier islands have greater intensities and densities based on the added availability of public services and infrastructure. Bridgeless barrier islands do not contain convenient public services and infrastructure and it is not the County's intent to expand the scope of service and infrastructure to these islands. The County shall not expand the scope of potable water or sanitary sewer service to the bridgeless barrier islands; solid waste and fire protection may be allowed through a special taxing district or other method approved by the County. All residential densities on bridgeless barrier islands subsequent to February 1, 1992 shall be one unit per gross acre; however, all residential lots created consistent with the Charlotte County Subdivision Regulations prior to that date shall have an allowable density of one unit per subdivided lot.*

**II. Impact**

**A. Costs**

**1. Monetary-private sector**

The properties on little Gasparilla Island have been taxed based on their property classifications. Property owners may experience increased monetary costs when they choose to use the provisions of the overlay code.

**2. Non-monetary-private sector**

Property owners will experience no non-monetary costs due to the proposed amendment.

**3. Monetary- public sector**

The public sector will experience no monetary costs due to the proposed amendment.

**4. Non-monetary- public sector**

There are no non-monetary costs to the public sector.

**B. Benefits**

**1. Monetary--private sector**

Property owners may gain monetary benefits due to the ability to have some very limited commercial uses.

**2. Non-monetary--private sector**

This amendment will allow for some very limited commercial uses. This will support the unique lifestyle on Little Gasparilla Island.

**3. Monetary--public sector**

There may be monetary benefits to the public sector in terms of increased tax revenues from the resulting development.

**4. Non-monetary--public sector**

The non-monetary benefits derived by the public sector include an expanded choice of limited commercial uses on the island.

**C. Specific groups which will be impacted**

All properties located on Little Gasparilla Island of Charlotte County.