

Application No.
PA-14-09-14
(Plan Amendment)

Applicant
Board of County Commissioners /
Revisions to MRE (Mineral Resource
Extraction) FLUM

Legislative

Countywide



MEMORANDUM

Date: December 19, 2014

To: Charlotte County Board of County Commissioners
Planning and Zoning Board

From: Anthony R. Rodriguez, AICP, Planner II

Subject: PA-14-09-14-LS
Amendments to FLU Appendix I: Land Use Guide
Mineral Resource Extraction (MRE) and
FLUM Series Map #24: *MRE Prohibited Locations*

These amendments are the final step in the update of the County's excavation and earthmoving regulations. The Board of County Commissioners (BCC) directed Staff to conduct a series of roundtable discussions with stakeholders, members of the public, and the Agricultural and Natural Resources Advisory Committee (ANRAC) to address concerns and identify necessary revisions to the County excavation and earthmoving regulations. Staff subsequently prepared new Article XXIII Earthmoving, Chapter 3-5 of the Charlotte County Code of Laws and Ordinances (Earthmoving Code), based on the outcome of these roundtable discussions. New Article XXIII Earthmoving was adopted by BCC on September 23, 2014 via Ordinance No. 2014-031 and replaces previously existing Article XXI Excavations and Article XXIII Excavations and Earthmoving.

At the direction of BCC, Staff prepared revisions to the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category of Future Land Use Appendix I – Land Use Guide of the County's Comprehensive Plan (Plan) to ensure consistency between the Plan and the recently adopted Earthmoving Code. Staff presented the MRE FLUM category revisions to the Planning and Zoning Board on November 10, 2014, and the Planning and Zoning Board unanimously recommended approval for BCC to transmit the Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) for review and comments. However, staff identified some potential issues in the advertisement of the Plan revisions prior to the December 9, 2014 BCC meeting, and elected to re-advertise and re-present the proposed revisions to the Planning and Zoning Board and BCC.

The revisions, attached herein, are summarized as follows:

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT

Comprehensive Planning Division
18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941-743-1242 | Fax: 941-743-1292

- The term “Group III Excavation” has been replaced with “Commercial Excavation” throughout the Plan to be consistent with the terminology of the newly adopted Earthmoving Code.
- The subsection entitled “Requirements of the Plan Amendment” has been revised to clarify permitted and prohibited locations for commercial excavations and to clarify application submittal requirements for parties seeking a Mineral Resource Extraction (MRE) FLUM designation.
- The subsection entitled “Special Provisions” has been revised to permit limited modifications to existing commercial excavation permits without an MRE FLUM designation and Excavation and Mining (EM) zoning designation as required in the newly adopted Earthmoving Code and the Plan. The following permit modifications are exempt from these requirements provided that the nature of operations of the existing commercial excavation does not change:
 - A modification request to transfer the permit to another permit holder.
 - A request to extend the permit expiration date.

All other modifications to existing commercial excavation permits and applications for new commercial excavation permits require a property to be designated Mineral Resource Extraction (MRE) on the Future Land Use Map and zoned Excavation and Mining (EM).

- FLUM Series Map #24: *MRE Prohibited Locations* has been amended to correct a scrivener’s error in the vicinity of Jones Loop Road east of Interstate Route 75.

Recommendation: Staff requests that the Board of County Commissioners approve transmittal of Petition No. PA-14-09-14-LS, which is an amendment to the Mineral Resource Extraction (MRE) FLUM category in FLU Appendix I: Land Use Guide and FLUM Series Map #24: *MRE Prohibited Locations*, to the Department of Economic Opportunity (DEO) for review and comments.

MINERAL RESOURCE EXTRACTION (MRE)

This category shall be used for lands ~~wherein~~where the intent is to extract ~~for commercial purposes~~ rock, sand, gravel or similar non-renewable substances occurring in their natural state on or below the surface of the earth for commercial purposes. Permitted extraction activities under this category shall include the removal of mineral resources from the ground and the processing of those resources. Under this category, a property owner or lessee may apply for a ~~Group III excavation~~ Commercial Excavation permit; ~~commercial excavations are as~~ identified in Article XXIII the Excavation and Earthmoving ~~section~~ of the Charlotte County Code of Laws and Ordinances ~~as Group III excavations~~. ~~They~~ The property owner may also engage in agricultural use of the property as defined by the Agriculture FLUM designation. The minimum acreage under this category is 50 acres.

General Range of Uses

Generally, ~~C~~commercial excavations and extraction of non-renewable substances, agricultural uses, and public services and facilities.

Maximum Density/Intensity

Density: The maximum density is equivalent to that of the prior FLUM designation - one dwelling unit per ten acres or one dwelling unit per 40 acres, as applicable.

Intensity: ~~The~~ maximum lot coverage by all buildings is ten percent. The maximum height of structures is 60 feet.

Requirements of the Plan Amendment

1. *Limitations on Location:* ~~The County will permit plan amendments to Mineral Resource Extraction to be submitted for project sites located in areas that are not labeled Group III Excavation Prohibited Areas on~~ FLUM Series Map #24: MRE Prohibited Locations identifies the areas of the County where this designation is permitted. ~~These~~ Generally, permitted locations ~~shall~~ include properties located in the Rural Service Area east of U.S. 17 and U.S. 41 except properties located within:
 - a. ~~The ½~~ One-half mile setback of the Watershed Overlay District (FLUM Series Map #4), or Tippen Bay and Long Island Marsh areas ~~of the Watershed Overlay District (FLUM Series Map #4),~~
 - b. The Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6), ~~or~~
 - ~~b.c.~~ within 2,640 feet (o One-half mile) of the recharge area.
2. *Submittal Requirements:* ~~Any person~~ When applying for this designation, the following items are required: ~~must submit:~~
 - a. A concept plan showing the approximate boundaries of any ~~all~~ potential excavation area(s) ~~that would be excavated,~~ along with the probable size, shape, and depth of the excavation area(s), recharge trenches and settling ponds.

- b. A map of all man-made features on the excavation site and within 500 feet of the site.
- c. A survey of wetlands on the site and a map showing approximate locations of wetlands and other water features within one-half mile of the site, as applicable, and a discussion of how the proposed excavation will not be a detriment to those resources.
- d. A discussion of quality of life issues, in particular, the effect of a proposed excavation upon the health, safety and welfare of residents within one-half mile of the site.

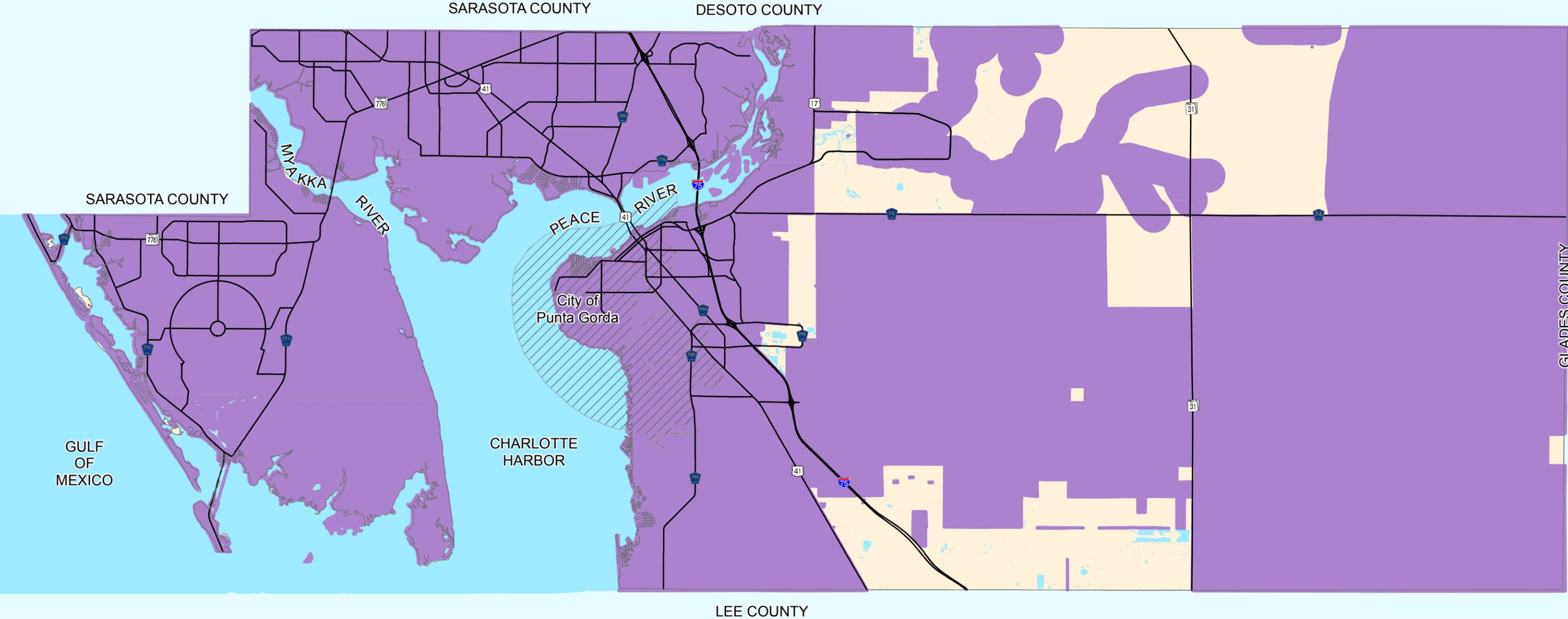
Special Provisions

- 1. The zoning district consistent with this FLUM designation is Excavation and Mining (EM), Charlotte County Code of Laws and Ordinances, as may be amended.
- ~~2.~~ Properties that have been approved for mining-commercial excavation operations, formerly known as Group III excavations, ~~by the county~~ County prior to the adoption of this designation (12/15/2008) shall have a continuing right to conduct excavation operations in accordance with the approved permit, ~~the Comprehensive Plan and the Excavation and Earthmoving section of the Charlotte County Code of Laws and Ordinances. However, any person with an expiring or inactive permit shall not seek an extension or renewal unless a land use change to this designation is approved.~~
- ~~3.~~ Modifications to commercial excavations formerly known as Group III excavations approved prior to December 15, 2008 shall be permitted only after the property on which the excavation site is located is designated with a Mineral Resource Extraction (MRE) FLUM designation and an Excavation and Mining (EM) zoning district. The following modifications are exempt from this requirement provided there are no changes to the operation:
 - ~~a.~~ A modification request to transfer the permit to another permit holder.
 - ~~a.b.~~ A request to extend the permit expiration date.
- ~~2.~~ New commercial excavation permit applications may be granted only after, the property proposed to be excavated is designated with a Mineral Resource Extraction FLUM designation and zoned Excavation and Mining (EM). or requests for an amendment to an approved Group III excavation permit proposed subsequent to September 9, 2008, shall be permitted only after:
 - ~~3.~~ Adoption of a plan amendment to Mineral Resource Extraction;
 - ~~4.~~ Zoning review and approval; and
 - ~~5.~~ Approval from the Hearing Examiner in charge of excavation permits.
- ~~6.4.~~ 4. Group III Commercial excavations within Wildlife Corridor Critical Linkages shall provide wildlife corridor connections through the property, similar to a Conservation Subdivision or Rural Community. These corridors shall be placed under conservation easement.



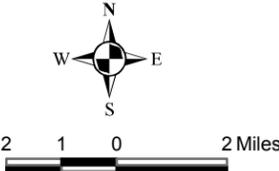
Land Information Section

CHARLOTTE COUNTY Future Land Use Map Series Map #24: MRE Prohibited Locations



Stateplane Projection
 Datum: NAD83
 Units: Meters
 Source: CCGIS, GROM
 Metadata available upon request

 MRE Prohibited Areas



This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design.