

1 **Sec. 3-9-104. Amendments**

2 (a) *Generally.* This ~~C~~chapter and the ~~e~~Official ~~Z~~zoning ~~a~~Atlas may, from time to time, be amended or
3 repealed as provided in this ~~S~~section.

4 (b) *Initiation of proposals for amendments.* An amendment to this ~~C~~chapter or the ~~Z~~zoning ~~A~~Atlas may
5 be proposed by:

6 ~~(1) The board of county commissioners;~~

7 ~~(2) The planning and zoning board;~~

8 ~~(3) The board of zoning appeals; or~~

9 ~~(4) The owner of the land to be rezoned, anyone with a legal interest in the property or this Chapter;~~
10 however, an applicant who is not the owner of the subject property shall be required to present
11 evidence of legal authority from the owner to submit an application.

12 (c) *Written petition.* Applications for rezoning shall be obtained from and filed with the ~~planning~~
13 appropriate County department-Department and shall be accompanied by the applicable fee to be
14 established by resolution of the ~~board of county commissionersBCC.~~ No application for zoning
15 amendment shall be heard by the ~~planning and zoning boardP&Z Board~~ until such fees and charges
16 have been paid by the petitioner or waived by the ~~board of county commissionersBCC.~~ The
17 Department Dplanning director or his/herits designee shall review the application for sufficiency and
18 completeness. If additional information is required, the Department planning dDirector or his/her
19 designee shall advise the applicant within ten ~~(10)~~ working days after receipt of the application. Upon
20 finding the application to be correct and complete, it shall be scheduled for a public hearing before
21 the ~~planning and zoning board-P&Z Board~~ at the next available meeting. The Department planning
22 dDirector or his/her designee shall also review the application for consistency with the
23 Comprehensive Pplan and the applicable land development regulations used to implement the
24 Comprehensive Pplan. Should any conflict exist as a result of the consistency review, the applicant
25 shall be advised of such at least five ~~(5)~~ days prior to the ~~planning and zoning boardP&Z Board~~
26 meeting at which the application is scheduled to be heard. At a minimum, Applications for rezoning
27 shall include, but not be limited to, theinclude the following:

28 (1) A certified survey of the property to be rezoned.

29 (2) A legal description of the entire property to be rezoned, including the size of the parcel involved.

30 (3) A narrative stating the applicant's justification for the rezoning request based upon the
31 standards for approval of such a rezoning request set forth in subsection ~~(h)~~(1).

32 ~~(4) A notarized affidavit which lists the names and addresses of property owners within two~~
33 ~~hundred (200) feet of the subject property (excluding street rights-of-way) with corresponding~~
34 ~~address labels. This information shall be based upon the latest available property records of the~~
35 ~~Pproperty Aappraiser's Ooffice. The applicant shall also provide a map clearly showing the~~
36 ~~subject property and all of the properties within two hundred (200) feet.~~

37 (d) *Published Notice.* No request for a ~~zoning regulation~~ amendment may be considered by the ~~planning~~
38 ~~and zoningP&Z Bboard~~ until such time as notice of a public hearing on the proposed amendment
39 has been given by publication in a newspaper of general circulation in the county at least ~~fifteen (15)~~
40 calendar days in advance of the public hearing.

41 (e) *Mailed Notice.*

42 (1) The County shall notify the owner of each property located within 200 feet of the subject
43 property via first-class mail sent to the last address listed for each owner in the County Property
44 Appraiser records except as provided herein.

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1 (2) The notice shall be mailed at least ten days prior to the date of the P&Z public hearing and at
2 least 30 days prior to the date of each BCC public hearing.

3 (3) Mailed notice under this Section shall not be required if a rezoning directly affects more than 50
4 properties owned by a total of at least 50 different property owners, and the County elects to
5 publish notice of the hearing as provided for in this Code.

6 (4) Failure to receive a mailed notice shall not invalidate the proceedings.

7 (f) *Posted Notice.* The County shall post notice at the subject property not less than ten days prior to
8 the public hearing at which the application will be heard . The notice shall contain the time, date and
9 place of the public hearing and shall state the action being considered. The notice shall be posted on
10 the subject property or at a point visible from the nearest public street.

11 (g) *Constructive Notice.* Minor defects in notice shall not impair the notice or invalidate proceedings if a
12 good faith attempt has been made to comply with applicable notice requirements.

13 (h) *Standards for approval.*

14 (1) For the rezoning of land, the recommendations of the ~~planning and zoning~~P&Z Board and
15 decision of the Board of County Commissioners shall be made after giving due consideration to:

16 a. Whether the proposed change would be contrary to the ~~comprehensive land use~~
17 planComprehensive Plan;

18 b. The existing land use pattern in adjacent areas;

19 c. The capacity of ~~The population density pattern and possible increased load on public~~
20 facilities and services, including but not limited to schools, roads, recreational facilities,
21 wasterwater treatment, water supply, and stormwater drainage facilities ~~such as schools,~~
22 utilities and streets;

23 ~~d. Whether changed conditions make the passage of the proposed amendment appropriate;~~

24 ed. Whether the proposed change will adversely influence living conditions or property values
25 in adjacent areas;

26 fe. Whether the proposed change will affect public safety;

27 gf. ~~Whether changed current conditions make the passage of the proposed amendment~~
28 ~~appropriate.~~ Whether the proposed change will reduce light and air to adjacent areas; and

29 h. ~~Whether there are substantial reasons why the property cannot be used in accordance with~~
30 ~~existing zoning.~~

31 (2) When pertaining to other proposed amendments of these zoning regulations, the ~~planning and~~
32 zoning bP&Z Board shall consider:

33 a. The need and justification for the proposed change; and

34 b. The relationship of the proposed amendment to the comprehensive plan.

35 (fi) *Board of ~~C~~ounty ~~C~~ommissioners action on ~~planning and zoning board~~P&Z Board*
36 *recommendations.* Upon receipt of the ~~planning and zoning b~~P&Z Board recommendations, the
37 board of county commissionersBCC shall hold a second public hearing with notice to be given as
38 required by law (Section 125.66 F.S.) ~~and by~~ ~~In addition to the notice provided for in subsections (d),~~
39 (e), and (f) ~~above,~~ notice of the time and place of the public hearing before the board of county
40 commissioners shall be sent at least thirty (30) calendar days in advance of the hearing by first class
41 mail to the owner of the subject property or his designated agent or attorney. Notice of the time and
42 place of the public hearing before the board of county commissioners shall be sent at least fifteen
43 (15) calendar days in advance of the hearing by first class mail to all owners of property situated
44 within two hundred (200) feet of the property for which rezoning is sought. The notice shall contain
45 the time, date and place of the public hearing for the request and a brief description of the property
46 involved (subject property). Notice by mail shall be accomplished by depositing the notice in the

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1 United States mail and shall be addressed to the property owner at the address shown on the latest
2 available tax rolls of Charlotte County as provided by the applicant. In addition, a sign shall be
3 posted conspicuously on the subject property.

4 ~~The sign shall contain the time, date and place of the public hearing and shall state the action being~~
5 ~~considered. Said sign shall be placed on the subject property at least ten (10) calendar days prior to~~
6 ~~the public hearing. Failure to strictly comply with these notice requirements shall not invalidate the~~
7 ~~proceedings.~~

8 (j) Notice of Decision. Written notice of decision shall be sent to the applicant and a copy shall be
9 placed on file with the County within ten business days of a decision being rendered, where it shall
10 be available for public inspection during regular office hours. A copy of the ordinance adopting the
11 change shall be sent to the applicant after the ordinance is recorded by the County Clerk.

12 ~~(kg) Limitations on the rezoning of property.~~ Whenever the board of county commissioners BCC has
13 denied an application for the rezoning of property, the planning and zoning P&Z Board shall not
14 thereafter consider any application for the same rezoning of any part or all of the same property for a
15 period of six (6) months from the date of such action, except that this requirement may be waived by
16 the positive votes of a majority of the board of county commissioners BCC when the board BCC
17 deems such action necessary to prevent injustice or to facilitate the proper development of the
18 county.

19 (l) Withdrawal of Application. An applicant or legally appointed representative may request the
20 withdrawal of a previously submitted application at any time. A request to withdraw an application
21 shall be provided in writing to the Zoning Official unless the applicant requests such withdrawal on
22 the record at a scheduled public hearing. A written request shall be signed by all persons who
23 signed the application or by a legally appointed representative. The Zoning Official may authorize a
24 refund of all or part of the application fee if an application is withdrawn more than four weeks prior to
25 the first scheduled public hearing. If a request to withdraw an application is made less than four
26 weeks prior to the first scheduled public hearing, then no part of the application fee shall be
27 refunded.

28 (m) Postponement of Scheduled Public Hearings. An applicant may request postponement of a
29 scheduled public hearing to any one of the next four scheduled public meeting dates of the presiding
30 Board provided that such date is available. A request to postpone the scheduled public hearing must
31 be made in writing and must be received by the Zoning Official at least 15 calendar days prior to the
32 scheduled public hearing. The request shall be signed by all persons who signed the application or
33 by a legally appointed representative. The Zoning Official shall remove the application from the
34 agenda and mail notice of such change to all property owners included in the original mailing. The
35 notice of change shall indicate the application's postponement of public hearing and shall include the
36 date and time of the rescheduled public hearing if such information is available. If the date and time
37 of the rescheduled public hearing is not available at the time of this mailing, a separate notice of
38 public hearing shall be mailed in accordance with the requirements of subsection (e) above. The
39 applicant shall pay the cost of all additional published and mailed notices if such notices are
40 required.