

Application No.

Z-13-03-06

(Rezoning)

Applicant

**Board of County Commissioners /
Bridgeless Barrier Islands**

Quasi-Judicial

Commission Dist. III



Community Development

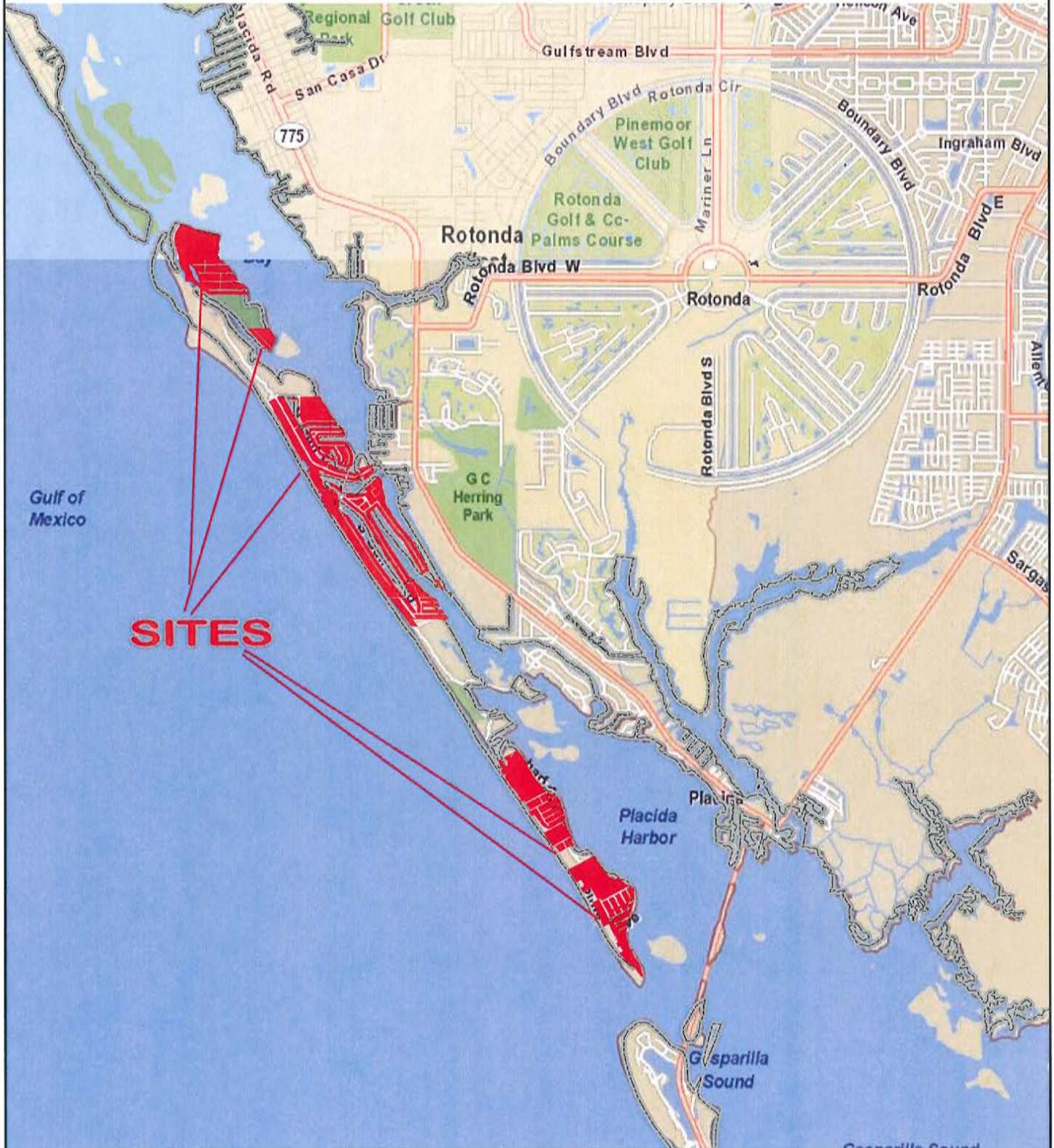
CHARLOTTE COUNTY

Location Map for Z-13-03-06

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



SITES

West County

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, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--J. Shao Date Saved: 4/22/2013 2:48:19 PM
Path: M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2013\BarrierIslandsRezoning\PKKT_Location_Z130306.mxd



NOT TO SCALE

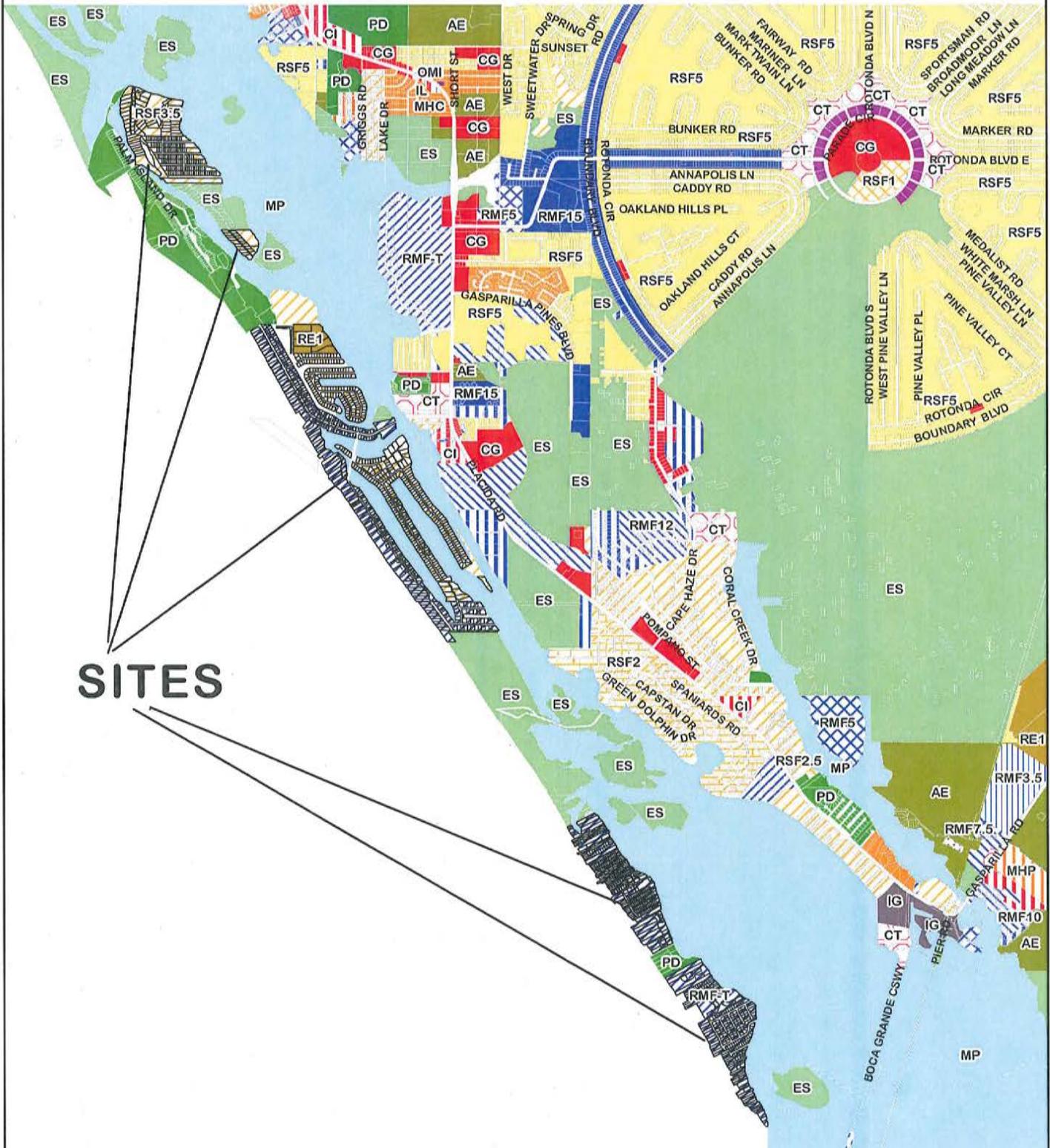
© Copyright 2013 Port Charlotte, FL by Charlotte County



Community Development

CHARLOTTE COUNTY

Zoning Map for Z-13-03-06



SITES

West County

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, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--J Shao Date Saved: 4/22/2013 12:31:08 PM

Path: M:\Departments\GIS\Projects\Petition_Maps\Comp_Planning\2013\BarrierIslandsRezoning\PKCT_Zoning_RevZ130306.mxd





Community Development Department Staff Report for Z-13-03-06

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

REQUESTED

ACTION(S): A publicly initiated request to amend the Charlotte County Zoning Atlas. From:

- Residential Multi-family Tourist (RMF-T) 300.5± acres,
- Residential Estates (RE-1) 20± acres,
- Residential Single-family 3.5 (RSF-3.5) 221± acres, and
- Residential Multi-family 5 (RMF-5) 22± acres,

to Bridgeless Barrier Island (BBI)

PART I

Applicant(s): Charlotte County Board of County Commissioners
18500 Murdock Circle
Port Charlotte, FL 33980

Owner(s): Multiple

General Location and Acreage: The subject properties are located on Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and Thornton Key, in the West County area. The site contains a total of 563.5± acres.

Account Number(s): Multiple

Analysis:
The Community Development Department staff initiated, reviewed and is recommending approval of a rezoning from RMF-T, RE-1, RSF-3.5, and RMF-5 to Bridgeless Barrier Island (BBI) zoning district. The subject properties are located on Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and Thornton Key, in the West County area. The subject site contains approximately 563.5 acres.

History of this Petition

The proposed rezoning is a long overdue task dating back to 1990, just after the County adopted its first comprehensive plan, when the residential development rights of properties on the bridgeless barrier islands were restricted to one dwelling unit per acre or one dwelling unit per platted lot.

The new BBI zoning district sets specific development standards for lots which were created before October 22, 1990 and after 1990. The point of separating out the before-1990 lots is to allow property owners the ability to develop a legally nonconforming lot, such as when a lot does not meet the minimum lot size or width requirements of the existing code, without having to go through a variance process because those lots will no longer be nonconforming. Issues that may arise from this are determining when the lots were created, if they were legally created at that time, and which zoning code standards apply. This will need to be done on a case-by-case basis as applicants apply for building permits.

Consistency with the Smart Charlotte 2050 Comprehensive Plan

The subject properties are designated as Coastal Residential (CR) on the 2030 Future Land Use Map and are within the Barrier Island Overlay District. An intent of the Overlay District is to set the limit of residential development on the bridgeless barrier islands to one dwelling unit per acre or one dwelling unit per platted lot. The proposed change is consistent with and supported by the comprehensive plan.

Compatibility and Impacts on the Adjacent Land Uses

The Gulf of Mexico is located immediately to the west of the site, and Lemon Bay and Placida Harbor are located directly to the east of the site. The proposed change will not increase or decrease the residential density. Therefore, the proposed change will not create any negative impacts on the surrounding areas.

Concurrency issues

The subject properties are located within the Barrier Island Overlay District set forth in the Smart Charlotte 2050 Comprehensive Plan, which limits the densities on these Bridgeless Barrier Islands to one dwelling unit per acres or one dwelling unit per platted lot. Therefore, there is no anticipated increase or decrease in the water usage or the sewer generation as a result of this rezoning. In addition, the bridgeless barrier islands are accessible only by watercraft. Therefore, the proposed development will not raise any concurrency issues.

STAFF RECOMMENDATION:

“Approve adoption of Petition No. Z-13-03-06 based on the findings and analysis in the Comprehensive Planning Division staff report dated April 26, 2013 and any evidence presented at the public hearing on the application.”

Conclusion:

The proposed rezoning to BBI is supported by and consistent with goals, objectives, and policies in the Smart Charlotte 2050 Comprehensive Plan, specifically related to development within the Coastal High Hazard areas.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-13-03-06 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated April 26, 2013 and the evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Agricultural/Rural
2. **2030 Service Area Delineation:** Rural Service Area
3. **Existing Land Use on the Site:** The site contains single-family homes, multi-family structures and vacant residential platted lots.
4. **Existing Designation(s):**

FLUM	Development Standard
Coastal Residential (CR)	<p>General Range of Uses Single-family residential dwelling units, multi-family residential dwelling units, and recreational facilities. May include public services and facilities.</p> <p>Minimum and Maximum Density Coastal Residential lands may be developed one dwelling unit per acre up to a density of three and one-half dwelling units per acre. Residential development within environmentally sensitive lands, such as wetlands, may not exceed one dwelling unit per forty acres.</p> <p>Special Provision <i>Location:</i> Coastal Residential lands shall be located within the Tropical Storm and Category 1 Hurricane Storm Surge Zones.</p>

Zoning	Development Standard
Residential Multi-family Tourist (RMF-T)	<p>The residential, multifamily/tourist (RMF-T) district is intended to permit multifamily dwellings, apartments and tourist-related commercial facilities. The location of these districts are primarily along arterials as designate in the comprehensive plan and in resort areas on the barrier islands.</p> <ul style="list-style-type: none"> • Minimum lot site is 7,500 square feet. • Minimum width is 80 feet. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 38 feet.

	<ul style="list-style-type: none"> • Maximum density is 6 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 7.5 feet or half the building height, whichever is greater (interior). ○ Rear setback is 25 feet (Abutting a road) ○ Rear setback is 20 feet (Abutting water).
<p>Residential Estates (RE-1)</p>	<p>The residential, estate (RE) district is intended to require low-density, highly restricted, large lot developments using a small percentage of the lot are for buildings.</p> <ul style="list-style-type: none"> • Minimum lot site is one area. • Minimum width is 125 feet. • Maximum lot coverage by all buildings is 20%. • Maximum building height is 38 feet. • Maximum density is 1 unit per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 40 feet. ○ Side setback is 20 feet. ○ Rear setback is 20.
<p>Residential Single-family 3.5 (RSF-3.5)</p>	<p>The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associate therewith. Among RSF-1, RSF-2, RSF-3.5, and RSF-5 districts, there are variations in requirements for lot area, width and certain yards.</p> <ul style="list-style-type: none"> • Minimum lot site is 10,000 square feet. • Minimum width is 80 feet. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 38 feet. • Maximum density is 3.5 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 7.5 feet (interior). ○ Rear setback is 25 feet (Abutting a road).
<p>Residential Multi-family 5 (RMF-5)</p>	<p>The residential, multifamily (RMF) districts are intended to be low- or high-density residential districts with emphasis on multifamily use.</p> <ul style="list-style-type: none"> • Minimum lot site is 7,500 square feet. • Minimum width is 80 feet. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 60 feet. • Maximum density is 5 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is half the building height but not less than 7.5 feet (interior). ○ Rear setback is 25 feet (Abutting a road).

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
------	----------------------

N/A	N/A
Zoning	Development Standard
Bridgeless Barrier Island (BBI)	<p>The Bridgeless Barrier Island zoning district is intended to be used for residential dwellings and uses normally associated with residential dwellings. Some small commercial uses in support of the residential uses may also be allowed by special exception. The BBI zoning district is only allowed on those bridgeless barrier islands identified in the Smart Charlotte 2050 Barrier Island Overlay District, which are Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and Thornton Key.</p> <p>For lots legally created on or after October 22, 1990:</p> <ul style="list-style-type: none"> • Minimum lot site is 1 acre. • Minimum width is 100 feet. • Maximum lot coverage by all buildings is 20%. • Maximum building height is 35 feet. • Maximum density is one unit per acre or one unit per platted lot. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 20 feet (interior). ○ Side setback is 20 feet (street). ○ Rear setback is 25 feet (Abutting a street). ○ Rear setback is 50 feet (Abutting Gulf). ○ Rear setback is 20 feet (Abutting other water). <p>For lots legally created prior to October 22, 1990:</p> <ul style="list-style-type: none"> • The minimum lot size required by the zoning district in effect at the time the lot was created. • The minimum width required by the zoning district in effect at the time the lot was created. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 35 feet. • Maximum density is one unit per acre or one unit per platted lot. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 7.5 feet or 5 feet if lot is 50 feet wide or less (interior). ○ Side setback is 15feet (street). ○ Rear setback is 25 feet (Abutting a street). ○ Rear setback is 50 feet (Abutting Gulf). ○ Rear setback is 20 feet (Abutting other water).

Table 2

6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Stump Pass THITF/State of Florida	Preservation (PR)	Environmental Sensitive (ES)
East	Lemon Bay Placida Harbor	N/A	Marine Park (MP)
South	Gasparilla Pass Gasparilla Sound	N/A Low Density Residential	Marine Park (MP) Residential Single-family 3.5

	Single-family homes and vacant platted lots for residential development located on Boca Grande	(LDR)	(RSF-3.5)
West	Gulf of Mexico	N/A	N/A

Table 3

7. Buildout Calculations (square footage &/or density):

All subject properties are located within the Barrier Island Overlay District. The Overlay District limits the maximum allowable density is one dwelling unit per acre or one dwelling unit per platted lot. The buildout density will not be changed as a result of this rezoning.

8. Is the subject site within a Community Planning Area or Special Plan area? The subject properties are located within the Barrier Island Overlay District. Little Gasparilla Island is a community planning area.

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?
The subject properties are located adjacent to Lemon Bay Aquatic Preserve.

10. Is the proposed land use designation(s) consistent with the provisions of the:
a. Charlotte Harbor Aquatic Preserves Management Plan? The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
b. Lemon Bay Aquatic Preserve Management Plan? Yes

11. Does the subject site contain any designated archaeological site or historic structures?
The majority of the subject site is designated on the Archaeological Predictive Model (SPAM Map #3) as high and medium probability for the discovery of archaeological artifacts.

12. Are there wetlands on the property? Possible
a. Number of acres of Category I: Possible
b. Number of acres of Category II: Possible

13. Natural Resources:
a. Significant natural resources and/or critical habitat for endangered/potentially endangered species: Possible
b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: No
c. Is the subject site within the Special Surface Water Protection Overlay District? No
d. Is the subject site within the Watershed Overlay District? No
e. Is the subject site within a Wellhead Protection Area? No
f. Is the subject site within the Prime Aquifer Recharge Area? No

14. Coastal Planning:

- a. **Is the subject site within the Coastal Planning Area?** The site is located within the Coastal Planning Area.
- b. **Could the proposed changes impact beach accessibility?** No
- c. **Could the proposed change affect other waterfront access?** No
- d. **Flood Zone:** The entire site is located in Flood Zone 12AE, 14VE, 15VE and 16VE. Flood Zone 12AE is an area with a determined base flood elevation of 12 feet. Flood Zone 14-16VEs are coastal flood zones with a determined base flood elevation of 14, 15, or 16.
- e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone A.
- f. **Coastal High Hazard Area?** Yes
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

a. Nearest Park:

Name: Don Pedro Island State Park

Classification: State Park

Address: Don Pedro Island

b. Nearest Police Station:

Name: District 1

Address: 6868 San Casa Drive, Englewood

Distance: approximately 4.6 miles to the northeast of the subject site

c. Nearest Fire/EMS Station:

Name: Charlotte County Station No. 10, or No. 14

Address: 101 Gasparilla Way or 9495 Placida Road, Placida

Response Time: Approximate response time is 4-6 minutes

And the Island Fire Brigade

d. Nearest Library:

Name: Englewood Charlotte

Address: 3450 North Access Road, Englewood

Distance: 6.2 miles

Distance: approximately 6.9 miles to the northeast of the subject site

e. Nearest Hospital:

Name: Englewood Community Hospital

Address: 700 Medical Blvd; Englewood

Distance: approximately 6.9 miles to the north of the subject site

f. Nearest Potential Emergency Shelter:

Name: Lemon Bay High School

Address: 2201 Placida Rd., Englewood

Distance: approximately 4.5 miles to the north of the subject site

g. Nearest Public Schools:

1. Elementary:

Name: Vineland Elementary School

Address: 467 Boundary Boulevard, Rotonda West

Distance: approximately 3.9 miles to the northeast of the subject site

2. Middle:

Name: L.A. Ainger Middle

Address: 245 Cougar Way, Rotonda West

Distance: approximately 3.8 miles to the northeast of the subject site

3. **High:**

Name: Lemon Bay High School

Address: 2201 Placida Rd., Englewood

Distance: approximately 4.5 miles to the north of the subject site

16. Concurrency

a. Roads Level of Service: See attached report from Venkat Vattikuti, Transportation Planner

b. Potable Water Level of Service:

1. *Provider's Name:* The entire subject site is located outside of the Urban Service Area. Three utilities serve a portion of the islands. They are Knight Island Utilities, Bocilla Utilities, and Little Gasparilla Water.
2. *Analysis:* The subject properties are located within the Barrier Island Overlay District set forth in the Smart Charlotte 2050 Comprehensive Plan, which limits the development rights on these Bridgeless Barrier Islands to one dwelling unit per acres or one dwelling unit platted lot. Therefore, there is no increase or decrease in the water usage as a result of this rezoning.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* The entire subject site is located outside of the Urban Service Area. One utility company serves an island, which is Knight Island Utilities.
2. *Analysis:* The subject properties are located within the Barrier Island Overlay District set forth in the Smart Charlotte 2050 Comprehensive Plan, which limits the development rights on these Bridgeless Barrier Islands to one dwelling unit per acres or one dwelling unit platted lot. Therefore, there is not increase or decrease in the sewer generation as a result of this rezoning.

d. Park and Recreation Level of Service:

1. *Level of Service*
Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations.
2. *Analysis:*
A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

e. Schools: N/A

f. Solid Waste:

1. *Refuse Collector:* Waste Management Inc. of Florida
2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management
3. *Level of Service*
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
 - Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing

estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

g. Drainage:

1. *Level of Service*

New arterials – flood free in the 100-year rainfall event

New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District and the Community Development Department review stormwater management plans on a project specific basis.

17. Capital Improvements Program

a. **Are any updates to the CIP required as a result of this petition?** No.

18. Intergovernmental Coordination

a. **Does this amendment require comments from or coordination with adjacent governments or other governmental agencies?** No

19. Has a public hearing been held on this property within the last year? No

20. 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

Future Land Use

FLU Policy 2.4.6: Strategy to Protect Coastal High Hazard Area

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management of the Department of Community Affairs, and shall:

1. Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.

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.

21. Standards for Rezoning Approval:

For the rezoning of land, the final action of the Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: The subject property is designated as Coastal Residential (CR) on the 2030 Future Land Use map. The proposed rezoning to Bridgeless Barrier Island (BBI) zoning would not be contrary to any of the goals, objectives, and policies of the Comprehensive Plan. In fact, the proposed rezoning is necessary and is supported by the intent of the Barrier Island Overlay District.

b. The existing land use pattern in adjacent areas:

Finding: The subject properties are located on the bridgeless barrier islands, in the West County area. The Gulf of Mexico is located directly to the west of the site, and Lemon Bay and Placida Harbor are located immediately to the east of the site. State-owned environmentally sensitive lands are located to the north of the site. To the south, across Gasparilla Sound and Gasparilla Pass, there is the Boca Grande community, which contains single-family homes, vacant residential parcels and residential condominiums.

c. The population density pattern and possible increased load on public facilities, such as schools, utilities, and roads:

Finding: The proposed rezoning will not result in any increase in density. Therefore, there will be no impacts on utilities, schools or roads.

d. Would changed conditions make the passage of the proposed amendments appropriate?

Finding: No. Changed conditions are not required to make this rezoning to BBI appropriate.

e. Would the proposed change adversely influence living conditions or property values in adjacent areas?

Finding: The proposed change will have no effect on living conditions or property values in adjacent areas.

f. Would the proposed change affect public safety?

Finding: The proposed change will not affect public safety.

g. Would the proposed change reduce light and air to adjacent areas?

Finding: The proposed change will not reduce light or air to adjacent areas.

h. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Finding: Yes. The proposed rezoning is a long overdue task dating back to 1990, just after the County adopted its first comprehensive plan, which limited the density on properties located on the bridgeless barrier islands to one dwelling unit per acre or one dwelling unit per platted lot. The proposed rezoning will comply with the restrictions put into place in 1990 and this will help clear up any confusion that property owners, or potential property owners, experience through have a non-compliant zoning district.

Application for Rezoning
Petition Number: Z -13-03-06

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

FROM: Venkat Vattikuti

DATE: May 02, 2013

REQUESTED ACTION:

APPLICANT: Charlotte County Board of County Commissioners

OWNER: Various Property Owners shown in the attached document

GENERAL LOCATION: Little Gasparilla Island, Don Pedro Island, Knight Island and Thornton Key in the West County Area

ACCOUNT NUMBER: Various Locations shown in the attached map.

1 **ANALYSIS:** From the transportation perspective, the review of the proposed re-
2 zoning request¹ of the subject property shows that the surrounding roadway
3 segments within the area of significance which are currently operating at
4 acceptable levels of service would continue to operate at acceptable levels of
5 service to the year 2018 (which is the estimated built-out year). There wouldn't be
6 any roadway concurrency failures with the proposed re-zoning. No modifications
7 would be required for the adopted FDOT Transportation Improvement Program,
8 2035 Long range Transportation Plan and County's Capital Improvements
9 Program.

10
11 **RECOMMENDATION:** Approve the requested re-zoning.
12

¹ Requesting from the existing RMF-T, RE-1, RSF-3.5 and RMF-5 land use designation to Bridgeless Barrier Island (BBI)



MEMORANDUM

Date: April 25, 2013
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-13-03-06
CCBCC Bridgeless Barrier Island Rezoning
Little Gasparilla Island, Don Pedro Island, Palm Island,
Knight Island & Thornton Key

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The applicant is proposing to amend the current Zoning designation from Residential Multi-family Tourist (RMF-T), Residential Estates (RE-1), Residential Single Family 3.5 (RSF-3.5) and Residential Multi-family 5 (RMF-5) to Bridgeless Barrier Island (BBI).

All of these islands contain highly sensitive surface water, wetland, upland and coastal habitats that are utilized by a wide diversity of wildlife species listed by the United States Fish and Wildlife Service (FWS) and/or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or species of special concern.

Charlotte County staff highly encourages the preservation of imperiled, rare and protected habitats and the wildlife species that utilize them.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

P:\ANIMAL\Planamen_Rezonings\2013\Z-13-03-06(CCBCC BridgelessBarrierIsland).doc

GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

APPLICATION for REZONING

Date Received: 3-19-2013	Time Received:
Date of Log-in: 3-19-2013	Petition #: 2-13-03-06 Accela #:
Receipt #: N/A	Amount Paid: N/A

1. PARTIES TO THE APPLICATION

Name of Applicant: Charlotte County Board of County Commissioners

Mailing Address: 18500 Murdock Circle

City: Port Charlotte State: FL Zip Code: 33948

Phone Number: 941 743 1272 Fax Number:

Email Address: Jie.Shao@charlottefl.com

Name of Agent: N/A

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Engineer/Surveyor: N/A

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

Mailing Address: Various private property owners (Please see attachment 1 - LGIOwnershipsClean, BarrierIslandsOwnershipexcludingLGIClean)

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: Please see attachment 2 - AccountAndShortLegalForBarrierIslandsRezoning

Section:	Township:	Range:
Parcel/Lot #:	Block #:	Subdivision:

Total acreage or square feet of the property: 564 acres more or less

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

Requirement is waived.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

Requirement is waived.

5. NOTARIZED AUTHORIZATION:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

Requirement is waived.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Coastal Residential	563.5
Zoning District(s)	Acreage
Residential Multi-family Tourist (RMF-T)	300.5
Residential Estates 1 (RE-1)	20
Residential Single-family 3.5 (RSF-3.5)	221
Residential Multi-family 5 (RMF-5)	22

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: Bridgeless Barrier Island zoning (BBI) and apply the Little Gasparilla Island (LGI) Zoning District Overlay to Little Gasparilla Island

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?
This rezoning will not result in an increase in density

9. REASON FOR PROPOSED CHANGE(S):

To make the zoning district consistent with the Future Land Use map designation of Coastal Residential and to implement the LGI Community Plan, which was adopted by the Board of County Commissioners in 2007.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):
There are vacant residential lands, single-family homes and multi-family structures

11. SURROUNDING LAND USES:

North: Lemon Bay and Stump Pass

South: Gasparilla Pass

East: Placida Harbor

West: Gulf of Mexico

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

Requirement is waived.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):
- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the number of vehicle trips that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM and Zoning.

Requirement is waived.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.

- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed Zoning.

Requirement is waived.

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

Requirement is waived.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan
The proposed BBI zoning district is consistent with the Coastal Residential Future Land Use map designation. The proposed change is consistent with Smart Charlotte.
- B. The existing land use pattern in adjacent areas
The subject properties are located on the barrier island and between Gulf of Mexico and Placida Harbor, in the West County area. To the north, there is the Lemon Bay, to the south, there is the Gasparilla Pass.
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets
No impacts on utilities, schools, or roads.
- D. Whether changed conditions make the passage of the proposed amendment appropriate
None are needed. The proposed change is consistent with the Barrier Island Overlay which is established in Smart Charlotte.
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas
No
- F. Whether the proposed change will affect public safety
No
- G. Whether the proposed change will reduce light and air to adjacent areas
No
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning
Yes, the existing zoning is not compatible with the Coastal Residential Future Land Use Map designation or the Barrier Island Overlay. The majority of permitted uses under the existing zoning districts are not allowed according to Smart Charlotte.

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

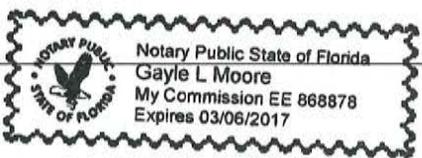
The foregoing instrument was acknowledged before me this 19th day of MARCH, 2013, by

who is JIE SHAO personally known to me or has/have produced

as identification and who did/did not take an oath.

 | JIE SHAO
Notary Public Signature | Signature of Applicant or Agent

Notary Printed Signature | JIE SHAO
Printed Signature of Applicant or Agent

Title |  | 18500 Murdock Cir, B-208
Address

Commission Code | Port Charlotte, FL 33948
City, State, Zip

941-743-1272
Telephone Number



Dear Citizens:

County staff has initiated four items that will affect land development regulations for the bridgeless barrier islands. The bridgeless barrier islands consist of Little Gasparilla Island, Don Pedro Island, Knight Island, Thornton Key, and Palm Island.

The first, second and third items apply to almost all properties on the bridgeless barrier islands, while the fourth item is specific to Little Gasparilla Island. The first item is the creation of a new zoning district called the Bridgeless Barrier Island (BBI) Zoning District. The second item is the rezoning of island properties to the new zoning district. The third item is an amendment to the nonconformities section of the Land Development Regulations. The fourth item is a land use overlay for Little Gasparilla Island.



The new BBI zoning district will replace the existing zoning on those properties outlined in red on the map titled, "Zoning Map for Z-13-03-06", which is linked on the planning website under the Bridgeless Barrier Island Amendments heading. The new zoning district was created to provide consistency with already existing development limitations on the islands. The existing zoning districts that will be replaced are Residential Multi-family Tourist (RMF-T), Residential Estates (RE-1), Residential Single-family 3.5 (RSF-3.5), and Residential Multi-family 5 (RMF-5).

The acreage breakdown of each is as follows:

- RMF-T 300± acres
- RE-1 20± acres
- RSF-3.5 221± acres
- RMF-5 22± acres

The proposed rezoning is a long overdue task dating back to 1990, just after the County adopted its first comprehensive plan. Staff weighed the option of using an existing zoning

district, such as RE-1, but decided that no existing zoning district would correctly capture the unique development issues of the islands.

While this proposed new zoning district and rezoning may be alarming to those whose properties are affected by this change, please understand that the development rights of properties on the bridgeless barrier islands were restricted back in 1990 to one dwelling unit per acre or one dwelling unit per platted lot. How and why this was restricted will be described in more detail in the next two paragraphs. The most important thing to understand is that, while a property may have a zoning district that allows a higher density or some semi-commercial uses, those development rights do not exist and have not existed since 1990. The new zoning district will comply with the restrictions put into place in 1990 and this will help clear up any confusion that property owners, or potential property owners, experience through having a non-compliant zoning district.

On October 9, 1990, the Board of County Commissioners adopted an ordinance (Ordinance Number 90-58) that amended the 1988 Comprehensive Plan. The ordinance was in response to a settlement the County negotiated with the State after the State reviewed the new plan and objected to some of its provisions. One of the settlement agreements was to limit development rights on the bridgeless barrier islands to one unit per acre or one unit per platted lot. The specific purpose for this change, and the reason for its continuance, was the need to limit development within an area that is highly vulnerable to hurricane storm surge. This limitation to development was incorporated into the subsequent comprehensive plan, which was the 1997-2010 Comprehensive Plan, and into the newest edition, Smart Charlotte 2050, which was adopted in 2010.

One issue that also needed to be done, and which has been taken care of, was the change to the Future Land Use Map designations of properties on the island. All properties that are included in the rezoning were designated for either Low Density Residential or Medium Density Residential on the Future Land Use Maps of the 1988 and 1997-2010 Comprehensive Plans. The Future Land Use Map designation of Low Density Residential allows residential development up to five units per acre and the designation of Medium Density Residential allows residential development up to ten units per acre, densities that are not consistent with the reality of development rights associated with the islands. The county took the opportunity in 2010 through the adoption of the new comprehensive plan, Smart Charlotte 2050, to amend the Future Land Use Map designations for the same properties that are the subject of

this proposed rezoning. The designation that was applied to these properties is called Coastal Residential.



The third item is a change to Part III, Chapter 3-9, Article I, Section 3-9-10 of the Code of Laws and Ordinances. This is the section of the code that deals with nonconformities. Staff will be proposing that the Board adopt an amendment to this section that will allow any legally nonconforming use on any bridgeless barrier island to rebuild on the original footprint at the same density.



The fourth item that Staff is proposing is a land use overlay of the new zoning district for properties on Little Gasparilla Island. 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 completion of the overlay implements some of the policies of the LGI Community Plan.



Public hearings for these items will occur on the following dates:

Planning and Zoning Board	Board of County Commissioners	Board of County Commissioners
Monday, May 13, 2013	Tuesday, June 25, 2013	Tuesday, July 23, 2013
1:30 P.M.	2:00 P.M.	2:00 P.M.

All of these hearings will be held at the Charlotte County Administration Center, Commissioners Meeting Room 119, First Floor, 18500 Murdock Circle, Port Charlotte, Florida.

A public comment period will be opened for each item on the agenda after the staff presents the petition to the Board. At the Planning and Zoning Board hearing, the public is given 5 minutes to speak. At the Board of County Commissioners hearing, the public is given 3 minutes to speak.

You are welcome to submit written comments, questions and concerns to Jie.Shao@CharlotteFL.com or Inga.Williams@CharlotteFL.com, or call Ms. Shao or Ms. Williams with concerns or questions at 941-743-1589.

Jie Shao pronunciation: Her first name is pronounced like "Jay" and her last name similar to "Pow" with an SH instead of P.



The following are the same four items previously discussed but described in a legal advertisement format. This is how the items will be advertised in the newspaper.

Bridgeless Barrier Island (BBI)

Zoning District

Legislative

Commission District III

An Ordinance amending Charlotte County Code Chapter 3-9, by creating a new section 3-9-56, Bridgeless Barrier Island (BBI) zoning, providing for permitted and prohibited uses; 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.

Little Gasparilla Island

(LGI) Zoning District Overlay

Legislative

Commission District III

An Ordinance amending Charlotte County Code Chapter 3-9, by creating a new section 3-9-57, Little Gasparilla Island (LGI) Zoning District Overlay, providing for boundaries; providing for intent; governing the development of special exception uses on Little Gasparilla Island; providing for applicability; providing for other necessary clarifications; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Z-13-03-06

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family Tourist (RMF-T)(300.5± acres), Residential Estates (RE-1)(20± acres), Residential Single-family 3.5 (RSF-3.5)(221± acres), and Residential Multi-family 5 (RMF-5)(22± acres) to Bridgeless Barrier Island (BBI), for property located on Little Gasparilla Island, Don Pedro Island, Palm Island, Knight Island and Thornton Key, in the West County area, containing 563.5± acres; Commission District III; Petition No. Z-13-03-06; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Nonconformities**Legislative****Commission District III**

An Ordinance amending Charlotte County Code Chapter 3-9, Article I, Section 3-9-10. – Nonconformities; providing for a new subsection (b) (2) Disaster Recovery on the Bridgeless Barrier Islands; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

History

- In December 1988, the Board of County Commissioners adopted the 1988 Comprehensive Plan. The State challenged portions of the plan so implementation of the plan was delayed.
- In October, 1990, the Board of County Commissioners adopted Ordinance Number 90-58, to implement the settlement agreement with the State regarding their challenge of the comprehensive plan. One of the stipulations of that ordinance addressed the development rights on the bridgeless barrier islands as follows:

Policy 8.1:

The intensity of development in the Coastal High Hazard Area shall not exceed 1 dwelling unit per acre on the bridgeless barrier islands, except where vested rights relating to allowable densities are determined to exist. All areas platted as of the effective date of this Plan Amendment less than 1 acre in size shall have an allowable density of one unit per subdivided lot.

- On October 7, 1997, the Board adopted the 1997-2010 Comprehensive Plan. The plan was challenged by some citizens so implementation was delayed till June 16, 2000. The following policies were created and adopted into the comprehensive plan:

II. Rural Service Area.

Rural Service Areas are located primarily within the southern, eastern, and bridgeless barrier island sections of Charlotte County. They are characterized by agricultural lands and very low density residential development. Services provided include, but are not limited to, garbage collection, emergency services, and roadway and drainage maintenance. Provision of additional infrastructure and services will be at a lower priority level than for land within the Urban Service Area.

Policy 1.1.6: *Within the bridgeless barrier island Rural Service Area location, Charlotte County will prohibit higher densities of new residential development by allowing only for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per platted lot consistent with Policy 2.5.3.*

Policy 2.5.3: *The Bridgeless Barrier Island Overlay District (BBIOD) consists of Charlotte County's bridgeless barrier island chain and includes, Don Pedro Island, Knight Island, Thornton Key, and Little Gasparilla Island. In order to reduce the potential for devastation resulting from involuntary natural disasters, this overlay district restricts the intensity of residential development. Residential densities within the district may not exceed one (1) dwelling unit per gross acre. All residential lots created within the Bridgeless Barrier Island Overlay District subsequent to February 1, 1992 shall not exceed one (1) dwelling unit per gross acre requirement. However, all residential lots created consistent with the Charlotte County Subdivision Regulations shall have an allowable density of one (1) dwelling unit per subdivided lot.*

Policy 5.1.1: *To prevent the intense development of lands in unincorporated Charlotte County within the Category I Hurricane Vulnerability Zone as illustrated on the most recently updated SLOSH map issued by the Southwest Florida Regional Planning Council, population densities of development platted subsequent to April 19, 1993 will not exceed 3.5 units per gross acre. In accordance with the provisions of Ordinance #90-58, population densities on the bridgeless barrier islands are reduced to one unit per gross acre; areas on the bridgeless barrier islands platted prior to the date of adoption of Ordinance #90 58 shall have an allowable density of one unit per subdivided lot.*

- In July, 2010, the Board adopted the new Comprehensive Plan - Smart Charlotte 2050, which maintained policies specially related to the Bridgeless Barrier Island development rights.

FLU Policy 2.4.6: Strategy to Protect Coastal High Hazard Area

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management of the Department of Community Affairs, and shall:

1. *Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low*

densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.

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.

The County also amended the Future Land Use Map designations of many of the properties on the bridgeless barrier islands to Coastal Residential.