

FILED WITH THE DEPARTMENT OF STATE April 30, 2012  
#14

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
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ORDINANCE  
NUMBER 2012 -012

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING AN AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE FROM PRESERVATION (PR) TO PARKS AND RECREATION (PKR), FOR PROPERTY LOCATED NORTH OF THE CHARLOTTE COUNTY GULF COVE SEWER PLANT, SOUTHWEST OF THE MYAKKA RIVER, AND EAST OF C.R. 771, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT IV, CONTAINING 7.09 ACRES MORE OR LESS; PETITION PA-12-01-03; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 17, 2012, the Board of County Commissioners of Charlotte County, Florida ("Board"), reviewed land use amendment Petition PA-12-01-03, which is an amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use; and

WHEREAS, the Board, as the applicant, filed Petition PA-12-01-03, seeking an amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use from Preservation (PR) to Parks and Recreation (PKR), for property containing 7.09 acres more or less, described as located North of the Charlotte County Gulf Cove Sewer Plant, Southwest of the Myakka River, and East of C.R. 771, in the Port Charlotte area, Charlotte County, Florida, Commission District IV, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-12-01-03 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and

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1 analysis presented in the Planning Division Staff Report dated February 24, 2012, has  
2 been recommended for approval by the P&Z Board; and

3 WHEREAS, after due consideration, the Board has found that the  
4 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,  
5 have been met and that it is in the best interests of the County to approve Petition  
6 PA-12-01-03.

7 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
8 Commissioners of Charlotte County, Florida:

9 Section 1. Approval. The following petition for an amendment to the Charlotte  
10 County FLUM Series Map #1: 2030 Future Land Use be and hereby is approved:

11 Petition PA-12-01-03, submitted by the Board of County  
12 Commissioners of Charlotte County, Florida ("Applicant"), requesting  
13 an amendment to the Charlotte County FLUM Series Map #1: 2030  
14 Future Land Use from Preservation (PR) to Parks and Recreation  
15 (PKR), for property containing 7.09 acres more or less, described as  
16 property located North of the Charlotte County Gulf Cove Sewer  
17 Plant, Southwest of the Myakka River, and East of C.R. 771, in the  
18 Port Charlotte area, Charlotte County, Florida, Commission District IV,  
19 and more particularly described in Exhibit "A" attached hereto and by  
20 this reference provided herein.  
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22 Section 2. Effective date. This ordinance shall take effect upon the filing of  
23 this ordinance in the Office of the Secretary of State, State of Florida.

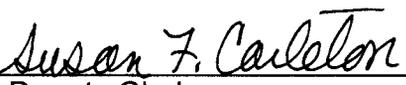
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PASSED AND DULY ADOPTED this <sup>17<sup>th</sup> cc</sup> ~~24<sup>th</sup>~~ day of April, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA  
By:   
Christopher E. 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

LR2012-1837 DVL

## Legal Description

A tract or parcel of land lying in Section 3, Township 41 South, Range 21 East, Charlotte County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of the Northwest Quarter of said Section 3, run S00°57'04" W along the west line of said fraction for 1,878.20 feet; thence run S89°02'56" E for 3,007.59 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run N58°45'55" W for 583.25 feet; thence run N03°02'16" W for 55.13 feet; thence run N37°45'46" E for 285.08 feet to the Mean High Water Line of a man made Lagoon; thence run along said Mean High Water Line the following 16 courses: S81°38'38" E for 28.66 feet; S88°37'26" E for 42.89 feet; S86°29'00" E for 43.10 feet; S75°31'35" E for 15.54 feet; N81°17'04" E for 25.43 feet; N86°55'10" E for 27.55 feet; S86°47'54" E for 19.57 feet; S77°25'16" E for 25.04 feet; N86°56'09" E for 16.52 feet; S86°49'33" E for 24.58 feet; N75°55'45" E for 27.05 feet; S89°22'57" E for 24.11 feet; N86°33'02" E for 66.38 feet; S82°24'33" E for 59.40 feet; S53°52'16" E for 20.15 feet and S70°47'55" E for 3.57 feet to an intersection with the Westerly line of "Parcel 52B", Interconnector Waterway, as described in Official Records Book 1228 Pages 1638-1767, Charlotte County Records; thence run S33°10'12" E along said Westerly line for 201.74 feet to a point of curvature; thence run Southeasterly along said Westerly line along an arc of a curve to the right of radius 1,551.00 feet (delta 05°56'47") (chord bearing S30°11'49" E) (chord 160.89 feet) for 160.97 feet; thence run S52°26'32" W along a non-radial line for 411.68 feet to the POINT OF BEGINNING.

**EXHIBIT A**

# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
 COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

April 2, 2012

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

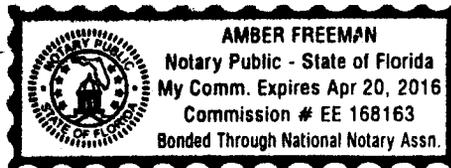
Diane Brinckman  
 (Signature of Affiant)

#612.50

Sworn and subscribed before me this 2nd day of April 2012.

[Signature]  
 (Signature of Notary Public)

Amber Freeman  
 (Print Name of Notary Public)



Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

CLERK OF THE CIRCUIT COURT  
 CHARLOTTE COUNTY, FLORIDA  
 CERTIFIED TRUE COPY  
 OF THE ORIGINAL  
 BARBARA T. SCOTT  
 BY: Amber P. Fisher  
 DEPUTY CLERK

# NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED COMPREHENSIVE PLAN AMENDMENTS, ZONING REGULATION AMENDMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, APRIL 17, 2012, AT 9:00 A.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT (RM. B-205) AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.com/agenda.asp>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

## PETITIONS

- Z-11-12-24**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 5 (RMF-5) to Environmentally Sensitive (ES), for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area; containing 106.97± acres; Commission District III; Petition No. Z-11-12-24; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-25**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, on a bridgeless barrier island in the West County area; containing 35.04± acres; Commission District III; Petition No. Z-11-12-25; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-26**      **Quasi-Judicial**      **Commission District IV**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area; containing 28.63± acres; Commission District IV; Petition No. Z-11-12-26; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-27**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG), Office, Medical and Institutional (OMI) and Commercial Tourist (CT) to Environmentally Sensitive (ES), for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally sensitive lands and east of Annapolis Lane, in the Rotonda area; containing 16.68± acres; Commission District III; Petition No. Z-11-12-27; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-28**      **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) and Residential Multi-family 10 (RMF-10) to Environmentally Sensitive (ES), for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the Placida area; containing a total of 239.04± acres; Commission District III; Petition No. Z-11-12-28; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-12-01-01**      **Quasi-Judicial**      **Commission District IV**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG), for property located northeast of Hayward Avenue, southwest of Hollis Avenue, east of Railroad Avenue and west of El Jobean Road, in the Port Charlotte area; containing 0.31± acres; Commission District IV; Petition No. Z-12-01-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-12-01-03**      **Legislative**      **Commission District IV**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Preservation (PR) to Parks and Recreation (PKR); for property located north of the Charlotte County Gulf Cove Sewer Plant, southwest of the Myakka River, and east of C.R. 771, in the Port Charlotte area; containing 7.09± acres; Commission District IV; Petition No. PA-12-01-03; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-13-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) for 235.8± acres and Coastal Residential (CR) for 3.24± acres to Preservation (PR); for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the West County area; containing a total of 239.04± acres; Commission District III; Petition No. PA-11-07-13-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-15-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment consists of: 1) a change to Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Preservation (PR); 2) a change to Charlotte County FLUM Series Map #2, 2050 Framework from Maturing Neighborhood to Agricultural/Rural; and 3) a change to Charlotte County FLUM Series Map #3: 2030 Service Area Delineation, removing the subject property from the Urban Service Area; for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally-sensitive lands and east of Annapolis Lane, in the Rotonda area, containing 16.68± acres; Commission District III; Petition No. PA-11-07-15-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-16-LS**      **Legislative**      **Commission District IV**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Preservation (PR); for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area; containing 28.63± acres; Commission District IV; Petition No. PA-11-07-16-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-17-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Coastal Residential (CR) to Preservation (PR); for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, in the West County area, containing 35.04± acres; Commission District III; Petition No. PA-11-07-17-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-18-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) to Preservation (PR); for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area, containing 106.97± acres; Commission District III; Petition No. PA-11-07-18-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- SVAR-2011-001**      **Quasi-judicial**      **Commission District II**  
Gary and Roxana Sloan have applied for a Subdivision Variance to Section 3-7-105(c) of the Charlotte County Subdivision Regulations, requesting to allow a Land Split that would otherwise be denied for lack of road frontage. The subject property consists of 2.5 acres, more or less, and is located south of Leatherwood Circle, north of Roanoke Circle, east of Wheeler Place, and west of I-75, in Section 27, Township 41 South, Range 23 East, in Commission District II.
- Z-11-11-23**      **Quasi-Judicial**      **Commission District V**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas. The rezoning is from Planned Development (PD) to PD. This is a major modification of an existing PD to add a new site plan and conditions of approval; for property located at 3358 and 3362 Tamiami Trail (U.S. 41), in the Port Charlotte area, containing 1.35± acres; Commission District V; Petition No. Z-11-11-23; Applicant: James W. Herston/Save It All Self Storage LLC; providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.





# FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 2, 2012

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
350 East Marion Avenue  
Punta Gorda, Florida 33950

Attention: Ms. Anne Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 25, 2012 and certified copies of Charlotte County Ordinance Nos. 2012-009 through 2012-016, which were filed in this office on April 30, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/jmc

RECEIVED AT  
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2012 MAY -7 PM 1:18  
BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL

IMAGED  
5-10-12  
AP