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ORDINANCE  
NUMBER 2012 -013

AN ORDINANCE PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, ADOPTING A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE FROM COMMERCIAL (COM) TO PRESERVATION (PR); AMENDING CHARLOTTE COUNTY FLUM SERIES MAP #2, 2050 FRAMEWORK FROM MATURING NEIGHBORHOOD TO AGRICULTURAL/RURAL; AMENDING 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, COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA, CONTAINING 16.68 ACRES MORE OR LESS; PETITION PA-11-07-15-LS, APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK 3655, PGS 1209-1214 6 pg(s)  
INSTR # 2094238  
Doc Type GOV, Recorded 05/08/2012 at 01:35 PM  
Rec. Fee: \$52.50  
Cashiered By: MARGEC Doc. #2

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-11-07-15-LS, which is a large scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use; Charlotte County FLUM Series Map #2, 2050 Framework; and Charlotte County FLUM Series Map #3: 2030 Service Area Delineation; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida ("Applicant"), has filed Petition PA-11-07-15-LS seeking a large scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use from Commercial

IMAGED  
5-10-12 AP



1 (COM) to Preservation (PR); to the Charlotte County FLUM Series Map #2, 2050  
2 Framework from Maturing Neighborhood to Agricultural/Rural; and to the Charlotte County  
3 FLUM Series Map #3: 2030 Service Area Delineation, removing the subject property from  
4 the Urban Service Area; for property containing 16.68 acres more or less, which is owned  
5 by Applicant, and described as property located Southeast of Oakland Hills Road,  
6 Northwest of the State-owned environmentally-sensitive lands, and East of Annapolis  
7 Lane, in the Rotonda area, Commission District III, Charlotte County, Florida, and more  
8 particularly described in Exhibit "A" attached hereto and by this reference provided herein;  
9 and

10 WHEREAS, on September 12, 2011, Petition PA-11-07-15-LS was heard  
11 before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the  
12 findings and analysis presented in the Planning and Zoning Division Staff Report, dated  
13 August 19, 2011, regarding the proposed Petition PA-11-07-15-LS and the evidence  
14 presented to the P&Z Board, the proposed amendment was found to be consistent with the  
15 Smart Charlotte 2050 Comprehensive Plan and the P&Z Board recommended approval of  
16 transmittal of Petition PA-11-07-15-LS to the Department of Economic Opportunity ("DEO")  
17 for review and comments; and

18 WHEREAS, on October 18, 2011, Petition PA-11-07-15-LS was heard by the  
19 Board of County Commissioners of Charlotte County, Florida, and, based on the findings  
20 and analysis presented in the Staff Report dated August 19, 2011 and revised on  
21 December 7, 2011 ("Staff Report"), was approved for transmittal to the DEO for review and  
22 comments; and

23 WHEREAS, the DEO had no comments on Petition PA-11-07-15-LS; and

1           WHEREAS, after due consideration, and based on the findings and analysis  
2 presented in the Staff Report regarding Petition PA-11-07-15-LS and the evidence  
3 presented to the Board, the Board has found that the requirements and conditions of  
4 Chapter 163, Florida Statutes, as they relate to this Petition, have been met, and that it is  
5 in the best interests of the County to approve Petition PA-11-07-15-LS.

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

8           Section 1. Approval. The following petition for amendment to the Charlotte  
9 County FLUM Series Map #1: 2030 Future Land Use; the Charlotte County FLUM Series  
10 Map #2, 2050 Framework; and to the Charlotte County FLUM Series Map #3: 2030 Service  
11 Area Delineation be and hereby is approved:

12           Petition PA-11-07-15-LS requesting a large scale plan  
13 amendment to the Charlotte County FLUM Series Map #1:  
14 2030 Future Land Use from Commercial (COM) to  
15 Preservation (PR); to the Charlotte County FLUM Series  
16 Map #2, 2050 Framework from Maturing Neighborhood to  
17 Agricultural/Rural; and to the Charlotte County FLUM Series  
18 Map #3: 2030 Service Area Delineation, removing the subject  
19 property from the Urban Service Area; for property containing  
20 16.68 acres more or less, which is owned by Applicant, and  
21 described as property located Southeast of Oakland Hills  
22 Road, Northwest of the State-owned environmentally-sensitive  
23 lands, and East of Annapolis Lane, in the Rotonda area,  
24 Commission District III, Charlotte County, Florida, and more  
25 particularly described in Exhibit "A" attached hereto and by this  
26 reference provided herein.

27  
28           Section 2. Effective date. The effective date of this plan amendment, if the  
29 amendment is not timely challenged, shall be 31 days after the state land planning agency  
30 notifies the local government that the plan amendment package is complete. If timely  
31 challenged, this amendment shall become effective on the date the state land planning

1 agency or the Administration Commission enters a final order determining this adopted  
2 amendment to be in compliance. No development orders, development permits, or land  
3 uses dependent on this amendment may be issued or commence before it has become  
4 effective. If a final order of noncompliance is issued by the Administration Commission,  
5 this amendment may nevertheless be made effective by adoption of a resolution affirming  
6 its effective status, a copy of which resolution shall be sent to the state land planning  
7 agency.

8           Section 3. Transmittal. County staff is hereby directed to forward a copy of  
9 this ordinance and its attachments to the Department of Economic Opportunity, 107 East  
10 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest  
11 Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

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[SIGNATURE PAGE FOLLOWS]

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

2  
3 BOARD OF COUNTY COMMISSIONERS  
4 OF CHARLOTTE COUNTY, FLORIDA  
5  
6 By: Christopher G. Constance  
7 Christopher G. Constance, Chairman  
8

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

13 By: Susan F. Carlton  
14 Deputy Clerk  
15

16 APPROVED AS TO FORM  
17 AND LEGAL SUFFICIENCY:

18  
19 By: Janette S. Knowlton  
20 Janette S. Knowlton, County Attorney  
21 LR2011-1576  
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Account Number	Short Legal	Legal Description
412023426001	ROH 000 0000 0003	ROTONDA WEST OAKLAND HILLS LT 3 401/524 RES 2640/800 3094/1760
412023457001	ROH 000 0000 0006	ROTONDA WEST OAKLAND HILLS LT 6401/524 RES 2640/800 3094/1760
412023457002	ROH 000 0000 0005	ROTONDA WEST OAKLAND HILLS LT 5 335/743 468/254 RES2640/800 3094/1760
412023476001	ROH 000 0000 0004	ROTONDA WEST OAKLAND HILLS LT 4335/743 468/254 E918/1246 RES2640/800 3094/1760
412023427001	RWM 000 0000 00P4	ROTONDA INNER CIRCLE 6.58 AC. M/L A PORTION OF THE INNER CIRCLE DESC AS: COMM AT NW COR LOT 3 OAKLAND HILLS SUBD TH NE 124.69 FT FOR P.O.B. TH CONT NE 468.04 FT E 228.17 FT SE 181.69 FT SE 40.85 FT SW 620.91 FT TO N ROW PARADE CIRCLE TH NW ALG ARC 625.93 FT TO P.O.B. AKA PARCEL 3094/1760

**EXHIBIT A**

PA-11-07-15-LS

# 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:

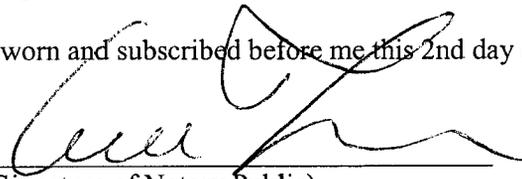
April 2, 2012

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.

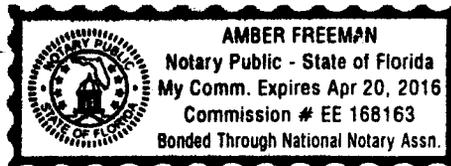
Diane Brinckman  
(Signature of Affiant)

#612.50

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

  
(Signature of Notary Public)

Amber Freeman  
(Print Name of Notary Public)



Personally known  OR Produced Identification

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

  
CERTIFIED TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY:   
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 Jobcan 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) to 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,

Liz Cloud  
Program Administrator

LC/jmc

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

IMAGED  
5-10-12  
AP