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ORDINANCE
NUMBER 2015 - 015

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING FLU APPENDIX I: LAND USE GUIDE BY REVISING THE MINERAL RESOURCE EXTRACTION (MRE) FUTURE LAND USE MAP (FLUM) CATEGORY, AMENDING THE "REQUIREMENTS OF THE PLAN AMENDMENT" AND THE "SPECIAL PROVISIONS" SUBSECTIONS OF THE MRE FLUM CATEGORY; REPLACING THE TERM "GROUP III EXCAVATION(S)" WITH "COMMERCIAL EXCAVATION(S)" IN THE COUNTY'S COMPREHENSIVE PLAN; AND AMENDING FLUM SERIES MAP #24: MRE PROHIBITED LOCATIONS TO CORRECT A SCRIVENER'S ERROR; PETITION NUMBER PA-14-09-14-LS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on September 23, 2014, the Board of County Commissioners of Charlotte County, Florida ("Board"), under Ordinance Number 2014-031, approved Article XXIII Earthmoving, Chapter 3-5, of the Charlotte County Code of Laws and Ordinances ("Code"), which replaced the existing Article XXI Excavations and Article XXIII Excavation and Earthmoving; and

WHEREAS, at that time, the Board also directed county staff to make appropriate revisions to FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category, amending the "Requirements of the Plan Amendment" and the "Special Provisions" subsections of the MRE FLUM category, replacing the term "Group III excavation(s)" with "Commercial Excavation(s)" in the County's Comprehensive Plan, and to also amend FLUM Series Map

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Min

1 #24: MRE Prohibited Locations to correct a scrivener's error in the vicinity of Jones Loop
2 Road and Interstate75; and

3 WHEREAS, on January 12, 2015, Petition PA-14-09-14-LS, regarding
4 revisions to FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction
5 (MRE) Future Land Use Map (FLUM) category, amending the "Requirements of the Plan
6 Amendment" and the "Special Provisions" subsections of the MRE FLUM category,
7 replacing the term "Group III excavation(s)" with "Commercial Excavation(s)" in the
8 County's Comprehensive Plan, and to also amend FLUM Series Map #24: MRE Prohibited
9 Locations to correct a scrivener's error in the vicinity of Jones Loop Road and Interstate75,
10 was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based
11 on the evidence presented to it by county staff, the P&Z Board recommended approval of
12 the revisions and recommended approval to the Board to transmit to the Department of
13 Economic Opportunity ("DEO") for review and comments; and

14 WHEREAS, on January 27, 2014, Petition PA-14-09-14-LS was heard by the
15 Board and based on the Memorandum to the Board dated December 19, 2014, was
16 approved for transmittal to the DEO for review and comments; and

17 WHEREAS, on February 23, 2015, DEO issued a letter stating that it had no
18 comments regarding Petition PA-14-09-14-LS; and

19 WHEREAS, other relevant state agencies also reviewed Petition PA-14-09-
20 14-LS and had no comments; and

21 WHEREAS, after due consideration regarding Petition PA-14-09-14-LS and
22 the analysis and evidence presented to the Board, the Board has found the proposed

1 revisions to FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction
2 (MRE) Future Land Use Map (FLUM) category, amending the “Requirements of the Plan
3 Amendment” and the “Special Provisions” subsections of the MRE FLUM category,
4 replacing the term “Group III Excavation(s)” with “Commercial Excavation(s)” in the
5 County’s Comprehensive Plan, and amending FLUM Series Map #24: MRE Prohibited
6 Locations to correct a scrivener’s error, are in the best interests of the health, safety, and
7 welfare of the County and the future the County envisions and desires for itself.

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

10 Section 1. Adoption of the Revisions to FLU Appendix I: Land Use Guide
11 of Charlotte 2050 Comprehensive Plan (“Charlotte Plan”). FLU Appendix I: Land Use
12 Guide of the Charlotte Plan is hereby amended by the deletion of the strike through
13 language and addition of the underlined language as provided in Exhibit “A” which is
14 attached hereto and by reference made a part hereof be and the same is hereby
15 adopted.

16 Section 2. Adoption of the amendment to FLUM Series Map #24: MRE
17 Prohibited Locations to correct a scrivener’s error. FLUM Series Map #24 is hereby
18 amended to correct a scrivener’s error in the vicinity of Jones Loop Road and Interstate
19 75 as provided in Exhibit “B” which is attached hereto and by reference made a part
20 hereof be and the same is hereby adopted.

21 Section 3. Severability. If any section, subsection, clause, phrase, or
22 provision of this ordinance or its accompanying Charlotte Plan element is for any

1 reason held invalid or unconstitutional by any court or body of competent jurisdiction,
2 such holding shall not be construed to render the remaining provisions of this ordinance
3 or its accompanying Charlotte Plan element invalid or unconstitutional.

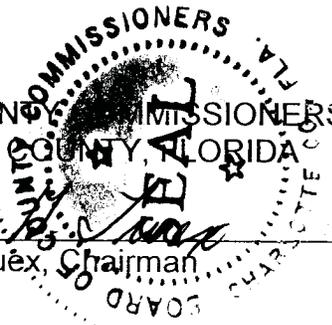
4 Section 4. Effective Date. The effective date of this plan amendment, if
5 the amendment is not timely challenged, shall be 31 days after the state land planning
6 agency notifies the local government that the plan amendment package is complete. If
7 timely challenged, this amendment shall become effective on the date the state land
8 planning agency or the Administration Commission enters a final order determining this
9 adopted amendment to be in compliance. No development orders, development
10 permits, or land uses dependent on this amendment may be issued or commence
11 before it has become effective. If a final order of noncompliance is issued by the
12 Administration Commission, this amendment may nevertheless be made effective by
13 adoption of a resolution affirming its effective status, a copy of which resolution shall be
14 sent to the state land planning agency.

15 Section 4. Transmittal. County staff is hereby directed to forward a copy
16 of this ordinance and any attachments to the Department of Economic Opportunity, 107
17 East Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director,
18 Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL
19 33901.

1 PASSED AND DULY ADOPTED this 28th day of April, 2015.

2
3 BOARD OF COUNTY COMMISSIONERS
4 OF CHARLOTTE COUNTY, FLORIDA

5
6 By: William G. Truex
7 William G. Truex, Chairman



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

14
15 By: Michelle N. Berardino
16 Deputy Clerk

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19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY:

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22 By: Janette S. Knowlton
23 Janette S. Knowlton, County Attorney
24 LR2014-3103
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MINERAL RESOURCE EXTRACTION (MRE)

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

General Range of Uses

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

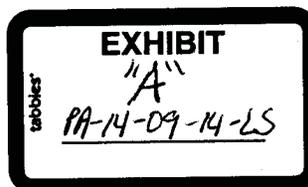
Maximum Density/Intensity

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

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

Requirements of the Plan Amendment

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



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

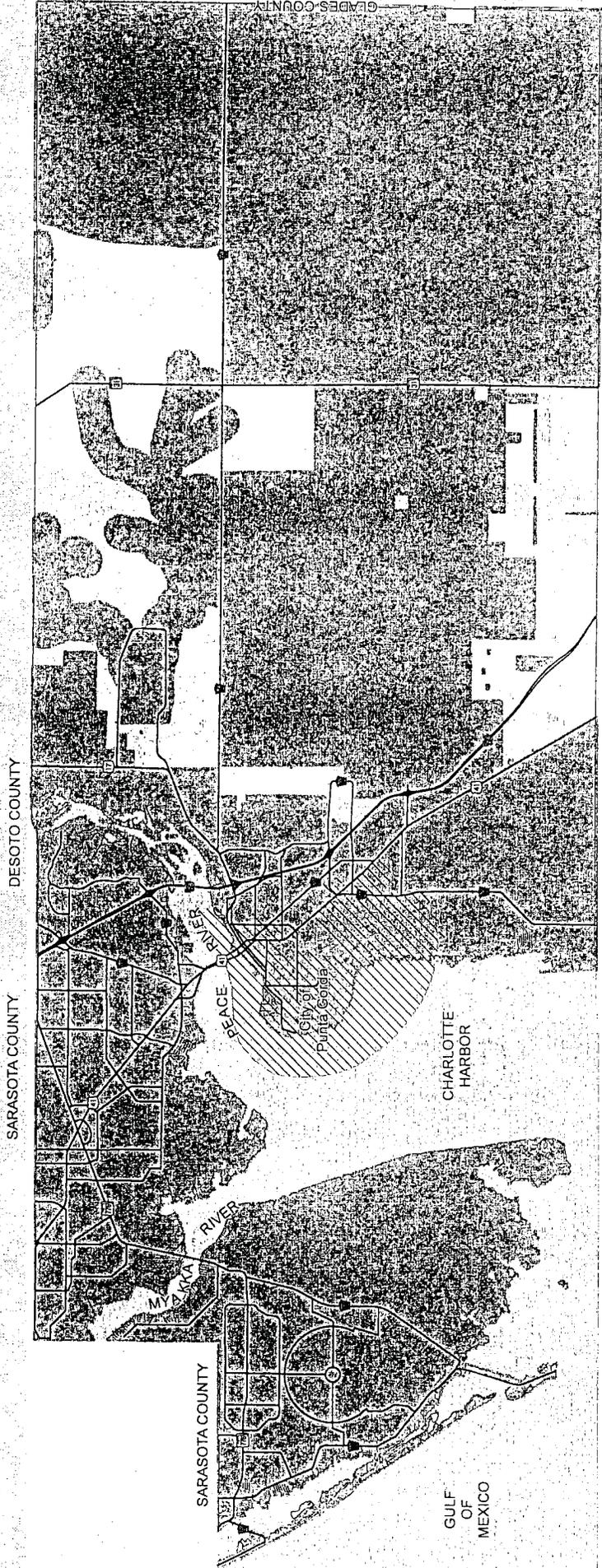
Special Provisions

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

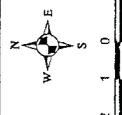
CHARLOTTE COUNTY Future Land Use Map Series Map #24: MRE Prohibited Locations



Land Information
Section



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



MRE Prohibited Areas

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise as to its use. This is not a survey, nor is it to be used for design.
 Created: 07.2010 M:\Departments\GIS\Projects\SmartCharlotte\Series_Maps\MRE2030.mxd

EXHIBIT
 11B
 PA-14-09-14-LS



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 1, 2015

Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DeBeradino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-015, which was filed in this office on May 1, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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 Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issue(s) of:

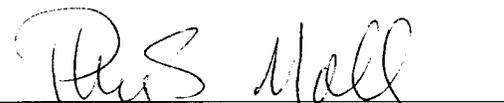
April 13, 2015

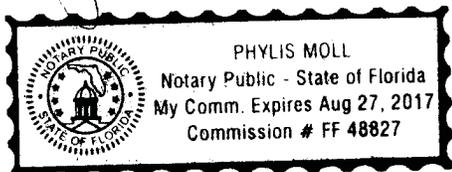
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one 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 said newspaper.


(Signature of Affiant)

\$ 503-

Sworn and subscribed before me this 13th day of April, 2015.


(Signature of Notary Public)



Personally known OR Produced Identification

Type of Identification Produced _____

NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, 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 28, 2015, AT 2:00 P.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 AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/Pages/BCC-meeting-agendas.aspx>

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

PA-14-09-14-LS

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to 1) amend FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category, amending the "Requirements of the Plan Amendment" and the "Special Provisions" subsections of the MRE FLUM category; 2) replace the term "Group III excavation(s)" with "Commercial Excavation(s)" in the County's Comprehensive Plan; 3) amend FLUM Series Map #24: MRE Prohibited Locations to correct scrivener's errors; Petition No. PA-14-09-14-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Legislative

Countywide

Buffers, Landscaping, and Tree Requirements

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Part III Land Development and Growth Management, Chapter 3-5, Planning and Development, of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article XVIII Landscaping and Buffers; amending Chapter 3-2, Buildings and Building Regulations, of the Code of Laws and Ordinances of Charlotte County, Florida, by deleting Article IX Tree Requirements; and amending Article IV, Site Design Standards and Requirements of Chapter 3-9, Zoning, by creating new Section 3-9-100, Buffers, Landscaping and Tree Requirements, new Section 3-9-100.1, Buffers, new Section 3-9-100.2, Landscaping, and new Section 3-9-100.3, Tree Requirements; providing for revised buffers and landscaping requirements, standards, and maintenance; providing for revised tree requirements, standards, and maintenance; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Section 3-9-69, Conditional Uses and Structures

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-69, Conditional Uses and Structure; providing for revised conditions for boat, travel trailer and motor vehicle sales and rentals, including recreational vehicles and campers; providing for revised conditions for boat, travel trailer and motor vehicle repair and services, including recreational vehicles and campers; providing for revised conditions for noncommercial vehicle rental; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Section 3-9-77, Manufactured Homes and Recreational Vehicles

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-77, Manufactured Homes and Recreational Vehicles; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Section 3-9-81, Patio Houses

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-81, Patio Houses; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Section 3-9-86, Swimming Pools

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-86, Swimming Pools; providing for revised location requirements; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Section 3-9-89, Visibility at Road Intersections

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by revising Section 3-9-89, Visibility at Road Intersections; providing for revised requirements regarding clear sight triangles; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Land Development Regulations Table of Contents

An Ordinance amending the Code of Laws and Ordinances of Charlotte County, Florida, Chapter 3-9, Zoning, by adding Article IV, Site Design Standards and Requirements; deleting Section 3-9-8, Establishment of Zoning Districts and Official Zoning Atlas; renumbering Section 3-9-9, Rules for Interpretation of District Boundaries to Section 3-9-8; renumbering Section 3-9-10, Legal Nonconformities to Section 3-9-9; and renumbering Section 3-9-11, Amendments to Section 3-9-10; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Countywide

Revisions to Manasota and Sandpiper Key Zoning District Overlay

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, by revising Section 3-9-50, Manasota Key Zoning District Overlay, and renaming this Section to Manasota and Sandpiper Key Zoning District Overlay; clarifying the intent and requirements of the code; adding back in provisions that were omitted in 2013 revisions; adding new provisions to address issues that have arisen during implementation of the code; making minor corrections and editorial changes; providing for conflict with other ordinances; providing for severability; and providing for an effective date. Applicant: Charlotte County Board of County Commissioners.

Legislative

Commission District III

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.