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BCC

ORDINANCE
NUMBER 2016-011

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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 A SMALL SCALE AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM COMMERCIAL (COM) TO MEDIUM DENSITY RESIDENTIAL (MDR), FOR PROPERTY LOCATED AT 3426, 3430, 3432, 3434, AND 3436 TAYLOR ROAD, IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT II, CONTAINING 6.27 ACRES MORE OR LESS; PETITION PA-15-10-11; APPLICANT, NEWFOUNDLAND FIVE, INC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, February 23, 2016, the Board of County Commissioners of Charlotte County, Florida ("Board"), reviewed land use amendment Petition PA-15-10-11, which is a small scale plan amendment; and

WHEREAS, applicant, Newfoundland Five, Inc. ("Applicant"), filed Petition PA-15-10-11, seeking a small scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Medium Density Residential (MDR), for property containing 6.27 acres more or less, described as property located at 3426, 3430, 3432, 3434, and 3436 Taylor Road, in the Punta Gorda area, Charlotte County, Florida, Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-15-10-11 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, has been recommended for approval on January 11, 2016; and

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1 WHEREAS, after due consideration, based on the findings and analysis
2 provided by County Staff and the evidence presented to it, the Board has found that
3 approval of Petition PA-15-10-11 is consistent with the County's Comprehensive Plan, and
4 that it meets the requirements for the granting of a small scale plan amendment; and

5 WHEREAS, based on the above findings, the Board has found that the
6 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,
7 have been met and that it is in the best interests of the County and its citizens to approve
8 Petition PA-15-10-11.

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

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

13 Petition PA-15-10-11, submitted by Newfoundland Five, Inc.
14 ("Applicant"), requesting a small scale plan amendment to the
15 Charlotte County FLUM Series Map #1: 2030 Future Land Use, from
16 Commercial (COM) to Medium Density Residential (MDR), for
17 property containing 6.27 acres more or less, described as property
18 located at 3426, 3430, 3432, 3434, and 3436 Taylor Road, in the
19 Punta Gorda area, Charlotte County, Florida, Commission District II,
20 and more particularly described in Exhibit "A" attached hereto and by
21 this reference provided herein.
22

23 Section 2. Effective date. This ordinance shall take effect upon the filing of
24 this ordinance in the Office of the Secretary of State, State of Florida.

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PASSED AND DULY ADOPTED this 23rd day of February, 2016.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Tritex
William G. Tritex, Chairman



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

By: Michelle DiBeraundo
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2015-3820

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SKETCH OF DESCRIPTION PREPARED FOR:
MC ALPINE, INC.

ANY CORNER OF SW 1/4 OF
SEC. 16, TWP. 41S, R. 21E

CHARLOTTE COMMERCIAL CENTER
(P.P. 16 PLS. 165-167)

NOTE: THIS IS NOT A BOUNDARY SURVEY

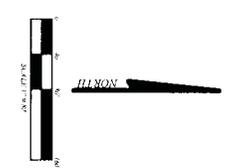
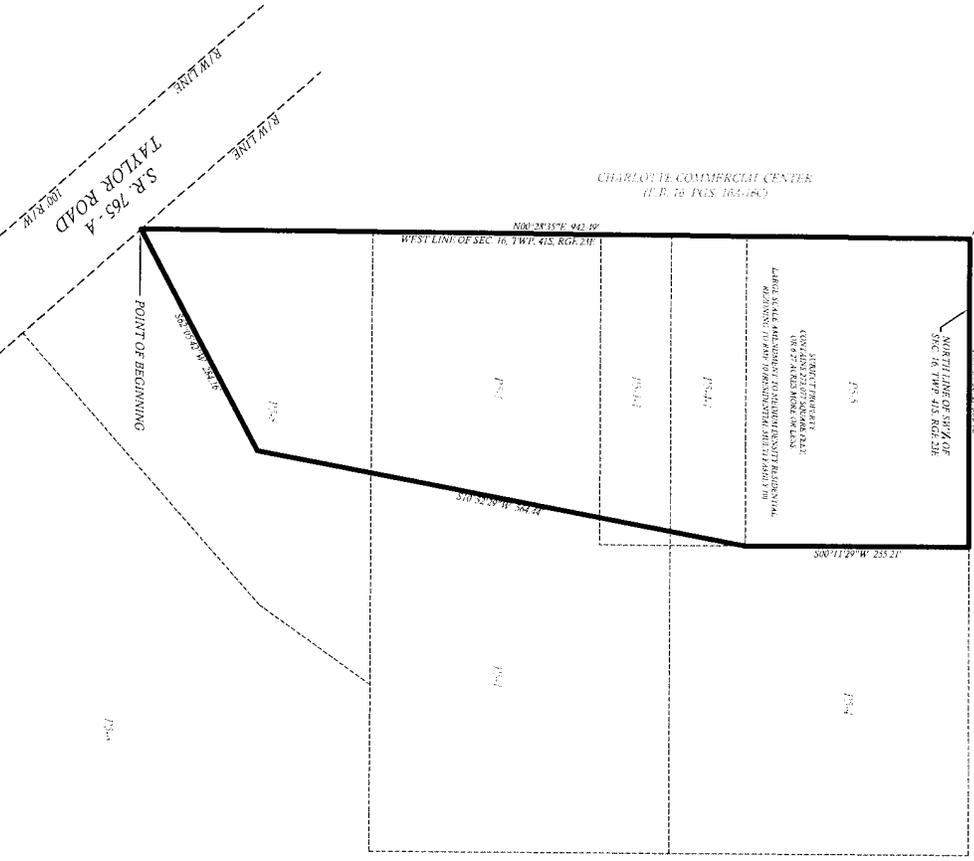


**ALL SERVICE
LAND SURVEYING, INC.**
1740 TOLEDO INLAKE BOULEVARD, SUITE B
FORT CHARLOTTE, FLORIDA
PHONE: (941) 639-6881 FAX: (941) 627-5168
EMAIL: allservice@allservice.com www.allservice.com
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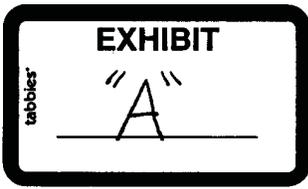
SECTION	ACRES	AREA	PERCENTAGE
16	36.00	36.00	100.00
17	36.00	36.00	100.00
18	36.00	36.00	100.00
19	36.00	36.00	100.00
20	36.00	36.00	100.00
21	36.00	36.00	100.00
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LEGAL DESCRIPTION:
BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF STATE
WEST LINE OF SAID SECTION 16, TWP. 41S, R. 21E, AND THE
NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 16, TWP. 41S,
R. 21E, AND THENCE SOUTH 89° 29' 22" WEST, A DISTANCE OF 864.41 FEET;
THENCE SOUTH 89° 29' 22" WEST, A DISTANCE OF 28.6 FEET TO THE POINT
OF BEGINNING.

COMPARISONS TO OTHER RECORDS:
CONVEYANCE 2016-07-20 SOLAR, P.H.T., ON A ZONING MAP FOR CLASS



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- 30. 1/4" = 100' (GRAPHIC SCALE)





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 24, 2016

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

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2016-011, which was filed in this office on February 24, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

SUN NEWSPAPERS

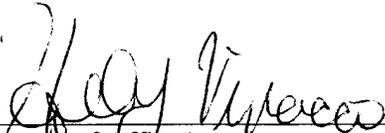
Charlotte • DeSoto • Englewood • North Port • Venice

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:

February 8, 2016

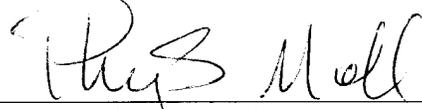
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication 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.



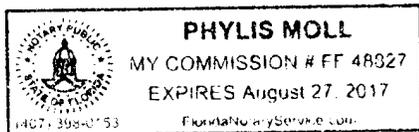
(Signature of Affiant)

617.50

Sworn and subscribed before me this 8th day of February, 2016.



(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, **FEBRUARY 23, 2016, 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-15-10-11 **Legislative** **Commission District II**
 An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, amending Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Medium Density Residential (MDR); for property located at 3426, 3430, 3432, 3434, and 3436 Taylor Road, in the Punta Gorda area, containing 6.27± acres; Commission District II; Petition No. PA-15-10-11; applicant: Newfoundland Five, Inc.; providing an effective date.

Z-15-10-12 **Quasi-Judicial** **Commission District II**
 An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estates 1 (RE-1) to Residential Multi-family 10 (RMF-10) for 6.27± acres and from RE-1 to Commercial General (CG) for 0.93± acres, for property located at 3426, 3430, 3432, 3434, and 3436 Taylor Road, in the Punta Gorda area, containing 7.20± acres; Commission District II; Petition No. Z-15-10-12; applicant: Newfoundland Five, Inc.; providing an effective date.

PA-15-10-13-LS **Legislative** **County-wide**
 Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State Review Agencies for review and comment; the two-part request is to amend several elements of the County's Comprehensive Plan. Part 2.1 is specifically to amend Future Land Use (FLU) Policy 1.2.3 (The old number is FLU Policy 1.2.2): Service Area Delineation and FLU Policy 1.2.6 (The old number is FLU Policy 1.2.5): Expansion of the Urban Service Area; Petition No. PA-15-10-13-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

PA-15-10-14-LS **Legislative** **County-wide**
 Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State Review Agencies for review and comment; the two-part request is to amend several elements of the County's Comprehensive Plan. Part 2.2 is specifically to amend Future Land Use (FLU) Policy 1.2.7 (The old number is FLU Policy 1.2.6): Transfer of Density Units (TDU) Program Intent, FLU Policy 1.2.8 (The old number is FLU Policy 1.2.7: TDU Applicability); TDU Program, FLU Policy 1.2.9 (The old number is FLU Policy 1.2.8): TDU Sending Zones, FLU Policy 1.2.10: TDU Receiving Zones, FLU Policy 1.2.11: Prohibited Receiving Zones, FLU Policy 1.2.14: TDU Waivers, and FLU Policy 1.2.15: Revitalizing Neighborhood Incentive Density; and delete old FLU Policy 1.2.9: Restrictions on Sending Zones; Petition No. PA-15-10-14-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

PA-15-10-15-LS **Legislative** **County-wide**
 Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State Review Agencies for review and comment; the two-part request is to amend several elements of the County's Comprehensive Plan. Part 2.3 is specifically to amend Future Land Use (FLU) Appendix 1: Land Use Guide by revising "Shelter Requirement" under the "Special Provisions" subsection of the Compact Growth Mixed Use (CGMU) Future Land Use Map (FLUM) category; Petition No. PA-15-10-15-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

PA-15-10-10-LS **Legislative** **Countywide**
 Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State Review Agencies for review and comment; this request is to amend the Potable Water and Sanitary Sewer (WSW) subelement of the Infrastructure Element to clarify County policy with regard to utility extensions through the Rural Service Area, the requirement to connect to existing or extended utility lines, and the expansion of the service areas of utility companies regulated by the Florida Public Service Commission, and to correct certain terminology; specifically, to amend WSW Policy 2.1.4: Utility Extensions through the Urban Service Area, WSW Policy 3.1.1: Concurrency Utility Line Extensions, WSW Policy 3.1.2: Connection of Developed Property, WSW Policy 3.2.4: Certified Areas and the Urban Service Area, WSW Policy 3.3.1: New Platted Lots and On-site Septic Systems, WSW Policy 3.3.2: Community Utility Systems, WSW Policy 4.2.9: Recycled Water Systems, and WSW Policy 4.2.10: Appropriate Water Quality for Use; and to amend the title of WSW Policy 3.2.4 from Certified Areas and the Urban Service Area to Certified Utility Companies and the Urban Service Area, and the title of WSW Policy 4.2.9 from Recycled Water Systems to Reclaimed Water Systems; Petition No. PA-15-10-10-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Billboards **Legislative** **Countywide**
 An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Chapter 3-9, Zoning, by creating new Section 3-9-85.1, Billboards; providing for definition; providing for requirements of repair, refurbishment and replacement; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

SV-15-12-03 **Legislative** **Commission District IV**
 Lighthouse Baptist Church of North Port Florida, Inc., is requesting to vacate a portion of Palmer Avenue, a total of 0.30 acres, more or less, part of Port Charlotte Subdivision Section 24, as recorded in Plat Book 5, Page 16-A, of the Public Records of Charlotte County, Florida. The segment is located south of Chancellor Boulevard, north of Marlin Avenue, east of Juper Street, and west of Heather Street, in Section 4, Township 40, Range 21, in Commission District IV.

Revisions to Section 3-9-85. Signs **Legislative** **Countywide**
 An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Charlotte County Code Chapter 3-9, Zoning, by amending Section 3-9-85. Signs; providing for definition of Official Signs under subsection 1.1.2. Definitions; providing for revised Signs on public property under subsection 1.1.3. General provisions; providing for revised subsection 1.1.10. Signs exempt from permits; providing for conflict with other ordinances; providing for severability; and providing an effective date. Applicant: Charlotte County Board of County Commissioners.

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.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-743-1381, TDD/TTY 941-743-1234, or by email to Terri.Hendriks@charlottefl.com

