



MEMORANDUM

DATE: August 29, 2014

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Ty Harris, Community Development Department Director
Shaun Cullinan, Charlotte County Planning and Zoning Official

RE: Revisions to the County's Land Development Regulations – Phase I

The County's Land Development Regulations (LDRs) were originally adopted in 1981 and took effect on December 8, 1981. Amendments have been made from time to time. Staff was directed to revise the existing LDRs and has been working over the last several years using a more comprehensive approach to create a cohesive and clarified set of standards and requirements for development.

The purpose of this revision is:

- To update development regulations by removing some outdated regulations/requirements and adding new standards;
- To make the LDRs more user-friendly; and
- To be consistent with the County's Comprehensive Plan.

This is a very complicated project. In order to thoroughly review and revise/update the existing LDRs, staff has divided the project into three phases:

- Phase I focuses on revisions to the conventional zoning districts and some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning.
- Phase II will focus on all overlay codes and the remaining sections of Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning.
- Phase III will focus on regulations found primarily in Chapter 3-5. Planning and Development, which may include topics such as wetlands, landscaping and buffers, and site and commercial design standards.

COMMUNITY DEVELOPMENT DEPARTMENT

18400 Murdock Circle
Port Charlotte, FL 33948
Phone: 941.764.4909 | Fax: 941.764-4180

Staff has been working with the public by hosting weekly LDR roundtable meetings since April, 2014 to solicit comments and discuss the proposed changes.

The proposed major changes are as follows:

- Reorganize the table of contents by regrouping regulations based on their purpose; and renumbering sections in alphabetical order in Article III. Special Regulations.
- Create four use tables to organize the different land use categories in a more user-friendly way.
- Add conditional uses and structures to each zoning district, the effects of this change will allow property owners to have certain uses upon meeting all the applicable conditions as set forth in the proposed Section 3-9-70, Conditional Uses and Structures.
- Revise each zoning district to remove the existing pyramid zoning, and list permitted uses and structures within each zoning district to be more user-friendly. In order to protect people's property rights, staff is proposing to revise Section 3-9-10. Legal Nonconformities, to ensure that existing property development rights are protected.
- Simplify the conventional zoning districts and remove duplicate zoning districts by:
 - Creating the Parks and Recreation (PKR) zoning district to implement the Parks and Recreation Future Land Use Map (FLUM) designation as set forth in the County's Comprehensive Plan, and replace the existing Marina Park (MP) zoning district with the new PKR zoning.
 - Removing Agriculture Estate (AE) district from Agriculture districts. The primary difference between these districts is that AE district is intended to exist only within the Urban Service Area (USA) while Agriculture General (AG) district is intended to exist only outside the USA. Agricultural uses should be located in the Rural Service Area; however, AE is intended to exist only within the USA. AE is not a truly agricultural district. We are proposing to remove this district and rezone all properties currently zoned AE in the USA to Residential Estate (RE).
 - Removing Agriculture Estate10 (AE-10) because Agriculture (AG) zoning has the same requirements and standards as AE-10.
 - Removing Agriculture Conservation (AC), as there are no properties within the County with this zoning designation. This designation was created to implement the Agriculture Conservation FLUM designation in the Comprehensive Plan; however, our Comprehensive Plan was rewritten in 2010, and this designation was removed. The County also has the existing Environmentally Sensitive (ES) zoning district which fulfills the intent of the AC zoning district.
 - Removing Mobile Home Subdivision (MHS) as all permitted uses and structures and Special Exception uses under this zoning category are permitted within the proposed Manufactured Home Conventional (MHC).
 - Removing Commercial Office Park (COP). The permitted uses and structures are allowed under the proposed Commercial General (CG) zoning and there are no properties within the County with this zoning designation.
 - Combining Commercial Intensive (CI), Commercial Highway (CH), and Commercial General (CG) zoning districts into one simplified designation now called Commercial General (CG) zoning.
 - Removing Industrial Office Park (IOP). The permitted uses and structures are allowed under the existing Industrial Light (IL) or Industrial General (IG) zoning. The development standards are also the same within either IL or IG zoning. Additionally, there are no properties within the County with this zoning designation.

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- Renaming Industrial Light (IL) as Industrial General (IG) and renaming Industrial General (IG) as Industrial Intensive (II). The II zoning district will allow for additional industrial uses through the Special Exception process.

Existing Zoning District		Proposed Zoning District	
Marine Park	MP	Parks and Recreation	PKR
Agriculture (delete AE)	AG & AE	Agriculture	AG
Agriculture Estate 10 (delete)	AE-10		
Agriculture Conservation(delete)	AC		
Mobile Home Subdivision (delete)	MHS	Manufactured Home	MHC
Mobile Home Conventional	MHC	Conventional	
Mobile Home Park	MHP	Manufactured Home Park	MHP
Commercial Office Park (delete)	COP	Commercial General	CG
Commercial General	CG		
Commercial Intensive (delete)	CI		
Commercial Highway (delete)	CH		
Industrial Office Park (delete)	IOP	Industrial General	IG
Industrial Light	IL		
Industrial General	IG	Industrial Intensive	II

- Allow chickens as a conditional use on properties which are zoned RE and located in the Rural Service Area.
- Revise Communication Tower code to establish development standards, criteria for Special Exceptions, and requirements for tower replacement.
- Create a new Section 3-9-70. Debris and Waste Facilities, to be consistent with state requirements.
- To simplify special regulations dealing with abandoned vehicles and watercraft by combining Section 3-9-61, Abandoned Vehicles, Section 3-9-62, Watercraft Abandoned, Derelict or a Hazard to Navigation, Section 3-9-81, Junkyards and automobile Wrecking Yards and Section 3-9-82.1, Junk and Junkyard Conditions Prohibited through the creation of proposed Section 3-9-77. Junklike Conditions Prohibited.
- To revise the existing Home Occupations standards to establish “Minor Home Occupations” and “Major Home Occupations.”

Recommendation:

Staff is requesting the Board of County Commissioners approve the proposed revisions to the requested Sections of the County’s Land Development Regulations.

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