

1 WHEREAS, in November 2000, the Little Gasparilla Island Steering
2 Committee was established to formulate a vision for the Island and to begin
3 addressing concerns of the residents; and

4 WHEREAS, The Board of County Commissioners (the "**Board**") passed a
5 resolution (Resolution Number 2004-062) by which the Little Gasparilla Island
6 Advisory Committee (the "**Advisory Committee**") was formally established; and,

7 WHEREAS, in response to the Advisory Committee's request, the Board
8 provided the Advisory Committee with County planning staff support and retained
9 a team of consultants for the preparation of a *Little Gasparilla Island Community*
10 *Plan* (the "**Plan**") to serve as a guide for the future development of the Island;
11 and,

12 WHEREAS, the Board voted to accept the Plan on October 16, 2007; and,

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13 WHEREAS, the Board directed the County's planning staff to prepare
14 amendments to the County's Zoning Code and Zoning Atlas to provide for a Little
15 Gasparilla Island Zoning District Overlay Code (the "**LGI Overlay Code**") which
16 implements portions of the Plan; and

17 WHEREAS, the LGI Overlay Code has been prepared by the County's
18 planning staff; and

19 WHEREAS, the County's Planning and Zoning Board (the "**P&Z Board**")
20 held a hearing on the LGI Overlay Code, and based on the findings and analysis
21 presented in the Planning Division staff report dated ###, 2009, and the evidence
22 presented at the public hearing, the P&Z Board recommended approval of the
23 LGI Overlay Code; and

24 WHEREAS, the Board considered the LGI Overlay Code in public
25 hearings held on ###, 2009, and ###, 2009; and

26 WHEREAS, AFTER DUE CONSIDERATION, The Board has found that
27 the LGI Overlay Code is consistent with the Charlotte County Comprehensive
28 Plan, will preserve and enhance the Island, and is in the best interests of the
29 County and its citizens;

30 NOW, THEREFORE, BE IT ORDAINED by the Board of County
31 Commissioners of Charlotte County, Florida:

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1 Section 1. Subsection 3-9-56 The Code of Laws and
2 Ordinances of Charlotte County, Florida (the “**County Code**”) is hereby amended
3 to create a new Subsection 3-9-56 which shall provide as follows:

4 **Sec. 3-9-56. Little Gasparilla Island Zoning District Overlay**

5 (a) **Short Title.** The short title of this Section 3-9-56 shall be the LGI
6 Overlay Code.

7 (b) **Boundary.** The area affected by the LGI Overlay Code shall be all
8 of Little Gasparilla Island (“**LGI**”) excluding the Don Pedro State Park. The
9 location of the boundary of LGI is delineated in Exhibit “A” attached hereto which
10 by this reference is adopted into and declared to be a part of this Sec. 3-9-56.

11 (c) **Applicability. Conflict with Other Ordinances.** The Code shall
12 apply to development and/or redevelopment of residential and commercial
13 neighborhood uses within the island and all other matters referenced in the LGI
14 Overlay Code. The terms “development” and/or “redevelopment” shall be
15 construed liberally and shall include any plat, special exception, variance, site
16 plan review approval, building or sign permit, or any other official action of
17 Charlotte County that has the effect of permitting development and/or
18 redevelopment or any application for any of the preceding. The LGI Overlay
19 Code shall not affect permitted principal uses and structures, permitted
20 accessory uses and structures, prohibited uses and structures within an
21 approved plan adopted pursuant to Sec. 3-9-49 of the Planned Development
22 (PD) zoning district prior to the adoption of the LGI Overlay Code. All property
23 within the boundary of LGI shall be rezoned from Residential Multi-family, Tourist
24 (**RMF-T**) to LGI zoning district (“**LGI Zoning District**”). The LGI Overlay Code
25 shall apply to the preceding matters notwithstanding the application of any other
26 provision(s) of the County Code to said matter(s). In the event of a conflict
27 between another provision of the County Code and the LGI Overlay Code, the
28 terms of the LGI Overlay Code shall supersede and control.

29 (d) **Intent.** The LGI Overlay Code is to serve as a vehicle for the
30 preservation of the single-family neighborhood as contemplated by the Little
31 Gasparilla Island Community Plan (“**Plan**”).

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1 (e) **LGI Zoning District.**

2 (1) *Establishment of Zoning District.* The LGI Zoning District is
3 hereby established.

4 (2) *Intent.* The LGI Zoning District shall be used for single-family
5 dwellings, for other uses normally associated with single-family residential
6 dwellings, and for limited non-residential uses intended to serve the needs of the
7 residences on LGI, as listed under subsection (e)(6)(A) and (e)(7) of this code.

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uses

8 (3) *LGI Zoning District.* LGI Zoning District is the only zoning
9 designation allowed on the Island.

10 (4) *Permitted principal uses and structures.*

11 (A) Single-family dwellings excluding mobile homes.

12 (5) *Permitted accessory uses and structures* that customarily
13 are accessory to single-family dwellings in the unique setting of LGI.

14 (A) Private storage structures and greenhouses subject to
15 the following standards:

16 (i) Accessory buildings over one hundred twenty-
17 five (125) square feet must be compatible in
18 visual appearance with the residence.

19 (ii) The total maximum area coverage of all
20 accessory structures shall not exceed the
21 greater of one thousand (1,000) square feet or
22 one-half (1/2) the footprint of the principal
23 structure. Nothing herein shall be construed to
24 permit lot coverage in excess of the thirty-five
25 (35) percent maximum lot coverage established
26 in subsection (e)(9)(A) of this code.

27 ~~(B)~~ Swimming pools.

28 ~~(C)~~ Tennis courts.

29 ~~(D)~~ Noncommercial boat docks and ramps.

30 (6) Permitted conditional uses.

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Deleted: (B) Greenhouses and
the growing of plants and horticultural
specialties provided no retail sales
are made on the premises.
Greenhouses over one hundred
twenty-five (125) square feet must be
compatible in visual appearance with
the residence.¶

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(A) Type 1 Home occupations pursuant to Section 3.3.9, Accessory Structures and Uses, excluding bed & breakfast inns with one or two rented bedrooms. In addition to the conditions imposed by Section 3.3.9, Accessory Structures and Uses, the following condition must be met and complied with:

(i) Customers must visit between the hours of 9:00 a.m. and 5:00 p.m.

(7) Special exceptions. (For procedure see section 3-9-7, "Special exceptions.") The following are uses that may exist by special exception in this district on a residential lot with or without a residence so long as all development standards are met:

(A) Shops for golf cart sales, repair and rental; all repairs and storage shall be conducted within fully screened areas.

(B) Houses of worship in accordance with section 3-9-80.1 and community meeting halls.

(C) Essential and emergency services.

(D) Library.

(E) Structures for the enclosed storage of trucks and other equipment used to service the electric, telephone, or water utilities on LGI.

(F) Water utility treatment and distribution facilities.

(G) Ferry landing sites (for the transfer of passengers to and from LGI) and barge landing sites (for the transfer of vehicles, equipment, and material to and from LGI) permanently maintained on privately owned lots, subject to the following restrictions:

(i) Minimum water frontage of lot shall be not less than fifty (50) feet.

(ii) Docks and landing ramps shall be set back a minimum of fifteen (15) feet from the property lines with adjacent lots.

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Deleted: Allowed uses include internet sales; professional . . . or paraprofessional services; consulting; provided that . . . no contractor or tradesmen services or other services . . . with similar outdoor storage or delivery are allowed.¶
(ii) . Up to five (5) customers per day may visit the . . . site.¶
(iii) . No more than two (2) customers are allowed on . . . the site at the same time.¶
(iv) .

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(v) . Art and music instruction are allowed provided . . . only one student at a time is receiving instructions.¶
(vi) . Home occupations shall be conducted only by . . . residents of the principal dwelling unit and no more than . . . one nonresident employee.¶
No more than 20 percent of the total floor area of a dwelling unit ma... [1]

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Deleted: building shall not exceed two thousand (2,000) square fe... [2]

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(F) . Barge landing site.

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1 (iii) No disturbance of natural shoreline and
2 shoreline mangroves beyond the permitted criteria
3 that is set by the State and Federal agencies.

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4 (iv) Use of barge landing sites shall be restricted
5 between 7:00 a.m. and 7:00 p.m.

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for construction and maintenance of
access dock or landing ramp.¶

6 (v) No storage of vehicles, equipment, or material
7 longer than 24 hours while awaiting loading on barge
8 or delivery to another site on LGI.

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9 (vi) For ferry land sites, an area shall be provided
10 for the off-road parking of golf carts in a number
11 appropriate for the particular special exception use but
12 no less than three (3).

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13 (8) Prohibited uses and structures: Any use or structure not
14 expressly or by reasonable implication permitted herein or permitted by special
15 exception shall be unlawful in this district, including mobile homes, and Type 2
16 Home occupations in accordance with Section 3.3.9, Accessory Structures and
17 Uses.

18 (9) Development Standards:

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19 All structures on LGI must conform to Section 3-9-98 in
20 addition to the following development standards:

21 (A) For residential development:

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22 The following development standards shall apply:

23 (i) Legally Non-conforming lots

24 For legally platted lots existing as of January 1, 1990:

25 Minimum lot width, feet . . . 50

26 Minimum yard requirements:

27 Front yard, feet . . . 25

28 Side yard:

29 Interior, feet . . . 7.5

30 Abutting a road, feet . . . 15

31 Rear yard:

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- Abutting a lot, feet . . . 20
- Abutting a road, feet . . . 25
- Abutting a greenbelt, feet ... 15
- Abutting Gulf of Mexico, feet ... 50
- Abutting other waters, feet ... 20

Maximum lot coverage, percent . . . 35

Maximum height of structures, feet . . . 35

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Maximum density, unit... 1 unit per platted lot

(ii) Standard lots:

Minimum lot requirements:

Area, acre . . . 1 (43,560 square feet)

Width, feet . . . 100

Minimum yard requirements:

Front yard, feet . . . 25

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Side yard:

Interior, feet . . . 20

Abutting a road, feet . . . 20

Rear yard:

Abutting a lot, feet . . . 20

Abutting a road, feet . . . 25

Abutting a greenbelt, feet ... 20

Abutting Gulf of Mexico, feet ... 50

Abutting other waters, feet ... 20

Maximum lot coverage, percent . . . 20

Maximum height of structures, feet . . . 38

Maximum density, unit... 1 unit per acre

(B) For all uses listed under subsection(e)(7), except (C),

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The following development standards shall apply:

(i) Legally Non-conforming lots

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For legally platted lots existing as of January 1, 1990:

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Minimum lot width, feet . . . 50

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Minimum yard requirements:

Front yard, feet . . . 25

Side yard:

Interior, feet . . . 7.5

Abutting a road, feet . . . 15

Rear yard:

Abutting a lot, feet . . . 20

Abutting a road, feet . . . 25

Abutting a greenbelt, feet . . . 15

Abutting Gulf of Mexico, feet . . . 50

Abutting other waters, feet . . . 20

Maximum lot coverage, percent . . . 35

Maximum height of structures, feet . . . 35, except
storage structures and garages shall not exceed 20
feet above grade

(ii) Standard lots:

Minimum lot requirements:

Area, acre . . . 1

Width, feet . . . 100

Minimum yard requirements:

Front yard, feet . . . 25

Side yard:

Interior, feet . . . 20

Abutting a road, feet . . . 20

Rear yard:

Abutting a lot, feet . . . 20

Abutting a road, feet . . . 25

Abutting a greenbelt, feet . . . 20

Abutting Gulf of Mexico, feet . . . 50

Abutting other waters, feet . . . 20

Maximum lot coverage, percent . . . 20

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Maximum height of structures, feet . . . 35, except storage structures and garages shall not exceed 20 feet above grade

Maximum building size, square feet...2,000

(f) **Review Procedure, Design Standards, Parking, Landscaping, and Signs for all Special Exception Uses.**

(1) *Development Review Procedure.* The LGI Advisory Committee, or its designee, shall review all applications for a special exception listed under subsection (e)(7) of this code for consistency and compliance with the LGI Zoning District and Overlay Code and the Plan. The LGI Advisory Committee, or its designee, shall prepare written comments to the appropriate Charlotte County agencies regarding the proposed development, with recommendations as appropriate. Such comments, however, shall not be dispositive.

(2) *Design Standards.* All building associated with a special exception use granted under subsection(e)(7) of this Code:

(A) All uses listed under subsection(e)(7)(A), (B), (D), (E), (F), and (G) of this code must be designed to imitate the appearance of the residential structures in the immediate neighborhood. Metal paneled buildings are not permitted.

(B) *Parking.* An area shall be provided for the off-road parking of golf carts in a number appropriate for the particular special exception use but no less than three (3). A golf cart parking space is defined as an area ten (10) feet long by six (6) feet wide. A golf cart handicap parking space shall be provided on the shortest and safest route to the main accessible entrance to the building. At a minimum, a walking path four (4) feet wide is required from the golf cart parking area to the main entrance of the development.

(C) *Landscaping.* Landscaped buffers and screening shall be required. At a minimum, a landscaped buffer five (5) feet

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Area, square feet . . . 20,000[¶]
Width, feet . . . 100[¶]
Minimum yard requirements:[¶]
Front yard, feet . . . 25[¶]
Side yard:[¶]
Interior, feet . . . 25[¶]
Abutting a road, feet . . . 20[¶]
Rear yard:[¶]
Abutting a lot, feet . . . 25[¶]
Abutting a road, feet . . . 25[¶]
Abutting a greenbelt, feet . . . 20[¶]
Abutting Gulf of Mexico, feet . . . 50[¶]
Abutting other waters, feet . . . 20[¶]
Maximum lot coverage, percent . . . 35[¶]
Maximum height of structures, feet . . . 20[¶]
Maximum building size, square feet . . . 2,000[¶]

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Deleted: shall be in accordance with the commercial design standards set forth in Sections 3-5-501 through 3-5-516 of the County Code if applicable, as the same may be amended, except that metal paneled buildings are not permitted. All such buildings

Deleted: a residential structure within the guidelines of the commercial design standards

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Deleted: No regular parking is required, except handicap parking spaces according to section 3-9-90 of the County Code, as the same may be amended from time to time. Golf cart parking spaces for neighborhood commercial uses are required. At a minimum, five (5) golf cart parking spaces are required for each development.

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1 wide or a opaque fence six (6) feet tall shall be required
2 along any rear or side property line that borders properties
3 designated for residential uses.

Deleted: a type D buffer, in accordance with the provisions of Article XVIII, Sections 3-5-391 through 3-5-408 of the County Code, shall be required

4 (i) Hedges for screening and buffers must be a
5 minimum twenty-four (24) inches in height upon
6 planting, be spaced and maintained in order to form a
7 continuous, solid visual screen within one year from
8 planting, and be of the type that reach at least sixty
9 (60) inches on maturity.

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10 (D) *Signs.* Signs must conform to the sense of design and
11 place of the development through the use of graphics, color,
12 material and placement. Signs shall be governed by Section
13 3-9-95 of the County Code, as the same may be amended
14 from time to time, except as specified below:

15 (i) Only wall signs shall be allowed. There shall be a
16 maximum of one (1) wall sign per special exception
17 use.

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18 (ii) The maximum size of the wall sign shall not
19 exceed three(3) square feet.

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20 (iii) Signs shall not be lighted.

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21 (iv) The wall sign structure shall be constructed of the
22 same material as the predominant material of the
23 principal building.

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24 (v) The wall sign shall be constructed of the same
25 color as the predominant color of the principal
26 building.

27 (vi) Wall signs shall not cover architectural features
28 or details and shall not extend beyond the roof ridge
29 or outer edges of the building.

30 (vii) Windows shall display only the proprietors' name,
31 business name, and property address for

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1 identification purposes. Signs placed inside a window
2 with the intent of being seen from the outside are
3 prohibited. All letters shall be one (1) inch tall or less.
4 (viii) No directional signs shall be allowed on the
5 island.

6 (3) *Outdoor lighting.* Outdoor lighting must be shielded or
7 directed in such a way that the light does not shine beyond the boundaries of the
8 subject property. Pole or standing lights shall be no higher than ten (10) feet. All
9 lighting must meet the criteria of Article XII, Sea Turtle Protection Ordinance.

10 (g) **Disaster Recovery.** Following a natural disaster, as determined by
11 the Board of County Commissioners, a structure that was legally conforming or
12 legally non-conforming immediately prior to said disaster may be replaced or
13 restored on the original footprint, with no increase in square footage or the
14 residential density, and in compliance with applicable County, State and Federal
15 standards.

16 Section 2. Conflict with Other Ordinances. The provisions of this article
17 shall supersede any provisions of existing ordinances in conflict herewith to the
18 extent of said conflict.

19 Section 3. Severability. In the event that any portion of this article is for
20 any reason held invalid or unconstitutional by any court of competent jurisdiction,
21 such portion shall be deemed a separate, distinct and independent provision, and
22 such holding shall not affect the validity of the remaining portions of this article.

23 Section 4. Effective Date. This Ordinance shall take effect upon filing in
24 the office of the Secretary of State.

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BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: _____

Patricia M. Duffy, Chair

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

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Monday through Friday.

(v) Art and music instruction are allowed provided only one student at a time is receiving instructions.

(vi) Home occupations shall be conducted only by residents of the principal dwelling unit and no more than one nonresident employee.

No more than 20 percent of the total floor area of a dwelling unit may be devoted to such uses.

The principal use of the dwelling unit shall at all times during the conduct of the home occupation remain residential.

No retail sales shall be conducted on the premises.

There shall be no exterior indication that the dwelling is being used for any purpose other than a residence, except that one (1) nonilluminated nameplate, not exceeding two (2) square feet in area, may be attached to the building on or next to the entrance.

There shall be no outside storage of materials used in connection with the home occupation.

No equipment shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference objectionable to the normal senses shall be used in any home occupation. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

No home occupation shall generate greater volumes of traffic than would otherwise be expected by normal residential uses.

The grant of a special exception to conduct a home occupation shall be automatically conditional upon continued compliance with all the requirements of this section. Failure of the occupant to meet these requirements shall empower the board of zoning appeals to revoke the special exception after notice and a hearing.

The approval of a special exception for a home occupation shall expire upon a change of ownership of the property.

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building shall not exceed two thousand (2,000) square feet in floor area.

(C) Home occupations (Type 2), in accordance with section 3-9-79.

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