

ORDINANCE
NUMBER 2025 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE (AG) TO EXCAVATION AND MINING (EM) FOR PROPERTY LOCATED AT 45030 AND 45450 FARABEE ROAD, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 140.70± ACRES, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-24-15; APPLICANT: FARABEE MINE & SHELL LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 22, 2025, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition Z-24-15, submitted by applicant, Farabee Mine & Shell LLC, ("Applicant"), which requested a rezoning from Agriculture (AG) to Excavation and Mining (EM) on 140.70± acres of property owned by Applicant, and described as property located at 45030 and 45450 Farabee Road, in the Punta Gorda area and within the East County area, Commission District I, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

WHEREAS, at its April 22, 2025 meeting, the Board also considered the associated request submitted by the Applicant, for a large scale plan amendment for the Property, under Petition PAL-24-05; and

WHEREAS, the Applicants seek a rezoning from AG to EM because the EM zoning district is required by and consistent with the Mineral Resource Extraction (MRE) Future Land Use Map designation granted under

Petition PAL-24-05, and to allow Applicants to apply for a commercial excavation permit; and

WHEREAS, Petition Z-24-15 was heard by 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, the P&Z Board recommended approval on December 9, 2024; and

WHEREAS, after due consideration, based on the findings and analysis provided by County Staff and the evidence presented to it, the Board finds that approval of Petition Z-24-15 is consistent with the County's Comprehensive Plan, and that it meets the requirements for the granting of a rezone; and

WHEREAS, based on the above findings, the Board finds that the Petition satisfies the requirements of Section 125.66, Florida Statutes, and that it is in the best interests of the County and its citizens to approve Petition Z-24-15.

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

SECTION 1. The following petition, made by applicant, Farabee Mine & Shell LLC, for an amendment to the Charlotte County Zoning Atlas is hereby approved:

Petition Z-24-15 requesting rezoning from Agriculture (AG) to Excavation and Mining (EM) for 140.70 acres more or less of property, located at 45030 and 45450 Farabee Road, in the Punta Gorda area and within the East County area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto.

59 SECTION 2. That the zoning for this property shall run with the
60 property and shall apply to any subsequent owners, heirs and assigns.

61 SECTION 3. This Ordinance shall take effect upon (1) filing in the
62 Office of the Secretary of State, State of Florida, but, (2) only after the companion
63 plan amendment, PAL-24-05, to this rezoning, becomes effective. The effective
64 date of PAL-24-05, if not timely challenged, shall be 31 days after adoption. If
65 challenged within 30 days after adoption, PAL-24-05 may not become effective
66 until the state land planning agency or the Administration Commission,
67 respectively, issues a final order determining that PAL-24-05 is in compliance.

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74 [SIGNATURE PAGE FOLLOWS]
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PASSED AND DULY ADOPTED this 22nd day of April, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Joseph M. Tiseo, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR2024-0786

Krw

