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O R D I N A N C E
NUMBER 2026 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL ESTATE 1 (RE-1) (8.21± ACRES) AND AGRICULTURE (AG) (4.64± ACRES) TO PLANNED DEVELOPMENT (PD) IN ORDER TO ALLOW FOR COMMERCIAL GENERAL USES, AND ALSO ADOPT A GENERAL PD CONCEPT PLAN; FOR PROPERTY LOCATED AT 5905 DUNCAN ROAD (US 17), IN THE PUNTA GORDA AREA, CONTAINING 12.85± ACRES; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION PD-25-14; APPLICANT: 5905 DUNCAN ROAD LLC; PROVIDING AN EFFECTIVE DATE.

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RECITALS

WHEREAS, in a public hearing held on Tuesday, May 26, 2026, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-25-14, submitted by applicant, 5905 Duncan Road LLC ("Applicant"), which requested a rezoning from Residential Estate 1 (RE-1) (8.21± acres) and Agriculture (AG) (4.64± acres) to Planned Development (PD) in order to allow for commercial general uses, and also adopt a General PD Concept Plan; for property located at 5905 Duncan Road, in the Punta Gorda area, containing 12.85± acres; Commission District II, and more particularly described in Exhibit "A" which is attached hereto ("Property"); and

WHEREAS, at its May 26, 2026 meeting, the Board also considered the associated request submitted by the Applicant for a small scale plan amendment for the Property under Petition PAS-25-02; and

31 WHEREAS, Petition PD-25-14 was heard by the Charlotte County
32 Planning and Zoning Board ("P&Z Board") and, based on the findings and
33 analysis provided by County Staff and the evidence presented to the P&Z Board,
34 the P&Z Board recommended approval with conditions "a" through "m" on
35 March 9, 2026; and

36 WHEREAS, after due consideration, based on the findings and
37 analysis provided by County Staff and the evidence presented to it, the Board
38 finds that approval of Petition PD-25-14 is consistent with the County's
39 Comprehensive Plan and meets the requirements for rezoning and adopting the
40 associated General PD Concept Plan; and

41 WHEREAS, the Board finds that approval of Petition PD-25-14 to
42 rezone the Property from Residential Estate 1 (RE-1) and Agriculture (AG) to
43 Planned Development (PD) is in the best interests of the County.

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

46 SECTION 1. The following petition made by applicant, 5905
47 Duncan Road LLC ("Applicant"), for an amendment to the Charlotte County
48 Zoning Atlas is hereby approved subject to the General PD Concept Plan and
49 conditions contained in the attached Exhibit "B":

50 Petition PD-25-14 requesting a rezoning from
51 Residential Estate 1 (RE-1) (8.21± acres) and
52 Agriculture (AG) (4.64± acres) to Planned
53 Development (PD) in order to allow for commercial
54 general uses; and also requesting adoption of the
55 General PD Concept Plan; for property located at
56 5905 Duncan Road, in the Punta Gorda area;
57 containing a total of 12.85± acres; Charlotte County,

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Florida; Commission District II; and more particularly described in Exhibit "A" which is attached hereto.

SECTION 2. That the zoning and General PD Concept Plan for this property shall run with the property and shall apply to any subsequent owners, heirs and assigns.

SECTION 3. This Ordinance's effective date shall be upon filing in the Office of the Secretary of State, State of Florida; however, this Ordinance shall not be effective until after the companion plan amendment, PAS-25-02, to this rezoning, becomes effective. The effective date of PAS-25-02, if not timely challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, PAS-25-02 may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that PAS-25-02 is in compliance.

[SIGNATURE PAGE FOLLOWS]

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PASSED AND DULY ADOPTED this 26th day of May, 2026.

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: _____
Thomas M. David, County Attorney
LR2025-1087

Kmw

PD Conditions for Application PD-25-14

This proposed development shall comply with all applicable requirements as set forth in Charlotte County's Code of Laws and Ordinances. In addition, the following shall apply:

- a. Development on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: US 17 Property PD Concept Plan) submitted by the applicant, prepared by Atwell, Inc., dated March 6, 2025, and completed on February 17, 2026. The General PD Concept Plan may be modified to meet the conditions of the PD zoning district. In addition, the Site Plan Review comments contained in the recommendation of approval per the letter dated June 19, 2025, are required to be met. Such General PD Concept Plan (DRG-25-050) shall remain valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD).
- b. No development shall occur prior to Final Detail Site Plan approval, which will be scheduled on the Board of County Commissioners land use consent agenda.
- c. Permitted uses and structures for Lots 1 through 3 and the maximum square footage shall be no more than 70,000 square feet collectively:
 1. Animal hospital, boarding facility.
 2. Art, dance, music, photo studio or gallery.
 3. Assisted living facility or day care center, adult.
 4. Bank, financial services.
 5. Bar, cocktail lounge, tavern.
 6. Business services.
 7. Day care center, child.
 8. Drug store, pharmacy.
 9. Dry cleaner.
 10. Funeral homes, crematoria.
 11. General offices.
 12. General retail sales and services.
 13. Hospital.
 14. Laundromat.
 15. Medical or dental office, clinic.
 16. Motor vehicle wash.
 17. Nursing home.
 18. Personal services.
 19. Place of worship.



- 20. Professional services.
 - 21. Recreation, indoor.
 - 22. Restaurant.
- d. Permitted uses and structures for Lot 4:
- 1. A hotel with 125 rooms, or
 - 2. An indoor storage facility up to 140,000 square feet within one building and no more than 3 stories (45 feet).
- e. The maximum building height for the proposed hotel is 60 feet measured from the base flood elevation. The maximum building height for all other structures is 35 feet from the base flood elevation except for the maximum height requirement under d.2.
- f. Special exceptions shall not be allowed.
- g. Outside storage and outside display of items are prohibited.
- h. All buildings are subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All other requirements in Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code shall apply. At a minimum, primary facades shall incorporate five design treatments.
- i. There shall be one proposed right in/right out and directional left access point on Duncan Road (US 17) subject to the County and the Florida Department of Transportation approval.
- j. The development must utilize centralized potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site prior to the issuance of any Certificate of Occupancy (CO).
- k. The area designated as "Wetland Area", containing 1.91± acres on the General PD Concept Plan, shall be preserved per Native Habitat Management Plan (Attachment 2: Native Habitat Management Plan). A minimum of 25-foot buffer is required along the wetland as on the General PD Concept Plan (Attachment 1).
- l. Landscaping and buffers: The 25-foot PD setback will be provided along the property boundary. No pavement or other structures are permitted in the PD buffer, except for vehicular entrances and exits, landscaping buffers, stormwater ponds, and parking. The PD setback must include the following:
- 1. At a minimum, planting equivalent to type A buffer for two canopy trees and one accent/understory tree per 100 linear feet, and the perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one year of planting, shall be required along the southern property boundary, adjacent to Duncan Road (US 17) and within the 25-foot PD setback as shown on the General PD Concept Plan (Attachment 1).

2. At a minimum, planting equivalent to type C buffer for canopy trees and accent/understory tree and the perimeter hedge row which must be a minimum 36 inches in height upon planting (the minimum maintained height of 48 inches) to form a continuous, solid visual screen within one year of planting, shall be required along the northern property boundary of Lot 4, adjacent to the proposed stormwater pond, as shown on the General PD Concept Plan (Attachment 1); such buffer shall end at the 25-foot wetland buffer.
 3. At a minimum, planting equivalent to Type C buffer is required within the 25-foot PD setback and along the eastern property boundary immediately adjacent to properties zoned MHP.
 4. A ten-foot landscape buffer is required between lots allowing for internal connections as shown on the General PD Concept Plan (Attachment 1).
 5. If Conditions I.1. through I.4, regarding the location and type of buffers, creates any perceived ambiguity or confusion, the General PD Concept Plan (Attachment 1) shall control.
- m. One monument sign shall be allowed for this project.

Attachment 1
US 17 Property PD Concept Plan

Attachment 2

Native Habitat Management Plan

5905 DUNCAN ROAD

NATIVE HABITAT MANAGEMENT PLAN

Charlotte County Parcel ID #: 412303101001

February 2026

Prepared For:

Anthony Consulting Services
c/o: David Anthony
PO Box 510240
Punta Gorda, FL. 33951-0240
Phone: (941) 628-2073
Email: anthony0429@gmail.com

Prepared By:



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Introduction

The following plan has been prepared for the proposed 12.85± acre property located at 5905 Duncan Road. The purpose of the following Native Habitat Management Plan is to address the long-term management of the upland and wetland preservation areas for the proposed development.

The site is located in Section 34, Township 40S, and Range 23E, of Charlotte County, Florida. More specifically, the site is located north of US Highway 17 (Duncan Road), east of Regent Road, and south of Riverside Drive, and west of Lakewood Mobile Home Park, in Punta Gorda, Florida. Please see the attached Project Location Map (Exhibit A).

Wetland Classification Discussion

Charlotte County ENV Policy 3.1.3 defines wetland categories, with particular emphasis on wetlands that have a permanent surface water connection to natural waterbodies with special water status. The policy establishes the framework for classifying and protecting wetlands, including Class 2 wetlands, under the County's Comprehensive Plan. The County requires protection of wetlands during development, typically through buffers, and reserves the right to deny permits for activities that adversely affect these areas. All development projects are subject to environmental review to avoid and mitigate impacts to sensitive aquatic ecosystems. The overall objective is to maintain ecological integrity while allowing responsible land use planning.

Under the Comprehensive Plan, wetlands are categorized based on ecological value and functional integrity. Class 2 wetlands are natural systems that are not pristine but continue to provide significant ecological functions, such as habitat for listed species and water filtration. Although these wetlands may have been affected by human activity or invasive species, they retain functional value. They typically contain some invasive or exotic vegetation and/or exhibit minor alterations to natural hydrology.

ENV Policy 3.1.5 limits development and other activities that could degrade wetland functions and emphasizes protection of ecological values. Projects affecting Category 2 wetlands must first demonstrate that impacts have been avoided to the greatest extent practicable. If complete avoidance is not feasible, impacts must be minimized. The County generally requires a 25-foot natural buffer around wetlands to protect them from adjacent development. Any unavoidable impacts to Class 2 wetlands must be mitigated through restoration, enhancement, creation of wetlands, or the purchase of credits from an approved mitigation bank.

The project proposes preservation of the entire 1.91± acres of on-site wetlands, along with 0.79± acres of upland buffer. The wetland preserve area includes a portion of the natural waterway, the adjacent wetlands, and the upland buffer. The 25-foot upland buffer consists of the area between the development area and the wetland preserve. Therefore, as proposed, the project meets the requirements of the County's Comprehensive Plan through preservation of on-site wetlands, removal of exotic and invasive species (as included in the Habitat Management Plan), and establishment of a 25-foot natural upland buffer around the wetland.

Preserve Establishment and Maintenance Schedule

Control of exotics shall be implemented on a yearly basis, in addition, this plan will describe specific techniques to prevent reinvasion by prohibited exotic vegetation of the site in perpetuity. Exotic and nuisance vegetation will be zero-percent (0%) coverage immediately subsequent to treatments and no more than 10% between maintenance events. Non-native vegetation and nuisance or invasive plants shall be removed from the preserve area. All existing native trees located within the preserve area will be preserved and shall not be impacted during any of the exotic eradication efforts. Should any native trees die as a result of the surrounding exotic treatment, they will be replaced with a similar tree in like size. Following the initial removal of exotics, the establishment of the preserve maintenance will occur annually; all indigenous vegetation will be required to be maintained in perpetuity.

Exotic Plant Eradication and Nuisance Treatment

The purpose of this plan is to ensure that exotic and nuisance species within the preserves are maintained to healthy levels through a scheduled maintenance program in perpetuity. This program is incorporated into a two-phase process: the initial exotic removal and the subsequent annual maintenance. The exotic and nuisance plant removal and maintenance program will ensure the viability, value, and aesthetics of the preserve. The exotic plant removal and maintenance program will be implemented by and the responsibility of the owner or their successor. Exotic and nuisance plants often dominate native plants, which in return reduces habitat values, consequently, negatively impact aesthetic values.

Exotic and nuisance plants will be treated in a manner consistent with current approved removal practices; all removal practices will be conducted according to current standards and applied by a licensed herbicide applicator. All exotics within the first 75 feet of the outer edge of the preserve shall be physically removed, or the tree cut down to grade and the stump treated. Exotics within the interior of the preserve may be approved to be treated in place if it is determined that physical removal might cause more damage to the native vegetation in the preserve. When prohibited exotic vegetation is removed, but the base of the vegetation remains, the base shall be treated with a U.S. Environmental Protection Agency (EPA) approved herbicide, utilizing a visual tracer dye. All exotic vegetation removed from the preserve area will be to be taken off-site and disposed of; there will be no exotics stockpiled within the preserve area. Any staging areas for the removal of exotic debris will be placed outside of the preserve, and the exact location will be determined by the contractor.

Supplemental Plantings

Planting of non-native vegetation on slopes adjacent to a preserve are prohibited; only 100% native vegetation can be planted on slopes adjacent to all preserve areas. The planting of any non-native vegetation in preserve areas is not allowed. There are no supplemental plantings proposed at this time. The proposed mitigation areas will be enhanced through the removal of exotic species, monitored, and maintained on a regular schedule for five years. After this time, perpetual management will include continued removal of exotic species. If at the end of two (2) years, there are any areas that do not recruit naturally, a planting plan will be established for these areas, which will include proposed size, spacing, and species to supplement these areas.

Vegetation Trimming & Control of Vines

The trimming of vegetation in the preserve area is prohibited except dead limbs, dead saw palmetto fronds, and dead palm fronds that are located within 20 feet of a property line may be removed. The control of vines is allowed in the preserve areas. This management activity includes both exotic and native vine species. In the wetland area portion of the preserve areas the stems of the vines must be cut and treated with an EPA approved herbicide. In the saw palmetto area of the preserve areas, locating the stem and removing both the root and vines while minimizing damage to the surrounding native vegetation will physically remove the vines.

Allowable Uses and Activities

Allowable uses within preserve areas. Passive recreational uses such as pervious nature trails or boardwalks are allowed within the preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. For the purpose of this section, passive recreational uses are those uses that would allow limited access to the preserve in a manner that will not cause any negative impacts to the preserve, such as pervious pathways, benches and educational signs. Fences may be utilized outside of the preserves to provide protection in the preserves. Fences and walls are not permitted within the preserve area.

No buildings, structures or impediments of any nature may be constructed, placed or permitted in the preserve areas. Preserves must be maintained in their natural state and must be kept free of refuse and debris. No dumping or placing of soil or other substances such as trash or unsightly or offensive materials is allowed in the preserve areas. No removal or destruction of trees, shrubs or other vegetation is allowed, with the exception of exotic/nuisance vegetation removal. No Excavation, dredging or removal of soil material, peat, rock or other material substance is allowed if it affects the surface in the preserve areas. Dikes or fencing are not permitted in the preserve areas. The preserve areas must not be altered from its natural or permitted state. Preserve signage will be installed approximately every 200' along the perimeter of preserve areas, especially where they abut residential lots. Potential preserve signage will state that the area is a protected preserve and that no dumping or debris is allowed. Please see the approximate location of the signage on the Concept Plan (Exhibit B).

Monitoring Plan

Monitoring Methodology

The proposed monitoring of the enhanced wetland preserve area will begin concurrently with construction and will consist of baseline, time-zero, and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. The baseline monitoring report will document conditions on the project site as they currently exist. The time-zero report will document the conditions immediately following completion of mitigation activities. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the baseline, time-zero, and annual reports will utilize identical methods of data collection from identical sampling stations.

Vegetation Monitoring

Wetland vegetation will be monitored prior to and following enhancement and restoration activities. Sampling in wetland area will involve canopy, sub-canopy, and ground cover species established within the preserve area. Species richness and a visual estimate of percent cover will be calculated for canopy and sub-canopy stratum.

Sampling point locations will be established in several areas within the preserve area. During each monitoring event, these areas will be walked and any exotic vegetation observed will be noted within the report. These annual reports will include the approximate percent coverage of any exotic and nuisance vegetation identified within the preserves. Vegetation will be sampled in each of the areas from where the monitoring photographs were taken; this vegetative sampling will include canopy, sub-canopy, and herbaceous species.

Wildlife Monitoring

Regular observations of wildlife will be made during the monitoring event by qualified ecologists. Observations will consist of recording evidence and signs of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in the preserve area providing physical documentation of the condition and appearance of an area, as well as any changes taking place within it. Monitoring photographs will accompany vegetation data in each report. Locations of photograph stations will remain the same throughout the duration of the monitoring program.

Rainfall Monitoring

Rainfall readings will also be recorded from an official rain gauge at a nearby location. These readings will be included in all future monitoring reports. Preserve water level data obtained concurrently with each monitoring event and will be included in their respective annual wetland mitigation monitoring reports.

Monitoring Reports

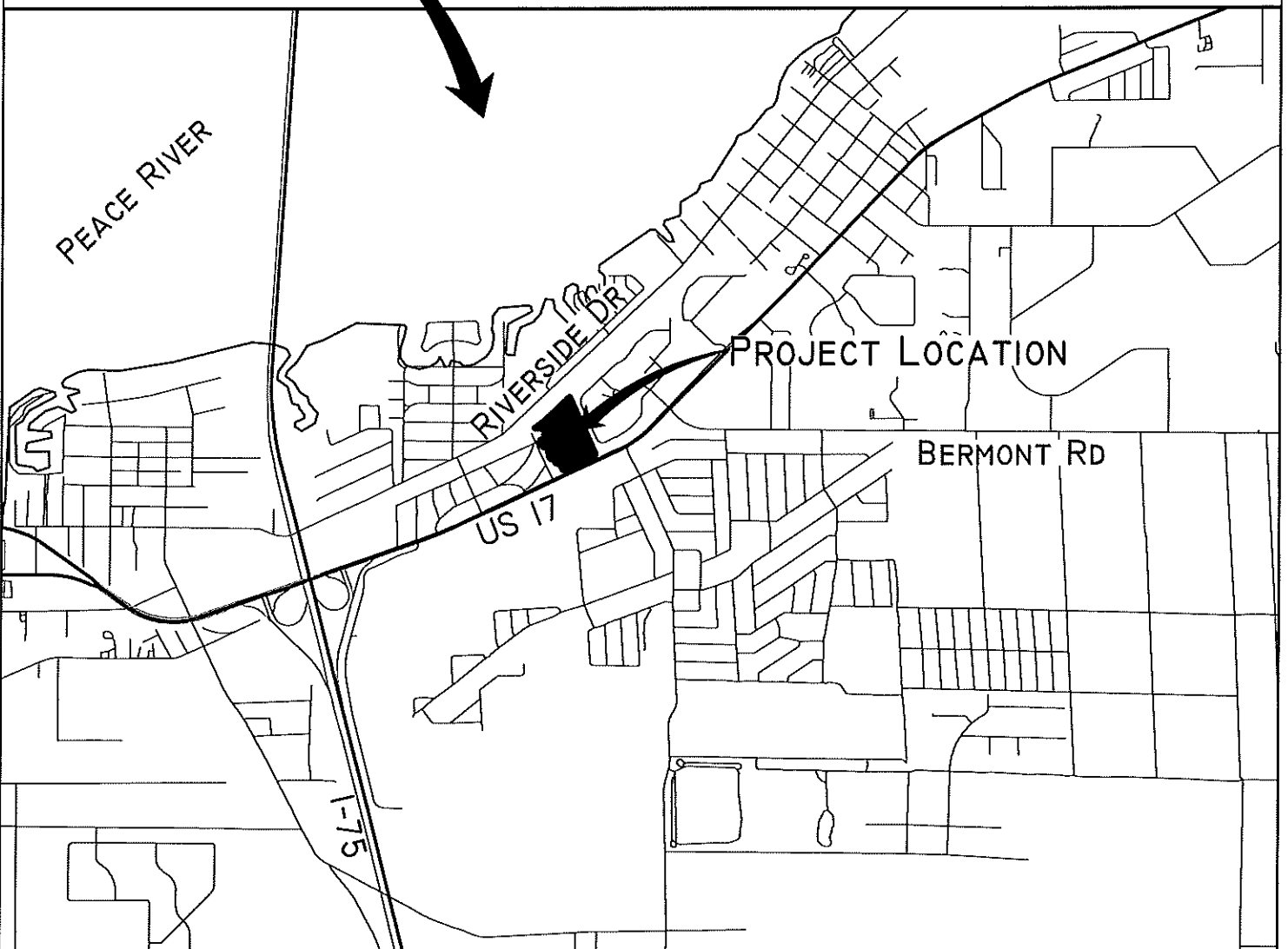
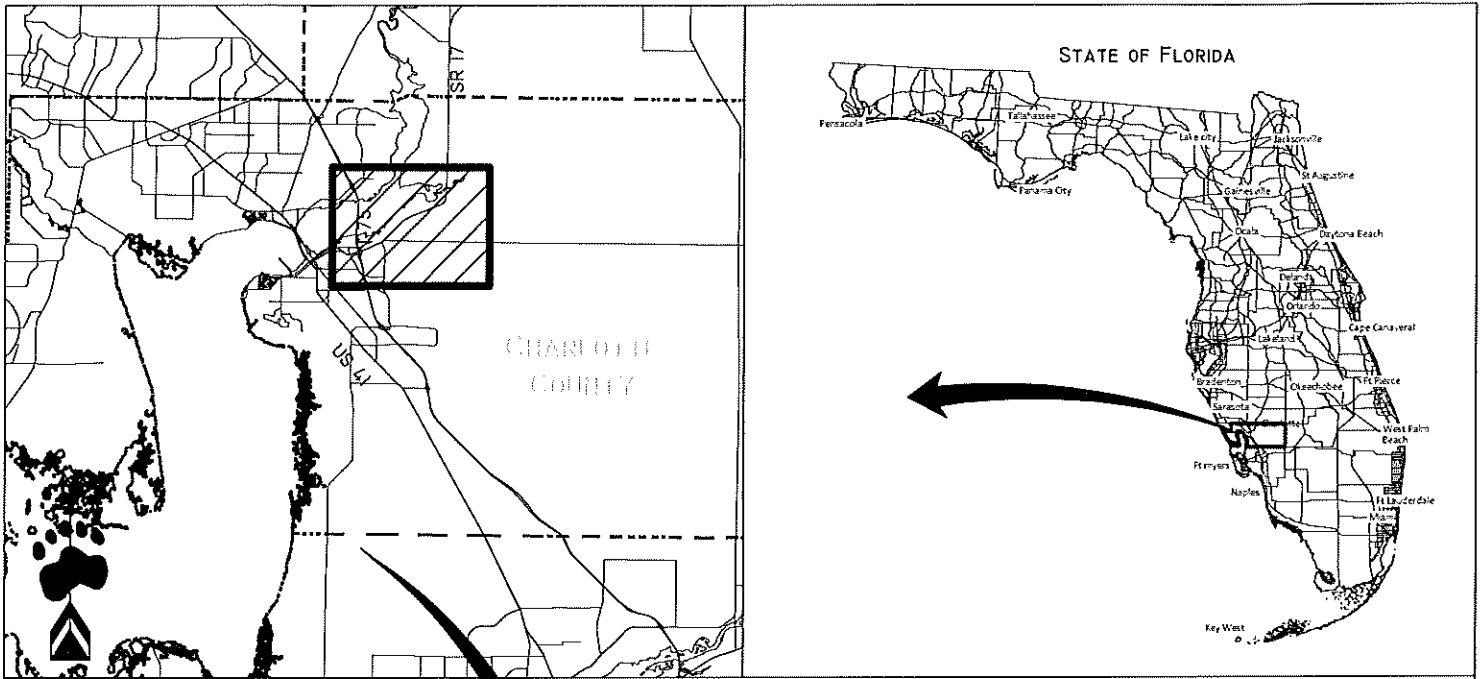
Concurrently with construction, the permittee will submit annual monitoring reports to the County documenting the success of the mitigation program and general condition of the preserve area. Within 45 days of permit issuance or modification, the baseline wetland monitoring for the preserve area will be submitted to the County. The time-zero monitoring report will be submitted within 30 days of completion of enhancement activities. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- Results of quantitative vegetation monitoring conducted in the preserved wetland area.
- Approximate percent coverage of exotic and nuisance species within the preserve area.
- A list of observed wildlife species.
- Monitoring photographs taken at photograph stations within the preserved wetlands area.
- Available local rainfall data.

If the assessment of the preserve areas demonstrates that the success criteria have been achieved, the responsible party shall provide written certification by an Environmental Scientist, Biologist, registered Engineer, or Landscape Architect that the maintenance efforts have met applicable success criteria. If certification of success is not submitted or is not approved by the County, then annual monitoring shall continue until the criteria has been met and deemed successful. The monitoring program and any corrective actions to maintain the preserve areas shall be at the sole expense of the property owner(s) or developer.

EXHIBIT A

Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	5/20/24	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
34/40S/23E		CHARLOTTE

5905 Duncan Road

Location Map



PAGE

EXHIBIT

EXHIBIT B

Concept Plan

