

ORDINANCE
NUMBER 2024 -

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 3771 SR 31, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA; CONTAINING A TOTAL OF 536.22 ACRES MORE OR LESS; COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA; PETITION Z-23-59-13; APPLICANT, JDI FARMS INC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, February 27, 2024, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition Z-23-59-13, submitted by applicant, JDI Farms Inc. ("Applicant"), which requested a rezoning to amend the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM), for property located at 3771 SR 31, containing a total of 536.22 acres more or less, 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 February 27, 2024 meeting, the Board also considered the associated request submitted by the Applicant for a large scale plan amendment for the Property under Petition PAL-23-00002; and

WHEREAS, the Applicant seeks to rezone the Property 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-23-00002, and to allow Applicant to apply for a commercial excavation permit; and

WHEREAS, Petition Z-23-59-13 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 October 9, 2023; 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-23-59-13 is consistent with the County's Comprehensive Plan and meets the requirements for the granting of a rezone; and

WHEREAS, the Board finds that approval of Petition Z-23-59-13 to rezone the subject property from AG to EM to be in the best interests of the County.

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

SECTION 1. The following petition, made by applicant, Z-23-59-13, for an amendment to the Charlotte County Zoning Atlas is hereby approved:

Petition Z-23-59-13 requesting to amend the Charlotte County Zoning Atlas from Agriculture (AG) to Excavation and Mining (EM), for property located at 3771 SR 31, in the Punta Gorda area and within the East County area, containing a total of 536.22 acres more or less; Commission District I, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein.

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-23-00002, to this rezoning, becomes effective. The
64 effective date of PAL-23-00002, if not timely challenged, shall be 31 days after
65 adoption. If challenged within 30 days after adoption, PAL-23-00002 may not
66 become effective until the state land planning agency or the Administration
67 Commission, respectively, issues a final order determining that PAL-23-00002 is
68 in compliance.

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74 [SIGNATURE PAGE FOLLOWS]
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PASSED AND DULY ADOPTED this 27th day of February, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Christopher G. Constance, Vice 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

 LR2023-0448



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 17, T-42-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

MRE AREA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 23, TOWNSHIP 40 SOUTH, RANGE 25 EAST, BEING A PART OF THE PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 4692, PAGE 1960, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23; THENCE N.89°40'42"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR 5282.74 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 23; THENCE N.00°00'43"E., ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 4692, PAGE 1960, FOR 1535.23 FEET; THENCE S.88°26'01"E. FOR 51.84 FEET; THENCE S.87°26'48"E. FOR 1.72 FEET; THENCE S.86°53'03"E. FOR 52.16 FEET; THENCE S.85°54'01"E. FOR 38.47 FEET; THENCE S.85°28'59"E. FOR 58.82 FEET; THENCE S.84°45'43"E. FOR 66.45 FEET; THENCE S.84°02'17"E. FOR 1.26 FEET; THENCE S.83°18'15"E. FOR 67.86 FEET; THENCE S.81°38'44"E. FOR 84.98 FEET; THENCE S.80°43'38"E. FOR 1.64 FEET; THENCE S.79°46'14"E. FOR 87.79 FEET; THENCE S.77°35'23"E. FOR 113.17 FEET; THENCE S.76°21'42"E. FOR 247.53 FEET; THENCE S.75°42'53"E. FOR 59.60 FEET; THENCE S.75°01'40"E. FOR 3.79 FEET; THENCE S.74°58'53"E. FOR 1.20 FEET; THENCE S.74°18'02"E. FOR 63.14 FEET; THENCE S.73°36'55"E. FOR 779.28 FEET; THENCE S.75°15'39"E. FOR 871.86 FEET; THENCE S.75°09'49"E. FOR 8.89 FEET; THENCE S.74°36'46"E. FOR 41.94 FEET; THENCE S.74°09'28"E. FOR 450.32 FEET; THENCE S.74°33'44"E. FOR 905.02 FEET; THENCE S.74°52'06"E. FOR 771.77 FEET; THENCE S.74°59'38"E. FOR 598.46 FEET; THENCE S.74°46'47"E. FOR 19.73 FEET; THENCE S.74°33'57"E. FOR 11.21 FEET TO THE EAST LINE OF SAID PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 4692, PAGE 1960, THENCE S.00°00'57"E., ALONG SAID EAST LINE, FOR 211.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 536.22 ARES, MORE OR LESS.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK SITE CODE "PNTA", IN U.S. FEET WHEREIN THE SOUTH LINE OF SECTION 23, TOWNSHIP 40 SOUTH, RANGE 25 EAST (PER CERTIFIED CORNER DOCUMENTS AND EXISTING MONUMENTATION) BEARS S.89°40'42"E.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 07, 2023

DIGITALLY SIGNED BY:
C. DREW BRANCH



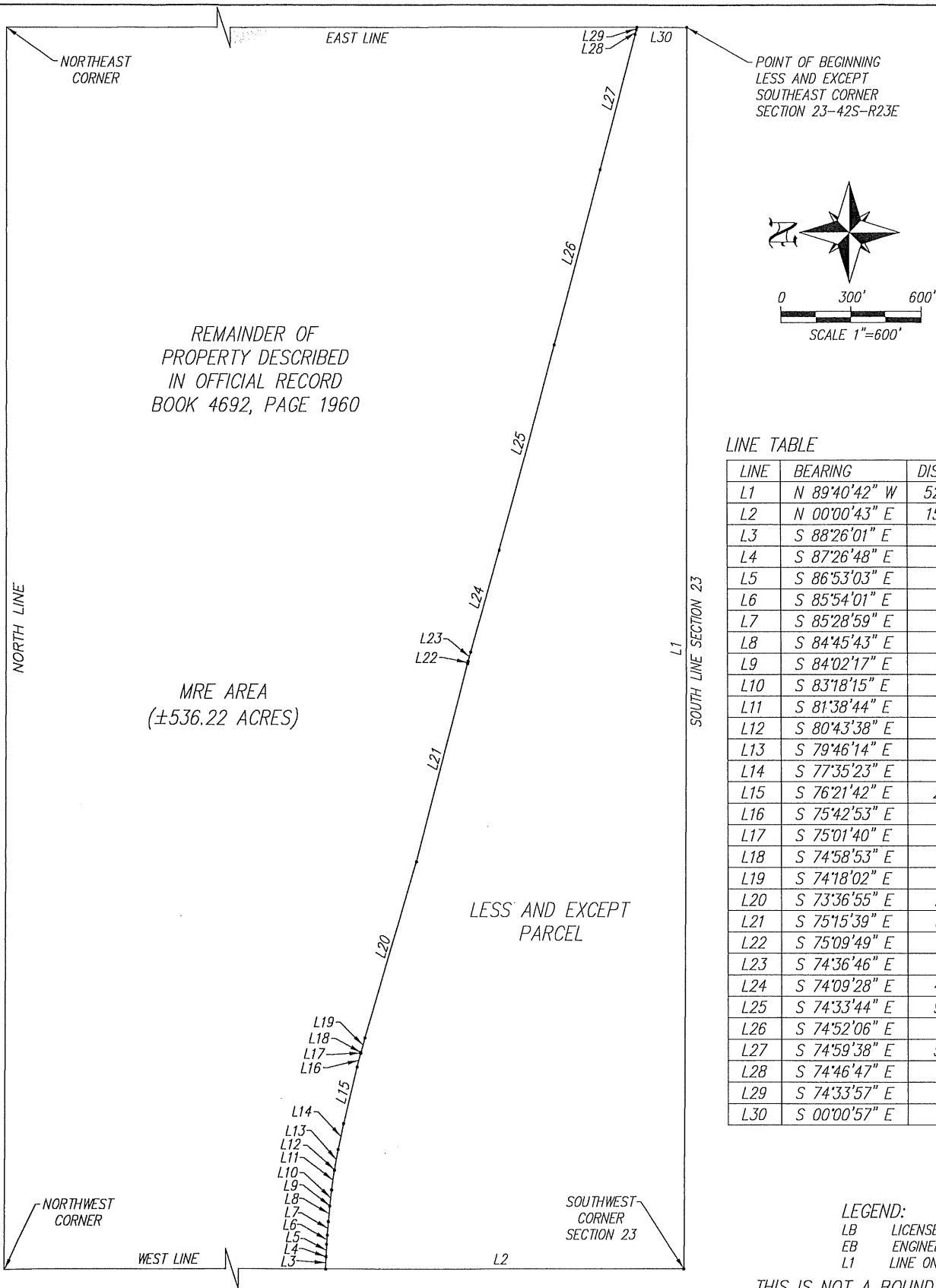
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C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2
SERVING THE STATE OF FLORIDA

4161 Tamiami Trail – Building 5, Unit 501, Port Charlotte, FL 33952
(941) 625-1165 • Fax (941) 625-1149 www.bankseng.com





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PORT CHARLOTTE, FLORIDA 33952
PHONE: (841) 625-1165 FAX: (841) 625-1149

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SURVEY LICENSE # LB 6630

WWW.BANKSENG.COM

DESCRIPTION AND SKETCH

MRE AREA

CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08-07-2023	4644	MRE-SK	N/A	DDB	CDB	1"=600'	2 of 2