



MEMORANDUM

Date: 02/23/24

To: Honorable Board of County Commissioners
Planning and Zoning Board

From: Shaun Cullinan, Planning and Zoning Official

Subject: Revisions to Section 3-9-100.1: Buffers; TLDR-23-03

Request:

A privately-initiated request to amend Charlotte County Land Development Regulations, Chapter 3-9: Zoning, Article IV: Site Design Standards and Requirements, Section 3-9-100.1: Buffers, by revising (d) Special Provisions (1), and Exhibit 2: Table of Minimum Buffer Requirements, to remove the buffer requirement for storage yards located on properties zoned Industrial General (IG) or Industrial Intensive (II), which abut properties zoned IG or II of buffering on the sides and rear if adjacent to other industrially zoned properties and providing for fencing requirements for such uses.

Applicant:

Charlotte-Desoto Building Industry Association (CDBIA), 17984 Toledo Blade Blvd., Port Charlotte, FL 33948

Agent:

Robert H. Berntsson, Big W Law Firm, 3195 S. Access Rd., Englewood, FL 34224

Data and Analysis:

The applicant, Charlotte-Desoto Building Industry Association (CDBIA), is requesting an amendment to Charlotte County Land Development Regulations, Chapter 3-9: Zoning, Article IV: Site Design Standards and Requirements, Section 3-9-100.1: Buffers, by revising Exhibit 2: Table of Minimum Buffer Requirements, to remove the buffer requirement for storage yards located on properties zoned Industrial General (IG) or Industrial Intensive (II), which abut properties zoned IG or II of buffering on the sides and rear if adjacent to other industrially zoned properties and providing for fencing requirements for such uses.

Background and Reason for this Text Amendment:

The applicant has requested this amendment to address the abundant number of outdoor storage lots which are developing in industrially zoned areas for the storage of both private items (boats, RV's, etc...) as well as for contractors to store their materials, vehicles, and equipment. Please note this amendment is solely for those properties zoned industrial, whereby outdoor storage is a by-right use, and this does not apply to commercially zoned properties where a Special Exception granted by the Board of Zoning Appeals is required for the use.

Currently the code requires a landscaping buffer around the perimeter of all outdoor areas regardless of abutting zoning designations at a Type "D" Level. Though if the property is zoned IG or IL and is abutting other industrially zoned districts, this may be reduced to a Type "B" buffer. Within those requirements an opaque fence or wall is required only if utilizing the narrowest buffer width of seven feet, otherwise, only vegetation is required, and at a lower amount. Typically, a developer maximizes the developable area and chooses that smallest width buffer, also typically choosing vinyl fencing for cost purposes. The code allows for a variety of fencing and wall material options, including wood, stone, masonry, and stucco finished materials.

The applicants propose all remove all buffering requirements for side and rear lots abutting other industrially zoned properties. They are also proposing that if fencing is desired by the applicant, that it be allowed the use of slats or fabric, as long as they are maintained in good condition.

Detailed Major Changes:

Exhibit 2: Table of Minimum Buffer Requirements"" which reads: "Regardless of zoning." is hereby amended to read "* Regardless of zoning. However, storage yards in IG and IL zoning districts are not required to install buffers where they adjoin other IG or IL properties, and may install chain link fencing made opaque with slats or fiberglass mesh, or similar materials approved by the Zoning Official, which shall be kept in such a condition to retain opacity."*

One concern staff has with this proposal is the provisions in the code regarding vested rights. Previous iterations of zoning regulations allowed commercial uses in industrially zoned districts. Properties with these vested rights may choose to develop a commercial use on industrially zoned property. Compatibility issues could arise in a situation where a property has been developed with a commercial use and an adjacent property chooses to develop as an outdoor storage use. Outdoor storage lots would not be required to provide any buffering, including vegetative plantings, along the side and rear lot lines, if this requested amendment is approved. Staff discussed this with the applicant, and we were requested to move forward with the amendment as proposed. While staff understands that industrially zoned areas are typically developed with more intense uses and have lessened developmental and design standards due to this, staff does have some concerns with not requiring any type of buffering along the side and rear property lines (roadway will still retain the current requirements), but this is a policy decision of the Board of County Commissioners.

Staff Summary

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. TLDR-23-03) could be considered consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances, and other applicable guidelines.

Planning and Zoning Board recommendation from February 12, 2024:

*A motion to forward application TLDR-23-03 to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated February 12, 2024, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

Section 3-9-100.1: Buffers

Exhibit 2: Table of Minimum Buffer Requirements

		Abutting Zone/Use									
		RSF RE AG	RMF RMF-T	MHC	MHP	RVP	OMI	CG CN CT CHNBR CHMU		IG	II
	Environmentally Sensitive (ES)	--	--	--	--	--	--	--	--	--	--
Developing Lot(s) Zone/Use ¹	Single-Family Residential (RSF) Residential Estate (RE) Agriculture (AG) Excavation and Mining (EM)***	--	--	--	--	--	--	--	--	--	--
	Bridgeless Barrier Island (BBI)	--	--	--	--	--	--	--	--	--	--
	Manufactured Home Conventional (MHC)	--	--	--	--	--	--	--	--	--	--
	Residential Multi-Family (RMF) Residential Multi-Family Tourist (RMF-T)	A	--	A	--	--	--	--	--	--	--
	Manufactured Home Park (MHP)	B	A	B	--	--	--	--	--	--	--
	Recreational Vehicle Park (RVP)	C	B	C	B	--	--	--	--	--	--
	Office Medical and Institutional (OMI)	C	B	C	C	B	--	--	--	--	--
	Commercial General (CG) Commercial Neighborhood (CN) Commercial Tourist (CT) Charlotte Harbor Neighborhood Business Residential (CHNBR) Charlotte Harbor Mixed Use (CHMU)	C	C	C	C	B	A	--	--	--	--
									--	--	--
	Industrial General (IG)	D	D	D	D	C	C	B		--	--
	Industrial Intensive (II)	D	D	D	D	D	D	C		A	--
	Parks & Recreations (PKR) / Preserve/Mitigation Lands and Passive Use Parks	--	--	--	--	--	--	--	--	--	--
	Active Use Parks*	C	B	C	C	B	A	--	--	--	--
	Emergency and Essential Services **	B	A	B	A	A					--
	Towers*	D	C	D	D	C	C	B		A	A
	Storage Yards*	D	D	D	D	D	D	D		B	B
	¹ A specific buffer requirement may be waived in cases where the developing property will be developed with a use that is less intense than the abutting zoning, provided that such determination shall be made by the Zoning Official or his/her designee. **Regardless of zoning. No buffer is required for storage yards located on properties zoned Industrial General (IG) or Industrial Intensive (II), which abut properties zoned IG or II; however, a chain link fence may be installed, and such fence shall be made opaque with slats or fiberglass mesh, or similar materials approved by the Zoning Official, and shall be kept in such a condition to retain opacity.										

(d) Special provisions.

(1) The perimeter of all outdoor storage yards shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. No buffer is required ~~These buffer requirements may be reduced to Type B on interior lot lines abutting IG or II zoning districts.~~

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