



# Thornton Key Palm Island Knight Island Don Pedro Island Community Plan

Submitted on behalf of the Island Community  
by the Palm Island – Don Pedro Island – Knight Island – Thornton Key  
Advisory Committee

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## Part I: Introductory Materials

### 0.1 Preface

Dear Reader:

Although there are problems to solve, I have never spoken to an Islander who doesn’t consider these Islands paradise.



The issues we face on our bridgeless barrier islands are unique to us. The Islands were platted in the 1920's, 1950's and 1960's. Back then, regard for open space or infrastructure at build-out just didn't seem all that important.

So, like the rest of Charlotte County, we have been given the opportunity to help determine our future needs for supporting infrastructure like roads, bridges, beach and canal maintenance, and potentially, central sewer. Our desire is to do this without creating overwhelming tax burdens for those who call the islands home – or those who love to visit their home away from home.

We have been given the opportunity to determine our future preferences by creating a Community Plan.

We live on an island where the people clearly prefer single family residential living. Yet, inconsistencies exist between Zoning, the Comprehensive Plan and the Bridgeless Barrier Island Overlay.

We live on an island that is on the verge of facing density and build-out burdens that will stress the infrastructure, law enforcement and emergency response.

We live on an island that is fragile and environmentally sensitive. Beauty abounds. We want to keep the characteristics that brought us here. Where else can you watch sea turtles nest in the moon glow?

That sometime-years-from-now build-out is happening fast. We need a blueprint, a map, as we move into the future. Our Community Plan, based on the vision of "Preserving Pure Florida", is the beginning.

In the opinion of this Committee, this document represents a majority opinion of the Island Community. We seek your acceptance and approval.

Sincerely,

Valerie Guenther, Chair

Palm Island – Don Pedro Island – Knight Island – Thornton Key Advisory Committee

## 0.2 Summary Statements

For the final town hall meeting, the following summary statements were prepared to articulate the position of the Community Plan regarding the most fundamental Island issues. All stakeholders were encouraged to read the entire plan to grasp all of the discussion topics in detail.

- Keep the Island like it is** – that is why we came here. We need to protect it.
- Zoning** – Single Family Residential.
- Keep private property rights** but protect the quality of life for all present and future owners.

- Non-conformities** – Let homeowners rebuild what they have.
- Rentals** – Fix impacts of short term rentals.
- Environment** – Protect and preserve.
- Infrastructure** – No bridge to the mainland, ever.
- Bridges** – Work with the County for the least expensive wood bridge.
- Roads** – Fix Gulf Blvd. N. (look at traffic-calming), maintain the sand roads (leave unpaved)
- Sewer** – Only when needed. Until then monitor water quality.
- Water** – Need to watch carefully for future water needs.
- Taxes** – Need more control over how our taxes are spent and spend wisely.

### 0.3 Acknowledgements

The Island Advisory Committee would like to express their appreciation to the following consultants and participants for their assistance with the Community Planning process:

Charlotte County Board of County Commissioners: Commissioner Thomas G. Moore, Chairman (District 3), Commissioner Matthew D. DeBoer (District 4), Commissioner Tom D’Aprile (District 1), Commissioner Adam Cummings (District 2), Commissioner Sara Devos (District 5)

Former Commissioner Mac V. Horton

Committee Liaisons: Ms. Jan Rogers (Planner III), Ms. Barbara Jefferies (Plans Examiner), Ms. Kelly Shoemaker (Assistant County Administrator)

Charlotte County Community Planning Department: Mr. Tom Cookingham (Planning Services Manager), Mr. Mike Konefal (Director), Ms. Jie Yang (Planner II), Ms. Inga Williams (Planner III), Ms. Martina Kuche (Planner III)

County assistance:

Mr. Bruce Loucks, County Administrator

Mr. Roger Baltz, Assistant County Administrator

Mr. Tom O’Kane (Director of Public Works)

Mr. Dan Quick (County Engineer, Department of Public Works)

Mr. Bernie Milosky (Utility Regulatory Liaison, Charlotte County Utilities)

Mr. Verne Hall (Charlotte County Utilities)

Ms. Missy L. Christie (Charlotte County Environmental Services)

Major Mark Caro

Mr. Chuck Mopps

Mr. Dennis Murphy (former GIS/MSBU Manager)

Mr. Brad Bradley (former Charlotte County Attorney’s Office)

Mr. Wayne Sallade (Director, Department of Emergency Management)

Chief Dennis Didio (Charlotte County Fire/EMS)

Sheriff John Davenport (Charlotte County Sheriff’s Department)

Lieutenant James Kenville

Additional assistance:

Mr. Thomas C. Smith (Planning Consultant)

Mr. Dan Trescott (Principal Planner, Developments of Regional Impact & Hurricane Preparedness, SW Regional Planning Council)

Mr. Michael Poff (VP, Coastal Engineering Consultants, Inc.)

Dr. Lisa Beever (Director of the Charlotte Harbor National Estuary Program)

Mr. Perry Cook (Executive Director, Lemon Bay Conservancy)

Mr. Mike McFarland (President, Palm Island Resort)

Mr. Dean Beckstead (Principal, Palm Island Transit)

Mr. Martin Cole (Palm Island Transit)

Station 10: Captain Jay Julian, Wendy Dalzell, Bill Peterson

Ms. Linda Bamfield

Ms. Soosie Sirmons

Ms. Sarah Fahlmark and Ms. Kjell Plotkin (PIE Environmental Committee)

Former Committee Members: Ms. Carol Ann Wehle, Mr. Dwayne Allen, Mr. Gary Hudson, Ms. Anne Merry, Mr. Charles Visich

## **0.4 Development of the Community Plan**

### **0.4.1 Formation and activities of the Steering and Advisory Committees**

On February 25, 2003, the Charlotte County Board of County Commissioners (the “BCC”) passed Resolution 2003-37, establishing the Palm Island/Don Pedro Island Steering Committee, “to discuss matters of concern to the island residents.”

The steering committee conducted public meetings, “visioning charettes,” and special presentations by county personnel and consultants, culminating in the document “Preserving Pure Florida: Findings, Recommendations and Vision Statement of the Palm Island/Knight Island/Don Pedro Island Steering Committee” (commonly known as the “Vision Statement”).

[See Appendix 1: “Preserving Pure Florida”]

The Vision Statement was presented to and unanimously accepted by the BCC in January of 2004. Upon its acceptance, the BCC determined it would be in the best interest of the Island community for the Steering Committee to become a standing Advisory Committee.

On March 24, 2004, the BCC passed Resolution 2004-53 (Change Number 3, D-1, Substitute Resolution), establishing the Palm Island/Don Pedro Island/ Knight Island /Thornton Key Advisory Committee. [See Appendix 2: Resolution Number 2004-053 forming the Island Advisory Committee]

The purposes for which the Advisory Committee was established are: “evaluating the recommendations of the public and county staff regarding matters affecting Palm Island, Don Pedro Island, Knight Island and Thornton Key Island, including such things as emergency medical services, fire suppression services, the development of a community plan, the development of the findings and recommendations of the prior Palm Island/Don Pedro Island Steering Committee, island infrastructure and environmental issues.”

The Advisory Committee’s membership consists of nine (9) volunteer members, appointed by the BCC based upon submission of resumes from the community. These members represent

“within reason and based on willing volunteers . . . as broad a geographical area as possible.” Two members are from Palm Island Resort, two from Knight Island, one from Thornton Key and four from Don Pedro Island.

Community outreach was accomplished over a period from April 2003 to April 2006. The Steering and subsequent Advisory committees conducted a total of 12 public input sessions through Town Hall meetings specific to the Island Vision Statement and the Community Plan.

A total of 16 special workshops by county personnel and other expert parties were held to educate the committee and Island participants about the various issues and discussion topics. In May of 2005, the Community Planning subcommittee of the Advisory Committee began conducting weekly planning workshops.

Since the Steering Committee was established in 2003, Charlotte County’s Community Development Department has maintained a website posting the ongoing activities of the Steering/Advisory Committees. Notice of the monthly regular meetings of the committee has been posted on the website since the inception, and the minutes for each meeting have been posted as well.

All of the public input sessions were noticed, according to County procedure, in the local newspaper. In addition, the County posted notice of Community Planning sessions on the CDD website and signs were posted on Island bulletin boards. Community Development also sent postcard mailings to the tax roll database of Island property owners (within the territory of the Knight & Don Pedro Island Streets & Drainage MSTU) listing dates and times for Town Hall meetings specific to community planning.

Letters were mailed from the County to the property owners containing updates on the planning process, meeting notice and schedules.

Date/time listings of the regular Steering Committee and subsequent Advisory Committee meetings were also included as part of the calendar page of the Island community newsletter. (2005 subscription base: 320) Special announcements of multiple community planning sessions were included in three newsletter issues, and articles about the ongoing Community Plan process appeared in four issues. The website links for the Community Plan and the Advisory Committee were published several times.

In addition, an Island email list (290 email addresses) comprised of workshop participants, members of the local civic association [PIE], newsletter subscribers, and other Island stakeholders was used to promote participation. 11 email bulletins announcing Community Plan activities were sent during the planning process.

Starting in October of 2005, the rough draft sections of the preliminary Community Plan were posted as they were prepared. All of the first draft chapters were online by December 31<sup>st</sup>, 2005. Following the first two Town Hall meetings of 2006, a revised draft of the Community Plan was prepared and posted on March 3<sup>rd</sup>, 2006.

Community input via email for integration into the planning process was received through March 31<sup>st</sup>, 2006. [See 0.4.2 “Community participation and public workshops” below for a list of the Town Hall meetings and workshops]

## **0.4.2 Community participation and public workshops**

### **September 14th, 2003: Island Visioning Charette**

Facilitators: Kelly Shoemaker, Carol Ann Wehle

Location: Station 10 Firehouse

### **November 15th, 2003: List of Island Issues Charette**

Facilitators: Kelly Shoemaker, Carol Ann Wehle

Location: Station 10 Firehouse

### **March 13th, 2004: Community Planning Workshop**

Facilitator: Barbara Jefferies

Location: Palm Island Resort Clubhouse

### **April 3<sup>rd</sup>, 2004: Community Planning Workshop**

Facilitator: Barbara Jefferies

Location: Station 10 Firehouse

### **April 10th, 2004: Community Planning Workshop**

Facilitator: Barbara Jefferies with Inga Williams, Verne Hall (Charlotte County Utilities)

Location: Station 10 Firehouse

### **January 15th, 2005: Community Planning Public Workshop**

Facilitators: Kimley-Horn Associates, Jan Rogers

Location: Station 10 Firehouse

### **February 19th, 2005 Community Planning Public Workshop**

Facilitators: Kimley-Horn Associates, Jan Rogers

Location: Palm Island Resort Clubhouse

### **October 29th, 2005: Town Hall Presentation of Community Plan**

Facilitators: Valerie Guenther, Jan Rogers

Location: Palm Island Resort Clubhouse

### **January 14th, 2006: Town Hall Presentation of Community Plan**

Facilitators: Kimley-Horn Associates, Jan Rogers

Location: Station 10 Firehouse

### **February 11th, 2006: Town Hall Presentation of Community Plan**

Facilitators: Valerie Guenther, Jan Rogers

Location: Palm Island Resort Clubhouse

### **March 11th, 2006: Town Hall Meeting on Enforcement of Regulations with Sheriff John Davenport, Lieutenant Jim Kenville (District Commander) and Major Mark Caro.**

Facilitators: Valerie Guenther, Jan Rogers

Location: Station 10 Firehouse

### **March 18th, 2006: Town Hall Meeting on Community Plan**

Facilitators: Valerie Guenther, Advisory Committee, Jan Rogers

Location: Station 10 Firehouse

### **Workshops with Guest Speakers and Consultants**

- May 10<sup>th</sup>, 2003: Infrastructure issues with Tom O’Kane (Director of Public Works) and Bernie Milosky (Charlotte County Utilities)
- June 14<sup>th</sup>, 2003: Environmental issues with Dr. Lisa Beever (Director of the Charlotte Harbor National Estuary Program) and Tom Keith/Andy Kelly (Charlotte County Environmental Services)
- July 12<sup>th</sup>, 2003: Fire/EMS issues with Chief Didio (Charlotte County Fire/EMS) and Wendy Dalzell (Co-Captain, Station 10)
- August 9<sup>th</sup>, 2003: Presentation by Dean Beckstead and Martin Cole (Palm Island Transit), Enforcement of existing regulations issues with Sheriff Bill Clement (Charlotte

County Sheriff's Department), Mark Caro (Captain of the Patrol Division), Jim Kenville (District 1 Commander), Lieutenant Andy Colba and Corporal Chris Pifer (Marine Patrol Division)

- June 29<sup>th</sup>, 2004: Navigation and canal dredging workshop with Chuck Mopps and Dan Quick
- June 4<sup>th</sup>, 2004: Taxing Unit (MSTU-MSBU) issues workshop with Dennis Murphy (GIS/MSBU Manager) and Brad Bradley (Charlotte County Attorney's Office)
- January 28<sup>th</sup>, 2005: Zoning and future island autonomy issues workshop with Matthew DeBoer (Charlotte County Commissioner, District 4)
- April 9<sup>th</sup>, 2005: Land conservation issues with Perry Cook (Executive Director, Lemon Bay Conservancy)
- June 11<sup>th</sup>, 2005: Hurricane Evacuation Workshop with Wayne Sallade
- September 9<sup>th</sup>, 2005: Land Use issues workshop with Tom Cookingham
- November 5<sup>th</sup>, 2005: Coastal and Navigation issues workshop with Michael Poff (VP, Coastal Engineering Consultants, Inc.)
- November 18<sup>th</sup>, 2005: Environmental, autonomy and hurricane evacuation workshop with Dan Trescott (Principal Planner, Developments of Regional Impact & Hurricane Preparedness, SW Regional Planning Council)
- December 8<sup>th</sup>, 2005: Jim Beever (Florida Fish & Wildlife) Consultation regarding environmental overlay
- December 15<sup>th</sup>, 2005: Land Use issues workshop with Thomas C. Smith (Planning Consultant)
- December 22<sup>nd</sup>, 2005: Community Plan Review workshop with Bruce Loucks (Charlotte County Administrator), Kelly Shoemaker and Roger Baltz
- January 27<sup>th</sup>, 2006: Land Use Regulations workshop with Rob Berntsen, McKinley-Ittersagen law firm.

## 0.5 Definitions

For the purposes of this document, the following definitions apply:

*County* shall mean Charlotte County, Florida.

*The Island* shall mean the territory inclusive of Thornton Key, the Palm Island Resort (PD80-3 & 3A), Knight Island and Don Pedro Island.

The *Community* shall mean the Island stakeholders who have participated in the creation of the Community Plan.

The *Committee* shall mean Palm Island – Don Pedro Island – Knight Island – Thornton Key Island Advisory Committee.

The *Vision Statement* shall mean “Preserving Pure Florida: Findings, Recommendations and Vision Statement of the Palm Island/Knight Island/Don Pedro Island Steering Committee”

## 0.6 Island Timeline

[NOTE to Kimley-Horn: This section was prepared to be a graphic timeline, not a written section]

1922: New Pass Haven is platted on Thornton Key

1956-57: Bland-Pruitt Lumber plats the Palm Island Estates development

1956: Bridge is built to the mainland

1964: Army Corps begins dredging of Intra-Coastal Waterway. Bridge is removed

1972: Hel-Lew-Ah Isles on Thornton Key is platted

1980: Palm Island Resort approved for development

1982: Colony Don Pedro begins with phases I, II and III

1982: Palm Island Transit transports building materials via ferry

1983: All-volunteer fire brigade is established [Fire And Rescue Team] -- first fire station established on "common lot" between the bridges.

1983: Palm Island Resort opens to the public

1983: Bocilla Utility, Inc. [central water] established, serving the Island south of the Palm Island Resort

1984: Island Transit "people ferry" transports Islanders from Panama Blvd to the Island.

1986: Phases IV and V of Colony Don Pedro are developed

1987: The Beach Place land condominium development is platted.

1988: Pointe Bocilla land condominiums are developed

1988: Island Transit & Palm Island Transit merge, ferry transports vehicles to the Island

1990 (May): New fire station – Station 10 – is built on Gasparilla Way

1990: Bocilla Beach-to-Bay is developed. Rum Bay Preserve and Sabal Palm Pointe are platted.

1991: Hidden Cove Estates purchased and platted.

1992: Interior bridges [Anne Merry Bridge and Michael Kosinski Bridge] are rebuilt

2000: Anne Merry Bridge is replaced

April, 2004: The Bocilla Islands Conservation Foundation, Inc. is established

2006: Michael Kosinski Bridge replacement underway

(See “Appendix 3: Description of areas (subdivisions) served by this Community Plan” for additional information on individual subdivisions noted above)

[NOTE: insert date of approval for FEMA flood insurance on the Island]

## Part II: Island Community Plan

### Introduction to our Island community

Little more than a stone’s throw off the mainland in Charlotte County, Florida, lies a tiny jewel – a series of interconnected bridgeless barrier islands – which has managed through the years to preserve the quintessential beauty and essence of what has been called “pure Florida.”

These bridgeless barrier islands are flanked on the north by Manasota Key, and on the south by Gasparilla Island and the City of Boca Grande. They lie just offshore to the west of the Rotonda, Cape Haze, and Placida, basking in the placid and sparkling waters of the Gulf of Mexico.

These islands are comprised of – from north to south –Thornton Key, Knight Island and Don Pedro Island, and at the southern extreme, Little Gasparilla Island. Little Gasparilla is separated from its sisters by the Don Pedro Island State Park – and, for now, has taken a path discrete from the northern group and enjoys its own distinctive and vital identity.

The three islands to the north, however, not only share common ground but common needs and a common history as well. And while each island retains its own individual character and charm, Thornton Key, Knight Island and Don Pedro Island have a solidarity and sense of community that makes them unique.

Other names have sometimes been used in identifying them: on some maps they are called the “Bocilla Island Chain” or “Bocilla Islands.” Many folks commonly refer to Knight Island individually (or even at times the northern group collectively) as “Palm Island.” To the residents, however, they are simply known as “the Island,” or more meaningfully, “home.” They are a paradise, preserved and maintained by a tradition of active stewardship, extending from the earliest “settlers” or residents through to all who have chosen to live here today.

To truly understand islanders’ sense of stewardship, it is essential to look at our island’s history.

When the “Palm Island Estates” subdivision was first platted nearly 50 years ago, the islands were connected to the mainland by a little wooden bridge that had been built a short time before. Had that bridge remained, this tiny Floridian treasure would have become just another crowded, bustling and overdeveloped Florida key.

Remarkably, it was saved by an act of the federal government.

The “Rivers and Harbors Act of 1945” was enacted to provide an inland route for the safe passage of commercial and military vessels, including submarines. So in 1964 the decision was made to pull the plug on “the ditch” – today known as the Intra-coastal Waterway. And the little



wooden bridge was dismantled to allow for the dredging.

The dredging in turn changed the water flow in the region, and resulted in the gradual closing of both Little Gasparilla and Bocilla Passes. These passes connected Little Gasparilla to Don Pedro Island and in turn the two to Knight Island and Thornton Key. And they became one.

In the mid-1960's, only seven ground-level cement block homes had been built on the island, and this was simply not enough to justify replacing the bridge to the mainland. Thus, the islands became bridgeless once more. While a few of the homeowner/residents chose to move back ashore, others spruced up their old (or purchased new) boats, and began a new and exciting era of island life.

From that time until today, all access to the island has been by boat, and that has made all the difference.

In the early times, personally owned boats were the sole method of passage. For a while, an island resident ran a small and sporadic "people ferry". In the 1990's, Palm Island Transit began a regular ferry service, capable of transporting golf carts, cars and larger delivery and construction vehicles. Ease of passage increased slightly, but access by boat – in one form or another – remains the sole course to the island.

The very elements that are perceived as "inconvenient" by many, are a great attraction to the individuals who have chosen to make this place their home. Islanders often speak of "crossing the water" and "being on island time." Making the short trip from the mainland, time appears to slow down – the cares and worries of the outside world seem to drift away, and one's eyes and mind are opened to the natural beauty that abounds. It is everywhere, and almost endless.

It lies in the white, sandy beaches peppered with seashells, where sea turtles come to lay their nests without interference. It is found in the surrounding waters where every day some delightful discovery is made – a manatee at play in the lagoon, pelicans diving into a fleeing school of small fish, or night herons stalking fiddler crabs. It is present in the gopher tortoises plodding along the sand roads and occasionally stopping to graze on the native vegetation. It resides in a local fisherman matching wits with a snook lazily eyeing whitebait from the shade of the mangroves. It is also visible in the clear and uninterrupted view of the late day sun dropping below the horizon and disappearing into a myriad of striking colors over the Gulf of Mexico.

This idyllic environment offers both solitude and fellowship. Solitude can be as little or as much as one wants: the idea of retreat from the crowds, shopping malls, traffic, and one's own personal problems lies at the forefront of reasons for living here. There are no streetlights or commercial lighting of any kind: at night, one can meditate over a spectacular and unhindered view of our solar system's planets and constellations.

Yet not withstanding the degree of privacy chosen, there is a strong and active sense of fellowship and community: neighbor helping neighbor (both a prerequisite and perquisite of living on a small island), and the feeling of security and comfort obtained in knowing one's person and possessions are safe.

This environment has fostered throughout the years a strong sense of stewardship, fueled by active and ongoing community "volunteerism." Ad hoc volunteer committees of residents routinely perform clean-ups of the beach, its various accesses, road easements and other paths and byways on the island. Many residents volunteer for the "turtle patrol," inspecting, marking

and protecting sea turtle nests for months at a time, and collecting data on hatchings or nest wash-outs. Others perform “tree rescues,” saving and replanting indigenous trees as lots for new homes are cleared for construction. An active environmental committee works to see that new homeowners are provided with information on preserving the ecology of their properties. Still others mark and monitor gopher tortoise nests, protecting them from vehicular traffic or accidental destruction during lot clearings.

This is why we are here. This is what we are attempting to preserve: living “gently” with the island, protecting its biodiversity, conserving its non-renewable resources and maintaining its ecological stability while providing for measured community growth and development – continuing the cultural values and ethics of preservation created by early residents that are still vital and enduring today.

Over the past few years, Charlotte County as a whole has experienced unprecedented growth and development. The island has been no exception. In addition to dozens of new homes springing up island-wide, rapid development on the Cape Haze peninsula is bringing more and more day visitors to the island’s beaches. This is inevitably taxing the island’s infrastructure and the fragile natural resources which islanders have worked so diligently to protect.

Looking to the future, a comprehensive community plan is essential. Islanders need to take steps as a cooperative unit to take more control of our own destiny. In this way, we may leave a legacy of natural beauty and quality of life that continues to be “Pure Florida”, so that generations to come may continue to enjoy the environment and lifestyle we enjoy today.

## **CHAPTER 1: Land Use**

### **1.0 Introduction/Overview**

How land may be used – now and in the future – literally creates and sustains the community in which we live, and the direction in which it will move in the future. A number of legal mechanisms already exist, including but not limited to Federal, State and County plans, regulatory elements, zoning and building codes, local ordinances and other regulations, which control and/or establish parameters for both commercial and private development.

It is both our privilege and responsibility to preserve that which originally attracted us to call our Island home, while at the same time providing for build-out consistent with the character of our community.

Our Island community believes that single-family residential zoning (outside of the planned development of the Palm Island Resort) is critical to maintaining the current quality of life on the Island. It is the goal of our community to remain a single-family, low density area. It should be noted that this objective is clearly defined in the “vision statement” of the Island, adopted by the Charlotte County Board of Commissioners in March of 2004. (See Appendix 1: “Preserving Pure Florida”). It is also in harmony with the intention of the state of Florida’s mandate for the 1991 Bridgeless Barrier Island Overlay as well as Charlotte County’s 1997-2010 Comprehensive Plan.

Many of the concerns that initially prompted residents to create a community plan relate to future growth on the Island and how to insure that the Island maintains its “Old Florida” character in the future.

The purpose of this chapter is to discuss the regulatory elements associated with Island property as well as to identify unique circumstances and concerns related therein, and to provide recommendations to successfully achieve the desires of current Island residents, as well as future community members.

## **1.1 The Principal Land Use Regulatory Elements**

Generally, waterfront real estate values are among the highest in residential properties. Their location, views, amenities, and the demand for them make them prime subjects for zoning changes and land use amendments. Partly in recognition of this all-too-common phenomenon in waterfront communities, Charlotte County has already adopted a set of provisions which protect its waterfront communities from overdevelopment.

The Charlotte County Comprehensive Plan establishes land use designations that are determined to be suitable for a specified planning period (typically 10 years).

The Zoning Code implements the goals, objectives and policies of the Comprehensive Plan by distinguishing between types of uses permitted on specific parcels.

The Bridgeless Barrier Island Overlay specifies land use policy relative to the Island.

The following sections generally describe what elements govern land use now.

### **1.1.1 Zoning Code**

The purpose of the Zoning Code is to protect property owners by designating districts which are consistent with the intent of the Charlotte County Comprehensive Plan.

Today, the majority of the platted lots on Knight Island and Don Pedro Island are zoned RSF3.5 (Residential Single-Family – 3.5 dwelling units per acre).

The balance of the Island properties are zoned either RMF-T (Residential Multi-Family Tourist), primarily along the beachfront, or RMF5 (Residential Multi-Family – 5 units per acre). Two land areas on the Zoning Code map are designated as ES (Environmentally Sensitive).

The properties within the Palm Island Resort are zoned as a Planned Development district (PD80-3 & 3A) and are subject to the “vested rights” Ordinance adopted in 1989. Knight Island Utilities is included as part of the PD.

### **1.1.2 The Future Land Use Map Designations**

In 1988, Charlotte County adopted its first Comprehensive Plan. Within this plan – and in addition to the zoning code districts mentioned above – the Future Land Use Map (FLUM) designates and defines areas that are suitable for land use activities, including the characteristics, intensities and densities of identified allowable uses.

The areas established by the Comprehensive Plan’s FLUM are:

“Low Density Residential,” 1-5 units per acre (roughly corresponding to the areas on the Island that are zoned for Residential Single-Family and Residential Multi-Family development),

“Medium Density Residential,” 5-10 units per acre (roughly corresponding to the properties on the Island that are zoned Residential Multi-Family Tourist) and;

“High Density Residential,” 10-15 units per acre.

### **1.1.3 The 1991 Bridgeless Barrier Island Overlay**

Charlotte County amended its 1988 Comprehensive Plan with the “1991 Bridgeless Barrier Island Overlay.” The Overlay restricts residential densities on the bridgeless barrier islands to one unit per un-platted acre or one unit per platted lot, except where vested rights are determined to exist.

The purpose of the Overlay was to comply with Florida state initiatives to restrict density in coastal barrier areas with severe evacuation difficulties. The Overlay also resulted in the exclusion of the bridgeless barrier islands from the County’s Urban Service Area, in order to discourage additional development. (See Appendix 4A “The 1991 Bridgeless Barrier Island Overlay” and 4B “Executive Order 81-105”).

## **1.2 Issues Related to the Principal Land Use Regulatory Elements**

Most of the issues surrounding Island land use stem from confusion about the principal regulatory elements: the Zoning, the FLUM and the Bridgeless Barrier Island Overlay. Because these elements are complicated and subject to interpretation, the community has expressed concern that future build-out on the Island could be other than single family residential.

There are additional concerns as well regarding the lack of planned-for green space and the destruction of native habitat through continuing build-out.

### **1.2.1 Inconsistencies among the Zoning Code, Future Land Use Map and the Bridgeless Barrier Island Overlay District**

Every parcel within Charlotte County is classified by both the Zoning Code and the county’s Comprehensive Plan. The Zoning Code labels the properties according to zoning districts, while the Comprehensive Plan classifies properties into Future Land Use Map (FLUM) categories.

Typically, the zoning designation and FLUM classification of a given property allow the same type of land uses.

A property must contain both the appropriate zoning district and FLUM classification in order for the full density to apply. According to Charlotte County, in the event that the zoning code and FLUM are not fully consistent, the more restrictive of the two regulatory elements applies.

The Bridgeless Barrier Island Overlay was implemented as part of the adoption of the County’s Comprehensive Plan in 1997. State statutes mandate that Charlotte County’s zoning be consistent with its Comprehensive Plan.

Issues arise in instances where the allowance of multi-family buildings in Medium Density Residential and High Density Residential zones with RMF-T and RMF-5 zoning exceeds the density limit established by the Bridgeless Barrier Island Overlay District of one dwelling unit per platted lot or one unit per un-platted acre.

The following issues are raised by the inconsistencies of the three regulatory elements:

- How is the Island protected from the unintentional issuance of non-conforming development permits due to the misinterpretation of conflicting and complicated regulations?
- How can the Island work together with Charlotte County to make the regulations consistent with one another?
- Can the Island have a separate Future Land Use Designation developed to be consistent with the desire to preclude intensive residential development?
- Will the establishment of consistent land use policy governing density in our community affect private property rights?
- Will an alignment of the Zoning Code to the language of the Bridgeless Barrier Island Overlay render existing multi-family development “legally non-conforming,” or are these uses already non-conforming?

While it has been the subject of debate whether or not the Bridgeless Barrier Island Overlay supercedes the Zoning Code, it is presently the position of Charlotte County that in the presence of conflicting regulations, the most restrictive applies. If the land use policy of the Comprehensive Plan dictates one unit per platted lot or one unit per un-platted acre, and the zoning is contrary to that, then according to the county, the zoning must yield.

The Bridgeless Barrier Island Overlay has been the governing regulatory element for land use since it was adopted into Charlotte County’s Comprehensive Plan in 1991. Consistent with the Overlay, the vast majority of Islanders want single family residential development at build-out.

### **1.2.2 Recommendations regarding the Principal Land Use Regulatory Elements**

The Island community, and their representative Committee, seek ways to cooperate with Charlotte County to resolve the issues raised by the inconsistency of the principal regulatory elements

**1.2.2.1 Recommendation 1:** The Community has expressed the desire for the Island’s future build-out to be single family residential. We look to the County to take the necessary steps to guarantee the future development of only single-family residential build-out on the Island. The Community wants to ensure that the Zoning matches the language of the Bridgeless Barrier Island Overlay (specifying density of “one dwelling unit per gross acre” or “one dwelling unit per subdivided lot”).

### **1.3 Other Existing Regulations that impact Island Property Owners**

In addition to Charlotte County's Comprehensive Plan, FLUM and Zoning Code, the ability to develop property on the Island includes restrictions imposed by the island's designation as a "Coastal High Hazard Area."

Island properties are also subject to the "Waterfront Ordinance," which restricts height and sets development standards.

Island properties also fall within the area of the Charlotte County's "Transfer of Density (TDU) Ordinance," while existing "non-conforming uses and structures" are governed by the county's "Non-Conformities" Ordinance.

Together these various rules and regulations play critical roles in determining the character, density, and intensity of development, thereby setting the tone of the Island environment.

### **1.3.1 The Coastal High Hazard Area**

The 1997-2010 Charlotte County Comprehensive Plan, in its Natural Resources and Coastal Planning element, defines the Coastal High Hazard Area (CHHA) as "those areas which would require evacuation in the event of a Category 1 Hurricane". The Island in its entirety falls within the Coastal High Hazard Area.

The goals, objectives and policies which further the Coastal High Hazard Area include Policy 1.20.4 (directing populations away from the CHHA): "Charlotte County will limit maximum residential development in the Coastal High Hazard Areas to those densities depicted on the Future Land Use Map as part of this Comprehensive Plan".

While the primary intent of this regulation is to limit development, nearly all of the property on the Islands is already platted. It is the community's intention to promote single-family dwellings, to allow for the standards of safety as established by the Coastal High Hazard Area designation.

### **1.3.2 The Waterfront Ordinance**

The Waterfront Ordinance (Section 3-9-98 of the Charlotte County Code) limits building heights to 35 feet (measured from base flood elevation), and establishes setbacks and development standards for buildings within 1200 feet of shoreline. All properties on the Island are subject to this ordinance.

### **1.3.3 The Transfer of Density Units Ordinance**

The Transfer of Density (TDU) Ordinance (Section 3-5-431 of the Charlotte County Code) includes the provision that properties on the Island (which are located within the Coastal High Hazard Area) cannot be "receiving" zones (RZ) in a density transfer, but allows density units on the Island to qualify as "sending" zones (SZ).

This ordinance offers a vehicle for private property owners to voluntarily transfer density off their land without government interference. This facilitates more green space, while providing financial and tax incentives that benefit the property owners.

The Island community supports the TDU Ordinance.

### **1.3.4 Section 3-9-10 of Charlotte County Code – “Non-Conformities”**

The current regulations for “non-conformities” (section 3-9-10 of the Charlotte County Zoning Code) relate to Island structures that do not conform to prevailing land use. Some are “non-conforming” because they are duplex or “multi-family” buildings (such as the condominiums of Colony Don Pedro, Savannah House, Island House Condominiums and others). Some are “non-conforming” because they violate zoning code restrictions (i.e. they are built too close to a property line and violate the setback restrictions).

According to Charlotte County, single-family and multi-family homes with zoning code non-conformities that were built prior to the adoption of the most current zoning code are considered “legally non-conforming.”

According to zoning code, if less than 50% of a “legally non-conforming” structure is destroyed, it may be rebuilt exactly as it was, provided documentation of the structure exists.

If more than 50% of the “legally non-conforming” structure is destroyed, it can be EITHER rebuilt exactly as it was in the footprint of the original structure OR a new structure can be built that conforms to all of the current standards and regulations. If a structure is going to be rebuilt exactly as it was, the owner must have a permit in hand within one year. Otherwise, the right to rebuild to the old footprint expires.

(See Appendix 5 “Section 3-9-10 Nonconformities (Charlotte County Zoning Code)”)

#### **1.3.4.1 Recommendations for Non-Conforming Structures and Uses**

**1.3.4.1.1 Recommendation 2:** The Committee recognizes that many stakeholders are not familiar with “non-conformities”. In the event of a disaster, owners with non-conformities will need to be aware of Section 3-9-10 and the regulations that apply to rebuilding. They will need documentation of their structures. The Community recommends a community awareness campaign to familiarize property owners with the County Code on non-conformities.

**1.3.4.1.2 Recommendation 3:** The Committee recognizes that many properties and dwellings are non-conforming structures and/or of non-conforming use. It is our desire to help our neighbors in this predicament. We want the ability to allow our neighbors to continue what they have. According to current law, if a structure is going to be rebuilt exactly as it was, the owner must have a permit in hand within one year. The Committee recommends that the permitting period be extended from 1 year to up to 3 years.

### **1.4 Lack of Preservation of Green Space**

In the mid-1950’s, little consideration was given to green space as part of planning for subdivisions. The Palm Island Estates subdivision was developed and lots were platted without properties specifically identified as common areas to be set aside or remain undeveloped. As the remaining vacant lots are developed, the P.I.E. subdivision will become a neighborhood without any open green spaces.

There is also significant concern that remaining native vegetation and habitat for wildlife will be destroyed by the clear-cutting of properties being developed. The delicate ecology of the Island is in danger of being irrevocably upset, and action should be taken soon.

Two organizations working to actively to reduce density on the Island and preserve green space are:

The Lemon Bay Conservancy: a nonprofit organization founded to “forever protect and preserve the natural features of Lemon Bay and its surrounding waters and uplands,” the LBC works toward the goal of “preservation, protection and acquisition of natural areas important in maintaining the ecological balance of Lemon Bay and adjacent waters.”

The Bocilla Island Conservation Foundation, Inc (BICF): an Island-based nonprofit organization founded on Earth Day in 2004, the BICF’s purposes are for “the preservation, protection and acquisition of natural areas within the Bocilla Island chain.” The BICF has an active partnership with the Lemon Bay Conservancy, and has educational programs on conservation easements and on Charlotte County’s TDU Ordinance.

The lack of “planned-for” green space on the Island has resulted in the community being dependent upon individual lot owners to preserve or provide natural vegetation and habitat for Island wildlife. The loss of habitat resulting from consistent lot-scraping is a concern to islanders.

On the Island, landscape is not just an aesthetic issue. It is an issue of limited resources – both water for landscape maintenance, and forage-food and habitat for native wildlife. Both resources are scarce on the island, and becoming more scarce as natural yards disappear in favor of crushed shell and mulch. Xeriscaping and preservation of green coverage need to be encouraged.

#### **1.4.1 Recommendations for Preservation of Green Space**

**1.4.1.1 Recommendation 4:** The Community requests that the County continue to actively support and encourage coastal acquisitions by the Lemon Bay Conservancy.

**1.4.1.2 Recommendation 5:** The Community supports the mission and activities of the Bocilla Island Conservation Foundation, Inc., including its fund-raising efforts and educational program on conservation easements and Charlotte County’s TDU Ordinance. These activities are in direct alignment with the community’s desire to preserve green space by reducing density on the Island.

**1.4.1.3 Recommendation 6:** The Community advocates the transfer of density units off of the Island, and to actively investigate and pursue additional means to reduce density on the Island.

**1.4.1.4 Recommendation 7:** The Community wants to prevent the clear-cutting of lots by current and future homeowners.

**1.4.1.5 Recommendation 8:** The Community would like the current County tree ordinance enforced. Note that the use of invasive species is already prohibited.



**1.4.1.6 Recommendation 9:** To promote habitat, the Community would like to encourage gopher tortoise forage areas on lots by promoting the use of edging, hardscaping and ground cover that will not interfere with tortoise forage patterns. The Community would also like to encourage the use of tortoise-friendly perimeter fences, in which the fence bottom sits above ground level allowing passage.

**1.4.1.7 Recommendation 10:** The Community would like to encourage the use of pervious materials for driveways or walkways such as pavers, crushed shell, pebble driveways, etc. Discouraged materials include concrete and other impervious materials, except under the footprint of the building or outbuildings.

**1.4.1.8 Recommendation 11:** To find incentives to homeowners for suggested behaviors, The Committee will work with the County to explore tax relief incentives and additional or alternative means to provide incentives for the following: conservation areas, conservation easements, participating in the Wildlife and Habitat Preservation Program's pre-development lot inventory and preservation plan, (See Chapter 2 – Natural and Scenic Resources and Environmental Quality) water conservation through xeriscaping and serving as an adoptive site for tortoise and tree relocation from construction sites

## **1.5 Build-Out and Zoning Code**

Islanders are generally satisfied with the way the Islands have built out so far. The Island community would like to see the Island developed in the future in much the same way they have been developed in the past.

Island residents recognize how the architectural diversity of the Island neighborhoods helps to preserve the character of the community. We seek an approach to construction that supports our unique island lifestyle. This will result in future build-out that blends new with existing structures while preserving our habitat.

Development on the islands has been primarily residential single family and has consisted of detached homes, with the Palm Island Resort and Colony Don Pedro consisting of limited and clustered multi-family housing. This provides a low-scale residential feel to the islands.

### **1.5.1 Issues related to Build-Out and Zoning Codes**

Island residents, through their Vision Statement, clearly place a premium on the ability to tour the Island and see the juxtaposition of an older residence next to a modern one. Even within private communities with architectural restrictions, each Island house shows personality in its design. While property owners value the lack of architectural restrictions on the island, there is a concern about losing this valued quality.

### **1.5.2 Recommendations for Build-Out and Zoning Codes**

**1.5.2.1 Recommendation 12:** The Community is concerned about preserving the character of our islands and requests discouraging the build-out of homes that ignore our traditional scale and respect for habitat. Stakeholders recognize that the Islands are already developed, and that the issue is relative to build-out. There is a strong voice for environmental protection tempered by a respect for personal property rights.

Therefore, the Committee recommends that current building regulations and zoning codes prevail, but requests that the County create a mechanism for notification so that the Community can participate in the existing procedures to voice an opinion on build-out affecting our neighborhoods and Island habitat.

- 1.5.2.2 **Recommendation 13:** Increased setbacks and buffer zones have consistently been brought up at our Town Hall Meetings, both for and against. The Committee recommends that existing zoning codes take precedence at this time and that no changes be made.

## **1.6 Commercial Development**

Islanders recognize and appreciate the value of the existing commercial enterprises that currently serve the Island community.

### **1.6.1 Issues related to Commercial Development**

The Island community has made its wishes clear in its “Vision Statement,” passed and adopted by the Charlotte County Board of County Commissioners in 2004. Section 7, Finding #2 clearly states:

“Islanders do not want any further commercial development or activity beyond those that currently (2003) exist on the Island.”

### **1.6.2 Recommendations related to Commercial Development**

**1.6.2.1 Recommendation 14:** The Community has expressed the desire for single family residential uses at build-out. The Committee has been advised by the County that commercial development is only possible in a Planned Development, which requires public hearings and public scrutiny. Recognizing that the Community generally wants no commercial development beyond those enterprises that exist now, if future commercial enterprises are proposed, the Community will work within existing mechanisms to provide input.

## **1.7 Short-term rental of residential dwelling units**

The Community recognizes a property owner’s right to lease or rent their property. However, the Island community has identified a variety of negative impacts associated with short-term rentals. There are few existing guidelines as to the rental of single-family residential homes. Issues relative to short-term rentals include the degradation of native habitat as well as the impact rentals place on existing infrastructure.

The Charlotte County Code makes a clear distinction between a residential facility, and what constitutes hotels and resorts. Some properties are registered with the Department of Professional Regulation as a hotel operation, such as the Palm Island Resort and Colony Don Pedro (according to their respective property management).

### **1.7.1 Issues relating to short-term rental of residential dwelling units**

The community has raised a number of concerns with respect to single-family residential rentals.

- Too many people sharing the short-term rental of a single-family home.

- Health and safety concerns such as inadequate water pressure on the islands and the potential for overflowing septic fields leaching out into the local groundwater.
- Unfamiliarity with Island services such as the privately contracted weekly trash pick-up and the lack of brush removal.
- Inadequate containers to hold the trash accumulation from multiple families.
- Plastic bags of trash left out on the street, attracting pests like rats and raccoons.
- Multiple vehicles on rental properties create a parking-lot effect.
- Inadequate parking on lots with rentals leading to illegal overnight parking in the road right-of-ways.
- Conflicts with the quiet lifestyle of the Island neighborhoods and noise pollution.
- More frequent violations of County ordinances such as the prohibition of fireworks, camping and/or camp fires on the beach.
- Aggravating other Island issues such as under-aged golf cart drivers, dogs on the beach and golf carts/vehicles driven on the beach.
- Overtaxing of health and safety services, such as the all-volunteer Fire Brigade and the local deputy.
- Visual pollution from rental signage.
- Violation of laws/ordinances governing the beach during turtle season

## **1.7.2 Recommendations for Short-Term Rental of Residential Dwelling Units**

- 1.7.2.1 **Recommendation 15:** The Committee will work with the Community, the County and local rental management firms to establish a definition of “short-term rental”.
- 1.7.2.2 **Recommendation 16:** For the purposes of all property leasing on the Island – both short- and long-term rentals – the Committee recommends permitting rentals for a maximum capacity of not more than 2 occupants per bedroom, unless it can be demonstrated that the septic system for the dwelling unit has been sized to accommodate greater occupancy.
- 1.7.2.3 **Recommendation 17:** Explore holding rental management firms and property owners responsible for the negative impacts of short-term rentals.
- 1.7.2.4 **Recommendation 18:** Establish a panel to create a handbook for renters island-wide. This packet will allow islanders to convey information and regulations that are unique to the island and may not be known by guests. The panel will create a public forum to develop a list of items to include in a comprehensive information packet for Island rentals. Such items might include: the rental property’s address and phone number, the rental agency’s contact information, emergency phone numbers for the island, maps of the islands that show the roadway system (complete with names), ferry landing, bridges, the Palm Island Resort and amenities such as the beach access points and the Fire House. Options for the funding of this packet should be discussed as part of the process.
- 1.7.2.5 **Recommendation 19:** Explore constructing a kiosk/directory-bulletin board which the property owners, and if applicable, the rental agency that is responsible for the condition of the rental property. This directory will improve communication among the various parties and will give both the rental agencies and the property owner information should the need arise to file a complaint regarding nuisance renters. (See also Section 4.3.3.4, *Island Signage regarding discussions of a signage kiosk*)

## **CHAPTER 2: Natural and Scenic Resources & Environmental Quality**

### **2.0 Introduction/Overview**

The protection of species, the preservation of green space and the management of water quality have been identified as vital elements in our Community Plan. One of the Island's main attractions is undoubtedly its privileged location between Lemon Bay, the Intracoastal Waterway and the Gulf of Mexico. Additionally, the island is home to numerous animals and plants, many of which are endangered or threatened.

The preservation of these assets is essential not only to maintain the quality of life enjoyed by residents and visitors but also to fulfill our obligation as caretakers of unique and vanishing flora and fauna.

Coastal wetlands, mangroves and tidal marshes improve water quality, act as storm buffers, provide food and shelter for coastal wading birds, fish and other marine life, and perform vital roles in the important and complex estuarine ecosystem. "The barrier island beaches and dunes dissipate wave energy and act as a repository for shifting sands as well as serving as an upland buffer from erosion and flooding." (Comp. Plan Chapter 3 – p.88).

This chapter contains provisions to protect the flora and fauna on the island, preserve green spaces and improve the condition of the beaches, the Gulf, the IntraCoastal Waterway, and Lemon Bay.

### **2.1 Issues related to the Preservation of Fauna/Wildlife**

#### **2.1.1 Sea Turtles**

The Islands are fortunate to be included in the nesting areas of several species of sea turtles. The federal Endangered Species Act of 1973, Florida Statute 370.12, the Marine Turtle Protection Act and Charlotte County Ordinance, Article XII – Sea Turtle Protection ([see Appendix 6: "Article XII. Sea Turtle Protection"](#)) protect those nesting on the Islands. These laws include prohibitions against: disturbing turtles and their nests, operating motorized vehicles on the beach, and camping and campfires on the beach. Temporary structures, furniture or boats left on the beach between sunset and sunrise are also prohibited. There are also safe standards for lighting in beachfront properties and coastal construction during nesting season.

The sea turtles that have returned to nest over and over again have experienced dramatic changes from season to season; the wide, expansive beaches have come and gone with erosion, storms and re-nourishment. Houses have been constructed along the beachfront where turtles used to nest. Lights on beachfront properties and the "urban glow" from the mainland have lured hatchlings to their deaths. More people have led to more clutter on the beaches – boats, furniture, fishing line, beer cans, and plastic bags. Nesting activity on the islands as reported by the Florida Fish and Wildlife Conservation Commission has declined from 330 nests in 1998 to 174 nests in 2004.

The Don Pedro/Knight Island Turtle Patrol (trained volunteer island residents) monitors turtle activity on the beaches from April 1 to October 31 every year. A Charlotte County employee also monitors the beach for compliance with the County's Sea Turtle Protection Ordinance.

### **2.1.2 Manatee Protection**

The West Indian manatee, a year-round resident in the waters around the islands is an endangered species protected under Federal Law by the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, which make it illegal to harass, hunt, capture or kill any marine mammal. The manatee is also protected under the Florida Manatee Sanctuary Act of 1978, which states: "It is unlawful for any person, at any time, intentionally or negligently, to annoy, molest, harass or disturb any manatee."

Speeding boats and other watercraft as well as red tide, monofilament line, hooks and other litter in the water is responsible for the death of many of these creatures each year. Our island waters are restricted to slow speed and/or no wake travel to protect resident manatees and dolphins as well as our fragile shorelines and sea grasses. Enforcement of these zones has been identified as a continuing problem.

### **2.1.3 Gopher Tortoises**

The United States Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission under the Endangered Species Act and Chapter 39, Florida Administrative Code protect gopher tortoises. The U.S. Fish and Wildlife Service list the gopher tortoise as "Threatened". The Florida Fish and Wildlife Conservation Commission list it as a "Species of Special Concern". Despite this protection, it is estimated that the gopher tortoise populations in Florida have decreased by 30% in recent years.

Our islands provide habitat for a diminishing population of gopher tortoises. They require well-drained, sandy soil for digging burrows, herbaceous food plants and open, sunny areas for basking in the sun. The tortoises spend most of their time in burrows, which average 15 feet long and 6 feet deep but can be much larger. The burrows protect the tortoises from excessive heat and cold, provide an escape from predators and offer protection from fire. Gopher tortoises do not range far from their burrows. The average home range for males is about 2 ½ acres and only ½ an acre for females.

Under natural conditions, the average tortoise may live as long as 40 – 60 years as they have few enemies other than man. Their biggest threat is loss of habitat. Currently, developers can pay mitigation fees, which allow them to clear lots without regard to burrows on the property resulting in the entombment of this threatened species. Construction vehicles run over the burrows. Increased traffic and speeding on the roads, due to population growth and ongoing construction, contribute to more dead and injured tortoises.

The remaining island gopher tortoises form a discrete population that can maintain their numbers only on the island. If not fully protected, their numbers will decrease over time. Protecting them must preclude the payment of mitigation fees, provide for saving active burrows and prohibit lot clearing before a proper permit is secured.

### **2.1.4 Shorebirds**

Our islands provide home for a variety of beautiful birds as well as functioning as a resting and nesting place for thousands of migratory birds. The Florida Fish and Wildlife Commission list some as "threatened" or as a "species of special concern". All migratory shorebirds are protected under the Federal Migratory Bird Treaty Act. Shorebirds that are listed as an

endangered or threatened species are protected by the Federal Endangered Species Act and the Florida Administrative Code.

In an effort to protect endangered and threatened birds, The Florida Fish and Wildlife Commission, Charlotte County Natural Resources Division, and specialized bird monitors conduct a shorebird monitoring program from February 1 through August 31. Island Volunteer Turtle Patrol Monitors assist this program giving valuable sighting information and reporting any disturbances. Considerable monitoring areas are staked and roped off; however, many areas are not. During the 2004 and 2005 monitoring period, fourteen listed species were observed including the least Tern, Black Skimmer, Piping Plover, Snowy Plover, American Oystercatcher, Brown Pelican, Little Blue Heron, Tricolor Heron, Snowy Egret, Reddish Egret, White Ibis, Bald Eagle, and Peregrine Falcon.

Several threats add to the endangerment of nesting birds. Habitat loss, nest site disturbance by dogs and people, and loss of suitable migratory stopovers and resting areas, are main causes. Nesting shorebirds do not make typical nests out of twigs. They scrape shallow depressions in the sand which makes it very difficult to spot nest sites and eggs. These factors make preservation efforts extremely difficult. Uninformed residents and visitors disturb and harm shorebirds in a variety of ways including: chasing migratory birds and allowing unleashed dogs to destroy nests by digging them up.

### **2.1.5 Feral Iguanas**

Iguanas are common on Gasparilla Island and have occasionally been seen on our islands. The iguanas are not native to the United States and are in the category of “invasive” or “exotic” species – non-native species that have been introduced into a new habitat and which often cause damage to the ecosystem. They eat shrubs, trees, landscape plants, orchids and fruits. Ornamental vegetation can be decimated by one large iguana taking up residence in a yard. Iguanas can also cause problems by digging nesting burrows that can undermine foundations. Their feces are odiferous, unsightly, and may harbor Salmonella bacteria. Large adults may be aggressive towards people and pets if they feel threatened. Steps need to be taken before the iguanas become a problem on the islands.

### **2.1.6 Recommendations for Preservation of Fauna/Wildlife**

- 2.1.6.1 **Recommendation 20:** Continue to support and fund the Island’s Wildlife & Habitat Protection Program (See Appendix 7A for a full description of The Wildlife & Habitat Protection Program) in their efforts to encourage and educate current and future property owners to become responsible stewards of their environment.
- 2.1.6.2 **Recommendation 21:** Work with Charlotte County Natural Resources to protect nesting sea turtles and enforce Charlotte County Ordinance Article XII, Sea Turtle Protection.
- 2.1.6.3 **Recommendation 22:** Require all rental units on the beach to have an informational package regarding sea turtle information and ordinances, especially with respect to lighting. (See Appendix 7 “Article XII. Sea Turtle Protection” for the Charlotte County lighting ordinance)
- 2.1.6.4 **Recommendation 23:** Place No Wake and Manatee signs in ALL lagoons and canals, and enforce the navigation laws/ordinances.
- 2.1.6.5 **Recommendation 24:** Investigate the establishment of a Gopher Tortoise Habitat on the islands.

- 2.1.6.6 **Recommendation 25:** Conduct a gopher tortoise census of the current tortoise population and track known fatalities.
- 2.1.6.7 **Recommendation 26:** Require an inventory of active/inactive gopher tortoise burrows on vacant lots and work with Charlotte County Natural Resources to mitigate burrow destruction and relocate tortoises during the construction permitting process (“adopt-a-tortoise”).
- 2.1.6.8 **Recommendation 27:** Eliminate all mitigation fees so that developers cannot “buy” their way out of compliance with regulations that preserve threatened species.
- 2.1.6.9 **Recommendation 28:** Penalties for violation of ordinances relating to sea turtles, manatees, shorebirds, and gopher tortoises must be increased and aggressively enforced.
- 2.1.6.10 **Recommendation 29:** Investigate penalties for violations of Charlotte County ordinances regarding sea turtles.
- 2.1.6.11 **Recommendation 30:** Recommend all island perimeter fences to have space at the bottom for gopher tortoise travel.
- 2.1.6.12 **Recommendation 31:** Enforce Charlotte County Ordinance 98-70 requiring dogs to be on leashes at all times.
- 2.1.6.13 **Recommendation 32:** Work with Charlotte County Animal Control to enforce ordinances prohibiting dogs on the beach.
- 2.1.6.14 **Recommendation 33:** Develop a plan to monitor and eliminate the iguana population on the islands.

## 2.2 Preservation of Flora/Vegetation and Habitat

### 2.2.1 Issues related to the Preservation of Existing Green Space and Maintaining and Enhancing Florida Friendly Planting

The existing green spaces on the islands must be preserved as much as possible. The loss of this resource will adversely affect not only the quality of life of current residents and visitors but also that of generations to come. Any loss of habitat will also have a profound impact on the wildlife that already exists in a precarious state due to development.

Property owners are concerned about protecting the environment and have asked for ways to save, protect, relocate and enhance natural vegetation. As a result of this concern, The Wildlife and Habitat Preservation Program (WHPP), ([See Appendix 7A “The Wildlife & Habitat Protection Program”](#)) was formed by a group of islanders under the auspices of the Palm Island Estates Homeowners Association (PIE). WHPP offers a package of information as well as individual education for property owners. With the help of WHPP, islanders can inventory their lots to see what should and could be preserved or removed, get help on responsible clearing and relocate trees and other plants. ([See Appendix 7B “The WHPP Lot Inventory Program”](#))

County ordinances 3-5-403(4) and 3-5-394(d) include the requirement of one (1) tree for every 35 feet of lot perimeter or portion thereof. Lots are being cleared without regard to the ordinances and there are no penalties to developers who ignore the law. (Refer to Chapter 1 Land Use – Development and Zoning Code)

Property owners are encouraged to consider establishing a conservation easement on their property. This is a voluntary legal document listing a number of restrictions a landowner may wish to place on their land. The document becomes part of the deed and is recorded in the County registry. When the land changes hands, the new owner is bound by the terms of the easement, meaning the wishes of the original landowner are respected.

### **2.2.2 Sea Grass Beds**

Sea grasses are one of the most valuable and necessary parts of Florida's marine environment. They flourish in the Islands' protected bays and lagoons. They help maintain water clarity by trapping fine sediments and particles with their leaves; stabilize the bottom with their roots; provide shelter for many fish, crustaceans and shellfish; and they and the organisms that grow on them provide food for many marine animals (including the endangered manatee) and water birds.

They are disappearing due to dredging and propeller scarring. Boats and jet skis traveling at excessive speeds as well as dredging outside of permitted areas also contribute to the loss of sea grass.

### **2.2.3 Support of Mangrove Infrastructure**

Mangroves are of critical importance to our island environment. They form part of the very foundation of the island, as well as provide protected nursery areas for fish, crustaceans and shellfish. Their branches and roots serve as nesting areas for coastal birds and provide food and shelter for migratory birds. Mangroves also function as the basis of the food chain for many marine species.

In addition to providing marine habitat, mangrove forests protect uplands from storm winds, waves and floods. Mangroves also help prevent erosion by stabilizing shorelines with their specialized root systems as well as remove pollutants, maintain water quality and clarity by slowing wave action.

Island property owners have cut down or removed mangroves to enhance their view or to make their access to the water easier. Once the mangroves have been cut, subsequent owners keep them trimmed in the same manner. Lack of information or blatant disregard for the law have created properties whose shorelines are completely devoid of mangroves or are pruned and manicured. State and local regulations have been enacted to protect the mangroves. Sections 403.9321-302.9333 of the Florida Statutes, Mangrove Trimming and Preservation Act govern the trimming and alteration of mangroves. The Island has not been closely monitored for unlawful cutting or destruction of these native plants.

### **2.2.4 Dune Protection and Dune Revegetation**

Sand dunes are the first line of defense against erosion. They act as a buffer against wave damage during storms, protecting the land behind from salt-water intrusion. Vegetation on the dunes acts as a windbreak and traps sand particles which build the dunes and keep them stable. Storms, droughts, fires and humans can destroy this vegetation. Once the vegetation is damaged, the dune may vanish. To avoid this, protection of the vegetation is vital.

On the islands, naturally occurring dunes and those created by beach renourishment programs have come and gone in storms. Those residents and visitors who don't use a designated beach access damage the roots, trample the plants, and impair the protective functions the dunes provide.

### **2.2.5 Removal of Exotics**



The State of Florida prohibits planting Brazilian Pepper, Australian Pine and Melaleuca. However, there are still plenty of these plants on the islands. These invasives crowd out native plants, seriously threaten Florida's ecosystems and wildlife, and can cause allergic reactions in some people.

The Wildlife and Habitat Preservation Program (WHPP) has a campaign to educate property owners about these invasive species in the hope that the owners will remove them.

## **2.2.6 Xeriscaping and Florida Friendly Plantings**

Conserving our water supply, reducing water pollution and providing habitat for wildlife are as important on the islands as they are in the rest of Florida. It has been identified that the majority of Islanders want to work with nature to establish a landscape that conserves water resources, protects water quality and allows our unique wildlife to continue to flourish.

Xeriscaping (water wise landscaping) is a sensible and economical way to landscape that conserves water and protects the environment by matching the right plants with existing site conditions so that the use of additional resources, such as water, fertilizer, pesticides and labor, is minimized.

Florida friendly landscaping emphasizes the following principles: putting the right plant in the right place (native, drought and salt –tolerant plants on the islands), watering efficiently, mulching, using pesticides and fertilizers appropriately, recycling, attracting and providing for wildlife, reducing storm water runoff and protecting the waterfront.

Continuing availability of water is a concern statewide. While shallow-depth wells for yard irrigation may not directly impact potable water resources, they have historically been inconsistent, particularly during the dry season. Homeowners who use water from the Island utility companies for yard maintenance pay for their increased water usage, but may impact the potable water source

The Wildlife and Habitat Preservation Program (WHPP) provides needed information to Islanders regarding the importance of saving water and xeriscaping by using native and Florida-friendly plantings.

## **2.2.7 Recommendations for the Preservation of Existing Green Space and Maintaining and Enhancing Florida Friendly Planting**

**2.2.7.1 Recommendation 34:** the Community will support an Island-specific tree ordinance for the islands to preserve our tree cover.

**2.2.7.2 Recommendation 35:** the Community supports the existing State regulations regarding mangrove trimming and removal and requests that the regulations be fully enforced.

**2.2.7.3 Recommendation 36:** The Community requests that A.D.A. compliant dune walkovers be placed at all public beach accesses.

**2.2.7.4 Recommendation 37:** The Community would like to promote the use of existing public access or private community beach access to keep foot traffic off of the dunes, and

would encourage existing homeowners to put up DEP compliant dune walkovers for their own private use.

**2.2.7.5 Recommendation 38:** The Committee, in cooperation with the County, will investigate the use of semi-permeable sand fencing along the seaward face of the primary sand dunes to rebuild the dunes while minimizing impacts to nesting marine turtles. (See Appendix 8 “Sand Fencing Guidelines”) Pre-approval for any such project must be obtained from the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection. The Island Sea Turtle Patrol is willing to take responsibility for the maintenance of a sand fencing project.

**2.2.7.6 Recommendation 39:** The Community supports a ban of all vehicular traffic on the beach (except those used by the County for environmental protection and law enforcement) and its strict enforcement.

**2.2.7.7 Recommendation 40:** The Community would support exploring the potential of disclosure statements at close of sale being required to include the number of gopher tortoise burrows and exotics on the property.

**2.2.7.8 Recommendation 41:** The Community would like invasive and exotic species removed from public rights-of-way and public land. The Committee, in cooperation with the County Department of Public Works, will investigate cost and feasibility of a program.

**2.2.7.9 Recommendation 42:** The Committee will work in cooperation with Charlotte County Extension Services, the DEP and SWFWMD to promote water conservation through xeriscaping (planting native vegetation and/or creating a “Florida-friendly” landscape) and encourage the use of water harvesting systems and cisterns.

## **2.3 Preservation of Water Quality**

### **2.3.0 Introduction/Overview**

The islands are part of the Lemon Bay, Gasparilla Sound, and Charlotte Harbor Aquatic Preserves. Residents and visitors center their activities on or around the water. Wildlife lives in or depends upon the water for its survival. The preservation of the ecosystem and the island lifestyle are dependent upon maintaining the water quality in a natural and pristine condition.

As growth and build-out occur on the islands, and in the greater Charlotte/Sarasota area, water quality does not have to decline. But it will require close scrutiny, appropriate regulation and ample background information and monitoring to prevent the incremental degradation from each new home, resident and visitor. An immediate, ongoing and coordinated monitoring and background information program is vital to establish a “baseline” to allow early detection of any deterioration. We are fortunate in that the greater Charlotte Harbor watershed is currently being studied by several groups including: National Estuaries (NEP), Florida Department of Fish and Wildlife (DFW), Mote Marine Lab (Mote), National Marine Fisheries/Indep Monitoring Program, and others.

Water quality in the entire basin is also impacted by larger natural events beyond our immediate control. Some of the largest impacts are from cyclical events (rainfall), and catastrophic events

such as hurricanes, red tide, fires, phosphate spills, etc. In fact, Charlotte Harbor has a long history of seasonal oxygen depletion and fish kills related to salinity stratification.

Our immediate island environment is impacted by these forces, largely beyond the scope of this report. But build-out and growth on the island causes changes which can be measured and minimized using environmentally sound practices. This man-made degradation can take a variety of forms which must be addressed individually. In addition to those mentioned above, they include: 1) septic/wastewater – discharge; 2) storm water/residential runoff; 3) seawall, shoreline, and channel alterations and 4) boat traffic and discharges

Septic/wastewater discharge is probably the most important water quality issue for island residents. Throughout the islands' past, septic systems have been the only alternative for waste disposal, and they have worked well at low density. However, with increasing numbers of residents/dwellings, the porous sandy subsoil will become increasingly unable to process the wastewater load. Inevitably, this will occur during a holiday period (Labor Day, Memorial Day) when tourist visits are at a peak. The results can include bacterial contamination and beach closures, groundwater contamination, and other harmful effects. One of the most important components in the islands' water quality plan is the groundwater (well) monitoring. The objective is to determine, through past studies of similar areas, a level of contamination which would mandate the conversion of the islands to sewer. As this is a major "pocketbook" issue for island residents, good background data and an appropriate scientific basis for the mandate should be established well in advance.

Among the other man-made impacts, storm water/residential (non-point source) runoff and boat traffic/marine discharges should be monitored with a scientifically sound sampling program.

Finally, a plan should be in place for before/after sampling of severe weather events such as hurricanes and winter freezes, and sporadic regional events such as red tide and algal blooms.

A series of coordinated sampling programs to address each of the six (6) potential sources of degradation must be implemented as soon as possible. This sampling program should be designed by a qualified authority with input from local, state and federal agencies, in order to integrate our effort with existing studies within the watershed. Sample sites should be carefully chosen to maximize the chances of measuring changes as they occur. (See Appendix 9 "Suggested sampling guidelines")

### **2.3.1 Issues related to Water Quality**

- Environmentally sensitive habitat
- Healthy swimming water
- Protecting the local tourist economy
- Controlling the nutrient load to protect the waterways

### **2.3.2 Recommendations related to Water Quality**

**2.3.2.1 Recommendation 42:** Form a committee of island residents to meet with the organizations currently involved with monitoring the greater Charlotte Harbor watershed.

**2.3.2.2 Recommendation 43:** Design, fund and implement a comprehensive, coordinated monitoring program to address all six broad areas of concern relating to water

degradation. The Committee will establish a baseline based upon scientific data derived from qualified resources including but not limited to the Department of Environmental Protection and the Department of Health.

**2.3.2.3 Recommendation 44:** Secure funding for data analysis and an annual summary report and analysis by an independent qualified scientist. (Investigate grant opportunities.)

### **2.3.3 Funding for Environmental Projects**

Funding for future projects is discussed in Section 7 “The Future of the Islands”. Environmental projects that include land stewardship, habitat and dune protection, beach maintenance and wildlife protection are critical to maintaining and preserving the pristine nature that is essential to the Islands and the surrounding economy.

## **CHAPTER 3: Navigation and Coastal Component**

### **3.0 Introduction/Overview**

The Islands have literally been ‘shaped’ over time by the forces of the adjacent dynamic marine setting including the effects of Stump Pass and other historically present predecessor inlets in the same general area. Most recently, Stump Pass has been the only entrance into protected interior waters and the only exit to the Gulf for recreational boating between Venice Inlet and Gasparilla Pass. However, due to the constantly shifting and shoaling channel, Stump Pass and the adjacent internal waterways require “local knowledge” to safely navigate the area. The pass channel was dredged in 1980 and again in 2003 restoring sufficient water depths for the majority of vessels and included marking the dredged channel as desired by the boating population.

The northern end of Knight Island has been very dynamic due to the presence of the Pass. The southward growth of the Manasota Key spit historically deflected the inlet channel resulting in significant shoreline recession and beach erosion on Knight Island’s northern shoreline. The island’s interior and Gulf front shorelines were critically eroded as a result of these historical inlet impacts and coastal armoring was installed along discrete sections of the shoreline in Palm Island Resort for protection of the upland property. The elevations on the islands are low, making them vulnerable to frequent storm events. Beach fill projects have been undertaken to restore portions of the critically eroded beach and provide additional storm protection for the upland property.

This chapter presents some of the history and issues surrounding efforts to maintain navigation through Stump Pass while reducing erosional stresses on the adjacent shorelines and preserving and protecting the environmental resources in the area.

### **3.1 The Intracoastal Waterway**

Between 1964 and 1965, the Intracoastal Waterway (ICW) was dredged through Lemon Bay connecting Gasparilla Sound to the City of Venice. (Antonini, et.al, 1999). Recreational boat traffic is generally heavy in this section of the ICW with trip generation occurring from both private docks in an expansive interior residential canal system adjoining Lemon Bay and from several medium to large commercial marinas. Northbound boat traffic typically heading to

Stump Pass necessarily passes through a relatively narrow section of the ICW that separates Knight and Don Pedro islands from the mainland.

Heavy boat traffic and boaters who do not adhere to US Coast Guard regulations regarding speed and rights of way are an on-going problem for boaters coming in and out of Bocilla Bay, to and from the mainland and for the ferry. On several occasions, the ferry has been forced into the shoreline when trying to avoid boaters.

### **3.2 Stump Pass**

The present Stump Pass was opened in 1910 by a hurricane that made landfall in the area. Since it's opening, the pass has experienced major shifts in location and orientation. Over the two decades following a 1980 channel dredging, the inlet opening deflected southward, changing in orientation to a meandering channel aligned primarily from northeast to southwest. The channel decreased in depth from about sixteen feet in 1955 to less than ten feet in 1980 and to less than four feet prior to the most recent channel maintenance dredging in 2003. (See Appendix 10 for discussion of "Stump Pass Shoals and Wave Climate" experienced at the pass.)

In 2001, Charlotte County completed the "Stump Pass Inlet Management Study" (IMS) Coastal Engineering Consultants (CEC, 2001) to identify options to mitigate the erosive impact of the inlet while maintaining navigation. The plan called for mechanical transfer of sand from the inlet to the downdrift beach on Knight Island. The sand to be bypassed was obtained from dredging to relocate the inlet channel to its more northerly 1980 position. A coastal system assessment to predict potential impacts of the proposed dredge and fill activities on the existing coastal conditions and natural shore and inlet processes was also completed by Charlotte County (Coastal Tech, 2003) and submitted to the Department of Environmental Protection for review. (See Appendix 11 "Coastal System Assessment" for further information).

In addition to the coastal system assessment, the proposed sand transfer project and channel dredging required the development of a significant natural resources inventory and monitoring-mitigation plan. The Lemon Bay Estuary is designated as an Aquatic Preserve and Outstanding Florida Water (OFW) by the State of Florida. Lemon Bay is an expansive, shallow subtidal flat with depths averaging approximately four feet at mean low water. As a result, grass beds are abundant throughout the area. The grass beds are occasionally interrupted by natural channels with depths up to six feet. Grasses such as shoalweed, manatee grass, and turtle grass are found in the Bay. Oyster bars are common throughout the area, especially near the mouths of the several small creeks that provide fresh water to the bay system and result in a wide range of salinities. Much of Lemon Bay's shoreline is fringed with mangroves and/or saltmarsh vegetation.

Seasonal monitoring of the extent and health of the grass beds and other significant resources continues under the terms of the permits ultimately issued for the sand-bypassing project.

The management of Stump Pass will always remain a challenging issue for the various stakeholder groups in the region. In general, it benefits almost all interests – navigation, the adjacent shoreline residents, storm water management and environmental resources - to have Stump Pass open. However, the details of how that opening is to be achieved and maintained will continue to require cooperation and balance among the various groups.

### **3.3 Canal and Waterway Maintenance**

The Lemon Bay Aquatic Preserve Management Plan (DNR, 1991) recognized that existing practices of pass and channel dredging have the potential to cause water quality impacts to the bay's natural resources. The Plan recommended that new methods of channel maintenance that better work with coastal dynamics are necessary to provide deep navigable water while protecting the preserve. Generally, dredging outside of the footprint of existing design specifications for channels and passes is prohibited within Aquatic Preserves by FDEP. However, it is noted in the Aquatic Preserve Management Plan that new dredging may be permitted where it can be affirmatively demonstrated that such alternative dredging will have less significant adverse impacts to submerged land resources in the area (DNR, 1991).

The Department of Environmental Protection (FDEP) based on demonstrated need, historic conditions and suitable dredging/disposal practices may also approve maintenance of existing manmade canals and waterways. In a situation like Knight and Don Pedro Islands, it is often the disposal operation that presents the greatest challenge. Typically for an exempted dredging project the spoil must be contained and dewatered in an upland diked area and removed (e.g., trucked) to an approved off-site disposal facility. There is limited area on the islands to place an adequate dewatering area and subsequent removal of the dried spoil is extremely difficult. These situations can sometimes be helped by the use of a single 'communal' disposal site designated for such multiple uses over time and with periodic, but less frequent removal of the dried spoil by barge. If possible, dried spoil might be utilized on the Islands to fill potholes and low spots in the sand roads

### **3.4 Beach Protection and Renourishment**

As noted previously, the initial dredging of Stump Pass was completed in 1980. Over two decades following the dredging, the Manasota Key spit continued to grow and extend southward, deflecting the channel and eroding the northern interior shoreline of Stump Pass. The inlet impact extended further south onto the downdrift beaches resulting in significant shoreline recession and beach erosion along the Gulf front. The Palm Island Property Owners sponsored a privately funded, limited beach restoration project to address the erosion of their segment of the beach on Knight Island. Completed in 1994, the project removed approximately 260,000 cubic yards from the Stump Pass ebb delta and placed the sand on a 3,000-foot segment of shoreline on the northern gulf front of Knight Island along the Palm Island Resort.

In 1998, approximately 175,000 cubic yards of beach-compatible sand were dredged from the existing channel and placed in two nearshore areas (below mean high water as required by FDEP) off the downdrift beaches of Knight Island. These areas were located on the northern interior shoreline immediately adjacent to the pass and the Gulf front shoreline approximately 6,000 feet south of the pass. A second Interim Dredging Project was completed in February 2001. A total of approximately 132,980 cubic yards of sand were excavated and placed in two beach disposal sites along the adjacent downdrift beaches. (See Appendix 12 "Beach Renourishment History," for complete history).

Most recently, in 2003 Charlotte County placed via hydraulic dredge and pipeline approximately 733,000 cubic yards of beach compatible sediment on approximately 2.7 miles of critically eroding beaches on Knight and Don Pedro Islands. The beach fill was placed in two separate areas corresponding to two of the County's State-designated Critical Erosion Areas and a dune was constructed at the landward limit and planted with salt tolerant native vegetative species.

The volume of sand placed and the resulting beach widths and heights were chosen based on previous storm damage protection modeling and historic erosional losses. In general, the project was intended to provide buffering to the upland development from the effects of a storm having a return interval of about 10 years and to include enough extra sand to allow for the expected 3 to 5 year maintenance life cycle.

The current Stump Pass dredging and beach renourishment program sunsets in 2008, and is subject to approval of the Board of County Commissioners each time there is an expenditure. Future work and programs beyond 2008 are subject to external Charlotte County influence.

Islanders recognize that a healthy beach and a navigable Stump Pass benefit the entire County, not just beach-front property owners or Islanders in general. Islanders have voiced that high real estate taxes and County Bed Taxes from rentals – as well as the obvious protection the Barrier Island dunes provide to West Charlotte County in a storm – justify the business case for the County to continue this expense in the future. For the alternative minority opinion, the debate is a cost/benefit issue. Islanders desire workshops to discuss State and Local obligations to continue funding.

Property owners do not advocate any kind of armor on the Gulf-front beaches to prevent erosion. The state of Florida has restricted the use of bulkheads, seawalls, groins and other kinds of armor. It has been identified that Islanders do not want armor on Knight or Don Pedro Islands.

### **3.4.1 Funding Mechanism**

Beach restoration and/or navigation maintenance projects such as Stump Pass and Knight-Don Pedro Island are generally funded from three sources in partnership: the State Department of Environmental Protection (Erosion Control Trust Fund); Charlotte County; and, the members of the public who benefit from the project(s). The public contribution is typically collected as a result of property ownership through the creation of a Municipal Services Benefit Unit (MSBU) in the project area. Only the County can officially authorize an MSBU and detailed work is required to provide specific assessments for each property in a proposed MSBU boundary.

For the 2003 project, the County worked with the community and FDEP to determine the available public access in the project area and seek agreement with the state on how much they were able to contribute. This was required because the state contribution to the beach fill project is a function of the public access provided in the project area. WCIND funding was also received because of the specific positive impact the project has on navigation.

In the final funding model, the properties fronting the beach were assessed a higher proportion of the residual project costs (after deducting State and County contributions, and in the case of Stump Pass dredging, WCIND money). All other non-beach front properties adjoining Lemon Bay, including Manasota Key, divided the remaining costs as recipients of the secondary benefits. Island residents felt that the final resolution was fair and equitable; however, funding mechanisms for on-going maintenance should be investigated.

### **3.4.2 Groins**

The dredging of the Stump Pass Inlet channel in 2003 required that a portion of the dredged sand be placed on the updrift beach, i.e., Manasota Key. In response to the natural dominant southerly transport of sediment, it is reasonable to expect that this fill will eventually move



through the Park property on Manasota Key and into the channel. This natural loss from the beach may require that the County perform ongoing maintenance dredging to maintain the integrity of the channel. This maintenance was estimated in the IMS and permit applications to be needed every three to four years, removing an average of 50,000 cubic yards per year or 150,000 to 200,000 cubic yards per dredge cycle. A part of this sand volume is required to be re-placed back on Manasota Key.

A private group (Beach Restorations, Inc, (BRI) approached Charlotte County with a proposal to construct an experimental Innovative Stabilization Project with the following objectives:

- Reduce the loss of sediment from the required sand placement area, and thereby reduce the amount of infilling in and around Stump Pass navigation channel.
- Minimize the variability of the beach volume and profile in the project area, including Stump Pass Park.
- Advance the understanding of the influence of low-profile, closely-spaced geotextile tube groins on nearshore dynamics and shoreline evolution.

After extensive field investigation (See Appendix 13, "Field Investigation by Beach Restorations, Inc." for the conclusions) all necessary permits and easements for the project were approved. In issuing the permit, FDEP specifically placed the proposed project into a statutorily defined category of 'experimental projects.'

The project involves placing six sand-filled tubes off Stump Pass Beach State Park on Manasota Key. If it works, the tubes could protect the beaches and reduce the amount of sand that flows southward into Stump Pass.

BRI asserts that there will be no negative impacts to the Knight-Don Pedro shorelines because any sand likely to be retained by the groin field would have been 'trapped' by the pass. Monitoring and subsequent analyses will be necessary to ensure that downdrift beaches are not negatively impacted.

### **3.4.3 Maintenance Techniques**

Charlotte County proposes to continue to maintain the Stump Pass channel project for the combined purposes of: (1) restoring and maintaining safer navigation through Stump Pass, (2) reducing erosional stresses along Knight Island by keeping the channel on its more northerly 1980 alignment, and (3) providing for long-term maintenance of the downdrift beach fill project by transferring a portion of the dredged sand equal to the estimated average sand volume that would otherwise be naturally bypassed. The exact area of sand fill placement on the islands each time would be adjusted to accommodate erosional 'hot spots' resulting from shifts in the alongshore transport zones, storm impacts and/or other factors identified in the ongoing periodic beach monitoring program. Maintenance of the beach restoration project has always been proposed using only beach compatible sand fill.

The precise frequency of the required maintenance will depend on both the beach and channel monitoring date, but it is expected to be in the range of every 3 to 5 years. The next maintenance is scheduled in 2006 when the interior channels of Bocilla Lagoon will be dredged for sand to be used in the building of an emergency berm in front of Colony Don Pedro on Don Pedro Island to replenish about 750 feet of beach which was lost in the summer of 2003. The project is expected to cost around \$200,000, with FEMA picking up 90% of the cost.



### **3.5 Enforcement of Speed Zones**

#### **3.5.1 Jetskis/Recreational Watercraft**

The proliferation of personal watercraft is becoming an ever increasing problem. As mentioned in Chapter 2, the threat to the environment from speeding watercraft is immense. Both the Florida Fish and Wildlife Commissions Marine Patrol and Charlotte County Sheriff have the authority to enforce boating safety regulations and manatee protection rules and to address other 'nuisance' problems. The issue is not one of regulation, but of the resources available on the water to enforce the existing regulations.

#### **3.5.2 Water Skiers**

There are designated water sport areas within Lemon Bay that allow for legal water skiing and similar activities. These activities and associated speeds are not otherwise allowed in the ICW channel or in any of the interior waterways on Don Pedro or Knight Island. The problem is not regulation; it is one of enforcement resources.

### **3.6 Docks**

#### **3.6.1 Public Docks**

All structures proposed within an Aquatic Preserve must meet specific environmental impact, design and need 'tests' beyond those required in other areas. Specifically structures must be shown to be clearly **in** the public interest (not simply "...not contrary to..."), which is determined through a cost/benefit analysis outlined in Ch. 18-20, F.A.C.

The majority of Islanders do not want public marinas or public docks for general use. As discussed in Chapter 2, the islands' infrastructure is fragile and becoming more burdened as the islands build out. The addition of public marinas requiring water, power, sewage disposal, garbage disposal and other services may not be in the public interest. There are many properties on the Island that cannot accommodate a dock, and have no access to common dockage. These property owners may have future interest in the potential to purchase a boat slip or docking rights on the Island.

### **3.7 Interior Waterway Dredging**

The islands' canals, bays and lagoons (excluding the ICW and the Gulf of Mexico) are under the jurisdiction of the state of Florida. Charlotte County is not responsible for maintenance dredging and residents are not paying into a taxing unit to be used for dredging. FEMA has varied on its position about clearing canals following a storm. Typically they have limited their involvement to 'debris' removal that could otherwise constitute a public hazard, but not shoal removal.

Property owners living on man-made canals and lagoons have the possibility to create an MSBU taxing unit for the specific purpose of dredging

### **3.8 Red Tide**

Florida Fish and Wildlife Research Institute, NOAA and Mote Marine Laboratories, among others, are actively monitoring our local waters for red tide problems. Red tide events are increasing and many speculate pollution and overdevelopment of our coastlines to be major factors.

Red tides are harmful algal blooms (HABs) resulting from high concentrations of microscopic, single-celled algae that cause harm to public health and natural resources. The brevetoxins produced by the red tide kill fish, create respiratory problems for humans and cause contamination of shellfish. Commercial fishing and shellfish farms are economically impacted.

A large-scale assessment of the potential biological and economic impacts of red tide on our community and Charlotte County will require significant additional funding and logistical support. (See Appendix 14, “Red Tide”, for further information sources)

### **3.9 Recommendations for Navigation and Coastal Component**

**3.9.1 Recommendation 46:** To address funding for future Stump Pass dredging and beach renourishment, the Committee is aware of a concept to create a tri-county Navigation District on the State level to maintain passes and the coastline. This District would include Sarasota, Lee and Charlotte Counties. The Committee recommends that this concept be developed and presented to our community for consideration in the near future.

**3.9.2 Recommendation 47:** The Community supports the various agencies, including the Marine Patrol and the Coast Guard, with respect to enforcement of existing navigation and coastline-related ordinances and laws.

**3.9.3 Recommendation 48:** The Committee, in cooperation with the County, would like to investigate the use of semi-permeable sand drift fences to mitigate dune destruction and look for funding mechanisms to install and maintain the fences.

**3.9.4 Recommendation 49:** Dune walkovers are both an environmental concern and a tool for erosion control. The Community would like to promote the use of existing public access or private community beach access to keep traffic off of the dunes. To this end, we support having A.D.A. compliant dune walkovers placed at all public beach easements, and would encourage existing homeowners to put up DEP compliant dune walkovers for their own private use.

**3.9.5 Recommendation 50:** The Community supports the research efforts of national, state and local groups working to monitor and mitigate the effects of red tide.

## **CHAPTER 4: Infrastructure**

### **4.1 Transportation**

#### **4.1.0 Introduction/Overview**

The development and maintenance of transportation infrastructure and build-out are inextricably intertwined. New development almost always requires increased transportation access and capacity. Increased transportation access and capacity, especially in highly desirable environments, inevitably encourages more development.

A specific objective of this community plan is the development of a transportation plan that supports and is consistent with the existing and desired build-out of the Island. On our Island, this is a specific and identified challenge, as the desired character of the Island does not lend itself to most standard traffic engineering and transportation solutions. This challenge is compounded by the issues surrounding the enforcement of existing traffic control regulations.

Increased vehicular traffic has been identified as an issue for future resolution.

Islanders have chosen to make a commitment to live on these islands which requires the sacrifice of mainland convenience in exchange for the quiet lifestyle that the islands afford them. Every owner on the island purchased their property with the understanding that they were doing so on a bridgeless barrier island. Islanders have knowingly made the choice to own property and live in an area with limited access from the mainland.

Islanders prefer the use of golf carts on the Island, and most Islanders favor unpaved roads. These travelways contribute to the “off the beaten path” feeling of the surroundings.

There are two identified components of Island transportation: transportation access between the Island and the mainland, and intra-Island transportation.

#### **4.1.1 Transportation between the Island and the Mainland**

The Island, as defined in this community plan, consists of bridgeless barrier islands. The Vision Statement says “Islanders have no interest in and do not want a bridge from the mainland to our island – not now, not ever.”

Property owners value the fact that transportation to and from the mainland can be accomplished only by privately owned boat or by ferry service. They believe that it is an integral part of the island’s uniqueness and charm. The seclusion of the islands sustains the high quality of life here.

The only mode of transportation to the Island is by boat – either privately owned or a vehicle ferry. Helicopter landings are for emergencies only.

##### **4.1.1.1 Individually owned boats**

The majority of residential properties on the Island are waterfront properties. The Island has a network of canals that run around and through the various developments, allowing access to private docks on individual properties and common docks in private subdivisions. Many Island properties have neither private nor common docks.

Docking on the mainland for individually owned boats is the responsibility of the boat owner, and is usually through ownership of a mainland lot with a dock, or by leasing a boat slip.

##### **4.1.1.1.1 Issues related to Individually owned boats**

The primary concerns of boat commuters are the canals and dock permits. It is important that the canals allow them access to their homes and that dock permits are consistently available for residents and property owners.

Other concerns relate to speeding and safe boating in the canals, including the continued support and enforcement of “No Wake” zones for both navigational precaution and the protection of manatee and dolphin habitat. Islanders also wish to preserve the waterways as clean and available infrastructure, supporting the mangroves and the habitats they contain.

New homeowners need to recognize that they will need to secure a dock and vehicle parking on the mainland, should they choose to commute by privately-owned boat. As waterfront property values increase along the mainland canals, fewer vacant lots are available for docking and parking. At the same time, many small marinas are selling their valuable land for development. Therefore, property owners need to be aware (caveat emptor) that these constraints exist.

#### **4.1.1.1.2 Recommendation related to Individually owned boats**

**4.1.1.1.2.1 Recommendation 51:** The Committee will look for ways to increase awareness regarding diminishing mainland docking/parking spaces and marina spaces (i.e. including this information in an orientation package for new homeowners).

#### **4.1.1.2 Ferry Service**

The only vehicle access to the Island is provided by ferry service, owned and operated by Palm Island Transit, Inc. The ferry accommodates automobiles, trucks, heavy equipment, emergency vehicles, golf carts and pedestrians.

To some degree the evolution of the ferry service is tied to the development of the Palm Island Resort. After several years of planning and development the Resort opened to the public toward the end of 1983. At that time the Resort operated a full time “water taxi” to transport guests back and forth from what was then known as Marker 7 Marina (now known as Palm Island Marina) to a dock in back of the Rum Bay Restaurant.

Today the same service is provided by a Water Taxi, independently owned by an island resident. It departs the mainland from Johnny Leverock’s Restaurant and from the island at Rum Bay Restaurant.

Palm Island Transit was actually formed in 1982, but not for the purpose of transporting people or private vehicles. At that time the service was private, and used for the transportation of building materials for the Resort.

Ferry service to Knight and Don Pedro Island was provided by a pontoon “people ferry” operated by an Island resident. The pontoon brought residents and visitors to a landing on Don Pedro Island, and the operator then took them to their homes in a small bus. In 1984, ferry service began operating under the name “Island Transit”. This service ran from the Panama Blvd location, as we know it now, to a landing near the Kosinski Bridge.

In 1988, Palm Island Transit and Island Transit merged under the Palm Island Transit name. Since then the level of service has grown to meet the needs of the islanders.

At this time, ferry service operates from 6:45 AM-10:00 PM from Sunday to Thursday and from 6:45 AM-11:00 PM Fri-Sat. Two ferries run simultaneously during peak traffic hours, from approximately 7:30-10:00 AM and 1:30-5:00 PM.

Palm Island Transit currently posts a charge of \$50 for a car to cross, but offers yearly passes, other long term passes, as well as books of 10 tickets. All of these passes are at a substantial discount to the single use cost of \$50. Trucks pay more based on size and weight. County vehicles have free access to the ferry, except for public works vehicles weighing more than  $\frac{3}{4}$  ton. (See Appendix 15 "Rates for ferry trips and passes").

The ferry is privately operated. It is important to recognize that the ferry does not discriminate in any way – that service is available to the general public and anyone may purchase passage on the ferry.

The ferry has formal procedures to deal with emergency vehicles. Island residents and visitors must make themselves aware of the time the ferry will suspend operation in the event an evacuation is ordered. Ferry operation is suspended, for safety reasons, when wind speeds reach a sustained 40 mph.

Palm Island Transit holds leases of varying durations with three different lessors. These are the West Coast Island Navigation District (WCIND), Charlotte County, and Palm Island Investment Corp.

The ferry service is important to the Island lifestyle, and as stated in the Vision Statement, it is part of the uniqueness of our Island.

#### **4.1.1.2.1 Issues related to Ferry Service**

The ferry service provides an alternative access to the island, but offers no guarantees as to longevity, pricing, and level of service.

As with any privately-owned company, long-term continuity is a concern.

At the present time there is no indication that the leases for the ferry landings and adjacent land won't continue to be renewed, but there are no guarantees that these arrangements can be sustained many years into the future. The property on the island side is very valuable, and thus it is reasonable to assume that changes will become necessary.

In the future, the number of new residents opting for the independence of personal boat transport over the relative convenience of ferry passage will be few. Therefore, as the Island grows there will be an increased volume of vehicular traffic from extra cars (at least one or two per new household plus visitors) and the attendant construction, service and delivery trucks and vehicles.

Minor peak season congestion is already apparent today. Over 100,000 vehicles crossed the ICW in 2004, 65-70% were tradesmen or construction workers. The congestion is concentrated at the ferry landings, and generally corresponds to the beginning and end of the work day. These conditions are aggravated by periodic servicing of ferry tugboats, which reduces capacity for limited periods (usually several days to one week).

Palm Island Transit, Inc. has increased service capacity since 2003. Ferry service was expanded to begin at 6:45 AM weekdays, and in 2005 the transit company added a spare tug. This has helped to improve service during peak times.

The owner of the transit company has said that 24-hour service is a very expensive proposition and difficult to manage. In addition, 24-hour service would not offset any increase in traffic volume, as the expanded hours would constitute times when the service is least likely to be used.

#### **4.1.1.2.2 Recommendations related to Ferry Service**

**4.1.1.2.2.1 Recommendation 52:** Island property owners are aware of the fact that when they purchased their properties it was situated on a bridgeless barrier island. These owners must consider the fact that the ferry service available to them is a convenience, not an entitlement. In view of this, it is recommended that the Committee work with real estate agents and all present property owners who will someday sell their properties to raise awareness in the community about the “deliberate inconvenience” of living on a bridgeless barrier island. Part of that consideration should be the planning for contingency should ferry service be interrupted, restricted or discontinued for any reason.

**4.1.1.2.2.2 Recommendation 53:** The principal of Palm Island Transit has requested that a permanent committee be established, as soon as possible, to meet with Palm Island Transit on a regular basis for the purpose of providing open lines of communication between the Community and the ferry management. This request was received with unanimous support from the Committee, and will be acted upon promptly.

**4.1.1.2.2.3 Recommendation 54:** The Community will also benefit from convening a meeting with construction companies that work on the Island to discuss construction-related traffic issues. Palm Island Transit and the Transit Committee will host this meeting to explore alternatives that will reduce vehicular traffic on the Island.

#### **4.1.1.3 Parking at the Ferry Landings**

Many residents choose to drive their cars or trucks to their door on the Island, and have no parking issues as a result. Residents of the Palm Island Resort have their own parking lot, located at the south end of the Resort, for vehicles and golf carts. Some residents leave their cars parked in the vicinity of the ferry landing, and travel to the Island as a “walk-on”.

Parking is available in the County right-of-ways on both sides of the westbound lane of Panama Blvd, and in the parking lot adjacent on the North side of Panama. Palm Island Transit has an agreement with Charlotte County for the availability of this public parking. The walk-ons typically have a golf cart waiting at the Island side landing area.

Island-side golf cart parking is available in an area adjacent to the ferry landing. Access to parking is on a first come – first served basis, but presently there does not seem to be an availability problem. Occasionally, cars will park along the North boundary of the area on a short term basis. Overnight parking is discouraged in all of the road rights-of-way on the Island.

Island property owners may lease private parking spots in a non-profit, cooperative parking lot operated by Palm Island Transit, Inc. When this lot originally opened, spaces were available for purchase. Today there are parking spaces for rent. There is a sign at the entrance to the lot with contact information for further details. This lot is paved, fenced, lighted, and secured.

Islanders generally make their choices based on convenience, economic considerations, practicality, experience, or personal reasons.

#### **4.1.1.3.1 Issues related to Parking at the Ferry Landings**

The existing parking is strained by the present volume of traffic from Island residents, visitors and construction workers. As we move toward higher levels of population on the Island, we recognize that public parking along Panama Blvd. on the mainland is inadequate.

Palm Island Transit makes efforts to be a good neighbor to the Panama Blvd. residents by maintaining a landscape curtain to reduce eyesore issues. Charlotte County allows parking in the road rights-of-way on both sides of the westbound lane of the road. "No Parking" zones are clearly delineated with signage, and are strictly enforced.

The parking lot may be at capacity long before we reach maximum build out. As the Committee and its subcommittees continue to pursue traffic reduction on the Island, availability of mainland parking will become a greater priority. Alternatives need to be explored and preparations made before the issue becomes a time-sensitive problem.

The Committee recognizes that certain subdivisions, such as the Preserve at Don Pedro, have no vehicle access at all (except for golf carts) and for these subdivisions mainland parking is a priority concern.

#### **4.1.1.3.2 Recommendations related to Parking at the Ferry Landings**

**4.1.1.3.2.1 Recommendation 55:** The Committee will investigate options to address mainland parking for Island residents in order to reduce the number of vehicles on the Island and promote golf cart usage. Discussions will include minimizing parking impacts on the residents of Panama Blvd.

**4.1.1.3.2.2 Recommendation 56:** The Committee will explore, in conjunction with the Sheriff's Department, the possibility of a program using priority parking stickers for Island residents for parking spaces located on Panama Boulevard.

#### **4.1.2 Transportation on the Island**

Transportation on the Island is primarily by privately-owned golf cart, and golf cart rentals to visitors and tourists. Islanders also travel intra-island by car, boat, bicycle or simply walking.

Transportation issues on the Island begin with the combination of golf cart use and the use of automobiles, trucks and service vehicles used for construction, deliveries and maintenance. All of the existing roads save one are unpaved.

##### **4.1.2.1 The Roads**

Knight Island is traversed by one major arterial roadway, Gulf Boulevard (North), which runs west and north from the ferry landing to the entrance of the Palm Island Resort and generally follows the shoreline of the Gulf of Mexico.

Don Pedro Island is accessed by crossing the Michael Kosinski Bridge on South Gulf Boulevard. South Gulf Boulevard runs west and south from the intersection of Gulf Boulevard (North) to the entrance of the Bocilla Beach to Bay development.

Gulf Boulevard (North) is the only paved road on the Island. All other roads are unpaved, either sand or crushed shell over a marl underlayment.

The unpaved roads have been identified by the Community as an important feature, contributing to the Island's unique character. The alternative minority opinion: some Islanders advocate paving the roads, citing problems with dust, vehicle damage due to potholes, and other factors.

Unpaved roads are vulnerable to wear and damage from overuse and severe weather. At this time, there is no plan for unpaved public road maintenance. As a result, the road conditions are particularly poor after heavy rainfall.

Bicycles are used on the Island primarily for recreation and, to a much lesser extent, as a form of transportation. The Island has no bicycle paths. Pedestrian traffic is generally accommodated by the use of unimproved roadway shoulders and roads. (See Appendix 16, "Road Map of the Island").

#### **4.1.2.1.1 Issues related to the Roads**

Speeding on the Island by vehicles is detrimental to existing roadway conditions and increases the likelihood of accidents. It is particularly prevalent on Gulf Boulevard (North), with its paved flat surface and straight configuration for most of the stretch and a blind curve in the road where it turns north along the Gulf. Speeding on the Island is aggravated by employees of commercial concerns, construction and service personnel, hurrying to and from work.

Years of neglect combined with increased volume of traffic have worn out the "hard road", Gulf Boulevard (North). According to the County's Department of Public Works, the road requires fresh asphalt. If the community intends to make any improvements to the hard road, they should be accomplished at the same time as the surfacing.

Use by heavy vehicles, such as trucks, causes a "washboard" effect in the sand roads. This is amplified by rainfall. Where the puddles and pooling occur, road wear becomes accelerated. This effect is most extreme where paved and unpaved surfaces join. At times, portions of the unpaved Island roads are impassable due to flooding. These issues are further aggravated by the lack of a formal plan for road maintenance.

The Committee and the Roads & Bridges subcommittee have been working with Public Works to establish an ongoing road maintenance program for the unpaved roads. As a result, a local contractor has been hired on an as-needed basis to grade and scrape the roads. This service is invoiced directly to DPW for an annual amount not-to-exceed \$5,000.00. However, sand fill is needed to complete pothole repairs, and bringing in fill is delayed due to the current weight limit on the Kosinski Bridge.



Emergency vehicles have a difficult time accessing many properties on the Island. Road rights-of-way and turnarounds have disappeared in many areas, making it hard for fire trucks and large vehicles to maneuver. (See Chapter 5 Section 5.2.5 Recommendations for Fire and EMS improvements).

Other concerns involve:

- Overnight parking of automobiles in road right-of ways [See Chapter 6: Enforcement of Existing Regulations]
- whether or not a bike path network should be instituted on the Island
- The encroachment of landscaping and hardscaping into county rights-of-way by current and future homeowners as a future issue.

#### **4.1.2.1.2 Recommendations related to the Roads**

**4.1.2.1.2.1 Recommendation 57:** It is a Community priority to retain and maintain the existing roads on the Island.

**4.1.2.1.2.2 Recommendation 58:** The Committee will develop a multi-year project plan to identify capital projects, including the re-surfacing of North Gulf Blvd., and implement them through a funding mechanism as yet to be identified and established. (See Appendix 26 “Potential Capital (and other) Projects Projected over a 10-Year Period”)

**4.1.2.1.2.3 Recommendation 59:** The Committee has developed a road maintenance plan to sustain the roads. Topics for discussion will include:

- 1- Purchasing material to fill potholes and transporting it to the Island.
- 2- Repairs to Gulf Boulevard (North) as needed.
- 3- Removing the remainder asphalt from South Gulf Blvd and Palm Drive (grinding it up and returning it to the road or hauling it off the Island) and adding sand to restore the road.
- 4- Addressing drainage “hotspots” on the island with simple solutions to move water away from the road.

**4.1.2.1.2.4 Recommendation 60:** In the wake of new home construction, landscaping, servicing and deliveries, property owners will be held responsible for the condition of the roads and road rights-of-way for the frontage of their properties.

**4.1.2.1.2.5 Recommendation 61:** The Community requests that the County reimburse 20% of the impact fees collected on the Island for new home construction into the Don Pedro/Knight Island Streets and Drainage taxing unit. This will offset the expense to the unit of capital projects for road restoration made necessary by road degradation from construction vehicles.

**4.1.2.1.2.6 Recommendation 62:** The Committee recommends investigating the following passive, traffic-calming techniques suggested as options to address speeding and public safety concerns:

- 1- Impediments such as speed bumps, speed tables and rumble strips
- 2- Lowering the speed limit

**4.1.2.1.2.7 Recommendation 63:** The Committee will coordinate with the County Public Works Department to further address speeding concerns by implementing roadway designs which promote passive traffic calming techniques. (See Appendix 17, “Examples of Roadway Designs”) The first priority for discussion will be the re-surfacing of Gulf Boulevard (North), the paved road.

**4.1.2.1.2.8 Recommendation 64:** The Committee will coordinate with the County Public Works Department to create a “no passing” zone on Gulf Boulevard (North) through options such as lane-striping and signage.

**4.1.2.1.2.9 Recommendation 65:** In addition to the need to coordinate maintenance issues, the Community requests a liaison position with the County to allow for the review of all Requests for Proposals (RFP) that might affect the island. Since the Community will pay for any improvements and on-going maintenance costs for infrastructure projects such as the bridges and roadways, the Community has a vested interest to determine if the work is warranted and if the method proposed for completing the work is the most cost effective.

#### **4.1.2.2 Golf Carts (Residential Electric Vehicles)**

Golf carts are the method of choice for local Island transportation. Electric golf carts are virtually silent and environmentally friendly, making them the perfect compliment to the Island lifestyle.

Golf carts are not customarily allowed on county roads, however, section 2-4-10 of Charlotte County Code allows the operation of golf carts “upon those county roads located entirely on bridgeless barrier islands.” (See Appendix 18, “Sec. 2-4-10. Operation of golf carts”). Carts must be properly equipped for road use and if used at night must have headlights, brake lights, turn signals and a windshield.

State statutes dictate that you must be 14 years old to drive a golf cart on the Island.

##### **4.1.2.2.1 Issues related to Golf Carts**

Golf carts travel with lower average speed than motorized vehicles, and the combination of golf carts and automobiles sharing the roads has been identified as a potential safety hazard. This is partially offset by the use of road right-of-ways for golf carts to pull out of traffic, as well as a lower-than-average 25 mph speed limit on all island roads.

Many of the golf carts in use are associated with rentals. These drivers are generally unfamiliar with their operation, creating greater opportunity for reckless use.

Renters, residents and guests frequently allow under-aged drivers to drive golf carts on the Island. These drivers represent a potential hazard, as they are not only unfamiliar with golf carts they may also have no driving experience whatsoever. Frequently, golf cart drivers will drive at night with their headlights off, increasing the hazard to themselves and other drivers.

The alternative minority opinion: there are some residents with school-aged children who would like their children to be able to drive golf carts to travel to the ferry landing and back as part of their commute to meet the school bus on Placida Road. It has been suggested that a voluntary “golf cart driving course” might be offered, at the conclusion of which a special identification

would be given as a special “golf cart license” with limited and specific allowances. Although the majority of Islanders may not be specifically opposed to such an idea, there is concern regarding the ramifications of creating an exemption to the law.

Driving a golf cart or any other vehicle on the beach is in violation of Charlotte County ordinance 89-65. In addition, driving an ATV, motorcycle or any recreational vehicle that is not “street-legal” on public roads is prohibited by Florida state statutes Title XXIII Motor Vehicles Chapter 316 State Uniform Traffic Control.

According to Florida State Statute 316.003(68), (See Appendix 19 “FSS316.003 Definitions (68) Golf Cart”), a golf cart is a motor vehicle and is therefore subject to the same traffic laws and regulations as all other motor vehicles. As with all things, enforcement of the existing regulations is the most pressing issue with golf cart driving.

#### **4.1.2.2.2 Recommendations related to Golf Carts**

**4.1.2.2.2.1 Recommendation 66:** The Community supports the existing regulations related to golf carts on public roads, and supports the County ordinance which prohibits any motor vehicles on the beach.

**4.1.2.2.2.2 Recommendation 67:** The Community supports the recommendations for the Enforcement of Existing Regulations as described in Chapter 6 of this Community Plan.

**4.1.2.2.2.3 Recommendation 68:** The Community supports and encourages the use of residential electric vehicles (battery-powered golf carts), as opposed to gas-powered golf carts, to minimize noise and pollution.

**4.1.2.2.2.4 Recommendation 69:** The Committee will work with the Sheriff’s Department to establish an Island-wide “Golf Cart Registration”. Island golf cart owners, as well as rental golf carts, would have identification stickers for their carts. This would make it easier for officers to enforce the golf cart ordinances, as well as identify stolen or abandoned golf carts.

#### **4.1.2.3 The Bridges**

There are no connecting bridges from the Island to the mainland.

The Island has two interior bridges. The Michael Kosinski Bridge connects Knight Island to Don Pedro Island, and the Anne Merry Bridge crosses Bocilla Lagoon, providing vehicular access for residents and the public to the southern end of the beach.

##### **4.1.2.3.1 Issues related to the Bridges**

The Island’s interior bridges have traditionally been fabricated of wood including the pilings and the decking and have matched the character and the aesthetic of other waterfront communities such as Mackinac Island, Michigan. It has been established by the community that we wish to preserve the tradition of timber bridges.

The Island community is currently working with Charlotte County's Department of Public Works on the Michael Kosinski Bridge replacement project. The County Commission has approved the use of wood for the replacement bridge.

#### **4.1.2.3.2 Recommendations related to the Bridges**

**4.1.2.3.2.1 Recommendation 70:** The Community does not support the installation of ANY bridge that would connect the community to the mainland, as articulated in the Vision Statement adopted by the County Commission in January of 2004. The residents purchased property on the bridgeless barrier island with the understanding that the primary mode of transportation is by boat (ferry service or privately owned) and most emphatically wish for it to remain that way.

**4.1.2.3.2.2 Recommendation 71:** Regarding the Michael Kosinski Bridge replacement, a summary of recommendations extracted from community input has been submitted to the Department of Public Works. [\[See Appendix 20, Summary of Recommendations to the Department of Public Works\]](#)

**4.1.2.3.2.3 Recommendation 72:** The Committee will work closely with the Department of Public Works to make the best judgments regarding the costs, materials, individual design features of the Kosinski Bridge, access during construction and the road surface between the bridges, using the consensus guidelines as determined by community input.

**4.1.2.3.2.4 Recommendation 73:** The Community intends to maintain an active relationship with the County Department of Public Works regarding any future repairs or replacements relative to bridges on the Island.

## **4.2 Water and Wastewater**

### **4.2.1 Introduction/Overview**

According to the County, the Island has a potential 1,125 households at build out condition. A small percentage of the existing households have full time residents at this point, with the majority having seasonal occupants.

Most of the households are serviced for potable water by one of two central water utilities: Bocilla Utilities, Inc. or Knight Island Utilities, Inc. Knight Island Utilities, Inc. also operates a package plant providing central sewer to the certificated territory of the Palm Island Resort Planned Development, which extends from the resort gate north to Stump Pass. Most of the houses south of the resort have some form of onsite wastewater disposal systems (septic tanks with drain fields) for their wastewater treatment. The newer homes have installed Aerobic Treatment Units (ATUs).

It has been estimated by Charlotte County Community Development Department that the Island is presently 48% built out. Many residents have expressed concern about the future of the Island environment, specifically the wastewater treatment and the concern of water depletion in the aquifer.

## **4.2.2 Wastewater Approach**

Wastewater disposal on the Island is a remarkably complex and difficult issue. As long-term stewards of the Island, residents wish to preserve the environment. The community recognizes the need for a long-term solution that will support future build-out. However, each of the present alternatives raises concerns.

### **4.2.2.1 Issues related to Wastewater**

In 2002, an application was submitted to the Florida Public Service Commission to create a private wastewater utility to service the Island. The majority of Islanders opposed the utility, and the debate focused on septic vs. sewer, private vs. public. While the wastewater issue was successfully resolved through a negotiated settlement with the utility (See Appendix 21, “Joint Position Paper: Palm Island Estates Association and Palm Island Resort, Knight Island Utilities, Island Environmental Utility, Inc.”), the following concerns still remain.

#### **4.2.2.1.1 Development**

The bridgeless barrier islands were removed from the Urban Services Area to discourage development. Density reduction on the Island is the primary line of defense for environmental protection. While it is true that the Bridgeless Barrier Island Overlay restricts density to one unit per acre/one unit per platted lot, the Island zoning issue will never really be “solved” – procedures exist for securing zoning variances or even to get a text amendment to the Comprehensive Plan.

#### **4.2.2.1.2 Cost**

The community has expressed concerns that the expense associated with central sewer would be an unfair burden to the property owners on the Island, particularly those who have new construction and only recently installed state-of-the-art septic systems.

Property owners worry that initial set-up estimates will balloon into unreasonable expense. These estimates don’t necessarily consider transportation issues on the Island, as well as ancillary costs such as properly disabling the existing septic systems, connecting to the sewer hook-up and landscape restoration following installation. There are fixed-income Island residents who may not be able to afford the transition to central sewer. It may be possible to protect these property owners through subsidies, but cost will still be an issue.

#### **4.2.2.1.3 Need**

The debate about septic vs. sewer was underscored by a lack of scientific evidence that would indicate a local problem with sewage contamination. The Palm Island Estates Association [PIE] sponsored water testing in 2003, collecting 10 “grab” samples from the canals around the Island. These samples were taken during a time of maximum capacity for wastewater use and were taken on a day with two low tides, in order to secure samples that had maximum bank exposure.

The samples were taken to Sanders Laboratories, Inc., and analyzed for the presence of fecal coliform. Each of the 10 samples showed results of less than 100 units per 100 ml of water. (See Appendix 22, “Water Test Results from Sanders Laboratories, Inc.”) These test results, along with the regular water testing of the beaches done by the State, have led Islanders to

believe that there is no present danger of contamination. However, there has been no subsequent testing and there is no regular testing program for the canals and lagoons.

Arguments have been made that at the time of future build-out, the majority of homes will have been outfitted with aerobic treatment units (ATUs), which are currently the standard for on-site treatment systems. This suggests that preventing environmental degradation could be accomplished by replacing older septic systems with the more technologically advanced models.

There is a difference of opinion with regard to installing central sewer. The position of the Palm Island Estates Association is that a need does not now exist and that county sewer should only be considered after a genuine environmentally documented need has been established. The proponents of central sewer installation hold that the county should provide service sooner rather than later.

#### **4.2.2.1.4 Methods/Alternatives for Wastewater Removal**

A preliminary analysis was performed to view alternatives for the treatment and disposal of wastewater.

##### **4.2.2.1.4.1 Septic Tanks**

Most of the homes built on the Island prior to year 2000 are served by standard septic tanks. Septic tanks have a lower capital cost and low operational cost. However, older units are susceptible to cracks and leaks, and require minimum (but necessary) maintenance including periodic pump-outs. Experiences in Sarasota County and Manasota Key have led to the conclusion that if septic tanks are poorly maintained they are a source of water pollution.

The Charlotte County Health Department is responsible for septic system oversight. In 2003, the Health Dept. attempted to launch the Onsite Treatment and Disposal Systems (OSTDS) Management Project to monitor septic systems county-wide. The goal of the project was to ensure that septic systems were functioning properly and kept in good repair. This type of program would have been a great benefit to the Island, particularly the required inspections for tank structural integrity and drain-field area for signs of age or failure. Due to lack of funding, however, this program is not operational at this time.

##### **4.2.2.1.4.2 Aerobic Treatment Units**

One option for wastewater treatment on the island is to have the current and future residents of the island use aerobic treatment units (ATUs). Aerobic treatment systems use a mechanism to inject air into a tank, encouraging decomposition. This allows ATU's to discharge a higher quality effluent to the subsurface.

Advantages of ATU's include

- Higher level of treatment than a septic tank
- Protects valuable water resources
- Extends the life of drain fields and reduces the size of drain fields
- Reduce the ammonia discharged to receiving water

Some disadvantages of the system include

- the release of more nitrates to groundwater than a septic tank

- More expensive to operate than a septic system
- Electricity is required
- The system includes mechanical parts that can break down
- They require more frequent routine maintenance than a septic tank (routine inspection frequency every 6 months)

All new construction requires the installation of ATUs due to the absence of a centralized wastewater removal system.

#### **4.2.2.1.4.3 Central Sewer**

According to the director of Charlotte County Utilities, Inc. (CCU) it is the position of Charlotte County that central sewer is superior to septic systems and should be installed wherever possible. Central sewer would have to be provided by CCU. This is consistent with the consensus opinion of the Island community that any future sewage treatment plant would have to be located off-Island.

It is our understanding that the public utility has prepared a preliminary cost benefit analysis to bring central sewer to the bridgeless barrier islands. In the event of central sewer installation, the Island would be required to abandon all existing wastewater utilities.

#### **4.2.1.2 Summary of issues**

The following issues have been raised relative to wastewater treatment and removal:

1. Which wastewater removal system is least fallible and most protective for the environment? How do we weigh an individual on-site system vs. a central sewer both in terms of risk of potential malfunction and general “acceptable” levels of contaminants?
2. How do we factor into our considerations usage intensity (seasonal over-usage vs. non-season under-usage)?
3. What can we do as immediate, short-term solutions for older septic units? Can we institute a septic monitoring system like the OSTDS system the County was previously considering?
4. How can we reduce (or subsidize) costs to install central sewer?
5. Is the vacuum-system sewer technology the best central sewer system for the Island? Or is it the only system that can be installed here?
6. Are there better, more improved technologies for waste removal in the pipeline that could be worth waiting for? Are there existing technologies that would improve environmentally the current septic systems that are in place?

#### **4.2.1.3 Recommendation for Wastewater Approach**

**4.2.1.3.1 Recommendation 74:** Prepare a thorough, updated and professional cost analysis of the various alternatives available for wastewater removal.

**4.2.1.3.2 Recommendation 75:** The goal of the Community is to determine the appropriate percentage of build out or pollution that triggers the need for the most environmentally correct, cost-effective and technologically advanced solution for wastewater removal.

**4.2.1.3.3 Recommendation 76:** Ensure that the time framework associated with the establishment of central sewer or other advanced solution for wastewater removal

will allow for its institution well in advance of unacceptable degradation of the Island canals, beaches and ground water.

- 4.2.1.3.4 Recommendation 77:** Establish a monitoring program for testing canal and ground water degradation attributable to pollution related to nitrates from fertilizers and contaminants from septic systems.
- 4.2.1.3.5 Recommendation 78:** Explore ways to promote the proper maintenance and preventive care for older septic systems until such time as an improved wastewater system is established.
- 4.2.1.3.6 Recommendation 79:** The Community proposes that a text amendment be made to the Charlotte County Comprehensive Plan as follows: "All new facilities providing centralized wastewater treatment for development on the barrier islands shall be located on the mainland. This policy shall not be construed to prevent the repair or maintenance of facilities in existence at the time this policy takes effect, nor shall it preclude expansion of existing facilities as necessary to provide service to the territory for which they were established as of the effective date of this policy."
- 4.2.1.3.7 Recommendation 80:** At the appropriate time when it has been determined that central sewer or an alternative wastewater system must be established, ensure that the implementation of that system does not conflict with the Comprehensive Plan or create opportunity for additional commercial use or increased density on the Island.

#### **4.2.3 Water Approach**

The Island residents are served by two utilities providing central water. Knight Island Utilities, Inc. (KIU) and Bocilla Utility, Inc. operate reverse osmosis water plants with wells for their concentrate disposal. KIU serves the Palm Island Resort PD. Bocilla Utility, Inc. serves a territory which extends south of the Palm Island Resort to the Don Pedro Island State Park.

Currently an interconnect line between the two facilities exists for mostly emergency purposes or high business months for the resort. Knight Island Utilities, Inc. is in the process of identifying expansion and storage needs.

Few of the older homes on the Island use private wells and cisterns as their potable water source. However, many households use wells and cisterns for landscape irrigation.

##### **4.2.3.1 Issues related to water**

There is a general and deep concern that there will not be an adequate water supply to meet the future needs of the Island, either by local providers on the Island or by mainland-based water utilities.

Discussions with Knight Island Utilities, Inc. and Bocilla Utilities would be necessary to determine if each of the utilities can serve the residents of their respective territories at build-out. The owner/manager of Bocilla Utility, Inc. has indicated that the water plant is sized and designed for build-out.

Islanders share the same concerns as all Charlotte County residents about the future availability of water.

##### **4.2.3.2 Recommendations related to water**



- 4.2.3.2.1 **Recommendation 81:** Continue to maintain permeable, porous roadways to alleviate the potential further degradation of the aquifer.
- 4.2.3.2.2 **Recommendation 82:** The Community will pro-actively seek out ways to protect and preserve water resources. This will include working with the Environmental Committee of PIE to find incentives to encourage the use of Florida-friendly landscaping that does not require watering, discourage the use of wells to water landscape, consider landscape watering restrictions and explore the best means to preserve our water.
- 4.2.3.2.3 **Recommendation 83:** Continue to explore whether County-operated utilities are an option to provide potable water service to the Island.
- 4.2.3.2.4 **Recommendation 84:** Because the Community's future water needs have not been factored into the County's plans for water provision, the Community needs to reserve a 'place in line' for availability of potable water if the local utilities cannot meet the Community's needs.
- 4.2.3.2.5 **Recommendation 85:** Coordinate with the County to ensure that the extension of potable water to the Island will not conflict with language of the Comprehensive plan.

### 4.3 Other Infrastructural Elements/Services to the community

#### 4.3.1 Street Lighting

According to the community's Vision Statement, Islanders "find the lack of street lights on the islands part of the unique aesthetic, and will prohibit any future sources of light pollution here. Lighting restrictions are essential for the protection of sea turtles during their nesting season, and we enjoy being able to see the Milky Way from our yards."

At present, there is minimal street lighting on the Island, mostly low-level lights on private roads in Island subdivisions.

- 4.3.1.1 **Recommendation 86:** To uphold the intention of the Vision Statement, the Committee will work with Charlotte County to restrict street lighting.

#### 4.3.2 Underground utilities

On large portions of the Island, utilities are buried underground. The Community feels that it would be preferable to bury all utilities Island-wide, however, the following considerations need to be examined:

- General feasibility
- Cost vs. benefits/return to the community
- Work plan – duration and order of precedence for burying utilities, so that work may be coordinated with other road work projects as a cost saving measure
- Provisions for interruptions of service and public safety
- Impact (pro and con) on the Island environment

- 4.3.2.1 **Recommendation 87:** With the understanding that there are pros and cons to both above-ground and underground systems, the Committee recommends the

establishment of an Island subcommittee to conduct a feasibility study regarding the conversion to underground utilities.

#### **4.3.3 U.S. Postal Service Delivery**

At the present time, there is no postal delivery to the Island. Discussions have been held regarding establishing an Island sub-station (mailbox condo) for homeowners. Issues include location of such a sub-station, transportation to and from the mainland, potential effect on Island infrastructure and whether or not delivery is desirable for the majority of residents.

**4.3.3.1 Recommendation 88:** The Committee will discuss the possibility of postal delivery with the U.S. Postal service, to determine whether or not postal delivery is feasible.

**4.3.3.2 Recommendation 89:** If postal delivery to the Island is a possibility, the Committee will host public workshops to determine desirability.

#### **4.3.4 Garbage, Recyclable and Yard Waste Pick-up**

Solid waste removal is presently handled by individual contracts with Waste Management. Recycling and yard debris disposal is not included in the contracted services. For yard debris removal, Islanders may bring their debris to the WM facility on the mainland, or they have the option of either paying for a special pick-up through Waste Management or hiring a local landscaper to haul the debris off-Island. Recyclable materials may also be brought to the mainland facility.

##### **4.3.4.1 Issues related to Garbage, Recyclable and Yard Waste Pick-up**

Many new homeowners are not familiar with the contract system for waste removal, assuming that this service is covered in their property taxes. At times, garbage and yard waste are left on the street where they attract pests. In addition, Waste Management does not have an efficient system for identifying households that have not paid for removal contracts. As a result, some Islanders receive services gratis at the expense of the actual ratepayers.

Yard debris is a particular problem – it is both unsightly and a fire hazard. Limited options for debris removal sometimes results in illegal activity, such as dumping on vacant lots and burning.

Many Islanders would like to recycle – but the lack of convenient recycling service discourages this environmentally friendly activity. As a result, Islanders who wish to recycle must sort and carry their recyclable materials to the waste facility on the mainland.

##### **4.3.4.2 Recommendations for Garbage, Recyclable and Yard Waste Pick-up**

**4.3.4.2.1 Recommendation 90:** The Committee will develop and disseminate materials to property owners so that they clearly understand the regulations related to solid waste removal, including the need and process to obtain private contract collection through Waste Management, and the “no burn” and “no dumping” policies on Island.

**4.3.4.2.2 Recommendation 91:** The Committee will investigate with Waste Management the cost and logistics of additional yard debris and recyclable material pick-ups on the Island.

**4.3.4.2.3 Recommendation 92:** If additional waste removal services for Island homeowners are a possibility, the Committee will host public workshops to determine whether the community wishes to absorb the cost and move forward with the additional services.

**4.3.4.2.4 Recommendation 93:** The Island is the only area in Charlotte County that does not have a County-administered waste-removal contract that is billed annually on the property owner's tax bill. The Committee recommends this possibility be investigated as a potential solution to Island waste issues.

#### **4.3.5 Mosquito Control**

Charlotte County provides the Island with mosquito abatement service, both ground adulticide spray and aerial applications. Islanders are very satisfied with the level of service provided for mosquito control, and wish it to continue into the future.

Mosquito Control uses the ferry to transport the "mosquito truck" to the islands. If, at any point in the future, ferry service is not available, it will create an issue regarding mosquito control. The only other method to treat is through aerial applications at approximately \$12,500 per spray mission. Alternatives may need to be examined in the future.

#### **4.3.6 Island Signage**

The vast majority of Islanders consider most signage "visual pollution" and would prefer to restrict the use of signs. A substantial percentage of the offending signs are commercial – "For Sale" signs, "For Rent" signs and front-yard advertisements for businesses such as construction companies, landscaping firms, and roof and pool contractors. Islanders are also uncomfortable with government-generated standard signage, and would prefer signs that reflect the island atmosphere. There are also issues that require improved signage, such as "No Wake" and "Manatee Zone" signs for the canals.

##### **4.3.6.1 Issues related to Signage**

In response to the Community's concern, an Island resident hosted a meeting of real estate agents who represent the majority of sellers on the Island. The purpose of the meeting was to gather input from the realtors regarding solutions to the complaints by islanders about the "visual pollution" created by the proliferation of signs on the Islands. The realtors were very cooperative, and supportive of the concept of reducing the impact of signage.

One of the recommendations in the Community Plan is to establish an information kiosk at the ferry landing for use by realtors, renters and commercial enterprises. The realtors would prefer small signs on properties over a centralized kiosk. Issues were discussed such as the necessity of frequent maintenance of the kiosk and the difficulty of locating properties on the Island, particularly vacant lots.

The realtors agreed to pursue the development of signage regulation for consistency. They agreed that there needs to be an ordinance to enforce the dimensions, placement, wording, material and duration of sign posting. The ordinance must apply to all people doing business on the island, including realtors, property managers, landscapers and contractors. The Committee will continue to work with the realtors to find an agreeable solution to excessive signage that can be crafted into an Island sign ordinance.

On the other hand, artistic custom signage has been an important part of the Island ambiance. This signage is oriented to environmental protection, and it encourages drivers to slow down. Since the signs are unique and eye-catching, they act as passive traffic-calming devices. The existing signs have deteriorated with age, and need to be replaced.

#### 4.3.6.2 **Recommendations related to Signage**

4.3.6.2.1 **Recommendation 94:** The Community requests a sign ordinance be adopted as prepared by the Committee with the cooperation of the local real estate agents and commercial stakeholders.

4.3.6.2.2 **Recommendation 95:** The Committee will work with the PIE Association to generate funding for the production and repair of the custom, artistic signage on the Island.

4.3.6.2.3 **Recommendation 96:** The Committee will seek assistance from the Department of Public Works to find potential creative ways for government-generated standard signage to better complement and reflect the Island atmosphere.

## **CHAPTER 5: Fire, Emergency Medical Services and Disaster Planning**

### **5.0 Introduction/Overview**

Barrier islands face the unique challenge of having limited access. As our islands continue to develop, plans need to be made to deal with the additional population for fire and EMS services and emergency evacuation in the event of a storm.

The Committee has carefully studied evacuation procedures as well as the fire/EMS response mechanisms as they relate to the islands. Recommendations contained in this chapter address resident's concerns and provide suggestions to improve response and evacuation times.

### **5.1 Fire and Emergency Medical Services**

The Barrier Islands Fire Service Unit (Charlotte County Fire & EMS, Station #10) was established by Ordinance No 90-71, adopted December 18, 1990, effective January 4, 1991. "The purpose of the unit is to fund fire services to be provided to properties located within the boundaries of the unit, which fire services shall be provided by the Charlotte County fire rescue department or other fire service provider as designated and obtained by the governing body of the unit". (See Appendix 23: Article XII Barrier Islands Fire Service Unit (Ordinance creating the Fire Service MSBU))

The Barrier Island Fire Unit is the only all-volunteer unit in Charlotte County. It serves Don Pedro, Knight and Palm Islands and Thornton Key. The location and inaccessibility of the islands make it difficult for mainland units to provide immediate support for medical and fire emergencies. As a result, island residents and visitors depend upon Station #10 to respond quickly and professionally to medical and fire emergencies.

The volunteers are unpaid employees of Charlotte County. They report through the Charlotte County Fire & EMS chain of command to the Chief who is responsible to the Charlotte County Board of County Commissioners. They are certified by the State of Florida as Firefighter 1 and are subject to the same rules and regulations which apply to paid firefighters.

Station #10 is funded by an MSBU, which was established in 1991 by Charlotte County. (See [Appendix 24: A History of Station 10](#)) The MSBU funds the fire station, trucks, fire fighting equipment, medical equipment and supplies and any other apparatus, equipment or supplies deemed necessary by the Charlotte County Fire Chief and the Station #10 fire captain.

## **5.2 Fire and Emergency Medical Services Response to the Islands**

The Station #10 siren is activated by Charlotte County Dispatch when they receive a 911 call from a resident or visitor to the islands. Dispatch also calls the volunteers' pagers. Volunteers hear the siren and/or their pagers and respond to the firehouse. Since there is no formal duty roster, all available personnel are expected to respond.

Charlotte County Fire & EMS has a formal procedure for the response to the islands. The procedure assigns specific resources from Charlotte County and Englewood fire stations to provide mutual aid back up for Station #10, depending upon the type of call. Included in the procedure is the protocol for notifying barge personnel at night when the ferry is not running. The barge captain is responsible for proceeding immediately to the ferry landing on Panama Boulevard in order to transport mainland fire apparatus to the island as necessary. (See [Appendix 25: "Charlotte County Government Emergency Services "Palm/Don Pedro/Knight Island Alarm Assignments"](#))

The average response time is under 8 minutes for Station #10. Most calls are responded to in 5 – 6 minutes. Incorrect information in the 911 database, addressing and access problems cause the higher average.

Addresses assigned by the phone companies do not match the county assigned street addresses. In some cases, non-existent streets appear on the database. Residences lack easily readable numbers. They may be non-existent, hidden by vegetation, or impossible to read at night. In addition, the numbering system is inconsistent. For example, a large section of Colony Don Pedro shows as "#301 S. Gulf Blvd." on the E911 database used by Dispatch. Renters calling 911 frequently do not know the island they are on, their street address or the nearest intersection or cross street, causing Dispatch to give the wrong location to Station #10 and the mainland response teams.

Narrow roads and driveways, low hanging tree branches, and no vehicular turnarounds limit access to some of the private properties. Limited or no access is a problem, which potentially could affect more people/property than just those owners who live in remote areas. A fire starting in an inaccessible area, such as Don Pedro State Park, could quickly grow and spread to other parts of the island.

Accessibility to the beach is becoming more difficult as more houses are built along the beachfront and the rescue units must go through designated public and private properties. Once through the properties, the units may have hundreds of feet of sand to try to maneuver their trucks and heavy equipment through to reach a victim or put out a fire.

### **5.2.1 Helicopter Evacuation**

Patients requiring immediate evacuation to a trauma center are taken by helicopter from the island ferry landing site or taken by ambulance to the mainland where they are air lifted by a helicopter. Landing spots may become a problem as the islands are more built out.

### **5.2.2 Fire Hydrants**

The two utility companies, Bocilla Utilities and Knight Island Utilities, own the fire hydrants on the island. Issues to be resolved relative to fire hydrants include who is responsible for the testing, maintenance and usability of the fire hydrants and whether or not there is adequate flow for fire emergencies. Bocilla Utilities and Knight Island Utilities have installed an interconnect which will provide a back-up supply of water in case one of the utilities reaches capacity if there is a large fire on one of the islands.

Station #10 has three vehicles with a total capacity of 2400 gallons of water for fire response and the Station has the ability to draft water from the surrounding area. However, in order for water to be pumped from other water sources, the pump truck must be able to get to within 17 feet of the water source. It takes time to set up the pumping equipment and the water cannot be pumped across great distances without losing pressure.

### **5.2.3 Fire Flow**

Poor fire flow, particularly on an island, creates a dangerous fire safety hazard which could be potentially harmful to both people and structures. Charlotte County Fire & EMS has requested fire flow as recommended by ISO. How this is going to be accomplished needs to be determined. This may require the upgrading of equipment and the installation of larger water pipes and/or booster pumps to meet current and future island needs.

### **5.2.4 Volunteer Recruitment**

The island is proud of Station #10's eight fully qualified volunteers, six of whom are full time residents. The community wants to maintain the current level of response. However, as the islands build out and existing volunteers move or become incapacitated, more people will have to be recruited and trained. Charlotte County provides the initial 160 hour training as well as continuing monthly training for Station #10 at no cost to the volunteer. After completing the 160 hour training and becoming certified by the State of Florida as Firefighter 1, volunteers are covered by Charlotte County's Worker's Compensation Insurance.

### **5.2.5 Recommendations for Fire and Emergency Medical Services**

- 5.2.5.1 **Recommendation 97:** Establish and post a Station #10 duty roster so that island residents and visitors know who is in charge and who will respond to emergencies at any given time.
- 5.2.5.2 **Recommendation 98:** Station #10 is in the process of working with Dispatch to insure they have the correct addresses for all island residences.
- 5.2.5.3 **Recommendation 99:** The Committee encourages house addressing for all residences that is clearly visible, reflective and positioned so that it can be easily seen from the road.

- 5.2.5.4 **Recommendation 100:** Rental units shall be required to post the rental house phone number and address at a central location adjacent to the rental unit's phone.
- 5.2.5.5 **Recommendation 101:** The Committee and Station #10 is in the process of working with Charlotte County to review, correct and update the E911 database.
- 5.2.5.6 **Recommendation 102:** Station #10 and the Palm Island Homeowners Association will continue to educate residents and visitors to immediately call 911 in an emergency.
- 5.2.5.7 **Recommendation 103:** All properties shall be reviewed for conformance to County standards for accessibility and owners will be notified of results of the review. Residents shall be held responsible for the fire protection of their property and make the property accessible to the Fire Department.
- 5.2.5.8 **Recommendation 104:** As much as possible we should encourage dwellings to be accessible to Fire and EMS services. The Committee acknowledges that some properties have no road access, and are only reachable by water. The Committee recommends that we begin a program to educate property owners on the benefits of easy access to emergency support and the limits of support where water access is only available.
- 5.2.5.9 **Recommendation 105:** Station #10 will work with Charlotte County Fire & EMS to find an appropriate solution for bringing people and equipment to the beach in case of emergency.
- 5.2.5.10 **Recommendation 106:** Station #10 will work with Charlotte County Fire & EMS to find a landing spot for helicopter evacuation on the north end of the islands.
- 5.2.5.11 **Recommendation 107:** The Community requests that the County Administrator, with the support of the Board of County Commissioners, take the necessary steps to resolve the fire flow issue.
- 5.2.5.12 **Recommendation 108:** The Community shall continue to support Station #10 and its volunteers and wishes Charlotte County Fire & EMS to continue their on-going support and training.
- 5.2.5.13 **Recommendation 109:** Station #10 will develop a recruiting strategy for new volunteers.
- 5.2.5.14 **Recommendation 110:** Station #10 will continue the "Red Dot" program which is used to notify volunteers responding to a call about a resident's existing medical condition(s).

### **5.3 Hurricane Evacuation and Disaster Planning**

Hurricanes and storms have and are expected to cause a large-scale evacuation in the future. The only vehicle access to the Island is provided by ferry service, presently owned and operated by Palm Island Transit, Inc. With the exception of the Palm Island Resort, there is no plan. Areas of concern related to hurricanes include:

- Adequate and timely notification of storms to residents and visitors.
- Evacuation procedures.
- Ferry evacuation
- Reentry procedures
- Long-term power outages
- Effects on the islands' water utilities

It is important to note that island residents have chosen to live in a high hazard area and must take individual responsibility for their decision and for the safety of themselves, their homes and their families.

### **5.3.1 Issues Related to Hurricane Evacuation and Disaster Planning**

#### **5.3.1.1 Disaster Emergency Communication to Residents**

With the approach of a Category 1 or stronger storm, a mandatory evacuation is issued for the barrier islands. This is usually done approximately 48 hours before the expected landfall of a storm, but is dependent upon the strength and speed of the storm. Visitors are asked to leave at the same time as residents. Evacuation status is determined by Charlotte County. Notification is made by radio and television. Residents are responsible for keeping abreast of the storms as they develop and knowing when mandatory evacuation orders are issued.

Charlotte County Fire and EMS determine when the emergency equipment on the island needs to be removed. Residents who chose to stay on the islands must understand that there will be no emergency fire or medical services from either Station #10 or the mainland until the "all clear" is given and Station #10 volunteers and equipment are back on islands.

#### **5.3.1.2 Evacuation Plan**

The Island lacks multiple egress points. Residents and visitors do not have a choice regarding evacuation routes. Unless residents or visitors take their private boats to the mainland, Palm Island Transit offers the only transportation – by ferry – off of the island.

Due to the uncertainty associated with a major storm, residents and visitors are asked to leave the island as soon as possible when notified of a mandatory evacuation. Because there are few full time residents on the island during hurricane season and visitors usually cancel their plans when advised of a potential hurricane, evacuation has been orderly. This may not be the case when the island is more built out and there are more year round residents.

#### **5.3.1.3 Ferry Evacuation**

The ferry takes people and vehicles to the mainland until the wind reaches a level where it is no longer safe to operate the vessel. When the storm is over or no longer a threat to the islands and conditions allow the operation, the ferry brings residents and their vehicles back to the island.

There is no specific system in place for notifying residents when the ferry will shut down. Wind and water conditions dictate ferry operation. Leaflets and a call-in number with a pre-recorded message (updated frequently) improved notification during the 2005 hurricane season.

#### **5.3.1.4 Re-entry Procedures**



There is no re-entry plan in place. Residents return to their homes when the ferry starts running again or by private boat.

### **5.3.2 Recommendations for Hurricane Evacuation and Disaster Planning**

- 5.3.2.1 **Recommendation 111:** Work in cooperation with Bocilla Utility and Knight Island Utility to ascertain responsibility for the necessary equipment to deliver and maintain adequate water pressure and flow.
- 5.3.2.2 **Recommendation 112:** Encourage all residents to have a weather radio in order to stay abreast of the storm's approach and mandatory evacuation orders.
- 5.3.2.3 **Recommendation 113:** The Committee will work with Palm Island Transit to develop a system to notify island residents and visitors of the shut down of the ferry due to excessive wind speed. The Community has been advised that it is possible to use a special and identifiable signal tone from the Station 10 siren for such notification. This must be coordinated with the County; Station 10 is currently following up on this.
- 5.3.2.4 **Recommendation 114:** Station #10 and Charlotte County Fire and EMS (or any such teams designated by Charlotte County Fire and EMS) shall be *first-in teams* for both rescue and infrastructure checks after a storm with damage.
- 5.3.2.5 **Recommendation 115:** The Committee will designate a local team to coordinate communication with 211 and the Charlotte County Emergency Management Director.

## **CHAPTER 6: Enforcement of Regulations**

### **6.0 Introduction and Overview**

This Community Plan speaks to living “gently” with the Island; protecting its biodiversity, conserving its non-renewable resources and maintaining its ecological stability. At the same time, Islanders wish to maintain a balance between development and preservation; and between regulatory control and the rights and privileges of individuals.

There are existing ordinances, codes, regulations and laws which were enacted to sustain the balance we seek. These need to be enforced.

### **6.1 Issues related to the Enforcement of Regulations**

The majority of issues that Islanders have are addressed in a variety of existing regulations. The primary concern is that there is not enough deputy presence to enforce these regulations.

The alternative minority opinion: there are some Islanders who value the lack of excessive enforcement of rules and regulations that may be necessary in more densely populated areas. These property owners object to increased law enforcement presence on the Island.

#### **6.1.1 Lack of Presence**

The Island community has had many opportunities to express their concerns regarding the enforcement of regulations on the Island. Various neighborhood issues have been discussed, primarily golf cart issues and under-aged golf cart drivers. Other issues meaningful to Islanders include illegal camping, illegal use of vehicles on the beach and ATVs on the roads, illegal use of fireworks and speeding in the canals and on the roads.

As a result of various town hall meetings, the Island community had 30 volunteers interested in participating in a “Neighborhood Watch” to support local law enforcement on the Island. However, the Watch was put on hold pending clarification of legal language related to several Island issues.

The Island does not need full-time law enforcement, but we do need deputy presence during specific times and hours.

### **6.1.2 List of Priority Issues**

Through community input, Islanders have identified the following topics of concern:

- Unleashed dogs Island-wide
- Dogs on the beach
- Use of fireworks
- Speeding
- Watercraft speeding on waterways
- Under-aged golf cart driving
- Open fires on the beach

### **6.1.3 Lack of Awareness**

Many Island visitors and property owners are unaware of rules and regulations. As the majority of Islanders have stated their preference for minimal signage, there is a need to educate and inform without increasing signage. In addition, the existing signage for regulations needs to be reviewed for effectiveness and visibility. [See Chapter 4 Infrastructure – Signage] Alternatives to signage need to be explored to inform people about existing regulations.

## **6.2 Recommendations for the Enforcement of Regulations**

**6.2.1 Recommendation 116:** The Community requests the assistance of Charlotte County Sheriff’s department in rigorously enforcing the existing regulations that are applicable to Island community life.

**6.2.2 Recommendation 117:** The Committee will assist the Charlotte County Sheriff’s Department by preparing a recommended annual schedule of enforcement coverage, including improved coverage for Marine Patrol. This will ensure a presence that will serve the greatest good while ensuring that the deputy’s time is used most efficiently.

**6.2.3 Recommendation 118:** The Community requests the assistance of Charlotte County Sheriff’s department in re-activating the Island Neighborhood Watch.

- 6.2.4 **Recommendation 119:** The Committee will work in conjunction with the Neighborhood Watch to set up a website with a webpage devoted to listing a series of common neighborhood issues and the regulations that apply to them. This page will have contact information for complaints and links to access the appropriate state statutes or municipal codes that may apply.
- 6.2.5 **Recommendation 120:** The Committee will work in conjunction with the Neighborhood Watch to generate a “good neighbor” letter, intended for use as an educational tool. This letter can be used to bring a complaint to a neighbor’s attention in a non-confrontational way. If the letter presumes that the recipient is unaware of their offense, it can potentially eliminate the need to contact the authorities. This letter can be downloaded from the abovementioned website in conjunction with a table of issues and regulations.
- 6.2.6 **Recommendation 121:** The same table of regulations developed for the website should be posted at the proposed Island kiosk [\[See Chapter 1 Land Use Short-term Rentals\]](#) and/or local bulletin boards.
- 6.2.7 **Recommendation 122:** The Committee will work in conjunction with the Neighborhood Watch and local rental management firms to make sure that information about local regulations is included in the information package for Island rentals as part of their education program. [\[See Chapter 1 Land Use – Short-term Rentals\]](#)
- 6.2.8 **Recommendation 123:** The Committee will work in conjunction with the Neighborhood Watch and the local homeowners’ associations to develop signage that has visual impact by illustrating the rules and regulations where signage is necessary.
- 6.2.9 **Recommendation 124:** The Community requires better coordination with Charlotte County Code Enforcement regarding the following issues:
- 1- Overnight parking in road rights-of-way
  - 2- Trash and construction debris
  - 3- Parking of commercial vehicles on private lots
  - 4- Zoning and building code violations
  - 5- Abandoned buildings and structures that pose a risk

## **CHAPTER 7: The Future of the Island**

### **7.1 More Island Control**

Islanders want more control over decisions, solutions and spending. We recognize the potential of our tax base and the value our community has to Charlotte County. Community workshops reveal and verify that Islanders may be willing to invest the time and resources toward achieving greater control over how their tax dollars are spent.

### **7.2 Issues related to Island Control**

The Islands could potentially face a number of large infrastructure projects over the next five years. While our history has been reactive to needs after they become crisis issues, our desire is to be more proactive and forward-thinking. The community strives to anticipate spending issues in advance, and seek an organized solution.

Future Infrastructure Projects may include, but may not be limited to:

- Land acquisition for habitat protection
- The Kosinski Bridge replacement (In process)
- The Anne Merry Bridge replacement
- Re-designing the paved road and repaving it
- Sand road maintenance
- Sewer and water infrastructure for future hook-up to Charlotte County Utilities
- Canal dredging and maintenance
- Long term beach maintenance, beyond the current plan
- The installation of dune walk-overs
- The installation of underground utilities

Future Special Service Projects may include, but may not be limited to:

- Land stewardship programs
- Additional Fire and EMS services to displace our volunteer system as population growth and increased tourism results.
- Additional enforcement on the Island as needed

(See Appendix 26 “Potential Capital (and other) Projects Projected over a 10-Year Period” and Appendix 27 “Chart of Community Plan Action Items”)

As property values rise, along with taxes and cost-of-living, the needs of community members of various ages and incomes must be considered as well, so that we may all continue to live in our community without economic hardship

### **7.3 Recommendations related to Island Control**

**7.3.1 Recommendation 125:** The Committee requests that the County and the Department of Public Works do not implement any of the projects listed and/or included in the Island Action Plan until Islanders have had an opportunity for public input and budget review. Questions to be answered include: Will it increase taxes? and is it justifiable?

**7.3.2 Recommendation 126:** The Committee will continue to workshop the topic of “Island Control” in the future, as part of the implementation of this Plan. We acknowledge that the method for paying for future projects should be developed in advance of future projects planned, otherwise our taxing units will become increasingly burdensome. (See Appendix 26 “Potential Capital (and other) Projects Projected over a 10-Year Period”)

### **7.4 The Future of the Community Plan**

As a standing committee, the Committee will continue to meet on a regular basis to assess the needs of the community and the status of relevant issues. (See Appendix 27 “Chart of

**Community Plan Action Items”)** The committee will also continue to host public workshops and town hall meeting forums to discuss community issues and methods of implementing solutions.

As the Community Plan is a fluid document, from time to time as needed, the Island community will need to amend or change the Plan to reflect the voice of the Island community.

**7.4.1 Recommendation 127:** Amendments or changes to the Plan. Upon acceptance of the Community Plan by the Board of County Commissioners, the Plan shall remain unchanged for a period of 2 years. Amendments or changes to the plan may be considered on a bi-annual basis thereafter. The procedure for making amendments or changes to the Plan will be as follows:

- Hold a public-noticed Town Hall meeting to discuss those issues under consideration that may require Plan amendment or change, and solicit input from the community.
- Accept additional input from the community subsequent to the meeting for a period of not less than 45 days.
- At the conclusion of the input and discussion phase, vote on making a recommendation to the County for the considered amendment/change.
- Pass recommendations that have been approved by vote of the Committee on to the Board of County Commissioners for consideration for acceptance by the County.

To ensure that the Community’s interests receive the broadest representation, amendments or changes to the plan will require a “supermajority” vote – that is, seven of nine Committee members – in order to pass and be forwarded to the County for acceptance.

**7.4.2 Recommendation 128:** The Committee recommends that a budget for modest administrative expenses be approved by the County to notice and correspond with stakeholders.

## Part III: Appendices

(NOTE: we are missing Appendix 16 – Road map of the island)