

**Application No.**  
**PA-14-04-06-LS**  
**(Plan Amendment)**

**Applicant**  
**Board of County Commissioners /**  
**Comprehensive Plan Text Amendment**

**Legislative**

**Countywide**



## MEMORANDUM

DATE: May 2, 2014

TO: Honorable Board of County Commissioners  
Planning and Zoning Board

FROM: Ty Harris  
Community Development Department Director

RE: A Large Scale Plan Amendment Petition Number PA-14-04-06-LS -  
Revisions to Charlotte County Comprehensive Plan

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The Smart Charlotte 2050 Comprehensive Plan (Plan) was adopted by the Board of County Commissioners (Board) on July 20, 2010, and became effective on June 15, 2011. During the implementation of the Plan, via development of the Land Development Regulations ("LDRs"), it became apparent that some policies needed to be revised in order to fulfill the vision that was established in the Plan, exercise the "Home Rule" authority in the County's Charter, and better guide redevelopment and future development within the County. At the Board's direction, staff has been working on revisions to the following elements of the Plan:

Future Land Use (FLU) Element (see Attachment 1)  
FLU Appendix I: Land Use Guide (see Attachment 2)  
FLU Appendix III: Definitions (see Attachment 3)  
Natural Resources (ENV) Element (see Attachment 4)  
Coastal (CST) Element (see Attachment 5)

The strikethrough and underline versions are attached to this memo for your reference.

Major changes are as follows:

- The word "smart" is removed from the title of the Plan and the term "Smart Growth" is also removed and replaced with "Balanced Growth". "Sustainable/Sustainability" is removed

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and replaced with “Viable/Viability”. The new terms are defined in Appendix III, Definitions.

- Based on existing Florida case law relating to private property “takings claims”, the word “prohibit” is replaced with “discourage” for CST Policy 3.2.5: Development Requiring Special Needs Assistance. For example, in order to construct an ACLF in the Costal High Hazard Area, extensive safety regulations must be met, such as 58A-5.026, F.A.C., Emergency Management.
- It is not the intent of 163.3177(1), F.S., to require the inclusion of implementing regulations in the comprehensive plan, but, rather, to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. Therefore, revisions to policies related to the following areas are proposed:
  - *Preventing urban sprawl:* To be consistent with Florida Statutes’ requirements regarding discouraging Urban Sprawl, we are proposing to revise the policies to incorporate Florida Statutes 163.3177, which specifically addresses preventing urban sprawl, into the Plan. The County is required by Florida Statutes to discourage urban sprawl.
  - *TDU-related policies:* The TDU ordinance in Article XX, Chapter. 3-5, Transfer of Density Units outlines the intent, applicability, and criteria for sending and receiving zones, as well as related procedures for transferring density. The proposed revisions to the Plan retain the intent, applicability and criteria, but eliminate the implementing regulations. The intent of the TDU program, the TDU Sending and Receiving zones related to different neighborhoods, and the requirement of Rural Receiving Zones are all retained in the Plan. Staff revised TDU related policies to be consistent with the existing TDU Ordinance. In addition, staff will not be proposing amendments to the existing TDU Ordinance as part of the revised LDRs.
  - *Residential compatibility:* The proposed FLU Goal 1. Balanced Growth Framework, states Number 3: Protect and Enhance Residential Neighborhoods. FLU Policy 4.1.6 Neighborhood Compatibility still exists. The proposal removes specific regulations because they do not belong to the Comprehensive Plan. They will be incorporated into the Land Development Regulations, where they should be, to ensure neighborhood compatibility.
  - *Wetland/Natural Resource Protection:* The goal to protect wetlands remains in the Plan (ENV Goal 3. Wetlands, avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available). However, the existing Plan establishes wetland categories which are inconsistent with the State/Federal categorization processes. Staff is proposing

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removing these policies in order to be consistent with State and Federal requirements. Detailed information regarding State and Federal permitting and programs to protect natural resources such as wetlands and mangroves is as follows:

An Environmental Resource Permit (ERP) is required for multi-family, residential subdivisions and any non-residential development. Florida implements a regulatory Environmental Resource Permit (ERP) program under independent state authority of Part IV of Chapter 373 of the Florida Statutes (F.S.). The ERP program operates in addition to the federal program that regulates activities in waters of the United States.

All state, regional, and local governments in Florida delineate wetlands in accordance with state methodology (Chapter 62-340, F.A.C.) instead of the federal method. A joint permit application is used with the U.S. Army Corps of Engineers (USACE); ERP applications are initially received by the Department of Environmental Protection (DEP), Water Management Districts (WMD), or delegated local government, who then forwards the joint application to the USACE. While the ERP application is issued, withdrawn, or denied in accordance with state statutory and rule criteria, agency action on the ERP application also constitutes any needed water quality certification (WQC, or waiver thereto) under Section 401 of the Clean Water Act and Coastal Zone Consistency Concurrence with Florida's federally approved Coastal Zone Management program under Section 307 (Coastal Zone Management Act), which then enables the USACE to take separate action to issue or deny any needed federal permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

Stormwater Construction National Pollutant Discharge Elimination System (NPDES) permits are not integrated into the ERP permit, and are issued separately. Florida also implements a separate permitting program for trimming or altering mangroves under Section 403.9321 through 403.9333, F.S., although mangrove trimming and alteration can be incorporated into an ERP permit.

Under Section 373.421, F.S., Florida has adopted a wetland delineation methodology that is binding on all state, regional, and local governments throughout Florida. This methodology was adopted as Chapter 62-340 of the Florida Administrative Code (F.A.C.), which is ratified in Section 373.4211, F.S., for statewide applicability. It became effective on July 1, 1994. This methodology is a unified statewide approach to wetland and other surface water delineation and is specific to Florida, in recognition of the vegetation, hydrologic, and soil features that specifically exist in Florida. Local governments are expressly preempted from defining wetlands or developing a delineation method that differs from the adopted State standards.

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Florida's methodology differs from the Corps 1987 manual methodology in many respects, although the USACE methodology continues to be used separately by the federal permitting agencies in Florida. In real-world application, the state and federal wetland lines typically are very close or identical with one another, although, in certain areas of the state, significant differences do exist.

Florida has not produced a map of the wetlands as they would be delineated using the State methodology in Sections 373.421 and 373.4211, F.S. Instead, the Department's Office of Submerged Lands and Environmental Resources and District offices, as well as staff in the Suwannee River, St. Johns River, Southwest Florida, Northwest Florida, and South Florida Water Management Districts perform wetland delineations for a specific parcel of property on request or as part of a permit application review. There are three ways such requests for wetland delineations may occur:

1. By formal petition for a formal determination of the landward extent of wetlands and other surface waters. These determinations are done for a fee, depending on the size of the total parcel, are subject to specified time frames, typically require the petitioner to produce a survey of the wetlands so delineated, and are binding on the petitioner and the state agencies for a period of five years (which may be extended).
2. As part of a permit application. There is no additional charge for this service above that required to process the permit application.
3. Through an informal determination. These are normally done only for private single family landowners. A fee of \$100 is required for these determinations, but they are done on an —as-resources allow basis, are not subject to any time frames, and are not binding on any of the parties. Due to staffing limitations, there is increased reluctance of the district staff to do these, and property owners usually are encouraged to file a petition for a formal determination.

If a federal dredge and fill permit is required for an activity, it is up to the USACE to separately delineate the wetlands on the parcel using the applicable federal methodology. While the USACE determination may be done coincident with the state delineation, the two methodologies are not interchangeable, and often the wetlands delineated by each methodology is different, as mentioned above.

- *Residential Development within Coastal High Hazard Areas:* Staff has no intention to revise or remove any objectives and policies set forth in the Coastal Planning Element.
- *Mining related Policy:* The existing Earthmoving Ordinance and the proposed revisions to the Earthmoving Code address all requirements set forth in FLU Policy

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2.1.9: Natural Resource Protection during Mining Activities and ENV Policy 2.5.1: Review Excavation Activities; therefore, there is no need to duplicate it.

- Babcock: County staff and the Babcock team have been working on the revisions to the existing Babcock Land Development Regulations to incorporate all design guidelines in the Plan into the proposed revisions. Therefore, we are proposing to remove all related policies.
  - FLU Policy 6.4.37: Mandatory Reclaimed Water  
The requirement to use reclaimed water has been set forth in the Babcock DRI Master Development Order; therefore, staff is proposing to remove it.
- Revisions to FLU Appendix I, Land Use Guide:
  - The term “generally” has been added to each land use category for its range of uses to allow flexibility because it is not realistic to list all possible uses within each land use category.
  - We added sub-neighborhood commercial uses back into the residential land use category to allow such types of uses to serve the residents. We set the intensity for this type of use and require property to be rezoned to Planned Development or Commercial Neighborhood zoning districts. Otherwise, any sub-neighborhood commercial uses must be under the “Commercial” land use category, which potentially opens the door for other intensive commercial uses to intrude into residential neighborhoods.
  - The existing standards for commercial sub-categories are better suited in the Land Development Regulations; therefore, we are proposing to remove these sub-categories of Commercial Future Land Use Map designation. In addition, these have not been practical for planning purposes.
  - The existing language in Appendix I, Land Use Guide, regarding “Mineral Resource Extraction (MRE)” has been retained while staff is still working on the proposed revisions to the existing Earthmoving Code. After the Board of County Commissioners adopts the revisions to the Earthmoving Code, we will make changes to the existing Comprehensive Plan to be consistent with the new language.
  - Babcock: The maximum density and intensity have been adopted in the Babcock DRI Master Development Order; therefore, we are proposing to remove them from the Plan.
- Response to Public Comments not Addressed Above:
  - *Adequate time for public input*

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The first public roundtable was hosted by the Community Development Department on April 10, 2014. The proposed revisions were posted online for public input prior to the roundtable. Public comment was solicited during this roundtable and staff urged those in attendance to provide additional comments in writing. Staff also extended an invitation to the public to discuss their comments and concerns on an individual basis. On April 23, staff hosted a full-day public roundtable. Prior to this roundtable, staff received limited communication regarding the proposed revisions; additionally, staff has responded to each email received questioning the proposed revisions.

- *Relationship Between the Plan and Land Development Regulations (LDRs)*  
During the implementation of the Plan, via development of the LDRs, it became apparent that some policies need to be revised in order to fulfill the vision that was established in the Smart Charlotte 2050 Comprehensive Plan to better guide redevelopment and future development within the County.
- Please provide specific examples regarding how the proposed revisions will weaken Charlotte County's ability to impact proposed development and growth. To date, no follow-up explanation has been provided to staff.
- *Expansion of the Urban Service Area*  
Staff explained during the roundtable meeting that the revision will allow for legally required due process to be exercised but that the proposed revisions to the Plan do not expand the urban service area.
- *FLU Policy 2.1.3: Direct Incompatible Uses Away from Natural Lands*  
In order to avoid potential legal action against the County, staff is proposing to remove this policy to protect the development rights of all property owners, including owners of property adjacent to lands designated as Preservation, Resource Conservation, and all public lands acquired for preservation purposes.
- *FLU Policy 2.1.5: Access to Public Water Bodies*  
Staff is proposing to retain this policy and just added "public" to clarify that this policy only applies to the public water bodies.
- *FLU Policy 2.1.6: Floodplain Protection*  
Staff is proposing to revise this policy to be consistent with the Florida building Code and local Floodplain Ordinance.
- *FLU Policy 2.3.8: Reduce Impervious Surfaces*  
Both the existing LDRs and the proposed revisions to the LDRs contain requirements relating to maximum lot coverage. Staff is proposing to remove this policy.

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- *FLU Policy 4.1.2: Overall Reduction in Platted Lands*  
Staff's revision maintains the same meaning.
- *FLU Policy 4.1.6: Neighborhood Compatibility*  
The first sentence requires Charlotte County to adopt appropriate criteria in the LDRs. The rest of the language needs to be in the LDRs. Therefore, staff is proposing to remove all regulatory language.
- *FLU Policy 5.4.2: Limit Expansion of Strip Commercial*  
Staff revised this policy to delete specific criteria – which is regulatory and not appropriate for inclusion in the Plan. Staff has no objection to linear commercial development.
- The definition for “strip commercial” came from “*A Planner’s Dictionary*,” which is a respected source of information and widely used throughout the professional planning world. Due to the physical constraints of many commercial properties within Charlotte County, we recognize the need for linear commercial development patterns.
- *Evaluation Criteria for Plan Amendment Applications*  
The deleted section is a summary of the policies already contained in the Plan. Removing this section eliminates redundancy.
- *Minimum Density Requirement for Medium and High Density Residential FLUM Designations*  
It is staff's opinion that individuals should be allowed to build any amount of residential units on their property up to the maximum allowed without being penalized for building less than the existing minimum requirement.
- *Industrial Standards*  
Except for the general range of uses, the standards for Low Intensity Industrial and High Intensity Industrial Land Use Amendments are the same. Staff simplified these two land use categories into one category. Types of uses and development standards shall be in Land Development Regulations.
- *Compact Growth Mixed Use*
  - This type of development is very unique and should be considered on a case by case basis. Staff has removed “therefore, long, shallow or deep, narrow tracts are generally not appropriate for this type of development” because this is criteria is not very meaningful. It is unfair to deny a project which meets all requirements except that the subject property is a long shallow tract of land.
  - The County does not have a shelter system which the developer can provide monetary contributions to. In addition, there is a potential liability

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issue if the County requires the developer to construct “sufficient shelter” – which is not defined and has no standards. Therefore, staff is proposing to remove this requirement.

- *U.S. 41 Mixed Use*  
Staff is also working on the new Land Development Regulations and is suggesting combining the Commercial General (CG) together with the Commercial Intensive (CI) Zoning District to create one commercial zoning district. Therefore, to revise the general range of uses, this change to the land use category is necessary.
- *Related to Manasota Key*  
Staff is not proposing any revisions to the Barrier Island Overlay District in the Plan or to the Manasota Key Overlay District in the Land Development Regulations.
- *Scrub Jay Habitat Conservation Plan (HCP)*  
Staff has not extended the Urban Service Area in the Plan. Second, please provide a detailed explanation about how removing the minimum density requirements from Medium and High Density Residential FLUM categories would make the Scrub Jay HCP inconsistent with the Plan. The HCP was not created based on residential density. We have received no additional follow-up explaining this assertion.
- *ENV Policy 2.2.4 Limiting Land Use Changes*  
Increases in density or intensity will impact natural resources. Staff is proposing to remove this policy since any development could be construed as “harmful” to natural resources.
- *ENV Policy 2.4.4: Site Plan Review*  
The County does not have professional staff to determine these impacts. Therefore, staff is proposing to remove this policy.
- *ENV Policy 3.1.6: Incompatible Uses*  
Staff could not find any reliable scientific data to support the 50-foot undeveloped buffer requirement between Commercial Intensive/Industrial uses and wetlands. Other uses could also be more incompatible but are not restricted by this policy. Therefore, staff is proposing to remove this policy.
- *ENV Policy 3.1.7: Prohibited Uses*  
Staff could not find any reliable scientific data to support the 200 foot buffer requirement for wetlands. In addition, the buffer requirement should be in the Land Development Regulations. Therefore, staff is proposing to remove this policy.
- *ENV Policy 3.1.10: Permits*

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Staff revised this policy per the Board's request to be consistent with State and Federal requirements.

- *Free Market Concept*

According to Merriam-Webster dictionary, "Free Market" means an economic market or system in which prices are based on competition among private businesses and not controlled by a government. The Comprehensive Plan does not regulate economic markets or systems. Although the Comprehensive Plan does contain objectives and policies to encourage and protect economic development opportunities, no regulations have been or will be set forth in the Comprehensive Plan to interfere with private businesses.

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**Attachment 1**

**Future Land Use (FLU) Element**

**- Goals, Objectives and Policies**

**\_FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES**

**PURPOSE**

The Future Land Use (FLU) Goals, Objectives and Policies implement the ~~Smart~~-Charlotte 2050 Framework. This element focuses on the principles of Balanced~~Smart~~ Growth as the underlying standard for the creation of land use policy; the Urban Service Area policies to establish a clearer focus on future neighborhood development in the right place and form; the recognition and introduction of "incentives" as the primary method for achieving the desired land use form; and a focus on economic development. The descriptions of land use categories are separate from the policies of the element and have been placed in FLU Appendix I.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

**GOALS, OBJECTIVES AND POLICIES**

**FLU GOAL 1: ~~SMART~~BALANCED GROWTH FRAMEWORK**

**Implement a land use and development framework based upon ~~Smart~~Balanced Growth Principles that will:**

- **Preserve and protect natural resources.**
- **Preserve and support agricultural uses.**
- **Protect and enhance residential neighborhoods.**
- **Promote economic development.**
- **Prevent~~Address~~ urban sprawl to be consistent with 163.3177 F.S., as may be amended.**
- **~~Encourage and support~~ energy efficient land use forms.**
- **Ensure adequate services and facilities to serve new and existing development.**
- **Protect private property rights.**

**FLU Objective 1.1: ~~Smart Growth~~ Implementation**

To create a planning framework and implementation strategy that will enhance the livability of Charlotte County; preserve or enhance its natural, cultural, and physical resources; ~~discourage urban sprawl; and promote sustainable~~viable, energy-efficient land use patterns; and ~~reduce greenhouse gas emissions (GHG).~~

**FLU Policy 1.1.1: Planning Principles for ~~Smart~~Balanced Growth**

The Principles of ~~Smart~~Balanced Growth shall guide the creation of land use policy and development regulations within Charlotte County and shall be

implemented through the policies contained in this ~~Smart~~ Charlotte 2050 Comprehensive Plan (Plan). These principles shall include:

- ~~Encouraging the preservation of~~ Preserving open space, farmland, natural beauty and ~~critical sensitive~~ environmental areas.
- ~~Strengthening and directing development towards existing communities.~~
- Taking advantage of compact building design.
- ~~Fostering~~ Encouraging distinctive, attractive, mixed use communities with a strong sense of place.
- Encourage the creation of ~~Creating~~ walkable neighborhoods in population centers which that can support compact development.
- Creating a range of housing opportunities and choices.
- Providing a variety of transportation choices.
- Encouraging community and stakeholder collaboration.
- Making development decisions predictable, fair and cost effective.

**FLU Policy 1.1.2: 2050 Framework Report and ~~Smart~~Balanced Growth Concept Plan**

The Charlotte County 2050 ~~Smart~~Balanced Growth Concept Plan (SPAM Series Map #1) illustrates land use relationships that follow the Principles for ~~Smart~~Balanced Growth and represents a ~~Smart~~Balanced Growth future for the County. This ~~Smart~~Balanced Growth Concept Plan provides no regulatory function within the Plan, but provides a graphic illustration of the application of the planning principles prescribed herein. The ~~Smart~~ Charlotte 2050 Planning Framework Report and ~~Concept~~ Plan serve to guide development and redevelopment activities through the formulated objectives and policies associated with the four components of the Framework Report:

1. Natural Resources (FLU Goal 2)
2. Agricultural and Rural (FLU Goal 3)
3. Neighborhoods (FLU Goal 4)
4. Economic Development (FLU Goal 5)

**FLU Policy 1.1.3: ~~Strategy for Sustainability~~ for Land Use Development**

The County shall implement a comprehensive land use strategy that is designed to reduce vehicle miles traveled and ~~GHG emissions~~ through policies that:

1. Address urban sprawl to be consistent with 163.3177 F.S., as may be amended. ~~Discourage urban sprawl.~~
- 1.2. Provide for multiple housing options and communities-tailored guidelines recognizing that the County’s diversity has diverse land characteristic.

~~2.3. \_\_\_\_\_ Implement SmartBalanced Growth principles.~~

~~3.4. \_\_\_\_\_ Amend the County's Code of Laws and Ordinances to further and support the SmartBalanced Growth policies of the Plan.~~

**~~FLU Policy 1.1.4: Strategy for Sustainability: Performance Standards~~**

~~The County shall initiate efforts to quantify its impacts on climate change and the effect of the policies of this Plan to address this issue, and shall report on the results of this effort as a part of the 2017 Evaluation and Appraisal Report. At a minimum, this evaluation will include a methodology to quantify the existing average per capita vehicle miles traveled for Charlotte County and an evaluation of how these policies helped to reduce this performance criterion over the evaluation period.~~

**~~FLU Policy 1.1.54: Strategy for Viable Development Sustainability: Reducing the Carbon Footprint~~**

~~The County shall take the following actions as part of an overall strategy to reduce the carbon footprint of development and infrastructure in Charlotte County:~~

- ~~1. *Bicycle and Pedestrian*: Encourage the cooperation of public agencies and private owners in the provision of a bicycle and pedestrian system connecting all land uses along arterial and collector roads in order to reduce dependence on automobiles.~~
- ~~2. *Transportation System*: Encourage the cooperation of existing and future land owners and developers in shifting to a multi-modal transportation system including, but not limited to, the locating of solar sheds, bus stops, shelters, and other passenger and system accommodations.~~
- ~~3. *Energy Efficiency*: Require the use of energy-efficient lighting, such as solar powered fixtures, for streets, parking areas, recreation areas and other interior and exterior public areas. Further, for all development, the County shall encourage energy-efficient appliances and equipment, energy-efficient features in window design, use of operable windows and ceiling fans and other technology to conserve energy.~~
- ~~43. *Discourage Unnecessary Restrictions*: Discourage deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g. building orientation, clotheslines, and solar water heating systems).~~
- ~~5. *Local Air Temperatures*: Encourage reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas to reduce local air temperatures, and reflected light and heat.~~
- ~~6. *Shade Trees*: Encourage the planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.~~

~~Trees shall be chosen and placed so as to provide needed shade in warmer months while not overly reducing the benefits of sunlight in cooler months.~~

**FLU Policy 1.1.46: Consistency with Comprehensive Plan**

The County shall issue all development orders or permits to be consistent with the Future Land Use Map (FLUM) Series and ~~Smart~~-Charlotte 2050 Comprehensive Plan as specified in Chapter 163.3194, Florida Statutes (F.S.). All County -regulations, including the Zoning Code, Subdivision Regulations, and Zoning Atlas, are subordinate to the Plan and to the FLUM Series. Density and intensity increases shall only be allowed up to the maximum provided by the designation of the subject property; increases beyond the maximum shall require a comprehensive plan amendment to a higher intensity use should one exist.

**FLU Policy 1.1.67: Defining Terms**

The County defines terms and phrases used within this Plan and hereby adopts them within FLU Appendix III: Definitions.

**FLU Objective 1.2: Future Land Use Map (FLUM)**

To direct the timing, location, density, and intensity of development and redevelopment throughout Charlotte County consistent with the Principles of ~~Smart~~-Balanced Growth and the 2050 Framework Report and Concept Plan.

**FLU Policy 1.2.1: Adopted Future Land Use Map Series (FLUM Series) and Planning Horizon**

The FLUM Series embodies strategies designed to ~~build~~ long-term community value, address urban sprawl to be consistent with 163.3177 F.S., as may be amended ~~discourage urban sprawl~~ and ensure that public facilities and services are provided in the most cost-effective and efficient manner. Charlotte County provides appropriate goals, objectives, policies, data and analysis for a future land use, long-range planning horizon through the year 2030, but provides for a vision horizon through the year 2050. The County adopts the FLUM Series as depicted in FLU Appendix II: Future Land Use Map Series, and listed below, and uses the Future Land Use Categories as defined and adopted in FLU Appendix I: Land Use Guide:

- Map #1: 2030 Future Land Use
- Map #2: 2050 Framework
- Map #3: 2030 Service Area Delineation
- Map #4: Watershed Overlay District
- Map #5: Surface Water Protection Overlay District
- Map #6: Prime Aquifer Recharge Area

- Map #7: Public Water System Wellhead Protection Areas
- Map #8: Special Area Overlay Districts
- Map #9: Barrier Island Overlay District
- Map #10: Community Planning Areas
- Map #11: Special Area Plans
- Map #12: Historic Sites
- Map #13: Coastal Planning Area
- Map #14: Coastal High Hazard Areas and Evacuation Routes
- Map #15: Sea Level Rise
- Map #16: Rivers and Lakes
- Map #17: Floodplains
- Map #18: Wetlands
- Map #19: Soils
- Map #20: Topography
- Map #21: Transfer of Density Waivers
- Map #22: Critical Wildlife Corridors
- Map #23: Rural Community Potential Locations
- Map #24: MRE Prohibited Areas
- Map #25: Developments of Regional Impact

**FLU Policy 1.2.2.: Boundary Administrative Interpretation for FLUM Series**

The boundaries of the FLUM Series are graphic representations of different categories and may not be the finite boundaries showing where one category stops and another starts. For interpretation purposes, those boundaries may be flexible to allow for any discrepancies that may occur when applying these categories to specific parcels and land. Discrepancies may be established by reference to existing property lines, recorded documents, surveys, or other factual data or major physical or man-made boundaries. Categories may extend up to six-hundred-and-sixty feet (660) beyond the limits established on these FLUM Series to accommodate property lines or easements and to allow extension to major physical or man-made boundaries. The County shall consider an extension or reduction to the category boundary interpretation in order to prevent the creation of nonconforming lots. Boundaries shall not be expanded in such a manner that they encroach into established residential areas.

**FLU Policy 1.2.32: Service Area Delineation**

The County designates two distinct service areas, an Urban Service Area and a Rural Service Area (FLUM Series Map #3) that reinforce the preferred land use patterns of Charlotte County, through policies that address urban sprawl to be consistent with 163.3177 F.S., as may be amended~~are designed to effectively discourage the proliferation of urban sprawl.~~ Amendments to the Service Area

Delineation map will be reviewed based upon the standards provided in FLU Policy 1.2.56.

**FLU Policy 1.2.43: Urban Service Area**

For lands within the Urban Service Area, this Plan:

1. Promotes infill redevelopment and compact new development that will minimize the conversion of agricultural and rural lands for urban use.
2. Maximizes the efficient use of available urban infrastructure.
3. Establishes the priority locations for the extension of that infrastructure.
4. Prohibits the expansion of Urban Service Area land use designations, identified in FLU Table A-1 of FLU Appendix I, outside the Urban Service Area.
  - a. The County shall not allow any increases in density or intensity through rezonings or plan amendments within the Rural Service Area except through amendments to Rural Community Mixed Use or Mineral Resource Extraction FLUM categories and consistent Zoning designations.

**FLU Policy 1.2.45: Rural Service Area**

For lands within the Rural Service Area, this Plan:

1. Protects the existing rural character of the area and acknowledge that a certain portion of the County’s population will desire to live in a rural setting.
2. Promotes lower densities in outlying rural areas which have infrastructure limitations.
3. Establishes a framework for future opportunities and development options, including standards that address the timing of future development.
4. Creates a focused strategy for the regulation of mining and resource extraction activity.

**FLU Policy 1.2.65: Expansion of the Urban Service Area**

~~The County finds that the development rights assigned within this Plan and the development forms allowed by this Plan provide adequate development opportunities within and without the Urban Service Area; therefore, the County shall not expand the Urban Service Area nor accept requests to expand the Urban Service Area.~~ Each Evaluation and Appraisal Report process shall include an assessment of the Service Area Boundary and the adequacy of the existing development rights and forms within the Urban Service Area. Should the County desire to expand the Urban Service Area during the EAR amendment

~~stage or receives a private request to expand the Urban Service Area at the EAR amendment stage, the following standards must be affirmatively met in Section 163.3177 F.S., as may be amended, (2013) shall apply:~~

- ~~1. *Demonstration of Need:* It must be demonstrated that additional lands or a change in development form are required to accommodate the population, housing or employment needs of the County projected over the planning horizon of this Plan.~~
- ~~2. *Contiguity to existing urban development patterns:* It must be demonstrated that the expansion area is contiguous to existing urban patterns of development.~~
- ~~3. *Availability of Urban Infrastructure:* A projection of requirements for public facilities and services must be completed and the ability to provide those facilities and services through private or public means shall be demonstrated.~~
- ~~4. *Compatibility:* An evaluation of existing land uses and environmentally sensitive areas within the expansion area must be completed. Appropriate policies shall be written and adopted into this Plan to provide appropriate protections for the transition of land uses adjacent to rural development, to provide for non-interference with agricultural or conservation activities, and to provide for protection of environmentally sensitive lands.~~
- ~~5. *Urban Sprawl:* It must be demonstrated that the expansion area and development within it will discourage urban sprawl.~~

**FLU Policy 1.2.76: Transfer of Density Units (TDU) Program Intent**

The County shall ~~employ~~ implement a transfer of density units (TDU) program whereby the development rights of property may be severed in perpetuity and transferred to designated locations that are more appropriate for development. The TDU program identifies sending and receiving zones.

~~The intent is to provide a mechanism, consistent with the protection of the health, safety and welfare of the public, by which the following may be accomplished:~~

- ~~1. Residential development rights associated with real property with environmentally sensitive resources, historic or archeological resources, or which contains a bona fide agricultural use, or real property otherwise deemed less suitable for development, may be properly transferred to property better suited for higher density residential development upon:~~
- ~~2. Future growth will be directed in a logical, economical, and efficient manner away from those areas of the county less suited for such growth, and~~

~~toward those areas of the county best suited to provide the public services and facilities necessary for such growth;~~

~~3. The county can provide a record of transfers of density units and impose appropriate restrictions on the properties involved in such transfers.~~

-The intent is to create a TDU process that will:

1. Assist and encourage the removal of old, outdated, platted lots and subdivisions throughout the County.
2. Assist and encourage the replacement of an unsustainable and inefficient form of development with compact, higher density, mixed use development that is more sustainable and efficiently utilizes resources.
3. Incentivize the retention of long-term agricultural activities and the clustering of rural development densities as an alternative to rural large lot sprawl in order to reduce the premature conversion of rural lands and preserve rural character and viewsheds.
4. Incentivize the voluntary preservation of environmentally sensitive lands.
5. Help preserve archeological and historic sites.
6. Prevent net density increases within the Coastal High Hazard Area.

**FLU Policy 1.2.78: TDU Applicability**

~~The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda.~~

~~Density units shall only be severed in whole units; a fractional unit shall not entitle an applicant to an additional unit. All density transfers shall be on a one-for-one basis.~~

~~The following are descriptions of those situations wherein transfers of density will not be required by the County:-~~

**FLU Policy 1.2.89: Transfer of Density Units (TDU) Special Exception**

When developed consistent with a Revitalization Plan approved in accordance with FLU Policy 4.2.1 and 4.2.2, properties located in a Revitalizing Neighborhood may rezone to the maximum density allowed by their existing Future Land Use Map category. Density for this increase shall be granted by the County from RAPID density, described in FLU Policy 1.2.4515. Further instances of density transfers being granted by the County in Revitalizing

Neighborhoods may be explored through the creation of a neighborhood's Revitalization Plan. Density granted for increases in a Coastal High Hazard Area (CHHA) in accordance with a Revitalization Plan shall only be allowed when the RAPID density also comes from a CHHA. Notwithstanding the foregoing, any addition of density to the Placida Revitalizing Neighborhood may be implemented only through the transfer of density units (TDU Program). The boundaries of the Placida Revitalizing Neighborhood are shown on SPAM Series Map #96. In addition TDU shall not apply to any other specifically recognized area under FLU Policy 1.2.1410 of this Comprehensive Plan.

1. ~~Any other specifically recognized area under FLU Policy 1.2.14 of this Comprehensive Plan.~~

### **FLU Policy 1.2.108: TDU Sending Zones**

In order for property to qualify as an Sending Zone (SZ), the proposed SZ must contain at least one (1) density unit and it must comply with one (1) of the following criteria:

- ~~(i) The proposed SZ contains an environmentally sensitive resource; or~~
- ~~(ii) The proposed SZ contains a historic or archeological resource; or~~
- ~~(iii) The proposed SZ is located within the coastal high hazard area; or~~
- ~~(iv) The proposed SZ is a substandard lot or parcel; or~~
- ~~(v) The proposed SZ is located outside the Urban Service Area (USA) and contains a bona fide agricultural use. It must be the intention of the property owner/petitioner to continue agricultural use of the subject property, which shall be written into a restrictive covenant or conservation easement. This may be accomplished in conjunction with farmland conservation efforts of agencies such as, but not limited to, the Natural Resource Conservation Service, the water management districts or the American Farmlands Trust; or~~
- ~~(vi) The proposed SZ is located within the USA and the property owner has obtained a building permit to develop a residential use at a density below the base density, or a school, house of worship, park, cemetery or mausoleum, and the property is not currently served by water or sewer or within any utility's five-year capital improvements program for extension of water and sewer. Or if the property owner is choosing to sever all density, a building permit is not required. This density may only be transferred to a Receiving Zone (RZ) in the USA; or~~
- ~~(vii) The proposed SZ is located in the USA and the property owner has obtained a building permit to develop a residential use at a density below the base density, or a school, house of worship, park, cemetery or mausoleum. This density may only be transferred to an RZ in the USA.~~

The following sending zones are recognized by the County:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Rural Service Area (FLUM Series Map #3) retaining a bona fide agricultural use or consisting of substandard platted lots.
3. Lands within the Resource Conservation and Preservation FLUM categories.
4. Land within the Coastal High Hazard Area (FLUM Series Map #14).
5. Any land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources.
6. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
7. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
8. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).
9. Land designated as a Wildlife Corridor Critical Linkage (FLUM Series Map #22). These lands may sever density at one unit per five acres, gross, if designated as Agriculture or Burnt Store Limited Development on the FLUM, and two units per five acres if designated Rural Estate Residential on the FLUM.
10. If the property is located in the Urban Service Area and the property owner has obtained a building permit to develop a residential use at a density below the Base Density, or a school, house of worship, park, cemetery or mausoleum, the excess density may be transferred only to an area located in the Urban Service Area that is currently served by water and sewer or which will be served by water and sewer prior to issuance of an Certificate of Occupancy.

**FLU Policy 1.2.9: Restrictions on Sending Zones**

~~The County shall apply the following restrictions to sending zone sites:~~

- ~~1. Once density is removed from a sending zone it shall not be restored to that site unless such area becomes targeted as a growth area through an amendment to this Plan.~~
- ~~2. Sending zone sites qualifying under item 1 of FLU Policy 1.2.8 shall be placed under a conservation easement and all density severed except that owners of contiguous lots may retain one unit of density per each contiguous acre. Density on those portions of a proposed SZ that contain an environmentally sensitive resource or which contain an historic or archeological resource must be totally removed. Density can be retained on other areas of the SZ if such retention is deemed consistent with the provisions of any ordinance implementing the TDU Program.~~

3. ~~An SZ may be used for mitigation or for relocation of protected plan or animal species, as such use or relocation may be allowed by federal and state regulations, provided the terms of any required restrictive covenant or easement are satisfied. Sending Zone sites qualifying under item 2 and 9 of FLU Policy 1.2.8 shall be placed under a conservation easement if environmentally sensitive land or agricultural easement if under active agricultural use and the intent is to continue that use.~~
  - a. ~~For sending zones that qualify under item 2, if under active agricultural use, density may be retained for use by the property owner, family members of the property owner, and a land manager at one unit per 30 acres of active agricultural use, up to a maximum of 5 units.~~
  - b. ~~For sending zones that qualify under item 9 that contain an active agricultural use, one unit of density may be retained and active agricultural uses may continue but not be intensified or expanded. If the property owner does not choose to manage the land for wildlife, the County or appropriate State or non-profit agency will be given rights to manage any non-agricultural and non-residential portions of the property for wildlife usage.~~
4. ~~Sending zone sites qualifying under items 3, 4, 5, 6, 7, and 8 of FLU Policy 1.2.8 shall be placed under a conservation easement and no density shall be retained.~~
5. ~~The more restrictive of the sending zone qualifications shall apply.~~

**FLU Policy 1.2.110: TDU Receiving Zones**

In order to qualify as a RZ, the proposed RZ must comply with all of the following criteria:

(i) It must be located within the USA or, if outside the USA, it must be located within a Rural Community Mixed Use area or within the Rural Settlement Area Overlay District.

(ii) Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs.
5. Revitalizing Neighborhoods -prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

Receiving Zones within the Rural Service Area include lands within:

- :
1. Rural Community Mixed Use areas.

1. ~~The Rural Settlement Area Overlay District.~~

**FLU Policy 1.2.11: Prohibited Receiving Zones**

Density shall not be transferred into:

1. ~~Lands within Managed Neighborhoods (FLUM Series Map #2).~~
2. ~~Lands within the Resource Conservation and Preservation FLUM categories.~~
3. ~~Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; when a portion of a property contains resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical structure that is to be integrated into a development will not need to be buffered. Lands containing historic or archeological resources unless such areas can be designated as a preserve through a conservation easement~~
4. ~~Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).~~
5. ~~Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).~~
6. ~~Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).~~
7. ~~Land on a barrier island.~~

**FLU Policy 1.2.12: Rural Receiving Zones**

Receiving zones in the Rural Service Area may only receive density units from sending zones in the Rural Service Area.

**FLU Policy 1.2.13: Possible TDU Bonus Programs**

The County shall explore the feasibility of utilizing a bonus for removing density from Managed Neighborhoods and from lands that have been enhanced by landowners for habitat management or ecosystem services. The County shall include policies within this element to identify any bonus density applied to sending zones.

**FLU Policy 1.2.14: TDU Waivers**

The following are waivers, depicted on FLUM Series Map #21, from the requirement to transfer density to a Receiving Zone:

1. Development within the Babcock Ranch Overlay District (BROD) is exempt from any Transfer of Density Units policies in the Comprehensive Plan and from the Transfer of Density Units requirements of the Land Development Regulations.

**FLU Policy 1.2.15: Revitalizing Neighborhoods Incentive Density**

FLUM Series Map #2: 2050 Framework illustrates those lands within the County that are now designated as Managed Neighborhoods. FLU Policy 4.5.1, #3, states that no increases of density or intensity are allowed in these Neighborhoods. By removing the ability of these lands to increase in density, the County has removed 13,092 units of potential density from underneath the Future Land Use Map. The County shall hold this potential density, to be known as Revitalizing Area Plan Incentive Density (RAPID), and utilize it to incentivize redevelopment efforts consistent with FLU Policy 4.2.1. For all Revitalization Neighborhoods with plans created and adopted consistent with FLU 4.2.1, all density increases above base density ~~shall~~ may be granted by the County through utilization of the RAPID from Managed Neighborhoods. The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this policy, which shall be no greater than the total amount of RAPID.

**FLU Objective 1.3: Protection of Historic Resources**

To ensure that natural, historic, archaeological and cultural resources are protected for the enjoyment of all citizens through provisions of the Charlotte County Code of Laws and Ordinances and this Plan.

**FLU Policy 1.3.1: Identification of Natural, Historic, Archaeological, and Cultural Resources**

The County shall create a Local Historic Register using information from the Survey of Historic Resources for Charlotte County developed in 2008, which will be updated periodically.

**FLU Policy 1.3.2: Protection of Historical and Archaeological Resources**

The County shall protect designated historic districts (SPAM Series Map #2), areas surrounding identified archaeological sites, and historic structures listed on the National Register of Historic Places, Florida Master Site File, or Local Historic Register by identifying these resources for additional review. The County will also manage publicly-owned lands in cooperation with various agencies or groups to ensure that historic and archaeological resources, including the County's historic cemeteries and burial places, are protected.

**FLU Policy 1.3.3: Archaeological Predictive Model**

The County shall determine the location of potential historic resources using the Archaeological Predictive Model (SPAM Series Map #3) prepared by Environmental Services, Inc. for the Phase II Survey of Historic Resources for Charlotte County in 2009. The model will be used to evaluate requests for any Future Land Use Map amendments and rezonings.

**FLU Objective 1.4: Protection of Private Property Rights**

To recognize and respect ~~existing~~ private property rights, including the right to farm, and to ~~respect~~consider—such rights and the impact upon them when preparing recommendations for land use decisions.

**FLU Policy 1.4.1: Vested Rights Protection**

The County recognizes and respects ~~existing~~ private property rights, including the right to farm, as well as other existing entitlements, and shall continue to provide methods for the assertion of vested rights and other administrative remedies through the Charlotte County Code of Laws and Ordinances.

**FLU Policy 1.4.2: Notice of Property Owners and Neighboring Lands**

The County shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for amendments to the Comprehensive Plan, Zoning Atlas, and Land Development Regulations.

**FLU Policy 1.4.3: Agricultural Primacy**

The County shall consider bona fide agricultural operations as defined by F.S. 193.461, as may be amended ~~that have been in existence for at least one year,~~ regardless of crop or agricultural use rotation, and that have been developed on lands designated for agricultural use on the FLUM as having "primacy" over other land uses that may be developed in time. Primacy means that, when conflict arises between agricultural uses and non-agricultural uses, these conflicts will be resolved in favor of the agricultural interests, provided the agricultural interests were established prior to the non-agricultural uses.

**FLU Policy 1.4.4: Alternative Development Options**

If a property owner chooses to take advantage of the development alternatives within this Plan, then to the extent that there are master planning, design, infrastructure, open space or other obligations that are required in order to gain development approval, these obligations shall be enforced.

The recommended development patterns and options including Conservation Subdivisions, and Rural Communities, ~~and the Rural Settlement Overlay District~~ are implementation techniques available to landowners within the Rural Service Area of the County and are not required forms of development. Landowners will

have the option to participate in these programs if they desire to increase the densities and intensities allowed on their lands.

**FLU GOAL 2: ~~SMART~~ BALANCED GROWTH CONCEPT PLAN IMPLEMENTATION - NATURAL RESOURCE PROTECTION**

Promote land use practices that:

- ~~Preserve and protect natural resources and wildlife habitat.~~
- ~~Target additional acquisition to close gaps in regional and statewide wildlife corridors.~~
- ~~Improve, where practicable, the quality of water that discharges into surface waters and groundwaters.~~
- ~~Minimize negative environmental impacts within the built environment as set forth in the County’s Land Development Regulations by reducing carbon emissions, minimizing water use, utilizing alternative energy resources and controlling pollution.~~

**FLU Objective 2.1: Protect Natural Lands**

To create, protect and manage systems of green infrastructure including open spaces within developments, conservation lands, areas protected by easement or covenant, parks, wetlands, and floodplains.

**FLU Policy 2.1.1: Conservation Lands**

The County shall protect conservation lands in public and private ownership and assure the protection of large-scale conservation areas across the County. The planning principles that guide the decisions regarding the identification and protection of these conservation areas include:

1. Protect native biological diversity.
2. Protect viable portions of natural plant communities.
3. Link conservation lands.
4. Allow for natural flooding, prescribed fires and other natural land management tools.

**FLU Policy 2.1.2: 2050 Framework – Conservation Lands**

The County hereby depicts as Conservation on the 2050 Framework (FLUM Series Map #2) those lands that are designated as Preservation, Resource Conservation and, in some cases, Parks and Recreation on the Future Land Use Map and those lands that are known to be restricted from development by covenant or easement within the Urban Service Area. Private lands within this designation are allowed to develop existing development rights ~~but any request to amend these rights to allow greater density or intensity shall be denied.~~

**FLU Policy 2.1.3: Direct Incompatible Uses Away from Natural Lands**

The County shall review proposed land developments adjacent to lands designated as Preservation or Resource Conservation and all public lands acquired for preservation purposes for potential adverse impacts, and shall ensure that:

1. ~~FLUM amendments or rezoning actions that would compromise the value and connection of natural lands within the County are prohibited.~~
2. ~~Long-term management (particularly prescribed fire) is not precluded by such adjacent development through the use of setbacks and buffers.~~
3. ~~Exotic and nuisance vegetation are not allowed to encroach on these lands.~~
4. ~~The quality of the habitat within these lands is not permitted to degrade as a result of the adjacent use.~~
5. ~~The fragmentation of natural systems within these lands is minimized or avoided by limiting new or expanded roadways through and adjacent to these areas.~~

**FLU Policy 2.1.43: Access to Conservation Areas**

The County shall continue to work with the State and private property owners toward ensuring that public conservation lands within the County are accessible to the public where such access does not conflict with the resource management goals of those lands; toward encouraging visitor use; and in engaging the public in more forms of resource-based recreation.

**FLU Policy 2.1.45: Access to Public Water Bodies**

The County shall generally not vacate any public street, right-of-way, or easement that would constrain existing or potential public access to the County's many public water bodies in the absence of public benefit. The County shall adopt Land Development Regulations to address the vacation of any public street or right-of-way which provides or may provide access to public water bodies.

**FLU Policy 2.1.65: Floodplain Protection**

~~The All development shall be consistent with Florida Building Code and the local Floodplain eOrdinance, as may be amended.~~

~~County requires new development in 'A' and 'V' zones as defined by the Flood Insurance Rate Map to be elevated at or above base flood elevation and constructed to withstand damage from tidal actions.~~

**FLU Policy 2.1.76: Wetland Protection**

The County shall protect wetlands so as to be consistent with State permitted conditions requirements, the objectives and policies within the Natural Resources element and the Coastal Planning element, including the requirement that development proposals and activities protect wetlands so that productive natural functions shall be maintained in the post-development environment.

**FLU Policy 2.1.87: Exotic Species**

The County shall adopt and implement regulations to prevent the introduction and spread of invasive, exotic species and shall also implement a program to eradicate established colonies from natural areas managed by the County by December 2014. This program will be coordinated with adjacent governments as well as State and Federal agencies.

**FLU Policy 2.1.98: Natural Resource Protection during Mining Activities**

The County shall require natural resources to be protected during excavation activities. The County shall review proposed mining activities in wetlands or listed species habitat for compliance with local, State, and Federal regulations and guidelines; regardless of the issuance of a permit by a State or Federal agency, the County reserves the right to deny a permit when such excavation or its associated activities would impact such resources. The County shall also require a reclamation plan for post-excavation use as a condition of permit issuance.

**FLU Objective 2.2: Wildlife Corridors**

To identify and protect corridors or linkages that maintains a contiguous network of wildlife habitat between existing preservation lands.

**FLU Policy 2.2.1: Establish a Wildlife Corridor Linkage Strategy**

The County hereby identifies potential ~~adopts~~ Critical Wildlife Corridors (FLUM Series Map #22) in the east county area as an initial important step in a County-wide Wildlife Corridor Linkage Strategy. The Code of Laws and Ordinances, ~~The County shall adopt a~~ Creation of a county-wide Wildlife Corridor Linkage Strategy into the Code of Laws and Ordinances, shall be explored and will either be adopted as an appendix in the Natural Resources element or as Objective and Policies within that element by December 2012. Protection methods for lands within the Corridors may include acquisition, and incentives, ~~identification of compatible and complementary uses, and regulation.~~ Regulatory actions will be supported by an update to the Code of Laws and Ordinances.

**FLU Policy 2.2.2: Minimize Roadway Encroachments**

The County shall evaluate local roadway construction projects to consider the potential direct and indirect impacts of such projects to the County's

conservation efforts and establish a mechanism within the Corridor Linkage Strategy to mitigate such impacts when they are identified.

**FLU Policy 2.2.3: Minimize Fragmentation from Incompatible Land Uses**

In order to prevent the degradation of existing or proposed conservation lands, the County shall:

1. Be judicious when extending urban services and create standards for clustering, Transfer of Density Units, and implement other similar programs.
2. Ensure that incompatible land uses are not allowed adjacent to existing or future planned conservation lands to avoid limitation of management actions, exotic species transfer, or restriction to wildlife access due to habitat disturbance.

**FLU Objective 2.3: Water Quality and Quantity Protection**

To enhance the significant assets associated with the County's water-based resources by ensuring that the water quality of these resources is protected, and the water supply is not compromised.

**FLU Policy 2.3.1: Water Quality Protection**

The County shall implement the recommendations of the Charlotte Harbor National Estuary Program for the Gasparilla Sound-Charlotte Harbor and Cape Haze Aquatic Preserves and their watersheds by establishing a program that focuses on:

1. Identifying and reducing sources of nutrients.
2. Restoring and maintaining natural surface and groundwater hydrology.
3. Identifying water quantity and quality impacts from mining, agriculture, and urban land uses.

**FLU Policy 2.3.2: Charlotte Harbor Management Plan**

The County shall require all development approvals, Future Land Use Map amendments and rezoning actions to be consistent with the provisions of the Charlotte Harbor Aquatic Preserves Management Plan (May 1983), which designates certain water bodies as wilderness preserves and requires the maintenance of these systems in a primarily natural state; Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (January 15, 1993), which seeks to preserve natural and functional components of the ecosystem in order to support biological communities; and the Lemon Bay Aquatic Preserve Management Plan (June 1991), which seeks to preserve marine and estuarine areas in natural or restored conditions in Lemon Bay.

**FLU Policy 2.3.3: Nutrient Runoff**

The County shall continue to monitor water quality in surface waters and shall require best management practices to reduce nutrient-laden runoff, which includes but is not limited to runoff from urban areas and, residential landscapes, and agricultural lands.

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**FLU Policy 2.3.4: Aquifer Recharge Protection**

The County shall protect groundwater resources by maintaining very low density and intensity in areas of aquifer recharge.-

**FLU Policy 2.3.5: Public Water System Wellhead Protection**

The County shall evaluate the effects of development on wellheads for all proposed land uses within delineated cones of influence for all central potable water supply wellheads used for public consumption (FLUM Series Map #7). Where a cone of influence is not determined, all proposed development within 1,500 feet of the wellhead will be evaluated. Land uses in which hazardous materials, such as petroleum products, chemical or biological wastes, are produced or stored are not permitted to adversely impact groundwater resources. Landfills, wastewater treatment facilities, or feedlots/concentrated animal facilities are prohibited.

**FLU Policy 2.3.6: Groundwater Protection**

The County shall require commercial and industrial uses to be developed without the contamination of groundwater, which shall be evidenced by the issuance of the appropriate State or Federal permit. ~~and shall not permit land uses in which hazardous materials, such as petroleum products, chemical or biological wastes, are produced or stored in areas where their presence would adversely impact groundwater resources, recharge areas (FLUM Series Map #6), or watersheds that drain into surface water supplies (FLUM Series Map #4).~~

**FLU Policy 2.3.7: Advanced Septic Systems**

~~The County shall require new lots intended to be served by an on-site septic system be consistent with WSW Policy 3.3.1 and shall require the use of On-site Sewage Treatment and Disposal System (OSTDS) approved by the Florida Department of Health (DOH) for new development located on a development site that is less than 10,000 square feet in size and which does not have central sanitary sewer service currently available or is not located within the short range sewer installation program included within the five-year schedule of capital improvements.~~

**FLU Policy 2.3.8: Reduce Impervious Surfaces**

~~The County shall incorporate impervious surface limitations within the Code of Laws and Ordinances within one year of the effective date of this Plan.~~

**FLU Objective 2.4: Green Design for the Built Environment**

To minimize the effects of urban development on the natural resources of the County and the global environment.

**FLU Policy 2.4.1: Public Buildings**

The County shall support energy conservation measures and practices in the administration, design, and construction of new and redeveloped County buildings and facilities to reduce energy consumption and tax dollars allocated for power and fuel, including the consideration of seeking LEED certification for such buildings or other comparable certification process. ~~One of the items the County shall investigate is the installation of solar panels as a way to conserve energy and reduce the carbon footprint of public facilities.~~

**FLU Policy 2.4.2: Development Incentives for Smart-Balanced Growth Development**

The County shall revise its Code of Laws and Ordinances within one year of the effective date of this comprehensive plan to make development application, review and approval processes easier, faster and more cost effective for projects that are consistent with the Smart-Balanced Growth Principles of this Plan ~~and that demonstrate reduced infrastructure costs, promote the preservation of open space and habitat lands, provide energy efficient land use patterns, and reduce greenhouse gas emissions. Other incentives shall also be evaluated for projects that participate in energy efficient development programs such as:~~

1. U.S. Environmental Protection Agency's Energy Star Buildings and Green Lights Program to increase energy efficiency through lighting upgrades in buildings.
2. Rebuild America.
3. Building for the 21st Century.
4. Energy Smart Schools.
5. National Industrial Competitiveness through Energy.
6. U.S. Department of Environmental Protection's Pollution Prevention (P2) Program.
7. U.S. Green Building Council (LEED).
8. Florida Green Building Coalition (FGBC), including pursuing certification as a Green Government.

**FLU Policy 2.4.3: Conservation Measures at the Area-wide Planning Scale**

The County shall introduce green design concepts into the review and approval process for plan amendments and rezoning applications and into the County's Capital Improvements Program through the following actions:

1. Rely on the Service Area Delineation (FLUM Series Map #3) and 2050 Framework (FLUM Series Map #2) to define where future urban and high density and high intensity development shall occur.
2. Apply standards for Revitalizing and Emerging Neighborhoods (See FLU Goal 4) that focus on infill development and redevelopment, the re-positioning of underdeveloped platted lands to create compact, mixed use development patterns, and higher densities that reduce vehicle miles traveled and will support multimodal transportation networks.
3. Apply standards for rural and agricultural areas (See FLU Goal 3) that:
  - a. Prohibit the extension of potable water and sanitary sewer service into the Rural Service Area, except that potable water and sanitary sewer service may be extended to a Rural Community if it is developed adjacent to an already served, certificated area.
  - b. Establish guidelines and promote innovative options for the development in an effort to prevent the premature conversion of agricultural lands.
  - c. Establish standards and guidelines to protect natural resource lands.
  - d. Require context sensitive roadway design.
4. Continue to protect environmentally sensitive lands and waters from urban development through various means including, but not limited to, the acquisition and maintenance of land and density units, or through land use regulation. Implementation programs shall include transfers of density units, stormwater management, the Watershed Overlay District (FLUM Series Map #4), prohibition of discharges of untreated wastewater, and erosion control.

**FLU Policy 2.4.4: Green Design at the Site Planning Scale**

The County shall ~~consider~~ ~~introduce~~ introducing green design concepts into the site plan review and approval process through amendments to the Code of Laws and Ordinances within one year of the effective date of this comprehensive plan that will:

1. Create incentives and remove obstacles to allow a mix of uses on development sites.
2. Provide incentives to reduce conventional energy consumption.
3. Reduce fertilizers in urban landscapes.

4. Require Florida Friendly Landscaping.
5. Encourage a connected street network.
6. Minimize air pollution through the inclusion of multimodal transportation systems and a mixture of land uses.
7. Protect water quality and supply, and minimize water consumption.

**FLU Policy 2.4.5: Incentives for Pollution Control at the Building Scale**

The County shall consider amending its Code of Laws and Ordinances to provide incentives at the building level to minimize energy and water consumption, limit or eliminate the use of toxic materials and reduce waste.

**FLU Policy 2.4.6: Strategy to Protect Coastal High Hazard Area**

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management of the Department of ~~Community Affairs~~ Economic Opportunity, and shall:

1. Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.
2. Limit density of all other development platted subsequent to April 19, 1993 to 3.5 units per acre within the CHHA.
3. Allow the voluntary transfer of densities out of the CHHA.
4. Prohibit construction of public facilities within the CHHA unless such location is the only one that serves that particular structure's intended public purpose and, if building in that location is necessary, build these facilities at least eight feet above the base flood elevation in order to provide storm surge flood evacuation protection.

**FLU Policy 2.4.7: Short-term Actions to Address the Effects of Climate Change**

The County shall consider amending ~~amend~~ the Code of Laws and Ordinances within one year of the effective date of this comprehensive plan to require that all proposed development address ways to minimize damage from coastal erosion, 100-year floods, tidal surges from hurricanes and coastal ~~storms, and storms~~ and a projected year 2050 0.5 meter sea level rise (FLUM Series Map #15). These measures may include elevating structures on pilings and elevating roadways to mitigate the impacts of anticipated storm surges, flooding, and sea level rise.

**FLU Policy 2.4.8: Long-term Strategy to Address the Effects of Climate Change**

Upon completion of the Department of ~~Community Affairs~~Economic Opportunity pilot project for "Integrating Hazard Mitigation into MPO Long Range Transportation Planning", and "Best Practices Guidebook" that is being prepared by Florida State University, Charlotte County shall review the findings of this document and consider adopting policies determined necessary and appropriate to implement the recommendations regarding inundation protection, accommodation, avoidance, and relocation of impacts from erosion, inland flood, storm surges, and wildfires.

**FLU GOAL 3: ~~SMART~~BALANCED GROWTH CONCEPT PLAN IMPLEMENTATION - AGRICULTURAL/RURAL**

**Manage the form, pattern and timing of future growth and development through a clear and predictable land use strategy that:**

- **Preserves and enhances the rural character and lifestyle for rural residents.**
- **Respects the agricultural lands and landowners.**
- **Values and preserves open spaces.**
- **Facilitates the transition of land uses over time into visustainable, livable places (communities).**

**FLU Objective 3.1: Agricultural Lands**

To establish a Framework for the future of agricultural lands in Charlotte County that will encourage the preservation of agriculture as a viable short- and long-term use of land and as an asset of Charlotte County's economy as well as provide clear, fair and consistent standards for the review and evaluation of future development proposals.

**FLU Policy 3.1.1: 2050 Framework – Agricultural/Rural**

The County hereby depicts as Agricultural/Rural on the 2050 Framework (FLUM Series Map #2) those lands that are located in the Rural Service Area.

**FLU Policy 3.1.2: Conservation Subdivision - Protect Open Spaces**

The County shall permit the creation of a Conservation Subdivision in conformance with the guidelines provided herein and shall amend the Land Development Regulations to create a Conservation Subdivision zoning designation within one year of the effective date of this comprehensive plan to provide regulatory controls for the establishment of Conservation Subdivisions. A Conservation Subdivision development shall recognize the following design guidelines and criteria:

1. Conservation Subdivisions shall be permitted on lands designated as Wildlife Corridor Critical Linkages (FLUM Series Map #22).

2. Conservation Subdivision proposals shall provide a Constraints and Opportunities Map of the site showing existing features of the land such as flood plains, wetlands, oak hammocks, unbroken expanses of woodland, streams and sloughs, etc.; areas being used for active agriculture; excavated waterbodies and structures; and areas of listed species use or habitation. These features will be used as constraints and opportunities for the concept plan development.
3. Conservation Subdivision proposals shall set aside a minimum of 70 percent of the total site as Rural Residential Open Space, exclusive of development areas and shall follow the requirements set below. Rural Residential Open Space is not required to be owned, held, managed or maintained through one single owner or through one common ownership mechanism such as a homeowners association or other common interest development.
  - a. Rural Residential Open Space shall be preserved in perpetuity through the use of an irrevocable agricultural or conservation easement, or both, which shall be filed with the Clerk of the Circuit Court upon approval of a Conservation Subdivision rezoning.
  - b. Rural Residential Open Space shall be configured to create external connectedness to a larger, contiguous, off-site network of interconnected open space, particularly existing habitats. An Open Space Management Plan shall address opportunities for restoring and preserving native habitats and shall also include a mechanism(s) to implement management activities as well as a plan for the ownership and maintenance of the Open Space.
  - c. Rural Residential Open Space shall be configured to create internal connectedness through connected and integrated open space. Environmentally sensitive resources shall be protected and development shall not be located within designated wildlife corridors.
  - d. Rural Residential Open Space wildlife corridors may be a minimum of 300 feet wide for 20 percent of their length. For the remaining 80 percent of the length of the corridors, the minimum width shall be 500 feet.
4. Conservation Subdivision proposals shall cluster all development on the least environmentally sensitive portion(s) of the site. The location of residential development lots shall be arranged in a context sensitive manner and shall be clustered in such a way as to preserve the function, purpose and integrity of the on-site natural resources and environmental systems to the maximum extent practicable; to minimize disturbance to woodlands, wetlands, and other natural features; to protect and preserve

the rural appearance of land when viewed from public roads and from abutting properties.

5. Conservation Subdivision proposals may include the development of rural recreational uses and private recreational facilities such as a club house, swimming pool, tennis courts, basketball courts and similar facilities on the development portion of the site. These uses shall not be used to satisfy the Rural Residential Open Space requirements of the subdivision.
6. Conservation Subdivision proposals shall protect the rural character of the surrounding community as indicated in FLU Objective 3.2 and associated policies.

### **FLU Policy 3.1.3: Rural Community Opportunities**

The County shall allow the establishment of "Rural Communities" within the Rural Service Area through the Rural Community Mixed Use FLUM category, described in FLU Appendix I, in order to:

1. Provide residential and employment opportunities within this Area;
2. Establish more functional transitions between urban areas and rural areas of the County;
3. To provide an option within the rural community that enables a degree of rural ~~sustainability~~viability, is designed around a rural theme, and protects the overall rural character of the area; and
4. Provides an opportunity to perpetually protect environmental lands and agricultural uses.

### **FLU Policy 3.1.4: Standards for Rural Settlement Area Overlay District**

The County shall allow the establishment of a "Rural Settlement Area" within the Rural Service Area through the Rural Settlement Area Overlay District, described in FLU Appendix I, in order to establish a more functional transition between the urban area and rural area along U.S. 17 (Duncan Road). The development shall exhibit the highest level of ~~visually~~viable sustainable design. Prior to approval of any development within the Rural Settlement Area, the County shall draft land development regulations for the area consistent with an approved pattern book and development guide, the Rural Settlement Overlay District standards, and the following concepts:

1. A balanced mixture of uses will be provided to reduce overall trip lengths, to support pedestrian, bicycle and transit opportunities and create pedestrian-friendly streetscapes.
2. Requirements for the provision of civic spaces, such as green spaces, community centers or central plaza features.

3. Provision for outdoor livability, including interconnected pedestrian and bike facilities, walkways, public plazas, ample seating, and walkable block length.

**FLU Objective 3.2: Protect Rural Character**

To protect the existing rural character of those areas of the County within the Rural Service Area (FLUM Series Map #3) and thereby ensure this lifestyle is preserved for existing residents and remains available to future generations.

**FLU Policy 3.2.1: Preserving Rural Character**

The County shall preserve and protect rural character within the Rural Service Area by requiring that all future development activities within this Area preserve, support, and enhance the fundamental elements of rural character. It is not the obligation of residents and businesses (agriculture being considered a business) in a rural area to change and conform to the needs and character of new development but rather the obligation of the new development to seamlessly integrate into the existing character of the rural location.

**FLU Policy 3.2.2: Elements of Rural Character**

Rural character is denoted by:

1. Open space where the natural landscape and vegetation predominate over the built environment.
2. Visual landscapes that are traditionally found in rural areas, such as row crops, pasture, woodlands, barns, and fences.
3. Uses that are compatible with terrestrial and aquatic wildlife habitat and the continued use of that habitat by the wildlife.
4. Uses that are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.
5. Intermittent concentrated village and hamlet style developments surrounded by large open spaces.
6. Uses that generally do not require an extension of urban governmental services:
  - a. Large and small scale farming;
  - b. Scattered agricultural industry;
  - c. Sporadic commercial retail uses that serve the social and economic needs of the residents;
  - d. Very low density development.

**FLU Policy 3.2.3: Context Sensitive Design for Roadway Infrastructure**

The County shall require that all future roadway projects within the Rural Service Area be designed consistent and compatible with the rural character of the land, including speed, travel lane width, access management, landscaping and lighting. Landscape and habitat preservation shall be enforced by limiting access

and roadway intersections. The design shall also incorporate signage and design features to accommodate wildlife crossings near wildlife habitat areas.

**FLU Policy 3.2.4: Limitation on the Extension of Urban Infrastructure**

Infrastructure such as water and sewer utilities and stormwater facilities within the Rural Service Area shall reflect a rural level of service and shall not be modified to the point that it allows for urban development. The County shall prohibit the provision of water and sewer infrastructure within the Rural Service Area and shall:

1. Continue to rely primarily upon individual on-site wells as the method of providing potable water to the residents and other occupants;
2. Continue to rely primarily upon individual on-site septic systems as the method of disposal of wastewater;
3. Require that new development shall not be designed nor constructed with centralized potable water or sanitary sewer systems with the following exceptions:
  - a. Rural Community Mixed Use community; or
  - b. It is clearly and convincingly demonstrated by the proponents of the system expansion that a health problem exists in a built but un-served area for which there is no other feasible solution.
4. Not require developments to connect to any central potable water or sanitary sewer services if these services are extended into the area except in those situations listed in 3. above.

**FLU Policy 3.2.5: Support Economic Viability of Agricultural Lands**

The County shall preserve the economic viability of agricultural lands and prevent the premature conversion of these lands to other uses to ensure that the County experiences no substantial loss of agricultural productivity.

**FLU Policy 3.2.6: Support Agricultural Production**

Through the resources of the Agricultural Extension Service, the County shall actively promote the conservation of bona fide agricultural uses and will provide information to agricultural producers to improve production and methods.

**FLU GOAL 4: SMART-BALANCED GROWTH CONCEPT PLAN IMPLEMENTATION - NEIGHBORHOOD PROTECTION AND ENHANCEMENT**

Enhance the livability and viability of neighborhoods through the implementation of a coordinated land development strategy that discourages urban sprawl ~~that and~~:

- Preserves and protects existing viable neighborhoods and subdivisions.
- Promotes revitalization and infill development in neighborhoods that are aging.

- **Redefines existing under-developed platted subdivisions by promoting alternatives that create walkable places which integrate commercial uses and introduces a mixture of housing types.**
- **Establishes limitations and constraints for areas of platted lots that are sparsely developed, lack urban services, or are encroaching into sensitive environmental lands.**

#### **FLU Objective 4.1: ~~Discourage Urban Sprawl~~ Viable Neighborhoods**

To transform the character, function, and form of the planned residential land uses within Charlotte County into functional, ~~sustainable~~-viable neighborhoods as part of the ~~Smart~~ Balanced Growth approach to redefining the County's platted lands. The County shall continue to reduce the total number of vacant lots. Reducing the number of vacant lots is not necessarily intended to result in reduced overall buildout but is intended to ensure that buildout occurs in a ~~sustainable~~-viable fashion.

#### **FLU Policy 4.1.1: 2050 Framework - Neighborhoods**

The County recognizes four neighborhood types (FLUM Series Map #2) for the purpose of establishing policies and standards for directing future residential development:

1. *"Revitalizing" Neighborhoods.* These neighborhoods include areas that are predominately built-out, generally 50 percent or greater, and where the housing and commercial stock is aging and in general need of reinvestment and revitalization. Some of these areas are possible candidates to receive a Community Redevelopment Area designation in the future. Strengthening the residential and commercial base of these neighborhoods is critical for maintaining long-term stability and economic value. Revitalizing Neighborhoods are considered infill locations within the County. Revitalizing Neighborhoods will be encouraged to create Revitalization Plans to outline the redevelopment goals for that neighborhood.
2. *"Maturing" Neighborhoods.* These neighborhoods mostly contain lots that are substantially developed, generally 30 percent or greater, within which infill continues to occur based on neighborhood and home builder marketing. Even though the functionality of the neighborhood is limited by its mainly singular use, stable growth is occurring and the majority of that growth is residential development. These neighborhoods are generally served with central water and sewer services. The continued protection of the neighborhood is important and necessary. Formal plans for Maturing Neighborhoods are not considered necessary as the growth and development of these areas is fairly recent and continues without much need for changes of land use.

3. *"Emerging" Neighborhoods.* These neighborhoods include large areas of undeveloped lots or other undeveloped lands in locations that are appropriate for residential and mixed use development. Emerging Neighborhoods are generally near regional transportation corridors, typically have central water and sewer infrastructure, and are in the path of future urban development. These neighborhoods have the opportunity to create a sense of identity for the community and to introduce ~~Smart~~ Balanced Growth principles supporting more ~~vis~~ sustainable neighborhoods prior to further development. Emerging Neighborhoods will be encouraged to create Emerging Area Plans to help guide anticipated development.
4. *"Managed" Neighborhoods.* These neighborhoods include areas of undeveloped, sparsely developed, or underdeveloped lands. The majority of the lots are platted. These lands contain or are adjacent to sensitive environmental resources and usually lack urban services and utilities, although future provision for infrastructure may already have been made or may occur for some areas based on State mandates, consent orders, or health, safety and welfare requirements. While some development has occurred within these areas, the County wishes to discourage further infill and intensification of these neighborhoods in order to limit the extent that development of these lands could impact sensitive lands, waterways, and wetlands. The County will explore the potential of utilizing lands that have severed development rights as rain gardens to help sustain the County's goal of reducing water pollution.

#### **FLU Policy 4.1.2: Overall Reduction in Platted Lands**

The County shall continue to pursue the objective of reducing the total number of vacant lots by a minimum of one percent per year during the planning period (2010-2030) of this Plan, through the following actions:

1. Implementation of the Neighborhood Framework.
2. Implementation of a graduated impact fee schedule that encourages development within Revitalizing Neighborhoods.
3. ~~Continued~~ If appropriate, public acquisition of lots for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds ~~as appropriate and available.~~
4. Creating incentives for plat vacations or re-platting lots within targeted areas through an administrative plat vacation or re-platting process where the cost is borne by the County if a density reduction occurs as a result of the plat vacation or re-platting.
5. Creating incentives for the assembly and re-platting of lots by private interests for redevelopment or other purposes.

6. Selective acquisition of lots by the County for use in property assembly, lot swaps, or transfers of density units where such action satisfies a public need, such as the provision of infrastructure or urban services.
7. Facilitation of the re-assembling of lots.

**FLU Policy 4.1.3: Coordinated Efforts**

The County shall work with its legislative delegation and other communities to create an action plan which identifies workable solutions to State-wide platted lands issues. The County shall apply to the State and Federal governments for funding to assist in resolving the problems associated with platted lands. Funding sources shall include the State's Florida Forever, Florida Communities Trust, Save Our Rivers, and other programs.

**FLU Policy 4.1.4: Incentives for Private Solutions**

The County shall work to create incentives that will encourage private enterprise to work towards solutions to the platted lands problem.

**FLU Policy 4.1.5: Adequate Support Services**

The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas.

**FLU Policy 4.1.6: Neighborhood Compatibility**

The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development, and shall amend the Land Development Regulations within one year of the effective date of this comprehensive plan to include specific review criteria for rezoning actions to address residential compatibility. These criteria shall specifically include:

~~A method for determining compatibility between residential zoning classifications. Additional buffer or transition requirements necessary to develop or achieve compatibility where appropriate. The purpose of such criteria is to provide standard and predictable measures for establishing and creating compatibility through landscaping, buffers, natural areas or transitional development practices in an effort to:~~

- ~~Lessen impacts and integrate development along the edges of properties where different zoning districts are present,~~
- ~~Screen undesirable views,~~
- ~~Preserve tree canopy and vegetation, and~~

~~Facilitate the safe movement of traffic and pedestrians in vehicle use areas.~~

**FLU Policy 4.1.7: Roadway Compatibility**

The County shall encourage the viability of communities adjacent to collector and arterial roadways and reinforce community identity, context sensitive land use and roadway relationships through the following standards:

1. Locate commercial uses serving neighborhoods or higher density residential at key intersections.
- ~~2. Require additional setbacks and buffers for residential development and redevelopment adjacent to future major collector and arterial roadways in order to minimize the impacts of future roadway improvements.~~
- 3.2. Enforce existing Land Development Regulation provisions, or create necessary additional standards, specifying when and where pedestrian, bicycle and vehicular linkages between abutting residential areas are required to provide convenient access to recreation, schools, libraries, and shopping.

**FLU Policy 4.1.8: Priority for the Provision of Urban Services**

The County shall establish the priority for the extension of urban services and facilities including, but not limited to, potable water and sanitary sewer services in residential areas as follows:

1. *First priority:* Revitalizing Neighborhoods.
2. *Second priority:* Maturing Neighborhoods.
3. *Third priority:* Emerging Neighborhoods with completed Emerging Area Plans.
4. *Fourth priority:* Emerging Neighborhoods without completed Emerging Area Plans.
5. In certain instances, the County may provide higher levels of infrastructure and services to areas regardless of the neighborhood designation in order to protect the public health, safety, and welfare.

**FLU Objective 4.2: Revitalizing Neighborhoods**

To promote the renewal and redevelopment of areas in order to create more ~~viable~~ viable ~~sustainable~~ development patterns, densities, intensities, and mixes of uses through developing and implementing specific Neighborhood Revitalization Plans.

**FLU Policy 4.2.1: Revitalization Plans - Revitalizing Neighborhoods**

The County shall introduce a Revitalization Planning program under which specific communities and their geographic boundaries within the Revitalizing Neighborhoods will be identified. The Revitalization Plan will establish a vision to promote and intensify these neighborhoods. Revitalization Plans shall be adopted into FLU Appendix IV in order to provide regulatory guidance to redevelopment within the Revitalizing Neighborhoods. The Revitalization Plan will be a means to:

1. Enable the ability to rezone to the maximum density allowed by FLUM category as identified in FLU Policy 1.2.97;
2. To create additional redevelopment incentives for these areas; and
3. To establish development standards for core areas within the County to support redevelopment initiatives that lead to more ~~sustainable~~ viable development patterns, densities, intensities, and mixes of uses.

**FLU Policy 4.2.2: Revitalization Plans – Process and Standards**

The County shall encourage public participation in this process through the use of tools such as public workshops and meetings, stakeholder interviews, citizen surveys, and other useful methods of public input. These plans will address:

1. The planning and design of public spaces such as streets and parks to create walkable public infrastructure and define rules for private development that specify design, placement, and ground-floor use of buildings to create active streets.
2. Alternative redevelopment opportunities.
3. Transitional land uses.
4. A visustainable mixture of land uses, including sustainable-viable options which address densities, intensities and height that support a reduction in GHG emissions. To meet this plan requirement, each Revitalization Plan shall be required to demonstrate that the density, intensity, mix of use and form of development proposed within the area covered by the Revitalization Plan will have a “net zero” carbon effect on the general environment and will reduce overall GHG emissions in comparison to the existing patterns of development permitted within the area.
5. Context-sensitive infrastructure.

**FLU Policy 4.2.3: Maintain Residential Compatibility**

As the County intensifies Revitalizing Neighborhoods, it shall protect the core residential neighborhood from the sensory intrusions of adjacent, more intense uses. Sensory intrusions include unwanted light, noise, physical access, odor and other sources of disruptions. These criteria shall include provisions that:

1. Prevent uses that generate obnoxious sensory intrusion from being developed or expanded in certain areas.
2. Eliminate or reduce the sensory intrusions of proposed development or redevelopment.
3. Intercept or prevent the sensory intrusion from affecting the adjacent use.

**FLU Objective 4.3: Maturing Neighborhoods**

To protect the existing growth patterns of Maturing Neighborhoods.

**FLU Policy 4.3.1: Maintain Maturing Neighborhoods**

The County shall protect the residential subdivisions within Maturing Neighborhoods and shall ensure the long-term viability of these residential areas by regulating adjacent and internal future development and redevelopment to maintain compatibility with these areas.

**FLU Policy 4.3.2: Neighborhood/Roadway Compatibility**

In Maturing Neighborhoods, the County shall discourage land uses which generate cut-through traffic on local streets in amounts that would adversely affect traffic flow, traffic control and public safety.

**FLU Objective 4.4: Emerging Neighborhoods**

To create incentives for the conversion of undeveloped, single use, lots as well as other appropriately suited vacant lands to compact, mixed use development.

**FLU Policy 4.4.1: Emerging Area Plans - Emerging Neighborhoods**

The County shall introduce an Emerging Area Planning program under which the County will identify specific communities and their geographic limits within the Emerging Neighborhoods. The Emerging Area Plan shall specifically include policies and standards that enhance livability within the County and preserves the community's natural, cultural, physical and other resources. Emerging Neighborhoods shall be required to use the Emerging Area Planning process as a means to evaluate and determine appropriate timing and provision of urban infrastructure, service levels and funding sources. Each Emerging Area Plan shall be adopted into FLU Appendix V.

**FLU Policy 4.4.2: Emerging Area Plans – Anticipated Results**

The County shall encourage public participation in this process through the use of tools such as public workshops and meetings, stakeholder interviews, citizen surveys, and other useful methods of public input. The Emerging Area Plan should result in a development pattern that is formed around the following Smart Balanced Growth practices and ~~GHG reduction strategies~~:

1. The form shall be compact mixed use and energy-efficient land use patterns of development that:
  - a. Provides a mix of residential, commercial and recreational uses.
  - b. Includes a transportation network and land use pattern that encourages walking and bicycling to achieve the reduction of GHG emissions.
  - c. Supports transit.
  - d. Reduces the number and length of automobile trips.
2. Higher densities shall be located in appropriate places within each “Neighborhood” in an effort to:
  - a. Reduce the carbon footprint.
  - b. Encourage a blended average density of seven dwelling units per acre within the higher density areas.
  - c. Provide future opportunities for mass transit, clustering density around potential future transit stops.

**FLU Objective 4.5: Managed Neighborhoods**

To effectively reduce the over-supply of vacant lots within the County that are unsuitable for residential development.

**FLU Policy 4.5.1: Limit and Constrain Managed Neighborhoods**

The County shall discourage additional development within Managed Neighborhoods through actions that:

1. Allows a transfer density out of Managed Neighborhoods and into more appropriate urban locations. The County shall explore the feasibility of utilizing a bonus for removing density from contiguous lots in the Managed Neighborhoods. Any such bonus shall be adopted into the policies of this element.
2. Allow no increase in density or intensity beyond that allowed by the current zoning and ~~FLUM designations~~ designations.

**FLU GOAL 5: ~~SMART~~BALANCED GROWTH CONCEPT PLAN IMPLEMENTATION - ECONOMIC DEVELOPMENT**

**Provide an Economic Development Program and Strategy that:**

- **Focuses on business creation and expansion.**
- **Aligns public investments, incentives and Future Land Use element policies to encourage and protect economic development opportunities that leverage existing economic assets.**

**FLU Objective 5.1: 2050 Framework - Economic Development**

To focus economic development activity in the form of Economic Districts, Centers and Corridors to support economic growth and planned residential development.

**FLU Policy 5.1.1: Priority for the Provision of Urban Services**

The County shall establish the priority for the extension of urban services and facilities in Economic areas as follows:

1. *First priority:* Economic Districts.
2. *Second priority:* Economic Centers with completed Special Area Plans, Community Redevelopment Areas (CRAs) and Economic Corridors.
3. *Third priority:* Economic Centers and Corridors supporting Emerging Neighborhoods with completed Special Area Plans.
4. *Fourth priority:* Economic Centers and Corridors supporting Emerging Neighborhoods without completed Special Area Plans.

**FLU Objective 5.2: Economic Districts**

To allow designated areas for employment uses that benefit from existing economic support uses and catalyst sites.

**FLU Policy 5.2.1: Enterprise Charlotte Airport Park**

The County recognizes the Enterprise Charlotte Airport Park (FLUM Series Map #8) as an Economic District and shall sustain and promote this area for economic development by protecting existing infrastructure and by prioritizing new infrastructure improvements in support of this area.

**FLU Policy 5.2.2: Enterprise Charlotte Airport Park - Support Funding**

The County may consider the creation of a special district, unit, or other funding mechanism in accordance with any of the powers or the authority granted under Chapters 125, 163 and 189, Florida Statutes, in order to direct development of the Enterprise Charlotte Airport Park.

**FLU Objective 5.3: Economic Centers and CRAs**

To create distinctive places of unique character and identity, maximize their economic benefit, and create more walkable and transit supportive places.

**FLU Policy 5.3.1: Economic Centers**

Economic Centers are focused locations of regional commercial and employment uses. Although these Centers have yet to fully develop and currently lack the intensity and mix of use that would maximize their economic benefit and create more walkable and transit supportive places, these areas will be encouraged to change and redevelop over time into economically vibrant, walkable, mixed use centers with unique and identifiable character.

**FLU Policy 5.3.2: Community Redevelopment Areas**

The County shall support the concept and ideas expressed in the adopted Community Redevelopment Plans for the following priority redevelopment areas:

1. *Charlotte Harbor Community Redevelopment Area (CHCRA)*: The County shall continue to implement the Charlotte Harbor Community Redevelopment Plan (as modified January 24, 2006) to eliminate the conditions of blight that were identified in the Findings of Necessity (Resolution No. 92-951).
2. *Murdock Village Community Redevelopment Area (MVCRA)*: The County shall continue to implement the Murdock Village Community Redevelopment Plan (as modified September 12, 2005) to eliminate the conditions of blight that were identified in the Findings of Necessity (Resolution No. 2003-081).
3. Parkside Redevelopment Area: The County shall continue to implement the Parkside Community Redevelopment Plan to eliminate the conditions of blight that were identified in the Findings of Necessity (Resolution No. 2010-082).

**FLU Policy 5.3.3: Charlotte Harbor Rezoning Petition Review**

The Charlotte Harbor Community Redevelopment Agency Advisory Committee (CHCRAAC) shall review proposed comprehensive plan amendments and rezoning petitions for consistency with this Plan, the Charlotte Harbor Community Development Code, and Charlotte County Code of Laws and Ordinances, and will issue a recommendation to the local planning agency and Board of County Commissioners.

**FLU Policy 5.3.4: Charlotte Harbor Prohibited Land Use**

In order to protect the public safety, the County prohibits new mobile homes to be installed within the CHCRA, which is located within the Coastal High Hazard Area.

**FLU Policy 5.3.5: Charlotte Harbor Density Calculation**

Within the CHCRA, where single-family residential lots are platted at greater than three and one-half dwelling units per acre, residential densities may be developed at one single-family dwelling unit per platted lot. In cases where the fraction of the maximum number of developable dwelling units is greater than 50 percent, the landowner is permitted to build one additional dwelling unit if permitted within the applicable zoning district.

**FLU Policy 5.3.6: Charlotte Harbor Land Acquisition**

The County shall develop any land acquisition sites within the CHCRA as parks or use them to implement redevelopment projects as identified in the Charlotte Harbor Community Redevelopment Plan.

**FLU Policy 5.3.7: Leveraging Funds within Charlotte Harbor**

The County shall continue to seek additional funding sources in order to leverage tax increment revenues to complete identified infrastructure needs within the CHCRA.

**FLU Policy 5.3.8: Murdock Village Partnership**

The County shall consider partnerships with the private sector and other governmental entities to facilitate redevelopment initiatives by leveraging County assets to improve the overall economic and physical condition of the MVCRA.

**FLU Policy 5.3.9: Murdock Village Zoning Regulations**

To implement the Redevelopment Plan, the County shall adopt a specific mixed use zoning district. This district shall include design and development standards as well as specific Floor Area Ratios (FARs) for the land use relationships

established in the Redevelopment Plan. The standards shall include design and maintenance criteria for new and redeveloped properties, streets, pedestrian and bicycle facilities, signage, and public areas within the development. The standards will address the incorporation of human-scale aesthetics into street and building design. Building design and location shall reinforce a pedestrian-oriented character including linkages between land uses through a functional bicycle-pedestrian system. Public gathering places shall be incorporated within each distinct land use area.

**FLU Objective 5.4: Economic Corridors**

To improve the visual and functional quality of streets and highways through actions that encourages mixed use development along corridors with a stronger emphasis on connectivity and more attractive physical design.

**FLU Policy 5.4.1: Strengthen Character**

The County shall continue to ~~prepare Corridor Studies and to adopt FLUM and Zoning District Overlays for important corridors that address~~ promote land use and design ~~issues such as~~ opportunities for mixed use development, building placement, parking lot design and access, shared parking options, site and corridor landscaping, and signage requirements to guide future development in a manner consistent with the desired character of the County. ~~The priority order for the completion of these Corridor Studies shall be as follows:~~

1. ~~US 41: Portion north of the Peace River - Complete.~~
2. ~~US 17: Complete.~~
3. ~~S.R. 776~~
4. ~~C.R. 774~~
5. ~~U.S. 41 south of the Peace River~~
6. Any other Corridors designated on the 2050 Framework Map

**FLU Policy 5.4.2: Limit Expansion of Strip Commercial**

The County shall deny FLUM amendments to the Commercial category that will allow new strip commercial development. ~~An~~ exception to this policy may be made in the case of infill development where a property is located between two properties already designated Commercial, where property is designated residential, or in order to increase the depth of an existing Commercial lot(s) where:

1. ~~The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is required to submit a unified development proposal; or~~

2. ~~The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is part of a Planned Development rezoning that includes both the existing and proposed properties.~~

**FLU Policy 5.4.3: Access and Connectivity**

1. \_\_\_\_\_

The County shall amend the Code of Laws and Ordinances ~~within one year of the effective date of this comprehensive plan~~ to incorporate additional access and connectivity standards for developments County-wide, if applicable and with the following provisions:

~~1. along Economic Corridors with the following provisions:~~

~~2. \_\_\_\_\_~~

~~3.1. \_\_\_\_\_~~ Development should approach the internal street network in a way that prioritizes smaller walkable streets rather than wider streets designed solely for vehicular uses.

2. Require joint access for new developments between the allowable driveway openings and parking lots between developments, to increase internal circulation and connectivity.

**FLU Policy 5.4.43: Scenic Highway Corridor Protection**

The County shall encourage the enhancement of designated Scenic Highway Corridors such as S.R. 776, C.R. 771, and C.R. 775 (SPAM Series Map #4) and shall encourage the planting of canopy trees and native vegetation, where feasible.

**FLU Objective 5.5: Support Business Creation and Future Economic Development Opportunities**

To support and foster economic development activities that focus on business creation and expansion, and protection of future economic opportunities.

**FLU Policy 5.5.1: Economic Development Strategy**

The County shall continue to coordinate with and support the Economic Development Office in the pursuit of a coordinated economic development program that includes the following strategic actions:

1. *Target Businesses within Economic Districts.* Identify the types of businesses and locations that will meet the County's economic development goals.
2. *Recruiting.* Recruit target businesses to locate within the County.
3. *Retention.* Assist target businesses with start-up or expansion efforts.
4. *Infrastructure.* Provide the public infrastructure necessary to support economic development and existing businesses along major corridors.
5. *County leadership.* Provide incentives or remove disincentives to attract companies.
6. *Workforce development.* Forge partnerships to identify and develop needed workforce skills and innovations.

7. *Marketing.* Market Charlotte County as a Business Location.

**FLU Policy 5.5.2: Role of Charlotte County in Economic Development**

The County shall develop and implement programs that encourage the growth and success of target businesses, communicate the opportunities available in the County to businesses, and enhance the pro-business image of the County, by:

1. Networking through local, regional, State, and national organizations to identify and serve prospective target businesses.
2. Adopting an annual marketing plan with a variety of methods to promote the business advantages and opportunities available to expanding and relocating target businesses.
3. Leveraging local marketing dollars by partnering with regional and State organizations.
4. Conducting forums when appropriate on issues that have county-wide impact or importance.

**FLU Policy 5.5.3: Development Guidelines for Targeted Businesses**

The County shall develop clearly defined, step-by-step development guidelines for targeted businesses by December ~~2012~~2014.

**FLU Policy 5.5.4: Expedited Permitting for Targeted Businesses**

The County shall employ the use of an expedited review and permitting procedure or other internal process that may assist in site review, permitting, concurrency, and inspection of targeted businesses and the expansion or relocation of existing targeted businesses.

**FLU Objective 5.6: Working Waterfronts**

To preserve recreational and commercial working waterfronts and public access to water.

**FLU Policy 5.6.1: Expedited Permitting for Working Waterfronts**

The County shall give preference to the rehabilitation or expansion of existing water-dependent uses by expediting the review and processing of permits.

**FLU Policy 5.6.2: Tax Deferrals Ordinance for Water-dependent Uses**

The County shall consider the adoption of an ordinance to allow for ad valorem tax deferrals for existing recreational and commercial water-dependent uses and for those properties providing extraordinary public access to the waterfront.

**FLU Policy 5.6.3: Encourage Public Marina Uses**

The County shall encourage the preservation of existing marinas or the creation of new marinas when in appropriate locations and when developed with minimal harm to the natural resources to which they are providing access. A mixed use

development that includes a public marina component may be an allowed use within all residential, commercial, and industrial FLUM categories within the Urban Service Area if found consistent with this Plan. The development shall be built in accordance with the Compact Growth Mixed Use FLUM category.

**FLU Policy 5.6.4: Boat Facility Siting Plan**

The County is developing a county-wide boat facility siting plan. Once completed, this plan shall be incorporated into the Coastal Planning element as CPE Appendix I. Policies within that element and the FLUE shall be updated accordingly, as well as the Code of Laws and Ordinances, to provide effective guidance for siting and developing water-dependent uses.

**FLU Objective 5.7: General Standards for Non-Residential Development**

To ensure that future commercial, office and industrial uses are consistent and compatible with the character of the area in which the uses are located.

**FLU Policy 5.7.1: Limiting Industrial Uses Adjacent to Residential**

The County shall require industrial development infringing upon existing residential land uses or upon lands designated as a "Residential" land use category on the FLUM to provide a development plan that outlines methods that will be used to limit any noise, smell, and sight impacts of the development.

**FLU Policy 5.7.2: Industrial Use Buffers**

The County shall require industrial uses to create a buffer that protects adjacent incompatible land uses by means such as natural, vegetative barriers. These land uses include, but are not limited to, lands designated as Preservation, Resource Conservation and all lands acquired by county, State, or Federal agencies for preservation and conservation purposes. The Code of Laws and Ordinances will be updated within one year of the effective date of this Plan to provide standards for this buffering.

**FLU Policy 5.7.3: Commercial Access**

The County shall require that commercial land uses that request to have access to local roads, but which have frontage on and access to an arterial or collector roadway, provide an analysis that provides the reasons why it is necessary. Joint access with adjacent commercial sites and safety issues must be included as part of the analysis. The commercial access may be approved by the County as part of the Site Plan Review or Building Permit process should the need for the access be proven to improve the health, safety, and welfare of the public. Should the commercial land use be located within an area that has an adopted Revitalization Plan, Emerging Area Plan or Special Area Plan that provides

standards for local road access, a statement referring to these standards is adequate support material.

**FLU Policy 5.7.4: Commercial Landscaping and Buffering**

The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

**FLU GOAL 6: COMMUNITY CHARACTER**

**Promote and enhance community character, identity and livability through Neighborhood and Area-wide Planning Programs that establish special planning policies and standards to guide and direct the future of the unique communities and neighborhoods of Charlotte County.**

**FLU Objective 6.1: Reinforce Community Character**

To create functional, sustainable livable communities that reinforce and support the unique character of each area.

**FLU Policy 6.1.1: Neighborhood and Area-wide Planning Programs**

The County shall recognize, support and reinforce the unique community character of various neighborhoods, economic locations, and other large mixed use areas within the County through a formal planning process that provides a greater level of planning review, analysis, and recommendations for these areas. The process shall be unique to the scale and type of area that is under review and may include the following types of processes:

1. *Neighborhood Plans*. A community-based planning process that is designed to address the community character issues of a specific neighborhood and is focused on the establishment of community goals, the identification of neighborhood issues of concern, and development of specific strategies to resolve the issues and achieve the goals.
2. *Revitalization Plans*. A community- and stakeholder-based process that is designed to promote the economic and urban revitalization of specifically identified areas. These plans will enable property owners to rezone to the maximum density allowed by a FLUM category as identified in FLU Policy 1.2.7, create additional redevelopment incentives, and establish development standards to support redevelopment initiatives that lead to

more ~~sustainable~~-viable development patterns, densities and intensities and mixes of uses.

3. *Emerging Area Plans*: A community- and stakeholder-based process that is designed to establish the specific standards and guidelines for Emerging Areas in order to enable additional development and entitlements within these areas. The Emerging Area Plan shall specifically identify the timing and financial mechanism for extending urban infrastructure to serve these areas, the specific development standards to ensure that the area is developed using ~~sustainable~~-viable development patterns following the ~~Smart~~-Balanced Growth principles of this Plan, and a phasing plan for the timing of future development. For the purposes of this policy, the Burnt Store Area Plan shall serve as an Emerging Area Plan with the exception that the Tropical Gulf Acres subdivision within the Area Boundary shall require additional planning if and when these areas seek to increase density or intensity through a plan amendment.
4. *Special Area Plans*: A community- and stakeholder-based process that is designed to help create incentives in support of Economic Center, District, and Corridor development initiatives.

**FLU Policy 6.1.2: Neighborhood Plans**

The County shall support a community-based Neighborhood Planning process that responds to individual neighborhood requests to create a Neighborhood Plan through technical support from County staff. When requested, the County shall guide the neighborhood in establishing community goals, identifying issues of concern and developing strategies to resolve the issues and achieve the goals. A Neighborhood Plan shall not promote site-specific text amendments to the Code of Laws and Ordinances. It may include an evaluation of some or all of the following neighborhood characteristics based upon the neighborhood issues of concern:

1. Crime and Public Safety.
2. Housing.
3. Code Enforcement.
4. Neighborhood Character and Identity.
5. Parks and Recreation.
6. Infrastructure.
7. Redevelopment.

**FLU Policy 6.1.3: Revitalization and Emerging Area Plans**

The County shall require the development of a Revitalization Plan for Revitalizing Neighborhoods and an Emerging Area Plan for Emerging Neighborhoods, as described in FLUM Policies 4.2.1 and 4.4.1. These plans may include proposed

revisions to the Future Land Use Map as well as accompanying objective(s) and policies which may identify special conditions, options, uses, heights, densities, intensities, restrictions, or requirements for activities within the area.

**FLU Policy 6.1.4: Special Area Plans**

The County shall support economic development opportunities within Economic Centers, Economic Districts, and Economic Corridors through the creation of Special Area Plans which shall provide a special land use plan and economic development incentives for these specific areas. A Special Area Plan may include proposed revisions to the FLUM as well as accompanying objective(s) and policies which may identify special conditions, options, uses, heights, densities, intensities, restrictions, or requirements for activities within the area.

**FLU Policy 6.1.5: Neighborhood and Area-wide Planning Programs - Method of Introduction**

Any Neighborhood Plan, Revitalization Plan, Emerging Area Plan, or Special Area Plan may be initiated by either the ~~Growth Management~~Community Development Department, the County Commission, or through a citizen-based planning initiative.

**FLU Policy 6.1.6: Active Development of Regional Impacts (DRIs)**

DRIs (FLUM Series Map #25) shall be developed in accordance with an approved development order. At such time as the DRI is deemed essentially built-out or abandoned, consistent with the requirements of Section 380.06, F.S., the new development shall be subject to and in accordance with the policies of this Plan. The mix of land uses and allowed densities and intensities within an approved DRI MDO, or DO if no MDO is approved, shall be adopted into FLU Appendix VI: Developments of Regional Impact.

**FLU Objective 6.2: Burnt Store Area Overlay District (FLUM Series Map #8)**

To implement the vision for the Burnt Store Area Plan (FLU Data and Analysis Appendix E) to create a fully serviced, integrated community.

**FLU Policy 6.2.1: Burnt Store Area Overlay District Intent and Vision**

The intent of the Burnt Store Area Overlay District is to provide guidance for development in the Burnt Store area. The vision for the Burnt Store Area is one where government services (such as library, park, fire/EMS, and school facilities), recreational opportunities (active and passive) and commercial needs are predominantly provided within the Area to create a fully serviced, integrated community.

**FLU Policy 6.2.2: Development Timing Standards**

Any permit approval for a density greater than one unit per ten acres shall undertake a proportionate share analysis that will evaluate the proposed development's impact on Burnt Store Road. The proportionate share analysis will be evaluated and approved through the site plan or PD process by use of a Developer's Agreement. The proportionate share can be paid either in a lump sum or divided and assessed on a per-unit basis. If the proportionate share is paid in a lump sum, prior to vertical development, then the property owner shall have concurrency vesting until the build-out date identified in the traffic analysis used to establish the proportionate share. The developer shall be responsible for the difference in funding if the proportionate share amount is less than the impact fee assessment for the project.

**FLU Policy 6.2.3: Burnt Store Land Use Categories**

The County implements the Burnt Store Area Plan through the land use categories identified in FLU Appendix I, with the development timing standards identified in FLU Policy 6.2.2.

**FLU Policy 6.2.4: Open Space Requirement for Residential**

The County requires the creation and maintenance of common areas of open space and on-site recreational areas.

**FLU Policy 6.2.5: Infrastructure Funding**

The County shall ensure that adequate funding sources are available for the provision of infrastructure. Improvements will be funded through a variety of mechanisms that include Community Development Districts (CDDs), Municipal Services Taxing Units (MSTUs), rebate agreements, grants and impact fees. The County shall evaluate funding options, including the use of bonds and other revenues to expedite the widening of Burnt Store Road from the current time to 2015.

**FLU Policy 6.2.6: Access Management Plan**

The County shall assist in maintaining the level of service along Burnt Store Road. An access management plan shall be adopted by Charlotte County prior to 2017, or construction of roadway improvements and criteria shall be established for minimum separation of access points in the Code of Laws and Ordinances.

**FLU Policy 6.2.7: Internal Water Management Systems**

The County shall encourage, through incentives that may include impact fee credits, the provision of water storage capacity for storm water run-off from Burnt Store Road in the internal water management systems of new developments fronting Burnt Store Road. The intent is to assist the County in making the

necessary improvements to Burnt Store Road in an economical and efficient manner by minimizing the amount of right-of-way necessary for widening Burnt Store Road. By 2013, the County will consult with State agencies and identify wetland mitigation projects that will improve stormwater treatment within the Burnt Store Area and which may be completed by applicants seeking environmental resource permits for development within the Burnt Store Area.

**FLU Policy 6.2.8: Watershed Flood Study**

The County shall utilize the Burnt Store Watershed Flood Study (FLU Data and Analysis Appendix F) to quantify water quality discharges, conveyance system capacity and adequacy, recommend improvements over and above the item specified in FLU Policy 6.2.7, and specify the LOS after improvements.

**FLU Policy 6.2.9: Enhancement of Water Quality**

Based on the recommendations given in the Burnt Store Watershed Study, the County shall work with developers and property owners to create rain gardens, littoral zones or other similar mechanisms along any waterways to preserve, enhance and protect the water quality and quantity.

**FLU Policy 6.2.10: Low Impact Design Practices**

In partnership with SWFWMD, the County shall encourage developers and property owners to provide a variety of stormwater and low impact development practices, so that each practice will provide incremental benefits and all combined practices will:

1. Preserve native landscaping and natural water flows;
2. Minimize and control runoff generation at the source;
3. Promote infiltration;
4. Promote stormwater reuse; and
5. Minimize site disturbance.

**FLU Policy 6.2.11: Natural Resource Connections**

The County shall coordinate with developers and property owners to create the following natural resource connections, as shown on the Burnt Store Area map (SPAM Series Map #5) which is based on input and recommendations from the Florida Fish and Wildlife Commission and the National Estuaries Program.

1. *Blueways*. To assist in alleviating stormwater drainage concerns, the County shall require a restored or created flowway. The proposed flowway could connect surface water management lakes and on-site wetlands. Littoral shelves shall be planted along the proposed flowway to provide water quality treatment and foraging areas for wading birds. Road crossings may be constructed where the flowway is proposed, so

long as the hydrological integrity of the flowway is maintained through drainage crossings.

2. *Greenway.* The County shall require developers and property owners to preserve property along the greenway to link up with the proposed "Wildlife Utilization Areas" in the Tern Bay DRI. The intent is to provide for a wildlife corridor with a minimum width of 75 feet or greater, depending on existing vegetation and wildlife habitat. The greenway should include the preservation or enhancement of natural habitats. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. Low impacting recreational uses may be incorporated into the greenway; however, the greenway is primarily to be managed for wildlife usage. The County shall incorporate a wildlife crossing into the widening of Burnt Store Road, to be constructed of a size sufficient to accommodate small to medium size animals for at least one of the greenways.
3. *Wildlife Corridor:* The County shall require the preservation and enhancement of land within and along the wildlife corridor to provide sufficient coverage for utilization of wildlife. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. The corridor should provide sufficient cover to encourage use by wildlife through compliance with the following provisions:
  - a. The corridor shall be at a minimum ~~100~~<sup>75</sup> feet wide.
  - b. A 25 foot undeveloped buffer will be established between the corridor and proposed development activities. The buffer will consist of native vegetation where native habitats currently exist. In areas where native vegetation does not currently exist, native vegetation plantings will be conducted within the 25 foot buffer.
  - c. Lighting within 50 feet of the corridor will be shielded and directed away from the corridor.
  - d. A conservation easement (or similar binding document) will be required at time of Final Plan Approval to ensure the protection in perpetuity of the 25 foot buffer and corridor. The conservation easement will limit human access to the corridor by prohibiting uses and structures (gazebos, docks, etc.) within the 25 foot buffer, corridor, and adjacent canal. Nature trails are acceptable uses within the 25 foot buffer and corridor.

The County may coordinate with appropriate environmental agencies and will consider using funding to acquire properties along the wildlife corridor. The County shall incorporate a wildlife crossing into the widening of Burnt Store

Road, to be constructed of a size sufficient to accommodate small to medium size animals.

**FLU Policy 6.2.12: Hurricane Preparedness**

The County shall require all new residential structures to be elevated to, at a minimum, 8 feet above sea level in order to minimize hurricane damage.

**FLU Policy 6.2.13: Archeological Resource Protection**

The County shall require the preservation of any archeological resources.

**FLU Policy 6.2.14: Multi-Modal Transportation**

The County shall work with developers within the Burnt Store Area to provide pedestrian and bicycle facilities on all new and improved public roadways and, where possible, retrofit existing roadways. Developers shall be required to create an interconnected community within the Burnt Store Area boundary through the use of roadway interconnections and pedestrian and bicycle pathways that create internal connections within each development that link to existing and future pedestrian and bicycle corridors outside of their development.

**FLU Policy 6.2.15: Recreation**

The County shall work with property owners within the Burnt Store Area to acquire the approximately 90 acres of land needed for active recreational uses. Methods of acquisition may include the granting of impact fee credits or property acquisition.

**FLU Objective 6.3: U.S. 17 Corridor Planning Area**

To create parameters for the U.S. 17 Corridor Planning Area (FLUM Series Map #11) that guide future development and that accomplish the following:

- Job creation.
- Redevelopment and beautification of existing neighborhoods.
- Preservation, access to and enhancement of the natural environment.
- Application of low impact development practices.
- Development of sustainable-viable communities.
- Provision of adequate infrastructure to meet current and future needs.

**FLU Policy 6.3.1: Interconnection**

The County shall consider adopting ~~create and adopt~~ regulations to ~~identify the circumstances and~~ set parameters under which new developments ~~are to~~ may be interconnected, such as with interconnecting parking lots and an interconnected network of routes for pedestrians and cyclists providing links to schools, parks,

adjacent neighborhoods and developments as well as passive recreational trails along flowway areas.

**FLU Policy 6.3.2: Provision for Infrastructure and Services**

The County shall review the possibility of creating a frontage road or a reverse frontage road system along the corridor, shall create and adopt regulations to promote healthy neighborhoods, and shall explore alternative transportation possibilities such as rail linkages to create railroad passenger service or auto train stations.

**FLU Policy 6.3.3: Public Facilities Requirement**

All properties greater than 100 acres in area are required to work with public service providers to locate public facilities on their property. The expectation of land dedication shall not exceed ten percent of the total land area for the project and shall be creditable toward impact fees, or other forms of County compensation.

**FLU Policy 6.3.4: Multi-use Public Spaces**

The County shall require developers to coordinate with all interested government entities, including Charlotte County school officials, to identify future locations for multi-use public spaces that can combine school, recreational, and conservation uses.

**FLU Policy 6.3.5: Hurricane Shelters**

Schools and other community facilities located along the U.S. 17 corridor, but outside the Coastal High Hazard Area, shall be designed to serve as hurricane shelters to meet the identified evacuation needs as established by Southwest Florida Regional Planning Council.

**FLU Policy 6.3.6: Redevelopment Areas**

The County recognizes that the Cleveland and Solana neighborhoods would benefit from the preservation of the historical fabric of the areas and enhancement of their sense of identity and their sense of place. By 2012, the County shall work with these neighborhoods to establish advisory boards to help advise the County on Revitalization Plans for these areas.

**FLU Policy 6.3.7: Redevelopment Areas Funding Opportunities**

In order to fund redevelopment opportunities, the County shall consider the creation of Community Redevelopment Areas (CRAs), or utilize other applicable programs, for Solana and Cleveland in order to finance public improvements that enhance property values and quality of life, such as the extension of water and sewer mains.

**FLU Policy 6.3.8: Redevelopment Area Streetscape Improvement**

To lend support to the existing businesses in Solana and Cleveland, the County shall work with private and public entities to provide U.S. 17 streetscape improvements, including landscaping, decorative lighting, and way-finding signs, consistent with the streetscape improvements within the City of Punta Gorda.

**FLU Policy 6.3.9: Encouraged Uses**

In order to revitalize and promote the U.S. 17 commercial and business areas, including Solana and Cleveland, and to reduce trip generation, the County shall encourage mixed use developments, conversion of mobile homes to conventionally-built homes, live/work spaces, bed and breakfasts, and multi-family developments along the U.S. 17 Corridor.

**FLU Policy 6.3.10: Landscaping and Buffer Requirement**

The County shall work with developers and property owners to provide street tree planting and landscape buffers along the U.S. 17 highway corridor in order to enhance the safe and pleasant experience of pedestrians and improve the visual experience of travelers. This shall include the provision of enhanced landscape elements at community entryway points, clustered tree requirements to encourage view corridors into commercial areas, and streetscape improvements.

**FLU Policy 6.3.11: Established Flowways**

The County ~~may~~ shall incentivize the protection of historic flowways (SPAM Series Map #6) by designating them as environmentally sensitive and allowing density to be severed from these areas. Passive recreational uses may be incorporated into upland areas adjacent to restored flowways. Development along a flowway ~~shall be encouraged to~~ must provide for public use by providing pedestrian paths and connections to adjacent properties. Public uses shall not include any activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation. Proposed crossings of flowways shall include appropriately sized culverts or bridges to maintain surface water flows and wildlife underpasses where appropriate.

**FLU Policy 6.3.12: Greenways Plan**

The County shall implement a Greenways Plan (SPAM Series Map #6) for the U.S. 17 Corridor area that will acquire property or incentivize the connection of ~~connect~~ flowways and wildlife corridors. ~~The flowways and wildlife corridors may be a minimum of 300 feet wide for 20 percent of their length but shall be a minimum of 500 feet wide for the remaining 80 percent of their length.~~ The County shall also work with the property owners and various State and Federal

agencies to explore funding source in order to construct wildlife crossings underneath U.S. 17 and C.R. 74 (Bermont Road).

**FLU Policy 6.3.13: Water Access**

The County shall work toward the creation of additional public and private boat access points including kayaks and canoes along the Peace River, Shell Creek and Prairie Creek, consistent with an approved boat facility siting study and Manatee Protection Plan.

**FLU Policy 6.3.14: Eco-tourism Center**

The County shall consider expanding permitted uses to encourage an eco-tourism center for Charlotte County by allowing bed and breakfast establishments, small cafes, nature centers and other eco-tourism facilities, such as kayak and bicycle rental and repair shops that are sensitive to the environment yet provide mobility to visitors and residents.

**FLU Objective 6.4: Babcock Ranch**

To establish design standards to implement the Babcock Ranch Overlay District (BROD) (FLUM Series Map #8) and the Babcock Mixed Use (BMU) FLUM category, that is intended to create a well-planned new community in rural, east Charlotte County using the following Smart Growth principles and best management practices:

- ~~Mix of Land Uses.~~
- ~~Create a Range of Housing Opportunities and Choices.~~
- ~~Create Walkable Neighborhoods.~~
- ~~Foster Distinctive, Attractive Communities with a Strong Sense of Place.~~
- ~~Provide a Variety of Transportation Choices.~~
- ~~Make Development Decisions Predictable, Fair, and Cost Effective.~~
- ~~Encourage Community and Stakeholder Collaboration in Development Decisions.~~

**FLU Policy 6.4.1: DRI Master Plan**

The official Babcock Ranch Community Master Land Plan (SPAM Series Map #7) for the development has been adopted as Map H in the Babcock Charlotte Master Development Order (BCMDO). The BROD Master Land Plan is subject to adjustment through the Development of Regional Impact (DRI), State and Federal permitting processes. ~~The BROD will consist of one Town Center, the North Babcock Area, multiple Villages and multiple Hamlets.~~

**FLU Policy 6.4.2: Walkable Community**

As established in the LDR's, ~~t~~The BROD will include appropriate mixed use and smart growth urban design principles in generating vibrant walkable

communities. Pedestrian friendly features such as, but not limited to: the appropriate mix of densities and uses, compact street intersections, greenway trail system, street furniture, landscaping of streets with native canopy trees and neighborhoods that are properly scaled for people, are required within the BROD. Crime Prevention through Environmental Design (CPTED) strategies shall be implemented in the BROD.

#### **FLU Policy 6.4.3: Town Center Design**

~~The Town Center is oriented to serve the cultural, shopping, employment and civic needs of residents of the Town Center, Villages and Hamlets within the BROD. The Town Center will also support the surrounding area outside of the BROD. The commercial uses located within the Town Center shall be accessible to the adjacent Village developments and must be designed to provide for a safe pedestrian environment and pedestrian access. The Town Center shall also include stormwater management lakes and ponds in accordance with State and Federal permitting requirements. The public facilities are intended to allow a range of public and quasi-public uses including but not limited to educational and cultural facilities, utilities, fire/EMS, police substations, churches and others. Design standards for the Town Center are set forth in the BROD LDRs.~~

#### **FLU Policy 6.4.4: Village and Hamlet Design**

~~Villages shall be comprised of Residential Neighborhoods and a minimum of one or two Neighborhood Commercial Centers. Hamlets shall be comprised of Residential Neighborhoods and may include, but are not required to include, a Neighborhood Commercial Center sized to serve that particular Hamlet. Village and Hamlet open space shall be designed with identifiable character. Golf courses may be included within Villages and Hamlets.~~

#### **FLU Policy 6.4.5: Residential Neighborhood Design**

~~Residential Neighborhoods in Villages and Hamlets shall provide for a wide range of energy-efficient housing types, materials and practices, consisting of single-family and multi-family dwelling units that will cater to a wide range of economic levels and age groups, including permanent, as well as seasonal residents. Residential neighborhoods shall be organized around a village park or civic space and shall reflect compact building design typical of smart growth communities. Elementary and middle schools (subject to State regulations), community parks and neighborhood parks shall be sized and located to define neighborhoods or a cluster of neighborhoods. Residential Neighborhoods shall be integrated and connected to each other, with limited use of gated communities (no more than ten percent and excluding affordable housing complexes). Integration and connection can be achieved by pedestrian, bicycle, or alternative vehicle access ways located within streets, greenways and open space. Design standards for the Residential Neighborhoods are set forth in the BROD LDRs.~~

**FLU Policy 6.4.6: Neighborhood Commercial Center Design**

Neighborhood Commercial Centers form an integral part of the each Village and are designed to provide for daily and basic needs of the surrounding neighborhoods within the Village. A Neighborhood Commercial Center must be centrally located to provide for convenient pedestrian access to and from adjacent neighborhoods and those dwelling units located within the Village. The Neighborhood Commercial Centers will provide for a mix of land uses including, but not limited to, retail, service, office, small-lot single-family detached residential homes, accessory apartments, guesthouses, home occupations, home offices, multi-family uses, schools, civic/governmental uses, neighborhood or community parks and other similar services designed to meet the needs of its respective Village. Each Neighborhood Commercial Center is required to have Civic, Community, & miscellaneous Public Facilities as a central focal point. The focal point may be a combination of central public parks, schools, government buildings or civic/community facilities such as churches or community centers. Sheriff sub-stations, fire stations, government offices and other public services are encouraged within the Town Center and Neighborhood Commercial Centers. To take advantage of shared infrastructure such as parking, these types of facilities shall be located together to the extent practicable. Design standards for the Neighborhood Commercial Centers are set forth in the BROD LDRs.

**FLU Policy 6.4.7: BROD Phasing Plan**

The BROD Summary Phasing Plan sets forth the minimum non-residential square footage required for the number of dwelling units at the time of issuance of certificate of occupancy of the last dwelling unit of any particular threshold. The BROD Summary Phasing Plan is subject to adjustment through the DRI, State and Federal permitting processes. Subsequent DRI Incremental Development Orders shall establish the detailed phasing of development within the Increment. The DRI Incremental Development Orders shall determine the amount of residential and non-residential development allocated within the Town Center, each Village, and each Hamlet, respectively, in accordance with these BROD Objectives and Policies, ensure that development is orderly, maximize efficiency of infrastructure, and provide for specific infrastructure improvements needed to meet prescribed levels of service. The intent is that non-residential uses will be in place to serve the occupancy of dwelling units.

BROD Summary Phasing Plan

Residential Dwelling Units (C/O)	Non-Residential s.f. (Cumulative) * <sup>1</sup>	Schools [Elem (E1, E2, E3) Middle (M) & High (H) Schools]
500	10,000	
1,000	35,000	
2,000	100,000	
4,000	300,000	E1

Residential Dwelling Units (C/O)	Non-Residential s.f. (Cumulative) * <sup>1</sup>	Schools [Elem (E1, E2, E3) Middle (M) & High (H) Schools]
7,000	600,000	E2 & M
10,000	1,000,000	
12,000	1,250,000	H
14,000	1,550,000	E3
16,000	2,000,000	
17,870	3,000,000* <sup>2</sup>	

\*1— all non-residential square footage is cumulative by C/O threshold

\*\*2— Non-residential sf threshold is minimum

**FLU Policy 6.4.38: DRI Abandonment Strategy**

If the DRI is abandoned prior to development, then Charlotte County shall process an application to amend the Comprehensive Plan, pursuant to Section 163.3184, F.S., and the Charlotte County Code, to reinstate the Future Land Use categories and zoning districts that were in effect immediately prior to the adoption of the BROD.

**FLU Policy 6.4.49: Scenic Viewsheds**

The BROD requires preservation of scenic viewsheds that provide visual cues (such as open space and other prominent natural features) to introduce or signal the transition from one zone to the other. This includes the appropriate location, concealment or control of the location of utilities and necessary infrastructure elements within the BROD.

**FLU Policy 6.4.510: Public Spaces**

The BROD requires public spaces, whether built or natural, active or passive, to provide a venue for public interaction and vibrant exchange among neighbors; these spaces should be centrally located to neighborhoods and the Town Center.

**FLU Policy 6.4.611: Prescribed Burns**

Recognizing the need for proper wildlife and land management practices on adjacent natural areas, the BROD shall not prohibit or otherwise limit the land management activities of the State and Lee County with regard to prescribed burning on public lands. It shall be made clear to purchasers of property within the BROD that prescribed burns are a necessary and integral part of land management activities on public lands, through the recordation of notice to persons accepting a conveyance of real property in the BROD of such management activities.

**FLU Policy 6.4.742: Open Space**

Open Space shall consist of the Babcock Ranch Community Primary Greenway Plan (SPAM Series Map #8), non-residential vegetated green space, lakes and ponds not engineered for stormwater, lakes and ponds engineered for stormwater with general public access, hiking trails, greenways, bike paths, upland and wetland areas. The design of open areas shall, where applicable, be integrated with adjacent Primary Greenways so as to enhance habitat for small mammals and wading birds. The design of development areas and plantings shall, where applicable, enhance habitat for indigenous animal species. Open Space shall include a minimum of 35 percent of the gross acreage of the BROD. Active uses such as ball fields, golf courses and other related recreation uses can be counted toward Open Space but only 50 percent of the area can be utilized for calculation purposes. Open Space will serve the additional goal of surrounding and defining Villages, Hamlets and the Town Center.

**FLU Policy 6.4.813: Open Space that is not Primary Greenway**

Open space areas outside of Primary Greenways may include the following uses: picnic areas, greenway trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian trails, vita courses, bird-viewing blinds/tower, and interpretive facilities.

**FLU Policy 6.4.914: Primary Greenways Plan**

Four categories of the Primary Greenways Plan are: Active Greenway, Passive Greenway, Observation Greenway and Corridor Greenway. The Primary Greenways Plan shall be updated with each incremental DRI as required by the Babcock Ranch Community Master Development of Regional Impact Master DRI Development Order.

**FLU Policy 6.4.105: Primary Greenways**

The areas labeled as Greenways, Agriculture, Parks, and Recreation on the Master Plan shall be considered Primary Greenways. A management plan shall be prepared as part of the DRI process for the Primary Greenways. Allowable uses in all Primary Greenways include transportation and utility corridors, including major roadways, minor roadways, major multi-use trails and secondary multi-use trails that shall be designed to avoid and then minimize impacts to native vegetation, flowways and wetlands. The edges of the Primary Greenways shall be designed to increase the functional value of the Primary Greenways areas and to provide a transition from those areas to human uses. Existing agricultural uses shall be allowed in all Primary Greenways. Compatible land management activities may be conducted in all of these Greenways, including but not limited to, ecological burning, ecosystem restoration and hydrologic

restoration. To the extent practicable, historic flowways or conveyances shall be restored within Primary Greenways where flowways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. In determining whether a proposed restoration is practicable, consideration shall be given to legal permissibility, cost of the restoration compared to the environmental benefit, and the physical impacts on persons and property both within and outside the BROD.

**FLU Policy 6.4.116: Primary Greenway as Mitigation**

Primary Greenways within the BROD may serve as mitigation for listed species and wetland impacts associated with the BROD. Specific Listed Species Management Plans may be accommodated in some of the Primary Greenways for the protection and long-term viability of State and/or federally listed species. The implementation of such plans may require additional land management activities to be conducted. Primary Greenways may also accommodate wetland mitigation in accordance with wetland regulations and approval from Water Management Districts and U.S. Army Corps of Engineers. Wetland mitigation will be determined using the Uniform Mitigation Assessment Method (UMAM).

**FLU Policy 6.4.127: Corridor Greenway**

The primary goal of the Corridor Greenway is conservation, with limited public use. The Corridor Greenway creates a critical connection designed to encourage wildlife movement between the regionally-significant conservation lands of Telegraph Swamp and the remainder of Babcock Ranch to the east and the Curry Lake Area and Fred C. Babcock - Cecil M. Webb Wildlife Management Area to the west. The Corridor Greenway will also connect equestrian and hiking trail systems to the north and south of the Corridor Greenway. Such recreational uses to be accommodated include equestrian use, hiking trails, and limited boardwalks and observation decks, similar to the uses contemplated for the lands being acquired by the State. Other allowable uses may include existing agriculture, silviculture as a land management tool, one coordinated transportation and utility crossing running north to south, and habitat restoration. The transportation corridor shall include appropriate fencing to direct wildlife using the corridor transportation facility in accordance with the BCMDO. All uses shall be designed to avoid and then minimize impacts to native vegetation, flowways and wetlands.

**FLU Policy 6.4.138: Observation Greenways**

Observation Greenways consist primarily of native vegetative communities and are largely un-impacted by agricultural activities. The primary goal of the Observation Greenway is conservation and limited public use. Observation Greenways shall have the fewest uses and impacts, similar to the Corridor Greenway. Recreational uses within Observation Greenways include equestrian and hiking trails, limited boardwalks and observation decks, and unpaved pathways linking the developed portion of the BROD area to the remaining portion of the Babcock Ranch to the east. Other allowable uses may include silviculture as a land management tool and habitat restoration. All uses shall be designed to avoid and then minimize impacts to native vegetation, flowways and wetlands.

**FLU Policy 6.4.149: Passive Greenways**

Passive Greenways are located in close proximity to certain Villages and Hamlets, are farther removed from the Town Center area, and provide passive recreational opportunities, with the potential for ADA accessibility. Uses within Passive Greenways shall have fewer impacts than uses within Active Greenways. Such recreational uses to be accommodated include neighborhood parks, picnic areas and playgrounds, primitive camping, equestrian use, hiking trails, boardwalks and observation decks, limited paved trails and similar uses. Other allowable uses may include silviculture as a land management tool, transportation and utility crossings, stormwater management, habitat restoration and other similar uses. All uses shall be designed to avoid and then minimize impacts to native vegetation, flowways and wetlands.

**FLU Policy 6.4.1520: Active Greenways**

Active Greenways are located in close proximity to the Town Center and Villages and provide passive and active recreational opportunities, with the potential for ADA accessibility. Such recreational activities may include neighborhood parks, picnic areas and playgrounds, camping, equestrian use with support facilities, hiking trails, boardwalks and observation decks, paved trails, active parks with ball fields (including restrooms and concession facilities), golf courses and similar uses. Other allowable uses may include nurseries, agriculture, silviculture as a land management tool, transportation and utility crossings, renewable energy systems and facilities, stormwater management, habitat restoration and other similar uses. All uses shall be designed to avoid and then minimize impacts to native vegetation, flowways and wetlands.

**FLU Policy 6.4.1624: Wetland Management**

Impacts to naturally occurring wetlands within the BROD area shall be avoided first, and then minimized, to the greatest extent possible. These wetlands will be

protected based upon the wetland functionality assessment outlined in Florida's Uniform Mitigation Assessment Method (UMAM), State permitting requirements of the South Florida Water Management District and Federal permitting requirements. Uses within protected wetlands shall be restricted to those uses which are compatible, including but not limited to, passive recreation, environmental research and education, boating, fishing, limited boardwalk and observation platforms, all in accordance with State and Federal permitting requirements. The use of existing wetland areas for water management (attenuation and storage, but not treatment) shall be allowed to the extent permitted by law.

Wetland areas within the BROD currently being used as water management areas may be relocated if:

1. All approvals are obtained from appropriate Local, State and Federal agencies,
2. The affected wetland functions are replaced, and
3. Appropriate mitigation is provided within the Babcock Ranch, including the BROD area and the area sold to the State and Lee County.

Limited crossings of such wetlands may be allowed when:

1. It is the only feasible route to serve existing or designated future urban development areas,
2. The crossing is bridged or box-culverted to the greatest degree possible, maintaining pre-development volume, direction, distribution, and surface water hydroperiod, or
3. Appropriate mitigation is provided within the Babcock Ranch, including the BROD area and the area sold to the State and Lee County.

#### **FLU Policy 6.4.1722: Master Drainage Plan**

The County shall require a Babcock Ranch Community Master Drainage Plan (SPAM Series Map #9) indicating existing, to be restored, or created primary flowways within the BROD. The primary flowways will connect surface water management lakes and on-site wetlands, but only if wetland seasonal hydroperiods will improve or remain consistent with pre-development conditions. Littoral shelves should be planted along the primary flowways to provide water quality treatment and foraging areas for wading birds. Road crossings may be constructed across and through primary flowways, as long as the hydrological integrity of the flowways is maintained through the crossings. The master drainage plan shall be designed to meet Class III water quality standards and maintain off-site flows at pre-development levels.

**FLU Policy 6.4.1823: Surface Water Management System**

A surface water management system that incorporates the functions of the natural on-site system, including seasonal hydroperiods, surficial aquifer/water table elevations, continuity of conveyance systems and water quality shall be required, in accordance with State and Federal permitting requirements. The surface water management system shall be designed with best management practices (BMPs) as necessary to meet the State water quality standards. The surface water management system will provide treatment in a created system prior to discharge to the natural system. Man made ponds, lakes and/or drainage features shall be designed (size, depth, etc.) and located (setbacks from wetlands, etc.) so as to maintain water levels, quality and hydroperiods for native aquatic vegetation and wildlife, to the extent possible. Storm water treatment ponds shall be shaped to reflect natural lakes and have planted littoral zones. Historic flows may also be restored within developing areas through the surface water management system design and permitting process. The conveyances shown in the western portion of the BROD may be modified to provide an equivalent conveyance. Water management treatment shall be done outside the historic conveyances. Further, the surface water management system for the BROD will be designed, permitted and constructed to assist in the Minimum Flow Levels (MFL) recovery program of the South Florida Water Management District, and the system will not lessen any contributions of water to the Caloosahatchee River during low flow periods. The approved Group III Excavation Permit, No. 07-EX-16, may be extended and modifications allowed, such as changes to the lake configurations, without the need to rezone the land to Excavation and Mining (EM) or amend the FLUM to Mineral Resource Extraction (MRE). This exemption shall not permit expansion of the area subject to the permit.

**FLU Policy 6.4.24: ~~Master Internal Circulation Plan~~**

~~The Babcock Ranch Community Master Internal Circulation Plan (SPAM Series Map #10) depicts the traffic circulation system including the pedestrian, bicycle, and other non-automobile transportation networks in addition to automobile networks. The plan shall be updated with each incremental DRI.~~

**FLU Policy 6.4.1925: Transportation System**

A cohesive transportation system that includes supportive land use and development is to be applied within the BROD. This shall include the coordination of land uses and transportation networks such as bicycle, pedestrian, road, personal transportation (such as Electric Urban Vehicles) including other low-emission forms of transportation, Segways and transit

facilities. Connectivity between these multimodal approaches is necessary to an effective transportation system.

**FLU Policy 6.4.26: Transportation Needs**

~~Charlotte County will support amending the below described MPO transportation planning maps to reflect the transportation improvements to serve the BROD, with appropriate funding from the development within the BROD, as long as previously identified needs and funding for other projects is not delayed:~~

- ~~1. \_\_\_\_\_ Map 2030 Needs Assessment Traffic Circulation.~~
- ~~2. \_\_\_\_\_ Map 2030 Cost Feasible Projects.~~
- ~~3. \_\_\_\_\_ Map 2030 Cost Feasible Circulation.~~

**FLU Policy 6.4.2027: Expansion of S.R. 31**

Working with the owners/developers of the BROD, Charlotte County shall support the conveyance of a 300 foot right-of-way along S.R. 31 from the Lee/Charlotte County Line to C.R. 74 for the expansion of S.R. 31. Additionally, the owners/developers of the BROD will work with Lee County to execute a Development Agreement or an Interlocal Agreement to provide for the planning and acquisition of a consistent right-of-way from North River Road north to the Lee/Charlotte County Line. Two wildlife crossings shall be provided along and under S.R. 31 on lands being acquired by the State; one in the vicinity of Curry Lake and one north of the northern portion of the BROD. The exact location and design of the crossings shall be determined in consultation with FDOT, FDEP and FWCC.

**FLU Policy 6.4.2128: Internal Capture Rate**

Using mixed use planning and a compact urban form, including commercial, office, industrial and institutional uses, contemplated herein, the internal capture rate ("ICR") for vehicle trips shall be maximized, with a targeted internal capture rate of between 50% - 70%. However, analysis of transportation impacts will initially assume a 22% ICR for the BCMDO and the first Application for Incremental Development Approval (AIDA), subject to adjustment upward or downward in each subsequent increment of the DRI process, and will therefore provide an evaluation of which off-site transportation improvements are required under this scenario. Transportation models shall be generated using a unified model which includes traffic in Lee and Charlotte Counties. As development within the BROD occurs, the ICR will be monitored, utilizing and reconciling Charlotte County and Lee County data, and the required off-site transportation improvements will be adjusted so that the required improvements are commensurate with any actual measured ICR, or as may be adjusted.

**FLU Policy 6.4.29: Mass Transit Consideration**

Transportation planning shall also include consideration of mass transit (including planning for future corridors), as an integrated component in the planning and design process for the property, and will be designed for connectivity to larger regional systems, both present and planned.

**FLU Policy 6.4.2230: Housing Diversity**

Provide a diversity of housing types to enable citizens from a wide range of economic levels and age groups within the BROD. This would include the provision of affordable/workforce housing, at a level of ten percent of the total number of residential housing units built within the BROD.

**FLU Policy 6.4.31: Capital Improvements Plan**

Development within the BROD shall provide adequate infrastructure that is financially feasible to Charlotte County and the School Board and that meets or exceeds the levels of service standards adopted by Charlotte County. The BROD Capital Improvements Plan (BROD CIP) has been adopted. The BROD CIP specifies the responsible party, whether County, developer, a community development district or independent special district ("District") or otherwise, for the funding of such infrastructure. Financial feasibility shall be demonstrated through an enforceable Development Agreement or Interlocal Agreement. The BROD CIP is subject to adjustment through the DRI, State and Federal permitting processes, to the extent such adjustment meets the BROD Objectives and Policies and incorporates all infrastructure included in the BROD CIP. The developer or District shall be responsible for those items as shown on the BROD CIP as funded by Developer or District and for all proportionate share payments less than 100 percent as development triggers such payments. In accordance with Section 163.3180, F.S., adopted in 2005 through Senate Bill 360, the County shall accept any such proportionate share payments but shall not be required to construct such proportionate share improvements until 100 percent funding is available.

**FLU Policy 6.4.2332: Financing Tools**

The County shall encourage a variety of financing tools and strategies to fund capital improvement programs within the BROD, such as Community Development Districts (CDD), Independent Special Districts, Business Improvement Districts (BID), Educational Facilities Benefit Districts and other viable financing strategies to fund infrastructure improvements and achieve fiscal neutrality.

**FLU Policy 6.4.2433: Water Conservation Plan**

The BROD will develop and implement a water conservation plan. Town and Country Utility Company or its designee shall submit the water conservation plan as part of the individual water use permit application for consumptive use. The following water conservation elements ~~may~~ will be incorporated:

1. Limitation of landscape irrigation times to prevent evaporative losses;
2. Use of site tolerant plants and efficient watering system known as xeriscaping;
3. Installation of ultra-low volume plumbing fixtures in all new homes and businesses;
4. Use of Florida Friendly landscaping;
5. Leak detection programs in case water losses exceed 10 percent;
6. Operation of rain sensor device or automatic switch to override irrigation sprinkler system when adequate rainfall has occurred;
7. Public education programs; and
8. Use of reclaimed water, when available.

**FLU Policy 6.4.2534: Wellfield Management Plans**

Developer or Town and Country shall prepare and implement wellfield management plans for potable water, agricultural uses, and disposal and storage wells, existing or proposed within the BROD. As part of the agricultural wellfield management plan, Developer will identify wells within the BROD that need to be abandoned and properly plugged to avoid potential cross contamination, and will do so at Developer's expense. All potable water wells (defined in Rule 62-521.200(6)711, F.A.C.) and all other water wells, not defined as potable, shall be protected.

**FLU Policy 6.4.35: Telecommunications Infrastructure**

~~Develop a fiber optic and/or wireless telecommunications infrastructure to support voice, video, data and security network systems, where feasible.~~

**FLU Policy 6.4.2636: Water, Wastewater and Reclaimed Water**

Town and Country Utility Company or its designee shall plan, design, permit, and construct a water, wastewater, and reclaimed water utility infrastructure (including water supply, treatment, storage, distribution, collection, and disposal capacity) to support the potable water, sanitary sewer, and irrigation needs of the BROD at full buildout and in accordance with the level of service established by the County's comprehensive plan, as amended from time to time. This infrastructure shall be built to County standards, and as-built drawings shall be provided to County. County may conduct periodic inspections (the nature and

frequency of which are to be determined by County) both during and after construction to ensure that the infrastructure is being properly constructed, operated, and maintained. It is recognized by the parties that said infrastructure may be constructed in phases commensurate with the creation of demand by the Development.

**FLU Policy 6.4.37: Mandatory Reclaimed Water**

~~Development within the BROD will be required to use reclaimed water to meet all the irrigation needs of the proposed development, to the extent reuse water is available. Mandatory reclaimed water zones will be established within the BROD to promote water conservation. A reclaimed water utility system will be designed so that landscaped areas and other potential users will have access to the system. Conventional water sources will be used only when an insufficient volume of reclaimed water is available.~~

**FLU Policy 6.4.2738: Impact Fee Credits**

Public infrastructure extended and funded by the developer, or its assigns, shall be entitled to impact fee credits.

**FLU Policy 6.4.2839: Future Impact Fees**

The County may consider the increase of school, park and other appropriate impact fees and the establishment of districts that might fund public facilities that support the BROD, if necessary.

**FLU Policy 6.4.2940: Expenditure of Transportation Revenues**

Transportation revenues generated within the BROD, including, but not limited to, gas taxes, and special assessments, shall be spent according to the existing County policies, a development agreement or interlocal agreement.

## Attachment 2

# FLU Appendix I: Land Use Guide

## FLU APPENDIX I: LAND USE GUIDE

### SECTION 1: PLAN AMENDMENT STANDARDS OF REVIEW

#### PURPOSE

The Charlotte County Comprehensive Plan is designed to preserve and enhance the public health, safety, and welfare through the management of growth, the provision of adequate public services and the protection of natural resources. These purposes are accomplished by the legislative establishment of goals, objectives, and policies that are designed to guide the future growth and development of lands within the Charlotte County.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

#### GENERAL APPLICATION

All applications for a Plan Amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government. Each application for an amendment to the 2030 Future Land Use Map changing the land use designation assigned to a parcel of property shall also be reviewed and be evaluated based upon the numerous generally-acceptable planning, timing, compatibility, and public facility considerations detailed or established in the policies of the Plan to determine and assess any County-wide impacts or any significant area wide impacts of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

This Plan Amendment application review and evaluation process will be prepared and presented in a format consistent with the four major categories of Plan policies as follows:

1. *General Public Facilities/Services*: Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation,

sanitary sewer, schools, solid waste, stormwater, and a sufficient transportation network.

2. *Natural Resources/Natural Features*: The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Plan. ~~Specifically each amendment will be evaluated to determine:~~

- a. ~~The existence of natural resource features including coastal areas subject to flooding, groundwater recharge areas, marine resources, water wells, wetlands, and wildlife habitat;~~
- b. ~~The existence of any historical or archaeological sites;~~
- c. ~~The location of flood zones and that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and~~
- d. ~~The suitability of the soil and topography to the development potential of the site.~~

3.

3. *Comprehensive Plan Review*: Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the intensity, location, and timing of the proposed amendment, as well as the appropriateness and compatibility of the proposed use.

4. ~~4. *Transportation*: Each application for a land use designation amendment will be required to demonstrate that the Level of Service standards are met or will be met concurrent with the impacts of development, for the short-range (5-Year) and long-range (2030) planning horizon. In addition, the application must disclose the fiscal implications of the existing deficiencies and future needs. Specifically, the analysis shall identify:~~

~~Short-range and long-range roadway improvements (scope, timing and cost) necessary to accommodate the proposed Future Land Use Map Amendment.~~

~~Roadway improvements necessary to ensure consistency with the currently adopted Charlotte County Comprehensive Plan.~~

~~Suggested amendments to the currently adopted Charlotte County Comprehensive Plan.~~

## SECTION 2: ZONING STANDARDS OF REVIEW

### GENERAL APPLICATION

Charlotte County shall regard the process of amending the Zoning Atlas as a quasi-judicial act and will review all applications for consistency with the Plan, as well as for any potential negative effects of the proposed rezoning upon neighboring properties and their owners, whether public or private. Prior to approval of a petition for rezoning, the County shall require the proposed zoning district to be consistent with the uses allowed within this Plan. Additionally, standards provided by the Charlotte County Land Development Regulations shall apply to the proposed rezoning. On any lot or parcel in which the Zoning Atlas is inconsistent with the Future Land Use Map, the County shall regard the Future Land Use Map as depicting the appropriate, developable land use unless the text of the comprehensive plan clearly states otherwise. Allowable uses suitable for development will be consistent with the least intensive Zoning District which implements the Future Land Use Map designation. No development proposal or approval may be had which is inconsistent with the Plan.

In the case where there is an Environmentally Sensitive zoning designation with a FLUM category that is other than Preservation or Resource Conservation, the allowed development shall be environmental uses and a residential density at 1 dwelling unit per ten acres. Under Preservation and Resource Conservation the density shall be 1 dwelling unit per 40 acres.

**SECTION 3: THE OFFICIAL FUTURE LAND USE MAP**

**GENERAL APPLICATION**

The Charlotte County Future Land Use Element Appendix II contains the official Future Land Use Map. The map depicts a land use classification system that this appendix defines by location and range of permitted uses in each classification, the range of permitted densities and intensities of use, and other data necessary to comply with minimum State planning requirements.

These official Future Land Use Map (FLUM) categories are summarized in FLU Table A-1.

<b>FLU Table A-1: Future Land Use Designations</b>		
<b>*Future Land Use Map Category</b>	<b>Abbrev.</b>	<b>Location Permitted</b>
<b>Resource Protection Land Uses</b>		
Preservation	PR	County-wide
Resource Conservation	RC	County-wide
Parks & Recreation	PKR	County-wide
<b>Rural Land Uses</b>		
Agriculture	AG	Rural Service Area
Burnt Store Limited Development	BSLD	Burnt Store Overlay District (BSOD) Urban or Rural Service Area
Mineral Resource Extraction	MRE	Rural Service Area
Rural Community Mixed Use (to review description, see Mixed Use Land Use Categories)	RCMU	Rural Service Area
<b>Urban Residential Land Uses</b>		
Low Density Residential	LDR	Urban Service Area
Medium Density Residential	MDR	Urban Service Area
High Density Residential	HDR	Urban Service Area
Charlotte Harbor Coastal Residential	CHCR	Charlotte Harbor Community Redevelopment Area (CHCRA)
<b>Non-Residential Land Uses</b>		
Commercial	COM	Urban Service Area
Office and Institutional	OI	Urban Service Area
Charlotte Harbor Commercial	CHC	CHCRA
Enterprise Charlotte Airport Park	ECAP	Enterprise Charlotte Airport Park Overlay District
Low Intensity Industrial	LII	Urban Service Area
High Intensity Industrial	HI	Urban Service Area
<b>Mixed Use Land Uses</b>		
Compact Growth Mixed Use	CGMU	Urban Service Area
DRI Mixed Use	DRI	Urban Service Area
Burnt Store Village Residential	BSVR	BSOD Urban Service Area
Rural Community Mixed Use	RCMU	Rural Service Area
U.S. 41 Mixed Use	41MU	Urban Service Area

FLU Table A-1: Future Land Use Designations		
*Future Land Use Map Category	Abbrev.	Location Permitted
Charlotte Harbor Tourist	CHT	CHCRA
Charlotte Harbor Mixed Use	CHMU	CHCRA
Charlotte Harbor Neighborhood Business/Residential	CHNBR	CHCRA
Murdock Village Mixed Use	MVMU	Murdock Village Community Redevelopment Area
Babcock Mixed Use	BMU	Babcock Ranch Overlay District
<b>Other</b>		
Public Lands & Facilities	PL	County-wide
<b>Inactive Land Uses</b>		
Rural Estate Residential	RER	County-wide
Charlotte Harbor Industrial	CHI	CHCRA
RV Park	RVP	Urban Service Area
Coastal Residential	CR	Rural Service Area – Bridgeless Barrier Islands

\*There are some lands in the Rural Service Area designated with Future Land Use Map categories that are shown as being permitted only within the Urban Service Area. These designations existed as such prior to the adoption of this Plan or were placed within the Rural Service Area as a result of the adoption of this Plan. These lands may develop in accordance with existing FLUM and Zoning; however, under no circumstances can property in the Rural Service Area be amended to an Urban Service Area category.

In addition, the FLUM denotes a Conservation Overlay that identifies lands that are publicly owned conservation lands as well as privately owned lands that are encumbered by a conservation easement. The Conservation Overlay is not a future land use designation and is illustrated for informational purposes only. The Conservation Overlay has no regulatory authority under this Plan or the FLUM.

The official Future Land Use Map Series depicts the overlays identified in FLU Table A-2 and FLU Table A-3.

FLU Table A-2: Land Use Overlays		
Districts	Abbrev.	Type Area
Watershed Overlay District	WOD	Overlay Area
Surface Water Protection Overlay District	SWPOD	Overlay Area
Barrier Island Overlay District	BIOD	Overlay Area
U.S. 41 Overlay District	41OD	Overlay Area
Rural Settlement Area Overlay District	RSAOD	Overlay Area

FLU Table A-3: Policy Overlays		
Districts	Abbrev.	Type Area
Babcock Ranch Overlay District	BROD	Overlay Area
Burnt Store Area Overlay District	BSAOD	Overlay Area
Enterprise Charlotte Airport Park Overlay District	ECAPOD	Overlay Area

## DEFINITIONS OF FUTURE LAND USE MAP CATEGORIES

The descriptions of uses provided for in each of the following future land use categories are general descriptive definitions only and do not relate to specific zoning districts or zoning use designations.

### RESOURCE PROTECTION FUTURE LAND USES

*Preservation*

*Resource Conservation*

*Parks & Recreation*

#### **PRESERVATION (PR)**

These lands will be maintained as aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds.

#### **General Range of Uses**

Generally, allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation.

#### **Maximum Density/Intensity**

*Density:* Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources.

*Intensity:* The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent.

#### **Special Provision**

*Exception to the maximum density limitation:* Charlotte County shall provide an exception to the densities established for the Preservation land use designation for single lots of record and ownership which were established on or before January 25, 1994 and which are not contiguous to other lots or parcels under the same ownership, so that one single-family dwelling unit may be built. On lots or parcels which are contiguous to other lots or parcels under the same ownership, the owner is entitled to

build only one single-family dwelling unit on such contiguous lots. These exceptions relate to density only. Development undertaken pursuant to these standards shall be consistent with, and is subject to, all other provisions of this plan including, but not limited to, concurrency and the protection of natural resources.

### **RESOURCE CONSERVATION (RC)**

These lands will be maintained for continuing the sustainable yield of natural resources, the preservation of natural lands and open spaces, natural waterbodies, wetlands and the protection of existing and potential potable water sources.

#### **General Range of Uses**

Generally, Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in resource conservation areas shall include management of the land for game, sport-fishing, timber, and low-intensity agriculture (i.e. native range for grazing livestock, carefully improved pasture in pine flatwoods and wet prairie habitat). Development identified within an approved land management plan of a public land management agency that upholds the allowable development activities listed above shall be considered consistent with this designation. Development identified within a comprehensive business management plan developed pursuant to Section 259.1053(11), F.S., including, without limitation, the activities described in Section 259.1053(12), F.S. shall be considered consistent with this designation.

#### **Maximum Density/Intensity**

*Density:* Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provision provided below) and must be developed so as to minimize any impacts to natural resources.

*Intensity:* The maximum FAR for all non-residential structures is 0.1. The maximum impervious surface coverage for all residential and non-residential uses is ten percent.

#### **Special Provision**

*Exception to the maximum density limitation:* Charlotte County shall provide an exception to the densities established for the Resource Conservation land use designation for single lots of record and ownership which were established on or before January 25, 1994 and which are not contiguous to other lots or parcels under the same ownership, so that one single-family dwelling unit may be built. On lots or parcels which are contiguous to other lots or parcels under the same ownership, the owner is entitled to build only one single-family dwelling unit on such contiguous lots. These exceptions relate to density only. Development undertaken pursuant to this standard shall be

consistent with, and is subject to, all other provisions of this plan including, but not limited to, concurrency and the protection of natural resources.

### **PARKS AND RECREATION (PKR)**

These lands are designated for either active (facilities based) or passive (resource based) recreational uses.

#### **General Range of Uses**

Generally, ~~T~~hese lands may contain park sites with many associated facilities or with minimal facilities, and may include public services and facilities. Parks and recreational lands may be publicly or privately owned.

#### **Maximum Intensity**

- The maximum FAR for all structures in a primarily active park is 0.7 and the maximum impervious surface coverage is 35 percent.
- The maximum FAR for all structures in a primarily passive park is 0.1 and the maximum impervious surface coverage is ten percent.

## **RURAL LAND USES**

*Agriculture*

*Burnt Store Limited Development*

*Mineral Resource Extraction*

### **AGRICULTURE (AG)**

These lands are designated for agricultural activities.

#### **General Range of Uses**

Generally, ~~R~~ranching, crop farming including citriculture, silviculture, aquaculture, and row crops, as well as rural residential, rural recreational uses, rural industrial uses and public services and facilities.

#### **Maximum Density/Intensity**

*Density:* Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres when developing under an Agriculture zoning or one dwelling unit per five acres when developing in accordance with FLU Policy 3.1.2 and Conservation Subdivision zoning.

*Intensity:* The maximum FAR is 0.10.

#### **Special Provision**

*Remnant Agriculture within the Urban Service Area:* Properties within the Urban Service Area that continue to retain an Agriculture land use designation shall retain their

established density of one dwelling unit per acre. No further lands shall be designated Agriculture within the Urban Service Area.

### ***BURNT STORE LIMITED DEVELOPMENT (BSLD)***

These lands are currently limited by either road access or environmental constraints.

#### **General Range of Uses**

Generally. –Single-family residential, recreational vehicles, agriculture if in the Rural Service Area, and public services and facilities. Each space that is to be occupied by a recreational vehicle shall count as a unit of density and any recreational vehicle use must be developed per Special Provision (3) below.

#### **Maximum Density**

- One dwelling unit per ten acres by right.
- Property located within the Urban Service Area may develop up to two dwelling units per acre if the site is greater than 20 acres in size, and up to one dwelling unit per acre if the site is 20 acres or less. Any density above one dwelling unit per ten acres must be transferred through a TDU.

#### **Special Provisions**

1. Any development that seeks density greater than one dwelling unit per ten acres must show adequate roadway access with direct access to an arterial or collector road and must design the development to preserve environmentally sensitive wetland and upland areas.
2. Residential development must be clustered with a minimum common open space requirement of 20 percent of the total site area. Residential developments shall provide neighborhood or mini parks to offset the active recreational needs of their residents.
3. Recreational vehicles must be located on properties with a minimum of 100 acres and must provide on-site recreational amenities, which may include passive recreational trails, central community clubhouse facilities, pools, tennis courts, etc. Of the required 20 percent minimum open space, at least three acres must be devoted to active recreational amenities. Recreational vehicles shall not be granted access to or egress from a development site through local, residential roadways within any subdivision platted prior to August 2008.

### ***MINERAL RESOURCE EXTRACTION (MRE)***

This category shall be used for lands wherein the intent is to extract for commercial purposes rock, sand, gravel or similar non-renewable substances occurring in their natural state on or below the surface of the earth. Permitted extraction activities under this category shall include the removal of mineral resources from the ground and the processing of those resources. Under this category, a property owner or lessee may apply for a Group III excavation;

commercial excavations are identified in the Excavation and Earthmoving section of the Charlotte County Code of Laws and Ordinances as Group III excavations. They may also engage in agricultural use of the property as defined by the Agriculture FLUM designation. The minimum acreage under this category is 50 acres.

### **General Range of Uses**

Generally, ~~C~~ commercial excavations, agricultural uses, and public services and facilities

### **Maximum Density/Intensity**

*Density:* The maximum density is equivalent to that of the prior FLUM designation - one dwelling unit per ten acres or one dwelling unit per 40 acres, as applicable.

*Intensity:* The maximum lot coverage by all buildings is ten percent. The maximum height of structures is 60 feet.

### **Requirements of the Plan Amendment**

1. *Limitations on Location:* The County will permit plan amendments to Mineral Resource Extraction to be submitted for project sites located in areas that are not labeled Group III Excavation Prohibited Areas on FLUM Series Map #24. These permitted locations shall include properties located in the Rural Service Area east of U.S. 17 and U.S. 41 that are not within the ½ mile setback or Tippen Bay and Long Island Marsh areas of the Watershed Overlay District (FLUM Series Map #4), the Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6), or within 2,640 feet (one-half mile) of the recharge area.
2. *Submittal Requirements:* Any person applying for this designation must submit:
  - a. A concept plan showing the approximate boundaries of any area(s) that would be excavated, along with the probable size, shape, and depth of the excavation area(s), recharge trenches and settling ponds.
  - b. A map of all man-made features on the site and within 500 feet of the site.
  - c. A survey of wetlands on the site and a map showing approximate locations of wetlands and other water features within one-half mile of the site, as applicable, and a discussion of how the proposed excavation will not be a detriment to those resources.
  - d. A discussion of quality of life issues, in particular, the effect of a proposed excavation upon the health, safety and welfare of residents within one-half mile of the site.

### **Special Provisions**

1. The zoning district consistent with this FLUM designation is Excavation and Mining, Charlotte County Code of Laws and Ordinances, as may be amended.
2. Properties that have been approved for mining operations by the county prior to the adoption of this designation (12/15/2008) shall have a continuing right to conduct excavation operations in accordance with the approved permit, the Comprehensive

Plan and the Excavation and Earthmoving section of the Charlotte County Code of Laws and Ordinances. However, any person with an expiring or inactive permit shall not seek an extension or renewal unless a land use change to this designation is approved.

3. New excavation permit applications, or requests for an amendment to an approved Group III excavation permit proposed subsequent to September 9, 2008, shall be permitted only after:
  - a. Adoption of a plan amendment to Mineral Resource Extraction;
  - b. Zoning review and approval; and
  - c. Approval from the Hearing Examiner in charge of excavation permits.
4. Group III excavations within Wildlife Corridor Critical Linkages shall provide wildlife corridor connections through the property, similar to a Conservation Subdivision or Rural Community. These corridors shall be placed under conservation easement.

**URBAN RESIDENTIAL LAND USES**

- Low Density Residential*
- Medium Density Residential*
- High Density Residential*
- Charlotte Harbor Coastal Residential*

***LOW DENSITY RESIDENTIAL (LDR)***

**General Range of Uses**

Generally, Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.

**~~Minimum and Maximum Density~~**

~~Low Density Residential lands may be developed at a density of one dwelling unit per acre up to Residential densities shall not exceed five dwelling units per acre.~~ – If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

**Maximum Intensity**

- Range of acreage: 2 to 3 acres;
- Maximum building coverage of a site: 60%;
- Maximum floor area ratio: .60

**Special Provisions for Recreational Vehicle Use**

1. Recreational vehicles shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational use; the property may contain a mixture of mobile homes and recreational vehicles.
2. A minimum of ten percent of the site must be set aside for recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts.
3. Recreational vehicles shall not be located directly adjacent to single-family lots unless an adequate buffer consisting of wall or berm and vegetative plantings with a minimum width of ten feet is provided in order to protect adjacent single-family uses from adverse impacts.
4. Recreational vehicles shall not be granted access to or egress from a development site through local, residential roadways unless a traffic study is submitted and the County determines that the use of the road(s) by the proposed development does not create a traffic safety hazard; any necessary developer-funded improvements to the existing rights-of-way will not receive any impact fee credits.

#### **Special Provisions for Sub-neighborhood Commercial Use**

1. Sub-Neighborhood Commercial Centers must have sufficient buffering to prevent intrusion into residential areas and may be developed only as a Planned Development (PD) or Commercial Neighborhood (CN).

### **MEDIUM DENSITY RESIDENTIAL (MDR)**

#### **General Range of Uses**

Generally, single-family residential, and Multi-family residential, recreational vehicles, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.

#### **Minimum and Maximum Density**

~~There is a minimum density within Medium Density Residential lands of five dwelling units per acre up to a maximum of~~ Residential densities may not exceed ten dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

#### **Maximum Intensity**

- Range of acreage: 2 to 3 acres;
- Maximum building coverage of a site: 60%;
- Maximum floor area ratio: .6

#### **Special Provision**

Recreational Vehicles and Sub-neighborhood Commercial Uses: same as above in Low Density Residential.

**HIGH DENSITY RESIDENTIAL (HDR)**

**General Range of Uses**

Generally, ~~single-family residential, and M~~ multi-family residential, recreational vehicles, sub-neighborhood commercial uses, and recreational facilities in association with residential development, schools, and public services and facilities

**Minimum and Maximum Density**

~~There is a minimum density within High Density Residential lands of ten dwelling units per acre up to a maximum of~~ Residential densities may not exceed 15 dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

**Maximum Intensity**

- Range of acreage: 2 to 3 acres;
- Maximum building coverage of a site: 60%;
- Maximum floor area ratio: .60

**Special Provision**

Recreational Vehicles and Sub-neighborhood Commercial Uses: same as above in Low Density Residential.

**CHARLOTTE HARBOR COASTAL RESIDENTIAL (CHCR)**

**General Range of Uses**

Generally, ~~S~~ single-family residential, multi-family residential, recreational facilities in association with residential development, schools, and public and utility facilities and services

**Minimum and Maximum Density**

~~Charlotte Harbor Coastal Residential lands may be developed from one dwelling unit per acre up to a density of~~ Residential densities shall not exceed 3.5 dwelling units per acre.

**Special Provision**

Multi-family residential uses may only be developed if the property is rezoned to a Planned Development zoning district.

**NON-RESIDENTIAL LAND USES**

*Commercial*  
*Office and Institutional*

*Charlotte Harbor Commercial*  
*Enterprise Charlotte Airport Park*  
Industrial  
*Low Intensity Industrial*  
*High Intensity Industrial*

**COMMERCIAL (COM)**

**General Range of Uses**

Generally, –the full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous or toxic material or waste or petroleum products.

**Maximum Intensity**

Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.

~~The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur. Standards for strip-style commercial development are located in the Corridor sub-category, outlined in item 4 below.~~

**General Range of Uses**

~~These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.~~

**Sub-category Standards**

- ~~1. *Sub-neighborhood:* These developments are designed to provide for the convenience needs (convenience stores and other small retailers) of neighborhoods, with a service area of up to a 1 mile radius. Such developments are generally small in size and usually contain small, stand-alone structures. These centers are~~

characterized by “quick stop” convenience stores, many of which sell gasoline and may have more than one stand-alone tenant per site. Zoning designations consistent with this land use are Commercial Neighborhood (CN) and Planned Development (PD).

*Locational Standards:* These developments shall be located within neighborhoods that are essentially residential in character. These uses are not intended to be located along major roadways or access roads paralleling major roadways.

- *Residential Support:* 3,000 to 4,000 persons
- *Size:* 0.5 to three acres
- *Maximum Intensity:* 0.4 FAR

2. *Community:* These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area.

*Locational Standards:* These developments shall be located adjacent to and with access provided by arterial or collector roadways.

- *Residential Support:* up to 40,000 persons
- *Size:* Three to 30 acres
- *Maximum Intensity:* 0.5 FAR for commercial / retail  
1.0 FAR for professional office buildings

3. *Regional:* These developments provide the greatest variety of merchandise, institutional, and professional services with a service area that is county- and region-wide. They offer shopping goods, general merchandise, apparel, home furnishings, and other commodities.

*Locational Standards:* These developments shall be located with easy access to an I-75 interstate interchange.

- *Residential Support:* minimum 80,000 persons
- *Size:* greater than 30 acres
- *Maximum Intensity:* 1.75 FAR

4. *Corridor:* Corridors provide retail, service, and office uses along major roadways.

*Locational Standards:* Corridors are located along major urban corridors within Charlotte County. These corridors are U.S. 41, U.S. 17, S.R. 776, C.R. 775, and C.R. 771.

- ~~Maximum Intensity: 0.6 FAR~~

**Special Provisions**

1. *Vesting of Residential Uses:* A property that was designated prior to October 7, 1997 on the adopted Zoning Atlas either as Office, Medical and Institutional (OMI), Commercial Tourist (CT), Residential, multifamily (RMF), or Residential, multifamily/tourist (RMF-T), shall be allowed to develop multi-family residential not to exceed the density as specified in the Charlotte County Code of Laws and Ordinances for the Zoning Atlas designation applicable to that property. The applicable Zoning Atlas designations and their respective maximum densities are as follows: OMI - 10 units per acre; CT - 15 units per acre; RMF - 3.5 to 15 units per acre, depending on which RMF designation is applicable to the particular property; and RMF-T - 6 units per acre.
2. *Development of Non-vested Residential Uses:* A single-family residential dwelling may be incorporated into a commercial structure for use by a property owner, business owner, or manager or other employee of a business. ~~The County shall allow only one dwelling unit per commercial structure, not per business.~~ The residential dwelling unit can only account for up to 2,000 square feet or 25 percent of the structure, whichever is less.
3. ~~LEED Certification bonus: For projects meeting a LEED certification level of Gold, the project can increase FAR by 0.1; for projects meeting a LEED certification level of Platinum, the project can increase FAR by 0.4.~~

**OFFICE AND INSTITUTIONAL (OI)**

These lands are designated for office and institutional uses as well as cultural activities.

**General Range of Uses**

Generally, ~~Professional and business offices, museums, theatres and play houses, hospitals, clinics, nursing homes, group homes, assisted living facilities, studios, schools, funeral homes, and public services and facilities.~~

**Maximum Intensity**

Maximum FAR shall not exceed 0.6.

**Special Provisions**

1. The zoning district consistent with this FLUM designation is Office, Medical, and Institutional (OMI), Charlotte County Code of Laws and Ordinances, as may be amended.
2. *Neighborhood Office and Institutional:* Within residential neighborhoods, the minimum acreage for a map amendment to this category is 0.5 acres. Separate amendments may be approved for adjacent lands up to an aggregated acreage of 2 acres. An amendment of this type is expected to allow a development that serves

3,000 to 4,000 persons. The maximum intensity of development under these circumstances is 0.4 FAR.

3. *Development of Residential Uses:* A single-family residential dwelling may be incorporated into an office or institutional structure for use by a property owner, business owner, or manager or other employee of a business. ~~The County shall allow only one dwelling unit per structure, not per business.~~ The residential dwelling unit can only account for up to 2,000 square feet or 25 percent of the structure, whichever is less.
4. ~~LEED Certification bonus:~~ For projects meeting a LEED certification level of Gold, the project can increase FAR by 0.1; for projects meeting a LEED certification level of Platinum, the project can increase FAR by 0.4.

**CHARLOTTE HARBOR COMMERCIAL (CHC)**

Land designated as Charlotte Harbor Commercial is intended for activities located within the Charlotte Harbor CRA and predominately connected with the sale, rental, and distribution of products or performance of service.

**General Range of Uses**

Generally, ~~C~~commercial, institutional, professional office, as well as public services and facilities

**Maximum Intensity**

Maximum FAR shall not exceed 1.0.

**ENTERPRISE CHARLOTTE AIRPORT PARK (ECAP)**

The Enterprise Charlotte Airport Park serves to designate a distinct area wherein specific land use standards and regulations will be implemented to guide the development of uses and structures in a manner that will enhance the social and economic resources of the County.

**General Range of Uses**

Generally, ~~A~~airport and public facilities, light manufacturing, green industry (whether heavy or light), publication, telecommunication, and transportation businesses, distribution, medical, office, research, commercial uses and trade-related educational facilities and public services and facilities.

**Maximum Intensity**

Maximum FAR shall not exceed 1.0.

**Special Provisions**

1. *Infrastructure Availability:* The County shall issue no development order for any property with an ECAP FLUM designation unless the site is served, or scheduled to be served, by road and drainage infrastructure, and potable water and sanitary

sewer infrastructure and utilities. Charlotte County shall issue no certificate of occupancy for any development on property with an ECAP FLUM designation unless the road and drainage infrastructure, and potable water and sanitary sewer infrastructure and utilities are constructed and operating at a Level of Service at or above that adopted by the County.

2. *Prohibited Uses:* Prohibited uses are listed below; additional restrictions and limitations are more specifically identified and described in the ECAP zoning district within the County Code.

- Wrecking yards, including automotive vehicle wrecking yards.
- Storage and manufacture of explosives, except that this restriction shall not preclude storage of explosives by any branch of the United States Armed Forces, the Coast Guard, the Florida National Guard, or any federal, state, or local law enforcement agency, or as part of approved special events with safety precautions.
- Bulk storage of flammable liquids except on Charlotte County Airport Authority property, but not storage of used motor oil.
- Asphalt/Concrete manufacturing and storage or similar uses.
- Sexually oriented businesses.
- Residential or model homes, and recreational vehicles. This restriction shall not preclude the maintenance or enlargement of any such use pre-existing on October 15, 2002, the date of adoption of this policy. Such maintenance or enlargement must take place solely within the boundaries of the property containing such use, as those boundaries existed at the time of the adoption of this policy.
- Institutional uses such as non-trade related schools, religious structures, nursing homes or hospitals, but not government owned buildings.
- Outdoor storage yards not associated with a business, such as recreational vehicle storage, boat trailer storage, etc.
- Recreational uses and museums.
- Chemical and fertilizer plants.
- Paper and pulp facilities.
- Tanneries engaging in the curing or storage of raw materials.
- Stockyards and feeding facilities.
- Landfills but not transfer facilities for recycling materials.
- Mini-warehouses or self storage facilities.
- Communication towers except those associated with the airport's communication and control equipment.

**INDUSTRIAL (I)**

**General Range of Uses**

Generally, –the full range of industrial activities. The specific range and intensity of uses appropriate for a particular Industrial area varies as a function of location, availability of public services, adequate access, and compatibility with surrounding uses.

**Maximum Intensity**

Maximum FAR shall not exceed 1.0.

**LOW INTENSITY INDUSTRIAL (LII)**

~~These lands are designated for limited commercial uses and for facilities which assemble, market, and distribute products or engage in research and development. Low Intensity Industrial lands must have convenient access to principal highways or arterial roads.~~

**General Range of Uses**

~~Low intensity industrial including assembly, distribution and research and development, limited commercial, and public services and facilities.~~

**Maximum Intensity**

~~Maximum FAR shall not exceed 1.0.~~

**Standards for Industrial Land Use Amendments:**

~~The County shall consider Future Land Use Map amendments for new industrial uses based on the following criteria:~~

- ~~1. The site offers generally safe and easy access to major transportation facilities;~~
- ~~2. The site has direct access via direct frontage or private drive to a major rural collector, urban collector, minor arterial, or principal arterial thoroughfare;~~
- ~~3. The site is readily accessible to other forms of urban development, including significant employment opportunities;~~
- ~~4. The site has adequate potable water and sanitary sewer facilities;~~
- ~~5. Soils are suited to the intended use;~~
- ~~6. The site is generally compatible with surrounding land uses;~~
- ~~7. The site does not contain environmentally sensitive lands, or contains sufficient land which can support the proposed use without impacting environmentally sensitive lands;~~
- ~~8. The site shall not be placed within 200 feet of a Category I or II wetland unless it can be proven that such action will not adversely affect wetland functions and values;~~
- ~~9. The site is not located within a wellhead protection area;~~
- ~~10. The site, when developed at its full potential, will not adversely impact neighboring property owners; and~~
- ~~11. The site is within the Urban Service Area.~~

**HIGH INTENSITY INDUSTRIAL (HII)**

~~These lands are designated for facilities that manufacture products or sell items produced on site, as well as machinery and automotive repair shops, facilities which store fuel, oil, or gasoline, or commercial sites serving industrial uses. High Intensity Industrial lands must be located with convenient access to principal highways or major arterial roads.~~

**General Range of Uses**

~~High intensity industrial including manufacturing, machinery and automotive repair, limited commercial and public services and facilities.~~

**Maximum Intensity**

~~Maximum FAR shall not exceed 1.0.~~

**Standards for Industrial Land Use Amendments**

The County shall consider Future Land Use Map amendments for new industrial uses based on the following criteria:

1. The site offers generally safe and easy access to major transportation facilities;
2. The site has direct access via direct frontage or private drive to a major rural collector, urban collector, minor arterial, or principal arterial thoroughfare;
3. The site is readily accessible to other forms of urban development, including significant employment opportunities;
4. The site has adequate potable water and sanitary sewer facilities;
5. Soils are suited to the intended use;
6. The site is generally compatible with surrounding land uses;
7. The site does not contain environmentally sensitive lands, or contains sufficient land which can support the proposed use without impacting environmentally sensitive lands;
8. The site shall not be placed within 200 feet of a Category I or II wetland unless it can be proven that such action will not adversely affect wetland functions and values;
9. The site is not located within a Wellhead Protection Area;
10. The site, when developed at its full potential, will not adversely impact neighboring property owners; and
11. The site is within the Urban Service Area.

**MIXED USE LAND USES**

- Compact Growth Mixed Use*
- DRI Mixed Use*
- Burnt Store Village Residential*
- Rural Community Mixed Use*
- U.S. 41 Mixed Use*
- Charlotte Harbor Tourist*

*Charlotte Harbor Mixed Use*  
*Charlotte Harbor Business/Residential*  
*Murdock Village Mixed Use*  
*Babcock Mixed Use*

**COMPACT GROWTH MIXED USE (CGMU)**

This land use designation is established to advocate compact, transit-oriented, walkable and bicycle-friendly, mixed-use development within the Urban Service Area. This type of development shall only be located within Revitalizing and Emerging Neighborhoods.

**General Range of Uses**

Generally, —Single-family attached and detached residential dwelling units, multi-family residential dwelling units, commercial uses including professional office and institutional uses, industrial uses and public services and facilities.

**Maximum Density/Intensity**

*Density:* Maximum density is 65 dwelling units per acre, gross

*Intensity:* Commercial: 2.5 FAR of the commercial or mixed use acreage

Industrial: 1.0 FAR of the industrial acreage

Table A-4.: Compact Growth Mixed Use Percentage of Mix of Uses		
Land Use	Minimum Development Percentage (gross acreage)	Maximum Development Percentage (gross acreage)
Residential	20	75
Commercial	20	75
Industrial	No minimum	50
Recreational/Open Space	5	10

**Requirements of the Plan Amendment**

1. *Size of Development.* This type of development shall contain a minimum of two acres.
2. *Master Development Plan.* The County shall require plan amendments to CGMU to contain a Master Development Plan approved by the Board of County Commissioners and adopted in FLU Appendix VII: Compact Growth Mixed Use, that includes the following:
  - a. Land uses, densities and intensities, and base density.
  - b. Location of access points; circulation, including internal circulation, street design, and pedestrian and bicycle access; stormwater features; recreational and open space; residential, commercial or industrial uses.
  - c. A pattern book, including sketches and photos that depicts all major elements of the development, such as: site access and circulation, landscaping and buffering, public gathering space, recreational sites, lighting, signage, stormwater and development pod site design, and form and character of the residential, commercial and industrial structures.
3. *Transfer Density Units.* If residential development is proposed, the applicant must supply information that establishes a base density for the project site. Development of residential above the base density shall require a transfer of density unless development is occurring as devised within a Revitalization Plan.

**Special Provisions**

1. *Location and Site Layout.*
  - a. The project must be sensitive to surrounding developments with regard to density, intensity, height, scale and character. The site layout and building design shall mitigate traffic, parking, noise and compatibility issues wherever possible.

- b. The site layout shall create clusters of buildings to promote a variety of transportation options, such as pedestrian, bike, automobile, mass transit, etc.
- c. All portions of the development shall be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, and the development shall provide appropriate pedestrian amenities.

~~2.~~—The intent of this land use category is to create a compact development pattern; therefore, long, shallow tracts or deep, narrow tracts are generally not appropriate for this type of development.

~~3.~~2. *Mix of land uses.*

- a. The combining of land uses must promote easy access among services, stores and other amenities, especially by pedestrians.
- b. To best achieve a mix of land uses, the project shall be developed such that for every one dwelling unit there are between 50-400 square feet of non-residential building space; however, this range may be increased for special projects.
- c. The project attributes shall include multiple buildings, more than one land use within the project, and a comprehensive development plan. Buildings may also accommodate one or more uses.
- d. Buildings on the site shall be connected by internal streets and drives, and pedestrian connections and pathways.
- e. Buildings and individual project components may use common features and support services such as parking, servicing, loading, and utility areas.

~~4.~~3. *Connectivity.* A street system shall provide linkages to local shopping, services, housing, and amenities, as well as linkage between adjacent developments.

~~5.~~4. *Phasing Development.* If the development is phased, the first phase shall be sufficient to stand on its own as a mixed-use development. At a minimum, non-residential development shall be in the ratio of 50 square feet per each dwelling unit.

~~6.~~5. *Flexible Parking.* Parking requirements are not necessarily the sum of requirements for each individual use. Parking requirements will be established on a project-by-project basis with an emphasis on shared parking.

~~7.~~6. *Watershed Protection.* Low Impact Design techniques shall be required to supplement and enhance traditional stormwater retention/detention development.

~~8.~~7. *Compatibility:* Residential, commercial or industrial development shall be built to be compatible visually with the surrounding uses.

~~9.~~ *Shelter Requirement:* Where the project is located within the Coastal High Hazard Area or Category II Storm Surge Zone, all residents shall be required to evacuate and the developer is required to provide monetary contributions to the County's shelter system. If outside these areas, sufficient shelter shall be

~~created in each development to support the residential population of the development in the event of a natural disaster.~~

~~40.8.~~ Implementing Zoning. The implementing zoning district under CGMU shall be a Planned Development district or a Compact Mixed Use district, as may be developed and adopted into the Land Development Regulations.

~~44.9.~~ DRI threshold. If a project developing under the CGMU FLUM designation meets the threshold of a Development of Regional Impact (DRI), a plan amendment to Mixed Use DRI is not required.

### **DEVELOPMENT OF REGIONAL IMPACT MIXED USE (DRI)**

The DRI category is used for lands where development is proposed that, because of the character, magnitude, or location, has a substantial effect upon the health, safety, and welfare of citizens within Charlotte County and at least one additional surrounding county or municipality. Lands designated as such meet the threshold requirements identified within Chapter 380.06, Florida Statutes and must undergo intergovernmental review as specified in that chapter as a Development of Regional Impact (DRI). All developments within a DRI Mixed Use district must be constructed in accordance with a final development order (DO or MDO) approved by the Board of County Commissioners. The mix of land uses and allowed densities and intensities within an approved DRI MDO, or DO if no MDO is approved, shall be adopted into Appendix VI: Developments of Regional Impact. Active DRIs are depicted on FLUM Series Map #25.

### **BURNT STORE VILLAGE RESIDENTIAL (BSVR)**

These lands are intended for areas that are currently vacant or under active agricultural use, and will transition into residential and commercial development in the Burnt Store Overlay District.

#### **General Range of Uses**

Generally, Residential, commercial, recreational, institutional uses and public services and facilities are allowed in this category, and may either be independently developed or integrated through a common plan of development. The Burnt Store Village Residential land use category is intended to provide for a range of housing options including multi-family and single-family dwelling units sold either fee-simple or as condo units. Recreational vehicles may also be developed as a primary use. Each space that is to be occupied by a recreational vehicle shall count as a unit of density and any recreational vehicle use must be developed per Special Provision (3) below.

#### **Maximum Density/Intensity**

*Density:* Properties within this land use category are allowed one dwelling unit per ten acres by right. Property of more than 20 acres in size may develop up to five dwelling units per acre and property of 20 acres or less may develop up to one

dwelling unit per acre. Any density above one dwelling unit per ten acres must be transferred through a TDU.

*Intensity:* Commercial uses must be developed in a compact, nodal configuration. Retail development is limited to 0.25 maximum FAR and office and institutional development is limited to 0.5 maximum FAR. Commercial developers are encouraged to work with Charlotte County, the U.S. Postal Service and other governmental service providers to locate branch facilities in commercial areas.

### **Mix of Uses**

Commercial and institutional development within this classification is limited to ten percent of the total development area for properties outside of the Commercial Node, as illustrated on the Burnt Store Area Map (SPAM Series Map #5). Residential may be developed independently of other uses; however, other uses may only be developed when integrated into a residential development plan.

### **Special Provisions**

1. Residential development must be clustered with a minimum common open space requirement of 20 percent of the total site area. Residential developments shall provide neighborhood or mini parks to offset the active recreational needs of their residents.
2. *Commercial Node Development:* Properties within one-quarter mile of the center point of the designated Commercial Node must be developed as follows:
  - Minimum square feet per Corner: 30,000 Sq. Ft.
  - Maximum square feet per Corner: 200,000 Sq. Ft.
  - Single use buildings shall be limited to 100,000 square feet
3. *Recreational Vehicles:* Recreational vehicles must be located on properties with a minimum of 100 acres and must provide on-site recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts. Of the required 20 percent minimum open space, at least three acres must include active recreational amenities. Recreational vehicles shall not be granted access to or egress from a development site through local, residential roadways within any subdivision platted prior to August 2008.

### **RURAL COMMUNITY MIXED USE (RCMU)**

This category is established to provide residential and employment opportunities within the Rural Service Area east of U.S 17 and U.S. 41. Rural communities shall contain a minimum of 640 acres and maximum of 5,000 acres. The County may approve up to a total of 10,000 acres of Rural Community Mixed Use.

### **General Range of Uses**

Generally, ~~S~~single-family attached and detached residential dwelling units, multi-family residential dwelling units, rural commercial uses, industrial, recreational, agricultural uses, and public services and facilities.

**Maximum Density/Intensity**

*Density:* maximum density is two dwelling units per one acre, gross.

*Intensity:* Commercial Intensity: 0.25 FAR of the commercial acreage.

Industrial Intensity: 0.25 FAR of the industrial acreage.

FLU Table A-5: Rural Community Mixed Use Percentage of Mix Of Uses		
Land Use	Minimum Development Percentage (gross acreage)	Maximum Development Percentage (gross acreage)
Residential	20	44
Commercial	1	3
Industrial	No minimum	10
Recreation	5	24
Rural Residential Open Space	50	79

**Requirements of the Plan Amendment**

1. *Limitations on Location:* The County will permit plan amendments to Rural Community Mixed Use to be submitted for project sites located within the area labeled Potential Rural Community Mixed Use Locations in the legend of FLUM Series Map #23. These potential locations shall not include lands designated as Resource Conservation or Preservation on the Future Land Use Map; contained within the one-half mile setback or Tippen Bay and Long Island Marsh areas of the Watershed Overlay District (FLUM Series Map #4); or contained within the Prime Aquifer Recharge Area of northeast Charlotte County (FLUM Series Map #6).
2. *Cost-Benefit Analysis:* RCMU proposals shall provide an analysis showing, at a minimum, the following:
  - a. How the Rural Community will provide for the cost-efficient delivery of public services.
  - b. How the Rural Community will maintain the economic viability of agricultural and other predominantly rural lands uses.
  - c. How the Rural Community will reduce GHG and provide for energy efficiency.
3. *Multi-family Residential Configuration:* RCMU proposals may only provide placement of multi-family development within the commercial center and generally within one-quarter mile of the commercial center.
4. *Master Development Plan:* RCMU proposals shall include a Master Development Plan, which shall be approved by the Board of County Commissioners and adopted in Appendix VIII: Rural Community Master Plans. The Master Development Plan shall include the following:
  - a. A Constraints and Opportunities Map as outlined in FLU Policy 3.1.2, #2.

- b. A Conceptual Development Plan that includes:
    - i. Land uses, densities and intensities,
    - ii. Greenbelts and Rural Residential Open Space,
    - iii. Location of access points, circulation, stormwater features, recreational uses, commercial uses, industrial uses, and residential uses.
  - c. A traffic circulation map and access management controls intended to protect the public safety.
  - d. A pattern book that includes sketches and photos that outlines all major elements of the development, such as: site access and circulation, landscaping and buffering, recreational sites, lighting, signage, stormwater and development pod site design, and form and character and of the residential, commercial and industrial structures. The pattern book shall show how the Rural Community proposal encompasses and protects the rural character of the surrounding community as indicated in FLU Objective 3.2 and associated policies.
  - e. Population projections of the development by phase up to project's build-out date;
  - f. Projections of school-age children and schools necessary to serve the development, and demonstrated coordination with the School Board for the provision of needed schools. The development proposal shall provide an opportunity for the School Board to consider establishment of needed schools within a central portion of the development;
5. *Greenbelt*: RCMU proposals shall incorporate open spaces around the perimeter of the community, forming a greenbelt which provides a clear distinction from surrounding land uses.
6. *Rural Residential Open Space*: RCMU proposals shall set aside a minimum of 50 percent of the total site as Rural Residential Open Space, exclusive of development areas and shall follow the requirements set below. Open Space is required to be owned, held, managed or maintained through one single owner or through one common ownership mechanism such as a homeowner's association or other common interest development.
- a. Rural Residential Open Space shall be configured so as to create external connectedness to a larger, contiguous, off-site network of interconnected open space, particularly existing habitats.
  - b. Rural Residential Open Space shall be configured to create internal connectedness through connected and integrated open space. Environmentally sensitive resources shall be protected and development shall not be located within designated wildlife corridors.
  - c. Rural Residential Open Space wildlife corridors may be a minimum of 300 feet wide for 20 percent of their length. For the remaining 80 percent of the length of the corridors, the minimum width shall be 500 feet.

7. *Commercial Location:* RCMU proposals shall include rural commercial uses to serve the population of the associated rural residential uses and surrounding residential uses. Depending on the size and configuration of the residential development, commercial uses may be sited internally in a central location of the development or adjacent to the entrance of the development. In no circumstances shall the commercial development exhibit strip commercial characteristics.
8. *Context Sensitive Design:* RCMU proposals shall cluster all development on the least environmentally sensitive portion(s) of the site. The location of development shall be arranged in a context sensitive manner such that it forms a contiguous pattern and shall be clustered in such a way as to preserve the function, purpose and integrity of the on-site natural resources and environmental systems to the maximum extent practicable; to minimize disturbance to woodlands, wetlands, and other natural features; to protect and preserve the rural appearance of land when viewed from public roads and from abutting properties.

**Special Provisions**

1. A Rural Community shall develop a minimum commercial square footage per the number of dwelling units indicated in the FLU Table A-6 at the time of issuance of certificate of occupancy for the last dwelling unit of any particular threshold.

FLU Table A-6: Rural Community Phasing Requirements	
Dwelling Units	Square Feet (Cumulative)
500	10,000
1,000	35,000
2,000	100,000
For every extra 1,000 dwelling units	Add an extra 50,000 square feet

2. A Rural Community shall transfer density in accordance with FLU Policies 1.2.7, 1.2.8, 1.2.9, 1.2.10, 1.2.11, and 1.2.12. Density shall be transferred prior to approval of preliminary plat, or final site plan approval if no plat is required.
3. A Rural Community shall utilize Low Impact Design techniques to supplement and enhance traditional stormwater retention/detention development.
4. A Rural Community shall arrange commercial and industrial uses so as to be accessible to residential uses by non-motorized vehicle or pedestrian use. Commercial and industrial development shall be built to be compatible visually and otherwise with the rural residential uses.
5. A Rural Community may configure single-family residential development in sites ranging from one dwelling unit per two acres to two dwelling units per acre. For multi-family, the height limit for single use or mixed use buildings is three stories, or 40 feet, whichever is more restrictive.
6. An Open Space Management Plan shall be adopted concurrent with a Planned Development rezoning. It shall address opportunities for restoring and preserving

- native habitats and shall also include a mechanism(s) to implement management activities as well as a plan for the ownership and maintenance of the Rural Residential Open Space. Rural Residential Open Space shall be preserved in perpetuity through the use of an irrevocable agricultural or conservation easement, or both, which shall be filed with the Clerk of the Circuit Court upon approval of the Planned Development.
7. The implementing zoning district under RCMU shall be a Planned Development district as provided in the Charlotte County Code of Laws and Ordinances, as may be amended.
  8. If a project developing under the RCMU FLUM designation meets the threshold of a Development of Regional Impact (DRI), a plan amendment to Mixed Use DRI is not required.

### **U.S. 41 MIXED USE (41MU)**

The 41MU category allows for redevelopment and new development along the U.S. 41 corridor to build to a greater density and intensity, creating an urban character, providing a more attractive economic and business climate, and complementing the County's beautification efforts. The area includes that property located between the boundaries of the Charlotte Harbor CRA and the Sarasota County line. Only those properties located within the boundary of the U.S. 41 Zoning District Overlay are eligible for this category.

#### **General Range of Uses**

~~Generally, this category will allow a mixture of commercial, institutional, office, multi-family residential uses, and public services and facilities. Commercial and office uses will be limited to professional, business, and personal services, and retail sales and services, unless a Planned Development zoning district is used. When a Planned Development zoning district is used, otherwise restricted commercial general or commercial intensive uses may be requested. Existing intensive commercial and industrial uses will not be made non-conforming by this designation.~~

#### **Minimum and Maximum Density and Maximum Intensity**

~~Density: Minimum multi-family density is five dwelling units per acre, m~~Maximum multi-family density is 30 dwelling units per acre.

- Base density is identified at the time of plan amendment; this established base density will be credited towards residential development on the site containing the density. Development of residential density above the base density shall require a transfer of density units up to the maximum density allowed by this category.

~~Intensity: Maximum FAR for commercial, office and institutional uses is 1.2.~~

#### **Special Provision**

Open space is not required within the U.S. 41 Mixed Use area even with the use of a PD. ~~This does not negate the developer's obligation to pay into the Open Habitat Space Reservation Fund.~~

**CHARLOTTE HARBOR TOURIST (CHT)**

The Charlotte Harbor Tourist category allows for tourist accommodations and services, as well as recreational activities. These areas are located adjacent to or near an attractor of tourism, such as Charlotte Harbor frontage with its recreational and scenic resources.

**General Range of Uses**

Generally, Residential and commercial uses; commercial uses allowed within Charlotte Harbor Tourist lands include motels, restaurants, general retail stores, and professional services and public services and facilities.

**Maximum Density/Intensity**

*Density:* Maximum density is 15 dwelling units per acre.

*Intensity:* Maximum FAR is 2.5.

**Special Provision**

Multi-use developments on the same site must be compatible with the surrounding land uses and may be developed only as part of a Planned Development (PD).

**CHARLOTTE HARBOR MIXED USE (CHMU)**

The Charlotte Harbor Mixed Use category allows for a combination of single- and multi-family residential, commercial, and professional office uses within the CHCRA. Neither commercial uses nor residential uses shall exceed 80 percent of the total area designated as Charlotte Harbor Mixed Use. Properties are not required to be developed with more than one use.

**Special Provisions**

1. *Multi-Use Developments:* Multi-use developments must be compatible with the surrounding land uses and may be developed only as part of a Planned Development (PD);
2. *Commercial Intensive Uses:* Commercial intensive uses, such as automobile and heavy machinery sales and repairs, are prohibited from Mixed Use areas;
3. *Residential Development:* Residential development shall comply with the following:
  - a. Development may be either single or multi-family residential;
  - b. Single-family residential may be developed up to three and one-half dwelling units per acre, or one dwelling unit per platted lot for existing subdivisions if platted at a density greater than three and one-half units per acre;
  - c. Multi-family residential may be developed up to 15 dwelling units per acre; and

- d. Low-intensity recreational activities are permitted as part of an approved Planned Development (PD).
- 4. *Commercial and Professional Office Development:* Development shall comply with the following:
  - a. Development is limited to personal and business services, general retail and neighborhood stores, tourism establishments and restaurants.
  - b. Maximum FAR is 2.5.
- 5. *Mixed Development:* Mixed development of Residential and Commercial/Professional Office uses shall comply with the following:
  - a. Provide for a combination of residential and low intensity commercial or professional office uses on the same parcel site;
  - b. Maximum residential density is 15 dwelling units per acre;
  - c. Residential development must be located on a separate floor from commercial or office uses; and
  - d. Maximum FAR is 2.5.

**CHARLOTTE HARBOR NEIGHBORHOOD BUSINESS/RESIDENTIAL (CHNBR)**

The Charlotte Harbor Neighborhood Business/Residential category provides for daily convenience goods, professional, personal and business services, and allows for residential development.

**General Range of Uses**

Generally, ~~R~~residential and commercial uses; commercial uses allowed within this category may include small restaurants, drug stores, specialty retail shops, professional offices and public services and facilities.

**Maximum Density/Intensity**

*Density:* Maximum density is ten dwelling units per acre.

*Intensity:* Maximum FAR is 2.5.

**Special Provisions**

- 1. For non-residential structures that exceed 3,000 square feet of gross leasable area, a mix of residential and commercial uses must be provided.
- 2. Developments planned for greater than 3,000 square feet of non-residential uses shall be approved through the Special Exception process and no one use (commercial or residential) shall exceed 80% of the total development.

**MURDOCK VILLAGE MIXED USE (MVMU)**

The Murdock Village Mixed Use category is designed for the Murdock Village Community Redevelopment Area (MVCRA) and will encourage a high-tech, energy efficient and environmentally-friendly mix of residential, retail commercial, medical, office, office showroom, public and educational facilities, recreational and institutional redevelopment. The mixed use

development focus will be on creating a vibrant and attractive gathering place for the entire community in the form of a town center; adequate provisions for distinct and interconnected multi-generational neighborhoods; "five minute walk" (the reference is not intended to be taken literally but to suggest easy walkable access) to parks, facilities and services; a pedestrian-friendly street network; and interior greenway and blueway open space linkages that integrate the MVCRA with existing County resources.

### **Maximum Development**

Total development within the MVMU shall be limited to 3,023,882 square feet of commercial uses, 538 multi-family dwelling units and 2,744 single-family dwelling units, provided that these uses and development totals may be modified in accordance with the MVMU Equivalency Matrix, provided in FLU Section A-6. Table A-3.6, Murdock Village Mixed Use Densities/Intensities, provides additional development parameters for the primary use areas located within MVMU.

### **General Range of Uses**

Generally, ~~W~~within the MVMU classification, the County shall allow a combination of residential, commercial, office, research and development, office showroom, hotels, civic, healthcare, parks and open space, public/institutional, educational land uses, and public services and facilities in order to encourage long-term sustainable development. Mobile homes and industrial uses, except as otherwise provided herein, are prohibited within the MVMU. The following types of uses are permitted in MVMU:

#### *Neighborhood Residential:*

- a. MVMU shall include distinct interconnected, multi-generational, residential neighborhoods.
- b. Residential neighborhoods shall feature easy access to a network of open space which may include bicycle/pedestrian facilities, greenways and blueways.
- c. Assisted Living Facilities shall be permitted within areas designated as Neighborhood Residential.
- d. Non-residential land uses located within areas designated as Neighborhood Residential shall be designed and developed to protect the integrity of the surrounding residential land uses.
- e. Internal Commercial sites shall be a maximum of four acres, although the total acreage of all Internal Commercial shall not exceed 16 acres, and shall only be built within the Neighborhood Residential Land Use District to provide for local daily convenience goods, retail, professional, office showrooms, healthcare, personal and business services.
- f. Both single-use and multi-use development sites can be located within Internal Commercial areas.
- g. Medium- to high-density residential will be permitted in these areas provided they are located on the upper floors of a mixed-use building.

- h. Multi-use development on a single parcel shall be designed and developed to protect the integrity of the surrounding land uses.

*Town Center:*

- a. A Town Center shall be incorporated into MVMU. The Town Center shall be designed as the primary activity center for the community, using the mixed-use and pedestrian-friendly principles of traditional urban design.
- b. The Town Center shall encompass a minimum of 80 acres, and shall provide a mix of uses including, at a minimum, commercial, office, public, civic and residential uses (single-family and multi-family) and may also include hotels and assisted living facilities.
- c. Multi-use development on a single parcel shall be designed and developed to protect the integrity of the surrounding land uses.

*General Commercial:* General Commercial is intended for activities predominately connected with the sale, rental and distribution of products or performance of services. Healthcare, hotels, assisted living facilities, and offices can also be located within these areas.

- a. Medium to high density residential shall be permitted in these areas.
- b. Multi-use development on a single parcel shall be compatible with surrounding land uses.

*Community Commercial:* Community Commercial is intended to provide for daily and lifestyle needs and services for the residents of Murdock Village, as well as the residents of the general community. Uses may include general retail, offices, professional services, residential, healthcare, assisted living facilities, restaurants, and business services. Community Commercial sites will range in size from ten to 25 acres, but the total acreage of Community Commercial shall not exceed 35 acres.

*Office Showroom:* Office Showroom is intended for activities that diversify the economic base of the community and are limited to light fabrication, service, printing, storage and packaging uses which do not have nuisance impacts on adjacent uses from dust, odor, noise, vibration, or glare to adjacent uses. Office Showroom shall be designed and developed to protect the integrity of any surrounding residential land uses.

Light Fabrication is limited to assembly, bio-tech research, and limited warehouse/flex space.

*University/College Campus:* University/College Campus is intended to provide educational and residential opportunities in an urban, rather than suburban campus. Uses allowed include buildings for academic, administrative, dormitories and support

services; parking garages and surface parking lots; and other uses customarily part of a university/college campus.

Such campus areas shall be integrated with adjacent uses to facilitate pedestrian access, minimize parking requirements, and to protect the integrity of the surrounding land uses.

**Maximum Density/Intensity**

FLU Table A-7: Murdock Village Mixed Use Densities/Intensities				
Land Use Area	Type	Acreage	Maximum Density /Acre <sup>1</sup>	Maximum Intensity (FAR)
<b>Neighborhood Residential</b>	Single Family	300 to 475 acres	3-6	
	Multi-family		6-15	
<b>Internal Commercial</b>	Non-residential	4 to 16 acres		2.0
<b>Town Center</b>	Residential	80 to 250 acres	Up to 24	3.0
	Non-residential			
<b>Community Commercial</b>	Residential	10 to 35 acres	6-15	3.0
	Non-residential			
<b>General Commercial</b>	Residential	40 to 69 acres	Up to 15	3.0
	Non-residential			
<b>Office Showroom</b>	Non-residential	0 to 40 acres	N/A	2.0
<b>University/College Campus</b>	Non-residential	0 to 55 acres	N/A	4.0 <sup>2</sup>
<b>Primary and Secondary Education Facilities</b>	Non-residential	0 to 35 acres	N/A	4.0

<sup>1</sup> Density calculations apply to residential land uses.

Residential is not required in Internal, Community or General Commercial land use categories. To promote a mixed use district, density and FAR will be calculated independently. (For example, a one-acre site with an allowable density of 15 dwelling units per acre and non-residential floor area ratio of 2.0 would be allowed 15 units and 87,120 square feet of non-residential uses.)

<sup>2</sup> Dormitory units associated with a university/college campus are calculated based on floor area ratio. A university which is governed by Sec. 1014.30 F.S., is subject to the requirement to adopt a Campus Master Plan and to enter into an interlocal agreement with the local government to address its impacts and is therefore not subject to the maximum development amounts permitted within MVMU, i.e. development amounts which are established under an approved Campus Master Plan and interlocal agreement shall not be considered as being derived from development totals allowed within MVMU, notwithstanding that it may be located within the boundaries of MVMU.

**Mix of Uses**

As a mixed use district, MVMU shall allocate a minimum of 50 percent of the overall net developable land acreage within the district for residential uses and 35 percent for non-residential uses. Mixed use buildings that contain residential uses shall be considered

non-residential for the purpose of this calculation. Net developable land excludes public rights-of-ways, open space and environmentally-sensitive areas. Civic, educational, and public/institutional land uses and essential public services shall be permitted throughout the MVMU. Site development standards, locational criteria and design guidelines for all uses shall be developed and adopted by the County as Land Development Regulations for MVMU.

### **Special Provisions**

1. *Comprehensive Transportation Analysis:* The County shall require a transportation component for MVMU to focus both on vehicular and pedestrian traffic. By providing a proper mix of land uses and transportation options, a substantial portion of the trips for residents and employees of the District should be satisfied within the development itself. MVMU shall be included in the County's comprehensive bicycle and pedestrian facilities plan to be prepared once redevelopment begins to address access, connectivity and mobility. This plan will be incorporated into the MPO's Long Range Transportation Plan.
2. *Specific Transportation Connections:* The close proximity of the District to major arterials, Tamiami Trail (U.S. 41) and El Jobean Road (S.R. 776) will enable the creation of a new network of connecting roads with gateways into the MVMU. In order to facilitate emergency evacuation, the County shall require north-south gateways and an east-west connector to be incorporated into the MVMU transportation design.
3. *Multi-modal Street Design:* The arrangement and design of streets within the MVMU shall promote a pedestrian and bicycle friendly environment with an emphasis on comfortable and convenient access to neighborhoods, the Town Center, neighborhood shopping, parks, schools and civic uses.
4. *Open Space:* Open space shall constitute no less than 20 percent of the gross acreage of the MVMU. As permitted throughout the MVMU, the term "open space" shall include, but not be limited to: preserve areas, both passive and active parks (including the existing regional park), pedestrian and cycling systems; and properly-designed buffers, lakes, and waterbodies.
5. *Schools:* The County shall require the MVMU to include a maximum of 35 acres available for development as a public primary or secondary school or other educational facility. Schools of higher education, including universities/colleges and vocational schools are not included in the acreage limitation set forth above.
6. *Other Public Facilities:* At the time of rezoning, the County shall determine the need to locate public facilities such as sheriff substations, fire stations, government offices and other public services within the MVMU.

### **BABCOCK MIXED USE (BMU)**

These lands shall develop to the standards and guidelines provided in this Comprehensive Plan within the policies of the Babcock Ranch Overlay District (BROD), within the Master

Development Order for the Babcock DRI, and subsequent incremental Development Orders, and in the Babcock Ranch Zoning District. The BMU covers approximately 13,630 acres and is situated in the southwest portion of the Babcock Ranch, east of S.R. 31 and adjacent to the Charlotte-Lee County line.

**Maximum Density/Intensity**

Development within the BROD is limited to 17,870 dwelling units and 6,000,000 square feet of non-residential uses. This total square footage for non-residential uses is further defined as including:

- 4,840,000 square feet commercial/office/retail (including medical),
- 650,000 square feet of light industrial,
- 150,000 square feet of government/civic uses,
- 72 golf course holes, and
- 600 hotel rooms (360,000 square feet).
- Primary Greenways: Minimum 4,700 acres
- Parks: Minimum 255 acres
- Schools square footage shall not count as part of the 6,000,000 square feet of non-residential or public/civic square footage.

The allocations for these uses throughout the BROD are set forth below, subject to the above totals:

FLU Table A-8: Babcock Mixed Use Density/Intensity Standards		
Land Use Classification	Development Type	Density/Acre and Intensity (FAR)
Town Center	Residential	3-24 density/ac
	Non-residential (commercial, retail, light industrial)	Up to 2.0
Village and Hamlet	Single-family	3-6 density/ac
	Multi-family	6-16 density/ac
	Non-residential/Commercial	Up to 1.0
Civic, Community, & Misc. Public Facilities	Institutional uses, government facilities, etc.	Up to 2.0

**OTHER DESIGNATIONS**

*Public Lands and Facilities*

**PUBLIC LANDS AND FACILITIES (PL)**

These lands may be publicly or privately owned. Public Lands and Facilities include those lands owned by Charlotte County government, the Charlotte County School Board, private schools, churches, auditoriums, theatres, museums, the City of Punta Gorda, the State of Florida, the United States government, private hospitals, or utilities.

**General Range of Uses**

Generally, ~~G~~government office and facilities, public schools, private schools, churches, auditoriums, playhouses, museums, private hospitals, and utilities

**Maximum Intensity**

The maximum FAR is 1.0.

**INACTIVE DESIGNATIONS**

*Rural Estate Residential*

*Charlotte Harbor Industrial*

*RV Park*

*Coastal Residential*

***RURAL ESTATE RESIDENTIAL (RER)***

Note: This Future Land Use Category is INACTIVE. Properties designated as Rural Estate Residential as of the effective date of this Comprehensive Plan shall continue to rely upon this definition for future development proposals. No new future land use map amendment requests shall be considered for or granted the Rural Estate Residential Future Land Use designation.

These lands are designated for rural residential uses and are located primarily within the Rural Service Area.

**General Range of Uses**

Generally, ~~S~~single-family residential dwelling units, and small-scale agricultural uses (including horticulture, greenhouses, horse stables, nurseries, farming, and cultivation of ornamentals) when located within the Rural Service Area. May include public services and facilities.

**Minimum and Maximum Density**

Residential land uses shall range from one dwelling unit per five acres to two dwelling units per one acre.

***CHARLOTTE HARBOR INDUSTRIAL (CHI)***

Note: This Future Land Use Category is INACTIVE. Properties designated as Charlotte Harbor Industrial as of the effective date of this Comprehensive Plan shall continue to rely upon this definition for future development proposals. No new future land use map amendment requests shall be considered for or granted the Charlotte Harbor Industrial Future Land Use designation.

**General Range of Uses**

Generally, —Ffacilities that engage in assembly, marketing, and distributing products, research and development activities, wholesaling, warehousing, automotive sales and services, and printing. May include public services and facilities.

**Maximum Intensity**

The maximum FAR within this designation is 1.0.

**RV PARK (RVP)**

Note: This Future Land Use category is INACTIVE. Properties designated as RV Park as of the effective date of this Comprehensive Plan shall continue to rely upon this definition for future development proposals. No new Future Land Use Map amendment requests shall be considered for or granted the RV Park Future Land Use designation.

**General Range of Uses**

Generally, —Rrecreational vehicles and camping tents occupied as temporary living quarters for periods not to exceed 180 days. May include public services and facilities.

**Minimum and Maximum Density**

- Temporary residential densities shall range from one dwelling unit per acre up to eight dwelling units per acre.
- Permanent residential densities to accommodate owners and caretakers may not exceed a maximum of one dwelling per park, or two per 100 acres.

**Special Provision**

*Location:* RV parks shall be located in areas with access to major highways and which offer natural settings, open space, and scenic viewsheds.

**COASTAL RESIDENTIAL (CR)**

Note: This Future Land Use Category is INACTIVE. Properties designated as Coastal Residential as of the effective date of this Comprehensive Plan shall continue to rely upon this definition for future development proposals. No new future land use map amendment requests shall be considered for or granted the Coastal Residential Future Land Use designation.

**General Range of Uses**

Generally, —Ssingle-family residential dwelling units, multi-family residential dwelling units, and recreational facilities. May include public services and facilities.

**Minimum and Maximum Density**

- Coastal Residential lands may be developed one dwelling unit per acre up to a density of three and one-half dwelling units per acre.

- Residential development within environmentally sensitive lands, such as wetlands, may not exceed one dwelling unit per forty acres.

**Special Provision**

*Location:* Coastal Residential lands shall be located within the Tropical Storm and Category 1 Hurricane Storm Surge Zones.

## SECTION 4: OVERLAY DISTRICTS - LAND USE OVERLAYS

The following overlay districts function as a part of the Future Land Use Map and provide guidance, limitation and standards for land uses within these overlays.

### ***WATERSHED-OVERLAY DISTRICT (WOD)***

The WOD is described in the Natural Resources Element, ENV Policy 1.4.9. It is illustrated on FLUM Series Map #4.

### ***SURFACE WATER PROTECTION OVERLAY DISTRICT (SWPOD)***

The SWPOD is described in the Natural Resources Element, ENV Policy 1.4.10. It is illustrated on FLUM Series Map #5.

### ***BARRIER ISLAND OVERLAY DISTRICT (BIOD)***

The BIOD consists of Charlotte County's barrier islands including Manasota and Sandpiper Key and Gasparilla Island as well as the bridgeless barrier island chain which includes Don Pedro Island, Knight Island, Thornton Key, and Little Gasparilla Island. This overlay district is illustrated on FLUM Series Map #9. The County may adopt regulations for Manasota and Sandpiper Key and Gasparilla Island as well as Little Gasparilla Island to address their community vision and specific challenges associated with the islands. Increases in density on any barrier island is prohibited.

Compared to the bridgeless barrier islands, bridged barrier islands have greater intensities and densities based on the added availability of public services and infrastructure. Bridgeless barrier islands do not contain convenient public services and infrastructure and it is not the County's intent to expand the scope of service and infrastructure to these islands. The County shall not expand the scope of potable water or sanitary sewer service to the bridgeless barrier islands; solid waste and fire protection may be allowed through a special taxing district or other method approved by the County. All residential densities on bridgeless barrier islands subsequent to February 1, 1992 shall be one unit per gross acre; however, all residential lots created consistent with the Charlotte County Subdivision Regulations prior to that date shall have an allowable density of one unit per subdivided lot.

### ***U.S. 41 OVERLAY DISTRICT (41OD)***

Charlotte County recognizes that U.S. 41 is a major thoroughfare in the County and it is critically important. In an effort to establish meaningful, specific development standards such as commercial design standards and signage requirements, and to implement the 41MU FLUM designation for the future development and redevelopment within this area, the County established the U.S. 41 Overlay District, which is depicted on FLUM Series Map #8. The County may adopt land development regulations for this area to enhance the aesthetics and visual environment of the Corridor and property values, and to create a more attractive economic and business climate which is in the best interests of Charlotte County and its citizens.

**RURAL SETTLEMENT AREA OVERLAY DISTRICT (RSAOD)**

In an effort to establish meaningful planning guidelines and standards for the future development of the area east of U.S. 17, north of Shell Creek and south of DeSoto County, the County establishes the 4,900 acre Rural Settlement Area Overlay District, depicted on FLUM Series Map #8. This district shall provide a comprehensive and functional transition between the suburban development pattern to the west of U.S. 17, the industrial uses within DeSoto County, and the rural and conservation uses to the east of the district.

**General Range of Uses**

Generally, ~~R~~egional Economic Development uses, single-family residential dwelling units, multi-family residential units, commercial uses including office

**Maximum Density/Intensity**

*Density:* Maximum density is 6,000 dwelling units; base density is one dwelling unit per ten acres or 490 dwelling units

*Intensity:* Commercial uses are limited to a maximum of 500,000 square feet  
Regional Economic Development uses are limited to a maximum of 1,000,000 square feet.

*Developable area:* Maximum developable area shall be limited to 2,450 acres.

**Special Provisions**

1. *Development Timing/Phasing:* To achieve the type of development contemplated for the Rural Settlement Area Overlay, the following criteria must be met:
  - a. The completion of a Master Development Plan for the entire Rural Settlement Area, described further in #2.
  - b. The provision of the necessary infrastructure to serve the entire Rural Settlement Area.
    - i. All development approvals shall be timed to ensure that the improvements necessary to serve each phase of development are programmed within the Charlotte County CIE prior to the approval of any development activity within that phase.
    - ii. The County shall coordinate with Sun River Utilities or its successor to ensure that adequate potable water supplies and sanitary sewer collection are available for development. The County shall not approve any final site plans for development within the Rural Settlement Area prior to the availability of central water and sanitary sewer services.
    - iii. No building permits shall be issued after the first 200,000 square feet of non-residential development or the 1,000<sup>th</sup> residential unit until potable water and sanitary sewer wastewater lines are extended to those portions of Peace River Shores, Peace River and Peace River

Highway subdivisions that are located inside the Urban Service Area. The collective owners and/or developers of the Rural Settlement Area and the Sun River Utility shall fund the extension. Funding mechanisms may include Community Development District bonds, MSBU revenues, grant monies and rebatable agreements.

2. *Master Development Plan:* The County shall require the submittal of a single Master Development Plan covering the entire Rural Settlement Area to be approved by the Board of County Commissioners prior to any development. The Master Development Plan must that include the following:
  - a. A Master Concept Plan that delineates the future use areas of the property and distinguishes areas as either Regional Economic Development centers or Villages.
  - b. A Rural Settlement Area Pattern Book and Development Guide that includes specific design guidelines for the development, to ensure that the development adheres to the principles of sustainability and low impact design as defined within this Comprehensive Plan.
  - c. An Infrastructure Financing Strategy and Procedure for Implementing the Financing Strategy throughout the Area.
  - d. Method to demonstrate that the proposed development helps to reduce greenhouse gas emission within Charlotte County.
  - e. A management strategy for all open space and identification of a funding source to support management and maintenance.
3. *Phasing of Development:* The chart below sets forth the minimum commercial or Regional Economic Development square footage required for the number of dwelling units, and vice versa. This phasing is linked to the issuance of a Certificate of Occupancy. The following phasing schedule shall be followed:

<b>FLU Table A-9: Rural Settlement Area Overlay District Phasing Requirements</b>	
<b>Dwelling Units</b>	<b>Square Feet (Cumulative)</b>
500	10,000
1,000	35,000
2,000	100,000
For every extra 1,000 dwelling units	Add an extra 50,000 square feet

4. *Density Transfers:* Transfers of density shall be required in order to attain any density above 490 dwelling units. Density shall be transferred from the platted land identified on SPAM Series Map #12: Areas Removed from the (1997-2010) Urban Service Area. The sending zone lots shall be placed under a conservation easement.
5. *Open Spaces/Greenbelt:* A minimum of 50 percent of the Rural Settlement Area shall be set aside as open space exclusive of development areas. The intent of open space areas is for preservation and restoration of indigenous upland and wetland vegetation as well as the creation of passive recreational opportunities. All open

space shall be placed under a conservation easement granted to the County at time of approval of the Master Development Plan.

- a. A greenbelt is required around the southern and eastern perimeters of the Rural Settlement Area, forming a large open space that will create a clear physical delimiter between the urban uses within the Rural Settlement Area and the rural uses bordering the Rural Settlement Area. The greenbelt shall be a minimum of 250 feet in width.
  - b. Open space will be made accessible to the public, but a portion of the open space may be reserved for and designated for use by the residents of the Rural Settlement Area only. Open space may contain hiking and bridle trails. Reserved open space areas must be clearly designated through the development review process.
  - c. The County shall explore granting impact fee credits toward the cost of restoration and perpetual maintenance of non-reserved open space as indigenous vegetation, or toward the creation, restoration, and maintenance of identified wildlife corridors and linkages. In order to be considered for impact fee credits, the area to be created or restored or maintained shall be a minimum of 500 feet in average width and evidence shall be provided of the arrangements established to have the area maintained in perpetuity.
6. *Regional Economic Development and Commercial Development Standards:* All sites of industrial and commercial development within the Rural Settlement Area shall be designed in accordance with sustainable best management practices and all non-residential buildings shall be constructed in compliance with the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Green Building Certification, the Florida Green Building Coalition Commercial Building Designation or the Green Building Initiative's Green Globes system; all new industries locating in the area shall be ISO 14001 compliant or shall be otherwise in accordance with Natural Step or other similar green business operating practices.
7. *Rural Village Standards:* The Rural Settlement Area will be developed with no more than six Villages; each Village shall be no more than 390 acres. Areas developed as Villages are required to contain a village center wherein higher density and intensity shall be placed, with a reduction in density and intensity as one moves farther out from the center. There shall be clear separation between Villages by use of a greenbelt around each village. All village centers shall be mixed use or multi-use in nature, either through vertical mixing of residential and commercial uses or by providing for strong pedestrian connectivity between uses. Village centers shall be well integrated with surrounding development and shall provide for pedestrian character through the following techniques:
- a. Vehicular, pedestrian and/or bicycle connections to adjacent residential, commercial, civic or industrial development will be provided.

- b. Buffering of different abutting uses shall be required only where compatibility concerns exist. Buffering from adjacent developments, when deemed absolutely necessary, will not preclude future interconnectivity.
- c. On-street parking with landscaping and design features such as corner and mid-street bump outs, which afford traffic calming and produce a comfortable and safe pedestrian environment, will be promoted.
- d. Screening for parking lots along streets, sidewalks, and open spaces. Parking lots and structured parking garages without ground floor commercial uses shall be shielded from the view of the sidewalk, preferably located behind or to the sides of buildings, to enhance the pedestrian environment of the street.
- e. Shared parking arrangements which encourage walking between multiple destinations shall be encouraged to promote a "park once" environment.. Deviations from the County's parking requirements will be considered to minimize parking areas, based on projected pedestrian activity, joint use of parking lots, and parking spaces for uses with different peak hours.

The minimum density within a village center will be seven units per acre. The maximum lot size at the outer edge of a Village is one acre. For each 200 dwelling units that receive a Certificate of Occupancy, there must be at least 8,000 square feet of non-residential use under construction.

- 8. *Residential Development Standards:* Residential development in the Rural Settlement Area shall provide for compact land use forms.
- 9. *Transportation System:* The transportation system within the Settlement Area shall be designed as an interconnected network aimed at promoting connectivity between communities and streets as well as walkability between uses. Individual projects must be designed as part of an overall transportation network within the Rural Settlement Area, not as separated, stand alone developments.
  - a. All new development shall provide the appropriate connections of road segments, and shall preserve and protect existing and future rights-of-way to provide for an efficient multi-modal transportation system. The transportation system shall be designed so that multiple streets, bicycle paths and sidewalks continue between adjacent neighborhoods and developments to facilitate convenient movement and disperse traffic throughout the local network. Dead-end streets are prohibited, except when necessary at the edge of development to provide stub outs for future connections to adjacent, undeveloped properties, or when environmental features necessitate the construction of a dead-end street.
  - b. Communities shall construct an interconnected network of public streets in a predictable block pattern that encourages walking, reduces the number and length of automobile trips and provides multiple circulation routes. Block sizes will be established with the intent of providing for walkable distances between intersecting streets.

- c. Interconnections between complementary uses shall be required, including access to and circulation among parking lots and to pedestrian paths. Shared driveways, frontage streets, and parking with cross access easements shall be required to reduce conflicts with the main flow of traffic.
  - d. Specify the design of street types that are functional, visually appealing, and promote walking and cycling. Street cross-sections will be acceptable road types for both public construction projects and for privately built roads and will be consistent with the principles of context sensitive design and walkability. Reduced right of way widths and travel lanes will be encouraged to the extent that they meet AASHTO standards.
  - e. To ensure that adequate funding sources are available for the provision of infrastructure, and that each property owner is fairly compensated for their contribution to the infrastructure system, improvements may be funded through a variety of mechanisms that include, but are not limited to, Community Development Districts (CDDs), Municipal Services Taxing Units (MSTUs), Municipal Service Benefit Units (MSBUs), grants, and impact fees/impact fee credits.
10. *Wildlife Undercrossings*: The collective owners and developers of the Rural Settlement Area shall provide wildlife undercrossings, along with appropriate signage and roadside treatments, within the Rural Settlement Area to provide protections for wildlife movement between open space areas. The owners and developers shall also work with the County and with various State and Federal agencies to design and construct a wildlife crossing underneath U.S 17 prior to 2030.
11. Development in the RSAOD shall utilize Low Impact Design techniques to supplement and enhance traditional stormwater retention/detention development.

## SECTION 5: OVERLAY DISTRICTS - POLICY OVERLAYS

### ***BABCOCK RANCH OVERLAY DISTRICT (BROD)***

The BROD is described in the Future Land Use Element, Objective 6.4 and associated Policies. It is illustrated on FLUM Series Map #8.

### ***BURNT STORE AREA OVERLAY DISTRICT (BSAOD)***

The BSOD is described in the Future Land Use Element, FLU Objective 6.2 and subsequent Policies. It is illustrated on FLUM Series Map #8.

### ***ENTERPRISE CHARLOTTE AIRPORT PARK OVERLAY DISTRICT (ECAPOD)***

The ECAPOD serves as an overlay to the Future Land Use Map. The ECAPOD covers the Charlotte County Airport and surrounding properties; it is illustrated on FLUM Series Map #8. The overlay serves to designate a distinct area wherein specific land use standards and regulations will be implemented to guide the development of uses and structures in a manner that will enhance the social and economic resources of the County. The creation of the ECAPOD serves a vital purpose in supporting the residents of Charlotte County by expanding and diversifying employment opportunities and the County's tax base. It also serves to protect the Charlotte County Airport from encroachment by incompatible uses.

**SECTION 6: MVMU Equivalency Matrix**

	Single Family	Multi Family	Regional Commercial	Other Commercial	ILF / ALF	Office Showroom	Community Commercial	Recreational Facility	Internal Commercial	Student Housing
<b>Single Family</b>	N/A	1.33 du / du 1.3276	242.14 sf / du 0.2421	59.74 sf / du 0.0597	3.50 lu / du 3.5000	0.79 ksf / du 0.7857	188.26 sf / du 0.1883	12.83 ac / du 12.8333	179.07 sf / du 0.1791	2.66 lu / du 2.6552
<b>Multi Family</b>	0.75 du / du 0.7532	N/A	182.39 sf / du 0.1824	45.00 sf / du 0.0450	2.64 lu / du 2.6364	0.59 ksf / du 0.5918	141.81 sf / du 0.1418	9.67 ac / du 9.6667	134.88 sf / du 0.1349	2.00 lu / du 2.0000
<b>Regional Commercial</b>	4.13 du / ksf 4.1299	5.48 du /ksf 5.4828	N/A	246.70 sf / ksf 0.2467	14.45 lu / ksf 14.4545	3.24 ksf / ksf 3.2449	777.51 sf / ksf 0.7775	53.00 ac / ksf 53.0000	739.53 sf / ksf 0.7395	10.97 lu / ksf 10.9655
<b>Other Commercial</b>	16.74 du / ksf 16.7403	22.22 du / ksf 22.2241	4,053.46 sf / ksf 4.0535	N/A	58.59 lu / ksf 58.5909	13.15 ksf / ksf 13.1531	3,151.59 sf / ksf 3.1516	214.83 ac / ksf 214.8333	2,997.67 sf / ksf 2.9977	44.45 lu / ksf 44.4483

<sup>1</sup> Land use exchanges are based on two-way P.M. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, and affordable housing are not exceeded. Commercial includes such uses as: shopping centers; restaurants; churches; educational (all levels); technical and vocational facilities; movie theaters; clubs and lodges; hotel/motel; funeral homes; and offices A university which is governed by Sec 1013.30 F.S., is subject to the requirement to adopt a Campus Master Plan and enter into an interlocal agreement with the local government to address its impacts and is therefore, not subject to the maximum development amounts permitted within the MVMU, i.e., development amounts which are established under an approved Campus Master Plan and interlocal agreement shall not be considered as being derived from development totals allowed within the MVMURD, notwithstanding that it may be located within the boundaries of the MVMURD.

<u>Land Use</u>	<u>Minimum / Maximum</u>	<u>Land Use</u>	<u>Minimum / Maximum</u>
Single Family	500 dus / 5,000 dus	Student Housing	0 lus / 1,000 lus
Multi Family	400 dus / 5,300 dus	Community Commercial	0 sfgla / 400,000 sfgla
Regional Commercial	200,000 sfgla / 1,500,000 sfgla	Recreational Facilities	0 ac / 250 ac
Other Commercial <sup>b</sup>	593,600 sfgla / 2,291,448 sfgla	Internal Commercial	0 sfgla / 100,000 sfgla
ILF / ALF	0 lus / 1,000 lus	Office Showroom	0 sf / 200,000 sf

<sup>b</sup> Other Commercial and General Commercial are the same for the purposes of this Equivalency Matrix

Example Exchange -- Add 500 ALF / ILF living units by reducing Other Commercial: 500 lus / 58.5909 lus/ksfgla = 8.534 or 8,534 sfgla of Other Commercial

## Attachment 3

### FLU Appendix III: Definitions

**FLU APPENDIX III: DEFINITIONS**

These definitions apply to all elements.

Term or Phrase	Definition Text
<p><u>Balanced Growth</u>  <del>Smart Growth</del></p>	<p><u>Means building urban, suburban and rural communities with housing and transportation choices near jobs, shops and schools. Balanced growth supports local economies and protects the environment.</u>  <del>Smart growth is a compact, efficient, and environmentally sensitive pattern of development that provides people with additional travel, housing, and employment choices by focusing future growth away from rural areas and closer to existing and planned job centers and public facilities.</del></p>
<p>Strip Commercial</p>	<p><del>Linear commercial development, usually one-storey high and one-structure deep, that front on a major street. There are no provisions for pedestrian access between individual uses and the buildings are arranged linearly rather than clustered with no integration among individual uses.</del> <u>Is characterized as linear in arrangement, but associated with it are high volume traffic generating uses, separate vehicle entrance and exits for each use on the street, no defined pedestrian path system and conflicts between pedestrian and vehicular movements, insufficient space onsite for parking and loading activities and visually, a cluttered appearance from an abundance of signs.</u></p>
<p>Urban Sprawl</p>	<p><del>Low density development beyond the edge of service and employment, which separates where people live from where they shop, work, recreate and educate thus requiring cars to move between zones.</del> <u>As defined in 163.3164, F.S., as may be amended.</u></p>
<p><u>Viable</u></p>	<p><u>Community use of natural resources in a way that does not jeopardize the ability of future generations to live and prosper.</u></p>
<p>Environmentally Sensitive or Environmentally Sensitive Resource</p>	<p><del>An environmentally sensitive resource can be any wetland, any natural community ranked G1, G2, S1, S2, or S3 in the most recent edition of the Guide to Natural Communities of Florida, or any land area wherein a wildlife or plant species listed by the State of Florida or the United States as endangered or threatened is living; this also includes any land within the ½ mile of the creek system of the Reservoir Protection Overlay District and any land within the Prime Aquifer Recharge Area; this also includes lands encompassing historic flowways.</del></p>

Attachment 4  
Natural Resources (ENV) Element  
- Goals, Objectives and Policies

## NATURAL RESOURCES - GOALS, OBJECTIVES AND POLICIES

### PURPOSE

The purpose of the Natural Resources element is to promote the conservation and protection of natural resources and guide the acceptable use of resources. The Goals of this element speak to reducing pollution, protecting important flora and fauna, and protecting wetlands. Protecting ground and surface water from harmful pollutants is an important theme throughout the policies of this element. The other important theme is protecting habitat and promoting interconnections between existing preserved lands in order to provide adequate shelter for Florida's plant and animal life. This element is closely interconnected with the Future Land Use element 2050 Framework and the goals, objectives and policies that support and implement that framework. The protection of natural resources is one of the four cornerstones of the County's vision.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

### GOALS, OBJECTIVES AND POLICIES

#### ENV GOAL 1: POLLUTION CONTROL

**Protect human and environmental health from the deleterious effects of pollution.**

##### **ENV Objective 1.1: Conscientious Stewardship of Earth's Resources**

To promote responsible and conscientious stewardship of Earth's resources and reduce the carbon footprint of Charlotte County's development.

##### **ENV Policy 1.1.1: Alternative Transportation**

The County shall support alternative means of transportation such as car-pooling, on-demand and fixed route mass transit programs, bicycle and pedestrian pathways and other forms of low-fuel consumptive transportation. Support for alternative means of transportation shall be addressed through the adoption of regulations within one year of the effective date of this comprehensive plan. The regulations may include such items as requirements for bicycle storage and associated changing rooms and preferred parking for low-fuel consumptive vehicles.

##### **ENV Policy 1.1.2: Alternative Energy**

The County shall encourage, without detriment to natural resources, the use of clean alternative energy sources and technologies, such as active and passive solar technology and wind turbines, to reduce or eliminate the input of fossil fuel emissions into the atmosphere and conserve energy.

**ENV Policy 1.1.3: Green Building Techniques**

The County shall promote ~~and enforce~~ green, sustainable, building practices for public and private buildings by utilizing and promoting the Leadership in Energy and Environmental Design (LEED) certification and other similar programs.

**ENV Policy 1.1.4: Green Landscaping and Low Impact Techniques**

The County shall promote ~~and, as applicable, enforce~~ landscaping techniques that reduce water and fertilizer usage, require low maintenance, and eliminate or reduce the need for herbicide and pesticide usage, such as encouraged by the Florida Native Plant Society, the University of Florida IFAS Extension and other similar groups. Incorporation of landscaping into Low Impact Development design of stormwater systems is encouraged.

**ENV Policy 1.1.5: Promote Utilization of Local Food Resources**

The County shall support the implementation of a sustainable agriculture program on private and publicly owned lands. The program may include but shall not be limited to the following:

1. Creating provisions for community gardens and farms as well as farmers' markets by coordinating with neighborhood planning efforts, providing comment in site plan reviews, subdivision reviews, and land use amendments encouraging the provision of adequate land to support such facilities, or, as an alternative and where appropriate, encouraging the coordination with and use of County parks or other public lands for such facilities.
2. Encouraging and supporting local food marketing strategy and institutional purchasing from local agriculture for breakfast, lunch and dinner programs.
3. Encouraging the expansion of existing agricultural uses and development of new business involved in agriculture such as new agricultural technologies and infrastructure to allow operational activities of urban and small scale agricultural opportunities.
4. Supporting an assessment of the community food system in order to promote profitable small and large farms and alternative enterprises to sustain economically viable agricultural communities.

**ENV Objective 1.2: Pollution Prevention**

To promote the reduction of contaminants.

**ENV Policy 1.2.1: Pollution Prevention Policy**

The County shall uphold the policies and strategies of the national Pollution Prevention Act of 1990.

**ENV Policy 1.2.2: Pollution Reduction and Prevention Methods**

The County shall support and promote the prevention of pollution by promoting the U.S. EPA's Pollution Prevention (P2) program, administered by the Florida Department of Environmental Protection, which promotes the following methods to reduce and prevent pollution: resource-efficient design, process changes to reduce production waste, material substitutions that reduce hazardous waste, on-site material re-use, efficient utilization of resources, and improved work practices.

**ENV Policy 1.2.3: Intergovernmental Cooperation**

The County shall involve itself in the Development of Regional Impact review process in adjacent counties to ensure that Charlotte County's concerns are addressed related to potential point and non-point source pollution generators.

**ENV Objective 1.3: Air Quality**

To ensure that human health and the natural environment are not damaged by air contamination.

**ENV Policy 1.3.1: Air Quality**

The County shall support the ongoing efforts of the State and Federal agencies in monitoring and enforcing air quality standards.

**ENV Policy 1.3.2: Air Quality Control Strategy**

The County shall, within six months of notification of a nonattainment status for any National Ambient Air Quality Standards' parameter, amend its Code of Laws and Ordinances to require industries to take appropriate measures to ensure that State and Federal standards for air pollution are met.

**ENV Policy 1.3.3: Air Quality Standards**

The County shall enforce, and improve as necessary, the Industrial Performance Standards and any codes controlling soil erosion and dust emanation during and after development activities.

**ENV Policy 1.3.4: Air Quality Permit Restriction**

The County shall prohibit the placement of new land uses requiring air quality permits from the US Environmental Protection Agency or Florida Division of Environmental Protection (FDEP) within one-half mile of any area designated by the Future Land Use Map (FLUM) as being primarily for residential development. This policy shall not apply to crematoria or incinerators located within hospitals, medical centers, or funeral homes intended for the sole use of the facility.

**ENV Policy 1.3.5: Prescriptive Burning**

The County shall allow for and support the use of prescriptive burning in appropriate land cover types, as permitted by the Florida Division of Forestry (DOF), in order to prevent catastrophic wildfires, which greatly reduce air quality, and to mimic the natural cycle of regeneration.

**ENV Objective 1.4: Water Quality**

To ensure that human health and the natural environment are not damaged by water contamination.

**ENV Policy 1.4.1: Water Quality Standards**

The County shall not allow the quality of Charlotte County's groundwater and surface water resources to be degraded, ~~either directly or indirectly by human influences,~~ below the minimum criteria for water quality provided in Chapter 62 FAC, the Clean Water Act, 3 USC 1251, or by adopted Site Specific Alternative Criteria (62-302.800 FAC), and shall ensure that it is maintained or, as necessary, improved to ensure the availability of this resource for present and future generations.

**ENV Policy 1.4.2: Water Quality Monitoring**

The County shall support and encourage continued water quality monitoring by local, State, and Federal agencies, non-profit groups, and individual volunteers that will help identify and formulate plans to address point and non-point source pollution.

**ENV Policy 1.4.3: Protection Guidelines**

The County shall implement of the following standards and guidelines to protect its surface waters:

1. The discharge of runoff, wastewater, or other potential sources of contamination into surface waters resulting in a degradation of the quality is prohibited and shall be enforced.
2. The most current best management practices which control erosion and limit the amount of sediment reaching surface waters shall be applied to all activities.
3. Removal or control of submerged, emergent, or floating vegetation through non-chemical means shall be prioritized. Removal shall be limited to that necessary to allow reasonable access to water resources except for the removal of invasive, exotic species such as hydrilla, water hyacinth, or water lettuce.
4. Non-chemical means, where feasible, and best management practices shall be used as alternatives to insecticides and herbicides for the control of mosquitoes.

**ENV Policy 1.4.4: Interagency and Intergovernmental Cooperation**

The County shall pursue interagency and intergovernmental cooperation to ensure that the County's surface and ground waters are protected. The County shall ~~require protection protect of~~ the Charlotte Harbor estuarine system, which supports a multi-billion dollar tourism industry that relies on a productive aquatic ecosystem, by continuing to monitor and object to any activities within and without the County that may negatively impact the quality, quantity, and timing of freshwater flows from entering the County's ~~surface waters and groundwater recharge area~~ water resources.

**ENV Policy 1.4.5: Land Acquisition**

The County shall continue to protect the County's surface waters and ground waters through implementation of land acquisition programs that will provide opportunities to protect and manage lands adjacent to surface waters. Charlotte County shall also continue to encourage and partner with State agencies and develop working relationships with private lands trusts to maximize potential for acquiring such lands within Charlotte County.

**ENV Policy 1.4.6: National Estuary Program**

The County shall continue to participate in the Charlotte Harbor National Estuary Program (CHNEP) by participation on the CHNEP's advisory committees, and by continuing to uphold and implement the goals and objectives of the CHNEP's Comprehensive Conservation and Management Plan (CCMP) for the Greater Charlotte Harbor Watershed.

**ENV Policy 1.4.7: Water Management Districts**

The County shall continue to be involved in updates to and the governance of the Southwest Florida Water Management District's (SWFWMD) Charlotte Harbor Surface Water Improvement and Management Plan, Peace River Comprehensive Watershed Management Plan, Myakka River Watershed Management Plan, and Shell Creek and Prairie Creek Watersheds Management Plan; and in the governance of the SWFWMD's ecosystem restoration plan(s). In addition, Charlotte County shall support the two major components of the Southern Water Use Caution Area Recovery Strategy plan, which are management of groundwater withdrawals to minimize saltwater intrusion into the Floridan aquifer and restoration of minimum flows to the upper Peace River.

**ENV Policy 1.4.8: Peace River Basin Resource Management Plan**

The County supports the identified regulatory and non-regulatory methods to minimize impacts to the Peace River basin identified in the Peace River Basin Resource Management Plan, which is based on the results of the Peace River Cumulative Impact Assessment.

**ENV Policy 1.4.9: Watershed Overlay District (WOD)**

The County shall establish the Watershed Overlay District as illustrated on FLUM Series Map # 4. The intent of the WOD is to protect the quantity and quality of water within the Hendrickson Dam Reservoir, which is the City of Punta Gorda's potable water supply. Since all overground and underground waters within the watersheds of Shell Creek and Prairie Creek drain into the reservoir, those watershed perimeters shall constitute the boundary of the of the Overlay. The creek system is delineated along with the boundaries of two significant water sources, Long Island Marsh and Tippen Bay.

1. The following shall apply throughout the entire Overlay:
  - a. By right uses shall be those allowed by the comprehensive plan.
  - b. All agricultural and resource conservation uses are encouraged to utilize Best Management Practices as created by the Florida Department of Environmental Protection, The Florida Department of Agriculture and Consumer Services, and the Florida Department of Forestry, as applicable. The County shall support and assist, as possible, in the Facilitating Agricultural Resource Management Systems (FARMS) projects and the Federal Environmental Quality Incentives Program (EQIP).
  - c. The generation or continues transmission of petroleum products or other hazardous substances is prohibited. ~~The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). An exemption may also be made for biofuel generation manufacturing operations when in conjunction with an agricultural operation that utilizes Best Management Practices.~~
2. The following shall apply within one-half mile of the creek system and within Long Island Marsh or Tippen Bay:
  - a. There shall be no increases in intensity. This does not apply to changes in agricultural uses.
  - b. Density is restricted to the maximum density allowed at time of adoption of this comprehensive plan. There shall be no increases in density except in connection with establishment of conservation subdivision.
  - c. New major Group III excavations are prohibited.
  - d. Agricultural Best Management Practices are required to be consistent with all Water Management Districts Permitting requirements.
  - e. Biofuel generation manufacturing operations are prohibited.

- f. Prohibited uses may be allowed on a case by case basis by the Board of County Commissioners if it can be demonstrated through generally accepted, science-based analysis that the proposed use will have no negative affect on the quality or quantity of water within the Hendrickson Dam Reservoir. In no case shall prohibited uses be allowed within one-quarter mile of the shoreline of the creeks or creeks' tributaries.
- f.g. The bulk storage incidental to agricultural uses and use of such products as incidental to a permitted uses are allowed. (This exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). An exemption may also be made for biofuel generation manufacturing operations when in conjunction with an agricultural operation that utilizes Best Management Practices.
3. The following are prohibited within 200 feet of the mean high water mark of the creeks and creeks' tributaries:
    - a. All septic systems (including all components of those systems), and
    - b. The storage or use of any hazardous substances shall be in compliance with applicable State and Federal regulations.
  4. For residential properties adjacent to the creek system, the County shall require adherence to the standard outlined within 40D-40.301(2)(f), Southwest Florida Water Management District Rules.

#### **ENV Policy 1.4.10: Surface Water Protection Overlay District (SWPOD)**

The County shall establish the Surface Water Protection Overlay District as illustrated on FLUM Series Map # 5. The intent of the SWPOD is to improve surface water quality by providing for natural filtration of pollutants prior to stormwater flows entering the waterbodies that feed into the Myakka River, Peace River, Lemon Bay, or Charlotte Harbor. Charlotte County shall place those natural and manmade waterbodies identified on FLUM Series Map # 5 into the SWPOD.

Owners of property adjacent to these waterbodies, and the receiving waterbodies, are encouraged to utilize alternatives to traditional sodding such as berming, planting or retaining native vegetation, and utilizing bio-retention swales and rain gardens. A reduction of impervious surfaces parcel-wide is also encouraged. Fertilizer and pesticide usage is discouraged.

#### **ENV Policy 1.4.11: Establishment of Wellhead Protection Areas**

The County shall, in coordination with the SWFWMD and the South Florida Water Management District (SFWMD), maintain and update wellhead protection

areas for all public water supply wells, which shall include potable water and Aquifer and Storage Recovery (ASR) wellheads. Wellhead protection areas may be modified due to changes in technical knowledge, such as transmissivity, or porosity; changes in pumping rates; reconfiguration of well fields; abandonment or relocation of wells; the installation of new wells or well fields; establishment of minimum flows or levels pursuant to Chapter 373, Florida Statutes; changes in maximum contaminant levels; or to accommodate changes in topography or hydrology, such as newly approved mining areas.

**ENV Policy 1.4.12: Wellhead Protection**

The County shall enforce, and improve as necessary, the wellfield protection requirements of the Charlotte County Code of Laws and Ordinances, which shall include prohibitions against the placement of incompatible uses known to contaminate drinking water. Cones of influence shall be delineated and updated in the Land Development Regulations.

**ENV Policy 1.4.13: Aquifer Recharge Protection**

Within Charlotte County's Prime Aquifer Recharge Area, as identified on Future Land Use Map Series Map # 6, the County shall prohibit the generation or transmission of petroleum products or other hazardous substances. The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). The County shall further protect its aquifer recharge area by requiring properties to develop in accordance with the guidelines of the Groundwater and Aquifer Recharge subelement of the Infrastructure element, AQR Policies 1.1.1 and 1.1.2.

**ENV Policy 1.4.14: Groundwater - Waste Disposal & Discharge**

The County shall monitor permit compliance for waste disposal and discharge facilities and activities, and take appropriate action when necessary. Appropriate action shall include notification of the permitting agency, intervention in agency proceedings, or legal action by the County.

**ENV Policy 1.4.15: Groundwater - Public, Industrial, Agricultural Uses**

The County shall monitor permit compliance for public, industrial, or agricultural water uses, and take appropriate action when necessary. Appropriate action shall include notification of the permitting agency, intervention in agency proceedings, or legal action by the County.

**ENV Policy 1.4.16: Groundwater - Mandatory Connection to Water and Sewer**

The County shall continue to require connection to central water and to sewer service when such service is available in order to reduce the direct demand on groundwater for domestic use and reduce the potential for contamination from septic tank leachate per the Potable Water and Sanitary Sewer subelement of the Infrastructure element, WSW Objective 3.1 and associated policies.

**ENV Policy 1.4.17: Groundwater - External Impacts**

The County shall continue discussions with the Water Management Districts, Southwest Florida Regional Planning Council, and jurisdictional local governments to determine what measures may be taken to help prevent impacts to recharge areas and other hydrogeologic features which occur outside Charlotte County's boundary and are connected to the County's groundwater.

**ENV Policy 1.4.18: Nutrient Load Reduction**

The County shall continue to work toward compliance with the requirements of the National Pollutant Discharge Elimination System and will utilize all available means, including stormwater units, MSBUs, and other revenue sources, to provide funding for these necessary requirements and programs to ensure that water quality and productive capability meets or exceeds the standards provided in Chapter 62, FAC and the Clean Water Act, 33 USC 1251. At such time when nutrient load reduction goals are promulgated through the Charlotte Harbor Surface Water Improvement and Management (SWIM) program or through Total Maximum Daily Load (TMDL) programs, Charlotte County will review and, as necessary, revise its Code of Laws and Ordinances to ensure that these goals are met through the County's development review processes.

**ENV Policy 1.4.19: Emergency Water Conservation Plan**

The County shall continue to cooperate with the SWFWMD and the SFWMD to conduct water conservation programs and maintain and implement the County's emergency water conservation plan.

**ENV GOAL 2: PROTECT NATURAL RESOURCES**

**Protect, conserve, enhance and manage native habitats and natural communities to ensure viable use continues for present and future generations of terrestrial and aquatic floral and faunal species and the enjoyment of the public.**

**ENV Objective 2.1: Marine Protections**

To protect marine and estuarine habitats to ensure long-term viability and productivity of finfish, shellfish, other aquatic communities, seagrass and oyster bed resources.

**ENV Policy 2.1.1: Marine and Estuarine Protection**

The County shall implement protections to marine and estuarine resources as identified in the objectives and policies of the Coastal Planning element.

**ENV Objective 2.2: Regional Conservation Strategy**

To protect plant and animal diversity and distribution by protecting listed and imperiled plant and wildlife habitats, providing for habitat corridors, and preventing habitat degradation, isolation or fragmentation through a regional conservation strategy.

**ENV Policy 2.2.1: Protect State and Federal Lands**

The County shall support the US Fish and Wildlife Service (USFWS), the SWFWMD, the SFWMD, the DOF, the FDEP, and the Florida Fish and Wildlife Conservation Commission (FFWCC) in protecting the environmental and recreational integrity of their wildlife management areas, parks, preserves, and reserves. Charlotte County shall accomplish this through review of development applications that may affect these areas, and the enforcement and implementation of development regulations to protect environmentally sensitive habitats, including but not limited to, upland, wetland and marine communities.

**ENV Policy 2.2.2: Allow Proper Land Management**

The County shall help ensure that land use activities on adjacent properties do not prevent the use of land management activities (such as prescribed burns) necessary to maintaining the natural functions and values of public wildlife management areas, parks, preserves, and reserves, or private conservation lands and agricultural properties.

**ENV Policy 2.2.3: Developments Adjacent to Preserved Lands**

The County shall require a developer submitting for a special exception, plan amendment, rezoning, or site plan review for property adjacent to Federal, State or County wildlife management areas, parks, preserves and reserves to supply a science-based analysis coordinate with the appropriate Federal, State or County agencies in regards to of possible potential impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated, if present. Where elimination is not possible, the analysis-developer shall work with the appropriate department or agency detail concerning how these impacts can be reduced and/or mitigated. After consultation with the appropriate Federal, State or County department or agency to review this analysis, the County may reserves the right to require the developer to revise the proposal or provide a Developer's Agreement that specifies how the development will mitigate impacts to the adjacent lands.

**ENV Policy 2.2.4: Limitation on Land Use Changes**

The County may deny shall not support increases in density or intensity of land use if it can be determined that such a change would be harmful to natural resources. This would include, but is not limited to, impacts to state and federally protected wildlife and the habitats upon which they depend. harmful impacts to

~~listed flora and fauna, imperiled and rare communities, water quality and quantity, historic flowways and other such resources. Impacts to wetlands shall be processed as described by ENV Objective 3.1 and associated policies.~~

#### **ENV Policy 2.2.5: Environmental Land Identification for Acquisition**

The County shall identify lands suitable for fee or less-than-fee acquisition and shall prioritize acquisition projects based on the following criteria:

1. Rarity of natural community types, such as pine flatwoods, hammocks or scrub; rarity of species, including rare and endangered species such as the Florida panther or Red-cockaded woodpecker; uniqueness of the sites special features; and
2. Connectivity and proximity to other protected lands to create green corridors; and
3. Ecological quality; diversity of species; ecological integrity; and
4. Important to maintaining water quality in either a natural water course, groundwater recharge area or estuarine environment; and
5. Potential for long-term viability and public enjoyment of lands.

Potential acquisition sites shall include, but not be limited to, scrub habitats, riparian corridors, floodplain areas, wetlands, wildlife corridors and habitats, or dune and coastal systems.

#### **ENV Policy 2.2.6: Environmental Land Protection**

The County shall protect environmental lands using all available methods, including: land acquisition; incentives; land development requirements for the provision of conservation and preservation areas; and denial of increases in density and intensity.

#### **ENV Policy 2.2.7: Environmental Acquisition and Management**

The County shall acquire and manage environmental lands using all available opportunities including, but not be limited to: levying an ad valorem tax; obtaining State, Federal and non-profit grant funding; land swaps; public/private partnerships; public/public partnerships (such as Florida Communities Trust); community land trusts; and conservation easements. All lands acquired by the County for preservation shall be managed to retain their environmental value.

#### **ENV Policy 2.2.8: Promoting Connectivity**

In its efforts to protect natural resources, the County shall promote linkages between existing public parks, preserves, and similar areas serving to provide for the conservation of natural resources in order to develop a system of interconnected greenways and blueways providing for public recreation while protecting the natural environment. These areas may consist of woodlands,

waterbodies, and other open spaces. These areas may be used for hiking, bicycling horseback riding, developed as resource-based parks or low-impacting educational facilities and nature centers. Linkages can be made to lands internal to the County or to lands in adjacent counties. The County shall utilize all means identified in ENV Policy 2.2.6 and 2.2.7 to promote this connectivity.

**ENV Policy 2.2.9: Critical Wildlife Corridors Map**

~~FLUM Series Map #22 shall depict lands identified as Critical Wildlife Corridor Linkages in the Rural Service Area east of Charlotte Harbor. Critical Wildlife Corridor Linkages may develop as Conservation Subdivisions under the Agriculture FLUM category as a means to help preserve, in perpetuity, land consisting of riparian corridors, wetlands, and listed species habitat. These Linkages may also be developed as Rural Communities if the property is not within a prohibited area as identified on FLUM Series Map #23: Rural Community Potential Locations.~~

**ENV Policy 2.2.910: Conservation Charlotte**

The County shall continue to administer the Environmentally Sensitive Lands Protection Program (Conservation Charlotte), which generates funds for the acquisition of environmentally sensitive lands.

**ENV Policy 2.2.101: Land Management**

The County, or duly authorized management agencies, shall develop and implement long range management plans for preservation or conservation lands consistent with the natural resources found on these properties.

**ENV Policy 2.2.112: Public Awareness of Environmental Lands**

In cooperation with other government agencies and non-profit groups, the County shall work to increase public awareness, appreciation, and (consistent with the resources found at each site) access to the publicly owned preserves and environmental parks within the County's borders.

**ENV Policy 2.2.12:3 Donation Policy**

The County may accept lands offered for donation as nature preserves or other resource conservation uses when at least one of the following apply: such lands contain ecologically valuable habitat; public ownership of such lands would expand existing preservation or resource conservation areas; public ownership of such lands would provide increased protection for existing preservation or resource conservation areas; or such lands are a commodity that shall be traded for ecologically valuable habitat.

**ENV Policy 2.2.134: Linear Facilities**

The County shall develop siting standards for linear facilities except where such are already subject to siting criteria in existing State and Federal regulations. Standards applying to the siting of linear facilities shall include the requirement of an environmental impact assessment and alternative routes analysis, both of which must be performed by qualified professionals.

**ENV Policy 2.2.145: Habitat Inventory**

The County shall maintain an update of the Charlotte County Habitat Inventory, which is an inventory of all natural communities and natural habitats within the County, and incorporate it into the County's Geographic Information System's database.

**ENV Objective 2.3: Protect Listed Flora and Fauna**

To protect wildlife and plant species listed by the USFWS or FFWCC and conserve the habitats upon which they depend in order to maintain balanced, biologically productive ecosystems and natural communities for the use and benefit of future generations.

**ENV Policy 2.3.1: Monitoring Development Activities**

~~The County shall assist in the application of, and compliance with, all State and Federal regulations regarding listed species through monitoring of development activities and providing information regarding listed species on properties undergoing development review.~~

**ENV Policy 2.3.21: Listed Species Surveys**

When it is determined that properties undergoing development review contain habitat that may be utilized or is utilized by listed species, the County shall require surveys per the methods set by FFWCC or USFWS. Charlotte County shall withhold development approval for properties until all applicable State and Federal permits pertaining to such listed species have been obtained and copies provided to Charlotte County.

**ENV Policy 2.3.32: Protecting Imperiled Habitat on Private Lands**

During the site plan review process, the County shall require avoidance, minimization and proper mitigation of the effects of development on rare and imperiled natural communities. As one method of implementing this policy, any properties undergoing development that contain a rare or imperiled community shall set aside the amount of land required by the Open Space/Habitat Reservation Land Development Regulation for preservation.

**ENV Policy 2.3.43: Habitat Conservation Plans (HCPs)**

To expedite the development review process while ensuring the long-term viability of populations of listed and protected species, the County shall develop species-specific and project specific HCPs as directed by the Board of County

Commissioners, and as authorized by the Endangered Species Act and as approved by the USFWS. Until such time as species-specific HCPs are developed, the County's review and approval of development proposals shall be consistent with the provisions of listed species guidelines promulgated by the FFWCC and USFWS.

**ENV Policy 2.3.45: Scrub-jay Habitat Conservation Plan**

The County shall administer the species specific Florida scrub-jay (*Aphelocoma coerulescens*) HCP, which was developed for four Capital Improvement Projects, when approved by the USFWS. The County supports the effort to create a County-wide scrub-jay Habitat Conservation Plan.

**ENV Policy 2.3.65: Exotic Plant Removal**

The County shall continue to enforce the removal of invasive exotic plants. The County shall also prohibit the planting of species listed as noxious weeds by 5B-57.007, Florida Administrative Code, and listed as invasive species on the Florida Exotic Pest Plant Council Invasive Plant Category I Lists. The County shall discourage the planting of species listed as invasive species on the Florida Exotic Pest Plat Council Invasive Plant Category II List.

**ENV Policy 2.3.76: Local Mitigation Banks**

The County shall continue to work for the establishment of mitigation parks and banks within the County to ensure that local impacts to listed flora and fauna and rare and imperiled natural communities are mitigated locally.

**ENV Policy 2.3.87: Environmental Education**

The County shall support efforts to increase the public's understanding and stewardship of wildlife, natural communities, and other natural resources through partnerships with non-profit organizations such as the Florida Master Naturalist Program, the Florida Yards and Neighborhoods Program, and the University of Florida Food and Agricultural Sciences program.

**ENV Objective 2.4: Soil Conservation**

To protect and conserve native soils as an essential natural resource.

**ENV Policy 2.4.1: Promote Agricultural Best Management Practices**

The County shall encourage the use of bona fide agricultural practices that optimize the use of soils for the long-term, sustainable production of food and fiber for society. This shall be accomplished through partnerships with the University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Agriculture and Consumer Services and the Charlotte Soil and Water Conservation District.

**ENV Policy 2.4.2: Land Clearing**

The County shall not allow non-agricultural land clearing prior to the issuance of County tree removal authorization.

**ENV Policy 2.4.3: Soil Stabilization**

Best management practices, including sodding, seeding, mulching, and preservation and maintenance of vegetation, shall be utilized throughout and following development activities in order to reduce the erosion of soil by wind and water and to conserve the functions of natural systems.

**ENV Policy 2.4.4: Site Plan Review**

~~During its review of site plans and proposed developments, Charlotte County shall consider how the subject property's topography, vegetation, and hydrology may affect the potential for erosion and erosion control.~~

**ENV Policy 2.4.45: Maintain Natural Systems**

In order to protect native soils and the functions of natural systems, Charlotte County shall encourage the use of stemwalls or pilings as alternatives to the use of fill material to achieve elevation of buildings necessary for flood protection and other design criteria.

**ENV Objective 2.5: Excavation Activities**

To minimize the detrimental effects of mineral extraction on groundwater, surface water, wildlife and wildlife habitats, surrounding land uses and values, and the health, safety, and welfare of the general public.

**ENV Policy 2.5.1: Review of Excavation Activities**

~~During its review of proposed excavation activities, the County shall ensure that:~~

- ~~1. All mitigation activities proposed by a mining operation are acceptable to Charlotte County prior to the approval of a mining permit.~~
- ~~2. Detrimental effects to groundwater and surface water resources are minimized.~~
- ~~3. Reclamation plans include criteria for beneficial post-operation land use activities. Reclamation plans shall: maximize the reclamation of the resultant waterbodies for fish and wildlife and include the creation and planting of littoral shelves with native plant species to provide wildlife habitat; help improve or maintain water quality; prevent erosion of the shoreline; restore pre-development functions and values, including restoration of similar natural communities; and make the site aesthetically pleasing. The County shall require a bonding mechanism for reclamation expenses in the event of non-compliance by an operator. Reclamation~~

bonds shall be equal to the cost of reclamation.

- ~~4. Minimum buffer zones and setbacks are being observed between extractive and non-extractive land use activities.~~
- ~~5. Cumulative impacts to the built and natural environment are assessed.~~
- ~~6. The hydrological functions of natural flow ways and sloughs are maintained during and after the proposed excavation activities.~~

**ENV Policy 2.5.21: Commercial Excavations**

Commercial excavation operations shall be allowed to apply for a plan amendment to Mineral Resource Extraction in all areas not prohibited by the standards outlined in the Mineral Resource Extraction (MRE) Future Land Use Map designation. Amendments from Resource Conservation or Preservation to MRE within the non-prohibited area may be allowed if it can first be proven that such designation does not correctly demarcate environmentally sensitive lands. In such cases, should other environmentally sensitive lands exist that are not under a protected FLUM status, the amendment shall include placing those lands under the Preservation or Resource Conservation FLUM.

**ENV Policy 2.5.24: Surface Water Storage**

The County shall continue to partner with the SWFWMD, the Florida Department of Agriculture and Consumer Services, and the USDA Natural Resources Conservation Service to support agricultural operations that wish to excavate ponds to store surface water for irrigation.

**ENV GOAL 3: WETLANDS**

**Avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available.**

**ENV Objective 3.1: Wetland Protections**

To protect wetlands and the natural functions and values of wetlands.

**ENV Policy 3.1.1: Identification and Categorization of Wetlands**

The County shall require that the presence of wetlands be identified within the review processes of Developments of Regional Impact, Land Use Amendments, Rezoning applications and preliminary site plans. ~~The type (i.e. Category I or II as defined below) of wetlands shall also be indicated by the applicant and reviewed for accuracy.~~

**ENV Policy 3.1.2: Indicators of Wetlands**

During site review processes, the County shall utilize all available resources from State and Federal agencies as potential indicators of the presence of current and historic wetlands. ~~The precise categorization of these areas shall be verified~~

~~through site specific studies and field determinations. Per Section 373.421 F.S., Delineation methods; formal determinations, the County shall accept the approved wetland determination as verified by Water Management Districts or Florida Department of Protection staff.~~

### **ENV Policy 3.1.3: Wetland Categories**

#### Category I

~~Category I wetlands are those wetlands that are considered critically necessary to sustain the health of the County's environment and shall mean those wetlands that meet at least two of the following criteria:~~

- ~~1. Any wetland of any size that has a permanent surface water connection to natural surface waterbodies with special water classifications, such as an Outstanding Florida Water, an Aquatic Preserve, or Class I or II waters. A natural hydrological connection that has been enhanced by human technology will be considered a connection under this category.~~
- ~~2. Any wetland of any size that has a direct connection to the Floridan aquifer by way of an open sinkhole or spring.~~
- ~~3. Any wetland of any size that has functioning hydroperiods with minimal human disturbance and provides critical habitat for listed species.~~
- ~~4. Any wetland of any size whose functioning hydroperiods are connected via a direct natural surface water connection to parks or conservation lands.~~
- ~~5. Any wetland of any size where downstream or other hydrologically connected habitats are significantly dependent on discharges from the wetland.~~

~~Wetlands meeting two or more of the above criteria must have no more than 30 percent coverage of exotic invasive vegetation. The County shall limit the removal, alteration, encroachment, dredging, filling, or changes to the natural hydroperiod or water quality (hereinafter collectively referred to as "impacts") within Category I wetlands, regardless of any other regulatory agency authorization, to cases where no other feasible and practicable alternative exists that will permit a reasonable use of the land. The protection, preservation, and continuing viability of Category I wetlands shall be the prime objective of the basis for review of all proposed impacts.~~

#### Category II

~~Category II wetlands shall mean those wetlands that consist of isolated wetlands or formerly isolated wetlands which by way of man's activities have been directly connected to other surface water drainage. Impacts within Category II wetlands shall first be avoided. Impacts that can not be avoided may be mitigated as~~

permitted by State and Federal permitting agencies. The County shall review the reasoning for any proposed impacts and may prohibit such if it determined to be contrary to the public interest.

#### **ENV Policy 3.1.34: Protection Incentive**

The County shall allow density to be severed from wetlands at the base density calculation. Per FLU Policy 1.2.913, the County will explore a density bonus program or other incentive program for landowners that provide habitat management of wetlands.

#### **ENV Policy 3.1.5: All Wetlands Impact Limitations**

The County shall limit impacts in wetlands to the following:-

1. ~~Development of parcels of land created prior to June 15, 2010 only if adequate uplands do not exist to support the footprint of the proposed use - impacts shall be limited to the minimal area necessary to support the proposed use. Sewer shall be utilized unless adequate spacing exists to allow a distance separation of at least 100 feet between the Onsite Sewage Treatment and Disposal System (OSTDS) and the delineated edge of the wetland. Contiguous parcels under same ownership shall be consolidated to minimize wetland impacts to Category I and II wetlands.~~
2. ~~Redevelopment of previously permitted structures provided all development occurs within the footprint of the original structure.~~
3. ~~Activities necessary to prevent or eliminate a public hazard.~~
4. ~~Activities that provide a direct benefit to the public at large that would exceed any public loss as a result of the activity, such as removal of exotic species.~~
5. ~~Passive, resource oriented activities for which wetland functions and values are the primary attraction.~~
6. ~~Agriculture, provided the overall ecological integrity of the wetlands community shall be maintained as follows:~~
  - a. ~~Viable populations of protected or listed species found onsite can be maintained onsite;~~
  - b. ~~Harvests are planned to provide for varying age and height diversity, supporting a variety of vegetative successional stages within the overall wetland ecosystem;~~
  - c. ~~The natural hydrology and hydroperiod of wetlands are not significantly modified on a long-term basis and State water quality standards are not violated; and~~
  - d. ~~There is no conversion of wetland systems to upland systems.~~

- ~~7. Non-commercial water dependent uses and structures such as boardwalks, docks or boat ramps constructed in a manner to minimize impacts to wetlands and aquatic resources.~~
- ~~8. Linear facilities serving a public need that cannot be reasonably located outside of all wetlands may cross or occur in wetlands provided the proposed facility impacts the least sensitive portions (i.e., narrowest, most impacted, etc.), bridging may be considered as means to minimize impacts. Linear facilities can include boring or directional drilling.~~
- ~~9. Stormwater treatment or tertiary treatment of wastewater may be allowed only for innovative designs which demonstrate that:
 
  - ~~a. The continued natural functioning of the wetland system will be maintained or improved.~~
  - ~~b. The natural hydroperiod of the wetland will be maintained.~~
  - ~~c. Water quality, vegetation, and aquatic lifeforms will be maintained or improved.~~
  - ~~d. All substances that could adversely impact water quality, vegetation and aquatic lifeforms will be removed or treated prior to discharge to the wetland system.~~
  - ~~e. The wetland's ability to assimilate any nutrients in the effluent discharged to the wetland system will not be exceeded.~~
  - ~~f. The project owner or operator agree to a monitoring program of the wetlands system, at their expense, and any degradation of the wetland system that occurs during the monitoring period due to project design failure shall be corrected at the owner or operator's expense.~~~~

#### **ENV Policy 3.1.6: Incompatible Uses**

~~Where adequate land area exists to support the proposed use, the County shall require a 50 foot, undeveloped buffer between any commercial intensive and industrial land uses, including associated uses such as parking lots and storage areas, and any waterways, wetlands, or lakes.~~

#### **ENV Policy 3.1.7: Prohibited Uses**

~~The use, storage, transmission, or generation of hazardous substances, or substances which may artificially accelerate the eutrophication of wetlands and waterbodies, is prohibited within 200 feet of wetlands.~~

#### **ENV Policy 3.1.48: Subdivision Approval**

~~The County shall prohibit, through the subdivision approval process, the creation of new lots and parcels entitled to be developed that do not contain adequate buildable land uplands to support the least intensive use allowed under the land use category. This policy is not intended to prohibit the creation of any parcel to be used as a conservation/preserve area.~~

**ENV Policy 3.1.59: Roads**

Roads necessary for access to upland portions of a subject property may cross wetlands provided they cross the least sensitive portion (i.e., narrowest, most degraded, etc.) of the affected wetlands and all environmental permitting procedures have been followed.

~~—Minimally invasive building techniques and pervious road surfaces will be required.~~

**ENV Policy 3.1.107: Permits**

~~The County shall require an FDEP Environmental Resource Permit and other State or Federal wetland permits prior to issuing local development permits. All conditions placed on such permits by the issuing agencies, including upland buffer zone requirements, restrictions of use within the wetland, etc., shall be incorporated into the final development approval issued by the County. The County reserves the right to deny any local permit regardless of any other regulatory agency authorization. Charlotte County shall also coordinate with permitting agencies to review wetland delineations prior to the finalization of the agency permits. If the County determines that the boundary may be incorrect, staff will work with the permitting agency to correct the delineation.~~The County shall require all applicable permits set forth in Florida Statutes (F.S.) and Florida Administrative Code (F.A.C.), as may be amended. Under section 373.421, F.S. Florida has adopted a wetland delineation methodology that is binding on all state, regional, and local governments throughout Florida. This methodology was adopted as Chapter 62-340 of the Florida Administrative Code (F.A.C.), which is ratified in Section 373.4211, F.S., for statewide applicability. It became effective on July 1, 1994. This methodology is a unified statewide approach to wetland and other surface water delineation and is specific to Florida, in recognition of the vegetation, hydrologic, and soil features that specifically exist in Florida. Florida also implements a separate permitting program for trimming or altering mangroves under Section 403.9321 through 403.9333, F.S.

Attachment 5  
Coastal Planning (CST) Element  
- CST Policy 3.2.5

## COASTAL PLANNING – GOALS, OBJECTIVES AND POLICIES

### **CST Policy 3.2.5: Development Requiring Special Needs Assistance**

The County shall ~~prohibit~~discourage the development of any institutional uses, such as assisted living facilities, group homes for handicapped persons, hospitals and such similar uses, from developing in the CHHA. This will help limit public expenditures for pre- and post-disaster assistance. Charlotte County shall continue to amend and implement its Code of Laws and Ordinances to require all newly-constructed nursing homes, adult congregate living facilities, and hospitals to include shuttering or the use of shatterproof glass, as well as independent emergency power supplies located above base flood elevation or otherwise protected from flooding, as part of such facilities' design and construction.



CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for  
 LARGE SCALE PLAN AMENDMENT (TEXT)

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid: N/A

**1. PARTIES TO THE APPLICATION**

**Name of Applicant:** Charlotte County Board of County Commissioners

Mailing Address: 18500 Murdock Circle

City: Port Charlotte	State: FL	Zip Code: 33948
Phone Number: 941.764.4909		Fax Number: 941.764.4108
Email Address:		

**Name of Agent:** Community Development Department

Mailing Address: Same as applicant

City:	State:	Zip Code:
Phone Number:		Fax Number:
Email Address: <a href="mailto:Ty.harris@charlottefl.com">Ty.harris@charlottefl.com</a> or <a href="mailto:Lynda.lafferty@charlottefl.com">Lynda.lafferty@charlottefl.com</a>		

**2. APPLICANT'S ATTACHMENTS**

- a. Submit a strikethrough/underline version of the proposed changes.
- b. Describe the purpose of/reason for the proposed change.  
 Per the Board's direction, staff has been working on revisions to the following elements of the Smart Charlotte 2050 Comprehensive Plan in order to satisfy the Board's request:
  - Future Land Use (FLU) Element
  - FLU Appendix I: Land Use Guide
  - FLU Appendix III: Definitions
  - Natural Resources (ENV) Element
  - Coastal (CST) Element – CST Policy 3.2.5

**3. ADDITIONAL REQUIREMENTS**

- a. *Traffic Impact Study:* If the proposed change could influence traffic patterns, supply a study that identifies the impacts that could occur through adoption of the proposed change. N/A

- b. *Environmental Impact Assessment*: If the proposed change could have an impact on environmental resources, supply a narrative discussing what those impacts could be and how they will be mitigated. N/A
- c. *Public Infrastructure and Service Impact Assessment*: If the proposed change could have an impact on infrastructure or services, supply a narrative discussing what those impacts could be and how they will be mitigated or addressed.  
N/A

Community Development Department  
Comprehensive Planning Section  
Room 205  
18500 Murdock Circle  
Port Charlotte, FL, 33948

### AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that all data and other supplementary matter attached to and made a part of the application and staff report are honest and true to the best of my knowledge and belief.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 5th day of May, 2014, by  
who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Diane Clim

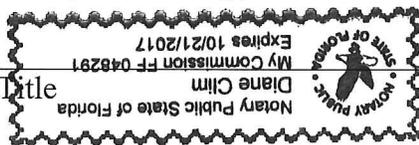
Notary Public Signature

[Signature]

Signature of Applicant or Agent

Notary Printed Signature

Ty Heris  
Printed Signature of Applicant or Agent



Title

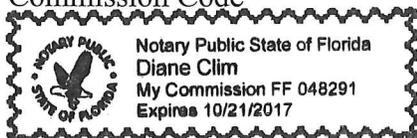
Notary Public State of Florida  
Diane Clim  
My Commission FF 048291  
Expires 10/21/2017

Address

18400 Murdock Cir

Port Charlotte FL 33948

Commission Code



City, State, Zip

941-764-4909

Telephone Number

**Public Comments Received**  
**Regarding Proposed Amendments to SmartCharlotte 2050**  
**(Petition PA-14-04-06-LS)**

**From:** Ian Vincent [<mailto:ivincent@ivaenvironmental.com>]

**Posted At:** Friday, May 02, 2014 11:07 AM

**Posted To:** Press Mail

**Conversation:** Proposed Comprehensive Plan Changes

**Subject:** Proposed Comprehensive Plan Changes

Commissioners,

I just wanted to take a moment and give you my perspective on the proposed changes to the comprehensive plan that will be coming before you for a vote.

I know that recently you have received quite a bit of information from a very small, very vocal, minority who are requesting that the revisions be abandoned and revert to the original language in the 2050 plan. Unfortunately, I believe that much of the information that you have been given has been slanted and is sorely lacking true facts.

One of the biggest complaints that I have heard from this group is that the public has not been given ample opportunity for input on the revisions because only 2 meetings were scheduled. I wholeheartedly disagree with this and I believe that several of these citizens purposely stalled the process with the intent of ensuring that we were unable to discuss each policy purely to strengthen their argument that insufficient time was allotted. Two obvious examples of this are that, during the first meeting, members of the Sierra Club, Conservancy of SW Florida and CHPOA monopolized our time by spending an inordinate amount of time discussing the LDR rewrite rather than focusing on the task at hand, which was to review the proposed comprehensive plan changes. As a result, a 3 hour meeting resulted in only one policy being discussed. Second, during the all-day meeting, we lost more than 90 minutes while they philosophically debated the slight changes to wording regarding sustainability and smart growth. It was not until Ty Harris and Jie Shao refocused the discussion that we were able to begin discussing individual policies and focus on where the group could find consensus on the proposed changes. On a side note, Ty, Jie and Shaun did a great job of keeping the discussion on point and helped us move through the policies efficiently.

Near the end of the workshop, Percy Angelo made the statement that "all of the compromise was on their side and staff 'sided' with the developers on everything else." This could not be further from reality. There were several situations where it was apparent that there would be no group consensus on a policy because the philosophical differences between us were too great. So, after lengthy discussions, it was obvious that we would not reach agreement and it was best to move on and try to work on the policies where we COULD find common ground.

I know how valuable your time is so I will not waste it by going through every policy but there is one example that the anti-development people brought up time and again as an example of why the County should be involved in wetland regulation, specifically requiring that mitigation for wetland impacts be done within the county. They reference the Harbor Cove project in which a landowner is impacting 2 acres of wetland and doing their mitigation out of county. In my opinion, this project is a perfect example of why the policy should NOT be in our comprehensive plan. For a smaller project with no ability to offset wetland impacts on-site, the only option available to them is to purchase credits at a mitigation bank. As Charlotte County currently has no mitigation banks, the only viable option for them is to do their mitigation out of the county. By requiring the mitigation to be in the county, this policy effectively prohibits a private landowner from developing their project.

I also wanted to take this time to commend you all for your commitment to taking on the challenge of revising the policies in the comprehensive plan that are purely redundancies of regulations that exist with state and federal agencies. I am sure that you will take some criticism but I am confident that you will not let this very vocal minority sway you while you decide what is best for the future of Charlotte County.

If any of you would like to discuss the revisions with me further, please let me know.

Thanks and have a great weekend.

**Ian M. Vincent**  
**Principal Ecologist**  
Ian Vincent and Associates  
4050 Rock Creek Drive  
Port Charlotte, FL 33948  
(941) 457-6272  
[ivincent@IVAenvironmental.com](mailto:ivincent@IVAenvironmental.com)

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**From:** Ian Vincent [<mailto:ivincent@ivaenvironmental.com>]

**Posted At:** Friday, May 02, 2014 11:07 AM

**Posted To:** Press Mail

**Conversation:** Proposed Comprehensive Plan Changes

**Subject:** Proposed Comprehensive Plan Changes

Commissioners,

I just wanted to take a moment and give you my perspective on the proposed changes to the comprehensive plan that will be coming before you for a vote.

I know that recently you have received quite a bit of information from a very small, very vocal, minority who are requesting that the revisions be abandoned and revert to the original language in the 2050 plan. Unfortunately, I believe that much of the information that you have been given has been slanted and is sorely lacking true facts.

One of the biggest complaints that I have heard from this group is that the public has not been given ample opportunity for input on the revisions because only 2 meetings were scheduled. I wholeheartedly disagree with this and I believe that several of these citizens purposely stalled the process with the intent of ensuring that we were unable to discuss each policy purely to strengthen their argument that insufficient time was allotted. Two obvious examples of this are that, during the first meeting, members of the Sierra Club, Conservancy of SW Florida and CHPOA monopolized our time by spending an inordinate amount of time discussing the LDR rewrite rather than focusing on the task at hand, which was to review the proposed comprehensive plan changes. As a result, a 3 hour meeting resulted in only one policy being discussed. Second, during the all-day meeting, we lost more than 90 minutes while they philosophically debated the slight changes to wording regarding sustainability and smart growth. It was not until Ty Harris and Jie Shao refocused the discussion that we were able to begin discussing individual policies and focus on where the group could find consensus on the proposed changes. On a side note, Ty, Jie and Shaun did a great job of keeping the discussion on point and helped us move through the policies efficiently.

Near the end of the workshop, Percy Angelo made the statement that "all of the compromise was on their side and staff 'sided' with the developers on everything else." This could not be further from reality. There were several situations where it was apparent that there would be no group consensus on a policy because the philosophical differences between us were too great. So, after lengthy discussions, it was obvious that we would not reach agreement and it was best to move on and try to work on the policies where we COULD find common ground.

I know how valuable your time is so I will not waste it by going through every policy but there is one example that the anti-development people brought up time and again as an example of why the County should be involved in wetland regulation, specifically requiring that mitigation for wetland impacts be done within the county. They reference the Harbor Cove project in which a landowner is impacting 2 acres of wetland and doing their mitigation out of county. In my opinion, this project is a perfect example of why the policy should NOT be in our comprehensive plan. For a smaller project with no ability to offset wetland impacts on-site, the only option available to them is to purchase credits at a mitigation bank. As Charlotte County currently has no mitigation banks, the only viable option for them is to do their mitigation out of the county. By requiring the mitigation to be in the county, this policy effectively prohibits a private landowner from developing their project.

I also wanted to take this time to commend you all for your commitment to taking on the challenge of revising the policies in the comprehensive plan that are purely redundancies of regulations that exist with state and federal agencies. I am sure that you will take some criticism but I am confident that you will not let this very vocal minority sway you while you decide what is best for the future of Charlotte County.

If any of you would like to discuss the revisions with me further, please let me know.

Thanks and have a great weekend.

**Ian M. Vincent**  
**Principal Ecologist**  
Ian Vincent and Associates  
4050 Rock Creek Drive  
Port Charlotte, FL 33948  
(941) 457-6272  
[ivincent@IVAenvironmental.com](mailto:ivincent@IVAenvironmental.com)

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**From:** Andrea Story [<mailto:a.m.story27@gmail.com>]

**Sent:** Tuesday, April 29, 2014 11:42 AM

**To:** Harris, Ty; Doherty, Ken; Constance, Chris; Truex, Bill; [StephenRDeutsch@charlottefl.com](mailto:StephenRDeutsch@charlottefl.com); Duffy, Tricia

**Subject:** Who are the people in your neighborhood?

In our AE zoned neighborhood, we have dirt mines. WHY is FLU Policy 2.1.9 scratched out in the revisions? In areas in which dirt mines exist -NO RECLAMATION ?

Seems wrong.. and conflicts with FLU Policy 6.4.15, which is not scratched out.. and calls for ecosystem restoration.

If you had dirt mines in your neighborhood, would you want to suffer the consequences of stagnant mosquito pools, airborne particulates and just plain ugliness after the miners abandon the area?

Please help preserve and protect "existing viable neighborhoods" and "promote revitalization" by NOT eliminating FLU Policy 2.1.9.

Thank You,

Andrea and Jim Story  
Washington Loop Homeowners

--

Carpe Diem

**From:** Cort Frohlich [<mailto:wcfrohlich@fgblawfirm.com>]

**Posted At:** Tuesday, April 29, 2014 11:39 AM

**Posted To:** Press Mail

**Conversation:** CC Growth Management

**Subject:** CC Growth Management

Hi Trish,

This is a special place. We don't need to grow into Fort Lauderdale or even Fort Myers for that matter.

We've all seen the greed of certain land speculators/developers up close and personal. One of the ways to counter and control that greed is through a strong comprehensive growth management plan.

I would urge you to defend and preserve the current growth management plan which has real teeth in it, and to resist any substantial modification of same.

Growth can be good, but it can also be disastrous if not properly managed, and I personally believe that the current growth management plan strikes an appropriate balance in that regard.

As always, thank you for your consideration of the enclosed.

Best regards,

W. Cort Frohlich, Esquire

**FROHLICH, GORDON & BEASON**

18501 Murdock Circle – Suite 103

Port Charlotte, FL 33948

Telephone: (941) 979-9010

Facsimile: (941) 979-9250

[wcfrohlich@fgblawfirm.com](mailto:wcfrohlich@fgblawfirm.com)



# Environmental Confederation of Southwest Florida

**DATE:** April 28, 2014

**TO:** Charlotte County Board of County Commissioners  
[Ken.Doherty@charlottefl.com](mailto:Ken.Doherty@charlottefl.com)

[Chris.Constance@charlottefl.com](mailto:Chris.Constance@charlottefl.com)

[Bill.Truex@charlottefl.com](mailto:Bill.Truex@charlottefl.com)

[StephenR.Deutsch@charlottefl.com](mailto:StephenR.Deutsch@charlottefl.com)

[Tricia.Duffy@charlottefl.com](mailto:Tricia.Duffy@charlottefl.com)

Charlotte County Planning and Zoning Board via Mr. Ty Harris, Director,  
Charlotte County Community Development, [Ty.Harris@charlottefl.com](mailto:Ty.Harris@charlottefl.com)

**FROM:** The Environmental Confederation of Southwest Florida [ECOSWF]

**RE:** SmartCharlotte 2050 Revisions

ECOSWF is a non-profit Confederation of 23 organizations, corporations, groups, business entities, Governmental agencies, and individuals devoted to the general purposes of conservation of the natural resources of Florida. ECOSWF enjoys substantial membership in Charlotte County. ECOSWF's corporate purposes are to conserve, maintain, and protect the air, water, soil, wildlife, historic and architecturally significant structures, flora and fauna, and other natural resources of Southwest Florida, the State of Florida and of the United States of America.

On behalf ECOSWF please submit these comments into the record for the Planning and Zoning Board meeting advertised for May 12, 2014.

**1. FLU – GOALS, OBJECTIVES AND POLICIES, PURPOSE**  
**FLU GOAL 1 SMART GROWTH FRAMEWORK, please refer to**

"Smart Charlotte 2050 FLU DATA AND ANALYSIS APPENDIX A, Smart Charlotte 2050 Planning Framework, 43 pages"

The public process for revisions to SC2050 is wholly inadequate. SC2050 was created through an unsurpassed and award winning public process. The plan won an American Planning Association National Planning Excellence Award for Public Outreach. Public creation of plan between June 2008 and July 2011 included 8 community visioning workshops including the professional planning firm of Glattig- Jackson and paid experts in current concepts in urban, suburban and rural planning, 5 stakeholder meetings, 2 charettes, 1 CCBOCC presentation, 5 CCBOCC workshops, 1 PZ workshop, 8 public hearings, the 2007 Charlotte Assembly policy statement and 730 substantive online comments. SC2050 is plan for growth by the community for the community.



By contrast, revisions to SmartCharlotte 2050 are heavy-headed, top-down, with only 2 public roundtable meetings in April 2014 during normal business hours. There was been little public direction for specific changes from the CCBOCC.

The intent of SmartCharlotte 2050 is completely contained in the Framework document above and systemically struck from revisions. I have quoted page 6 here:

*“Smart Charlotte 2050 Comprehensive Plan policies will be based upon the sustainability concepts of Smart Growth including: Reducing sprawl; Promoting redevelopment in existing urban areas; Promoting mixed use development; Reducing dependence on automobiles by promoting other modes of transportation; Protecting open space and rural lands; Conserving environmentally sensitive lands including wetlands and habitat; and Involving the public at every step in the process. By committing itself to Smart Growth principles, Smart Charlotte 2050 will promote more sustainable and responsible future development.”*

We therefore wholly object to the removal of Smart Growth and Smart Growth principles from SC2050.

We wholly object to the removal of the words “urban sprawl” from SC2050.

Additionally, we wholly object to the removal of the word “sustainable” from SC2050. Charlotte County’s own website currently states, *“Charlotte County Sustainability Programs, Resources Conservation and Green Initiatives:*

*Charlotte County is committed to protecting our natural resources and preserving our beautiful county. Various departments within Charlotte County are working towards a more sustainable future that is driven by our Mission—To be the energy in making Charlotte County a beautiful and enriching place to live—and by our Stewardship Vision: being committed to being good stewards of our resources.*

*The term “sustainability” is used in Charlotte County to describe activities that include, but are not limited to, the following goals: efficient energy use, increased economic opportunities, improved environmental protection or restoration efforts, and smart growth that promotes livable communities.*

In conclusion regarding The Purpose of SC2050, please refer to pages 38 and 39 “Summary” of the 4 content areas of SC2050: Neighborhoods, Economic Development, Agriculture and Rural, and Natural Resources. Proposed changes to SC2050 are in direct opposition of the Guiding Principles, Planning Policy and Components, and Approach to these content areas.

## **2. FLU Policies 1.2.6 – 1.2.11 Transfer of Density Units (TDU) Program Intent - FLU Policy 1.2.12: Rural Receiving Zones**

(Refer to FLU Data and Analysis page 27.) TDUs are integral to the framework of SC2050 and should be maintained completely intact in any revision to SC2050. TDU goals, policies and objectives are the drivers and main tools of planned growth and natural resource protection. TDUs are the tools of platted lot reduction strategies, density planning, incentivizing agricultural

areas, the East County Planning process known as the East County Planning Guide, RAPID density and incentivizing revitalizing areas.

3. We also reference all written comments supplied to this board by the Greater Charlotte Harbor Sierra Group, the Conservancy of Southwest Florida and comments of Percy Angelo and Marvin Medintz.

**From:** Becky Ayech [<mailto:freckyayech@gmail.com>]

**Posted At:** Monday, April 28, 2014 9:19 AM

**Posted To:** Press Mail

**Conversation:** SmartCharlotte 2050 Revisions

**Subject:** SmartCharlotte 2050 Revisions

Good morning Commissioners,

Attached are the comments the Environmental Confederation of Southwest Florida asks you to consider during your deliberations of the SmartCharlotte 2050 plan.

If you have any questions, please feel free to email or call me at 941-322-2164.

Regards,

Becky Ayech

President

Environmental Confederation of Southwest Florida

**From:** Deb Highsmith [<mailto:dlhdlh@comcast.net>]  
**Sent:** Monday, April 28, 2014 7:04 AM  
**To:** Lafferty, Lynda D.; Harris, Ty  
**Cc:** Moore, Gayle  
**Subject:** SmartCharlotte 2050 Revision Comments

Thanks, from Deb Highsmith

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead  
US anthropologist (1901 - 1978)

DATE: April 27, 2014

TO: THE CHARLOTTE COUNTY PLANNING AND ZONING BOARD  
FROM: THE GREATER CHARLOTTE HARBOR SIERRA GROUP  
DEBRA L. HIGHSMITH, CONSERVATION CHAIR  
RE: **PROPOSED CHANGES TO SMARTCHARLOTTE 2050 [SC2050]**

On behalf the Greater Charlotte Harbor Sierra Group, please submit these comments into the record for the Planning and Zoning Board meeting advertised for May 12, 2014.

**1. FLU – GOALS, OBJECTIVES AND POLICIES, PURPOSE**

**FLU GOAL 1 SMART GROWTH FRAMEWORK, please refer to**

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*every step in the process. By committing itself to Smart Growth principles, Smart Charlotte 2050 will promote more sustainable and responsible future development.”*

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Charlotte County’s own website currently states, “*Charlotte County Sustainability Programs, Resources Conservation and Green Initiatives:*

*Charlotte County is committed to protecting our natural resources and preserving our beautiful county. Various departments within Charlotte County are working towards a more sustainable future that is driven by our Mission—To be the energy in making Charlotte County a beautiful and enriching place to live—and by our Stewardship Vision: being committed to being good stewards of our resources.*

*The term "sustainability" is used in Charlotte County to describe activities that include, but are not limited to, the following goals: efficient energy use, increased economic opportunities, improved environmental protection or restoration efforts, and smart growth that promotes livable communities. “*

In conclusion regarding The Purpose of SC2050, please refer to pages 38 and 39 “Summary” of the 4 content areas of SC2050: Neighborhoods, Economic Development, Agriculture and Rural, and Natural Resources. Proposed changes to SC2050 are in direct opposition of the Guiding Principles, Planning Policy and Components, and Approach to these content areas.

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(Refer to FLU Data and Analysis page 27.) TDUs are integral to the framework of SC2050 and should be maintained completely intact in any revision to SC2050. TDU goals, policies and objectives are the drivers and main tools of planned growth and natural resource protection. TDUs are the tools of platted lot reduction strategies, density planning, incentivizing agricultural areas, the East County Planning process known as the East County Planning Guide, RAPID density and incentivizing revitalizing areas.

**3. We also reference all written comments supplied to this board by the Conservancy of Southwest Florida and comments of Percy Angelo and Marvin Medintz.**

**From:** william j dahms [<mailto:k2ykw@comcast.net>]  
**Sent:** Monday, April 28, 2014 5:08 PM  
**To:** Harris, Ty  
**Cc:** Truex, Bill; Deutsch, Stephen R.; Constance, Chris  
**Subject:** (Smart) Charlotte 2050

Ty:

I'm sorry we didn't have more of a chance to speak at the (Smart) Charlotte 2050 workshop on Wednesday.

Thank you for all your efforts.

I'll be brief here.

I believe, speaking as a member of the BOD of "Friends of Cape Haze" and a President of the Cape Haze Property Owners Association, that we reached an agreement in principle with the land use lawyers, Jerry Waksler, Rob Berndtson and Andy Dodd, regarding the Transfer of Density Unit section of the plan.

We agreed to leave in the plan all that was deleted in "FLU Policy 1.2.6: Transfer of Density Units (TDU) Program Intent" on pp 7&8.

We agreed to leave in items 1-3 and items 1-6 in the section headed "The intent is to create a process that will:".

I hope that this is what was reported to you.

This I believe will provide adequate protection to this area of ours in West County.

While some of the deletions elsewhere were "motherhood and apple pie" overall I do fear that the SC 2050 could be seen as policy and LDR's and ordinances seen as procedures. Procedures should spring out of Policy and not just exist on their own. What has been done gives the county flexibility but perhaps too much. My opinion based on experience.

Thanks and best regards,

*Bill Dahms*

William J. Dahms

[k2ykw@comcast.net](mailto:k2ykw@comcast.net)

FL: 941.828.0447

NJ: 609.967.8260

Mobile: 941.321.4746

**From:** [cpagerry@aol.com](mailto:cpagerry@aol.com) [<mailto:cpagerry@aol.com>]

**Posted At:** Monday, April 28, 2014 6:52 PM

**Posted To:** Press Mail

**Conversation:** Do not amend Comprehensive Plan

**Subject:** Do not amend Comprehensive Plan

Dear Commissioners

We would request that you **NOT** amend the current Comprehensive Plan - or at least table the issue until residents have a chance to become informed and provide input on the issue. To hastily amend a document that was several years in the planning and represents compromise between developers and environmentalists, would be unwise and, in my opinion, poor governance.

One of the things that makes Charlotte County a wonderful place to live is our natural resources. We can certainly protect the environment and prevent urban sprawl while being supportive of economic growth. To degrade or destroy our environmental resources is short-sighted as the cost of remediation ( if even possible) will be a financial burden and affect the quality of life for future generations.

I understand that "politics" is always an issue - but garnering the support of a few individuals who support changes to the Comp Plan will be offset by those residents , (when they learn about the issue) who will be outraged that such decisions were made without adequate public notice and input.

Thanks for your consideration.

Sincerely,

Gerry and Jack Townsend  
2968 Mill Creek Rd  
Port Charlotte, FL

**From:** Julianne Thomas [<mailto:JulianneT@conservancy.org>]

**Posted At:** Monday, April 28, 2014 4:58 PM

**Posted To:** Press Mail

**Conversation:** Comp plan revisions letter for P & Z.

**Subject:** Comp plan revisions letter for P & Z.

Gayle, can you make sure these comments get to the right place? They're for the P & Z packet.

Thanks!!

*Julianne*

Julianne Thomas  
Growth Management Specialist  
The Conservancy of Southwest Florida  
1495 Smith Preserve Way  
Naples, Florida 34102

phone (239) 262-0304 x 252  
cell (239) 293-7460  
fax (239) 262-5872

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Please consider the environment before printing this e-mail.



*Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.*

April 28, 2014

*Via email*

To: Charlotte County Planning and Zoning Board

Re: Revisions to the Comprehensive Plan

Dear Planning and Zoning Board members,

Please be aware that prior to the May 12, 2014 Planning and Zoning meeting, a letter will be sent to the Department of Economic Opportunity (DEO) informing the DEO that Charlotte County is not in compliance with Section 163.3202, Florida Statutes. This statute requires Charlotte County to adopt Land Development Regulations (LDRs) based on the adopted comprehensive plan within one year of the adoption. Charlotte County has not adopted LDRs in the past three years. We believe that the county should be pursuing compliance with the Florida Statutes in adopting LDRs. Please note that there is a very good chance than should Charlotte County proceed with the proposed revisions to the comprehensive plan that many of the proposed changes will be challenged. Thus, it makes the most sense for Charlotte County to finish LDRs based on the currently adopted comprehensive plan.

We urge you to recommend to the BCC that they instruct staff to finish the LDRs. While staff is completing the LDRs as their first priority, these comprehensive plan revisions can be vetted and discussed in order to fully comply with Florida Statutes. Meeting deadlines should not be more important than providing time for public review and input. Please understand that of the changes being presented to you, most of them have not been discussed in other public meetings. The two public meetings that did happen provided barely enough time to discuss the changes in the Future Land Use Element as well as the changes to Goal 1 of the Natural Resources Element, and the single proposed change to the Coastal Management Element.

Section 163.3181(2), Florida Statutes, requires broad dissemination of proposal and alternatives to the comprehensive plan as well as provision for open discussion of the proposed changes. A 3-5 minute comment for the rest of the Natural Resources Element as well as the FLU Appendix 1 and FLU Appendix 3 does not constitute an open discussion.

Please also be aware that we don't have a final draft of the revisions, nor do we know how Charlotte County intends to define Balanced Growth (as opposed to Smart Growth) and viable communities (as opposed to sustainable communities). These terms – Balanced Growth and viable communities or land use patterns - are not commonly used terms with accepted definitions.

Balanced Growth generally has an economic component to it, and refers to balancing economic competitiveness, ecological health and quality of life. This would mean that there will be a balance between residential and non-residential development in order to keep a balanced budget, as well as balancing development with ecological health. This means that Charlotte County staff needs to research



Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

what that balance is and how the balance will be evaluated. There is also the very real possibility that no new residential developments can be approved for a very long time because most residential development does not pay for itself, and until there is enough non-residential development, to be balanced, there shouldn't be additional residential development approved. Is that what balanced means? Does it mean that any future developments are going to have to show fiscal neutrality? How is that going to be measured?

If Balanced Growth is not intended to encapsulate an economic component, my question is what is being balanced? Which competing interests are being considered, and how are those interests defined and evaluated?

There are similar concerns about the term viable. Viable has replaced sustainable throughout the proposed changes. What is a viable community or viable design or rural viability or viable buildout? How will these things be measured? How is viable the same or different than sustainable? Haven't you already been approving development that was thought to be viable? If yes, then is a viable community different in any way from what has been approved for the past 30 years? If no, then what is a viable community, and what characteristics does a community need to have in order to be viable?

We are not proposing definitions for these terms because we don't want them changed. If Charlotte County is going to replace Smart Growth and sustainability, Charlotte County is going to have to adequately define those terms in a way that provides predictable and meaningful standards as required by Section 163.3177, Florida Statutes.

Many of the changes proposed weaken Charlotte County's ability to impact proposed development and growth. Active verbs – preserving, fostering, creating, protects, adopts, deny – have been replaced by language that some things will be encouraged or discouraged, but few things are actually required or provide Charlotte County the opportunity to actually impact the future development and growth in Charlotte County.

We incorporate by reference the comments made by Percy Angelo, Marvin Medintz and Debra Highsmith.

Specific comments for the changes follow, however, please note that the specific policy comments will likely change once we have a final draft from the Planning Department. Please feel free to contact me if you have any questions or concerns. I can be reached by email at [juliannet@conservancy.org](mailto:juliannet@conservancy.org) or by phone at 239-262-0304 x 252.

Sincerely,

*Julianne Thomas*

Julianne Thomas, Growth Management Specialist

The following policies will be commented on once a final draft of the revisions is available:

FLU Policy 1.1.1, FLU Policy 1.1.5, FLU Policy 1.2.2, FLU Policy 1.2.4/5, FLU Policy 1.2.6/7 –1.2.12, FLU Goal 2, FLU Policy 2.1.7/4, FLU Policy 2.3.6, FLU Policy 6.2.11, FLU Policy 6.3.12, all changes to FLU Appendix 1, all changes to FLU Appendix 3, the change to the coastal management element, and all changes to the Natural Resources policies.

Specific Policy Concerns:

FLU Policy 1.2.5/6 – Expansion of the Urban Service Area – Don't eliminate the first sentence, which is a fact based on the Data and Analysis provided for this element. No explanation was given as to why this change is being proposed. The current language was adopted in response to a comment from the Department of Community Affairs, and the proposed change will make this section inconsistent with Florida Statutes.

FLU Policy 1.2.6/7 –1.2.12 - Transfer of Density Units – There is a lot of confusion about what language is for intent and belongs in the comprehensive plan versus language for implementation which could be more appropriate in the land development regulations.

This is an appropriate time to note that none of the language which some claim should be in the land development regulations and not in the comprehensive plan is actually in the land development regulations because the land development regulations have not been updated to reflect the changes required by the adopted comprehensive plan. If the appropriate implementation language was in the LDRs, it is possible that we would be more comfortable with it being removed from the comprehensive plan.

FLU Policy 2.1.3 – Direct Incompatible Uses away from Natural Lands – should be retained. Florida Statutes specifically require that the Future Land Use Element provides for the compatibility of adjacent land uses.

FLU Policy 2.1.5 – Access to Public Water Bodies – should be retained. If there are questions about what constitutes a public water body (which streams or tributaries), then that specific conversation can take place. If there is a question about what constitutes public benefit, then that specific conversation can take place. To strike this policy completely, however, appears to be the first step in eroding public access to public water bodies.

FLU Policy 2.1.6 – Floodplain Protection. Florida Statutes require the FLUE to address and protect floodplains. If this is removed, it is important to make sure that there is another place in the FLUE where floodplains are addressed and protected.

FLU Policy 2.1.9 – Natural Resource Protection during Mining Activities – is another example of where we are told that this language is going to be in the LDRs, so it doesn't need to stay here. I disagree. First, this language doesn't exist in the adopted LDRs because Charlotte County has failed to adopt LDRs consistent with the adopted comprehensive plan. . If the appropriate implementation language was in

the LDRs, it is possible that we would be more comfortable with language being removed or modified in the comprehensive plan.

FLU Policy 2.3.8/7 – Reduce Impervious Surfaces. This policy directs that Charlotte County shall incorporate impervious surface limitations in the LDRs. This hasn't been done, and Charlotte County does not intend to add this to the LDRs. Rather, they are proposing to delete the policy of reducing impervious surfaces in Charlotte County. This doesn't make sense, and is extremely short sighted. Reducing impervious surfaces could benefit all residents and businesses in Charlotte County. But, without a single word of explanation, this is being stricken from the comprehensive plan which will strike the need for it occur at all in the LDRs. This is an example of something that should be in the LDRs, but isn't.

FLU Policy 4.1.2.3: Overall reduction in platted lots. Do not replace continued with if appropriate. This strategy is the result of a 1992 settlement agreement. Unless something has changed – and no data or analysis has been provided to show that a change has occurred – Charlotte County needs to continue public acquisition of platted lots for preservation, restoration, recreation, viable habitat for listed species or outdoor education using public funds are appropriate and available. As appropriate and available, not if appropriate. These are small changes, but again, these small changes incrementally erode the ability of Charlotte County to take appropriate and necessary actions to benefit all citizens.

FLU Policy 4.1.6 – Neighborhood Compatibility. This is another policy which directs Charlotte County to adopt specific criteria in the LDRs. This has not been done. This is another example of a policy that will benefit current Charlotte County residents. Rather than embrace their responsibility to the citizens of Charlotte County who wanted a framework which included neighborhood compatibility as a strong pillar, these standards are being eliminated from the comprehensive plan without even the plan to include them in the LDRs in order to favor outside developers and development not compatible with existing neighborhoods.

FLU Policy 5.4.2 – Limit Expansion of Strip Commercial. The Florida Statutes, Section 163.3177 specifically prohibits approval of development that promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments. The proposed changes are inconsistent with Florida Statutes and should not be adopted.

### **Babcock Ranch Policies**

We were informed that the verbiage taken out of the comprehensive plan is now part of the Development of Regional Impact (DRI). While we are comfortable with some of the removed policies being part of the DRI and not part of the comprehensive plan, there are other policies that we believe should remain part of the comprehensive plan. Please note we do intend to discuss our specific concerns with Babcock representatives prior to the P & Z meeting.

FLU Objective 6.4 – Babcock Ranch. We believe that smart growth should be retained in the policy. Unless the DRI is going to be amended to include and define balanced growth instead of smart growth, smart growth needs to remain in the FLU Objective 6.4.

FLU Policy 6.4.2 – Walkable Community. We believe that smart growth should be retained in the policy. Unless the DRI is going to be amended to include and define balanced growth instead of smart growth, smart growth needs to remain.

FLU Policy 6.4.37 – Mandatory Reclaimed Water. This should stay in the comprehensive plan. I was unable to find this language in the DRI, however, I haven't had enough time to fully search all DRI documents. This is one of those things that Charlotte County should want to remain in the comprehensive plan because it impacts so many citizens. Babcock Ranch is supposed to be a city of the future, a sustainable city. Part of that is the mandatory use of reclaimed water for all irrigation needs.

**FLU Appendix I – Land Use Guide** – Please note that NONE OF THESE CHANGES WERE DISCUSSED AT A PUBLIC MEETING. There was no time, and rather than accommodating public comment and facilitating public, and apparently public input is less important than meeting a calendar deadline.

Page 2, numbers 2 & 4: The evaluation criteria for whether an amendment is consistent with the natural resources/natural features of the comp plan are being deleted. This doesn't make sense. Florida Statutes require consideration of these criteria, and it makes sense that Charlotte County would want to create predictable and reliable standards of review, which is another requirement of Florida Statutes.

Page 10-11, current number 2. Keep as #2, and DO NOT STRIKE THE LAST SENTENCE.

There has been a lot of discussion and comments from some land owners claiming this policy is unfair. We did some research and discovered that there are actually only two permits impacted by this policy: Permit 04-EX-13 and Permit 06-EX-46. And, in fact, it is possible that Permit 06-EX-46 is not actually impacted by this policy, or is minimally impacted – it depends on the location of the material to be excavated as the majority of this site is outside of the Watershed Overlay District. So really, we are talking about one excavation – Permit 04-EX-13.

Prior to 2019 – which is when other permits expire - there will be another Evaluation and Appraisal Report, and based on that report, amendments will be made to the comprehensive plan. If, at that time, the BCC determines that there are other ways to establish a level of development control in order to minimize the disruption of natural flows and water quality that is the time to make this change.

If there is to be an exception to the comp plan policies, that exception will have to be crafted very narrowly to even be considered. All landowners knew or should have known that this policy was being considered by the BOCC as part of Smart Charlotte. No one took advantage of the administrative and legal remedies available when a comprehensive plan is adopted to challenge this provision, which appears in several places.

Additionally, we would remind the P & Z board that one purpose of planning is to reduce and eliminate non-conformities. Increasing the number or amount of non-conforming structures or operations is not consistent with good planning principles.

The following is a list of the mines which may be impacted by this policy:

Permit 04-EX-13, Florida Shell & Fill Co. This is an excavation located at State Road 31, north of County Road 74. This excavation was approved in 2005 for a period of ten years. 4,392,000 cubic yards were

approved for removal. As of December 2011, 2,428,162 cubic yards (55%) has been excavated. The owner should therefore make appropriate business decisions. At a minimum, the owner knew or should have known as July 2012 that this permit would not be eligible for renewal in 2015.

Permit 06-EX-46, Char Groves Exc. About a quarter of the southeastern area of this site is included in the Watershed overlay district. Any excavation which occurs outside of this area could be part of a renewal or new application. Very little excavation had taken place as of 2011 (only about 16% of the site). This permit expires in September 2014.

Permit 07-EX-03, R & D Cattle, Bermont Road. This permit does not expire until 2019. The owners have ample time to excavate according to what is appropriate for their business. As of 2011, no excavation had taken place on this site.

Permit 07-EX-08, Wright Shell, East State Route 321. This permit does not expire until 2020. The owners have ample to excavate according to what is appropriate for their business. As 2011, no excavation had taken place on this site.

Permit 07-EX-09, Hall's Bermont, 40551 Bermont. This permit does not expire until 2019. The owners have ample to excavate according to what is appropriate for their business. Only a small portion of this site is included in the Watershed overlay district. Any excavation outside this district could be part of a renewal or new application. As 2011, very little (3.5% of approved) excavation had taken place.

Permit 10-EX-01, Bermont Lakes, Bermont Road, west of State Road 31. This permit does not expire until 2022. The owners have ample to excavate according to what is appropriate for their business. As 2011, no excavation had taken place on this site. Additionally, this owner knew or should have known that action was being considered (indeed, adopted 6 months after this approval) that would make this property ineligible for renewal in 2022.

Page 12: Medium and High density minimum densities have been deleted. This doesn't make sense. In order to encourage development in medium and high density locations at densities which will support transit choices and walkable communities, minimum densities are an important tool. If you don't want to develop at a particular intensity, then change your FLUM to an appropriate designation for the density desired.

Pages 14-15: Commercial. We have concerns about deleting this language. We don't know why it is being deleted. We prefer for there to be categories of commercial development rather than just one commercial designation. This is a significant change that should not be considered lightly.

Pages 18-19: Industrial Standards. There is a huge difference between low intensity industrial standards and high intensity industrial standards. Places that engage in research and development can be approved for many locations that are not appropriate for machinery factories or automotive repair. Part of the issue, of course, is that we have no idea why this change is being made. No information was provided to us.

Page 22, Compact Growth Mixed Use. We had many protracted discussions with staff about this type of development. This type of development allows up to 65 dwelling units per acre. This is such intensive

development that other standards must exist in order to ensure that these communities fit into the communities where they are proposed.

#2(?): This change is very confusing. Number 2, at the top of the page, is stricken, but the entirety of that number is not stricken. What happens to the remainder? Is it proposed to be part of item c? Or is it proposed to have a different letter, d? We propose to not strike any part of number 2. Keep it the way it is. Long shallow tracts or deep narrow tracts are generally not appropriate for this type of intense development.

#9 – This absolutely must not be stricken. We discussed this requirement repeatedly in graphic detail. One of the concerns we had was that this type of intense development would take place in West County. If the developer doesn't provide for a shelter for these residents, then the taxpayers in Charlotte County are going to have to. If a development of this type is proposed, that developer absolutely has to make sure that the residents have adequate shelters and the ability to evacuate.

Page 28, U.S. 41 Mixed Use. The limit on the type of commercial allowed is being removed. This isn't fair or appropriate. These limits are part of the US 41 Mixed Use development plan, and the standards should remain to what everyone agreed they would be in 2010. Same for minimum density. If a minimum density was agreed on, that density needs to stand. Of course, it is possible that there is a legitimate reason for this change. We don't know what that might be as this section was never discussed and no information has been provided about this change.

**FLU Appendix III – Definitions** – Please note that NONE OF THESE CHANGES WERE DISCUSSED AT A PUBLIC MEETING. There was no time, and rather than accommodating public comment and facilitating public, and apparently public input is less important than meeting a calendar deadline.

As noted earlier, definitions for balanced growth and viable communities must be crafted in such a way that they provide predictable and meaningful standards. Providing predictable and meaningful standards is a requirement of the Florida statutes.

Page 17, Strip Commercial – I'm interested to know where this definition came from. "Is characterized by" weakens the definition. The result of a weaker definition and the erosion of strong terms in the comprehensive likely means more strip commercial will be approved and developed in Charlotte County. Please note that strip commercial is specifically noted in the Florida Statutes as evidence of urban sprawl.

**Coastal Element** Please note that this policy is not available for review online at 3:30 p.m. on Monday, April 28, 2014. Prohibitions in the CHHA are made because there is a link to the safety and welfare of Charlotte County citizens. A prohibition against nursing homes and retirement communities where residents receive full time medical supervision in the CHHA makes sense. These are people who are much more likely to need help to evacuate, and may need additional time and specialized vehicles to evacuate. Unless those requirements are built into the approval, there should not be new nursing homes and residential facilities where residents receive full time medical supervisions in the CHHA.

## Natural Resources

ENV Policy 1.4.4: Interagency and Intergovernmental Cooperation. I have some concerns about the deletions in this policy, and I am sending this policy to be reviewed by Jim and Lisa Beever.

Goal 2 revisions remove any responsibility for Charlotte County to protect their own natural resources. Charlotte County has a role to play that is different from state, federal and regional agencies. Charlotte County commissioners are elected by the people of Charlotte County to protect the rights and promote the needs of the people of Charlotte County. None of the other agencies are responsible to represent the people of Charlotte County so eliminating any role for Charlotte County is problematic.

ENV Policy 2.2.3 Developments adjacent to preserved land: There is a huge difference between “reduced and mitigated” and “reduced and/or mitigated”. Avoidance or reduction of impacts is always preferable to mitigations, and developers should be required to show that they have avoided and reduced impacts as much as practicable before being able to consider mitigation.

ENV Policy 2.2.4 Limitation on Land Use Changes: There is a difference between “may deny” and “shall not support”. This is another example of the erosion of Charlotte County’s ability to take action. The proposed changes to this policy also decreases the circumstances under which the county “shall not support” increases in density or intensity of land use. This is not appropriate.

ENV Policy 2.2.9, 2.3.1, 2.3.2: These policies are deleted without any explanation. Inclusion of these seem consistent with the Florida Statutes. However, as there was never a public meeting where these policies were discussed, it is possible that there is a reasonable explanation for these deletions. It should be noted, however, that Policy 2.3.1 was included in the comp plan based on a concern discussed in the ORC provided to Charlotte County about the comprehensive plan.

ENV Policy 2.3.4/5 Scrub Jay Habitat Conservation Plan. Please note that the Scrub Jay HCP is based on methodology presented in the EAR Report and relies on the fact that policies from that report are going to be in the Charlotte County comprehensive plan. Removal of key policies – such as expansion of the USA and removal of minimum density provisions – will cause Scrub Jay HCP to not be consistent with the comprehensive plan, which means that the HCP will have to be done again relying on the revised policies.

ENV Policy 2.5.1 Review of Excavation Activities: this is another example of language we’re supposed to be comfortable removing from the comprehensive plan even though it does not appear in the adopted LDRs. If LDRs are adopted that accomplish these policies, it may be appropriate to remove this policy from the comprehensive plan.

ENV Goal 3: Wetlands : We would urge staff to review the ORC provided regarding wetlands. Most of the stricken language is language specifically put into the plan so that the comprehensive plan would meet minimum statutory standards. If this language is going to be removed, other language will need to be crafted in order for the Comprehensive Plan to meet minimum statutory requirements. The wetland requirements were not stricken from the statutes.

**From:** Marvin Medintz [<mailto:medintzm@yahoo.com>]

**Sent:** Monday, April 28, 2014 12:25 PM

**To:** Moore, Gayle; Harris, Ty

**Subject:** Comp Plan Revision Comments

Enclosed please find the comments of Percy Angelo and Marv Medintz on the Comp Plan revisions.

Gayle, some recent emails to the County have come back with the message that the County mail server had timed out. Could you shoot me an email to let me know this has gotten through?

Thanks

Percy Angelo and Marv Medintz

#### Angelo/Medintz Comments on Proposed Comp Plan Revisions-2014

We assume that the changes agreed at the April 23 Roundtable will be implemented and additional comments are not necessary in this submission. These agreed changes included, for example, reinstating references to urban sprawl as addressed in the Florida Statutes.

We further understand that you will be providing definitions of Balanced Growth and Viability for our comment. Obviously the definitions chosen could impact the need to provide further comment on the provisions which use the defined terms.

One of the arguments given for the change proposed is that the Florida Statutes do not require the particular provision which is being deleted or relaxed. In most cases this seems to be incorrect; the statute continues to require the type of provision. Further review of the statute would appear to be in order.

Another argument the County has advanced is that the changes are needed to keep control at the local level. In fact many of the changes do precisely the opposite, giving up all control to the state or Feds. It appears that the County/developer arguments have no policy consistency. They just involve whatever rationalization can be invented to support a relaxation in a particular case. We also reference and incorporate the comments being filed today by Deb Highsmith and Julianne Thomas

Our more specific comments follow. References below are to the existing Plan unless the proposed Plan numbering is specified.

#### FUTURE LAND USE ELEMENT

-FLU Policy 1.2.4-County gives up its commitment to protect the existing character of the rural areas. No explanation was given for this change and it should not be made.

-FLU Policy 1.2.5-Deletion of section about not expanding the USA and deletion of standards for any expansion. No explanation was given for this change and it should not be made.

Changes to the USA must be made based on data and analysis and none has been provided. The current language is in direct response to the 2010 EAR, Objection 7. The change is inconsistent with Florida Statutes. It would allow development in a much wider range of areas at significant costs, including infrastructure. A change such as this would also result in inconsistency with the Capital Improvements and Natural Resources elements of the Comp Plan.

-FLU Policies 1.2.6 through 1.2.11. Deletion of most of TDU sections and all of standards.

These provisions must be retained. Much Roundtable discussion was held around whether the

developer attendees would agree to allow retention of the six purposes of the TDU program, including such fundamental purposes as removing platted lots (one of our obligations to the state) and keeping density out of the CHHA. Even this idea was rejected. A TDU program which has no standards is a basis for putting density anywhere and is fundamentally at odds with the statutory obligation to identify where you are putting your growth. This is not a matter of dealing with specifics in an ordinance. It is a matter of defining where density goes, the central purpose of a Comp Plan.

-FLU Policy 1.2.7 and 1.2.15-According to developer representatives these changes are a statement that new density may be created without standards, or designated locations. The County representative at the Roundtable stated that increased density may only come from RAPID density. This fundamental conflict makes clear that these changes are inconsistent and create a violation of Chapter 163.

-FLU Policy 1.2.8-This section describing TDU sending zones is the guaranty necessary to demonstrate that lots unbuildable as a result of wetlands, or drinking water concerns, or CHHA, or ag, or Managed Neighborhoods, or substandard lots, or other issues may nonetheless preserve value for their owner through sale of density. This guaranty clearly belongs in the Comp Plan itself. Much lip service is paid elsewhere to a concern that the Comp Plan provisions should not be mandatory, because of fear of litigation. Deleting this policy demonstrates that this argument is a stalking horse, not a real concern, as deleting it eliminates the fundamental protection for these property owners.

-FLU Policy 1.2.10-In addition to the comments above, this section which deletes a list of prohibited receiving zones demonstrates the falsity of the argument that TDU standards need not be discussed in the Plan. The list includes Managed Neighborhoods and aquifer protection zones and lands on a barrier island. It is a fundamental purpose of Comp Plans under the statute to tell the public where growth may go, and keeping it away from areas such as barrier islands is a no brainer.

-FLU Policy 1.2.12-This change would remove the prohibition on sending density from the USA to rural areas. This is contrary to the urban sprawl prohibition, increases costs for the County and allows fundamental changes in the County's distribution of density and intensity, in violation of the statute.

-FLU Goal 2-Eliminates the goals of minimizing water use, controlling pollution and targeting possible acquisition to close gaps in wildlife corridors. This change is contrary to numerous statutory directions, including the direction to address physical, fiscal and environmental development, the direction to discourage urban sprawl, including by promoting conservation of water and energy, the direction to include provisions for sewers, solid waste, drainage, potable water and groundwater recharge, and a requirement for a conservation element for the protection of natural resources. This conservation element requirement includes the need to identify pollution problems, protect wildlife, and manage hazardous waste. It is difficult to see how the proposed change complies with the statutory direction.

-FLU Policy 2.1.3-Deletion of section re directing incompatible uses away from natural lands. The objection to the existing language is apparently that it would impact reasonable expectations of neighbors. However, the primary portion of the section applies only to FLUM amendments or rezoning, where there can be no reasonable expectations, other than that the existing land use or zoning will be respected. A further element applies only to minimizing or avoiding additional roadways through or adjacent to the natural lands. Again, there can be no reasonable expectation

that a development will be allowed new or expanded roads. The statute directs that the Comp Plan provide for the compatibility of adjacent uses. This section should be preserved.

-FLU Policy 2.1.6-Deletion of section which prohibits street vacations which eliminate public access to water bodies. Homeowners' offers to allow limited vacations (e.g. where immediate surrounding property was under limited ownership) were rejected, suggesting this change is intended as the first step in an attempt to take public waterfront for private purposes. It should not be implemented.

-FLU Policy 2.1.6-Provision for elevated construction, above base flood elevation, in A or V flood zones deleted. This is shocking. The statute refers to floodplains and requires a coastal management element for the County, which includes protecting human life against the effects of natural disasters. This is basic health and safety regulation. It also helps limit insurance costs for us all.

-FLU Policy 2.1.7-Eliminates provision for protection of wetlands under County standards. The County defends this change by arguing that the County need not duplicate State and Federal programs, though the statute says they are allowed to duplicate or even be more stringent. As pointed out at the Roundtables, State and Federal wetland standards allow the replacement of destroyed wetlands at mitigation sites outside the County, e.g. on Pine Island. Regulating wetlands at the County level therefore does not duplicate or exceed the State or Federal program, rather it implements a program to fill a gap in the State and Federal rules. And the County changes would even eliminate the ability of the County to enforce State or Federal permit conditions, leaving the County helpless to protect its own wetlands. See elimination of ENV Policy 3.1.10.

Further, the recent Saturday afternoon destruction of wetlands on the Sarasota portion of Manasota Key, covered widely in the papers, was stopped only because the County was able to respond. And only the County has already stepped in to order repair. The State and Feds are still studying the problem. No additional or specialized County staff was required. The neighbors immediately started calling every regulatory body they could think of. Again, only the County responded.

The mantra we have endlessly heard at Roundtable discussions is that we want to keep matters on the local level. Yet here the proponents of change are trying to cut the County out entirely. Clearly the intent is a free rein to ignore responsible wetland protection. It should not be tolerated.

-FLU Policy 2.1.9-Provision requiring natural resource protection during mining deleted. The deletion, which again appears to rely on the argument that the state can be relied on to protect Charlotte in mining permitting, ignores the fact that only the County has an interest in where mining occurs, and the effects on resources in that area. And the deletion of the requirement for a reclamation plan is an invitation for Charlotte County to look like the portions of Polk, which were mined before reclamation was required. There is wide agreement the spectacle is horrifically ugly. You can see it from space. How can the proponents seriously argue that they are encouraging development in the County when they intend to leave the mined land looking like a "moonscape."

-FLU Policy 2.3.6- Provision for groundwater protection by commercial and industrial uses is limited to requirements of a state or federal permit. But this change illustrates a fundamental misunderstanding of environmental law principles. As an example, state rules, for storage tanks for example, register, but do not issue permits for tanks, do not address tank location (e.g. over groundwater recharge) and only cover petroleum, pesticide, ammonia and chlorine tanks.

Federal regulation has even less coverage, and there is no Federal permitting except for very limited categories. All other tanks are entirely unregulated, unless the County addresses them. Further, the proposal deletes references to inappropriate locations for hazardous materials, such as in the Shell and Prairie Creek watersheds. This is simply dangerous. A spill in the watershed damages drinking water supplies through groundwater flow and through the sheet flow which feeds the Creeks. A solvent leak from a parts cleaning tank could swiftly impact the water supply. The County needs the authority to address those issues.

Percy has decades of experience in environmental regulation, as an Illinois lawyer, and would be happy to discuss the permitting systems, and the lack of permitting systems, for activities which have environmental impacts.

-FLU Policy 2.3.7-Provision for impervious surface limitations deleted. This is extremely shortsighted. At this very moment the County is dealing with flooding problems at the ballpark which appear to be related in part to a lack of infiltration capacity. It will cost the County immeasurably in terms of customer reaction to being stuck after a baseball game. These are cost saving requirements.

-FLU Policy 4.1.6-Deletion of requirement for neighborhood compatibility regs. The requirement would have led to regs for buffers, transitional development, screening, preservation of the tree canopy and vegetation and facilitation of the safe movement of traffic and pedestrians. The statute requires the County to provide for the compatibility of adjacent land uses. The removed provision is one that could have favorably impacted every resident of the County. Abandonment of this effort breaks faith with your residents and simply sells out to development interests, most of them probably outside the County.

-FLU Policy 5.4.2-Definition of strip commercial has been limited and the requirement to deny it (except with certain exceptions) deleted, thus allowing an increase in what is commonly understood as strip commercial. The Roundtable discussion, in part, addressed the fact that strip commercial would now be allowed around property designated residential. Examples given by developers representatives were where small residential areas were in between commercial. But when homeowners representatives proposed some sort of size limitation, so that, for example, large residential holdings along 776 were not used as an excuse to turn all of 776 into strip commercial, we were rejected. This demonstrates that the claim that the proposal is limited to language and requirements of the statute, is simply false. A major redraft is being undertaken, in a hurry up fashion, with specific, but undisclosed, development interests as the beneficiary.

-FLU Policy 6.4.37-Deletes requirement for reclaim water use within Babcock Ranch. It is hard to believe CCU was consulted about this change. Getting rid of reclaim water is one of its major challenges.

#### NATURAL RESOURCES ELEMENT

-ENV Policy 1.4.4-Deletes provision that the County may object to activities of other agencies which impact timing of flows. In a drought/rainy season climate like ours, timing is everything. Provision should be retained.

-ENV Goal 2-Proposal states that the County will only support the efforts of other agencies to protect natural resources. This is contrary to the statute which makes the County directly responsible for environmental development, conservation, natural resources, promoting water and energy conservation. Indeed the statute requires an element for the conservation, use and protection of natural resources.

ENV Policy 2.2.4-Proposal deletes ability to deny increases in density or intensity that are harmful to natural resources and deletes references to water quality and quantity, historic

flowways and the wetland standards of INV Objective 3.1 This is contrary to the statute which requires these policies.

and ENV Policies 2.2.9, 2.3.1, 2.3.2, 2.3.3- Deletes provisions that County will protect native habitats and natural communities. These commitments are required by the statute. As noted above, State and Federal wetland regulation cannot replace County regulation. Moreover, it appears, here and elsewhere, that the County is deleting the provisions which support the commitment it made in its Scrub Jay plan. That would appear to put the plan, which represents enormous cost savings for the County and its residents, at risk. See e.g. other provisions like FLU Policy 4.1.2.

-ENV Policy 2.4.4- Deletes provision for controlling erosion. Self-defeating. Erosion has the potential to clog waterways at great cost to the County. Erosion control is also an issue addressed in the statute.

-ENV Policy 2.5-Deletes provision for regulation and control of dirt mines. See comment on FLU 2.1.9, above.

-ENV Goal 3-Substantially eliminates section on protecting County wetlands. See comments on FLU 2.1.7, above. Further, the statute requires that the Plan address wetlands.

-ENV Policy 3.1.6-50 foot buffer between commercial and industrial use and wetlands or waterways or lakes deleted even though the Sunshine Lake experience shows the enormous cost to the County of cleanup after the damage has been done. Existing provision already applies only if there is adequate land area to support the proposed use, so property rights are protected.

-ENV Policy 3.1.7-200 foot buffer between storage of hazardous substances or substances which cause eutrophication and water body is deleted. As noted above, state permits don't address this; they only address petroleum, ammonia, chlorine and pesticide storage. Storage of fertilizer or solvents next to a waterway would be allowed under this change, again despite examples like Sunshine Lake. An April 26, 2014 Sun editorial about drilling injection of chemicals shows the importance of knowing and regulating the chemicals impacting our water supplies.

-ENV Policy 3.1.10-Provision for County wetland regulation deleted even though Charlotte County wetlands destroyed will not be replaced in Charlotte unless Charlotte has its own regulations. Deletion would also would apparently prevent the County from enforcing the state or federal permit conditions. See comment on FLU 2.1.7 and ENV Goal 3, above.

#### FLU APPENDIX I: LAND USE GUIDE

p. 2-The application requirements for a plan amendment delete the references to natural resource features, flood zones, and soil and topography suitability. These considerations appear to be required by the statute and their deletion is unexplained.

pp.6 et seq.-The proposal adds the word "Generally" to the range of uses appropriate in any land use map category. Unfortunately the Roundtable meetings were unable to get to these provisions so that an explanation could be given for this change. If the intent is to allow uses other than those given, then it would appear that the Guide is not in compliance with the statute which contemplates actual designations.

p. 12-Medium density residential has deleted the minimum density of 5 units per acre. Maximum density no longer has a minimum density of 10. This has implications for the cost of extending infrastructure to serve additional areas and may result in development being dispersed, contributing to urban sprawl, rather than being clustered so as to limit costs and preserve open space. This change appears to be in conflict with the statute, as well as inconsistent with the capital improvements plan. It is also inconsistent with other management plans such as the Scrub Jay HCP.

pp. 13 et seq.-It appears that the existing provisions for encouraging nodal commercial development are deleted, thus favoring strip commercial. The effort to designate certain areas for certain kinds of commercial, neighborhood etc., are deleted. Anything can go anywhere. Intensity standards in many cases are significantly relaxed, in other cases increased, so that commercial spreads out to a greater extent. These are all significant changes which have not been subject to any explanation or data and analysis. Because of the hurry up nature of these proceedings there is no explanation for these changes which appear to be contrary to the statute.

pp. 18 et seq.-The existing provision for two types of industrial, low intensity and high intensity, is deleted. Now any kind of industrial is allowed anywhere. This appears to be inconsistent with the statutory direction that requires the County to give guidance, to existing property owners and future developers, as to where industrial development should go.

pp. 22 et seq.-The standard for Compact Growth Mixed Use deletes the requirement for evacuation shelter protection when the project is in the CHHA or a Category II Storm Surge Zone. This is irresponsible and inconsistent with the statute.

#### FLU APPENDIX III: DEFINITIONS

Strip Commercial-Strip commercial in the existing plan is discouraged. The definition tightens the description of strip commercial (adding high volume, separate entrances, insufficient parking, conflicts between vehicles and pedestrians and visual clutter), with the result that fewer properties qualify as strip commercial and more development can go forward which the public would perceive as strip commercial but which has been defined out of the rule. Refer to the discussion above at FLU 5.4.2. It is clear that the developers' representatives intend to turn significant additional areas of the County into strip commercial. This refutes any pretense that quality development is desired or encouraged in the County.

Urban sprawl-We assume that the changes reinstating the term "urban sprawl" will be made and it will be referenced to the statutory discussion.

#### COASTAL ELEMENT

The Roundtable discussion included information from the County that a change to this element is being considered. While it was shown on screen, it is still not available for review, and we reserve the right to comment when it is. Our recollection is that it involves allowing retirement and/or nursing homes in the Coastal High Hazard Area. A developer's representative commented that residents could evacuate just like anyone else. This is irresponsible. Nursing home residents are residents year round, throughout hurricane season. And the difficulty of transporting multiple nursing home residents, often in wheelchairs with special needs for oxygen and medication, to safety is obviously different than telling younger healthier residents to get in their personal cars and drive to shelter.

**From:** Betty Sue [<mailto:bettsuecarroll@comcast.net>]

**Posted At:** Monday, April 28, 2014 10:05 AM

**Posted To:** Press Mail

**Conversation:** Comp. Plan Revision

**Subject:** Comp. Plan Revision

Dear Commissioner Duffy,

The standing Comprehensive Plan, Smart Charlotte 2050, was 2 years in the Making, and has only been in effect for about 3 years. In the process of drafting it, there was an online “question-comment” program for citizen input as well as many well-publicized workshops. The end product is a sensible blueprint for an area that allows for future growth as long as it is tempered with the wisdom to sustain the current quality of life far into the future.

The revision that will come before you soon appears to be an attempt to rush through changes that may seem profitable today but will be permanently detrimental to our area in years to come. Vulnerable coastal areas, and the County as a whole, would be more likely to lose protections they have fought long and hard to achieve. Local regulations are more readily enforced if they implement the Comprehensive Plan.

Tallahassee, indeed the entire Country, would like to remove population density from shorelines; weakening the rules for TDU’s sets the stage for more density in hurricane and flood-prone areas.

The State, the Country, indeed the entire World, has begun to recognize the value of wetlands, groundwater recharge protection and carbon-absorbing greenspace; this revision will jeopardize them all and will certainly cost us more in years to come.

We all know the consequences of poorly regulated mining, and recent disasters should dictate much higher scrutiny and tighter regulations, rather than encouraging such activity for immediate profit. Even the simple immediate costs of road repair show that mining is not cost-effective for the area mined.

In short, much of this proposed revision appears to be short-sighted, while it should be a document outlining our most idealistic plans for the future. Our nation and our area is facing the consequences of a 20<sup>th</sup> century mentality – use it, trash it, toss it – and we need to be absolutely certain that this Century will not make the same mistakes. Our blueprint for our future must outline our highest vision for our area and for all of its inhabitants.

Thank you,  
Betty Sue Carroll, 941-475-8191

**From:** Carol Leonard [[mailto:Carol\\_Leonard@verizon.net](mailto:Carol_Leonard@verizon.net)]

**Sent:** Monday, April 28, 2014 11:18 AM

**To:** Harris, Ty

**Cc:** BCC; Administration, BCC

**Subject:** 2050 plan

Hello As a Charlotte taxpayer that enjoys our environment and appreciates the protections that our local government forefathers have given much of the area around Charlotte Harbor and the tourists that it draws, I am very concerned about some of the changes to our future that will result from changes to the land use plan. Most specifically the reduction of the buffer size down to 25 feet. Go outside and pace that off. This is very small and well within the fright distance of much wildlife. And the changes to “encourage” rather than other wording that means “will do”.

By far the worst overall change is the changes that will cede local control of our Natural Resources to the politicians in Tallahassee. Once the environment is degraded, it cannot be reclaimed within our lifetimes! Mitigation seldom works and is just a trade off. While the construction industry is very important to our county’s overall economic health and very vocal, you have a responsibility to think of all the people who rely upon our elected officials to balance all stakeholder’s interests as well as that of our biodiversity that supports human life.

In the future, please assure us that you will work hard to create a better collaboration with the citizens by vigorously advertising changes, holding additional workshops, at additional varied times/dates to allow more of the population to become aware and voice their concerns.

On a positive note, the Charlotte County website is a wealth of information and helps keep our government transparent. However, In my opinion, relying on busy working people to check this without much other publicity across various media is similar to the disaster of legal notices in tiny print .

Sent: Mon 4/28/2014 8:14 AM  
From: Andy Dodd <andydodd@comcast.net>  
To: Shao, Jie <Jie.Shao@charlottefl.com>; Harris, Ty <ty.harris@charlottefl.com>  
CC: Moore, Gayle <Gayle.Moore@charlottefl.com>  
Subject: Comp. Plan Revisions

Jie and Ty,

Attached is a document with change requests as discussed by the group on 4/23/14 as well as some we did not get to.

In summary, language should be included regarding the TDU program intent; the County should commit to the same rules it requires of others when generating RAPID and the WOD as previously written is unacceptable. We made headway on Wednesday but expect push back by others who were not in attendance.

Please let me see redrafts ASAP as I have been asked to present to Chamber Government Affairs for action on May 5 and ANRAC will be taking action on May 8. I will be requesting individual meetings with members of the BCC to share those recommendations.

Gayle, please confirm that Ty and Jie get this email. Thanks.

Andy Dodd  
Peninsula Property  
941/815-7884

## **FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES**

*Pages 7,8*

### **FLU Policy 1.2.7: Transfer of Density Units (TDU) Program Intent**

The County shall implement a transfer of density units (TDU) program whereby the development rights of property may be severed in perpetuity and transferred to designated locations that are more appropriate for development. The TDU program identifies sending and receiving zones.

1. Residential development rights associated with real property with environmentally sensitive resources, historic or archeological resources, or which contains a bona fide agricultural use, or real property otherwise deemed less suitable for development, may be properly transferred to property better suited for higher density residential development upon;
2. Future growth will be directed in a logical, economical, and efficient manner away from those areas of the county less suited for such growth, and toward those areas of the county best suited to provide the public services and facilities necessary for such growth;

3. The county can provide a record of transfers of density units and impose appropriate restrictions on the properties involved in such transfers.

The intent is to create a TDU process that will:

1. Assist and encourage the removal of old, outdated, platted lots and subdivisions throughout the County.
2. Assist and encourage the replacement of an unsustainable and inefficient form of development with compact, higher density, mixed use development that is more sustainable and efficiently utilizes resources.
3. Incentivize the retention of long-term agricultural activities and the clustering of rural development densities ~~as an alternative to rural large lot sprawl in order to reduce the premature conversion of rural lands and preserve rural character and viewsheds.~~
4. Incentivize the voluntary preservation of environmentally sensitive lands.
5. Help preserve archeological and historic sites.
6. Prevent net density increases within the Coastal High Hazard Area.

**Retain:** The intent of the TDU program should be retained. Delete portions from item 3. Also add “net” in item 6 to be consistent with current policy of permitting transfers within the CHH.

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#### **FLU Policy 1.2.12: Rural Receiving Zones**

Receiving zones in the Rural Service Area may only receive density units from sending zones in the Rural Service Area-

**Retain:** The 2050 Community Planning Process obtained public input and included East County Rural Character as something they would like to see addressed in the 2050 Plan. This policy is a result of that effort and may provide a market incentive for TDUs generated from the conservation of natural areas and farmland.

Page 12

#### **FLU Policy 1.2.11: Revitalizing Neighborhoods Incentive Density**

~~FLUM Series Map #2: 2050 Framework illustrates those lands within the County that are now designated as Managed Neighborhoods. FLU Policy 4.5.1, #3, states that no increases of density or intensity are allowed in these Neighborhoods. By removing the ability of these lands to increase in density, the County has removed 13,092 units of potential density from underneath the Future Land Use Map. The County shall hold this potential density, to be known as Revitalizing Area Plan Incentive Density (RAPID), and utilize it to incentivize redevelopment efforts consistent with FLU Policy 4.2.1. For all Revitalization Neighborhoods with plans created and adopted consistent with FLU 4.2.1, all density increases above base density shall be granted by the County through utilization of the RAPID from Managed Neighborhoods. The County shall maintain a record of all density transferred into Revitalizing Neighborhoods under this policy, which shall be no greater than the total amount of RAPID. RAPID shall be generated by downzoning properties located in Managed Neighborhoods as identified on FLUM Series Map #2: 2050 Framework or by applying the TDU certification process to County owned properties.~~

**Change:** The prohibiting of increases in density between current zoning and the maximum permitted under the Future Land Use Map designation does not create density. The County should generate RAPID using the certification process required for the private sector and the City of Punta Gorda.

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**FLU Policy 2.3.3: Nutrient Runoff**

The County shall continue to monitor water quality in surface waters and shall ~~require~~ encourage best management practices to reduce nutrient-laden runoff, which includes but is not limited to runoff from urban areas, residential landscapes, and agricultural lands.

**Change:** The requirement of BMPs implies additional regulation by the County. It is also duplicative of Water Management Districts' regulation of water use permitting for agricultural producers which require the implementation of BMPs.

**FLU APPENDIX I: LAND USE GUIDE**

Page 41

Rural Settlement Overlay

4. *Density Transfers:* Transfers of density shall be required in order to attain any density above 490 dwelling units. Density shall be transferred from the platted land identified on SPAM Series Map #12: Areas Removed from the (1997-2010) Urban Service Area or Rural Service Area.

**Change:** The inclusion of the Rural Service Area may provide a market incentive for TDUs generated from the conservation of farmland and natural areas to benefit rural character as was deemed important in the 2050 Community Planning Process.

**FLU APPENDIX III: DEFINITIONS**

Page 8

An environmentally sensitive resource can be any wetland, any natural community ranked G1, G2, S1, S2, or S3 in the most recent edition of the Guide to Natural Communities of Florida, or any land area wherein a wildlife or plant species listed by the State of Florida or the United States as endangered or threatened is living; ~~this also includes any land within the ½ mile of the creek system of the Reservoir Protection Overlay District and any land within the Prime Aquifer Recharge Area; this also includes lands encompassing historic flowways.~~

**Change:** Delete the automatic inclusion of the ½ mile as it is not science based and overreaching. Including the setback would subject the area to any other restrictions that have or may be proposed to environmentally sensitive resources.

Page 16

The open space that is required as a part of a Conservation Subdivision or Rural Community Mixed Use development. At least 50 percent of this open space shall remain undeveloped or in low intensity agriculture use. The remaining 50

percent may contain:

- a. bike paths,
- b. hiking trails,
- c. equestrian trails,
- d. canoeing and kayaking facilities,
- e. fishing facilities such as docks and limited storage for non-motorized boats,
- f. high intensity agricultural uses including accessory uses,
- g. stormwater management systems serving the community provided the stormwater systems are unfenced and are surrounded by, or adjoin, areas that are improved for use by wildlife and accessible to the residents of the development, and
- h. any required buffers.

Existing agricultural areas may be maintained in agriculture, natural lands reserved as open space shall not ~~be converted to~~ intensify their agricultural uses. Golf courses shall not qualify as Rural Residential Open Space

**Change:** Adding language would emphasize that low intensity agricultural use like grazing is considered equivalent to undeveloped. Also delete language related to conversion. This implies that natural areas have no current agricultural use. Almost all natural areas in the Rural Service Area have grazing as an existing use and continuation should be permitted.

## **NATURAL RESOURCES - GOALS, OBJECTIVES AND POLICIES**

*Page 6*

### **ENV Policy 1.4.9: Watershed Overlay District (WOD)**

The County shall establish the Watershed Overlay District as illustrated on FLUM Series Map # 4. The intent of the WOD is to protect the quantity and quality of water within the Hendrickson Dam Reservoir, which is the City of Punta Gorda's potable water supply. Since all overground and underground waters within the watersheds of Shell Creek and Prairie Creek drain into the reservoir, those watershed perimeters shall constitute the boundary of the of the Overlay. The creek system is delineated along with the boundaries of two significant water sources, Long Island Marsh and Tippen Bay.

1. The following shall apply throughout the entire Overlay:
  - a. By right uses shall be those allowed by the comprehensive plan.
  - b. All agricultural and resource conservation uses are encouraged to utilize Best Management Practices as created by the Florida Department of Environmental Protection, The Florida Department of Agriculture and Consumer Services, and the Florida Department of Forestry, as applicable. The County shall support and assist, as possible, in the Facilitating Agricultural Resource Management Systems (FARMS) projects and the Federal Environmental Quality Incentives Program (EQIP).

c. ~~The generation or~~ continuous transmission of petroleum products or other hazardous substances is prohibited. The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances). An exemption may also be made for biofuel generation manufacturing operations when in conjunction with an agricultural operation that utilizes Best Management Practices.

**Change:** Adding continuous addresses concerns for pipelines that may potentially affect watershed.

2. The following shall apply within one-half mile of the creek system and within Long Island Marsh or Tippen Bay:

a. *The manufacturing or bulk storage of petroleum products or other hazardous substances shall be prohibited. The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous substances).*

**Change:** Adding language would be more appropriated for protections within the ½ mile buffer.

ba. There shall be no increases in intensity. This does not apply to changes in agricultural uses.

cb. Density is restricted to the maximum density allowed at time of adoption of this comprehensive plan and permits clustering associated with conservation subdivision development. ~~There shall be no increases in density.~~

**Change:** Adding language makes it clear that density may increase within the ½ buffer with clustering under the conservation subdivision process.

de. New Commercial Excavations are prohibited.

**Change:** Change makes consistent with draft earthmoving ordinance. Existing operations should not be precluded from renewing permits under the revised earthmoving ordinance.

~~d. Agricultural Best Management Practices are required.~~

**Change:** As identified previously, the requirement of BMPs implies additional and/or duplication of regulation by the County

e. Biofuel generation manufacturing operations are prohibited.

f. Prohibited uses may be allowed on a case by case basis by the Board of County Commissioners if it can be demonstrated through generally accepted, science-based analysis that the proposed use will have no negative affect on the quality or quantity of water within the Hendrickson Dam Reservoir. ~~In no case shall prohibited uses be allowed within one-quarter mile of the shoreline of the creeks or creeks' tributaries.~~

**Change:** Delete as demonstration to BCC is required to allow exceptions to ½ mile setback.

3. The following are prohibited within 200 feet of the mean high water mark of the creeks and creeks' tributaries:

- a. All septic systems (including all components of those systems), and
- b. The storage ~~or use~~ of any hazardous substances.

**Change:** The use of any hazardous substance would be incidental and shall not be construed to relieve these activities from compliance with applicable State and Federal regulations per previous policy

.

From: Larry Jones [<mailto:jonesandjones1@frontier.com>]

Posted At: Sunday, April 27, 2014 9:30 PM Posted To: Press Mail

Conversation: Emailing: 5096A-letter to Commissioners re modifications to County Code

Subject: Emailing: 5096A-letter to Commissioners re modifications to County Code

Your message is ready to be sent with the following file or link attachments:

5096A-letter to Commissioners re modifications to County Code

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Date: Friday, April 25, 2014

Subject: FW: Comp Plan-proposed amendments

Dear Charlotte County Commissioners:

I am a resident of 5096A North Beach Rd. on Manasota Key. This email will serve as my strenuous objection to the wholesale adoption of the proposed amendments currently before you. I cannot even pretend to understand all of the nuances of the amendments; however, as an avid fisherman, lover of nature and a big fan of the current un-commercialized environment existing at least on the Key, I am very much opposed to any measures that would make it easier to destroy our wetland, allow significant commercial development to the Key or bring us the type of "carnival atmosphere" that was evident at the recent boat races. In reading the current issue of our SMKA newsletter, I am convinced that many of these proposed changes would do exactly that.

Every time there is a new proposal to change (relax) development rules, the proponents suggest that these changes will help to "put us on the map". Quite frankly, most of the Key residents don't want to be "on the map". **THAT IS WHY WE LIVE HERE!!!!**

The currently pending request by a developer to destroy the Mangrove wetlands area on Sandpiper Cove to build condos and/or a marina is a perfect example of the type of absurd results that I fear will become commonplace if the proposed changes to the Comp Plan are implemented. It is my understanding that one of the proposed modifications would be to eliminate the County's participation in making decisions on requests for development of wetland areas, thereby making it easy for wetlands to be diverted to development uses. The County needs to retain its shared jurisdiction over these issues. The fact that the State of Florida is giving serious consideration to this request demonstrates how important it is for us to retain local control.

The Sandpiper Cove proposed development is a perfect example of the type of "develop everything" mentality that is destroying the Key's natural resources. I have been a resident here for ten years and have witnessed first-hand the significant degradation of the water quality and severe reduction in fish and other marine life in Lemon Bay over that period of time. It is shocking and undeniable. If the current deterioration continues, we will have no fishery to speak of and Lemon Bay and the Englewood Beach coastal area will be only "shells" of their former selves. This will significantly and adversely affect my quality of life and eliminate the main reason I chose to spend over a million dollars 10 years ago to buy my home on the Key.

Our more-pristine natural and uncongested environment, which is now being put under siege by the pro-development forces who are pushing for these modifications, sets us apart from the herd (Ft. Myers, Naples, Sarasota, etc.) giving us an advantage in attracting people who appreciate and value the lifestyle currently enjoyed by our Key residents and the tourists who are looking for a quiet relaxed vacation destination. I am speaking here from first-hand knowledge.

In 2004, having been "beaten down" by what some progressive thinkers would describe as "beautiful Ft. Myers Beach", I sold my waterfront Ft. Myers Beach home (4 bedroom, 4 bath with pool and hot tub) and downsized to my current residence on the Key. My Englewood home has **2 bedrooms, two baths and no pool**. Why would anyone in their right mind do this? I would suggest two reasons: The first deals with the 60 to 75 minute wait, in bumper to bumper traffic, I had to endure EACH AND EVERY DAY from December through May to travel 4 miles from my home to the Matanzas Pass Bridge, to leave Estero Island. The second deals with something else my Englewood home **lacks** (other than the pool). It is the hour-plus delay to get to the mainland. My normal travel time for the 2-1/2 mile trip is less than 10 minutes. What a difference this makes in my enjoyment of where I live.

I mentioned above the Key's advantage over other highly congested areas in attracting people who appreciate our more natural setting. I realize there is constant pressure (particularly from developers, brokers and contractors, who don't live on the Key) to adopt an attitude that "more is better". However, this is not the prevailing attitude of most people who actually live on the Key. Accordingly, I would like to suggest a rather novel concept for your consideration. Why not pay more attention to the needs and desires of the current residents of the Key, rather than always courting outside commercial interests. I would respectfully submit that your primary duty is to the people already living here - your constituents. Listen to their voices.

Also, before voting to enact such broad based changes (affecting all of Charlotte County), please consider that all areas of the County are not homogenous. One size does not fit all. I would hope that if adoption of these modifications is seriously being considered, extreme care be given to craft a "modification package" to exempt the Key from those provisions that would threaten the Key's current non-commercial, un-cluttered atmosphere. We don't want or need most of these changes. Countless hours were devoted several years ago to the development of the Overlay Provisions applicable to the Key. That process took many months, with extensive scrutiny and **public input**, as opposed to the present situation where major revisions are being hastily considered.

Speaking of public input, why is it that the County Board, on several occasions, has scheduled public hearings, workshops and subsequent Board action, regarding controversial matters, during times of the year (after April) when many of the citizens opposed to such matters are absent from the Key? This certainly gives the appearance of an attempt to sneak something by, without real and meaningful public input. Another recent example of this questionable timing was the "Sharkey's Concession Trailer" issue.

Before I close, I would like to clarify my earlier reference to the "carnival atmosphere" surrounding the recent boat races. Perhaps in part because the promoter's projections turned out to be quite inflated, the congestion and "mayhem" predicted for the weekend did not take place. Still, please consider the extraordinary precautions needed to get the Key ready for such an event. In my view, this alone demonstrates that Manasota Key is simply not equipped to handle this type of traffic and congestion and should be "allowed" to remain the quiet, peaceful, laid-back place it still is.

Sorry for the long-windedness of this, but as I hope you can see, I am extremely passionate (maybe even fanatical) about these issues. I am 61 years old. I have spent all of my adult life dreaming of a place like Manasota Key and now, having finally found it, am most reluctant to witness its demise into "just another over-developed beach resort".

Thank you.

Larry Jones  
5096A N. Beach Rd.  
Englewood, FL 34223  
(941) 460- 6005  
jonesandjones1@frontier.com

**From:** "CONTACTUS" <[SPSAdministrator@charlottefl.com](mailto:SPSAdministrator@charlottefl.com)>  
**Date:** April 26, 2014 at 11:50:24 AM EDT  
**To:** <[Claire.Jubb@charlottefl.com](mailto:Claire.Jubb@charlottefl.com)>, <[Elaine.Jones@charlottefl.com](mailto:Elaine.Jones@charlottefl.com)>, <[Maritza.Gonnelli@charlottefl.com](mailto:Maritza.Gonnelli@charlottefl.com)>  
**Subject:** [[CHARLOTTECOUNTYFL.GOV](http://www.charlottecountyfl.gov)] **New Contact Us Received**

THIS IS AN AUTOMATED EMAIL, PLEASE DO NOT REPLY BACK TO THIS EMAIL.

## Charlotte County Public Site: New Contact Us Item

A visitor to the Charlotte County public site has made a submission using the Contact Us form. Below is the information that was entered by the submitter. Based on the chosen category on the form you have been sent this email notification.

<b>Link to Item:</b>	<a href="#">Click Here</a>
<b>Comments Entered by Submitter:</b>	<p>As a residents of Manasota Key and member of the South Manasota/Sandpiper Key Association we ask you to preserve the protections in the Charlotte County Comprehensive Plan and the the SMK Overlay Code.</p> <p>Please object to the attempt by a coalition of developers and their allies has to persuaded the County to consider a massive rewrite and to hastily adopt changes, without meaningful public input.</p> <p>Protecting the natural environment of the County is both desirable and important for its economic success.</p> <p>Sincerely,          Pat and Nils Pearson          27 Pearl St          Englewood, FL 34223</p>
<b>Contact Information:</b>	<p>Pat and Nils Pearson          27 Pearl St          Englewood FL 34223</p> <p><a href="mailto:patriciaqpearson@qmaill.com">patriciaqpearson@qmaill.com</a></p>
<b>Best Time to Contact:</b>	Evening
<b>Preferred Contact Method:</b>	Email
<b>Category:</b>	Building/Planning/Zoning/Code
<b>Source Page:</b>	<a href="http://www.charlottecountyfl.gov/dept/commissionoffice/Pages/Bill-Truex.aspx">http://www.charlottecountyfl.gov/dept/commissionoffice/Pages/Bill-Truex.aspx</a>

This is a notification coming from the Charlotte County Public website. If you have received this email in error, please forward this email to the appropriate individual(s) or department.



**From:** Marvin Medintz [<mailto:medintzm@yahoo.com>]

**Posted At:** Saturday, April 26, 2014 11:39 AM

**Posted To:** Press Mail

**Conversation:** Comp Plan Changes and Lemon Bay Cove-Problems and Unintended Consequences

**Subject:** Comp Plan Changes and Lemon Bay Cove-Problems and Unintended Consequences

Dear Commissioner Deutsch,

Thanks for listening to us the other night about the wetland proposal in the Comp Plan and its unintended consequences, the Lemon Bay Cove proposal being just one. We are writing to provide the background on Lemon Bay Cove. The documents are hard to attach and we will drop them by your office.

We participated in the Comp Plan Roundtable on Wednesday. We tried to be sensitive to the language concerns of some residents and we (the homeowners groups we work with) did not object to removing or changing the references to "smart" Charlotte, sustainability, greenhouse gas emissions, carbon footprints or green building. On the other hand, the developer representatives resisted any attempt to protect the provisions we care deeply about, including density and wetlands protections. Any "compromise" was pretty much only on our side, and the County representatives sided with the developers on every point. We urge you to consider limiting changes at this time to the sustainability-type language concerns and leave the complex substantive changes to further review when you can hear from the community.

**The State and Federal Wetland rules do not provide a program to protect against wetland destruction in the County.** The State and Feds have rules on wetlands, but those rules allow wetland destruction as long as the wetlands are replaced. The only "mitigation banks" where they can be replaced are in Lee County (Pine Island) and DeSoto County. This means that wetlands destroyed in Charlotte are not replaced in Charlotte.

On Monday night we told you that the Lemon Bay Cove proposal is a prime example of the problem. Lemon Bay Cove is a proposal to destroy 2 acres of mangroves along Beach Road on Sandpiper Key to build 12 single family units. The mangroves would be replaced on Pine Island in Lee County. Most of the property is under water. Despite widespread outrage SWFWMD has already permitted the project. The Army Corps of Engineers is considering it. A package of articles and portions of the permit file will be delivered to your office.

When we looked through our files we found an article showing that you had tried to have the County Board ask for a hearing on the permit. Thanks for your efforts.

While the history of the developer, minimal sales price, suggests that the entire project was based on speculation on the ability to get a permit, property owners rights are protected when such projects are denied because they can transfer their development rights through the Transfer of Density Units program. That was in fact a primary purpose of the program. (Percy was on the TDU panel originally). So retaining the County's ability to make its own decision, by retaining the County wetland regulations, is key and does not adversely impact anyone. See Current FLU Policy 2.1.4 and ENV Goal 3.

**Wetland Destruction on Manasota Key demonstrates another important role for County wetland protection.** We are providing, by separate delivery, a number of articles about a landowner who bulldozed the mangroves on his Key property on a Saturday afternoon. Neighbors immediately called for help, to the sheriff and the state agencies. It wasn't until someone called Sarasota Chairman Robinson that she sent out a County environmental employee who stopped the destruction. The County has already held a hearing and ordered replacement. The state and federal authorities, on the other hand, are still investigating. Local regulation is much more effective than waiting for state or federal action.

Wetland regulation opponents say the counties don't have the expertise or resources to administer wetland regs. The Manasota Key example illustrates quite the opposite. Neighbors are the watchdogs and the counties are the only ones who can respond fast enough to make a difference. Chairman

Robinson and the County people are the heroes of a very sorry story, but they wouldn't have been able to do anything without enforceable County standards.

**The deletion of references to the County's interest in controlling pollution is unwise. At several points the existing Comp Plan says that the County will attempt to control pollution minimize water use and protect natural resources.** These sections have been deleted. We watched the Board's Tuesday hearing on TV and saw several commissioners, including you and Commissioner Duffy, commenting on the Sunshine Lake delay and the need to avoid County liability. Thank heavens your views prevailed. (Commissioner Duffy even asked if there was a way to stop Spring Lake neighbors from irrigating and making the situation worse). Spring Lake is a key example of how the County's ability and commitment to control pollution, by itself or others, directly limits its cleanup costs.

Further, the County is a regulated entity. Besides problems like Sunshine Lake, and the Spring Lake septic, it runs a utility with many plants and pipelines, a landfill, and miles of ditches. You need the cooperation of the state regulators to get permits and avoid enforcement. In her former life Percy was an environmental defense attorney (in Illinois). Successful defense attorneys always want to be able to show that their clients deserve their permits or a pass on an arguable violation because they are trying to comply. Why on earth would the County give up that argument by taking references to its authority and good faith effort out of the Comp Plan? See e.g. FLU Goal 2, ENV Goal 2, ENV Policies, 2.2.4, 2.3.1 and 2.1.9. Among other things, these are the efforts and commitments that support the crucial Scrub Jay HCP which relieves enormous burdens on the County and its property owners.

**Deletion of References to standards for TDUs and density limits puts many policies at risk.** The County proposal removes all standards for the use of Transfer of Density Units (TDUs) and appears to allow increases in density without controls, as well as expansion of the Urban Service Area. See FLU Policy 1.2.6 through 1.2.1.2.11. This demonstrates pretty clearly that the goal is not to satisfy people about sensitive language but instead to engineer a major change in the Comp Plan, on a hurry up basis, without anyone noticing.

There is no analysis to support the ability to change density or to analyze the impact of a change in the USA. Lack of standards for use of TDUs was criticized in prior EARs. Increased County costs to extend infrastructure are inevitable. West County residents, to the extent they know about the proposal, are uniformly alarmed, and often outraged.

The defenders of the change argue that the TDU ordinance still exists. But the ordinance is changed easily and relatively quickly, as snowbirds have learned to their dismay. It should be a matter of County policy and vision, in the Comp Plan, that density will only be moved to effect a legitimate purpose such as moving density from a wetland lot to a buildable lot where it makes more sense. This is the basis of Objections 1 and 2 to the 2010 EAR. Density should never be increased in the Coastal High Hazard Area, yet this protection is proposed for deletion! Current FLU Policy 1.2.6. And the prohibition on moving density to a barrier island is also deleted! Current FLU Policy 1.2.11.

Clearly the purpose here is a developer initiative camouflaged behind a pretense that only language changes are being proposed.

For your convenience, and to keep this email from being way too long, a list of other important pending issues is attached.

Thanks for your service and for caring about these issues.

Percy Angelo and Marv Medintz  
Placida

Addendum to Angelo/Medintz email

Additional proposed Comp Plan changes which raise issues and concerns for homeowners. (References are to existing Plan unless proposed Plan is specified).

-FLU Policy 1.2.4-County gives up its commitment to protect the existing character of the rural areas.

-FLU Policy 1.2.5-Deletion of section about not expanding the USA and deletion of standards for any expansion.

-FLU Policies 1.2.6 through 1.2.11. Deletion of most of TDU sections and all of standards. See discussion in email.

-FLU Policy 1.2.7 and 1.2.15-These changes appear to be a statement that new density may be created without standards, or designated locations.

-FLU Goal 2-Eliminates the goals of minimizing water use and controlling pollution.

-FLU Policy 2.1.6-Deletion of section which prohibits street vacations which eliminate public access to water bodies. Homeowners' offers to allow limited vacations (e.g. where surrounding property was under limited ownership) were rejected, suggesting this change is intended as the first step in an attempt to take public waterfront for private purposes.

-FLU Policy 2.1.6-Provision for elevated construction in A or V flood zones deleted.

-FLU Policy 2.1.4-Eliminates provision for protection of wetlands under County standards.

-FLU Policy 2.1.9-Provision requiring natural resource protection during mining deleted.

-FLU Policy 2.3.6- Provision for groundwater protection limited to state or federal permit. But state rules, for storage tanks for example, register but do not issue permits for tanks, do not address tank location (e.g. over groundwater recharge) and only cover petroleum, pesticide, ammonia and chlorine tanks. All other tanks are entirely unregulated, unless County addresses them.

-FLU Policy 2.3.7-Provision for impervious surface limitations deleted. Shortsighted in light of flooding problems at the ballpark which appear to be related in part to lack of infiltration capacity.

-FLU Policy 4.1.6-Deletion of requirement for neighborhood compatibility regs.

-FLU Policy 5.4.2-Definition of strip commercial has been limited and requirement to deny it (except with certain exceptions) deleted, thus allowing an increase in strip commercial.

-FLU Policy 6.4.37-Deletes requirement for reclaim water use within Babcock Ranch. It is hard to believe CCU was consulted about this change. Getting rid of reclaimed water is one of its major challenges.

-ENV Policy 1.4.4-Deletes provision that the County may object to activities of other agencies which impact timing of flows. In a drought/rainy season climate like ours, timing is everything.

-ENV Goal 2 and ENV Policies 2.2.9, 2.3.1, 2.3.2, 2.3.1- Deletes provision that County will protect native habitats and natural communities. Besides the comments on wetlands above, is the County deleting the commitment it made in its Scrub Jay plan? Does that put the plan at risk? See e.g. other provisions like FLU Policy 4.1.2.

-ENV Policy 2.4.4- Deletes provision for controlling erosion. Self-defeating. Erosion has the potential to clog waterways at great cost to County.

-ENV Policy 2.5-Deletes provision for regulation and control of dirt mines.

-ENV Goal 3-Substantially eliminates section on protecting County wetlands.

-ENV Policy 3.1.6-50 foot buffer between commercial and industrial use and wetlands or waterways or lakes deleted even though the Sunshine Lake experience shows the enormous cost to the County of cleanup after the damage has been done.

-ENV Policy 3.1.7-200 foot buffer between storage of hazardous substances or substances which cause eutrophication and water body is deleted. As noted above, state permits don't address this; they only address petroleum, ammonia, chlorine and pesticide storage. Storage of fertilizer or solvents next to a waterway would be allowed under this change, again despite examples like Sunshine Lake. An April 26, 2014 Sun editorial about drilling injection of chemicals shows the importance of knowing and regulating the chemicals impacting our water supplies.

-ENV Policy 3.1.10-Provision for County wetland regulation deleted even though Charlotte County wetlands destroyed will not be replaced in Charlotte, unless Charlotte has its own regulations. Deletion would also would apparently prevent the County from enforcing the state or federal permit conditions.

**From:** Gant, Diane  
**Sent:** Monday, April 28, 2014 8:58 AM  
**To:** Doherty, Ken; Truex, Bill  
**Subject:** FW: Attn: Commissioners Truex and Dougherty

Please see the email below.

Thanks,

**Diane M. Gant**, Executive Assistant  
Charlotte County Board of  
County Commissioners  
18500 Murdock Circle, Room 536  
Port Charlotte, FL 33948  
941-743-1300  
941-743-1310 – fax  
[www.charlottecountyfl.gov](http://www.charlottecountyfl.gov)

**From:** Pat Pearson [<mailto:patriciagpearson@gmail.com>]  
**Sent:** Saturday, April 26, 2014 11:14 AM  
**To:** Commissioner, Assistant  
**Subject:** Attn: Commissioners Truex and Dougherty

As a residents of Manasota Key and member of the South Manasota/Sandpiper Key Association we ask you to preserve the protections in the Charlotte County Comprehensive Plan and the the SMK Overlay Code.

Please object to the attempt by a coalition of developers and their allies has to persuaded the County to consider a massive rewrite and to hastily adopt changes, without meaningful public input.

Protecting the natural environment of the County is both desirable and important for its economic success.

Sincerely,  
Pat and Nils Pearson  
27 Pearl St  
Englewood, FL 34223

**From:** Gant, Diane  
**Sent:** Monday, April 28, 2014 8:58 AM  
**To:** BCC  
**Subject:** FW: 20/50 Comp Plan

Please see email below.

Thanks,

**Diane M. Gant**, Executive Assistant  
Charlotte County Board of  
County Commissioners  
18500 Murdock Circle, Room 536  
Port Charlotte, FL 33948  
941-743-1300  
941-743-1310 – fax  
[www.charlottecountyfl.gov](http://www.charlottecountyfl.gov)

**From:** John Phillips [<mailto:jphil6@earthlink.net>]  
**Sent:** Saturday, April 26, 2014 6:46 AM  
**To:** Commissioner, Assistant  
**Subject:** 20/50 Comp Plan

Dear Commissioners,

As a year-round resident of Charlotte County, I am very concerned about the proposed changes to the 20/50 Comprehensive Plan. In my estimation it would weaken the environmental protections that our residents enjoy. We are in a unique position in that we are bordered by the highly populated counties of Lee and Sarasota. My experience in working with environmental organizations teaching the public about our situation, is that most of our county residents are here because of our lower population and expansive wilderness areas. We are extremely fortunate in having approximately 39% of our land in protected status by the county, state, or Southwest Florida Water Management District, as well as many acres of private land used for agricultural purposes. This not only creates a natural environment, but expands the wildlife corridor for many species to grow and expand.

I strongly feel that the current 20/50 Comp Plan is satisfactory in that it provides the unaltered environment our residents enjoy and want preserved. I implore you not to alter this plan!

Sincerely,

John G. Phillips  
6800 Golf Course Blvd., F-59  
Punta Gorda, FL 33982.



Sent: Fri 4/25/2014 8:52 PM  
From: Shao, Jie Jie.Shao@charlottefl.com  
To: genegage@1791.com  
CC: Harris, Ty <Ty.Harris@charlottefl.com>; Nocheck, Elizabeth  
<Elizabeth.Nocheck@charlottefl.com>; Moye, Joshua <Joshua.Moye@charlottefl.com>  
Subject: Re: SmartCharlotte 2050

Good afternoon Gene,

I believed that everyone agreed to remove "Agricultural lands" during the meeting.

Have a nice weekend,

Jie  
Charlotte County Community Development Department

Sent from my iPhone

> On Apr 25, 2014, at 7:35 PM, "[genegage@1791.com](mailto:genegage@1791.com)" <[genegage@1791.com](mailto:genegage@1791.com)> wrote:  
>  
> Jie  
>  
> Didn't remember what was decided on FLU Policy 2.3.3. Nutrient Runoff  
>  
> I do remember Andy asking that agricultural lands be taken off.  
>  
> I agree with Andy.  
>  
> Please let me know.  
>  
> Best Regards  
>  
> Gene Gage  
>  
>

**From:** Gant, Diane  
**Sent:** Monday, April 28, 2014 8:59 AM  
**To:** Duffy, Tricia  
**Subject:** FW: Message for Tricia Duffy

The below email came in for you....

**Diane M. Gant**, Executive Assistant  
Charlotte County Board of  
County Commissioners  
18500 Murdock Circle, Room 536  
Port Charlotte, FL 33948  
941-743-1300  
941-743-1310 – fax  
[www.charlottecountyfl.gov](http://www.charlottecountyfl.gov)

**From:** jim knoy [<mailto:jimknoy@gmail.com>]  
**Sent:** Friday, April 25, 2014 8:24 PM  
**To:** Commissioner, Assistant  
**Subject:** Message for Tricia Duffy

As a Charlotte County resident and voter, I am concerned about changes to the 2050 Comp plan that would in any way weaken environmental protections. I have read in the paper and also heard about the proposed changes to mining, land use, and wetlands provisions. It is unclear to me why BOCC has asked for these changes, but I fear you and other commissioners may not realize how vital our environment is to the growth and prosperity of Charlotte County. I volunteer with different groups in Charlotte county that benefit from the open space that we have. It is a benefit for us that we have such lands. I am referring to County preserves, State Park land as well as SWFWMD lands. The recreation use of these lands continue to increase and the potential for more use has not been fully explored.

We get the majority of our drinking water from surface water here in Charlotte County. The rest of the state uses primarily ground water. These open space land helps preserve the good water quality that we enjoy. Unregulated mining can lead to ground water disruptions, dust problems and traffic dangers. Wetlands are more than pollution filters. The estuary wetlands surrounding Charlotte harbor provide habitat for some of the life cycles of up to 80% of the sea life in the Gulf of Mexico. The freshwater wetlands also provide much needed habitat for the many species that make Florida their home and to the many migratory species that pass through here.

It is more relaxed here. I am glad that we are not like the counties to our north and south. Crime is less here. People are more friendly. Would the regular people here benefit from these proposed changes? I think not. We are not as developed as Lee and Sarasota Counties and that is exactly our greatest selling point. It makes us unique in SW Florida. Strong protections of our water and land will ensure that we continue to provide a niche that more developed areas can not.

Relying on federal or State regs and agencies to protect our environment, is frankly

foolhardy. In fact, many EPA regulations are specifically designed to be implemented, under EPA rules, by state and local authorities, especially regarding drinking water and other water quality areas. If you have EPA directly involved, they often have much more stringent requirements and the local flexibility often is not available. Do you really want to be ruled by Atlanta and Washington DC? In the same vein, do you want to be ruled by Tallahassee? What if another political party takes the governor's office? We need growth and development, but for heavens sake, don't throw out the very rules that make this area safe and desirable to live in. Thank you.

Jim Knoy  
20255 Banner Ave  
Port Charlotte, FL 33952  
303 868 8337  
[www.jimknoy.com](http://www.jimknoy.com)

**From:** Shell and Penny Rieley [<mailto:pennshell@gmail.com>]

**Posted At:** Thursday, April 24, 2014 10:53 AM

**Posted To:** Press Mail

**Conversation:** Smart Charlotte 2050

**Subject:** FW: Smart Charlotte 2050

Please read the attached document outlining concerns of the Cape Haze community.

Shell and Penny Rieley  
[pennshell@gmail.com](mailto:pennshell@gmail.com)  
941-697-9811 FL

I am Secretary of the Cape Haze Women's Club, a part of the Cape Haze Property Owner's Assoc. As you may know we live in a fairly rural part of Charlotte Co. Our peninsula supports many wetlands areas. We are considered to reside in a Coastal High Hazard Area and many houses in our community were built in the 1960s and '70s. We have no beaches, having to depend on barrier islands to access Gulf playgrounds. I write this as a result of my attending the meeting on April 24.

Our residents chose to live in Cape Haze because they enjoy the quiet life the area provides. They also have a respect for the environment and the wildlife it affords- witness the fact that we have a marine watch and many residents are active in the Lemon Bay Conservancy and its activities. We live far from public transportation and even farther from airports and we like it that way. If language for *protecting* rural areas is changed to *encouraging* protection, we feel developers will take advantage of profit over conscience and we will have little recourse to stop this.

Three short years ago some members of our community worked with then Commissioners and others to provide input to what is the current Smart Charlotte2050 Plan. We made compromises to draft a plan that would protect the rural character of our peninsula and the environment therein. Because we are in a Coastal High Hazard Area, we worked to assign density units to properties that would allow residents unfettered access to evacuation routes in case of hurricanes or other natural disasters. We determined maximum building heights, proposed bikeways and other public right-of-ways and identified wetlands and conservation lands so that all in the area could enjoy its potential without destroying its character.

Is it possible that only 3 years later some of those who worked to produce Smart Charlotte are now suddenly much smarter and believe that radically changing the Plan is necessary??? Or have some become greedier and think Smart Charlotte 2050 will limit profits they seek?? We can understand the rationale for having regulations in the LDC and not in the visionary document. We totally object to deleting *guidance*, especially in the TDU section. Please leave in the enumeration of specific situations where TDUs are or are not appropriate (FLU Policies 1.2.8 – 1.2.11).

Residents see potential for over-development of coastal zones, loss of protection for wetlands and the fish and wildlife they support. They see loss of protection or damage to our precious water

supply- both above and below ground. And these are just the concerns we have for our immediate neighborhood. We know that other sections of Smart Charlotte are proposed for revision. I dwell only on our immediate concerns.

In summary, we in the Cape HazeCommunity do NOT want to see revisions to what we consider to already be a SMART Plan that take away guidance and use terms that are not defined (i.e. sustainable, viable, appropriate, etc.). Why is the new document no longer SMART? We are your constituents and we ask you to represent us. I ask on behalf of my neighbors that you reject radical revisions to the existing Plan and make sure there is guidance and *protection*, not just “encouragement”.

Penny Rieley, Secretary CHWC

**From:** Bill Bigelow [<mailto:wbigelow@live.com>]

**Posted At:** Thursday, April 24, 2014 10:06 AM

**Posted To:** Press Mail

**Conversation:** Smart Charlotte 2050

**Subject:** Smart Charlotte 2050

Ken:

Yesterday, I attended the 8 hour county workshop covering proposed 2050 revisions. Based on the input I obtained from that meeting I would like to meet with you for more discussion on the plan and the county's codes and ordinances.

Please advise of the open dates/times you have available.

Bill Bigelow

**From:** Allen Stewart [<mailto:astewart24149@comcast.net>]

**Posted At:** Thursday, April 24, 2014 4:17 PM

**Posted To:** Press Mail

**Conversation:** Land Use Plan

**Subject:** Land Use Plan

Commissioner

Having reviewed the proposed Florida Land Use Plan developed for Charlotte County, I am taken by the removal of elements which reference sustainability and the avoidance of sprawl. The Plan as manipulated reads as a permission slip for continuing the poor practices of the past—lack of conservation, ill-advised urban sprawl, and willful destruction of natural resources without consideration of long term economic or sociological impact. Please, we can do a better job of protecting our future. Thanks.

Allen Stewart P.E.

24149 Jolly Roger Blvd

Punta Gorda, Florida 33955

[astewart24149@comcast.net](mailto:astewart24149@comcast.net)

**From:** Henry Danielson <[henryjuliedanielson@gmail.com](mailto:henryjuliedanielson@gmail.com)>

**Date:** April 21, 2014 at 11:45:30 AM EDT

**To:** [Ken.Doherty@charlottefl.com](mailto:Ken.Doherty@charlottefl.com)

**Cc:** [Ty.Harris@charlottefl.com](mailto:Ty.Harris@charlottefl.com)

**Subject:** Comprehensive Plan Changes

Commissioner Doherty:

It has come to our attention that there is a movement to make a massive change to the Charlotte County Comprehensive Plan. It is interesting that this attempt comes in April, when many county residents who have invested their life savings in homes and real estate in Charlotte County, will be returning north to visit family and old friends. That timing is consistent with the aims of those interested in change. Their goals are not a tastefully developed county with reasonable density, greenspace, ease of access for pedestrians, bicyclists, and motorists, carefully thought out development, and preservation of wildlife, water resources and wetland.

Rather, they want strip malls, urban sprawl, unlimited density, no restrictions on water or land use. They demand the right to abuse the land, dirty the water, store hazardous chemicals, limit access, and then, after they have gleaned every cent they can at the expense of the rest of us, be on their way to "develop" another county and leave us and our descendents to deal with the mess.

The Comprehensive Plan for Charlotte County was carefully thought through by those who wrote it. Public participation was everywhere. It is a genuine reflection of the desires of the people of Charlotte County. The overlay portion that concerns those living on Sandpiper and Manasota Keys, affects us personally. My neighbors and I worked hard on the provisions reflected in that code. We were motivated by attempts at irresponsible development in our neighborhood that ended in bankruptcy and eyesores we will have to live with for years.

Please understand, it is wrong for you to allow the County Comprehensive Plan to be changed, gutted, without real publication of the proposed changes in the press, and a chance for the property owners to have their say. That includes, by the way, snowbirds, residents who spend summers in other parts of the country. If you must consider this, at least do it when property owners are here.

So what is wrong with the changes?

Everything!

Look out my window on Manasota Key. You will see pelicans, dolphins, manatees, herons. You will see people fishing, sailors, boaters. We are here because of the natural beauty of the area, the wildlife, the opportunity for recreation.

By allowing unrestricted development in flood prone areas, you will cause insurance rates to rise.

By allowing filling of wetlands, you will reduce the natural water purification process, so important to wildlife and people in our area.

By allowing fewer restrictions on mining you will endanger our water supply, cause damage to county roads, not to mention damage to the land when the mining is done.

Property values will decrease and taxes increase as a result of urban sprawl, strip malls and more intense use of the land.

My wife and I bicycle a hundred miles each week, much of it in Charlotte County. We love this place; even though we return to the north during hurricane season; here is our home.

We will watch what you do to our county. If you allow these changes, the effects of them will be your legacy. Remember, a politician thinks of the next election; a statesman thinks of the

next generation.

Be one who thinks beyond petty politics and the greed of developers. Allow the Comprehensive Plan to be fully implemented and watch Charlotte County bloom.

Sincerely,  
Henry and Julie Danielson  
1745 Gulf Blvd., #10  
Englewood, FL 34223

**From:** "Barry" <[barrysndi@comcast.net](mailto:barrysndi@comcast.net)>

**Date:** April 20, 2014 at 1:00:11 PM EDT

**To:** <[Chris.Constance@charlottefl.com](mailto:Chris.Constance@charlottefl.com)>, <[StephenR.Deutsch@charlottefl.com](mailto:StephenR.Deutsch@charlottefl.com)>, <[Ken.Doherty@charlottefl.com](mailto:Ken.Doherty@charlottefl.com)>, <[Tricia.Duffy@charlottefl.com](mailto:Tricia.Duffy@charlottefl.com)>, <[Bill.Trux@charlottefl.com](mailto:Bill.Trux@charlottefl.com)>

**Cc:** <[Ty.Harris@charlottefl.com](mailto:Ty.Harris@charlottefl.com)>

**Subject: Reject the 2014 Process to Amend the Comp Plan**

Since I could not have written the following any better I wish to tell you that I agree with the following commentary from Percy Angelo and wish to submit it as if it was written as my personal opinion.

-The County should preserve the current comp plan and its protection of neighborhoods and the environment.

-The current comp plan was adopted after extensive public input. It is wrong to gut the plan, deleting neighborhood and resident protections, on a hurry up basis without full information to the public, including the snowbird residents, and without its ever having been fully implemented.

-The proposals will create added financial burdens for the County and citizens, raising the need to extend infrastructure, eliminating wetlands which protect water quality and prevent costly water cleanups, allowing more building in areas subject to flooding, and Coastal High Hazard Areas and increasing costs for insurance and public protection, allowing riskier uses in groundwater recharge areas, and allowing the extension of mining with its damage to County roads. These costs are in addition to impacts on property values from strip malls, higher intensity uses, and the elimination of effective buffers.

-The wildlife and environment of the County are essential to its character, its value to its citizens and its economic success.

Barry Slosberg

Sent: Tue 4/15/2014 10:57 AM  
From: Shao, Jie Jie.Shao@charlottefl.com  
To: 'razvozan@gmail.com'  
CC: Harris, Ty <Ty.Harris@charlottefl.com>; Nocheck, Elizabeth <Elizabeth.Nocheck@charlottefl.com>; Moye, Joshua <Joshua.Moye@charlottefl.com>  
Subject: RE: Proposed Comp Plan ChangesNO

Good morning Ms. Razvoza,

I have been asked by Mr. Harris, my Director, to respond to your email.

Thank you very much for your comments. I hope that the following answers can ease your concerns and address the logic behind this revision:

**1. Reasons for Revisions:**

The Smart Charlotte 2050 Comprehensive Plan was adopted by the Board of County Commissioners on July 20, 2010, and became effective on June 15, 2011. During the implementation of the Plan, it became apparent that some policies need to be revised in order to fulfill the vision that was established in Smart Charlotte 2050 and better guide redevelopment and future development within the County. Per the Board of County Commissioners' (Board) direction to remove duplication and be consistent with the State and Federal governments' requirements and regulations, staff have been working on the revisions in order to satisfy the Board's request.

**2. Intent and Vision Established in the Smart Charlotte 2050 Comprehensive Plan:**

The intent and vision created for the Smart Charlotte 2050 Comprehensive Plan have not been and will not be changed. The vision includes four different neighborhood classifications (Managed, Maturing, Emerging, and Revitalizing) which have not been changed, and will not change. Each classification has its own unique objectives and policies to protect each unique type of neighborhood. The protections acquired in 2011 remain in place as originally created. The protection to our semi-rural living in beautiful Charlotte County still remains.

**3. Some deletions:**

We plan to delete some policies which should not belong to the Plan in the first place. There are regulations, which will be incorporated into the appropriate land development regulations. The proposed revision will not give up local control to the State and the Federal government, and will not diminish protection of neighborhoods, wetlands, and our semi-rural living in beautiful Charlotte County. For example:

- a. *Preventing urban sprawl* – To be consistent with Florida Statutes' requirements regarding discouraging Urban Sprawl, we are proposing to revise the policies to incorporate Florida Statutes 163.3177, which specifically addresses preventing urban sprawl, into Smart Charlotte 2050 Comprehensive Plan. The County is required by Florida Statutes to discourage urban sprawl.
- b. *TDU related policies* - The TDU ordinance in Article XX, Chapter. 3-5 Transfer of Density Units, outlines the intent, applicability, and criteria for sending and receiving zones, as well as related procedures for transferring density. The proposed revisions to the Comprehensive Plan eliminate regulatory duplication. We are not proposing amendments to the existing TDU ordinance at this time.

- c. *Residential compatibility* - The proposed FLU Goal 1. Balanced Growth Framework, states Number 3: Protect and Enhance Residential Neighborhoods. FLU Policy 4.1.6 Neighborhood Compatibility still exists. The proposal removes the specific regulations because they should not belong to the Comprehensive Plan. They will be incorporated into the Unified Land Development Code, where they should be, to ensure neighborhood compatibility.
- d. *Wetland Protection* - The goal to protect wetlands remains in the Plan. (ENV Goal 3. Wetlands, avoid, minimize, or mitigate impacts to wetlands by restoration, enhancement, creation or local wetland mitigation banking, when available.) However, the existing Comprehensive Plan establishes the wetland categories. This doesn't negate the fact that this is inconsistent with the State/Federal categorization processes. Per the Board's direction, staff is proposing removing these policies in order to be consistent with the State and Federal governments' requirements.

I hope that I have adequately addressed your concerns and we are looking forward to working with you to create the best possible Comprehensive Plan for Charlotte County citizens. Please feel free to let us know if we can be of further assistance.

Best Regards,

Jie

*Jie Shao*

Planner III  
Charlotte County Community Development Department  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948-1094  
[\(941\) 743-1272](tel:(941)743-1272) / [\(941\) 743-1292](tel:(941)743-1292) (fax)

Please visit our [Smart Charlotte 2050 website](#) to view the adopted Comprehensive Plan  
Please click on [www.CharlotteCountyFL.com](http://www.CharlotteCountyFL.com) to visit the Charlotte County Homepage

**"To Exceed Expectations in the Delivery of Public Services"**

**From:** gudrun matthaus [<mailto:gmatthaus@gmail.com>]

**Sent:** Tuesday, April 15, 2014 7:33 AM

**To:** [Chris.Constancerr@charlottefl.com](mailto:Chris.Constancerr@charlottefl.com); Deutsch, Stephen R.; Doherty, Ken; Duffy, Tricia; Truex, Bill; Harris, Ty

**Subject:**

I urge you to not change the current comprehensive growth plan. It was developed after extensive public input and discussion and has been in effect only three years. It protects our environment, our wetlands so important to the drinking water and wildlife of our county. It allows for plenty of growth opportunities. There is no need to hurry a new plan through.

Gudrun Matthaus  
3245 Park Drive  
Punta Gorda FL 33982

Sent: Mon 4/14/2014 11:15 AM

From: Harris, Ty <Ty.Harris@charlottefl.com>

To: 'k2ykw@comcast.net'

CC: Truex, Bill <Bill.Truex@charlottefl.com>; Shao, Jie <Jie.Shao@charlottefl.com>; Nocheck, Elizabeth <Elizabeth.Nocheck@charlottefl.com>

Subject: Proposed comprehensive plan revisions.

See additional responses to your follow up questions below:

Most of my concerns surround deletions to the plan.

Here they are:

Page 1: Removes: "Prevent Urban Sprawl." To be consistent with Florida Statutes' requirements regarding discouraging Urban Sprawl, the following criteria have been incorporated into Smart Charlotte 2050 Comprehensive Plan:

Section 163.3177.F.S. Required and optional elements of comprehensive plan; studies and surveys:

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.
- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - (IV) Promotes conservation of water and energy.
  - (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The proposed policy is as follows:

**FLU Policy 1.2.6: Expansion of the Urban Service Area**

Each Evaluation and Appraisal Report process shall include an assessment of the Service Area Boundary and the adequacy of the existing development rights and forms within the Urban Service Area. Should the County desire to expand the Urban Service Area or receives a private request to expand the Urban Service Area the standards in Section 163.3177 F.S. (2013) shall apply.

Page 5: Addition of Administrative adjustments for FLUM series. This blurs the lines of demarcation for protection provided by the FLUM. **No.** The proposed policy will give the County the legal right to correct scrivener's errors due to GIS accuracy, mapping errors, etc.

Page 6: Removal of "Demonstration of Need" section; Removal of protection regarding the Urban Service area. **No.** Florida Statutes contains criteria to determine how you can extend the Urban Service Area.

Page 7: Removal of other protections regarding availability of urban infrastructure; compatibility and section on "Urban sprawl." **No,** the criteria to extend the urban infrastructure (Urban Service Area) have been established in Section 163.3177.F.S. In addition, the priority has been set in Smart Charlotte 2050 Comprehensive Plan to expansion of infrastructure as follows:

**FLU Policy 4.1.8: Priority for the Provision of Urban Services**

The County shall establish the priority for the extension of urban services and facilities including, but not limited to, potable water and sanitary sewer services in residential areas as follows:

1. *First priority:* Revitalizing Neighborhoods.
2. *Second priority:* Maturing Neighborhoods.
3. *Third priority:* Emerging Neighborhoods with completed Emerging Area Plans.

4. *Fourth priority: Emerging Neighborhoods* without completed Emerging Area Plans.
5. In certain instances, the County may provide higher levels of infrastructure and services to areas regardless of the neighborhood designation in order to protect the public health, safety, and welfare.

Page 7-12: Total gutting of the Transfer of Density Unit (TDU) Program intent and safeguards. More on this below. ”. No. The TDU ordinance in Art. XX, Chap. 3-5 Transfer of Density Units outlines the intent, applicability, and criteria for sending and receiving zones, as well as related procedures for transferring density. The proposed comp plan amendments eliminate regulatory duplication. We are not proposing amendments to the existing TDU ordinance at this time.

Page 14-16: Removes protections of ecology. Wildlife habitat is part of natural resources. FLU Goal 2 promotes land use practices that preserve and protect natural resources. In addition, the following objective and policy protects wildlife habitat:

FLU Objective 2.2: Wildlife Corridors

To identify and protect corridors or linkages that maintains a contiguous network of wildlife habitat between existing preservation lands.

FLU Policy 2.2.1: Establish a Wildlife Corridor Linkage Strategy

The County hereby identifies potential Critical Wildlife Corridors (FLUM Series Map #22) in the east county area as an initial important step in a County-wide Wildlife Corridor Linkage Strategy. The County shall adopt a Wildlife Corridor Linkage Strategy into the Code of Laws and Ordinances. Protection methods for lands within the Corridors may include acquisition and incentives.

FLU Policy 2.2.2: Minimize Roadway Encroachments

The County shall evaluate local roadway construction projects to consider the potential direct and indirect impacts of such projects to the County’s conservation efforts and establish a mechanism within the Corridor Linkage Strategy to mitigate such impacts when they are identified.

FLU Policy 2.2.3: Minimize Fragmentation from Incompatible Land Uses

In order to prevent the degradation of existing or proposed conservation lands, the County shall:

1. Be judicious when extending urban services and create standards for clustering, Transfer of Density Units, and implement other similar programs.
2. Ensure that incompatible land uses are not allowed adjacent to existing or future planned conservation lands to avoid limitation of management actions, exotic species transfer, or restriction to wildlife access due to habitat disturbance.

Page 27: Removes the section on preventing Urban sprawl. Please see response to your first question.

Page 30: Removes the section that requires appropriate setbacks and buffers for roadways in residential areas in order to minimize the impact of road widening in future. Setbacks and buffers are land development regulations, and they do not belong in the Comprehensive Plan.

Page 37 & 38: Weakens strip mall impacts. No. There is difference between the linear development vs. strip mall type of development. The definition set forth in the Comprehensive Plan and land development regulations shall not weaken any strip mall impacts.

Ty, the biggest concern I have is the TDU process and its complete evisceration. I'm certain that I see the hand of some of the land use lawyers behind this. Consider all of the deletions on pp 7-12.

These safeguards were the cornerstone of the original plan.

For example, the removal of Section 1.2.76-6: "Prevent density increase in Coastal High Hazard Area." says it all. Policies regarding development within the Coastal High Hazard Areas located in the Coastal Planning Element. We are not proposing to amend these policies.

### **CST Objective 3.2: Development and Redevelopment in the CHHA**

To limit density and intensity within the CHHA.

#### **CST Policy 3.2.1: Mobile Home Zoning in CHHA**

The County shall prohibit any new mobile home zoning on the Barrier Islands or within the CHHA.

#### **CST Policy 3.2.2: CHHA Density Transfer Requirement**

The County shall prohibit any rezonings that increase density beyond the base density within the CHHA unless density is simultaneously transferred or pledged to be transferred from a similar CHHA category. No density may be transferred from other high hazard areas of the County into the area west of the Myakka River and Charlotte Harbor.

#### **CST Policy 3.2.3: Density of Development within CHHA**

1. The platted density of new development shall not exceed 3.5 units per acre.
2. In accordance with the provisions of Ordinance 90-58, population density on the bridgeless barrier islands is limited to one unit per gross acre; areas on the bridgeless barrier islands platted prior to the date of adoption of Ordinance 90-58 shall have an allowable density of one unit per platted lot.
3. The County shall actively facilitate the removal of density from the CHHA by plat vacation and other means.

#### **CST Policy 3.2.4: Applications for Development within the CHHA**

The County shall require development within the CHHA proposing greater than one single dwelling unit to plan for and mitigate the effects and impacts of evacuation issues for the project site. In addition, the development may also be required to comply with the County's current Shelter-in-Place Development Policy.

**From:** Nancy Razvoza [<mailto:razvozan@gmail.com>]  
**Sent:** Monday, April 14, 2014 8:35 PM  
**To:** Harris, Ty  
**Subject:** Fwd: Proposed Comp Plan ChangesNO

Hi Mr. Harris,

I forgot to copy you on these, so I'm forwarding my remarks. Thank you. Nancy Razvoza

----- Forwarded message -----

**From:** Nancy Razvoza <[razvozan@gmail.com](mailto:razvozan@gmail.com)>  
**Date:** Mon, Apr 14, 2014 at 4:57 PM  
**Subject:** Fwd: Proposed Comp Plan ChangesNO  
**To:** [assistant@charlottefl.com](mailto:assistant@charlottefl.com)

I have written directly to my District 5 Commissioner, but I would appreciate it if you would forward the same request to the others. Thank you. Nancy Razvoza

----- Forwarded message -----

**From:** Nancy Razvoza <[razvozan@gmail.com](mailto:razvozan@gmail.com)>  
**Date:** Mon, Apr 14, 2014 at 4:53 PM  
**Subject:** Proposed Comp Plan Changes NO  
**To:** [StephenR.Deutsch@charlottefl.com](mailto:StephenR.Deutsch@charlottefl.com)

Dear Stephen,

As a former member of the NWPC Advisory Board, and a concerned homeowner, I respectfully ask that you vote no on the proposed changes to the Comp Plan. The logic behind many of these proposed deletions is flawed and the effect of them will be to give up local control to the state and the feds, and to diminish protection of neighborhoods, wetlands, and our semi-rural living in beautiful Charlotte County. I will be at the meeting of April 23, as will many local citizens who are incensed at the lack of information about these wide-ranging proposed changes.

Nancy Razvoza  
73 Cornelius Blvd.  
Port Charlotte, FL 33953  
[razvozan@gmail.com](mailto:razvozan@gmail.com)

**From:** william j dahms <[k2ykw@comcast.net](mailto:k2ykw@comcast.net)>  
**Date:** April 9, 2014 at 4:55:24 PM EDT  
**To:** "Harris, Ty" <[Ty.Harris@charlottefl.com](mailto:Ty.Harris@charlottefl.com)>  
**Cc:** Jim Cooper <[jcoop43@comcast.net](mailto:jcoop43@comcast.net)>, [Bill.Trux@charlottefl.com](mailto:Bill.Trux@charlottefl.com)  
**Subject: Re: Proposed revisions to the 2050 Comp Plan**

Ty:

Thank you for your reply and I thank Commissioner Truex for his interest.  
I appreciate your taking the time to write back and provide some explanations.  
Nevertheless, I am still concerned

As I read through the plan (which is a massive piece of work), it is clear from the deletions that this will weaken the protections which we fought so hard for a couple of years ago.

My goals remain that we:

1. Protect the ecology
2. Protect the environment
3. Preserve the quality of life and positive character of life here in the Cape Haze corridor.

Twelve or so years ago former county Commissioner Mac Horton predicted that we would soon see "concrete canyons" down Placida Road.

As I look at this plan revision and see that land use lawyers are enthusiastically supporting it, I am worried that that could now become a reality.

Under the guise of being "Open for Business" it seems that some are willing to gut a well thought out plan and throw up high density developments.

The items to which I referred are in the deletions to the plan.

Perhaps your deletions have been too aggressive and have caused some, like me, this level of concern.

I eagerly look forward to discussion of this at your meeting on Weds April 23.

Best regards,

*Bill Dahms*

William J. Dahms

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On Apr 9, 2014, at 4:15 PM, Harris, Ty wrote:

Commissioner Truex asked me to provide responses to your questions / issues with the proposed revisions to 2050. See my responses below.

I have been reviewing all 64 pages of the proposed "Smart Charlotte 2050" plan.

While it is a lot to digest, one thing is clear it will ruin West County.

It appears to me that it was written by (or for) someone who is clearly intent on massive development and the creation of another Miami Beach.

**No, the vision was created for the Smart Charlotte 2050 Comprehensive Plan has not been and will not be changed. The vision includes 4 different neighborhood classifications (managed, maturing, emerging, and revitalizing) which have not been changed, and will not change. Each classification has its own unique objectives and policies to protect each unique type of neighborhood. The protections acquired in**

2011 remain in place as originally created. The revisions will not “ruin” west county nor will they permit Miami Beach type density in west county.

There are too many areas to cite in this short missive.

But it is clear that this proposal will remove all the protections we acquired in 2011.

The removal of "Residential compatibility",

The proposed FLU Goal 1. Balanced Growth Framework, states Number 3: Protect and Enhance Residential Neighborhoods. FLU Policy 4.1.6 Neighborhood Compatibility still exists, and the specific regulations to ensure neighborhood compatibility will be incorporated into the Unified Land Development Code, where they should be. The 2050 plan incorporates many regulatory elements that belong in the Land Development Code and not in a planning document – which is what the 2050 plan is.

all references to "environmental soundness", "directing building away from urban areas" and most significantly removing the section on "preventing urban sprawl" says to me that the intent is to create the "concrete canyons" in West County (as well as elsewhere) that Mac Horton once spoke of.

Environmental soundness – please provide a specific reference to this – cannot locate in Comp Plan

Directing building away from urban areas – this is the exact opposite of what we are trying to do. Where is this found in the Comp Plan?

Preventing urban sprawl – Florida Statutes 163.3177 specifically addresses preventing urban sprawl. The County is required by Florida Statutes to discourage urban sprawl. The majority of West County is located in the Coastal High Hazard Area. The TDU Code specifically restricts additional density from being added into the CHHA – only density units from the CHHA may be transferred within the CHHA, no density units from elsewhere in the County may be transferred into the CHHA. (CST Goal 3: Development in High Hazard Areas)

The priority for the extension of urban services and facilities has not been altered. This policy helps prevent sprawl.