



MEMORANDUM

DATE: September 30, 2015

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Claire Jubb
Community Development Department Director

RE: A Large Scale Plan Amendment Petition Number PA-15-07-08-LS:
Revisions to Charlotte County Comprehensive Plan (Part I)

Staff Recommendation

Approve transmittal of Petition No. PA-15-07-08-LS to the Department of Economic Opportunity (DEO) for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff report dated September 30, 2015 and any evidence presented at the public hearing.

The Planning and Zoning Board Proposed Recommendation

Motion to forward application No. PA-15-07-08-LS to the Board of County Commissioners with a recommendation of Approval/Denial of transmittal of PA-15-07-08-LS to the Department of Economic Opportunity for review and comment, based on the findings and analysis in the staff report dated September 30, 2015, and the evidence presented at the public hearing.

History

The Smart Charlotte 2050 Comprehensive Plan (Plan) was adopted by the Charlotte County Board of County Commissioners (Board) on July 20, 2010, and became effective on June 15, 2011. During the implementation of the Plan, via updating and revising 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 as provided for in the County's Charter, and better guide redevelopment and future development within the County. At the Board's direction, staff had been working on revisions to the following elements of the Plan:

- Future Land Use (FLU) Element
- FLU Appendix I: Land Use Guide

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- FLU Appendix III: Definitions
- Natural Resources (ENV)
- Coastal Planning (CST) – CST Policy 3.2.5

On September 23, 2014, the Board adopted the following ordinances for revisions to the Plan:

- Ordinance No. 2014-026, which related to revisions to the Future Land Use (FLU) Element;
- Ordinance No. 2014-027, which related to revisions to FLU Appendix I: Land Use Guide;
- Ordinance No. 2014-028, which related to revisions to FLU Appendix III, Definitions;
- Ordinance No. 2014-029, which related to revisions to the Natural Resources (ENV) Element; and
- Ordinance No. 2014-030, which related to revisions to CST Policy 3.2.5.

Subsequent to the adoption of these ordinances, the Friends of Cape Haze, the Sierra Club, and Debra Highsmith (Petitioners) filed challenges to these revisions with the Division of Administrative Hearings (DOAH). Over the past several months, the County and the Petitioners had been working together in order to resolve any differences that were identified in the challenges. On July 14, 2015, the Board rescinded the adopted ordinances and requested staff to work on revisions to the previously adopted revisions to the Plan.

The draft revisions for the first portion of the changes have been completed. The Community Development Department scheduled two public roundtable meetings on September 16th and September 30th to present the proposed revisions to the public and solicit comments in order to finalize these revisions. The strikethrough and underline versions are attached to this memo for your reference. (see Attachment 1: Revisions to the Future Land Use (FLU) Element; Attachment 2: Revisions to FLU Appendix I: Land Use Guide; Attachment 3: Revisions to Definitions; Attachment 4: Revisions to the Natural Resources (ENV) Element, and Attachment 5: Revision to CST Policy 3.2.5.)

Data and Analysis

The proposed revisions include removing language that should not be in the Plan because it relates to regulatory standards which should be located in the LDRs; language that does not correctly reflect the data and analysis which was completed during the Plan creation process in 2009-2010; and language which was never supported by scientific data. Therefore, the following is a list of the data which is used to support the proposed revisions (Part I):

- All data used to create the “Smart Charlotte 2050 Comprehensive Plan”.
- Planner’s guide to Wetland Buffers for Local Governments, March 2008, Environmental Law Institute. (see Attachment 6)
- Letter Prepared by Passarella and Associates, Inc., dated September 23, 2005. (see Attachment 7)

Data Specifically Used to Support Revisions to Babcock Related Policies:

- Babcock Ranch Community Master DRI Development Order adopted by the Board on January 28, 2014. (see Attachment 8)
- Babcock Ranch Community DRI Increment I Development Order adopted by the Board on January 28, 2014. (see Attachment 9)
- Ordinance Number 2014-077: Section 3-9-51: Babcock Overlay Zoning District (BOZD). (see Attachment 10)
- Babcock Community Pattern Book. (see Attachment 11)
- Babcock Overlay Zoning District Pattern Book Phase 1A and Subdivision Approval. (see Attachment 12)

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- Babcock Ranch Community Fiscal Stabilization Agreement between Board of County Commissioners of Charlotte County, Florida, and the Babcock Ranch Community Independent Special District. Chapter 2007-306. (see Attachment 13)
- Lee County Ordinance No. 10-03. (see Attachment 14)

Major changes

- The word “smart” is removed from the title of the Plan, along with the term “Smart Growth” is also replaced with “Planning Principals.” Staff is proposing to change the name of SPAM Series Map 1 from “2050 Smart Growth Concept Plan” to “2050 Planning Concept Plan”. (see Attachment 15)
- **Revisions to the Future Land Use (FLU) Element:**
 - *FLU Goal 1: 2050 Framework (Proposed New Title), FLU Objective 1.1: Planning Strategy Implementation (Proposed New Title), FLU Policy 1.1.1: Planning Principles(Proposed New Title), FLU Policy 1.1.3: Strategy for Reducing Vehicle Miles Traveled (Proposed New Title), FLU Policy 1.2.1: Adopted Future Land Use Map Series (FLUM Series) and Planning Horizon, FLU Goal 4: Planning Concept Plan Implementation – Neighborhood Protection and Enhancement*

Staff is proposing to revise FLU Goal 1 to include major planning principles. The County is required by Florida Statutes to discourage urban sprawl; therefore, staff is proposing to revise the Plan to incorporate Section 163.3177 F.S., which specifically addresses discouraging urban sprawl, into the Plan and replace “prevent” with “discourage”.

- *FLU Policy 1.1.5: Strategy for Sustainability: Reducing the Carbon Footprint*

It is not the intent of Section 163.3177(1), F.S., to require the inclusion of implementing regulations in the comprehensive plan; rather, the intent is to require identification of those programs, activities, and LDRs that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and LDRs will be carried out.

- *FLU Policy 1.2.2: Scriveners’ Errors for FLUM Series Maps*

Staff is proposing to add this new policy to address scriveners’ errors to be consistent with the existing process within the County.

- *FLU Objective 1.4: Protection of Private Property Rights & FLU Policy 1.4.1: Vested Rights Protection*

This objective and policy is revised to protect all property rights not just existing property rights.

- *FLU Goal2: Planning Concept Plan Implementation – Natural Resource Protection (Proposed New Title)*

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This goal is revised to be more practicable.

- *FLU Policy 2.1.2: 2050 Framework – Conservation Land*

This policy is revised in order to protect property owners' rights to apply for amendment of their existing development right to allow greater density or intensity if the properties are designated as Preservation, Resource Conservation, or Parks and Recreation.

- *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 revise this policy in order 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 2.1.4: Access to Conservation Areas*

Three criteria are added to this policy in order to ensure that public conservation lands within the County are accessible.

- *FLU Policy 2.1.5: Access to Public Water Bodies*

Staff is proposing to add "public" in order to clarify that this policy only applies to the public water bodies and also revised this policy to make sure that the County will address and define public benefit.

- *FLU Policy 2.1.6: Floodplain Protection*

Staff is proposing to revise this policy to be consistent with the Florida Building Code and the local Floodplain Ordinance.

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

This policy is being revised as the County has already established Critical Wildlife Corridors in the East County area. Staff is also proposing to revise this policy to make sure that the County will adopt a Wildlife Corridor Linkage Strategy and what kind of protection methods will be used in the future.

- *FLU Policy 2.3.3: Nutrient Runoff*

Staff is proposing to revise this policy to make sure that the "Best Management Practices" are implemented, as required by permits issued by State agencies.

- *FLU Policy 2.3.7: Advanced Septic Systems*

Staff is proposing to remove this policy because "advanced septic systems" are no longer required by the Health Department.

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- *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. Therefore, staff is proposing to remove this policy.

- *FLU Policy 2.4.1: Public Buildings*

Staff is proposing to remove the last sentence because it is regulatory and therefore should be part of LDRs.

- *FLU Policy 2.4.2: Development Incentive (Proposed New Title)*

This policy is being simplified.

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

Staff's revisions retain the same meaning.

- *FLU Policy 4.1.6: Neighborhood Compatibility*

The policy is revised to require Charlotte County to include appropriate criteria for rezoning actions to address residential compatibility.

- *FLU Policy 4.1.7: Roadway Compatibility*

One of the criteria is removed from this policy in order to prevent potential takings.

- *FLU Policy 5.3.2: Community Redevelopment Areas*

Staff is proposing to revise this policy by adding the Parkside Community Redevelopment Area (CRA) to this list as the Parkside CRA was established by the Board in 2010.

- *FLU Policy 5.4.1: Strengthen Character*

Staff is proposing to revise the policy because the majority of the corridor studies have been completed.

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

Staff revised this policy to delete specific criteria that is regulatory and not appropriate for inclusion in the Plan. Generally, staff has no objection to linear commercial development.

- *FLU Policy 5.4.3: Access and Connectivity*

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Staff is proposing to revise this policy to be more practicable.

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

County staff only made one change to this policy, which amends the width of wildlife corridors from 200 feet to 100 feet in order to be consistent with the Burnt Store Area Plan. The Burnt Store Area Plan was approved in 2005 by the Charlotte County Board of County Commissioners.

The 100-foot wide wildlife corridor was originally created during the Burnt Store Area Plan process in 2005. The Burnt Store Area Plan was the result of a cooperative effort to plan future improvements to transportation, utilities, environmental linkages, water management and land use along the Burnt Store corridor and throughout the surrounding area. The planning process included six months of meetings with elected officials, County staff members, state and local governmental agencies, environmental leaders, the South Charlotte County Coalition, directors of homeowners associations and interested citizens. Two public hearings were held and attended by a total of more than 400 Charlotte County residents. The area plan and associated goals, objectives, and policies reflect the input received from all interested stakeholders. However, during the adoption of the County's Smart Charlotte 2050 Comprehensive Plan on July 20, 2010, the 100-foot wide corridor requirement was modified to 200-foot without any explanation or public hearings. In fact, during the transmittal hearing, Staff removed specific measures (such as buffer width and the size of wildlife corridor) as had previously been adopted to implement the Burnt Store Area Plan natural resource protections from the proposed Comprehensive Plan, and wanted to place all these requirements in the County's Land Development Regulations. However, the Department of Community Affairs (DCA) (now called Department of Economic Opportunity (DEO)) had concerns and issued DCA No. 10-1, Objection 20 to require the County to revise the proposed Smart Charlotte 2050 Comprehensive Plan to include the previously adopted specific measures into the Smart Charlotte 2050 Plan. Therefore, the specific measure, which was included in the existing Future Land Use Element of the 1997-2010 Comprehensive Plan as Policy 2.5.19, has been revised and added to the new Comprehensive Plan as FLU Policy 6.2.11: Natural Resource Connections. A letter Prepared by Passarella and Associates, Inc., dated September 23, 2005 supports the width of wildlife corridors from "200 feet" to "100 feet".

- o *FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, & FLU Policy: Greenways Plan*

Staff is proposing to revise these policies to better achieve the intent of the U.S 17 Corridor Planning Study and remove the regulatory language from the policy.

- o *Babcock related policies*

County staff and the Babcock team had been working on the revisions to the existing Babcock LDRs to incorporate all design guidelines currently in the Plan into the proposed LDR revisions. The revised Babcock Overlay Zoning District zoning code and Babcock Community Pattern Book were adopted by the Board on November 25, 2014. Therefore,

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we are proposing to remove all related policies currently in the Plan. Additionally, the following policies are proposed to be deleted from the Plan:

- *FLU Policy 6.4.13: Open Space that is not Primary Greenway*

Staff is proposing to remove this policy because it is covered by FLU Policy 6.4.12: Open Space. The proposed new number for this policy is FLU Policy 6.4.7: Open Space.

- *FLU Policy 6.4.29: Mass Transit Consideration*

The Babcock DRI Master Development Order contains language to address mass transit service; therefore, staff is proposing to remove this policy.

- *FLU Policy 6.4.27: Expansion of S.R. 31*

Staff is proposing to delete the following sentence from this policy because Objective 36.3: Babcock Ranch Community and its subsequent policies were created and adopted into the Lee County Comprehensive Plan to address transportation issues: “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”.

FLU Policy 6.4.31: Capital Improvements Plan

The Babcock Ranch Community Independent Special District was established in 2007, and the Babcock Ranch Community Fiscal Stabilization Agreement between the Board of County Commissioners of Charlotte County and the Babcock Ranch Community Independent Special District was made and entered on September 23, 2008. Therefore, staff is proposing to remove this policy.

- *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 from the Plan.

- **Revisions to FLU Appendix I, Land Use Guide:**

- *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.

- Staff added “sub-neighborhood commercial uses” back into the residential land use category in order to allow such types of uses to serve County residents. Staff set the intensity for this type of use and requires property to be rezoned to Planned Development or Commercial Neighborhood zoning districts. Otherwise, sub-neighborhood commercial

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uses would fall under the “Commercial” land use category, which potentially opens the door for other intensive commercial uses to intrude into residential neighborhoods.

- Staff replaced “Recreational Vehicle” with “Recreational Vehicle Park” to clarify that Low, Medium and High Density Residential Future Land Use Map designations allow for recreation vehicle park uses not for just one recreational vehicle.
- *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.

- The existing standards for commercial sub-categories in the Plan have not been practical for planning purposes and are better suited in the LDRs. Therefore, we are proposing to remove these sub-categories of Commercial Future Land Use Map designation.
- *U.S. 41 Mixed Use*

The revisions to the LDRs included combining Commercial General (CG) together with the Commercial Intensive (CI) Zoning District to create one commercial zoning district. These revisions were approved by the Board on November 25, 2014. Therefore, to revise the general range of uses, this change to the land use category is necessary.

- ***Revisions to FLU Appendix III, Definitions:***

- Staff is proposing to remove the definition of “Smart Growth” from the Plan because the principles of “Smart Growth” have been incorporated into the goals, objectives, and policies set forth in the Plan.
- 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.

- ***Revisions to the Natural Resource Element:***

- *ENV Policy 1.4.9: Watershed Overlay District (WOD)*

Staff is proposing to revise this policy to add specific requirements in order to address the following existing activities or potential uses within the Watershed Overlay District:

- There are some existing mining activities within this District.
- Staff would like to implement Agricultural Best Management Practices to be consistent with State requirements.
- Conservation subdivision may allow the maximum density to be one unit per five acres.

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- The County may allow for biofuel manufacturing operations which are ancillary to a bona fide agricultural operation.
 - The County may allow for the bulk storage of hazardous substances associated with bona fide agricultural uses.
- *ENV Policy 2.2.9: Critical Wildlife Corridor Map*

FLU Policy 3.1.2: *Conservation Subdivision - Protect Open Spaces* specifically states that Conservation Subdivisions shall be permitted on lands designated as Wildlife Corridor Critical Linkages (FLUM Series Map #22). FLU Appendix I: Land Use Guide contains definitions, maximum density and intensity limitations, special provisions, and development requirements of the Rural Community Mixed Use land use category, as well as potential locations for this land use category. This policy was just a summary of the aforementioned policy and land use category. Therefore, there is no need to duplicate requirements and staff is proposing to remove this policy.

- *ENV Policy 2.3.1: Reviewing Development Activities ((Proposed New Title)*

Staff is proposing to revise this policy to make sure that the County will review development activities for compliance with local environmental conditions of approval.

- *ENV Policy 2.3.2: Listed Species Surveys*

Staff is proposing to remove the last sentence of this policy because it is not consistent with House Bill No. 503 (Chapter No. 2012-205), which states that “for any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county may attach such a disclaimer to the issuance of a development permit and may include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply”.

- **Revision to CST Policy 3.2.5: Development Requiring Special Needs Assistance:** In order to be in compliance with existing Florida case law relating to private property “takings claims,” the word “prohibit” is replaced with “strongly discourage” for CST Policy 3.2.5: Development Requiring Special Needs Assistance. For example, in order to construct an Adult Living Facility (ALF) in the Coastal High Hazard Area, extensive safety regulations must be met, such as those listed in Rule 58A-5.026, F.A.C., Emergency Management. The Board also adopted Section 3-9-69: Conditional Uses and Structures, to include a set of conditions to make sure safety issues for this type of development within the Coastal High Hazard areas.

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- ***Response to Public Comments Received on September 16, 2015:*** Staff received positive comments regarding the proposed revisions and the draft reflect these comments.

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Attachment 1: Revisions to the Future Land Use (FLU) Element

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 planning principles of ~~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 GROWTH~~2050 FRAMEWORK

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

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote a compact, efficient, and environmentally sensitive pattern of development.
- ~~Promote~~ economic development.
- Prevent ~~Discourage~~ urban sprawl pursuant to Section 163.3177 Florida Statutes (F.S.)(2015).
- 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~~Planning Strategy 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 pursuant to Section 163.3177 F.S. (2015); promote sustainable, and energy-efficient land use patterns; ~~and reduce greenhouse gas emissions (GHG).~~

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

These Planning Principles of Smart 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:

- Preserving open space, farmland, natural beauty and critical environmental areas.
- ~~Strengthening and directing development towards existing communities~~Promoting urban development and redevelopment.
- Taking advantage of compact building design.
- ~~Fostering~~Encouraging distinctive, attractive, mixed use communities with a strong sense of place.
- ~~Creating~~Encouraging the creation of walkable neighborhoods in population centers 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 Growth~~ Planning Concept Plan

The Charlotte County 2050 ~~Smart Growth~~Planning Concept Plan (SPAM Series Map #1) illustrates land use relationships that follow the Planning Principles for Smart Growth and represents a ~~Smart Growth~~ future development for the County. This ~~Smart Growth~~ Planning 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 – Land Use~~ Reducing Vehicle Miles Traveled

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

1. Discourage urban sprawl pursuant to Section 163.3177 F.S. (2015).

2. Provide for multiple housing options and community-tailored guidelines recognizing the County's diversity.
- ~~2. Implement Smart Growth principles.~~
3. Amend the County's Code of Laws and Ordinances to further and support the Smart Growth planning policies of the Plan.

3. _____

FLU Policy 1.1.5: Strategy for 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*: Encourage ~~Require~~ the use of energy-efficient materials and building techniques 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.
4. *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.~~
65. *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 1.1.6: 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 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 Planning Principles of ~~Smart 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, discourage urban sprawl pursuant to Section 163.3177 F.S. (2015) 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 #1A: Charlotte Harbor 2030 FLU – Detail Map
- 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
Map #26:	Community Redevelopment Areas
Map #26A:	Charlotte Harbor Community Redevelopment Area

FLU Policy 1.2.2: Scriveners’ Errors for FLUM Series Maps

The boundaries of the FLUM Series Maps are graphic representations of different categories. To address scriveners’ errors, boundaries may be adjusted based on references to recorded documents, surveys, or other factual data to correct such errors. Boundaries shall not be adjusted in such a manner that they encroach into established residential areas.

FLU Objective 1.4: Protection of Private Property Rights

To recognize and respect ~~existing~~ private property rights, including the right to farm, and to ~~consider~~ respect 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 GOAL 2: ~~SMART GROWTH~~ PLANNING 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.
- Maintain or improve the quality of water that discharges into surface waters and groundwaters.
- Minimize negative environmental impacts within the built environment ~~by reducing carbon emissions, minimizing water use, utilizing alternative energy resources and controlling pollution.~~

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.~~ Requests to allow greater density or intensity are generally discouraged with the intent of protecting natural resources and aiding in conservation efforts.

FLU Policy 2.1.3: Direct Incompatible Uses Away from Natural Lands

The County shall review proposed FLUM amendments or rezoning actions ~~and 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~~ Adverse effects that would compromise the value and connection of natural lands within the County are ~~prohibited~~ generally discouraged.
2. Long-term management, ~~(particularly including prescribed fire, will)~~ is not be precluded by such adjacent development through the use of setbacks and buffers or compromised by adjacent development.
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. ~~3.~~ The fragmentation of natural systems within these lands is minimized or shall be avoided when viable. When avoidance is not viable, fragmentation shall be minimized by limiting new or expanded roadways through and adjacent to these areas.

FLU Policy 2.1.4: Access to Conservation Areas

The County shall continue to work ~~to with the State toward ensuring~~ ensure that public conservation lands within the County are accessible to the public;

1. ~~where~~ When such access does not conflict with the resource management goals of those lands.
2. To encourage passive recreation in scrub jay habitat, when appropriate as set forth in the Habitat Conservation Plan (HCP).

3. To encourage the public participation in more forms of resource-based recreation. ; toward encouraging visitor use; and in engaging the public in more forms of resource-based recreation.

FLU Policy 2.1.5: 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 address and define public benefit, including whether there are conditions that mitigate and could allow for the vacation of a public street, right-of-way, or easement that provides or potentially could provide such access.

FLU Policy 2.1.6: Floodplain Protection

All development shall be consistent with the adopted Florida Building Code and the adopted local Floodplain Ordinance. The County shall evaluate and potentially revise the existing Floodplain Ordinance to comply with the requirements and rules of the National Flood Insurance Program and any higher regulatory standards adopted by the Board of County Commissioners.

~~The 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 2.1.8: 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 2.2.1: Establish a Wildlife Corridor Linkage Strategy

The County ~~hereby has~~ adopts ~~adopted~~ 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 ~~Creation of a county-wide Wildlife Corridor Linkage Strategy 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 2.3.3: 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, residential landscapes, and agricultural lands. The County shall require implementation of Best Management Practices as required by permits issued by State agencies.

~~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 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 Growth Development~~

~~The County shall evaluate and potentially 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 Growth Planning 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 2.4.4: 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 2.4.6: 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 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 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 GROWTH~~ PLANNING 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 sustainable, livable places (communities).

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:

FLU GOAL 4: ~~SMART GROWTH~~ PLANNING CONCEPT PLAN IMPLEMENTATION - NEIGHBORHOOD PROTECTION AND ENHANCEMENT

Enhance the livability and viability of neighborhoods through the implementation of a coordinated strategy that discourages urban sprawl pursuant to Section 163.3177 F.S. (2015) 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

To transform the character, function, and form of the planned residential land uses within Charlotte County into functional, sustainable neighborhoods as part of the ~~Smart Growth~~ planning approach to redefining the County's platted lands. The County shall continue to encourage ~~reduce~~ reduction of 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~~ sustainable buildout ~~occurs in a sustainable 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 Growth~~ planning principles supporting more 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 4.1.6: Neighborhood Compatibility

The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall include specific review criteria for rezoning actions to address residential compatibility. The following shall be considered: ~~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:~~

1. A method for determining compatibility between residential zoning classifications.
2. ~~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:
 - a. Lessen impacts and integrate development along the edges of properties where different zoning districts are present,
 - b. Screen undesirable views,
 - c. Preserve tree canopy and vegetation, and

- d. 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 4.2.2: 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 sustainable mixture of land uses, including sustainable 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 4.4.2: 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 Growth~~ planning 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 GOAL 5: ~~SMART GROWTH~~ PLANNING 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 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).

- 2.3. *Parkside Community 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 5.4.1: 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. 771~~
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 Residential designated property is located between two properties already designated Commercial or in order to increase the depth of an existing Commercial lot(s) ~~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~~
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 part of a Planned Development rezoning that includes both the existing and proposed properties.~~

FLU Policy 5.4.3: Access and Connectivity

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

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

FLU Policy 5.4.4: 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 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.~~

FLU Policy 5.5.43: 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 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 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 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 development patterns following the Smart Growth planning 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 6.1.5: 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 6.2.11: 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 ~~200-~~100 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 6.3.1: Interconnection

The County shall 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 6.3.11: Established Flowways

The County shall ~~encourage~~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 ~~must~~ shall be encouraged to 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 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 Bbest Mmanagement Ppractices.:~~

- ~~• 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 Land Development Regulations (LDRs), The 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) * ¹	Schools [Elem (E1, E2, E3) Middle (M) & High (H) Schools]
500	40,000	
1,000	35,000	

Residential Dwelling Units (C/O)	Non-Residential s.f. (Cumulative) ^{*1}	Schools [Elem (E1, E2, E3) Middle (M) & High (H) Schools]
2,000	100,000	
4,000	300,000	E1
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 ^{**2}	

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

**2 — Non-residential sf threshold is minimum

FLU Policy 6.4.83: 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 6.4.94: 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 6.4.105: 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 6.4.116: 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 6.4.13: 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 6.4.148: 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 6.4.159: 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 6.4.1610: 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 6.4.1711: 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 6.4.1812: 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 6.4.1913: 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 6.4.2014: 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 6.4.2115: 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 6.4.2216: 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 6.4.23~~17~~: 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 6.4.25~~18~~: 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.~~
- ~~1. Map 2030 Cost Feasible Projects.~~
- ~~2. Map 2030 Cost Feasible Circulation.~~

~~FLU Policy 6.4.2719: 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 6.4.2820: 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 6.4.30~~21~~: 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 6.4.32~~22~~: 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 6.4.3323: 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 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 6.4.3424: 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 6.4.3625: 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 6.4.3826: Impact Fee Credits~~

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

~~FLU Policy 6.4.3927: 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 6.4.4028: 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: Revisions to FLU Appendix I: Land Use Guide

FLU APPENDIX I: LAND USE GUIDE

SECTION 1: PLAN AMENDMENT STANDARDS OF REVIEW

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 including but not limit to the suitability of the soil and topography to the development potential of the site. ~~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. *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. *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:~~

- ~~a. Short-range and long-range roadway improvements (scope, timing and cost) necessary to accommodate the proposed Future Land Use Map Amendment.~~
- ~~b. Roadway improvements necessary to ensure consistency with the currently adopted Charlotte County Comprehensive Plan.~~
- ~~c. Suggested amendments to the currently adopted Charlotte County Comprehensive Plan.~~

SECTION 2: ZONING STANDARDS OF REVIEW

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

Single-family residential, multi-family residential, manufactured residential dwelling units, recreational ~~vehicles~~vehicle parks, sub-neighborhoods 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~~ densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

Maximum Intensity for Sub-neighborhood Commercial Uses

- Range of acreage: 0.4 to 3 acres
- Maximum building coverage of a site: 60%
- Maximum floor area ratio: 0.6

Special Provisions for Recreational Vehicle Park use

1. Recreational vehicles parks shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational vehicle 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 parks 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 parks 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.

4.

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

Single-family residential, Multi-family residential, recreational vehicles, vehicle parks, 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~~ densities may not exceed lands of five dwelling units per acre up to a maximum of ten dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

Maximum Intensity for Sub-neighborhood Commercial Uses

- Range of acreage: 0.4 to 3 acres
- Maximum building coverage of a site: 60%
- Maximum floor area ratio: 0.6

Special Provision

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

HIGH DENSITY RESIDENTIAL (HDR)

General Range of Uses

Single-family residential, Multi-family residential, recreational vehicles, vehicle parks, 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~~ densities may not exceed lands of ten dwelling units per acre up to a maximum of 15 dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.

Maximum Intensity for Sub-neighborhood Commercial Uses

- Range of acreage: 0.4 to 3 acres
- Maximum building coverage of a site: 60%
- Maximum floor area ratio: 0.6

Special Provision

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

CHARLOTTE HARBOR COASTAL RESIDENTIAL (CHCR)

General Range of Uses

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~~ 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*
- Low Intensity Industrial*
- High Intensity Industrial*

COMMERCIAL (COM)

~~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

This category provides for 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.

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

Maximum Intensity

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

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.~~

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 Mixed Use*
- Murdock Village Mixed Use*
- Babcock Mixed Use*

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

~~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.~~

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	3-16 density/ac
	<u>Multi-family Residential</u> Non-residential/Commercial	<u>6-16 density/ac</u> Up to 1.0
Civic, Community, & Misc. Public Facilities	Institutional uses, government facilities, etc.	Up to 2.0

Attachment 3: Revisions to FLU Appendix III: Definitions

FLU APPENDIX III: DEFINITIONS

These definitions apply to all elements.

Term or Phrase	Definition Text
Smart Growth	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.
Strip Commercial	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. <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>
Urban Sprawl	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. <u>IsAs defined in Section 163.3164, F.S. (2015).</u>

Attachment 4: Revisions to the Natural Resource (ENV) Element

NATURAL RESOURCES - GOALS, OBJECTIVES AND POLICIES

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 1.4.1: 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 1.4.3: 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 ~~B~~best ~~M~~management ~~P~~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 1.4.9: 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.~~
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 Group III excavations are prohibited.
 - d. Implementation of Agricultural Best Management Practices as are required by permits issued by State agencies.
 - e. Biofuel generation—manufacturing operations are prohibited, except when ancillary to an bona fide agricultural operation that utilizes Best Management Practices.
 - 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. When incidental to a permitted use, the bulk storage associated with bona fide agricultural uses and use of such products 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.
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, except when such storage or use is 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 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 2.3.1: Monitoring Reviewing Development Activities

The County shall review development activities for compliance with local environmental conditions of approval, ~~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 2.3.2: 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 2.3.5: Scrub-jay Habitat Conservation Plan

The County shall administer the adopted 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 2.3.6: 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 2.4.3: Soil Stabilization

Best Mmanagement Ppractices, 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.

Attachment 5: Revisions to 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~~ strongly 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.