CHG BCC #14

FILED WITH THE DEPARTMENT OF STATE: January 28, 2016

ORDINANCE
NUMBER 2016 – 003

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING FUTURE LAND USE (FLU) POLICY 6.3.1: INTERCONNECTION, FLU POLICY 6.3.11: ESTABLISHED FLOWWAYS, AND FLU POLICY 6.3.12: GREENWAYS PLAN SET FORTH IN THE FUTURE LAND USE (FLU) ELEMENT OF CHARLOTTE COUNTY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 20, 2010, the Board of County Commissioners of Charlotte County, Florida ("Board"), in a public hearing, adopted the Smart Charlotte 2050 Comprehensive Plan ("Smart Charlotte Plan"), which became effective on June 15, 2011; and

WHEREAS, during the implementation of the Smart Charlotte Plan, it became apparent that some policies needed to be revised in order to fulfill the vision that was established in the Smart Charlotte Plan, exercise the "Home Rule" authority in the County's Charter, and better guide redevelopment and future development within the County; and

WHEREAS, at the Board's direction, County Staff worked on revisions to the Goals, Objectives and Policies of the Future Land Use (FLU) Element, FLU Appendix I: Land Use Guide, FLU Appendix III: Definitions, the Natural Resources (ENV) Element, and Coastal Planning (CST) Policy 3.2.5; and

WHEREAS, on September 23, 2014, the Board adopted five ordinances to accomplish these revisions; however, on July 14, 2015, the Board rescinded these five

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
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ordinances and requested County Staff to work on revisions to these previously adopted ordinances to Charlotte County's Comprehensive Plan; and

WHEREAS, in order to address concerns and move forward with the revisions to Charlotte County's Comprehensive Plan, County Staff has divided the revisions into two parts; and

WHEREAS, County Staff has been working on part I of the revisions which includes eight different areas of changes; and

WHEREAS, on October 12, 2015, Petition PA-15-07-08-LS, specifically revisions to FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan, was heard by the Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to it, the P&Z Board made a recommendation to the Board to transmit the revisions to the Department of Economic Opportunity ("DEO") for review and comments; and

WHEREAS, on November 24, 2015, Petition PA-15-07-08-LS, specifically revisions to FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan, was heard by the Board and was approved for transmittal to DEO for review and comments; and

WHEREAS, on December 29, 2015, DEO issued a letter stating that it had no comments regarding Petition PA-15-07-08-LS, specifically revisions to FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan; and

WHEREAS, other relevant state agencies also reviewed the revisions and had no comments; and

WHEREAS, after due consideration regarding PA-15-07-08-LS, specifically revisions to FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan and, based on the analysis and evidence presented to the Board, the Board has found the proposed revisions to FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan set forth in the Future Land Use (FLU) Element of Charlotte County's Comprehensive Plan are in the best interests of the health, safety, and welfare of the County and the future the County envisions and desires for itself.

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

Section 1. Adoption. FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan set forth in the Future Land Use (FLU) Element of Charlotte County's Comprehensive Plan are hereby amended by adding the underlined language and by ~~deleting the stricken language~~ to provide as shown in Exhibit "A" which is attached hereto and provided herein.

Section 2. Severability. If any section, subsection, clause, phrase, or provision of this ordinance or its accompanying Charlotte County Comprehensive Plan element is for any reason held invalid or unconstitutional by any court or body of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance or its accompanying Charlotte County Comprehensive Plan element invalid or unconstitutional.

Section 3. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 26th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, Clerk of the
Circuit Court and Ex-officio Clerk to
the Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR2015-3562

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LR2015-3562
1/7/2016

FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES

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 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. A smaller flowway and wildlife corridor may be utilized if a flowway and wildlife corridor study is conducted and an alternative corridor is provided to provide the same or enhanced level of protection. 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).

EXHIBIT
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"A"

FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 29, 2015

Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2016-003, which was filed in this office on January 28, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270 • Facsimile: (850) 488-9879
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PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issue(s) of:

January 11, 2016

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Holly Vinacco
(Signature of Affiant)

Sworn and subscribed before me this 11th day of January, 2016.

Phylis Moll
(Signature of Notary Public)

PHYLIS MOLL
MY COMMISSION # FF 48827
EXPIRES August 27, 2017
(407) 398-0153 FloridaNotaryService.com

Personally known ✓ OR Produced Identification ___

Type of Identification Produced _____

NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, **JANUARY 26, 2016, AT 2:00 P.M.** OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: **www.charlottecountyfl.gov/Pages/BBC-meeting-agendas.aspx**

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

PA-15-07-08-LS **Legislative** **County-wide**

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the two-part request is to amend several elements of the County's Comprehensive Plan. Part I is specifically to amend: 1) Future Land Use (FLU) Element by amending FLU Goal 1, FLU Goal 2, FLU Goal 3, FLU Goal 4, and FLU Goal 5, and some objectives and policies under FLU Goal 1, FLU Goal 2, FLU Goal 3, FLU Goal 4, FLU Goal 5, and FLU Goal 6; amending the Babcock related policies; amending FLU Policy 6.2.11: Natural Resource Connections item 3a., FLU Policy 6.3.1: Interconnection, FLU Policy 6.3.11: Established Flowways, and FLU Policy 6.3.12: Greenways Plan; 2) FLU Appendix I: Land Use Guide by amending the plan amendment standards of review; adding sub-neighborhood commercial to the Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) land use categories with specific development standards; replacing "recreational vehicle" with "recreational vehicle park" within the LDR, MDR and HDR land use categories; redefining general range of uses, removing Special Provision item 3., and deleting sub-category within the Commercial land use category; amending Special Provisions within the Office and Institutional (OI) land use category; and amending U.S. 41 Mixed Use (41MU) and Babcock Mixed Use (BMU) land use categories; 3) FLU Appendix III, Definitions by deleting the definition of "Smart Growth" and amending the definitions of "Strip Commercial" and "Urban Sprawl" 4) Natural Resources (ENV) Element by amending some policies under ENV Goal 1 and ENV Goal 2; 5) Coastal Planning (CST) Policy 3.2.5: Development Requiring Special Needs Assistance; and rename the County's Comprehensive Plan to Charlotte 2050; Petition No. PA-15-07-08-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date. Part II will follow in the near future.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941-743-1381, TDD/TTY 941-743-1234, or by email to: terri.hendriks@charlottefl.com

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