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ORDINANCE  
NUMBER 2016 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING POLICIES RELATED TO THE BABCOCK DEVELOPMENT 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23, 2014, the Board adopted five ordinances to accomplish these revisions; however, on July 14, 2015, the Board rescinded these five

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1 ordinances and requested County Staff to work on revisions to these previously adopted  
2 ordinances to Charlotte County's Comprehensive Plan; and

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

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

8 WHEREAS, on October 12, 2015, Petition PA-15-07-08-LS, specifically  
9 revisions to policies related to the Babcock development set forth in the Future Land Use  
10 (FLU) Element of Charlotte County's Comprehensive Plan, was heard by the Planning and  
11 Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County  
12 Staff and the evidence presented to it, the P&Z Board made a recommendation to the  
13 Board to transmit the revisions to the Department of Economic Opportunity ("DEO") for  
14 review and comments; and

15 WHEREAS, on November 24, 2015, Petition PA-15-07-08-LS, specifically  
16 revisions to policies related to the Babcock development set forth in the Future Land Use  
17 (FLU) Element of Charlotte County's Comprehensive Plan, was heard by the Board and  
18 was approved for transmittal to DEO for review and comments; and

19 WHEREAS, on December 29, 2015, DEO issued a letter stating that it had no  
20 comments regarding Petition PA-15-07-08-LS, specifically the revisions to policies related  
21 to the Babcock development; and

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

1           WHEREAS, after due consideration regarding PA-15-07-08-LS, specifically  
2 revisions to policies related to the Babcock development set forth in the Future Land Use  
3 (FLU) Element of Charlotte County’s Comprehensive Plan and, based on the analysis and  
4 evidence presented to the Board, the Board has found the proposed revisions are in the  
5 best interests of the health, safety, and welfare of the County and the future the County  
6 envisions and desires for itself.

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

9           Section 1. Adoption. The policies related to the Babcock development  
10 set forth in the Future Land Use (FLU) Element of Charlotte County’s Comprehensive  
11 Plan are hereby amended by adding the underlined language and by ~~deleting the~~  
12 ~~stricken language~~ to provide as shown in Exhibit “A” which is attached hereto and  
13 provided herein.

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

20           Section 3. Effective Date. The effective date of this plan amendment, if  
21 the amendment is not timely challenged, shall be 31 days after the state land planning  
22 agency notifies the local government that the plan amendment package is complete. If  
23 timely challenged, this amendment shall become effective on the date the state land

1 planning agency or the Administration Commission enters a final order determining this  
2 adopted amendment to be in compliance. No development orders, development  
3 permits, or land uses dependent on this amendment may be issued or commence  
4 before it has become effective. If a final order of noncompliance is issued by the  
5 Administration Commission, this amendment may nevertheless be made effective by  
6 adoption of a resolution affirming its effective status, a copy of which resolution shall be  
7 sent to the state land planning agency.

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[SIGNATURE PAGE FOLLOWS]

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

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3 BOARD OF COUNTY COMMISSIONERS  
4 OF CHARLOTTE COUNTY, FLORIDA

5  
6 By: William G. Truex  
7 William G. Truex, Chairman  
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10 ATTEST:

11 Barbara T. Scott, Clerk of the  
12 Circuit Court and Ex-officio Clerk to  
13 the Board of County Commissioners

14 By: Michelle DiBernardino  
15 Deputy Clerk  
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19 APPROVED AS TO FORM AND  
20 LEGAL SUFFICIENCY:

21  
22 By: Janette S. Knowlton  
23 Janette S. Knowlton, County Attorney  
24 LR2015-3562  
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**FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES**

**FLU Objective 6.4: Babcock Ranch**

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

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

**FLU Policy 6.4.1: DRI Master Plan**

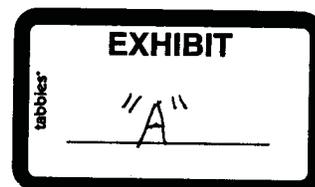
The official Babcock Ranch Community Master Land Plan (SPAM Series Map #7) for the development has been adopted as Map H in the Babcock Charlotte Master Development Order (BCMDO). The BROD Master Land Plan is subject to adjustment through the Development of Regional Impact (DRI), State and Federal permitting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

**FLU Policy 6.4.2: Walkable Community**

As established in the Land Development Regulations (LDRs), 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

<b>Residential Dwelling Units (C/O)</b>	<b>Non-Residential s.f. (Cumulative) *1</b>	<b>Schools [Elem (E1, E2, E3) Middle (M) &amp; High (H) Schools]</b>
500	10,000	
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	
14,000	1,550,000	H
16,000	2,000,000	E3
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 6.4.448: 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 6.4.459: 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 Pactices (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.~~
1. ~~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 6.4.3021: 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 6.4.3222: 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.~~



## 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. 2016-004, which was filed in this office on January 28, 2016.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

Pd B VISA

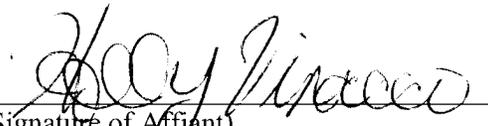


PUBLISHER'S AFFIDAVIT OF PUBLICATION  
STATE OF FLORIDA  
COUNTY OF CHARLOTTE:

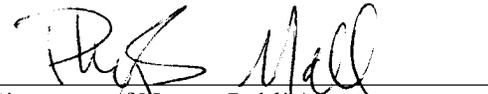
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice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

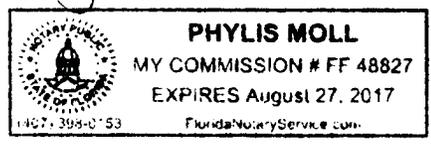
January 11, 2016

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.

  
(Signature of Affiant)

Sworn and subscribed before me this 11<sup>th</sup> day of January, 2016.

  
(Signature of Notary Public)



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](http://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](mailto:terri.hendriks@charlottefl.com)

