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AN ORDINANCE ADOPTING A REMEDIAL PLAN AMENDMENT TO SMART CHARLOTTE 2050 COMPREHENSIVE PLAN; AMENDING THE COASTAL PLANNING ELEMENT GOAL 3: DEVELOPMENT IN HIGH HAZARD AREAS, THE FUTURE LAND USE ELEMENT POLICY 1.2.7: TDU APPLICABILITY, THE FUTURE LAND USE ELEMENT POLICY 4.2.1: REVITALIZATION PLANS-REVITALIZING NEIGHBORHOODS, AND THE FUTURE LAND USE ELEMENT, APPENDIX 1: LAND USE GUIDE; PA-11-03-05-LS; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 20, 2010, the Charlotte County Board of County Commissioners ("Board"), in a public hearing, adopted the Smart Charlotte 2050 Comprehensive Plan ("Smart Charlotte 2050"), which was subsequently challenged by Friends of Cape Haze; and

WHEREAS, on March 22, 2011, the Board approved a Stipulated Settlement Agreement for DOAH Case No. 10-9457GM between Charlotte County and Friends of Cape Haze ("Stipulated Settlement Agreement"); and

WHEREAS, a requirement of the Stipulated Settlement Agreement is the adoption of a remedial plan amendment to Smart Charlotte 2050 Goals, Objectives, and Policies within 60 days of the Board's approval of the Stipulated Settlement Agreement; and

WHEREAS, Petition PA-11-03-05-LS proposes to amend the Coastal Planning Element Goal 3, the Future Land Use Element Policy 1.2.7, the Future Land Use Element Policy 4.2.1, and the Compact Growth Mixed Use category described in Future

IMAGED
5-6-11 AP



1 Land Use Element Appendix I in compliance with the requirements of the Stipulated
2 Settlement Agreement; and

3 WHEREAS, after due consideration, and based on the findings and analysis
4 presented by Staff regarding Petition PA-11-03-05-LS and the evidence presented to the
5 Board, the Board has found that the requirements and conditions of Chapter 163, Florida
6 Statutes, as they relate to this Petition, have been met, and that it is in the best interests of
7 the County to approve Petition PA-11-03-05-LS.

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

10 Section 1. The Coastal Planning Element of the Smart Charlotte 2050
11 Comprehensive Plan (“Smart Charlotte 2050 Plan”) is hereby amended by the deletion
12 of the strike through language and addition of the underlined language to read as
13 follows:

14
15 **CST GOAL 3: DEVELOPMENT IN HIGH HAZARD AREAS**
16 Direct population concentrations away from people from settling in the Coastal High
17 Hazard Area (CHHA) and limit public expenditures that subsidize development and
18 redevelopment in the CHHA except for restoration or enhancement of coastal
19 resources. The CHHA includes all areas located within a landfalling Tropical Storm or
20 Category 1 Hurricane Storm Surge zone as illustrated on FLUM Series Map #14, which
21 are based on the Sea, Lake, and Overland Surge from Hurricanes (SLOSH) model
22 prepared by the Southwest Florida Regional Planning Council under contract to the
23 State of Florida Department of Community Affairs, Division of Emergency Management.

24
25 Section 2. The Future Land Use Element of the Smart Charlotte 2050 Plan
26 is hereby amended by the deletion of the strike through language and addition of the
27 underlined language to read as follows:

1
2 **FLU Policy 1.2.7: TDU Applicability**

3 The TDU program shall be used during the review and approval process for all plan
4 amendments and rezonings that propose to increase the base density on land and
5 street vacations that would result in an accumulation of acreage allowing development
6 of new units of density; this requirement shall continue to apply to lands that have been
7 annexed by the City of Punta Gorda. Density units shall only be severed in whole units;
8 a fractional unit shall not entitle an applicant to an additional unit. All density transfers
9 shall be on a one-for-one basis.

10
11 The following are descriptions of those situations wherein transfers of density will not be
12 required by the County:

- 13
14 1. When developed consistent with a Revitalization Plan approved in accordance
15 with FLU Policy 4.2.1 and 4.2.2, properties located in a Revitalizing Neighborhood
16 may rezone to the maximum density allowed by their existing Future Land Use
17 Map category. Density for this increase shall be granted by the County from
18 RAPID density, described in FLU Policy 1.2.15. Further instances of density
19 transfers being granted by the County in Revitalizing Neighborhoods may be
20 explored through the creation of a neighborhood's Revitalization Plan. Density
21 granted for increases in a Coastal High Hazard Area (CHHA) in accordance with a
22 Revitalization Plan shall only be allowed when the RAPID density also comes from
23 a CHHA. Notwithstanding the foregoing, any addition of density to the Placida
24 Revitalizing Neighborhood may be implemented only through the transfer of
25 density units (TDU Program). The boundaries of the Placida Revitalizing
26 Neighborhood are shown on SPAM Series Map #96.
27 2. Any other specifically recognized area under FLU Policy 1.2.14 of this
28 Comprehensive Plan.
29

30 Section 3. The Future Land Use Element of the Smart Charlotte 2050 Plan
31 is hereby amended by the deletion of the strike through language and addition of the
32 underlined language to read as follows:

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

34 The County shall introduce a Revitalization Planning program under which specific
35 communities and their geographic boundaries within the Revitalizing Neighborhoods
36 will be identified. The Revitalization Plan will establish a vision to promote and
37 intensify these neighborhoods. Revitalization Plans shall be adopted by a plan
38 amendment into FLU Appendix IV in order to provide regulatory guidance to

1 redevelopment within the Revitalizing Neighborhoods. The Revitalization Plan will be a
2 means to:

- 3
- 4 1. Enable the ability to rezone to the maximum density allowed by FLUM category as
5 identified in FLU Policy 1.2.7;
 - 6 2. To create additional redevelopment incentives for these areas; and
 - 7 3. To establish development standards for core areas within the County to support
8 redevelopment initiatives that lead to more sustainable development patterns, densities,
9 intensities, and mixes of uses.
- 10

11 Section 4. The Future Land Use Element Appendix 1 of the Smart
12 Charlotte 2050 Plan is hereby amended by the deletion of the strike through language and
13 addition of the underlined language to read as follows:

14

15 ***COMPACT GROWTH MIXED USE (CGMU)***

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

20

21 **General Range of Uses**

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

25

26 **Maximum Density/Intensity**

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

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

29 Industrial: 1.0 FAR of the industrial acreage

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

31

32 **Requirements of the Plan Amendment**

1. *Size of Development.* This type of development shall contain a minimum of two acres.
2. *Master Development Plan.* The County shall require plan amendments to CGMU to contain a Master Development Plan approved by the Board of County Commissioners and adopted in FLU Appendix VII: Compact Growth Mixed Use, that includes the following:
 - a. Land uses, densities and intensities, and base density.
 - b. Location of access points; circulation, including internal circulation, street design, and pedestrian and bicycle access; stormwater features; recreational and open space; residential, commercial or industrial uses.
 - c. A pattern book, including sketches and photos that depicts all major elements of the development, such as: site access and circulation, landscaping and buffering, public gathering space, recreational sites, lighting, signage, stormwater and development pod site design, and form and character of the residential, commercial and industrial structures.
3. *Transfer Density Units.* If residential development is proposed, the applicant must supply information that establishes a base density for the project site. Development of residential above the base density shall require a transfer of density unless development is occurring as devised within a Revitalization Plan: provided, however, that any residential development above the base density within the Placida Revitalizing Neighborhood shall require a transfer of density pursuant to FLUM Policies 1.2.6 through 1.2.14 (TDU Program).

Special Provisions

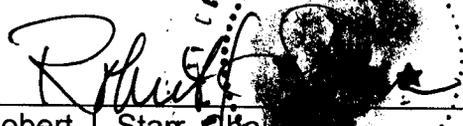
1. *Location and Site Layout.*
 - a. The project must be sensitive to surrounding developments with regard to density, intensity, height, scale and character. The site layout and building design shall mitigate traffic, parking, noise and compatibility issues wherever possible.
 - b. The site layout shall create clusters of buildings to promote a variety of transportation options, such as pedestrian, bike, automobile, mass transit, etc.
 - c. All portions of the development shall be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, and the development shall provide appropriate pedestrian amenities.
 - d. The intent of this land use category is to create a compact development pattern, therefore, long, shallow tracts or deep, narrow tracts are generally not appropriate for this type of development.
2. *Mix of land uses.*
 - a. The combining of land uses must promote easy access among services, stores and other amenities, especially by pedestrians.

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- b. To best achieve a mix of land uses, the project shall be developed such that for every one dwelling unit there are between 50-400 square feet of non-residential building space; however, this range may be increase for special projects.
 - c. The project attribute shall include multiple buildings, more than one land use within the project, and a comprehensive development plan. Buildings may also accommodate one or more uses.
 - d. Buildings on the site shall be connected by internal streets and drives, and pedestrian connections and pathways.
 - e. Buildings and individual project components may use common features and support services such as parking, servicing, loading, and utility areas.
3. *Connectivity.* A street system shall provide linkages to local shopping, services, housing, and amenities, as well as linkage between adjacent developments.
 4. *Phasing Development.* If the development is phased, the first phase shall be sufficient to stand on its own as a mixed-use development. At a minimum, non-residential development shall be in the ratio of 50 square feet per each dwelling unit.
 5. *Flexible Parking.* Parking requirements are not necessarily the sum of requirements for each individual use. Parking requirements will be established on a project-by-project basis with an emphasis on shared parking.
 6. *Watershed Protection.* Low Impact Design techniques shall be required to supplement and enhance traditional stormwater retention/detention development.
 7. *Compatibility:* Residential, commercial or industrial development shall be built to be compatible visually with the surrounding uses.
 8. *Shelter Requirement:* Where the project is located within the Coastal High Hazard Area or Category II Storm Surge Zone, all residents shall be required to evacuate and the developer is required to provide monetary contributions to the County's shelter system. If outside these areas, sufficient shelter shall be created in each development to support the residential population of the development in the event of a natural disaster.
 9. *Implementing Zoning.* The implementing zoning district under CGMU shall be a Planned Development district or a Compact Mixed Use district, as may be developed and adopted into the Land Development Regulations.
 10. *DRI threshold.* If a project developing under the CGMU FLUM designation meets the threshold of a Development of Regional Impact (DRI), a plan amendment to Mixed Use DRI is not required.

PASSED AND DULY ADOPTED this 19 day of April, 2011.

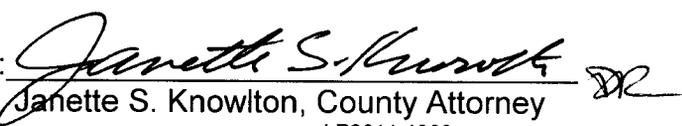
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Robert J. Starr, 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
LR2011-1366

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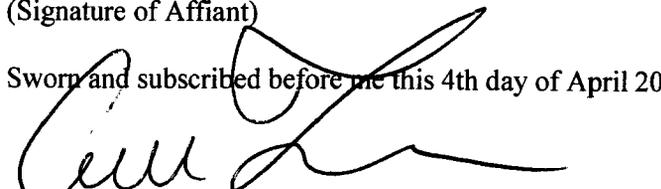
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

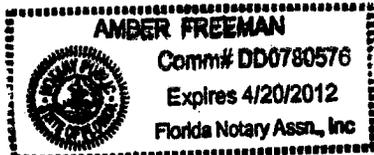
April 4, 2011

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 day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 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 the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 4th day of April 2011.


(Signature of Notary Public)



Personally known OR Produced Identification

Type of Identification Produced _____

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

BY: 
DEPUTY CLERK



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

April 26, 2011

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948-1094

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2011 MAY -3 PM 12: 26
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

Attention: Ms. Anne L. Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 19, 2011 and certified copies of Charlotte County Ordinance Nos. 2011-007 and 2011-008, which were filed in this office on April 26, 2011.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/vm

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • http://info.florida.gov

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