

# DRAFT

## ORDINANCE NUMBER 2020 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING THE FUTURE LAND USE (FLU) ELEMENT OF THE COUNTY'S COMPREHENSIVE PLAN BY REVISING: (1) FLU POLICY 1.2.17: INCENTIVE DENSITY USAGE, TO ADD ITEM 4 ADDRESSING DEVELOPMENT UNDER MIXED-USE (MU) AND PLANNED DEVELOPMENT (PD) ZONING; AND (2) FLU APPENDIX 1: LAND USE GUIDE, TO AMEND THE COMPACT GROWTH MIXED USE (CGMU) FUTURE LAND USE DESIGNATION; PETITION TCP-20-04; APPLICANT: BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE.

### RECITALS

WHEREAS, on September 27, 2016, the Board of County Commissioners of Charlotte County, Florida ("Board") adopted Ordinance Number 2016-032 which, among other things, amended the Future Land Use (FLU) Element of the County's Comprehensive Plan by adding a new FLU Policy 1.2.17: Incentive Density Usage, in order to promote market rate rental properties, low and very low income housing and moderate income/ workforce housing in the County; and

WHEREAS, Charlotte County Staff ("County Staff") has identified additional options of using incentive density to encourage mixed-use development by addressing development under Mixed-Use (MU) and Planned Development (PD) zoning; and

WHEREAS, to further promote mixed use development, County Staff is proposing revisions to: (1) FLU Policy 1.2.17: Incentive Density Usage by adding Item 4 to the language; and (2) FLU Appendix 1: Land Use Guide to amend the Compact Growth

Mixed Use (CGMU) Future Land Use designation; all as provided in Exhibits "A" and "B",  
respectively, attached hereto and by this reference provided herein; and

WHEREAS, on September 14, 2020, Petition TCP-20-04 was heard before  
the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings  
and analysis provided by County Staff and the evidence presented to the P&Z Board,  
Petition TCP-20-04 was found to be consistent with the County's Comprehensive Plan and  
the P&Z Board recommended approval for transmittal of Petition TCP-20-04 to the  
Department of Economic Opportunity ("DEO") and other state agencies for review and  
comment; and

WHEREAS, in a public hearing held on Tuesday, October 13, 2020, the  
Board reviewed plan amendment Petition TCP-20-04 and, based on the findings and  
analysis provided by County Staff regarding the amendment and the evidence presented to  
the Board, approved transmittal of Petition TCP-20-04 to DEO and other state agencies for  
review and comment; and

WHEREAS, Petition TCP-20-04 was transmitted to DEO and other state  
agencies for review and comment; and

WHEREAS, any comments received by the reviewing agencies have been  
considered and addressed by the Applicant and incorporated into the findings and analysis  
provided by County Staff; and

WHEREAS, after due consideration regarding Petition TCP-20-04 in a public  
hearing held on \_\_\_\_\_, and based on the findings and analysis presented to the  
Board, the Board has found that the proposed amendments are consistent with the  
County's Comprehensive Plan, and that the requirements and conditions of Chapter 163,

Florida Statutes, as they relate to this Petition have been met, and that it is in the best interests of the County to approve Petition TCP-20-04.

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

Section 1. Approval. Petition TCP-20-04 requesting a large scale plan amendment to the County's Comprehensive Plan by amending: (1) FLU Policy 1.2.17: Incentive Density Usage to add Item 4 addressing development under Mixed-Use (MU); and (2) FLU Appendix 1: Land Use Guide to amend the Compact Growth Mixed Use (CGMU) Future Land Use designation; all as shown in Exhibits "A" and "B", respectively, and attached hereto and by this reference provided herein.

Section 2. Severability. If any section, subsection, clause, phrase, or provision of this ordinance 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 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



81 resolution affirming its effective status, a copy of which resolution shall be sent to the state  
82 land planning agency.

83           Section 4. Transmittal. County Staff is hereby directed to forward a copy of  
84 this Ordinance and its attachments to the Department of Economic Opportunity, 107 East  
85 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest  
86 Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, FL  
87 33907.

88  
89  
90  
91  
92  
93  
94  
95 [SIGNATURE PAGE FOLLOWS]  
96  
97  
98  
99  
100  
101  
102  
103



104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152

PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

**DRAFT**

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
and Ex-Officio Clerk of the  
Board of County Commissioners

**DRAFT**

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

**DRAFT**

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
*LR2020-0559*

## FUTURE LAND USE - GOALS, OBJECTIVES AND POLICIES

### FLU Policy 1.2.17: Incentive Density Usage

In order to promote development and redevelopment within Revitalizing Neighborhoods and other appropriate locations within the County, as well as address the deficiency of market-rate rental properties, low-, very low- and moderate-income housing and workforce housing, and promote development within Economic Centers and Community Redevelopment Areas, the County may grant, at no cost to grantee, Incentive Density in the following circumstances:

1. In ~~Revitalizing~~Revitalization Neighborhoods with plans created and adopted consistent with FLU 4.2.1, for density increases above base density.
2. Increases above base density for projects solely used for long-term market-rate rental properties, low-, very low- and moderate-income housing, or workforce housing. Market-rate rental project must be in perpetuity, and low-, very low- and moderate-income housing, or workforce housing project must be 20 or 30 years depending on funding sources, i.e. State or Federal funding. Such projects must be located outside of the Coastal High Hazard areas, within Economic Centers, Economic Districts, or Revitalizing Neighborhoods, and shall not be age-restricted. In addition, if such properties are located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone.
3. For use of an adopted equivalency matrix or conversion table to increase residential dwelling units above the maximum approved by this Plan or DRI development orders, provided such property is located outside of the Coastal High Hazard Area and shall not be located west of the Myakka River and Charlotte Harbor.
4. To encourage concentrated, energy-efficient or mixed-use land development within Maturing Neighborhood, Emerging Neighborhood, Revitalizing Neighborhood, Economic Centers, Economic Districts, or Community Redevelopment Areas. In order to receive Incentive Density, the development must be located outside of the Coastal High Hazard areas. If the development is located west of the Myakka River and Charlotte Harbor, the Incentive Density shall come from Managed Neighborhoods west of the Myakka River and Charlotte Harbor, and must come from a similar or more restrictive FEMA Flood Zone. Such development shall be processed under the Planned Development (PD) or Mixed Use (MU)



zoning district. Percentage of and timeline of utilization of Incentive Density shall be established under the PD and MU zoning districts.



## FLU APPENDIX I: LAND USE GUIDE

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

#### MIXED USE LAND USES

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

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

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

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

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

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

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

Industrial: 1.0 FAR of the industrial acreage

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

\* Outdoor public gathering places may be considered as open space, such as open-air plazas.

##### **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.
  - e. However, "Master Development Plan" is not required if a Mixed Use (MU) rezoning is concurrently submitted.
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 1.2.7 through 1.2.17 (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.
  - 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 storm water 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 districts under CGMU shall be a Planned Development district ~~or~~ and 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.