

Burnt Store Area Plan Policies

Policy 2.2.32 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): The following classifications will be used for lands located within the Burnt Store Planning Overlay district (Maps 10A and 10B of the Future Land Use Map series). Development of said lands shall be consistent with the provisions of this policy and Policies 2.5.9 through 2.5.27.

Village Residential

Lands designated as Village Residential on the Future Land Use Map are intended for areas that are currently vacant or under active agricultural use, and will transition into development of residential and commercial areas. These lands must be located within the Urban Service Area. Residential, commercial, recreational, and institutional uses are allowed in this category, and may either be independently developed or integrated through a common plan of development. The Village Residential land use category is intended to provide for a mix of residential unit types and housing options including multi-family and single family units sold either fee-simple or as condo units.

Properties within this land use category are allowed one dwelling unit per 10 acres by right, but may, through rezoning as a Planned Development request up to a maximum density of five dwelling units per acre. Residential density at the higher end of the density range is encouraged in proximity to the designated commercial nodes, or where properties have direct access to more than one public road. Any rezoning which seeks density greater than 1 dwelling unit per 10 acres must be submitted as a Planned Development.

Sub-Neighborhood Commercial Centers are allowed in this category through a Planned Development zoning. A Sub-neighborhood Commercial Center may not exceed 10% of the gross total development area and must be developed in a compact, nodal configuration. Properties at the commercial nodes must contain a neighborhood or community level commercial center (per Policy 2.2.4). However, retail development will be limited to a maximum floor area ratio of 0.25 and office development to a maximum floor area ratio of 0.5 (In accordance with the Table below). Single use buildings or tenants are limited in size to neighborhood levels of commercial development. Commercial developers are encouraged to work with Charlotte County, the US Postal Service and other governmental service providers to locate branch facilities in commercial areas. Proposed developments that contain both residential and commercial uses are encouraged to submit for zoning approval through a single, mixed use planned development. “At the Commercial Nodes” is defined by being within a quarter mile from the center point of the intersection of the node.

Location	Min. Sq. Ft. Per Corner	Max. Sq. Ft. Per Corner*
Tucker's Grade / Burnt Store	30,000 Sq. Ft.	200,000 Sq. Ft.

*Single use buildings shall be limited to 100,000 square feet.

Limited Development

These lands are areas where development potential may be possible in the future, but is currently limited by either road access or environmental constraints. As designated on the Future Land Use Map properties within this land use category are allowed one dwelling unit per 10 acres by right, but through rezoning to a Planned Development, may increase to a maximum of up to two dwelling units per acre if located within the Urban Service Area. Allowable density will be determined through evaluating road access, preferably direct access to a road meeting arterial or collector standards, and through preservation of environmentally sensitive wetland and upland areas. Any rezoning which seeks density greater than 1 dwelling unit per 10 acres must be submitted as a Planned Development.

Agriculture

These lands are those that retain an agriculture designation but which have been placed inside the Urban Service Area. Properties within this land use category and located inside the Urban service Area of the Burnt Store Planning Overlay are allowed one dwelling unit per 10 acres by right, but through a rezoning to Planned Development, may increase to a maximum of up to one dwelling unit per acre. Density may be increased above one unit per acre, but only through a change in designation to Village Residential or Limited Development and a rezoning to Planned Development. Allowable density will be determined through an evaluation of road access (preferably direct access to a road meeting arterial or collector standards) and the preservation of environmentally sensitive wetland and upland areas.

Policy 2.5.9 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*)

Burnt Store Planning Overlay: The intent of the Burnt Store Planning Overlay (Maps 10A and 10B of the Future Land Use Map series and Policies 2.5.9 thru 2.5.27) is to provide a development guide for the Burnt Store Area that will include a mix of housing types, densities and commercial uses, integrated with open space and wildlife corridors, and connected through a well-functioning road system. The vision for the Burnt Store Planning Overlay is one where government services, recreational opportunities and commercial needs are predominantly provided within the Overlay area. Services such as library, park, fire/EMS, and school facilities will need to be provided to create a fully serviced, integrated community. The Burnt Store Area will consist of several future land use categories including Village Residential, Limited Development, and Agriculture (as per Policy 2.2.23); Resource Conservation (per Policy 2.2.25); and Public Lands and Facilities (per Policy 2.2.24), and policies which will coordinate the provision of adequate infrastructure.

Policy 2.5.10 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Lands within the Village Residential and Limited Development land use categories may be eligible to receive up to a maximum of one unit of density per gross acre. However, to encourage the planning of large contiguous areas of development, only parcels or assembled lots in excess of 20 acres in area may be eligible to receive a transfer of density, which density which would allow more than one dwelling unit per gross acre.

Policy 2.5.11 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): To assist in maintaining the level of service along Burnt Store Road, an access management plan shall be adopted by Charlotte County prior to 2020, or construction of roadway improvements and criteria shall be established for minimum separation of access points in the County Land Development Code.

Policy 2.5.12 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): To ensure that adequate funding sources are available for the provision of infrastructure, improvements will be funded through a variety of mechanisms that include, Community Development Districts (CDDs), Municipal Services Taxing Units (MSTUs), rebate agreements, grants and impact fees. Charlotte County will evaluate funding options, including the use of bonds and other revenues to expedite the widening of Burnt Store Road from the current timeline of 2015 to 2008.

Policy 2.5.13 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Prior to the development of any units above one unit per 10 acres, the property owners in conjunction with the County shall establish a Burnt Store area funding source to fund the widening of Burnt Store Road. The funding sources shall include, but not be limited to, an increased impact fee for the Burnt Store Planning Overlay, or an MSTU, MSBU, or other similar funding mechanism. Adoption of an impact fee rate that represents 100% of the rate recommended in an impact fee study will suffice as an “area-wide funding mechanism”. Should an area-wide funding mechanism not be established at the time a property owner seeks Planned Development approval for a density greater than one unit per 10 acres, then the property owner shall undertake a proportionate share analysis that will evaluate the property owner’s impacts on Burnt Store Road. The proportionate share analysis will be evaluated and approved either through the Planned Development process and/or a Developer’s Agreement. The proportionate share can be paid either in a lump sum or broken down and assessed on a per unit basis. If the proportionate share is paid in a lump sum, prior to vertical development, then the property owner shall have concurrency vesting until the build out date identified in the traffic analysis used to establish a proportionate share. Any development choosing to pay through a proportionate share prior to the establishment of an area-wide funding mechanism or an update to the currently adopted impact fees will be responsible for the difference if the

proportionate share amount is less than the impact fee or other funding mechanism.

Policy 2.5.14 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): The County will encourage construction of water transmission mains and sanitary transmission mains along Burnt Store Road, Zemel Road and the proposed East/West Connector Road to U.S. 41 (Tuckers Grade Extension). The cost of the transmission mains will be born by those who benefit from the improvements. Rebatable agreements may be used to facilitate utility extensions.

Policy 2.5.15 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Charlotte County will ensure the provision of acceptable levels of utilities by the expansion of the Charlotte County Utilities Service Area Policy to provide a supply and treatment capacity of 225 gallons per day and 190 gallons per day, for potable water and sanitary sewer, respectively, per equivalent residential connection and a fire flow of 750 GPM and 20 psi residual pressure.

Policy 2.5.16 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Development within the Burnt Store Area will be required to accept reuse water if the utility is prepared to supply reuse water to meet all or a portion of the irrigation needs of the proposed development in accordance with the Charlotte County Utilities Standard Agreement for Reclaimed Water.

Policy 2.5.17 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Charlotte County shall encourage, through incentives that may include impact fee credits, the provision of water storage and/or water quality capacity in the internal water management systems of new developments fronting Burnt Store Road for storm water run-off from Burnt Store Road. The intent is to assist Charlotte County in making the necessary improvements to Burnt Store Road in an economical and efficient manner by minimizing the amount of right-of-way necessary for widening Burnt Store Road.

Policy 2.5.18 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Prior to 2008, Charlotte County will coordinate with the Southwest Florida Water Management District to conduct a Watershed Flood Study to quantify water quality discharges, conveyance systems capacity and adequacy, identify existing LOS, recommend improvements over and above those requirements specified in Policy 2.5.17, and specify the LOS after improvements.

Policy 2.5.19 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Based on input and recommendations from the Florida Fish and Wildlife Commission and the National Estuaries Program, the county shall coordinate with property owners to the following natural resource connections as shown on the Future Land Use Map:

A. Blueway –To assist in alleviating stormwater drainage concerns, Charlotte County will require, through the Planned Development process, a restored or created flow way. The proposed flow way could connect surface water management lakes and on-site wetlands. Littoral shelves should be planted along the proposed flow way to provide water quality treatment and foraging areas for wading birds. Road crossings may be constructed where the flow way is proposed, so long as the hydrological integrity of the flow way is maintained through drainage crossings.

B. Greenway – Charlotte County will work with private property owners to preserve property along the greenway to link up with the proposed “Wildlife Utilization Areas” in the Tern Bay DRI. The intent is to provide for a visual link of narrower width than the wildlife corridor, ranging from a minimum of 20 feet to 75 feet depending on existing vegetation and wildlife habitat. The greenway should include the preservation or enhancement of natural habitats. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. Recreational open space may be incorporated in to the greenway. Development along a greenway is encouraged to provide for public use of the greenway by providing sidewalks and pedestrian connections to adjacent properties. Where greenways are required for public use, the developer shall be granted credits toward park impact fees in an amount to be determined through the Planned Development process.

C. Wildlife Corridor – Charlotte County, as an incentive to preserve land within and along wildlife corridors, will allow the transfer of density from such lands to other developable lands. Charlotte County will also coordinate with appropriate environmental agencies, and will consider using funding that may include Land Acquisition Trust Fund monies, to acquire properties along the wildlife corridor for preservation. Charlotte County will incorporate into the widening of Burnt Store Road, a wildlife crossing to be constructed of a sufficient size to accommodate small to medium size animals. The width of the corridor should be a minimum average width of 100 feet, where possible, to accommodate small to medium size mammals. The corridor should include the preservation and/or enhancement of natural habitats. Enhancement activities can include plantings of native vegetation and removal of exotic and nuisance vegetation. The corridor should provide sufficient cover to encourage use by wildlife through compliance with the following provisions:

1. A 25-foot buffer will be established between the corridor and proposed development activities. The buffer will consist of native habitats where these native habitats currently exist. In areas where native vegetation does not currently exist, native vegetation plantings will be conducted within the 25-foot buffer.

2. Directional lighting will be utilized within development areas within 50 feet of the corridor. Lighting within 50 feet of the corridor will be shielded and directed away from the corridor.
3. A conservation easement (or similar binding document) will be required at time of Final Plan Approval to ensure the protection in perpetuity of the 25-foot buffer and corridor. The conservation easement will limit human access to the corridor by prohibiting uses such as structures (gazebos, docks, etc.) within the 25-foot buffer, corridor, and adjacent canal. Passive recreational uses such as nature trails are acceptable uses within the 25-foot buffer and corridor.
4. A habitat management plan for the 25-foot buffer and corridor will be required at time of Final Plan Approval. The habitat management plan will include details regarding exotic vegetation removal, native vegetation plantings, and maintenance of the 25-foot buffer and corridor.

Policy 2.5.20 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): To assist in the prevention of hurricane damage to new residential structures, all new residential lots must be elevated to the Category 2 Storm Surge Level (8.3 feet above mean sea level). Properties located in the Tropical Storm and Category 1 Hurricane Storm Surge zones are limited to a gross density of 1 dwelling unit per acre, and may only transfer density from a similar or lower storm surge zone.

Policy 2.5.21 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): To encourage the preservation of common areas of open space and on-site recreational areas, residential development must be clustered with a minimum common open space requirement of 20 percent of the total site area. For the purpose of this policy, open space shall include commonly maintained water management lakes (not more than 10% of open space requirement), recreational facilities, parks, sidewalks and trails, natural preserve areas, and other commonly owned or maintained areas of pervious surface. Residential Planned Developments shall provide neighborhood or mini parks to offset the active recreational needs of their residents.

Policy 2.5.22 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): To encourage the preservation of Charlotte County's archeological resources, applicants for a Planned Development rezoning must submit a letter from the State Division of Historic Resources stating that there are no known resources on-site. Where there is a potential of on-site archeological resources, a survey for archeological resources must be conducted.

Policy 2.5.23 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): In order to create an interconnected and integrated community within the Burnt Store Planning Area, all new development must provide pedestrian and bicycle facilities from within the development to exterior pedestrian and bicycle

corridors. The intent is to create a pedestrian and bicycle system in the Burnt Store Planning Overlay that links each new community to destination areas such as public greenways, parks, conservation lands, schools and commercial areas, and to create a sense of greater community integration. Charlotte County shall provide bike lanes on all new public roadways and where possible retrofit existing roadways. Bike paths are required on all new arterial roads.

Policy 2.5.24 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): Charlotte County will work with property owners within the Burnt Store Planning Overlay to acquire the approximately 90 acres of land needed for active recreational uses. Methods of acquisition may include the granting of density bonuses, TDU bonuses, impact fee credits or property acquisition.

Policy 2.5.25 (*Created by Ordinance # 2005-086, Adopted on November 15, 2005*): By 2008, the county will evaluate the buffer code and architectural design guidelines code for commercial buildings and propose, if necessary, to establish new codes for the Burnt Store Planning Overlay area, with the intent of encouraging the development of aesthetically pleasing commercial areas, a unified character for the Burnt Store community and provide for the sense of Burnt Store as an integrated, unified neighborhood.

Policy 2.5.26 (*Amended by Ordinance # 2005-066, Adopted on September 9, 2008*): Properties located outside the Urban Service Area retain their current Agricultural land use entitlements until such time as the urban service area is extended and infrastructure is available to meet the needs of additional development.

Policy 2.5.27 (*Created by Ordinance # 2008-067, adopted September 9, 2008*): Properties located within the Village Residential and Limited Development land use categories may request Recreational Vehicles as a primary use. Recreational Vehicles count as a unit of density and will require a transfer of density units in accordance with the Charlotte County TDU ordinance. Recreational Vehicle Parks must be located on properties with a minimum of 100 acres and must provide on-site recreational amenities, which may include passive recreational trails, central community clubhouse facilities, pools, tennis courts, etc. Of the required 20 percent minimum open space, at least 3 acres must include active recreational amenities. Recreational vehicles cannot gain access to or egress from a Park through local, residential roadways within any subdivision platted prior to August 2008.