

Conservation Easement Program

Created by Resolution 99-191, amended by Resolution 2006-039, Resolution 2006-199 and Resolution 2007-074

Whereas, the Board of County Commissioners has found it desirable to preserve undeveloped land and open space in residential areas in order to protect the aesthetic and natural resources of the County through non-regulatory means, thereby lessening the burdens placed on the citizens of Charlotte County by unchecked development by reducing the costs of public services associated with developed property; and

Whereas, on December 14, 1999, the Board of County Commissioners approved a Resolution creating the Conservation Easement Program for Charlotte County to assist in attaining the above goals; and

Whereas, the Board of County Commissioners now desires to amend the previously established conservation easement program.

Now, therefore, be it resolved by the Board of County Commissioners of Charlotte County that:

1. The Board of County Commissioners hereby amends and re-adopts a Conservation Easement Program whereby property owners who meet the following criteria would grant the County a conservation easement limiting development of the described property, thereby qualifying for a reduction in the Equivalent Residential Unit (ERU) count assigned to the subject property for street and drainage, stormwater utilities, waterways, and fire municipal service benefit unit assessment purposes.
2. The Conservation Easement Program shall be available to Grantors who meet all of the following criteria:
 - a. Grantors must provide a legal description and sketch of the property offered for the conservation easement;
 - b. Said property must be contiguous, residentially-zoned land within the Urban Service Area; and
 - c. For any property that measures one acre in size or larger, at least 75% of said property must be made subject to the restriction of the easement; for any property that measures less than one acre in size, the entire property must be made subject to the restriction of the easement.
3. Any property that contains a conservation easement developed as part of Charlotte County's Transfer of Density Units Program granting the easement to the County utilizing the attached form documents with no modifications to allow retention of density on the area under easement, will be available to qualify for the removal of, or a reduction in, the ERU count assigned to the subject property for street and drainage, stormwater utilities waterways, and fire benefit unit assessment purposes.

4. Said property will not be exempted from any current assessments for capital improvements within the respective MSBU's district, but any property whose entire area is subject to a conservation easement shall be exempt from any future [MSBU] assessments; as a condition of exempting the property from future assessments any owner whose entire property is subject to a conservation easement will not be eligible to participate by voting on future capital expenditure projects for their respective MSBU district excepting any owner who owns additional property in the MSBU that is not subject to a conservation easement under this resolution. Any property owner whose property is subject only to a partial conservation easement would still be eligible to vote in their district and would be proportionally assessed for any improvement or capital project work.
5. Participation in the Conservation Easement Program shall require the completion and execution by Grantor and Grantee of the form documents entitled "Grant of Conservation Restrictions" and "Conservation Easement", which form documents are hereby approved for use substantially in the form attached. Non-substantive amendments may be made from time to time without Board action as deemed necessary for the administration of the program.
6. Property owners who have granted a conservation easement to a conservation organization other than Charlotte County but who wish to apply for the Conservation Easement Program may qualify for the Program, subject to the review and approval of the Natural Resources Division of the Community Services Department, by submitting a copy of the recorded easement given to the conservation organization to the Division.