

Application LAD-25-02
(Original Application 22LAD-00000-00007)

**Addition Information
for LAD-25-02**

Land Use Equivalency Matrix

FROM	TO											
	Trip Generated By	ITE Code	PM Peak Hour Trip Rate		Single-Family Detached Housing (DU)	Single-Family Attached Housing (DU)	Multifamily Housing (Low-Rise) (DU)	Multifamily Housing (Mid-Rise) (DU)	Hotel (Room)	Office (1,000 SF)	Commercial (1,000 SF)	Buc-ee's (1 VFP)
	1 DU Single-Family Detached	210	0.94	is equal to	1.00	1.65	1.84	2.41	1.59	0.65	0.28	0.09
	1 DU Single-Family Attached Housing	215	0.57	is equal to	0.61	1.00	1.12	1.46	0.97	0.40	0.17	0.06
	1 DU Multifamily Housing (Low-Rise)	220	0.51	is equal to	0.54	0.89	1.00	1.31	0.86	0.35	0.15	0.05
	1 DU Multifamily Housing (Mid-Rise)	221	0.39	is equal to	0.41	0.68	0.76	1.00	0.66	0.27	0.11	0.04
	1 Room Hotel	310	0.59	is equal to	0.63	1.04	1.16	1.51	1.00	0.41	0.17	0.06
	1,000 SF Office	710	1.44	is equal to	1.53	2.53	2.82	3.69	2.44	1.00	0.42	0.15
	1,000 SF Commercial	820	3.40	is equal to	3.62	5.96	6.67	8.72	5.76	2.36	1.00	0.34
	1 VFP Buc-ee's	NA	9.93	is equal to	10.56	17.42	19.47	25.46	16.83	6.90	2.92	1.00

Equivalency Matrix is based on trip rates published in the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition, with the exception of the Buc-ee's land use. The trip generation rate for Buc-ee's was based upon data collection from six surrogate sites of similar size and land uses.

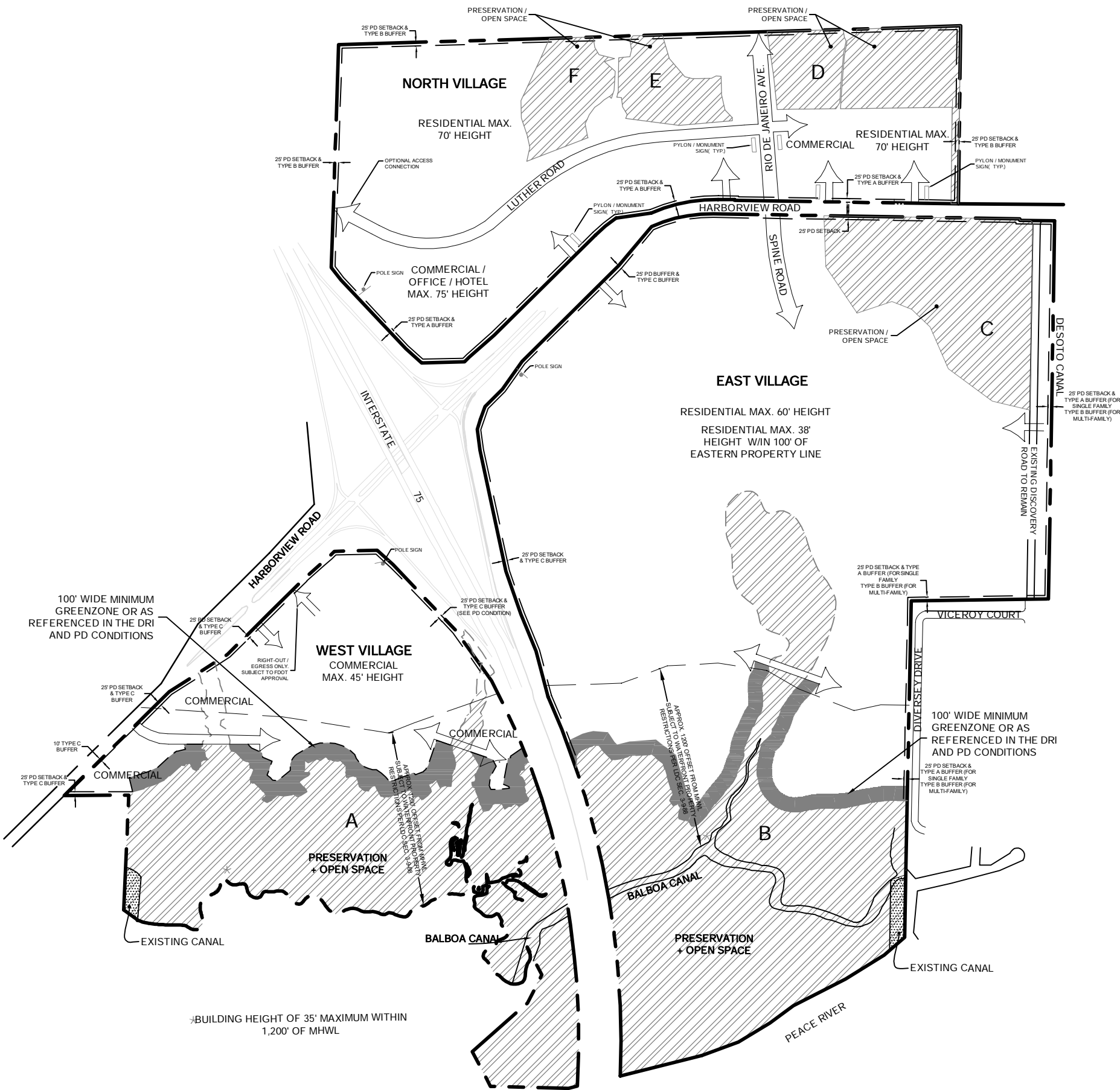
DU = dwelling unit

SF = square feet

VFP = Vehicle Fuel Pump

Example (Convert Multifamily (Low-Rise) to Single-Family Detached): 100 DU Multifamily (Low-Rise) = 100 x 0.54 = 54 DU Single-Family Detached

Note: Residential land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.



SITE DATA

PROJECT LAND USE

PROJECT AREA	+/- 653 ACRES
NORTH VILLAGE AREA	+/- 159 ACRES
EAST VILLAGE AREA	+/- 368 ACRES
WEST VILLAGE AREA	+/- 126 ACRES

OPEN SPACE 20% MIN. (REQUIRED)
TOTAL PRESERVATION OPEN SPACE = +/- 225.46 ACRES (34.5%) (PROVIDED)

PROJECT LAND USE

RESIDENTIAL UNITS: 3,859 UNITS (SUBJECT TO CONVERSION MATRIX)

3,859 UNITS / +/- 564 ACRES = 6.80 DU / ACRE

COMMERCIAL / OFFICE SQUARE FOOTAGE

COMMERCIAL	655,000 SF
OFFICE	50,000 SF
TOTAL	705,000 SF (SUBJECT TO CONVERSION MATRIX)

WETLAND PRESERVE 'A'	= 74.15 AC
WETLAND PRESERVE 'B'	= 90.31 AC
SCRUB JAY PRESERVE 'C'	= 28.57 AC
SCRUB JAY PRESERVE 'D'	= 16.88 AC
SCRUB JAY PRESERVE 'E'	= 7.18 AC
SCRUB JAY PRESERVE 'F'	= 8.37 AC

NOTES:

- WETLAND LINES ARE PRELIMINARY AND SUBJECT TO JURISDICTIONAL DETERMINATION.
- MORE DETAILS ON ENVIRONMENTAL PROTECTION ARE SHOWN ON MAP F-1

HARBORVIEW

A DEVELOPMENT OF REGIONAL IMPACT

APPLICANTS REPRESENTATIVE:

BENDERSON DEVELOPMENT CO, LLC
7978 COOPER CREEK BLVD
UNIVERSITY PARK, FLORIDA 34201
(941) 359-8303

ENGINEER:

KIMLEY-HORN AND ASSOCIATES, INC.
1800 2ND STREET, SUITE 900
SARASOTA, FLORIDA 34236
(941) 379-7600

MASTER DEVELOPMENT PLAN

DATE: 12/24

SCALE: 1"=800'

DATE

REVISION

MAP
H

R E S O L U T I O N
2040-083 2024-

A RESOLUTION PURSUANT TO SECTION 380.06(7), FLORIDA STATUTES (F.S.) AND COUNTY CODE SECTION 3-9-10.1, AMENDING THE HARBORVIEW DRI DEVELOPMENT ORDER TO 1) REVISE FOR INTERNAL AND STATUTORY CONSISTENCY TO REFLECT UPDATES TO FLORIDA STATUTES, AS APPLICABLE; 2) AMEND "SPECIFIC CONDITIONS": "VEGETATION AND WILDLIFE"; "WETLANDS"; "WATER SUPPLY"; "STORMWATER MANAGEMENT/WATER QUALITY"; "TRANSPORTATION"; "HOUSING"; "POLICE AND FIRE PROTECTION"; "EDUCATION"; "DOCK FACILITIES" (EXISTING "MARINA AND DOCK FACILITIES"); "ENERGY"; "FLOOD PLAIN/HURRICANE PREPAREDNESS"; "RECREATION AND OPEN SPACE"; AND "GENERAL PROVISIONS"; 3) UPDATE THE "LAND USE" CONDITION TO DELETE MARINA USES; 4) REVISE MAP H (EXHIBIT "A") TO BE CONSISTENT WITH THE PROPOSED DEVELOPMENT RIGHTS; 5) REVISE THE BUILDOUT DATE; 6) REVISE EXHIBIT "B" TO INCLUDE A "RESIDENTIAL LAND USE EQUIVALENCY MATRIX"; 7) AMEND EXHIBIT "D": "HARBORVIEW DRI LAND MANAGEMENT PLAN, A MANUAL OF BEST MANAGEMENT PRACTICES FOR PRESERVATION PREPARED BY WATER RESOURCE ASSOCIATES, NOVEMBER 2023"; 8) AMEND EXHIBIT "E": WETLAND IMPACT/PRESERVATION AND WILDLIFE AREAS/GREEN ZONE MAP (MAP F-1) TO INSERT A NEW MAP F-1: WETLAND IMPACT & WILDLIFE UTILIZATION MAP; 9) DELETE EXHIBIT "F": MARINA ENVIRONMENTAL MEASURES AND BEST MANAGEMENT PRACTICES, CLEAN MARINA PLAN – HARBORVIEW MARINA; 10) DELETE EXHIBIT "H" – PROPOSED DREDGING; AND 11) AMEND EXHIBIT "I" – BICYCLE AND PEDESTRIAN SYSTEM MAP; FOR PROPERTY GENERAL LOCATED NORTH OF THE PEACE RIVER, SOUTH OF MADRAS COURT AND MAURITANIA ROAD, EAST OF DANFORTH DRIVE, AND WEST OF DISCOVERY DRIVE; IN THE PORT CHARLOTTE AREA; CONTAINING 653± ACRES; COMMISSION DISTRICT I; PETITION NO. 22LAD-00000-00007; APPLICANT/DEVELOPER: BENDERSON DEVELOPMENT COMPANY, LLC; PROVIDING AN EFFECTIVE DATE.

~~A RESOLUTION AMENDING RESOLUTION 92-62, AS
AMENDED BY RESOLUTIONS 93-66, 2004-071 AND 2006-
093, APPROVING A SUBSTANTIAL DEVIATION TO THE
DEVELOPMENT ORDER FOR HARBORVIEW, A
DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING
FOR AN EFFECTIVE DATE.~~

RECITALS

WHEREAS, on March 17, 1992, pursuant to Section 380.06 Florida Statutes, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted Resolution 92-62, constituting the Harborview Development of Regional Impact ("DRI") Development Order; and

WHEREAS, on May 8, 1992, the State of Florida Department of Community Affairs ("DCA") filed an appeal of the Development Order reflected in Resolution 92-62; and

WHEREAS, the Board considered the reports and recommendations of the Southwest Florida Regional Planning Council, Charlotte County staff, the Planning and Zoning Board, and the Department of Community Affairs, and in order to reconcile the appeal, certain changes were made to Resolution 92-62 and pursuant to a Settlement Agreement, the Board adopted Resolution 93-66 on May 11, 1993 ("the D.O."); and

WHEREAS, the Board adopted Resolution 2004-071 on April 13, 2004, further amending Resolution 92-62, as amended by Resolution 93-66, to extend buildout dates for the D.O. and provide reanalysis of Florida scrub jay and traffic impacts; and

WHEREAS, the Board adopted Resolution 2006-093 on June 20, 2006, further amending Resolution 92-62, as amended by Resolutions 93-66 and 2004-071 to incorporate 106± acres into the Harborview DRI, convert certain commercial and office/medical uses to residential units, correct a scrivener's error and expand the saltwater marsh preserve and upland buffer; and

WHEREAS, Post Falls Management Associates, LLC, Peace River Associates, LLC, Will-Ridge Associates, LLC and Ronald Benderson 1995 Trust ("Developer") have submitted an Application for Development Approval dated July 27, 2007 ("ADA") requesting a Substantial Deviation to the D.O.; and the Board approved and adopted Resolution 2010-083 on September 21, 2010; and

WHEREAS, Benderson Development Company, LLC. c/o Todd Mathes, is requesting an Amendment, 22LAD-00000-00007, to the Harborview DRI D.O., Resolution 2010-083;

~~WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the proposed Substantial Deviation submitted by the Developer and recommended approval of the Substantial Deviation and this new development order~~

(“Development Order”); and

WHEREAS, on May 13, 2024, the Charlotte County Planning and Zoning Board reviewed and considered the proposed amendment to the Harborview DRI D.O., ~~Substantial Deviation~~ and recommended approval of the Amendment Development Order; and

WHEREAS, the Board has reviewed and considered the amendment, 22LAD-00000-00007, Substantial Deviation requested by the Applicant ~~Applicants~~, finds it consistent with the Charlotte County Comprehensive Plan and consistent with the previously approved D.O.

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

Resolution 92-62, as amended by Resolutions 93-66, 2004-071, ~~and~~ 2006-093 and 2010-083 is hereby deleted in its entirety and replaced with the following:

FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Harborview DRI is a mixed use project with 3,859 residential dwelling units, 50,000 gross square feet of office space, 655,000 square feet of commercial space, 350 hotel rooms, ~~a public marina with 260 wet boat slips and 192 dry storage boat slips (“Marina”),~~ 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and 226.55 ~~436~~ acres of open space, preservation and recreational uses on a total of 653.10± acres located in central Charlotte County at the northeast, southeast and southwest quadrants of the I-75/Harborview Road interchange. **Exhibit “A,”** which is attached hereto and made a part of this development order, is a copy of the approved Updated Master Development Plan, Map H depicting all the above approved land uses. The mix of uses may be modified consistent with the Land Use Equivalency Matrix in **Exhibit “B”** which is attached hereto and incorporated herein by this reference.

The legal description of the property is described in **Exhibit “C”** which is attached hereto and made a part of this development order.

Approximately 165.34 ~~450~~ acres of the site adjacent to the Peace River are considered saltwater wetlands and may will be conveyed in fee simple to any governmental body or agency or, contingent upon approval of Charlotte County, which approval may not be unreasonably withheld, to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for open space use, protecting natural resources, or maintaining or enhancing air or water quality. In the event a governmental body or agency will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026.

Water service will be provided by Charlotte Harbor Harbour Heights Water Association and sewer service will be provided by Charlotte County Utilities (CCU).

The estimated date for buildout of the project is ~~planned in one phase with buildout by December 31, 2035~~ 2048.

B. The development is not an area designated as an Area of Critical State Concern pursuant to the provision of Section 380.05, Fla. Stat.

C. The development does not unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area and is consistent with the State Comprehensive Plan.

D. The development is consistent with the Charlotte County Comprehensive Plan.

E. ~~The Substantial Deviation has been reviewed by the Southwest Florida Regional Planning Council and is the subject of their report and recommendation adopted on the 20th day of May, 2010 and subsequently forwarded to Charlotte County pursuant to the provision of Chapter 380.06, Fla. Stat.~~

F. The ADA is consistent with the requirements of Section Chapter 380.06, F.S.

FG. The Harborview DRI preserves more than ~~226.55~~ 487 acres of saltwater wetlands and upland preservation areas and buffer areas while directing residential and retail development to more suitable land.

GH. The proposed Amendment Substantial Deviation is consistent with the County's 1997 — 2010 Charlotte County Comprehensive Plan and the Smart Charlotte 2050 Comprehensive Plan.

HI. Concurrent with the adoption of this Development Order, the Harborview DRI property is the subject of an application for Planned Development rezoning, PD-22-00007.

I. Charlotte County has relied upon the applicants' representations to adopt the above findings of fact and conclusions of law. If any fact or conclusion of law conflicts with a subsequently adopted federal, state or local law, the County and applicant agree that the operative law in force on the effective date of this resolution shall govern unless such federal, state or local law preempts the fact or conclusion or law at issue.

SPECIFIC CONDITIONS

1. VEGETATION AND WILDLIFE

a. The Developer shall preserve, in its natural state, the Preserve Areas ~~Preservation areas~~ identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These Preserve Areas ~~areas~~ shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately 165.34 ~~450~~ acres of coastal wetlands (mangroves, salt marshes) and bay swamp; the Scrub Jay Preservation Areas include, ~~including~~ approximately 61.21 ~~44.9~~ acres of land designated ~~Preservation on the Future Land Use Map, combined, approximately 12.5 acres of xeric oak hammock and water course, approximately 16 acres of existing scrub jay and gopher tortoise habitat.~~ Boundaries and configuration of preservation areas may be modified due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment, any of which such methods must be approved by Charlotte County. Boundaries and configuration of preservation areas have been approved by Parks and Natural Resources staff do meet the Charlotte County's Habitat Conservation Plan ("HCP") requirements and will need to be placed under a HCP approved conservation easement as required by the plan if utilized by Developer. The acreage of the preservation areas shall remain fixed ~~The survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in this Development Order.~~

~~The acreage of the preservation areas shall remain fixed unless modified to increase pursuant to applicable agency permits or regulations, which modification shall not require a notice of proposed change.~~

b. Preservation ~~Wildlife Utilization~~ Areas, as shown on Map F-1, which is incorporated by this reference, shall provide connectivity of the on-site ~~onsite~~ wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas consist of approximately 226.55 ~~498~~ acres of wetland and upland habitats.

c. The Developer shall follow the Best Management Practices ("BMPs") described in the Harborview DRI Land Management Plan ("Land Management Plan"), contained in **Exhibit "D,"** attached hereto and incorporated herein by this reference, to protect and enhance habitat for listed species and other wildlife within the Preservation ~~Wildlife Utilization~~ Areas, including gopher tortoise ~~management plan, and a Florida Scrub Jay management plan. Any amendments to the Land Management Plan required by or consented to by Charlotte County or applicable regulatory agencies shall not require a notice of proposed change.~~

d. ~~The Applicant may utilize A-qualified biologist shall monitor all on-site clearing activities for any listed species nesting attempts. If attempts are made, clearing shall stop immediately.~~

e. ~~In accordance with federal and state permits, a long-term monitoring and maintenance program will be implemented and monitoring reports will be submitted to the applicable permitting agencies, including, but not limited to, the Southwest Florida Water Management District ("SWFWMD"), U.S. Army Corps of Engineers and Charlotte County's Habitat County Growth Management Department.~~

f. ~~Mitigation for impacts to gopher tortoises shall be on land located within Charlotte County unless out-of-county mitigation is required by the Florida Fish and Wildlife Conservation Commission ("FWC"). Charlotte County shall review the Developer's proposed mitigation options prior to submission to the FWC. Preservation areas may be used for relocation of gopher tortoises from other onsite areas as long as the density of the gopher tortoise population, per the gopher tortoise relocation guidelines of the FWC within that preservation area allows for such relocation. When the FWC agrees in writing that no additional tortoises should be relocated to onsite relocation areas, offsite relocation areas that comply with the FWC gopher tortoise relocation guidelines may be used. Since gopher tortoise burrows may accommodate shelter for multiple species, onsite conservation areas should be planned around high density gopher tortoise populations. On-site gopher tortoise preservation areas shall be placed in a perpetual conservation easement. Any tortoises that are relocated should be placed in an area similar in vegetation and soil composition and where gopher tortoises already exist. If relocated off-site, to ensure acclimation to the recipient site, the relocated tortoises shall be confined within the recipient site for at least six (6) months to one (1) year with low fencing or hay bales. A survey and relocation plan of gopher tortoises is necessary in order to obtain a relocation permit. The survey and relocation plan shall be made available for the preliminary review during Site Plan for the Florida scrub jay. Review for each parcel. All relocation of gopher tortoises shall be conducted in accordance with the FWC's guidelines for gopher tortoise relocation. Gopher tortoise population monitoring may be required by the relocation permit.~~

eg. ~~Mitigation for impacts to the Florida Scrub Jay shall be on land located within Charlotte County unless out-of-county mitigation is required by the U.S. Fish and Wildlife Service. Charlotte County shall review the Developer's proposed mitigation options prior to submission to the U.S. Fish and Wildlife Service (the "Service"). The size and design of any on-site Florida Scrub Jay preserves and any off-site Florida Scrub Jay mitigation will be determined by the Service.~~

h. ~~Prior to application for a any Environmental Resource Permit, County permit, or review for subdivision, plan review, clearing permit, or construction activity, the Developer will provide Charlotte County the following for the area being~~

~~cleared:~~ 1) an up-to-date species-specific wildlife nesting survey for each potentially affected listed species in the immediately preceding nesting season; 2) a Florida Land Use and Cover Classification System map; 3) a County specimen tree survey. Wildlife species surveys shall follow established survey protocols by ~~USFWS and FWC~~ and be conducted by a qualified wildlife biologist.

~~i. Cleared or dredged sites may attract ground nesting species such as least tern or other coastal bird species during nesting season. Therefore, a FWC approved biologist shall be present to monitor and detect disturbances or nesting attempts during all clearing and construction activities where potential nesting habitat occurs. If least terns or other ground nesting species start to nest in a dredged, cleared, or graded area, the activity will stop in those areas, and the nest site will be marked, allowing the species to nest. Construction activities may resume in that area once all birds have fledged.~~

~~j. The continuing consultation on the potential project impacts to the West Indian manatee needs to be completed with the FWC and the Service prior to construction of the Marina design.~~

~~k. To ensure connectivity of habitat and maintenance of regional wildlife corridors a habitat management plan (HMP) shall be created for the project, which will include (1) identification of an entity that will accept responsibility for coordinating the long term and perpetual management of conservation areas; (2) perpetual long term habitat management of all wetland and upland conservation areas, not conveyed to a government entity, consistent with adjacent public land management and (3) incorporation of the HMP into the development order or restrictive covenants for the DRI.~~

~~l. Wildlife undercrossings will have elevated roadways to span wetland habitat and an appropriate amount of upland habitat rather than using culverts. Elevated roadways shall be designed to an appropriate height and width to accommodate a wide range of species.~~

~~m. The Developer shall design and construct a wildlife crossing or undercrossing in any roadway crossing that bisects the Preservation Areas across the relocated Discovery Drive in order to provide a connection between the East Village Wildlife Utilization Area and the Linear Oak Park Wildlife Utilization Area. Proposed wildlife crossings undercrossings shall be designed to attract wildlife using specific lighting, fencing, and vegetative cover. Lighting shall be directed away from areas where wildlife may cross under roadways. Fencing may be installed to guide wildlife to underpass locations and native vegetation will be maintained to provide cover and noise reduction from the roadway. Additionally, installation of riprap or similar substrate at either end of underpasses may provide refuge for smaller species.~~

g. Signage shall be installed that warns drivers of the presence of designated wildlife crossings ~~and undercrossings~~. The use of passive control devices to slow traffic will be incorporated into the project near wildlife crossings ~~and undercrossings~~. These include, but are not limited to, speed bumps, paver strips, stamped concrete and signage to alert drivers of the presence of designated wildlife crossings ~~and undercrossings~~.

h. Applicable educational materials regarding wildlife protection and potential encounters will be provided to all residents and tenants on a biennial basis. Proactive measures to protect interactions between humans, domesticated animals and wildlife will be addressed in the educational materials.

i. Wildlife resistant residential and commercial waste containers shall be utilized if provided by Charlotte County's solid waste contractor.

~~q. In order to protect the gopher tortoises on site, restrictive covenants shall be adopted which require that dogs remain on a leash at all times.~~

r. The Developer will install and permanently maintain fencing and signage that separates and identifies all other Preservation Areas ~~gopher tortoise preservation areas~~ in a manner which allows access only for authorized environmental land management activities. Boardwalks may be placed over the gopher tortoise preservation area along the DeSoto Canal to provide access from the single family lots to the proposed docks. ~~The gopher tortoise preservation area along the DeSoto Canal may also be accessed as a result of construction of the water interconnect pipeline by the Peace River Water Authority, which shall be solely responsible for permitting and mitigating for any resultant species impacts.~~

k. To the extent that there are active eagle nests on the property, permitting will comply with USFWS/FWC requirements and an Eagle Management Plan will be submitted with the Final Detail Site Plan Application, which will be scheduled on the Board of County Commissioners land use consent agenda.

2. WETLANDS

a. The project site contains ~~five three~~ wetland categories, Mixed Wetland Hardwood, Exotic Wetland Hardwood, Freshwater Marsh, Bay Swamp, small isolated wetlands, and the Saltwater Marsh. The Developer shall preserve approximately ~~165.34~~ 450 acres of existing Bay Swamp and Saltwater Marsh wetlands (Preserve Areas A and B) as shown on Map F-1, attached hereto as **Exhibit "E"** and incorporated herein by this reference, ~~through the prohibition of development in those areas except that isolated wetlands may be impacted and/or removed provided that such impacts, together with mitigation which may include enhancement of the Saltwater Marsh and Bay Swamp, are approved by all local, state and federal agencies with permitting jurisdiction.~~

b. The applicant shall provide ~~a minimum~~ 100 foot wide minimum buffer along the Preservation Area A and B wetland boundary of the Saltwater Marsh, and up to each the first wetland crossing beneath the Bay Swamp in East Village, identified as the "Green Zone" on Map H; Modification to the 100-foot buffer configuration may be permitted at the time of Final Detail Site Plan subject to demonstration to the County's reasonable satisfaction of net ecological benefit of the alternative buffer. In no case shall the modified buffer result in a net reduction in buffer acreage or reduce buffer width to less than an average 100 feet. The Developer shall remove all non-native vegetation from the Green Zone and restore and maintain historic natural elevations, vegetation and hydrologic conditions in the Green Zone prior to receiving certificates of occupancy or certificates of completion of property developed within 50 feet of the Green Zone. ~~The developer may install bioswales within the Green Zone. All bioswales shall be designed in substantial compliance with Exhibit G attached hereto and incorporated herein by this reference. The bioswale design, which shall include the actual bioswale, a spreader swale, side slopes and a buffer shall be a minimum of 80 feet and shall incorporate each element shown in Exhibit G. Type, density and spacing of landscaping are conceptual only and shall be determined at final plan approval. The actual bioswales shall be placed no more than 30 feet into the Green Zone. No fertilizers or chemical applications within the Green Zone are permitted for maintenance. Vehicular maintenance is prohibited except within the landward 30 feet of the Green Zone and mowers which may be used on any upland areas within the Green Zone. Uses such as commercial or residential buildings, parking lots, roads, other impervious surfaces and fertilizer are prohibited in the Green Zone.~~

c. The Preservation Areas A and B (Saltwater Marsh, Bay Swamps) and the Green Zone shall be protected and enhanced consistent with the Land Management Plan. Bioswales may not be installed within the Green Zone on the East Village from the point where the Green Zone intersects with I 75 to the first road crossing which shall be a minimum distance of 1,700 feet (the "Bio-free Area"). Instead, bioswales shall be placed immediately adjacent to and outside the Green Zone along the entire distance of the Bio-free Area.

d. ~~The Saltwater Marsh, Bay Swamps and associated buffers shall be further protected and enhanced consistent with the Land Management Plan.~~

e. ~~The 150 acres of existing wetlands~~ 226.55 acre "Preserve Area" shown on Map F-1 (~~"Preserved Wetlands"~~) shall be conveyed in fee simple ownership to any governmental body or agency or to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, or protecting natural resources, maintaining or enhancing air or water quality (collectively, the "Grantee"). The "Preserve Area" ~~Preserved Wetlands~~ shall be conveyed to the Grantee for preservation in perpetuity and consistent with all of the restrictions contained in Chapter 704.06, Florida Statutes (2009), as may be amended. The Grantee shall become the successor in interest upon conveyance and shall be responsible for performing all required maintenance of the "Preserve Areas" ~~Preserved Wetlands~~ in a natural state at no cost to the Applicant or any homeowners association or community development district ("CDD"), ~~except for the Green Zone and any permitted structures which are the maintenance responsibility of the Developer, a master property owners association or CDD, as appropriate.~~ The conveyance to the Grantee shall occur within fifteen (15) days of ~~after receipt of the Environmental Resource Permit from the State of Florida or the Southwest Florida Water Management District, or upon completion of any mitigation required by the ERP, whichever is later.~~ All accrued mitigation, transferred development entitlements, and any other credits granted either through agency action or interlocal agreement shall be retained by the Developer. This conveyance to the Grantee shall be duly recorded in the Official Records of Charlotte County, Florida. The Developer shall also convey an upland easement to allow for access to the "Preservation Area" for land management, passive recreation, or educational purposes. In the event a governmental or charitable entity will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026 ~~Preserved Wetlands for land management purposes.~~

e.f. ~~The proposed development shall not impact through dredging and filling the freshwater wetland areas that are the upper reaches of tidal creeks other than those impacts shown on Map F-1. The development shall incorporate steps to establish the hydrology necessary to maintain the integrity of the downstream tidal creek habitats (including their salinity regimes). Minimum 25-foot buffers around these wetlands that contribute freshwater to the downstream tidal creeks shall be established to protect the downstream biological communities in the tidal creeks.~~

fg. ~~The Developer shall be entirely responsible for maintaining all wetland buffers in perpetuity. All wetland buffers outside the Green Zone shall have an average width of 25 feet with a minimum width of 15 feet.~~

~~h. Freshwater wetlands and small isolated wetlands not proposed to be impacted will be placed into a perpetual conservation easement if required by the SWFWMD as part of the SWFWMD permitting process.~~

gi. The Cardinal Airplant (*Tillandsia fasciculata*) and Giant Airplant (*Tillandsia utriculate*) ~~Wild Pine and Air Pine~~ shall be preserved or relocated into the Preservation Areas ~~in the live oak stream habitat and Bay Swamp.~~

hj. Nuisance plant species within the "Preservation Areas" ~~Saltwater Marsh and Bay Swamp and associated buffers~~ shall be eradicated and replaced with planting of native plants (trees, shrubs and understory plants) selected by a professional wetland biologist. This eradication shall occur in the Saltwater Marsh prior to conveying fee simple ownership to any governmental ~~body or agency or to a charitable entity or establishment of a conservation easement to a government corporation or charitable entity trust.~~

3. WATER SUPPLY

a. Water for the Harborview DRI will be provided by the Charlotte Harbor Water Association, Inc. ("CHWA"), its successors or assigns. The CHWA may enter into an interlocal agreement with Charlotte County Utilities ("CCU") for CCU to sell potable water for the Harborview DRI to the CHWA. With each local development order application, Developer shall provide documentation of adequate capacity to serve that portion of the project for which a local development order is being requested.

b. As part of the application for a utility agreement, CCU shall review the water reuse capacity of the project and determine if its incorporation into the reclaimed water system represents a beneficial use of the reclaimed water resource. The water reuse capacity of the entire Harborview DRI project shall be based on the projected irrigated area of the proposed development receiving reclaimed water at an annual average rate of one (1) inch per week and established by an engineering report from a licensed Florida professional engineer and approved by CCU. After evaluation, CCU may require the Harborview DRI to connect to CCU's reclaimed water system. If so required, connection to the reclaimed water system shall be a condition precedent to receipt of wastewater service. The Harborview DRI will not be required to connect the West Village to a reclaimed water system if such connection would require the developer to extend lines more than 500 feet along Harborview Road. However, the West Village will connect to a reclaimed water system at such time as a County reclaimed water line is located within 500 feet of the boundary of West Village.

c. Stormwater ponds may be used for non-potable water needs. The lowest quality of water possible shall be utilized for all non-potable water uses.

~~d. The project shall require a SFWMD Well Construction Permit for construction of any wells on the development site.~~

~~de.~~ Irrigation of green space may not occur between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping. These restrictions shall not apply to irrigation utilizing reclaimed water.

~~ef.~~ Potable water may not be used for non-potable/irrigation demands. Irrigation needs shall be met with reclaimed water or with water from on-site lakes.

~~g. Copies of any water use permit applications must be submitted to Charlotte County at the same time as they are submitted to the SFWMD for review and comment.~~

~~fh.~~ All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Charlotte County's applicable ordinances.

4. WASTEWATER

a.——Wastewater treatment for the Harborview DRI will be provided by CCU. The Developer will enter into the required utility agreement with CCU. With each local development order application, Developer shall provide documentation of adequate capacity to serve that portion of the project for which a local development order is being requested.

5. STORMWATER MANAGEMENT/WATER QUALITY

a. The Developer shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater and water quality management, nutrient management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

b.——~~Stormwater flows will receive water quality pre-treatment before entering the marina basin in accordance with the required SWFWMD permit.~~

c.——~~Introduction of pollutants in to the marina basin shall be limited by prohibitions against heavy boat repairs, painting of boats and pressure washing.~~

d.——~~The Developer shall develop and implement an annual water quality monitoring program for the Marina. All water quality physical and chemical parameters to be sampled shall be approved before the commencement of sampling by Charlotte County and SWFWMD. The Developer shall incorporate additional water quality treatment and/or water management methods into the project's surface water management system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective. Failure to correct impaired water quality in the Marina shall be a violation of this Development Order.~~

e.——~~Access to the Peace River from the marina shall be by boat lift. No open channel between the Peace River and the marina shall be created.~~

f.——~~Once constructed, the boat lift and weir shall be a permanent fixture. The boat lift and weir shall be maintained by the owner/operator of the marina, a properly formed master property owners association or community development district. That organization will be charged with administering and assuring adherence to the terms of the restrictive covenant and the perpetual conservation easement described below and with providing a financial security instrument, in a form acceptable to Charlotte County, in an amount equal annual maintenance costs and a financial security instrument or appropriate policy of insurance for replacement of the boat lift and weir in the event of damage or destruction. Neither the Developer, the master property owners association nor the community~~

Commented [JF1]: Derek might have changes for this section.

~~development district, their successors and assigns shall request to remove the boat lift and weir. Any other request to remove the boat lift and weir shall be reviewed as a substantial deviation per Chapter 380.06, Florida Statutes, as may be amended.~~

~~g. Upon receipt of a permit for construction of a boat lift and weir, the Developer shall record a restrictive covenant over the weir and the landward 30 feet adjacent to the weir in the Public Records of Charlotte County, Florida prohibiting removal of the boat lift and weir. The FDEP shall be the beneficiary of the restrictive covenant and be granted the ability to enforce its terms. Upon receipt of a permit for construction of the weir, the weir property shall be placed in a perpetual conservation easement granted to a governmental agency or charitable organization or trust whose purposes include maintaining or enhancing water quality.~~

~~h. The Developer shall develop and implement a groundwater monitoring plan, to be approved by Charlotte County and SWFWMD, which shall include the following provisions if found necessary by SWFWMD during permit review and approval:~~

~~— All monitoring wells shall be sampled and analyzed semi-annually for FDEP primary and secondary drinking water standards, water levels and groundwater chemicals.~~

~~— Two wells shall be installed hydraulically downgradient at each zone of discharge (i.e. property boundary) and one well shall be installed hydraulically upgradient to monitor background water quality.~~

~~— All wells shall be constructed in accordance to monitor well specifications as outlined in Chapter 65-525, Florida Administrative Code ("F.A.C.).~~

~~— Sampling analyses shall be performed according to procedures outlined in the most current edition of "Standard Methods for Examination of Water and Wastewater," by APHA AWWA WPCF, or "Methods for Chemical Analyses of Water and Wastes" by the United States Environmental Protection Agency.~~

~~— Water quality samples from all wells shall be collected after pumping the wells to constant temperature, pH, and conductivity.~~

~~— Wells shall monitor both the Surficial and Floridian aquifers.~~

~~— The plan shall include sufficient baseline data.~~

~~— Procedures shall be established for immediately reporting any violations of water quality standards to the County, FDEP, SWFWMD and/or other appropriate agencies.~~

- ~~— Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project's design to correct and/or mitigate any degradation.~~
- ~~— Pre-construction monitoring shall be completed at least 30 days prior to any actual construction. Monitoring will be continued semi-annually during construction on the project and will continue for two (2) years after all construction on the project is complete.~~
- i. ~~— Prior to any site alteration, the Developer shall develop and implement a surface water quality monitoring plan, to be approved by Charlotte County and SWFWMD, which shall include the following provision if found necessary by SWFWMD during permit review and approval:~~
 - 1) ~~— Pre-construction monitoring~~
 - ~~— a) — Sampling shall be initiated before the start of any construction~~
 - ~~— b) — Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.~~
 - 2) ~~— Construction monitoring~~
 - ~~— a) — Sampling shall be conducted for every rainfall event of one inch or greater within the drainage sub-basins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.~~
 - ~~— b) — Any violations of water quality standards within a drainage sub-basin under construction shall be reported to Charlotte County and SWFWMD and all work shall be halted until a solution to the problem is implemented.~~
 - 3) ~~— Post-construction monitoring~~
 - ~~— a) — Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.~~
 - ~~— b) — Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.~~
 - 4) ~~— Monitoring reports.~~
 - ~~— a) — Monitoring reports shall be submitted to Charlotte County semi-annually during pre-construction and quarterly during construction.~~
 - ~~— b) — An official laboratory report shall also be submitted to Charlotte County, SWFWMD and the Southwest Florida Regional Planning Council as part of each bi-annual report pursuant to General Conditions "b."~~

~~5) All water quality physical and chemical parameters to be sampled, as well as sampling sites, shall be approved before the commencement of sampling by Charlotte County and SWFWMD.~~

~~6) The Developer shall incorporate additional water quality treatment and/or water management methods into the project's surface water management system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or are found to adversely impact water quality downstream of the project site.~~

~~j. The Developer shall confirm, to the satisfaction of Charlotte County and SWFWMD staff, that the proposed project control elevations and overall design will preserve the onsite and adjacent wetlands, including the maintenance of natural hydroperiods, and that County and SWFWMD preservation/mitigation criteria will be met.~~

~~bk. The Developer shall develop pre- and post-hydrographs to confirm that natural hydroperiods will be sustained after development.~~

~~l. The design storm for the project shall meet Charlotte County and the SWFWMD requirements.~~

~~cm. A properly created master property owners association or a community development district shall be responsible for maintenance and monitoring of the master stormwater facilities. Such association or district shall have the authority to assess property owners in order to provide a funding mechanism for maintenance of the master stormwater infrastructure in accordance with all regulatory obligations federal, state and local permit conditions.~~

~~dn. The Developer shall take necessary precautions during construction and for the duration of the project to prevent adverse impacts to water quality which may include, but are not limited to, the installation of siltation curtains or hay bales between the development area and wetland buffers and implementation of storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system. All newly exposed surfaces will be seeded or sodded as soon as practical. Specific erosion control will be approved as part of the SWFWMD permit.~~

~~ee. Turbidity resulting from construction dewatering will be managed using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include, but are not limited to, vegetated systems, detention systems (e.g., sedimentation basins), geotextiles, and other methods. Turbidity and other pollutants from construction dewatering on the Property will be reduced to meet the levels required by applicable State Water Quality Standards and as required by the National Pollutant Discharge Elimination System ("NPDES") generic permit for construction. Copies of any reports required by the NPDES~~

permit will be maintained at the appropriate construction site with a copy being sent to County's Growth Management Department.

~~fj.~~ Clearing and grubbing will be so scheduled and performed such that grading operations can follow thereafter. Grading operations will be so scheduled and performed that permanent erosion control features can follow thereafter if conditions on the project permit, and not beyond the time limits established in the NPDES general construction permit.

~~gq.~~ Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be installed at the discharge point of pipes or swales if scouring is observed.

~~r.~~ Stormwater discharge from the site will be limited by the SWFWMD permit.

~~s.~~ Finished floor elevations within the development will be determined by the appropriate design event of the adjacent water course as determined by Charlotte County and SWFWMD. The finished floor elevation will be determined based on an analysis of the 100 year flood elevation of the Peace River.

~~ht.~~ Discharge to existing conveyances shall be permitted provided that discharge/control structures are designed so that upstream/off-site flooding will not be worsened by development of the project. Stormwater discharge will be limited by the SWFWMD permit.

~~u.~~ Stormwater ponds will be used to provide water quality treatment in accordance with the SWFWMD requirements.

~~iv.~~ On-site wetlands outside the Green Zone may be incorporated into the stormwater management system provided the continued natural functioning of the wetland system will be maintained or improved; the natural hydroperiod of the wetland will be maintained; water quality, vegetation, and aquatic life-forms will be maintained or improved; substances that could adversely impact water quality, vegetation and aquatic life-forms will be removed or treated prior to discharge to the wetland system; the wetland's ability to assimilate any nutrients in the effluent discharged to the wetland system will not be exceeded; and the Developer, master property owners association or community development district agree to a monitoring program of the wetlands system, at their expense, that assures any degradation of the wetland system that occurs during the monitoring period due to project design failure shall be corrected at the Developer's, master property owners association's or community development district's expense. Those wetlands outside that system will continue to store and transmit water except where modifications are necessary to facilitate hydrologic restoration.

~~w.~~ Best Management Practices will be utilized and may include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto zones, extended hydraulic residence times and increased flow paths.

~~x. The design storm event and corresponding peak stage elevation requirements for the project shall meet Charlotte County and the SWFWMD requirements.~~

~~y. Stormwater facility control elevations will be designed to provide storage capable of meeting required SWFWMD water quality standards. Treatment volume will be provided in accordance with the SWFWMD requirements.~~

~~z. There will be no increase in stream stage elevation offsite, except as permitted by the SWFWMD.~~

~~aa. All internal stormwater management lakes and ditches, and any on site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the SWFWMD, or other appropriate governmental entity with a compliance monitoring staff. Stormwater lakes shall include adequate maintenance easements around the lakes, with access to a paved roadway, as required by the appropriate governmental entity. The Developer, homeowners associations, or community development district will maintain the master stormwater management system.~~

~~jbb. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.~~

~~cc. If found appropriate by SWFWMD staff, shoreline banks created along onsite stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in native emergent and submergent vegetation and shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at minimum the area between ordinary high water and ordinary low water) for the duration of the project.~~

~~kdd. The Developer shall conduct annual inspections in accordance with the conditions of the approved SWFWMD Environmental Resource Permit, Charlotte County Master Stormwater Management Plan System of any preserved/enhanced wetland areas and any environmental and spreader swale systems on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.~~

~~lee. The Developer, or owner of any individual commercial sites, shall undertake a regularly scheduled vacuum sweeping of all streets, sidewalks and parking~~

facilities, to be incorporated as a best management practice, for all commercial development parcels.

~~ff. Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands shall accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non vehicular travel ways.~~

~~gg.~~ Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

~~hh.~~ Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

~~ii.~~ Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, ~~consistent with SWFWMD, FDEP, and County requirements.~~

~~jj.~~ Stormwater ponds will be designed to provide water quality treatment with design, per the SWFWMD requirements. Design elements which may include rainwater gardens, treatment swales planted with native vegetation and entrainment systems. ~~These will be reviewed and approved during the ERP approval process.~~

~~kk.~~ ~~Stormwater discharge will be limited by the SWFWMD permit.~~ Rainwater harvesting techniques including cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces should also ~~may~~ be considered for inclusion in the stormwater design.

~~ll.~~ Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

~~mm.~~ The Developer shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater and water quality management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

~~sa.~~ The Developer shall install storm drain inlet protection to limit sedimentation within the storm water management system.

~~tee.~~ Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.

~~upp.~~ Impacts to downstream wetlands/salt marsh will be minimized by maintaining appropriate hydrologic flow through tidal creeks. Multiple points for discharge of treated stormwater from the site will prevent rapid freshwater inflow into one area of the wetlands. Wetland hydrology will be modeled to ensure healthy post-development wetland conditions.

6. TRANSPORTATION

a. The Developer shall be fully responsible for site-related roadway and intersection improvements required within the Harborview DRI. The Developer shall be required to pay the full cost for the site-related intersection improvements for the project's access intersections as follows:

1. Harborview Road & West Village Project Driveway: Construct one westbound left turn lane; signalize if warranted prior to project buildout.
2. Harborview Road & North Village Project Driveway (West of Rio De Janeiro Boulevard: Construct one eastbound left-turn lane.
3. Harborview Road & North Village Project Driveway (East of Rio De Janeiro Avenue): Construct one eastbound left-turn lane.
4. Rio De Janeiro Avenue & Luther Road (project driveway): Construct one northbound left-turn lane, one southbound left turn lane and; signalize if warranted prior to project buildout.
5. Rio De Janeiro Avenue & North Village Project Driveway (west side): Construct one northbound left-turn lane.

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b. The Developer shall pay to Charlotte County the impact fees that are in effect at the time a permit application number is assigned by Charlotte County. Payment is due prior to issuance of a certificate of occupancy. These impact fee payments shall represent partial payments for necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain level of service "D" for significantly impacted roadways. At a minimum, the following roadways shall be reviewed with each Harborview phase to determine significantly impacted roadways where the project

traffic consumes five percent (5.0%) or more of the facility's adopted service volume and the first directly accessed roadway segment provided the project traffic consumes one percent (1.0%) or more of the facility's adopted service volume peak hour, based on a 100th highest hour design criteria, for the following significantly impacted roadways through project buildout:

Rampart Boulevard

- Luther Road/Capricorn Boulevard to Rio Dde Janeiro Avenue

Harborview Road

- U.S. 41 to Kings Highway
- Kings Highway to Melbourne Street
- Melbourne Street to West Village project site
- West Village project site to I-75
- I-75 to North Village project site
- North Village project site to Rio Dde Janeiro Avenue
- Rio Dde Janeiro Avenue to Broadpoint Drive

U.S. 17

- Copely Drive to Regent Road

Kings Highway

- Westchester Boulevard to Harborview Road

Melbourne Street

- Harborview Road to U.S. 4147

Rio de Janeiro Avenue

- Sandhill Boulevard to Rampart Boulevard
- Rampart Boulevard to East/West Road
- East/West Road to North Village project site
- North Village project site to Harborview Road

Additional significantly impacted roadway segments may result (based on analysis) beyond what is listed above.

The traffic study for the project's phases will be cumulative and will include any previously evaluated phase to determine the extent of significantly impacted roadways.

c. Impact fee payments shall also represent partial share payments for the necessary improvements, including but not limited to, right-of-way, costs of signalization, turn lanes and other improvements deemed necessary by the Florida Department of Transportation ("FDOT"), Charlotte County or other appropriate jurisdictions, subject always to Charlotte County's Code of Laws and Ordinances and related rules and regulations, jurisdiction to maintain intersection level of

service "D" on a peak hour (100th highest hour) basis for the following significantly impacted intersections. At a minimum, the following intersections shall be reviewed with each Harborview phase to determine which are significantly impacted intersections located along the significantly impacted roadway segments through project buildout:

- Rampart Boulevard & Luther Road/Capricorn Boulevard
- Rampart Boulevard & Rio De Janeiro Avenue
- Harborview Road & U.S. 41
- Harborview Road & Kings Highway
- Harborview Road & Melbourne Street
- Harborview Road & I-75 West Ramps
- Harborview Road & I-75 East Ramps
- Harborview Road & Rio de Janeiro Avenue
- Harborview Road/Sunnybrook Road & Broadpoint Drive
- Kings Highway & Westchester Boulevard
- Rio de Janeiro Avenue & Sandhill Boulevard
- U.S. 41 & Melbourne Street
- U.S. 17 & Regent Road

Additional significantly impacted intersections may result beyond what is listed above if additional significantly impacted roadway segments are determined based on condition 6b.

d. The Developer Harborview DRI will also analyze significantly impact the following interstate segments and report to the County the project's impact on the segments:

I-75

- Kings Highway to Harborview Road
- Harborview Road to U.S. 17

The Developer shall provide analysis to the County if the analysis of the above referenced segments shows that the project is causing impacts to additional significantly impacted interstate segments. The Developer shall provide supplemental analysis at County's request.

e. Level of Service monitoring consistent with Rule 9J-2.045(7)(4), F.A.C. (2009), shall be initiated two years from the effective date of this Development Order and then biennially thereafter.

f. Based on the staff transportation assessment of significant project impacts, the following schedule of identifies each roadway improvements shall be reviewed with each phase (cumulative in improvement which is necessary to achieve the case of subsequent phases) adopted level of service standard at project buildout. Construction of the Harborview DRI development to determine which (if any) of

~~these following transportation improvements are needed shall be need~~ prior to, or coincident with, development of each phase or a proportionate share payment pursuant the Harborview DRI, if peak hour (100th highest hour) level of service "C" and "D" conditions, as applicable, are to Florida Law and Charlotte County Land Development Code section 3-5-341 (proportionate share payments provided by any previously evaluated phase shall be credited); maintained through project buildout on significantly impacted road segments and intersections:

Road segment improvements

Harborview Road

- Melbourne Street to West Village project site: Widen to 4 lanes
- West Village project site to Rio Dde Janeiro Avenue: Widen to 4 lanes

Rio Dde Janeiro Avenue

- East/West Road to North Village project site: Widen to 4 lanes
- North Village project site to Harborview Road: Widen to 4 lanes

Intersection Improvements

- Rampart Boulevard & Rio Dde Janeiro Avenue: Signalize when warranted
- Harborview Road & U.S. 41: ~~Lengthen the Construct one~~ westbound right turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.
- Harborview Road & I-75 West Ramps: Signalize when warranted. ~~Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.~~
- Harborview Road & I-75 East Ramps: Signalize when warranted
- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)
- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

g. The improvements outlined in the schedule contained in "f" above shall be made at the time that a road segment or intersection is projected to exceed level of service "D," ~~peak hour based on a 100th highest hour design criteria on the roadways and intersections identified in "b" and "c" above and level of service "C" peak hour based on a 100th highest hour design criteria for the Harborview and I-~~

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~~75 East and West ramps and the project is, or will be, utilizing five percent (5%) or more of the peak hour (100th highest hour) level of service "D" maximum service volume or "C" maximum service volume for the I-75 ramps.~~

h. A traffic study to monitor the existing peak hour level of service, and to project the likely peak hour level of service for the next proposed stage of development shall be submitted biennially to Charlotte County and, FDOT, ~~the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council~~ for review and approval. The first monitoring report shall be submitted two years from the effective date of this Development Order.

i. The monitoring report shall project the approved development's transportation impacts on the significantly impacted ~~(i.e., where project traffic is expected to be utilizing five percent (5%) or more of the peak hour (100th highest hour) level of service "D" maximum service volume or "C" maximum service volume for the I-75 ramps)~~ roadways and intersections for the next two (2) years. If no new development is proposed in the upcoming two (2) year period, then the monitoring report shall project transportation impacts on only the following intersections:

- Harborview Road & U.S. 41
- Harborview Road & Kings Highway
- Harborview Road & Melbourne Street
- Harborview Road & I-75 West Ramps
- Harborview Road & I-75 East Ramps
- Harborview Road & Rio de Janeiro Avenue

~~The development's projections of project traffic shall be based on the total of existing occupied project development, all permitted project development, and the projected amount of development likely to receive building permits within the proposed next two (2) years. If any new development is proposed, then the monitoring report shall include the project p.m. peak hour (100th highest hour) trip generation estimates, non project background traffic estimates, and an analysis for each of the significantly impacted (i.e., where the existing and proposed project traffic is expected to utilize five percent (5%) or more of the peak hour (100th highest hour) level of service "D" maximum service volume or "C" maximum service volume for the I-75 ramps) regional intersections and road segments, including access intersections. As part of this analysis, a calculation of the current year's and the next two (2) year's peak hour level of service, based on a 100th highest hour design criteria, at these intersections and on these road segments will be performed.~~

The level of service shall be calculated according to current professional standards and shall provide an indication of when level of service "D" ~~(or "C" for the I-75 ramps and segments)~~ peak hour, based on a 100th highest hour design criteria, is

expected on impacted roadways and intersections, and an estimate of project impact on those facilities.

j. The traffic study methodology shall be supplied to Charlotte County and FDOT ~~the Southwest Florida Regional Planning Council and the Florida Department of Transportation~~ for review, and shall be subject to written approval by both entities ~~Charlotte County and the Department of Community Affairs~~ prior to the start of each biennial monitoring event.

k. If a monitoring report projects that the project's traffic project ~~background peak hour (100th highest hour)~~ traffic on a roadway segment or intersection listed in "b," "c," or "d" above exceeds, or is projected to exceed these levels during the next two (2) years, or if the peak hour (100th highest hour) level of service standard adopted by the Charlotte County Comprehensive Plan and the project is, or will be, utilizing five percent (5%) or more of the peak hour (100th highest hour) level of service "D" maximum service volume or "C" maximum service volume for the I-75 ramps and segments, then no further building permits shall be granted or issued for the Harborview DRI until a major roadway improvement restoring the adopted level of service is operational or unless:

- The Development Order already contains a binding commitment to provide the needed roadway improvements or
- The Development Order is amended to contain a binding commitment to provide the needed roadway improvements.

A binding commitment shall be one or more of the following either:

(1) Scheduling of Facility Improvements

a. A schedule which specifically provides for the mitigation of impacts from the proposed development on each significantly impacted roadway which will operate below the adopted level of service standard at the end of each project phase's buildout, or, alternatively, a subset stage of that phase. The schedule shall ensure that each and every roadway improvement which is necessary to achieve the adopted level of service standard. The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element. ~~for that project stage or phase shall be guaranteed to be in place and operational, or under actual construction for the entire improvement, at buildout of each project stage or phase that creates the significant impact.~~ This guarantee shall be in the form of:

- (l) A clearly identified, executed and recorded local government development agreement, consistent with

Sections 163.3220 through 163.3243, Florida Statutes (2009), that is attached as an exhibit to this Development Order, and which ensures, at a minimum, that all needed roadway improvements will be available concurrent with the impacts of development, consistent with Section paragraph 163.3180(2)(c), Florida Statutes (2009);

~~(II) A binding and enforceable commitment in the development order by the local government to provide all needed roadway improvements concurrently with the development schedule approved in this Development Order;~~

~~(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government as specifically adopted an in-compliance paragraph 9J-5.0055(3)(c), Florida Administrative Code (2009), concurrency management system in their plan; or~~

~~(IV) A Florida Department of Transportation commitment in the current five years of the Adopted Work Program for Florida Intrastate Highway System (FIHS) facilities or in the first three years of the Adopted Work Program for all other facilities to provide all needed roadway improvements;~~

~~(IV) A binding and enforceable commitment in this Development Order by the Developer to provide all needed roadway improvements concurrently with the development schedule approved in the development order; or~~

~~(IV) Any combination of guarantees (I) thru (IV) above that ensures that all needed roadway improvements will be provided concurrently with the development schedule approved in this Development Order.~~

b. A provision which states that on no less than a biennial basis the status of the guaranteed improvements shall be assessed and reported in a required biennial status report. The local government shall cause further issuance of building permits to cease immediately at the time the biennial monitoring reveals that any needed transportation improvements guaranteed by developments 1.a.(I) thru 1.a.(V) above is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer consistent with the

timing criteria of sub-subparagraph 1.a. above. The periodic assessment contemplated herein is not a monitoring of the actual level of service on a roadway, but is a review of the actual status of guaranteed improvements scheduled for construction. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, shall be addressed as a Notice of Proposed Change.

c. In addressing the construction of the needed roadway improvements, the schedule described in sub-subparagraph 1.a. above shall list all needed roadway improvements needed to be constructed by phase or stage, the guaranteed date of completion for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement.

2. Alternative Concurrency Provisions. A schedule as set forth in sub-subparagraphs 1.a., b., and c. above, that appropriately addresses each significantly impacted state and regional roadway segment through compliance with Charlotte County's specific alternative concurrency provision of Section subsections 163.3180(6), (7), (8) or (9), Florida Statutes (2009), where such mitigative measures are specifically adopted in an in compliance local government comprehensive plan and are fully explained and applied in this Development Order.

3. Proportionate Share Payments.

a. This option shall only be available to the extent that any affected extra-jurisdictional local government, or the Florida Department of Transportation for facilities on the State Highway system, agrees to accept proportionate share payments ~~a~~ to adequately mitigate mitigating the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction. If an affected extra-jurisdictional roadway is under the maintenance authority of the Florida Department of Transportation, then agreement to accept proportionate share payments shall be obtained only from that agency for that roadway. Such an agreement shall be attached as an exhibit to this Development Order and shall be in the form of either a clearly identified, executed and recorded local government development agreement, consistent with Sections 163.3220 through 163.3243, Florida Statutes (2009); an interlocal agreement; a FDOT joint participation agreement; or a written acceptance by the affected local government governing board or the Florida Department of Transportation, as appropriate.

b. This option is also available ~~into~~ Charlotte County for those significantly impacted state and regional roadways within their jurisdiction which are not addressed for concurrency by its local concurrency management system. Charlotte County must agree to the proposed mitigation in writing and the writing shall become an exhibit to this Development Order if it is fully executed by the Developer and the County.

c. If proportionate share payments are utilized, this Development Order shall contain a schedule as set forth in sub-paragraphs 1.a., b., and c. above, that appropriately addresses each significantly impacted state and regional roadway segment. For significantly impacted site and regional roadways within the area around the development site that are specifically covered by Charlotte County's Concurrency Management System, this Development Order shall ensure that appropriate mitigative measures are clearly and specifically delineated in this Development Order for each roadway segment, consistent with the concurrency provisions of the in-compliance adopted Charlotte County comprehensive Plan and implementing Charlotte County land development regulations.

d. For each significantly impacted state and regional roadway outside the specified Concurrency Management System area, this Development Order shall also ~~additionally~~ include:

(I) A schedule of the list of the improvements that are needed to be constructed to ensure maintenance of the adopted level of service, an identification of the governmental agency with maintenance responsibility over the improvement, the cost of each needed improvement including right-of-way and other costs for the improvement, the developer's proportional share contribution for the improvement, and any proposed staging of the development.

(II) A date-certain payment provision which requires that, at a minimum, the developer pay his proportionate share contribution to the agency that has maintenance responsibility over the impacted roadway prior to the issuance of any building permits for the stage or phase which will cause or increase the significant impact to that roadway.

(III) A provision which requires that as a condition of accepting the payment of the proportionate share contribution that the receiving governmental agency with maintenance

responsibility over the impacted roadway agrees in writing as an exhibit to this Development Order that the contributed monies shall only be applied towards the construction of one or more of the significantly impacted improvements which are under their jurisdiction and listed in the schedule. If the contributed money to that agency is sufficient to fully construct one or more of the roadway improvements under its jurisdiction that is on the schedule in (I) above, then the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the improvement construction.

(IV) A provision which requires that development activities and issue of permits therefore immediately cease if the proportionate share contribution is not paid in a timely manner.

(V) A requirement that any proposed delay or change of the proportionate share payment due to a change in the approved development schedule shall require a reanalysis of the proportionate payment amount as part of any schedule approval amendment.

4. A combination of the mitigative measures contained in subparagraphs 1., 2., or 3., above that mitigates for each significantly impacted state and regional roadway and which reasonably assures that public transportation facilities shall be constructed and made available when needed to accommodate the impacts of the proposed development, consistent with the provision of Chapters 163 and 380, Florida Statutes (2009).

l. Any specific stage or phase of this development that proposes the need for the construction of a new or modified access to a state or federal limited access facility shall not be allowed to initiate development for that stage or phase of development by Charlotte County until the new or modified access has been authorized by the Federal Highway Administration and/or the Florida Department of Transportation, as applicable. When such authorization is not forthcoming, the Developer may request to amend this Development Order ~~land use approval~~, based upon the submittal of a revised transportation analysis not utilizing the new or modified access to the limited access facility and any needed additional transportation mitigation, as appropriate.

m. The transportation impacts to the roads and intersections above may be alternatively proposed by the Developer to be appropriately addressed consistent with ~~the Southwest Florida Regional Planning Council policies, and in accordance with~~ Section 163.3220, Florida Statutes (2009), which requires a commitment by

the Developer and/or the local government to insure concurrency on all significantly impacted roads through a ~~substantial deviation determination and~~ development order amendment incorporating the development agreement, pursuant to Section 380.06(19)(f), Florida Statutes ~~(2009)~~.

n. Should the eventual development mix of the Harborview DRI be such that the trip generation and external traffic of the project exceed the levels identified in the ADA by more than 15%, on a daily or p.m. peak hour ~~(100th highest hour)~~ basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380, Florida Statutes ~~(2009)~~.

o. If ~~Section such as Chapter~~ 3-3.5, Charlotte County Code of Ordinances (Impact Fees) is ever amended, repealed, replaced or revoked by Charlotte County or repealed, replaced, revoked, invalidated or superseded by any act of the Florida Legislature or decision of the Florida Supreme Court, then the term shall mean any assessment, fee, payment, donation, contribution or like term, including, but not limited to, mobility fees, which replaces existing local government adopted and implemented transportation concurrency management systems.

~~p. As part of the construction of the East Village, Discovery Drive shall be relocated to substantially the same location as shown on revised Map H.~~

~~pg.~~ If Charlotte County extends Luther Road to the west boundary line of the North Village, the Developer shall either provide or allow a connection to a road in the North Village so that Luther Road will extend to Rio de Janeiro Boulevard.

qf. No building permits may be granted or issued for the Harborview DRI until the transportation analysis for the first phase is submitted to Charlotte County or the first required biennial transportation monitoring report is submitted and the Development Order is amended to contain a binding commitment to provide the needed roadway improvements for any proposed development identified in such monitoring report.

6. HOUSING

a. The Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for families earning not more than 120% of the area median income. These units shall first be made available for sale or rent to the workers in the development at the time the units are constructed, but in no case shall the Developer sell or rent the units to a family earning more than 120% of the area median income. After a demonstrated effort has been made to sell or rent the affordable housing units to those working within the development, the units may be sold or rented to those not working in the development and that qualify for the affordable housing. The units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of Charlotte County.

7. POLICE AND FIRE PROTECTION

~~a. The Developer shall pay impact fees in accordance with Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees), as amended. The Developer shall provide up to \$100,000.00 for an additional fire rescue unit for Fire Station #11 prior to issuance of a certificate of occupancy for the 381st residential unit in the project. Upon payment, the Developer shall receive \$100,000.00 of fire impact fee credits which may be used to offset fire impact fees assessed on development located north of the Peace River and east of the Myakka River.~~

8. EDUCATION

~~The Developer shall comply with the Charlotte County regulations and the updated Interlocal Agreement for Coordinated Planning and School Concurrency dated May 2018, as may be amended. The Developer shall enter into an agreement with the Charlotte County School District prior to the final approval by Charlotte County of any phase of a Planned Development site plan, a subdivision plan, preliminary plat or the functional equivalent for new residential development within the Harborview DRI. The terms of the agreement shall be incorporated into this Development Order as a Notice of Proposed Change and shall not constitute a substantial deviation.~~

9. MARINA AND DOCK FACILITIES

a. ~~A marina operations plan which abides by the recommendations of the Florida Department of Environmental Protection's Clean Marina Act will be implemented at the proposed Marina. The operations will promote environmentally friendly alternatives which will include Best Management Practices and Marina Environmental Measures.~~

b. ~~As used herein, the term "Marina" shall include both the basin and the freshwater canal connecting the basin to the saltwater canal, all located within the East Village and shown with a dotted overlay on Map H. The Marina may contain one (1) dry storage facility for not more than 192 boats with a maximum size of 28 feet, 260 wet slips and a fork lift tram way system through the upland portions of the development to deliver vessels to the existing canal system for access to the Peace River. The number of wet slips will be commensurate with jurisdictional agency permitting standards and available space.~~

c. ~~The Marina will include a dry storage facility with an associated staging area and may include a ship store, restrooms, showers and retail shops. Sewer pump out facilities and a fueling dock shall also be provided.~~

d. ~~The Marina will provide a dock or dry storage berth for the Charlotte County Sheriff's Department, Charlotte County Fire and EMS and FWC or USFWS upon request.~~

e. ~~Operation of the Marina will comply with the Marina Environmental Measures and Best Management Practices Clean Marina Plan Harborview Marina attached as Exhibit "F" hereto and incorporated herein by this reference, as may be amended through the permitting process. The Marina will obtain a Clean Marina certification and shall comply with the Clean Marina certification requirements regardless of whether the program is discontinued. Charlotte County shall receive a copy of the Clean Marina Program Status Report which shall be submitted annually to FDEP. If the Clean Marina certification program is discontinued, the Developer shall continue to submit a Clean Marina Program Status Report annually to Charlotte County. Charlotte County shall have the authority to verify compliance with the Clean Marina standards at any time. The Developer shall update its BMPs as technology changes and shall describe any updated BMPs in the biennial DRI report.~~

f. ~~A petroleum spill response/fueling contingency plan will be developed and implemented at the Marina and shall include the following:~~

- ~~— Notify within one hour of a spill your local responder, USCG National Response Center, FWC, and the State Warning Point.~~
- ~~— The name, location and hours, telephone numbers, radio frequencies, facility waterfront and vessel characteristics, type and amount of petroleum stored,~~

- ~~name/phone numbers of owner and trained personnel designated in charge. Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.~~
- ~~— Staff will be trained on how the equipment should be used and when necessary.~~
 - ~~— Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.~~
 - ~~— The equipment will be kept in key location and maintained by a contracted petroleum response company.~~
 - ~~— The plan will be annually reviewed with staff and updated for any new technology or equipment.~~
 - ~~— Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.~~
- g. ~~Oil and fuel storage containers will be built with a surrounding berm that contains an impervious bottom or equivalent double walled storage containers with petroleum sensors in the interstitial space in order to prevent/detect any leaching.~~
- ah. ~~Docks, wet slips, and dry slips may be constructed within the Marina and along the DeSoto Canal, upon receipt of all required local, state and federal agency permits and approvals.~~
- i. ~~The Marina will provide limited repair service consistent with DEP's Clean Marina Program. Boat maintenance and repair work will be limited to tasks like refueling, battery replacement, other minor maintenance activities, etc., consistent with the Clean Marina program. The Marina will incorporate measures to separate hazardous materials from the solid waste stream.~~
- j. ~~No hull cleaning, major repair work, etc. will occur within the Marina. A battery recycling company with pick-up service will be contracted to minimize on-site storage of old/used batteries.~~
- k. ~~Dredging shall only be permitted in those areas shown on **Exhibit "H"** attached hereto and incorporated herein by this reference.~~
- l. ~~A program shall be implemented at the Marina to educate the public about population status and the prohibitions against capturing, harming or harassing smalltooth sawfish. Guidelines on safe handling and release of smalltooth sawfish shall be posted at the Marina.~~
- m. ~~Maps identifying the location along the shoreline of the Harborview DRI of any nursery or adult habitat of the smalltooth sawfish shall be posted at the Marina.~~
- n. ~~Appropriate mitigation shall be provided for any non-shoreline mangrove habitat that is disturbed.~~

~~o. Powerboats with drafts in excess of five (5) feet will be prohibited from utilizing the Marina facilities.~~

~~p. Personal motorized watercraft (i.e. jet skis) will be prohibited in the Marina.~~

~~q. The entire shoreline of the Marina basin and the associated canal system will include stabilization by either revetment riprap, bulkhead seawall with riprap or living shoreline with a littoral shelf.~~

~~r. No cargo will be shipped through the Marina.~~

~~s. The Marina will be designed in general accordance with the "Layout Design and Construction Handbook for Small Craft Boat Launching Facilities" prepared by the State of California Department of Boating and Waterways.~~

~~t. Littoral zones will be incorporated at the outfall from the basin to provide water quality and habitat benefits. The littoral shelf in the Marina will be planted with native emergent wetland species.~~

~~u. In order to protect breeding ground for the smalltooth sawfish, there shall be no impacts to the shoreline mangrove habitat located along the Peace River within the project area. A conservation easement will be placed over the shoreline mangrove habitat.~~

~~v. Brazilian pepper removal and other enhancement activities will be conducted in the mangrove habitats to improve the habitat for the smalltooth sawfish.~~

~~w. Continuing consultation on the potential impacts to the smalltooth sawfish will be completed with the USACE, USFWS and NMFS prior to approval of the project design and proposed mitigation. Charlotte County will be invited to participate in the review of any project that may adversely impact critical smalltooth sawfish habitat, as such is designated by the USFWS.~~

~~x. Coordination with the NMFS and USFWS will be conducted under the Section 7 consultation for the smalltooth sawfish.~~

~~y. No temporary overnight slips will be constructed within the Marina. Liveaboards shall be prohibited.~~

~~bz. The shoreline of the DeSoto Canal within the project area will not be armored. The shoreline will be maintained in a natural condition to avoid impacts to mangroves located in this area.~~

~~caa. Ten (10), 141 foot, elevated finger piers with two boat slips at the end of each pier, for a total of twenty (20) slips may be placed along the western~~

shoreline of the DeSoto Canal for single family residences. ~~These twenty (20) slips shall be the only slips allowed outside the Marina.~~ The boardwalks will be designed with a width of six (6) feet and be elevated approximately eight (8) feet from the ground and provide access from the single-family homes to the DeSoto Canal. The elevated boardwalks will be placed over the gopher tortoise preservation areas. The design of the docks will ensure that their placement does not violate water quality, impede navigation, or adversely affect flood control.

~~bb. Permanent educational signs for Florida Friendly Boating and Manatee Awareness shall be placed at the Marina.~~

~~cc. The Standard Manatee Construction Conditions, including the placement of temporary manatee caution signs, shall be utilized during the dredging and work boat operations.~~

~~dd. The Marina shall comply with approved manatee protection and preservation plans and procedures.~~

11. ENERGY

a. The Developer shall construct an eight (8) foot wide multi-use on-site path for pedestrians and bicycles. The path will be connected to off-site systems adjacent to the site and shall be placed on at least one side of the major roadways within the project consistent with the Bicycle and Pedestrian System Map attached as **Exhibit "I"**. The design for this pathway shall be shown at the time of final site plan approvals.

b. "Complete Streets" which include sidewalks, bicycle lanes, raised pedestrian islands, landscaped medians, and cross-walks with advanced warning signs will be incorporated into the project along the major roadways shown on **Exhibit "I"**. Pervious concrete or similar material shall be used in driveways, sidewalks and nature walks.

c. The project will incorporate future Charlotte County transit system stops as identified by the County to serve this development. Bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating and should be located no further than one quarter mile from commercial building entrances.

d. Homes within the project will be designed with appropriate insulation, Energy Star rated appliances and Green Seal rated materials. The use of energy-efficient features in window design (e.g. tinting, low solar heat gain coefficients (SHGC) and exterior shading, cross ventilation, operable windows and ceiling fans will be incorporated into homes within the project as appropriate and consistent with the Florida Building Code and Fire Marshall rules.

e. Deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g. building orientation, clotheslines and solar water heating systems) will be prohibited.

~~f. The project will use vegetative ground covers to minimize concrete and asphalt.~~

fg. The project will utilize energy-efficient lighting for streets, parking areas, recreation areas and other interior and exterior public areas to the extent that safety, security and County lighting standards are not compromised.

gh. The project will utilize water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch). Faucet aerators will limit flow rates to 0.5 gallons per minute.

hi. The project will incorporate Florida Friendly landscaping and provide reasonable shade for all recreation areas, streets and parking areas. Plants with

similar maintenance needs must be grouped together. Trees will be placed to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

ij. Structural shading shall be used ~~wherever practical~~ when natural shading cannot be used effectively.

jk. Bicycle racks or storage facilities will be provided in recreational, commercial and multi-family residential areas, but are neither required nor precluded on any individual parcel that utilizes shared parking facilities.

l. Porches, overhangs for shade and/or patio areas will be included in residential units when practical.

m. The Developer will install irrigation rain sensors and will abide by water restrictions mandated by State and County agencies.

~~ln.~~ The Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

~~mo.~~ Site development shall comply with the Florida Green Building Coalition Certification standards or equivalent green building standards.

~~np.~~ All thermostats installed in any structure shall be programmable.

~~oq.~~ Roofing material shall meet LEED cool roofing standards as follows: Roofs with slopes less than 2:12 shall have a solar reflective index of 78 or greater; roofs with slopes greater than 2:12 shall have a solar reflective index of 29 or greater. The term "solar reflective index (SRI)" is a measure of the constructed surface's ability to reflect solar heat as shown by a small temperature rise. "Solar reflective index" is defined so that a standard black with reflectance of 0.05 and emittance of 0.90 is zero (0) while the SRI for a standard white (reflectance of 0.80 and emittance 0.90) is 100. No black roofs will be permitted regardless of SRI.

~~r. One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.~~

12. FLOOD PLAIN/HURRICANE PREPAREDNESS

~~a. Each building in the Harborview DRI will provide for hurricane shuttering of or have impact glass installed in all windows.~~

~~b. Single family residences within the Coastal High Hazard Area shall be constructed with reinforced stem wall foundations which shall be resistant to flood erosion.~~

~~ae.~~ Two-way radio communication equipment shall be provided to the hotel, ~~harbormaster building,~~ or clubhouse, at the discretion of the Charlotte County Emergency Management Director, with an integrated evacuation siren warning system.

~~bd.~~ A disclosure statement in the form of a covenant shall be attached to all residential deeds stating that the property is located in a hurricane vulnerability zone and that the hurricane clearance time for the county is high and/or hurricane shelter spaces are limited.

~~ce.~~ The Developer shall coordinate with the Emergency Management Director designee in establishing a community emergency management program including the support and encouragement for a Community Emergency Response Team (CERT) and an annual presentation by the Emergency Management Director or designee which promotes hurricane preparedness for the Harborview DRI residents and which shall be sponsored by the Developer or any subsequently created property owners association or community development district.

~~df.~~ The Developer shall provide a minimum 150 kW, 60 Hz, 6.8 liter generator for a critical facility, to be designated by the Emergency Management Director, prior to the issuance of the 101st certificate of occupancy for a residential structure within the Harborview DRI. Installation shall be provided by the receiving facility.

~~eg.~~ A community-wide Hurricane Awareness Program and Response Plan shall be prepared with a copy delivered to the Emergency Management Director. The plan shall address the following:

- Community Information Program
- Evacuation Plan
- Property Preparation to include the Marina and boaters
- Community Emergency Communication System
 - Agency Coordination/Situation Updates
- Community emergency Response Team (CERT) Training
- Private Security

~~h. In areas where the 100 year floodplain elevation is above existing ground elevations, the Developer will build the habitable structures above the required~~

~~flood elevation and may utilize, but is not limited to, conventional slab on grade, piling construction and reinforced stem wall construction.~~

~~i. The Developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil, where practical. Bridges shall be used instead of culverts where practical.~~

~~fj. A maximum of 733 dwelling units ("DUs") shall be permitted in the Coastal High Hazard Area of the West Village, and a maximum of 773 DUs shall be permitted in the CHHA of the East Village. CHHA density within the East Village may be relocated to the North Village. CHHA density within the West Village may also be relocated to the East or North Village. Development within the 65.8-acre Coastal High Hazard incorporated into the Harborview Development of Regional Impact ("DRI") by Resolution 2006-093 and which carries the Mixed Use designation on the Future Land Use Map, shall allow a maximum of 157 residential DUs.~~

~~k. The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to reduce the heat island effect. These materials shall be pervious where practical.~~

13. SOLID/HAZARDOUS/MEDICAL WASTE

a. All residential units and business shall participate and cooperate with any recycling programs developed by Charlotte County.

b. Any business located within the Harborview DRI that handles bio-hazardous or hazardous materials will be required to coordinate with a licensed bio-hazardous waste hauler consistent with State law.

c. The Developer will coordinate with Charlotte County and contracted waste haulers and implement recycling efforts to minimize the solid waste stream.

d. Hazardous materials and waste are regulated by 40 CFR 260-266 and are adopted by reference by the State of Florida. Responsibility and liability for the handling, storing, and use of hazardous materials rests with the person or entity handling, storing or using the material.

e. The solid waste demands of the project will be incorporated into the county solid waste management program. The Developer will explore possibilities of extending the life of the county landfill by reducing the solid waste volumes by incorporating practices such as conservation, recycling, trash compaction and mechanical shredding.

f. Any business within the DRI that generates hazardous waste shall be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. There shall be no siting of hazardous waste storage facilities contrary to Charlotte County zoning regulations.

g. Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.

h. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

i. The Developer will consider source recycling of construction materials to reduce the amount of construction materials that will be deposited in the landfill, including the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.

j. There shall be no discharge of medical waste from medical facilities into the sewage systems.

k. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

l. Prior to construction of any facility that will generate medical or hazardous waste, the Developer shall identify medical and hazardous waste transporters that have been identified to serve the facility.

14. RECREATION AND OPEN SPACE

a. The Harborview DRI is projected to contain a population of 6,410 full-time equivalent residents at buildout. The Harborview DRI will provide a minimum of 38.46 acres of Active/Multipurpose park acreage as required by the Charlotte County Comprehensive Plan. Such park acreage may be comprised of any mix of mini (sub-neighborhood) parks, neighborhood parks and special purpose facilities which are defined as follows:

- Mini (sub-neighborhood) parks: A small park designed to serve up to 2,500 residents within a 2- to 3-block radius. Typically included are a playground, benches and open space, and possibly picnic tables.

- Neighborhood parks: A modest sized park usually with play equipment, sports fields, paved courts, open area, picnic area and possible recreation buildings, designed to serve up to 5,000 residents within a ½ mile service radius.
- Special purpose facilities: Boat ramps, fishing piers, and other miscellaneous properties used for outdoor recreation.

At a minimum, the Harborview DRI will contain one (1) mini park in North Village, one (1) mini park in West Village and two (2) mini parks or one (1) neighborhood park in East Village in East Village (one (1) east of the relocated Discovery Drive and one (1) west of the relocated Discovery Drive).

b. Parks and special purpose facilities within the Harborview DRI may be either public or private.

c. Parks may be maintained by a validly created homeowners association or by a Community Development District or by Charlotte County, if accepted for maintenance by the County.

~~d. Public space in mixed residential/commercial areas in the East Village may be counted toward acreage requirements if designed with sufficient size and recreational opportunities.~~

~~f. The proposed Marina shall be classified as a special purpose facility and may be counted toward park acreage requirements.~~

~~g. The proposed Marina shall provide public parking and dockage and shall have a walkway system constructed around its entire perimeter, open to use by the public.~~

dh. The developer shall erect an historical marker in a public location recognizing the ranch and the ranch family that formerly utilized the lands within the Harborview DRI.

~~i. The conveyance of the Saltwater Marsh to a governmental body or agency or to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for recreational or open space use, protecting natural resources, or maintaining or enhancing air or water quality, exceeds the adopted Level of Service Standard required by the Comprehensive Plan for Environmental Parks. No further commitment for land for environmental parks shall be required.~~

ej. The Green Zone, as depicted on Map H shall be maintained as open space and may include pervious trails, picnic tables, park benches, or gazebos ~~within the landward thirty (30) feet.~~ Maintenance shall be provided by a lawfully created master homeowner association or community development district.

15. LAND USE

a. The Harborview DRI shall be developed in substantial accordance with the Master Development Plan (Map H, as amended), including the development parameters and the development criteria as detailed on that plan.

b. The development of Harborview DRI shall be as follows:

Project Summary (see conversion matrix in Exhibit B)

Area	653 acres
Residential Uses	
Single Family	245 units
Multi-Family	3,614 units
Total residential	3,859 units
Commercial Uses	655,000 s.f.
Office Uses	50,000 s.f.
Hotel Uses	350 rooms
Docks	
Marina Uses	
Wet boat slips	260
Dry boat slips	192
Exempt single family slips	20

c. **Non-residential** Land uses approved by this Development Order may be increased in one land use category and concurrently reduced in another land use category, as more specifically described in the Land Use Equivalency Matrix ("Matrix") provided in **Exhibit "B."** The Matrix will allow for any number of changes to the non-residential totals described above in Paragraph A of the Findings of Fact and Conclusions of Law, while ensuring that the currently approved impacts of the project are not adversely exceeded. ~~Any land use exchange made pursuant to the Matrix shall not exceed the substantial deviation thresholds as set forth in 380.06(10)(b), Florida Statutes (2009). Any exchanges shall require an amendment to the non-residential intensities set forth in Charlotte County's comprehensive plan.~~

d. Cattle grazing is permitted on the East Village property only. Such grazing will be discontinued upon application to Charlotte County for the first building permit for any phase within East Village.

e. Map H shows the location of an easement that has been granted to the Peace River Regional Water Authority ("Authority") for construction of a pipe to interconnect the Authority's water system to the City of Punta Gorda's water system. A portion of this easement is located within the areas depicted for wildlife preservation on Map H. The Authority shall be permitted to manage and maintain

such easement area pursuant to the terms of its recorded easement, including, but not limited to, prohibiting the planting of trees within the easement area.

f. At the time of the first Final PD Site Plan Review submittal, the Developer shall submit a "Permit Tracking Chart." Once approved by the Charlotte County Growth Management Department, this chart will be submitted with each subsequent Final PD Site Plan Review submittal to be used by Charlotte County staff to ensure adequate monitoring of the variable commercial/office square footage and the number of residential units by type, the mix of housing types and their neighborhood location.

16. HISTORICAL AND ARCHEOLOGICAL SITES

a. If any archeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), the Southwest Florida Regional Planning Commission and Charlotte County so that a state-certified archeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

17. GENERAL PROVISIONS

a. The Developer shall submit a biennial DRI report ~~on Form RPM-BSP Annual Report~~ every two years from the effective date of this Development Order to Charlotte County, ~~the Southwest Florida Regional Planning Council, the Florida Department of Communities Affairs and all affected permit agencies as required by the County code in Subsection 380.06(18), Florida Statutes and Section 3-9-10.9J-2.025(7)B-6, F.A.C. as amended.~~ Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI development order. The Developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order of this reporting requirement.

b. ~~The project shall be completed in one phase. If Development Order conditions and Developer commitments incorporated within the Development Order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order, then this shall be presumed to be a substantial deviation for the affected regional issue, which presumption may be rebutted.~~

c. ~~If it is demonstrated during the course of monitoring the development, that substantial changes in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided the Developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred pursuant to Section 380.06(19), Florida Statutes.~~

bd. ~~Pursuant to Chapter 380.06(16)~~ Pursuant to Chapter 380.06(5), Florida Statutes, the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions (including mobility fees) to meet the same needs. The local government and the Developer may enter into a capital contribution front-ending agreement to reimburse the Developer for voluntary contributions in excess of the fair share.

ce. The Developer will comply with all applicable local codes, ordinances and regulations of Charlotte County to the extent not inconsistent with this Development Order.

df. Nothing in this Development Order shall preclude or exempt the development from participating in any duly established MSTU, MSBU or Community Development District for the purpose of providing infrastructure and services.

eg. The Developer, and its successors or assigns, shall be bound by all conditions of this Development Order in perpetuity unless the DRI is abandoned pursuant to Section 380.06(1126), Fla. Stat., as amended.

fh. The Developer, in its normal course of business, may from time to time transfer ownership of land and/or lots within the DRI to builders or other developers. It is understood that successors in interest shall assume the same liability that the Developer has under this Development Order.

18. FURTHER RESOLUTIONS

a. The County Administrator or his designee shall be the local official responsible for assuring compliance with this Development Order.

b. Wherever the term "Developer" is used herein to refer to a condition or requirement which must be completed, the term shall include any successors or assigns or management entity hereinafter succeeding to the rights or obligations under this Development Order.

c. ~~Pursuant to Section 380.06(15)(c) 3,~~ Charlotte County agrees that the Harborview Development Order shall not be subject to down zoning, unit density reduction or intensity reduction until December 31, 2035 ~~September 21, 2020~~, unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the development was based on substantially inaccurate information provided by the Developer or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

d. Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by Charlotte County, after due notice and hearing, that one or more of the following is present:

- (1) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council in which case Charlotte County shall take the appropriate action which may include ordering that an amendment to the DRI be filed before any further development may continue; or
- (2) An expiration of the period of effectiveness of this development order as provided herein, in which case Charlotte County shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

~~e. A certified copy of this resolution shall be forwarded to the Southwest Florida Regional Planning Council and to the Florida Department of Community Affairs.~~

e. In the event that any provision of this resolution is found to be inconsistent with or prohibited by Florida state law or is preempted by it, such provision shall be deemed null and void to the extent of such inconsistency, prohibition, or preemption. However, the remaining provisions of this resolution shall remain valid and enforceable to the fullest extent permitted by law.

f. In the event any term(s) of any other resolution with respect to this Harborview DRI Development Order conflict with any term(s) of the within resolution, the terms of this resolution shall govern and supersede those conflicting terms.

g. This resolution shall become effective as provided by law ~~immediately upon its adoption.~~

h. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution to 1) the Developer, and to 2) the State Land Planning Agency 2) Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and to 3) Daniel L. Trescott, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Board of County Commissioners
of Charlotte County, Florida

By: _____
William G. Truex, Chairman

Attest:

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

By: _____
Deputy Clerk

Approved as to form and legal
sufficiency:

By: _____
Janette K. Knowlton, County Attorney

Original Application 22LAD-00000-00007

HARBORVIEW DRI DRI Substantial Deviation Initial Submittal

November 7, 2022

PREPARED FOR:
Benderson Development Company, LLC

SUBMITTED TO:
Charlotte County
Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33967



HARBORVIEW DRI DRI Amendment Resubmittal

September 5, 2023

PREPARED FOR:
Benderson Development Company, LLC

SUBMITTED TO:
Charlotte County
Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33967



COMMENT LETTER RESPONSE



August 31, 2023

Ms. Jie Shao
Principal Planner
Charlotte County Community Development Department
18400 Murdock Circle
Port Charlotte, FL 33948

**RE: Harborview DRI DO – 22LAD-00000-00007 – Resubmittal
Harborview PD Major Modification – PD-22-00015 – Resubmittal**

Dear Ms. Shao,

It is my pleasure to submit to you the attached revised documents related to the Development Order Amendment request for the Harborview DRI and Harborview PD. Please see the following responses to your comments received on January 18, 2023, and by separate emails and correspondence.

The following information has been provided to assist in your review of the DRI resubmittal:

1. Comment Letter Responses;
2. Revised DRI Project Narrative;
3. Revised DRI Development Order Amendments;
4. Revised DRI Map H;
5. Revised Map F-1 – Wildlife Utilization Areas Map;
6. Exhibit D – Land Management Plan; and
7. Traffic Generation Analysis.

Additionally, the following documents are included in the PUD resubmittal:

1. Revised General Development Plan;
2. Revised PUD Conditions; and
3. Revised PUD Request Narrative.

The following is a list of Staff's comments with the Applicant's response in **bold**.

ENVIRONMENTAL REVIEW – TINA POWELL

1. The revised VEGETATION AND WILDLIFE Section states: "The other wildlife areas include approximately 15 acres of existing scrub jay and gopher tortoise habitat."
 - a. This acreage does not meet the requirements of the HCP, please see attached email regarding the acreage requirements. Please note this was written PRIOR to BCC approval of the fee increase that became effective in January 2023 so the fees outlined in the attached email will need to be revised.

RESPONSE: There are 122.40 acres of Type 2 scrub jay habitat that has been identified within the Project. The 122.40 acres of Type 2 scrub jay habitat has been field verified and was approved in an email from Tina Powell on 05/31/2023. We are proposing to preserve 61.21 acres of this habitat as required by the County.

2. The revised VEGETATION AND WILDLIFE Section states: “Boundaries and configuration of preservation areas may be modified due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment, any of which such methods must be approved by Charlotte County.”
 - a. Boundaries and configuration of preservation areas need to be approved by Parks and Natural Resources staff to meet the HCP requirements and will need to be placed under a HCP approved conservation easement as required by the plan.

RESPONSE: Acknowledged.

3. The revised VEGETATION AND WILDLIFE Section states: “Wildlife Utilization Areas, as shown on Map F-1 which is incorporated by this reference shall provide connectivity of the onsite wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas consist of approximately 200 acres of wetland and upland habitats..”
 - a. Unless titled different Map F-1 was not attached for review.

RESPONSE: The Wildlife Utilization Map is Map F-1. This has been updated and renamed. This statement has also been updated in the VEGETATION AND WILDLIFE section of the DRI.

- b. See comment 1.(a) above regarding upland habitat acreage pursuant to the HCP

RESPONSE: The Vegetation and Wildlife section has been updated with the correct habitat acreages.

4. The revised VEGETATION AND WILDLIFE Section states: “The Developer shall follow the Best Management Practices (“BMPs”) described in the Harborview DRI Land Management Plan (“Land Management Plan”), contained in Exhibit “D,” attached hereto.”
 - a. Exhibit D was not attached for review.

RESPONSE: Please see the attached Exhibit D – Land Management Plan.

5. The revised VEGETATION AND WILDLIFE Section states: “A qualified biologist shall monitor all on-site clearing activities for any listed species nesting attempts. If attempts are made, clearing shall stop immediately.”
 - a. Pursuant to the minimization requirements of the HCP no clearing of woody vegetation can occur during nesting season (March 1 – June 30); all HCP minimization criteria will be required to be met

RESPONSE: No clearing of woody vegetation will occur during the Florida scrub jay nesting season (March 1 – June 30). Per the HCP, the Project will be preserving 61.21 acres of Florida scrub jay habitat.

6. The revised VEGETATION AND WILDLIFE Section states: “The Applicant is choosing to utilize Charlotte County’s Habitat Conservation Plan for the Florida scrub jay. The proposed mitigation contribution to be provided to Charlotte County will comply with the Land Development Code requirements. Pursuant to the HCP, the Developer is proposing to preserve 50 acres of Type II Florida scrub jay habitat within the site, as outlined on Map F-1.”
 - a. See comment 1.(a) above regarding acreage and fee in choosing to utilize the HCP

- b. This section should also clearly address the minimization criteria as a requirement of choosing to utilize the HCP

RESPONSE: Please see the revised DRI Ordinance Changes. The fee in total will be \$1,578,103 to utilize the County HCP. The Applicant is proposing to preserve 61.21 acres of Type 2 scrub jay habitat which is the 50% requirement of the HCP. Map F-1 identifies habitat that will be preserved.

- 7. The revised VEGETATION AND WILDLIFE Section states: "To ensure connectivity of habitat and maintenance of regional wildlife corridors a habitat management plan Habitat Management Plan (HMP) shall be created for the project (Exhibit D), which will includes (1) identification of an entity that will accept responsibility for coordinating the long-term and perpetual management of conservation areas; (2) perpetual long-term habitat management of all wetland and upland conservation areas, not conveyed to a government entity, consistent with adjacent public land management and (3) incorporation of the HMP into the development order or restrictive covenants for the DRI."
 - a. Exhibit D was not attached for review.

RESPONSE: Please see the attached Exhibit D – Land Management Plan.

- 8. DRI Map H preservation areas and wildlife utilization map
 - a. See comment 1.(a) above regarding upland habitat acreage pursuant to the HCP
 - b. Additionally PNR met representatives onsite on 8/23/2022 to discuss the required HCP preservation areas and requested additional habitat mapping identifying Type I and Type II scrub-jay habitat per the HCP to further review and determine appropriate preservation areas.

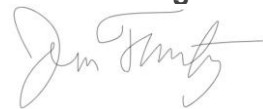
RESPONSE: The existing scrub jay and gopher tortoise habitat totals 122.40 acres. We are proposing to preserve 61.21 acres which is the required 50% preservation.

- 9. In phone conversations, Charlotte County staff indicated additional information was needed to address changes to the Transportation and Housing Sections, as well as the density provisions related to the CHHA in the PD conditions.

RESPONSE: The proposed changes to the Transportation Section have been revised in the attached DRI Ordinance Changes and a Trip Generation Analysis, completed by Kimley Horn, is attached. The revised DRI Project Narrative has been updated to include more information regarding affordable housing changes. Additionally, the PD Conditions have been updated based on changes to the CHHA map, as previously discussed.

We appreciate Staff's time and consideration of the above information. Please contact me with any questions or concerns at (239) 357-9580 or jfrantz@rviplanning.com.

Sincerely,
RVi Planning + Landscape Architecture



Jem Frantz, AICP
Project Director

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COMPLETED APPLICATION FORM



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

**APPLICATION FOR
DEVELOPMENT OF REGIONAL IMPACT**

Application Requirements

- **Completeness Review:** Supply one unbound copy of the application (see checklist below). The application will be reviewed for completeness within five days of submittal. If deemed incomplete, the applicant will be informed of what information is needed by email and phone. The application will not be reviewed further until the information is supplied. **Do not** submit the additional copies, described below, to the Department until you are informed by staff that the application is complete.
- **Additional copies subsequent to Completeness Review:** the applicant is required to supply 6 hardcopy sets of all documents, 1 digital set in PDF format of all documents, 1 copy of the proposed resolution in Word format, 1 set of the boundary survey and proposed Map H in AutoCAD format. If no changes were required to obtain completeness, then the original submittal will count as 1 of the 6 hardcopy sets.

Checklist

- ☒ State DRI application and all maps and other documentation associated with that application form
- ☒ Survey and accurate legal description (including acreage), **signed and sealed** by a registered land surveyor, tied to the state plane coordinate system.
- ☒ Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- ☒ Affidavit, signed and notarized, stating the truth, accuracy and completeness of the application and all attachments
- ☒ Property owner authorization to applicant to submit petition, Form A, as applicable
- ☒ Applicant authorization to agent to submit petition, Form B, as applicable
- ☒ A copy of any covenants, easements or restrictions that have been recorded for the subject site **N/A**
- ☒ If any portion of the property is in the Coastal High Hazard Area, a map outlining this area according to Storm Surge zones and an indication of the base residential density within each zone, as applicable.
- ☒ Filing fee (**\$22,000.00**), with check made payable to the Charlotte County Board of County Commissioners or CCBCC **\$3,350 per email from Jie Shao on 7/8/22**

Scheduling for Public Hearing

The County recognizes that the DRI hearing date in front of the Planning and Zoning Board and the Board of County Commissioners is contingent on many activities outside the control of the County. These include Sufficiency Review periods, the hearing schedule of the Southwest Florida Regional Planning Council Board, the will of the applicant to continue addressing issues brought up by reviewing agencies, and the desire of the applicant to initiate the 60 day notice period for public hearing. However, *it is the applicant's responsibility* for promptly providing any information that needs to be updated, modified, or newly submitted as part of the application; this includes providing a copy of the decision and recommendations from the Southwest Florida Regional Planning Council (SWFRPC) and any changes made due to that decision. **No additional changes may be made to any information in an application subsequent to one week before the hearing packet is due to be compiled for the Planning and Zoning Board members or the NOVUS item deadline for the Board of County Commissioners.** The planner in charge of the DRI will be able to inform the applicant of the final date.

- If Department staff is unable to review the information provided and receive input from other departments, as needed, because sufficient time for review was not provided by the applicant, staff may be forced to recommend denial of the project. The applicant is encouraged to contact staff when submitting new information or subsequent to submitting new information so that an estimate of the staff time needed to review the information can be discussed.



CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
 DEVELOPMENT OF REGIONAL IMPACT (DRI)

Date Received:	Time Received:
Date of Log-in:	Petition #:
	Accela #:
Receipt #:	Amount Paid:

A. Indicate whether this is a new DRI or a Substantial Deviation:

☐ New DRI
 Name of Project: _____

☒ Substantial Deviation
 Name of existing DRI? Harborview DRI
Provide a complete copy of the existing DO, which includes any prior incremental changes.

B. Indicate which of the following options is being applied for:

☒ Development Order
☐ Master Development Order
☐ Incremental Development Order

C. Check appropriate line below – submit a new application form with the submittal of information for each step of the DRI process.

☒ DRI First Sufficiency
☐ DRI Second Sufficiency
☐ Other (DRI Third Sufficiency, etc.) _____
☐ DRI Final

D. Parties involved in the Application

Name of Applicant: Benderson Development Company, LLC. c/o Todd Mathes

Mailing Address: 8441 Cooper Creek Blvd.

City: <u>University Park</u>	State: <u>FL</u>	Zip Code: <u>34201</u>
Phone Number: <u>(941) 359-8303</u>		Fax Number: _____
Email Address: <u>toddmathes@benderson.com</u>		

Name of Agent: Jeremy Frantz, AICP

Mailing Address: 28100 Bonita Grande Drive #305

City: Bonita Springs

State: FL

Zip Code: 34135

Phone Number: (239) 357-9580

Fax Number:

Email Address: jfrantz@rviplanning.com

Name of Engineer/Surveyor: Clint Cuffle, P.E.

Mailing Address: 4260 West Linebaugh Ave

City: Tampa

State: FL

Zip Code: 33624

Phone Number: (813) 265-3130

Fax Number:

Email Address: ccuffle@wraengineering.com

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):
 See Attached

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

E. ASSOCIATED APPLICATION(S):

Please indicate if you intend to separately submit any of the following associated applications:

☒ Future Land Use Map (FLUM) Amendment

☒ Rezoning

Provide a summary of the proposed changes:

FLUM removes Marina Land Uses

Rezoning amends the Harborview PD consistent with the changes in this application and the proposed FLUM Amendment.

F. PROPERTY INFORMATION:

Attach a separate list that includes the following information for each parcel or lot included within the DRI, grouped by account number

Property Account Number: See Attached

Section:

Township:

Range:

Parcel/Lot #:

Block #:

Subdivision:

Total acreage or square feet of the property: 653+/- acres

G. CURRENT LAND USE OF SUBJECT PROPERTY: (example: house, vacant land, barn, etc.)
Vacant

H. SURROUNDING LAND USES:

North: Single Family Residential

South: Peace River / Conservation Lands

East: Elementary School / Single Family Residential

West: Charlotte County Utilities Department / Single Family Residential



DRI AMENDMENT NARRATIVE



Harborview DRI Amendment

Project Narrative

I. REQUEST

Benderson Development Company, LLC (“Applicant”), representing Peace River Associates, LLC, Post Falls Management Associates, LLC & ETAL, and Will-Ridge Associates, LLC & ETAL (“Property Owners”) is requesting approval of a Development of Regional Impact Amendment to allow for updates to Map H and several changes to the development order as outlined in the “DRI Amendment Justification” section below.

The Harborview DRI (Project) is approximately 653+/- acres and allows for 3,859 dwelling units (245 single-family dwellings and 3,611 multi-family dwellings), 655,000 square feet of commercial uses, and 50,000 square feet of office uses. The DRI was approved in 1992 and has been amended several times, most recently in 2010.

This request is a companion to a PD Major Modification request and a Comprehensive Plan amendment which eliminates the Public Marina and make other required changes to support the development program.

II. EXISTING CONDITIONS

The Property is located at the northeast, southeast and southwest corner of Harborview Road and Interstate 75. The Parcel ID Numbers are listed: 402321401002, 402321401001, 402321300002, 402328201001, 402321300001, 402329226001, and 402321300001. The Property is zoned Planned Development and the Future Land Use is DRI-Mixed Use. The Property is currently vacant and contains vegetation and wetlands. The property is partially located in the Coastal High Hazard Area.

III. SURROUNDING LAND USE PATTERN

The Property is within a suburban area adjacent to Interstate 75 and Harborview Road with existing residential, commercial and mixed-use development in the immediate area. The surrounding land use pattern consists of single family residential to the north, west and east; Peace River and preservation lands to the south; and the Charlotte County Utilities Center located on the northwest corner of the property.

The lands are within DRI Mixed Use indicate the appropriateness of the general area of development. Table 1 below further defines the surrounding Future Land Use designations, zoning districts and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING DISTRICT	EXISTING LAND USE
NORTH	Low Density Residential, Commercial	RSF3.5	Single Family Residential
SOUTH	Preservation	N/A	Peace River
EAST	Public Lands & Facilities, Low Density Residential, Medium Density Residential	RMF10, RSF3.5	Elementary School, Single-Family Residential
WEST	Public Lands & Facilities, Low Density Residential, Medium Density Residential	RMF10, RSF3.5	Charlotte County Utilities Department, Single Family Residential

IV. PROPERTY HISTORY

In 2010, the Harborview PUD/DRI was approved as a mixed-use project containing 3,859 residential dwelling units, 50,000 SF of office space, 655,000 SF of commercial space, 350 hotel rooms, a public marina with 260 wet boat slips and 192 dry storage boat slips (“Marina”). The Planned Development is divided into three Villages: North Village, East Village, and West Village. The North Village provides Residential, Commercial and Mixed Uses. The East Village provides Residential, Commercial, Mixed, and Marina Uses with an artificial private marina connecting to an existing canal. The West Village is limited to residential uses only.

V. DRI AMENDMENT JUSTIFICATION

The amendment makes several overall and village-specific requests to respond to changes in market demand for previously permitted development characteristics, to address permitting changes in requirements and to facilitate the proposed community layout and development program.

The changes outlined below will result in several benefits to the project and the surrounding community:

- Reduced traffic generated by the project,
- Enhanced the protection of environmentally sensitive lands on-site and along the Peace River, and
- Increased consistency with current legislation and permitting requirements.

Several of the changes will also clarify or simplify the requirements of the Project.

OVERALL DRI CHANGES

- **GENERAL CHANGES:**
 - Extends the buildout date to December 31, 2035.
 - Updates references to Florida Statutes and Florida Administrative Codes.
 - Updates references to DRI reporting processes and to DRI substantial changes.
 - Removes development phasing conditions.
 - Removes references to the project being developed in one phase.
- **VEGETATION AND WILDLIFE CHANGES:**
 - Renames gopher tortoise preserve areas to Other Wildlife Areas.
 - Updates acreage of existing scrub jay and gopher tortoise habitat.

- Updates process for designation of habitat, mitigation, and requirements for conservation easements to be consistent with current state permitting processes.
 - Updating scrub jay habitat preservation and mitigation to be consistent with the Charlotte County Habitat Conservation Plan (HCP).
 - Removes requirements for wildlife crossings to be undercrossings.
- **WETLANDS CHANGES:**
 - Simplifies wetland preserve categories.
 - Modifies standards for the Green Zone to allow an average of 100-feet wide buffers along the Saltwater Marsh boundary and removing requirements for bioswales.
 - Requires wetland buffers to comply with the SWFWMD ERP.
 - Updates common and scientific names of protected air plants
- **STORMWATER MANAGEMENT/WATER QUALITY CHANGES:**
 - Removes requirements that are inconsistent with the SWFWMD ERP.
 - Removes a requirement that all internal stormwater management lakes and ditches and on-site preserves to include conservation easements granted to the SWFWMD.
 - Removes a limitation on bulkheads for bank slopes steeper than 4:1 horizontal to vertical ratio.
 - Removes water quality standards/requirements related to the marina use.
- **TRANSPORTATION CHANGES:**
 - Replaces all transportation conditions with a transportation methodology to be conducted separately by each developer of the three quadrants due to significantly less impacts to roadways and intersections are anticipated.
- **HOUSING CHANGES:**
 - Revises requirement for affordable housing to only apply to those dwelling units in excess of the base density (1,785 dwelling units) due to changes to Florida Statutes.
- **MARINA AND DOC FACILITIES CHANGES:**
 - Removing all requirements associated with the marina land use and retaining only the ability to develop private docks along the DeSoto Canal.
- **ENERGY CHANGES:**
 - Removes requirement for incorporation of future Charlotte County transit system stops and standards for bus stop locations.
 - Removes energy efficiency requirements for:
 - The use of roofing materials meeting LEED cool roofing standards.
 - The construction of one Zero Energy Home model.
 - Removes other requirements that are unclear or difficult to enforce.
- **FLOODPLAIN/HURRICANE PREPAREDNESS CHANGES:**
 - Requires single-family residences in the Coastal High Hazard Area to be constructed to Florida Building Code and FEMA base flood elevation standards.
 - Removes a requirement to reduce fill material in the 100-year floodplain where practical.
 - Revises maximum residential dwelling units in the CHHA in the East Village.
 - Removes material requirements for streets, parking lots, sidewalks and trail systems to be pervious where practical.
- **RECREATION AND OPEN SPACE CHANGES:**
 - Removes the requirement for the Green Zone to be maintained as open space and to be maintained by a master homeowner association or community development district.
- **LAND USE CHANGES:**
 - Includes a conversion matrix to convert commercial SF to residential dwelling units, and multi-family to single-family dwelling units, resulting in an increase in the maximum single-family units.

- Removes the limitation on non-residential land use exchanges exceeding substantial deviation thresholds.

EAST VILLAGE CHANGES

- Removes Marina Use and Public Marina areas and any provisions related to the Marina throughout the DRI conditions
- Updates the East Village portion of the PD Concept plan & Map H to convert the Commercial, Mixed-Use, Marina Use and Public Marina areas to residential tracts.
 - 20 slips along western shoreline of DeSoto Canal will remain.
- Includes a conversion matrix to convert multi-family to single-family dwelling units, resulting in an increase in the maximum single-family units but no net increase to the total units allowed in the project.
- RECREATION AND OPEN SPACE CHANGES:
 - Removes the requirement for two (2) mini-parks to allow for a larger amenity site to serve the public.
 - Removes requirements related to mixed-use areas, commercial areas, or the marina land use.
 - Removes the requirements to convey the Saltwater Marsh to a governmental body.

NORTH VILLAGE CHANGES

- Converts eastern Single-Family and School tracts to Residential.

These changes do not include any increases to the previously approved overall residential density for the Harborview DRI.

VI. PUBLIC INFRASTRUCTURE

The Project is currently planned to be serviced by public infrastructure. The proposed change to eliminate the public marina and dry storage components will result in decreased impacts on public infrastructure like potable water, sanitary sewer, irrigation, and stormwater management systems.

The Property has direct access to Harborview Road, a minor arterial/major collector road maintained by both the State (at the intersection with I-75) and County. There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

VIII. PLAN COMPLIANCE

Future Land Use Element (FLU) Compliance

FLU POLICY 2.1.3 Direct Incompatible Uses Away from Natural Lands

The County shall review proposed FLUM amendments or rezoning actions adjacent to lands designated as Preservation or Resource Conservation and all public lands acquired for preservation purposes for potential adverse impacts, and shall ensure that:

1. Adverse impacts that would compromise the value and connection of natural lands within the County are discouraged and minimized.
2. Long-term management, including prescribed fire, will not be precluded or compromised by adjacent development.

3. The fragmentation of natural systems within these lands shall be avoided when viable. When avoidance is not viable, fragmentation shall be minimized.

This request maintains preservation and open space areas within the Project adjacent to preservation lands to the south within the Peace River. The request also preserves Scrub Jay habitat on site. The request will not preclude or compromise the long-term management of these lands.

The request is consistent with this policy.

FLU POLICY 2.1.7: Wetland Protection

The County shall protect wetlands so as to be consistent with the objectives and policies within the Natural Resources element and the Coastal Planning element, including the requirement that development proposals and activities protect wetlands so that productive natural functions shall be maintained in the post-development environment.

The lands adjacent to Peace River are intended for wetlands and conservation and will continue to be protected upon approval of this amendment. As discussed above, the removal of the marina will serve as an environmental enhancement and reduce impacts on sensitive lands adjacent to the River.

The request is consistent with this policy.

FLU Objective 2.3: Water Quality and Quantity Protection. To enhance the significant assets associated with the County's water-based resources by ensuring that the water quality of these resources is protected, and the water supply is not compromised.

Preserving the shoreline with native vegetation and eliminating docks and associated facilities will enhance water quality and increase the level of ecological protection provided by the development. This request maintains preservation and open space areas within the Project adjacent to preservation lands to the south within the Peace River. Previous approvals include a requirement for an enhanced wetland buffer, which is maintained in this request.

The request is consistent with this policy.

FLU POLICY 2.4.6: Strategy to Protect Coastal High Hazard Area

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management, and shall:

1. Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.

2. Limit density of all other development platted subsequent to April 19, 1993 to 3.5 units per acre within the CHHA.
3. Allow the voluntary transfer of densities out of the CHHA.
4. Prohibit construction of public facilities within the CHHA unless such location is the only one that serves that particular structure's intended public purpose and, if building in that location is necessary, build these facilities at least eight feet above the base flood elevation in order to provide storm surge flood evacuation protection.

Portions of the property are within the Tropical Storm and Category 1 Hurricane Storm Surge Zones of the Coastal High Hazard Area. The request does not include any increase to the previously approved density in the Project.

The request is consistent with this policy.

FLU POLICY 4.1.6 Neighborhood Compatibility

The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall include specific review criteria for rezoning actions to address residential compatibility. The following shall be considered:

1. A method for determining compatibility between residential zoning classifications.
2. Buffer or transition requirements necessary to develop or achieve compatibility where appropriate. The purpose of such criteria is to provide standard and predictable measures for establishing and creating compatibility through landscaping, buffers, natural areas or transitional development practices in an effort to:
 - a. Lessen impacts and integrate development along the edges of properties where different zoning districts are present,
 - b. Screen undesirable views,
 - c. Preserve tree canopy and vegetation, and
 - d. Facilitate the safe movement of traffic and pedestrians in vehicle use areas.

There are some established neighborhoods surrounding the development. The requested change does not result in any new impacts to these areas and reduces impacts related to traffic and non-residential intensity. The Project will continue to buffer residentially zoned properties in accordance with the Land Development Code.

The removal of the public marina land use will reduce impacts on public infrastructure like the surrounding road network and the Peace River. The relocated Discovery Drive will improve connectivity to surrounding established neighborhoods by aligning with Rio De Janeiro Avenue. The conversion of commercial and mixed-use areas in the East Village to residential land uses will provide additional compatibility with adjacent residential.

The request is consistent with this policy.

FLU POLICY 5.7.4: Commercial Landscaping and Buffering. The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic

qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

The proposed amendment will reduce commercial areas and continue to provide a perimeter setback and buffering in accordance with the Land Development Code.

The request is consistent with this policy.

Coastal Planning Element (CST) Compliance

CST Policy 1.1.3: Protection of Coastal Planning Area. The County shall not approve projects that adversely impact the social, economic or environmental productivity, integrity or values of natural resources in the CPA.

The request will provide additional protection natural resources within the CPA through the removal of the Marina land uses and maintains preserves and open space areas adjacent to other natural resources in the CPA.

The request is consistent with this policy.

CST Policy 1.1.8: Coastal Resources Protection Program. The County shall develop strategies with public and private stakeholders to protect, maintain, and, where feasible, restore native submerged aquatic vegetation, benthic communities and water quality in the County, particularly Lemon Bay, the Peace and Myakka Rivers, and Charlotte Harbor.

The request maintains preserves and open space adjacent to coastal resources and the Peace River. The removal of the Marina land uses provides improved protection of the coastal resources in this area.

The request is consistent with this policy

IX. CONCLUSION

Based upon the above information, the proposed amendment is consistent with the Goals, Objectives and Policies of the Charlotte 2050 Comprehensive Plan. The amendment will reduce the environmental impacts of the project, as well as traffic impacts generated by the public marina use. For these reasons, the Applicant respectfully requests approval of the DRI amendment as proposed.



PROPOSED DRI ORDINANCE CHANGES

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RESOLUTION
2010-

~~A RESOLUTION AMENDING RESOLUTION 92-62, AS AMENDED BY RESOLUTIONS 93-66, 2004-071 AND 2006-093, APPROVING A SUBSTANTIAL DEVIATION TO THE DEVELOPMENT ORDER FOR HARBORVIEW, A DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING FOR AN EFFECTIVE DATE.~~

2024-

A RESOLUTION PURSUANT TO SECTION 380.06(7), FLORIDA STATUTES (F.S.) AND SECTION 3-9-10.1, DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) AMENDMENT PROCESS AND PROCEDURE UNDER CHAPTER 3-9, ZONING, THE COUNTY'S LAND DEVELOPMENT REGULATIONS, AMENDING THE DO FOR THE HARBORVIEW DRI, RESOLUTION NUMBER 2010-083, TO 1) REVISE FOR INTERNAL AND STATUTORY CONSISTENCY TO REFLECT UPDATES TO FLORIDA STATUTES, AS APPLICABLE; 2) AMEND "SPECIFIC CONDITIONS": "VEGETATION AND WILDLIFE"; "WETLANDS"; "STORMWATER MANAGEMENT/WATER QUALITY"; "TRANSPORTATION"; "HOUSING"; "EDUCATION", "DOCK FACILITIES" (EXISTING "MARINA AND DOCK FACILITIES"); "ENERGY"; "FLOOD PLAIN/HURRICANE PREPAREDNESS"; AND "RECREATION AND OPEN SPACE"; 3) UPDATE THE "LAND USE" CONDITION TO DELETE MARINA USES AND ADD A RESIDENTIAL LAND USE EQUIVALENCY MATRIX; 4) REVISE MAP H AS EXHIBIT "A" TO BE CONSISTENT WITH THE PROPOSED DEVELOPMENT RIGHTS; 5) REVISE THE BUILDOUT DATE; 6) REVISE EXHIBIT "B" TO INCLUDE A "RESIDENTIAL LAND USE EQUIVALENCY MATRIX"; 7) REPLACE THE EXISTING EXHIBIT "D": "HARBORVIEW DRI LAND MANAGEMENT PLAN, A MANUAL OF BEST MANAGEMENT PRACTICES FOR PRESERVE AREAS, WETLAND BUFFERS, GREEN ZONE, NUTRIENT MANAGEMENT, WILDLIFE UTILIZATION AREA, AND LISTED SPECIES PREPARED BY EARTHBALANCE, FEBRUARY 25, 2010" WITH THE NEW EXHIBIT "D": "HARBORVIEW DRI LAND MANAGEMENT PLAN, A MANUAL OF BEST MANAGEMENT PRACTICES FOR PRESERVATION PREPARED BY WATER RESOURCE ASSOCIATES , NOVEMBER 2023"; 8) REPLACE EXHIBIT

“E”: WETLAND IMPACT/PRESERVATION AND WILDLIFE AREAS/GREEN ZONE MAP (MAP F-1) WITH A NEW MAP F-1: WETLAND IMPACT & WILDLIFE UTILIZATION MAP; AND 9) DELETE EXHIBIT “F”: MARINA ENVIRONMENTAL MEASURES AND BEST MANAGEMENT PRACTICES, CLEAN MARINA PLAN – HARBORVIEW MARINA; FOR PROPERTY GENERAL LOCATED NORTH OF THE PEACE RIVER, SOUTH OF MADRAS COURT AND MAURITANIA ROAD, EAST OF DANFORTH DRIVE, AND WEST OF DISCOVERY DRIVE; IN THE PORT CHARLOTTE AREA; CONTAINING 653± ACRES; COMMISSION DISTRICT I; PETITION NO. 22LAD-00000-00007; APPLICANT: BENDERSON DEVELOPMENT COMPANY, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on March 17, 1992, pursuant to Section 380.06 Florida Statutes, the Board of County Commissioners of Charlotte County, Florida (“Board”) approved and adopted Resolution 92-62, constituting the Harborview Development of Regional Impact (“DRI”) Development Order; and

WHEREAS, on May 8, 1992, the State of Florida Department of Community Affairs (“DCA”) filed an appeal of the Development Order reflected in Resolution 92-62; and

WHEREAS, the Board considered the reports and recommendations of the Southwest Florida Regional Planning Council, Charlotte County staff, the Planning and Zoning Board, and the Department of Community Affairs, and in order to reconcile the appeal, certain changes were made to Resolution 92-62 and pursuant to a Settlement Agreement, the Board adopted Resolution 93-66 on May 11, 1993 (“the D.O.”); and

WHEREAS, the Board adopted Resolution 2004-071 on April 13, 2004, further amending Resolution 92-62, as amended by Resolution 93-66, to extend buildout dates for the D.O. and provide reanalysis of Florida scrub jay and traffic impacts; and

WHEREAS, the Board adopted Resolution 2006-093 on June 20, 2006, further amending Resolution 92-62, as amended by Resolutions 93-66 and 2004-071 to incorporate 106± acres into the Harborview DRI, convert certain commercial and office/medical uses to residential units, correct a scrivener’s error and expand the saltwater marsh preserve and upland buffer; and

WHEREAS, Post Falls Management Associates, LLC, Peace River Associates, LLC, Will-Ridge Associates, LLC and Ronald Benderson 1995 Trust (“Developer”) have submitted an Application for Development Approval dated July 27, 2007 (“ADA”) requesting a Substantial Deviation to the D.O.; and the Board approved and adopted

Resolution 2010-083 on September 21, 2010,; and

~~_____ WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the proposed Substantial Deviation submitted by the Developer and recommended approval of the Substantial Deviation and this new development order (“Development Order”); and~~

~~_____ WHEREAS, Benderson Development Company, LLC. c/o Todd Mathes, is requesting an Amendment, 22LAD-00000-00007, to the Harborview DRI D.O., Resolution 2010-083;~~

WHEREAS, on April 8, 2024, the Charlotte County Planning and Zoning Board reviewed and considered the proposed Substantial Deviation amendment to the Harborview DRI D.O., and recommended approval of the Development OrderAmendment; and

WHEREAS, the Board has reviewed and considered the Substantial Deviation amendment, 22LAD-00000-00007, requested by the ApplicantsApplicant, finds it consistent with the Charlotte County Comprehensive Plan and consistent with the previously approved D.O.

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

Resolution 92-62, as amended by Resolutions 93-66, 2004-071 ~~and,~~ 2006-093 and 2010-083 is hereby deleted in its entirety and replaced with the following:

FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Harborview DRI is a mixed use project with 3,859 residential dwelling units, 50,000 gross square feet of office space, 655,000 square feet of commercial space, 350 hotel rooms, ~~a public marina with 260 wet boat slips and 192 dry storage boat slips (“Marina”),~~ 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and ~~136~~166 acres of open space, preservation and recreational uses on a total of 653.10± acres located in central Charlotte County at the northeast, southeast and southwest quadrants of the I-75/Harborview Road interchange. **Exhibit “A,”** which is attached hereto and made a part of this development order, is a copy of the approved Updated Master Development Plan, Map H depicting all the above approved land uses. The mix of uses may be modified consistent with the Land Use Equivalency Matrix in **Exhibit “B”** which is attached hereto and incorporated herein by this reference.

The legal description of the property is described in **Exhibit “C”** which is attached hereto and made a part of this development order.

Approximately 150 acres of the site adjacent to the Peace River are considered saltwater wetlands and ~~will~~may be conveyed in fee simple to any governmental body or

agency or, contingent upon approval of Charlotte County, which approval may not be unreasonably withheld, to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for open space use, protecting natural resources, or maintaining or enhancing air or water quality, ~~—~~. In the event a governmental body or agency will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026.

Water service will be provided by Harbour Heights ~~Utility~~Water Association and sewer service will be provided by Charlotte County Utilities (CCU).

The estimated date for buildout of the project is ~~planned in one phase with buildout by~~ December 31, ~~2018~~2035.

B. The development is not an area designated as an Area of Critical State Concern pursuant to the provision of Section 380.05, Fla. Stat.

C. The development does not unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area and is consistent with the State Comprehensive Plan.

D. The development is consistent with the Charlotte County Comprehensive Plan.

E. ~~The Substantial Deviation has been reviewed by the Southwest Florida Regional Planning Council and is the subject of their report and recommendation adopted on the 20th day of May, 2010 and subsequently forwarded to Charlotte County pursuant to the provision of Chapter 380.06, Fla. Stat.~~

~~F. —~~ The ADA is consistent with the requirements of ~~Chapter~~Section 380.06, F.S.

~~G~~F. The Harborview DRI preserves more than 187 acres of saltwater wetlands and upland preservation areas and buffer areas while directing residential and retail development to more suitable land.

~~H~~G. The proposed ~~Substantial Deviation~~Amendment is consistent with the ~~Charlotte County~~County's Comprehensive Plan.

~~I~~H. Concurrent with the adoption of this Development Order, the Harborview DRI property is the subject of an application for Planned Development rezoning, PD-22-00007.

I. Charlotte County has relied upon the applicants' representations to adopt the above findings of fact and conclusions of law. If any fact or conclusion of law conflicts with a subsequently adopted federal, state or local law, the County and applicant agree

that the operative law in force on the effective date of this resolution shall govern unless such federal, state or local law preempts the fact or conclusion or law at issue.

SPECIFIC CONDITIONS

1. VEGETATION AND WILDLIFE

a. The Developer shall preserve, in its natural state, the Preservation areas~~Preserve Areas~~ identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These areas~~Preserve Areas~~ shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately 450.166 acres of coastal wetlands (mangroves, salt marshes) and bay swamp, including; the Scrub Jay Preservation Areas include approximately 11.961 acres of land designated Preservation on the Future Land Use Map, combined, existing scrub jay and gopher tortoise habitat. Preserve Areas include approximately 12.5 acres of xeric oak hammock and water course, approximately 4661.21 acres of existing scrub jay and gopher tortoise habitat. Boundaries and configuration of preservation areas may be modified due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment, any of which such methods must be approved by Charlotte County. The survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in this Development Order. Boundaries and configuration of preservation areas have been approved by Parks and Natural Resources staff do meet the Charlotte County's Habitat Conservation Plan ("HCP") requirements and will need to be placed under a HCP approved conservation easement as required by the plan if utilized by Developer. The acreage of the preservation areas shall remain fixed. ~~The acreage of the preservation areas shall remain fixed unless modified to increase pursuant to applicable agency permits or regulations, which modification shall not require a notice of proposed change.~~

b. ~~Wildlife Utilization~~Preservation Areas, as shown on Map F-1, which is incorporated by this reference, shall provide connectivity of the onsite~~on-site~~ wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas consist of approximately 498.227 acres of wetland and upland habitats.

c. The Developer shall follow the Best Management Practices ("BMPs") described in the Harborview DRI Land Management Plan ("Land Management Plan"), contained in **Exhibit "D,"** attached hereto and incorporated herein by this reference, to protect and enhance habitat for listed species and other wildlife within the Wildlife Utilization~~Preservation~~ Areas, including gopher tortoise ~~management plan, and a Florida Scrub Jay management plan.~~ Any amendments to the Land Management Plan required by or consented to by Charlotte County or applicable regulatory agencies shall not require a notice of proposed change.

d. ~~A qualified biologist shall monitor all on-site clearing activities for any listed species nesting attempts. If attempts are made, clearing shall stop immediately.~~

e. ~~In accordance with federal and state permits, a long-term monitoring and maintenance program will be implemented and monitoring reports will be submitted to~~The Applicant may utilize the applicable permitting agencies, including, but not limited to, the Southwest Florida Water Management District ("SWFWMD"), U.S. Army Corps of Engineers and Charlotte County Growth Management Department.

f. ~~Mitigation for impacts to gopher tortoises shall be on land located within Charlotte County unless out-of-county mitigation is required by the Florida Fish and Wildlife~~County's Habitat Conservation Commission ("FWC"). ~~Charlotte County shall review the Developer's proposed mitigation options prior to submission to the FWC. Preservation areas may be used for relocation of gopher tortoises from other onsite areas as long as the density of the gopher tortoise population, per the gopher tortoise relocation guidelines of the FWC within that preservation area allows for such relocation. When the FWC agrees in writing that no additional tortoises should be relocated to onsite relocation areas, offsite relocation areas that comply with the FWC gopher tortoise relocation guidelines may be used. Since gopher tortoise burrows may accommodate shelter for multiple species, onsite conservation areas should be planned around high density gopher tortoise populations. On-site gopher tortoise preservation areas shall be placed in a perpetual conservation easement. Any tortoises that are relocated should be placed in an area similar in vegetation and soil composition and where gopher tortoises already exist. If relocated off-site, to ensure acclimation to the recipient site, the relocated tortoises shall be confined within the recipient site for at least six (6) months to one (1) year with low fencing or hay bales. A survey and relocation plan of gopher tortoises is necessary in order to obtain a relocation permit. The survey and relocation plan shall be made available for the preliminary review during Site Plan Review for each parcel. All relocation of gopher tortoises shall be conducted in accordance with the FWC's guidelines for gopher tortoise relocation. Gopher tortoise population monitoring may be required by the relocation permit.~~for the Florida scrub jay.

g. ~~Mitigation for impacts to the Florida Scrub Jay shall be on land located within Charlotte County unless out-of-county mitigation is required by the U.S. Fish and Wildlife Service. Charlotte County shall review the Developer's proposed mitigation options prior to submission to the U.S. Fish and Wildlife Service (the "Service"). The size and design of any on-site Florida Scrub Jay preserves and any off-site Florida Scrub Jay mitigation will be determined by the Service.~~

he. ~~Prior to application for any Environmental Resource Permit, County permit, or review for subdivision, plan review, clearing, or construction activity~~a

County clearing permit, the Developer will provide Charlotte County the following for the area being cleared: 1) an up-to-date species-specific wildlife nesting survey for each potentially affected listed species ~~in the immediately preceding nesting season~~; 2) a Florida Land Use and Cover Classification System map; 3) a County specimen tree survey. Wildlife species surveys shall follow established survey protocols ~~by USFWS and FWC~~ and be conducted by a qualified wildlife biologist.

~~i. Cleared or dredged sites may attract ground nesting species such as least tern or other coastal bird species during nesting season. Therefore, a FWC approved biologist shall be present to monitor and detect disturbances or nesting attempts during all clearing and construction activities where potential nesting habitat occurs. If least terns or other ground nesting species start to nest in a dredged, cleared, or graded area, the activity will stop in those areas, and the nest site will be marked, allowing the species to nest. Construction activities may resume in that area once all birds have fledged.~~

~~j. The continuing consultation on the potential project impacts to the West Indian manatee needs to be completed with the FWC and the Service prior to construction of the Marina design.~~

~~k. To ensure connectivity of habitat and maintenance of regional wildlife corridors a habitat management plan(HMP) shall be created for the project, which will include (1) identification of an entity that will accept responsibility for coordinating the long-term and perpetual management of conservation areas; (2) perpetual long-term habitat management of all wetland and upland conservation areas, not conveyed to a government entity, consistent with adjacent public land management and (3) incorporation of the HMP into the development order or restrictive covenants for the DRI.~~

~~l. Wildlife undercrossings will have elevated roadways to span wetland habitat and an appropriate amount of upland habitat rather than using culverts. Elevated roadways shall be designed to an appropriate height and width to accommodate a wide range of species.~~

~~m.~~ The Developer shall design and construct a wildlife crossing or undercrossing ~~across the relocated Discovery Drive in order to provide a connection between the East Village Wildlife Utilization Area and the Linear Oak Park Wildlife Utilization Area. in any roadway crossing that bisects the~~ Preservation Areas. Proposed wildlife ~~undercrossings~~crossings shall be designed to attract wildlife using specific lighting, fencing, and vegetative cover. Lighting shall be directed away from areas where wildlife may cross under roadways. Fencing may be installed to guide wildlife to underpass locations and native vegetation will be maintained to provide cover and noise reduction from the roadway. Additionally, installation of riprap or similar substrate at either end of underpasses may provide refuge for smaller species.

ng. Signage shall be installed that warns drivers of the presence of designated wildlife crossings~~and undercrossings~~. The use of passive control devices to slow traffic will be incorporated into the project near wildlife crossings~~and undercrossings~~. These include, but are not limited to, speed bumps, paver strips, stamped concrete and signage to alert drivers of the presence of designated wildlife crossings~~and undercrossings~~.

eh. Applicable educational materials regarding wildlife protection and potential encounters will be provided to all residents and tenants~~on a biennial basis~~. Proactive measures to protect interactions between humans, domesticated animals and wildlife will be addressed in the educational materials.

pi. Wildlife resistant residential and commercial waste containers shall be utilized if provided by Charlotte County's solid waste contractor.

~~q. In order to protect the gopher tortoises on site, restrictive covenants shall be adopted which require that dogs remain on a leash at all times.~~

ri. The Developer will install and permanently maintain fencing, where appropriate, and signage that separates and identifies all ~~gopher tortoise preservation areas~~Preservation Areas in a manner which allows access only for authorized environmental land management activities. Boardwalks may be placed over the gopher tortoise preservation area along the DeSoto Canal to provide access from the single family lots to the proposed docks. ~~The gopher tortoise preservation area along the DeSoto Canal may also be accessed as a result of construction of the water interconnect pipeline by the Peace River Water Authority, which shall be solely responsible for permitting and mitigating for any resultant species impacts.~~

k. To the extent that there are active eagle nests on the property, permitting will comply with USFWS/FWC requirements and an Eagle Management Plan will be submitted with the Final Detail Site Plan Application, which will be scheduled on the Board of County Commissioners land use consent agenda.

2. WETLANDS

a. The project site contains ~~three~~five wetland categories, Mixed Wetland Hardwood, Exotic Wetland Hardwood, Freshwater Marsh, Bay Swamp, small isolated wetlands, and the Saltwater Marsh. The Developer shall preserve approximately ~~150~~166 acres of existing ~~wetlands~~Bay Swamp and Saltwater Marsh wetlands (Preserve Areas A and B) as shown on Map F-1, attached hereto as **Exhibit “E”** and incorporated herein by this reference, ~~through the prohibition of development in those areas except that isolated wetlands may be impacted and/or removed provided that such impacts, together with mitigation which may include enhancement of the Saltwater Marsh and Bay Swamp, are approved by all local, state and federal agencies with permitting jurisdiction.~~

b. The applicant shall provide ~~a minimum~~ 100 foot ~~wide~~minimum buffer ~~wide~~ along the ~~wetland~~Preservation Area A and B boundary ~~of the Saltwater Marsh~~up to each wetland crossing, identified as the “Green Zone” on Map H; ~~modification to the buffer configuration may be permitted at the time of final detailed site plan approval subject to demonstration of net ecological benefit of the alternative buffer. In no case shall the modified buffer result in a net reduction in buffer acreage or less than an average 100 feet in width.~~ The Developer shall remove all non-native vegetation from the Green Zone and restore and maintain historic natural elevations, vegetation and hydrologic conditions in the Green Zone prior to receiving certificates of occupancy or certificates of completion of property developed within 50 feet of the Green Zone. —The developer may install bioswales within the Green Zone. ~~All~~If established, bioswales shall be designed in substantial compliance with Exhibit G attached hereto and incorporated herein by this reference. ~~The bioswale design, which shall include the actual bioswale, a spreader swale, side slopes and a buffer shall be a minimum of 80 feet and shall incorporate each element shown~~the cross-section contained in Exhibit G. ~~Type, density and spacing of landscaping are conceptual only and shall be determined at final plan approval. The~~the Land Management Plan. Additionally, bioswales shall be placed no more than 30 feet into the Green Zone. —No fertilizers or chemical applications within the Green Zone are permitted for maintenance. ~~Vehicular maintenance is prohibited except within the landward 30 feet of the Green Zone.~~ Uses such as commercial or residential buildings, parking lots, roads, other impervious surfaces and fertilizer are prohibited in the Green Zone.

c. ~~—Bioswales may not be installed within the Green Zone on the East Village from the point where the Green Zone intersects with I-75 to the first road crossing which shall be a minimum distance of 1700 feet (the “Bio-free Area”). Instead, bioswales shall be placed immediately adjacent to and outside the Green Zone along the entire distance of the Bio-free Area.~~ The Preservation Areas A and B (Saltwater Marsh, Bay Swamps) and the Green Zone shall be protected and enhanced consistent with the Land Management Plan.

d. ~~The Saltwater Marsh, Bay Swamps and associated buffers shall be further protected and enhanced consistent with the Land Management Plan.~~

e. ~~The 150 acres of existing wetlands~~227 acre “Preserve Area” shown on Map F-1 ~~(“Preserved Wetlands”)~~ shall be conveyed in fee simple ownership to any governmental body or agency or to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, ~~or protecting natural resources, maintaining or enhancing air or water quality (collectively, the “Grantee”)~~. The ~~Preserved Wetlands~~“Preserve Area” shall be conveyed to the Grantee for preservation in perpetuity and consistent with all of the restrictions contained in Chapter 704.06, Florida Statutes ~~(2009)~~,¹ as may be amended. The Grantee shall become the successor in interest upon conveyance and shall be responsible for performing all required maintenance of the ~~Preserved Wetlands~~“Preserve Areas” in a natural state at no cost to the Applicant or any homeowners association or community development district (“CDD”), ~~except for the Green Zone and any permitted structures which are the maintenance responsibility of the Developer, a master property owners association or CDD, as appropriate.”~~). The conveyance to the Grantee shall occur within fifteen (15) days ~~after receipt of the Environmental Resource Permit from the State of Florida or the Southwest Florida Water Management District, or upon~~ completion of any mitigation required by the ERP, ~~whichever is later~~. All accrued mitigation, transferred development entitlements, and any other credits granted either through agency action or interlocal agreement shall be retained by the Developer. This conveyance to the Grantee shall be duly recorded in the Official Records of Charlotte County, Florida. The Developer shall also convey an upland easement to allow for access to the ~~Preserved Wetlands for land management purposes~~“Preservation Area” for land management, passive recreation, or educational purposes. In the event a governmental or charitable entity will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026.

f. ~~The proposed development shall not impact through dredging and filling the freshwater wetland areas that are the upper reaches of tidal creeks other than those impacts shown on Map F-1.~~ e. ~~The~~ development shall incorporate steps to establish the hydrology necessary to maintain the integrity of the downstream tidal creek habitats (including their salinity regimes). ~~Minimum 25 foot buffers around these wetlands that contribute freshwater to the downstream tidal creeks shall be established to protect the downstream biological communities in the tidal creeks.~~

gf. The Developer shall be entirely responsible for maintaining all wetland buffers in perpetuity. ~~All wetland buffers outside the Green Zone shall have an average width of 25 feet with a minimum width of 15 feet.~~

~~h. Freshwater wetlands and small isolated wetlands not proposed to be impacted will be placed into a perpetual conservation easement if required by the SWFWMD as part of the SWFWMD permitting process.~~

~~i. The Wild Pine and Air Pine shall be preserved in the live oak stream habitat and Bay Swamp.~~

~~j.~~

g. The Cardinal Airplant (*Tillandsia fasciculata*) and Giant Airplant (*Tillandsia utriculate*) shall be preserved or relocated into the Preservation Areas.

h. Nuisance plant species within the ~~Saltwater Marsh and Bay Swamp and associated buffers~~ "Preservation Areas" shall be eradicated and replaced with planting of native plants (trees, shrubs and understory plants) selected by a professional wetland biologist. This eradication shall occur in the Saltwater Marsh prior to conveying fee simple ownership to any governmental ~~body or agency or to a charitable corporation~~ entity or establishment of a conservation easement to a government or trust charitable entity.

3. WATER SUPPLY

a. Water for the Harborview DRI will be provided by the Charlotte Harbor Water Association, Inc. ("CHWA"), its successors or assigns. The CHWA may enter into an interlocal agreement with Charlotte County Utilities ("CCU") for CCU to sell potable water for the Harborview DRI to the CHWA. With each local development order application, Developer shall provide documentation of adequate capacity to serve that portion of the project for which a local development order is being requested.

b. As part of the application for a utility agreement, CCU shall review the water reuse capacity of the project and determine if its incorporation into the reclaimed water system represents a beneficial use of the reclaimed water resource. The water reuse capacity of the entire Harborview DRI project shall be based on the projected irrigated area of the proposed development receiving reclaimed water at an annual average rate of one (1) inch per week and established by an engineering report from a licensed Florida professional engineer and approved by CCU. After evaluation, CCU may require the Harborview DRI to connect to CCU's reclaimed water system. If so required, connection to the reclaimed water system shall be a condition precedent to receipt of wastewater service. The Harborview DRI will not be required to connect the West Village to a reclaimed water system if such connection would require the developer to extend lines more than 500 feet along Harborview Road. However, the West Village will connect to a reclaimed water system at such time as a County reclaimed water line is located within 500 feet of the boundary of West Village.

c. Stormwater ponds may be used for non-potable water needs. The lowest quality of water possible shall be utilized for all non-potable water uses.

~~d. The project shall require a SWFWMD Well Construction Permit for construction of any wells on the development site.~~

ed. Irrigation of green space may not occur between the hours of 9:00 A.M. and 5:00 P.M., after the establishment of landscaping. These restrictions shall not apply to irrigation utilizing reclaimed water.

fe. Potable water may not be used for non-potable/irrigation demands. Irrigation needs shall be met with reclaimed water or with water from on-site lakes.

~~g. Copies of any water use permit applications must be submitted to Charlotte County at the same time as they are submitted to the SWFWMD for review and comment.~~

| hf. All restaurants within the project will be equipped with grease traps or grease interceptors and will comply with all other requirements of Charlotte County's applicable ordinances.

4. WASTEWATER

a. — Wastewater treatment for the Harborview DRI will be provided by CCU. The Developer will enter into the required utility agreement with CCU. With each local development order application, Developer shall provide documentation of adequate capacity to serve that portion of the project for which a local development order is being requested.

5. STORMWATER MANAGEMENT/WATER QUALITY

a. The Developer shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater and water quality management, nutrient management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

~~b. Stormwater flows will receive water quality pre-treatment before entering the marina basin in accordance with the required SWFWMD permit.~~

~~c. Introduction of pollutants in to the marina basin shall be limited by prohibitions against heavy boat repairs, painting of boats and pressure washing.~~

~~d. The Developer shall develop and implement an annual water quality monitoring program for the Marina. All water quality physical and chemical parameters to be sampled shall be approved before the commencement of sampling by Charlotte County and SWFWMD. The Developer shall incorporate additional water quality treatment and/or water management methods into the project's surface water management system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective. Failure to correct impaired water quality in the Marina shall be a violation of this Development Order.~~

~~e. Access to the Peace River from the marina shall be by boat lift. No open channel between the Peace River and the marina shall be created.~~

~~f. Once constructed, the boat lift and weir shall be a permanent fixture. The boat lift and weir shall be maintained by the owner/operator of the marina, a properly formed master property owners association or community development district. That organization will be charged with administering and assuring adherence to the terms of the restrictive covenant and the perpetual conservation easement described below and with providing a financial security instrument, in a form acceptable to Charlotte County, in an amount equal annual maintenance costs and a financial security instrument or appropriate policy of insurance for replacement of the boat lift and weir in the event of damage or destruction. Any request to remove the boat lift and weir shall be reviewed as a substantial deviation per Chapter 380.06, Florida Statutes, as may be amended.~~

~~g. Upon receipt of a permit for construction of a boat lift and weir, the Developer shall record a restrictive covenant over the weir and the landward 30 feet adjacent to the weir in the Public Records of Charlotte County, Florida prohibiting removal of the boat lift and weir. The FDEP shall be the beneficiary of the restrictive covenant and be granted the ability to enforce its terms. Upon~~

~~receipt of a permit for construction of the weir, the weir property shall be placed in a perpetual conservation easement granted to a governmental agency or charitable organization or trust whose purposes include maintaining or enhancing water quality.~~

~~h. The Developer shall develop and implement a groundwater monitoring plan, to be approved by Charlotte County and SWFWMD, which shall include the following provisions if found necessary by SWFWMD during permit review and approval:~~

- ~~— All monitoring wells shall be sampled and analyzed semi-annually for FDEP primary and secondary drinking water standards, water levels and groundwater chemicals.~~
- ~~— Two wells shall be installed hydraulically downgradient at each zone of discharge (i.e. property boundary) and one well shall be installed hydraulically upgradient to monitor background water quality.~~
- ~~— All wells shall be constructed in accordance to monitor well specifications as outlined in Chapter 65-525, Florida Administrative Code (“F.A.C.”).~~
- ~~— Sampling analyses shall be performed according to procedures outlined in the most current edition of “Standard Methods for Examination of Water and Wastewater,” by APHA-AWWA-WPCF, or “Methods for Chemical Analyses of Water and Wastes” by the United States Environmental Protection Agency.~~
- ~~— Water quality samples from all wells shall be collected after pumping the wells to constant temperature, pH, and conductivity.~~
- ~~— Wells shall monitor both the Surficial and Floridian aquifers.~~
- ~~— The plan shall include sufficient baseline data.~~
- ~~— Procedures shall be established for immediately reporting any violations of water quality standards to the County, FDEP, SWFWMD and/or other appropriate agencies.~~
- ~~— Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project’s design to correct and/or mitigate any degradation.~~
- ~~— Pre-construction monitoring shall be completed at least 30 days prior to any actual construction. Monitoring will be continued semi-annually during construction on the project and will continue for two (2) years after all construction on the project is complete.~~

~~i. Prior to any site alteration, the Developer shall develop and implement a surface water quality monitoring plan, to be approved by Charlotte County and SWFWMD, which shall include the following provision if found necessary by SWFWMD during permit review and approval:~~

~~1) Pre-construction monitoring~~

~~a) Sampling shall be initiated before the start of any construction~~

~~b) Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.~~

~~2) Construction monitoring~~

~~a) Sampling shall be conducted for every rainfall event of one inch or greater within the drainage sub-basins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.~~

~~b) Any violations of water quality standards within a drainage sub-basin under construction shall be reported to Charlotte County and SWFWMD and all work shall be halted until a solution to the problem is implemented.~~

~~3) Post-construction monitoring~~

~~a) Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.~~

~~b) Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.~~

~~4) Monitoring reports.~~

~~a) Monitoring reports shall be submitted to Charlotte County semi-annually during pre-construction and quarterly during construction.~~

~~b) An official laboratory report shall also be submitted to Charlotte County, SWFWMD and the Southwest Florida Regional Planning Council as part of each bi-annual report pursuant to General Conditions "b."~~

~~5) All water quality physical and chemical parameters to be sampled, as well as sampling sites, shall be approved before the commencement of sampling by Charlotte County and SWFWMD.~~

~~6) The Developer shall incorporate additional water quality treatment and/or water management methods into the project's surface water management system to correct or mitigate any degradation if the measures implemented by the Developer are found to be ineffective or are found to adversely impact water quality downstream of the project site.~~

~~j. The Developer shall confirm, to the satisfaction of Charlotte County and SWFWMD staff, that the proposed project control elevations and overall design will preserve the onsite and adjacent wetlands, including the maintenance of natural hydroperiods, and that County and SWFWMD preservation/mitigation criteria will be met~~

kb. The Developer shall develop pre- and post-hydrographs to confirm that natural hydroperiods will be sustained after development.

~~l. The design storm for the project shall meet Charlotte County and the SWFWMD requirements.~~

mc. A properly created master property owners association or a community development district shall be responsible for maintenance and monitoring of the master stormwater facilities. Such association or district shall have the authority to assess property owners in order to provide a funding mechanism for maintenance of the master stormwater infrastructure in accordance with all ~~federal, state and local permit conditions~~regulatory obligations.

nd. The Developer shall take necessary precautions during construction ~~and for the duration~~ of the project to prevent adverse impacts to water quality which may include, but are not limited to, the installation of siltation curtains or hay bales between the development area and wetland buffers and implementation of storm drain inlet protection (such as hay bales or gravel) to limit sedimentation within the stormwater system. All newly exposed surfaces will be seeded or sodded as soon as practical. ~~Specific erosion control will be approved as part of the SWFWMD permit.~~

oe. Turbidity resulting from construction dewatering will be managed using structural best management practices (BMPs) prior to discharge to receiving waters. Structural BMPs may include, but are not limited to, vegetated systems, detention systems (e.g., sedimentation basins), geotextiles, and other methods. Turbidity and other pollutants from construction dewatering on the Property will be reduced to meet the levels required by applicable State Water Quality Standards and as required by the National Pollutant Discharge Elimination System ("NPDES") generic permit for construction. Copies of any reports required by the NPDES permit will be maintained at the appropriate construction site with a copy being sent to County's Growth Management Department.

pf. Clearing and grubbing will be so scheduled and performed such that grading operations can follow thereafter. Grading operations will be so scheduled and performed that permanent erosion control features can follow thereafter if conditions on the project permit, and not beyond the time limits established in the NPDES general construction permit.

qg. Energy dissipaters (such as rip rap, gravel beds, hay bales) shall be installed at the discharge point of pipes or swales if scouring is observed.

~~r. Stormwater discharge from the site will be limited by the SWFWMD permit.~~

~~s. Finished floor elevations within the development will be determined by the appropriate design event of the adjacent water course as determined by Charlotte County and SWFWMD. The finished floor elevation will be determined based on an analysis of the 100 year flood elevation of the Peace River.~~

th. Discharge to existing conveyances shall be permitted provided that discharge/control structures are designed so that upstream/off-site flooding will not be worsened by development of the project. ~~Stormwater discharge will be limited by the SWFWMD permit.~~

~~u. Stormwater ponds will be used to provide water quality treatment in accordance with the SWFWMD requirements.~~

vi. On-site wetlands ~~within~~outside the ~~project~~Green Zone may be incorporated into the stormwater management system provided the continued natural functioning of the wetland system will be maintained or improved; the natural hydroperiod of the wetland will be maintained; water quality, vegetation, and aquatic life-forms will be maintained or improved; substances that could adversely impact water quality, vegetation and aquatic life-forms will be removed or treated prior to discharge to the wetland system; the wetland's ability to assimilate any nutrients in the effluent discharged to the wetland system will not be exceeded; and the Developer, master property owners association or community development district agree to a monitoring program of the wetlands system, at their expense, that assures any degradation of the wetland system that occurs during the monitoring period due to project design failure shall be corrected at the Developer's, master property owners association's or community development district's expense. Those wetlands outside that system will continue to store and transmit water except where modifications are necessary to facilitate hydrologic restoration.

~~w. Best Management Practices will be utilized and may include reduced turf coverage, native landscaping, created wetlands, filter marshes, phyto-zones, extended hydraulic residence times and increased flow paths.~~

~~x. The design storm event and corresponding peak stage elevation requirements for the project shall meet Charlotte County and the SWFWMD requirements.~~

~~y. Stormwater facility control elevations will be designed to provide storage capable of meeting required SWFWMD water quality standards. Treatment volume will be provided in accordance with the SWFWMD requirements.~~

~~z. There will be no increase in stream stage elevation offsite, except as permitted by the SWFWMD.~~

~~aa. All internal stormwater management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the SWFWMD, or other appropriate governmental entity with a compliance monitoring staff. Stormwater lakes shall include adequate maintenance easements around the lakes, with access to a paved roadway, as required by the appropriate governmental entity. The Developer, homeowners associations, or community development district will maintain the master stormwater management system.~~

~~bbj.~~ Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

~~cc. If found appropriate by SWFWMD staff, shoreline banks created along onsite stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in native emergent and submergent vegetation and shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at minimum the area between ordinary high water and ordinary low water) for the duration of the project.~~

~~ddk.~~ The Developer shall conduct annual inspections in accordance with the conditions of the approved SWFWMD Environmental Resource Permit, Charlotte County Master Stormwater Management SystemPlan of any preserved/enhanced wetland areas and any environmental and spreader swale systems on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

~~eel.~~ The Developer, or owner of any individual commercial sites, shall undertake a regularly scheduled vacuum sweeping of all streets, sidewalks and parking facilities, to be incorporated as a best management practice, for all commercial development parcels.

~~ff. Design considerations will be given to ditch and swale slopes, where practicable, so that these facilities provide some additional water quality~~

~~treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process, and where practicable, landscape islands shall accommodate the detention of runoff. Design consideration will be given to the use of pervious construction materials for the surfaces of trails, walkways, and non-vehicular travel ways.~~

~~ggm.~~ Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

~~hhn.~~ Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

~~iiq.~~ Isolated wading bird "pools" shall be constructed to provide aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*, and foraging areas for wading bird species, such as wood stork, ~~consistent with SWFWMD, FDEP, and County requirements.~~

~~jjp.~~ Stormwater ponds will be designed to provide water quality treatment, ~~per the SWFWMD requirements. Design with design~~ elements which may include rainwater gardens, treatment swales planted with native vegetation and entrainment systems. ~~These will be reviewed and approved during the ERP approval process.~~

~~kk.~~ ~~Stormwater discharge will be limited by the SWFWMD permit.~~ Rainwater harvesting techniques including cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces ~~may~~should also be considered for inclusion in the stormwater design.

~~llg.~~ Landscape irrigation will be provided first through the use of reuse water, where reasonably available, and surface water from lakes. Ground water will be used to replace the surface water withdrawn for irrigation water.

~~mmr.~~ The Developer shall follow the Land Management Plan which describes BMPs and incorporates provisions such as wetland buffers, Green Zones, stormwater and water quality management, integrated management, pest monitoring and controlled pesticide application, controlled fertilizer application, quality control and assurance procedures and water conservation.

~~nnr.~~ The Developer shall install storm drain inlet protection to limit sedimentation within the storm water management system.

~~oot.~~ Restrictive covenants for the project will include a provision requiring any commercial pool operation (including any pool within a hotel/motel) using chlorine

to be equipped with sensors or alarm devices to provide monitoring and warning of potential spills or leaks.

ppu. Impacts to downstream wetlands/salt marsh will be minimized by maintaining appropriate hydrologic flow through tidal creeks. Multiple points for discharge of treated stormwater from the site will prevent rapid freshwater inflow into one area of the wetlands. Wetland hydrology will be modeled to ensure healthy post-development wetland conditions.

6. TRANSPORTATION

a. The Developer shall be fully responsible for site-related roadway and intersection improvements required within the Harborview DRI. The Developer shall be required to pay the full cost for the site-related intersection improvements for the project's access intersections as follows:

1. Harborview Road & West Village Project Driveway: Construct one westbound left turn lane; signalize if warranted prior to project buildout.
2. Harborview Road & North Village Project ~~driveway~~Driveway (West of Rio ~~deDe~~De Janeiro Boulevard: Construct one eastbound left-turn lane.
3. Harborview Road & North Village Project Driveway (East of Rio ~~deDe~~De Janeiro Avenue): Construct one eastbound left-turn lane.
4. Rio ~~deDe~~De Janeiro Avenue & Luther Road (project driveway): Construct one northbound left-turn lane, one southbound left turn lane and; signalize if warranted prior to project buildout.
5. Rio ~~deDe~~De Janeiro Avenue & North Village Project Driveway (west side): Construct one northbound left-turn lane.

b. The Developer shall pay to Charlotte County the impact fees that are in effect at the time a permit application number is assigned by Charlotte County. Payment is due prior to issuance of a certificate of occupancy. These impact fee payments shall represent partial payments for necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain level of service "D" ~~peak hour, based on a 100th highest hour design criteria, for the following significantly impacted roadways~~for significantly impacted roadways. At a minimum, the following roadways shall be reviewed with each Harborview phase to determine significantly impacted roadways where the project traffic consumes five percent (5.0%) or more of the facility's adopted service volume and the first directly accessed roadway segment provided the project traffic consumes one percent (1.0%) or more of the facility's adopted service volume through project buildout:

Rampart Boulevard

- Luther Road/Capricorn Boulevard to Rio ~~deDe~~De Janeiro Avenue

Harborview Road

- U.S. 41 to Kings Highway
- Kings Highway to Melbourne Street
- Melbourne Street to West Village project site
- West Village project site to I-75

- I-75 to North Village project site
- North Village project site to Rio de Janeiro Avenue
- Rio de Janeiro Avenue to Broadpoint Drive

U.S. 17

- Copely Drive to Regent Road

Kings Highway

- Westchester Boulevard to Harborview Road

Melbourne Street

- Harborview Road to U.S. 41

Rio de Janeiro Avenue

- Sandhill Boulevard to Rampart Boulevard
- Rampart Boulevard to East/West Road
- East/West Road to North Village project site
- North Village project site to Harborview Road

Additional significantly impacted roadway segments may result (based on analysis) beyond what is listed above.

The traffic study for the project's phases will be cumulative and will include any previously evaluated phase to determine the extent of significantly impacted roadways.

c. Impact fee payments shall also represent partial share payments for the necessary improvements, including but not limited to, right-of-way, costs of signalization, turn lanes and other improvements deemed necessary by the Florida Department of Transportation ("FDOT"), Charlotte County or other appropriate jurisdictions, subject always to Charlotte County's Code of Laws and Ordinances and related rules and regulations, to maintain intersection level of service "D" on a peak hour (100th highest hour) basis for the following significantly impacted intersections. At a minimum, the following intersections shall be reviewed with each Harborview phase to determine which are significantly impacted intersections located along the significantly impacted roadway segments through project buildout:

- Rampart Boulevard & Luther Road/Capricorn Boulevard
- Rampart Boulevard & Rio de Janeiro Avenue
- Harborview Road & U.S. 41
- Harborview Road & Kings Highway
- Harborview Road & Melbourne Street
- Harborview Road & I-75 West Ramps
- Harborview Road & I-75 East Ramps
- Harborview Road & Rio de Janeiro Avenue

- Harborview Road/Sunnybrook Road & Broadpoint Drive
- Kings Highway & Westchester Boulevard
- Rio de Janeiro Avenue & Sandhill Boulevard
- U.S. 41 & Melbourne Street
- U.S. 17 & Regent Road

Additional significantly impacted intersections may result beyond what is listed above if additional significantly impacted roadway segments are determined based on condition 6b.

d. The ~~Harborview DRI~~Developer will also ~~significantly impact~~analyze the following interstate segments and report to the County the project's impact on the segments:

I-75

- Kings Highway to Harborview Road
- Harborview Road to U.S. 17

The Developer shall provide analysis to the County if the analysis of the above referenced segments shows that the project is causing impacts to additional significantly impacted interstate segments. The Developer shall provide supplemental analysis at County's request.

e. Level of Service monitoring consistent with Rule 9J-2.045(7)(4), F.A.C. (2009)~~, -~~ shall be initiated two years from the effective date of this Development Order and then biennially thereafter. -

f. Based on the staff transportation assessment of significant project impacts, the following schedule ~~identifies each of~~ roadway improvements shall be reviewed with each phase (cumulative in the case of subsequent phases) of the Harborview DRI development to determine which is necessary to achieve the adopted level of service standard at project buildout. Construction of the following(if any) of these transportation improvements shall be needed prior to, or coincident with, development of the Harborview DRI, if peak hour (100th highest hour) level of service "C"each phase or a proportionate share payment pursuant to Florida Law and "D" conditions, as applicable, are to Charlotte County Land Development Code section 3-5-341 (proportionate share payments provided by any previously evaluated phase shall be maintained through project buildout on significantly impacted road segments and intersections: credited):

Road segment improvements

Harborview Road

- Melbourne Street to West Village project site: Widen to 4 lanes
- West Village project site to Rio ~~de~~De Janeiro Avenue: Widen to 4 lanes

Rio ~~de~~De Janeiro Avenue

- East/West Road to North Village project site: Widen to 4 lanes
- North Village project site to Harborview Road: Widen to 4 lanes

Intersection Improvements

- Rampart Boulevard & Rio ~~de~~De Janeiro Avenue: Signalize when warranted
- Harborview Road & U.S. 41: ~~Construct one~~Lengthen the westbound right-turn lane. ~~Lengthen eastbound, westbound, northbound and southbound left turn lanes.~~
- Harborview Road & I-75 West Ramps: Signalize when warranted. ~~Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.~~
- Harborview Road & I-75 East Ramps: Signalize when warranted
- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)
- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

g. The improvements outlined in the schedule contained in “f” above shall be made at the time that a road segment or intersection is projected to exceed level of service “D” ~~peak hour based on a 100th highest hour design criteria on the roadways and intersections identified in “b” and “c” above and level of service “C” peak hour based on a 100th highest hour design criteria for the Harborview and I-75 East and West ramps and the project is, or will be, utilizing five percent (5%) or more of the peak hour (100th highest hour) level of service “D” maximum service volume or “C” maximum service volume for the I-75 ramps.~~.”

h. A traffic study to monitor the existing peak hour level of service, and to project the likely peak hour level of service for the next proposed stage of development shall be submitted biennially to Charlotte County, and FDOT, ~~the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council~~ for review and approval. The first monitoring report shall be submitted two years from the effective date of this Development Order.

i. The monitoring report shall project the approved development’s transportation impacts on the significantly impacted ~~(i.e., where project traffic is~~

~~expected to be utilizing five percent (5%) or more of the peak hour (100th highest hour) level of service “D” maximum service volume or “C” maximum service volume for the I-75 ramps)~~ roadways and intersections for the next two (2) years. If no new development is proposed in the upcoming two (2) year period, then the monitoring report shall project transportation impacts on only the following intersections:

- Harborview Road & U.S. 41
- Harborview Road & Kings Highway
- Harborview Road & Melbourne Street
- Harborview Road & I-75 West Ramps
- Harborview Road & I-75 East Ramps
- Harborview Road & Rio de Janeiro Avenue

~~The development’s projections of project traffic shall be based on the total of existing occupied project development, all permitted project development, and the projected amount of development likely to receive building permits within the proposed next two (2) years. If any new development is proposed, then the monitoring report shall include the project p.m. peak hour (100th highest hour) trip generation estimates, non-project background traffic estimates, and an analysis for each of the significantly impacted (i.e., where the existing and proposed project traffic is expected to utilize five percent (5%) or more of the peak hour (100th highest hour) level of service “D” maximum service volume or “C” maximum service volume for the I-75 ramps) regional intersections and road segments, including access intersections. As part of this analysis, a calculation of the current year’s and the next two (2) year’s peak hour level of service, based on a 100th highest hour design criteria, at these intersections and on these road segments will be performed.~~

The level of service shall be calculated according to current professional standards and shall provide an indication of when level of service “D” ~~(or “C” for the I-75 ramps and segments)~~ peak hour, based on a 100th highest hour design criteria, is expected on impacted roadways and intersections, and an estimate of project impact on those facilities.

j. The traffic study methodology shall be supplied to ~~the Southwest Florida Regional Planning Council and the Florida Department of Transportation~~ Charlotte County and FDOT for review, and shall be subject to written approval by ~~Charlotte County and the Department of Community Affairs~~ both entities prior to the start of each biennial monitoring event.

k. If a monitoring report projects that ~~project~~ the project’s traffic plus background ~~peak hour (100th highest hour)~~ traffic on a roadway segment or intersection listed in “b,” “c,” or “d” above exceeds, or is projected to exceed these levels during the next two (2) years, ~~or if the peak hour (100th highest hour)~~ level of service standard adopted by the Charlotte County Comprehensive Plan

and the project is, or will be, utilizing five percent (5%) or more of the peak hour ~~(100th highest hour)~~ level of service “D” ~~maximum service volume~~ or “C” ~~maximum service volume~~ for the I-75 ramps ~~and segments~~, then no further building permits shall be granted or issued for the Harborview DRI until a major roadway improvement restoring the adopted level of service is operational or unless:

- The Development Order already contains a binding commitment to provide the needed roadway improvements or
- The Development Order is amended to contain a binding commitment to provide the needed roadway improvements.

A binding commitment shall be ~~either~~ one or more of the following:

(1) Scheduling of Facility Improvements

a. A schedule which specifically provides for the mitigation of impacts from the proposed development on each significantly impacted roadway which will operate below the adopted level of service standard at the end of each project phase’s buildout, or, alternatively, a subset stage of that phase. The schedule shall ensure that each and every roadway improvement which is necessary to achieve the adopted level of service standard ~~for that project stage or phase shall be guaranteed to be in place and operational, or under actual construction for the entire improvement, at buildout of each project stage or phase that creates the significant impact.~~ The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element. This guarantee shall be in the form of:

(I) A clearly identified, executed and recorded local government development agreement, consistent with Sections 163.3220 through 163.3243, Florida Statutes ~~(2009),~~₁ that is attached as an exhibit to this Development Order, and which ensures, at a minimum, that all needed roadway improvements will be available concurrent with the impacts of development, consistent with paragraph Section 163.3180 ~~(2)(c),~~₁ Florida Statutes ~~(2009),~~₁

~~(II) A binding and enforceable commitment in the development order by the local government to provide all needed roadway improvements concurrently with the development schedule approved in this Development Order;~~

~~(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government as specifically adopted an in compliance paragraph 9J-5.0055(3)(c), Florida Administrative Code (2009), concurrency management system in their plan; or~~

~~(IV) A Florida Department of Transportation commitment in the current five years of the Adopted Work Program for Florida Intrastate Highway System (FIHS) facilities or in the first three years of the Adopted Work Program for all other facilities to provide all needed roadway improvements;~~

~~(V)~~ (II) A binding and enforceable commitment in this Development Order by the Developer to provide all needed roadway improvements concurrently with the development schedule approved in the development order; or

~~(VI)~~ ~~III~~ Any combination of guarantees (I) thru ~~(V)~~ (II) above that ensures that all needed roadway improvements will be provided concurrently with the development schedule approved in this Development Order.

b. A provision which states that on no less than a biennial basis the status of the guaranteed improvements shall be assessed and reported in a required biennial status report. The local government shall cause further issuance of building permits to cease immediately at the time the biennial monitoring reveals that any needed transportation improvements guaranteed by developments 1.a.(I) thru 1.a.~~(V)~~ above is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer consistent with the timing criteria of sub-subparagraph 1.a. above. The periodic assessment contemplated herein is not a monitoring of the actual level of service on a roadway, but is a review of the actual status of guaranteed improvements scheduled for construction. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, shall be addressed as a Notice of Proposed Change.

c. In addressing the construction of the needed roadway improvements, the schedule described in sub-subparagraph 1.a. above shall list all needed roadway improvements needed to be constructed by phase or stage, the guaranteed date of completion

for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement.

2. Alternative Concurrency Provisions. A schedule as set forth in sub-paragraphs 1.a., b., and c. above, that appropriately addresses each significantly impacted state and regional roadway segment through compliance with Charlotte County's specific alternative concurrency provision of ~~subsections~~ Section 163.3180(5), (7), (8) or (9),¹ Florida Statutes (2009), where such mitigative measures are specifically adopted in an in-compliance local government comprehensive plan and are fully explained and applied in this Development Order.

3. Proportionate Share Payments.

a. This option shall only be available to the extent that any affected extra-jurisdictional local government, or the Florida Department of Transportation for facilities on the State Highway system, agrees to accept proportionate share payments ~~a~~ to adequately ~~mitigating~~ mitigate the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction. If an affected extra-jurisdictional roadway is under the maintenance authority of the Florida Department of Transportation, then agreement to accept proportionate share payments shall be obtained only from that agency for that roadway. Such an agreement shall be attached as an exhibit to this Development Order and shall be in the form of either a clearly identified, executed and recorded local government development agreement, consistent with Sections 163.3220 through 163.3243, Florida Statutes—(2009);¹ an interlocal agreement; a FDOT joint participation agreement; or a written acceptance by the affected local government governing board or the Florida Department of Transportation, as appropriate.

b. This option is also available ~~to~~ in Charlotte County for those significantly impacted state and regional roadways within their jurisdiction which are not addressed for concurrency by its local concurrency management system. Charlotte County must agree to the proposed mitigation in writing and the writing shall become an exhibit to this Development Order if it is fully executed by the Developer and the County.

c. If proportionate share payments are utilized, this Development Order shall contain a schedule as set forth in sub-paragraphs 1.a., b., and c. above, that appropriate addresses

each significantly impacted state and regional roadway segment. For significantly impacted site and regional roadways within the area around the development site that are specifically covered by Charlotte County's Concurrency Management System, this Development Order shall ensure that appropriate mitigative measures are clearly and specifically delineated in this Development Order for each roadway segment, consistent with the concurrency provisions of the in-compliance adopted Charlotte County comprehensive Plan and implementing Charlotte County land development regulations.

d. For each significantly impacted state and regional roadway outside the specified Concurrency Management System area, this Development Order shall ~~additionally~~also include:

(I) A schedule of the list of the improvements that are needed to be constructed to ensure maintenance of the adopted level of service, an identification of the governmental agency with maintenance responsibility over the improvement, the cost of each needed improvement including right-of-way and other costs for the improvement, the developer's proportional share contribution for the improvement, and any proposed staging of the development.

(II) A date-certain payment provision which requires that, at a minimum, the developer pay his proportionate share contribution to the agency that has maintenance responsibility over the impacted roadway prior to the issuance of any building permits for the stage or phase which will cause or increase the significant impact to that roadway.

(III) A provision which requires that as a condition of accepting the payment of the proportionate share contribution that the receiving governmental agency with maintenance responsibility over the impacted roadway agrees in writing as an exhibit to this Development Order that the contributed monies shall only be applied towards the construction of one or more of the significantly impacted improvements which are under their jurisdiction and listed in the schedule. If the contributed money to that agency is sufficient to fully construct one or more of the roadway improvements under its jurisdiction that is on the schedule in (I) above, then the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the improvement construction.

(IV) A provision which requires that development activities and issue of permits therefore immediately cease if the proportionate share contribution is not paid in a timely manner.

(V) A requirement that any proposed delay or change of the proportionate share payment due to a change in the approved development schedule shall require a reanalysis of the proportionate payment amount as part of any schedule approval amendment.

4. A combination of the mitigative measures contained in subparagraphs 1., 2., or 3., above that mitigates for each significantly impacted state and regional roadway and which reasonably assures that public transportation facilities shall be constructed and made available when needed to accommodate the impacts of the proposed development, consistent with the provision of Chapters 163 and 380, Florida Statutes ~~(2009)~~.

l. Any specific stage or phase of this development that proposes the need for the construction of a new or modified access to a state or federal limited access facility shall not be allowed to initiate development for that stage or phase of development by Charlotte County until the new or modified access has been authorized by the Federal Highway Administration and/or the Florida Department of Transportation, as applicable. When such authorization is not forthcoming, the Developer may request to amend this ~~land use approval~~ Development Order, based upon the submittal of a revised transportation analysis not utilizing the new or modified access to the limited access facility and any needed additional transportation mitigation, as appropriate.

m. The transportation impacts to the roads and intersections above may be alternatively proposed by the Developer to be appropriately addressed consistent with ~~the Southwest Florida Regional Planning Council policies, and in accordance with~~ Section 163.3220, Florida Statutes ~~(2009)~~, which requires a commitment by the Developer and/or the local government to insure concurrency on all significantly impacted roads through ~~a substantial deviation determination and~~ development order amendment incorporating the development agreement, pursuant to Section 380.06~~(19)(f)~~, Florida Statutes ~~(2009)~~.

n. Should the eventual development mix of the Harborview DRI be such that the trip generation and external traffic of the project exceed the levels identified in the ADA by more than 15%, on a daily or p.m. peak hour ~~(100th highest hour)~~ basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380, Florida Statutes ~~(2009)~~.

o. If ~~such~~ Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees) is ever amended, repealed, replaced or revoked by Charlotte County or repealed, replaced, revoked, invalidated or superseded by any act of the Florida Legislature or decision of the Florida Supreme Court, then the term shall mean any assessment, fee, payment, donation, contribution or like term, including, but not limited to, mobility fees, which replaces existing local government adopted and implemented transportation concurrency management systems.

~~p. As part of the construction of the East Village, Discovery Drive shall be relocated to substantially the same location as shown on revised Map H.~~

pp. If Charlotte County extends Luther Road to the west boundary line of the North Village, the Developer shall either provide or allow a connection to a road in the North Village so that Luther Road will extend to Rio de Janeiro Boulevard.

rq. No building permits may be granted or issued for the Harborview DRI until the transportation analysis for the first phase is submitted to Charlotte County or the first required biennial transportation monitoring report is submitted and the Development Order is amended to contain a binding commitment to provide the needed roadway improvements for any proposed development identified in such monitoring report.

6. HOUSING

a. ~~For dwelling units in excess of the 1,785 base dwelling units, the~~ Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for families earning not more than 120% of the area median income. These units shall first be made available for sale or rent to the workers in the development at the time the units are constructed, but in no case shall the Developer sell or rent the units to a family earning more than 120% of the area median income. After a demonstrated effort has been made to sell or rent the affordable housing units to those working within the development, the units may be sold or rented to those not working in the development and that qualify for the affordable housing. The units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of Charlotte County.

7. POLICE AND FIRE PROTECTION

a. ~~The Developer shall provide up to \$100,000.00 for an additional fire rescue unit for Fire Station #11 prior to issuance of a certificate of occupancy for the 381st residential unit in the project. Upon payment, the Developer shall receive \$100,000.00 of fire impact fee credits which may be used to offset fire impact fees assessed on development located north of the Peace River and east of the Myakka River.~~

8. ~~EDUCATION~~

a. ~~_____~~

b. ~~The Developer shall enter into an agreement with the Charlotte County School District prior to the final approval by Charlotte County of any phase of a Planned Development site plan, a subdivision plan, plat or the functional equivalent for new residential development within the Harborview DRI. The terms of the agreement shall be incorporated into this Development Order as a Notice of Proposed Change and shall not constitute a substantial deviation.~~

~~9. MARINA AND DOCK FACILITIES~~

~~a. A marina operations plan which abides by the recommendations of the Florida Department of Environmental Protection's Clean Marina Act will be implemented at the proposed Marina. The operations will promote environmentally friendly alternatives which will include Best Management Practices and Marina Environmental Measures.~~

~~b. As used herein, the term "Marina" shall include both the basin and the freshwater canal connecting the basin to the saltwater canal, all located within the East Village and shown with a dotted overlay on Map H. The Marina may contain one (1) dry storage facility for not more than 192 boats with a maximum size of 28 feet, 260 wet slips and a fork lift tram way system through the upland portions of the development to deliver vessels to the existing canal system for access to the Peace River. The number of wet slips will be commensurate with jurisdictional agency permitting standards and available space.~~

~~c. The Marina will include a dry storage facility with an associated staging area and may include a ship store, restrooms, showers and retail shops. Sewer pump out facilities and a fueling dock shall also be provided.~~

~~d. The Marina will provide a dock or dry storage berth for the Charlotte County Sheriff's Department, Charlotte County Fire and EMS and FWC or USFWS upon request.~~

~~e. Operation of the Marina will comply with the Marina Environmental Measures and Best Management Practices Clean Marina Plan — Harborview Marina attached as **Exhibit "F"** hereto and incorporated herein by this reference, as may be amended through the permitting process. The Marina will obtain a Clean Marina certification and shall comply with the Clean Marina certification requirements regardless of whether the program is discontinued. Charlotte County shall receive a copy of the Clean Marina Program Status Report which shall be submitted annually to FDEP. If the Clean Marina certification program is discontinued, the Developer shall continue to submit a Clean Marina Program Status Report annually to Charlotte County. Charlotte County shall have the authority to verify compliance with the Clean Marina standards at any time. The Developer shall update its BMPs as technology changes and shall describe any updated BMPs in the biennial DRI report.~~

~~f. A petroleum spill response/fueling contingency plan will be developed and implemented at the Marina and shall include the following:~~

- ~~— Notify within one hour of a spill your local responder, USCG National Response Center, FWC, and the State Warning Point.~~
- ~~— The name, location and hours, telephone numbers, radio frequencies, facility waterfront and vessel characteristics, type and amount of petroleum stored,~~

- ~~name/phone numbers of owner and trained personnel designated in charge. Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.~~
- ~~— Staff will be trained on how the equipment should be used and when necessary.~~
 - ~~— Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.~~
 - ~~— The equipment will be kept in key location and maintained by a contracted petroleum response company.~~
 - ~~— The plan will be annually reviewed with staff and updated for any new technology or equipment.~~
 - ~~— Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.~~

~~g. Oil and fuel storage containers will be built with a surrounding berm that contains an impervious bottom or equivalent double walled storage containers with petroleum sensors in the interstitial space in order to prevent/detect any leaching.~~

~~h. The Developer shall pay impact fees in accordance with Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees), as amended.~~

8. EDUCATION

~~a. The Developer shall comply with the Charlotte County regulations and the updated Interlocal Agreement for Coordinated Planning and School Concurrency dated May 2018.~~

9. DOCK FACILITIES

~~a. Docks, wet slips, and dry slips may be constructed within the Marina and along the DeSoto Canal, upon receipt of all required local, state and federal agency permits and approvals.~~

~~i. The Marina will provide limited repair service consistent with DEP's Clean Marina Program. Boat maintenance and repair work will be limited to tasks like refueling, battery replacement, other minor maintenance activities, etc., consistent with the Clean Marina program. The Marina will incorporate measures to separate hazardous materials from the solid waste stream.~~

~~j. No hull cleaning, major repair work, etc. will occur within the Marina. A battery recycling company with pick-up service will be contracted to minimize on-site storage of old/used batteries.~~

~~k. Dredging shall only be permitted in those areas shown on **Exhibit "H"** attached hereto and incorporated herein by this reference.~~

~~l. A program shall be implemented at the Marina to educate the public about population status and the prohibitions against capturing, harming or harassing smalltooth sawfish. Guidelines on safe handling and release of smalltooth sawfish shall be posted at the Marina.~~

~~m. Maps identifying the location along the shoreline of the Harborview DRI of any nursery or adult habitat of the smalltooth sawfish shall be posted at the Marina.~~

~~n. Appropriate mitigation shall be provided for any non-shoreline mangrove habitat that is disturbed.~~

~~o. Powerboats with drafts in excess of five (5) feet will be prohibited from utilizing the Marina facilities.~~

~~p. Personal motorized watercraft (i.e. jet skis) will be prohibited in the Marina.~~

~~q. The entire shoreline of the Marina basin and the associated canal system will include stabilization by either revetment riprap, bulkhead seawall with riprap or living shoreline with a littoral shelf.~~

~~r. No cargo will be shipped through the Marina.~~

~~s. The Marina will be designed in general accordance with the "Layout Design and Construction Handbook for Small Craft Boat Launching Facilities" prepared by the State of California Department of Boating and Waterways.~~

~~t. Littoral zones will be incorporated at the outfall from the basin to provide water quality and habitat benefits. The littoral shelf in the Marina will be planted with native emergent wetland species.~~

~~u. In order to protect breeding ground for the smalltooth sawfish, there shall be no impacts to the shoreline mangrove habitat located along the Peace River within the project area. A conservation easement will be placed over the shoreline mangrove habitat.~~

~~v. Brazilian pepper removal and other enhancement activities will be conducted in the mangrove habitats to improve the habitat for the smalltooth sawfish.~~

~~w. Continuing consultation on the potential impacts to the smalltooth sawfish will be completed with the USACE, USFWS and NMFS prior to approval of the project design and proposed mitigation.~~

~~x. Coordination with the NMFS and USFWS will be conducted under the Section 7 consultation for the smalltooth sawfish.~~

~~y. No temporary overnight slips will be constructed within the Marina.~~

zb. The shoreline of the DeSoto Canal within the project area will not be armored. The shoreline will be maintained in a natural condition to avoid impacts to mangroves located in this area.

~~aa. Ten (10), 141 foot, elevated finger piers with two boat slips at the end of each pier, for ac. A total of twenty (20) slips may be placed along the western shoreline of the DeSoto Canal for single family residences. These twenty (20) slips shall be the only slips allowed outside the Marina. The boardwalks will be designed with a width of six (6) feet and be elevated approximately eight (8) feet from the ground and provide access from the single-family homes to the DeSoto Canal. The elevated boardwalks will be placed over the gopher tortoise preservation areas. The design of the docks will ensure that their placement does not violate water quality, impede navigation, or adversely affect flood control.~~

~~bb. Permanent educational signs for Florida Friendly Boating and Manatee Awareness shall be placed at the Marina.~~

~~cc. The Standard Manatee Construction Conditions, including the placement of temporary manatee caution signs, shall be utilized during the dredging and work boat operations.~~

dd. ~~The Marina shall comply with approved manatee protection and preservation plans and procedures.~~

11. ENERGY

a. The Developer shall construct an eight (8) foot wide multi-use on-site path for pedestrians and bicycles. The path will be connected to off-site systems adjacent to the site and shall be placed on at least one side of the major roadways within the project consistent with the Bicycle and Pedestrian System Map attached as **Exhibit "I"**. The design for this pathway shall be shown at the time of final site plan approvals.

b. "Complete Streets" which include sidewalks, bicycle lanes, raised pedestrian islands, landscaped medians, and cross-walks with advanced warning signs will be incorporated into the project along the major roadways shown on **Exhibit "I"**. Pervious concrete or similar material shall be used in driveways, sidewalks and nature walks.

~~c. The project will incorporate future Charlotte County transit system stops as identified by the County to serve this development. Bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating and should be located no further than one quarter mile from commercial building entrances.~~

~~d.~~ Homes within the project will be designed with appropriate insulation, Energy Star rated appliances and Green Seal rated materials. The use of energy-efficient features in window design (e.g. tinting, low solar head gain coefficients (SHGC) and exterior shading, cross ventilation, operable windows and ceiling fans will be incorporated into homes within the project as appropriate and consistent with the Florida Building Code and Fire Marshall rules.

~~e.~~ Deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g. building orientation, clotheslines and solar water heating systems) will be prohibited.

~~f. The project will use vegetative ground covers to minimize concrete and asphalt.~~

~~g.~~ The project will utilize energy-efficient lighting for streets, parking areas, recreation areas and other interior and exterior public areas to the extent that safety, security and County lighting standards are not compromised.

~~h.~~ The project will utilize water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch). Faucet aerators will limit flow rates to 0.5 gallons per minute.

ig. The project will incorporate Florida Friendly landscaping and provide reasonable shade for all recreation areas, streets and parking areas. Plants with similar maintenance needs must be grouped together. Trees will be placed to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

jh. Structural shading shall be used ~~wherever practical~~ when natural shading cannot be used effectively.

ki. Bicycle racks or storage facilities will be provided in recreational, commercial and multi-family residential areas, but are neither required nor precluded on any individual parcel that utilizes shared parking facilities.

~~l. Porches, overhangs for shade and/or patio areas will be included in residential units when practical.~~

mj. The Developer will install irrigation rain sensors and will abide by water restrictions mandated by State and County agencies.

nk. The Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

ol. Site development shall comply with the Florida Green Building Coalition Certification standards or equivalent green building standards.

pm. All thermostats installed in any structure shall be programmable.

~~q. Roofing material shall meet LEED cool roofing standards as follows: Roofs with slopes less than 2:12 shall have a solar reflective index of 78 or greater; roofs with slopes greater than 2:12 shall have a solar reflective index of 29 or greater. The term "solar reflective index (SRI)" is a measure of the constructed surface's ability to reflect solar heat as shown by a small temperature rise. "Solar reflective index" is defined so that a standard black with reflectance of 0.05 and emittance of 0.90 is zero (0) while the SRI for a standard white (reflectance of 0.80 and emittance 0.90) is 100. No black roofs will be permitted regardless of SRI.~~

~~r. One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.~~

12. FLOOD PLAIN/HURRICANE PREPAREDNESS

~~a. Each building in the Harborview DRI will provide for hurricane shuttering of or have impact glass installed in all windows.~~

~~b. Single family residences within the Coastal High Hazard Area shall be constructed with reinforced stem wall foundations which shall be resistant to flood erosion.~~

~~ea.~~ Two-way radio communication equipment shall be provided to the hotel, ~~harbormaster building,~~ or clubhouse, at the discretion of the Charlotte County Emergency Management Director, with an integrated evacuation siren warning system.

~~db.~~ A disclosure statement in the form of a covenant shall be attached to all residential deeds stating that the property is located in a hurricane vulnerability zone and that the hurricane clearance time for the county is high and/or hurricane shelter spaces are limited.

~~ec.~~ The Developer shall coordinate with the Emergency Management Director designee in establishing a community emergency management program including the support and encouragement for a Community Emergency Response Team (CERT) and an annual presentation by the Emergency Management Director or designee which promotes hurricane preparedness for the Harborview DRI residents and which shall be sponsored by the Developer or any subsequently created property owners association or community development district.

~~fd.~~ The Developer shall provide a minimum 150 kW, 60 Hz, 6.8 liter generator for a critical facility, to be designated by the Emergency Management Director, prior to the issuance of the 101st certificate of occupancy for a residential structure within the Harborview DRI. Installation shall be provided by the receiving facility.

~~ge.~~ A community-wide Hurricane Awareness Program and Response Plan shall be prepared with a copy delivered to the Emergency Management Director. The plan shall address the following:

- Community Information Program
- Evacuation Plan
- Property Preparation to include the Marina and boaters
- Community Emergency Communication System
 - Agency Coordination/Situation Updates
- Community emergency Response Team (CERT) Training
- Private Security

~~h. In areas where the 100-year floodplain elevation is above existing ground elevations, the Developer will build the habitable structures above the required flood elevation and may utilize, but is not limited to, conventional slab-on-grade, piling construction and reinforced stem wall construction.~~

~~i. The Developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil, where practical. Bridges shall be used instead of culverts where practical.~~

~~jj. A maximum of 733 dwelling units ("DUs") shall be permitted in the Coastal High Hazard Area of the West Village. Development within the 65.8-acre Coastal High Hazard incorporated into the Harborview Development of Regional Impact ("DRI") by Resolution 2006-093 and which carries the Mixed Use designation on the Future Land Use Map, shall allow a maximum of 157 residential DUs, and a maximum of 773 DUs shall be permitted in the CHHA of the East Village.~~

~~k. The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to reduce the heat island effect. These materials shall be pervious where practical.~~

13. SOLID/HAZARDOUS/MEDICAL WASTE

- a. All residential units and business shall participate and cooperate with any recycling programs developed by Charlotte County.
- b. Any business located within the Harborview DRI that handles bio-hazardous or hazardous materials will be required to coordinate with a licensed bio-hazardous waste hauler consistent with State law.
- c. The Developer will coordinate with Charlotte County and contracted waste haulers and implement recycling efforts to minimize the solid waste stream.
- d. Hazardous materials and waste are regulated by 40 CFR 260-266 and are adopted by reference by the State of Florida. Responsibility and liability for the handling, storing, and use of hazardous materials rests with the person or entity handling, storing or using the material.
- e. The solid waste demands of the project will be incorporated into the county solid waste management program. The Developer will explore possibilities of extending the life of the county landfill by reducing the solid waste volumes by incorporating practices such as conservation, recycling, trash compaction and mechanical shredding.
- f. Any business within the DRI that generates hazardous waste shall be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. There shall be no siting of hazardous waste storage facilities contrary to Charlotte County zoning regulations.
- g. Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.
- h. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.
- i. The Developer will consider source recycling of construction materials to reduce the amount of construction materials that will be deposited in the landfill, including the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.

j. There shall be no discharge of medical waste from medical facilities into the sewage systems.

k. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

l. Prior to construction of any facility that will generate medical or hazardous waste, the Developer shall identify medical and hazardous waste transporters that have been identified to serve the facility.

14. RECREATION AND OPEN SPACE

a. The Harborview DRI is projected to contain a population of 6,410 full-time equivalent residents at buildout. The Harborview DRI will provide a minimum of 38.46 acres of Active/Multipurpose park acreage as required by the Charlotte County Comprehensive Plan. Such park acreage may be comprised of any mix of mini (sub-neighborhood) parks, neighborhood parks and special purpose facilities which are defined as follows:

- Mini (sub-neighborhood) parks: A small park designed to serve up to 2,500 residents within a 2- to 3-block radius. Typically included are a playground, benches and open space, and possibly picnic tables.
- Neighborhood parks: A modest sized park usually with play equipment, sports fields, paved courts, open area, picnic area and possible recreation buildings, designed to serve up to 5,000 residents within a ½ mile service radius.
- Special purpose facilities: Boat ramps, fishing piers, and other miscellaneous properties used for outdoor recreation.

At a minimum, the Harborview DRI will contain one (1) mini park in North Village, and one (1) mini park in West Village, and two (2) mini parks or one neighborhood park in East Village ~~(one (1) east of the relocated Discovery Drive and one (1) west of the relocated Discovery Drive).~~

b. Parks and special purpose facilities within the Harborview DRI may be either public or private.

c. Parks may be maintained by a validly created homeowners association or by a Community Development District or by Charlotte County, if accepted for maintenance by the County.

d. _____

~~Public space in mixed residential/commercial areas in the East Village may be counted toward acreage requirements if designed with sufficient size and recreational opportunities.~~

f. _____ ~~The proposed Marina shall be classified as a special purpose facility and may be counted toward acreage requirements.~~

g. _____ ~~The proposed Marina shall have a walkway system constructed around its entire perimeter, open to use by the public.~~

h. The developer shall erect an historical marker in a public location recognizing the ranch and the ranch family that formerly utilized the lands within the Harborview DRI.

i. ~~The conveyance of the Saltwater Marsh to a governmental body or agency or to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for recreational or open space use, protecting natural resources, or maintaining or enhancing air or water quality, exceeds the adopted Level of Service Standard required by the Comprehensive Plan for Environmental Parks. No further commitment for land for environmental parks shall be required.~~

j. ~~The Green Zone, as depicted on the Concept Plan shall be maintained as open space and may include pervious trails, picnic tables, park benches, or gazebos. Maintenance shall be provided by a lawfully created master homeowner association or community development district.~~

15. LAND USE

a. The Harborview DRI shall be developed in substantial accordance with the Master Development Plan (Map H, as amended), including the development parameters and the development criteria as detailed on that plan.

b. The development of Harborview DRI shall be as follows:

Project Summary

Area	653 acres
Residential Uses	
Single Family	245 units <u>(see conversion matrix below)</u>
Multi-Family	3,614 units
Total residential	3,859 units
Commercial Uses	655,000 s.f.
Office Uses	50,000 s.f.
Hotel Uses	350 rooms
Marina Uses	
Wet boat Docks	
<u>Exempt single family slips</u>	<u>260</u> <u>20</u>
<u>Dry boat slips</u>	<u>192</u>

c.

Residential Land Uses in section 15.b may increase or decrease using the Residential Land Use Equivalency Matrix below:

Residential Land Use Equivalency Matrix

FROM	Trip Generated By	ITE Code	PM Peak Hour Trip Rate		TO			
					Single-Family Detached Housing (DU)	Single-Family Attached Housing (DU)	Multifamily Housing (Low Rise) (DU)	Multifamily Housing (Mid-Rise) (DU)
	1 DU Single-Family Detached	210	0.94	is equal to	1.00	1.65	1.84	2.41
	1 DU Single-Family Attached Housing	215	0.57	is equal to	0.61	1.00	1.12	1.46
	1 DU Multifamily Housing (Low-Rise)	220	0.51	is equal to	0.54	0.89	1.00	1.31
	1 DU Multifamily Housing (Mid-Rise)	221	0.39	is equal to	0.41	0.68	0.76	1.00

Notes:

- Equivalency Matrix is based on trip rates published in the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition.
- DU = dwelling unit

- Example (Convert Low Rise Apartment to Single-Family Detached): 100 DU Low-Rise Apartment = 100 x 0.54 = 54 DU Single-Family Detached
- Residential land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.

d. Non-residential Land uses approved by this Development Order may be increased in one land use category and concurrently reduced in another land use category, as more specifically described in the Land Use Equivalency Matrix ("Matrix") provided in **Exhibit "B."** The Matrix will allow for any number of changes to the non-residential totals described above in Paragraph A of the Findings of Fact and Conclusions of Law, while ensuring that the currently approved impacts of the project are not adversely exceeded. Any land use exchange ~~made pursuant shall require an amendment to the Matrix shall not exceed the substantial deviation thresholds as non-residential intensities~~ set forth in ~~380.06(19)(b), Florida Statutes (2009).~~Charlotte County's comprehensive plan.

de. Cattle grazing is permitted on the East Village property only. Such grazing will be discontinued upon application to Charlotte County for the first building permit for any phase within East Village.

ef. Map H shows the location of an easement that has been granted to the Peace River Regional Water Authority ("Authority") for construction of a pipe to interconnect the Authority's water system to the City of Punta Gorda's water system. A portion of this easement is located within the areas depicted for wildlife preservation on Map H. The Authority shall be permitted to manage and maintain such easement area pursuant to the terms of its recorded easement, including, but not limited to, prohibiting the planting of trees within the easement area.

fg. At the time of the first Final PD Site Plan Review submittal, the Developer shall submit a "Permit Tracking Chart." Once approved by the Charlotte County Growth Management Department, this chart will be submitted with each subsequent Final PD Site Plan Review submittal to be used by Charlotte County staff to ensure adequate monitoring of the variable commercial/office square footage and the number of residential units by type, the mix of housing types and their neighborhood location.

16. HISTORICAL AND ARCHEOLOGICAL SITES

- a. If any archeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), the Southwest Florida Regional Planning Commission and Charlotte County so that a state-certified archeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

17. GENERAL PROVISIONS

a. The Developer shall submit a DRIbiennial report on Form RPM-BSP Annual Report every two years from the effective date of this Development Order to Charlotte County, ~~the Southwest Florida Regional Planning Council, the Florida Department of Communities Affairs and all affected permit agencies as required in Subsection 380.06(18), Florida Statutes and by the County code Section 9J-3-9-10.2.025(7)B-6, F.A.C. as amended.~~ Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI development order. The Developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order of this reporting requirement.

b. ~~The project shall be completed in one phase. If Development Order conditions and Developer commitments incorporated within the Development Order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order, then this shall be presumed to be a substantial deviation for the affected regional issue, which presumption may be rebutted.~~

c. ~~If it is demonstrated during the course of monitoring the development, that substantial changes in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided the Developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred pursuant to Section 380.06(19), Florida Statutes.~~

d. ~~Pursuant to Chapter 380.06(16b).~~ Pursuant to Chapter 380.06(5), Florida Statutes, the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions (including mobility fees) to meet the same needs. The local government and the Developer may enter into a capital contribution front-ending agreement to reimburse the Developer for voluntary contributions in excess of the fair share.

ec. The Developer will comply with all applicable local codes, ordinances and regulations of Charlotte County to the extent not inconsistent with this Development Order.

fd. Nothing in this Development Order shall preclude or exempt the development from participating in any duly established MSTU, MSBU or Community Development District for the purpose of providing infrastructure and services.

ge. The Developer, and its successors or assigns, shall be bound by all conditions of this Development Order in perpetuity unless the DRI is abandoned pursuant to Section 380.06(~~26~~11), Fla. Stat., as amended.

hf. The Developer, in its normal course of business, may from time to time transfer ownership of land and/or lots within the DRI to builders or other developers. It is understood that successors in interest shall assume the same liability that the Developer has under this Development Order.

18. FURTHER RESOLUTIONS

a. The County Administrator or his designee shall be the local official responsible for assuring compliance with this Development Order.

b. Wherever the term "Developer" is used herein to refer to a condition or requirement which must be completed, the term shall include any successors or assigns or management entity hereinafter succeeding to the rights or obligations under this Development Order.

c. ~~Pursuant to Section 380.06(15)(c) 3,~~ Charlotte County agrees that the Harborview Development Order shall not be subject to down zoning, unit density reduction or intensity reduction until ~~September~~, 2020December 31, 2035, unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the development was based on substantially inaccurate information provided by the Developer or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

d. Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by Charlotte County, after due notice and hearing, that one or more of the following is present:

- (1) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council in which case Charlotte County shall take the appropriate action which may include ordering that an amendment to the DRI be filed before any further development may continue; or
- (2) An expiration of the period of effectiveness of this development order as provided herein, in which case Charlotte County shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

~~e. A certified copy of this resolution shall be forwarded to the Southwest Florida Regional Planning Council and to the Florida Department of Community Affairs.~~

e. In the event that any provision of this resolution is found to be inconsistent with or prohibited by Florida state law or is preempted by it, such provision shall be deemed null and void to the extent of such inconsistency, prohibition,

or preemption. However, the remaining provisions of this resolution shall remain valid and enforceable to the fullest extent permitted by law.

f. In the event any term(s) of any other resolution with respect to this Harborview DRI Development Order conflict with any term(s) of the within resolution, the terms of this resolution shall govern and supersede those conflicting terms.

g. This ~~resolution~~development order shall become effective ~~immediately upon its adoption~~as provided by law.

h. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution to 1) the Developer, 2) ~~Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and to 3) Daniel L. Trescott, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901~~and to 2) the State Land Planning Agency.

PASSED AND DULY ADOPTED this _____ day of _____, 20102024.

Board of County Commissioners
~~Of~~of Charlotte County, Florida

By: _____
~~Robert J. Starr~~Bill Truex, Chairman

Attest:

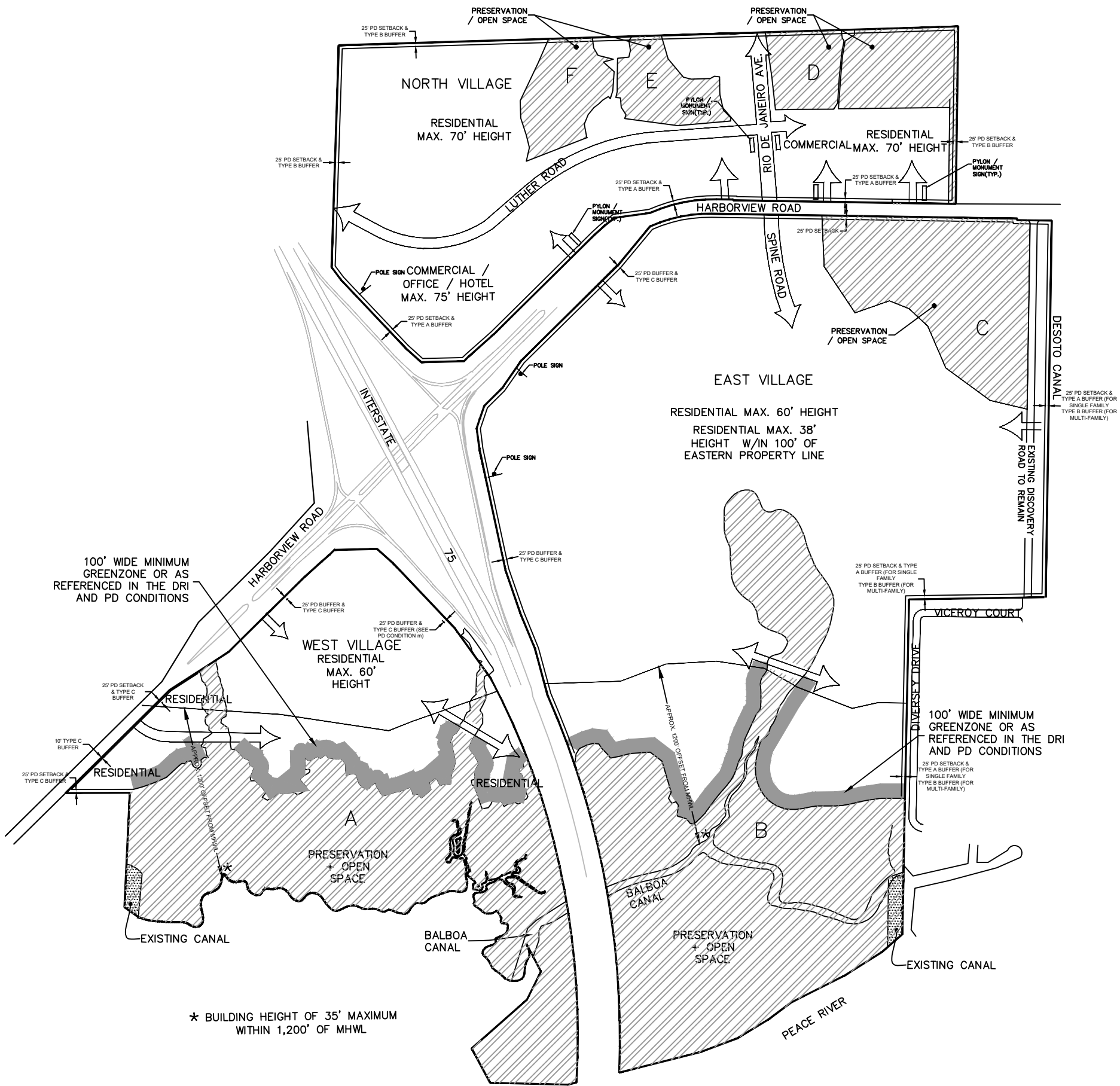
~~Barbara T. Scott~~Roger D. Eaton, Clerk of Circuit Court
and Ex-Officio Clerk of the Board of
County Commissioners

By: _____
Deputy Clerk

Approved as to form and legal
sufficiency:

By: _____
Janette K. Knowlton, County Attorney

DRI MAP H



SITE DATA	
PROJECT LAND USE	
PROJECT AREA	+/- 653 ACRES
NORTH VILLAGE AREA	+/- 159 ACRES
EAST VILLAGE AREA	+/- 368 ACRES
WEST VILLAGE AREA	+/- 126 ACRES
OPEN SPACE	20% MIN. (REQUIRED)
TOTAL PRESERVATION OPEN SPACE = +/- 226.55 ACRES (34.7%) (PROVIDED)	
PROJECT LAND USE	
RESIDENTIAL UNITS:	3,859 UNITS (SUBJECT TO CONVERSION MATRIX)
3,859 UNITS / +/- 564 ACRES = 6.80 DU / ACRE	
COMMERCIAL / OFFICE SQUARE FOOTAGE	
COMMERCIAL	655,000 SF
OFFICE	50,000 SF
TOTAL	705,000 SF
WETLAND PRESERVE 'A'	= 75.36 AC
WETLAND PRESERVE 'B'	= 89.98 AC
SCRUB JAY PRESERVE 'C'	= 28.57 AC
SCRUB JAY PRESERVE 'D'	= 16.88 AC
SCRUB JAY PRESERVE 'E'	= 7.18 AC
SCRUB JAY PRESERVE 'F'	= 8.58 AC

- NOTES:**
- Wetland lines are preliminary and subject to jurisdictional determination.
 - More details on environmental protection are shown on Map F-1.

HARBORVIEW
A DEVELOPMENT OF REGIONAL IMPACT

APPLICANTS REPRESENTATIVE:
BENDERSON DEVELOPMENT CO, LLC
7978 COOPER CREEK BLVD
UNIVERSITY PARK, FLORIDA 34201
(941) 359-8303

ENGINEER:
WRA ENGINEERING
7978 COOPER CREEK BLVD, SUITE 102
UNIVERSITY PARK, FLORIDA 34201
(941) 358 - 3824

MASTER DEVELOPMENT PLAN	
DATE: 11/22	SCALE: 1"=300'
MAP	
H	
Date	Revision

DRI WILDLIFE UTILIZATION MAP

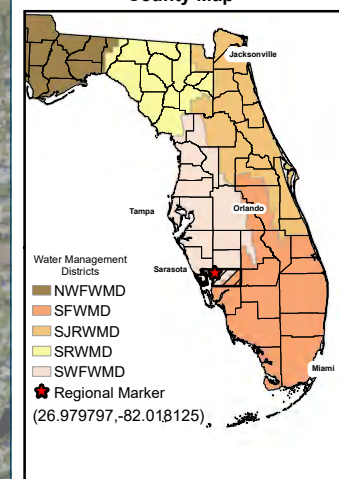


4260 West Linebaugh Avenue
Tampa, FL 33624 (813)-265-3130
7978 Cooper Creek Blvd, Ste 102
University Park, FL 34201 (941)-358-3824
www.wraengineering.com

Engineering - Environmental Science- Water Resource-Survey
Water Resource Associates, LLC.

- Project Boundary (648.84 ac.)
- OSW (DRI) (24.51 ac.)
- Wetland (DRI) (169.28 ac.)
- Green Zone (17.29 ac.)
- Preservation Area (150.65 ac.)
- Type 2 Habitat: Refer to the Scrub/Saltwater wetland habitat conservation plan that will be provided at the time of site construction permitting.

County Map



S: 20,21,28, &29 T: 40S R: 23E

Notes:
Project Boundary obtained from Charlotte County Property Appraiser.
2022 aerals obtained from ESRI.



1 inch = 1,000 feet

0 245 490 980 1,470 Feet

Client: Benderson

Project Name: Harborview

Charlotte County, FL

File Name: Map F-1

Original Date: 3/26/2024

GIS Operator:
RJ

Job Number:
8041

Revision Date:

*Preliminary wetland line depicted is for planning purposes only.
The final wetland line is to be verified by permitting agencies.
**50% of Florida Scrub Jay Habitat is allowed for impact.

AERIAL MAP



Copyright RVI



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Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

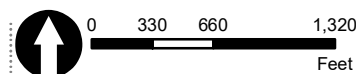
HARBORVIEW CPA/PD • AERIAL MAP

📍 Charlotte County, FL  Subject Boundary

📅 Date: 5/12/2022

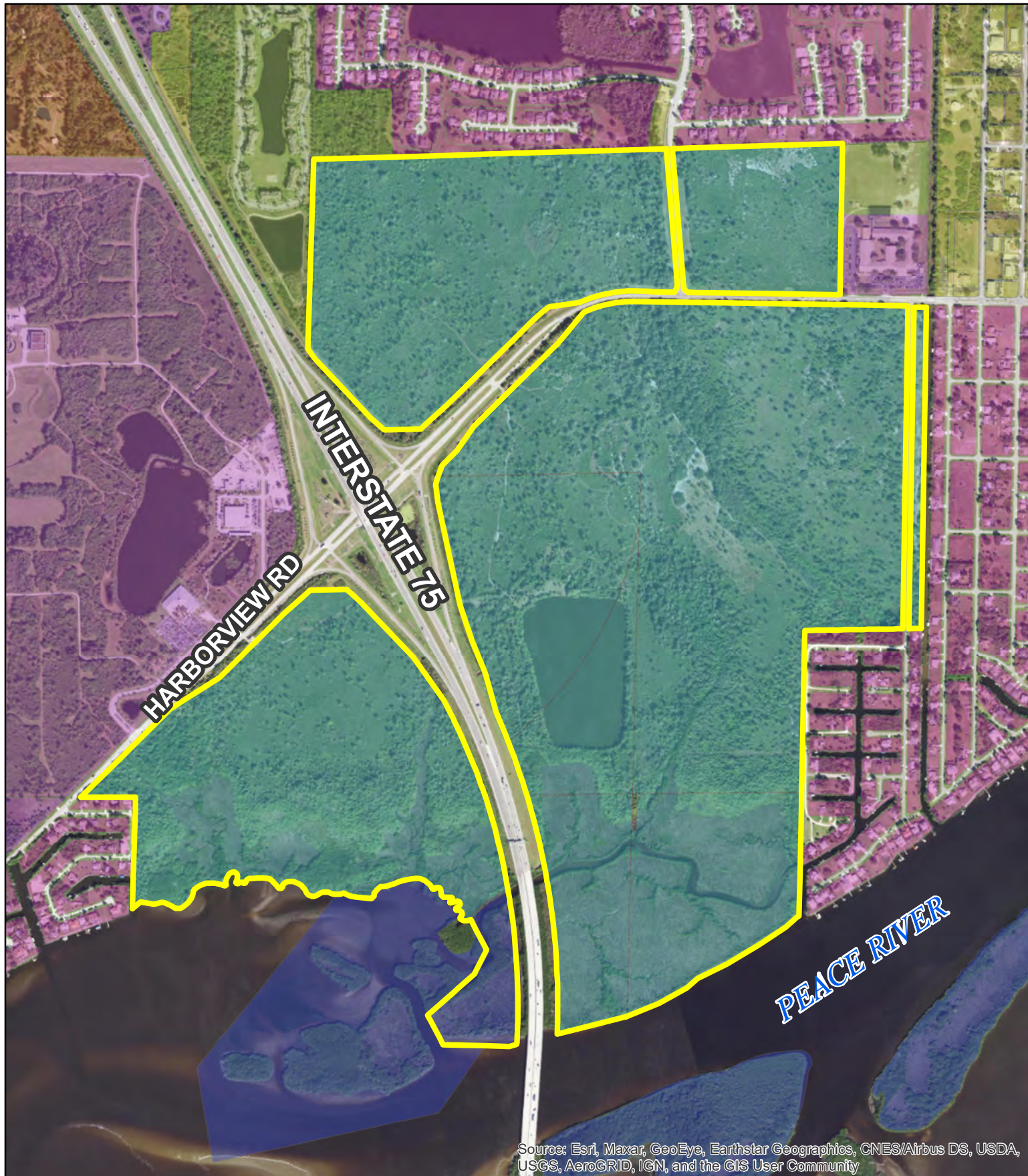
22001360

👤 Benderson Group



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

FUTURE LAND USE AND ZONING MAPS



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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HARBORVIEW CPA/PD • FUTURE LAND USE MAP

📍 Charlotte County, FL

📅 Date: 5/12/2022


22001360

👤 Benderson Group

 Subject Boundary

 Agriculture

 Commercial

 DRI Mixed Use

 High Density Residential

 Low Density Residential

 Medium Density Residential

 Preservation

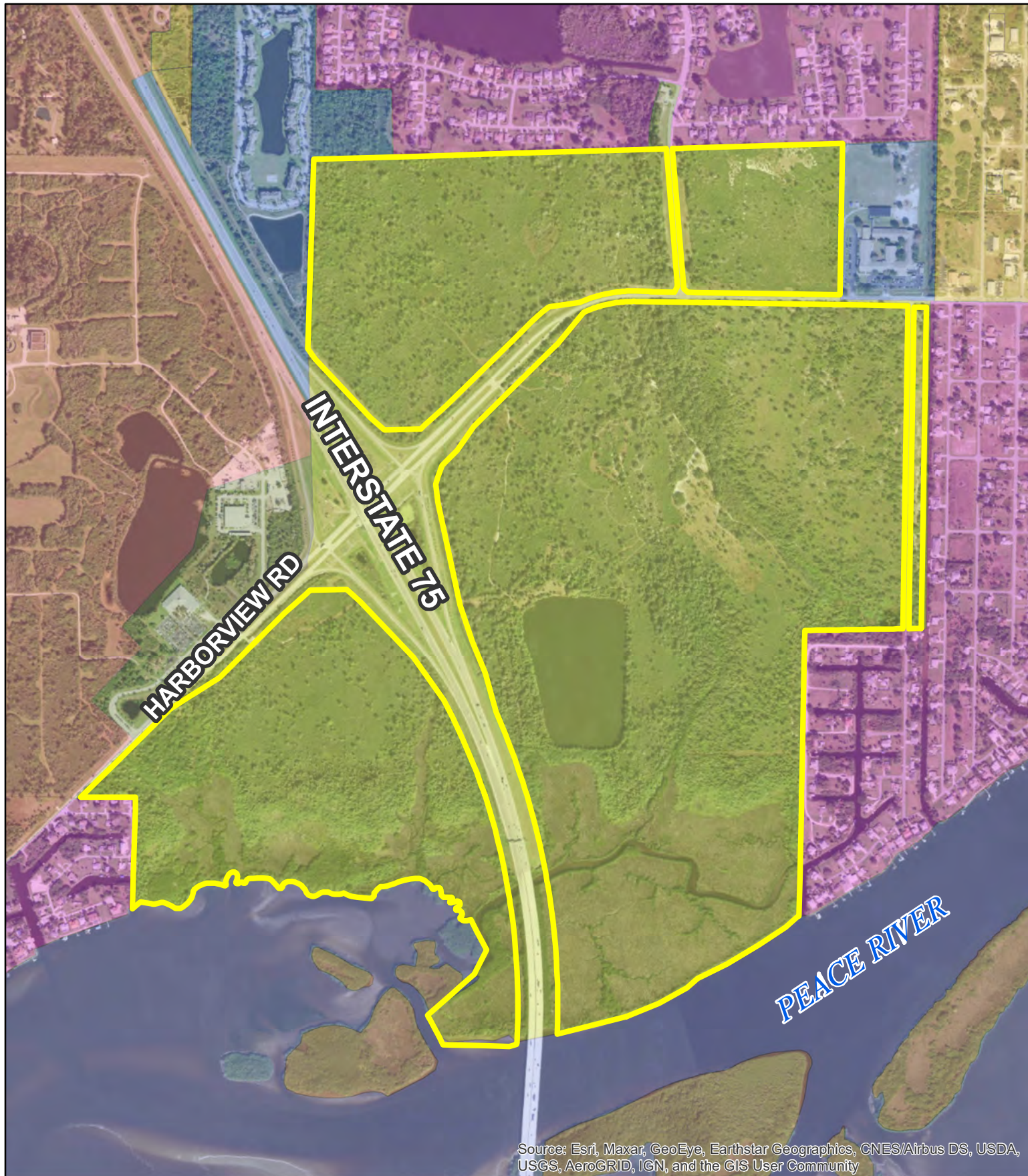
 Public Lands & Facilities

 Rural Estate Residential



0 330 660 1,320
Feet

Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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

HARBORVIEW CPA/PD • ZONING MAP






📍 Charlotte County, FL

📅 Date: 5/12/2022

22001360

👤 Benderson Group

	Subject Boundary
	CG
	ES

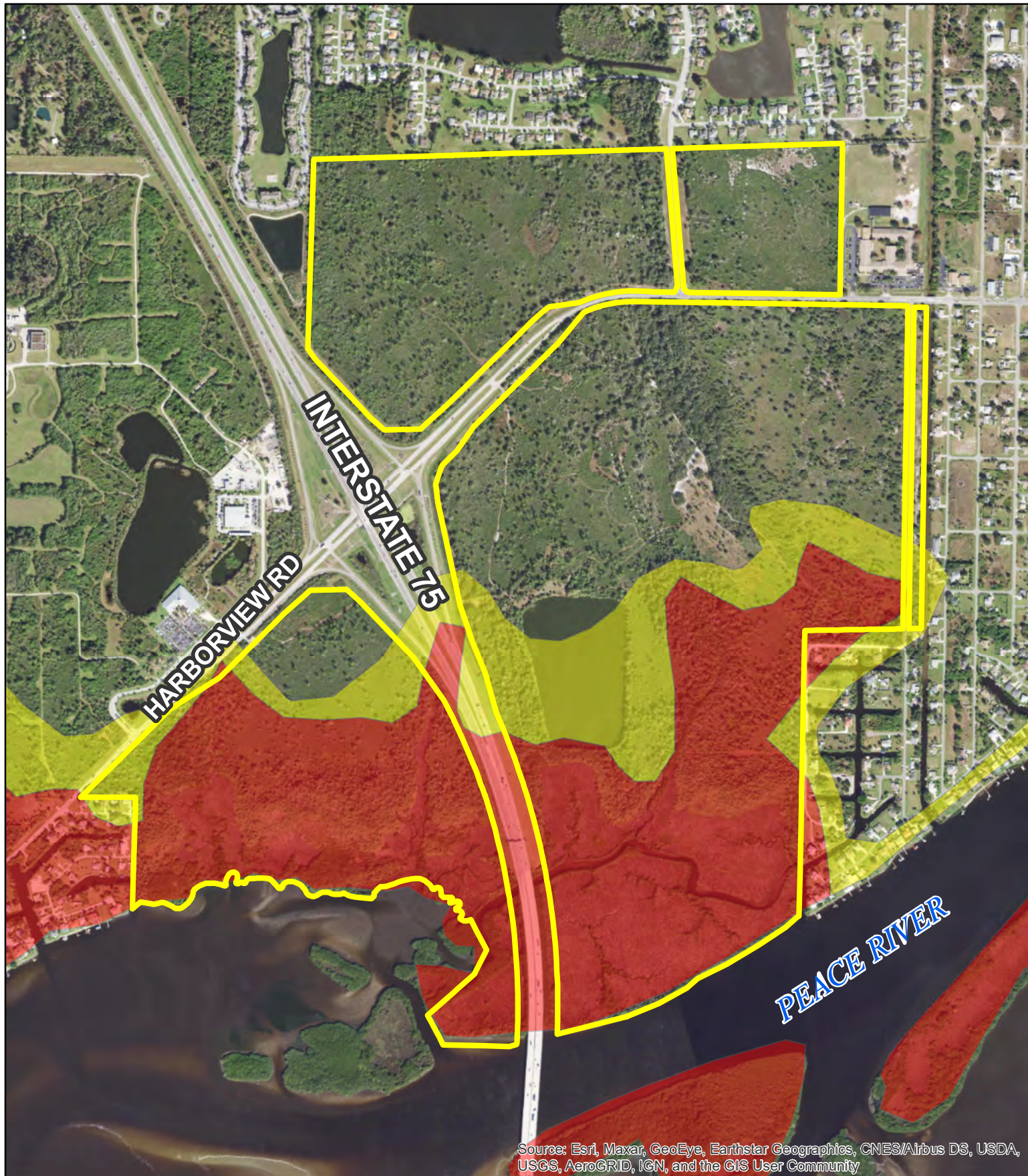
	OMI		RE1
	PD		RMF10
	PKR		RSF3.5



0 330 660 1,320
Feet

Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

COASTAL HIGH HAZARD MAP



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HARBORVIEW CPA/PD • COASTAL HIGH HAZARD MAP

📍 Charlotte County, FL

📅 Date: 7/14/2022

22001360

👤 Benderson Group



Subject Boundary



Category 1



Tropical



0 330 660 1,320
Feet

Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

SURVEYS

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

[illegible]

SURVEY NOTES:

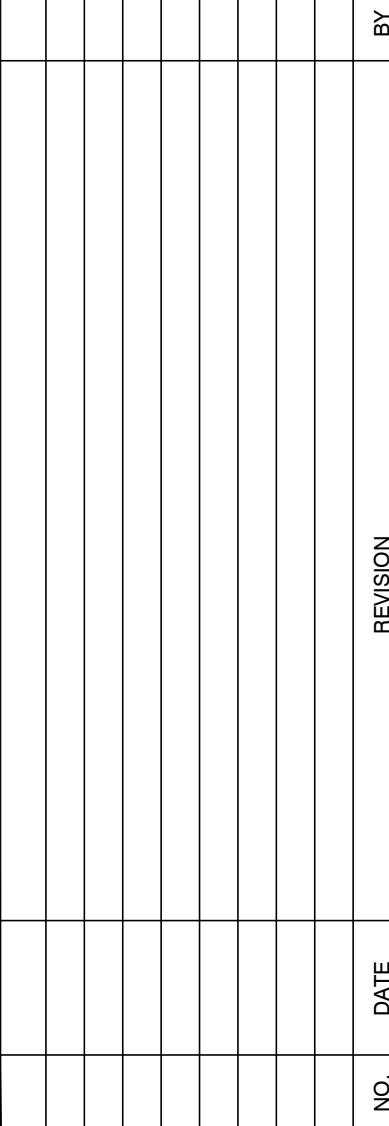
- CERTIFICATIONS:**

TO:

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 7, 8, 9, 11, 13, 14 and 20 of Table A thereof. The fieldwork was completed on January 20th, 2022.

Date of Plat or Map: January 20th, 2022

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

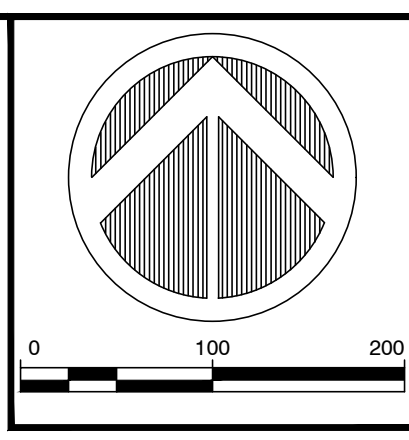

























Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21, TOWNSHIP 40S, RANGE 23E

1 of 7

DRAWN BY
MW



SURVEY LEGEND		SURVEY ABBREVIATIONS	
	FOUND NAIL & DISK	P.O.C.	POINT OF COMMENCEMENT
	FOUND IRON ROD & CAP	P.O.B.	POINT OF BEGINNING
	SET 5/8" IRON ROD & CAP (LB 2610)	INSTR#	INSTRUMENT NUMBER
	SET NAIL & DISK (LB 2610)	P.B.	PLAT BOOK
	FIRE HYDRANT	O.R.	OFFICIAL RECORDS BOOK
	WATER VALVE	PG.	PAGE
	FIRE VALVE	(P)	DENOTES PLAT
	ELECTRIC BOX	(M)	DENOTES MEASURED
	LIGHT POLE	(D)	DENOTES DEED
	CENTERLINE	D.E.	DRAINAGE EASEMENT
	CATCH BASIN	P.U.E.	PUBLIC UTILITY EASEMENT
	STORM MANHOLE	EOP	EDGE OF PAVEMENT
	SANITARY MANHOLE	R/W	RIGHT OF WAY
	WOOD POWER POLE	EL	ELEVATION
	GUY ANCHOR	TOB	TOP OF BANK
	WATER METER	TOE	TOE OF SLOPE
	VAULT BOX	EOW	EDGE OF WATER
	WATER MANHOLE	MES	MITERED END SECTION
	UTILITY RISER	CMC	CORRUGATED METAL PIPE
	WETLAND FLAG	RCP	REINFORCED CONCRETE PIPE
	AIR RELEASE VALVE	PVC	POLYVINYL CHLORIDE PIPE
	CONC. OR METAL POWER POLE	INV	INVERT
	MITERED END SECTION	1.E	INVERT ELEVATION
		G.E.	GRATE ELEVATION

[illegible]

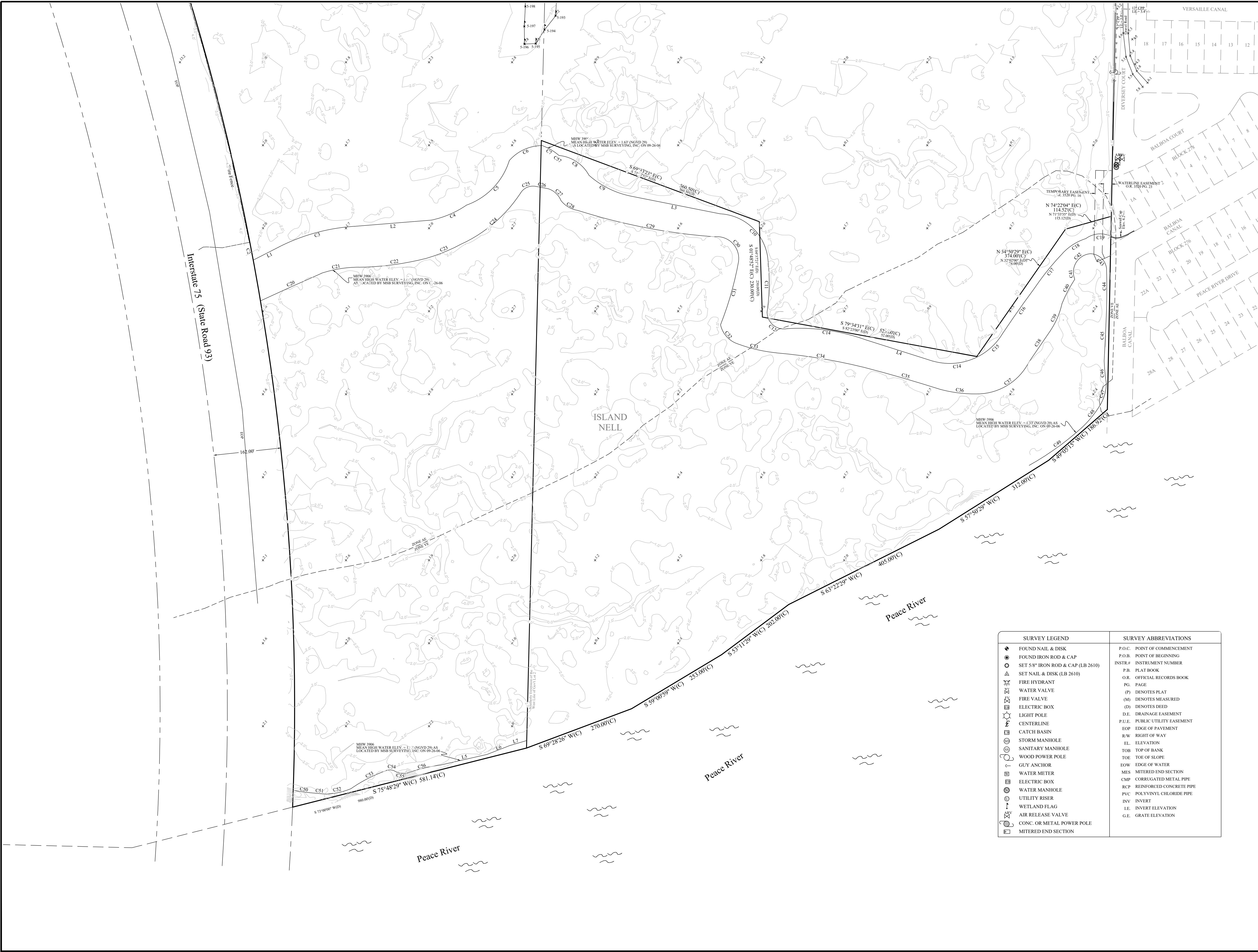
Boundary and Topographic Survey
26799 & 23699 Harborview Drive
lying in Section 21&28, Township 41 South, Range
23 East, Charlotte County, Florida.

SECTION 21, TOWNSHIP 40S, RANGE 23E
Prepared for: Taylor Morrison of Florida, Inc.

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

3 of 7

DRAWN BY
MW



SURVEY LEGEND	SURVEY ABBREVIATIONS
FOUND NAIL & DISK	P.O.C. POINT OF COMMENCEMENT
FOUND IRON ROD & CAP	P.O.B. POINT OF BEGINNING
SET 5/8" IRON ROD & CAP (LB 2610)	INSTR# INSTRUMENT NUMBER
SET NAIL & DISK (LB 2610)	P.B. PLAT BOOK
FIRE HYDRANT	O.R. OFFICIAL RECORDS BOOK
WATER VALVE	P.G. PAGE
FIRE VALVE	(P) DENOTES PLAT
ELECTRIC BOX	(M) DENOTES MEASURED
LIGHT POLE	(D) DENOTES DEED
CENTERLINE	D.E. DRAINAGE EASEMENT
CATCH BASIN	P.U.E. PUBLIC UTILITY EASEMENT
STORM MANHOLE	EOP. EDGE OF PAVEMENT
SANITARY MANHOLE	R/W. RIGHT OF WAY
WOOD POWER POLE	EL. ELEVATION
GUY ANCHOR	T.O.B. TOP OF BANK
WATER METER	T.O.E. TOE OF SLOPE
ELECTRIC BOX	E.O.W. EDGE OF WATER
WATER MANHOLE	M.E.S. MITERED END SECTION
UTILITY RISER	C.M.P. CORRUGATED METAL PIPE
WETLAND FLAG	R.C.P. REINFORCED CONCRETE PIPE
AIR RELEASE VALVE	P.V.C. POLYVINYL CHLORIDE PIPE
CONC. OR METAL POWER POLE	INV. INVERT
MITERED END SECTION	I.E. INVERT ELEVATION
	G.E. GRATE ELEVATION

0 300 600

SECTION 21, TOWNSHIP 40S, RANGE 23E

Prepared for: Taylor Morrison of Florida, Inc.

Boundary and Topographic Survey
26799 & 25699 Harborview Drive
lying in Section 21 & 28, Township 41 South, Range
23 East, Charlotte County, Florida.

JOB NO: XXXX-XXX-XXX

FIELD BOOK: ???

DATE: MM/DD/YYYY

SCALE: AS SHOWN

6 of 7

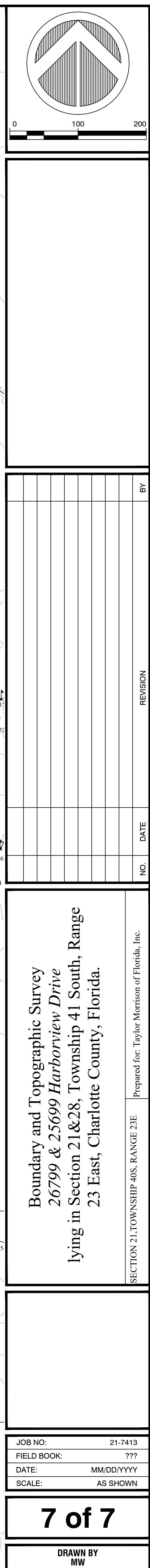
DRAWN BY
MW

NO.

DATE

REVISION

BY



BOUNDARY SURVEY

LEGAL DESCRIPTION: (AS PREPARED BY W.R.A. ENGINEERING)

PARCEL A

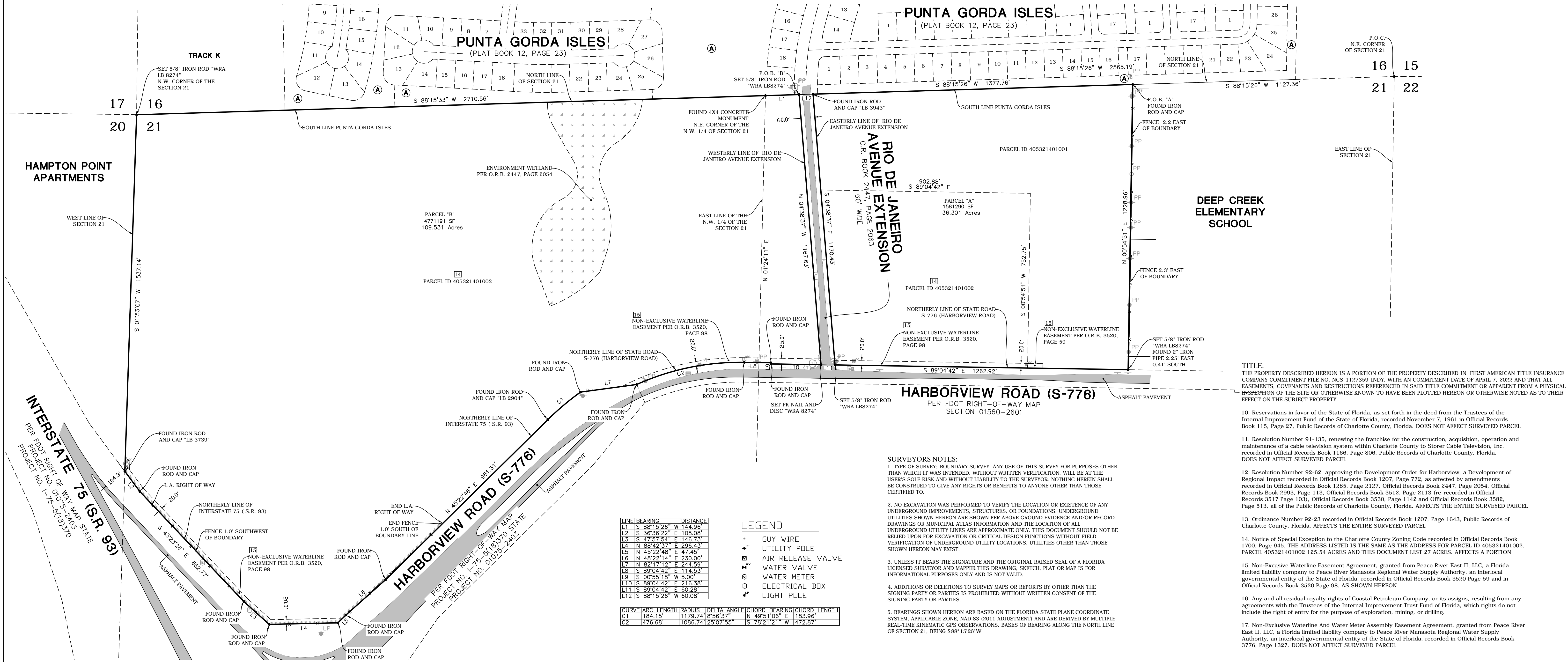
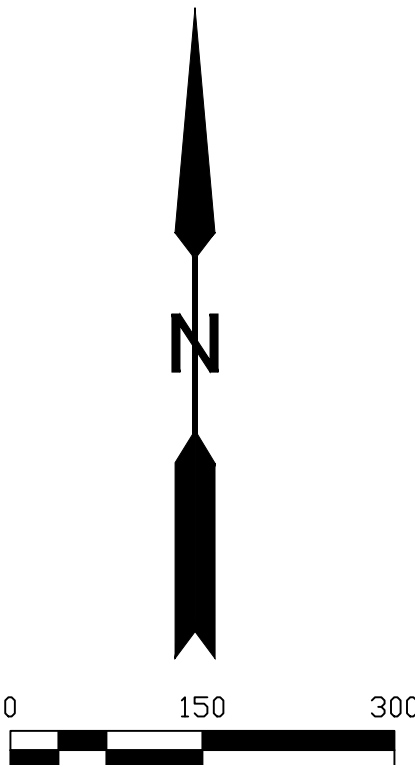
A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 1127.36' TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W, ALONG SAID NORTH LINE, A DISTANCE OF 1377.76' TO THE EASTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S 04°38'37" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1170.43' TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601.; THENCE S 89°04'42" E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1262.92'; THENCE N 00°54'51" E A DISTANCE OF 1228.96'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 1581290 SQUARE FEET, 36.301 ACRES

TOGETHER WITH
PARCEL B

A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 2565.19' TO THE WESTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W A DISTANCE OF 144.96' TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S 88°15'33" W, ALONG THE SAID NORTH LINE OF SAID SECTION 21, ALSO BEING THE SOUTH LINE OF SAID PUNTA GORDA ISLES, A DISTANCE OF 2710.56' TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S 01°53'07" W, ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1537.14' TO THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 75, (STATE ROAD NO. 93) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 01075-2403; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES: (1) THENCE S 36°36'22" E A DISTANCE OF 108.08'; (2) THENCE S 43°23'26" E A DISTANCE OF 652.77'; (3) THENCE S 47°57'54" E A DISTANCE OF 146.73'; (4) THENCE N 88°42'37" E A DISTANCE OF 296.43'; (5) THENCE N 45°22'48" E A DISTANCE OF 47.45'; (6) THENCE N 48°22'14" E A DISTANCE OF 230.00'; (7) THENCE N 45°22'48" E A DISTANCE OF 981.31'; (8) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 184.15', WITH A RADIUS OF 1170.74', WITH A CHORD BEARING OF N 49°51'06" E, WITH A CHORD LENGTH OF 183.96', WITH A DELTA ANGLE OF 08°56'37"; (9) THENCE N 82°17'12" E A DISTANCE OF 244.59' TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601.; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES: (1) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 476.68', WITH A RADIUS OF 1086.74', WITH A CHORD BEARING OF N 78°21'21" E, WITH A CHORD LENGTH OF 472.87', WITH A DELTA ANGLE OF 25°07'55"; (2) THENCE S 89°04'42" E A DISTANCE OF 114.53'; (3) THENCE S 00°55'18" W A DISTANCE OF 5.00'; (4) THENCE S 89°04'42" E A DISTANCE OF 216.38' TO THE WESTERLY RIGHT OF WAY LINE OF SAID RIO DE JANEIRO AVENUE EXTENSION; THENCE N 04°38'37" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1167.63'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 4771191 SQUARE FEET, 109.531 ACRES



TITLE:
THE PROPERTY DESCRIBED HEREON IS A PORTION OF THE PROPERTY DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NO. NCS-1127339-INDY, WITH AN COMMITMENT DATE OF APRIL 7, 2022 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE SITE OR OTHERWISE KNOWN TO HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

10. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded November 7, 1961 in Official Records Book 115, Page 27, Public Records of Charlotte County, Florida. DOES NOT AFFECT SURVEYED PARCEL

11. Resolution Number 91-135, renewing the franchise for the construction, acquisition, operation and maintenance of a cable television system within Charlotte County to Storier Cable Television, Inc. recorded in Official Records Book 1166, Page 806, Public Records of Charlotte County, Florida. DOES NOT AFFECT SURVEYED PARCEL

12. Resolution Number 92-62, approving the Development Order for Harborview, a Development of Regional Impact recorded in Official Records Book 1207, Page 772, as affected by amendments recorded in Official Records Book 1285, Page 2127, Official Records Book 2447, Page 2054, Official Records Book 2993, Page 113, Official Records Book 3512, Page 2113 (re-recorded in Official Records 3517 Page 103), Official Records Book 3530, Page 1142 and Official Records Book 3582, Page 513, all of the Public Records of Charlotte County, Florida. AFFECTS THE ENTIRE SURVEYED PARCEL

13. Ordinance Number 92-23 recorded in Official Records Book 1207, Page 1643, Public Records of Charlotte County, Florida. AFFECTS THE ENTIRE SURVEYED PARCEL

14. Notice of Special Exception to the Charlotte County Zoning Code recorded in Official Records Book 1700, Page 945, THE ADDRESS LISTED IS THE SAME AS THE ADDRESS FOR PARCEL ID 405321401002. PARCEL 405321401002 125.54 ACRES AND THIS DOCUMENT LIST 27 ACRES. AFFECTS A PORTION

15. Non-Exclusive Waterline Easement Agreement, granted from Peace River East II, LLC, a Florida limited liability company to Peace River Manasota Regional Water Supply Authority, an interlocal governmental entity of the State of Florida, recorded in Official Records Book 3520 Page 59 and in Official Records Book 3520 Page 98. AS SHOWN HEREON

16. Any and all residual royalty rights of Coastal Petroleum Company, or its assigns, resulting from any agreements with the Trustees of the Internal Improvement Trust Fund of Florida, which rights do not include the right of entry for the purpose of exploration, mining, or drilling.

17. Non-Exclusive Waterline And Water Meter Assembly Easement Agreement, granted from Peace River East II, LLC, a Florida limited liability company to Peace River Manasota Regional Water Supply Authority, an interlocal governmental entity of the State of Florida, recorded in Official Records Book 3776, Page 1327. DOES NOT AFFECT SURVEYED PARCEL

SURVEYORS NOTES:

1. TYPE OF SURVEY: BOUNDARY SURVEY. ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.

2. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.

3. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

5. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, APPLICABLE ZONE, NAD 83 (2011 ADJUSTMENT) AND ARE DERIVED BY MULTIPLE REAL-TIME KINEMATIC GPS OBSERVATIONS. BASES OF BEARING ALONG THE NORTH LINE OF SECTION 21, BEING S88°15'26" W

LINE	BEARING	DISTANCE
L1	S 88°15'26" W	1144.96
L2	S 36°36'22" E	108.08
L3	S 47°57'54" E	146.73
L4	N 88°42'37" E	296.43
L5	N 45°22'48" E	47.45
L6	N 48°22'14" E	230.00
L7	N 82°17'12" E	244.59
L8	S 89°04'42" E	114.53
L9	S 00°55'18" W	5.00
L10	S 89°04'42" E	216.38
L11	S 89°04'42" E	60.28
L12	S 88°15'26" W	160.08

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	184.15	1179.74	8°56'37"	N 49°51'06" E	183.96
C2	476.68	1086.74	25°07'55"	S 78°21'21" W	472.87

LEGEND

- GUY WIRE
- UTILITY POLE
- AIR RELEASE VALVE
- WATER VALVE
- WATER METER
- ELECTRICAL BOX
- LIGHT POLE

CERTIFY TO: (FOR THE EXCLUSIVE USE OF)

TITLE: BOUNDARY SURVEY
CLIENT: BENDERSON DEVELOPMENT

SECTION 21 TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.

ROBERT S. FLANARY, P.S.M.
FLORIDA SURVEYORS' REGISTRATION NO. 5677

NO.	REVISION	DATE	BY

WATER RESOURCE ASSOCIATES, LLC			
7978 Cooper Creek Blvd.			
University Park, Florida 34201			
Phone: 941.275.9721			
www.wraengineering.com LB 8274			
CADD File: HARBORVIEW BOUNDARY NEW.DWG		DRAWN BY: RSF	CHECKED BY: RSF
PROJ. NO.: S8041	Field Book: 65	FIELD DATE: 7-25-22	SCALE: 1"=200'

SHEET

1

OF 1

K:\Land\SEC 14-023 (Harberview Land)dwg\2022-07-01 Harberview Land.dwg

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Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	110.93	58.37	57.70	S 85°27'46" W	30°08'56"
C2	84.90	67.18	65.44	N 89°00'56" W	45°20'11"
C3	412.89	78.89	78.87	N 62°28'18" W	10°57'55"
C4	68.86	52.79	51.51	S 89°57'14" W	43°55'39"
C5	225.99	107.59	106.34	S 48°11'57" W	27°16'05"
C6	131.31	55.59	55.18	N 18°30'59" E	24°13'14"
C7	44.75	37.63	36.53	N 29°03'22" E	48°10'41"
C8	189.72	162.92	157.96	S 73°29'44" W	49°12'08"
C9	743.25	67.43	67.48	N 77°04'38" W	6°44'42"
C10	9.73	23.90	18.33	S 35°38'10" W	140°45'26"
C11	105.26	93.80	90.73	N 22°11'41" E	51°03'33"
C12	15.38	68.27	68.13	N 81°42'20" W	110°28'20"
C13	72.11	59.13	57.49	N 07°11'31" E	46°59'05"
C14	13.38	39.50	39.50	N 61°48'00" W	169°08'33"
C15	26.98	31.28	29.56	S 83°33'00" W	66°26'03"
C16	15.19	28.21	24.33	S 82°31'09" W	106°25'26"
C17	15.65	47.79	43.99	S 46°20'09" W	76°02'11"
C18	835.59	148.54	148.34	N 89°45'30" W	10°11'06"
C19	20.38	45.98	36.83	N 74°57'14" E	129°15'57"
C20	45.35	54.73	51.06	S 43°30'47" E	68°31'15"
C21	141.93	182.04	169.82	N 64°21'27" W	73°29'23"
C22	61.95	127.27	106.04	N 78°27'19" W	117°42'28"
C23	98.24	100.48	96.16	S 83°53'33" W	58°36'15"
C24	150.23	114.95	112.17	N 89°31'21" W	43°50'31"
C25	230.17	115.46	114.24	N 72°02'09" W	28°44'24"
C26	29.57	38.12	36.01	N 44°19'19" E	75°01'09"
C27	207.77	37.79	37.74	S 40°08'15" W	10°25'18"
C28	408.73	118.35	117.63	S 77°45'02" W	21°57'33"
C29	473.42	205.89	205.89	S 78°13'46" W	24°55'04"
C30	159.56	132.50	128.73	S 52°58'35" E	47°34'50"
C31	12.90	31.43	25.15	N 81°12'17" W	129°33'34"
C32	26.68	57.87	47.29	N 75°12'10" W	124°29'11"
C33	29.45	38.34	35.69	S 51°03'37" E	74°35'56"
C34	13.54	32.95	25.30	N 24°29'44" W	141°24'24"
C35	22.04	61.37	43.38	S 37°10'09" E	159°33'04"
C36	9.98	25.75	19.18	N 16°40'38" W	147°51'32"
C37	30.10	38.12	35.88	S 16°02'02" E	136°50'19"
C38	12.14	17.66	16.14	N 14°50'08" E	83°19'32"
C39	74.00	99.57	92.23	S 89°34'41" W	77°05'49"
C40	139.37	12.53	51.14	S 28°33'11" W	21°08'37"
C41	446.10	150.46	149.75	S 48°52'59" W	19°19'30"
C42	5567.57	102.76	102.75	S 09°08'10" E	1°03'27"
C43	65.42	68.62	59.59	N 38°36'19" E	3°51'33"
C44	30.08	28.54	27.48	S 56°31'46" W	54°21'33"
C45	148.69	33.04	32.97	S 78°37'28" W	12°43'51"
C46	106.81	106.17	149.91	N 34°45'15" E	89°08'12"
C47	290.19	86.42	86.10	N 32°36'00" W	17°03'46"
C48	36.36	26.93	26.32	S 14°56'55" E	42°26'18"
C49	292.11	51.84	51.84	N 02°33'11" E	10°11'15"
C50	60.89	22.03	21.91	N 13°50'43" W	20°43'46"
C51	27.00	28.11	28.11	S 07°44'50" W	62°44'21"
C52	67.21	41.51	40.85	S 79°15'01" W	35°23'02"
C53	6.13	14.48	11.34	N 29°13'22" E	135°19'28"
C54	60.12	38.29	38.29	S 09°24'15" E	10°11'50"
C55	32.93	24.87	24.28	N 12°47'30" E	43°15'58"
C56	131.09	24.00	23.97	N 07°37'20" W	10°29'29"
C57	139.88	56.64	56.25	N 21°25'01" W	23°11'55"
C58	356.70	65.35	65.26	N 40°36'58" W	10°29'50"
C59	123.61	79.39	78.03	N 66°26'51" W	36°47'52"
C60	501.85	82.79	82.13	S 87°41'58" W	9°11'00"
C61	519.66	53.53	53.51	S 76°49'48" W	5°54'09"
C62	253.99	75.40	75.12	S 85°20'49" W	17°00'29"
C63	104.88	57.89	56.72	S 67°47'32" E	20°11'30"
C64	16.22	15.79	15.17	N 87°03'10" W	55°45'41"
C65	90.48	45.51	45.03	S 76°24'17" W	28°49'04"
C66	12.88	17.47	16.16	N 69°24'15" E	77°42'24"
C67	31.47	34.21	32.55	S 77°56'25" W	62°17'02"
C68	25.79	26.64	25.47	S 30°40'03" E	59°10'51"
C69	4.17	12.52	12.32	S 87°41'58" W	12°03'45"
C70	86.29	51.29	50.54	S 50°35'53" W	34°03'26"
C71	112.41	150.12	139.21	N 78°12'40" W	6°30'59"
C72	32.67	20.91	20.85	S 51°55'42" W	36°59'48"
C73	7.72	23.47	15.42	S 22°03'20" E	174°10'01"
C74	40.84	38.92	35.98	S 61°38'32" E	1°16'17"
C75	5567.57	43.52	43.52	N 03°04'57" E	0°26'52"

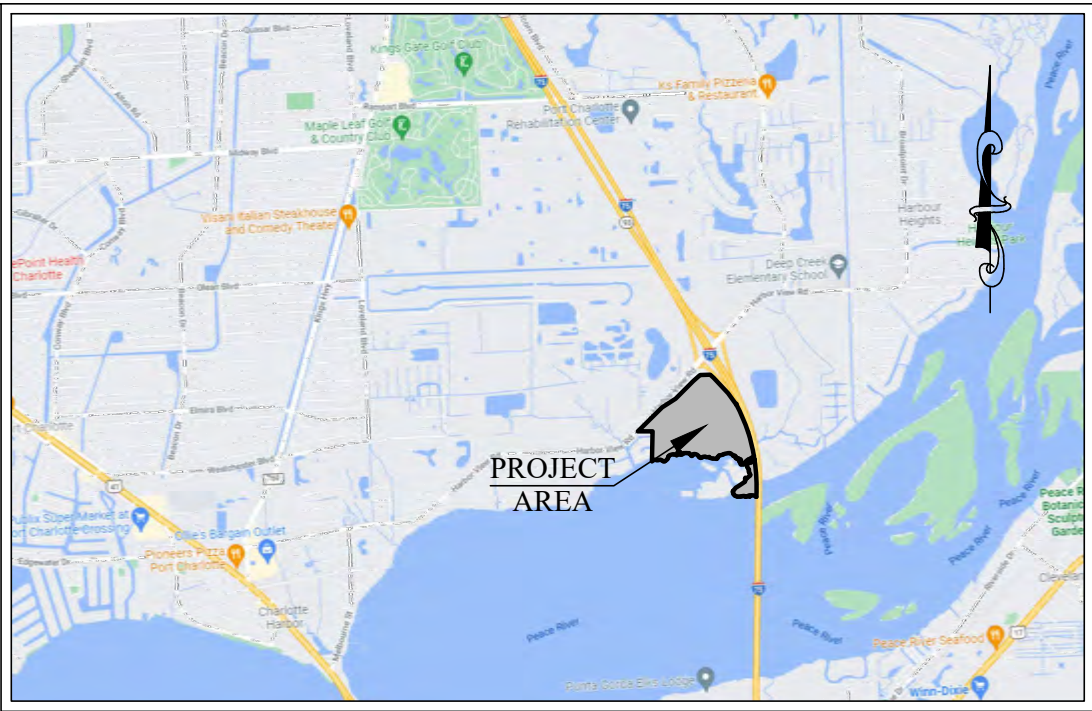
All Dimensions shown are calculate unless otherwise noted(R)

Line Table

LINE	BEARING	DISTANCE
L1	S 50°02'32" W	68.62
L2	S 50°01'02" W	18.26
L3	N 79°09'23" W	86.56
L4	N 42°25'54" W	76.55
L5	N 83°14'53" W	110.66
L6	S 06°28'20" W	17.77
L7	S 48°46'50" W	35.21
L8	N 07°52'21" W	17.97
L9	N 89°55'49" W	49.36
L10	N 60°05'05" E	14.66
L11	S 73°26'24" W	40.39
L12	N 54°22'57" E	29.73
L13	N 33°53'14" W	184.85
L14	S 59°53'57" W	184.85
L15	N 33°57'17" E	60.63
L15(R)	N 53°53'57" E	60.93
L16	N 28°59'18" W	68.03
L17	N 50°51'40" E	132.95
L18	N 56°11'09" E	125.78
L19	N 60°52'01" E	80.92
L20	N 38°02'12" E	124.25

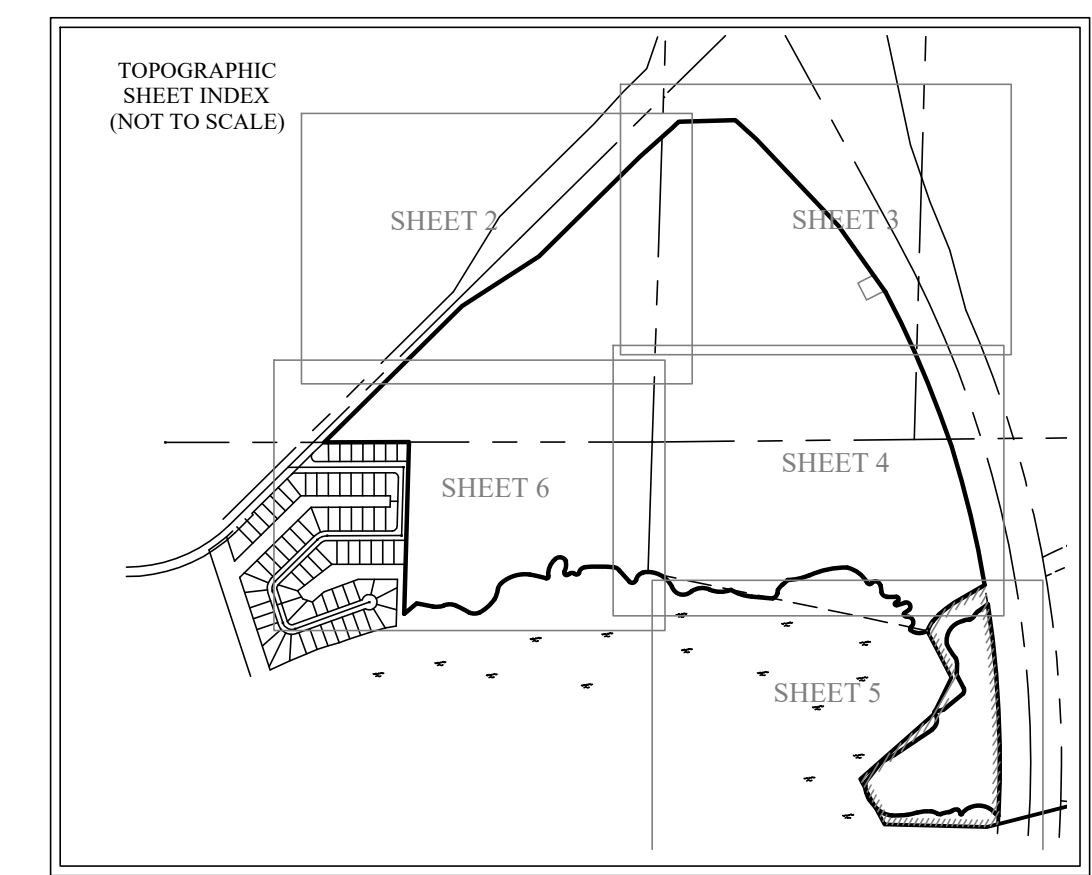
All Dimensions shown are calculate unless otherwise noted(R)

VICINITY MAP (NOT TO SCALE)



SURVEY NOTES:

- MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
- ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88) AND BASED ON CHARLOTTE COUNTY SURVEY DEPARTMENT BENCHMARK (EPC 006) (HAVING A POSTED ELEVATION OF 13.17' (N.G.V.D. 29) AND USING A CONVERSION FACTOR OF 1.132
- THE NATIONAL FLOOD INSURANCE INFORMATION: COMMUNITY NUMBER: 120061 PANEL NUMBER: 12071 C 0232 SUFFIX: F EFFECTIVE DATE: 05/05/2003 FIRM ZONE: AE AND VE BASE FLOOD ELEVATION: 9' (N.G.V.D.29) (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
- DATE OF LAST FIELD WORK: JUNE 7TH, 2022
- RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
- ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
- BEARINGS AND COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (PPRN).
- NO CEMETERIES, NO HISTORICAL MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.
- AFTER REVIEWING ALL 496 PAGES OF THAT PORTION OF OUR DESCRIPTION THAT SAYS "ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITH EXEMPT ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA," NO SUCH LANDS WERE FOUND.



SOUTH QUARTER CORNER SECTION 21

Found 5/8" Rebar "No ID"

Found 4"x4" Conc. Mon. "No ID 0.35N, 0.25E"

Found 3/4" Pipe "LB 3969" 0.04N, 0.42E

Found 3/4" Pipe "LB 2812" 0.14N, 0.03E

Found 2" Alum. Disc "LB 2812" 0.29N, 0.04E

Found Nail "No ID" 0.32N, 0.09E

Found Nail "No ID" 0.19N

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SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT:

CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: 10423721

COMMITMENT DATE: 04/01/2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

- Florida Power & Light Easement recorded in Official Records Book 546, Page 1041, "DOES NOT LIE WITHIN THE SURVEYED PARCEL." FALLS NORTH OF HARBORVIEW DRIVE. NOT SHOWN
- Easement of the State of Florida recorded in Official Records 485, Page 97, "DOES NOT LIE WITHIN THE SURVEYED PARCEL." IT IS FOR LANDS WITH 162 FEET OF THE CENTERLINE OF STATE ROAD 93 (I 75), OUR PARCEL IS 162 FEET WEST OF THE CENTERLINE.
- Resolution No. 2006-093 Recorded in Official Records 2993, Page 113, "DOES NOT LIE WITHIN SURVEYED PARCEL." DESCRIBES PROPERTY LYING EAST OF I 75.
- Resolution 2006-155 Recorded in Official Records 3026, Page 1305, "SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE DOCUMENT IS LARGE IN NATURE AND IS FOR THE DISTRICTING OF WATER AND SEWER.
- Ordinance Number 2010-033, Recorded in Official Records 3500, Page 1358, "SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE HEADER DESCRIBES PROPERTY IN A WEAK MANNER, HOWEVER DOES APPEAR TO INCLUDE THE SURVEYED PARCEL TO BE WITHIN THE DESCRIBED AREA. THE DESCRIPTION OF THE PRESERVATION AREA IS SHOWN ON SURVEY.
- Resolution No. 2010-083 Recorded in Official Records 3512, Page 2113, NO LEGAL DESCRIPTIONS WITHIN THIS DOCUMENT. Resolution No. 2010-083 Recorded in Official Records 3517 Page 103, NO LEGAL DESCRIPTIONS WITHIN THIS DOCUMENT.
- Ordinance Number 2010-071 Recorded in Official Records 3530, Page 1142, "SURVEYED PARCEL LIES WITHIN THE DESCRIPTION CONTAINED IN THIS DOCUMENT."
- Affidavit Concerning Limitations on use Recorded in Official Records 3939, Page 1674, SURVEYED PARCEL LIES WITHIN THE DESCRIPTION CONTAINED IN THIS DOCUMENT.

Description:

A PARCEL OF LAND LYING AND BEING IN SECTIONS 20, 21, 28 & 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: UNITED STATES GOVERNMENT LOT 1, SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND THAT PART OF SECTION 20, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LYING SOUTH AND EAST OF COUNTY ROAD, LESS THAT PORTION OF THE ABOVE 2 PARCELS LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA, ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, TOGETHER WITH THAT PORTION LYING WEST OF INTERSTATE 75 (STATE ROAD 93) OF THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN NORTH 85°52'17" EAST 2731.06 FEET TO THE CENTER QUARTER OF SAID SECTION 21; THENCE SOUTH 01°29'01" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 3, 4620.27 FEET; THENCE SOUTH 73°00'00" WEST, 980 FEET; THENCE SOUTH 80°35'00" WEST 537.94 FEET; THENCE NORTH 30°59'00" WEST, 270 FEET; THENCE NORTH 45°45'00" EAST, 510 FEET; THENCE NORTH 23°40'00" EAST, 217.8 FEET; THENCE NORTH 30°10'00" WEST, 227.5 FEET MORE OR LESS TO THE SOUTHERLY SHORE OF THE WEST 1/2 OF FRACTIONAL SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE WESTERLY ALONG SAID SOUTHERLY SHORE TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 28; THENCE NORTH 00°55'00" WEST, ALONG SAID WEST LINE, EXTENDED, 336 FEET, MORE OR LESS TO THE POINT OF BEGINNING, LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93).

CERTIFICATIONS:


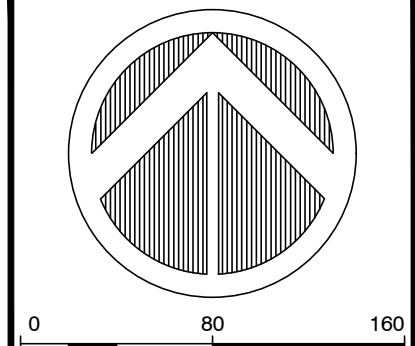
TO:

Lennar Homes, LLC, a Florida limited liability company
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-6, 7, 8, 9, 11a, 11b, 13, 16 and 17 of Table A thereof. The fieldwork was completed on June 7th, 2022.

Date of Plat or Map: June 7th, 2022

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER



ARDURRA
COLLABORATE. INNOVATE. CREATE.

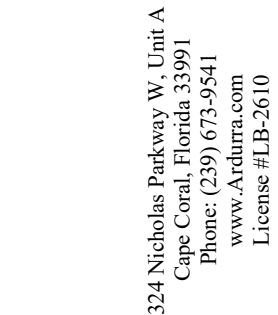
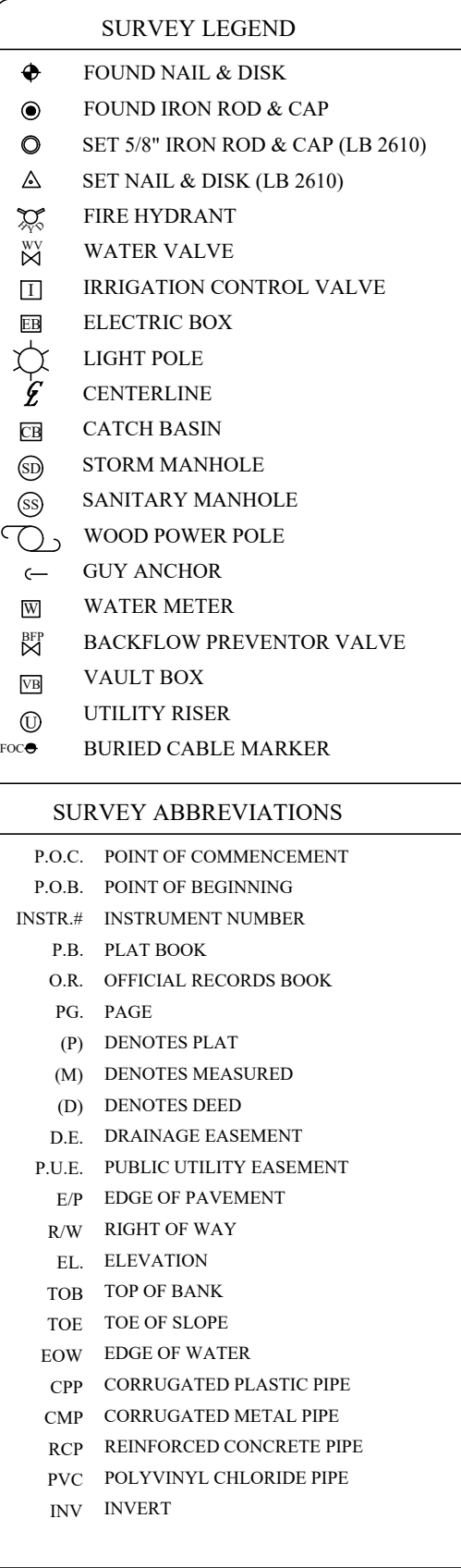
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SECTIONS 20 21 28 and 29 TOWNSHIP 40S RANGE 23E

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

4 of 6

DRAWN BY
MW

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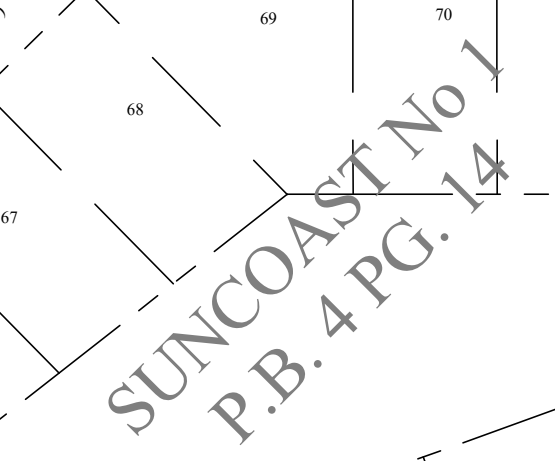
Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South,
Range 23 East, Charlotte County, Florida.





















SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E

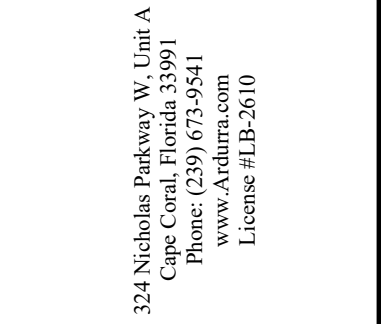
Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN



SURVEY LEGEND	
	FOUND NAIL & DISK
	FOUND IRON ROD & CAP
	SET 5/8" IRON ROD & CAP (LB 2610)
	SET NAIL & DISK (LB 2610)
	FIRE HYDRANT
	WATER VALVE
	IRRIGATION CONTROL VALVE
	ELECTRIC BOX
	LIGHT POLE
	CENTERLINE
	CATCH BASIN
	STORM MANHOLE
	SANITARY MANHOLE
	WOOD POWER POLE
	GUY ANCHOR
	WATER METER
	BACKFLOW PREVENTOR VALVE
	VAULT BOX
	UTILITY RISER
	BURIED CABLE MARKER
SURVEY ABBREVIATIONS	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	ORIGINAL RECORDS BOOK
P.G.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E.P.	EDGE OF PAVEMENT
R.W.	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
PCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

[illegible]

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 *Harborview Road*
lying in Section 20, 21 28 and 29, Township 40 South,
Range 23 East, Charlotte County, Florida.

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN



TITLE REPORT

PROPERTY INFORMATION REPORT

Order No.: 10574925

Customer Reference Number Charlotte County O & E Report

Addressee:

The Bison Agency, LLC
7978 Cooper Creek Blvd. Suite 100
University Park, FL 34201
941-359-8303
941-359-1836

Chicago Title Insurance Company has caused to be made a search of the Public Records of Charlotte County, Florida, ("Public Records"), from 01/04/2005, through 08/12/2022 5:00 PM, as to the following described real property lying and being in the aforesaid County, to-wit:

PARCEL 1: (SW Quadrant per 2022 Chicago Title Insurance Company ALTA Title Commitment 04/01/2022)

A PARCEL OF LAND LYING AND BEING IN SECTIONS 20, 21, 28 & 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNITED STATES GOVERNMENT LOT 1, SECTION 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND THAT PART OF SECTION 20, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LYING SOUTH AND EAST OF COUNTY ROAD, LESS THAT PORTION OF THE ABOVE 2 PARCELS LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:

THAT PORTION LYING WEST OF INTERSTATE 75 (STATE ROAD 93) OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN NORTH 85°52'13" EAST 2731.06 FEET TO THE CENTER QUARTER OF SAID SECTION 21; THENCE SOUTH 01°25'01" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 3, 4420.27 FEET; THENCE SOUTH 73°00'00" WEST, 980 FEET; THENCE SOUTH 88°35'00" WEST 537.94 FEET; THENCE NORTH 30°55'00" WEST, 270 FEET; THENCE NORTH 45°45'00" EAST, 510 FEET; THENCE NORTH 23°40'00" EAST, 217.8 FEET; THENCE NORTH 30°13'00" WEST, 227.5 FEET MORE OR LESS TO THE SOUTHERLY SHORE OF THE WEST 1/2 OF FRACTIONAL SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE WESTERLY ALONG SAID SOUTHERLY SHORE TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 28; THENCE NORTH 00°55'30" WEST, ALONG SAID WEST LINE, EXTENDED, 3266 FEET, MORE OR LESS TO THE POINT OF BEGINNING. LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93).

PARCEL 2: (SE Quadrant per Boundary And Topographic Survey signed January 20, 2022 by Jeffrey Stouten)

PORTION OF GOVERNMENT LOT 1, ALL OF GOVERNMENT LOT 2, A PORTION OF GOVERNMENT LOT 3, AND A PORTION OF GOVERNMENT LOT 4 IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND ISLAND NELL, ALL LYING EASTERLY OF INTERSTATE 75, SOUTHERLY OF HARBORVIEW ROAD AND WESTERLY OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D CHARLOTTE COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WESTERLY LINE OF DESOTO CANAL AS SHOWN ON THE PLAT OF HARBOUR HEIGHTS SECTION 9, PART I, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY AND THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; SAID POINT ALSO BEING 425 FEET WEST OF THE EAST LINE OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE RUN S00°55'15"W ALONG THE WESTERLY LINE OF SAID CANAL AND A LINE 425 FEET WEST OF THE EAST LINE OF SAID SECTION FOR 2610.35 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 274 OF SAID PLAT; THENCE S89° 03'32"W ALONG THE NORTHERLY LINE OF SAID BLOCK 274 AND ITS WESTERLY PROLONGATION, ALSO BEING THE NORTHERLY LINE OF BLOCKS 277 AND 278 FOR A DISTANCE OF 945.37 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S01°09'23"W ALONG SAID EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, ALSO BEING THE WESTERLY LINE OF SAID PLAT FOR A DISTANCE OF 2320.97 FEET TO THE INTERSECTION WITH THE NORTHERLY SHORELINE OF PEACE RIVER AS DESCRIBED IN OFFICIAL RECORDS BOOK 115, AT PAGE 27; THENCE ALONG SAID SHORELINE THE FOLLOWING 6 COURSES: S49°05' 15"W FOR A DISTANCE OF 186.92 FEET; THENCE S57°50'29"W FOR A DISTANCE OF 312.00 FEET; THENCE S63°22'29"W FOR A DISTANCE OF 405.00 FEET; THENCE S53°11'29"W FOR A DISTANCE OF 202.00 FEET; THENCE S59°00'59"W FOR A DISTANCE OF 253.00 FEET; THENCE S69°28'26"W FOR A DISTANCE OF 270.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 3 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE CONTINUE ALONG SAID NORTHERLY SHORELINE S 75°48'29" W FOR A DISTANCE OF 581.14 FEET TO A NON-TANGENT INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (S.R. 93) F.D.O.T. RIGHT OF WAY MAP SECTION 01075-2403; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 11 COURSES: CONTINUE ALONG A CURVE TO THE LEFT, WHOSE RADIUS BEARS N87° 40'38"W, HAVING FOR ITS ELEMENTS A RADIUS OF 5891.58 FEET, A DELTA OF 26° 09'04", CHORD BEARING OF N10°45'10"W, CHORD LENGTH OF 2665.76 FEET, FOR A DISTANCE OF 2689.04 FEET; THENCE N15°02'20"W FOR A DISTANCE OF 325.05 FEET; THENCE N22°17'08"W FOR A DISTANCE OF 273.96 FEET; THENCE N19°00'19"W FOR A DISTANCE OF 315.82 FEET; THENCE N12°06'37"W FOR A DISTANCE OF 855.19 FEET; THENCE N07°32'11"W FOR A DISTANCE OF 145.49 FEET; THENCE N18°55'19"E FOR A DISTANCE OF 164.85 FEET; THENCE N45°22'49"E FOR A DISTANCE OF 170.00 FEET; THENCE N34°53'10"E FOR A DISTANCE OF 236.09 FEET; THENCE N45°22'48"E FOR A DISTANCE OF 939.07 FEET; THENCE N39°38'27"E FOR A DISTANCE OF 351.10 FEET TO A NON-TANGENT INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 4 COURSES: CONTINUE ALONG A CURVE TO THE RIGHT, WHOSE RADIUS BEARS S24°12'35"E, HAVING FOR ITS ELEMENTS A RADIUS OF 1001.74 FEET, A DELTA OF 25°07'54", CHORD BEARING OF N78°21'21"E, CHORD LENGTH OF 435.88 FEET, FOR A DISTANCE OF 439.39 FEET; THENCE S89°04'42"E FOR A DISTANCE OF 2114.53 FEET; THENCE S00°55'18"W FOR A DISTANCE OF 10.00 FEET; THENCE S89°05'07"E FOR A DISTANCE OF 240.43 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT HARBOUR HEIGHTS SECTION NINE, PART 2, AS RECORDED IN PLAT BOOK 6, PAGE 47, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 3

NE Quadrant: (Per Water Resource Associates, LLC Survey dated 7/25/2002 - signed 7/28/2002)

LEGAL DESCRIPTION: (AS PREPARED BY W.R.A. ENGINEERING)

PARCEL A

A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 1127.36' TO THE POINT OF BEGINNING; THENCE CONTINUE S

88°15'26" W, ALONG SAID NORTH LINE, A DISTANCE OF 1377.76' TO THE EASTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S 04°38'37" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1170.43' TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601;; THENCE S 89°04'42" E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1262.92'; THENCE N 00°54'51" E A DISTANCE OF 1228.96'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 1581290 SQUARE FEET, 36.301 ACRES

TOGETHER WITH
PARCEL B

A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 2565.19', TO THE WESTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W A DISTANCE OF 144.96' TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S 88°15'33" W, ALONG THE SAID NORTH LINE OF SAID SECTION 21, ALSO BEING THE SOUTH LINE OF SAID PUNTA GORDA ISLES, A DISTANCE OF 2710.56' TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S 01°53'07" W, ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1537.14' TO THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 75, (STATE ROAD NO. 93) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 01075-2403; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES; (1) THENCE S 36°36'22" E A DISTANCE OF 108.08'; (2) THENCE S 43°23'26" E A DISTANCE OF 652.77'; (3) THENCE S 47°57'54" E A DISTANCE OF 146.73'; (4) THENCE N 88°42'37" E A DISTANCE OF 296.43'; (5) THENCE N 45°22'48" E A DISTANCE OF 47.45'; (6) THENCE N 48°22'14" E A DISTANCE OF 230.00'; (7) THENCE N 45°22'48" E A DISTANCE OF 981.31'; (8) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 184.15', WITH A RADIUS OF 1179.74', WITH A CHORD BEARING OF N 49°51'06" E, WITH A CHORD LENGTH OF 183.96', WITH A DELTA ANGLE OF 08°56'37" ;; (9) THENCE N 82°17'12" E A DISTANCE OF 244.59' TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601;; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES; (1) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 476.68', WITH A RADIUS OF 1086.74', WITH A CHORD BEARING OF N 78°21'21" E, WITH A CHORD LENGTH OF 472.87', WITH A DELTA ANGLE OF 25°07'55" ;; (2) THENCE S 89°04'42" E A DISTANCE OF 114.53'; (3) THENCE S 00°55'18" W A DISTANCE OF 5.00'; (4) THENCE S 89°04'42" E A DISTANCE OF 216.38' TO THE WESTERLY RIGHT OF WAY LINE OF SAID RIO DE JANEIRO AVENUE EXTENSION; THENCE N 04°38'37" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1167.63'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 4771191 SQUARE FEET, 109.531 ACRES

As of the effective date of this Report, the apparent record Fee Simple title owner(s) to the above-described real property is/are:

Peace River Associates, LLC, a Florida limited liability company, as to Parcel 1; WILL-RIDGE ASSOCIATES, LLC, a New York limited liability company, Peace River East, LLC, a Florida limited liability company, Peace River East II, LLC, a Florida limited liability company and POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company, as their interest may appear, as to Parcel 2; POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company, Peace River East II, LLC, a Florida limited liability company, and POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company (Successor by merger with Harborview Road

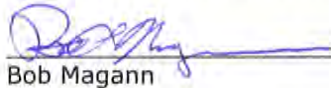
Associates, LLC, a Florida limited liability company and Harborview Road Associates I, LLC, a Florida limited liability company), as their interest may appear, as to Parcel 3

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This Report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This Report is not to be construed as an opinion, warranty, or guarantee of title, or as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the Addressee(s) only, and it may not be used or relied upon by any other party. This Report may not be used by a Chicago Title Insurance Company agent for the purpose of issuing a Chicago Title Insurance Company title insurance commitment or policy.

This Report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Chicago Title Insurance Company


Bob Magann



FORM A

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Stephen C. Scalione who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Cheryl L. Owen

Notary Public Signature

Signature of Owner

Stephen C. Scalione

Manager of Post Falls Management Associates, LLC

Notary Printed Signature

Printed Signature of Owner

7978 Cooper Creek Blvd Suite 100

Title

Address

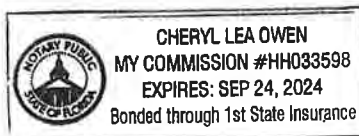
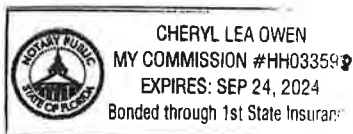
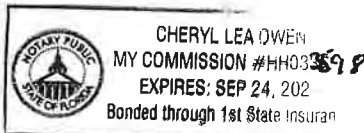
University Park, FL 34201

Commission Code

City, State, Zip

(941) 685-5375

Telephone Number



FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Stephen C. Scalione who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Cheryl L. Owen

Notary Public Signature

Signature of Owner

Stephen C. Scalione

Manager of Peace River Associates, LLC

Notary Printed Signature

Printed Signature of Owner

7978 Cooper Creek Blvd Suite 100

Title

Address

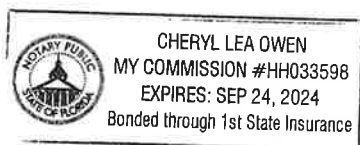
University Park, FL 34201

Commission Code

City, State, Zip

(941) 685-5375

Telephone Number



FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Stephen C. Scalione who is personally known to me or has/have produced
as identification and who did/did not take an oath.

Cheryl Lea Owen
Notary Public Signature

Stephen C. Scalione
Signature of Owner
Manager of Peace River East II, LLC

Notary Printed Signature

Printed Signature of Owner

7978 Cooper Creek Blvd Suite 100

Title

Address

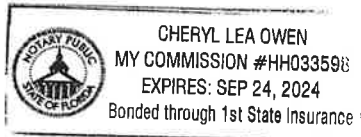
University Park, FL 34201

Commission Code

City, State, Zip

(941) 685-5375

Telephone Number



FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

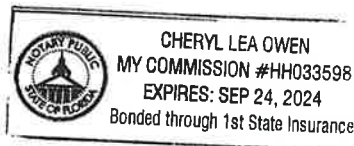
I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Stephen C. Scalione who is personally known to me or has/have produced
as identification and who did/did not take an oath.

<u><i>Cheryl L. Owen</i></u> Notary Public Signature	<u><i>[Signature]</i></u> Signature of Owner Stephen C. Scalione Manager of Will-Ridge Associates, LLC
Notary Printed Signature	Printed Signature of Owner
Title	7978 Cooper Creek Blvd Suite 100 Address
Commission Code	University Park, FL 34201 City, State, Zip
	(941) 685-5375 Telephone Number





FORM B

FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the property described and which is the subject matter of the proposed hearing.
I give authorization for RVi Planning + Landscape Architecture & WRA to be my agent for this application.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Todd Mathes who is personally known to me or has/have produced
as identification and who did/did not take an oath.

Cheryl L. Owen
Notary Public Signature

Todd Mathes
Signature of Applicant
Todd Mathes, Director of Development on behalf of Post Falls
Management Associates, LLC; Peace River Associates, LLC;
Peace River East II, LLC; Will-Ridge Associates, LLC

Notary Printed Signature

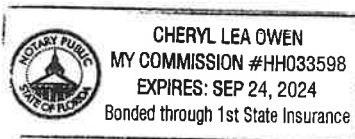
Printed Signature of Applicant

Title

7978 Cooper Creek Blvd Suite 100
Address

Commission Code

University Park, FL 34201
City, State, Zip



(941) 685-5375
Telephone Number



AFFIDAVIT

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by

Todd Mathes who is personally known to me or has/have produced
as identification and who did/did not take an oath.

<u>Cheryl L Owen</u> Notary Public Signature	<u>Todd Mathes</u> Signature of Applicant or Agent
<u>Todd Mathes, Director of Development</u> Notary Printed Signature	<u>Todd Mathes, Director of Development</u> Printed Signature of Applicant or Agent
<u>7978 Cooper Creek Blvd Suite 100</u> Title	<u>7978 Cooper Creek Blvd Suite 100</u> Address
<u>University Park, FL 34201</u> Commission Code	<u>University Park, FL 34201</u> City, State, Zip
 CHERYL LEA OWEN MY COMMISSION #HH033598 EXPIRES: SEP 24, 2024 Bonded through 1st State Insurance	<u>(941) 685-5375</u> Telephone Number