

LICENSE AGREEMENT
Cabana Bay / Placida RV Resort –
Access Over Former Coast Line Railroad Right-of-Way

THIS LICENSE AGREEMENT ("License Agreement"), is made and entered into by and between **CHARLOTTE COUNTY**, a political subdivision of the State of Florida, whose mailing address is 18500 Murdock Circle, Port Charlotte, Florida 33948-1094 (the "County"), and **TARPON GROVE LLC**, a Florida limited liability company, whose mailing address is 8920 Erie Lane, Parrish, Florida 34219 (the "Licensee"). The County and Licensee are collectively referred to as (the "Parties").

RECITALS

WHEREAS, the County is the fee-simple owner of certain real property within Charlotte County, Florida, commonly known as the former Coast Line Railroad right-of-way, which has been preserved and maintained as part of the County's linear park and trail system (the "County Property"), identified as parcel id # 412105481003; and

WHEREAS, Licensee is the owner and developer of the Cabana Bay RV Resort (Placida RV Resort), with an address of and further identified as parcel # 412120102002 (the "PD Parcel"); and

WHEREAS, the PD Parcel has received from the Board of County Commissioners an approved development plan under **Exhibit A**, Ordinance No. 2022-004 (PD-21-00015); and

WHEREAS, the approved Ordinance is hereby attached as **Exhibit A**; and

WHEREAS, Condition (q) of **Exhibit A** provides that "Access from the recreational vehicle area to the County's linear park may be provided through the County's access license agreement process. Amenities such as pervious pathways and benches may be provided within the existing mitigation area"; and

WHEREAS, Licensee has constructed or proposes to construct a wooden span bridge / elevated boardwalk and associated pavers and signage (the "Improvements") connecting the PD parcel to the County's linear park across the County Property; and

WHEREAS, the County is willing to grant Licensee a non-exclusive, revocable license solely for purposes of access and maintenance of said Improvements, subject to the terms herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

1. **Recitals.** The Recitals above are incorporated into this License by reference.

2. **License.** The County grants to Licensee a non-exclusive, revocable license to enter upon and use that portion of County-owned land described in **Exhibit C** (Sketch and Legal Description), for the limited purpose of constructing, maintaining, and using the Improvements described in **Exhibit B** (Description of Improvements), collectively referred to as the "Licensed Area." This License conveys no estate, easement, tenancy, or other property interest in the County Property and may be revoked as provided herein.

3. **Maintenance.** Licensee shall be solely responsible, at its own cost, for maintaining the Improvements in a safe, clean, and operable condition consistent with County standards. The County shall have the right to inspect the Licensed Area and the Improvements at any time. Upon termination or revocation of this License, Licensee shall remove the Improvements and restore the Licensed Area to its pre-construction condition unless the County elects in writing to retain them. All maintenance, removal, and restoration activities shall comply with Charlotte County Code § 3-6-21 (Roads and Bridges) and all other applicable laws and regulations.

4. **Term.** The Effective Date of this License shall be the date of the last signature below. This License shall remain in effect, unless terminated as provided in Section 14. The County may terminate this License for convenience upon thirty (30) days' written notice.

5. **Consideration.** As consideration for this License, the Parties agree that the mutual promises and covenants contained herein, including the County's administrative review and processing of this License, constitute good and sufficient consideration. This License does not require payment of rent or a license fee unless otherwise approved in a separate written instrument executed by the County. This License conveys no estate, easement, or other property interest in the County Property. All Improvements constructed by Licensee within the Licensed Area shall remain the personal property of Licensee unless and until the County affirmatively accepts ownership by separate written instrument approved in accordance with County procedures. The County is under no obligation to accept ownership of any Improvements. If the County elects not to accept ownership upon expiration or termination of this License, Licensee shall, at its sole cost, remove the Improvements and restore the Licensed Area to its pre-construction condition to the satisfaction of the County Engineer. If the County elects to accept ownership, such acceptance shall be on an "as-is, where-is" basis, without warranty and without obligation for compensation to Licensee.

6. **Limitations on License.** This License is granted solely for the limited purpose of allowing Licensee to construct, maintain, and use the Improvements described in **Exhibit B** within the County Property shown in **Exhibit A**. Licensee shall not use, occupy, or disturb any other portion of County-owned land. This License conveys no estate, easement, tenancy, or property interest of any kind and may be revoked at any time in accordance with Section 14.

7. **Government Compliance.** Licensee shall be fully responsible for ensuring compliance—by itself and by all of its employees, agents, consultants, and contractors—with this License Agreement, all applicable federal, state, and local laws, ordinances, codes, and regulations, and all permit conditions issued by any governmental authority having jurisdiction. All work must conform to the County's Engineering and Public Works standards and to Charlotte County Code § 3-6-21 (Roads and Bridges). Before commencing construction, Licensee shall obtain all required permits and approvals, including but not limited to right-of-way use permits, building or environmental permits, and any approvals required by the County Engineer. Licensee shall schedule a pre-construction conference with the County prior to beginning any work and shall provide the County with a proposed schedule of work. The County may inspect the work at any time to verify compliance. Licensee shall implement Maintenance of Traffic ("MOT") procedures approved in advance by the County for any activity that affects public access within the County's linear-park corridor. Licensee shall ensure that the Improvements do not impede drainage, utilities, or public travel within the corridor. Temporary structures, construction materials, debris, or equipment shall not be stored within the County Property except as approved by the County. Upon completion of work, Licensee shall remove all temporary materials and restore any disturbed areas to the satisfaction of the County Engineer. Nothing in this Section or in this Agreement shall be construed to authorize any permanent exclusive use of County property or to diminish the County's continuing authority over its right-of-way and linear-park system.

8. **Costs.** Licensee shall pay all costs arising from this License Agreement, including but not limited to all design, permitting, construction, installation, utilities, insurance, inspection, and mitigation expenses. Licensee shall also pay any applicable County fees or inspection charges required under Charlotte County Code § 3-6-21 (Roads and Bridges). The County shall bear no financial responsibility for any portion of the Improvements or for any work performed under this License. No County funds shall be used for any part of the Improvements.

9. **Alteration or Removal.** After completion, Licensee may not alter, enlarge, relocate, or remove the Improvements without prior written approval from the County. Upon termination or revocation of this License, Licensee shall remove the Improvements and restore the Licensed Area to its pre-construction condition unless the County elects, in writing, to retain the Improvements. All removal or restoration work must comply with County standards and be inspected and accepted by the County Engineer.

10. **Indemnification.** To the fullest extent permitted by law, Licensee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees, from and against all liabilities, claims, damages, losses, and expenses, including reasonable attorney's fees and costs through appeal, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of Licensee, its agents, contractors, or employees, arising out of or related to the construction, presence, maintenance, or removal of the Improvements or use of the County Property. Nothing contained herein shall be construed as a waiver of the County's sovereign immunity or the monetary limits set forth in Section 768.28, Florida Statutes.

11. **Insurance.** Licensee shall maintain Commercial General Liability (CGL) insurance coverage in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The Certificate Holder shall read: Charlotte County Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948, and the County shall be named as an additional insured on the CGL policy. Evidence of coverage shall be submitted to the County at least ten (10) days before Licensee or its contractors enter upon the County Property.

12. **Construction Date.** Construction of the Improvements, including all required inspections and approvals, shall be completed no later than one (1) year from the Effective Date of this License Agreement, unless extended by written agreement of the Parties. Failure to complete construction within that time shall constitute a default under this Agreement.

13. **Notice.** All notices under this License Agreement shall be delivered to the Parties in writing at the following addresses or such other addresses designated by the Parties:

If to the County:

Director
Community Services Department
1120 Centennial Boulevard
Port Charlotte, FL 33953

If to the Memorial Fund:

Tarpon Grove, LLC
ATTN: Authorized Representative
820 Erie Lane
Parrish, Florida 34219

With a copy to:

County Attorney
18500 Murdock Circle, Suite 573
Port Charlotte FL 33948

14. **Termination.** This License Agreement may be terminated by either Party for material breach after written notice and a ten (10) day opportunity to cure. The County may also terminate this License for convenience upon thirty (30) days' written notice. Upon termination, Licensee shall promptly remove the Improvements and restore the Licensed Area unless the County elects to retain them in writing.

15. **Public Records.** Pursuant to Section 119.0701 of the Florida Statutes, Contractors acting on behalf of the County must comply with the public records laws, specifically: a) keep and maintain public records required by the County to perform the contracted services; b) upon request from the County's custodian of public records, provide the County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119 of the Florida Statutes or as otherwise provided by law; c) ensure that public records that are exempt or confidential from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract; and d) upon completion of the contract,

keep and maintain all public records required by the County to perform the service, and meet all applicable requirements for retaining public records.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO RETAIN AND PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT (941) 743-1441, E-MAIL TO RECORDS@CHARLOTTECOUNTYFL.GOV, 18500 MURDOCK CIRCLE, BLDG. B, Suite 109, PORT CHARLOTTE, FLORIDA 33948.

16. **Applicable Law.** This License and the rights and obligations of the Parties will be interpreted in accordance with the laws of the State of Florida, with venue in Charlotte County, Florida.

17. **Severability.** If any provision of this License Agreement, or the application of its provisions to any person or circumstance, is adjudicated as invalid or unenforceable to any extent, the remainder of this License Agreement, and the application of such provision to other persons or circumstances, shall remain in effect to the fullest extent practicable.

18. **Counterparts.** This License Agreement may be signed in one or more counterparts, each of which will be considered an original and all of which, when taken together, constitute one and the same instrument.

19. **Assignment.** This License Agreement may not be assigned to another party without the prior written consent of the County.

20. **Entire Agreement, Amendments.** This License Agreement is the entire agreement between the Parties and may not be modified except by written agreement executed by both parties, and no oral representation of any officer or employee of the County constitutes an amendment to this agreement. No representations or warranties have been made, or relied upon, except as set forth herein.

21. **Human Trafficking.** Pursuant to Section 787.06 of the Florida Statutes, by signing this Agreement, Consultant agrees and attests, under penalty of perjury, that Consultant does not use coercion for labor or services as defined in Section 787.06 of the Florida Statutes.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the parties have executed this Agreement in Charlotte County, Florida as of the date last written below.

**BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA**

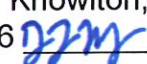
By: _____
Joseph M. Tiseo, Chairman

Date: _____

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

By: _____
Deputy Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

By:  _____
Janette S. Knowlton, County Attorney
LR25-1026 

WITNESS:

Tarpon Grove, LLC.

By: _____

By: _____
Authorized Representative for
Tarpon Grove, LLC.

Print Name: _____

Date: _____

Date: _____

Attachments:

Exhibit A – Ordinance Number 2022-004.

Exhibit B – Description of Improvements.

Exhibit C – Sketch and Legal Description.

EXHIBIT A

FILED WITH THE DEPARTMENT OF STATE

January 27, 2022

CHG
BCC

ORDINANCE

NUMBER 2022 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) (34.12± ACRES) AND COMMERCIAL GENERAL (CG) (4.86± ACRES) TO PLANNED DEVELOPMENT (PD) TO ALLOW FOR DEVELOPMENT OF A RV PARK/RESORT WITH SOME COMMERCIAL USES, INCLUDING RECREATIONAL VEHICLES UP TO 170 UNITS AND CASITA ACCESSORY UNITS UP TO 141, REQUIRING A TRANSFER OF 27 DENSITY UNITS TO REACH THE MAXIMUM OF 141 CASITA ACCESSORY UNITS; FOR PROPERTY LOCATED EAST AND SOUTH OF ROTONDA BOULEVARD EAST, NORTH OF REDWOOD ROAD, AND WEST OF GASPARILLA ROAD (CR 771), IN THE ROTONDA AREA; CONTAINING 38.49 ACRES MORE OR LESS; COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA; PETITION PD-21-00015; APPLICANT, TARPON GROVE, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, January 25, 2022, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-21-00015, submitted by applicant, Tarpon Cove, LLC ("Applicant"), which requested a rezoning from Planned Development (PD) (34.12± acres) and Commercial General (CG) (4.86± acres) to Planned Development (PD), and described as property located east and south of Rotonda Boulevard East, north of Redwood Road, and west of Gasparilla Road (CR 771), in the Rotonda area, containing 38.49 acres more or less, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

33 WHEREAS, at its January 25, 2022 meeting, the Board also
34 considered the associated request submitted by the Applicant, for a small scale
35 plan amendment for the Property under Petition PAS-21-00009; and

36 WHEREAS, the Applicant seeks to rezone the property from
37 Planned Development (PD) and Commercial General (CG) to Planned
38 Development (PD) in order to allow for development of a RV park/resort with
39 some commercial uses, including recreational vehicles up to 170 units and casita
40 accessory units up to 141, requiring a transfer of 27 density units to reach the
41 maximum of 141 casita accessory units to be built on the Property; and

42 WHEREAS, Petition PD-21-00015 has previously been heard by
43 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
44 the findings and analysis provided by County Staff and the evidence presented to
45 the P&Z Board, has been recommended for approval on January 10, 2022; and

46 WHEREAS, the Applicant has requested, pursuant to recent
47 amendments to the PD Code under Ordinance Number 2021-044, that its
48 Concept Plan be valid until Final Detail Site Plan approval is granted by the
49 Board, and the Board finds such request to be appropriate; and

50 WHEREAS, after due consideration, based on the findings and
51 analysis provided by County Staff and the evidence presented to it, the Board
52 has found that approval of Petition PD-21-00015 is consistent with the County's
53 Comprehensive Plan, and that it meets the requirements for the granting of a
54 rezone; and

55 WHEREAS, based on the above findings, the Board has
56 determined it to be in the best interests of the County to rezone the subject
57 property from Planned Development (PD) and Commercial General (CG) to
58 Planned Development (PD).

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

61 SECTION 1. The following petition, made by applicant,
62 Tarpon Grove, LLC, for an amendment to the Charlotte County Zoning Atlas is
63 hereby approved subject to the conditions contained in the attached Exhibit "B":

64 Petition PD-21-00015 requesting rezoning from
65 Planned Development (PD) (34.12± acres) and
66 Commercial General (CG) (4.86± acres) to Planned
67 Development (PD), for 38.49 acres more or less of
68 property, located east and south of Rotonda
69 Boulevard East, north of Redwood Road, and west of
70 Gasparilla Road (CR 771), in the Rotonda area,
71 Commission District III, Charlotte County, Florida, and
72 more particularly described in Exhibit "A".
73

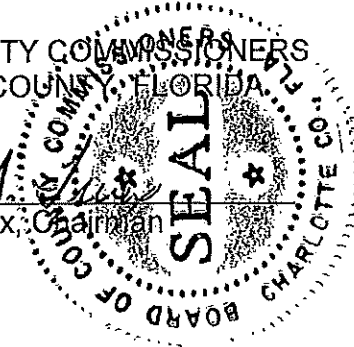
74 SECTION 2. That the zoning for this property shall run with the
75 property and shall apply to any subsequent owners, heirs and assigns.

76 SECTION 3. This Ordinance shall take effect upon (1) filing in the
77 Office of the Secretary of State, State of Florida, but, (2) only after the companion
78 plan amendment, PAS-21-00009, to this rezoning, becomes effective. The
79 effective date of PAS-21-00009, if not timely challenged, shall be 31 days after
80 adoption. If challenged within 30 days after adoption, PAS-21-00009 may not
81 become effective until the state land planning agency or the Administration
82 Commission, respectively, issues a final order determining that PAS-21-00009 is
83 in compliance.

PASSED AND DULY ADOPTED this 25th day of January, 2022.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

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



ATTEST:

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

By: Dawn Smoleski
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR2021-0771

OF A PARCEL OF LAND LYING IN
SECTIONS 17 & 20, TOWNSHIP 41 SOUTH, RANGE 21 EAST,
CHARLOTTE COUNTY, FLORIDA

CHIEF OF POLICE COURT, 2nd FLOOR

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]

the 1970s. The 1970s were a time of great change for the world, and the 1980s were a time of great change for the United States. The 1990s were a time of great change for the world, and the 2000s were a time of great change for the United States. The 2010s were a time of great change for the world, and the 2020s were a time of great change for the United States.

RESEARCHER'S CONTRIBUTIONS

Date: 2021.08.04 16:16:00 -04
 2021.08.04 16:16:00 -04
 2021.08.04 16:16:00 -04

BOUNDARY SURVEY PLACIDA RV DEVELOPMENT

NAME	DATE	TIME	BE-TELETYPE	VOICE
...	...	...	...	...

**BANKS
ENGINEERING**
Industrial Facilities, Pumps, & Food Systems

Running Two Switch Oil / Turbine

[illegible]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Age Group	Percentage of Respondents
18-29	85%
30-49	75%
50-69	65%
70+	55%

4

[illegible]

The diagram shows a horizontal line representing a 1D lattice. Small circles are placed at regular intervals along this line, representing lattice sites. A vertical line segment is attached to one of these sites, representing an impurity or defect. The distance between adjacent lattice sites is labeled 'a'. The length of the vertical impurity segment is labeled 'b'.

1

PD Conditions for Application PD-21-00015

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan (Attachment 1: PD Concept Plan Placida Resort) submitted by the applicant, prepared by Banks Engineering, signed July 30, 2021, revised December 21, 2021, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review comments of recommendation of approval per the letter dated August 30, 2021 are required to be met. Such PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD).
- b. The subject property, containing a total of 38.98 acres more or less, retains a base density of 114 units.
- c. Within residential portion of development:
 1. Permitted uses:
 - a) Recreational Vehicle Park up to 170-unit sites occupied as temporary dwelling units and will not require a transfer of density units. The occupancy of any individual recreational vehicle site by any individual or group of individuals shall be strictly limited to no more than 180 days and no individual or group of individuals may re-establish occupancy of any individual recreational vehicle site until at least 30 days following their preceding occupancy period. The County reserves the right to inspect occupancy records of the proposed development to ensure enforcement of this condition. Each recreational vehicle site shall contain only one recreational vehicle.
 - b) Manager's residence (a manufactured home may be allowed for manager's residence only), which shall count as one dwelling unit, and then only 169 recreational vehicles are permitted.
 2. Accessory uses and structures associated with the recreational vehicle use:
 - a) Park recreational facilities including, but not limited to, a clubhouse with swimming pool, laundry facilities, sale of groceries and sundries, sale of LP (liquefied petroleum) gas, recreation courts, associated parking or similar uses, will be located on a designated recreational area as shown on the PD Concept Plan. All such uses shall be limited to the park management and the residents.
 3. Accessory uses and structures within a recreational vehicle site:
 - a) Detached, freestanding accessory structures such as screen rooms and storage structures not intended for occupancy or sleeping and either an (1) outdoor kitchen, (2) laundry or washroom facility, or (3) laundry and washroom facility, not exceeding 250 total square feet for each recreational vehicle site are allowed, provided that such structures are totally independent from the recreational vehicle and shall be constructed and located in such a manner as to not impede the immediate removal of any recreational vehicle from each site.
 - b) Concrete slabs, decks, and patios provided such structures are detached and structurally independent from the accompanying recreational vehicles and in no way impede the immediate removal of recreational vehicles from the site.
 - c) Casita accessory units.
 - i. No more than 141 casita accessory units shall be allowed within this development. Any casita accessory units above 114 shall require a transfer of density units. The transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.



- ii. The casita cannot be rented out separately. The County reserves the right to inspect occupancy records of the proposed development to ensure enforcement of this condition.
 - iii. A casita accessory unit of no more than 300 square feet under roof may be allowed on each recreational vehicle site.
 - iv. If no other accessory structures are proposed for the recreational vehicle site, the size of the casita accessory unit may be increased to 500 square feet under roof.
- d) Keeping of pets, excluding animal breeding, boarding, and training.
- 4. The maximum building height for each recreational vehicle site is 38 feet. The distance between structures shall be at least 10 feet and 10 feet to the pavement line of any internal street excluding driveways which are not in excess of six inches above the existing finished grade of the recreational vehicle site. The maximum building height for amenity structures is 45 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan.
- d. No development except for pervious pathways and benches shall be permitted within the existing mitigation area.
- e. Within the area designated as "Commercial Area" on the PD Concept Plan, the following uses are permitted:
 - 1. The permitted uses and structures:
 - a) Animal hospital, boarding facility.
 - b) Art, dance, music, photo studio or gallery.
 - c) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate Living Facilities)
 - d) Bank, financial services.
 - e) Business services.
 - f) Clubhouse, community center.
 - g) Day care center, child.
 - h) Drug store, pharmacy.
 - i) Dry cleaner.
 - j) Emergency services.
 - k) Essential services. (see Sec. 3-9-71. Essential Services)
 - l) Gas station.
 - m) General offices.
 - n) General retail sales and services. (see Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage)
 - o) Government uses and facilities.
 - p) Laundromat.
 - q) Liquor, package store.
 - r) Medical or dental office, clinic.
 - s) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - t) Nursing home.
 - u) Park, public or not-for-profit.
 - v) Personal services.
 - w) Place of Worship. (see Sec. 3-9-82. Places of Worship)
 - x) Post office.
 - y) Private club.
 - z) Professional services.
 - aa) Recreation, indoor.
 - bb) Restaurant.
 - cc) Vocational, trade, or business school.

2. The permitted accessory uses and structures, prohibited uses and structures shall follow those in the Commercial General (CG) zoning district.
 3. The maximum intensity is 5,500 square feet of commercial principal uses.
 4. The maximum building height for the commercial development is 45 feet from base flood elevation. Other development standards are listed on the PD Concept Plan.
- f. All buildings within the designated "Commercial Area" and "recreational area" are subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All buildings within the commercial area shall build to the same architectural style. Information pertaining to building design elements shall be provided by the applicant at the time of application for Final Site Plan approval. At a minimum, each primary facade shall incorporate a minimum of five design treatments.
 - g. Special exceptions shall not be allowed.
 - h. Outside storage and outside display of items are prohibited, except for e.1.a. above.
 - i. No development shall occur prior to Final Detail Site Plan approval, which will be scheduled on the Board of County Commissioners land use consent agenda for approval.
 - j. Three external vehicular entrances shall be permitted. The main entrance and one right in and right out only access shall be located on the eastern side along CR 771; the secondary entrance shall be located on the northern side along Rotonda Boulevard E. One internal access from the residential area to the commercial area shall be required.
 - k. The development must utilize centralized potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site prior to the issuance of any Certificate of Occupancy (CO).
 - l. Landscaping and buffers: The PD setback requirement of twenty-five feet will be adhered to along the property boundary except for the existing mitigation area. No pavement or other structures are permitted, except for vehicular entrances, sidewalk systems, and the following:
 1. At a minimum, the planting required for a type B buffer is required along the east of the property line for the commercial area as shown on the PD Concept Plan. This landscaping may be grouped into rain gardens or similar features to provide more visibility of the commercial uses from passerby traffic.
 2. At a minimum, the planting required for a type C buffer is required along the north of the property line for the commercial area as shown on the PD Concept Plan. This landscaping may be grouped into rain gardens or similar features to provide more visibility of the commercial uses from passerby traffic.
 3. At a minimum, a type B Buffer with an 8-foot-tall berm/wall or opaque fence combination is required on the west, north, and south property line as shown on the PD Concept Plan. Landscaping will be placed on the exterior and interior side of the wall with the majority of landscaping (at least 80%) to be placed on the exterior wall adjacent to the residential area. The wall must be kept in good repair and appearance.
 4. At a minimum, a type B Buffer with an 8-foot-tall berm/wall or opaque fence combination shall be required along the east of the property line as shown on the PD Concept Plan. Landscaping will be placed on the exterior and interior side of the wall with the majority of landscaping (at least 80%) to be placed on the exterior wall adjacent to CR 771. The wall must be kept in good repair and appearance.
 5. At a minimum, the planting required for a type C buffer shall be placed around the clubhouse and pool areas as they are considered an "active use park."
 6. At a minimum, a type A buffer with a decorative wall and/or berm at least 6 feet in height shall be placed along the internal boundary of the southern side of the commercial area to buffer the adjacent recreational vehicle use. Landscaping will be placed on the exterior and interior side of the wall with the majority of landscaping (at least 80%) to be placed on the exterior wall adjacent to the recreational vehicle area. The wall must be kept in good repair and appearance.

- m. One monument sign shall be allowed for each vehicle entrance. Exterior signage shall meet the existing Sign Code, Section 3-9-85.
- n. The recreation areas may contain a clubhouse with a swimming pool together with other amenities such as a tennis court, a parking area, pavilion, gazebo and deck, boardwalk, and open recreation areas. The final design of the recreation area shall be determined at Final Site Plan approval.
- o. The site shall be developed with a unified landscaping theme within the residential area and the commercial area. The buffer along Rotonda Boulevard E. and C.R.771 shall not contain palms as the upper canopy shade tree.
- p. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five feet along at least one side of all internal roadways. Prior to Final Detail Site Plan approval, the developer is required to work with the Department of Public Works to determine how and when a sidewalk/pedestrian trail as shown on the PD Concept Plan be provided, with a minimum width of eight feet, along the entire property frontage along CR771 and along the entire property frontage along Rotonda Boulevard E. The grouping of the buffer plantings along these roadways shall not detract from providing shade along the sidewalk.
- q. Access from the recreational vehicle area to the County's linear park may be provided through the County's access license agreement process. Amenities such as pervious pathways and benches may be provided within the existing mitigation area.
- r. Outdoor lighting will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property. Pole or standing lights will be no higher than 10 feet.
- s. Per Section 3-3.5-7. Payment of fee and impact fee credits, as may be amended, the property owner/developer shall pay the impact fee for the recreational vehicle portion of the development prior to issuance of Final Detail Site Plan approval unless the developer of such development and the County Administrator or his designee enter into a fee agreement to pay the impact fee at a time later than the Final Detail Site Plan approval, but in no case later than the issuance of electrical permits for the developer.
- t. Prior to Final Detail Site Plan approval, the applicant shall be required to meet concurrency per Article XIV. Concurrency Management. As to transportation concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis may be required to satisfy concurrency.

Attachment 1
PD Concept Plan Placida Resort



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

January 28, 2022

Mr. Roger D. Eaton
Clerk of the Circuit Court
County Comptroller
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Dawn Smoleski

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2022-004, which was filed in this office on January 27, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, JANUARY 25, 2022, at 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.gov/boards-committees/planning-zoning-board/agenda.html>

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK; TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

LAND USE REGULAR AGENDA

TCP-21-02

Legislative

County-wide

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large-scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comments; the request is to 1) amend FLU Appendix I: Land Use Guide by revising the Mineral Resource Extraction (MRE) Future Land Use Map (FLUM) category by revising range of uses, and adding item 5. Prohibited uses and activities, Petition No. TCP-21-02; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Legislative

Commission District I

Revisions to the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan.

A Resolution of the Board of County Commissioners of Charlotte County, Florida, pursuant to Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act"), particularly Section 163.361, Florida Statutes, and other applicable provisions of law, approving an amendment to various sections of the Charlotte Harbor Community Redevelopment Agency's Community Redevelopment Plan; for properties located within the boundaries of the Charlotte Harbor Community Redevelopment Area, containing 765.8± acres; providing for findings; providing an effective date; Commission District I, Applicant: Charlotte County Board of County Commissioners.

TLDR-21-03

Legislative

Commission District I

Revisions to Section 3-9-47, Charlotte Harbor Community Development Code

An Ordinance of the Board of County Commissioners of Charlotte County, Florida, amending Chapter 3-9, Zoning, Article II, District Regulations, of the Code of Laws and Ordinances of Charlotte County, Florida, entitled Charlotte Harbor Community Development Code by revising Section 3-9-47, Charlotte Harbor Community Development Code, (b) Definitions, to remove the definition of Committee; providing for findings; providing for severability; and providing an effective date; Commission District I, Applicant: Charlotte County Board of County Commissioners.

PAS-21-00009

Legislative

Commission District III

Pursuant to Section 163.3187, Florida Statutes, adopt a Small-scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, 1. from Commercial (COM) (8.24± acres) and Medium Density Residential (MDR) (22.86± acres) to Medium Density Residential (MDR) with an annotation to the 2030 Future Land Use Map stating that 1) the base density of the site is 114 units, and 2) The use of the site for a recreational vehicle resort will be limited to 170 recreational vehicles and will not require a transfer of density; 2. from Commercial (COM) (4.86± acres) to Preservation (PR) with an annotation to the 2030 Future Land Use Map stating that the base density of the site is 0 units; and 3. to remove an annotation from the 2030 Future Land Use Map limiting the commercial intensity of the portion of the subject site (34.12± acres) to 110,000 square feet; for property located east and south of Rotonda Boulevard East, north of Redwood Road, and west of Gasparilla Road (CR 771), in the Rotonda area, containing 38.98± acres; Commission District III; Petition No. PAS-21-00009; Applicant: Tarpon Grove, LLC; providing an effective date.

PD-21-00015

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) (34.12± acres) and Commercial General (CG) (4.86± acres) to Planned Development (PD) to allow for development of a RV park/resort and small commercial uses, including Recreational vehicles up to 170 units and casita accessory units up to 141, requiring a transfer of 27 density units to reach the maximum of 141 casita accessory units; for property located at east and south of Rotonda Boulevard East, north of Redwood Road, and west of Gasparilla Road (CR 771), in the Rotonda area, containing 38.98± acres; Commission District III; Petition No. PD-21-00015; Applicant: Tarpon Grove, LLC; providing an effective date.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.764.4191, TDD/TTY 941.743.1234, or by email to David.Lyles@CharlotteCountyFL.gov.

Publish: January 12, 2022



adno-332857.1

Exhibit B – Description of Improvements



EXHIBIT C



ATWELL

CONSULTING, ENGINEERING and CONSTRUCTION

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTION 19, T-41-S, R-21-E,
CHARLOTTE COUNTY, FLORIDA.

(BOARDWALK EASEMENT)

A BOARDWALK EASEMENT LYING OVER AND ACROSS A PORTION OF A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 19, TOWNSHIP 41 SOUTH, RANGE 21 EAST, SAID PARCEL HAVING A PARCEL IDENTIFICATION NUMBER OF 412105481003 PER THE CHARLOTTE COUNTY PROPERTY APPRAISER AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 19; THENCE S 00°24'17" W ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 511.67 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND HAVING A PARCEL IDENTIFICATION NUMBER OF 412120102002; THENCE N 89°42'21" W ALONG SAID SOUTH LINE, A DISTANCE OF 290.57 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE N 24°59'43" E ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 2.20 FEET TO THE **POINT OF BEGINNING**; THENCE N 89°41'49" W, A DISTANCE OF 66.40 FEET; THENCE N 24°51'55" E, A DISTANCE OF 12.09 FEET; THENCE S 89°41'49" E, A DISTANCE OF 66.43 FEET TO A POINT ON THE WESTERLY LINE OF SAID LANDS; THENCE S 24°59'43" W ALONG SAID WESTERLY LINE, A DISTANCE OF 12.11 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 731 SQUARE FEET, MORE OR LESS.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST, NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK SITE CODE "FLSS", IN U.S. FEET WHEREIN THE EAST LINE OF SECTION 19, TOWNSHIP 41 SOUTH, RANGE 21 EAST BEARS S.00°24'17"W.

ATWELL, LLC
FLORIDA LICENSED BUSINESS NO. LB7832

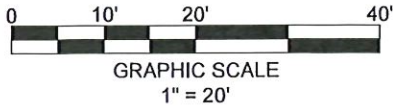
OCTOBER 28, 2025



Digitally signed by
Steven R Sonberg
Date: 2025.10.28
13:45:12-04'00'

STEVEN R. SONBERG, P.E., P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 6656

SHEET 1 OF 2
SERVING THE STATE OF FLORIDA



POINT OF COMMENCEMENT
N.E. CORNER OF SEC. 19,
TWP. 41S, RGE. 21E.

PID. 412105481003

PID. 412120102002

S.89°41'49"E. 66.43'
BOARDWALK EASEMENT
(CONTAINS 713 SQ.FT.±)
N.89°41'49"W. 66.40'

POINT OF BEGINNING

N.89°42'21"W. 290.57'

SOUTH LINE

S.W. CORNER

PID. 412119231003

S.00°24'17"W. 511.67'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.24°59'43"E.	2.20'
L2	N.24°51'55"E.	12.09'
L3	S.24°59'43"W.	12.11'

LEGEND

PID. PARCEL IDENTIFICATION NUMBER
± MORE OR LESS
SEC. SECTION
TWP. TOWNSHIP
RGE. RANGE
SQ.FT. SQUARE FEET
L1 L1 OF LINE TABLE

NOTE: THIS IS NOT A BOUNDARY SURVEY



4161 TAMiami TRAIL, BLDG. 5, #501
PORT CHARLOTTE, FL 33952
941.625.1165

FLORIDA SURVEY CERTIFICATE OF AUTHORIZATION # LB 7832

SKETCH TO ACCOMPANY DESCRIPTION

BOARDWALK EASEMENT

CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWN	CHECKED	SCALE	SHEET	(S-T-R)
10/28/25	3115A	JS	SS	1"=20'	2of2	19-41-21