

# DRAFT

## ORDINANCE NUMBER 2023 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING THE COUNTY'S COMPREHENSIVE PLAN TO REVISE FLU APPENDIX VI: DEVELOPMENTS OF REGIONAL IMPACT BY REMOVING PERMITTED "PUBLIC MARINA" LAND USE/DEVELOPER RIGHT FROM THE HARBORVIEW DEVELOPMENT OF REGIONAL IMPACT (DRI), AND INCREASING THE TOTAL ACREAGE OF "OPEN SPACE, PRESERVATION AND RECREATIONAL USES" TO 169± ACRES FOR THIS DRI: PETITION TCP-22-04; APPLICANTS: RDL ASSOCIATES, LLC; PEACE RIVER ASSOCIATES, LLC; PEACE RIVER EAST II, LLC; POST FALLS MANAGEMENT ASSOCIATES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE.

### RECITALS

WHEREAS, applicants, RDL Associates, LLC, Peace River Associates, LLC, Peace River East II, LLC, and Post Falls Management Associates, LLC ("Applicants") have applied for amendments to various sections of the Development Order (DO), Resolution Number 2010-083, for Harborview Development of Regional Impact (DRI), including revisions to the development rights to remove "Public Marina" land use/developer right, and to increase the total acreage of "Open Space, Preservation and Recreational Uses" to 169 acres more or less; and

WHEREAS, Applicants are also seeking a Planned Development (PD) rezoning which is a major modification to the existing Harborview Development of Regional Impact (DRI) Planned Development (PD), to revise development standards, and the

35 associated PD Concept Plan in order to be consistent with the proposed revisions to the  
36 Harborview DRI DO; and

37 WHEREAS, all development rights and revised development rights within  
38 Developments of Regional Impact (DRIs) in Charlotte County, Florida, must be adopted in  
39 the County's Comprehensive Plan; and

40 WHEREAS, at this time, Applicants are seeking a text amendment to the  
41 County's Comprehensive Plan in order to incorporate all the proposed revisions to  
42 development rights within the Harborview Development of Regional Impact (DRI) into FLU  
43 Appendix VI: Developments of Regional Impact, all as provided in Exhibit "A" which is  
44 attached hereto and by this reference provided herein; and

45 WHEREAS, on February 13, 2023, Petition TCP-22-04 was heard before the  
46 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and  
47 analysis provided by County Staff and the evidence presented to the P&Z Board, Petition  
48 TCP-22-04 was found to be consistent with the County's Comprehensive Plan and the P&Z  
49 Board recommended approval for transmittal of Petition TCP-22-04 to the Department of  
50 Economic Opportunity ("DEO") and other state agencies for review and comment; and

51 WHEREAS, in a public hearing held on Tuesday, March 28, 2023, the Board  
52 of County Commissioners of Charlotte County, Florida ("Board") reviewed plan amendment  
53 Petition TCP-22-04 and, based on the findings and analysis provided by County Staff  
54 regarding the amendment and the evidence presented to the Board, approved transmittal  
55 of Petition TCP-22-04 to DEO and other state agencies for review and comment; and

56 WHEREAS, Petition TCP-22-04 was transmitted to DEO and other state  
57 agencies for review and comment; and

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

61 WHEREAS, after due consideration regarding Petition TCP-22-04 in a public  
62 hearing held on \_\_\_\_\_, 2023, and based on the findings and analysis  
63 presented to the Board, the Board has found that the proposed amendments are consistent  
64 with the County's Comprehensive Plan, and that the requirements and conditions of  
65 Chapter 163, Florida Statutes, as they relate to this Petition have been met, and that it is in  
66 the best interests of the County to approve Petition TCP-22-04.

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

69 Section 1. Approval. Petition TCP-22-04 requesting to amend the County's  
70 Comprehensive Plan by revising FLU Appendix VI: Developments of Regional Impact, as  
71 provided in Exhibit "A" which is attached hereto and by this reference provided herein, is  
72 hereby approved.

73 Section 2. Severability. If any section, subsection, clause, phrase, or  
74 provision of this Ordinance is for any reason held invalid or unconstitutional by any court or  
75 body of competent jurisdiction, such holding shall not be construed to render the remaining  
76 provisions of this Ordinance invalid or unconstitutional.

77 Section 3. Effective date. The effective date of this plan amendment, if the  
78 amendment is not timely challenged, shall be 31 days after the state land planning agency  
79 notifies the local government that the plan amendment package is complete. If timely  
80 challenged, this amendment shall become effective on the date the state land planning

81 agency or the Administration Commission enters a final order determining this adopted  
82 amendment to be in compliance. No development orders, development permits, or land  
83 uses dependent on this amendment may be issued or commence before it has become  
84 effective. If a final order of noncompliance is issued by the Administration Commission, this  
85 amendment may nevertheless be made effective by adoption of a resolution affirming its  
86 effective status, a copy of which resolution shall be sent to the state land planning agency.

87           Section 4. Transmittal. County Staff is hereby directed to forward a copy of  
88 this Ordinance and its attachments to the Department of Economic Opportunity, 107 East  
89 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest  
90 Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, FL  
91 33907.

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97 [SIGNATURE PAGE FOLLOWS]  
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PASSED AND DULY ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

**DRAFT**

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

ATTEST:

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

**DRAFT**

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

**DRAFT**

By: \_\_\_\_\_  
Janette S. Knowlton, County Attorney  
*LR2022-0521*

## FLU APPENDIX VI: DEVELOPMENTS OF REGIONAL IMPACT

### Harborview

Land Use	Development Right
Residential	3,859 Units
Office	50,000 Square Feet
Commercial	655,000 Square Feet
Hotel Rooms	350 Rooms
Public Marina	260 Wet Boat Slips 192 Dry Storage Boat Slips 20 Single-family boat slips qualifying under Section 403.813, F.S.
Open Space, Preservation and Recreational Uses	436 <u>169</u> Acres

Notes:

1. In the West Village, the base density in the Coastal High Hazard Area is 398 units; maximum allowed density in the CHHA is 733 units. Any development in excess of 398 units requires a transfer of density from an equivalent Coastal High Hazard Area.
2. Non-residential land uses approved by the Development Order may be increased in one land use category and concurrently reduced in another land use category, if a Land Use Equivalency Matrix is adopted as part of the Harborview DRI Development Order.

