

RESOLUTION
2025-178

A RESOLUTION AMENDING RESOLUTION NO. 2010-083,
AS AMENDED PREVIOUSLY BY RESOLUTION NOS. 92-
62, 93-66, 2004-071 AND 2006-093, APPROVING AN
AMENDMENT TO THE DEVELOPMENT ORDER FOR THE
HARBORVIEW 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, the Board approved and adopted Resolution 2010-083 on September 21, 2010, which approved a Substantial Deviation to the D.O.; and

WHEREAS, Benderson Development Company, LLC., is requesting in petition 22LAD-00000-00007 and LAD-25-02 to further amend the D.O. by amending Resolution 2010-083; and

WHEREAS, on April 14, 2025, the Charlotte County Planning and Zoning Board reviewed and considered petition 22LAD-00000-00007 and LAD-25-02 amending the D.O and recommended approval of the petition; and

WHEREAS, the Board has reviewed and considered petition 22LAD-00000-00007 and LAD-25-02, 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:

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, 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and 226.55 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 acres of the site adjacent to the Peace River are considered saltwater wetlands and 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 Charlotte Harbor Water Association and sewer service will be provided by Charlotte County Utilities (CCU).

The estimated date for buildout of the project is December 31, 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 Harborview DRI preserves approximately 226.55 acres of saltwater wetlands and upland preservation areas and buffer areas while directing residential and retail development to more suitable land.
- F. The proposed Amendment is consistent with the County's Comprehensive Plan.
- G. Concurrent with the adoption of this Development Order, the Harborview DRI property is the subject of an application for Planned Development rezoning, PD-25-03.
- H. 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 identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These Preserve Areas shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately 165.34 acres of coastal wetlands (mangroves, salt marshes) and bay swamp; the Scrub Jay Preservation Areas include approximately 61.21 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 boundaries and configuration of preservation areas have been approved by Parks and Natural Resources staff to meet the Charlotte County's Habitat Conservation Plan ("HCP") requirements and will need to be placed under a county approved conservation easement as required by the plan if the Developer voluntarily opts into the HCP. The acreage of the preservation areas shall remain fixed.

b. Preservation Areas, as shown on Map F-1, attached hereto as **Exhibit "E"**, which is incorporated by this reference, shall provide connectivity of the on-site wetlands and uplands habitats used by listed species and other wildlife. The Preservation Areas consist of approximately 226.55 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 Areas, including gopher tortoise and Florida Scrub Jay.

d. The Applicant may voluntarily opt into the HCP to address the Florida Scrub Jay or other listed species if applicable.

e. Prior to application for a clearing permit impacting an HCP species 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; 2) a Florida Land Use and Cover Classification System map; 3) a County specimen tree survey. Wildlife species surveys shall follow established survey protocols and be conducted by a qualified wildlife biologist.

f. The Developer shall design and construct a wildlife crossing or undercrossing in any roadway crossing that bisects the Preservation Areas. Proposed wildlife 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.

g. Signage shall be installed that warns drivers of the presence of designated wildlife crossings. The use of passive control devices to slow traffic will be incorporated into the project near wildlife crossings. 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.

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.

j. The Developer will install and permanently maintain fencing and signage that separates and identifies all other 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.

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 wetland categories: Mixed Wetland Hardwood, Exotic Wetland Hardwood, Freshwater Marsh, Bay Swamp, and Saltwater Marsh. The Developer shall preserve approximately 165.34 acres of existing Bay Swamp and Saltwater Marsh wetlands (Preserve Areas A and B) as shown on Map F-1, and incorporated herein by this reference.

b. The applicant shall provide a buffer no less than 100 feet wide buffer to separate Preservation Area A and B from adjacent development, which shall be identified as the "Green Zone" on Map H. Modification of the Green Zone 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. Uses such as commercial or residential buildings, parking lots, roads, other impervious surfaces and fertilizer are prohibited in the Green Zone.

c. 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 226.55 acre "Preserve Area" shown on Map F-1 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" shall be conveyed to the Grantee for preservation in perpetuity and consistent with all of the restrictions contained in Section 704.06, Florida Statutes, 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 Area" in a natural state at no cost to the Applicant or any homeowners association or community development district ("CDD"). The conveyance to the Grantee shall occur within fifteen (15) days of completion of any mitigation required by the ERP. 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.

e. The Developer shall be entirely responsible for maintaining all wetland buffers in perpetuity.

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

g. Nuisance plant species within the "Preservation Area" 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 or charitable entity or establishment of a conservation easement to a government or 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. 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.

e. 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.

f. 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

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

c. 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.

d. The Developer shall take necessary precautions during construction 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

j. 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.

k. The Developer shall conduct annual inspections in accordance with the conditions of the Charlotte County Master Stormwater Management Plan 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.

l. 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.

- m. 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.
- n. 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.
- o. 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.
- p. Stormwater ponds will be designed to provide water quality treatment with design elements which may include rainwater gardens, treatment swales planted with native vegetation and entrainment systems. Rainwater harvesting techniques including cisterns, rainwater gardens, bottomless planter boxes, green roofs and pervious surfaces should also be considered for inclusion in the stormwater design.
- q. 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.
- r. 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.
- s. The Developer shall install storm drain inlet protection to limit sedimentation within the storm water management system.
- t. 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.
- u. 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.

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 through project buildout:

Rampart Boulevard

- Luther Road/Capricorn Boulevard to Rio 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" for 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 will also 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 Florida Laws and Rules 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 roadway improvements shall be reviewed with each phase (cumulative in the case of subsequent phases) of the Harborview DRI development to determine which (if any) of these transportation improvements are needed prior to, or coincident with, development of each phase or a proportionate share payment pursuant 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):

Road segment improvements

Harborview Road

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

Rio 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 Janeiro Avenue: Signalize when warranted
- Harborview Road & U.S. 41: Lengthen the westbound right turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.
- Harborview Road & I-75 West Ramps: Signalize when warranted.
- 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."

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, 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 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 level of service shall be calculated according to current professional standards and shall provide an indication of when level of service "D" 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 for review and shall be subject to written approval by both entities prior to the start of each biennial monitoring event.

k. If a monitoring report projects that the project's traffic plus background 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 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 level of service "D" for the I-75 ramps 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:

(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. 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, 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 163.3180, Florida Statutes;

(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

(III) Any combination of guarantees (I) thru (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) 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 163.3180, Florida Statutes, 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; 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 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 also include:

(l) 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.

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, 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 Section 163.3220, Florida Statutes, which requires a commitment by the Developer and/or the local government to ensure concurrency on all significantly impacted roads through development order amendment incorporating the development agreement, pursuant to Section 380.06, Florida Statutes.

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 basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380, Florida Statutes.

o. If Section 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. 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.

q. 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.

7. HOUSING

The Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for affordable housing as defined in s. 420.0004, Florida Statutes, which units shall be allocated as follows: twenty percent (20%) for very low income persons; forty percent (40%) for low income persons; forty percent (40%) for moderate income persons. 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.

8. POLICE AND FIRE PROTECTION

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

9. 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.

10. DOCK FACILITIES

a. Docks may be constructed along the DeSoto Canal, upon receipt of all required local, state and federal agency permits and approvals.

b. 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.

c. A total of twenty (20) slips may be placed along the western shoreline of the DeSoto Canal for single family residences. 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.

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 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.
- g. 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.
- h. 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.

- i. Structural shading shall be used when natural shading cannot be used effectively.
- j. 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.
- k. Porches, overhangs for shade and/or patio areas will be included in residential units when practical.
- l. The Developer will install irrigation rain sensors and will abide by water restrictions mandated by State and County agencies.
- m. The Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.
- n. Site development shall comply with the Florida Green Building Coalition Certification standards or equivalent green building standards.
- o. All thermostats installed in any structure shall be programmable.
- p. 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.

12. FLOOD PLAIN/HURRICANE PREPAREDNESS

- a. Two-way radio communication equipment shall be provided to the hotel or clubhouse, at the discretion of the Charlotte County Emergency Management Director, with an integrated evacuation siren warning system.
- b. 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.
- c. 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.
- d. 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.
- e. 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 boaters
 - Community Emergency Communication System
 - Agency Coordination/Situation Updates
 - Community emergency Response Team (CERT) Training
 - Private Security
- f. A maximum of 773 DUs shall be permitted in the CHHA of the East Village. The West Village currently retains a base density in the CHHA of 398 residential dwelling units - 37 residential units located within Category 1 Storm Surge Zone and 361 residential dwelling units located within Tropical Storm Surge Zone. These CHHA density within the West Village may be relocated to the East or North Village.

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.

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. 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.

e. 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. 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 (see conversion matrix below)
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
<u>Docks</u>	
Exempt single family slips	20

- c. Residential Land Uses in section 15.b may increase or decrease using the Land Use Equivalency Matrix provided in Exhibit "B." However, this Matrix can only be used to residential units to non-residential uses or convert multi-family units to single-family units.
- d. Non-residential Land uses approved by this Development Order may be increased in one non-residential land use category and concurrently reduced in another non-residential 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.
- e. 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.
- f. 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.

g. 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

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 report every two years from the effective date of this Development Order to Charlotte County as required by the County code. 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. Pursuant to Section 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.

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

d. 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.

e. 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(11), Florida Statutes, as amended.

f. 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. 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, 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. 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.

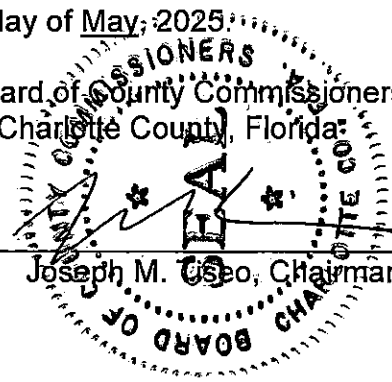
f. In the event any term(s) of any other resolution with respect to this Harborview DRI Development Order conflict with any term(s) of the within resolution, the terms of this resolution shall govern and supersede those conflicting terms.

g. This resolution shall become effective as provided by law.

h. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution to 1) the Developer, and 2) the State Land Planning Agency.

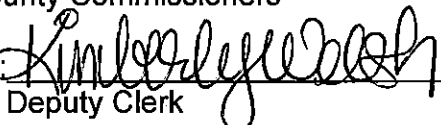
PASSED AND DULY ADOPTED this 27th day of May, 2025.

Board of County Commissioners
of Charlotte County, Florida

By:  _____
Joseph M. Uso, 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:



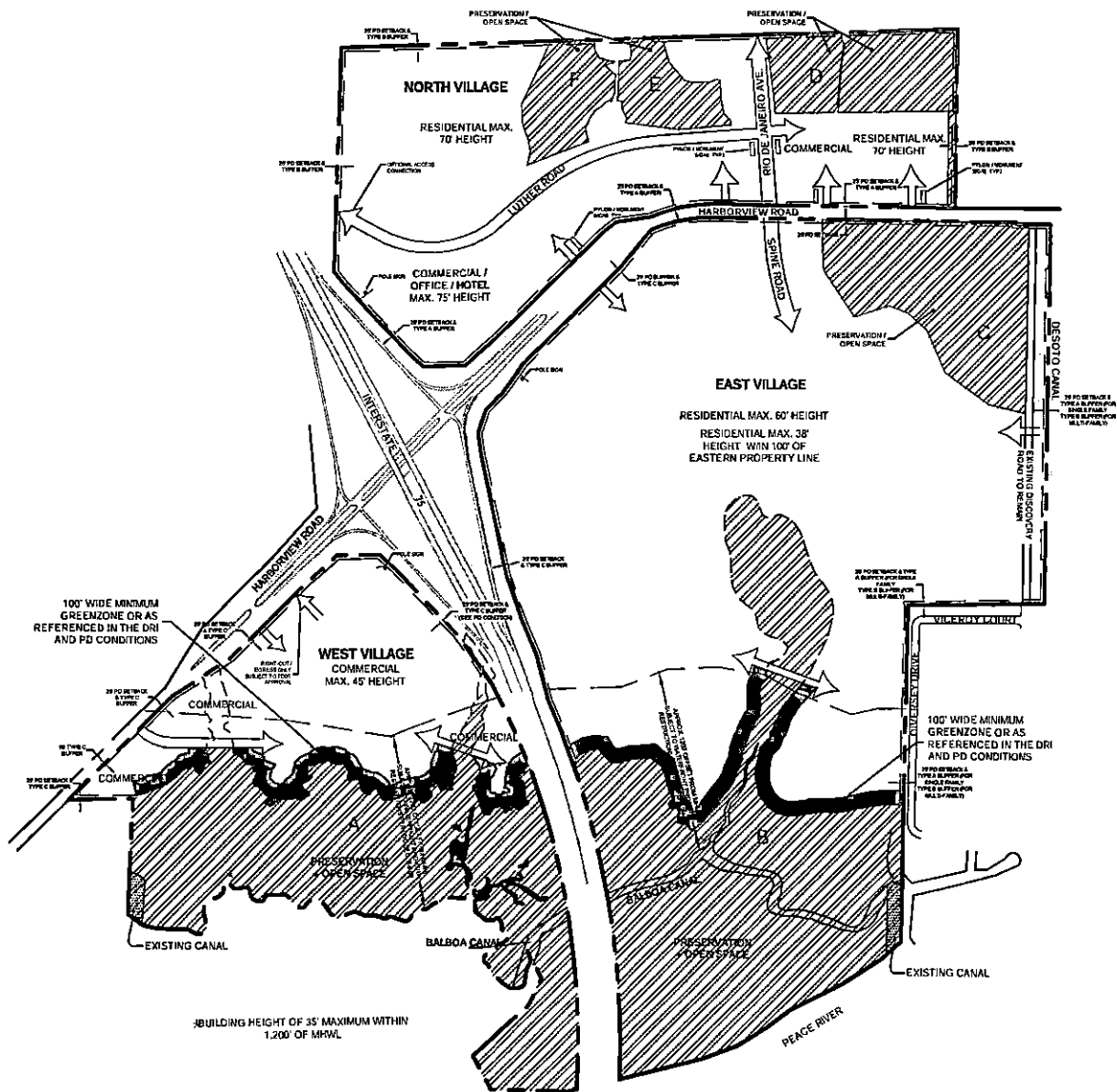
By:  _____
Janette S. Knowlton, County Attorney
LR2025-0171


Exhibit “A”



SITE DATA	
PROJECT LAND USE	
PROJECT AREA	± 453 ACRES
NORTH VILLAGE AREA	± 159 ACRES
EAST VILLAGE AREA	± 266 ACRES
WEST VILLAGE AREA	± 128 ACRES
OPEN SPACE	20% MIN. (REQUIRED)
TOTAL PRESERVATION OPEN SPACE	± 125.48 ACRES (54.5% PROVIDED)
PROJECT LAND USE	
RESIDENTIAL UNITS	3,850 UNITS (SUBJECT TO CONVERSION MATRIX)
3,850 UNITS / ± 584 ACRES	6.60 DU / ACRE
COMMERCIAL / OFFICE SQUARE FOOTAGE	
COMMERCIAL	655,000 SF
OFFICE	50,000 SF
TOTAL	705,000 SF (SUBJECT TO CONVERSION MATRIX)
WETLAND PRESERVE	
WETLAND PRESERVE W	74.15 AC
WETLAND PRESERVE T	80.31 AC
SCRUB JAY PRESERVE C	28.97 AC
SCRUB JAY PRESERVE P	18.68 AC
SCRUB JAY PRESERVE E	7.18 AC
SCRUB JAY PRESERVE S	8.37 AC

- NOTES:**
1. WETLAND LINES ARE PRELIMINARY AND SUBJECT TO JURISDICTIONAL DETERMINATION.
 2. 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: 12/04	SCALE: 1"=80'	MAP H
SIZE: _____ INCHES REVISION: _____		

Exhibit “B”

Land Use Equivalency Matrix

					TO							
					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)
FROM	1 DU Single-Family Detached	210	0.94	is equal to	1.00	1.65	1.84	2.41	1.59	0.65	0.26	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	0.88	0.35	0.15	0.05
	1 DU Multifamily Housing (Mid-Rise)	221	0.39	is equal to	0.41	0.69	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

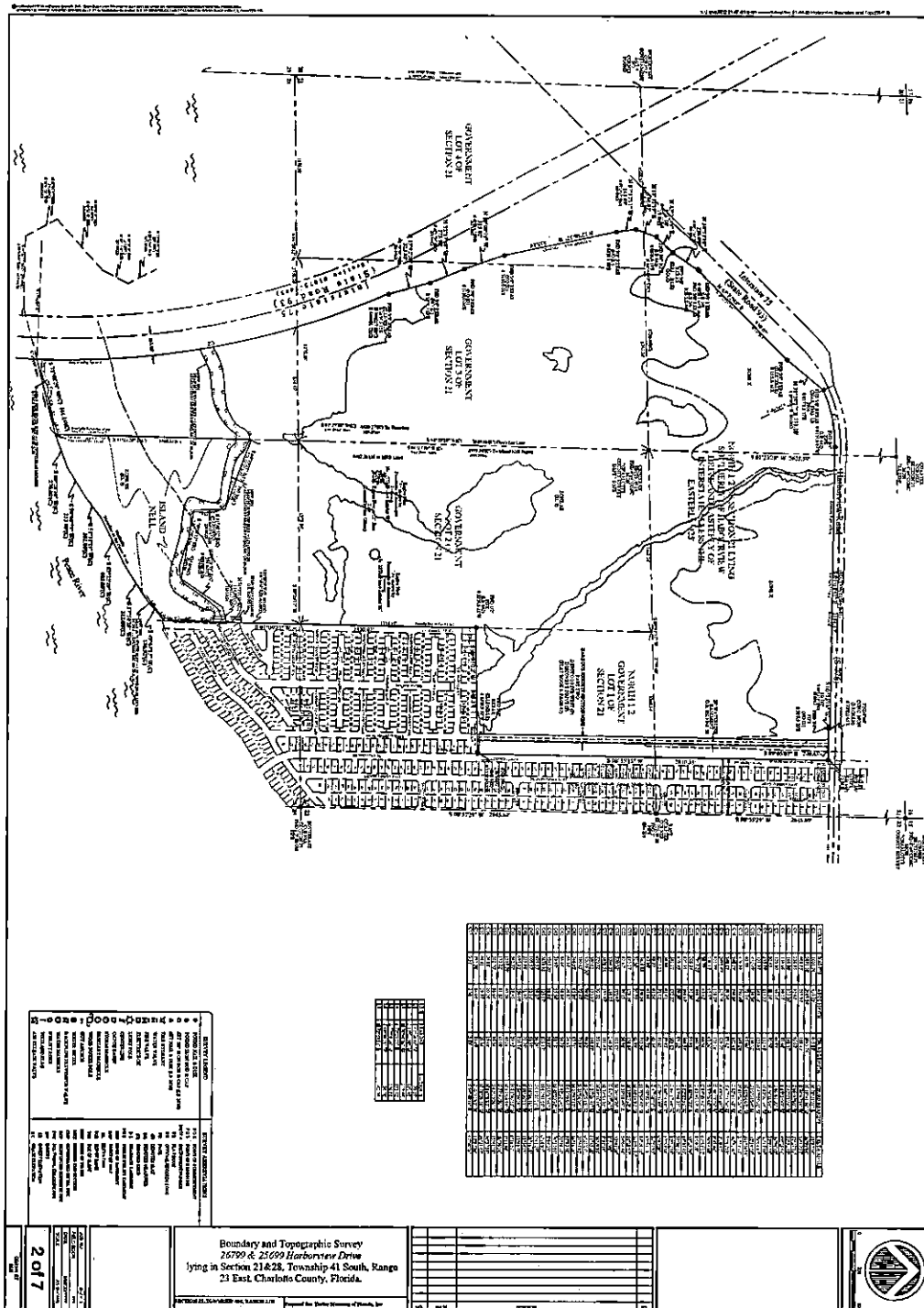
SF = square feet

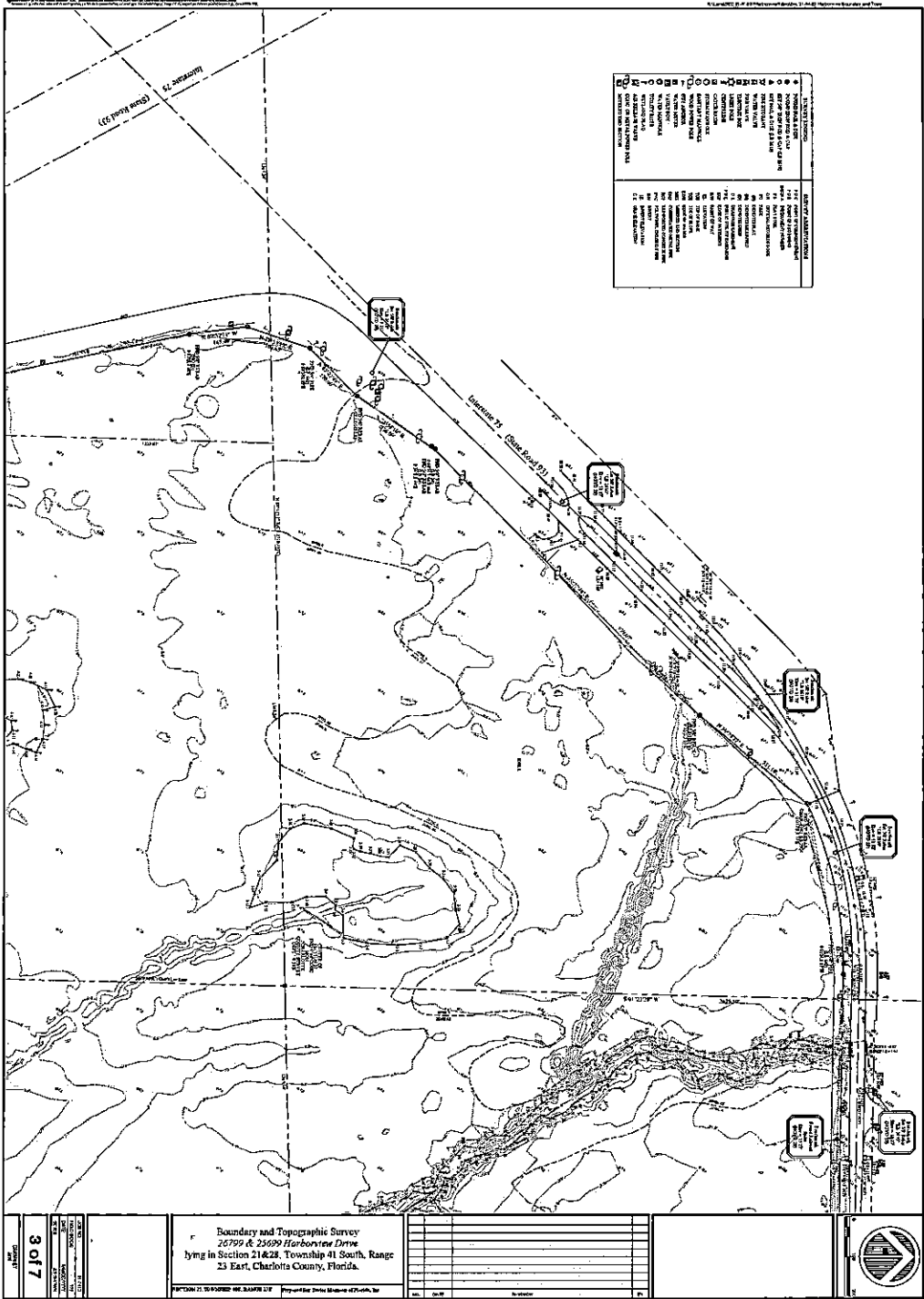
VFP = Vehicle Fuel Pump

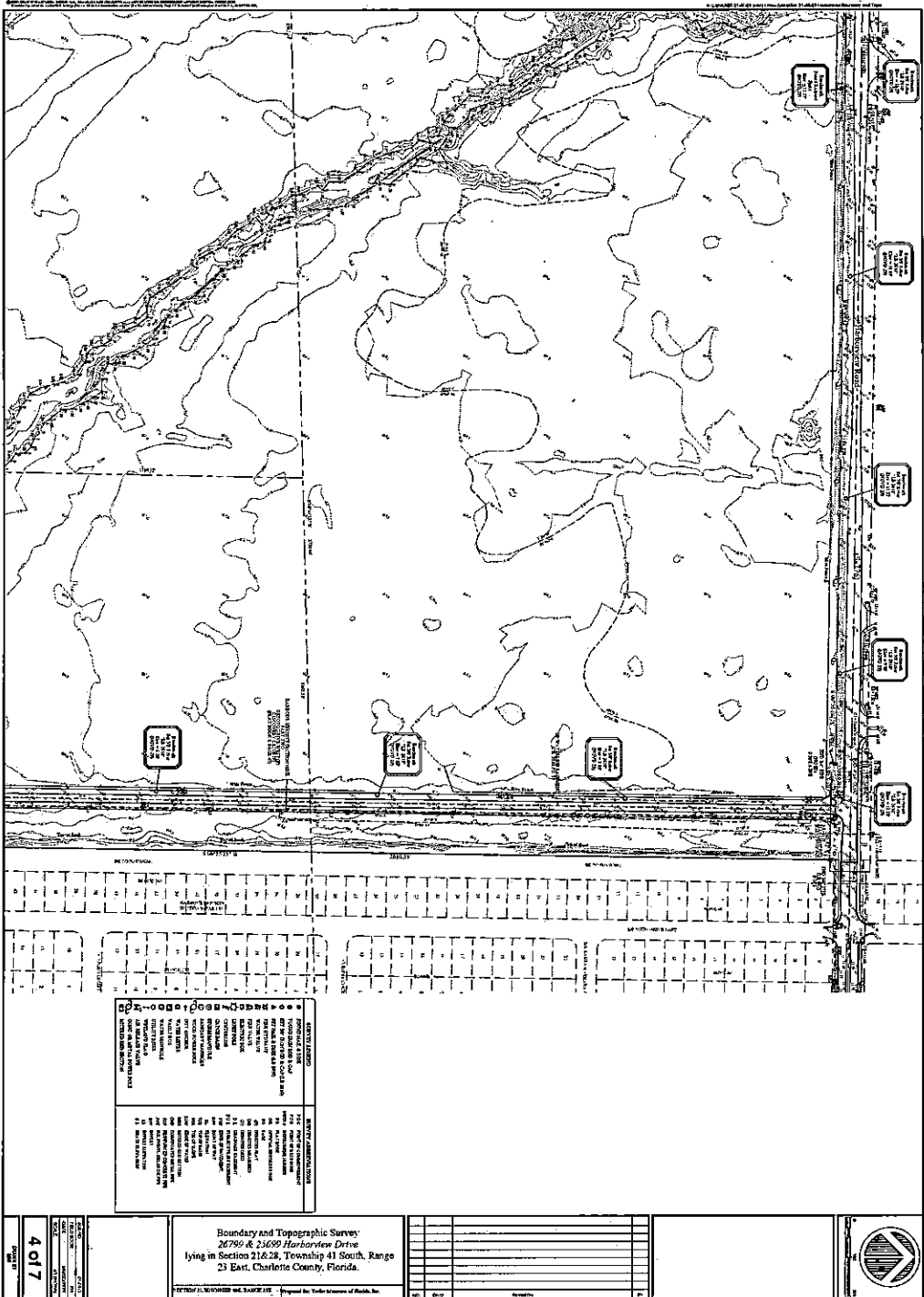
Example (Convert Multifamily (Low-Rise) to Single-Family Detached): 100 DU Multifamily (Low-Rise) = 100 x 0.54 = 54 DU Single-Family Detached

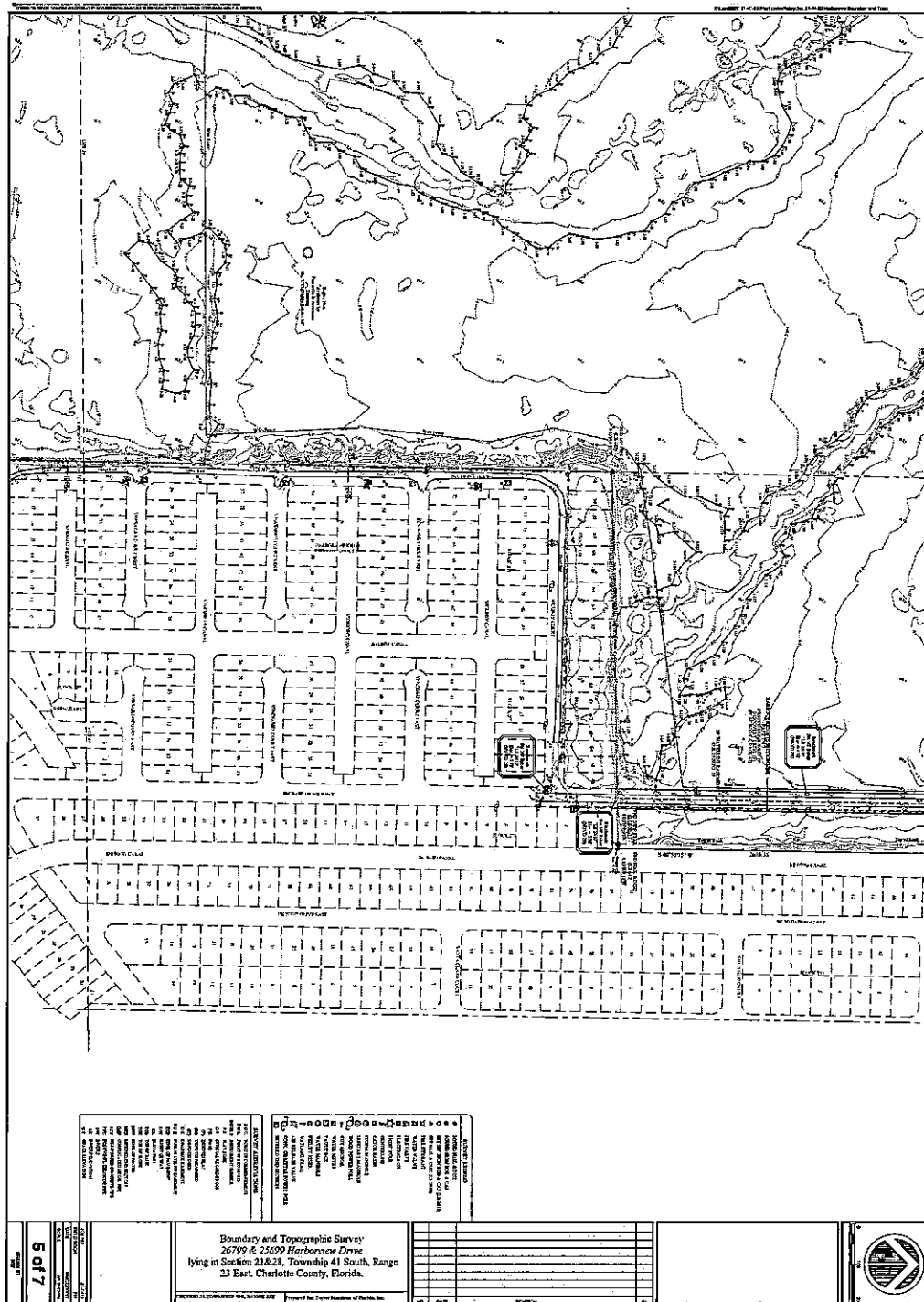
Note: Residential land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.

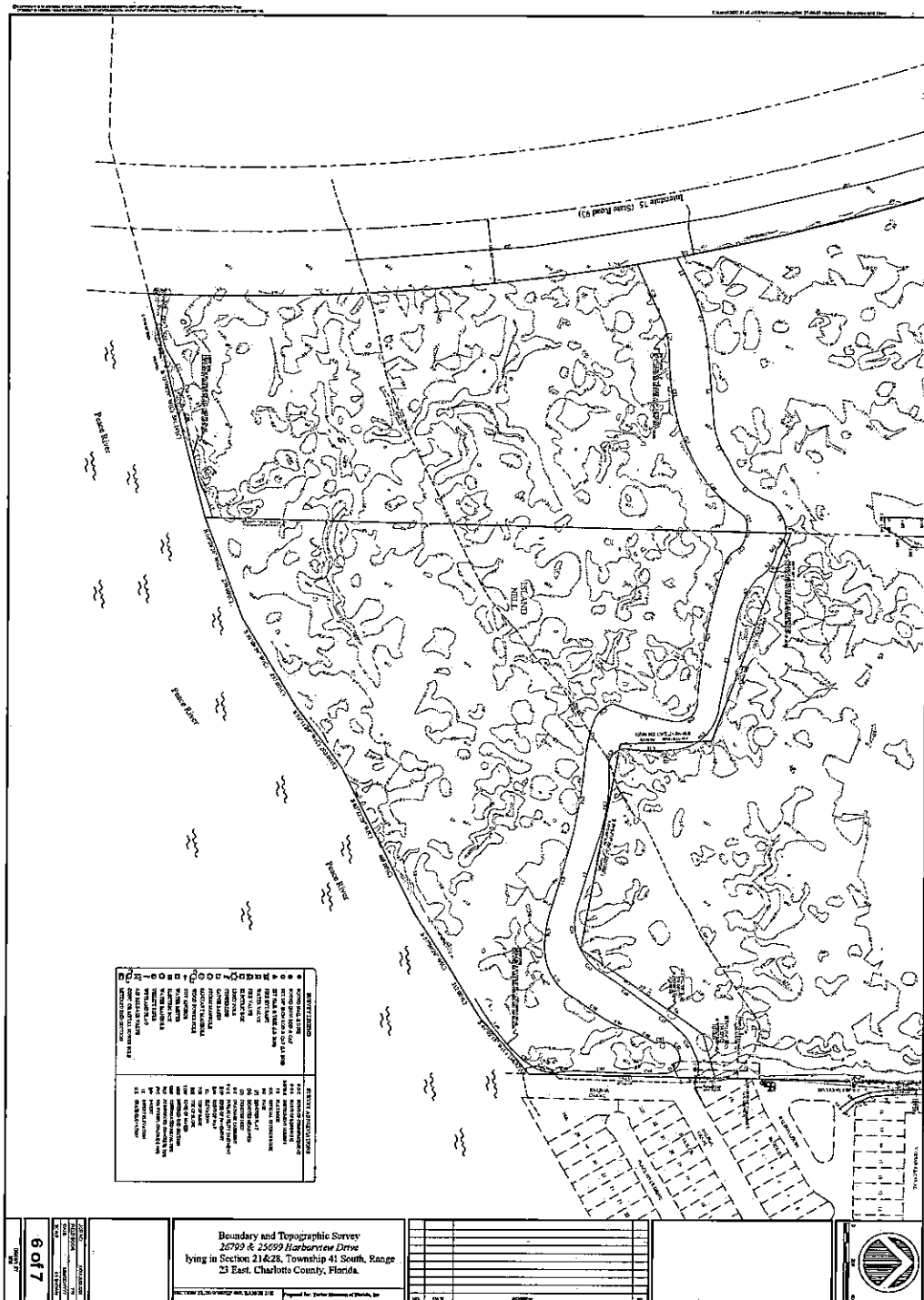
Exhibit “C”









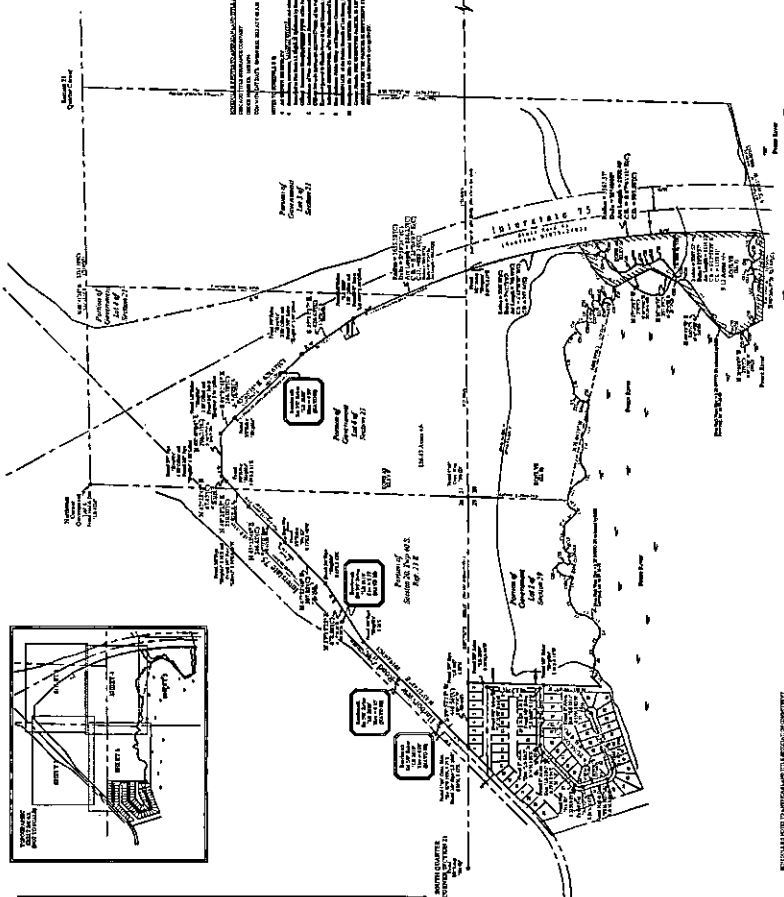
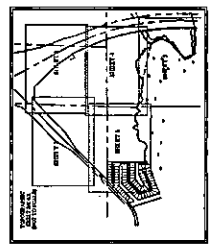


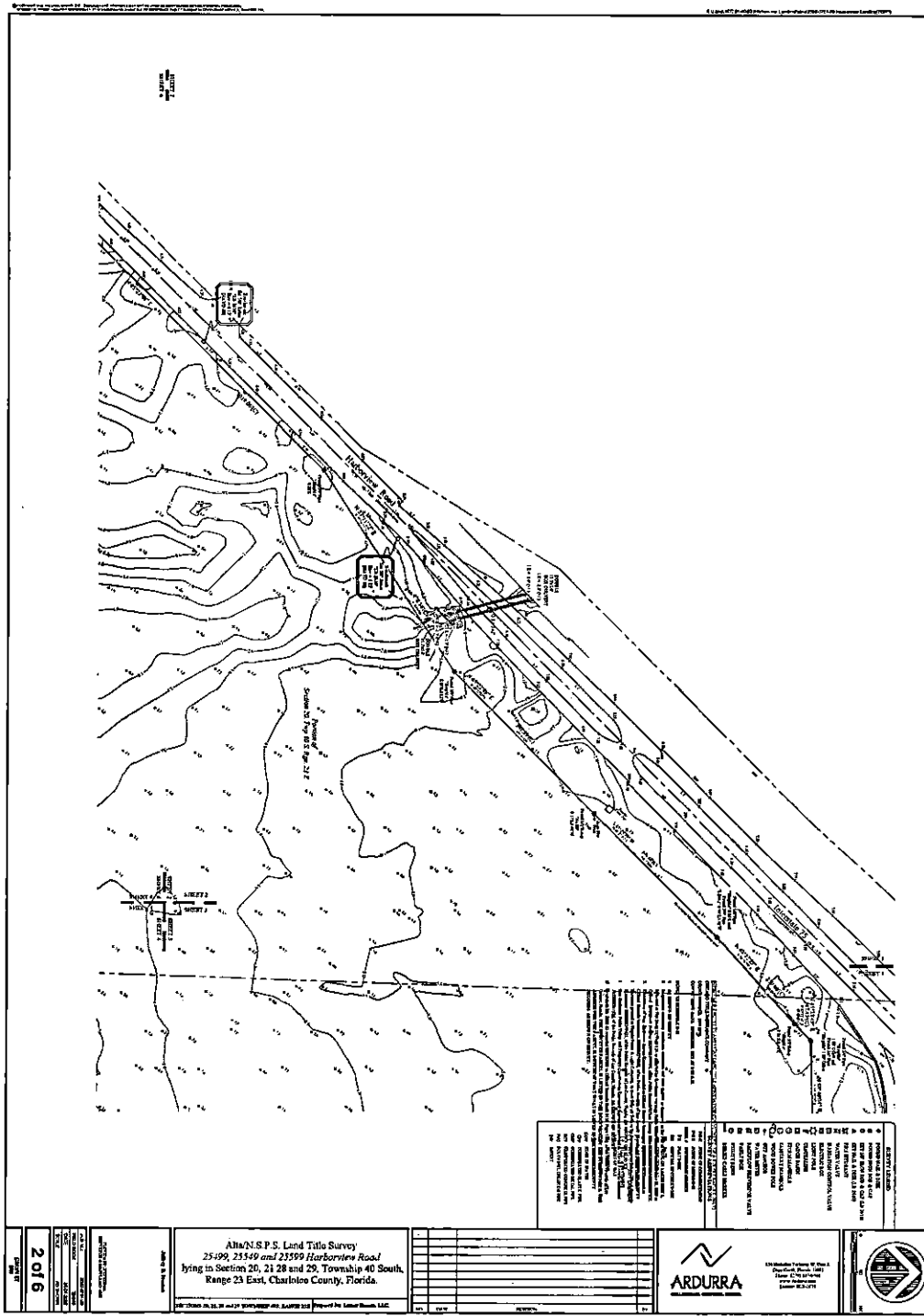
Background: The purpose of this study was to determine the effect of a 12-week training program on the physical fitness of a group of 100 young adults. The study was conducted in a gymnasium and involved a series of cardiovascular and strength training exercises. The participants were divided into two groups: a control group and an experimental group. The experimental group underwent the training program, while the control group did not. The study was conducted over a 12-week period, with measurements taken at the beginning and end of the program. The results of the study showed that the experimental group had significantly improved their physical fitness compared to the control group. The improvements were seen in both cardiovascular and strength measures. The study concluded that a 12-week training program can effectively improve the physical fitness of young adults.

[illegible]

[illegible][illegible][illegible]A black and white photograph of a book cover. The cover features a prominent grid pattern, likely a woven fabric or a printed design. The grid consists of vertical and horizontal lines forming a series of small squares. The lighting is somewhat uneven, with the right side of the cover appearing slightly darker than the left. The edges of the book are visible, showing the thickness of the pages.

A large rectangular area filled with many thin, horizontal black lines, providing space for handwritten notes.

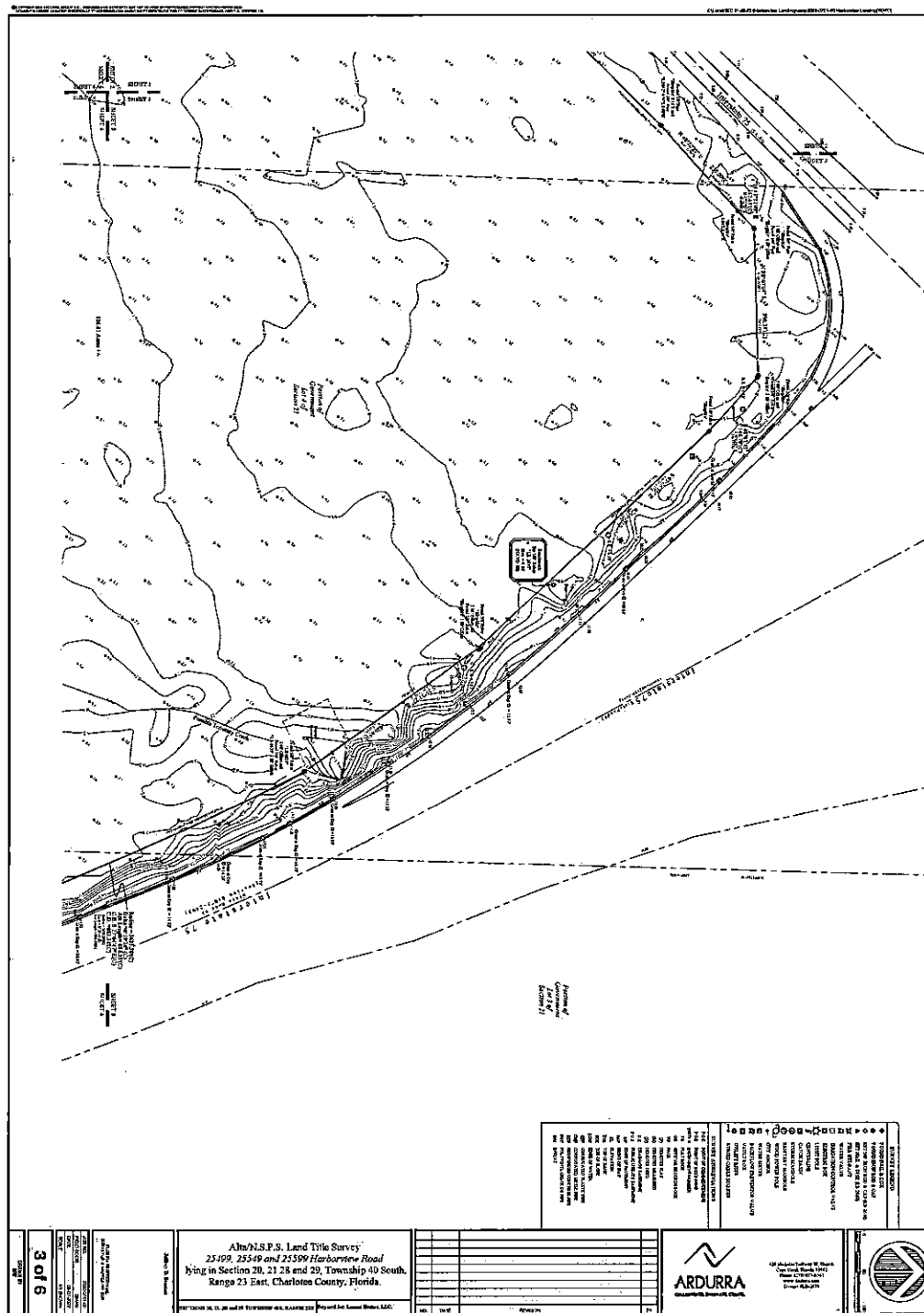
[illegible]



2 of 6

Aha/Ni 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.

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3 of 6

ARLIS P.S. Land Title Survey

25109, 25349 and 25509 Harborview Road

lying in Section 20, 21 28 and 29, Township 40 South,

Range 23 East, Charlotte County, Florida.

ARLIS P.S. Land Title Survey

25109, 25349 and 25509 Harborview Road

lying in Section 20, 21 28 and 29, Township 40 South,

Range 23 East, Charlotte County, Florida.

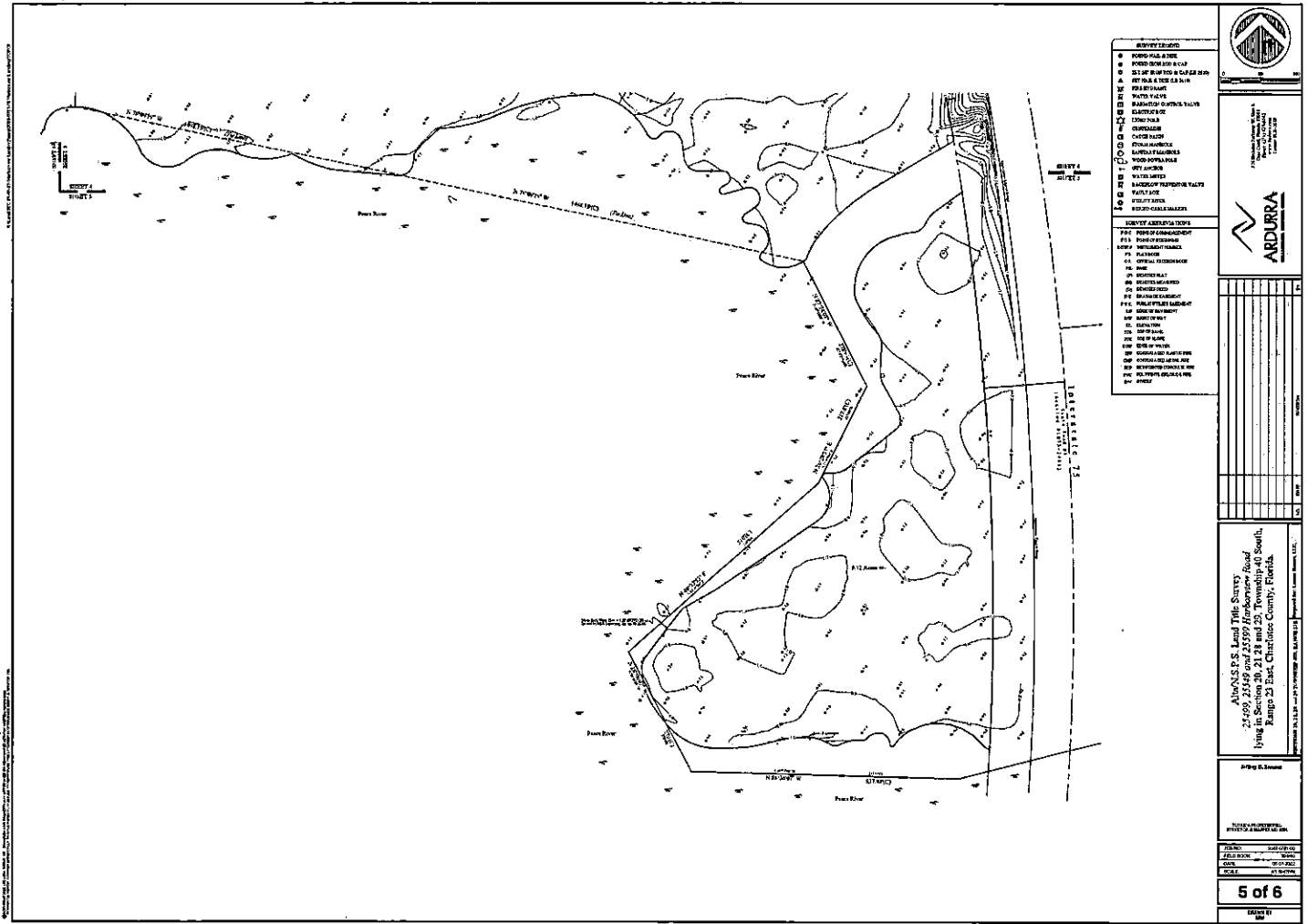
ARLIS P.S. Land Title Survey

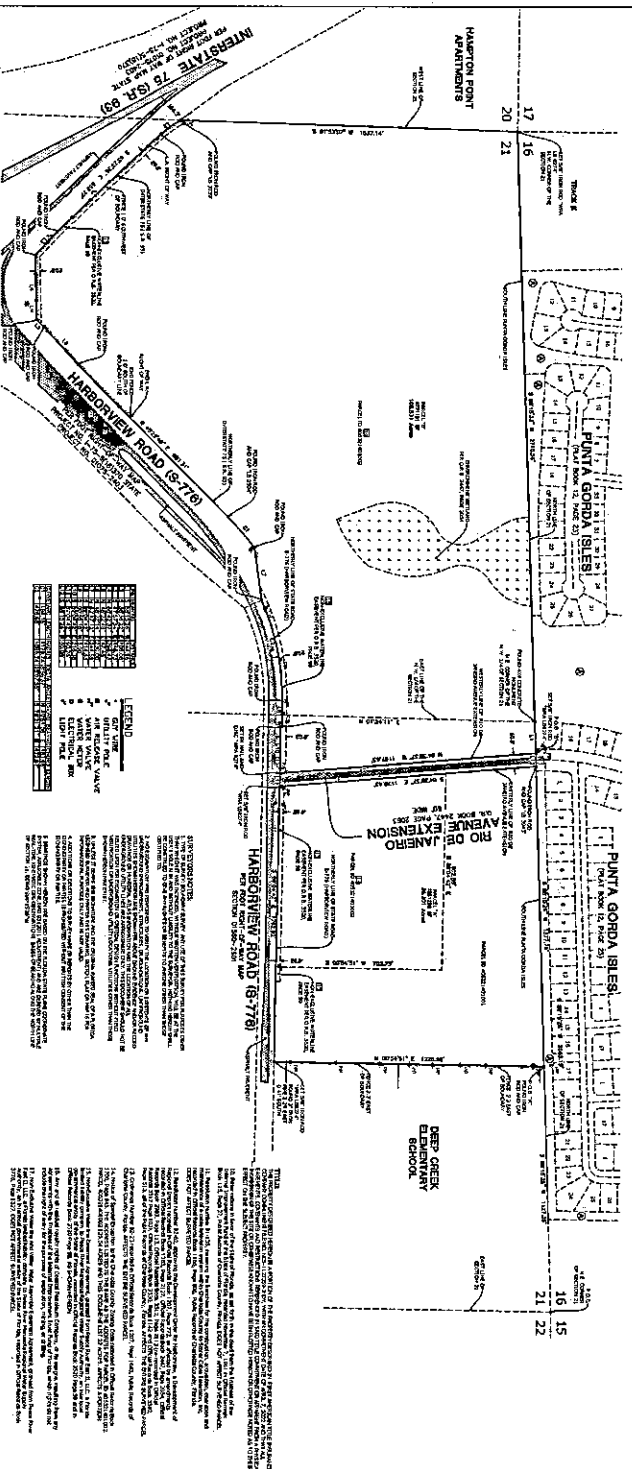
25109, 25349 and 25509 Harborview Road

lying in Section 20, 21 28 and 29, Township 40 South,

Range 23 East, Charlotte County, Florida.





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TIME: 3:30PM-5:00PM
CLIENT: BENEDICTSON DEVELOPMENT

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

Category 1b: Level 1b: Restricted use only

Robert S Flanary
 Director, Special Projects
 10000 E. 1st Avenue, Suite 100
 Denver, CO 80231
 (303) 751-1100
 (303) 751-1101
 (303) 751-1102

[illegible]

WPA

WATER RESOURCE ASSOCIATES, LLC
7875 Cooper Creek Blvd.
Jeffersburg, Pa. 15460 34201
Phone 814.275.9721

SHEET
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OF 1

Exhibit “D”

Exhibit "D"

Harborview DRI Land Management Plan A Manual of Best Management Practices for Preservation Areas Prepared by Water Resource Associates March 2024

I. Purpose

The purpose is to establish an integrated management program that assures that the environmentally-sensitive areas within the Harborview DRI are protected and adjacent development is designed, developed, and maintained with high environmental standards. One of the primary benefits of these best management practices (BMPs) is greater protection of sensitive natural resources. These BMPs are also intended to be compatible with maintaining and improving the environmental quality of the Preservation Areas; to sustain habitat for on-site wildlife; and allow unhindered movement across the site. The Preservation Areas consists of wetland and scrub jay preservation areas.

Map "F-1", entitled the Harborview DRI Post-Environmental Plan, depicts the various protected environmental areas including Preservation Areas and an area unique to the Harborview DRI called the Green Zone. The Green Zone is a 100-foot-wide minimum (or as referenced in the DRI and PD conditions) buffer adjacent to the southern Preservation Areas (salt marsh) which was originally approved as part of the Harborview DRI in 1993. See attached a typical cross section of the proposed bioswale.

In addition, these BMPs are compatible with the management recommendations are consistent with all Charlotte County, Southwest Florida Water Management District (SWFWMD), Florida Wildlife Commission (FWC), and U.S. Army Corps of Engineers (ACOE) permits.

II. Green Zone

A. Location

The Green Zone depicted on Map F-1 is an 100-foot-wide minimum (or as referenced in the DRI and PD conditions) buffer landward of the salt marsh limits. Outside the landward extent of the Green Zone, the following BMPs are established to guide design of stormwater management facilities, landscaping, and compatible development that protect the water quality of the Peace River.

B. Stormwater and Water Quality Management

- Within the Green Zone, areas of managed lawn or turf grass will be limited. The focus will be on protecting native vegetation consisting of trees and understory plants. Cleared areas for foot paths and viewsheds will be mulched to the extent practicable to

- reduce the installation of managed turf grass and pavement;
- Any heritage trees (cypress, oak, or pine species with a minimum DBH of 30 inches) are protected during the design, construction, and maintenance of the development in accordance with the intent of the Charlotte County adopted code;
- Bioswales or spreader swales will be constructed in parking lots, as appropriate and in grass areas along the green zone to allow treatment of stormwater runoff;
- The design, construction, and maintenance of the development and associated lake system will implement BMPs consistent with the SWFWMD permit;
- Routine maintenance of stormwater facilities such as removal of accumulated debris will occur in accordance with the SWFWMD permit; and
- Impervious surface areas, including parking lots, will not be allowed within the Green Zone.

III. Preservation Area Management (Salt Marsh Wetland and Scrub Jay)

Prior to any land clearing within each Harborview Village, a more detailed management plan for the Preservation Areas will be prepared and submitted to the Charlotte County Parks and Natural Resources Division. This plan will address proper management practices as follows:

- Identification of the management entity (e.g., Community Development District or designee);
- Selection of a plant palette to be used in supplemental plantings that provide food and shelter for the wildlife in the area where needed;
- Provision of more details on the exotic plant removal program including the monitoring of exotic plant removal from preservation areas by a professional environmental scientist; and
- In accordance with State and Federal permits, a long-term monitoring and maintenance program will be implemented and annual monitoring reports will be submitted to the SWFWMD, ACOE, and Charlotte County Natural Resources Section.

A. Wildlife Crossings

- All bridge crossings of wetlands are on pilings and elevated at least three feet in height and at least 15 feet in width along the entire length of the crossing, providing an upland travel way under each road crossing;
- Cleared areas resulting from construction of the roadway crossings are replanted with native vegetation including oaks, pines, wax myrtles; and sand cordgrass to enhance the wildlife travel ways and provide cover; and
- Cautionary wildlife crossing signs are strategically placed on roadway approaches to slow speeds and alert motorists to potential wildlife crossings.

B. Removal of Nuisance Plant Species

- A long-term maintenance program will be implemented which will include the preservation areas to be managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's Pest Plant List Committee's List of Invasive Species (Category 1) (2021);
- Nuisance species management involves a combination of manual and mechanical removal and selective herbicide treatments performed by a state-certified applicator with a frequency to allow the native, beneficial plants to become dominant. The amount of chemical used is minimized to the stump area alone or selective foliar applications if necessary;
- The enhancement of on-site protected wetland buffers involves the removal of Brazilian pepper trees and other nuisance plant species that have invaded these areas and may be contribute toward enhancement credits for the Harborview DRI; and
- Control of nuisance plants within and in vicinity of lakes also involves a combination of manual removal and selective herbicides specifically labeled and designed for aquatic use and applied by a state-certified applicator.
- The target for nuisance plants will be managed to be 15% or less nuisance plants (85% or more desirable native vegetation).

D. Artificial Lighting Control

- All lighting, including street lighting, are shielded to reduce glare.

E. Nature Trails

- Nature trails are designed and maintained to avoid removal of native trees and utilization of existing trails to the extent possible;
- Informative signs provide biological descriptions of plants and animals that may be observed from the trail with cautionary instructions on their protection;
- Nature trails are mulched to the extent possible;
- Nature trails are integrated into the overall pedestrian system for the Harborview DRI including connectivity with sidewalks; and
- Motorized vehicles are strictly prohibited on the nature trails except those necessary for ecological maintenance of the preservation areas.
- Nature trail installation will meet HCP minimization criteria for the time of year and will require gopher tortoise and eastern indigo snake surveys/BMPs.
- A nature trail master plan will be submitted for review and approval prior to mulching any nature trails.

IV. Wildlife Habitat Protection

A . Scrub Jay Preservation Area

a . Gopher Tortoise

The gopher tortoise is listed as State Threatened by FFWCC and listed as a candidate species by USFWS. The gopher tortoise occurs in sandhill (pine-turkey oak associations), sand pine scrub, xeric hammock, pine flatwoods, dry prairie, coastal grasslands and dunes and mixed hardwood pine communities. Their burrows are known to serve as refugia for many species, including some classified as protected (Eastern indigo snake and Florida pine snake (*Pituophis melanoleucus*)). Gopher tortoise burrows located within the Preservation Areas will be protected.

A minimum of 61.2 acres of upland habitat currently utilized by gopher tortoises located within the Scrub Jay Preservation Areas (refer to Maps H, and F-1) will be managed and preserved for gopher tortoises. The Preservation Areas were selected based on the greatest concentration of active gopher tortoise burrows on site, desirable gopher tortoise habitat, restoration potential, and isolation from surrounding construction activities with the use of temporary buffers.

Pre-Construction

- Prior to on-site earthmoving, a 100% survey, per the current FWC guidelines, will be conducted in all identified gopher tortoise habitat;
- When a gopher tortoise burrow is identified, it will be marked with flagging and a unique naming. Locations of gopher tortoise burrows will be collected using a handheld GPS;
- Prior to on-site earthmoving and subject to permitting, silt fencing will be installed along preserve areas within or directly adjacent to development pods;
- Prior to on-site earthmoving and subject to FWC permitting, gopher tortoises and commensal species will be excavated and relocated either into on-site preservation areas or to an off-site gopher tortoise recipient site.

Excavation Procedures

- Excavations will follow the FWC Guidelines being implemented at the time of the activity.
- Excavations will take place when temperatures, as forecasted by the National Weather Service, are above 50° Fahrenheit for three consecutive days (72 hours) at the recipient site after release (including the day of relocation). This criterion ensures that the tortoises will have optimum weather conditions for acclimation to their new surroundings;
- All excavation activities will be monitored and managed by a FWC Authorized Gopher Tortoise Agent;
- An experienced backhoe operator will be utilized to minimize the potential of harming a tortoise during the excavation;
- When a burrow is excavated, small flexible PVC tubing will be inserted

into the mouth of the burrow to gauge the depth and direction of the burrow. The backhoe bucket will have a flat plate scoop, rather than teeth, to minimize potential of harming the tortoise;

- The backhoe will be positioned behind the burrow mouth, such that the backhoe is pulling dirt from the mouth, along the length and to the end point of the burrow;
- Excavation will be done by making deep narrow trenches in small incremental scoops across a wide swath of ground to ensure that trench collapse is avoided; and
- When backhoe excavation is near the identified tortoise, digging by hand will commence to ensure the safety of the tortoise. The tortoise will be hand removed from the burrow and placed in a shaded container and relocated to an FWC approved recipient site.

Post-Construction

- A Monitoring Program will be implemented which will include maintenance activities, relocation activities, and an estimated gopher tortoise population count within the Preservation Area Annual reports. These reports will be submitted to the Charlotte County Parks and Natural Resources Division;
- Nuisance plant species will be removed to enhance the quality of habitats utilized by gopher tortoises;
- Access to the Preservation Area by the public will be restricted to foot traffic only and the boundary will be marked in the field using permanent signs. These signs will be installed at regular intervals along the boundary of the preservation areas to inform the public that these areas must remain undisturbed in perpetuity;
- Prior to any request for relocation, a more detailed management plan for the upland conservation area will be prepared and submitted to the FWC and Charlotte County Natural Resources Section. This plan will address the proper management practices as follows:
 - Identification of optimum tree canopy coverage, saw palmetto height, and forage grass coverage to create sustainable gopher tortoise habitat;
 - Description of management techniques and frequency that address mechanical thinning, removal of nuisance vegetation, and restoration and maintenance of desirable vegetation with the objective of ultimately creating a low maintenance ecosystem;
 - Possible vegetative thinning by mechanical means prior to any relocation including measures to protect existing burrows during these activities;
 - Identification of the management entity (e.g., Community Development District of designee); and
 - Identification of a professional environmental scientist(s) to monitor the protective strategies and management activities described in the management plan.

Upon locating a dead, injured, or sick gopher tortoise, the regional FWC Wildlife Biologist should be contacted and supplied with the information needed to locate

the dead, injured, or sick tortoise.

b. Florida Scrub Jay

The Florida scrub jay (*Aphelocoma coerulescens*) is listed as Federally and State Threatened. Florida scrub jays are non-migratory birds that inhabit open, low-growing scrub communities endemic to Florida. Optimal habitats include xeric oak scrub interspersed with bare sand, open sand pine scrub, and scrubby flatwoods with slash pine and rosemary. Scrub habitat located within the Preservation Area is protected.

A minimum of 61.2 acres of upland habitat identified as Type II scrub jay habitat located within the northeastern, northwestern, and southeastern portions of the Harborview site (refer to Maps H, and F-1), are part of the Preservation Area and will be managed for scrub jays. There will be no development within the preserve areas. The 61.2-acre upland preservation area is selected based on the results of scrub jay surveys conducted on site, nest locations, foraging habitat, restoration potential, and County review.

Pre-construction

- On-site earthmoving in the vicinity of the Preservation Area will take place outside of scrub jay nesting season (March through June);
- Prior to on-site earthmoving and subject to permitting, silt fencing will be installed along preserve areas within or directly adjacent to development.

Post-Construction

- Long-term management activities will be developed to maintain compliance with the ACOE Individual Permit and U.S Fish and Wildlife Service wildlife permits issued for this site.
- A Monitoring Program will be implemented which will include maintenance activities and an estimated scrub jay population count within the Preservation Area. These counts will be submitted with the Preservation Area Annual Report to the Charlotte County Parks and Natural Resources Division.
- Traditionally, scrub jay habitat is managed through prescribed burning. The Preservation Areas located on the Harborview property includes remnant scrubby flatwoods and disturbed xeric oak habitat. As a result of the proximity of homes and existing school (Deep Creek Elementary School), a fire regime is not appropriate to manage this land. Hand and mechanical removal of nuisance and exotic vegetation will be used to enhance the habitat. Replanting with native vegetation suitable for scrub jays and other upland species will be provided by the applicant, if necessary.
- Access to the Preservation Area by the public will be restricted to foot traffic only, and the boundary will be marked in the field using permanent signs. These signs will be installed at regular intervals along the boundary of the preservation areas to inform the public that these

areas must remain undisturbed in perpetuity.

- Prior to any earthmoving and subject to permitting, a more detailed management plan for the upland Preservation Area will be prepared and submitted to the U.S Fish and Wildlife Service and Charlotte County Natural Resources Section. This plan will address the proper management practices as follows:
 - Identification of optimum tree canopy coverage and height, sub-canopy species, and open foraging areas to create sustainable scrub jay habitat;
 - Description of management techniques and frequency that address mechanical thinning, removal of nuisance vegetation, and restoration and maintenance of desirable vegetation with the objective of ultimately creating a low maintenance ecosystem;
 - Identification of the management entity (e.g. Community Development District of designee); and
 - Identification of a professional environmental scientist(s) to monitor the protective strategies and management activities described in the management plan.

Upon locating a dead, injured, or sick Florida scrub jay, the FWC should be contacted and supplied with the information needed to locate the dead, injured, or sick tortoise.

B . Wetland Preservation Areas

a . Wood Stork Habitat Management Plan

The wood stork (*Mycteria americana*) is primarily associated with freshwater and estuarine habitats that are used for nesting, roosting, and foraging. Wood storks nest in colonies and will return to the same colony for many years as long as the site and surrounding feeding habitat continue to supply the needs of the birds. Wood storks typically construct their nests in medium to tall trees that occur in stands located either in swamps or on islands surrounded by relatively broad expanses of open water (Ogden 1991; Rodgers et al 1996). Successful colonies are those that have limited human disturbance and low exposure to land-based predators. Nesting colonies protected from land-based predators are characterized as those surrounded by large expanses of open water or where the nest trees are inundated at the onset of nesting and remain inundated throughout most of the breeding cycle.

The FWC considers 30 kilometers (km) (18.6 miles) as the core foraging area (CFA) for nesting wood storks (Cox et al 1994). The Harborview DRI is located along the Peace River and is approximately 3.3 miles southwest of a known wood stork rookery (#616165) located adjacent to the Peace River. The Harborview DRI is located within the CFA of several other known wood stork colonies.

The project will result in the loss of on-site wetlands. Wood stork habitat within these wetlands is generally poor because it is heavily vegetated and does not

have open canopies. Extensive drainage and other alterations have reduced the area and number of natural wetlands on site that limit the essential density of fish required by the wood stork. According to information in the USFWS South Programmatic Concurrence for the wood stork on May 18, 2010, wood storks forage most efficiently in habitats where prey densities are high, the water shallow, and canopy open enough to hunt successfully and quickly take flight to avoid predators. Calm water about 5 to 15 inches in depth and free of dense aquatic vegetation is ideal.

No wood storks are known to have nested within the project area. Wetland impacts will be offset by either on-site wetland preservation and enhancement (salt marsh enhancement) or the purchase of wetland mitigation credits. The salt marsh will be enhanced by removing nuisance and exotic vegetation such as Brazilian pepper, which covers approximately 70% of the land along the salt marsh. If necessary, native vegetation, including canopy trees suitable for wood stork nesting and roosting, will be planted.

Pre-Construction

- All wood stork rookeries within the CFA will be identified and labeled on a quality aerial photograph;
- Development phasing of the Harborview DRI site and large preservation area along the salt marsh will provide opportunity for wood storks to safely forage away from construction activities;
- When construction begins in a new development phase during nesting season, wetland habitats will be surveyed for wood storks prior to initiation of construction activities; and
- Protective strategies include no human disturbance during critical times such as nesting.

Post Construction

- Foraging and roosting habitat located along the salt marsh will be protected and enhanced by exotic vegetation removal. If necessary, replanting with canopy trees may be required to enhance habitat within the CFA;
- Long-term management activities such as wetland enhancement and/or restoration matching the hydroperiod of the wetlands affected may be provided. Foraging habitat similar to, or higher than, that of impacted wetlands will be developed to maintain compliance with the ACOE Individual Permit and USFWS wildlife permits issued for this site;
- In accordance with State and Federal permits, a long-term Monitoring Program will be implemented and annual monitoring reports will be submitted to the SWFWMD, ACOE, and Charlotte County Natural Resources Section; and
- The preservation areas will be managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's Pest Plant List Committee's List of Invasive Species (Category 1).

Upon locating a dead, injured, or sick wood stork, the FWC should be contacted

and supplied with the information needed to locate the dead, injured, or sick tortoise.

b. Wading Birds Habitat Management Plan

Wading birds are most commonly associated with wetlands, streams, and other aquatic habitats. Wading birds rely heavily on wetland habitat including inland and coastal emergent marshes and wooded swamps.

Wetland impacts will be permitted through SWFWMD and will be offset by either on-site wetland preservation and enhancement (salt marsh enhancement) or the purchase of wetland mitigation credits. Newly created lakes within the development and the addition of a large littoral shelf within the existing borrow pond will provide additional habitat for wading birds. Proposed on-site mitigation along the salt marsh includes exotic removal and replanting with native species, if necessary. Currently, portions of the salt marsh and the cabbage palm hammock are dominated by Brazilian pepper, which covers approximately 70% of the land along the fringe of the salt marsh. If necessary, native vegetation, including canopy trees, suitable for wading bird nesting and roosting will be planted.

Pre-Construction

- Prior to the implementation of construction, a 100% survey will be conducted at all aquatic habitats to look for any solitary wading bird nests;
- A silt fence will be installed around all preservation areas including wetlands to prevent any adverse impacts; and
- Protective strategies include no human disturbance during critical times such as nesting.

Post-Construction

- Maintain or restore sufficient quality habitat of all types;
- Foraging habitat located along the salt marsh will be protected and enhanced by exotic removal, which will increase the shallow open water at the edge of the marsh to increase wading bird feeding;
- Long-term management activities such as wetland enhancement and/or restoration matching the hydroperiod of the wetlands affected and providing foraging value similar to, or higher than, that of impacted wetlands will be developed to maintain compliance with the US Army Corps of Engineers Individual Permit and U.S. Fish and Wildlife Service wildlife permits issued for this site;
- In accordance with State and Federal permits, a long-term Monitoring Program will be implemented and annual monitoring reports will be submitted to the SWFWMD, U.S. Army Corps of Engineers, and Charlotte County Natural Resources Section; and
- The preservation areas will be managed in perpetuity for the control of invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council's Pest Plant List Committee's List of Invasive Species

(Category 1) (2021).

Upon locating a dead, injured, or sick threatened or endangered species, initial notification must be made to the nearest Service Law Enforcement Office; Fish and Wildlife Service secondary notification should be made to the FWC, South Region.

c. Listed Plant Management Plan

Chapter 5B-40 of the Florida Administrative Code (FAC) provides the state regulation regarding the preservation of native flora of Florida. Specifically, as outlined in this chapter, "the purpose of this rule chapter is to preserve Florida's endangered, threatened, and commercially exploited plants, and to encourage propagation of plant species through the Endangered and Threatened Native Flora Conservation Grants Program."

Two listed plant species are known to occur within the Project, the cardinal airplant (*Tillandsia fasciculata*) and the giant airplant (*Tillandsia utriculata*). Before construction, a survey of the areas labeled "Air Plant Habitat" on Map F-1 will take place to identify these species' locations within the Project. All individuals that are present in areas that will be impacted by the construction of the Project will be relocated to the Preservation Area.

d. Bald Eagle Management Plan

The bald eagle was delisted by USFWS and FFWCC in August 2007 as a result of positive recovery of the species. Although the bald eagle was delisted, it continues to be federally protected under the Bald and Golden Eagle Protection Act and the U.S. Migratory Bird Treaty Act (MBTA). It is protected in Florida under the Florida Eagle Rule (68A-16.002 F.A.C.)

The project site contains one active and older inactive eagle nests. The Developer will maintain an on-site eagle habitat management protocol in the Land Management Plan to identify active nests within 660 feet of any development activities and consult with state and federal agencies on appropriate management standards or permitting requirements.

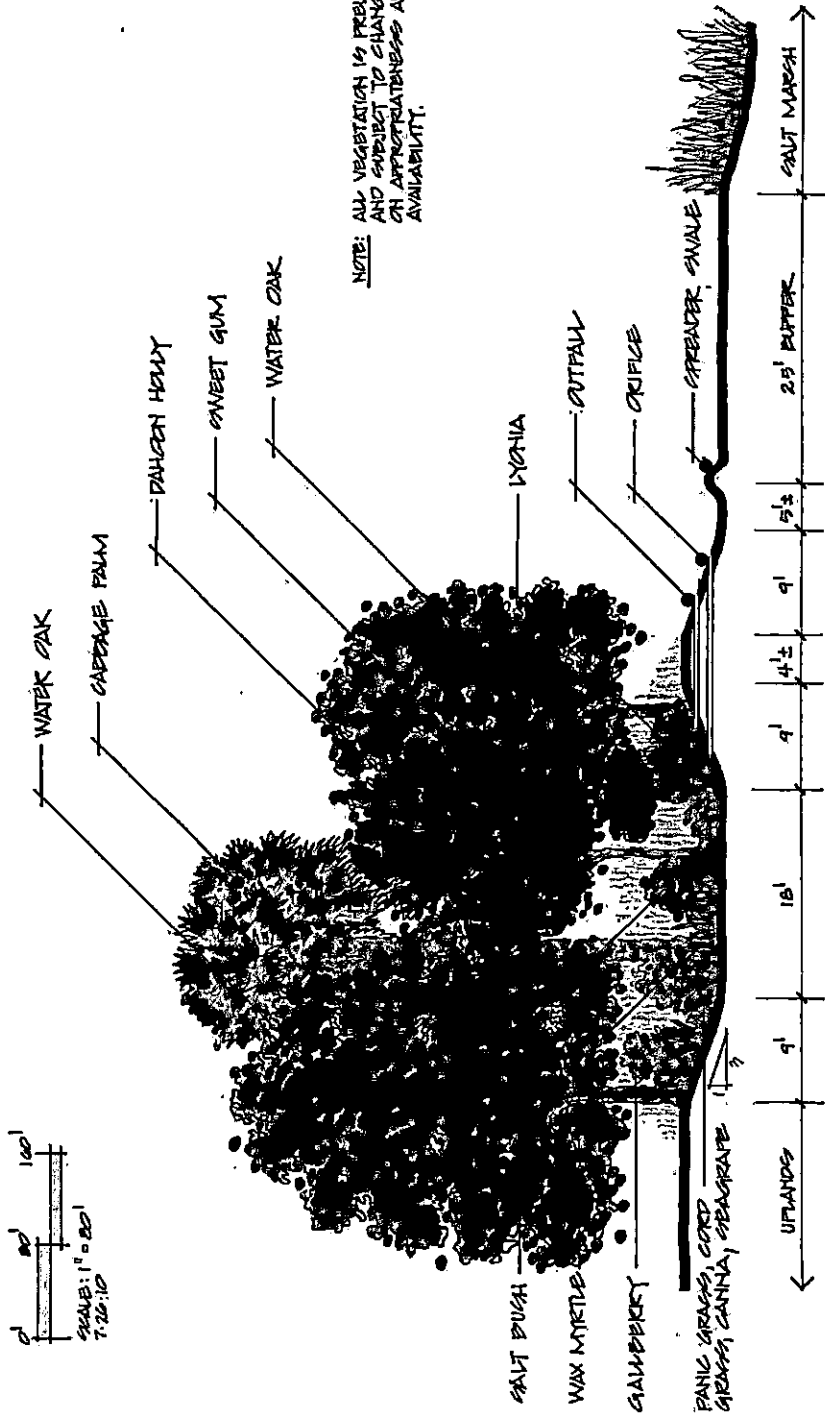
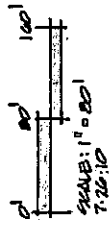
Pre-Construction

- Prior to the implementation of site development permitting, the Applicant will conduct a search of the Audubon/FWC Bald Eagle Nest database and perform a 100% survey will be conducted of all habitats to identify the status of current, old or new bald eagle nests;
- The Applicant will review the site plan against the current USFWS/FWC guidance for the minimum buffers to avoid Bald Eagle Permitting;
- If required, the Applicant will obtain necessary Bald Eagle permits from state and federal agencies to construct their project.

Construction

- If applicable, the Applicant will conduct bald eagle nest monitoring in accordance with state and federal guidelines during construction. The Applicant will submit any required Bald Eagle reports to the required state and federal agencies.

Exhibit 1. Typical Bioswale Cross Section



NOTE: ALL VEGETATION IS PRELIMINARY AND SUBJECT TO CHANGE BASED ON APPROPRIATENESS AND AVAILABILITY.

HARBORVIEW BIODIVALE CROSS SECTION

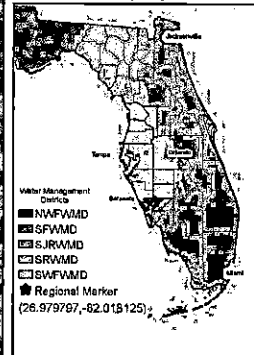
EXHIBIT G



WRA
4200 West Unimough Avenue
Tampa, FL 33624 (813) 250-3130
1870 Cooper Creek Blvd, Ste 100
University Park, FL 34201 (241) 358-3824
www.waterresourceassoc.com
Engineering - Environmental Science - Water Resource - Survey
Water Resource Associates, LLC.

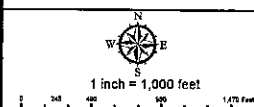
- Project Boundary (648.84 ac.)
- 660 ft Buffer
- 330 ft Buffer
- Bald Eagle Nest (Audubon)(CH047)

County Map



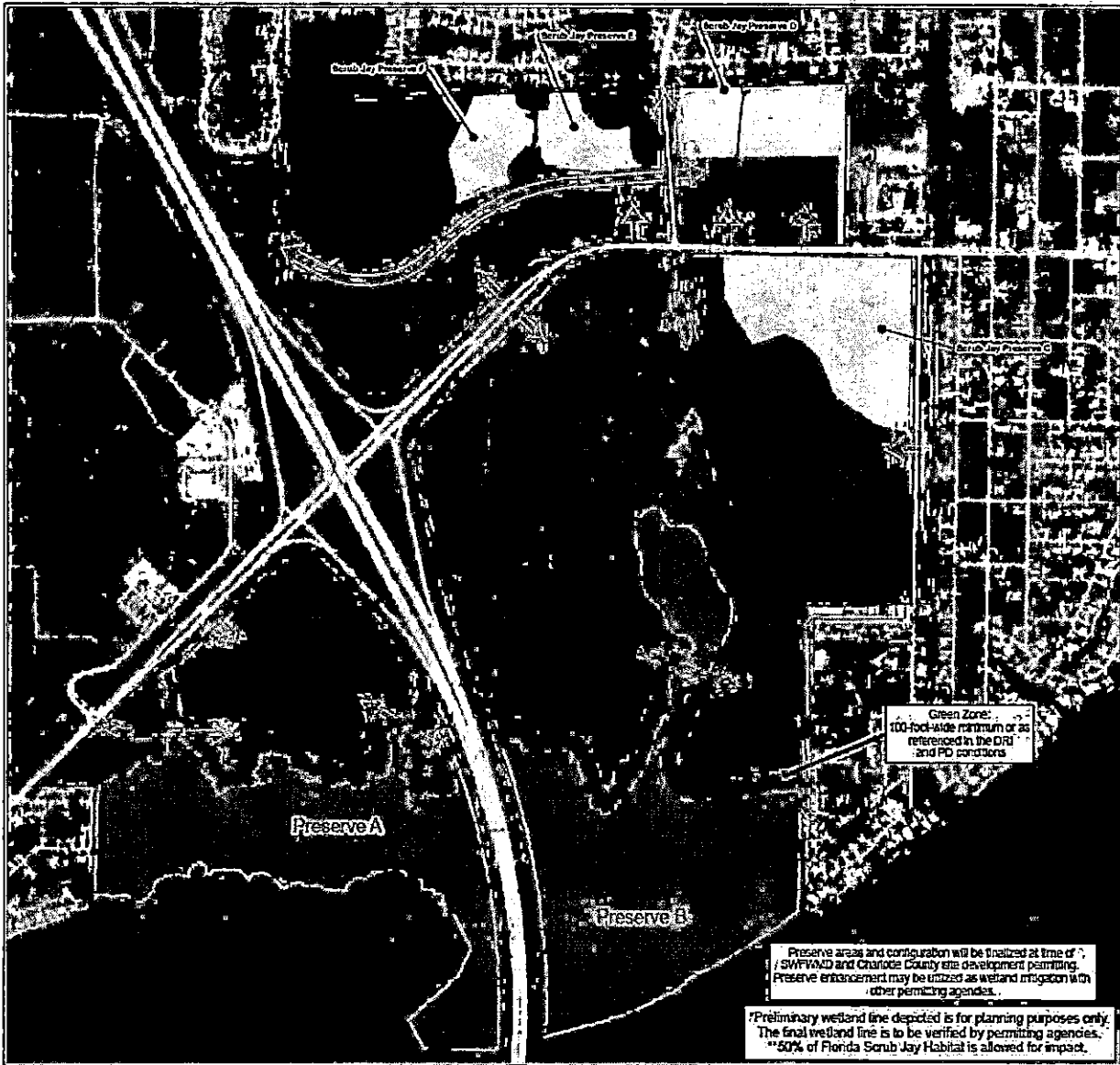
S: 20,21,28,&29 T: 40S R: 23E

Notes:
Project Boundary obtained from Charlotte
County Property Appraiser.
2022 aerials obtained from ESRI.
Bald Eagle nest obtained from Audubon.
CH047 - Active in 2023 season
26.975167, -82.013833







Client: Benderson		
Project Name: Harborview		
Charlotte County, FL		
File Name: Eagle Nest Exhibit		
Original Date: 3/26/2024		
GIS Operator: RJ	Job Number: 6641	Revision Date:

Exhibit “E”

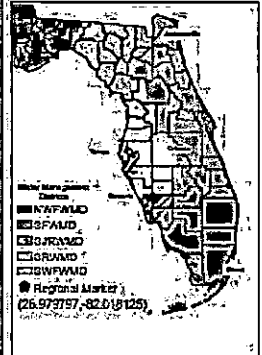


WRA 12363 Myrtle Park Blvd
Tampa, FL 33616 (813) 255-9100
2078 Cooper Creek Road, Box 100
Lithia Springs, FL 34019 (813) 553-3026
www.wraengineering.com

Engineering • Construction Services • Water Resources • Dams
Water Resource Associates, LLC

-  Project Boundary (54,84 ac.)
 Green Zone (Approx. 100 ft)
 Wetland Preserve Areas (A & B) (155.34 ac.)
 Grub Jar Preserves (C,D,E & F) (61.21 ac.)

County Map:



S: 20,21,28, 829 T: 40S R: 23E

Notes:

Notes:
Project Boundary obtained from Charlotte
County Property Appraiser.
2022 aerials obtained from ESRI.
Type 2 Habitat: Refer to the Scrub/Savanna
wetland and habitat conservation plan that will
be provided at the time of site construction
permitting.



1 inch = 1,000 feet

Client: Benderson

Project Name: HarborView™

Charlotte County, FL

File Name: 1430 F-1

Original Date: 4/30/2024

Case Operator BJ	Job Number 0011	File-Audit Date
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Exhibit “F” - Deleted

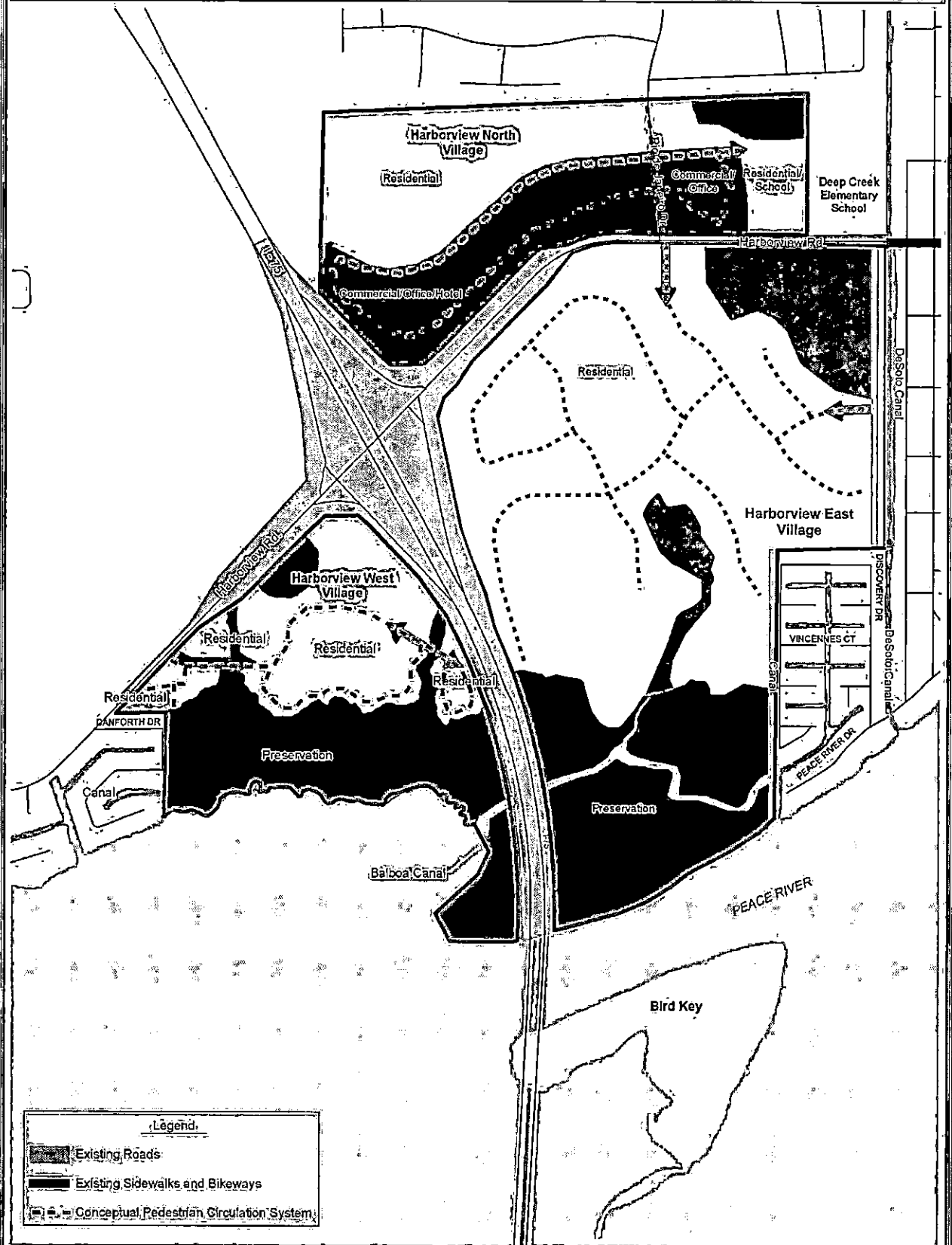
**Exhibit “G” is Exhibit 1. Typical
Bioswale Cross
Section as established in Exhibit “D”**

Exhibit “H” - Deleted

Exhibit “I”

BICYCLE AND PEDESTRIAN SYSTEM MAP

HARBORVIEW DRI - Charlotte County, Florida



Date: April 2024

1,000 500 0 1,000 Feet 1" = 800' feet



EXHIBIT
1.10.A.6