Staff Report for: 22LAD-00000-00007 and LAD-25-02

Hearing Date: **April 14, 2025/May 27, 2025**

To: **Planning and Zoning Board/Board of County Commissioners**

From: **Jie Shao, AICP, MCP, Planner, Principal** (see attached Exhibit 1 for professional qualifications)

Regarding: **A request to amend the Harborview Development of Regional Impact Development Order (Harborview DRI DO) (Resolution Number 2010-083)**

Part 1 – General Information

Applicant: Benderson Development Company, LLC. c/o Todd Mathes, 8441 Cooper Creek Boulevard, University Park, FL 34201

Agent: Jem Frantz, AICP, 28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34315

Agent/Attorney: Attorney Derek Rooney, Esq. of Gray Robinson, P.A., 1404 Dean Street, Suite 300, Fort Myers, FL 33950

Owner(s): Peace River Associates, LLC, Post Falls Management Associates, LLC & ETAL, and Will-Ridge Associates, LLC & ETAL

Request: A privately initiated request to amend the Harborview DRI DO by:

1) Revising for internal and statutory consistency to reflect updates to Florida Statutes, as applicable.
2) Amending "Specific Conditions": "Vegetation and Wildlife"; "Wetlands"; "Water Supply"; "Stormwater Management/Water Quality"; "Transportation"; "Police and Fire Protection"; "Education"; "Dock Facilities" (existing "Marina and Dock Facilities"); "Energy"; "Flood Plain/Hurricane Preparedness"; "Recreation and Open Space"; and "General Provisions".
3) Updating the "Land Use" condition to delete marina uses.
4) Revising Map H (Exhibit "A") to be consistent with the proposed development rights.
5) Revising the buildout date.
6) Revising Exhibit "B" to replace the existing Table 1, Harborview DRI, Land Use Trade-Offs with a new "Land Use Equivalency Matrix".
7) Amending Exhibit "D": "Harborview DRI Land Management Plan, a Manual of Best Management Practices for Preservation Prepared by Water Resource Associates, March 2024".
8) Amending Exhibit "E": Wetland Impact/Preservation and Wildlife Areas/Green Zone Map (Map F-1) to insert a new Map F-1: Wetland Impact & Wildlife Utilization Map.
9) Deleting Exhibit "F": Marina Environmental Measures and Best Management Practices, Clean Marina Plan – Harborview Marina.

10) Deleting Exhibit "H" – Proposed Dredging.
11) Amending Exhibit "I": Bicycle and Pedestrian System Map.

Location: **Commission District I:** The subject property is generally located north of the Peace River, south of Madras Court and Mauritania Road, east of Danforth Drive, and west of Discovery Drive; in the Mid-County area of Port Charlotte.

Land Area: The subject property contains 653± acres.

Public Notice: Public Notice has been given as required by Charlotte County Code, Section 3-9-10; sub-sections (d) Published Notice; (e) Mailed Notice (see 1,000-foot Buffer Map); and (f) Posted Notice.

Part 2 - Analysis and Conclusion

The applicant, Benderson Development Company, LLC. c/o Todd Mathes, is requesting an amendment to the Harborview DRI DO located as described above and shown below.



22LAD-00000-00007, LAD-25-02, PD-22-00015, and PD-25-03 Area Image

History and Current Status

In December 2022, applicant submitted Application Number 22LAD-00000-00007 to amend the Harborview DRI DO, Resolution Number 2010-083. On June 11, 2024, the Board was presented this application and its associated large scale plan amendment (Text Amendment Application Number TCP-22-04 amending Future Land Use (FLU) Appendix VI: Developments of Regional Impact updating the Harborview DRI development rights, including a major modification to the existing Harborview DRI Planned Development (Application Number PD-22-00015). The Board voted 1) to transmit application TCP-22-04 to the State review agencies for review and comment and 2) to continue application PD-22-00015 due to concerns regarding the proposed amendment to the affordable housing requirement.

In July 2024, State review agencies issued "No Comment" for the proposed large scale Text Amendment TCP-22-04. The applicant has been working on comments and concerns raised during the June 11, 2024, public hearing. On December 3, 2024, the applicant and the project team had a pre-application meeting with the County staff and requested a change to the proposed development; specifically, the applicant now requests commercial development instead of the approved residential

development in the proposed West Village area, which is generally located at the southwest corner of the intersection of Highway I-75 and Harborview Road. On January 7, 2025, the applicant submitted a new application (Application Number LAD-25-02) to amend the Harborview DRI DO by:

1. Revising MAP H to allow commercial development in the West Village.
2. Amending Exhibit "B" to replace the existing Table 1, Harborview DRI, Land Use Trade-Offs with a new "Land Use Equivalency Matrix."
3. Not changing the "Affordable Housing Requirement."

All other previous proposed changes remain the same.

Detail Changes

A. Proposed Changes – Staff's Previous Objections, Concerns, Issues, and Comments.

Under the new application LAD-25-02, no change is proposed to the "affordable housing requirement", therefore, staff removed the previous objection and concern.

~~Staff reviewed the proposed revisions to the Harborview DRI DO and has the following objection:~~

~~***Affordable Housing Requirement:***~~

~~The Harborview DRI DO's "Housing Condition" states that: "*The Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for families earning not more than 120% of the area median income*." This condition requires that a total of ***386 units*** must be provided within the development for families earning not more than 120% of the area median income.~~

~~The proposed amendment requires the following: "*For dwelling units in excess of the 1,785 base dwelling units, the Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for families earning not more than 120% of the area median income.*" The effect of the proposed new language is to require the developer to provide a total of ***208 affordable units*** after the residential development exceeds 1,785 units, which results in 178 fewer affordable units.~~

~~The existing language states that: "*These units shall first be made available for sale or rent to the workers in the development at the time the units are constructed…*" This requirement does not mean that these affordable residential units must be built when the development starts for this project. In the submitted application, the applicant states that:~~

> ~~*This amendment request removes the public marina and mixed-use areas from the East Village, the timing of workers in the development will be delayed and delaying this requirement will allow the developer to implement this policy more effectively. Additionally, this change will still provide for significant affordable housing development as the change will still require the development of 10 percent of the total dwelling units as affordable housing after the base density has been achieved. At build out, the DRI will still require a total of 208 dwelling units to be set aside for families earning not more than 120% of Area Median Income.*~~

~~Comprehensive Plan ***Housing Element (HSG) Objective 1.1: Affordable Housing Supply****, requires the following:*~~

> ~~*To work toward making 15 percent of new housing affordable to extremely low, very low and low- to moderate-income households, as defined annually by The U.S. Department of Housing and Urban Development (HUD).*~~

~~Staff's professional opinion is that the proposed change is not consistent with this Comprehensive Plan objective.~~

~~On September 27, 2023, Senior Manager, Charlotte County Department of Human Services, issued the following comments:~~

> ~~*I searched the document for "affordable" and found reference that 10% of units above the base density will be reserved for sale/rent to those with income <120% AMI. I have the same questions/comments per usual: 120% isn't "affordable"; rather, units reserved for households with gross income adjusted for household size under 80% AMI meet that test; what is the proposed method of ensuring tenant/buyer eligibility and rent/purchase limits; ongoing monitoring of eligibility/compliance; etc. And 10% above base density isn't much*~~.

~~In addition, the project is located along both I-75 and Harborview Road, as well as 2.67 miles to the east of Tamiami Trail (U.S. 41), in the Mid-County area, which is an ideal location for affordable housing units. Therefore, it is staff's professional opinion that the applicant's reasoning to reduce the required number of affordable units by 178 units ***is not justified or in compliance with the Comprehensive Plan***~~.

B. *Proposed Changes —No Staff Objections*

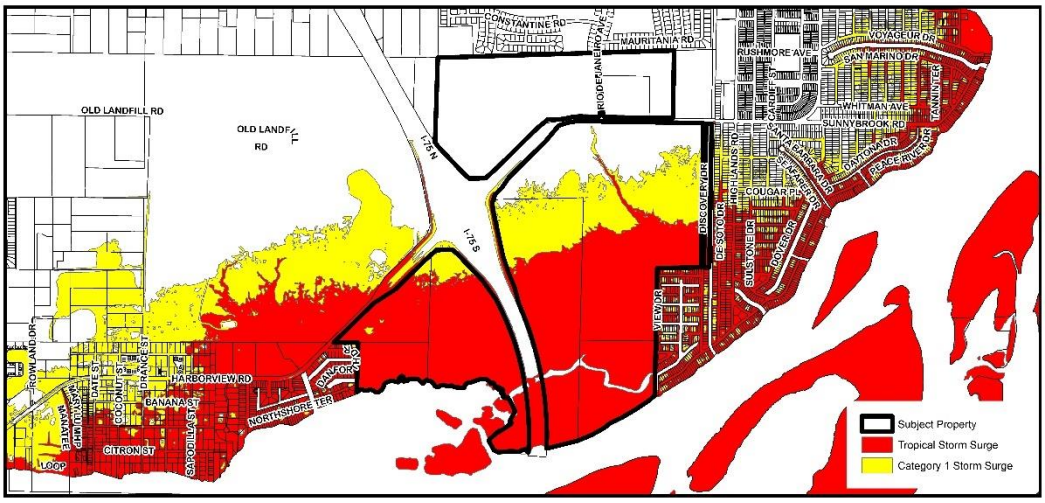
The following analysis describes additional proposed changes that staff views as generally reasonable amendments to the Harborview DRI DO.

1) Updating the "Land Use" Condition, Revising Map H as Exhibit "A", Updating Exhibit "B", and Exhibit "I": Bicycle and Pedestrian System Map

Staff's Analysis: The applicant is proposing to remove the approved marina uses (260 wet boat slips and 192 dry boat slips) due to changes in market demand. The approved maximum residential, commercial, office and hotel uses, as well as 20 single-family slips along the canal, remain unchanged. The applicant is now proposing to replace the existing Table 1, Harborview DRI, Land Use Trade-Offs within Exhibit "B" with a new "Land Use Equivalency Matrix" in order to provide an opportunity to convert residential uses to non-residential uses, multi-family units to single-family homes, and one category of non-residential uses to another category of non-residential uses. As part of this proposed change, the non-residential uses could not be converted to residential uses or single-family homes could not be converted to multi-family units. As part of this application, the approved mixed use and commercial development will be shifted from East Village to North Village and only commercial uses are allowed within the West Village. The entire West Village is located within the Coastal High Hazard Area (CHHA) and the majority of the East Village is located in the CHHA. The proposed change will make sure that the originally approved maximum residential developments remain the same and no residential developments are permitted in the West Village. It is staff's professional opinion that the proposed changes will not only provide greater flexibility for this development, but also be consistent with goals, objectives, and policies specifically related to the development within the CHHA as established in the County's Comprehensive Plan, such as ***Coastal Planning (CST) Goal 3: Development in High Hazard Areas***, which states to "*Direct population concentrations away from the Coastal High Hazard Area (CHHA)…*"

The applicant is concurrently seeking modifications to Map H (Exhibit "A") to reflect these development rights changes. Exhibit "I": Bicycle and Pedestrian System Map must be amended accordingly. It is staff's professional opinion that the revised development rights generally maintain the original Harborview DRI

DO's mixture of residential, commercial and office uses. In addition, removing marina uses diminishes staff's general concerns about the development's potential impacts on the Peace River and onsite wetlands. Therefore, staff has no objections to these proposed changes.



22LAD-00000-00007, LAD-25-02,
PD-22-00015 and PD-25-03 Coastal High Hazard Area

2) Revising this DO for internal and statutory consistency and to reflect updates to Florida Statutes

Staff's Analysis: The Harborview DRI DO was first approved on March 17, 1992, and has been amended subsequently subject to Section 380.06, Florida Statutes, which addresses DRIs. In 2015, the Legislature amended the statute to provide that new proposed DRI-sized developments must be approved by local comprehensive plan amendments in lieu of the previous DRI law's state coordinated review process. The Legislature also amended the comprehensive plan laws in Chapter 163 to require that such plan amendments be reviewed under the state coordinated review process. HB 1151, Development of Regional Impact, passed the Senate on March 9, 2018. This bill eliminated state and regional review of existing DRIs and transferred the responsibility for implementation of, and amendments to, DRI development orders to the local governments in which they are located. Subsequently, on December 11, 2018, the Board adopted Ordinance Number 2018-049 to create Section 3-9-10.1 to establish the local review and amendment procedure. Pursuant to this procedure, the applicant is proposing to update and remove outdated information from the Harborview DRI DO's governing Resolution Number 2010-083. The applicant also proposes to delete the following outdated requirements from the "Water Supply" conditions:

> *The project shall require a SWFWMD Well Construction Permit for construction of any wells on the development site.*
>
> *Copies of any water use permit applications must be submitted to Charlotte County at the same time as they are submitted to the SWFWMD for review and comment.*

It is staff's professional opinion that these proposed revisions to correct internal and statutory consistency and to reflect updates to Florida Statutes comply with the provisions of the Code and are consistent with the Comprehensive Plan.

3) *Amending the following "Specific Conditions": "Vegetation and Wildlife"; "Wetlands"; "Stormwater Management/Water Quality"; "Transportation"; "Police and Fire Protection"; "Education"; "Dock Facilities"; "Energy"; "Flood Plain/Hurricane Preparedness"; "Recreation and Open Space"; and "General Provisions"*

Staff's Analysis: The applicant is proposing to amend the following "Specific Conditions":

- *"**Vegetation and Wildlife"***

The applicant has been working with Community Service Department staff to identify approximately 122.4 acres of Type 2 Scrub Jay habitat. The applicant is proposing to preserve approximately 61.21 acres of this habitat. The applicant is also proposing to update the acreage of the proposed preservation areas, to revise and update the existing and outdated conditions related to Florida Scrub Jays to ensure that this development complies with the Charlotte County's optional Habitat Conservation Plan, which was not in force when the Harborview DRI DO was reviewed and approved in 1992, 2004, 2006, and 2010.

In addition, there are eagle nests on the subject property, which must be evaluated; therefore, the applicant is proposing the following condition, which will also be a PD condition, in order to address the "eagle nests" concerns:

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.

Staff from both the Community Service and the Community Development Departments have no objections to the proposed amendments.

- ***"Wetlands"***

The applicant is proposing to reclassify and clarify wetland preserve categories from three to five categories, which would be "Mixed Wetland Hardwood"; "Exotic Wetland Hardwood"; "Freshwater Marsh"; "Bay Swamp"; and "Saltwater Marsh."

The actual wetland boundaries have not been finalized and the detail development proposal is still under design. Therefore, the applicant is proposing the following amendment specifically related to the required 100-foot buffer, Green Zone, along the "Preservation Areas A and B" as shown on the proposed Map H:

Modification to the buffer configuration may be permitted at the time of Final Detail Site Plan subject to demonstration to the County's reasonable satisfaction of net ecological benefit of the alternative buffer. In no case shall the modified buffer result in a net reduction in buffer acreage or reduce buffer width to less than an average 100 feet.

Staff has no objection to this proposed language as it will not only provide flexibility to this development but also better achieve the goal of preserving the "Bay Swamp" and "Saltwater Marsh" areas. New language has been proposed to ensure that such preserved areas and the Green Zone be protected and enhanced consistent with the proposed Land Management Plan (the Harborview DRI DO Exhibit "D").

The applicant is also proposing to add a new requirement to set the timeline for conveyance of the "Preservation Areas" to an entity acceptable to the County, which shall be no later than December 31, 2026. The new requirement alternatively allows a perpetual conservation easement to be granted to Charlotte County, or an entity acceptable to Charlotte County, in case that the required conveyance in fee simple ownership to any government body or agency or to a charitable corporation or trust is infeasible.

The applicant is requesting a DO condition to allow the following, which will be part of the PD condition as well:

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

It is staff's professional opinion that the proposed revisions to the "Wetlands" Condition are positive, will better protect "Preservation Areas," comply with the provisions of the Code and are consistent with the Comprehensive Plan.

- ***"Stormwater Management/Water Quality"***

The Harborview DRI DO was originally authorized in 1992, and three substantial deviation applications were approved by the Board in 2004, 2006, and 2010. Since then, relevant state and federal laws have changed but the Harborview DRI DO has not been amended to reflect and incorporate these changes. The applicant is proposing to remove language relating to state and federal agency standards and permitting requirements and to delete water quality requirements specifically related to marina uses because the applicant is concurrently requesting remove of the approved marina uses.

Saff has no objections to these changes and finds they comply with the provisions of the Code and are consistent with the Comprehensive Plan.

- *"**Transportation"***

The applicant is proposing changes to some requirements under this condition in order to make sure that the process of determining significantly impacted roadways occurs at each phase of the development. Specifically, the applicant proposes the following to comply with local, state and federal regulatory requirements:

- To remove outdated requirements and to establish "significantly impacted" roadways.
- To require that 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.
- To ensure that Impact Fee Payments shall be subject to Charlotte County's Code of Laws and Ordinances and related rules and regulations.
- To require additional traffic studies if any roadway segments are significantly impacted beyond what is currently described in the Harborview DRI DO.
- To require that the Developer provide a supplemental analysis to the County if an initial analysis of the required referenced segments shows that the project is causing impacts to additional significantly impacted interstate segments.
- To update the options listed in the binding commitment by:
  - For the "Scheduling of Facility Improvements":

- Revising "Scheduling of Facility Improvements" to be reflected in the Capital Improvement Element.
- Removing the requirement of the local government to provide all needed roadway improvement concurrently with the development schedule.
- Deleting the County commitment in the current year and the current three-years of its Comprehensive Plan Capital Improvement Element, which describes roadway improvements.
- Removing Florida Department of Transportation commitments in the department's relevant plans.

- For the "Proportionate Share Payments":
  - Adding the following provision:

    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.

    (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.)

- To remove the requirement of relocation of Discover Drive because this road has been built.
- To add the requirement that the transportation analysis for the first phase is submitted to Charlotte County prior to issuance of building permits for this project. This requirement is in addition to the existing requirements that 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.

Staff from the County Attorney's Office, the Department of Public Works, Community Development Department and the Florida Department of Transportation reviewed the proposed changes and made suggested changes. Staff has agreed with the final version of the proposed revisions to the "Transportation Condition", and it is County staff's professional opinion that the proposed changes comply with the provisions of the Code and are consistent with the Comprehensive Plan.

- ***"Police and Fire Protection"***

The existing Harborview DRI DO requires the following:

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

This 2010 requirement is outdated and does not reflect current impact fee policy. Staff consulted with the Charlotte County Public Safety Director, who agrees that the provision is no longer operationally applicable or satisfactory. Therefore, staff does not object to the applicant's proposal

to revise the "Police and Fire Protection" Condition to state that "*The Developer shall pay impact fees in accordance with Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees), as amended."* It is staff's professional opinion that this revised provision complies with the provisions of the Code and are consistent with the Comprehensive Plan.

- ***"Education"***

The existing Harborview DRI DO requires the following:

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

This requirement was created in 2010 via Resolution Number 2010-083. In 2008, an Interlocal Agreement for Public School Facility Planning and School Concurrency was entered into between Charlotte County, the City of Punta Gorda and Charlotte County School Board in order to establish procedures to be followed in coordinating land use and public school facilities planning and school concurrency. This agreement has been updated multiple times with the latest updates adopted in May 2018. DRI developments are addressed in the latest agreement. The applicant is proposing to revise this condition to follow the procedures as established in the most recent interlocal agreement.

The proposed revisions were emailed to Charlotte County School Board for review and comments. However, we have not received any comments or objections. County staff has no objection to the proposed revision because the County project must follow the procedures as established in the most recent interlocal agreement:

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.

It is staff's professional opinion that this revised provision complies with the provisions of the Code and are consistent with the Comprehensive Plan.

- ***"Dock Facilities" (existing "Marina and Dock Facilities")***

The applicant is proposing to remove all requirements associated with the marina land use and retaining only the ability to develop the 20 private docks along the DeSoto Canal. The applicant is simultaneously seeking to remove the approved marina uses from this development. Therefore, staff concurred with the proposed revisions to this condition and the change of title. It is staff's professional opinion that this revised provision complies with the provisions of the Code and are consistent with the Comprehensive Plan.

- ***"Flood Plain/Hurricane Preparedness"***

The applicant is proposing to delete duplicative provisions that are Florida Building Code (FBC) requirements. Staff does not object to these deletions because deleting the provisions from the DO does not exempt the property from the FBC.

In addition, the applicant is proposing to add the maximum residential dwelling units of 773 units in the CHHA within East Village to be consistent with the PD condition. The applicant is also seeking

to remove the language of the material requirements for streets, parking lots, sidewalks and trail systems to be pervious to reduce the heat island effect, where practical. Staff has no objection to its deletion.

- ***"Recreation and Open Space"***

The applicant is proposing to substitute a neighborhood park for the currently approved two mini parks in the East Village. The applicant is proposing to update the vision of this development and move commercial and mixed uses to North Village located across Harborview Road to the north and have residential uses in the East Village. The applicant is also proposing to increase the acreage of the "Preservation Areas." The proposed park substitution will not only provide flexibility for this development, but at the same time ensure that adequate and functional parks will be provided to serve the future residents. Staff supports this change.

The applicant is also requesting to remove the following conditions:

- *Public space in mixed residential/commercial areas in the East Village may be counted toward acreage requirements if designed with sufficient size and recreational opportunities.*
- *The proposed Marina shall be classified as a special purpose facility and may be counted toward acreage requirements.*
- *The proposed Marina shall have a walkway system constructed around its entire perimeter, open to use by the public.*

The proposed revisions will increase the total acreage of the proposed "Preservation Areas", relocate commercial or mixed residential from the East Village to the North Village, replace the residential uses with commercial uses in the West Village, and remove the approved marina uses. In addition, the proposed development is required to meet the PD zoning requirement of 20% of the total lands for open space areas. Therefore, staff has no objections to these proposed changes, and it is staff's professional opinion that this revised provision complies with the provisions of the Code and are consistent with the Comprehensive Plan.

4) Replacing the existing Exhibit "D" & Exhibit "E"

Staff's Analysis: The applicant is proposing to replace the existing Exhibit "D" (the "Harborview DRI Land Management Plan, a Manual of Best Management Practices for Preserve Areas, Wetland Buffers, Green Zone, Nutrient Management, Wildlife Utilization Area, and Listed Species Prepared by EarthBalance, February 25, 2010") with a new Exhibit "D" ("Harborview DRI Land Management Plan, a Manual of Best Management Practices for Preservation Prepared by Water Resource Associates, March 2024"). According to the application, the purpose of the proposed new Land Management Plan is to establish an integrated management program. This program will ensure that the environmentally sensitive areas, including wetlands, Scrub Jay and Gopher Tortoises preservation area, and Green Zone (100-foot buffer to protect coastal wetlands), are protected and adjacent development is designed, developed, and maintained with high environmental standards. Staff from both the Community Service and the Community Development Departments have reviewed and made comments on the proposed Land Management Plan. Staff has no objections to the revised version of the proposed Land Management Plan.

The applicant is also proposing to amend Exhibit "E": Map F-1: Wetland Impact/Preservation and Wildlife Areas/Green Zone Map to add 661.21 acres of Scrub Jay Habitat. Staff has no objections to the final version of the proposed Land Management Plan.

It is staff's professional opinion that the proposed revisions comply with the provisions of the Code and are consistent with the Comprehensive Plan.

5) *Deleting Exhibit "F" and Exhibit "H"*

Staff's Analysis: The applicant is proposing to delete Exhibit "F": Marina Environmental Measures and Best Management Practices, Clean Marina Plan – Harborview Marina, and Exhibit "H" – Proposed Dredging.

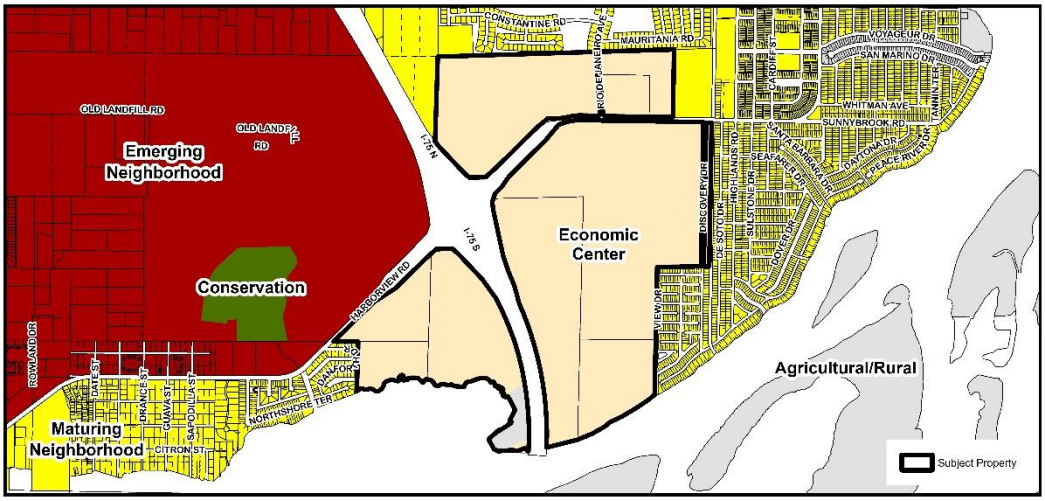
It is staff's professional opinion that these changes are necessary due to the applicant's request to remove the approved marina uses and associated slips.

6) *Updating Buildout and Expiration Dates*

Staff's Analysis: The subject property is currently vacant, it will take some time for development; therefore, staff does not object to the proposed new buildout date of December 31, 2035.

Consistency with the County's Comprehensive Plan

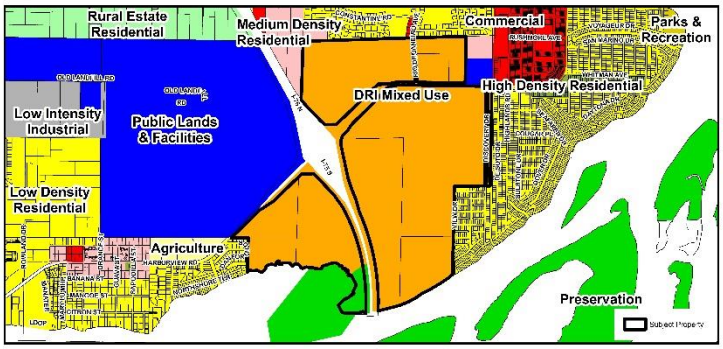
The majority of the subject property is designated as Economic Center on the 2050 Framework. Only a small portion of the property is designated as Agricultural/Rural, which contains wetlands, and no development shall occur on it. According to the County's Comprehensive Plan, Economic Centers are focused locations of regional commercial and employment uses. These areas will be encouraged to change and redevelop over time into economically vibrant, walkable, mixed use centers with unique and identifiable character.



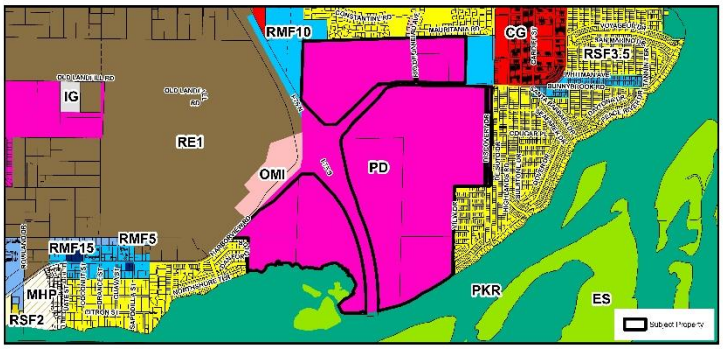
22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03 Framework

The majority of the subject property is designated as DRI Mixed Use on the 2030 Future Land Use Map and a small area located at the southwest of I-75 classified as Preservation Area is designated as Preservation. The proposed revisions to this DRI DO still allow for a mixture of residential, commercial, office, hotel, and mixed uses as well as approximately 165.34 acres of lands (as shown on Exhibit E of the

proposed DRI DO resolution), which will be preserved in perpetuity. The proposed changes will not increase the maximum residential dwelling units, the maximum square footage of commercial and office uses, including 350 hotel rooms, and the development will not reduce the required approximately 226.55 acres of open space and the established Preservation Area. These changes are consistent with the vision established for this area and the intent of the Economic Center identified in the County's Comprehensive Plan. Therefore, it is staff's professional opinion that the proposed revisions to the Harborview DRI DO are generally consistent with, and supported by, the goals, objectives, and policies in the County's Comprehensive Plan.



22LAD-00000-00007, LAD-25-02,
PD-22-00015 and PD-25-03 FLUM Designations



22LAD-00000-00007, LAD-25-02,
PD-22-00015 and PD-25-03 Zoning Designations

Concurrency Issues

The traffic, school, water and sanitary sewer concurrency are also addressed within this DRI DO. Therefore, the proposed changes should not create any concurrency issues.

Project Background

The Harborview DRI is a Development of Regional Impact (DRI) established under the guidelines of Florida Statute 380.06. Original Development Orders and proposed changes to DRI prior to 2018 were required to be reviewed by the Southwest Florida Regional Planning Council and the Department of Community Affairs (now called Florida Department of Commerce) before adoption by the Board of County Commissioners (Board). Ultimately, the County is responsible for ensuring monitoring reports are received, development standards are upheld, square footage standards are not exceeded, and levels of service are not degraded below adopted standards.

On March 17, 1992, the Board approved the original Harborview DRI Development Order (DO) via Resolution Number 92-62. The originally approved development rights are as follows:

Land Use		**1992-1996 Phase One**	**1997-2001 Phase Two**	**2002-2006 Phase Three**	**Total**
Commercial		312,180 SF	321,180 SF	321,180 SF	**936,540 SF**
Office/Medical		156,090 SF	156,090 SF	156,090 SF	**468,270 SF**
Residential (SF)		71 Units	71 Units	69 Units	**211 Units**

Residential (MF)		339 Units	339 Units	338 Units	**1,016 Units**

Subsequently, the State of Florida, Department of Community Affairs, filed an appeal of the Development Order on May 8, 1992.

On May 11, 1993, the Board adopted Resolution Number 93-66 to amend to the originally adopted Harborview DRI DO in order to address the settlement agreement on the appeal. This Resolution incorporated modification of the terms and conditions of Resolution Number 92-62. However, the approved development rights for this DRI remained the same.

On April 13, 2004, the Board adopted Resolution Number 2004-071 to amend the development rights for three different phases, the phasing schedule, and the buildout date. However, the total development rights remained the same. The approved development rights are as follows:

Land Use	**2003-2008 Phase One**	**2006-2010 Phase Two**	**2008-2011 Phase Three**	**Total**
Commercial (Retail)	249,744 SF	374,616 SF	321,180 SF	**936,540 SF**
Office/Medical	125,090 SF	187,090 SF	156,090 SF	**468,270 SF**
Residential (SF)	71 Units	71 Units	69 Units	**211 Units**
Residential (MF)	270 Units	407 Units	339 Units	**1,016 Units**

On June 20, 2006, the Board adopted Resolution Number 2006-093 to: (a) incorporate approximately 106 acres of adjoining land as additional lands into this DRI development; (b) convert some commercial and office/medical uses to residential units; (c) maintain the existing zoning entitlement of 160 multi-family units on additional lands; (d) add four multi-family units; (e) update Map H; and, (f) expand the saltwater marsh preserve and appropriate upland buffer, including a specific deadline for dedication of the saltwater marsh preserve. The approved development rights are as follows:

Land Use	
Single Family Residential	**207 units**
Multi-Family Residential	**1,180 units**
Office/Medical	**414,270 SF**
Commercial	**870,928 SF**

On September 21, 2010, the Board adopted Resolution Number 2010-083, which included an expansion of the development's size to approximately 653 acres, a reduction in the amount of commercial space from the originally approved 870,928 square feet to 655,000 square feet, a reduction in the amount of office uses from 414,270 square feet to 50,000 square feet, an increase in the number

of dwelling units from 1,387 to 3,859, adding 350 hotel rooms, and a modification of the overall development concept to include a public marina with 269 wet boat slips and 192 dry storage boat slips.

Land Use	
Single Family Residential	**245 units**
Multi-Family Residential	**3,614 units**
Office/Medical	**50,000 SF**
Commercial	**655,000 SF**
Hotel Uses	**350 rooms**
Marina Uses	
Wet boat slips	260
Dry boat slips	192
Exempt single family slips	20

Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. 22LAD-00000-00007 and LAD-25-02) is generally consistent with Charlotte County's Comprehensive Plan, Section 380.06, Florida Statutes, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

The Planning and Zoning Board proposed recommendation for April 14, 2025:

A motion to forward application No. 22LAD-00000-00007 and LAD-25-02 to the Board of County Commissioners with a recommendation of ***Approval/Denial****, based on the findings and analysis in the staff report dated March 25, 2025, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

Part 4: Research and Findings

1. **2050 Framework Map Designation:** The majority the property is designated as Economic Center, a small portion located at southwest of I-75 is designated as Agricultural/Rural. (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:** Inside Urban Service Area
3. **Existing Land Use on the Site:** The subject site is vacant. (See attached Site Image)
4. **Existing Future Land Use and Zoning Designations:**
   (See attached Future Land Use Map and Zoning Map.)

FLUM:	**Development Standards:**

Development of Regional Impact Mixed Use (DRI)	The DRI category is used for lands where development is proposed that, because of the character, magnitude, or location, has a substantial effect upon the health, safety, and welfare of citizens within Charlotte County and at least one additional surrounding county or municipality. Lands designated as such meet the threshold requirements identified within Chapter 380.06, Florida Statutes and must undergo intergovernmental review as specified in that chapter as a Development of Regional Impact (DRI). All developments within a DRI Mixed Use district must be constructed in accordance with a final development order (DO or MDO) approved by the Board of County Commissioners. The mix of land uses and allowed densities and intensities within an approved DRI MDO, or DO if no MDO is approved, shall be adopted into Appendix VI: Developments of Regional Impact. Active DRIs are depicted on FLUM Series Map #25.
Preservation (PR)	<u>General Range of Uses</u> Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation. <u>Maximum Density/Intensity</u> Density: Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed to minimize any impacts to natural resources. • Intensity: The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent.

Zoning:	**Development Standards:**
Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood. <u>*Minimum lot and yard requirements.*</u> Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. <u>*Maximum height of structures.*</u> The maximum height for structures shall be established through the PD rezoning process.

	Open space. Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space. *Internal circulation.* All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.

Table 1

5. Proposed Future Land Use and Zoning Designations:

(See attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
No Change Development of Regional Impact Mixed Use (DRI)	The DRI category is used for lands where development is proposed that, because of the character, magnitude, or location, has a substantial effect upon the health, safety, and welfare of citizens within Charlotte County and at least one additional surrounding county or municipality. Lands designated as such meet the threshold requirements identified within Chapter 380.06, Florida Statutes and must undergo intergovernmental review as specified in that chapter as a Development of Regional Impact (DRI). All developments within a DRI Mixed Use district must be constructed in accordance with a final development order (DO or MDO) approved by the Board of County Commissioners. The mix of land uses and allowed densities and intensities within an approved DRI MDO, or DO if no MDO is approved, shall be adopted into Appendix VI: Developments of Regional Impact. Active DRIs are depicted on FLUM Series Map #25.
No Change Preservation (PR)	General Range of Uses Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation. Maximum Density/Intensity Density: Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed to minimize any impacts to natural resources. Intensity: The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent.
Zoning:	**Development Standards:**

No Change Planned Development (PD)	The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood. *Minimum lot and yard requirements.* Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater. *Maximum height of structures.* The maximum height for structures shall be established through the PD rezoning process. *Open space.* Unless otherwise approved by the BCC or as provided in section 3-9-45.1, a minimum of twenty (20) percent of the entire PD parcel or phase shall be retained as open space. *Internal circulation.* All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the county's land development regulations.

CHARLOTTE COUNTY
Community Development

Qualifications of Jie Shao

Position: Principal Planner

Years with Charlotte County: 21

Position Summary & Experience: I have worked as a Planner for Charlotte County Community Development Department since January 2004. My main duties include reviewing and making recommendations on plan amendments, zoning map changes and text amendments to the County's Comprehensive Plan, and amendments to the County's Land Development Regulations. I prepare and present staff reports and recommend actions to the Planning and Zoning Board and the Board of County Commissioners.

I evaluate Site Plan Review applications specifically related to development within Development of Regional Impacts for consistency with the County's Comprehensive Plan and Development Orders. I review all development within the Planned Development zoning district. I review applications for establishment of Community Development Districts, applications under the Transfer Density Units (TDU) program and track all TDUs.

In addition, I created the US 41 Zoning District Overlay Code in 2004. I worked with the planning Advisory Committee to successfully create the Little Gasparilla Island Community Plan in 2007 and also created the Little Gasparilla Island Zoning District Overlay Code and the Bridgeless Barrier Island Zoning District in 2013. As a project manager, I successfully completed the US 17 Corridor Planning Study in 2009-2010. I served as a liaison for the South Gulf Cove Advisory Committee and the Little Gasparilla Island Advisory Committee in 2006-2009. I hosted roundtable meetings to solicit public's input. As a team member, I revised and rewrote the County's Land Development Regulations in 2013-2014. Further, I worked on the County's Comprehensive Plan rewrite in 2009-2010, and EAR-based amendments for the County' Comprehensive Plan in 2007, 2014, and 2022.

Education:

- September 1997 to December 2001
  University of Cincinnati; Cincinnati, Ohio; Obtained a M.S. degree in Community Planning
- September 1986 to July 1990
  Chongqing University China; Obtained a B.S. degree in Architecture

Professional Associations and Certifications:

- AICP, American Association of Certified Planners since 2017
- American Planning Association (APA), Member since 2004

Related Past Experience:

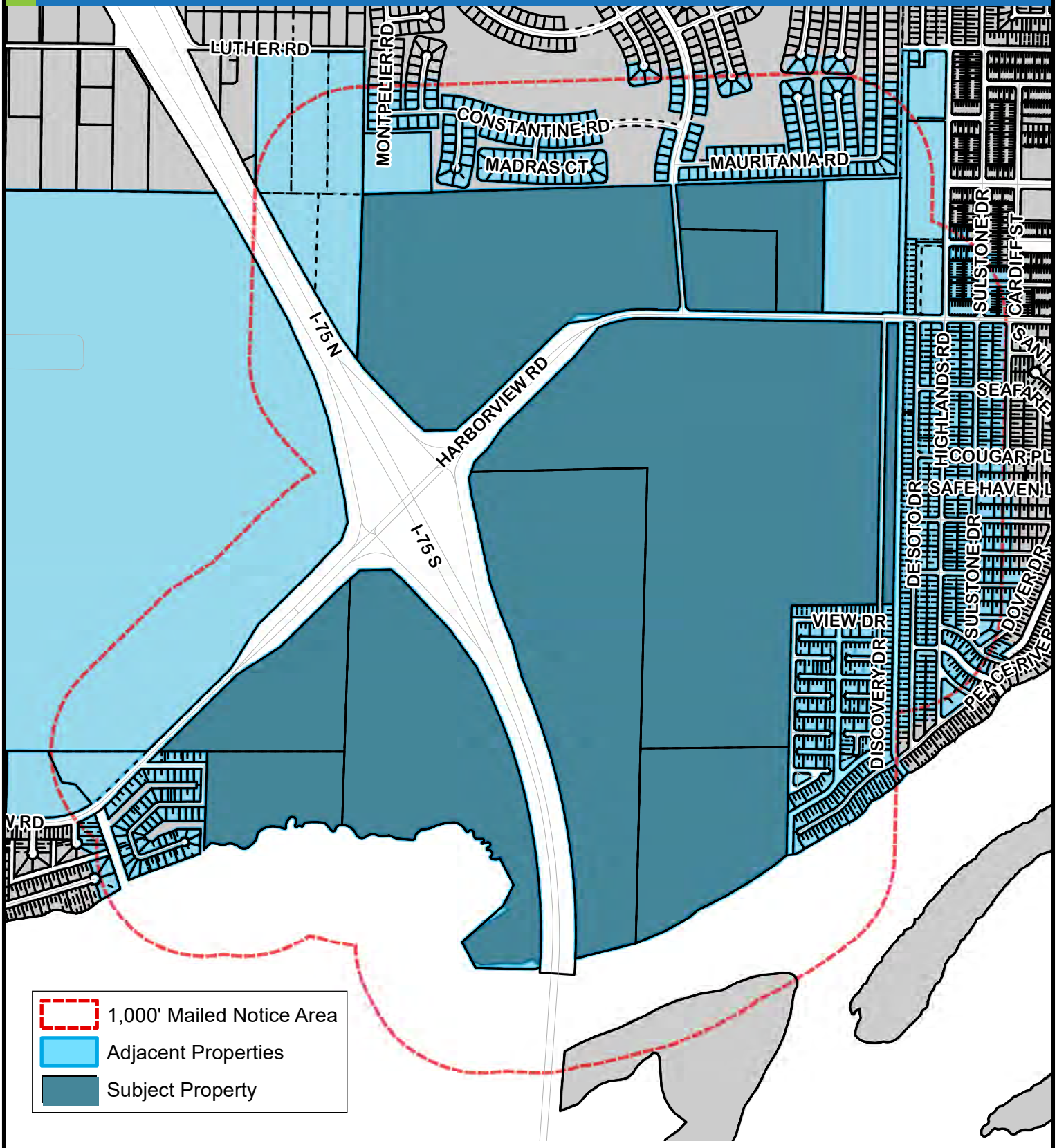
- Planner, Architectural Graphics Designer, University Instructor in Architecture, Suzhou Planning Bureau/Institute of Urban Construction & Environmental Protection (1990-1994)

Exhibit 1

CHARLOTTE COUNTY

1,000' Foot Mailed Notice of
22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

Charlotte County
Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

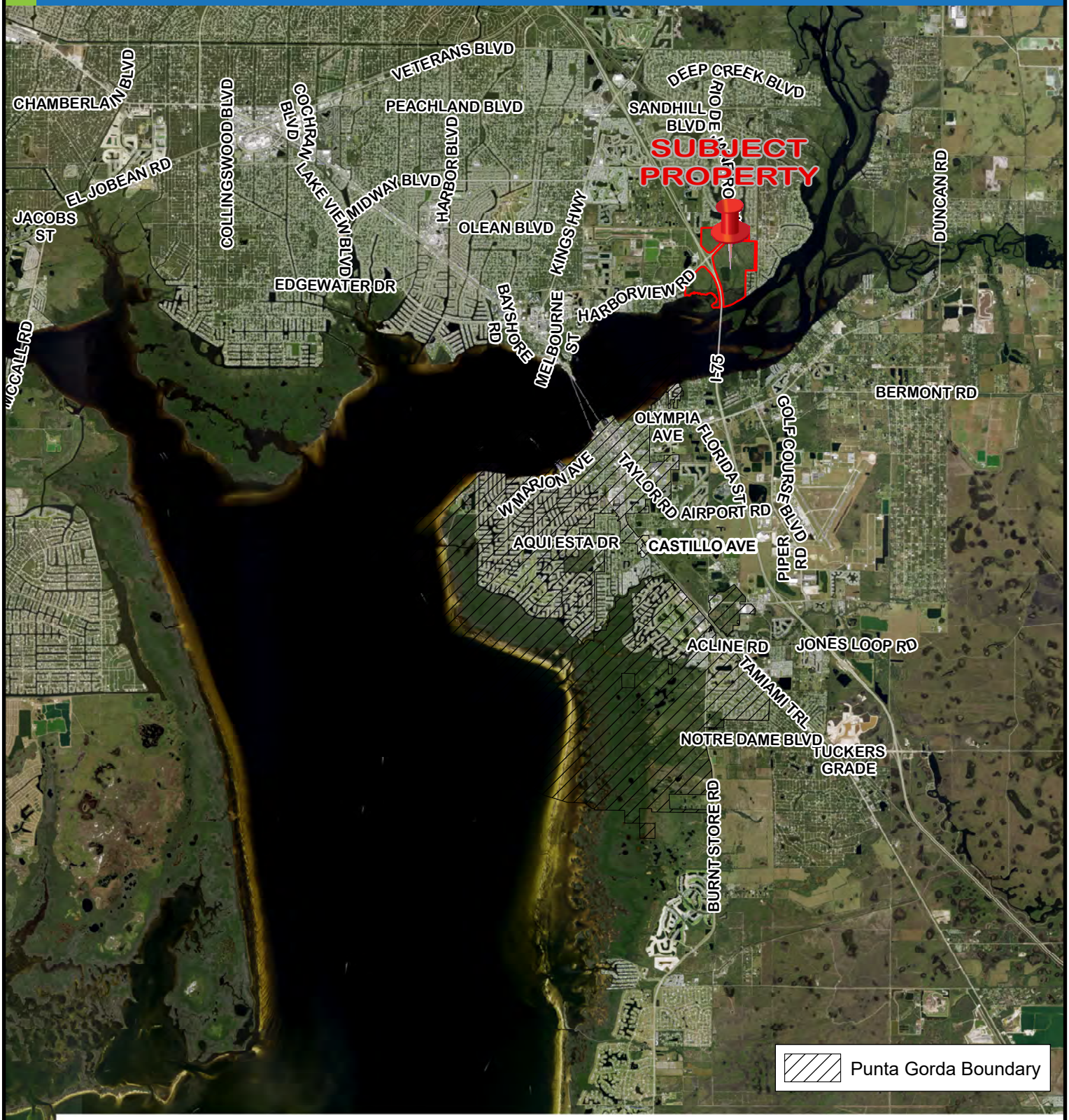
Date Saved: 4/2/2025 3:51:17 PM By: Shaoj-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKT1000ftBufferMap_22LAD-00000-00007_PD-22-00015.mxd

CHARLOTTE COUNTY

Location Map for 22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

CHARLOTTE COUNTY
Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

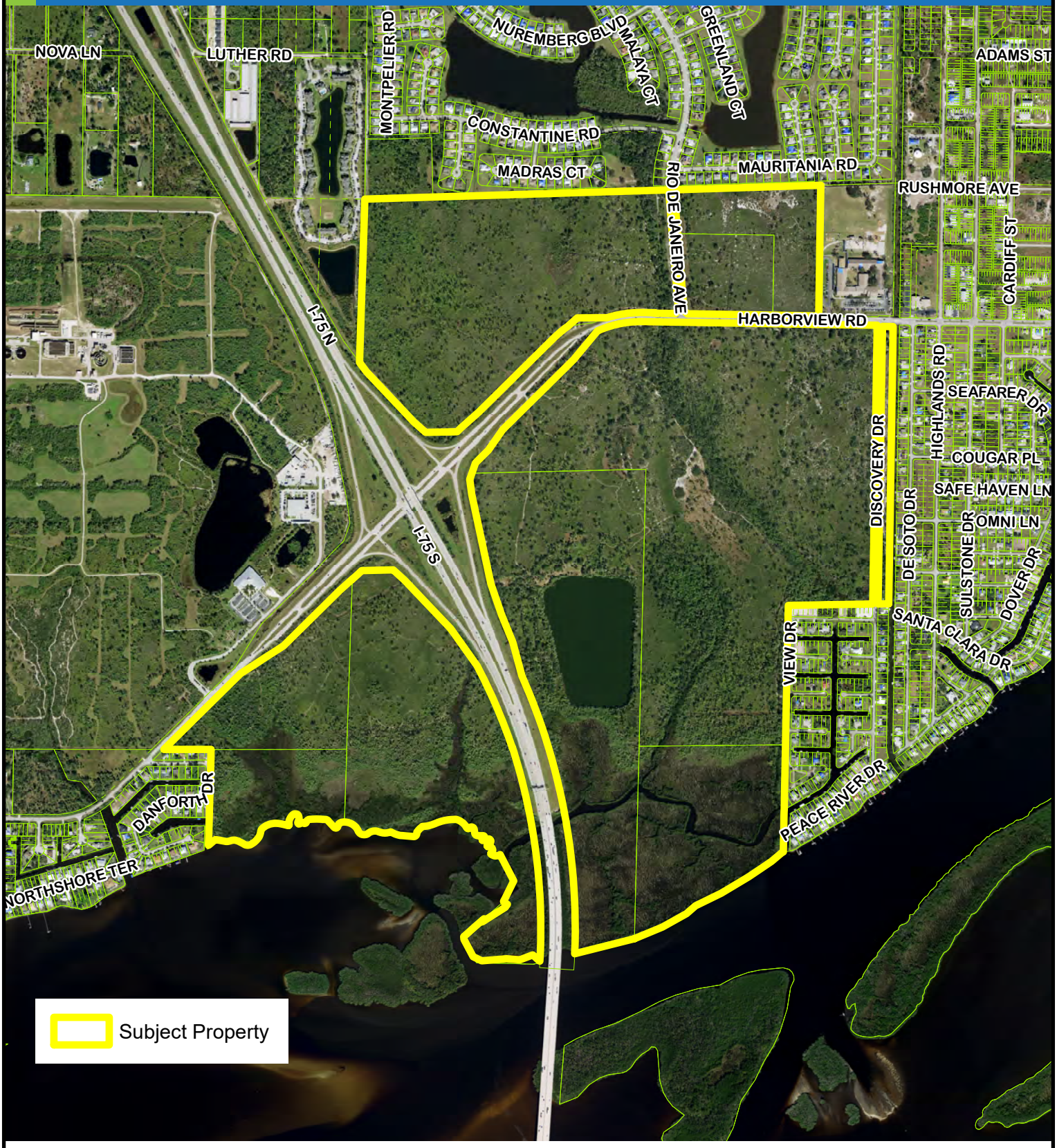
Date Saved: 4/2/2025 3:41:32 PM By: Shaoj-SR-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKTLocationMap_22LAD-00000-00007_PD-22-00015.mxd

CHARLOTTE COUNTY

Area Image for 22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

CHARLOTTE COUNTY
Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

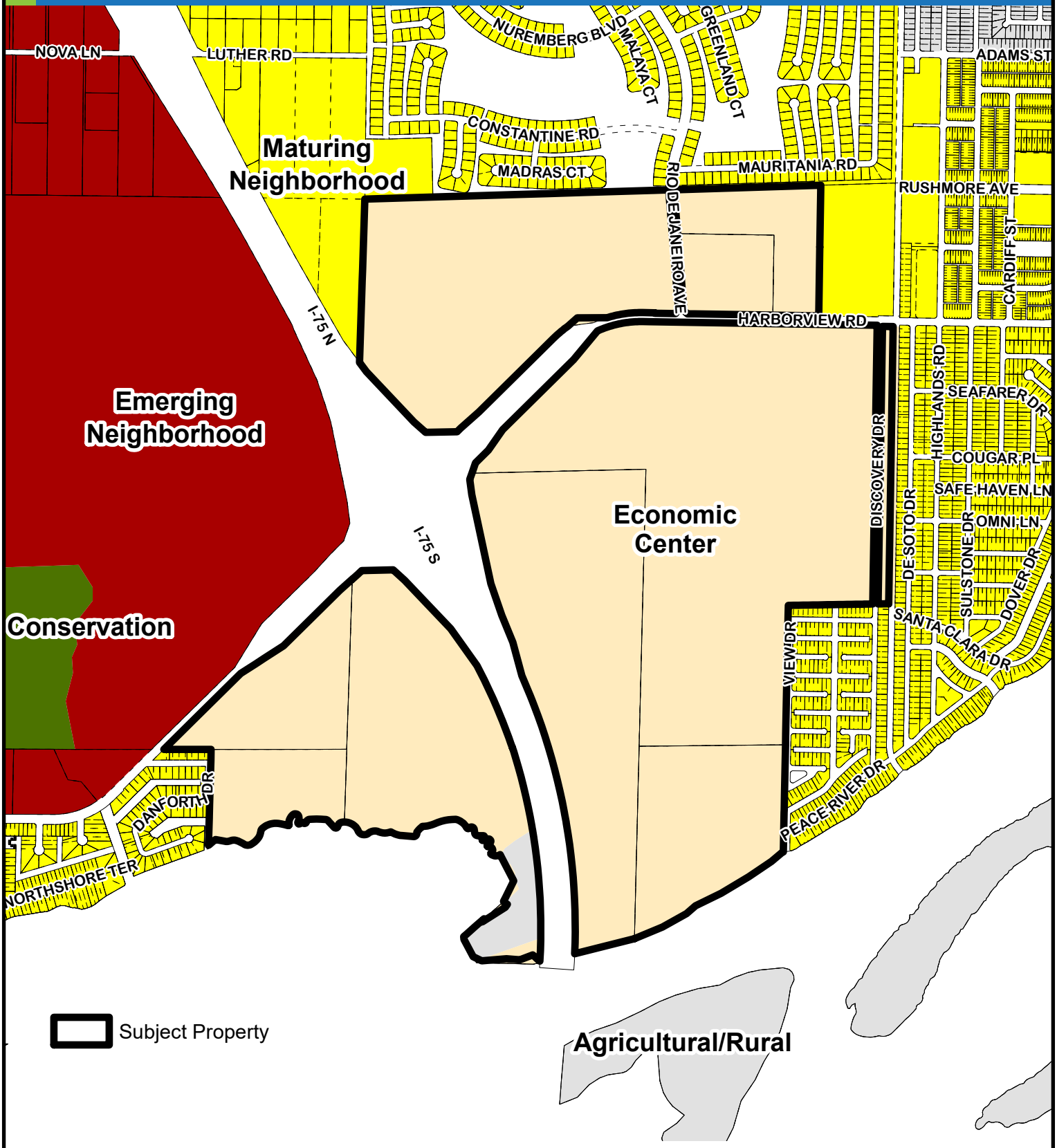
Date Saved: 4/2/2025 3:57:47 PM By: Shaoj-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKTArea_22LAD-00000-00007_PD-22-00015.mxd

CHARLOTTE COUNTY

Framework for 22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

CHARLOTTE COUNTY
Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

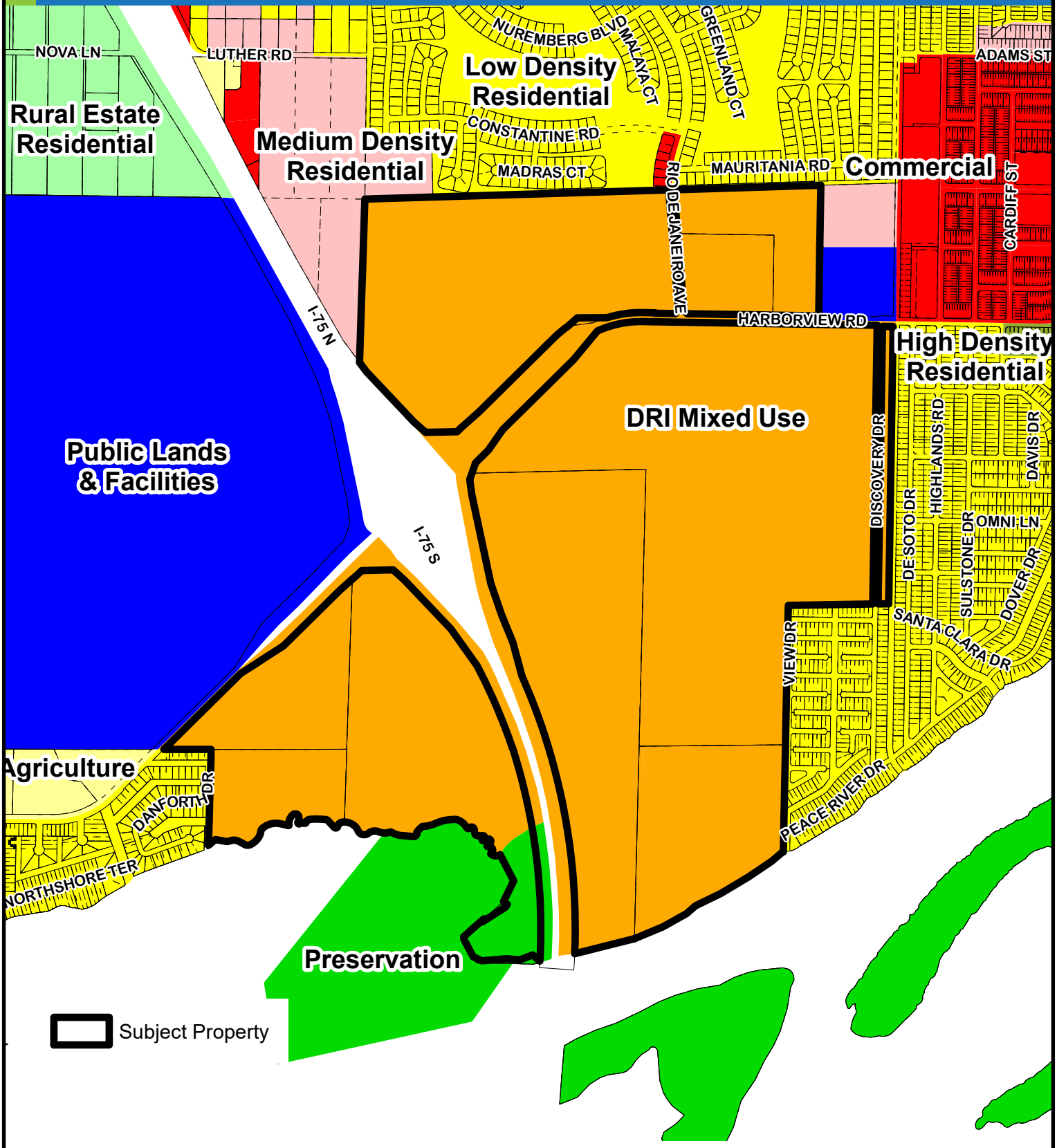
Date Saved: 4/2/2025 4:19:08 PM By: Shaoj-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKTFramework_22LAD-00000-00007_PD-22-00015.mxd

CHARLOTTE COUNTY

FLUM Designations for 22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

CHARLOTTE COUNTY
Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

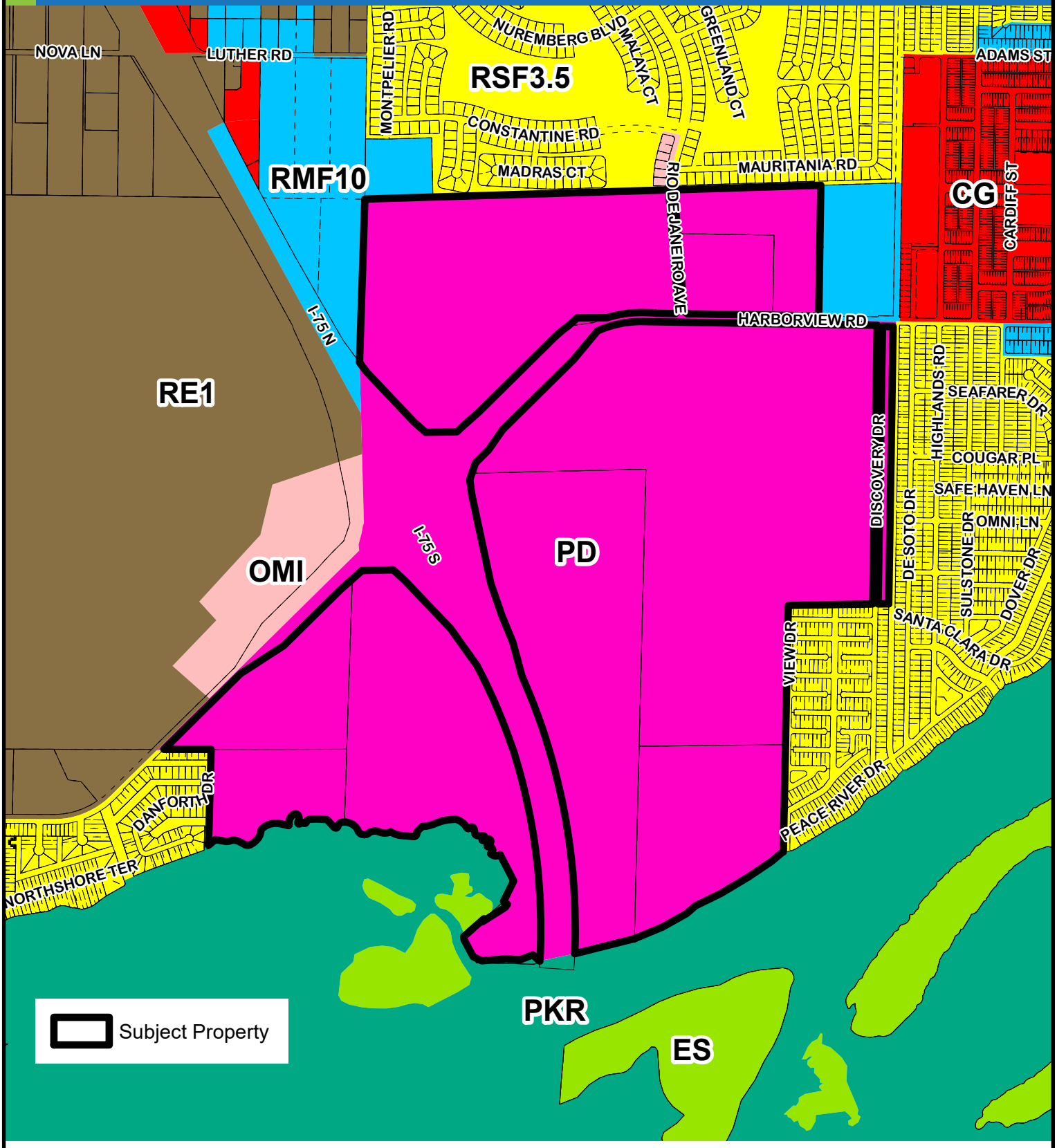
Date Saved: 4/2/2025 4:21:46 PM By: Shaoj-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKTFLUM_22LAD-00000-00007_PD-22-00015.mxd

CHARLOTTE COUNTY

Zoning Designations for 22LAD-00000-00007, LAD-25-02, PD-22-00015 and PD-25-03

Charlotte County Community Development



5A/19X, 21N, 21S, 28N, & 29N Mid-County

N
W E
S
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.

© Copyright 2025 Port Charlotte, FL by Charlotte County

Date Saved: 4/2/2025 4:23:17 PM By: Shaoj-4395

M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2022\Plan Amendments\22LAD-00000-00007 & PD-22-00015\PCKTZoning_22LAD-00000-00007_PD-22-00015.mxd

R E S O L U T I O N
2025-___

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. c/o Todd Mathes, is requesting in petition 22LAD-00000-00007 and LAD-25-03 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-25-03 amending the D.O and recommended approval of the petition; and

WHEREAS, the Board has reviewed and considered petition 22LAD-00000-00007 and LAD-25-03, 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 more than 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-22-00015.

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, 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, attached hereto as **Exhibit "E"** 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. 4117

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-subparagraphs 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:

(I) A schedule of the list of the improvements that are needed to be constructed to ensure maintenance of the adopted level of service, an identification of the governmental

agency with maintenance responsibility over the improvement, the cost of each needed improvement including right-of-way and other costs for the improvement, the developer's proportional share contribution for the improvement~~,~~ and any proposed staging of the development.

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

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

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

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

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

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

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 head gain coefficients (SHGC) and exterior shading, cross ventilation, operable windows and ceiling fans will be incorporated into homes within the project as appropriate and consistent with the Florida Building Code and Fire Marshall rules.

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

f. The project will 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 the Marina and 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
Docks	
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. Tiseo, Chairman

Attest:

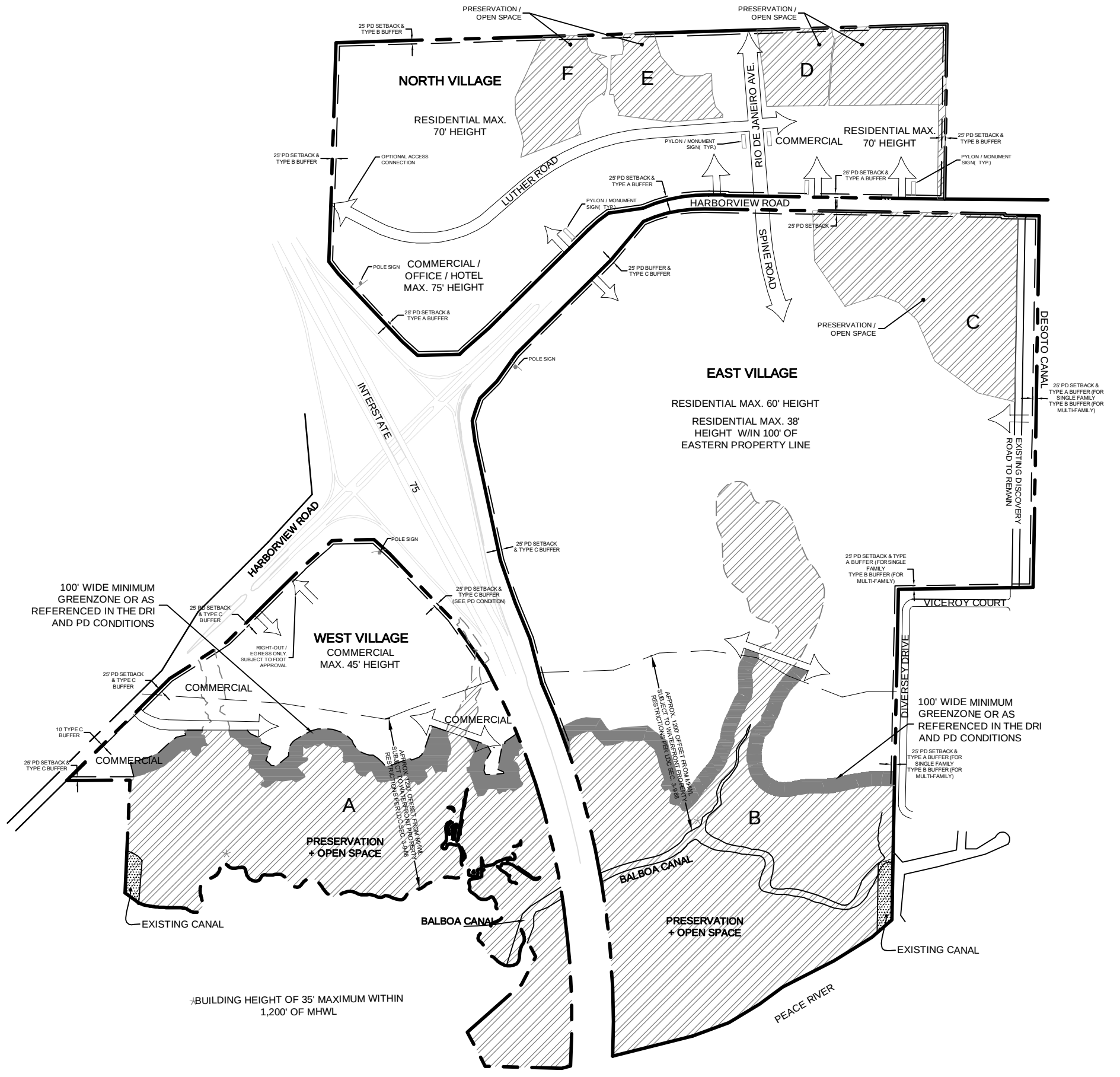
Roger D. Eaton, Clerk of Circuit Court
and Ex-Officio Clerk of the Board of
County Commissioners

By:_____
Deputy Clerk

Approved as to form and legal
sufficiency:

By:_____
Janette K. Knowlton, County Attorney
LR23-0111_____

Exhibit “A”



SITE DATA

PROJECT LAND USE

PROJECT AREA	+/- 653 ACRES
NORTH VILLAGE AREA	+/- 159 ACRES
EAST VILLAGE AREA	+/- 368 ACRES
WEST VILLAGE AREA	+/- 126 ACRES
OPEN SPACE	20% MIN. (REQUIRED)

TOTAL PRESERVATION OPEN SPACE = +/- 225.46 ACRES (34.5%) (PROVIDED)

PROJECT LAND USE

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

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

COMMERCIAL / OFFICE SQUARE FOOTAGE

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

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

NOTES:

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: 12/24

SCALE: 1"=800'

DATE	REVISION

MAP H

Exhibit “B”

Land Use Equivalency Matrix

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

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

DU = dwelling unit

SF = square feet

VFP = Vehicle Fuel Pump

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

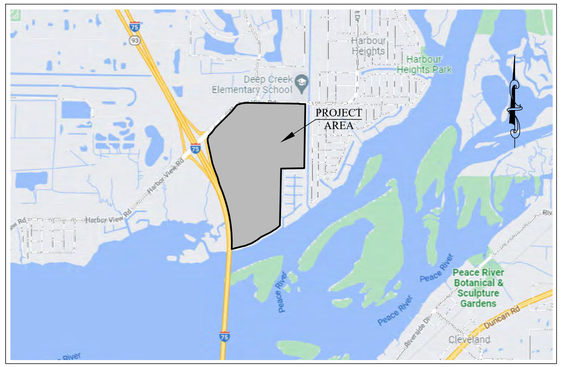
Note: Residential land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.

Exhibit “C”

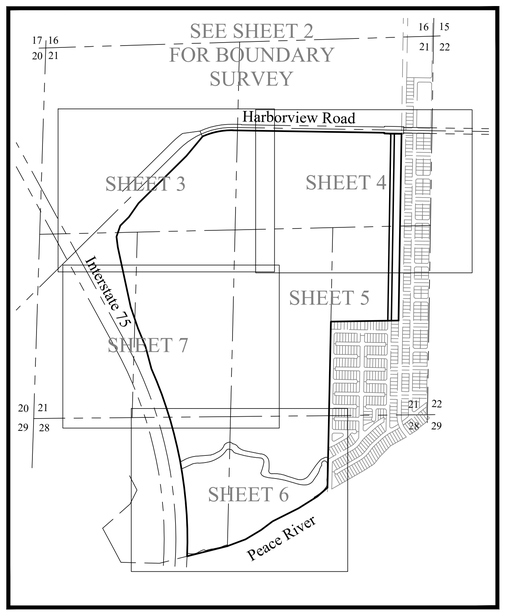
K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

ALTA/NSPS LAND TITLE SURVEY

of Lands lying in
Section 21&28, Township 41 South, Range 23 East
Charlotte County, Florida.



VICINITY MAP
(NOT TO SCALE)



DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTH HALF OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING A PORTION OF GOVERNMENT LOT 1, ALL OF GOVERNMENT LOT 2, A PORTION OF GOVERNMENT LOT 3, AND A PORTION OF GOVERNMENT LOT 4 IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND ISLAND NELL, ALL LYING EASTERLY OF INTERSTATE 75, SOUTHERLY OF HARBORVIEW ROAD AND WESTERLY OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D CHARLOTTE COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WESTERLY LINE OF DESOTO CANAL AS SHOWN ON THE PLAT OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY AND THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; SAID POINT ALSO BEING 425 FEET WEST OF THE EAST LINE OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE RUN S00°55'15"W ALONG THE WESTERLY LINE OF SAID CANAL AND A LINE 425 FEET WEST OF THE EAST LINE OF SAID SECTION FOR 2610.35 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 274 OF SAID PLAT; THENCE S89° 03'32"W ALONG THE NORTHERLY LINE OF SAID BLOCK 274 AND ITS WESTERLY PROLONGATION, ALSO BEING THE NORTHERLY LINE OF BLOCKS 277 AND 278 FOR A DISTANCE OF 945.37 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S01°09'23"W ALONG SAID EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, ALSO BEING THE WESTERLY LINE OF SAID PLAT FOR A DISTANCE OF 2320.97 FEET TO THE INTERSECTION WITH THE NORTHERLY SHORELINE OF PEACE RIVER AS DESCRIBED IN OFFICIAL RECORDS BOOK 115, AT PAGE 27; THENCE ALONG SAID SHORELINE THE FOLLOWING 6 COURSES: S49°05'15"W FOR A DISTANCE OF 186.92 FEET; THENCE S57°50'29"W FOR A DISTANCE OF 312.00 FEET; THENCE S63°22'29"W FOR A DISTANCE OF 405.00 FEET; THENCE S53°11'29"W FOR A DISTANCE OF 202.00 FEET; THENCE S59°00'59"W FOR A DISTANCE OF 253.00 FEET; THENCE S69°28'26"W FOR A DISTANCE OF 270.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 3 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE CONTINUE ALONG SAID NORTHERLY SHORELINE S 75°48'29" W FOR A DISTANCE OF 581.14 FEET TO AN NON-TANGENT INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (S.R. 93) F.D.O.T. RIGHT OF WAY MAP SECTION 01075-2403; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 11 COURSES: CONTINUE ALONG A CURVE TO THE LEFT, WHOSE RADIUS BEARS N87° 40'38"W, HAVING FOR ITS ELEMENTS A RADIUS OF 5891.58 FEET, A DELTA OF 26° 09'04", CHORD BEARING OF N10°45'10"W, CHORD LENGTH OF 2665.76 FEET, FOR A DISTANCE OF 2689.04 FEET; THENCE N15°02'20"W FOR A DISTANCE OF 325.05 FEET; THENCE N22°17'08"W FOR A DISTANCE OF 273.96 FEET; THENCE N19°00'19"W FOR A DISTANCE OF 315.82 FEET; THENCE N12°06'37"W FOR A DISTANCE OF 855.19 FEET; THENCE N07°32'11"W FOR A DISTANCE OF 145.49 FEET; THENCE N18°55'19"E FOR A DISTANCE OF 164.85 FEET; THENCE N45°22'49"E FOR A DISTANCE OF 170.00 FEET; THENCE N34°53'10"E FOR A DISTANCE OF 236.09 FEET; THENCE N45°22'48"E FOR A DISTANCE OF 939.07 FEET; THENCE N39°38'27"E FOR A DISTANCE OF 351.10 FEET TO A NON-TANGENT INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 4 COURSES: CONTINUE ALONG A CURVE TO THE RIGHT, WHOSE RADIUS BEARS S24°12'35"E, HAVING FOR ITS ELEMENTS A RADIUS OF 1001.74 FEET, A DELTA OF 25°07'54", CHORD BEARING OF N78°21'21"E, CHORD LENGTH OF 435.88 FEET, FOR A DISTANCE OF 439.39 FEET; THENCE S89°04'42"E FOR A DISTANCE OF 2114.53 FEET; THENCE S00°55'18"W FOR A DISTANCE OF 10.00 FEET; THENCE S89°05'07"E FOR A DISTANCE OF 240.43 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT HARBOUR HEIGHTS SECTION NINE, PART 2, AS RECORDED IN PLAT BOOK 6, PAGE 47, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND BASED ON CHARLOTTE COUNTY BENCHMARK (EPC006).
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 120061
   PANEL NUMBER: 120156 C 0232
   SUFFIX: F
   EFFECTIVE DATE: 05/05/2003
   FIRM ZONE: AE AND VE
   BASE FLOOD ELEVATION: 9' (N.G.V.D.29)
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
7. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 21, BEING S 00°55'29" W.
8. DATE OF LAST FIELD WORK : JANUARY 5TH, 2022.
9. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
11. COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).
12. NO CEMETERIES, NO MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT: (OF A SURVEY NATURE)
FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NUMBER: NCS-1095904-CAST
COMMITMENT DATE: OCTOBER 27, 2021 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

1. NOT A SURVEY MATTER.
2. NOT A SURVEY MATTER.
3. AS SHOWN ON SURVEY.
4. NOT A SURVEY MATTER.
5. AS SHOWN ON SURVEY.
6. NOT A SURVEY MATTER.
7. NOT A SURVEY MATTER.
8. NOT A SURVEY MATTER.
9. NOT A SURVEY MATTER.
10. NOT A SURVEY MATTER.
11. O.R. 485, PG. 97 REFERS TO LANDS LYING WITHIN 162' OF THE CENTERLINE OF STATE ROAD 93, SECTION 01075. SURVEYED PARCEL ENDS 162' EAST OF SAID LINE.
12. NOT A SURVEY MATTER.
13. NOT A SURVEY MATTER. HOWEVER OUR PARCEL IS SHOWN AS A PORTION OF THE DEVELOPMENT.
14. NOT A SURVEY MATTER.
15. DOES NOT AFFECT PARCEL SURVEYED.
16. NOT A SURVEY MATTER. HOWEVER THE LAND USE DOES DESCRIBE A PORTION OF PARCEL SURVEYED.
17. NOT A SURVEY MATTER. HOWEVER SURVEYED PARCEL IS SHOWN.
18. AS SHOWN ON SURVEY.
19. AS SHOWN ON SURVEY.
20. AS SHOWN ON SURVEY.
21. O.R. 3520, PG. 90 FALLS NORTH OF THE PARCEL SURVEYED.
22. O.R. 3520, PG. 98 FALLS NORTH OF THE PARCEL SURVEYED.
23. NOT A SURVEY MATTER.
24. NOT A SURVEY MATTER.
25. O.R. 3191, PG. 399 FALLS IN SECTION 7 (SEVERAL MILES AWAY).
26. O.R. 3155, PG. 1633 FALLS IN SECTION 7 (SEVERAL MILES AWAY).
27. NOT A SURVEY MATTER.
28. NOT A SURVEY MATTER.
29. NOT A SURVEY MATTER.

CERTIFICATIONS:

TO:

Taylor Morrison of Florida, Inc.
First American Title Insurance Company
GrayRobinson, P.A.
WILL RIDGE ASSOCIATES, LLC, a New York limited liability company,
PEACE RIVER EAST, LLC, a Florida limited liability company,
PEACE RIVER EAST II, LLC, a Florida limited liability company
POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company
Benderson Development Company, LLC

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

Date of Plat or Map: January 20th, 2022

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

0 300 600

NO.	DATE	REVISION	BY

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

Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21,TOWNSHIP 40S, RANGE 23E

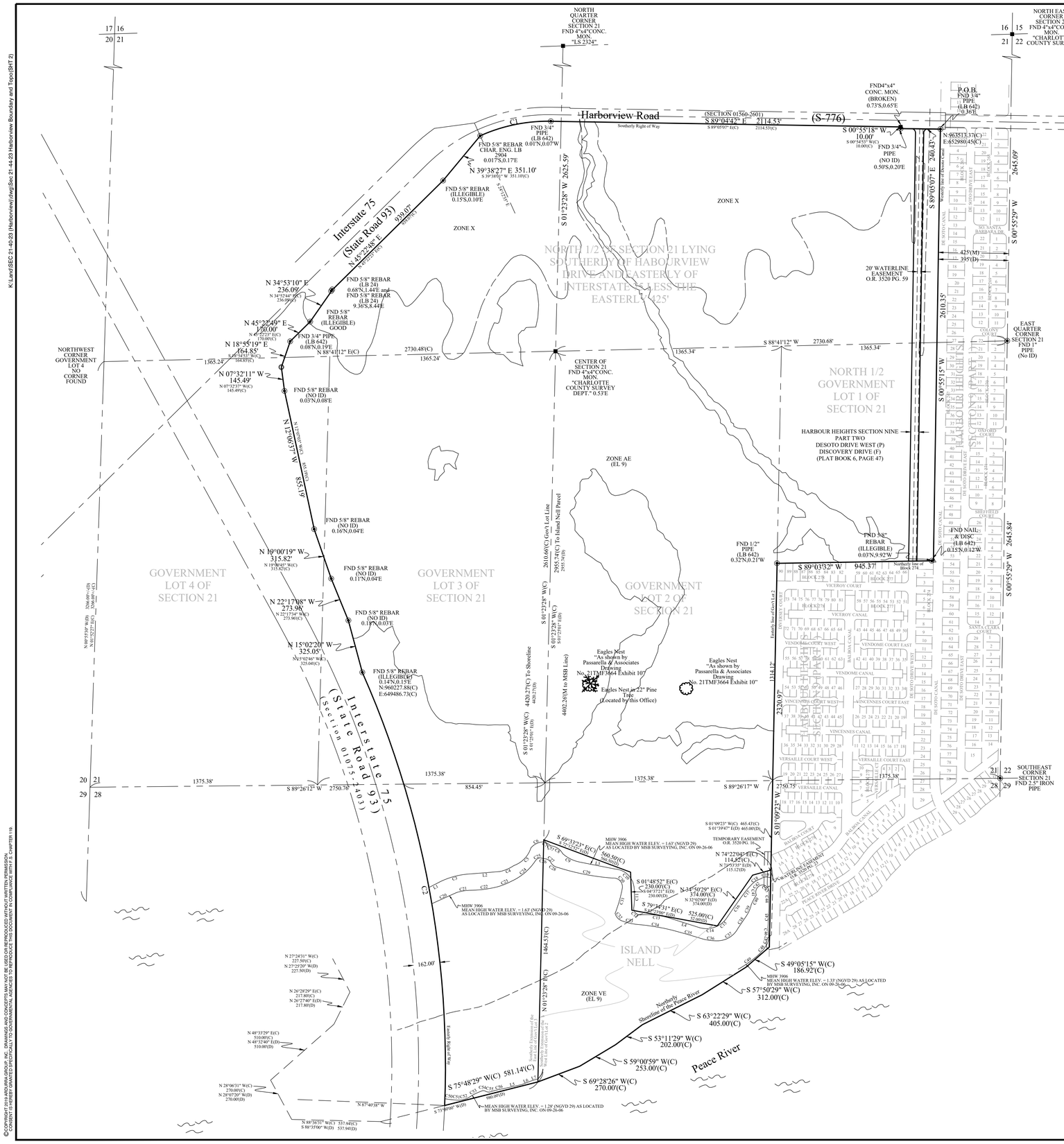
JOB NO:	21-7413
FIELD BOOK:	MULTIPLE
DATE:	1/22/20222
SCALE:	AS SHOWN

1 of 7

DRAWN BY
MW

© COPYRIGHT 2018 ARDURRA GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
CONSULTANT SHALL COMPLY WITH ALL STATUTES, ORDINANCES, RULES, REGULATIONS AND CODES WHICH ARE APPLICABLE TO CONSULTANT'S SERVICES, INCLUDING, BUT NOT LIMITED TO, CHAPTER 119

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo\SHT 2\



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1001.74'	439.39'	435.88'	N 78°21'21" E	25°07'54"
C2	5891.58'	2689.04'	2665.76'	N 10°45'10" W	26°09'04"
C3	466.73'	189.80'	188.49'	S 74°47'21" W	23°17'57"
C4	236.35'	92.62'	92.03'	S 66°47'00" W	22°27'12"
C5	166.38'	153.56'	148.17'	S 43°51'59" W	52°52'55"
C6	104.66'	90.23'	87.46'	S 65°25'17" W	49°23'43"
C7	125.80'	44.24'	44.01'	S 60°05'50" E	20°08'53"
C8	92.43'	88.89'	85.50'	N 56°16'09" W	55°05'55"
C9	215.79'	113.95'	112.63'	N 63°36'34" W	30°15'19"
C10	121.97'	166.19'	153.63'	N 47°59'01" W	78°04'07"
C11	492.09'	134.54'	134.12'	S 00°31'04" W	15°39'53"
C12	40.59'	72.21'	63.06'	N 51°00'05" W	101°56'08"
C13	470.80'	190.49'	189.19'	N 81°56'50" W	23°10'55"
C14	148.19'	104.86'	102.69'	S 85°41'48" W	40°32'40"
C15	148.19'	90.84'	89.42'	S 47°51'54" W	35°07'13"
C16	2496.49'	129.76'	129.75'	S 35°04'39" W	2°58'41"
C17	655.99'	111.39'	111.26'	S 38°51'59" W	9°43'46"
C18	130.03'	65.97'	65.26'	S 57°50'08" W	29°04'00"
C19	58.77'	63.62'	60.56'	S 84°39'43" W	62°01'22"
C20	7950.25'	160.70'	160.70'	S 65°40'17" W	1°09'29"
C21	288.30'	92.30'	91.91'	N 80°46'32" E	18°20'39"
C22	695.91'	164.69'	164.31'	S 82°22'55" W	13°33'35"
C23	439.95'	89.37'	89.22'	S 67°48'31" W	11°38'22"
C24	342.21'	192.35'	189.83'	S 49°17'44" W	32°12'19"
C25	34.94'	41.41'	39.03'	S 66°14'44" W	67°54'30"
C26	2253.21'	31.02'	31.02'	N 79°23'49" W	0°47'20"
C27	49.37'	43.54'	42.14'	S 47°18'51" E	50°31'35"
C28	63.98'	47.86'	46.75'	N 59°32'20" W	42°51'29"
C29	1428.88'	336.34'	335.56'	N 79°04'41" W	13°29'11"
C30	52.58'	95.33'	82.80'	N 44°19'32" W	103°52'52"
C31	805.57'	159.10'	158.84'	N 15°53'08" E	11°18'57"
C32	62.67'	59.15'	56.98'	S 39°18'49" E	54°04'44"
C33	370.52'	101.47'	101.15'	N 76°28'38" W	15°41'26"
C34	1384.35'	214.55'	214.34'	S 80°37'26" E	8°52'48"
C35	3478.51'	191.47'	191.45'	N 73°51'22" W	3°09'14"
C36	320.72'	92.32'	92.00'	N 83°16'19" W	16°29'33"
C37	140.65'	151.60'	144.37'	S 57°39'41" W	61°45'28"
C38	12079.20'	90.82'	90.82'	S 34°20'19" W	0°25'51"
C39	190.42'	72.43'	71.99'	S 23°06'34" W	21°47'32"
C40	366.95'	65.80'	65.71'	N 27°47'15" E	10°16'26"
C41	44.64'	24.97'	24.65'	S 05°59'05" E	32°03'18"
C42	44.64'	58.94'	54.75'	S 47°51'54" W	75°38'53"
C43	39.97'	55.54'	51.18'	N 48°23'32" W	79°37'05"
C44	1845.20'	98.98'	98.97'	S 00°07'46" E	3°04'25"
C45	7671.98'	125.17'	125.17'	N 02°41'55" E	0°56'05"
C46	479.53'	56.27'	56.24'	S 05°35'21" E	6°43'25"
C47	105.57'	52.10'	51.57'	S 16°06'10" W	28°16'28"
C48	259.08'	71.97'	71.74'	S 38°56'22" W	15°54'59"
C49	697.03'	156.09'	155.76'	S 54°24'59" W	12°49'49"
C50	342.37'	39.45'	39.43'	N 81°40'22" W	6°36'07"
C51	1507.79'	40.26'	40.26'	N 85°04'58" W	1°31'48"
C52	173.22'	61.32'	61.00'	S 77°45'50" W	20°16'58"
C53	352.70'	96.64'	96.34'	S 62°53'26" W	15°41'58"
C54	24.88'	20.24'	19.69'	N 86°28'03" W	46°37'09"
C55	46.01'	29.33'	28.84'	N 78°28'38" W	36°31'47"
C56	397.08'	84.05'	83.89'	S 76°12'03" W	12°07'38"
C57	5.31'	3.98'	3.89'	S 59°38'11" E	42°58'26"

LINE	BEARING	DISTANCE
L1	S 62°58'40" W	70.27'
L2	S 85°22'50" W	185.45'
L3	N 78°46'26" W	219.44'
L4	S 72°21'21" E	171.02'
L5	S 77°09'26" W	116.01'
L6	S 68°38'25" W	58.08'
L7	N 73°19'53" E	42.74'

SURVEY LEGEND	
◆	FOUND NAIL & DISK
◉	FOUND IRON ROD & CAP
○	SET 5/8" IRON ROD & CAP (LB 2610)
△	SET NAIL & DISK (LB 2610)
	FIRE HYDRANT
	WATER VALVE
	FIRE VALVE
	ELECTRIC BOX
	LIGHT POLE
	CENTERLINE
	CATCH BASIN
	STORM MANHOLE
	SANITARY MANHOLE
	WOOD POWER POLE
	GUY ANCHOR
	WATER METER
	BACKFLOW PREVENTOR VALVE
	WATER MANHOLE
	UTILITY RISER
	WETLAND FLAG
	AIR RELEASE VALVE

SURVEY ABBREVIATIONS	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

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

SECTION 21, TOWNSHIP 40S, RANGE 23E

Prepared for: Taylor Morrison of Florida, Inc.

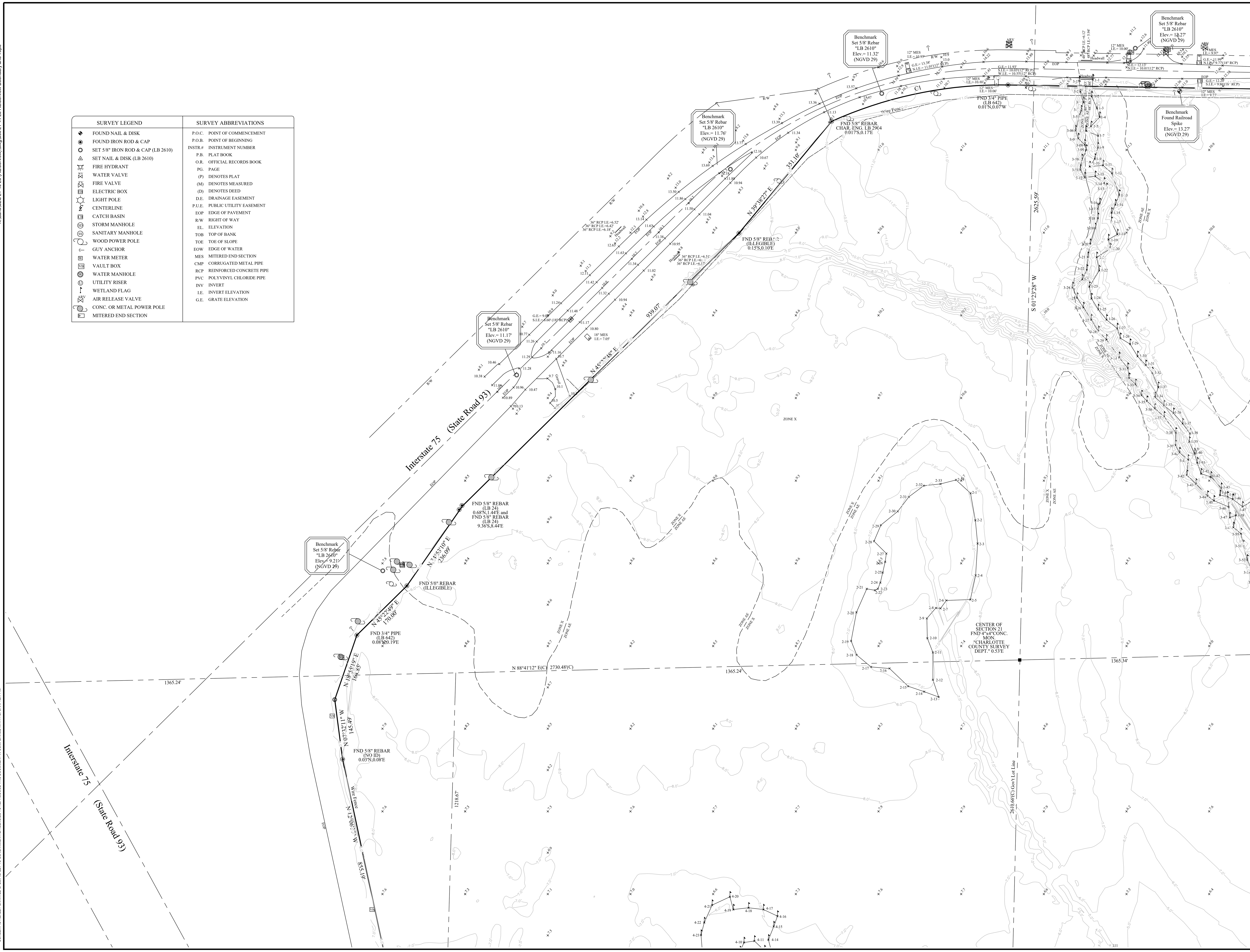
JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

2 of 7

DRAWN BY MW

©COPYRIGHT 2019 ARCURIS GROUP, INC. DRAWINGS AND CONCEPTS AS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONTACT INFORMATION: 1000 DOUGLAS AVENUE, SUITE 1100 DURHAM, NC 27705 TO REQUEST PERMISSION TO DOCUMENTS, WRITE TO: CHAPTER 119.

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



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

NO.	DATE	REVISION	BY

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

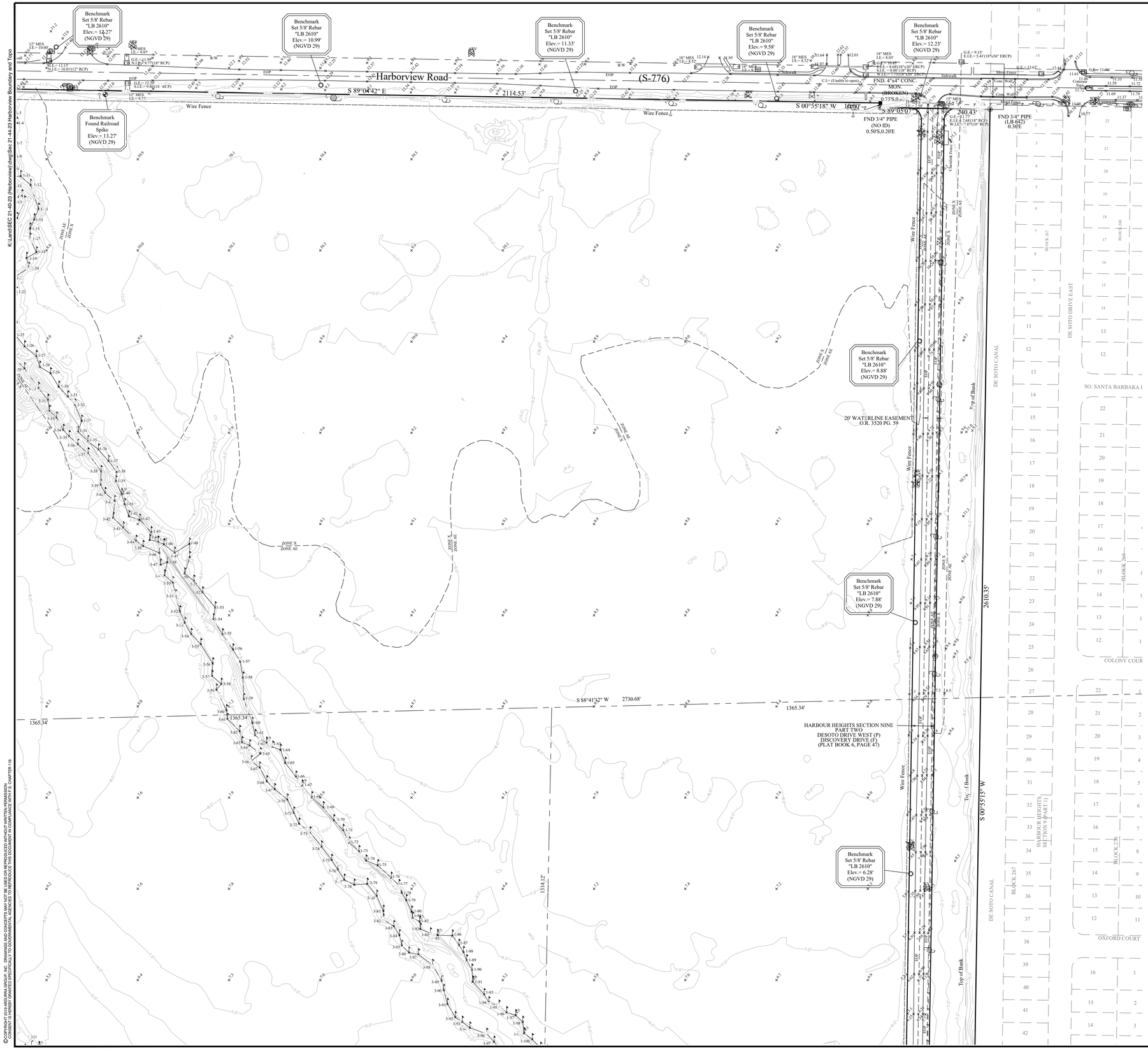
SECTION 21,TOWNSHIP 40S, RANGE 23E

Prepared for: Taylor Morrison of Florida, Inc.

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

DRAWN BY MW

©COPYRIGHT 2019 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- FIRE VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- VAULT BOX
- WATER MANHOLE
- UTILITY RISER
- WETLAND FLAG
- AIR RELEASE VALVE
- CONC. OR METAL POWER POLE
- MITERED END SECTION

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	BY

REVISION

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

SECTION 21, TOWNSHIP 40S, RANGE 23E

Prepared for: Taylor Morrison of Florida, Inc.

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

4 of 7

DRAWN BY MW

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

©COPYRIGHT 2019 ARCURA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT INFRINGEMENT SUBJECTS YOU TO DOWNWARD ADJUSTMENT TO ENSURE COMPLIANCE WITH U.S. CHAPTER 17§

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

© COPYRIGHT 1919 ARCURIA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT 1919 ARCURIA GROUP, INC. COPYRIGHTING AGREE TO US OF DRAWINGS, CONCEPTS AND IDEAS - CHAPTER 119.

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 4.78'
(NGVD 29)

HARBOUR HEIGHTS SECTION NINE
PART TWO
DESOTO DRIVE WEST (P)
DISCOVERY DRIVE (P)
(PLAT BOOK 6, PAGE 47)

20' WATERLINE EASEMENT
O.R. 3520 PG. 59

Top of Bank

Top of Bank

Wire Fence

2610.35'

S 00°55'15" W

FND 5/8" REBAR
(ILLEGIBLE)
0.03'N,9.92'W

FND NAIL & DISC
(LB 642)
0.15'N,0.12'W

Seawall Cap
Elev. 5.7'+/-

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 5.78'
(NGVD 29)

FND 1/2" PIPE
(LB 642)
0.32'N,0.21'W

S 89°03'32" W 945.37'

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 5.79'
(NGVD 29)

1344.12'

Eagles Nest
"As shown by
Passarella & Associates
Drawing
No. 21TMF3664 Exhibit 10"

2320.97'

1375.38'

S 89°26'17" W 2750.75'

1375.38'

DE SOTO CANAL

DE SOTO DRIVE EAST

BLOCK 271

SHEFFIELD COURT

SANTA CLARA COURT

BLOCK 278

BLOCK 277

BLOCK 274

VICEROY COURT

VICEROY CANAL

DU LUQUE COURT

VENDOME COURT WEST

VENDOME COURT EAST

VENDOME CANAL

BALBOA CANAL

HARBOUR HEIGHTS SECTION 4 (PART I)

VINCENNES COURT WEST

VINCENNES COURT EAST

VINCENNES CANAL

VERSAILLE COURT WEST

VERSAILLE COURT EAST

VERSAILLE CANAL

BLOCK 277

VERSAILLE CT

DE SOTO DRIVE WEST

Gravel Road

Wire Fence

15" MP
I.E.= 3.3'+/-

15" CMP
I.E.= 3.0'+/-

18" CPP
I.E.= 1.9'+/-

18" CPP
I.E.= 1.6'+/-

0 100 200

SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- FIRE VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- VAULT BOX
- WATER MANHOLE
- UTILITY RISER
- WETLAND FLAG
- AIR RELEASE VALVE
- CONC. OR METAL POWER POLE
- MITERED END SECTION

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

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

Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21, TOWNSHIP 40S, RANGE 23E

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

5 of 7

DRAWN BY
MW

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

©COPYRIGHT 2019 ARCURIA GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
CONTACT FLORIDA ARCURIA GROUP, INC. AT 239-275-8575 FOR ADDITIONAL RIGHTS TO DISTRIBUTION, EXPLOITATION AND/OR USE IN ACCORDANCE WITH U.S. CHAPTER 119.

Interstate 75 (State Road 93)

VERSAILLE CANAL

DIVERSEY COURT

BALBOA COURT

BLOCK 278

BLOCK 276

BALBOA CANAL

PEACE RIVER DRIVE

ISLAND NELL

Peace River

Peace River

Peace River

MBW 3906'
MEAN HIGH WATER ELEV. = 1.63' (NGVD 29)
AS LOCATED BY MSB SURVEYING, INC. ON 09-26-06

MBW 3906
MEAN HIGH WATER ELEV. = 1.63' (NGVD 29)
AS LOCATED BY MSB SURVEYING, INC. ON 09-26-06

MHW 3906
MEAN HIGH WATER ELEV. = 1.37' (NGVD 29) AS
LOCATED BY MSB SURVEYING, INC. ON 09-26-06

MHW 3906
MEAN HIGH WATER ELEV. = 1.37' (NGVD 29) AS
LOCATED BY MSB SURVEYING, INC. ON 09-26-06

S 69°43'23" E(C)
S 72°57'07" E(D)
360.50ft(C)
360.50ft(D)

S 01°48'52" E(C) 240.00ft(C)
S 01°48'52" E(D) 240.00ft(D)

S 79°34'31" E(C)
S 82°23'00" E(D)
525.00ft(C)
525.00ft(D)

N 74°22'04" E(C)
114.52ft(C)
N 71°33'58" E(D)
115.12ft(D)

N 34°50'29" E(C)
374.00ft(C)
N 32°02'00" E(D)
374.00ft(D)

S 69°05'15" W(C) 186.92'(C)

S 57°50'29" W(C) 312.00ft(C)

S 63°22'29" W(C) 405.00ft(C)

S 59°11'29" W(C) 202.00ft(C)

S 59°00'59" W(C) 253.00ft(C)

S 69°28'26" W(C) 270.00ft(C)

S 75°48'29" W(C) 581.14'(C)
980.00ft(D)

S 73°00'00" W(D)

162.00'

137 CPP
I.E. = 3.4'(+/-)

137 CPP
I.E. = 3.4'(+/-)

WATERLINE EASEMENT
O.R. 3320 PG. 23

TEMPORARY EASEMENT
O.R. 3320 PG. 16

Set 5/8" Iron Rod & Cap (LB 2610)

ZONE AE
ZONE VE

ZONE AE

ZONE AE

Water Line Easement

L1 L2 L3 L4 L5 L6 L7

C1 C2 C3 C4 C5 C6 C7 C8 C9 C10 C11 C12 C13 C14 C15 C16 C17 C18 C19 C20 C21 C22 C23 C24 C25 C26 C27 C28 C29 C30 C31 C32 C33 C34 C35 C36 C37 C38 C39 C40 C41 C42 C43 C44 C45 C46 C47 C48 C49 C50 C51 C52 C53 C54 C55 C56

5-198 5-197 5-196 5-195 5-194 5-193

SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- FIRE VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- ELECTRIC BOX
- WATER MANHOLE
- UTILITY RISER
- WETLAND FLAG
- AIR RELEASE VALVE
- CONC. OR METAL POWER POLE
- MITERED END SECTION

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

0 300 600

NO.	DATE	REVISION
		BY

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

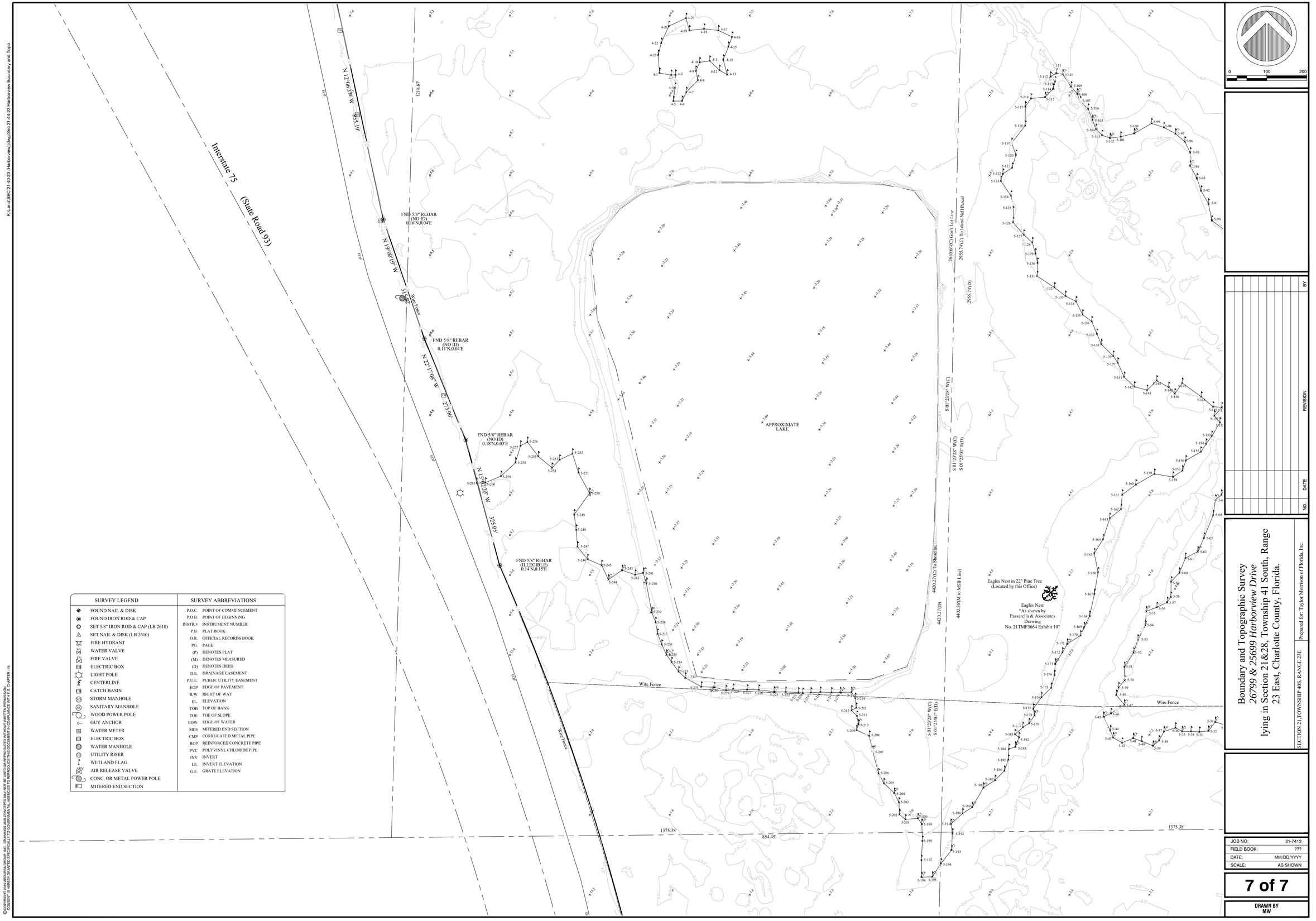
Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21, TOWNSHIP 40S, RANGE 23E

JOB NO:	XXXX-XXX-XXX
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

DRAWN BY
MW

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



SURVEY LEGEND	
	FOUND NAIL & DISK
	FOUND IRON ROD & CAP
	SET 5/8" IRON ROD & CAP (LB 2610)
	SET NAIL & DISK (LB 2610)
	FIRE HYDRANT
WV	WATER VALVE
FV	FIRE VALVE
EB	ELECTRIC BOX
	LIGHT POLE
	CENTERLINE
CB	CATCH BASIN
SD	STORM MANHOLE
SS	SANITARY MANHOLE
	WOOD POWER POLE
	GUY ANCHOR
WM	WATER METER
EB	ELECTRIC BOX
W	WATER MANHOLE
U	UTILITY RISER
	WETLAND FLAG
ARV	AIR RELEASE VALVE
	CONC. OR METAL POWER POLE
	MITERED END SECTION

SURVEY ABBREVIATIONS	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

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

Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21, TOWNSHIP 40S, RANGE 23E

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

7 of 7

DRAWN BY
MW

©COPYRIGHT 2019 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONSULTANT SHALL BE RESPONSIBLE TO COORDINATE ALL WORK IN STRICT ACCORDANCE WITH F.S. CHAPTER 119.

BOUNDARY SURVEY

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

PARCEL A

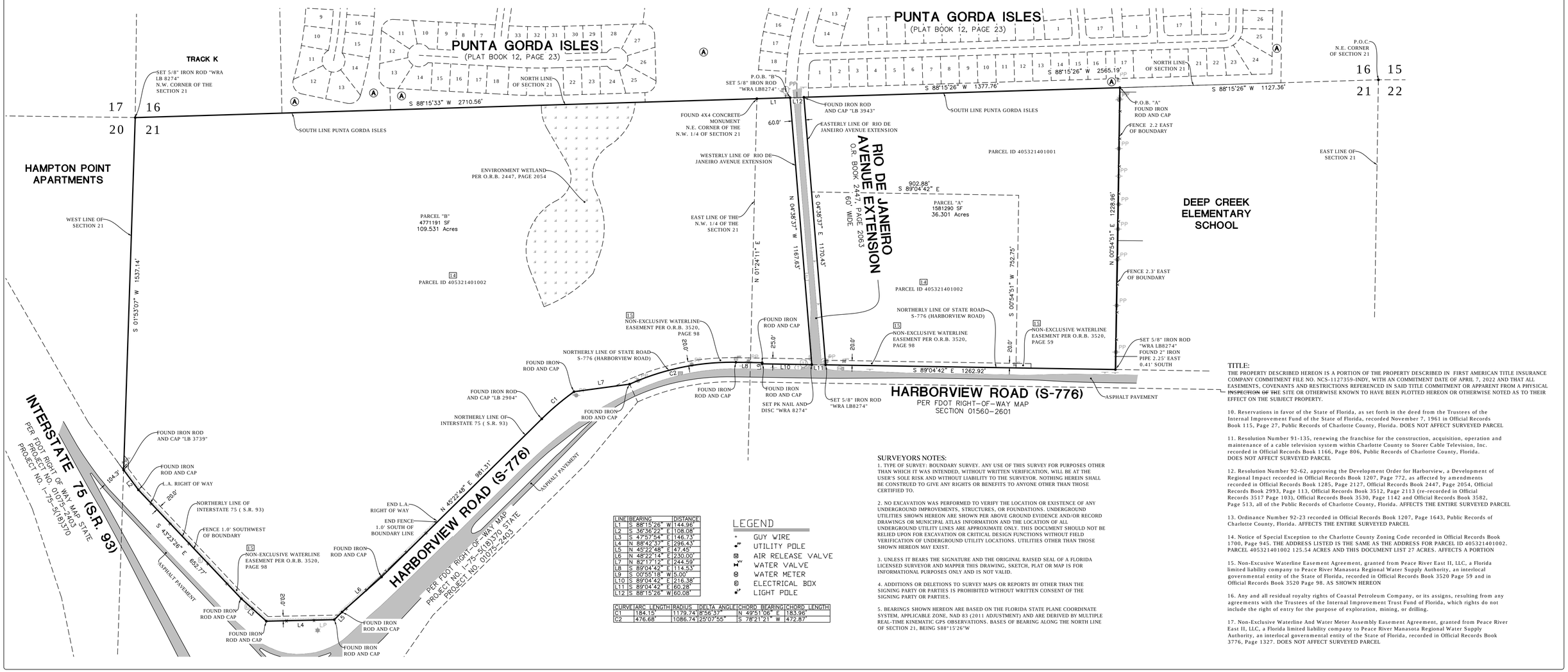
A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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

TOGETHER WITH
PARCEL B

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

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 2565.19', TO THE WESTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W A DISTANCE OF 144.96' TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S 88°15'33" W, ALONG THE SAID NORTH LINE OF SAID SECTION 21, ALSO BEING THE SOUTH LINE OF SAID PUNTA GORDA ISLES, A DISTANCE OF 2710.56' TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S 01°53'07" W, ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1537.14' TO THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 75, (STATE ROAD NO. 93) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 01075-2403; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES; (1) THENCE S 36°36'22" E A DISTANCE OF 108.08'; (2) THENCE S 43°23'26" E A DISTANCE OF 652.77'; (3) THENCE S 47°57'54" E A DISTANCE OF 146.73'; (4) THENCE N 88°42'37" E A DISTANCE OF 296.43'; (5) THENCE N 45°22'48" E A DISTANCE OF 47.45'; (6) THENCE N 48°22'14" E A DISTANCE OF 230.00'; (7) THENCE N 45°22'48" E A DISTANCE OF 981.31'; (8) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 184.15', WITH A RADIUS OF 1179.74', WITH A CHORD BEARING OF N 49°51'06" E, WITH A CHORD LENGTH OF 183.96', WITH A DELTA ANGLE OF 08°56'37"; ; (9) THENCE N 82°17'12" E A DISTANCE OF 244.59' TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601,; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES; (1) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 476.68', WITH A RADIUS OF 1086.74', WITH A CHORD BEARING OF N 78°21'21" E, WITH A CHORD LENGTH OF 472.87', WITH A DELTA ANGLE OF 25°07'55"; (2) THENCE S 89°04'42" E A DISTANCE OF 114.53'; (3) THENCE S 00°55'18" W A DISTANCE OF 5.00'; (4) THENCE S 89°04'42" E A DISTANCE OF 216.38' TO THE WESTERLY RIGHT OF WAY LINE OF SAID RIO DE JANEIRO AVENUE EXTENSION; THENCE N 04°38'37" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1167.63'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 4771191 SQUARE FEET, 109.531 ACRES



LINE	BEARING	DISTANCE
L1	S 88°15'26" W	144.96'
L2	S 36°36'22" E	108.08'
L3	S 47°57'54" E	146.73'
L4	N 88°42'37" E	296.43'
L5	N 45°22'48" E	47.45'
L6	N 48°22'14" E	230.00'
L7	N 82°17'12" E	244.59'
L8	S 89°04'42" E	114.53'
L9	S 00°55'18" W	5.00'
L10	S 89°04'42" E	216.38'
L11	S 89°04'42" E	60.28'
L12	S 88°15'26" W	60.08'

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

LEGEND

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

SURVEYORS NOTES:

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

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

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

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

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

TITLE:
THE PROPERTY DESCRIBED HEREON IS A PORTION OF THE PROPERTY DESCRIBED IN FIRST-AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NO. NCS-1127359-INDY, WITH AN COMMITMENT DATE OF APRIL 7, 2022 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL ~~INSPECTION OF THE~~ SITE OR OTHERWISE KNOWN TO HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

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

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

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

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

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

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

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

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

TITLE: BOUNDARY SURVEY
CLIENT: BENDERSON DEVELOPMENT

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

CERTIFY TO: (FOR THE EXCLUSIVE USE OF)

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

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

NO.	REVISION	DATE	BY

WATER RESOURCE ASSOCIATES, LLC
7978 Cooper Creek Blvd.
University Park, Florida 34201
Phone: 941.275.9721
www.wraengineering.com LB 8274

CADD File: HARBORVIEW BOUNDARY NE.DWG | DRAWN BY: RSF | CHECKED BY: RSF
PROJ. NO.: S8041 | Field Book: 65 | FIELD DATE:7-25-22 | SCALE: 1"=200'

SHEET 1 OF 1

K:\Land\SEC 21-40-29\ (Harborview Landing)\dwg\2022-0761-00 Harborview Landing

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	110.93'	58.37'	57.70'	S 85°27'46" W	30°08'56"
C2	84.90'	67.18'	65.44'	N 89°00'56" W	45°20'11"
C3	412.95'	78.99'	78.87'	N 62°28'18" W	10°57'35"
C4	68.86'	52.79'	51.51'	S 89°57'14" W	43°55'39"
C5	725.99'	107.55'	106.54'	S 48°11'57" W	27°16'05"
C6	131.51'	55.59'	55.18'	N 18°30'39" E	24°13'14"
C7	44.75'	37.63'	36.53'	N 29°03'22" E	48°10'41"
C8	189.72'	162.92'	157.96'	S 73°29'44" W	49°12'06"
C9	743.52'	87.53'	87.48'	N 77°04'38" W	6°44'42"
C10	9.73'	19.00'	18.33'	S 35°38'10" W	140°45'26"
C11	105.26'	93.80'	90.73'	N 22°11'41" E	51°03'35"
C12	35.38'	68.22'	58.13'	N 81°42'20" W	110°28'20"
C13	72.11'	59.13'	57.49'	N 07°11'51" E	46°59'05"
C14	13.38'	39.50'	26.64'	N 61°48'09" W	169°08'38"
C15	26.98'	31.28'	29.56'	S 83°33'00" W	66°26'03"
C16	15.19'	28.21'	24.33'	S 82°33'19" W	106°25'26"
C17	35.65'	47.32'	43.92'	S 46°20'09" W	76°02'51"
C18	835.59'	148.34'	148.14'	N 89°45'50" W	10°11'06"
C19	20.38'	45.98'	36.83'	N 74°57'14" E	129°15'57"
C20	45.35'	54.23'	51.06'	N 43°20'14" E	68°31'15"
C21	141.93'	182.04'	169.82'	N 64°21'27" W	73°29'33"
C22	61.95'	127.27'	106.04'	N 75°27'19" W	117°42'28"
C23	98.24'	100.48'	96.16'	S 83°53'33" W	58°36'15"
C24	150.23'	114.95'	112.17'	N 89°31'21" W	43°50'31"
C25	230.17'	115.46'	114.25'	N 72°02'09" W	28°44'25"
C26	29.57'	38.72'	36.01'	N 44°19'09" E	75°01'09"
C27	207.77'	37.79'	37.74'	S 40°08'15" W	10°25'18"
C28	308.73'	118.35'	117.63'	S 77°45'02" W	21°57'53"
C29	473.42'	205.89'	204.27'	S 78°13'46" W	24°55'04"
C30	159.56'	132.50'	128.73'	S 52°58'35" E	47°34'50"
C31	13.90'	31.43'	25.15'	N 81°17'17" W	129°33'44"
C32	26.68'	57.97'	47.27'	N 75°12'10" W	124°29'11"
C33	29.45'	38.34'	35.69'	S 51°03'37" E	74°35'36"
C34	13.35'	32.95'	25.20'	N 24°29'44" W	141°24'24"
C35	22.04'	61.37'	43.38'	S 37°10'09" E	159°33'04"
C36	9.98'	25.75'	19.18'	N 16°40'38" W	147°51'32"
C37	30.10'	71.89'	55.98'	S 16°02'02" E	136°50'19"
C38	12.14'	17.66'	16.14'	N 14°50'08" E	83°19'32"
C39	74.00'	199.5?'	92.23'	S 89°14'41" W	77°05'49"
C40	139.37'	51.43'	51.14'	S 28°38'31" W	21°08'37"
C41	446.10'	150.46'	149.75'	S 48°52'29" W	19°19'30"
C42	5567.57'	102.76'	102.75'	S 09°08'10" E	1°03'27"
C43	65.42'	40.22'	39.59'	N 39°36'19" E	35°13'32"
C44	30.08'	28.54'	27.48'	S 56°31'36" W	54°21'33"
C45	148.69'	33.04'	32.97'	S 78°37'28" W	12°50'11"
C46	106.81'	166.17'	149.91'	N 34°45'15" E	89°08'12"
C47	290.19'	86.42'	86.10'	N 32°36'00" W	17°03'46"
C48	36.36'	26.93'	26.32'	S 14°56'55" E	42°26'18"
C49	292.11'	51.94'	51.87'	N 02°33'11" E	10°11'15"
C50	60.89'	22.03'	21.91'	N 13°50'43" W	20°43'46"
C51	27.00'	29.57'	28.11'	S 07°44'50" W	62°44'21"
C52	67.21'	41.51'	40.85'	S 79°15'01" W	35°23'02"
C53	6.13'	14.48'	11.34'	N 29°11'22" E	135°19'28"
C54	60.12'	99.89'	88.79'	S 09°05'44" W	95°11'50"
C55	32.93'	24.87'	24.28'	N 12°47'30" E	43°15'53"
C56	131.09'	24.00'	23.97'	N 07°37'20" W	10°29'29"
C57	139.88'	56.64'	56.25'	N 21°25'01" W	23°11'55"
C58	356.70'	65.35'	65.26'	N 30°26'58" W	10°29'50"
C59	123.61'	79.39'	78.03'	N 66°26'51" W	36°47'52"
C60	503.85'	82.22'	82.13'	S 87°41'58" W	9°21'00"
C61	519.66'	53.53'	53.51'	S 76°49'48" W	5°54'09"
C62	253.99'	75.40'	75.12'	S 85°20'49" W	17°00'29"
C63	104.88'	36.90'	36.77'	S 67°47'37" E	20°11'30"
C64	16.22'	15.79'	15.17'	N 87°03'10" W	55°45'41"
C65	90.48'	45.51'	45.03'	S 76°24'17" W	28°49'04"
C66	12.88'	17.47'	16.16'	N 69°24'15" E	77°42'24"
C67	31.47'	34.21'	32.55'	S 77°56'25" W	62°17'02"
C68	25.79'	26.64'	25.47'	S 30°40'03" E	59°10'51"
C69	4.17'	12.52'	8.32'	N 87°43'59" W	172°03'45"
C70	86.29'	51.29'	50.54'	S 50°35'53" W	34°03'26"
C71	112.41'	150.12'	139.21'	N 78°12'40" W	76°30'59"
C72	32.67'	20.91'	20.55'	N 51°53'42" W	36°39'48"
C73	7.72'	23.47'	15.42'	S 22°03'20" E	174°10'01"
C74	40.84'	37.26'	35.98'	S 61°38'22" E	52°16'17"
C75	5567.57'	43.52'	43.52'	N 03°04'57" E	0°26'52"

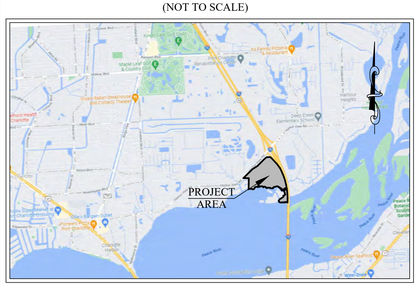
All Dimensions shown are calculate unless otherwise noted(R)

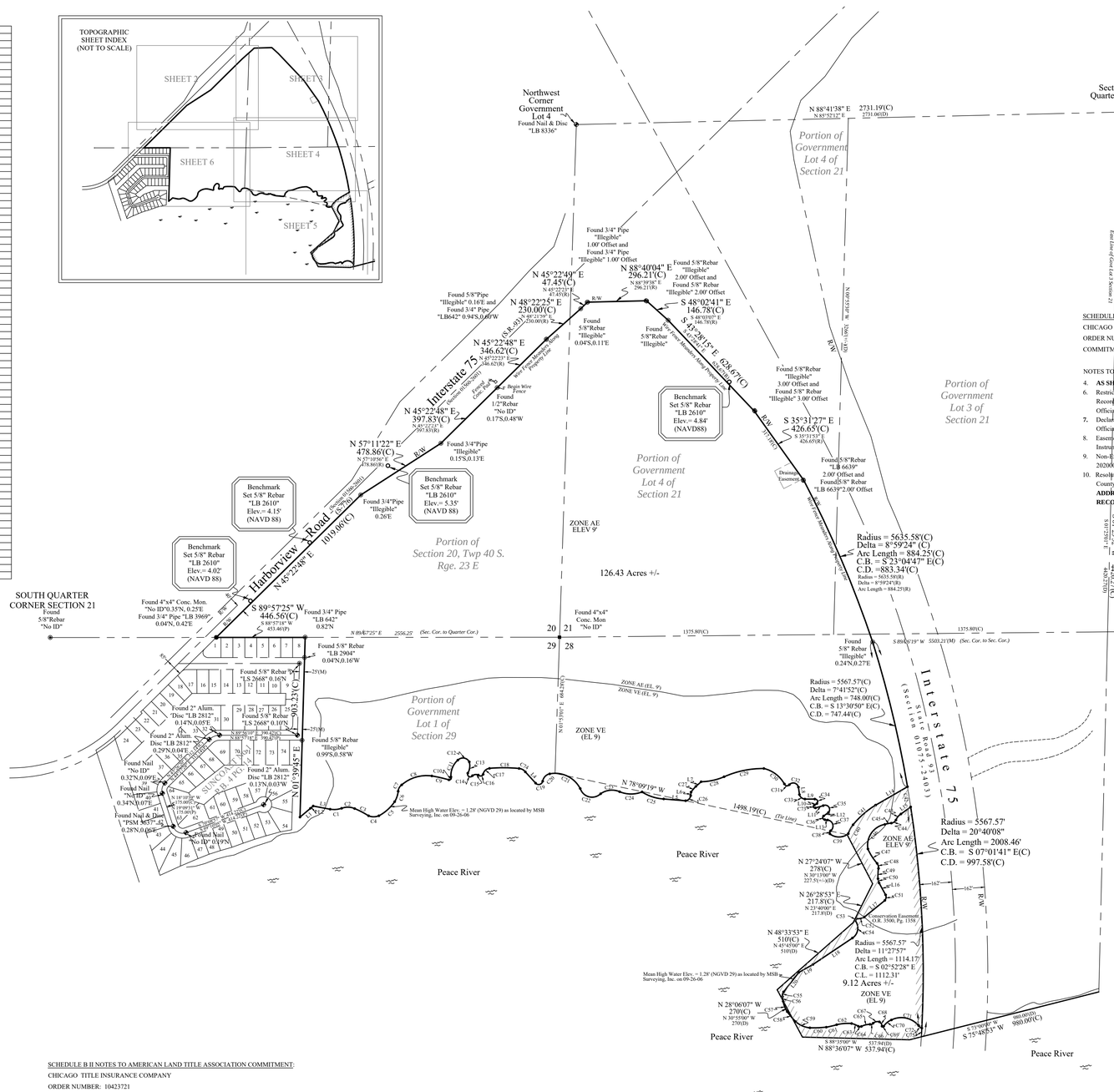
Line Table

LINE	BEARING	DISTANCE
L1	S 50°40'33" W	68.62'
L2	S 50°14'12" W	18.26'
L3	N 79°09'23" W	86.56'
L4	N 42°25'54" W	76.55'
L5	N 85°14'53" W	110.56'
L6	S 06°28'20" W	17.77'
L7	S 48°46'30" W	35.21'
L8	N 07°32'21" W	37.97'
L9	N 89°55'49" W	49.36'
L10	N 60°05'05" E	14.69'
L11	S 73°28'24" W	40.39'
L12	N 54°22'47" E	29.73'
L13	N 82°33'14" W	14.86'
L14	S 59°53'57" W	184.85'
L15	N 53°57'17" E	60.63'
L15(R)	N 53°55'37" E	60.93'
L16	N 28°49'18" W	68.03'
L17	N 50°51'40" E	132.95'
L18	N 56°11'09" E	238.78'
L19	N 60°42'03" E	80.92'
L20	N 38°02'12" E	124.25'

All Dimensions shown are calculate unless otherwise noted(R)

VICINITY MAP
(NOT TO SCALE)





SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88) AND BASED ON CHARLOTTE COUNTY SURVEY DEPARTMENT BENCHMARK (EPC 006) (HAVING A POSTED ELEVATION OF 13.17' (N.G.V.D. 29) AND USING A CONVERSION FACTOR OF -1.33'
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 120061
   PANEL NUMBER: 12071 C 0232
   SUFFIX: F
   EFFECTIVE DATE: 05/05/2003
   FIRM ZONE: AE AND VE
   BASE FLOOD ELEVATION: 9' (N.G.V.D.29)
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
7. DATE OF LAST FIELD WORK : JUNE 7TH, 2022.
8. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
9. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
10. BEARINGS AND COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).
11. NO CEMETERIES, NO HISTORICAL MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.
12. AFTER REVIEWING ALL 496 PAGES OF THAT PORTION OF OUR DESCRIPTION THAT SAYS "ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA." NO SUCH LANDS WERE FOUND.

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. UNAUTHORIZED USE OF THESE DRAWINGS AND SPECIFICATIONS CONSTITUTES COPYRIGHT VIOLATION AND IS PUNISHABLE BY FINE UP TO $150,000 AS PER 17 U.S.C. CHAPTER 119

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT:

CHICAGO TITLE INSURANCE COMPANY
ORDER NUMBER: 10423721
COMMITMENT DATE: 04/01/ 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

6. Florida Power & Light Easement recorded in Official Records Book 546, Page 1041, **" DOES NOT LIE WITHIN THE SURVEYED PARCEL". FALLS NORTH OF HARBORVIEW DRIVE. NOT SHOWN**
7. Easement of the State of Florida recorded in Official Records 485, Page 97, **"DOES NOT LIE WITHIN THE SURVEYED PARCEL." IT IS FOR LANDS WITH 162 FEET OF THE CENTERLINE OF STATE ROAD 93 (I 75), OUR PARCEL IS 162 FEET WEST OF THE CENTERLINE.**
8. Resolution No. 2006-093 Recorded in Official Records 2993, Page 113, **"DOES NOT LIE WITHIN SURVEYED PARCEL." DESCRIBES PROPERTY LYING EAST OF I75.**
9. Resolution 2006-155 Recorded in Official Records 3026, Page 1305. **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE DOCUMENT IS LARGE IN NATURE AND IS FOR THE DISTRICTING OF WATER AND SEWER.**
10. Ordinance Number 2010-033, Recorded in Official Records 3500, Page 1358, **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE HEADER DESCRIBES PROPERTY IN A WEAK MANNER, HOWEVER DOES APPEAR TO INCLUDE THE SURVEYED PARCEL TO BE WITHIN THE DESCRIBED AREA. THE DESCRIPTION OF THE PRESERVATION AREA IS SHOWN ON SURVEY.**
11. Resolution No. 2010-083 Recorded in Official Records 3512, Page 2113, **NO LEGAL DESCRIPTIONS WITHIN THIS DOCUMENT.** Resolution No. 2010-083 Recorded in Official Records 3517 Page 103, **NO LEGAL DESCRIPTIONS WITH THIS DOCUMENT.**
12. Ordinance Number 2010-071 Recorded in Official Records 3530, Page 1142, **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION CONTAINED IN THIS DOCUMENT".**
13. Affidavit Concerning Limitations on use Recorded in Official Records 3939, Page 1674, **SURVEYED PARCEL LIES WITH THE DESCRIPTION CONTAINED IN THIS DOCUMENT.**

SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
R/W	RIGHT OF WAY
ESMT.	EASEMENT
F.F.	FINISH FLOOR ELEVATION
EOP	EDGE OF PAVEMENT
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT: (OF A SURVEY NATURE ONLY)

CHICAGO TITLE INSURANCE COMPANY
ORDER NUMBER: 10511674
COMMITMENT DATE: 05/20/82022, 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

4. **AS SHOWN ON SURVEY**
6. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of HARTLEM LAKES UNIT 3, Recorded in Plat Book 13, Page 126 as affected by Resolution vacating Public Utility Easement recorded June 24, 2020 in Official Instrument Number 2020000123988, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
7. Declaration of Non- Exclusive Access Easement recorded in Official Records Instrument 2020000238110, corrected in Official Records Instrument 2020000274269, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
8. Easement granted to Florida Power & Light Company, as more fully set forth in the instrument recorded in Official Records Instrument 2020000241625, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
9. Non-Exclusive Public Utility and Temporary Construction Easement Agreement recorded in Official Records Instrument 20200002241626, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
10. Resolution No. 2001-25 recorded 06/27/2001 in Official Records Book 3439, Page 1180, of the Public Records of Lee County, Florida. **THE SURVEYED PARCEL IS LISTED IN THIS DOCUMENT BY THE STRAP NUMBER. THE ADDRESS FOR THE PARCEL IS DIFFERENT THAT WHAT IS LISTED IN THE CURRENT COUNTY RECORDS. AS SHOWN ON SURVEY.**

Description:

A PARCEL OF LAND LYING AND BEING IN SECTIONS 20, 21, 28 & 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
UNITED STATES GOVERNMENT LOT 1, SECTION 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND THAT PART OF SECTION 20, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LYING SOUTH AND EAST OF COUNTY ROAD, LESS THAT PORTION OF THE ABOVE 2 PARCELS LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.
ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
TOGETHER WITH:
THAT PORTION LYING WEST OF INTERSTATE 75 (STATE ROAD 93) OF THE FOLLOWING DESCRIBED PARCEL:
BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN NORTH 85°52'13" EAST 2731.06 FEET TO THE CENTER QUARTER OF SAID SECTION 21; THENCE SOUTH 01°25'01" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 3, 4420.27 FEET; THENCE SOUTH 73°00'00" WEST, 980 FEET; THENCE SOUTH 88°35'00" WEST 537.94 FEET; THENCE NORTH 30°55'00" WEST, 270 FEET; THENCE NORTH 45°45'00" EAST, 510 FEET; THENCE NORTH 23°40'00" EAST, 217.8 FEET; THENCE NORTH 30°13'00" WEST, 227.5 FEET MORE OR LESS TO THE SOUTHERLY SHORE OF THE WEST 1/2 OF FRACTIONAL SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE WESTERLY ALONG SAID SOUTHERLY SHORE TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 28; THENCE NORTH 00°55'00" WEST, ALONG SAID WEST LINE, EXTENDED, 3266 FEET, MORE OR LESS TO THE POINT OF BEGINNING. LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93).

CERTIFICATIONS:

TO:

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

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

Date of Plat or Map: June 7th , 2022

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

ARDURRA
COLLABORATE. INNOVATE. CREATE.
324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

NO.	DATE	REVISION	BY

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

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC,

Jeffrey D. Stouten
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

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

1 of 6

DRAWN BY MW

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)



SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT: (OF A SURVEY NATURE ONLY)

CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: 10511674

COMMITMENT DATE: 05/20/82022, 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

4. **AS SHOWN ON SURVEY**
6. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of HARLEM LAKES UNIT 3, Recorded in Plat Book 13, Page 136 as affected by Resolution vacating Public Utility easement recorded June 24, 2020 in Official Instrument Number 2020000144988, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
7. Declaration of Non- Exclusive Access Easement recorded in Official Records Instrument 2020000208880, corrected in Official Records Instrument 2020000274269, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
8. Easement granted to Florida Power & Light Company, as more fully set forth in the document recorded in Official Records Instrument 2020000241625, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
9. Non-Exclusive Public Utility and Temporary Construction Easement Agreement recorded in Official Records Instrument 2020000241626, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**.
10. Resolution No. 2001-25 recorded 06/27/2001 in Official Records Book 3439, Page 1180, of the Public Records of Lee County, Florida. **THE SURVEYED PARCEL IS LISTED IN THIS DOCUMENT BY THE STRAP NUMBER. THE ADDRESS FOR THE PARCEL IS DIFFERENT THAT WHAT IS LISTED IN THE CURRENT COUNTY RECORDS. AS SHOWN ON SURVEY.**

SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- FOC BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

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

Prepared for: Lennar Homes, LLC,

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

Jeffrey D. Stouten

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

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

DRAWN BY MW

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview Landing\dwg\dwg\2022-0761-00 Harborview Landing(TOPO)



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

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

Prepared for: Lennar Homes, LLC,

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

Jeffrey D. Stouten

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

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

3 of 6

DRAWN BY MW

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT PROTECTION PURSUANT TO COMMON LAW AND SECTIONS 102 AND 1301 OF TITLE 17 OF THE UNITED STATES CODE AND CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)

© COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONTACT THE ARDURRA GROUP, INC. FOR ADDITIONAL RIGHTS TO DRAWINGS. ALL RIGHTS TO DRAWINGS ARE RESERVED BY THE ARDURRA GROUP, INC. UNDER CHAPTER 119.

SHEET 2
SHEET 3
SHEET 2
SHEET 3
SHEET 4
SHEET 6
SHEET 4

126.43 Acres +/-

Portion of Government Lot 4 of Section 21

Possible Tributary Creek

Found 4"x4" Conc. Mon "No ID"

20 21
29 28

1375.80'(C)

684.58(C)
S26°00'E

N 00°07'01" W
N 00°53'59" W

N 78°09'19" W 1498.19'(C) (Tie Line)

SHEET 4
SHEET 5

Peace River

Possible Tributary Creek

Possible Tributary Creek

Radius = 5635.58'(C)
Delta =8°59'24" (C)
Arc Length= 884.25'(C)
C.B. S 23°04'47" E(C)
C.D. =883.34'(C)
Radius = 5635.58'(R)
Delta = 8°59'24"(R)
Arc Length = 884.25'(R)

SHEET 3
SHEET 4

14.02
14.02 Grate at Eop El.= 14.02'

14.07
14.07 Grate at Eop El.= 14.07'

Found 5/8" Rebar "Illegible" 0.24'N,0.27'E

14.08
14.08 Grate at Eop El.= 14.08'

S 89°49'19" W 5503.21'(M) (Sec. Cor. to Sec. Cor.)

1375.80'(C)

Grate at Eop El.= 14.16'
14.16

Interstate 75
State Road 93

14.71
14.62 14.71

14.64
14.55 Grate at Eop El.= 14.64'

Grate at Eop El.= 14.56'
14.56

14.99
14.84 14.99

Approximate beginning of bridge

Approximate end of bridge

SHEET 4
SHEET 5

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-26749

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

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

Prepared for: Lennar Homes, LLC;

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

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

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

DRAWN BY
MW

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
UNAUTHORIZED USE OF THESE DRAWINGS, PLANS OR DOCUMENTS WILL OBLIGATE THE USER TO INDEMNIFY AND HOLD ARDURRA HARMLESS FROM ANY AND ALL CLAIMS ARISING FROM SUCH UNAUTHORIZED USE. PURSUANT TO FLORIDA STATUTES, CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO).dwg



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

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

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC.

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

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

5 of 6

DRAWN BY
MW



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey

25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC;

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

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

6 of 6

DRAWN BY
MW

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)

©COPYRIGHT ©2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSULTANT HEREBY EXPRESSLY RESERVES ITS COMMON LAW, STATUTORY AND OTHER PROPERTY RIGHTS IN CONCEPTS, IDEAS AND DESIGNS PRODUCED BY IT IN CONNECTION WITH ITS CONTRACT. CHAPTER 119.

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:
  - o Identification of optimum tree canopy coverage and height, sub-canopy species, and open foraging areas to create sustainable scrub jay habitat;
  - o 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;
  - o Identification of the management entity (e.g. Community Development District of designee); and
  - o 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.

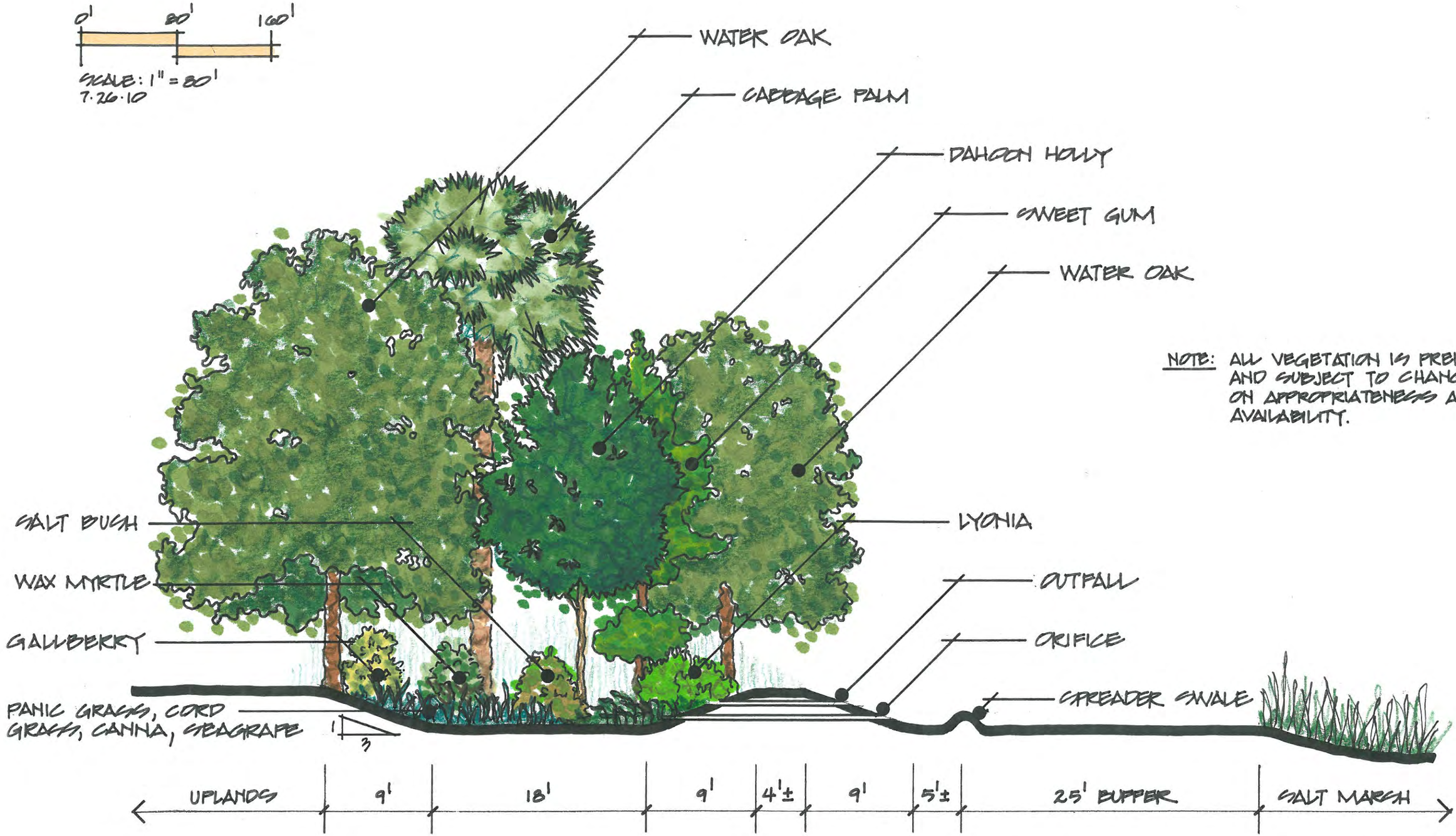
Pre-Construction

- 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 BIOSWALE CROSS SECTION

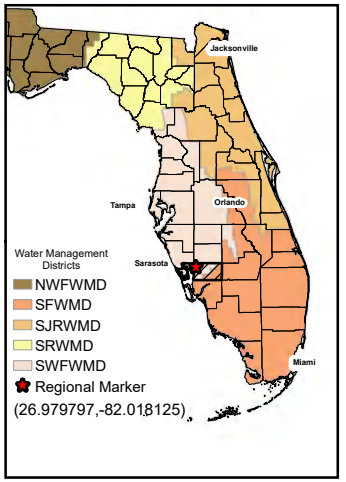
EXHIBIT G



4260 West Linebaugh Avenue
Tampa, FL 33624 (813)-265-3130
7978 Cooper Creek Blvd, Ste 102
University Park, FL 34201 (941)-358-3824
www.wraengineering.com
Engineering ~ Environmental Science~ Water Resource~Survey
Water Resource Associates, LLC.

- Project Boundary (648.84 ac.)
- 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

N
W E
S

1 inch = 1,000 feet

0 245 490 980 1,470 Feet

Client: Benderson

Project Name: Harborview

Charlotte County, FL

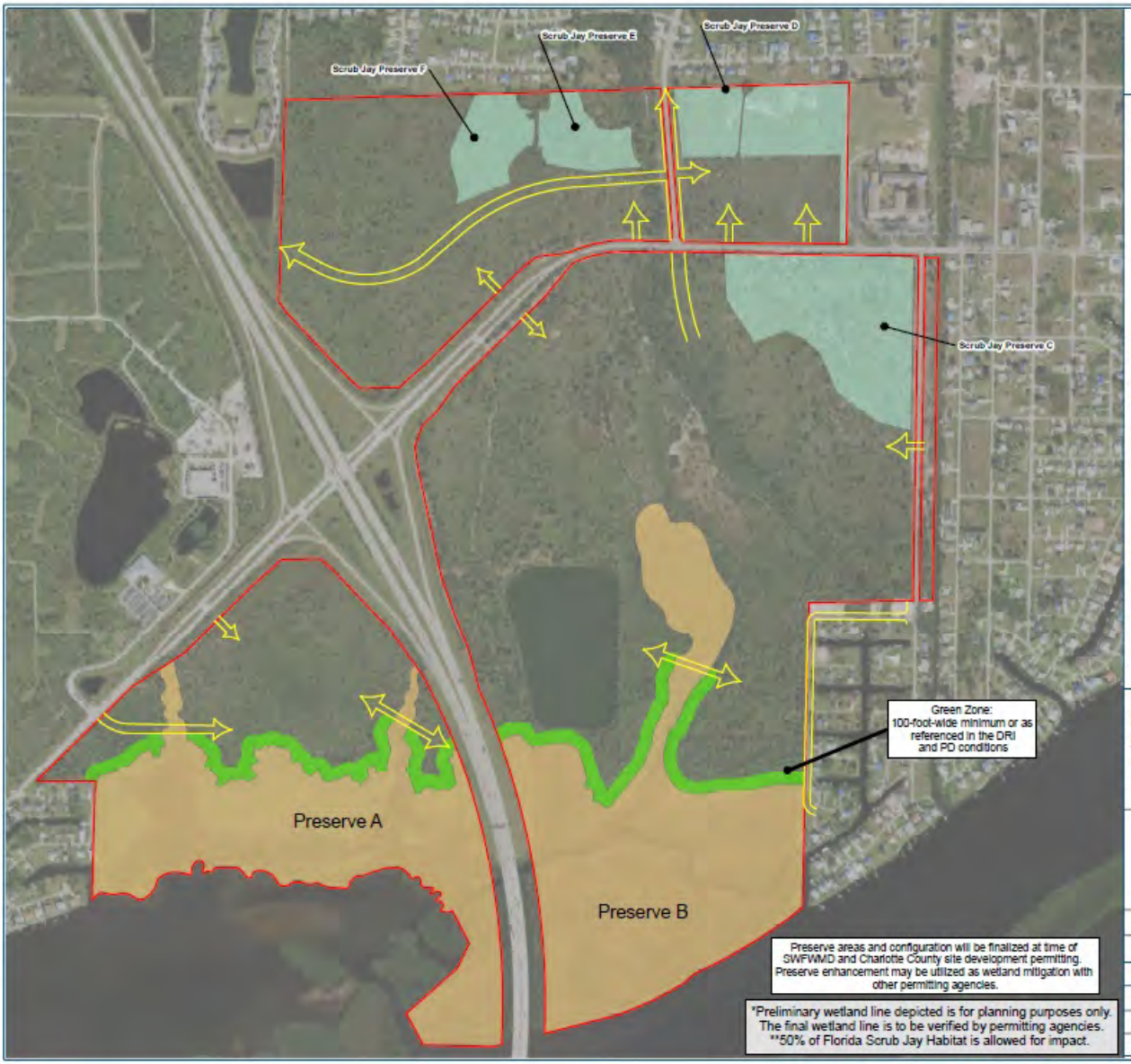
File Name: Eagle Nest Exhibit

Original Date: 3/26/2024

GIS Operator: RJ	Job Number: 8041	Revision Date:

Document Path: S:\~PROJECT FILES\8041 - Benderson - Harborview\ENVIRONMENTAL\GIS\MXD\2023-HarborViewMasterfiles\2024_3_26_Harborview_MapG.mxd

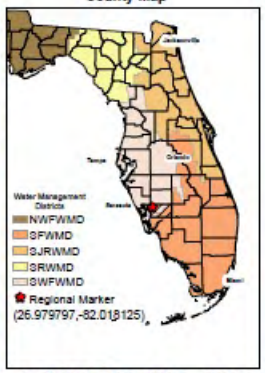
Exhibit “E”



12363 Hampton Park Blvd.
Tampa, FL 33624 (813)-265-3130
7970 Cooper Creek Blvd, Ste 102
University Park, FL 34201 (941)-359-3824
www.wraengineering.com
Engineering - Environmental Science - Water Resource - Survey
Water Resource Associates, LLC.

- Project Boundary (648.84 ac.)
- Green Zone (Approx. 100 ft)
- Wetland Preserve Areas (A & B) (165.34 ac.)
- Scrub Jay Preserves (C,D,E & F) (61.21 ac.)

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.
Type 2 Habitat: Refer to the Scrub/Saltwater wetland 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: Map F-1

Original Date: 4/30/2024

GIS Operator:	Job Number:	Revision Date:
RJ	9041	

Document Path: S:\~PROJECT FILES\9041 - Benderson - Harborview\ENVIRONMENTAL\GIS\MXD\2022- Archive Mapping\2022_04_Harborview_Digitized_Wildlife_Utilization.mxd

Exhibit “F”- Deleted

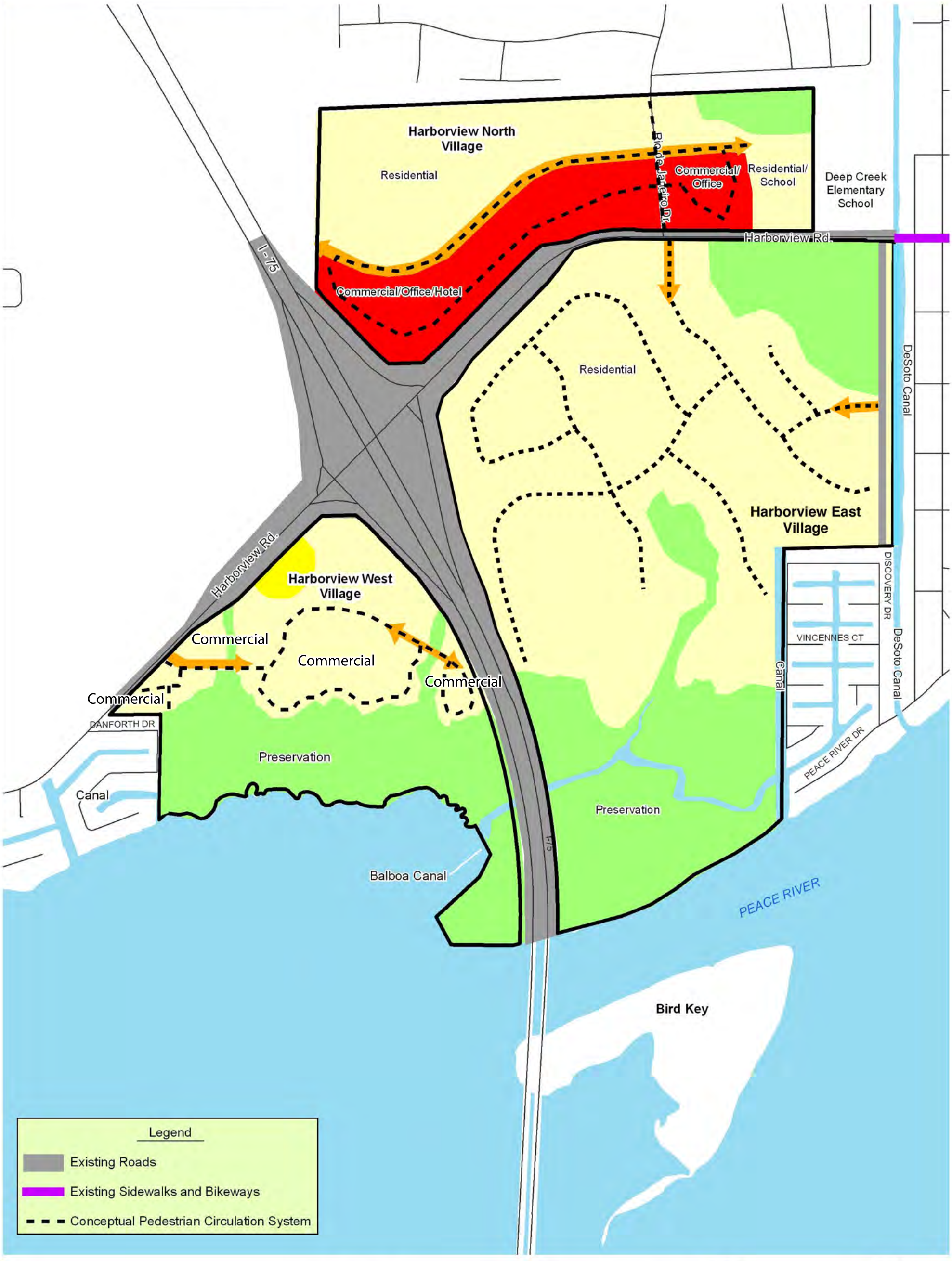
Exhibit “G” is Exhibit 1. Typical Bioswale Cross Section as established in Exhibit “D”

Exhibit “H” - Deleted

Exhibit “I”

BICYCLE AND PEDESTRIAN SYSTEM MAP

HARBORVIEW DRI - Charlotte County, Florida



Date: April 2025

1,000 500 0 1,000 Feet

1 inch = 800 feet

EXHIBIT I.10.A.6

For comparison purposes, below are the additions (underlined) and deletions (struck-through) to the Findings of Fact/Conclusions of Law in Resolution 2010-083:

FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Harborview DRI is a mixed use project with 3,859 residential dwelling units, 50,000 gross square feet of office space, 655,000 square feet of commercial space, 350 hotel rooms, ~~a public marina with 260 wet boat slips and 192 dry storage boat slips ("Marina"),~~ 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and 226.55 ~~136~~ 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 ~~150~~ acres of the site adjacent to the Peace River are considered saltwater wetlands and may ~~will~~ be conveyed in fee simple to any governmental body or agency or, contingent upon approval of Charlotte County, which approval may not be unreasonably withheld, to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for open space use, protecting natural resources, or maintaining or enhancing air or water quality. In the event a governmental body or agency will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026.

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

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

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

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

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

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

~~F. The ADA is consistent with the requirements of Chapter 380.06.~~

~~G~~. The Harborview DRI preserves more than 226.55 ~~187~~ acres of saltwater wetlands and upland preservation areas and buffer areas while directing residential and retail development to more suitable land.

F~~H~~. The proposed Amendment ~~Substantial Deviation~~ is consistent with the County's ~~1997 – 2010 Charlotte County~~ Comprehensive Plan ~~and the Smart Charlotte 2050 Comprehensive Plan~~.

G~~I~~. Concurrent with the adoption of this Development Order, the Harborview DRI property is the subject of an application for Planned Development rezoning, PD-22-00015.

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 ~~Preservation areas~~ identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These Preserve Areas ~~areas~~ shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately 165.34 ~~150~~ acres of coastal wetlands (mangroves, salt marshes) and bay swamp; the Scrub Jay Preservation Areas include., ~~including~~ approximately 61.21 ~~11.9 acres of land designated Preservation on the Future Land Use Map, combined, approximately 12.5 acres of xeric oak hammock and water course, approximately 16~~ acres of existing scrub jay and gopher tortoise habitat. Boundaries and configuration of preservation areas may be modified due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment, any of which such methods must be approved by Charlotte County. 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. ~~The survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in this Development Order.~~

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

b. Preservation ~~Wildlife Utilization~~ Areas, as shown on Map F-1, which is incorporated by this reference, shall provide connectivity of the on-site ~~onsite~~ wetlands and uplands habitats used by listed species and other wildlife. The Preservation ~~Wildlife Utilization~~ Areas consist of approximately 226.55 ~~198~~ acres of wetland and upland habitats.

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

d. The Applicant may voluntarily opt into the HCP to address the Florida Scrub Jay or other listed species if applicable. ~~A qualified biologist shall monitor all on-site clearing activities for any listed species nesting attempts. If attempts are made, clearing shall stop immediately.~~

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

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

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

~~h~~. Prior to application for a clearing permit impacting an HCP species ~~any Environmental Resource Permit, County permit, or review for subdivision, plan review,~~ clearing permit~~, or construction activity~~, the Developer will provide

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

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

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

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

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

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

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

ho. 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.

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

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

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

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

2. WETLANDS

a. The project site contains five ~~three~~ wetland categories:~~,~~ Mixed Wetland Hardwood, Exotic Wetland Hardwood, Freshwater Marsh, Bay Swamp, ~~small isolated wetlands,~~ and ~~the~~ Saltwater Marsh. The Developer shall preserve approximately 165.34 ~~150~~ acres of existing Bay Swamp and Saltwater Marsh wetlands (Preserve Areas A and B) as shown on Map F-1, attached hereto as **Exhibit "E"** and incorporated herein by this reference~~, through the prohibition of development in those areas except that isolated wetlands may be impacted and/or removed provided that such impacts, together with mitigation which may include enhancement of the Saltwater Marsh and Bay Swamp, are approved by all local, state and federal agencies with permitting jurisdiction~~.

b. The applicant shall provide a buffer no less than 100 feet wide ~~a minimum 100 foot wide buffer along the~~ to separate Preservation Area A and B from adjacent development, which shall be ~~wetland boundary of the Saltwater Marsh, and up to the first wetland crossing beneath the Bay Swamp in East Village,~~ 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. ~~The developer may install bioswales within the Green Zone. All bioswales shall be designed in substantial compliance with Exhibit G attached hereto and incorporated herein by this reference. The bioswale design, which shall include the actual bioswale, a spreader swale, side slopes and a buffer shall be a minimum of 80 feet and shall incorporate each element shown in Exhibit G. Type, density and spacing of landscaping are conceptual only and shall be determined at final plan approval. The actual bioswales shall be placed no more than 30 feet into the Green Zone. No fertilizers or chemical applications within the Green Zone are permitted for maintenance. Vehicular maintenance is prohibited except within the landward 30 feet of the Green Zone and mowers which may be used on any upland areas within the Green Zone.~~ Uses such as commercial or residential buildings, parking lots, roads, other impervious surfaces and fertilizer are prohibited in the Green Zone.

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

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

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

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

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

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

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

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

3. WATER SUPPLY

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

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

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

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

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

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

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

4. WASTEWATER

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

5. STORMWATER MANAGEMENT/WATER QUALITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project's design to correct and/or mitigate any degradation.

- Pre-construction monitoring shall be completed at least 30 days prior to any actual construction. Monitoring will be continued semi-annually during construction on the project and will continue for two (2) years after all construction on the project is complete.

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

1) Pre-construction monitoring
a) Sampling shall be initiated before the start of any construction
b) Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.

2) Construction monitoring
a) Sampling shall be conducted for every rainfall event of one inch or greater within the drainage sub-basins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.
b) Any violations of water quality standards within a drainage sub-basin under construction shall be reported to Charlotte County and SWFWMD and all work shall be halted until a solution to the problem is implemented.

3) Post-construction monitoring
a) Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.
b) Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.

4) Monitoring reports.
a) Monitoring reports shall be submitted to Charlotte County semi-annually during pre-construction and quarterly during construction.
b) An official laboratory report shall also be submitted to Charlotte County, SWFWMD and the Southwest Florida Regional Planning Council as part of each bi-annual report pursuant to General Conditions "b."

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

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

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

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

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

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

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

eo. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mgg. 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.

nhh. 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.

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

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

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

qll. 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.

rmm. 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.

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

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

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

6. TRANSPORTATION

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

1. Harborview Road & West Village Project Driveway: Construct one westbound left turn lane; signalize if warranted prior to project buildout.

2. Harborview Road & North Village Project Ddriveway (West of Rio Dde Janeiro Boulevard: Construct one eastbound left-turn lane.

3. Harborview Road & North Village Project Driveway (East of Rio Dde Janeiro Avenue): Construct one eastbound left-turn lane.

4. Rio Dde 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 Dde 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 ~~peak hour, based on a 100th highest hour design criteria, for the following significantly impacted roadways~~ through project buildout:

Rampart Boulevard
- Luther Road/Capricorn Boulevard to Rio D~~d~~e 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 D~~d~~e Janeiro Avenue
- Rio D~~d~~e 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~~17~~

Rio de Janeiro Avenue
- Sandhill Boulevard to Rampart Boulevard
- Rampart Boulevard to East/West Road
- East/West Road to North Village project site
- North Village project site to Harborview Road

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

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

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

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

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

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

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

I-75
- Kings Highway to Harborview Road
- Harborview Road to U.S. 17

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

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

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

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

Road segment improvements

Harborview Road
- Melbourne Street to West Village project site: Widen to 4 lanes
- West Village project site to Rio D~~d~~e Janeiro Avenue: Widen to 4 lanes

Rio D~~d~~e 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 D~~d~~e Janeiro Avenue: Signalize when warranted

- Harborview Road & U.S. 41: Lengthen the ~~Construct one~~ westbound right turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.

- Harborview Road & I-75 West Ramps: Signalize when warranted. ~~Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.~~

- Harborview Road & I-75 East Ramps: Signalize when warranted

- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)

- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Scheduling of Facility Improvements

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

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

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

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

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

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

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

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

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

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

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

3. Proportionate Share Payments.

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

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

c. If proportionate share payments are utilized, this Development Order shall contain a schedule as set forth in sub-subparagraphs 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 additionally include:

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

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

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

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

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

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

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

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

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

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

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

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

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

pq. 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.

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

6. HOUSING

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

7. POLICE AND FIRE PROTECTION

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

8. EDUCATION

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

9. MARINA AND DOCK FACILITIES

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

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

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

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

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

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

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

~~name/phone numbers of owner and trained personnel designated in charge. Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.~~

- ~~Staff will be trained on how the equipment should be used and when necessary.~~
- ~~Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.~~
- ~~The equipment will be kept in key location and maintained by a contracted petroleum response company.~~
- ~~The plan will be annually reviewed with staff and updated for any new technology or equipment.~~
- ~~Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10~~1~~. ENERGY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

no. Site development shall comply with the Florida Green Building Coalition Certification standards or equivalent green building standards.

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

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

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

11~~2~~. FLOOD PLAIN/HURRICANE PREPAREDNESS

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

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

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

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

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

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

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

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

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

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

12~~3~~. 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.

13. RECREATION AND OPEN SPACE

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

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

- Special purpose facilities: Boat ramps, fishing piers, and other miscellaneous properties used for outdoor recreation.

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

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

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

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

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

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

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

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

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

14~~5~~. 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
Docks	
~~**Marina Uses**~~	
~~Wet boat slips~~	~~260~~
~~Dry boat slips~~	~~192~~
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 convert residential units to non-residential uses or multi-family units to single-family units.

d~~c~~. 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. ~~Any land use exchange made pursuant to the Matrix shall not exceed the substantial deviation thresholds as set forth in 380.06(19)(b), Florida Statutes (2009). Any exchanges shall require an amendment to the non-residential intensities set forth in Charlotte County's comprehensive plan.~~

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

fe. 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.

gf. 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.

15~~6~~. HISTORICAL AND ARCHEOLOGICAL SITES

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

16~~7~~. GENERAL PROVISIONS

a. The Developer shall submit a biennial ~~DRI~~ report ~~on Form RPM-BSP Annual Report~~ every two years from the effective date of this Development Order to Charlotte County~~, the Southwest Florida Regional Planning Council, the Florida Department of Communities Affairs and all affected permit agencies~~ as required by the County code ~~in Subsection 380.06(18), Florida Statutes and~~ Section 3-9-10.~~9J-2.025(7)B-6, F.A.C. as amended. Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI development order.~~ The Developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order of this reporting requirement.

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

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

b~~d~~. ~~Pursuant to Chapter 380.06(16)~~ 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.

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

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

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

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

17~~8~~. FURTHER RESOLUTIONS

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

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

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

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

(1) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council in which case Charlotte County shall take the appropriate action which may include ordering that an amendment to the DRI be filed before any further development may continue; or

(2) An expiration of the period of effectiveness of this development order as provided herein, in which case Charlotte County shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

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

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

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

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

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

PASSED AND DULY ADOPTED this _____ day of _____, 2025.

Board of County Commissioners
of Charlotte County, Florida

By:_____
Joseph M. Tiseo, Chairman

Attest:

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

By:_____
Deputy Clerk

Approved as to form and legal
sufficiency:

By:_____
Janette K. Knowlton, County Attorney
LR23-0111____

Exhibit “A”

Exhibit “B”

Exhibit “C”

Exhibit “D”

Exhibit “E”

Exhibit “F”- Deleted

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

Exhibit “H” - Deleted

Exhibit “I”

Applications
22LAD-00000-00007 and LAD-25-02

Addition Information
for LAD-25-02

Land Use Equivalency Matrix

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

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

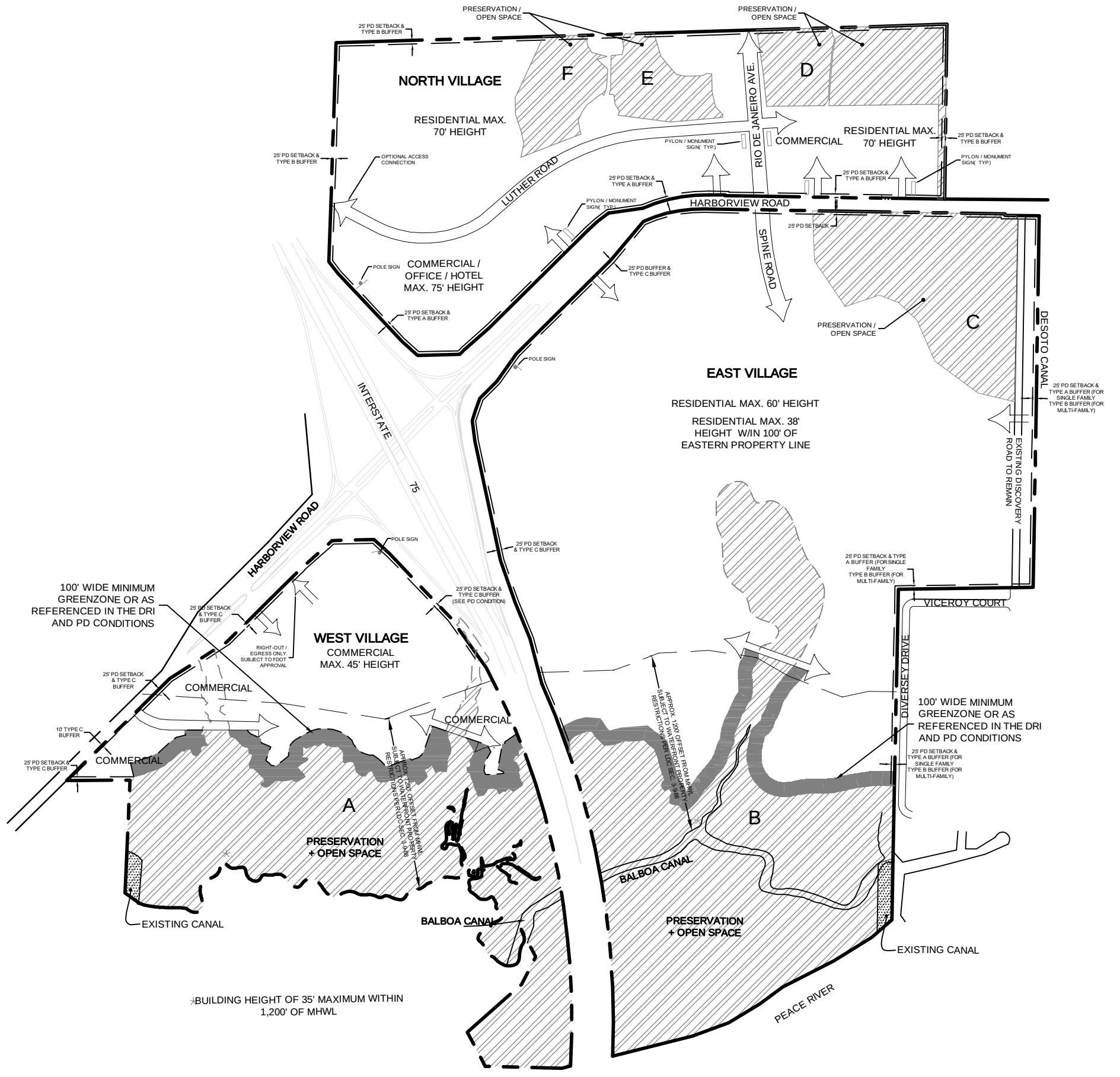
DU = dwelling unit

SF = square feet

VFP = Vehicle Fuel Pump

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

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



SITE DATA

PROJECT LAND USE

PROJECT AREA	+/- 653 ACRES
NORTH VILLAGE AREA	+/- 159 ACRES
EAST VILLAGE AREA	+/- 368 ACRES
WEST VILLAGE AREA	+/- 126 ACRES
OPEN SPACE	20% MIN. (REQUIRED)

TOTAL PRESERVATION OPEN SPACE = +/- 225.46 ACRES (34.5%) (PROVIDED)

PROJECT LAND USE

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

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

COMMERCIAL / OFFICE SQUARE FOOTAGE

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

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

NOTES:

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: 12/24

SCALE: 1"=800'

DATE	REVISION

MAP H

R E S O L U T I O N
~~2010-083~~ 2024-___

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

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

RECITALS

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

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

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

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

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

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

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

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

~~("Development Order"); and~~

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

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

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

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

FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The Harborview DRI is a mixed use project with 3,859 residential dwelling units, 50,000 gross square feet of office space, 655,000 square feet of commercial space, 350 hotel rooms, ~~a public marina with 260 wet boat slips and 192 dry storage boat slips ("Marina"),~~ 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and 226.55 ~~136~~ 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 ~~150~~ acres of the site adjacent to the Peace River are considered saltwater wetlands and may ~~will~~ be conveyed in fee simple to any governmental body or agency or, contingent upon approval of Charlotte County, which approval may not be unreasonably withheld, to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for open space use, protecting natural resources, or maintaining or enhancing air or water quality. In the event a governmental body or agency will not accept ownership of the saltwater wetlands, the wetlands must be placed under a perpetual conservation easement to Charlotte County or an entity acceptable to Charlotte County. The conveyance to an entity shall occur no later than December 31, 2026.

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

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

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

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

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

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

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

F~~G~~. The Harborview DRI preserves more than 226.55 ~~187~~ acres of saltwater wetlands and upland preservation areas and buffer areas while directing residential and retail development to more suitable land.

G~~H~~. The proposed Amendment ~~Substantial Deviation~~ is consistent with the County's ~~1997 – 2010 Charlotte County~~ Comprehensive Plan ~~and the Smart Charlotte 2050 Comprehensive Plan~~.

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

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

SPECIFIC CONDITIONS

1. VEGETATION AND WILDLIFE

a. The Developer shall preserve, in its natural state, the Preserve Areas ~~Preservation areas~~ identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These Preserve Areas ~~areas~~ shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately 165.34 ~~150~~ acres of coastal wetlands (mangroves, salt marshes) and bay swamp; the Scrub Jay Preservation Areas include.~~, including~~ approximately 61.21 ~~11.9 acres of land designated Preservation on the Future Land Use Map, combined, approximately 12.5 acres of xeric oak hammock and water course, approximately 16~~ acres of existing scrub jay and gopher tortoise habitat. Boundaries and configuration of preservation areas may be modified due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment, any of which such methods must be approved by Charlotte County. Boundaries and configuration of preservation areas have been approved by Parks and Natural Resources staff do meet the Charlotte County's Habitat Conservation Plan ("HCP") requirements and will need to be placed under a HCP approved conservation easement as required by the plan if utilized by Developer. The acreage of the preservation areas shall remain fixed ~~The survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in this Development Order~~.

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

b. Preservation ~~Wildlife Utilization~~ Areas, as shown on Map F-1, which is incorporated by this reference, shall provide connectivity of the on-site ~~onsite~~ wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas consist of approximately 226.55 ~~198~~ acres of wetland and upland habitats.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. WETLANDS

a. The project site contains five ~~three~~ wetland categories, Mixed Wetland Hardwood, Exotic Wetland Hardwood, Freshwater Marsh, Bay Swamp, ~~small isolated wetlands,~~ and ~~the~~ Saltwater Marsh. The Developer shall preserve approximately 165.34 ~~150~~ acres of existing Bay Swamp and Saltwater Marsh wetlands (Preserve Areas A and B) as shown on Map F-1, attached hereto as **Exhibit "E"** and incorporated herein by this reference~~, through the prohibition of development in those areas except that isolated wetlands may be impacted and/or removed provided that such impacts, together with mitigation which may include enhancement of the Saltwater Marsh and Bay Swamp, are approved by all local, state and federal agencies with permitting jurisdiction~~.

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

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

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

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

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

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

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

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

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

3. WATER SUPPLY

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

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

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

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

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

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

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

4. WASTEWATER

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

5. STORMWATER MANAGEMENT/WATER QUALITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project's design to correct and/or mitigate any degradation.

- Pre-construction monitoring shall be completed at least 30 days prior to any actual construction. Monitoring will be continued semi-annually during construction on the project and will continue for two (2) years after all construction on the project is complete.

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

1) Pre-construction monitoring
a) Sampling shall be initiated before the start of any construction
b) Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.

2) Construction monitoring
a) Sampling shall be conducted for every rainfall event of one inch or greater within the drainage sub-basins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.
b) Any violations of water quality standards within a drainage sub-basin under construction shall be reported to Charlotte County and SWFWMD and all work shall be halted until a solution to the problem is implemented.

3) Post construction monitoring
a) Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.
b) Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.

4) Monitoring reports.
a) Monitoring reports shall be submitted to Charlotte County semi-annually during pre-construction and quarterly during construction.
b) An official laboratory report shall also be submitted to Charlotte County, SWFWMD and the Southwest Florida Regional Planning Council as part of each bi-annual report pursuant to General Conditions "b."

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

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

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

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

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

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

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

e~~o~~. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mgg. 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.

nhh. 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.

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

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

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

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

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

t~~oo~~. 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~~pp~~. 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.

Commented [AC2]: Need KH input

2. Harborview Road & North Village Project D~~d~~riveway (West of Rio D~~d~~e Janeiro Boulevard: Construct one eastbound left-turn lane.

3. Harborview Road & North Village Project Driveway (East of Rio D~~d~~e Janeiro Avenue): Construct one eastbound left-turn lane.

4. Rio D~~d~~e 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 D~~d~~e 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 ~~peak hour, based on a 100th highest hour design criteria, for the following significantly impacted roadways~~ through project buildout:

Rampart Boulevard
- Luther Road/Capricorn Boulevard to Rio D~~d~~e 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 D~~d~~e Janeiro Avenue
- Rio D~~d~~e 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~~17~~

Rio de Janeiro Avenue
- Sandhill Boulevard to Rampart Boulevard
- Rampart Boulevard to East/West Road
- East/West Road to North Village project site
- North Village project site to Harborview Road

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

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

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

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

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

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

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

I-75
- Kings Highway to Harborview Road
- Harborview Road to U.S. 17

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

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

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

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

Road segment improvements

Harborview Road
- Melbourne Street to West Village project site: Widen to 4 lanes
- West Village project site to Rio D~~d~~e Janeiro Avenue: Widen to 4 lanes

Rio D~~d~~e 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 D~~d~~e Janeiro Avenue: Signalize when warranted

- Harborview Road & U.S. 41: Lengthen the ~~Construct one~~ westbound right turn lane. Lengthen eastbound, westbound, northbound and southbound left turn lanes.

- Harborview Road & I-75 West Ramps: Signalize when warranted. ~~Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.~~

Commented [AC3]: Need KH input

- Harborview Road & I-75 East Ramps: Signalize when warranted

- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)

- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Scheduling of Facility Improvements

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

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

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

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

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

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

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

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

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

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

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

3. Proportionate Share Payments.

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

b. This option is also available int~~o~~ 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-subparagraphs 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 ~~additionally~~ include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. HOUSING

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

7. POLICE AND FIRE PROTECTION

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

8. EDUCATION

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

9. ~~MARINA AND~~ DOCK FACILITIES

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

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

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

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

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

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

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

~~name/phone numbers of owner and trained personnel designated in charge. Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.~~

- ~~Staff will be trained on how the equipment should be used and when necessary.~~
- ~~Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.~~
- ~~The equipment will be kept in key location and maintained by a contracted petroleum response company.~~
- ~~The plan will be annually reviewed with staff and updated for any new technology or equipment.~~
- ~~Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. ENERGY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. FLOOD PLAIN/HURRICANE PREPAREDNESS

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

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

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

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

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

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

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

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

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

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

13. SOLID/HAZARDOUS/MEDICAL WASTE

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

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

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

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

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

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

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

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

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

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

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

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

14. RECREATION AND OPEN SPACE

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

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

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

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

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

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

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

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

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

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

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

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

15. LAND USE

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

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

Project Summary (see conversion matrix in Exhibit B)

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

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

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

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

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

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

16. HISTORICAL AND ARCHEOLOGICAL SITES

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

17. GENERAL PROVISIONS

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

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

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

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

c~~e~~. 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~~f~~. 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~~g~~. 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~~26~~), Fla. Stat., as amended.

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

18. FURTHER RESOLUTIONS

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

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

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

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

(1) A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council in which case Charlotte County shall take the appropriate action which may include ordering that an amendment to the DRI be filed before any further development may continue; or

(2) An expiration of the period of effectiveness of this development order as provided herein, in which case Charlotte County shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.

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

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

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

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

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

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

Board of County Commissioners
of Charlotte County, Florida

By:_____
William G. Truex, Chairman

Attest:

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

By:_____
Deputy Clerk

Approved as to form and legal
sufficiency:

By:_____
Janette K. Knowlton, County Attorney

Original Application
22LAD-00000-00007

HARBORVIEW DRI
DRI Substantial Deviation
Initial Submittal

November 7, 2022

PREPARED FOR:
Benderson Development Company, LLC

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

HARBORVIEW DRI
DRI Amendment
Resubmittal

September 5, 2023

PREPARED FOR:
Benderson Development Company, LLC

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

COMMENT LETTER RESPONSE

August 31, 2023

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

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

Dear Ms. Shao,

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

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

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

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

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

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

ENVIRONMENTAL REVIEW – TINA POWELL

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

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

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

      RESPONSE: Acknowledged.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

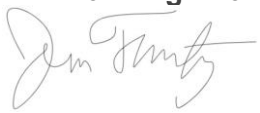
   RESPONSE: The existing scrub jay and gopher tortoise habitat totals 122.40 acres. We are proposing to preserve 61.21 acres which is the required 50% preservation.

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

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

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

Sincerely,
RVi Planning + Landscape Architecture



Jem Frantz, AICP
Project Director

Table of Contents

Contents

COMPLETED APPLICATION FORM

DRI AMENDMENT NARRATIVE

PROPOSED DRI ORDINANCE CHANGES

DRI MAP H

DRI WILDLIFE UTILIZATION MAP

AERIAL MAP

FUTURE LAND USE AND ZONING MAPS

COASTAL HIGH HAZARD MAP

SURVEYS

TITLE REPORT

FORM A

FORM B

AFFIDAVIT

COMPLETED APPLICATION FORM

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR DEVELOPMENT OF REGIONAL IMPACT

Application Requirements

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

Checklist

☒ State DRI application and all maps and other documentation associated with that application form

☒ Survey and accurate legal description (including acreage), **signed and sealed** by a registered land surveyor, tied to the state plane coordinate system.

☒ Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property

☒ Affidavit, signed and notarized, stating the truth, accuracy and completeness of the application and all attachments

☒ Property owner authorization to applicant to submit petition, Form A, as applicable

☒ Applicant authorization to agent to submit petition, Form B, as applicable

☒ A copy of any covenants, easements or restrictions that have been recorded for the subject site N/A

☒ If any portion of the property is in the Coastal High Hazard Area, a map outlining this area according to Storm Surge zones and an indication of the base residential density within each zone, as applicable.

☒ Filing fee **($22,000.00)**, with check made payable to the Charlotte County Board of County Commissioners or CCBCC $3,350 per email from Jie Shao on 7/8/22

Scheduling for Public Hearing

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

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

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for

DEVELOPMENT OF REGIONAL IMPACT (DRI)

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

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

____ New DRI
Name of Project:_____

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

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

__x____ Development Order
_____ Master Development Order
_____ Incremental Development Order

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

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

D. Parties involved in the Application

Name of Applicant: Benderson Development Company, LLC. c/o Todd Mathes		
Mailing Address: 8441 Cooper Creek Blvd.		
City:University Park	State: FL	Zip Code: 34201
Phone Number: (941) 359-8303		Fax Number:
Email Address: toddmathes@benderson.com		

Name of Agent: Jeremy Frantz, AICP		
Mailing Address: 28100 Bonita Grande Drive #305		
City: Bonita Springs	State: FL	Zip Code: 34135
Phone Number: (239) 357-9580		Fax Number:
Email Address: jfrantz@rviplanning.com		

Name of Engineer/Surveyor: Clint Cuffle, P.E.		
Mailing Address: 4260 West Linebaugh Ave		
City: Tampa	State: FL	Zip Code: 33624
Phone Number: (813) 265-3130		Fax Number:
Email Address: ccuffle@wraengineering.com		

Name of Property Owner (**if more than one property owner, attach a separate sheet with a list of all owners**): See Attached		
Mailing Address:		
City:	State:	Zip Code:
Phone Number:		Fax Number:
Email Address:		

E. ASSOCIATED APPLICATION(S):

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

___x___ Future Land Use Map (FLUM) Amendment

___x___ Rezoning

Provide a summary of the proposed changes:

FLUM removes Marina Land Uses

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

F. PROPERTY INFORMATION:

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

Property Account Number: See Attached		
Section:	Township:	Range:
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 653+/- acres		

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

Vacant

H. SURROUNDING LAND USES:

North: Single Family Residential

South: Peace River / Conservation Lands

East: Elementary School / Single Family Residential

West: Charlotte County Utilities Department / Single Family Residential

DRI AMENDMENT NARRATIVE

Harborview DRI Amendment

Project Narrative

I. REQUEST

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

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

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

II. EXISTING CONDITIONS

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

III. SURROUNDING LAND USE PATTERN

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

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

Table 1: Inventory of Surrounding Lands

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

IV. PROPERTY HISTORY

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

V. DRI AMENDMENT JUSTIFICATION

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

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

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

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

<u>OVERALL DRI CHANGES</u>

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

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

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

EAST VILLAGE CHANGES

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

NORTH VILLAGE CHANGES

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

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

VI. PUBLIC INFRASTRUCTURE

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

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

VIII. PLAN COMPLIANCE

Future Land Use Element (FLU) Compliance

FLU POLICY 2.1.3 Direct Incompatible Uses Away from Natural Lands

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

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

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

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

   The request is consistent with this policy.

FLU POLICY 2.1.7: Wetland Protection
The County shall protect wetlands so as to be consistent with the objectives and policies within the Natural Resources element and the Coastal Planning element, including the requirement that development proposals and activities protect wetlands so that productive natural functions shall be maintained in the post-development environment.

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

The request is consistent with this policy.

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

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

The request is consistent with this policy.

FLU POLICY 2.4.6: Strategy to Protect Coastal High Hazard Area
To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management, and shall:

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

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

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

   The request is consistent with this policy.

FLU POLICY 4.1.6 Neighborhood Compatibility
The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall include specific review criteria for rezoning actions to address residential compatibility. The following shall be considered:

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

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

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

   The request is consistent with this policy.

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

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

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

The request is consistent with this policy.

Coastal Planning Element (CST) Compliance

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

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

The request is consistent with this policy.

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

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

The request is consistent with this policy

IX. CONCLUSION

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

PROPOSED DRI ORDINANCE CHANGES

TABLE OF CONTENTS

Page

R E S O L U T I O N

~~2010-~~

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

2024-___

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

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

FINDINGS OF FACT/CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIFIC CONDITIONS

1. VEGETATION AND WILDLIFE

a. The Developer shall preserve, in its natural state, the ~~Preservation areas~~Preserve Areas identified on Revised Map H, which is attached hereto and incorporated herein by this reference. These ~~areas~~Preserve Areas shall include Wetland Preservation Areas. The Wetland Preservation Areas include approximately ~~150~~166 acres of coastal wetlands (mangroves, salt marshes) and bay swamp~~, including;~~ the Scrub Jay Preservation Areas include approximately ~~11.9~~61 acres of ~~land designated Preservation on the Future Land Use Map, combined,~~existing scrub jay and gopher tortoise habitat. Preserve Areas include approximately ~~12.5 acres of xeric oak hammock and water course, approximately 16~~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 survey, habitat evaluation, or assessment must occur prior to the time a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in this Development Order~~Boundaries and configuration of preservation areas have been approved by Parks and Natural Resources staff do meet the Charlotte County's Habitat Conservation Plan ("HCP") requirements and will need to be placed under a HCP approved conservation easement as required by the plan if utilized by Developer. The acreage of the preservation areas shall remain fixed. ~~The acreage of the preservation areas shall remain fixed unless modified to increase pursuant to applicable agency permits or regulations, which modification shall not require a notice of proposed change.~~

b. ~~Wildlife Utilization~~Preservation Areas, as shown on Map F-1, which is incorporated by this reference, shall provide connectivity of the ~~onsite~~on-site wetlands and uplands habitats used by listed species and other wildlife. The Wildlife Utilization Areas consist of approximately ~~198~~227 acres of wetland and upland habitats.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. WETLANDS

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

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

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

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

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

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

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

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

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

~~j.~~

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

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

3. WATER SUPPLY

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

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

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

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

~~e~~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.

~~f~~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.

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

~~h~~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

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

5. STORMWATER MANAGEMENT/WATER QUALITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project's design to correct and/or mitigate any degradation.~~

- ~~Pre-construction monitoring shall be completed at least 30 days prior to any actual construction. Monitoring will be continued semi-annually during construction on the project and will continue for two (2) years after all construction on the project is complete.~~

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

~~1) Pre-construction monitoring~~
~~a) Sampling shall be initiated before the start of any construction~~
~~b) Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.~~

~~2) Construction monitoring~~
~~a) Sampling shall be conducted for every rainfall event of one inch or greater within the drainage sub-basins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.~~
~~b) Any violations of water quality standards within a drainage sub-basin under construction shall be reported to Charlotte County and SWFWMD and all work shall be halted until a solution to the problem is implemented.~~

~~3) Post-construction monitoring~~
~~a) Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.~~
~~b) Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.~~

~~4) Monitoring reports.~~
~~a) Monitoring reports shall be submitted to Charlotte County semi-annually during pre-construction and quarterly during construction.~~
~~b) An official laboratory report shall also be submitted to Charlotte County, SWFWMD and the Southwest Florida Regional Planning Council as part of each bi-annual report pursuant to General Conditions "b."~~

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

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

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

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

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

~~m~~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 ~~federal, state and local permit conditions~~regulatory obligations.

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

~~o~~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.

~~p~~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.

~~q~~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.

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

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

~~t~~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. ~~Stormwater discharge will be limited by the SWFWMD permit.~~

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

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

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

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

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

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

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

~~bb~~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.

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

~~dd~~k. The Developer shall conduct annual inspections in accordance with the conditions of the ~~approved SWFWMD Environmental Resource Permit,~~ Charlotte County Master Stormwater Management ~~System~~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.

~~ee~~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.

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

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

~~gg~~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.

~~hh~~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.

~~ii~~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~~, consistent with SWFWMD, FDEP, and County requirements~~.

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

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

~~ll~~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.

~~mm~~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.

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

~~oo~~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.

~~pp~~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~~Driveway (West of Rio ~~de~~De Janeiro Boulevard: Construct one eastbound left-turn lane.

3. Harborview Road & North Village Project Driveway (East of Rio ~~de~~De Janeiro Avenue): Construct one eastbound left-turn lane.

4. Rio ~~de~~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~~De Janeiro Avenue & North Village Project Driveway (west side): Construct one northbound left-turn lane.

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

Rampart Boulevard
- Luther Road/Capricorn Boulevard to Rio ~~de~~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~~De Janeiro Avenue
- Rio ~~de~~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. ~~171~~741

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 ~~jurisdiction~~jurisdictions, subject always to Charlotte County's Code of Laws and Ordinances and related rules and regulations, to maintain intersection level of service "D" ~~on a peak hour (100th highest hour) basis~~ for ~~the following~~ significantly impacted intersections. At a minimum, the following intersections shall be reviewed with each Harborview phase to determine which are significantly impacted intersections located along the significantly impacted roadway segments through project buildout:

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

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

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

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

I-75
- Kings Highway to Harborview Road
- Harborview Road to U.S. 17

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

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

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

Road segment improvements

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

Rio ~~de~~De Janeiro Avenue

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

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

Intersection Improvements

- Rampart Boulevard & Rio ~~de~~De Janeiro Avenue: Signalize when warranted

- Harborview Road & U.S. 41: ~~Construct one~~Lengthen the westbound right~~-~~turn lane.~~-~~ Lengthen eastbound, westbound, northbound and southbound left turn lanes.

- Harborview Road & I-75 West Ramps: Signalize when warranted. ~~Construct second westbound left turn lane. Lengthen I-75 southbound on ramp.~~

- Harborview Road & I-75 East Ramps: Signalize when warranted

- Harborview Road & Rio de Janeiro Avenue: Construct second eastbound left-turn lane, second eastbound through lane, and one eastbound right turn lane. Construct one westbound left-turn lane and second westbound through lane. Construct two northbound left-turn lanes, two northbound through lanes and two southbound through lanes (one is a through right)

- Rio de Janeiro Avenue & Sandhill Boulevard: Construct one northbound left-turn lane

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

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

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

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

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

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

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

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

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

and the project is, or will be, utilizing five percent (5%) or more of the peak hour ~~(100th highest hour)~~ level of service "D" ~~maximum service volume~~ or "C" ~~maximum service volume~~ for the I-75 ramps ~~and segments,~~ then no further building permits shall be granted or issued for the Harborview DRI until a major roadway improvement restoring the adopted level of service is operational or unless:

- The Development Order already contains a binding commitment to provide the needed roadway improvements or

- The Development Order is amended to contain a binding commitment to provide the needed roadway improvements.

A binding commitment shall be ~~either~~one or more of the following:

(1) Scheduling of Facility Improvements

a. A schedule which specifically provides for the mitigation of impacts from the proposed development on each significantly impacted roadway which will operate below the adopted level of service standard at the end of each project phase's buildout, or, alternatively, a subset stage of that phase. The schedule shall ensure that each and every roadway improvement which is necessary to achieve the adopted level of service standard ~~for that project stage or phase shall be guaranteed to be in place and operational, or under actual construction for the entire improvement, at buildout of each project stage or phase that creates the significant impact.~~ . The schedule of facilities that are necessary to meet the adopted level of service shall be reflected in the capital improvement element. This guarantee shall be in the form of:

(I) A clearly identified, executed and recorded local government development agreement, consistent with Sections 163.3220 through 163.3243, Florida Statutes ~~(2009),~~, that is attached as an exhibit to this Development Order, and which ensures, at a minimum, that all needed roadway improvements will be available concurrent with the impacts of development, consistent with ~~paragraph~~Section 163.3180~~(2)(c),~~ Florida Statutes ~~(2009);~~;

~~(II) A binding and enforceable commitment in the development order by the local government to provide all needed roadway improvements concurrently with the development schedule approved in this Development Order;~~

~~(III) A local government commitment in the current year of their local government comprehensive plan Capital Improvement Element (CIE) to provide all needed roadway improvements, or a local government commitment in the current three years of their CIE to provide all needed roadway improvements when the local government as specifically adopted an in-compliance paragraph 9J-5.0055(3)(c), Florida Administrative Code (2009), concurrency management system in their plan; or~~

~~(IV) A Florida Department of Transportation commitment in the current five years of the Adopted Work Program for Florida Intrastate Highway System (FIHS) facilities or in the first three years of the Adopted Work Program for all other facilities to provide all needed roadway improvements;~~

~~(V~~(II) A binding and enforceable commitment in this Development Order by the Developer to provide all needed roadway improvements concurrently with the development schedule approved in the development order; or

~~(VI)~~ III) Any combination of guarantees (I) thru (~~V~~II) above that ensures that all needed roadway improvements will be provided concurrently with the development schedule approved in this Development Order.

b. A provision which states that on no less than a biennial basis the status of the guaranteed improvements shall be assessed and reported in a required biennial status report. The local government shall cause further issuance of building permits to cease immediately at the time the biennial monitoring reveals that any needed transportation improvements guaranteed by developments 1.a.(I) ~~thru 1.a.(V)~~ above is no longer scheduled or guaranteed, or has been delayed in schedule such that it is no longer consistent with the timing criteria of sub-subparagraph 1.a. above. The periodic assessment contemplated herein is not a monitoring of the actual level of service on a roadway, but is a review of the actual status of guaranteed improvements scheduled for construction. A change to the approved development schedule for the project, as opposed to a change to the schedule of needed improvements, shall be addressed as a Notice of Proposed Change.

c. In addressing the construction of the needed roadway improvements, the schedule described in sub-subparagraph 1.a. above shall list all needed roadway improvements needed to be constructed by phase or stage, the guaranteed date of completion

for the construction of each needed improvement, the party responsible for the guaranteed construction of each improvement, and the form of the binding commitment that guarantees construction of each improvement.

2. Alternative Concurrency Provisions. A schedule as set forth in sub-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 ~~subsections~~Section 163.3180~~(5), (7), (8) or (9),~~ Florida Statutes ~~(2009),~~ where such mitigative measures are specifically adopted in an in~~-~~ compliance local government comprehensive plan and are fully explained and applied in this Development Order.

3. Proportionate Share Payments.

a. This option shall only be available to the extent that any affected extra-jurisdictional local government, or the Florida Department of Transportation for facilities on the State Highway system, agrees to accept proportionate share payments ~~a~~ to adequately ~~mitigating~~mitigate the extra-jurisdictional impacts of the development on the significantly impacted state and regional roadways within their jurisdiction. If an affected extra-jurisdictional roadway is under the maintenance authority of the Florida Department of Transportation, then agreement to accept proportionate share payments shall be obtained only from that agency for that roadway. Such an agreement shall be attached as an exhibit to this Development Order and shall be in the form of either a clearly identified, executed and recorded local government development agreement, consistent with Sections 163.3220 through 163.3243, Florida Statutes~~ (2009);~~; an interlocal agreement; a FDOT joint participation agreement; or a written acceptance by the affected local government governing board or the Florida Department of Transportation, as appropriate.

b. This option is also available ~~to~~in Charlotte County for those significantly impacted state and regional roadways within their jurisdiction which are not addressed for concurrency by its local concurrency management system. Charlotte County must agree to the proposed mitigation in writing and the writing shall become an exhibit to this Development Order if it is fully executed by the Developer and the County.

c. If proportionate share payments are utilized, this Development Order shall contain a schedule as set forth in sub-subparagraphs 1.a., b., and c. above, that appropriate addresses

each significantly impacted state and regional roadway segment. For significantly impacted site and regional roadways within the area around the development site that are specifically covered by Charlotte County's Concurrency Management System, this Development Order shall ensure that appropriate mitigative measures are clearly and specifically delineated in this Development Order for each roadway segment, consistent with the concurrency provisions of the in-compliance adopted Charlotte County comprehensive Plan and implementing Charlotte County land development regulations.

d. For each significantly impacted state and regional roadway outside the specified Concurrency Management System area, this Development Order shall ~~additionally~~also include:

(I) A schedule of the list of the improvements that are needed to be constructed to ensure maintenance of the adopted level of service, an identification of the governmental agency with maintenance responsibility over the improvement, the cost of each needed improvement including right-of-way and other costs for the improvement, the developer's proportional share contribution for the improvement~~,~~ and any proposed staging of the development.

(II) A date-certain payment provision which requires that, at a minimum, the developer pay his proportionate share contribution to the agency that has maintenance responsibility over the impacted roadway prior to the issuance of any building permits for the stage or phase which will cause or increase the significant impact to that roadway.

(III) A provision which requires that as a condition of accepting the payment of the proportionate share contribution that the receiving governmental agency with maintenance responsibility over the impacted roadway agrees in writing as an exhibit to this Development Order that the contributed monies shall only be applied towards the construction of one or more of the significantly impacted improvements which are under their jurisdiction and listed in the schedule. If the contributed money to that agency is sufficient to fully construct one or more of the roadway improvements under its jurisdiction that is on the schedule in (I) above, then the receiving governmental agency shall agree, as a condition of acceptance, to expeditiously apply the received monies for the improvement construction.

(IV) A provision which requires that development activities and issue of permits therefore immediately cease if the proportionate share contribution is not paid in a timely manner.

(V) A requirement that any proposed delay or change of the proportionate share payment due to a change in the approved development schedule shall require a reanalysis of the proportionate payment amount as part of any schedule approval amendment.

4. A combination of the mitigative measures contained in subparagraphs 1., 2., or 3., above that mitigates for each significantly impacted state and regional roadway and which reasonably assures that public transportation facilities shall be constructed and made available when needed to accommodate the impacts of the proposed development, consistent with the provision of Chapters 163 and 380, Florida Statutes ~~(2009).~~.

l. Any specific stage or phase of this development that proposes the need for the construction of a new or modified access to a state or federal limited access facility shall not be allowed to initiate development for that stage or phase of development by Charlotte County until the new or modified access has been authorized by the Federal Highway Administration and/or the Florida Department of Transportation, as applicable. When such authorization is not forthcoming, the Developer may request to amend this ~~land use approval~~Development Order, based upon the submittal of a revised transportation analysis not utilizing the new or modified access to the limited access facility and any needed additional transportation mitigation, as appropriate.

m. The transportation impacts to the roads and intersections above may be alternatively proposed by the Developer to be appropriately addressed consistent with ~~the Southwest Florida Regional Planning Council policies, and in accordance with~~ Section 163.3220, Florida Statutes ~~(2009),~~ which requires a commitment by the Developer and/or the local government to insure concurrency on all significantly impacted roads through ~~a substantial deviation determination and~~ development order amendment incorporating the development agreement, pursuant to Section 380.06~~(19)(f),~~ Florida Statutes ~~(2009).~~

n. Should the eventual development mix of the Harborview DRI be such that the trip generation and external traffic of the project exceed the levels identified in the ADA by more than 15%, on a daily or p.m. peak hour ~~(100th highest hour)~~ basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380, Florida Statutes ~~(2009).~~

o. If ~~such~~ Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees) is ever amended, repealed, replaced or revoked by Charlotte County or repealed, replaced, revoked, invalidated or superseded by any act of the Florida Legislature or decision of the Florida Supreme Court, then the term shall mean any assessment, fee, payment, donation, contribution or like term, including, but not limited to, mobility fees, which replaces existing local government adopted and implemented transportation concurrency management systems.

~~p. As part of the construction of the East Village, Discovery Drive shall be relocated to substantially the same location as shown on revised Map H.~~

~~q~~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.

~~r~~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.

6. HOUSING

~~a. The~~For dwelling units in excess of the 1,785 base dwelling units, the Developer shall set aside ten percent (10%) of the total housing units in the Harborview DRI for families earning not more than 120% of the area median income. These units shall first be made available for sale or rent to the workers in the development at the time the units are constructed, but in no case shall the Developer sell or rent the units to a family earning more than 120% of the area median income. After a demonstrated effort has been made to sell or rent the affordable housing units to those working within the development, the units may be sold or rented to those not working in the development and that qualify for the affordable housing. The units must be divided between equity ownership and rentals, single-family and multi-family to the satisfaction of Charlotte County.

7. POLICE AND FIRE PROTECTION

~~a. The Developer shall provide up to $100,000.00 for an additional fire rescue unit for Fire Station #11 prior to issuance of a certificate of occupancy for the 381st residential unit in the project. Upon payment, the Developer shall receive $100,000.00 of fire impact fee credits which may be used to offset fire impact fees assessed on development located north of the Peace River and east of the Myakka River.~~

~~8. EDUCATION~~

~~a.~~

~~b. The Developer shall enter into an agreement with the Charlotte County School District prior to the final approval by Charlotte County of any phase of a Planned Development site plan, a subdivision plan, plat or the functional equivalent for new residential development within the Harborview DRI. The terms of the agreement shall be incorporated into this Development Order as a Notice of Proposed Change and shall not constitute a substantial deviation.~~

~~9. MARINA AND DOCK FACILITIES~~

~~a. A marina operations plan which abides by the recommendations of the Florida Department of Environmental Protection's Clean Marina Act will be implemented at the proposed Marina. The operations will promote environmentally friendly alternatives which will include Best Management Practices and Marina Environmental Measures.~~

~~b. As used herein, the term "Marina" shall include both the basin and the freshwater canal connecting the basin to the saltwater canal, all located within the East Village and shown with a dotted overlay on Map H. The Marina may contain one (1) dry storage facility for not more than 192 boats with a maximum size of 28 feet, 260 wet slips and a fork lift tram-way system through the upland portions of the development to deliver vessels to the existing canal system for access to the Peace River. The number of wet slips will be commensurate with jurisdictional agency permitting standards and available space.~~

~~c. The Marina will include a dry storage facility with an associated staging area and may include a ship store, restrooms, showers and retail shops. Sewer pump out facilities and a fueling dock shall also be provided.~~

~~d. The Marina will provide a dock or dry storage berth for the Charlotte County Sheriff's Department, Charlotte County Fire and EMS and FWC or USFWS upon request.~~

~~e. Operation of the Marina will comply with the Marina Environmental Measures and Best Management Practices Clean Marina Plan – Harborview Marina attached as **Exhibit "F"** hereto and incorporated herein by this reference, as may be amended through the permitting process. The Marina will obtain a Clean Marina certification and shall comply with the Clean Marina certification requirements regardless of whether the program is discontinued. Charlotte County shall receive a copy of the Clean Marina Program Status Report which shall be submitted annually to FDEP. If the Clean Marina certification program is discontinued, the Developer shall continue to submit a Clean Marina Program Status Report annually to Charlotte County. Charlotte County shall have the authority to verify compliance with the Clean Marina standards at any time. The Developer shall update its BMPs as technology changes and shall describe any updated BMPs in the biennial DRI report.~~

~~f. A petroleum spill response/fueling contingency plan will be developed and implemented at the Marina and shall include the following:~~

- ~~Notify within one hour of a spill your local responder, USCG National Response Center, FWC, and the State Warning Point.~~
- ~~The name, location and hours, telephone numbers, radio frequencies, facility waterfront and vessel characteristics, type and amount of petroleum stored,~~

~~name/phone numbers of owner and trained personnel designated in charge. Notification responsibilities and procedures, a list of spill equipment/capabilities on site, and a third party cleanup organization.~~

- ~~Staff will be trained on how the equipment should be used and when necessary.~~
- ~~Maintain and have access to containment booms that are five (5) times the length of the longest vessel docked and absorbent material to contain the largest potential spill.~~
- ~~The equipment will be kept in key location and maintained by a contracted petroleum response company.~~
- ~~The plan will be annually reviewed with staff and updated for any new technology or equipment.~~
- ~~Signage will be provided informing boaters what to do to contain the pollutant in case of a spill if there is no attendant present.~~

~~g. Oil and fuel storage containers will be built with a surrounding berm that contains an impervious bottom or equivalent double walled storage containers with petroleum sensors in the interstitial space in order to prevent/detect any leaching.~~

~~h~~The Developer shall pay impact fees in accordance with Chapter 3-3.5, Charlotte County Code of Ordinances (Impact Fees), as amended.

8. EDUCATION

a. The Developer shall comply with the Charlotte County regulations and the updated Interlocal Agreement for Coordinated Planning and School Concurrency dated May 2018.

9. DOCK FACILITIES

a. Docks~~, wet slips, and dry slips~~ may be constructed ~~within the Marina and~~ along the DeSoto Canal, upon receipt of all required local, state and federal agency permits and approvals.

~~i. The Marina will provide limited repair service consistent with DEP's Clean Marina Program. Boat maintenance and repair work will be limited to tasks like refueling, battery replacement, other minor maintenance activities, etc., consistent with the Clean Marina program. The Marina will incorporate measures to separate hazardous materials from the solid waste stream.~~

~~j. No hull cleaning, major repair work, etc. will occur within the Marina. A battery recycling company with pick-up service will be contracted to minimize on-site storage of old/used batteries.~~

~~k. Dredging shall only be permitted in those areas shown on **Exhibit "H"** attached hereto and incorporated herein by this reference.~~

~~l. A program shall be implemented at the Marina to educate the public about population status and the prohibitions against capturing, harming or harassing smalltooth sawfish. Guidelines on safe handling and release of smalltooth sawfish shall be posted at the Marina.~~

~~m. Maps identifying the location along the shoreline of the Harborview DRI of any nursery or adult habitat of the smalltooth sawfish shall be posted at the Marina.~~

~~n. Appropriate mitigation shall be provided for any non-shoreline mangrove habitat that is disturbed.~~

~~o. Powerboats with drafts in excess of five (5) feet will be prohibited from utilizing the Marina facilities.~~

~~p. Personal motorized watercraft (i.e. jet skis) will be prohibited in the Marina.~~

~~q. The entire shoreline of the Marina basin and the associated canal system will include stabilization by either revetment riprap, bulkhead seawall with riprap or living shoreline with a littoral shelf.~~

~~r. No cargo will be shipped through the Marina.~~

~~s. The Marina will be designed in general accordance with the "Layout Design and Construction Handbook for Small Craft Boat Launching Facilities" prepared by the State of California Department of Boating and Waterways.~~

~~t. Littoral zones will be incorporated at the outfall from the basin to provide water quality and habitat benefits. The littoral shelf in the Marina will be planted with native emergent wetland species.~~

~~u. In order to protect breeding ground for the smalltooth sawfish, there shall be no impacts to the shoreline mangrove habitat located along the Peace River within the project area. A conservation easement will be placed over the shoreline mangrove habitat.~~

~~v. Brazilian pepper removal and other enhancement activities will be conducted in the mangrove habitats to improve the habitat for the smalltooth sawfish.~~

~~w. Continuing consultation on the potential impacts to the smalltooth sawfish will be completed with the USACE, USFWS and NMFS prior to approval of the project design and proposed mitigation.~~

~~x. Coordination with the NMFS and USFWS will be conducted under the Section 7 consultation for the smalltooth sawfish.~~

~~y. No temporary overnight slips will be constructed within the Marina.~~

~~z~~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.

~~aa. Ten (10), 141 foot, elevated finger piers with two boat slips at the end of each pier, for a~~c. A total of twenty (20) slips may be placed along the western shoreline of the DeSoto Canal for single family residences. ~~These twenty (20) slips shall be the only slips allowed outside the Marina.~~ The boardwalks will be designed with a width of six (6) feet and be elevated approximately eight (8) feet from the ground and provide access from the single-family homes to the DeSoto Canal. The elevated boardwalks will be placed over the gopher tortoise preservation areas. The design of the docks will ensure that their placement does not violate water quality, impede navigation, or adversely affect flood control.

~~bb. Permanent educational signs for Florida Friendly Boating and Manatee Awareness shall be placed at the Marina.~~

~~cc. The Standard Manatee Construction Conditions, including the placement of temporary manatee caution signs, shall be utilized during the dredging and work boat operations.~~

~~dd. The Marina shall comply with approved manatee protection and preservation plans and procedures.~~

11. ENERGY

a. The Developer shall construct an eight (8) foot wide multi-use on-site path for pedestrians and bicycles. The path will be connected to off-site systems adjacent to the site and shall be placed on at least one side of the major roadways within the project consistent with the Bicycle and Pedestrian System Map attached as **Exhibit "I"**. The design for this pathway shall be shown at the time of final site plan approvals.

b. "Complete Streets" which include sidewalks, bicycle lanes, raised pedestrian islands, landscaped medians, and cross-walks with advanced warning signs will be incorporated into the project along the major roadways shown on **Exhibit "I~~"~~".** Pervious concrete or similar material shall be used in driveways, sidewalks and nature walks.

~~c. The project will incorporate future Charlotte County transit system stops as identified by the County to serve this development. Bus stop locations should at a minimum provide adequate vegetative shading, a bench or other seating and should be located no further than one quarter mile from commercial building entrances.~~

~~d~~c. Homes within the project will be designed with appropriate insulation, Energy Star rated appliances and Green Seal rated materials. The use of energy-efficient features in window design (e.g. tinting, low solar head gain coefficients (SHGC) and exterior shading, cross ventilation, operable windows and ceiling fans will be incorporated into homes within the project as appropriate and consistent with the Florida Building Code and Fire Marshall rules.

~~e~~d. Deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g. building orientation, clotheslines and solar water heating systems) will be prohibited.

~~f. The project will use vegetative ground covers to minimize concrete and asphalt.~~

~~g~~e. The project will utilize energy-efficient lighting for streets, parking areas, recreation areas and other interior and exterior public areas to the extent that safety, security and County lighting standards are not compromised.

~~h~~f. 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.

~~i~~g. 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.

~~j~~h. Structural shading shall be used ~~wherever practical~~ when natural shading cannot be used effectively.

~~k~~i. Bicycle racks or storage facilities will be provided in recreational, commercial and multi-family residential areas, but are neither required nor precluded on any individual parcel that utilizes shared parking facilities.

~~l. Porches, overhangs for shade and/or patio areas will be included in residential units when practical.~~

~~m~~j. The Developer will install irrigation rain sensors and will abide by water restrictions mandated by State and County agencies.

~~n~~k. The Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use.

~~o~~l. Site development shall comply with the Florida Green Building Coalition Certification standards or equivalent green building standards.

~~p~~m. All thermostats installed in any structure shall be programmable.

~~q. Roofing material shall meet LEED cool roofing standards as follows: Roofs with slopes less than 2:12 shall have a solar reflective index of 78 or greater; roofs with slopes greater than 2:12 shall have a solar reflective index of 29 or greater. The term "solar reflective index (SRI)" is a measure of the constructed surface's ability to reflect solar heat as shown by a small temperature rise. "Solar reflective index" is defined so that a standard black with reflectance of 0.05 and emittance of 0.90 is zero (0) while the SRI for a standard white (reflectance of 0.80 and emittance 0.90) is 100. No black roofs will be permitted regardless of SRI.~~

~~r. One Zero Energy Home ("ZEH") model will be built to feature and promote net zero energy efficient housing.~~

12. FLOOD PLAIN/HURRICANE PREPAREDNESS

~~a. Each building in the Harborview DRI will provide for hurricane shuttering of or have impact glass installed in all windows.~~

~~b. Single family residences within the Coastal High Hazard Area shall be constructed with reinforced stem-wall foundations which shall be resistant to flood erosion.~~

~~c~~a. Two-way radio communication equipment shall be provided to the hotel~~,~~ ~~harbormaster building,~~ or clubhouse, at the discretion of the Charlotte County Emergency Management Director, with an integrated evacuation siren warning system.

~~d~~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.

~~e~~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.

~~f~~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.

~~g~~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 the Marina and boaters
- Community Emergency Communication System
  Agency Coordination/Situation Updates
- Community emergency Response Team (CERT) Training
- Private Security

~~h. In areas where the 100-year floodplain elevation is above existing ground elevations, the Developer will build the habitable structures above the required flood elevation and may utilize, but is not limited to, conventional slab on grade, piling construction and reinforced stem wall construction.~~

~~i. The Developer shall reduce the introduction of fill material into the 100-year floodplain where practical. Structures built in the 100-year floodplain will be built as elevated structures and not monolithic slabs on fill soil, where practical. Bridges shall be used instead of culverts where practical.~~

~~j~~f. A maximum of 733 dwelling units ("DUs") shall be permitted in the Coastal High Hazard Area of the West Village~~. Development within the 65.8 acre Coastal High Hazard incorporated into the Harborview Development of Regional Impact ("DRI") by Resolution 2006-093 and which carries the Mixed Use designation on the Future Land Use Map, shall allow a maximum of 157 residential DUs .~~ , and a maximum of 773 DUs shall be permitted in the CHHA of the East Village.

~~k. The material choices for streets, parking lots, sidewalks, and the trail system shall be selected to reduce the heat island effect. These materials shall be pervious where practical.~~

13. SOLID/HAZARDOUS/MEDICAL WASTE

a. All residential units and business shall participate and cooperate with any recycling programs developed by Charlotte County.

b. Any business located within the Harborview DRI that handles bio-hazardous or hazardous materials will be required to coordinate with a licensed bio-hazardous waste hauler consistent with State law.

c. The Developer will coordinate with Charlotte County and contracted waste haulers and implement recycling efforts to minimize the solid waste stream.

d. Hazardous materials and waste are regulated by 40 CFR 260-266 and are adopted by reference by the State of Florida. Responsibility and liability for the handling, storing, and use of hazardous materials rests with the person or entity handling, storing or using the material.

e. The solid waste demands of the project will be incorporated into the county solid waste management program. The Developer will explore possibilities of extending the life of the county landfill by reducing the solid waste volumes by incorporating practices such as conservation, recycling, trash compaction and mechanical shredding.

f. Any business within the DRI that generates hazardous waste shall be responsible for the temporary storage, siting and proper disposal of the hazardous waste generated by such business. There shall be no siting of hazardous waste storage facilities contrary to Charlotte County zoning regulations.

g. Any buildings where hazardous materials or waste is to be used, displayed, handled, generated or stored shall be constructed with impervious floors with adequate floor drains leading to separate impervious holding facilities that are adequate to contain and safely facilitate cleanups of any spill, leakage, or contaminated water.

h. Discharge of hazardous waste effluent into the sewage system shall be prohibited unless approved by permit issued by the Florida Department of Environmental Protection.

i. The Developer will consider source recycling of construction materials to reduce the amount of construction materials that will be deposited in the landfill, including the location of separate containers for metals, plastics, paper products, drywall, vegetation and wood.

j. There shall be no discharge of medical waste from medical facilities into the sewage systems.

k. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, shall file hazardous materials reporting applications in accordance with sections 302, 303, 311, 312, or 313. Applications shall be updated annually by each reporting facility.

l. Prior to construction of any facility that will generate medical or hazardous waste, the Developer shall identify medical and hazardous waste transporters that have been identified to serve the facility.

14. RECREATION AND OPEN SPACE

a. The Harborview DRI is projected to contain a population of 6,410 full-time equivalent residents at buildout. The Harborview DRI will provide a minimum of 38.46 acres of Active/Multipurpose park acreage as required by the Charlotte County Comprehensive Plan. Such park acreage may be comprised of any mix of mini (sub-neighborhood) parks, neighborhood parks and special purpose facilities which are defined as follows:

- Mini (sub-neighborhood) parks: A small park designed to serve up to 2,500 residents within a 2- to 3-block radius. Typically included are a playground, benches and open space, and possibly picnic tables.
- Neighborhood parks: A modest sized park usually with play equipment, sports fields, paved courts, open area, picnic area and possible recreation buildings, designed to serve up to 5,000 residents within a ½ mile service radius.
- Special purpose facilities: Boat ramps, fishing piers, and other miscellaneous properties used for outdoor recreation.

At a minimum, the Harborview DRI will contain one (1) mini park in North Village, and one (1) mini park in West Village, and two (2) mini parks or one neighborhood park in East Village ~~(one (1) east of the relocated Discovery Drive and one (1) west of the relocated Discovery Drive).~~ .

b. Parks and special purpose facilities within the Harborview DRI may be either public or private.

c. Parks may be maintained by a validly created homeowners association or by a Community Development District or by Charlotte County, if accepted for maintenance by the County.

~~d. Public space in mixed residential/commercial areas in the East Village may be counted toward acreage requirements if designed with sufficient size and recreational opportunities.~~

~~f. The proposed Marina shall be classified as a special purpose facility and may be counted toward acreage requirements.~~

~~g. The proposed Marina shall have a walkway system constructed around its entire perimeter, open to use by the public.~~

~~h~~. The developer shall erect an historical marker in a public location recognizing the ranch and the ranch family that formerly utilized the lands within the Harborview DRI.

~~i. The conveyance of the Saltwater Marsh to a governmental body or agency or to a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for recreational or open space use, protecting natural resources, or maintaining or enhancing air or water quality, exceeds the adopted Level of Service Standard required by the Comprehensive Plan for Environmental Parks. No further commitment for land for environmental parks shall be required.~~

~~j. The Green Zone, as depicted on the Concept Plan shall be maintained as open space and may include pervious trails, picnic tables, park benches, or gazebos. Maintenance shall be provided by a lawfully created master homeowner association or community development district.~~

15. LAND USE

a. The Harborview DRI shall be developed in substantial accordance with the Master Development Plan (Map H, as amended), including the development parameters and the development criteria as detailed on that plan.

b. The development of Harborview DRI shall be as follows:

Project Summary

Area	653 acres
Residential Uses	
Single Family	245 units (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
~~**Marina Uses**~~	
~~Wet boat~~**Docks**	
Exempt single family slips	~~260~~ 20
~~Dry boat slips~~	~~192~~

~~c~~

c. Residential Land Uses in section 15.b may increase or decrease using the Residential Land Use Equivalency Matrix below:

Residential Land Use Equivalency Matrix

					TO			
FROM	Trip Generated By	ITE Code	PM Peak Hour Trip Rate		Single-Family Detached Housing (DU)	Single-Family Attached Housing (DU)	Multifamily Housing (Low Rise) (DU)	Multifamily Housing (Mid-Rise) (DU)
	1 DU Single-Family Detached	210	0.94	is equal to	1.00	1.65	1.84	2.41
	1 DU Single-Family Attached Housing	215	0.57	is equal to	0.61	1.00	1.12	1.46
	1 DU Multifamily Housing (Low-Rise)	220	0.51	is equal to	0.54	0.89	1.00	1.31
	1 DU Multifamily Housing (Mid-Rise)	221	0.39	is equal to	0.41	0.68	0.76	1.00

Notes:

- Equivalency Matrix is based on trip rates published in the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition.
- DU = dwelling unit

- Example (Convert Low Rise Apartment to Single-Family Detached): 100 DU Low-Rise Apartment = 100 x 0.54 = 54 DU Single-Family Detached
- Residential land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.

d. Non-residential Land uses approved by this Development Order may be increased in one land use category and concurrently reduced in another land use category, as more specifically described in the Land Use Equivalency Matrix ("Matrix") provided in **Exhibit "B."** The Matrix will allow for any number of changes to the non-residential totals described above in Paragraph A of the Findings of Fact and Conclusions of Law**,** while ensuring that the currently approved impacts of the project are not adversely exceeded. Any land use exchange ~~made pursuant~~shall require an amendment to the ~~Matrix shall not exceed the substantial deviation thresholds as~~non-residential intensities set forth in ~~380.06(19)(b), Florida Statutes (2009).~~Charlotte County's comprehensive plan.

~~d~~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.

~~e~~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.

~~f~~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

a. If any archeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), the Southwest Florida Regional Planning Commission and Charlotte County so that a state-certified archeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

17. GENERAL PROVISIONS

a. The Developer shall submit a ~~DRI~~biennial report~~ on Form RPM-BSP Annual Report~~ every two years from the effective date of this Development Order to Charlotte County~~, the Southwest Florida Regional Planning Council, the Florida Department of Communities Affairs and all affected permit agencies~~ as required ~~in Subsection 380.06(18), Florida Statutes and~~by the County code Section ~~9J-~~3-9-10.2.~~025(7)B-6, F.A.C. as amended. Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI development order.~~ The Developer must inform successors in title to any undeveloped portion of the real property covered by this Development Order of this reporting requirement.

~~b. The project shall be completed in one phase. If Development Order conditions and Developer commitments incorporated within the Development Order to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the Development Order, then this shall be presumed to be a substantial deviation for the affected regional issue, which presumption may be rebutted.~~

~~c. If it is demonstrated during the course of monitoring the development, that substantial charges in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided the Developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred pursuant to Section 380.06(19), Florida Statutes.~~

~~d. Pursuant to Chapter 380.06(16~~b. Pursuant to Chapter 380.06(5), Florida Statutes, the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions (including mobility fees) to meet the same needs. The local government and the Developer may enter into a capital contribution front-ending agreement to reimburse the Developer for voluntary contributions in excess of the fair share.

~~e~~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.

~~f~~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.

~~ge~~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(~~26~~11), Fla. Stat., as amended.

~~hf~~. The Developer, in its normal course of business, may from time to time transfer ownership of land and/or lots within the DRI to builders or other developers. It is understood that successors in interest shall assume the same liability that the Developer has under this Development Order.

18. FURTHER RESOLUTIONS

a. The County Administrator or his designee shall be the local official responsible for assuring compliance with this Development Order.

b. Wherever the term "Developer" is used herein to refer to a condition or requirement which must be completed, the term shall include any successors or assigns or management entity hereinafter succeeding to the rights or obligations under this Development Order.

c. ~~Pursuant to Section 380.06(15)(c) 3,~~ Charlotte County agrees that the Harborview Development Order shall not be subject to down zoning, unit density reduction or intensity reduction until ~~September _____, 2020~~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. A certified copy of this resolution shall be forwarded to the Southwest Florida Regional Planning Council and to the Florida Department of Community Affairs.~~

e. In the event that any provision of this resolution is found to be inconsistent with or prohibited by Florida state law or is preempted by it, such provision shall be deemed null and void to the extent of such inconsistency, prohibition,

or preemption. However, the remaining provisions of this resolution shall remain valid and enforceable to the fullest extent permitted by law.

f. In the event any term(s) of any other resolution with respect to this Harborview DRI Development Order conflict with any term(s) of the within resolution, the terms of this resolution shall govern and supersede those conflicting terms.

g. This ~~resolution~~development order shall become effective ~~immediately upon its adoption~~as provided by law.

h. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution to 1) the Developer, ~~2) Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and to 3) Daniel L. Trescott, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901~~and to 2) the State Land Planning Agency.

PASSED AND DULY ADOPTED this _____ day of _____, ~~2010~~2024.

Board of County Commissioners
~~Of~~of Charlotte County, Florida

By:_____
~~Robert J. Starr~~Bill Truex, Chairman

Attest:

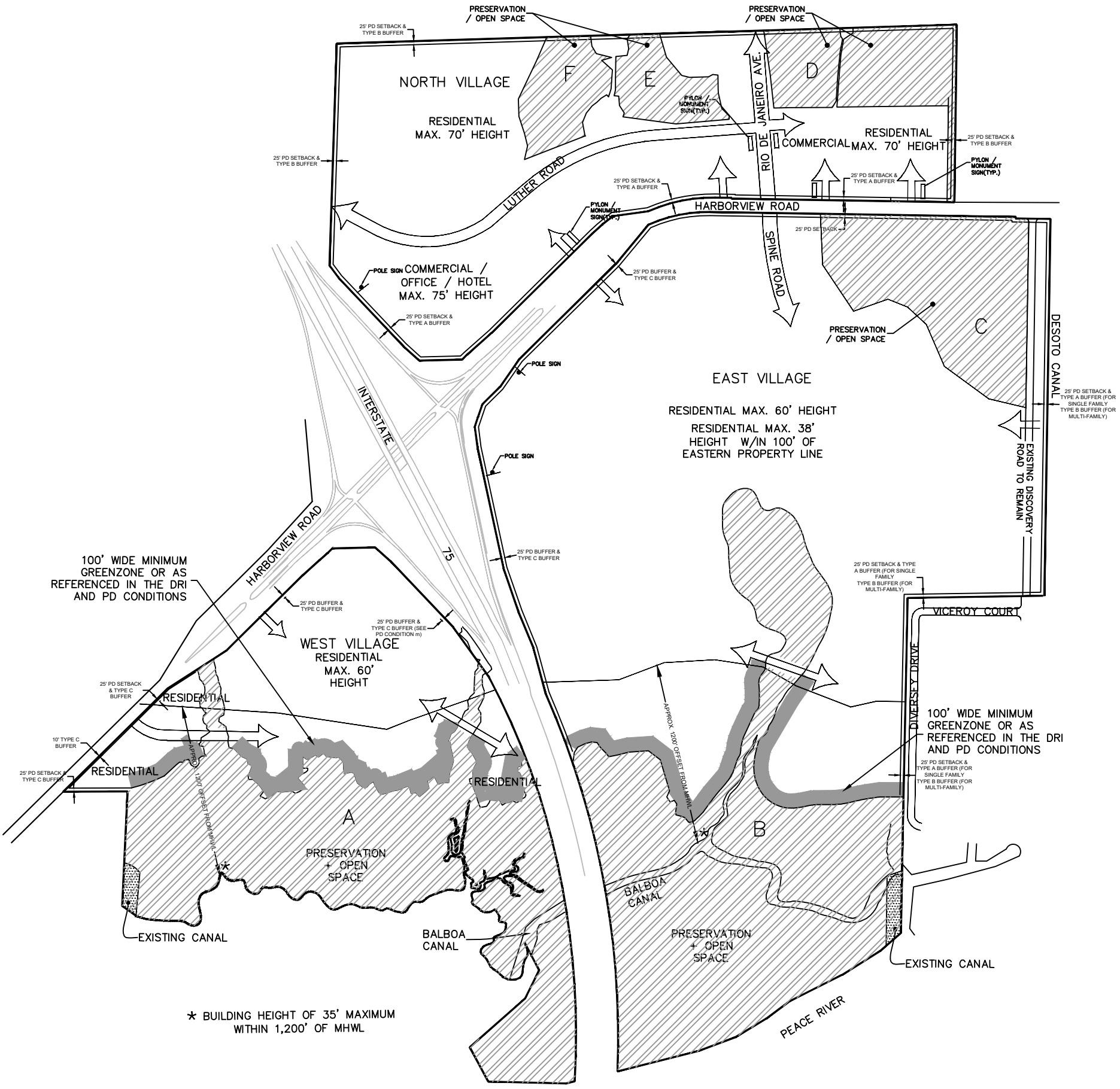
~~Barbara T. Scott~~Roger D. Eaton, Clerk of Circuit Court
and Ex-Officio Clerk of the Board of
County Commissioners

By:_____
Deputy Clerk

Approved as to form and legal sufficiency:

By:_____
Janette K. Knowlton, County Attorney

DRI MAP H



SITE DATA

PROJECT LAND USE

PROJECT AREA	+/- 653 ACRES
NORTH VILLAGE AREA	+/- 159 ACRES
EAST VILLAGE AREA	+/- 368 ACRES
WEST VILLAGE AREA	+/- 126 ACRES
OPEN SPACE	20% MIN. (REQUIRED)

TOTAL PRESERVATION OPEN SPACE = +/- 226.55 ACRES (34.7%) (PROVIDED)

PROJECT LAND USE

RESIDENTIAL UNITS: **3,859 UNITS** (SUBJECT TO CONVERSION MATRIX)

3,859 UNITS / +/- 564 ACRES = 6.80 DU / ACRE

COMMERCIAL / OFFICE SQUARE FOOTAGE

COMMERCIAL	655,000 SF
OFFICE	**50,000 SF**
TOTAL	**705,000 SF**

WETLAND PRESERVE 'A'	= 75.36 AC
WETLAND PRESERVE 'B'	= 89.98 AC
SCRUB JAY PRESERVE 'C'	= 28.57 AC
SCRUB JAY PRESERVE 'D'	= 16.88 AC
SCRUB JAY PRESERVE 'E'	= 7.18 AC
SCRUB JAY PRESERVE 'F'	= 8.58 AC

NOTES:

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:

WRA ENGINEERING

7978 COOPER CREEK BLVD, SUITE 102
UNIVERSITY PARK, FLORIDA 34201
(941) 358 - 3824

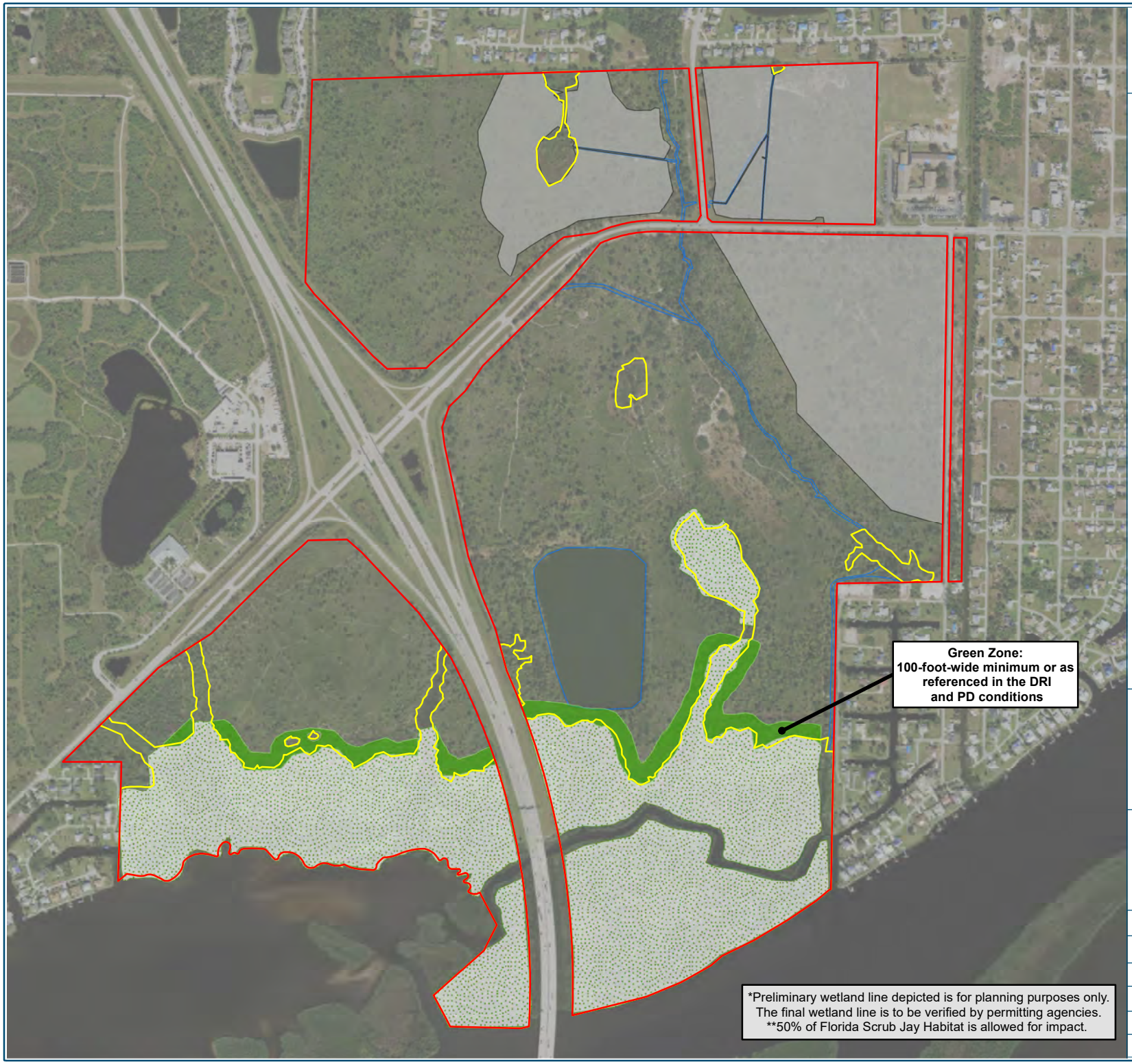
MASTER DEVELOPMENT PLAN

DATE: 11/22 **SCALE: 1"=300'**

MAP H

Date	Revision

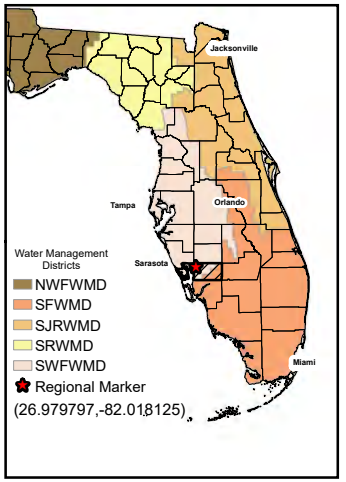
DRI WILDLIFE UTILIZATION MAP



4260 West Linebaugh Avenue
Tampa, FL 33624 (813)-265-3130
7978 Cooper Creek Blvd, Ste 102
University Park, FL 34201 (941)-358-3824
www.wraengineering.com
Engineering ~ Environmental Science~ Water Resource~Survey
Water Resource Associates, LLC.

- Project Boundary (648.84 ac.)
- OSW (DRI) (24.51 ac.)
- Wetland (DRI) (169.28 ac.)
- Green Zone (17.29 ac.)
- Preservation Area (150.65 ac.)
- Type 2 Habitat: Refer to the Scrub/Saltwater wetland habitat conservation plan that will be provided at the time of site construction permitting.

County Map



S: 20,21,28, &29 T: 40S R: 23E

Notes:
Project Boundary obtained from Charlotte County Property Appraiser.
2022 aerials obtained from ESRI.

N W E S

1 inch = 1,000 feet

0 245 490 980 1,470 Feet

Client: Benderson

Project Name: Harborview

Charlotte County, FL

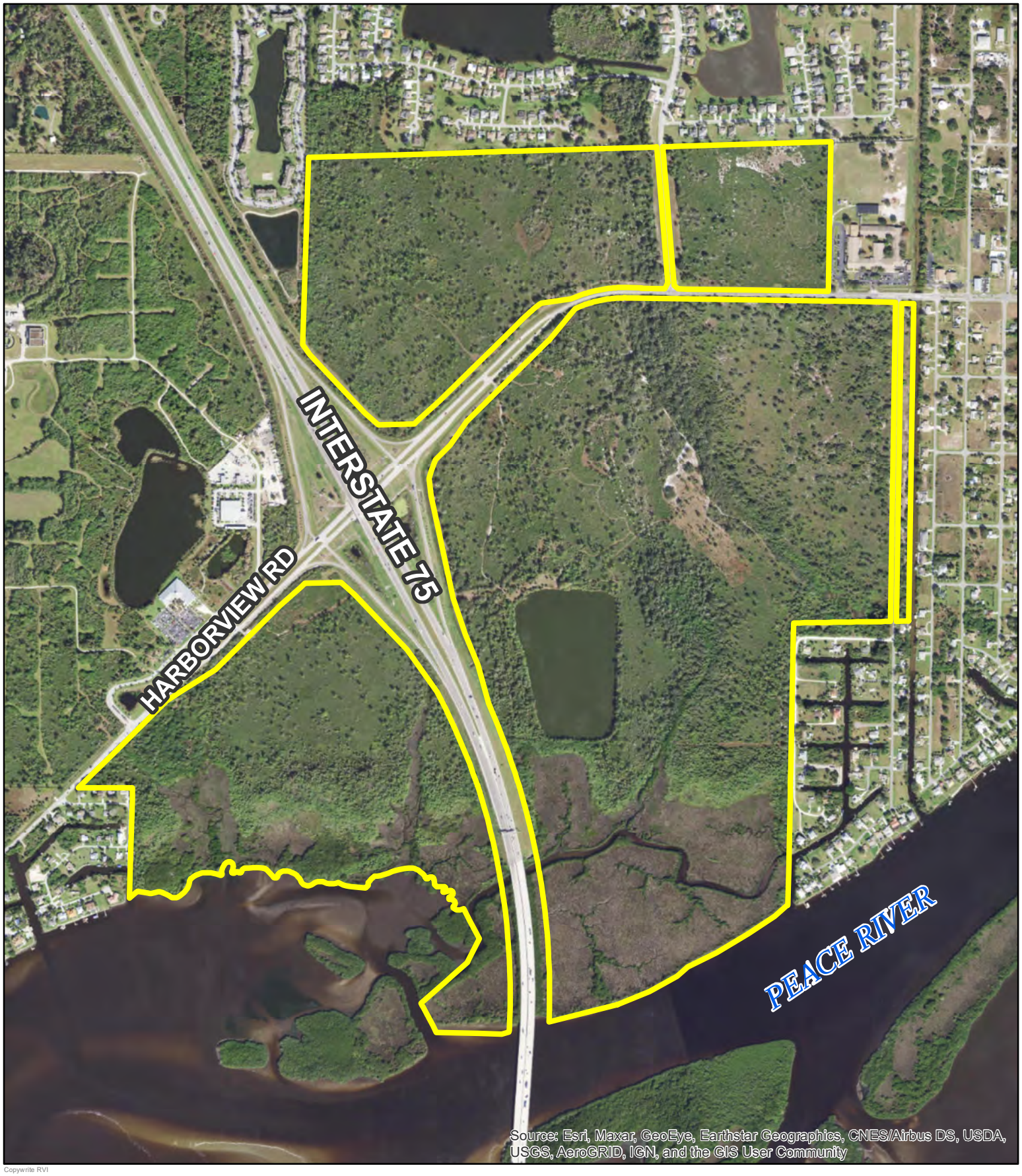
File Name: Map F-1

Original Date: 3/26/2024

GIS Operator: RJ	Job Number: 8041	Revision Date:

Document Path: S:\~PROJECT FILES\8041 - Benderson - Harborview\ENVIRONMENTAL\GIS\MXD\2022- Archive Mapping\2022_14_Harborview_Digitized_Wildlife_Utilization.mxd

AERIAL MAP



Document Path: \\flbon\FLBON Projects\Projects\1360-001 (Harborview) Planning\Drawings-Exhibits\MXDs\Harborview Aerial Map.mxd

Copywrite RVI

RVi
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

HARBORVIEW CPA/PD • **AERIAL MAP**

Charlotte County, FL — Subject Boundary

Date: 5/12/2022

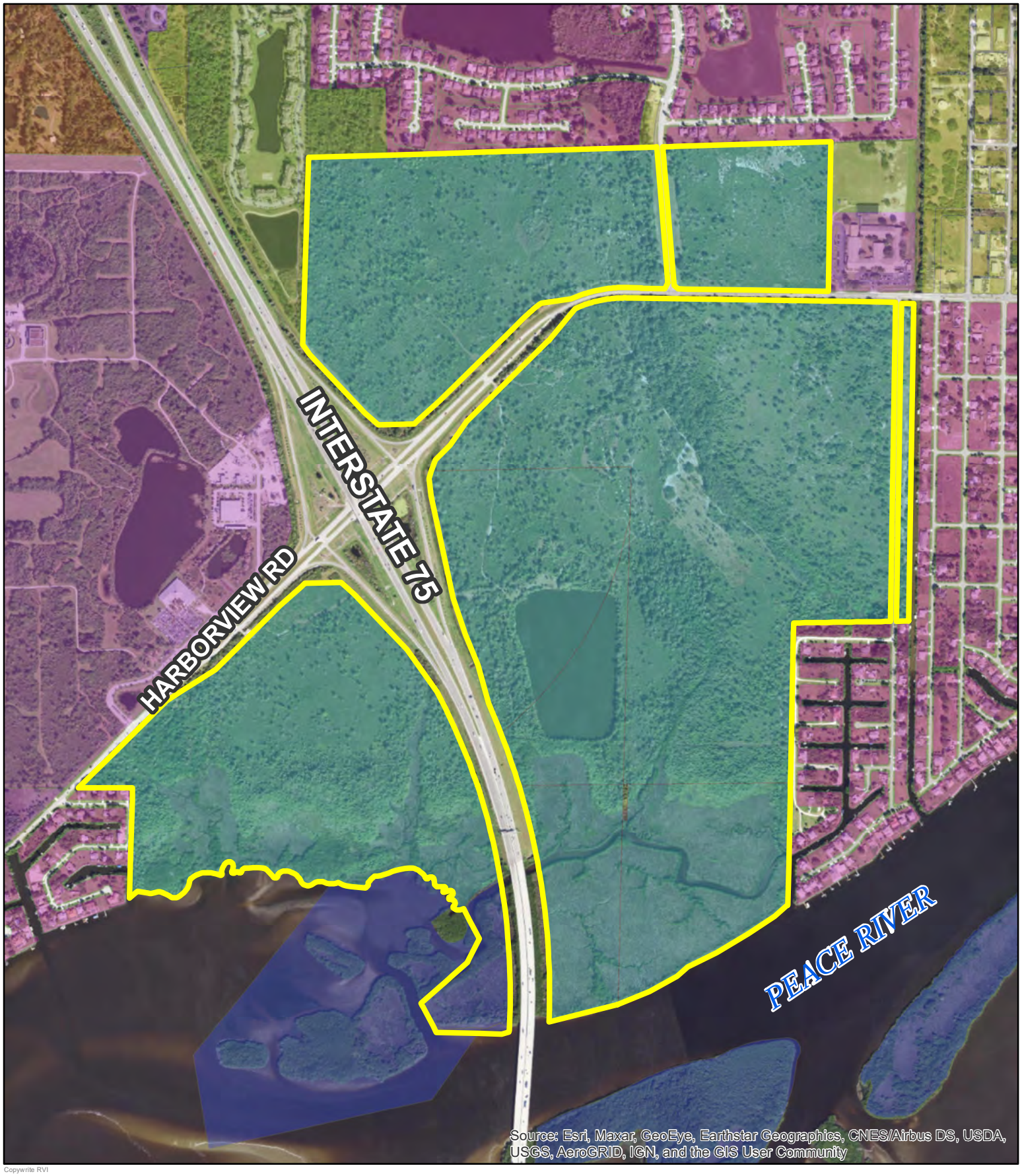
22001360

Benderson Group

0 330 660 1,320
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

FUTURE LAND USE AND ZONING MAPS



Document Path: \\flbon\FLBON Projects\Projects\1360-001 (Harborview) Planning\Drawings-Exhibits\MXDs\Harborview FLU Map.mxd

Copywrite RVI

HARBORVIEW CPA/PD • FUTURE LAND USE MAP

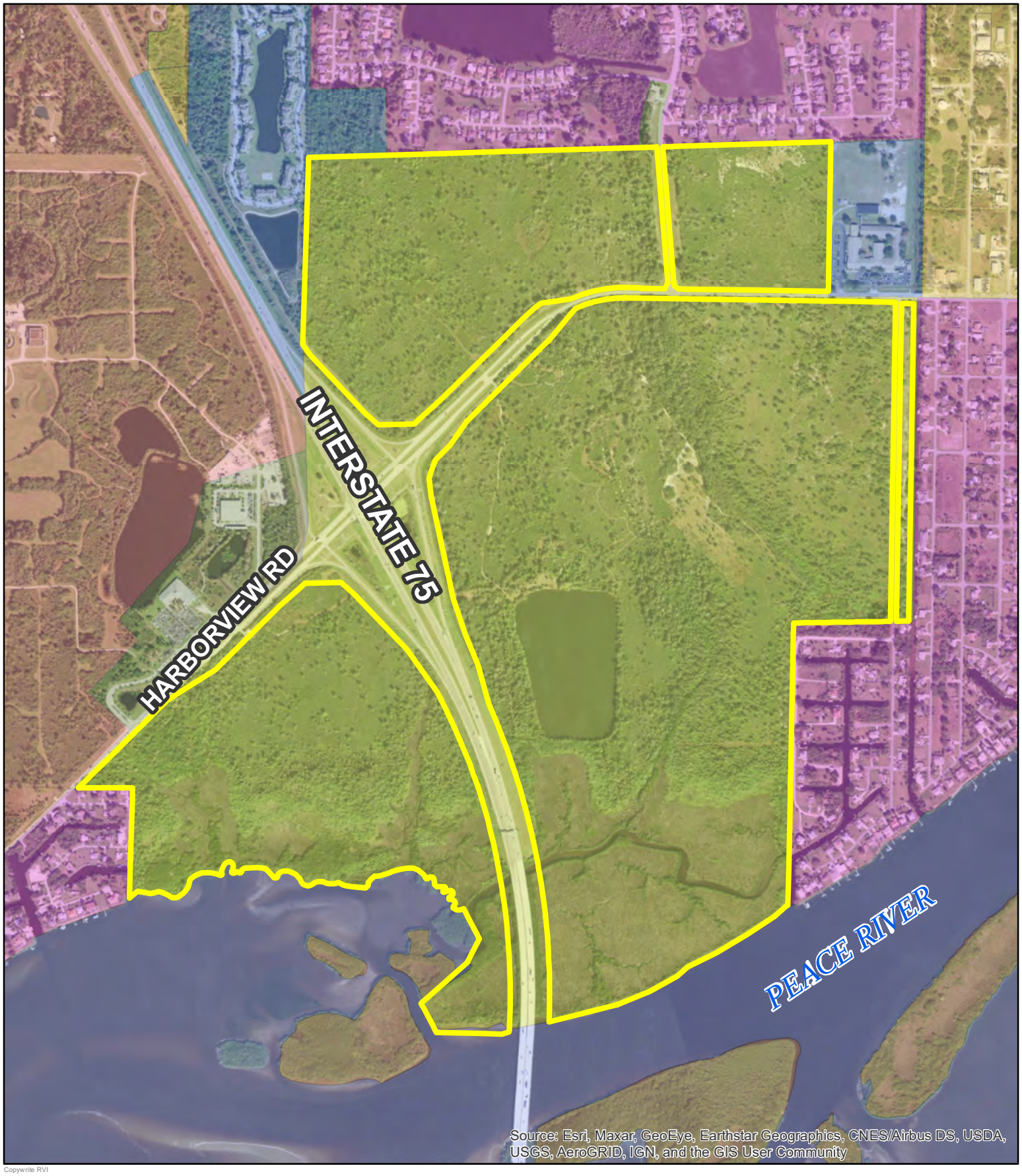
10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

- Charlotte County, FL
- Date: 5/12/2022
- # 22001360
- Benderson Group

- Subject Boundary
- Agriculture
- Commercial
- DRI Mixed Use
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Preservation
- Public Lands & Facilities
- Rural Estate Residential

0 330 660 1,320
Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



Document Path: \\flbon\FLBON Projects\Projects\1360-001 (Harborview) Planning\Drawings-Exhibits\MXDs\Harborview Zoning Map.mxd

Copywrite RVI

HARBORVIEW CPA/PD • **ZONING MAP**

- Charlotte County, FL
- Date: 5/12/2022
- # 22001360
- Benderson Group

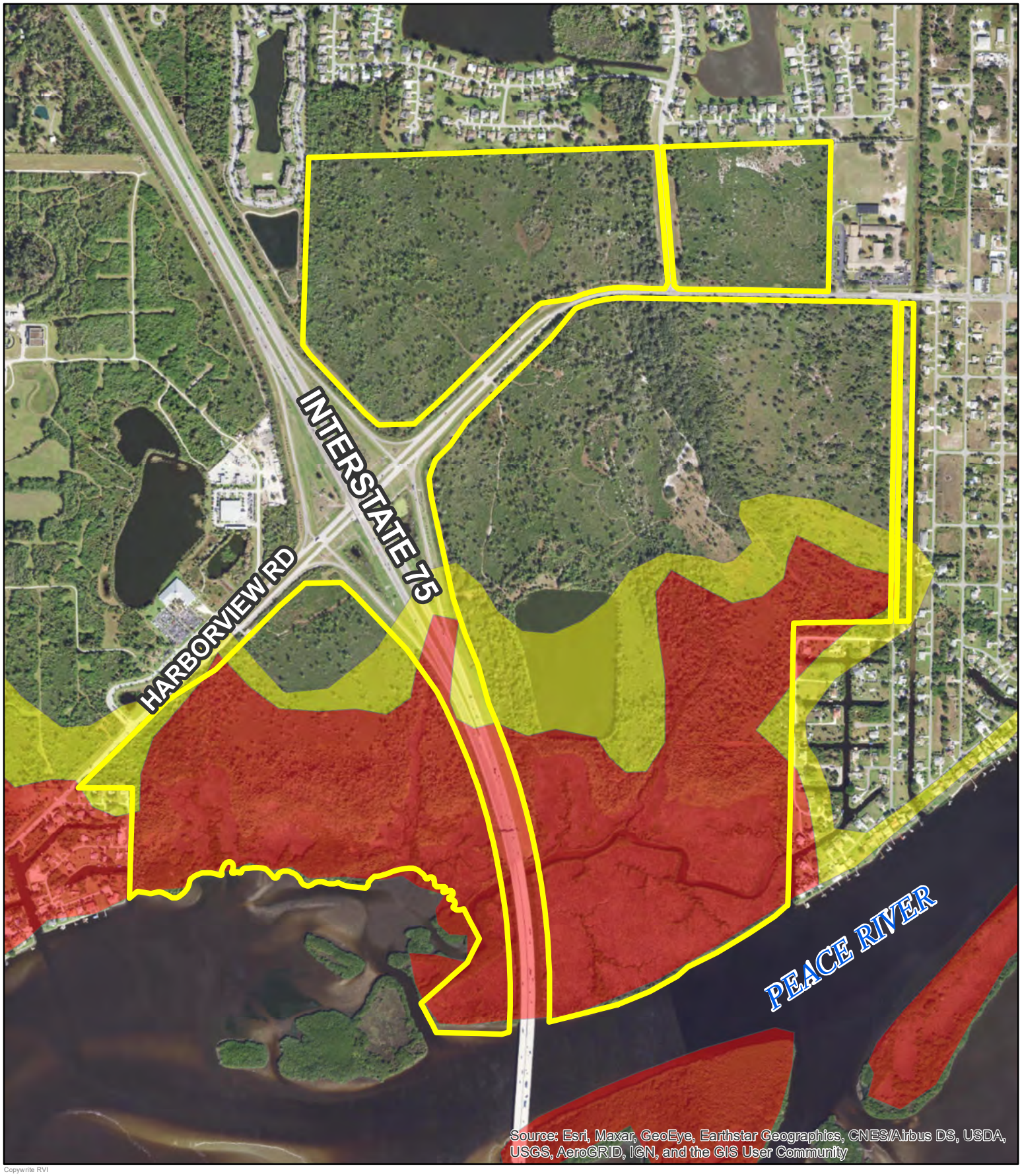
Subject Boundary	OMI	RE1
CG	PD	RMF10
ES	PKR	RSF3.5

0 330 660 1,320
Feet

10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

COASTAL HIGH HAZARD MAP



Document Path: \\flbon\FLBON Projects\Projects\1360-001 (Harborview) Planning\Drawings-Exhibits\MXDs\Harborview Coastal High Hazard Map.mxd

Copywrite RVI

HARBORVIEW CPA/PD • COASTAL HIGH HAZARD MAP

Charlotte County, FL
Date: 7/14/2022
22001360
Benderson Group

Subject Boundary
Category 1
Tropical

0 330 660 1,320
Feet

10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

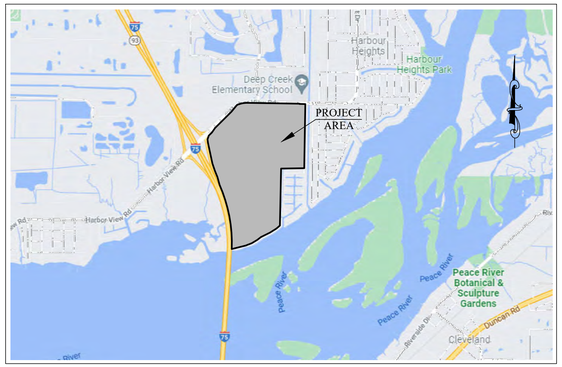
Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

SURVEYS

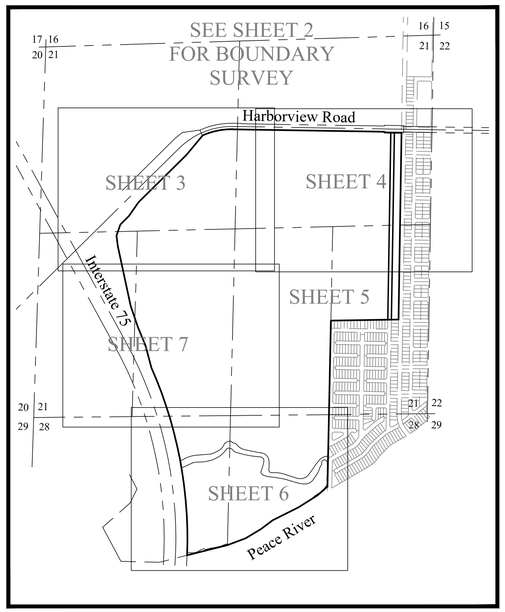
K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

ALTA/NSPS LAND TITLE SURVEY

of Lands lying in
Section 21&28, Township 41 South, Range 23 East
Charlotte County, Florida.



VICINITY MAP
(NOT TO SCALE)



DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTH HALF OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING A PORTION OF GOVERNMENT LOT 1, ALL OF GOVERNMENT LOT 2, A PORTION OF GOVERNMENT LOT 3, AND A PORTION OF GOVERNMENT LOT 4 IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND ISLAND NELL, ALL LYING EASTERLY OF INTERSTATE 75, SOUTHERLY OF HARBORVIEW ROAD AND WESTERLY OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D CHARLOTTE COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WESTERLY LINE OF DESOTO CANAL AS SHOWN ON THE PLAT OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY AND THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; SAID POINT ALSO BEING 425 FEET WEST OF THE EAST LINE OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE RUN S00°55'15"W ALONG THE WESTERLY LINE OF SAID CANAL AND A LINE 425 FEET WEST OF THE EAST LINE OF SAID SECTION FOR 2610.35 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 274 OF SAID PLAT; THENCE S89° 03'32"W ALONG THE NORTHERLY LINE OF SAID BLOCK 274 AND ITS WESTERLY PROLONGATION, ALSO BEING THE NORTHERLY LINE OF BLOCKS 277 AND 278 FOR A DISTANCE OF 945.37 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S01°09'23"W ALONG SAID EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, ALSO BEING THE WESTERLY LINE OF SAID PLAT FOR A DISTANCE OF 2320.97 FEET TO THE INTERSECTION WITH THE NORTHERLY SHORELINE OF PEACE RIVER AS DESCRIBED IN OFFICIAL RECORDS BOOK 115, AT PAGE 27; THENCE ALONG SAID SHORELINE THE FOLLOWING 6 COURSES: S49°05'15"W FOR A DISTANCE OF 186.92 FEET; THENCE S57°50'29"W FOR A DISTANCE OF 312.00 FEET; THENCE S63°22'29"W FOR A DISTANCE OF 405.00 FEET; THENCE S53°11'29"W FOR A DISTANCE OF 202.00 FEET; THENCE S59°00'59"W FOR A DISTANCE OF 253.00 FEET; THENCE S69°28'26"W FOR A DISTANCE OF 270.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 3 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE CONTINUE ALONG SAID NORTHERLY SHORELINE S 75°48'29" W FOR A DISTANCE OF 581.14 FEET TO AN NON-TANGENT INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (S.R. 93) F.D.O.T. RIGHT OF WAY MAP SECTION 01075-2403; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 11 COURSES: CONTINUE ALONG A CURVE TO THE LEFT, WHOSE RADIUS BEARS N87° 40'38"W, HAVING FOR ITS ELEMENTS A RADIUS OF 5891.58 FEET, A DELTA OF 26° 09'04", CHORD BEARING OF N10°45'10"W, CHORD LENGTH OF 2665.76 FEET, FOR A DISTANCE OF 2689.04 FEET; THENCE N15°02'20"W FOR A DISTANCE OF 325.05 FEET; THENCE N22°17'08"W FOR A DISTANCE OF 273.96 FEET; THENCE N19°00'19"W FOR A DISTANCE OF 315.82 FEET; THENCE N12°06'37"W FOR A DISTANCE OF 855.19 FEET; THENCE N07°32'11"W FOR A DISTANCE OF 145.49 FEET; THENCE N18°55'19"E FOR A DISTANCE OF 164.85 FEET; THENCE N45°22'49"E FOR A DISTANCE OF 170.00 FEET; THENCE N34°53'10"E FOR A DISTANCE OF 236.09 FEET; THENCE N45°22'48"E FOR A DISTANCE OF 939.07 FEET; THENCE N39°38'27"E FOR A DISTANCE OF 351.10 FEET TO A NON-TANGENT INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 4 COURSES: CONTINUE ALONG A CURVE TO THE RIGHT, WHOSE RADIUS BEARS S24°12'35"E, HAVING FOR ITS ELEMENTS A RADIUS OF 1001.74 FEET, A DELTA OF 25°07'54", CHORD BEARING OF N78°21'21"E, CHORD LENGTH OF 435.88 FEET, FOR A DISTANCE OF 439.39 FEET; THENCE S89°04'42"E FOR A DISTANCE OF 2114.53 FEET; THENCE S00°55'18"W FOR A DISTANCE OF 10.00 FEET; THENCE S89°05'07"E FOR A DISTANCE OF 240.43 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT HARBOUR HEIGHTS SECTION NINE, PART 2, AS RECORDED IN PLAT BOOK 6, PAGE 47, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT SIGNATURE AND RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.29) AND BASED ON CHARLOTTE COUNTY BENCHMARK (EPC006).
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 120061
   PANEL NUMBER: 120156 C 0232
   SUFFIX: F
   EFFECTIVE DATE: 05/05/2003
   FIRM ZONE: AE AND VE
   BASE FLOOD ELEVATION: 9' (N.G.V.D.29)
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
7. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 21, BEING S 00°55'29" W.
8. DATE OF LAST FIELD WORK : JANUARY 5TH, 2022.
9. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
10. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
11. COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).
12. NO CEMETERIES, NO MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT: (OF A SURVEY NATURE)
FIRST AMERICAN TITLE INSURANCE COMPANY
COMMITMENT NUMBER: NCS-1095904-CAST
COMMITMENT DATE: OCTOBER 27, 2021 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

1. NOT A SURVEY MATTER.
2. NOT A SURVEY MATTER.
3. AS SHOWN ON SURVEY.
4. NOT A SURVEY MATTER.
5. AS SHOWN ON SURVEY.
6. NOT A SURVEY MATTER.
7. NOT A SURVEY MATTER.
8. NOT A SURVEY MATTER.
9. NOT A SURVEY MATTER.
10. NOT A SURVEY MATTER.
11. O.R. 485, PG. 97 REFERS TO LANDS LYING WITHIN 162' OF THE CENTERLINE OF STATE ROAD 93, SECTION 01075. SURVEYED PARCEL ENDS 162' EAST OF SAID LINE.
12. NOT A SURVEY MATTER.
13. NOT A SURVEY MATTER. HOWEVER OUR PARCEL IS SHOWN AS A PORTION OF THE DEVELOPMENT.
14. NOT A SURVEY MATTER.
15. DOES NOT AFFECT PARCEL SURVEYED.
16. NOT A SURVEY MATTER. HOWEVER THE LAND USE DOES DESCRIBE A PORTION OF PARCEL SURVEYED.
17. NOT A SURVEY MATTER. HOWEVER SURVEYED PARCEL IS SHOWN.
18. AS SHOWN ON SURVEY.
19. AS SHOWN ON SURVEY.
20. AS SHOWN ON SURVEY.
21. O.R. 3520, PG. 90 FALLS NORTH OF THE PARCEL SURVEYED.
22. O.R. 3520, PG. 98 FALLS NORTH OF THE PARCEL SURVEYED.
23. NOT A SURVEY MATTER.
24. NOT A SURVEY MATTER.
25. O.R. 3191, PG. 399 FALLS IN SECTION 7 (SEVERAL MILES AWAY).
26. O.R. 3155, PG. 1633 FALLS IN SECTION 7 (SEVERAL MILES AWAY).
27. NOT A SURVEY MATTER.
28. NOT A SURVEY MATTER.
29. NOT A SURVEY MATTER.

CERTIFICATIONS:

TO:

Taylor Morrison of Florida, Inc.
First American Title Insurance Company
GrayRobinson, P.A.
WILL RIDGE ASSOCIATES, LLC, a New York limited liability company,
PEACE RIVER EAST, LLC, a Florida limited liability company,
PEACE RIVER EAST II, LLC, a Florida limited liability company
POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company
Benderson Development Company, LLC

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-5, 7, 8, 9, 11, 13, 14 and 20 of Table A thereof. The fieldwork was completed on January 20th, 2022.

Date of Plat or Map: January 20th, 2022

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

© COPYRIGHT 2019 ARDURRA GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
COPYRIGHT IS WAIVED UPON PUBLICATION TO GOVERNMENTAL AGENCIES, STRICTLY LIMITED TO USE IN CONFORMING WITH F.S. CHAPTER 119

0 300 600

NO.	DATE	REVISION	BY

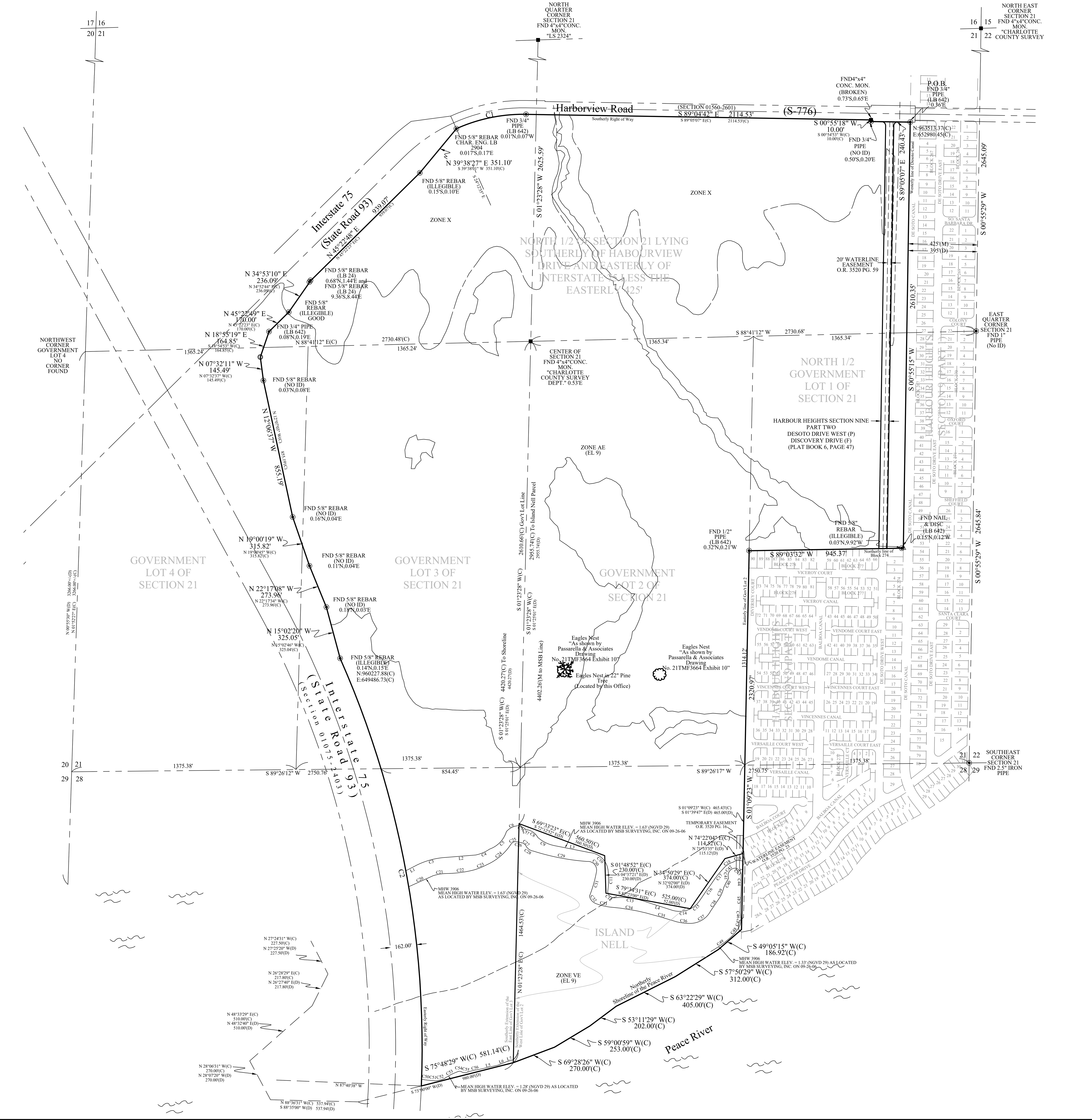
Boundary and Topographic Survey
26799 & 25699 *Harborview Drive*
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

SECTION 21,TOWNSHIP 40S, RANGE 23E | Prepared for: Taylor Morrison of Florida, Inc.

JOB NO:	21-7413
FIELD BOOK:	MULTIPLE
DATE:	1/22/20222
SCALE:	AS SHOWN

1 of 7

DRAWN BY
MW



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1001.74'	439.39'	435.88'	N 78°21'21" E	25°07'54"
C2	5891.58'	2689.04'	2665.76'	N 10°45'10" W	26°09'04"
C3	466.73'	189.80'	188.49'	S 74°47'21" W	23°17'57"
C4	236.35'	92.62'	92.03'	S 66°47'00" W	22°27'12"
C5	166.38'	153.56'	148.17'	S 43°51'59" W	52°52'55"
C6	104.66'	90.23'	87.46'	S 65°25'17" W	49°23'43"
C7	125.80'	44.24'	44.01'	S 60°05'50" E	20°08'53"
C8	92.43'	88.89'	85.50'	N 56°16'09" W	55°05'55"
C9	215.79'	113.95'	112.63'	N 63°30'34" W	30°15'19"
C10	121.97'	166.19'	153.63'	N 47°59'01" W	78°04'07"
C11	492.09'	134.54'	134.12'	S 00°31'04" W	15°39'53"
C12	40.59'	72.21'	63.06'	N 51°00'05" W	101°56'08"
C13	470.80'	190.49'	189.19'	N 81°56'50" W	23°10'55"
C14	148.19'	104.86'	102.69'	S 85°41'48" W	40°32'40"
C15	148.19'	90.84'	89.42'	S 47°51'54" W	35°07'13"
C16	2496.49'	129.76'	129.75'	S 35°04'39" W	2°58'41"
C17	655.99'	111.39'	111.26'	S 38°51'59" W	9°43'46"
C18	130.03'	65.97'	65.26'	S 57°50'08" W	29°04'00"
C19	58.77'	63.62'	60.56'	S 84°39'43" W	62°01'22"
C20	7950.25'	160.70'	160.70'	S 65°40'17" W	1°09'29"
C21	288.30'	92.30'	91.91'	N 80°46'32" E	18°20'39"
C22	695.91'	164.69'	164.31'	S 82°22'55" W	13°33'35"
C23	439.95'	89.37'	89.22'	S 67°48'31" W	11°38'22"
C24	342.21'	192.35'	189.83'	S 49°17'44" W	32°12'19"
C25	34.94'	41.41'	39.03'	S 66°14'44" W	67°54'30"
C26	2253.21'	31.02'	31.02'	N 79°23'49" W	0°47'20"
C27	49.37'	43.54'	42.14'	S 47°18'51" E	50°31'35"
C28	63.98'	47.86'	46.75'	N 59°32'20" W	42°51'29"
C29	1428.88'	336.34'	335.56'	N 79°04'41" W	13°29'11"
C30	52.58'	95.33'	82.80'	N 44°19'32" W	103°52'52"
C31	805.57'	159.10'	158.84'	N 15°53'08" E	11°18'57"
C32	62.67'	59.15'	56.98'	S 39°18'49" E	54°04'44"
C33	370.52'	101.47'	101.15'	N 76°28'38" W	15°41'26"
C34	1384.35'	214.55'	214.34'	S 80°37'26" E	8°52'48"
C35	3478.51'	191.47'	191.45'	N 73°51'22" W	3°09'14"
C36	320.72'	92.32'	92.00'	N 83°16'19" W	16°29'33"
C37	140.65'	151.60'	144.37'	S 57°39'41" W	61°45'28"
C38	12079.20'	90.82'	90.82'	S 34°20'19" W	0°25'51"
C39	190.42'	72.43'	71.99'	S 23°06'34" W	21°47'32"
C40	366.95'	65.80'	65.71'	N 27°47'15" E	10°16'26"
C41	44.64'	24.97'	24.65'	S 05°59'05" E	32°03'18"
C42	44.64'	58.94'	54.75'	S 47°51'54" W	75°38'53"
C43	39.97'	55.54'	51.18'	N 48°23'32" W	79°37'05"
C44	1845.20'	98.98'	98.97'	S 00°07'46" E	3°04'25"
C45	7671.98'	125.17'	125.17'	N 02°41'55" E	0°56'05"
C46	479.53'	56.27'	56.24'	S 05°35'21" E	6°43'25"
C47	105.57'	52.10'	51.57'	S 16°06'10" W	28°16'28"
C48	259.08'	71.97'	71.74'	S 38°56'22" W	15°54'59"
C49	697.03'	156.09'	155.76'	S 54°24'59" W	12°49'49"
C50	342.37'	39.45'	39.43'	N 81°40'22" W	6°36'07"
C51	1507.79'	40.26'	40.26'	N 85°04'58" W	1°31'48"
C52	173.22'	61.32'	61.00'	S 77°45'50" W	20°16'58"
C53	352.70'	96.64'	96.34'	S 62°53'26" W	15°41'58"
C54	24.88'	20.24'	19.69'	N 86°28'03" W	46°37'09"
C55	46.01'	29.33'	28.84'	N 78°28'38" W	36°31'47"
C56	397.08'	84.05'	83.89'	S 76°12'03" W	12°07'38"
C57	5.31'	3.98'	3.89'	S 59°38'11" E	42°58'26"

LINE	BEARING	DISTANCE
L1	S 62°58'40" W	70.27'
L2	S 85°22'50" W	185.45'
L3	N 78°46'26" W	219.44'
L4	S 72°21'21" E	171.02'
L5	S 77°09'26" W	116.01'
L6	S 68°38'25" W	58.08'
L7	N 73°19'53" E	42.74'

SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- FIRE VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- WATER MANHOLE
- UTILITY RISER
- WETLAND FLAG
- AIR RELEASE VALVE

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

Boundary and Topographic Survey
26799 & 25699 Harborview Drive
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21,TOWNSHIP 40S, RANGE 23E

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

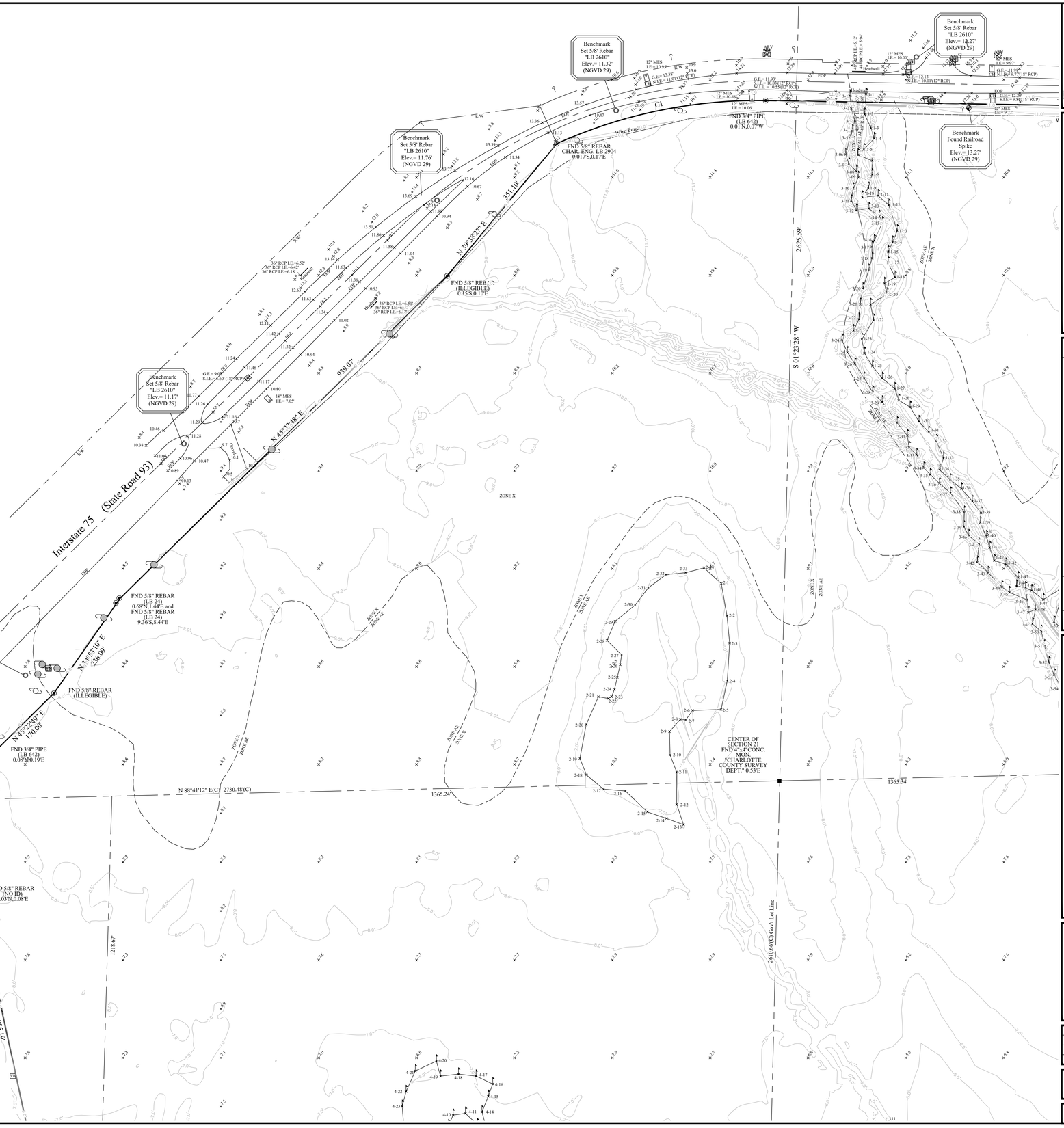
DRAWN BY MW

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo(SHT 2)

©COPYRIGHT 2019 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

SURVEY LEGEND	SURVEY ABBREVIATIONS	
FOUND NAIL & DISK	P.O.C.	POINT OF COMMENCEMENT
FOUND IRON ROD & CAP	P.O.B.	POINT OF BEGINNING
SET 5/8" IRON ROD & CAP (LB 2610)	INSTR.#	INSTRUMENT NUMBER
SET NAIL & DISK (LB 2610)	P.B.	PLAT BOOK
FIRE HYDRANT	O.R.	OFFICIAL RECORDS BOOK
WATER VALVE	PG.	PAGE
FIRE VALVE	(P)	DENOTES PLAT
ELECTRIC BOX	(M)	DENOTES MEASURED
LIGHT POLE	(D)	DENOTES DEED
CENTERLINE	D.E.	DRAINAGE EASEMENT
CATCH BASIN	P.U.E.	PUBLIC UTILITY EASEMENT
STORM MANHOLE	EOP	EDGE OF PAVEMENT
SANITARY MANHOLE	R/W	RIGHT OF WAY
WOOD POWER POLE	EL.	ELEVATION
GUY ANCHOR	TOB	TOP OF BANK
WATER METER	TOE	TOE OF SLOPE
VAULT BOX	EOW	EDGE OF WATER
WATER MANHOLE	MES	MITERED END SECTION
UTILITY RISER	CMP	CORRUGATED METAL PIPE
WETLAND FLAG	RCP	REINFORCED CONCRETE PIPE
AIR RELEASE VALVE	PVC	POLYVINYL CHLORIDE PIPE
CONC. OR METAL POWER POLE	INV	INVERT
MITERED END SECTION	I.E.	INVERT ELEVATION
	G.E.	GRATE ELEVATION



©COPYRIGHT 2019 ARCURA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT INFRINGEMENT SUBJECT TO LEGAL ACTION. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, PUBLISHED, OR USED IN PART OR IN WHOLE WITHOUT THE EXPRESS WRITTEN CONSENT OF ARCURA GROUP, INC. UNAUTHORIZED USE OF THIS DRAWING WILL SUBJECT YOU TO LEGAL ACTION UNDER FEDERAL AND STATE LAW, CHAPTER 119.

0 100 200

NO.	DATE	REVISION	BY

Boundary and Topographic Survey
26799 & 25699 Harborview Drive
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

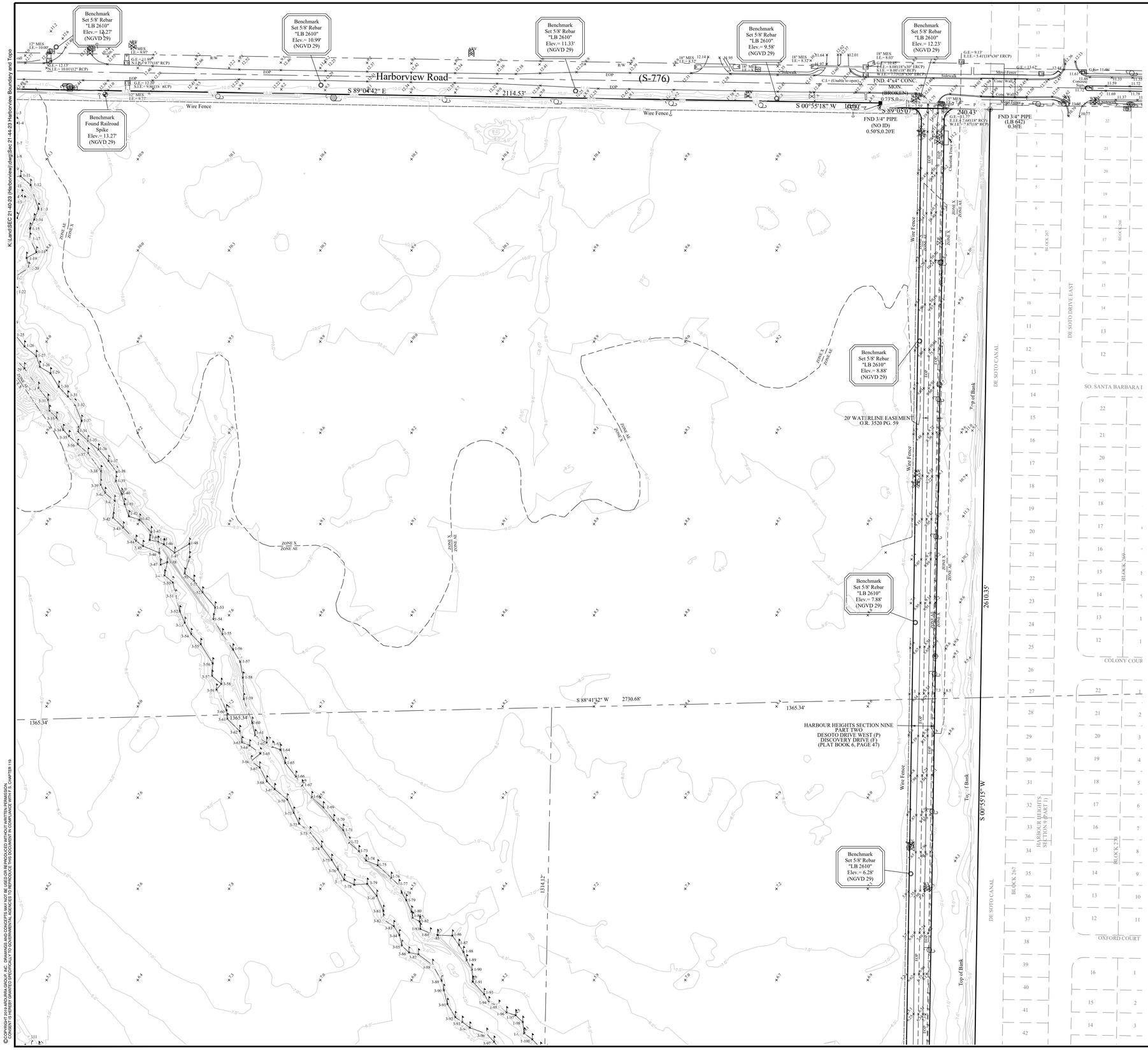
Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21; TOWNSHIP 40S, RANGE 23E

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

3 of 7

DRAWN BY
MW



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- FIRE VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- VAULT BOX
- WATER MANHOLE
- UTILITY RISER
- WETLAND FLAG
- AIR RELEASE VALVE
- CONC. OR METAL POWER POLE
- MITERED END SECTION

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

Boundary and Topographic Survey
26799 & 25699 *Harborview Drive*
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

SECTION 21, TOWNSHIP 40S, RANGE 23E

Prepared for: Taylor Morrison of Florida, Inc.

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

4 of 7

DRAWN BY MW

©COPYRIGHT 2019 ARCURA GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONFLICT WITH ANY EXISTING UTILITY SHALL BE COORDINATED AND RESOLVED BY THE CONTRACTOR PRIOR TO CONSTRUCTION COMMENCING WITH ALL CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

© COPYRIGHT 1919 ARCURIS GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT INFRINGEMENT SUBJECTS YOU TO CORPORATE AND PERSONAL LIABILITY AND LEGAL ACTION UNDER CHAPTER 119.

0 100 200

BY
REVISION
DATE
NO.

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 4.78'
(NGVD 29)

HARBOUR HEIGHTS SECTION NINE
PART TWO
DESOTO DRIVE WEST (P)
DISCOVERY DRIVE (P)
(PLAT BOOK 6, PAGE 47)

20' WATERLINE EASEMENT
O.R. 3520 PG. 59

Top of Bank

Top of Bank

Wire Fence

2610.35'

S 00°55'15" W

FND 5/8" REBAR
(ILLEGIBLE)
0.03'N,9.92'W

FND NAIL & DISC
(LB 642)
0.15'N,0.12'W

Seawall Cap
Elev. 5.7'+/-

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 5.78'
(NGVD 29)

FND 1/2" PIPE
(LB 642)
0.32'N,0.21'W

S 89°03'32" W 945.37'

Benchmark
Set 5/8' Rebar
"LB 2610"
Elev.= 5.79'
(NGVD 29)

1344.12'

Gravel Road

VICEROY COURT

BLOCK 278

BLOCK 277

BLOCK 274

VICEROY CANAL

DE SOTO CANAL

DE SOTO DRIVE EAST

BLOCK 271

SHEFFIELD COURT

SANTA CLARA COURT

DE SOTO DRIVE WEST

VENDOME COURT WEST

VENDOME COURT EAST

VENDOME CANAL

BALBOA CANAL

HARBOUR HEIGHTS SECTION 4 (PART I)

VINCENNES COURT WEST

VINCENNES COURT EAST

VINCENNES CANAL

VERSAILLE COURT WEST

VERSAILLE COURT EAST

VERSAILLE CANAL

BLOCK 277

VERSAILLE CT

Wire Fence

Eagles Nest
"As shown by
Passarella & Associates
Drawing
No. 21TMF3664 Exhibit 10"

2320.97'

1375.38'

S 89°26'17" W 2750.75'

1375.38'

15" MP
I.E.= 3.3'+/-

15" CMP
I.E.= 3.0'+/-

12" CPP
I.E.= 3.0'+/-

SURVEY LEGEND

	FOUND NAIL & DISK
	FOUND IRON ROD & CAP
	SET 5/8" IRON ROD & CAP (LB 2610)
	SET NAIL & DISK (LB 2610)
FH	FIRE HYDRANT
WV	WATER VALVE
FV	FIRE VALVE
EB	ELECTRIC BOX
	LIGHT POLE
	CENTERLINE
CB	CATCH BASIN
SM	STORM MANHOLE
SS	SANITARY MANHOLE
	WOOD POWER POLE
	GUY ANCHOR
WM	WATER METER
VB	VAULT BOX
W	WATER MANHOLE
U	UTILITY RISER
	WETLAND FLAG
ARV	AIR RELEASE VALVE
	CONC. OR METAL POWER POLE
	MITERED END SECTION

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

Boundary and Topographic Survey
26799 & 25699 *Harborview Drive*
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

Prepared for: Taylor Morrison of Florida, Inc.

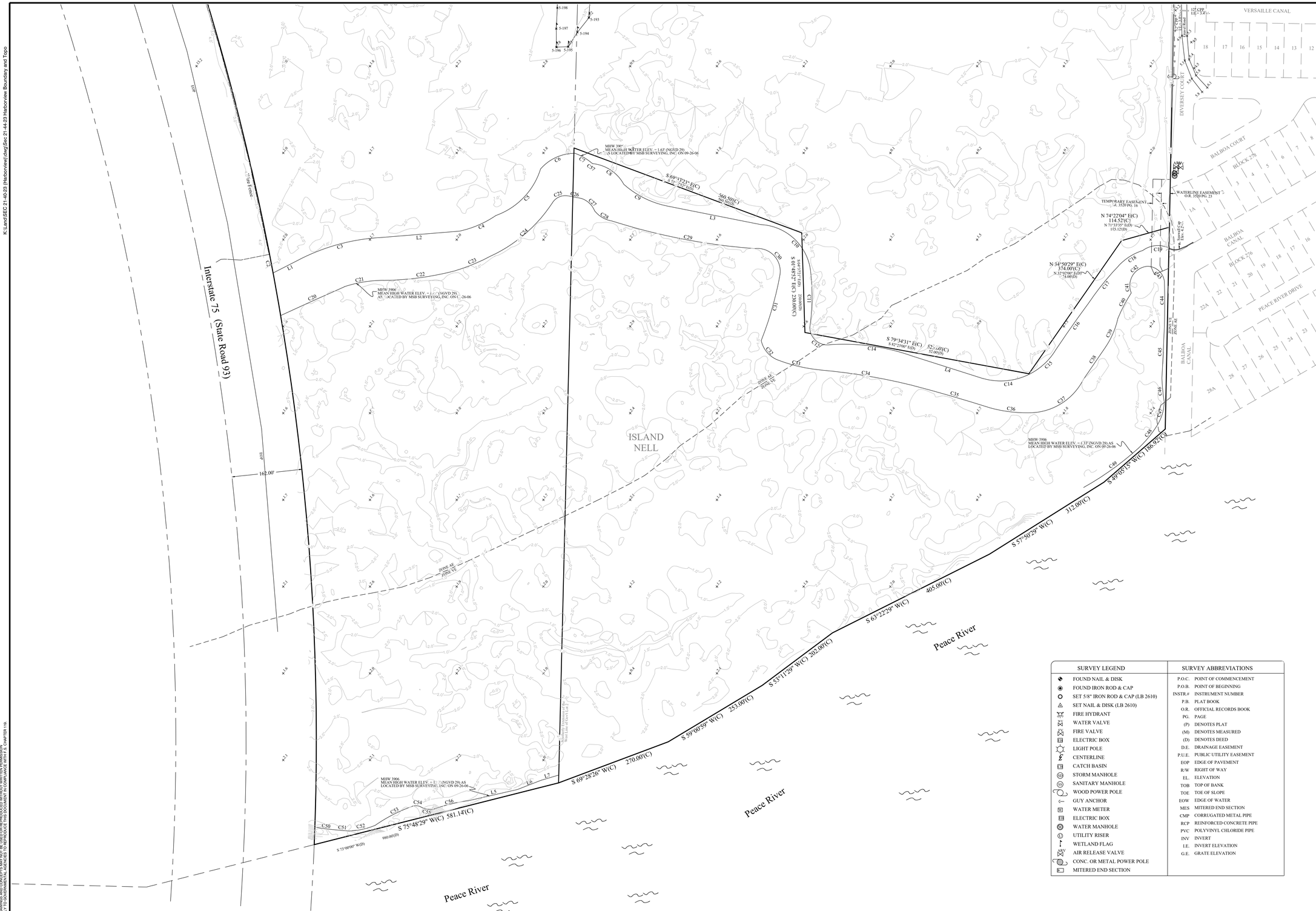
SECTION 21, TOWNSHIP 40S, RANGE 23E

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

DRAWN BY
MW

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

©COPYRIGHT 2019 ARCURIS GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
CONTRACT, WARRANTY, OR OTHER CAUSE OF ACTION ARISING FROM THE USE OF THESE DRAWINGS SHALL BE GOVERNED BY FLORIDA LAW AND VENUE SHALL BE IN COURTS LOCATED IN LEE COUNTY, FLORIDA.



SURVEY LEGEND	SURVEY ABBREVIATIONS	
FOUND NAIL & DISK	P.O.C.	POINT OF COMMENCEMENT
FOUND IRON ROD & CAP	P.O.B.	POINT OF BEGINNING
SET 5/8" IRON ROD & CAP (LB 2610)	INSTR.#	INSTRUMENT NUMBER
SET NAIL & DISK (LB 2610)	P.B.	PLAT BOOK
FIRE HYDRANT	O.R.	OFFICIAL RECORDS BOOK
WATER VALVE	PG.	PAGE
FIRE VALVE	(P)	DENOTES PLAT
ELECTRIC BOX	(M)	DENOTES MEASURED
LIGHT POLE	(D)	DENOTES DEED
CENTERLINE	D.E.	DRAINAGE EASEMENT
CATCH BASIN	P.U.E.	PUBLIC UTILITY EASEMENT
STORM MANHOLE	EOP	EDGE OF PAVEMENT
SANITARY MANHOLE	R/W	RIGHT OF WAY
WOOD POWER POLE	EL.	ELEVATION
GUY ANCHOR	TOB	TOP OF BANK
WATER METER	TOE	TOE OF SLOPE
ELECTRIC BOX	EOW	EDGE OF WATER
WATER MANHOLE	MES	MITERED END SECTION
UTILITY RISER	CMP	CORRUGATED METAL PIPE
WETLAND FLAG	RCP	REINFORCED CONCRETE PIPE
AIR RELEASE VALVE	PVC	POLYVINYL CHLORIDE PIPE
CONC. OR METAL POWER POLE	INV	INVERT
MITERED END SECTION	I.E.	INVERT ELEVATION
	G.E.	GRATE ELEVATION

0 300 600

NO.	DATE	REVISION
		BY

Boundary and Topographic Survey
26799 & 25699 *Harborview Drive*
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

Prepared for: Taylor Morrison of Florida, Inc.

SECTION 21, TOWNSHIP 40S, RANGE 23E

JOB NO:	XXXX-XXX-XXX
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

DRAWN BY
MW

K:\Land\SEC 21-40-23 (Harborview)\dwg\Sec 21-44-23 Harborview Boundary and Topo

©COPYRIGHT 2019 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONSULTANT'S SEAL APPEARS ELECTRONICALLY ON CONTRACTING AGENCY'S WEBPAGE. THIS DOCUMENT IS FOR CONFORMING WITH 61G17-6 CHAPTER 119.

Interstate 75 (State Road 93)

EOR

N 12°06'56" W 855.19'

N 19°00'19" W 311.02'

N 22°11'08" W 273.06'

N 15°02'20" W 325.05'

1218.67'

FND 5/8" REBAR (NO ID) 0.16'N,0.04'E

FND 5/8" REBAR (NO ID) 0.11'N,0.04'E

FND 5/8" REBAR (NO ID) 0.18'N,0.03'E

FND 5/8" REBAR (ILLEGIBLE) 0.14'N,0.15'E

Wire Fence

EOP

EOB

APPROXIMATE LAKE

2610.66'(C) Gov't Lot Line

2955.74'(C) To Inlaid Nell Parcel

2955.74'(D)

S 01°23'58" W(C)

S 01°25'01" E(D)

4420.27'(C) To Shoreline

4420.27'(D)

4402.26'(M to MSB Line)

Eagles Nest in 22" Pine Tree (Located by this Office)

Eagles Nest "As shown by Passarella & Associates Drawing No. 21TMF3664 Exhibit 10"

1375.38'

854.45'

1375.38'

0 100 200

SURVEY LEGEND	
	FOUND NAIL & DISK
	FOUND IRON ROD & CAP
	SET 5/8" IRON ROD & CAP (LB 2610)
	SET NAIL & DISK (LB 2610)
FH	FIRE HYDRANT
WV	WATER VALVE
FV	FIRE VALVE
EB	ELECTRIC BOX
	LIGHT POLE
	CENTERLINE
CB	CATCH BASIN
SD	STORM MANHOLE
SS	SANITARY MANHOLE
	WOOD POWER POLE
	GUY ANCHOR
WM	WATER METER
EB	ELECTRIC BOX
W	WATER MANHOLE
U	UTILITY RISER
	WETLAND FLAG
ARV	AIR RELEASE VALVE
	CONC. OR METAL POWER POLE
	MITERED END SECTION

SURVEY ABBREVIATIONS	
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
EOP	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
MES	MITERED END SECTION
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT
I.E.	INVERT ELEVATION
G.E.	GRATE ELEVATION

NO.	DATE	REVISION	BY

Boundary and Topographic Survey
26799 & 25699 *Harborview Drive*
lying in Section 21&28, Township 41 South, Range 23 East, Charlotte County, Florida.

SECTION 21,TOWNSHIP 40S, RANGE 23E | Prepared for: Taylor Morrison of Florida, Inc.

JOB NO:	21-7413
FIELD BOOK:	???
DATE:	MM/DD/YYYY
SCALE:	AS SHOWN

7 of 7

DRAWN BY
MW

BOUNDARY SURVEY

LEGAL DESCRIPTION: (AS PREPARED BY W.R.A. ENGINEERING)

PARCEL A

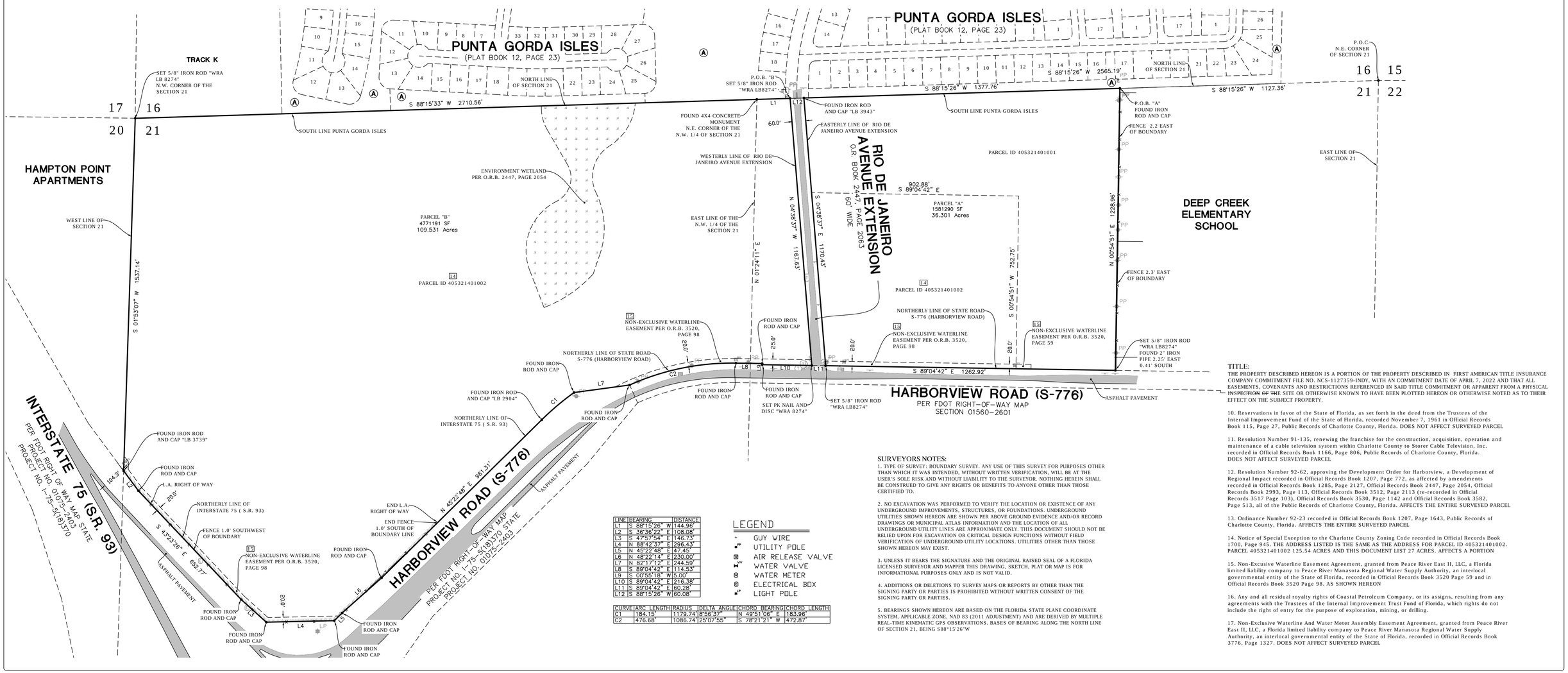
A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 1127.36' TO THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W, ALONG SAID NORTH LINE, A DISTANCE OF 1377.76' TO THE EASTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S 04°38'37" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1170.43' TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601,; THENCE S 89°04'42" E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1262.92'; THENCE N 00°54'51" E A DISTANCE OF 1228.96'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 1581290 SQUARE FEET, 36.301 ACRES

TOGETHER WITH
PARCEL B

A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 2565.19', TO THE WESTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W A DISTANCE OF 144.96' TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S 88°15'33" W, ALONG THE SAID NORTH LINE OF SAID SECTION 21, ALSO BEING THE SOUTH LINE OF SAID PUNTA GORDA ISLES, A DISTANCE OF 2710.56' TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S 01°53'07" W, ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1537.14' TO THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 75, (STATE ROAD NO. 93) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 01075-2403; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES; (1) THENCE S 36°36'22" E A DISTANCE OF 108.08'; (2) THENCE S 43°23'26" E A DISTANCE OF 652.77'; (3) THENCE S 47°57'54" E A DISTANCE OF 146.73'; (4) THENCE N 88°42'37" E A DISTANCE OF 296.43'; (5) THENCE N 45°22'48" E A DISTANCE OF 47.45'; (6) THENCE N 48°22'14" E A DISTANCE OF 230.00'; (7) THENCE N 45°22'48" E A DISTANCE OF 981.31'; (8) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 184.15', WITH A RADIUS OF 1179.74', WITH A CHORD BEARING OF N 49°51'06" E, WITH A CHORD LENGTH OF 183.96', WITH A DELTA ANGLE OF 08°56'37"; ; (9) THENCE N 82°17'12" E A DISTANCE OF 244.59' TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601,; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES; (1) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 476.68', WITH A RADIUS OF 1086.74', WITH A CHORD BEARING OF N 78°21'21" E, WITH A CHORD LENGTH OF 472.87', WITH A DELTA ANGLE OF 25°07'55"; (2) THENCE S 89°04'42" E A DISTANCE OF 114.53'; (3) THENCE S 00°55'18" W A DISTANCE OF 5.00'; (4) THENCE S 89°04'42" E A DISTANCE OF 216.38' TO THE WESTERLY RIGHT OF WAY LINE OF SAID RIO DE JANEIRO AVENUE EXTENSION; THENCE N 04°38'37" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1167.63'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 4771191 SQUARE FEET, 109.531 ACRES



LINE	BEARING	DISTANCE
L1	S 88°15'26" W	144.96'
L2	S 36°36'22" E	108.08'
L3	S 47°57'54" E	146.73'
L4	N 88°42'37" E	296.43'
L5	N 45°22'48" E	47.45'
L6	N 48°22'14" E	230.00'
L7	N 82°17'12" E	244.59'
L8	S 89°04'42" E	114.53'
L9	S 00°55'18" W	5.00'
L10	S 89°04'42" E	216.38'
L11	S 89°04'42" E	60.28'
L12	S 88°15'26" W	60.08'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	184.15'	1179.74'	8°56'37"	N 49°51'06" E	183.96'
C2	476.68'	1086.74'	25°07'55"	S 78°21'21" W	472.87'

LEGEND

- GUY WIRE
- UTILITY POLE
- AIR RELEASE VALVE
- WATER VALVE
- WATER METER
- ELECTRICAL BOX
- LIGHT POLE

SURVEYORS NOTES:

1. TYPE OF SURVEY: BOUNDARY SURVEY. ANY USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.

2. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE-GROUND EVIDENCE AND/OR RECORD DRAWINGS OR MUNICIPAL ATLAS INFORMATION AND THE LOCATION OF ALL UNDERGROUND UTILITY LINES ARE APPROXIMATE ONLY. THIS DOCUMENT SHOULD NOT BE RELIED UPON FOR EXCAVATION OR CRITICAL DESIGN FUNCTIONS WITHOUT FIELD VERIFICATION OF UNDERGROUND UTILITY LOCATIONS. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST.

3. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

5. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, APPLICABLE ZONE, NAD 83 (2011 ADJUSTMENT) AND ARE DERIVED BY MULTIPLE REAL-TIME KINEMATIC GPS OBSERVATIONS. BASES OF BEARING ALONG THE NORTH LINE OF SECTION 21, BEING S88°15'26"W

TITLE:
THE PROPERTY DESCRIBED HEREON IS A PORTION OF THE PROPERTY DESCRIBED IN FIRST-AMERICAN TITLE INSURANCE COMPANY COMMITMENT FILE NO. NCS-1127359-INDY, WITH AN COMMITMENT DATE OF APRIL 7, 2022 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL ~~INSPECTION OF THE~~ SITE OR OTHERWISE KNOWN TO HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.

10. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded November 7, 1961 in Official Records Book 115, Page 27, Public Records of Charlotte County, Florida. DOES NOT AFFECT SURVEYED PARCEL

11. Resolution Number 91-135, renewing the franchise for the construction, acquisition, operation and maintenance of a cable television system within Charlotte County to Storer Cable Television, Inc. recorded in Official Records Book 1166, Page 806, Public Records of Charlotte County, Florida. DOES NOT AFFECT SURVEYED PARCEL

12. Resolution Number 92-62, approving the Development Order for Harborview, a Development of Regional Impact recorded in Official Records Book 1207, Page 772, as affected by amendments recorded in Official Records Book 1285, Page 2127, Official Records Book 2447, Page 2054, Official Records Book 2993, Page 113, Official Records Book 3512, Page 2113 (re-recorded in Official Records 3517 Page 103), Official Records Book 3530, Page 1142 and Official Records Book 3582, Page 513, all of the Public Records of Charlotte County, Florida. AFFECTS THE ENTIRE SURVEYED PARCEL

13. Ordinance Number 92-23 recorded in Official Records Book 1207, Page 1643, Public Records of Charlotte County, Florida. AFFECTS THE ENTIRE SURVEYED PARCEL

14. Notice of Special Exception to the Charlotte County Zoning Code recorded in Official Records Book 1700, Page 945. THE ADDRESS LISTED IS THE SAME AS THE ADDRESS FOR PARCEL ID 405321401002. PARCEL 405321401002 125.54 ACRES AND THIS DOCUMENT LIST 27 ACRES. AFFECTS A PORTION

15. Non-Excusive Waterline Easement Agreement, granted from Peace River East II, LLC, a Florida limited liability company to Peace River Manasota Regional Water Supply Authority, an interlocal governmental entity of the State of Florida, recorded in Official Records Book 3520 Page 59 and in Official Records Book 3520 Page 98. AS SHOWN HEREON

16. Any and all residual royalty rights of Coastal Petroleum Company, or its assigns, resulting from any agreements with the Trustees of the Internal Improvement Trust Fund of Florida, which rights do not include the right of entry for the purpose of exploration, mining, or drilling.

17. Non-Exclusive Waterline And Water Meter Assembly Easement Agreement, granted from Peace River East II, LLC, a Florida limited liability company to Peace River Manasota Regional Water Supply Authority, an interlocal governmental entity of the State of Florida, recorded in Official Records Book 3776, Page 1327. DOES NOT AFFECT SURVEYED PARCEL

TITLE: BOUNDARY SURVEY
CLIENT: BENDERSON DEVELOPMENT

SECTION 21 TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA

CERTIFY TO: (FOR THE EXCLUSIVE USE OF)

SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.

ROBERT S. FLANARY, P.S.M.
FLORIDA SURVEYORS REGISTRATION NO. 5677

NO.	REVISION	DATE	BY

WATER RESOURCE ASSOCIATES, LLC
7978 Cooper Creek Blvd.
University Park, Florida 34201
Phone: 941.275.9721
www.wraengineering.com LB 8274

CADD File: HARBORVIEW BOUNDARY NE.DWG | DRAWN BY: RSF | CHECKED BY: RSF
PROJ. NO.: S8041 | Field Book: 65 | FIELD DATE:7-25-22 | SCALE: 1"=200'

SHEET 1 OF 1

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing

Curve Table

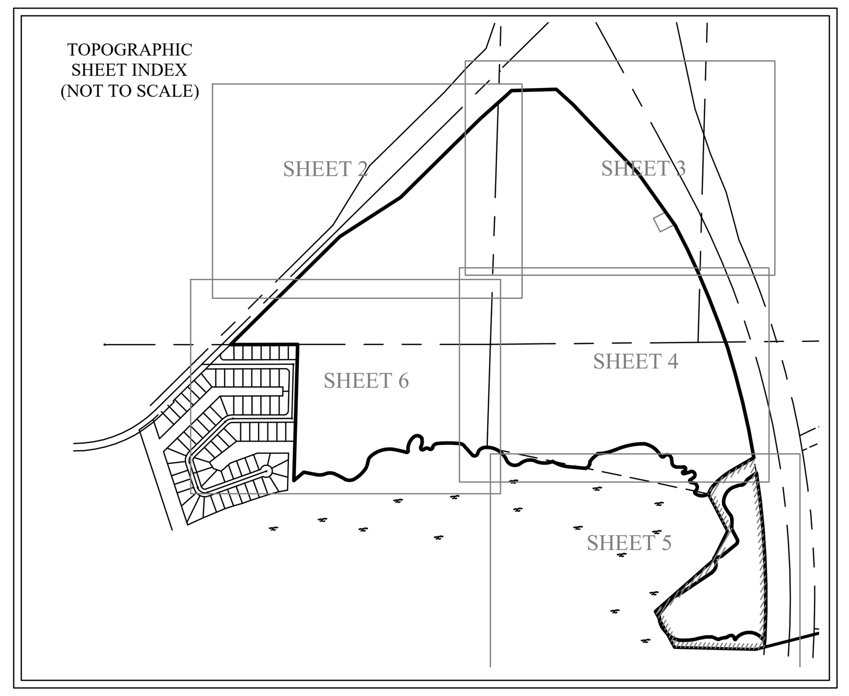
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	110.93'	58.37'	57.70'	S 85°27'46" W	30°08'56"
C2	84.90'	67.18'	65.44'	N 89°00'56" W	45°20'11"
C3	412.95'	78.99'	78.87'	N 62°28'18" W	10°57'35"
C4	68.86'	52.79'	51.51'	S 89°57'14" W	43°55'39"
C5	225.99'	107.55'	106.54'	S 48°11'57" W	27°16'05"
C6	131.51'	55.59'	55.18'	N 18°30'39" E	24°13'14"
C7	44.75'	37.63'	36.53'	N 29°03'22" E	48°10'41"
C8	189.72'	162.92'	157.96'	S 73°29'44" W	49°12'08"
C9	743.52'	87.53'	87.48'	N 77°04'38" W	6°44'42"
C10	9.73'	23.90'	18.33'	S 35°38'10" W	140°45'26"
C11	105.26'	93.80'	90.73'	N 22°11'41" E	51°03'35"
C12	35.38'	68.22'	58.13'	N 81°42'20" W	110°28'20"
C13	72.11'	59.13'	57.49'	N 07°11'31" E	46°59'05"
C14	13.38'	39.50'	26.64'	N 61°48'09" W	169°08'38"
C15	26.98'	31.28'	29.56'	S 83°33'00" W	66°26'03"
C16	15.19'	28.21'	24.33'	S 82°33'19" W	106°25'26"
C17	35.65'	47.32'	43.92'	S 46°20'09" W	76°02'51"
C18	835.59'	148.54'	148.34'	N 89°45'30" W	10°11'06"
C19	20.38'	45.98'	36.83'	N 74°57'14" E	129°15'57"
C20	45.35'	54.23'	51.06'	N 43°20'14" E	68°31'15"
C21	141.93'	182.04'	169.82'	N 64°21'27" W	73°29'23"
C22	61.95'	127.27'	106.04'	N 75°27'19" W	117°42'28"
C23	98.24'	100.48'	96.16'	S 83°53'33" W	58°36'15"
C24	150.23'	114.95'	112.17'	N 89°31'21" W	43°50'31"
C25	230.17'	115.46'	114.25'	N 72°02'09" W	28°44'25"
C26	29.57'	38.72'	36.01'	N 44°19'19" E	75°01'09"
C27	207.77'	37.79'	37.74'	S 40°08'15" W	10°25'18"
C28	308.73'	118.35'	117.63'	S 77°45'02" W	21°57'53"
C29	473.42'	205.89'	204.27'	S 78°13'46" W	24°55'04"
C30	159.56'	132.50'	128.73'	S 52°58'35" E	47°34'50"
C31	13.90'	31.43'	25.15'	N 81°12'17" W	129°33'34"
C32	26.68'	57.97'	47.22'	N 75°12'10" W	124°29'11"
C33	29.45'	38.34'	35.69'	S 51°03'37" E	74°35'36"
C34	13.35'	32.95'	25.20'	N 24°29'44" W	141°24'24"
C35	22.04'	61.37'	43.38'	S 37°10'09" E	159°33'04"
C36	9.98'	25.75'	19.18'	N 16°40'38" W	147°51'32"
C37	30.10'	71.89'	55.98'	S 16°02'02" E	136°50'19"
C38	12.14'	17.66'	16.14'	N 14°50'08" E	83°19'32"
C39	74.00'	99.57'	92.23'	S 89°34'41" W	77°05'49"
C40	139.37'	51.43'	51.14'	S 28°38'31" W	21°08'37"
C41	446.10'	150.46'	149.75'	S 48°52'29" W	19°19'30"
C42	5567.57'	102.76'	102.75'	S 09°08'10" E	1°03'27"
C43	65.42'	40.22'	39.59'	N 39°36'19" E	35°13'32"
C44	30.08'	28.54'	27.48'	S 56°31'36" W	54°21'33"
C45	148.69'	33.04'	32.97'	S 78°37'28" W	12°43'51"
C46	106.81'	166.17'	149.91'	N 34°45'15" E	89°08'12"
C47	290.19'	86.42'	86.10'	N 32°36'00" W	17°03'46"
C48	36.36'	26.93'	26.32'	S 14°56'55" E	42°26'18"
C49	292.11'	51.94'	51.87'	N 02°33'31" E	10°11'15"
C50	60.89'	22.03'	21.91'	N 13°50'43" W	20°43'46"
C51	27.00'	29.57'	28.11'	S 07°44'50" W	62°44'21"
C52	67.21'	41.51'	40.85'	S 79°15'01" W	35°23'02"
C53	6.13'	14.48'	11.34'	N 29°13'22" E	135°19'28"
C54	60.12'	99.89'	88.79'	S 09°05'44" W	95°11'50"
C55	32.93'	24.87'	24.28'	N 12°47'30" E	43°15'58"
C56	131.09'	24.00'	23.97'	N 07°37'20" W	10°29'29"
C57	139.88'	56.64'	56.25'	N 21°25'01" W	23°11'55"
C58	356.70'	65.35'	65.26'	N 40°26'58" W	10°29'50"
C59	123.61'	79.39'	78.03'	N 66°26'51" W	36°47'52"
C60	503.85'	82.22'	82.13'	S 87°41'58" W	9°21'00"
C61	519.66'	53.53'	53.51'	S 76°49'48" W	5°54'09"
C62	253.99'	75.40'	75.12'	S 85°20'49" W	17°00'29"
C63	104.88'	36.96'	36.77'	S 67°47'32" E	20°11'30"
C64	16.22'	15.79'	15.17'	N 87°03'10" W	55°45'41"
C65	90.48'	45.51'	45.03'	S 76°24'17" W	28°49'04"
C66	12.88'	17.47'	16.16'	N 69°24'15" E	77°42'24"
C67	31.47'	34.21'	32.55'	S 77°56'25" W	62°17'02"
C68	25.79'	26.64'	25.47'	S 30°40'03" E	59°10'51"
C69	4.17'	12.52'	8.32'	N 87°43'39" W	172°03'45"
C70	86.29'	51.29'	50.54'	S 50°35'53" W	34°03'26"
C71	112.41'	150.12'	139.21'	N 78°12'40" W	76°30'59"
C72	32.67'	20.91'	20.55'	N 51°53'42" W	36°39'48"
C73	7.72'	23.47'	15.42'	S 22°03'20" E	174°10'01"
C74	40.84'	37.26'	35.98'	S 61°38'22" E	52°16'17"
C75	5567.57'	43.52'	43.52'	N 03°04'57" E	0°26'52"

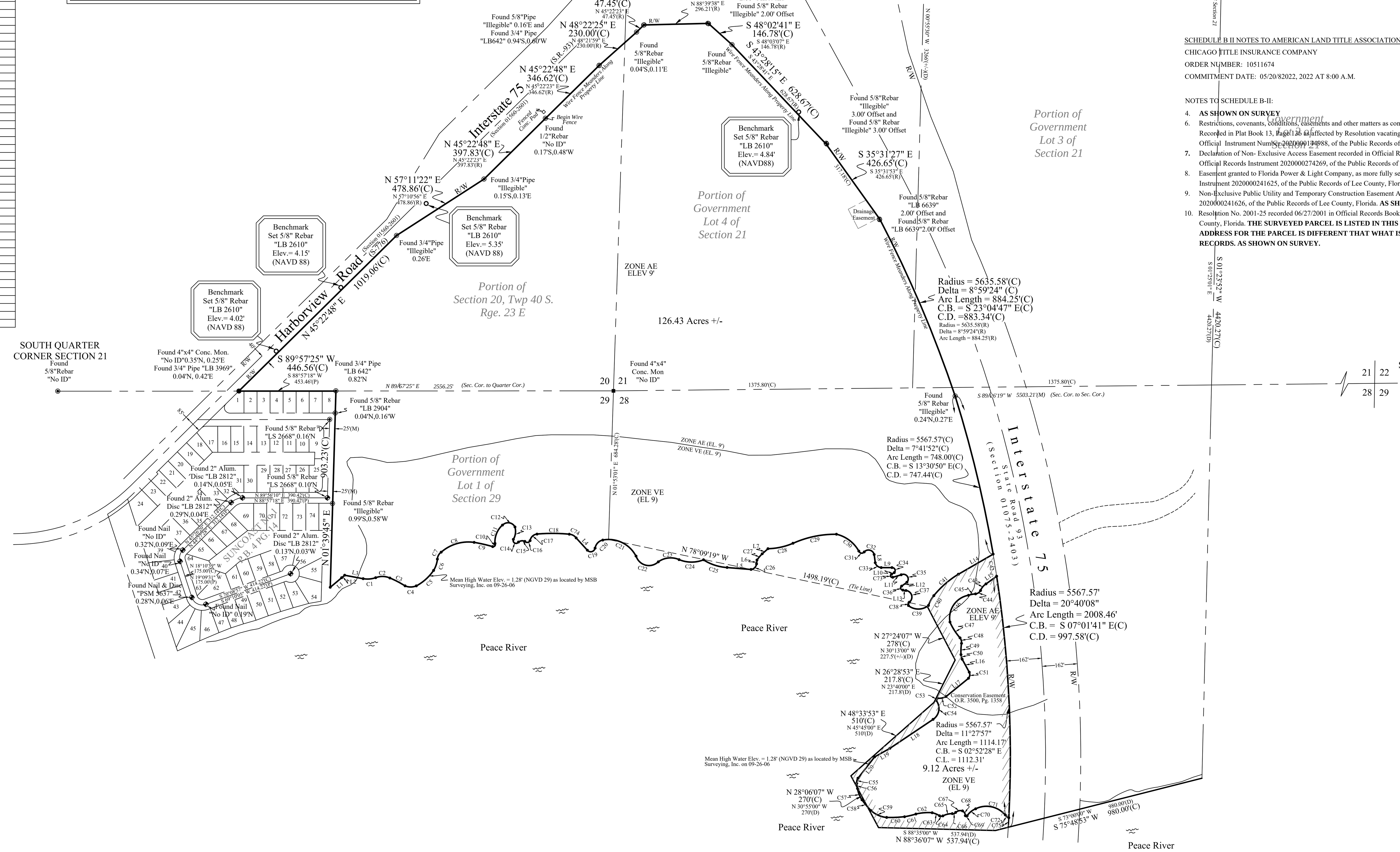
All Dimensions shown are calculate unless otherwise noted(R)

Line Table

LINE	BEARING	DISTANCE
L1	S 50°02'32" W	68.62'
L2	S 50°14'12" W	18.26'
L3	N 79°09'23" W	86.56'
L4	N 42°25'54" W	76.55'
L5	N 85°14'53" W	110.56'
L6	S 06°28'20" W	17.77'
L7	S 48°46'30" W	35.21'
L8	N 07°32'21" W	37.97'
L9	N 89°55'49" W	49.36'
L10	N 60°05'05" E	14.69'
L11	S 73°28'24" W	40.39'
L12	N 54°22'57" E	29.73'
L13	N 82°33'14" W	14.86'
L14	S 59°53'57" W	184.85'
L15	N 53°57'17" E	60.63'
L15(R)	N 53°55'37" E	60.93'
L16	N 28°49'18" W	68.03'
L17	N 50°51'40" E	132.95'
L18	N 56°11'09" E	238.78'
L19	N 60°42'03" E	80.92'
L20	N 38°02'12" E	124.25'

All Dimensions shown are calculate unless otherwise noted(R)





SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT: (OF A SURVEY NATURE ONLY)

CHICAGO TITLE INSURANCE COMPANY

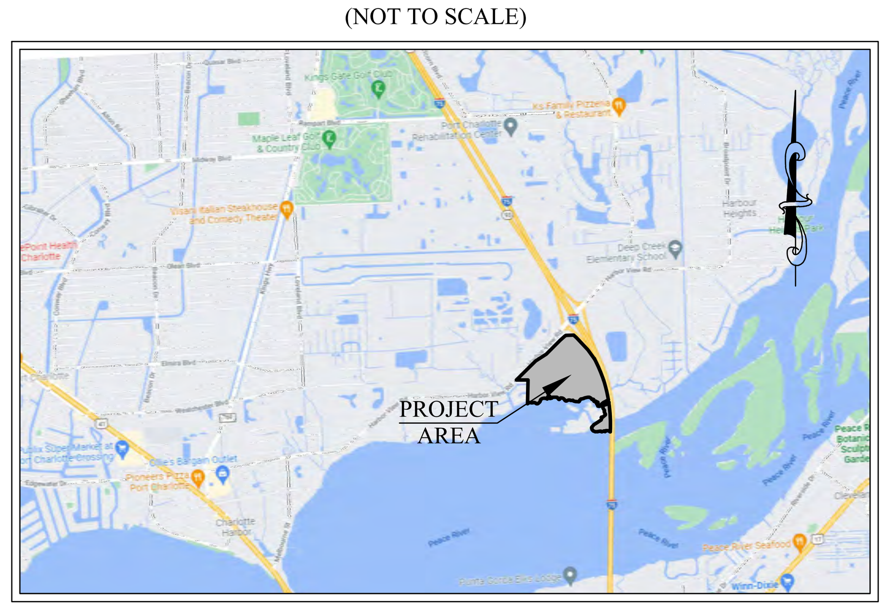
ORDER NUMBER: 10511674

COMMITMENT DATE: 05/20/82022, 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

4. **AS SHOWN ON SURVEY**
6. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of HARLEM LAKES UNIT 3, Recorded in Plat Book 13, Page 136 as affected by Resolution vacating Public Utility easement recorded June 24, 2020 in Official Instrument Number 2020000144988, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
7. Declaration of Non- Exclusive Access Easement recorded in Official Records Instrument 2020000208800 corrected in Official Records Instrument 2020000274269, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
8. Easement granted to Florida Power & Light Company, as more fully set forth in the document recorded in Official Records Instrument 2020000241625, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
9. Non-Exclusive Public Utility and Temporary Construction Easement Agreement recorded in Official Records Instrument 2020000241626, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
10. Resolution No. 2001-25 recorded 06/27/2001 in Official Records Book 3439, Page 1180, of the Public Records of Lee County, Florida. **THE SURVEYED PARCEL IS LISTED IN THIS DOCUMENT BY THE STRAP NUMBER. THE ADDRESS FOR THE PARCEL IS DIFFERENT THAT WHAT IS LISTED IN THE CURRENT COUNTY RECORDS. AS SHOWN ON SURVEY.**

VICINITY MAP
(NOT TO SCALE)



SURVEY NOTES:

1. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED, UNLESS OTHERWISE SHOWN.
4. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER (P.S.M.)
5. ELEVATIONS SHOWN HEREON ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.88) AND BASED ON CHARLOTTE COUNTY SURVEY DEPARTMENT BENCHMARK (EPC 006) (HAVING A POSTED ELEVATION OF 13.17' (N.G.V.D. 29) AND USING A CONVERSION FACTOR OF -1.33'
6. THE NATIONAL FLOOD INSURANCE INFORMATION:
   COMMUNITY NUMBER: 120061
   PANEL NUMBER: 12071 C 0232
   SUFFIX: F
   EFFECTIVE DATE: 05/05/2003
   FIRM ZONE: AE AND VE
   BASE FLOOD ELEVATION: 9' (N.G.V.D.29)
   (FIRM PANEL LISTED ABOVE SHOULD BE CONSULTED FOR VERIFICATION OF ALL FLOOD RELATED INFORMATION)
7. DATE OF LAST FIELD WORK : JUNE 7TH, 2022.
8. RECORDING INSTRUMENTS LISTED HEREON SHOULD BE CONSULTED AND REVIEWED FOR ADDITIONAL INFORMATION.
9. ADDITIONS TO OR DELETIONS FROM SURVEY OR REPORTS BY OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. COPYRIGHT 2022, ARDURRA GROUP, INC., ALL RIGHTS RESERVED. DO NOT COPY WITHOUT THE WRITTEN CONSENT OF ARDURRA GROUP, INC.
10. BEARINGS AND COORDINATES SHOWN HEREON ARE IN REFERENCE TO THE FLORIDA WEST STATE PLANE COORDINATE SYSTEM (ZONE 0902) (NAD 83/2011) AND DETERMINED USING THE FDOT PERMANENT REFERENCE STATION NETWORK (FPRN).
11. NO CEMETERIES, NO HISTORICAL MONUMENTS, NO GAPS OR GORES, PROPERTY MATHEMATICALLY CLOSES, AND NO EARTH MOVING WORK.
12. AFTER REVIEWING ALL 496 PAGES OF THAT PORTION OF OUR DESCRIPTION THAT SAYS "ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA." NO SUCH LANDS WERE FOUND.

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT:

CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: 10423721

COMMITMENT DATE: 04/01/ 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

6. Florida Power & Light Easement recorded in Official Records Book 546, Page 1041, **" DOES NOT LIE WITHIN THE SURVEYED PARCEL". FALLS NORTH OF HARBORVIEW DRIVE. NOT SHOWN**
7. Easement of the State of Florida recorded in Official Records 485, Page 97, **"DOES NOT LIE WITHIN THE SURVEYED PARCEL." IT IS FOR LANDS WITH 162 FEET OF THE CENTERLINE OF STATE ROAD 93 (I 75), OUR PARCEL IS 162 FEET WEST OF THE CENTERLINE.**
8. Resolution No. 2006-093 Recorded in Official Records 2993, Page 113, **"DOES NOT LIE WITHIN SURVEYED PARCEL." DESCRIBES PROPERTY LYING EAST OF I75.**
9. Resolution 2006-155 Recorded in Official Records 3026, Page 1305. **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE DOCUMENT IS LARGE IN NATURE AND IS FOR THE DISTRICTING OF WATER AND SEWER.**
10. Ordinance Number 2010-033, Recorded in Official Records 3500, Page 1358, **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION IN THE DOCUMENT." THE HEADER DESCRIBES PROPERTY IN A WEAK MANNER, HOWEVER DOES APPEAR TO INCLUDE THE SURVEYED PARCEL TO BE WITHIN THE DESCRIBED AREA. THE DESCRIPTION OF THE PRESERVATION AREA IS SHOWN ON SURVEY.**
11. Resolution No. 2010-083 Recorded in Official Records 3512, Page 2113, **NO LEGAL DESCRIPTIONS WITHIN THIS DOCUMENT.** Resolution No. 2010-083 Recorded in Official Records 3517 Page 103, **NO LEGAL DESCRIPTIONS WITH THIS DOCUMENT.**
12. Ordinance Number 2010-071 Recorded in Official Records 3530, Page 1142, **"SURVEYED PARCEL LIES WITHIN THE DESCRIPTION CONTAINED IN THIS DOCUMENT".**
13. Affidavit Concerning Limitations on use Recorded in Official Records 3939, Page 1674, **SURVEYED PARCEL LIES WITH THE DESCRIPTION CONTAINED IN THIS DOCUMENT.**

Description:

A PARCEL OF LAND LYING AND BEING IN SECTIONS 20, 21, 28 & 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
UNITED STATES GOVERNMENT LOT 1, SECTION 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND THAT PART OF SECTION 20, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LYING SOUTH AND EAST OF COUNTY ROAD, LESS THAT PORTION OF THE ABOVE 2 PARCELS LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.
ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
TOGETHER WITH:
THAT PORTION LYING WEST OF INTERSTATE 75 (STATE ROAD 93) OF THE FOLLOWING DESCRIBED PARCEL:
BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN NORTH 85°52'13" EAST 2731.06 FEET TO THE CENTER QUARTER OF SAID SECTION 21; THENCE SOUTH 01°25'01" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 3, 4420.27 FEET; THENCE SOUTH 73°00'00" WEST, 980 FEET; THENCE SOUTH 88°35'00" WEST 537.94 FEET; THENCE NORTH 30°55'00" WEST, 270 FEET; THENCE NORTH 45°45'00" EAST, 510 FEET; THENCE NORTH 23°40'00" EAST, 217.8 FEET; THENCE NORTH 30°13'00" WEST, 227.5 FEET MORE OR LESS TO THE SOUTHERLY SHORE OF THE WEST 1/2 OF FRACTIONAL SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE WESTERLY ALONG SAID SOUTHERLY SHORE TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 28; THENCE NORTH 00°55'30" WEST, ALONG SAID WEST LINE, EXTENDED, 3266 FEET, MORE OR LESS TO THE POINT OF BEGINNING. LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93).

CERTIFICATIONS:

TO:

Lennar Homes, LLC, a Florida limited liability company
Chicago Title Insurance Company

This is to certify that this map or plat and the survey on which it was based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-6, 7, 8, 9, 11a. 11b, 13, 16 and 17 of Table A thereof. The fieldwork was completed on June 7th, 2022.

Date of Plat or Map: June 7th , 2022

JEFFREY D. STOUTEN (FOR THE FIRM)
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER

0 300 600

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.Ardurra.com
License #LB-2610

ARDURRA COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

Prepared for: Lennar Homes, LLC,

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E

Jeffrey D. Stouten

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

DRAWN BY MW

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO).dwg



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
R/W	RIGHT OF WAY
E/P	EDGE OF PAVEMENT
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

SCHEDULE B II NOTES TO AMERICAN LAND TITLE ASSOCIATION COMMITMENT (OF A SURVEY NATURE ONLY)

CHICAGO TITLE INSURANCE COMPANY

ORDER NUMBER: 10511678

COMMITMENT DATE: 05/20/82022, 2022 AT 8:00 A.M.

NOTES TO SCHEDULE B-II:

4. **AS SHOWN ON SURVEY**
6. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of HARLEM LAKES UNIT 3, Recorded in Plat Book 132 Page 136 as affected by Resolution vacating Public Utility Easement dated June 24, 2020 in Official Instrument Number 2020000144988, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
7. Declaration of Non- Exclusive Access Easement recorded in Official Records Instrument 2020000238810, as corrected in Official Records Instrument 2020000274269, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
8. Easement granted to Florida Power & Light Company, as more fully set forth in the document recorded in Official Records Instrument 2020000249625, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY**
9. Non-Exclusive Public Utility and Temporary Construction Easement Agreement recorded in Official Records Instrument 2020000241626, of the Public Records of Lee County, Florida. **AS SHOWN ON SURVEY.**
10. Resolution No. 2001-25 recorded 06/27/2001 in Official Records Book 3439, Page 1180, of the Public Records of Lee County, Florida. **THE SURVEYED PARCEL IS LISTED IN THIS DOCUMENT BY THE STRAP NUMBER. THE ADDRESS FOR THE PARCEL IS DIFFERENT THAT WHAT IS LISTED IN THE CURRENT COUNTY RECORDS. AS SHOWN ON SURVEY.**

© COPYRIGHT © 2020 ARDURRA GROUP, INC. - DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
CONSULTANT IS RESPONSIBLE ONLY FOR WORK PERFORMED BY THE CONSULTANT'S EMPLOYEES OR SUBCONSULTANTS UNDER THE CONSULTANT'S DIRECT CONTROL. CHAPTER 119, F.S. CHAPTER 119.

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South,
Range 23 East, Charlotee County, Florida.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC,

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

2 of 6

DRAWN BY
MW

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO).dwg



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC,

Jeffrey D. Stouten

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

3 of 6

DRAWN BY MW

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
COPYRIGHT PROTECTION CLAIMED TO COMPUTERIZED FORM OF DRAWING, IN ADDITION TO TRADITIONAL FORMS AND AS PROVIDED FOR BY U.S. COPYRIGHT LAW, TITLE 17, CHAPTER 1 §10.

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)

© COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONTACT THE ARDURRA GROUP, INC. FOR ADDITIONAL RIGHTS TO DRAWINGS. ALL RIGHTS TO DRAWINGS ARE RESERVED BY THE ARDURRA GROUP, INC. UNDER THE COPYRIGHT LAWS OF THE UNITED STATES AND OTHER COUNTRIES, AND INTERNATIONAL TREATY PROVISIONS, INCLUDING THE BERNE CONVENTION AND THE UNIVERSAL COPYRIGHT CONVENTION. UNAUTHORIZED USE OF THESE DRAWINGS MAY VIOLATE APPLICABLE LAWS, INCLUDING BUT NOT LIMITED TO, THE FEDERAL COPYRIGHT ACT, 17 U.S.C. CHAPTER 1 TO 5.

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-26510

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey

25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

Prepared for: Lennar Homes, LLC.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E

Jeffrey D. Stouten

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

DRAWN BY
MW

©COPYRIGHT 2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION
UNDER U.S. COPYRIGHT LAWS. ALL UNAUTHORIZED USES, DISCLOSURES OR REPRODUCTIONS ARE PROHIBITED AND MAY RESULT IN SEVERE LEGAL PENALTIES. U.S. COPYRIGHT ACT, CHAPTER 119.

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC.

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

5 of 6

DRAWN BY
MW



SURVEY LEGEND

- FOUND NAIL & DISK
- FOUND IRON ROD & CAP
- SET 5/8" IRON ROD & CAP (LB 2610)
- SET NAIL & DISK (LB 2610)
- FIRE HYDRANT
- WATER VALVE
- IRRIGATION CONTROL VALVE
- ELECTRIC BOX
- LIGHT POLE
- CENTERLINE
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER METER
- BACKFLOW PREVENTOR VALVE
- VAULT BOX
- UTILITY RISER
- BURIED CABLE MARKER

SURVEY ABBREVIATIONS

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
INSTR.#	INSTRUMENT NUMBER
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
(P)	DENOTES PLAT
(M)	DENOTES MEASURED
(D)	DENOTES DEED
D.E.	DRAINAGE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
E/P	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
EL.	ELEVATION
TOB	TOP OF BANK
TOE	TOE OF SLOPE
EOW	EDGE OF WATER
CPP	CORRUGATED PLASTIC PIPE
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
INV	INVERT

0 80 160

324 Nicholas Parkway W, Unit A
Cape Coral, Florida 33991
Phone: (239) 673-9541
www.ardurra.com
License #LB-2610

ARDURRA
COLLABORATE. INNOVATE. CREATE.

NO.	DATE	REVISION	BY

Alta/N.S.P.S. Land Title Survey
25499, 25549 and 25599 Harborview Road
lying in Section 20, 21 28 and 29, Township 40 South, Range 23 East, Charlotee County, Florida.

SECTIONS 20, 21, 28 and 29 TOWNSHIP 40S, RANGE 23E | Prepared for: Lennar Homes, LLC;

Jeffrey D. Stouten

FLORIDA PROFESSIONAL
SURVEYOR & MAPPER NO. 6584

JOB NO:	2022-0761-00
FIELD BOOK:	394/40
DATE:	06-07-2022
SCALE:	AS SHOWN

6 of 6

DRAWN BY
MW

K:\Land\SEC 21-40-23 (Harborview Landing)\dwg\2022-0761-00 Harborview Landing(TOPO)

©COPYRIGHT ©2022 ARDURRA GROUP, INC. DRAWINGS AND CONCEPTS MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION.
CONSULTANT HEREBY EXPRESSLY RESERVES ITS COMMON LAW, STATUTORY AND OTHER PROPERTY RIGHTS IN CONCEPTS, IDEAS AND DESIGNS PRODUCED BY CONSULTANT PURSUANT TO THIS AGREEMENT. CONSULTANT AGREES THAT IT WILL NOT USE OR PERMIT THE USE OF THE DESIGNS IN WHOLE OR IN PART BY OWNER OR ANY OTHER PERSON OR ENTITY IN CONNECTION WITH THIS PROJECT OR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN PERMISSION OF CONSULTANT. ANY UNAUTHORIZED USE OF THE DESIGNS SHALL BE AT THE SOLE RISK OF THE USER AND WITHOUT LIABILITY TO CONSULTANT. CHAPTER 119

TITLE REPORT

PROPERTY INFORMATION REPORT

Order No.: 10574925
Customer Reference Number Charlotte County O & E Report

Addressee:
The Bison Agency, LLC
7978 Cooper Creek Blvd. Suite 100
University Park, FL 34201
941-359-8303
941-359-1836

Chicago Title Insurance Company has caused to be made a search of the Public Records of Charlotte County, Florida, ("Public Records"), from 01/04/2005, through 08/12/2022 5:00 PM, as to the following described real property lying and being in the aforesaid County, to-wit:

PARCEL 1: (SW Quadrant per 2022 Chicago Title Insurance Company ALTA Title Commitment 04/01/2022)

A PARCEL OF LAND LYING AND BEING IN SECTIONS 20, 21, 28 & 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

UNITED STATES GOVERNMENT LOT 1, SECTION 29, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND THAT PART OF SECTION 20, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LYING SOUTH AND EAST OF COUNTY ROAD, LESS THAT PORTION OF THE ABOVE 2 PARCELS LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

ALSO LESS AND EXCEPTING THEREFROM THE REAL PROPERTY DESCRIBED WITHIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1176, PAGE 1654, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

TOGETHER WITH:
THAT PORTION LYING WEST OF INTERSTATE 75 (STATE ROAD 93) OF THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN NORTH 85°52'13" EAST 2731.06 FEET TO THE CENTER QUARTER OF SAID SECTION 21; THENCE SOUTH 01°25'01" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 3, 4420.27 FEET; THENCE SOUTH 73°00'00" WEST, 980 FEET; THENCE SOUTH 88°35'00" WEST 537.94 FEET; THENCE NORTH 30°55'00" WEST, 270 FEET; THENCE NORTH 45°45'00" EAST, 510 FEET; THENCE NORTH 23°40'00" EAST, 217.8 FEET; THENCE NORTH 30°13'00" WEST, 227.5 FEET MORE OR LESS TO THE SOUTHERLY SHORE OF THE WEST 1/2 OF FRACTIONAL SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE WESTERLY ALONG SAID SOUTHERLY SHORE TO A POINT ON THE WEST LINE OF SAID FRACTIONAL SECTION 28; THENCE NORTH 00°55'30" WEST, ALONG SAID WEST LINE, EXTENDED, 3266 FEET, MORE OR LESS TO THE POINT OF BEGINNING. LESS THAT PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93).

PARCEL 2: (SE Quadrant per Boundary And Topographic Survey signed January 20, 2022 by Jeffrey Stouten)

PORTION OF GOVERNMENT LOT 1, ALL OF GOVERNMENT LOT 2, A PORTION OF GOVERNMENT LOT 3, AND A PORTION OF GOVERNMENT LOT 4 IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND ISLAND NELL, ALL LYING EASTERLY OF INTERSTATE 75, SOUTHERLY OF HARBORVIEW ROAD AND WESTERLY OF HARBOUR HEIGHTS SECTION 9, PART 1, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D CHARLOTTE COUNTY FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WESTERLY LINE OF DESOTO CANAL AS SHOWN ON THE PLAT OF HARBOUR HEIGHTS SECTION 9, PART I, AS RECORDED IN PLAT BOOK 4, PAGE 38A THROUGH 38D, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY AND THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; SAID POINT ALSO BEING 425 FEET WEST OF THE EAST LINE OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE RUN S00°55'15"W ALONG THE WESTERLY LINE OF SAID CANAL AND A LINE 425 FEET WEST OF THE EAST LINE OF SAID SECTION FOR 2610.35 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 274 OF SAID PLAT; THENCE S89° 03'32"W ALONG THE NORTHERLY LINE OF SAID BLOCK 274 AND ITS WESTERLY PROLONGATION, ALSO BEING THE NORTHERLY LINE OF BLOCKS 277 AND 278 FOR A DISTANCE OF 945.37 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S01°09'23"W ALONG SAID EASTERLY LINE AND THE SOUTHERLY PROLONGATION THEREOF, ALSO BEING THE WESTERLY LINE OF SAID PLAT FOR A DISTANCE OF 2320.97 FEET TO THE INTERSECTION WITH THE NORTHERLY SHORELINE OF PEACE RIVER AS DESCRIBED IN OFFICIAL RECORDS BOOK 115, AT PAGE 27; THENCE ALONG SAID SHORELINE THE FOLLOWING 6 COURSES: S49°05' 15"W FOR A DISTANCE OF 186.92 FEET; THENCE S57°50'29"W FOR A DISTANCE OF 312.00 FEET; THENCE S63°22'29"W FOR A DISTANCE OF 405.00 FEET; THENCE S53°11'29"W FOR A DISTANCE OF 202.00 FEET; THENCE S59°00'59"W FOR A DISTANCE OF 253.00 FEET; THENCE S69°28'26"W FOR A DISTANCE OF 270.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF GOVERNMENT LOT 3 OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE CONTINUE ALONG SAID NORTHERLY SHORELINE S 75°48'29" W FOR A DISTANCE OF 581.14 FEET TO AN NON-TANGENT INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (S.R. 93) F.D.O.T. RIGHT OF WAY MAP SECTION 01075-2403; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 11 COURSES: CONTINUE ALONG A CURVE TO THE LEFT, WHOSE RADIUS BEARS N87° 40'38"W, HAVING FOR ITS ELEMENTS A RADIUS OF 5891.58 FEET, A DELTA OF 26° 09'04", CHORD BEARING OF N10°45'I0"W, CHORD LENGTH OF 2665.76 FEET, FOR A DISTANCE OF 2689.04 FEET; THENCE N15°02'20"W FOR A DISTANCE OF 325.05 FEET; THENCE N22°17'08"W FOR A DISTANCE OF 273.96 FEET; THENCE N19°00'19"W FOR A DISTANCE OF 315.82 FEET; THENCE N12°06'37"W FOR A DISTANCE OF 855.19 FEET; THENCE N07°32'11"W FOR A DISTANCE OF 145.49 FEET; THENCE N18°55'19"E FOR A DISTANCE OF 164.85 FEET; THENCE N45°22'49"E FOR A DISTANCE OF 170.00 FEET; THENCE N34°53'10"E FOR A DISTANCE OF 236.09 FEET; THENCE N45°22'48"E FOR A DISTANCE OF 939.07 FEET; THENCE N39°38'27"E FOR A DISTANCE OF 351.10 FEET TO A NON-TANGENT INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF HARBORVIEW ROAD (S.R. 776) F.D.O.T. RIGHT OF WAY MAP SECTION 01560-2601; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING 4 COURSES: CONTINUE ALONG A CURVE TO THE RIGHT, WHOSE RADIUS BEARS S24°12'35"E, HAVING FOR ITS ELEMENTS A RADIUS OF 1001.74 FEET, A DELTA OF 25°07'54", CHORD BEARING OF N78°21'21"E, CHORD LENGTH OF 435.88 FEET, FOR A DISTANCE OF 439.39 FEET; THENCE S89°04'42"E FOR A DISTANCE OF 2114.53 FEET; THENCE S00°55'18"W FOR A DISTANCE OF 10.00 FEET; THENCE S89°05'07"E FOR A DISTANCE OF 240.43 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT HARBOUR HEIGHTS SECTION NINE, PART 2, AS RECORDED IN PLAT BOOK 6, PAGE 47, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 3

NE Quadrant: (Per Water Resource Associates, LLC Survey dated 7/25/2002 - signed 7/28/2002)

LEGAL DESCRIPTION: (AS PREPARED BY W.R.A. ENGINEERING)

PARCEL A
A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 1127.36' TO THE POINT OF BEGINNING; THENCE CONTINUE S

88°15'26" W, ALONG SAID NORTH LINE, A DISTANCE OF 1377.76' TO THE EASTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE S 04°38'37" E, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1170.43' TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601,; THENCE S 89°04'42" E, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1262.92'; THENCE N 00°54'51" E A DISTANCE OF 1228.96'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 1581290 SQUARE FEET, 36.301 ACRES

TOGETHER WITH
PARCEL B
A PARCEL OF LAND LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE S 88°15'26" W, ALONG THE NORTH LINE OF SAID SECTION 21, ALSO BEING AN EXTENSION OF THE SOUTH LINE OF PUNTA GORDA ISLES, AS RECORDED IN PLAT BOOK 12, PAGE 23 OF THE PUBLIC RECORDS ON CHARLOTTE COUNTY, FLORIDA, A DISTANCE OF 2565.19', TO THE WESTERLY RIGHT OF WAY LINE OF RIO DE JANEIRO AVENUE EXTENSION, (60' RIGHT OF WAY), AS RECORDED IN OFFICIAL RECORDS BOOK 2447, PAGE 2063 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE S 88°15'26" W A DISTANCE OF 144.96' TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S 88°15'33" W, ALONG THE SAID NORTH LINE OF SAID SECTION 21, ALSO BEING THE SOUTH LINE OF SAID PUNTA GORDA ISLES, A DISTANCE OF 2710.56' TO THE NORTHWEST CORNER OF SAID SECTION 21; THENCE S 01°53'07" W, ALONG THE WEST LINE OF SAID SECTION 21, A DISTANCE OF 1537.14' TO THE NORTHERLY RIGHT OF WAY LINE OF INTERSTATE 75, (STATE ROAD NO. 93) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 01075-2403; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING NINE (9) COURSES; (1) THENCE S 36°36'22" E A DISTANCE OF 108.08'; (2) THENCE S 43°23'26" E A DISTANCE OF 652.77'; (3) THENCE S 47°57'54" E A DISTANCE OF 146.73'; (4) THENCE N 88°42'37" E A DISTANCE OF 296.43'; (5) THENCE N 45°22'48" E A DISTANCE OF 47.45'; (6) THENCE N 48°22'14" E A DISTANCE OF 230.00'; (7) THENCE N 45°22'48" E A DISTANCE OF 981.31'; (8) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 184.15', WITH A RADIUS OF 1179.74', WITH A CHORD BEARING OF N 49°51'06" E, WITH A CHORD LENGTH OF 183.96', WITH A DELTA ANGLE OF 08°56'37",; (9) THENCE N 82°17'12" E A DISTANCE OF 244.59' TO A POINT OF THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. S-776, (HARBORVIEW ROAD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION NO. 01560-2601,; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING FOUR (4) COURSES; (1) THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 476.68', WITH A RADIUS OF 1086.74', WITH A CHORD BEARING OF N 78°21'21" E, WITH A CHORD LENGTH OF 472.87', WITH A DELTA ANGLE OF 25°07'55",; (2) THENCE S 89°04'42" E A DISTANCE OF 114.53'; (3) THENCE S 00°55'18" W A DISTANCE OF 5.00'; (4) THENCE S 89°04'42" E A DISTANCE OF 216.38' TO THE WESTERLY RIGHT OF WAY LINE OF SAID RIO DE JANEIRO AVENUE EXTENSION; THENCE N 04°38'37" W, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1167.63'; TO THE POINT OF BEGINNING, HAVING AN AREA OF 4771191 SQUARE FEET, 109.531 ACRES

As of the effective date of this Report, the apparent record Fee Simple title owner(s) to the above-described real property is/are:

Peace River Associates, LLC, a Florida limited liability company, as to Parcel 1; WILL-RIDGE ASSOCIATES, LLC, a New York limited liability company, Peace River East, LLC, a Florida limited liability company, Peace River East II, LLC, a Florida limited liability company and POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company, as their interest may appear, as to Parcel 2; POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company, Peace River East II, LLC, a Florida limited liability company, and POST FALLS MANAGEMENT ASSOCIATES, LLC, a New York limited liability company (Successor by merger with Harborview Road

Associates, LLC, a Florida limited liability company and Harborview Road Associates I, LLC, a Florida limited liability company), as their interest may appear, as to Parcel 3

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This Report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This Report is not to be construed as an opinion, warranty, or guarantee of title, or as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the Addressee(s) only, and it may not be used or relied upon by any other party. This Report may not be used by a Chicago Title Insurance Company agent for the purpose of issuing a Chicago Title Insurance Company title insurance commitment or policy.

This Report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

Chicago Title Insurance Company

Bob Magann

FORM A

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.
I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Stephen C. Scalione who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Cheryl L. Owen	
Notary Public Signature	Signature of Owner Stephen C. Scalione Manager of Post Falls Management Associates, LLC
Notary Printed Signature	Printed Signature of Owner
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
	(941) 685-5375
	Telephone Number

CHERYL LEA OWEN
MY COMMISSION #HH03359?
EXPIRES: SEP 24, 202
Bonded through 1st State Insuran

CHERYL LEA OWEN
MY COMMISSION #HH03359?
EXPIRES: SEP 24, 2024
Bonded through 1st State Insuran

CHERYL LEA OWEN
MY COMMISSION #HH033598
EXPIRES: SEP 24, 2024
Bonded through 1st State Insurance

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.
I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Stephen C. Scalione who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Cheryl L. Owen	
Notary Public Signature	Signature of Owner Stephen C. Scalione Manager of Peace River Associates, LLC
Notary Printed Signature	Printed Signature of Owner
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
	(941) 685-5375
	Telephone Number

CHERYL LEA OWEN
MY COMMISSION #HH033598
EXPIRES: SEP 24, 2024
Bonded through 1st State Insurance

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.
I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Stephen C. Scalione who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Cheryl L Owen	
Notary Public Signature	Signature of Owner Stephen C. Scalione Manager of Peace River East II, LLC
Notary Printed Signature	Printed Signature of Owner
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
	(941) 685-5375
	Telephone Number

CHERYL LEA OWEN
MY COMMISSION #HH033598
EXPIRES: SEP 24, 2024
Bonded through 1st State Insurance

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.
I give authorization for Todd Mathes to be the applicant for this DEVELOPMENT ORDER.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 2022, by Stephen C. Scalione who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Cheryl L. Owen	
Notary Public Signature	Signature of Owner Stephen C. Scalione Manager of Will-Ridge Associates, LLC
Notary Printed Signature	Printed Signature of Owner
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
	(941) 685-5375
	Telephone Number

CHERYL LEA OWEN
MY COMMISSION #HH033598
EXPIRES: SEP 24, 2024
Bonded through 1st State Insurance

FORM B

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the property described and which is the subject matter of the proposed hearing.
I give authorization for RVi Planning + Landscape Architecture & WRA to be my agent for this application.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 20 22, by

Todd Mathes who is personally known to me or has/have produced

_____ as identification and who did/did not take an oath.

Cheryl L. Owen	Todd Mathes
Notary Public Signature	Signature of Applicant Todd Mathes, Director of Development on behalf of Post Falls Management Associates, LLC; Peace River Associates, LLC; Peace River East II, LLC; Will-Ridge Associates, LLC
Notary Printed Signature	Printed Signature of Applicant
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
	(941) 685-5375
	Telephone Number

CHERYL LEA OWEN
MY COMMISSION #HH033598
EXPIRES: SEP 24, 2024
Bonded through 1st State Insurance

AFFIDAVIT

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 21 day of September, 20 22, by

Todd Mathes who is personally known to me or has/have produced

_____ as identification and who did/did not take an oath.

Cheryl L Owen	Todd Mathes
Notary Public Signature	Signature of Applicant or Agent
	Todd Mathes, Director of Development
Notary Printed Signature	Printed Signature of Applicant or Agent
	7978 Cooper Creek Blvd Suite 100
Title	Address
	University Park, FL 34201
Commission Code	City, State, Zip
CHERYL LEA OWEN MY COMMISSION #HH033598 EXPIRES: SEP 24, 2024 Bonded through 1st State Insurance	(941) 685-5375 Telephone Number