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ORDINANCE
NUMBER 2010 - 071

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AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL SINGLE-FAMILY 5 (RSF-5), RESIDENTIAL MULTI-FAMILY 5 (RMF-5), RESIDENTIAL MULTI-FAMILY 10 (RMF-10), RESIDENTIAL MULTI-FAMILY 15 (RMF-15), COMMERCIAL INTENSIVE (CI), COMMERCIAL HIGHWAY (CH), COMMERCIAL GENERAL (CG), OFFICE, MEDICAL, AND INSTITUTIONAL (OMI), AND ENVIRONMENTALLY SENSITIVE (ES) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED NORTH OF THE PEACE RIVER, SOUTH OF MADRAS COURT, EAST OF DANFORTH DRIVE, AND WEST OF DISCOVERY DRIVE, IN THE MID COUNTY AREA, COMMISSION DISTRICT I, CHARLOTTE COUNTY, FLORIDA, CONTAINING 653.54 ACRES MORE OR LESS; PETITION Z-10-06-21-TDU; APPLICANTS, PEACE RIVER ASSOCIATES, LLC, PEACE RIVER EAST II, LLC, PEACE RIVER EAST, LLC, WILL-RIDGE ASSOCIATES, LLC, POST FALLS ASSOCIATES, LLC, HARBORVIEW ROAD ASSOCIATES, LLC, AND HARBORVIEW ROAD ASSOCIATES I, LLC; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3530, PGS 1142-1158 17 pg(s)
INSTR # 1982381
Doc Type GOV, Recorded 12/03/2010 at 11:00 AM
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RECITALS

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WHEREAS, in a public hearing held on Monday, November 15, 2010, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-10-06-21-TDU which requested a rezoning from Residential Single-family 5 (RSF-5), Residential Multi-family 5 (RMF-5), Residential Multi-family 10 (RMF-10), Residential Multi-family 15 (RMF-15), Commercial Intensive (CI), Commercial Highway (CH), Commercial General (CG), Office, Medical, and Institutional (OMI), and Environmentally Sensitive (ES) to Planned Development (PD), on 653.54 acres more or less of property owned by Peace River Associates, LLC, Peace River East II, LLC, Peace River East, LLC, Will-Ridge

IMAGED
12-6-10
AP

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Mxw

1 Associates, LLC, Post Falls Associates, LLC, Harborview Road Associates, LLC,
2 and Harborview Road Associates I, LLC ("Applicants"), described as property
3 located North of the Peace River, South of Madras Court, East of Danforth Drive,
4 and West of Discovery Drive, in the Mid County area, Commission District I,
5 Charlotte County, Florida, and more particularly described in Exhibit "A" attached
6 hereto and by this reference incorporated herein; and

7 WHEREAS, the Applicants seek a rezoning to Planned
8 Development (PD) in order to allow for a unified mixed-use development
9 including commercial, office, and residential uses, as well as a public marina on
10 the subject site; and

11 WHEREAS, Petition Z-10-06-21-TDU has previously been heard by
12 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
13 the findings and analysis presented in the Planning and Zoning Division staff
14 report dated September 27, 2010, and the evidence presented to the P&Z Board,
15 has been recommended for approval with conditions; and

16 WHEREAS, after due consideration, based on the Planning &
17 Zoning Division staff report dated September 27, 2010 and the evidence
18 presented to it, the Board has found that approval of Petition Z-10-06-21-TDU is
19 consistent with the 1997-2010 Charlotte County Comprehensive Plan and the
20 Smart Charlotte 2050 Plan, and that it meets the requirements for the granting of
21 a rezoning, and;

22 WHEREAS, based on the above findings, the Board has
23 determined it to be in the best interests of the County to rezone the subject

1 property from Residential Single-family 5 (RSF-5), Residential
2 Multi-family 5 (RMF-5), Residential Multi-family 10 (RMF-10), Residential Multi-
3 family 15 (RMF-15), Commercial Intensive (CI), Commercial Highway (CH),
4 Commercial General (CG), Office, Medical, and Institutional (OMI), and
5 Environmentally Sensitive (ES) to Planned Development (PD) .

6 NOW, THEREFORE, BE IT ORDAINED by the Board of County
7 Commissioners of Charlotte County, Florida:

8 SECTION 1. The following petition for an amendment to the
9 Charlotte County Zoning Atlas is hereby approved subject to the conditions
10 contained in the attached Exhibit "B":

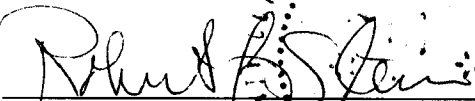

11 Petition Z-10-06-21-TDU requesting rezoning from
12 Residential Single-family 5 (RSF-5), Residential Multi-
13 family 5 (RMF-5), Residential Multi-family 10 (RMF-
14 10), Residential Multi-family 15 (RMF-15),
15 Commercial Intensive (CI), Commercial Highway
16 (CH), Commercial General (CG), Office, Medical, and
17 Institutional (OMI), and Environmentally Sensitive
18 (ES) to Planned Development (PD) for 653.54 acres
19 more or less of property owned by Peace River
20 Associates, LLC, Peace River East II, LLC, Peace
21 River East, LLC, Will-Ridge Associates, LLC, Post
22 Falls Associates, LLC, Harborview Road Associates,
23 LLC, and Harborview Road Associates I, LLC
24 ("Applicants"), described as located North of the
25 Peace River, South of Madras Court, East of Danforth
26 Drive, and West of Discovery Drive, in the Mid County
27 area, Commission District I, Charlotte County, Florida,
28 and more particularly described in Exhibit "A"
29 attached hereto and by this reference incorporated
30 herein.

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

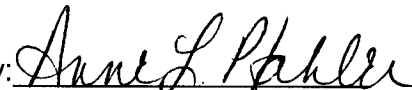
1 SECTION 3. This ordinance shall take effect upon the issuance of
2 a final order by the Department of Community Affairs or Administrative
3 Commission finding the Plan Amendment, PA-09-08-10-LS, approved by the
4 Board on July, 7, 2010, in compliance with 163.3184(1)(b), Florida Statutes,
5 whichever occurs earlier, and the Development Order for the Harborview
6 Development of Regional Impact, approved by the Board on September 21,
7 2010, pursuant to 380.06, Florida Statutes; provided that this ordinance has been
8 filed with Office of the Secretary of State, State of Florida.

9 PASSED AND DULY ADOPTED this 15th day of November, 2010.

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11 BOARD OF COUNTY COMMISSIONERS
12 OF CHARLOTTE COUNTY, FLORIDA

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14 By: 
15 Robert J. Starr, Chairman
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20 ATTEST:
21 Barbara T. Scott, Clerk of
22 Circuit Court and Ex-Officio
23 Clerk to the Board of County
24 Commissioners

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26 By: 
27 Deputy Clerk
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31 APPROVED AS TO FORM
32 AND LEGAL SUFFICIENCY:

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34 By: 
35 Janette S. Knowlton, County Attorney 
36 LR2010-1112
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LEGAL DESCRIPTION

DESCRIPTION NO. 1

ALL LESS THE EAST 395 FEET OF THAT CERTAIN PARCEL OR TRACT OF LAND PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH ONE-HALF, AND GOVERNMENT LOT 1 LESS THE SOUTH 16 ACRES, AND ALL OF GOVERNMENT LOT 2, LYING AND BEING IN SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, TOGETHER WITH RIPARIAN RIGHTS THEREUNTO APPERTAINING AND ALSO ALL ACCRETION THERETO.

ALONG WITH:

A PARCEL OF LAND IN PEACE RIVER IN SECTION 28, TOWNSHIP 40 SOUTH, RANGE 23 EAST PER O.R. BOOK 115, AT PAGE 27, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, COMMONLY KNOWN AS PART OF ISLAND NELL AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF GOVERNMENT LOT 2 OF SECTION 21 IN SAID TOWNSHIP 40 SOUTH, RANGE 23 EAST, RUN SOUTH $01^{\circ}25'01''$ EAST, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2 AND THE EXTENSION THEREOF, A DISTANCE OF 2,955.74 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREINAFTER DESCRIBED:

THENCE SOUTH $72^{\circ}21'52''$ EAST, A DISTANCE OF 560.50 FEET; THENCE SOUTH $04^{\circ}37'21''$ EAST, A DISTANCE OF 230.00 FEET; THENCE SOUTH $82^{\circ}23'00''$ EAST, A DISTANCE OF 52.00 FEET; THENCE NORTH $32^{\circ}02'00''$ EAST, A DISTANCE OF 374.00 FEET; THENCE NORTH $71^{\circ}33'35''$ EAST, A DISTANCE OF 115.12 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID GOVERNMENT LOT 2; THENCE SOUTH $01^{\circ}39'47''$ EAST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 465.00 FEET TO THE SHORELINE OF PEACE RIVER; THENCE ALONG SAID SHORELINE OF PEACE RIVER THE FOLLOWING COURSES AND DISTANCES: SOUTH $46^{\circ}16'46''$ WEST, A DISTANCE OF 187.82 FEET; THEN SOUTH $55^{\circ}02'00''$ WEST A DISTANCE OF 312.00 FEET; THENCE SOUTH $60^{\circ}34'00''$ WEST, A DISTANCE OF 405.00 FEET; THENCE SOUTH $50^{\circ}23'00''$ WEST, A DISTANCE OF 202.00 FEET; THENCE SOUTH $56^{\circ}12'30''$ WEST, A DISTANCE OF 253.00 FBET; THENCE SOUTH $66^{\circ}40'00''$ WEST, A DISTANCE OF 270.00 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID GOVERNMENT LOT 2; THENCE NORTH $01^{\circ}25'01''$ WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 1,464.53 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PORTION OF SECTION 21, TOWNSHIP 40 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 21, RUN SOUTH $87^{\circ}58'54''$ WEST, ALONG THE NORTH LINE OF SAID SECTION 21 A DISTANCE OF 425.46 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED: SAID POINT ALSO BEING ON THE WEST LINE OF HARBOR HEIGHTS, SECTION NINE, PART ONE, AS RECORDED IN PLAT BOOK 4, PAGES 38A THRU 38D OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PUNTA GORDA ISLES, SECTION TWENTY-THREE AS RECORDED IN PLAT BOOK 12, PAGE 2-A THRU 2-Z-41, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE CONTINUE SOUTH $87^{\circ}58'54''$ WEST ALONG SAID SOUTH LINE OF PUNTA GORDA ISLES, SECTION 23 AND THE NORTH LINE OF SECTION 21, A DISTANCE OF 701.90 FEET; THENCE SOUTH $00^{\circ}38'19''$ WEST, PARALLEL WITH THE EAST LINE OF SAID SECTION 21, A DISTANCE OF 1,229.64 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776; ACCORDING TO THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS SECTION NO. 01560-2601; THENCE SOUTH $89^{\circ}21'11''$ EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 460.96 FEET; THENCE NORTH $00^{\circ}38'49''$ EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET; THENCE SOUTH $89^{\circ}21'11''$ EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 240.20 FEET TO A POINT ON THE WEST LINE OF SAID HARBOR HEIGHTS, SECTION NINE, PART ONE; THENCE NORTH $00^{\circ}38'19''$ EAST, ALONG SAID WEST LINE, A DISTANCE OF 1,252.28 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED.

LESS AND EXCEPT:

THE RIGHT-OF-WAY OF HARBORVIEW ROAD (STATE ROAD NO. S-776) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS SECTION NO. 01560-2601.

LESS AND EXCEPT:

THE RIGHT-OF-WAY OF I-75 (STATE ROAD NO.93) PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS SECTION NO. 01075-2401.

AND TOGETHER WITH THE FOLLOWING SHOWN IN RESOLUTION RECORDED APRIL 22, 2004 IN OFFICIAL RECORDS BOOK 2447, PAGE 2054, AND DESCRIBED AS FOLLOWS:

SURVEYOR'S DESCRIPTION: PARCEL 3 (ENVIRONMENTAL-WEILAND):

A PARCEL OF LAND LYING 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 SOUTH $88^{\circ}15'11''$ WEST, ALONG THE NORTH LINE OF SAID SECTION 21, A DISTANCE OF 2,710.11 FEET TO A POINT; THENCE, SOUTH $88^{\circ}15'22''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 530.42 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE, SOUTH $88^{\circ}15'22''$ WEST, ALONG NORTH LINE OF SAID SECTION, A DISTANCE OF 409.45 FEET; THENCE, SOUTH $01^{\circ}44'38''$ EAST, A DISTANCE OF 14.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 189.34 FEET A CENTRAL ANGLE OF $28^{\circ}23'36''$, AND A CHORD BEARING OF SOUTH $15^{\circ}56'26''$ EAST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 93.83 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, SOUTH $30^{\circ}08'14''$ EAST; A DISTANCE OF 175.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING AS ELEMENTS A RADIUS OF 115.00 FEET, A CENTRAL ANGLE OF $93^{\circ}30'48''$, AND A CHORD BEARING OF SOUTH $16^{\circ}37'10''$ WEST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 187.69 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 240.00 FEET, A CENTRAL ANGLE OF $84^{\circ}25'06''$ AND A CHORD BEARING OF SOUTH $21^{\circ}10'01''$ WEST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 353.61 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, SOUTH $21^{\circ}02'31''$ EAST, A DISTANCE OF 173.48 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 565.00 FEET, A CENTRAL ANGLE OF $26^{\circ}32'25''$, AND A CHORD BEARING OF NORTH $55^{\circ}41'16''$ EAST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 261.72 FEET TO THE END OF SAID CURVE; THENCE, NORTH $18^{\circ}47'22''$ EAST, A DISTANCE OF 91.83 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF $44^{\circ}43'21''$, AND A CHORD BEARING OF NORTH $03^{\circ}34'19''$ WEST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 273.19 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING AS ELEMENTS A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF $83^{\circ}44'27''$, AND A CHORD BEARING OF NORTH $15^{\circ}56'14''$ EAST, THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 233.85 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING AS ELEMENTS A RADIUS OF 240.00 FEET, A CENTRAL ANGLE OF $53^{\circ}50'57''$, AND A CHORD BEARING OF NORTH $30^{\circ}52'59''$ EAST; THENCE, ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 225.56 FEET TO THE POINT OF BEGINNING.

DESCRIPTION NO. 2

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

THAT PORTION LYING EAST 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 ½ OF THE 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).

DESCRIPTION NO. 3

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 OFFICAL RECORDS BOOK 1176, PAGE 1654, ET. SEQ., 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 ½ OF THE 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).

Petition Number Z-10-06-21-TDU
Harborview PD Rezoning Conditions

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by King Engineering Associates, Inc., dated June 22, 2010, revised on October 28, 2010, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the site plan review conditions of approval, per letter dated September 9, 2010 and signed by Nicole C. E. Dozier, Charlotte County Zoning Official, are required to be met. The open space area, including saltwater marsh and preservation areas, shall be no less than 169 acres. Areas indicated for residential, commercial, office, hotel and public marina will be developed as such. Revisions consistent with the notes on the approved PD Concept Plan shall be permitted. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.
- b. Eight phases of development are contemplated for the subject site. Phases may be re-ordered as long as common improvements and infrastructure improvements are constructed as shown to support the phasing change. Within any phase of development, County staff reserves the right to place additional conditions limited to building layout, but only to address internal traffic circulation issues, landscaping, and commercial design standards upon the proposal when it is submitted for Final Site Plan review.
- c. A development time line and phasing plan for the entire PD shall be submitted prior to Final Site Plan Review approval.
- d. The residential development shall include a total of 3,859 residential dwelling units, which are 245 single-family homes and 3,614 units of multi-family. The subject site retains a base density of 1,785 residential dwelling units. Customary residential accessory uses, including but not limited to, swimming pools, tennis courts, storage sheds, clubhouses and guardhouses, shall also be permitted. The following restrictions apply:
 - i. Within East Village: A base and maximum density of 157 residential dwelling units exists within the 65.8 acre Coastal High Hazard Area (CHHA) that was incorporated into the Harborview DRI by Resolution 2006-093. The base and maximum density of residential development in the CHHA outside the land incorporated into the DRI by Resolution 2006-093 is 616 residential dwelling units - 229 residential units located within Category 1 Storm Surge Zone and 387 residential dwelling units located within Tropical Storm Surge Zone.
 - ii. Within West Village: The site 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; the maximum number of units allowed in the CHHA is 733. Any development in excess of 398 units requires a transfer of density from an equivalent Storm Surge zone. Transfer of density units from outside the DRI property must be

EXHIBIT B

1 of 8

Z-10-06-21-TDU

approved by the Board of County Commissioners prior to any phase of Preliminary Plat application or Final Site Plan Review application, whichever shall occur first.

- iii. CHHA density within the East Village may be relocated to the West Village, or North Village. This movement of density will be recorded and approved within the Final Site Plan approval process of the applicable phase of development.
- e. For non-residential development, there shall be a maximum of 655,000 square feet of commercial development, a maximum of 50,000 square feet of office uses, 350 rooms of hotel of uses, 20 single family boat slips that qualify under Section 403.813, Fla. Stat. exemptions and a Public Marina, which may include 260 wet boat slips and 192 dry boat slips. Non-residential land uses 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 that is Exhibit "B" to the Harborview DRI Development Order. Changes made pursuant to the matrix shall not constitute a major modification to the PD. Permitted uses:
 - i. Within East Village:
 - 1) Special exceptions shall not be allowed.
 - 2) Hotels, motels and restaurants.
 - 3) Professional services.
 - 4) Personal services.
 - 5) Business services.
 - 6) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
 - 7) Parking lots and parking garages in support of permitted uses within this development.
 - 8) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
 - 9) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
 - 10) Resort marinas or Sport marinas. Section 10, Marina and Dock Facilities of the Development Order of the Harborview DRI shall apply.
 - 11) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
 - 12) Private clubs.
 - 13) Post offices.
 - 14) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.

- 15) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
 - 16) Banks and other financial institutions.
 - 17) Animal hospitals with boarding of animals in completely enclosed buildings.
 - 18) Adult congregate living facilities in accordance with section 3-9-63.1.
 - 19) Package stores for the sale of liquor.
 - 20) Houses of worship in accordance with section 3-9-80.1.
 - 21) Laundromats and dry cleaning facilities.
 - 22) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school.
 - 23) Essential and emergency services.
 - 24) Gas pumps and Car wash.
 - 25) Laboratories, class 3, provided central sewer is available.
 - 26) Child and adult day care facilities.
 - 27) Photocopying shops.
 - 28) Model homes, not intended for residential purposes.
 - 29) Billiard parlors and arcades.
 - 30) Outdoor markets.
 - 31) Auto rental agencies.
 - 32) Boat, trailer and motor sales and services.
 - 33) Outdoor commercial recreational facilities.
 - 34) Covered boat slips.
 - 35) Commercial wet/dry boat storage.
- ii. Within North Village:
- 1) Special exceptions shall not be allowed.
 - 2) Hotels, motels and restaurants.
 - 3) Professional services.
 - 4) Personal services.
 - 5) Business services.
 - 6) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
 - 7) Parking lots and parking garages in support of permitted uses within this development.
 - 8) Automotive specialty services, including the sale and repair of starters, generators, alternators and electrical parts, carburetors, speedometers and instruments, provided the services are performed on parts off the vehicle and no installation or removal of parts from the vehicle is performed on the premises.
 - 9) Automotive parts, provided no installation is performed on the premises and all parts are stored within a completely enclosed building.

- 10) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation may be outside the building.
 - 11) Private clubs.
 - 12) Post offices.
 - 13) Indoor commercial recreational facilities such as motion picture theaters, swimming pools, bowling alleys and similar uses.
 - 14) Vocational, trade, business schools, colleges and universities, provided all activities are conducted in completely enclosed buildings.
 - 15) Schools.
 - 16) Banks and other financial institutions.
 - 17) Animal hospitals with boarding of animals in completely enclosed buildings.
 - 18) Adult congregate living facilities in accordance with section 3-9-63.1.
 - 19) Package stores for the sale of liquor.
 - 20) Houses of worship in accordance with section 3-9-80.1.
 - 21) Laundromats and dry cleaning facilities.
 - 22) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages, greater than one thousand (1,000) feet from a church or school.
 - 23) Essential and emergency services.
 - 24) Gas pumps and Car wash.
 - 25) Laboratories, class 3, provided central sewer is available.
 - 26) Child and adult day care facilities.
 - 27) Photocopying shops.
 - 28) Billiard parlors and arcades.
 - 29) Automobile rental agency.
- f. The maximum building heights:
- i. Within East Village:
 - 1) For single-family development: 38 feet from the base flood elevation.
 - 2) For multi-family development: 70 feet from the base flood elevation.
 - 3) Within 100 feet of eastern property line, the maximum residential building height is 38 feet from the base flood elevation.
 - 4) For mixed use development: 70 feet from the base flood elevation, except as otherwise noted on the Concept Plan.
 - 5) For commercial development: 75 feet from the base flood elevation.
 - ii. Within North Village:
 - 1) For single-family development: 38 feet from the base flood elevation.
 - 2) For multi-family development: 60 feet from the base flood elevation.
 - 3) Within 100 feet of northern property line, the maximum residential building height is 38 feet from the base flood elevation.
 - 4) For schools: 40 feet from the base flood elevation.
 - 5) For commercial development: 75 feet from the base flood elevation.
 - iii. Within West Village:
 - 1) For single-family development: 38 feet from the base flood elevation.

- 2) For multi-family development: 60 feet from the base flood elevation.
 - 3) Recreational structures within single family residential areas: 38 feet from the base flood elevation.
- g. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final Site Plan Review approval, the developer, and subsequently, the homeowner's association or Community Development District (CDD), will be required to maintain all private roads within the development area. The proposed roadway within the wetland area shall be designed such that impacts to the wetland are minimized. Such design will be in accordance with SWFWMD regulations concerning storm water management and wetland permitting, and the proposed roadway shall not impede any surface water movement.
 - h. Per Section 11, Energy, and Exhibit I of the Development Order for the Harborview Development of Regional Impact, the developer shall construct an eight (eight) foot wide multi-use on-site path for pedestrians and bicycles. The developer is also required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail is required along the northern and southern property line on Harborview from the western property boundary to the eastern property boundary. The developer shall coordinate with the Department of Public Works.
 - i. The development must use potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer must also extend re-use water utility lines along with the potable water and sanitary sewer lines throughout the development. A Developers Agreement with Charlotte County Utilities for the extension of sanitary sewer and re-use lines must be approved by the Board of County Commissioners prior to any phase of the Final Site Plan Review application process.
 - j. The site shall be developed with a unified landscaping theme. Only Florida Friendly landscaping shall be allowed within the common areas, unless a superior alternative is approved by Charlotte County staff. The developer shall also make every effort to ensure that residential property owners within the development also use Florida Friendly landscaping. The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only organic or other slow release forms of fertilizers shall be utilized throughout the development.
 - k. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. The developer is encouraged to construct re-use water retention basins on site if at all possible. The developer, a homeowner's association, community

development district or similar entity, is required to maintain all common areas within the development area.

- I. A twenty five (25) foot PD setback will be provided as depicted on the site plan. No pavement or other structures except a wall or fence, driveways, signs, landscaping and sidewalk will be allowed within the 25 foot PD setback.

m. Landscaping and Buffer requirements:

All buffer types are as shown in the Buffer Type Illustrations attached hereto and incorporated herein by this reference.

- i. At a minimum, a Type B Buffer must be placed within the multi-family development area which is adjacent to the internal single-family development.

- ii. At a minimum, a type C buffer must be provided around the recreation area as it is considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.

iii. Within East Village:

- 1) At a minimum, a Type B Buffer must be placed within the commercial development area which is adjacent to the internal mixed use development.

- 2) At a minimum, a Type A Buffer must be placed within the commercial development area which is adjacent to I-75 and Harborview Road.

- 3) At a minimum, a Type B Buffer must be placed within the mixed use development area which is adjacent to the residential development and along Harborview Road.

- 4) Within the mixed use development, at a minimum, a type C buffer will be placed along the western property boundary adjacent to I-75. As part of the buffer, a six (6) foot high decorative opaque wall or three (3) foot high berm must be placed along with internal landscaping adjacent to any residential development; if the wall is built, it must be kept in good repair and appearance.

- 5) At a minimum, a Type B Buffer must be placed within the mixed use development area which is adjacent to the residential development and along Harborview Road.

- 6) At a minimum, a Type A buffer must be placed within the 25-foot PD setback for the property boundary adjacent to the property zoned RSF-5 and RSF-3.5.

iv. Within North Village:

- 1) At a minimum, a Type C Buffer must be placed within the commercial development area which is adjacent to the internal residential development.

- 2) At a minimum, a Type A Buffer must be placed within the commercial development area which is adjacent to I-75 and Harborview Road.

- 3) At a minimum, a Type B buffer must be placed within the 25-foot PD setback on the property northern and eastern portion of the property lines.

- 4) At a minimum, a Type B buffer must be placed within the 25-foot PD setback on the property northern and eastern portion of the property lines.
- 5) At a minimum, a Type B buffer must be placed within the school site which is adjacent to internal residential development, as well as any property zoned for residential development.
- v. Within West Village:
 - 1) At a minimum, a type C buffer will be placed along the eastern edge of the property which is adjacent to I-75. As part of the buffer, a six (6) foot high decorative opaque wall or three (3) foot high berm must be placed with internal landscaping; if the wall is proposed, it must be kept in good repair and appearance.
 - 2) At a minimum, a Type C Buffer must be placed within the residential development area which is adjacent to Harborview Road and property zoned residential development.
- vi. The developer is required to remove exotic/nuisance species from the subject property.
- n. All commercial development shall meet the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards, except as follows:
 - i. Each primary facade shall incorporate a minimum of five (5) design treatments.
 - ii. The primary customer entrance may face the parking lot.
- o. Exterior signage shall meet the sign regulations in effect at the time of permitting. The development may have a total of three (80 feet high) pole signs as shown on the Concept Plan, dated October 28, 2010. These pole signs may advertise any businesses located within the boundary of the Harborview Development of Regional Impact. The application is also proposing locations of monument signs as shown on the Concept Plan, dated October 28, 2010.
- p. The developer shall maintain the hydrogeology of all of the wetlands, unless impacts and mitigation are permitted by the Southwest Florida Water Management District. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be a minimum of fifteen (15) feet in width with an average width of twenty five (25) feet as measured from the landward limit of the wetland or surface water, except that where commercial development is adjacent to a wetland, the minimum buffer shall be thirty (30) feet.
- q. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands on the subject property, except those wetlands which are permitted to be impacted by the Southwest Florida Water Management District, shall be granted to the County or the Southwest Florida Water Management District. A copy of the easement shall be sent to the County Attorney's Office and Comprehensive Planning Section of the Building and Growth Management Department for review and approval prior to being

filed with the Clerk of the Circuit Court. The filing shall be completed prior to Preliminary Plat application or Final Site Plan Review application, whichever shall occur first.

- r. The applicant shall work with the Transportation Department of Charlotte County Public Schools to provide bus stop shelters for the community's children. Should the pick up and drop off point be located at the entrance of the development, sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation will be needed along with a shelter for the children and a bicycle rack at the pick-up area. This addition must be shown on the Final Site Plan for approval unless the Charlotte County School District determines that a bus stop is not needed.
- s. Within the residential or mixed use development area, if outdoor lighting is proposed, it will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property. Pole or standing lights will be no higher than 15 feet. Any outdoor lighting shall be shielded so that no light shines into a buffer/wetland area.
- t. No development shall occur prior to any phases of Final Site Plan Review approval.
- u. The maximum amount of permitted parking shall be 120 percent of the minimum required parking. Parking in excess of 100 percent of the required minimum parking shall be paved with a permeable surface. Shared parking must be considered within the commercial development areas.
 - i. At least 20% of the commercial parking and parking spaces for residential recreation areas shall use pervious concrete.
- v. All primary internal access ways shall be in general compliance with the PD Concept Plan.
- w. Off-street parking facilities (e.g. garages and parking fields) may serve a mix of uses whether or not on the same lot or parcel of land and can be counted toward the parking requirements.
- x. Tandem parking adjacent to or within in-structure garages is allowed and can be counted toward the parking requirements.
- y. Off-street loading facilities may serve a mix of uses whether or not on the same lot or parcel of land.
- z. A minimum 25-foot building separation (including a 10-foot wide landscape buffer) will be provided between any single family residential unit and multi-family residential, commercial or marina use.
- aa. The linear park is intended to be a maintained area cleared of underbrush for maintenance of viewsheds and pedestrian safety and the area along Discovery Drive may include trail system amenities, such as but not limited to, walkways, benches, gazebos, stormwater ponds and picnic shelters.
- bb. Brick and concrete pavers are permitted in side yards, but shall not encroach into a drainage easement.
- cc. Boardwalk access to single family docks may be permitted across the preservation areas and within the twenty-five (25) foot PD setback adjacent to the DeSoto Canal.

SUN NEWSPAPERS

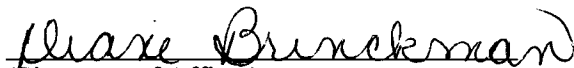
Charlotte • DeSoto • Englewood • North Port • Venice

PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

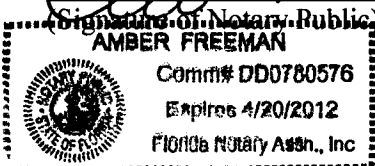
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

October 31, 2010

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn and subscribed before me this 1st day of November, 2010.



Amber Freeman

No Charge
per Sun

Personally known OR Produced Identification _____

Type of Identification Produced _____

NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON MONDAY, NOVEMBER 15, 2010, AT 1:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT CONSIDERED TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY GROWTH MANAGEMENT DEPARTMENT, AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.com/agenda.asp>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

PA-10-06-19

Legislative

Commission District III

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 1997-2010 Future Land Use Map of the Charlotte County Comprehensive Plan from High Density and Medium Density Residential to Commercial Center and to the 2030 Future Land Use Map from High Density and Medium Density Residential to Commercial; for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. PA-10-06-19; Applicant: Harmonie Development Group, LLC; providing an effective date.

Z-10-06-20

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manasota Multi-family 12 (MMF-12) and Manasota Multi-family 7.5 (MMF-7.5) to Manasota Commercial Tourist (MCT), for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. Z-10-06-20; Applicant: Harmonie Development Group, LLC; providing an effective date.

2010 Evaluation and Appraisal Report

Legislative

Countywide

Adopt a Resolution pursuant to Section 163.3191(6), Florida Statutes, providing for adoption of the 2010 Evaluation and Appraisal Report. Applicant: Charlotte County Board of County Commissioners.

Z-10-06-21-TDU

Quasi-Judicial

Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 5 (RSF-5), Residential Multi-Family-5 (RMF-5), Residential Multi-Family-10 (RMF-10), Residential Multi-Family-15 (RMF-15), Commercial Intensive (CI), Commercial Highway (CH), Commercial General (CG), Office, Medical, and Institutional (OMI), and Environmentally Sensitive (ES) to Planned Development (PD); for property located north of the Peace River, south of Madras Court, east of Danforth Drive, and west of Discovery Drive; in the Punta Gorda area; containing 653± acres; Commission District I; Petition No. Z-10-06-21-TDU; Applicants: Peace River Associates, LLC; Peace River East II, LLC, Peace River East, LLC, Will-Ridge Associates, LLC; Post Falls Associates, LLC; Harborview Road Associates, LLC, and Harborview Road Associated I, LLC, c/o David H Baldauf; providing an effective date.

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

- The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.



P.O. #: 2010003088.BB
Publish: October 31, 2010



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Governor

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DAWN K. ROBERTS
Interim Secretary of State

November 24, 2010

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948-1094

Attention: Ms. Anne L. Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 23, 2010 and certified copy of Charlotte County Ordinance No. 2010-071, which was filed in this office on November 24, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

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CHARLOTTE COUNTY, FL

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