

R E S O L U T I O N
NUMBER 91- 267

A RESOLUTION AMENDING THE MASTER DEVELOPMENT ORDER FOR RIVERWOOD DRI, AS REPRESENTED BY RESOLUTION 90-285; AND FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION.

FINDINGS

1. On November 13, 1990, the Charlotte County Board of County Commissioners passed and approved Resolution No. 90-285, constituting the Master Development Order for a development known as Riverwood.

2. MRP Land Trust, Robert M. Taylor, Trustee, has requested that an amendment to the Master Development Order be considered by the Board of County Commissioners.

3. The Board of County Commissioners has considered the amendment requested by MRP Land Trust, Robert M. Taylor, Trustee, and finds that pursuant to F.S. §380.06(19), it does not constitute a substantial deviation.

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

4. Paragraph 7.a of Section II.A, CONDITIONS, of the Master Development Order for Riverwood DRI, represented by Resolution No. 90-285, is hereby amended as follows:

a. Land uses within the primary and secondary Bald Eagle zones shall be consistent with the Bald Eagle Habitat Management Plan dated April 2, 1991, incorporated herein as Exhibit C and

revised pursuant to "Final Revisions to Riverwood DRI Bald Eagle Management Plan" attached hereto as Attachment 1. The areas encompassed by the Bald Eagle Management Plan shall be shown on the Master Development Plan, Map H, annotated to reference the Bald Eagle Management Plan. Notwithstanding the listing of permitted passive recreational activities allowed in the Primary Zones, the developer shall not develop even those passive recreational activities in the Primary Zones without further review pursuant to Florida Statutes §380.06. to be approved by Charlotte County through the appropriate F.S Chapter 380 development order amendment procedures at a later date.

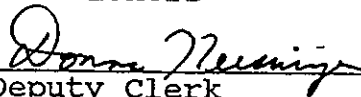
5. The amendment incorporated herein does not constitute a substantial deviation of the Master Development Order.

PASSED AND DULY ADOPTED this 22nd day of October, 1991.


BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

BY 
Wm. D. Noel, Jr., Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

BY 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


Beth A. Sullivan
Assistant County Attorney

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FINAL REVISIONS TO RIVERWOOD DRI BALD EAGLE MANAGEMENT PLAN
DATED APRIL 2, 1991

1. Page 3, Section III "Plan Approach" - Add the following to the end of the section:

This Bald Eagle Management Plan applies only to Increment One. Within the primary, secondary or flyway zones located outside Increment One (as shown in Exhibits A and B which are specifically incorporated into and are a part of the Bald Eagle Management Plan along with the restrictions contained in Appendix I which are also hereby specifically incorporated into the Bald Eagle Management Plan), it also provides recommendations on avoiding the disturbance of nesting bald eagles. It does not address permanent habitat protection for eagles in those areas, however, and is therefore subject to future review and revision regarding that issue.

For those areas outside Increment One, including those areas within the primary, secondary and flyway zones, the Applicant acknowledges that prior to development in those areas, a future Application for Incremental Development Approval must be filed and that DRI review of bald eagle habitat and management will take place pursuant to the laws, rules and regulations governing the DRI process in effect at the time of the review.

2. Page 6, Section VI "Habitat Management", paragraph 3 - Add the following:

Any berms used with vegetative buffering will be located adjacent to the Primary Zone to enhance the visual buffer in areas where vegetation is sparse or non-existent and to provide additional height to trees needed to provide visual buffer where necessary, and will not be continuous, uninterrupted berms requiring clearing and replanting.

3. Page 6, Section VI "Habitat Management", paragraph 4 - Add the following:

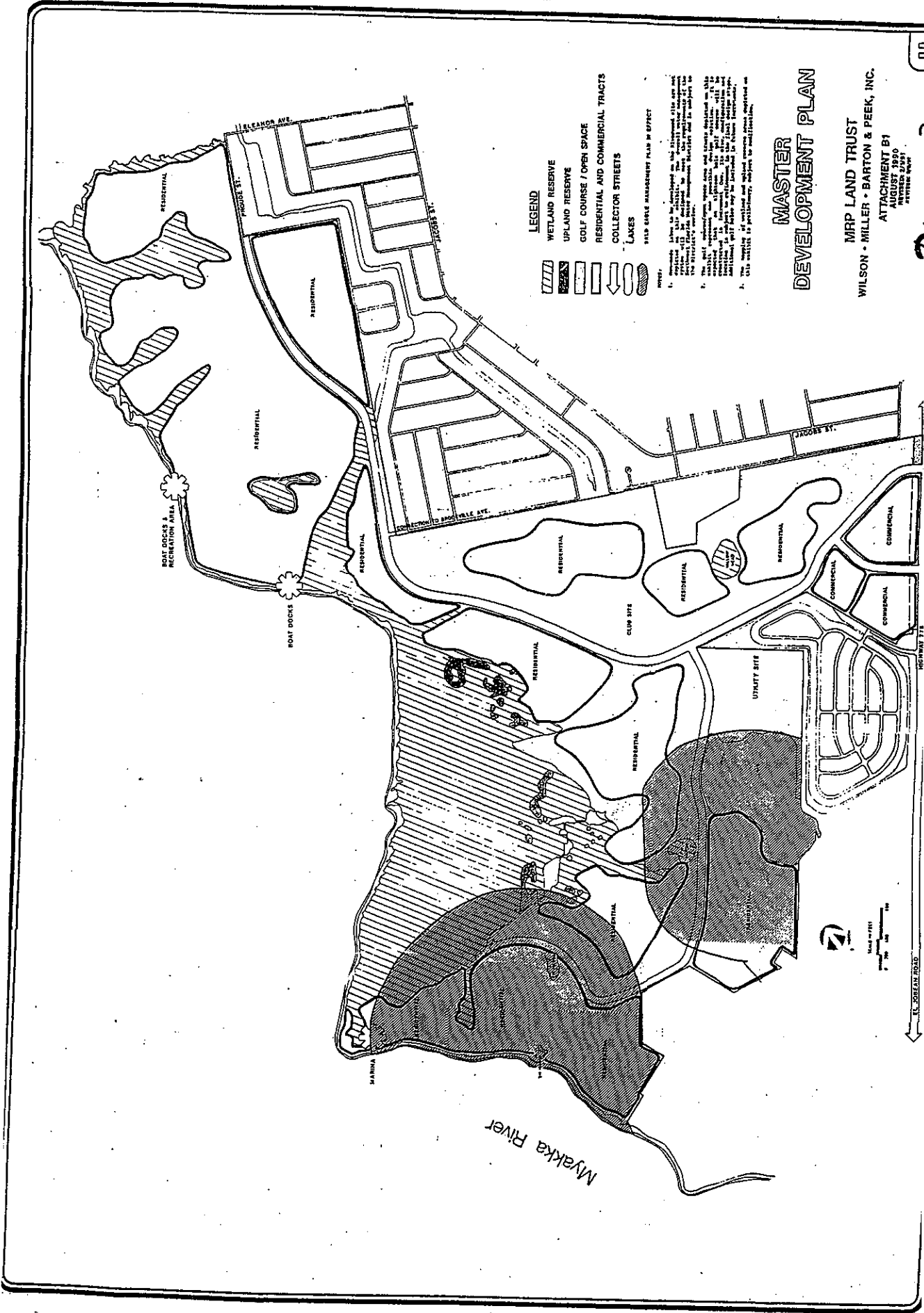
"No Trespassing" signs will be posted inside the Primary Zone perimeter treeline pursuant to Florida Statutes §810.011(5).

4. Page 7, Section IX "Abandoned Nests" - Add the following to the end of the section:

Determination of abandonment under this Section shall be made by the Florida Game and Fresh Water Fish Commission, Office of Environmental Services upon application made by, and considering factual evidence provided by, the Applicant. Notice of the application shall be simultaneously provided by the Applicant to the Southwest Florida Regional Planning Council and the Department of Community Affairs who may also provide evidence for Florida Game and Fresh Water Fish Commission's consideration on the matters if they so desire.

In the event that a future Application for Incremental Development Approval is filed for development in the primary or flyway zones because a nest has been determined to be abandoned, the Applicant acknowledges that that DRI review of bald eagle habitat management will take place pursuant to the laws, rules, and regulations in effect at the time of the review. The reviewing agencies will not be deemed to have waived their rights to apply those laws, rules, and regulations by virtue of this Bald Eagle Management Plan having been previously approved.

JA:AMEND2/102291



LEGEND

- WETLAND RESERVE
- UPLAND RESERVE
- GOLF COURSE / OPEN SPACE
- RESIDENTIAL AND COMMERCIAL TRACTS
- COLLECTOR STREETS
- LAKES
- FIELD CIRCLE MANAGEMENT PLAN IN EFFECT

NOTES:

1. The plan is to be developed in the following order: (a) the utility site, (b) the residential and commercial tracts, (c) the boat docks and recreation area, and (d) the wetland reserve.
2. The plan is subject to the approval of the appropriate governmental agencies.
3. The plan is subject to the approval of the appropriate governmental agencies.
4. The plan is subject to the approval of the appropriate governmental agencies.

MASTER DEVELOPMENT PLAN

MRP LAND TRUST
 WILSON • MILLER • BARTON & PECK, INC.
 ATTACHMENT B1
 AUGUST 1980
 REVISED 2/1981
 ATTACHE NEW



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