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FILE 1308800 OR BK 02603 Pgs 0838 - 842; (5pgs) RECD 12/20/2004 10:07:05 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC-44.00

RESOLUTION  
NUMBER 2004 - 256

A RESOLUTION AMENDING RESOLUTION 970030A0,  
THE INCREMENT TWO DEVELOPMENT ORDER FOR  
RIVERWOOD DRI; FINDING THAT THIS AMENDMENT  
DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION;  
AND PROVIDING FOR AN EFFECTIVE DATE.

FINDINGS

WHEREAS, on January 9, 1997, the Charlotte County Board of County  
Commissioners passed and approved Resolution #970030A0, constituting the  
Increment Two Development Order for a development known as Riverwood DRI;  
and

WHEREAS, Centex Homes has requested that amendments to the  
Increment Two build out date be considered by the Board of County  
Commissioners; and

WHEREAS, the Board of County Commissioners has reviewed and  
considered the amendments requested by Centex Homes, and finds that they  
are consistent with the Charlotte County Comprehensive Plan and with the  
previously approved Riverwood Master Development Order, and also finds that  
pursuant to F.S. §380.06(19), they do not constitute a substantial deviation.

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

SECTION ONE:

Resolution No. 970030A0 is hereby amended as follows:

1. Pursuant to Section 380.06, Florida Statutes, the Board of  
County Commissioners of Charlotte County, Florida has heard, at a public  
hearing convened on ~~January 9, 1997~~, December 15, 2004, the application for  
development approval for Riverwood Increment Two Development of Regional  
Impact, which consists of approximately 307 +/- acres to be developed in the

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manner described in the application filed by ~~Riverwood Land Development Company Limited Partnership~~ Centex Homes for said development.

## II. CONCLUSIONS OF LAW

### A. Conditions.

#### 9. GENERAL CONSIDERATIONS.

b. This Increment Two is a single ~~five (5)~~ less than twelve (12) year phase build out, as adjusted to the effective date of the development order (i.e., after expiration of any appeal or appeal period) with an amended build out date of January 8, 2009 with an amended build out date of January 8, 2009, plus time for tolling during the pendency of any appeals. If development order conditions and applicant commitments incorporated with in 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 and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issues.

BE IT FURTHERRESOLVED by the Board of County Commissioners of Charlotte County, Florida, that:

3. This Incremental Development Order shall remain in effect for a period of ~~ten (10)~~ twelve (12) years from the date of its rendition i.e., until January 8, 2009 plus time for tolling during the pendency of any appeals. In the event that significant physical development has not commenced within this time period, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include

construction of buildings or installation of utilities and facilities such as sewer and water lines.

4. Pursuant to Section 380.06(15)(c)(3), *Fla. Stat., Charlotte County agrees that* the Riverwood Increment Two Development Order shall not be subject to down zoning, unit density reduction or intensity reduction for a period of ~~ten (10)~~ twelve (12) years, plus time for tolling during the pendency of any appeals, i.e., until January 8, 2009, unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

4. The applicant or its successors in title to the subject property shall submit a report ~~annually~~ biannually, commencing one year from the effective date (i.e., after expiration of any appeal or appeal period) of this development order to Charlotte County, the Southwest Florida regional Planning Council, and the Department of Community Affairs. This report will contain the information required in Section 9-J-2.025, Florida Administrative Code. Failure to submit the biannual report shall be governed by Subsection 380.06 (18), Florida Statutes.

#### SECTION TWO:

A. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the development order.

B. All other terms and conditions of the development order, not affected by this resolution, shall remain unchanged and in full force and effect.

C. This Resolution shall become effective immediately upon its adoption.

D. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Ms. Valerie Hubbard, Director of the Division of Community Planning, Florida Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100, and to Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL 33917.

PASSED AND DULY ADOPTED this 15<sup>th</sup> day of December, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Sara J. Devos  
Sara J. Devos, Chairman




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

By: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney



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