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RESOLUTION

2019-134

A RESOLUTION AMENDING RESOLUTION 2017-144, THE TERN BAY DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) TO (1) RENAME THE TERN BAY DRI TO THE HERITAGE LANDING DRI; (2) INCREASE THE RESIDENTIAL DWELLING UNITS FROM 1,315 TO 1,810 UNITS; (3) REDUCE THE GOLF COURSES FROM THREE NINE HOLE GOLF COURSES TO TWO NINE HOLE GOLF COURSES; (4) REVISE THE RECREATIONAL USES TO INCLUDE UP TO TEN TENNIS OR PICKLEBALL COURTS; (5) ADD A CELL TOWER AS A PERMITTED USE; (6) REVISE MAP H; (7) REVISE THE LANGUAGE RELATED TO THE COASTAL CONSERVATION AREA; (8) EXTEND THE BUILDOUT DATE TO DECEMBER 29, 2036; (9) UPDATE REQUIREMENTS TO MAKE THE DEVELOPMENT ORDER MORE REFLECTIVE OF CURRENT CONDITIONS AND LAW; AND (10) UPDATE EXHIBITS D, E, AND F TO REMOVE THE OUTDATED INFORMATION; FOR PROPERTY LOCATED NORTHWEST OF BURNT STORE ROAD, IN PORTIONS OF SECTION 13, 17, 18, 19, AND 20, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CONTAINING 1,778 ACRES MORE OR LESS, IN THE BURNT STORE AREA; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT II; PETITION NO. NOPC-19-05-08; APPLICANT, LENNAR HOMES, LLC; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on February 18, 1992, pursuant to Section 380.06 Florida Statutes, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted Resolution 92-29, constituting the Caliente Springs Development of Regional Impact Development Order, subsequently known as the Tern Bay DRI; and

WHEREAS, on April 3, 1992, the State of Florida Department of Community Affairs ("DCA"), now known as the Department of Economic Opportunity ("DEO") filed an appeal of the Caliente Springs Development of Regional Impact Development Order reflected in Resolution 92- 29; 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 92-29 and pursuant to a Settlement Agreement, the Board adopted Resolution 93-244 on August 17, 1993, that was executed on December 14, 1993 ("Development Order"); and

WHEREAS, the Board adopted additional amendments to the Development Order pursuant to the following Resolutions: 98-0370A0, 98-0372A0, 2004-050, 2006-009, 2006-043, 2006-194, 2011-023, 2012-024, 2013-033, 2016-034 and 2017-144; and

WHEREAS, Tern Bay CDD Acquisitions, LLC was the successor to Tern Bay Development Co., LLC; and

WHEREAS, Lennar Homes, LLC is currently the successor in interest to Tern Bay CDD Acquisitions, LLC, and is referenced and recognized herein as the developer of the residential components ("Residential Developer") of the Heritage Landing DRI (DRI); and

WHEREAS, Residential Developer submitted an application for Amendment to the Heritage Landing Development of Regional Impact Development Order in May, 2019 to change the amount of authorized development within the DRI, update the transportation mitigation requirements accordingly, and update other provisions within the Development Order; and

WHEREAS, Tern Bay CDD Acquisitions, LLC had previously represented that on September 19, 2006, Tern Bay, LLC assigned all development rights relating to commercial office and retail square-footage under the then existing Development Order

to Tern Bay Commercial Group, LLC and recorded such in the Official Records of Charlotte County, Book 3041, Page 2068; and

WHEREAS, Tern Bay Commercial Group, LLC, or its successors and assigns, shall be known as the developer of the commercial components of the DRI ("Commercial Developer"); and

WHEREAS, the Board has reviewed and considered the specifics of the changes proposed in Petition NOPC-19-05-08, finds it consistent with the Charlotte County Comprehensive Plan and consistent with the previously approved Development Orders for the Tern Bay DRI; and

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

1. The Development Order shall be amended to read as follows (additions are shown as underlined, deletions are shown as ~~stricken through~~, the exhibits and some formal and formatting editions shown without indication of additions or deletions):

FINDING OF FACT/CONCLUSION OF LAW

A. The development, to be known as Heritage Landing DRI, is a mixed-use project with a maximum of 1,3451,810 residential dwelling units, 20,000 gross square feet of office space, 111,500 gross square feet of retail space, a 150-room hotel, 865 acres of wetland preservation areas, a minimum of 205 acres of upland preservation areas and buffer areas subject to further additions, a project total of 295.0 acres of impervious surfaces leaving a project total of 1,483 acres of open space (all natural pervious and all vegetated pervious surfaces), and a sales and Community Development District (CDD) administration center and other amenities on 1,778 acres located in Southern Charlotte County between Burnt Store Road and Charlotte Harbor approximately three miles north of the Lee County line. The site may contain ~~three~~two nine hole golf courses on 215 acres, a maximum 20,000 gross square foot golf clubhouse with restaurants, ~~—~~a maximum 7,500 gross square foot building(s) for a tennis clubhouse, fitness center and spa, ~~eight~~up to ten tennis or pickleball courts, swimming pools, bike and walk trails, a small fishing pier, canoe launch and docks, lookout tower, ~~and~~ approved governmental uses and a cell tower. Exhibit "A", revised and dated ~~November 2016~~August 2019 is a copy of the approved and revised Master Concept Plan, depicting all the above

approved land uses ("Revised Map H").

- B. The legal description of the property is described in Exhibit "B" which is attached hereto and made a part of this development order.
- C. Approximately 865+/- acres of the site adjacent to Charlotte Harbor are considered saltwater wetlands and will be placed under a permanent conservation easement or else conveyed to the State of Florida. The development consists of approximately 205 acres of upland preservation areas in the form of buffers, wetland tributaries (2) and golf course roughs and a minimum of 105 acres of lakes for water management.
- D. Water and wastewater services are ~~proposed to be being~~ provided by Charlotte County Utilities (CCU) or its successors and assigns. This utility currently has available permitted and planned additional capacity to serve the entire ~~Tern Bay Heritage Landing~~ DRI development. The project is planned in one phase, with buildout of ~~December 31 2029, 2024 2036~~. ~~This extension shall not be considered to cause a substantial deviation due to economic downturn and the time the project was held in abeyance due to the foreclosure on the property as provided in 380.06(19)(c)(1), F.S. and the Board specifically finds the presumption of a substantial deviation has been rebutted by clear and convincing evidence.~~
- E. ~~The Tern Bay buildable portion of the Heritage Landing Site is located within the Urban Service Area (USA). Existing water and sewer lines serve adjacent properties and can have been easily extended to serve this project. Tern Bay. Tern Bay The Project will provide include a variety of housing types, commercial/retail space, activities and recreation opportunities, commencing at the onset of development that will make the USA a more self-reliant and successful USA.~~

SPECIFIC CONDITIONS

1. DRAINAGE/WATER QUALITY

- a. Prior to any onsite development, clearing of land, or the receiving of any building permits for development, the applicant shall confirm, to the satisfaction of all Federal, State, and local review agencies, and the Southwest Florida Water Management District through the required permitting processes that the proposed water management system will not adversely impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

2. HOUSING

- a. Either the applicant or owners of the commercial area shall undertake an affordable housing survey based on the methodology supplied by (DEO)

and the SWFRPC when the project has reached a significant non-residential buildout. That threshold is defined as the time when building permits have been issued for the 80 thousandth square foot of non-residential construction, excluding the golf course, clubhouse and related amenities. Should the project contain at least 10 percent of the total residential number of units as workforce or affordable housing units prior to the time the study is required, then no study shall be required. Affordable housing is defined where monthly rents or mortgage payments for housing, including taxes, insurance and utilities do not exceed thirty (30%) percent of the gross annual income of the development's very low, low, and moderate income households as defined in Rule 73-C40.048(e), F.A.C. Workforce housing is defined in Chapter 420.5095(3)(a), F.S. F.S.

3. HURRICANE PREPAREDNESS

- ~~a. Midrise condominiums within the 100-year floodplain shall be constructed on pilings and with parking beneath and shall be hardened in accordance with the Florida Building Code for Charlotte County.~~
- ~~b. Garden condominium and single family residences within the 100-year floodplain shall be constructed with reinforced stem wall foundations which shall be resistant to flood erosion and shall be hardened in accordance with the Florida Building Code for Charlotte County.~~

e.a. The Tern Bay Community Development District ("CDD") shall develop a hurricane preparation and shelter information program for the residents of the Tern Bay project which will include annual awareness communications to residents. The appropriate departments dealing with emergency preparedness will cooperate with and assist the CDD in the development of the program. A copy of the program shall be provided to County prior to the issuance of the 100th residential C.O.

d.b. The clubhouse shall be built to hurricane building standards per American Red Cross publication #4496 and said building will be equipped with emergency generators. The clubhouse will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.

4. TRANSPORTATION

- a. Developer's total proportionate share obligation from Tern Bay Heritage Landing's anticipated traffic impacts based on the development parameters set forth in the Development Order shall be calculated based upon the methodology set forth in s. 163.3180(5), Florida Statutes ("total proportionate share" herein). The term "proportionate share" shall have the

same meaning as in Rule 9J-2.045(1)(h), Florida Administrative Code except that construction cost shall not include the cost of sidewalks, bike lanes, wildlife crossings, utility relocation, improvement relocations on other private lands (e.g., mail boxes, driveways and trees), landscaping and other urban design elements.

Developer is obligated to pay Charlotte County road impact fees that offset the total proportionate share at the time building permits are issued in accordance with Section 3-3.5 of the Charlotte County Code of Ordinances, as may be amended. To the extent that building permits are issued for uses as described in the Development Order, the road impact fees shall serve as a credit toward the total proportionate share for ~~Tern Bay~~Heritage Landing.

Developer shall fulfill its total proportionate share payment to Charlotte County through the payment of impact fees ~~and land dedication for the widening of Burnt Store Road.~~

5. WETLANDS/VEGETATION AND WILDLIFE

- a. ~~The Coastal Conservation Area shall be considered as in perpetuity preservation areas and their development uses shall be restricted by a conservation easement to be conveyed to the State of Florida Department of Environmental Protection (herein "the State of Florida"). All remaining on-site wetland systems, other conservation and listed species preservation tracts, and mitigation areas shall be considered as in perpetuity preservation areas and their developmental uses shall be restricted by conservation easements to be conveyed to Charlotte County, the State of Florida, the Southwest Florida Water Management District or a qualified non-profit conservation organization (herein "grantee") that has both the dedication to conservation, and the resources to enforce the restrictions of the conservation easement. The conservation easements shall clearly designate the onsite preservation area as a perpetual easement area to be managed and retained in a natural state for the continued protection and sustainability of the species or natural or archaeological resources requiring preservation; shall prohibit all development and all activities inconsistent with the purpose of which the land is being preserved; shall name the State of Florida or grantee as a benefiting party; shall allow it or any of its designees access to the site upon request; shall provide the State of Florida or grantee with the right to require restoration and the right of enforcement; and shall be duly recorded in the Official Records of Charlotte County, Florida prior to any site clearing and prior to any construction permit issuance for the on-site development of the Tern Bay DRI has been placed in a conservation easement in favor of the Florida Department of Environmental Protection pursuant to an easement recorded in OR Book 3361, Page 2107, of the Public Records of Charlotte County, Florida.~~

Further, the Coastal Conservation Area, consisting of approximately 865

acres, shall be conveyed in fee simple ownership to the State of Florida for preservation as a park in perpetuity and consistent with the restrictions contained in Chapter 704.06, Florida Statutes, as may be amended. The State of Florida shall become the successor in interest of any recorded conservation easement on the subject lands and shall be responsible for performing all required maintenance at no cost to the Applicant or the Tern Bay Community Development District (CDD). The conveyance to the State of Florida shall occur not later than December 3129, 202436 . All accrued mitigation and any other credits granted either through agency action or interlocal agreement shall be retained by the Applicant. The Applicant or CDD, as appropriate, shall retain easements to ensure in perpetuity (1) access from Charlotte Harbor to the ~~Tern Bay~~Heritage Landing development, and (2) utilization of all permitted structures including but not limited to, canoe landings, picnic areas, nature and directional signage, and boardwalks, by ~~Tern Bay~~Heritage Landing residents and guests for recreational and environmental purposes. Further, the Applicant or CDD, as appropriate, shall impose a deed restriction requiring absolute, total and unchanged preservation of the viewshed from the ~~Tern Bay~~Heritage Landing development to Charlotte Harbor. This conveyance to the State of Florida shall be duly recorded in the Official Records of Charlotte County, Florida.

6. 13. GENERAL CONSIDERATIONS

- a. Buildout will be ~~December 3129, 20242036~~; The expiration date of the project shall be ~~December 3129, 20292036~~, and the project shall not be subject to downzoning, unit density reduction, or intensity reduction, unless it is demonstrated by the County that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by the county to be essential to the public health, safety, or welfare. If development order conditions and applicant commitments incorporated within the development order, 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 an amendment shall be processed in accordance with the Charlotte County Code.
- b. ~~The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Development Order.~~
- c. ~~The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to the Florida Department of Economic Opportunity, Community Planning, 107 East Madison Street, Caldwell Building, Tallahassee Florida 32399 4120, DRI Coordinator, Southwest Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, Florida 33907 and~~

to ~~DRI Coordinator, 18400 Murdock Circle, Port Charlotte, Florida 33948.~~

b. The exhibits attached hereto have been reviewed and updated in accordance with this Development Order, and supersede all prior exhibits. Any exhibit attached to Resolution 2004-050, recorded at OR Book 02420, Page 0889, which is not specifically amended herein, shall remain in full force.

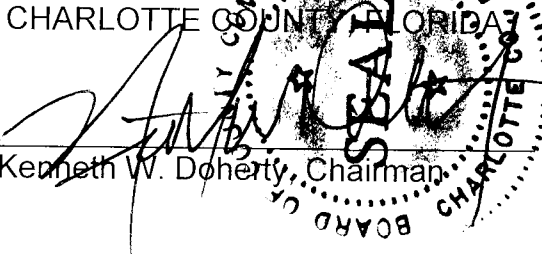
c. Pursuant to Section 380.06(4)(c), Florida Statutes, following adoption, notice of adoption of an amendment to an adopted development order shall be recorded by the developer with the Clerk of the Circuit Court for Charlotte County.

2. The effective date of this Resolution shall be the date this Resolution is recorded.

[SIGNATURE PAGE FOLLOWS]

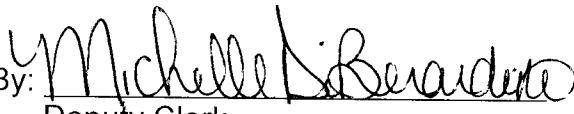
PASSED AND DULY ADOPTED this 8th day of October, 2019.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

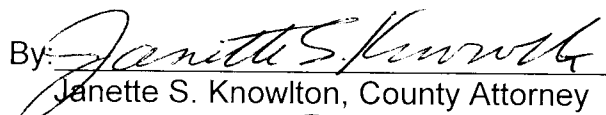
By: 
Kenneth W. Doherty, Chairman

ATTEST:

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

By: 
Michelle Berardino
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney



LR2019-0580

Exhibit "B"

**Tern Bay DRI
Legal Description**

Tract 1

The NW ¼ of Section 20, Township 42 South, Range 23 East, LESS State Road Right of Way, Charlotte County, Florida.

Tract 2

The South ½ of the North ½ of the Southwest ¼ of the NE ¼ of Section 20, Township 42 South, Range 23 East, lying West of State Road Right of Way, Charlotte County, Florida.

Tract 3

A Triangular tract of land containing 3 acres more or less situated in the SW ¼ of Section 20, Township 42 South, Range 23 East, described as: Beginning at a point where the East-West centerline of said Section 20 intersects the Northwesterly Right of Way line of Burnt Store Road as the same was located prior to entry of Order of Taking on Condemnation Suit No. 68-346, heretofore pending in the circuit Court of Charlotte County, Florida, thence Southwesterly along said Northwesterly Right of Way line a distance of 500 feet; thence to the right at an angle of 90 degrees going Northwesterly 473 feet, more or less to the East-West centerline of said Section 20; thence Easterly along said East-West centerline 689 feet, more or less to the Point of Beginning, LESS State Road Right of Way, Charlotte County, Florida.

Tract 4

The N ½ of the N ½ of the SW ¼ of the NE ¼ of Section 20, Township 42 South, Range 23 East, lying West of State Road Right of Way, Charlotte County, Florida.

Tract 6

Section 17, LESS the North 100 feet thereof and LESS State Road Right of Way in Township 42 South, Range 23 East, Charlotte County, Florida.

Tract 8A

The East 950 feet of the NE 1/4 of the NE ½ of Section 19.

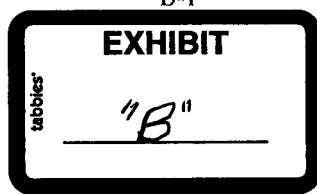
Tract 9

The NW ¼ of the NE ¼ of Section 20, Township 42 South, Range 23 East, Charlotte County, Florida.

All as delineated on revised Map H containing 913.55 acres more or less.
and based on the survey prepared by Strayer Surveying and Mapping Inc dated 3.17.2003 for Tern Bay Development Co LLC. The corner monuments for Tract 9 were included.

DR BOOK 02420 PAGE 0928

B-1



Tract 5

All of the Fractional Section 13, Township 42 South, Range 23 East, Charlotte County, Florida.

Tract 7

All of Fractional Section 18, LESS the North 100 feet thereof in Township 42 South, Range 23 East, Charlotte County, Florida.

Tract 8B

The N 1/2 of Fractional Section 19, LESS the East 950 feet of the NE 1/4 of the NE 1/2 of Section 19, LESS off shore right to Cotton Key in Township 42 South, Range 23 East, Charlotte County, Florida.

All as delineated in Map B-4 ZAR-93-2-3-LS Caliente Springs DRI Settlement Agreement Preservation Area containing an approximate acreage of 865.42 acres more or less.

Tract 5 (Section 13), Tract 7 (Fractional 18), Tract 8B (Fractional 19) were based on the survey prepared by Cadastral Engineering & Surveying, Inc. dated 6/8/81, drawing #81-268, and are only approximate. This survey formed the basis of Settlement Agreement Map B4, described above.

Tract Acreage Summary

Tract 1	161.50+/-
Tract 2	6.50+/-
Tract 3	2.80+/-
Tract 4	8.88+/-
Tract 6	635.96+/-
Tract 8A	58.24+/-
Tract 9	39.67+/-
	<hr/>
	913.55+/-
Tracts 5, 7 and 8B	865.42+/-
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	1778.97+/-
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Exhibit "D"
**Manual of Best Management Practices for Golf Course
and Wildlife Utilization Area**
**Including Heritage Landing (f.k.a. Tern Bay) DRI Post-Development
Environmental Plan,
Map "F-2"**

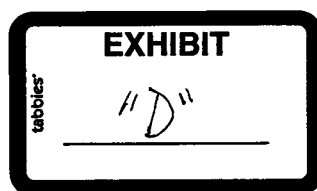


Exhibit “D”

Heritage Landing DRI~~Tern Bay Country Club Resort~~ Manual of Best Management Practices for Golf Courses and Wildlife Utilization Area

I. Purpose

The purpose is to establish an integrated management program that assures the golf courses are designed, developed and maintained with high environmental standards. A primary benefit of these best management practices is the cultivation of dense, well-managed turf that reduces stormwater surface flow resulting in lower nutrient loss and greater protection of water quality. Effective stormwater treatment, water conservation, and nitrogen load reduction serve to protect the adjacent Charlotte Harbor. These best management practices also are intended to be compatible with maintaining and improving the environmental quality of the Wildlife Utilization Area to sustain habitat for on-site wildlife and allow unhindered movement across the site. Map “F-2”, entitled the Heritage Landing~~Tern Bay~~ DRI Post-Environmental Plan, depicts the Wildlife Utilization Area.

The safeguards described in the Listed Plant Species Management Plan (Exhibit “E”) and the Gopher Tortoise Management Plan (Exhibit “F”), also part of the Heritage Landing~~Tern Bay~~ DRI Development Order, are incorporated into these best management practices. In addition, these best management practices (BMPs) are compatible with the management recommendations of the Florida Cooperative Extension Landscape Service and consistent with all Charlotte County and Southwest Florida Water Management District permits.

II. Golf Course Management

A. Proper Course Construction

- The design of the golf course fairways and greens is intended to create a challenging course with managed turf grass areas. The fringe areas along the fairways and greens will have limited turf grass installation and more emphasis on protecting native vegetation clusters consisting of trees and understory plants. Cleared areas for golf cart paths and viewsheds will be mulched to the extent practicable to reduce the installation of managed turf grass.

- Heritage trees are protected during the design, construction and maintenance of the golf course and other recreational facilities in accordance with the intent of the Charlotte County adopted code.
- Vegetated upland buffers along the sloughs and other wetlands, a minimum of 25 feet in width, will be maintained unless otherwise approved by the Southwest Florida Water Management District.
- The design, construction and maintenance of the golf course and associated lake system implement best management practices consistent with the Southwest Florida Water Management District (SWFWMD) permit.

B. Cultural Practices

- The golf course management team applies industry standards in establishing proper levels and frequency of cultural practices, including mowing, fertilization and irrigation, that serve to avoid pest outbreaks.
- The golf course management team periodically performs techniques, including aerification and vertical mowing on the turf, to reduce soil compaction and thatch accumulation that hinder the effective absorption of fertilizers and pesticides.
- Debris and clippings are routinely removed or dispersed to minimize areas that may harbor pests.
- A golf course manager or designee oversees the fertilization program such that the frequency of application and nutrient supplements are adjusted in promoting healthy root and soil microbial growth. The manager considers seasonal changes, weather and results of soil and tissue analyses in making the proper adjustments in the fertilization program according to the turf needs.

C. Pest Monitoring and Controlled Pesticide Application

- The golf course management team has on-going training and knowledge in Integrated Pest Management (IPM) for controlling pests. The targeted pests include diseases, insects, weeds and nematodes that affect the turf, and landscape plants.
- The golf course management team has technical knowledge in accurate pest identification, pest development and feeding strategies. The accuracy of their diagnosis may be confirmed by test results from an independent lab.
- Consistent with the IPM goals, cultural or biological control methods are used as the first defense against pest control. When the pesticide/herbicide option is the only means available, a selective chemical that has a minimal effect on beneficial organisms is used. If the desired results are not achieved through the use of the safest environmental chemical, then a stronger chemical may

be considered. The only exception to this protocol is when a detrimental pathogen appears on a green, all greens may be treated.

- No chemical application is allowed in the native habitats, wetlands, buffers, and native vegetation clusters except for protection from and control of disease threatening mosquitoes by the Charlotte County Mosquito Control or other licensed operator.
- An established protocol is followed concerning fertilizer/pesticide/herbicide/insecticide storage and handling, application, container cleaning, rinse water, cleaning materials, wastes, unused quantities and container disposal methods and procedures.

D. Quality Control and Assurance Procedures

- A golf course manager or designee oversees the quality control and quality assurance procedures that ensure that these best management practices are implemented in an effective, accurate and consistent manner.
- Golf course management and staff perform a structured monitoring to catch pest problems early allowing more effective treatment.
- Golf course management has state-certified herbicide and pesticide licenses such that staff applies chemicals under the direct supervision of a state-certified applicator.
- Golf course management is informed on current techniques and maintains membership in professional golf maintenance associations.
- Education/awareness enhancement programs for all groundskeeping and maintenance staff occur at least twice a year that cover proper management and maintenance activities and quality control and assurance procedures.

III. Water Conservation

A. Reuse Water

- Reuse water will be used for irrigation purposes, if it can be provided by Charlotte County Utilities.
- ~~The on site reuse lake, separate from the stormwater management system, is a temporary storage of treated effluent used for irrigation.~~

B. Centralized Irrigation Control

- Irrigation schedules are centrally controlled through computer use that monitor precise amounts of water distributed in areas on the golf course where needed.

- The golf course management team will monitor weather data, including rainfall, humidity, temperature and wind, collected from an on-site weather station to adjust the irrigation schedules according to turf requirements and prevention of excess watering conditions.
- The golf course management team routinely maintains the irrigation system including checking, adjusting and repairing irrigation devices to ensure optimum operating efficiency, and resetting the automatic controllers according to season and weather conditions.

C. Waterwise Irrigation

- ~~Use of Florida Friendly Landscaping will be~~ Xeriscaping is utilized in the golf course and adjacent open space areas to the extent practicable.
- Irrigation zones are established with differing watering requirements such that the more frequency irrigation is limited to tees and greens. No irrigation is provided in native habitat areas except in landscaped areas that depend on a low volume irrigation system.
- Irrigation that involves less frequent but deeper water cycles are used on the turf, wherever practicable, to promote a deep, extensive root system.
- Deed restrictions and covenants encourage ~~guide~~ homeowners to apply waterwise irrigation methods in their yards that promote water and energy efficient landscapes.

IV. Water Quality Management

A. Sheetflow Into Charlotte Harbor

- Water is treated through a series of connected lakes and wetlands such that the final discharge of stormwater occurs in the outfall wetlands that act as spreader swales, which mimic historic sheetflow from the site.
- The outfall wetlands are located along the wetland buffer boundary and cord grass is planted along the buffer line to dissipate energy during storm events.
- ~~Stem wall construction occurs within the 100-year flood area to reduce amount of fill and allow unhindered sheetflow of stormwater.~~

B. Scrape Downs

- Scrape down areas are integrated into the golf course design to temporarily retain excess water flow and allow for additional treatment. These scrape down areas are stabilized by grass and other plant cover that tolerate pools of water.

C. Maintenance of Stormwater Facilities

- Routine maintenance of stormwater facilities such as removal of accumulated debris occurs in accordance with the Southwest Florida Water Management District permit.

V. Wildlife Utilization Area Management (includes all conservation areas and golf course/open space)

A. Florida Friendly Landscaping~~Xeriscape Plantings~~

- Supplemental plantings consisting of native, stress tolerant and/or pest resistant vegetation will be installed within native vegetation clusters and vegetated upland buffers located within and along the golf courses as described in Section IIA. These supplemental plants are selected to provide food sources and shelter for wildlife species that may occur or pass through the site. These species include: small mammals, bobcat, deer, turkeys, and songbirds.
- Native trees within development pods may be transplanted into the Wildlife Utilization Area when practical.
- Existing native vegetation that may be supplemented with native plantings are retained in areas that connect the on-site sloughs to other wetland areas that enhance wildlife travelways and shelter.
- Native aquatic plants are maintained in littoral zones consistent with Southwest Florida Water Management District requirements that enhance the food chain of benthic organisms, amphibians, reptiles, and fish that live in the on-site stormwater lakes. These aquatic plants support the food chain for other wildlife in the area including river otters and wading birds.
- The on-site cabbage palm hammocks are preserved.

B. Wildlife Crossings

- All bridge and golf cart crossings of sloughs 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 travelway under each road crossing as generally shown on Figure D-1.
- A typical section for the other upland crossings shown on Map "F-2" is contained in Figure D-2.
- 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 travelways and provide cover.

- Cautionary wildlife crossing signs are strategically placed on roadway approaches to slow speeds and alert motorists to potential wildlife crossings.

C. Removal of Nuisance Plant Species

- 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.
- 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 enhancement of on-site protected wetlands involves the removal of Brazilian peppers and other nuisance plant species that have invaded these areas and is part of the wetland mitigation program for Heritage Landing Tern Bay.
- Details on the removal of nuisance plant species are provided in the management plan for the Wildlife Utilization Area (Section G.H. herein).

D. Artificial Lighting Control

- The golf courses are closed at night such that no lights are installed.
- Street lighting is shielded to reduce glare.

~~E. Secondary Protection Zone of the Off-site Eagles' Nest~~

- ~~• A portion of the secondary protection zone falls within the southwestern portion of the Wildlife Utilization Area that is part of the conservation area (refer to Map "F 2"). No plant removal is allowed except for removal of nuisance plant species that occurs outside the non-nesting season.~~

~~F.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.
- Natural trails are mulched to the extent possible.
- Nature trails are integrated into the overall pedestrian system for Heritage Landing Tern Bay including connectivity with sidewalks but are not used as part of the golf cart path system.

- Motorized vehicles are strictly prohibited on the nature trails except those necessary for ecological maintenance of the conservation areas.
- Water routes are marked through narrow passages of the coastal conservation area to allow safe navigation and rescue of individuals using canoes and rowboats.

G.F. _____ Accessory Uses

- No buildings, except for accessory uses to support the golf courses, including but not limited to rest areas and storm shelters, and limited roadways shall be allowed in the Wildlife Utilization Area. Each accessory use shall be a maximum of 500 square feet in size and located on the golf course. Any roadways within the Wildlife Utilization Area shall be confined to the edges to the extent practical and shall not bisect the Wildlife Utilization Area. These accessory uses and limited roadways shall be located and designed in such a manner as to not obstruct wildlife passage, or impact listed plants, and shall maintain hydrology and native habitats. All buildings shall be prohibited from the 22-acre beautiful pawpaw and gopher tortoise conservation area.

H.G. _____ Management Plan

- Prior to any land clearing, a more detailed management plan for the Wildlife Utilization Area is prepared and submitted to Charlotte County Natural Resources Section. This plan shall address the 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 detailed design for each wildlife crossing.
 - A Tree removal permit and updated Environmental Assessment with Florida Land Use, Cover and Forms Classification System (FLUCFCS) map will be submitted prior to any land clearing.
 - Provision of more details on the nuisance plant removal program including the monitoring of nuisance plant removal from the conservation areas by a professional environmental scientist.
 - Provision of open space including golf courses and buffers to the extent practical along the southern boundary of the Heritage Landing Tern Bay parcel.

VI. Listed Plant Species Protection

- The best management practices described herein are consistent with the Listed Plant Species Management Plan (Exhibit “E”).

VII. Gopher Tortoise Protection

- The best management practices described herein are consistent with the Gopher Tortoise Management Plan (Exhibit “F”).

VIII. Outreach and Education Program

A. Florida Yards and Neighborhood Program

- Deed restrictions and covenants guide homeowners to apply Florida Friendly Landscaping design techniques ~~xeriscape~~ and IPM methods in their yards consistent with the Florida Yards and Neighborhood Program.

B. Welcome Center

- Ecological pamphlets are provided to resort guests that highlight the on-site environmental attributes and need for protection.
- Guidelines for water conservation also are available for the visitors.

C. Eco Program

- The Eco Program offers environmental training and appreciation for all ages, for resort visitors and residents alike.
- An emphasis on safety is provided during the use of on-site canoe launch, the fishing pier, look-out tower and nature trails.
- Participants are alerted to the prohibitions against littering, hunting and plant removal.

IX. Literature

Biological Research Associates. 2001. “Debreccen Parcel Integrated Pest Management Plan for Pesticides, Herbicides, and Fertilizers”. Sarasota, Florida.

Garner, Allen, John Stevely, et al. 1996. A Guide to Environmentally Friendly Landscaping: Florida Yards and Neighborhood Handbook. University of Florida, Institute of Food and Agriculture Sciences, Gainesville, Florida.

Unruh, J. Bryan and Monica L. Elliot. 1998. “Best Management Practices for Florida Golf Courses”. University of Florida, Institute of Food and Agriculture Sciences, Gainesville, Florida.

Exhibit "E"

Listed Plant Species Management Plan



Exhibit "E"

Heritage Landing DRITern Bay Country Club Resort Listed Plant Species Management Plan

- I. Beautiful Pawpaw (*Deeringothamus pulchellus*)
 - Beautiful pawpaw is a State and federally endangered plant species.
 - A minimum of 22 acres of upland habitat currently sustaining the majority of the on-site individual beautiful pawpaw plants and located within the southeastern portion of Heritage Landing Tern Bay parcel (refer to Maps "H" of Exhibit "A" and "F-2" of Exhibit "D") is conserved, protected under a conservation easement, and part of the Wildlife Utilization Area (refer to Exhibit "D").
 - Individual beautiful pawpaw plants located outside this conservation area have been ~~are~~ transplanted into the gopher tortoise/beautiful pawpaw conservation area prior to the initial ~~any~~ earthmoving activity. A tree spade was ~~is~~ used for each transplant operation to ensure transfer of suitable soil and avoidance of root damage.
 - Prior to any transplant operation, a more detailed management plan was ~~will be~~ prepared and submitted to the Florida Fish and Wildlife Conservation Commission and the Charlotte County Natural Resources Section. This plan addressed s the proper management practices as follows:
 - Identification of optimum tree canopy coverage, saw palmetto height, grass and pine needle mat coverage to create sustainable beautiful pawpaw habitat.
 - Description of management techniques and frequency that addresses mechanical thinning, removal of nuisance vegetation, with the objective of ultimately creating a low-maintenance ecosystem.
 - Possible prescribed burning or vegetative thinning by mechanical means (e.g., bush-hogging/bull-hogging) prior to any relocation.
 - Identification of proper management practices that do not conflict with those of the Gopher Tortoise Management Plan (Exhibit "F").
 - Identification of a nature trail system that is compatible with the gopher tortoise/beautiful pawpaw conservation area including distinct ingress and egress locations for the residents and guests of the community to access the trails and observation areas with educational signage.

- Identification of the management entity (e.g., Community Development District or designee) for the gopher tortoise/beautiful pawpaw conservation area.
- Identification of professional environmental scientist(s) to monitor the protective strategies and management activities described in the management plan.

II. Florida Beargrass (*Nolina atopocarpa*)

- Florida beargrass is a State protected plant species.
- A stand of Florida beargrass is located within the southwestern portion of Heritage Landing-Tern Bay parcel (refer to Map “F-2”).
- On-site individual species, if identified, will be~~are~~ transplanted into protected areas within the Wildlife Utilization Area (refer to Map “F-2” and Exhibit “D”) during ~~Phase I~~ development.
- A tree spade is used for each transplant operation to ensure transfer of suitable soil and avoidance of root damage.
- Prior to any transplant operation, a more detailed relocation and management plan will be prepared and submitted to the Florida Fish and Wildlife Conservation Commission and the Charlotte County Natural Resources Section. This plan addresses the proper relocation techniques and management practices as follows:
 - Description of the best available research data on relocation and survivorship including growing conditions for Florida beargrass such as soils, ground elevation, hydrology, and plant associations.
 - Identification of specific relocation areas that have these growing conditions including any suitable areas within the gopher tortoise/beautiful pawpaw conservation area.
 - Preparation of a relocation planting plan that identifies spatial planting distances, monitoring, and protective measures including temporary barriers to avoid trampling.
 - Description of management practices, based on the best available scientific data, that ensure sustainability of the relocated Florida beargrass.
 - Identification of professional environmental scientist(s) to monitor the protective strategies and management activities described in the management plan.

III. Wild Cotton (*Gossypium hirsutum*)

- Wild cotton is a State protected plant species.
- Wild cotton was observed on-site only on the fringes of a small cabbage palm hammock that also is the site of the John Quiet Lake Shell Midden as shown on Revised Map "F-2"~~H~~ contained in Exhibit "A".
- The John Quiet Lake Shell Midden is located in the wetland preserve and is protected in accordance with the D.O. conditions including protection of wild cotton.

Exhibit "F"

Gopher Tortoise Management Plan

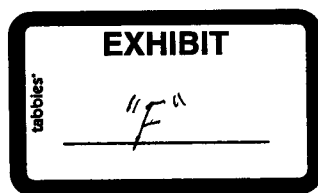


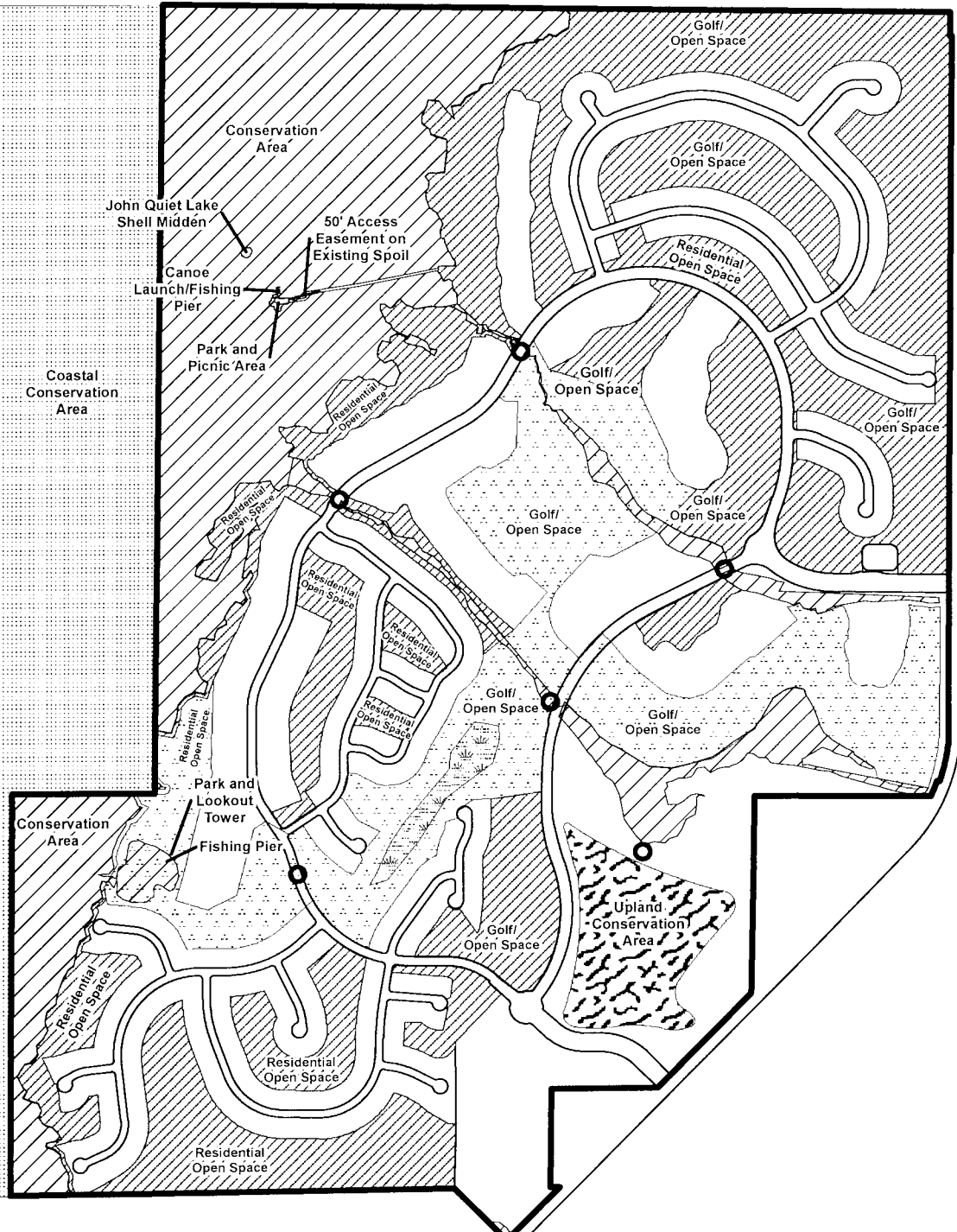
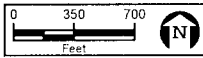
Exhibit "F"

Heritage Landing DRITern Bay Country Club Resort Gopher Tortoise Management Plan

Gopher Tortoise (*Gopherus polyphemus*)

- Gopher tortoises are State listed as a Threatened Species of Special Concern.
- Gopher tortoise burrows located within open space/conservation areas are protected.
- A minimum of 22 acres of upland habitat located within the southeastern portion of Heritage Landing Tern Bay parcel (refer to Maps "H" and "F-2" of Exhibits "A" and "D" respectively) is conserved, protected under a conservation easement, with a recorded Monitoring and Mitigation Plan, and is part of the Wildlife Utilization Area (refer to Exhibit "D").
- The 22-acre upland conservation area was selected based on the greatest concentration of active gopher tortoise burrow on-site, desirable gopher tortoise habitat, low-level maintenance requirements, minimal nuisance plant species, and isolation from surrounding construction activities with the use of temporary barriers.
- Prior to the start of the earthmoving activities in 2004/2005, all gopher tortoises and commensal species were relocated to the 22-acre upland conservation area from the portion of the site to be developed.
- Since the initial of the Prior to on-site earthmoving activities, and subject to Florida Fish and Wildlife Conservation Commission (FWC) permitting regulations for, gopher tortoises and commensal species have been changed. are relocated into the upland conservation area.
- Current FWC Gopher Tortoise Permitting Guidelines prohibit the further relocation of gopher tortoises to the upland conservation area because it does not meet the minimum size requirements for a recipient site.
- Prior to on site earthmoving activities, a permit from FWC will be required to relocate any gopher tortoises and commensal species to an FWC-approved off-site recipient site.
- The 22-acre upland conservation area will continue to be preserved and managed for gopher tortoises as described below in the management plan.
- Nuisance plant species were removed and will continue to be removed which that reduce the quality of habitats utilized by gopher tortoises.

- ~~Prior to any request for relocation, a more~~A detailed management plan for the upland conservation area, that serves as a gopher tortoise recipient site, will be prepared and was submitted to the Florida Fish and Wildlife Conservation Commission FWC and Charlotte County Natural Resources Section. FWC issued a permit on August 3, 2004; however, it has expired on March 1, 2005. A detailed management plan must be updated and resubmitted to the County prior to February 1, 2020, and such plan shall~~This plan~~ addresses 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 addresses mechanical thinning, removal of nuisance vegetation, restoration and maintenance of desirable vegetation with the objective of ultimately creating a low-maintenance ecosystem.
 - Possible prescribed burning or vegetative thinning by mechanical means (e.g., bush-hogging/bull-hogging) prior to any relocation including measures to protect existing burrows during these activities.
 - Identification of proper management practices that do not conflict with those of the Listed Plant Species Management Plan (Exhibit "E").
 - Identification of a nature trail system that is compatible with the gopher tortoise/beautiful pawpaw conservation area including distinct ingress and egress locations for the residents and guests of the community to access the trails and observation areas with educational signage.
 - Identification of the management entity (e.g., Community Development District or designee).
 - Identification of professional environmental scientist(s) to monitor the protective strategies and management activities described in the management plan.



LEGEND

- Site Boundary
- Developed Area
- Open Space
- Coastal Conservation Area
- Wetlands/OSW Conservation Area
- Upland Conservation Area
- Proposed Florida Beargrass Transplant Area
- Wildlife Utilization Area
- Wildlife Crossing

MAP F-2.
POST DEVELOPMENT ENVIRONMENTAL PLAN
HERITAGE LANDING
CHARLOTTE COUNTY, FLORIDA

Sources: SWFWMD, 2015; FDOT, 2017; ECT, 2019.

