

## EXHIBIT A

THIS FORM DEVELOPED BY:  
Fred A. Morrison  
McLin & Burns P.A.  
FILLED IN BY:  
Bill Wiley, AICP  
Community Development Director  
City of Leesburg

# Annexation

(First Berkshire Business Trust-Secret Promise)

RESERVED FOR RECORDING

THIS AGREEMENT entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008, between **THE CITY OF LEESBURG, FLORIDA**, P.O. Box 490630, Leesburg, Florida 34749-0630, hereafter referred to as the "City," and **FIRST BERKSHIRE BUSINESS TRUST**, a Delaware business trust whose address is 8441 Copper Creek Blvd., University Park, Florida, 32757, hereafter referred to as the "Developer,"

### WITNESSETH:

That Developer owns the real property legally described on Exhibit "B" attached, and has applied to annex that property (hereafter referred to as the "Property") into the City. The parties have entered into this Agreement to set forth certain understandings between them regarding how the Property is to be developed, and which party will be responsible for various expenses connected to the use and development of the Property, if it is annexed into the City and subsequently developed.

**NOW THEREFORE**, for and in consideration of the mutual covenants and promises contained herein, and of the consideration being given by the City to annexation of the Property into its municipal limits, as well as other good and valuable considerations, receipt whereof is hereby acknowledged, the parties do hereby agree as set forth below:

1. To incorporate Exhibit "C" Secret Promise the Planned Unit Development Agreement dated July 24, 2008, or as maybe subsequently amended, in to this Annexation Agreement.

2. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of the following utility infrastructure and other improvements related to the use and development of the Property, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction. Developer shall dedicate on the plat, or otherwise grant to the City, free of liens or encumbrances other than those which are duly subordinated, easements for water, reuse water, and sewer lines and all other utilities mentioned herein, and shall upon approval of the lines by the City, convey title to all utility lines and related infrastructure (such as, but not limited to lift stations) to the City by deed, bill of sale or other appropriate document. The City shall not be obligated to accept for maintenance any utility lines, roads or other items constructed by the Developer which do not meet the specifications and requirements

pertaining thereto as set forth in applicable laws, rules and regulations in effect at the time of construction.

- A. All interior roads, together with such turning lanes, acceleration and deceleration lanes, traffic signals, signs, striping, and other road improvements, on site or off site, as are necessary to the efficient handling of the traffic to be generated by the proposed development of the Property, and to meet the concurrency requirements imposed by law. Roads and other public thoroughfares within the Property shall be dedicated to the public on the plat or in some other manner, unless Developer desires and intends that the roads remain private, in which case the plat, recorded restrictions or other appropriate documents shall contain notice to all purchasers of land within the Development that they, and not the City, will be responsible for maintenance of the roads.
- B. All supply lines for potable water service to each residential, commercial or industrial unit constructed on the Property. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's potable water system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development.
- C. Separate water supply lines to carry treated wastewater ("Reuse Water") to be utilized for irrigation and other purposes for which the use of Reuse Water is approved by applicable laws, rules and regulations. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's reuse water system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development.
- D. Natural gas lines to supply each structure constructed on the Property with natural gas. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's natural gas supply system at the nearest location where there is a supply line of sufficient size to serve the needs of the proposed development.
- E. Wastewater lines and any necessary lift stations to convey wastewater from each structure on the Property to the City's wastewater treatment system. This shall include the responsibility to construct such off site lines as are necessary to hook the Property onto the City's wastewater treatment system at the nearest location where there is a collection line of sufficient size to serve the needs of the proposed development.
- F. Electrical transmission lines shall be placed underground to serve each structure on the Property. If the Property is not within the City's electrical service area, the requirement to convey the electrical supply lines to the City shall not apply, however Developer shall still be required to dedicate easements sufficient in size and location for the placement, maintenance, repair, upgrade and improvement of the electrical supply system by the utility in whose service area the Property is located.
- G. Fiber optic cables to serve each structure constructed on the Property with data and other services capable of transmission over such lines. Provided, however,

this requirement is only applicable if the City's fiber optic cable system is available adjacent to the Property at the time of construction/improvement plan approval by the City.

- H. If in its discretion the City desires to have any of the foregoing utility lines oversized for any reason, such as but not limited to serving future development, it may require Developer to install the oversized lines but the City shall pay the difference in cost between the lines which would have been adequate to serve the Property, and the cost of the oversized lines required by the City.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.

3. At the time of building permit approval, or other time as specified by City or Lake County ordinance, Developer shall pay all applicable impact fees, connection charges, or other legally adopted fees and costs required by the City or Lake County.

4. Nothing in this Annexation Agreement shall be construed to exempt the Developer or the Property from any requirements imposed by the City code or other applicable laws, rules and regulations regarding any permits or approvals necessary for the anticipated development of the Property, including but not limited to, platting, building permits, zoning or conditional use permits or amendments to the Future Land Use Element of the Comprehensive Plan as required for the uses to which Developer proposes to put the Property, site plan approvals, or other permitting requirements imposed by local, state or federal government, or any agency thereof.

5. Developer understands and acknowledges that by entering into this Annexation Agreement, the City is not committing to approve any aspect of the proposed development of the Property, or to do any other act which requires public hearings or approval by the City Commission or other agency or body of the City such as the Planning Commission. All decisions regarding zoning, land use, permitting, and other such approvals, must be made by the body having jurisdiction over such decision under applicable law, and in accordance with all public hearing and participation requirements now or hereafter in effect. This Annexation Agreement shall not be effective, nor shall it be binding on either party, until such time as the Property has been duly annexed into the municipal limits of the City in accordance with all applicable requirements including notice to surrounding property owners and public hearings which are in accordance with Florida Statutes, and the City's Code of Ordinances. The City does not, by negotiation of this Annexation Agreement with the Developer, intend to commit itself to annex the Property, and shall not be obligated to do so. However, if the City denies Developer's petition to annex the Property into its municipal limits, this Annexation Agreement shall become void and of no force or effect once the decision of the City Commission to deny the petition to annex has become final and is no longer subject to appeal.

6. Venue for any action or proceeding arising under this Annexation Agreement shall be in Lake County, Florida. This Annexation Agreement shall be construed in accordance with the laws of Florida. In the event of any litigation arising under this Annexation Agreement, the prevailing party shall be entitled to recover its reasonable court costs and attorneys' fees at both the trial and appellate levels, in addition to any other relief obtained.

**IN WITNESS WHEREOF**, the parties have caused their duly authorized officers to set their hands and seals to this Annexation Agreement.

WITNESSES:

Kimberly K. Owens

Kimberly K. Owens  
Type or print name of witness

[Signature]

Daniel J. Duggan  
Type or print name of witness

STATE OF New York  
COUNTY OF Erie

**KIMBERLY K. OWENS**  
**Notary Public, State of New York**  
**Registration No. 01OW6176968**  
**Qualified in Erie County**  
**My Commission Expires November 5, 2011**

BEFORE ME, the undersigned Notary Public, David H. Baldauf, Managing Trustee of FIRST BERKSHIRE BUSINESS TRUST, a Delaware business trust, personally appeared before me and acknowledged on the 27th day of August, 2008, that she executed the foregoing instrument in said capacity. She is {CHECK ONE}  personally known to me, or else who  produced \_\_\_\_\_ as identification.

Kimberly K. Owens  
NOTARY PUBLIC

01OW6176968  
Commission Number

Kimberly K. Owens  
Type or print name of Notary

November 5, 2011  
Commission Expiration Date

THE CITY OF LEESBURG, FLORIDA

BY: \_\_\_\_\_  
MAYOR

Attest: \_\_\_\_\_  
CITY CLERK

Approved as to form and content:

\_\_\_\_\_  
CITY ATTORNEY

**KIMBERLY K. OWENS**  
**Notary Public, State of New York**  
**Registration No. 0109817668**  
**Qualified in Erie County**  
**My Commission Expires November 6, 2011**

STATE OF FLORIDA  
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, personally appeared \_\_\_\_\_, as Mayor, and \_\_\_\_\_, as City Clerk, who appeared personally before me and acknowledged on the \_\_\_ day of \_\_\_\_\_, 2008, that they executed the foregoing instrument on behalf of the CITY OF LEESBURG, FLORIDA, and who were either {CHECK ONE}  personally known to me, or else who  produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Commission Number

\_\_\_\_\_  
Type or print name of Notary

\_\_\_\_\_  
Commission Expiration Date

**EXHIBIT B**

CASE #:053-1-072408

**LEGAL DESCRIPTION**

**Secret Promise  
0.88 acre parcel**

**DESCRIPTION**

BEGIN AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 48 THAT IS 250 FEET NORTH OF THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 24 EAST IN LAKE COUNTY, FLORIDA AND RUN NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 200 FEET, THENCE RUN WEST TO THE EASTERLY RIGHT-OF-WAY LINE OF THE SCL RAILROAD, THENCE SOUTHERLY ALONG SAID RAILROAD RIGHT-OF-WAY TO A POINT WEST OF THE POINT OF BEGINNING, THENCE EAST TO THE POINT OF BEGINNING.

ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE RUN S 89°48'59" E, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 31, A DISTANCE OF 1278.48 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE ABANDONED SCL RAILROAD; THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID RAILROAD, N 19°44'21" E, A DISTANCE OF 233.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, N 19°44'21" E, A DISTANCE OF 188.87 FEET; THENCE S 89°55'02" E, A DISTANCE OF 234.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 48; THENCE ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 48, S 28°27'15" W, A DISTANCE OF 200.00 FEET; THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, N 89°55'02" W, A DISTANCE OF 202.22 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE ABANDONED SCL RAILROAD AND POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 0.88 ACRES OF LAND MORE OR LESS.

Alternate Key Number: 1504996

**SECRET PROMISE**  
**REZONING TO PUD (PLANNED UNIT DEVELOPMENT)**  
**PLANNED DEVELOPMENT CONDITIONS**  
July 24, 2008

This Planned Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to FIRST BERKSHIRE BUSINESS TRUST, a Delaware business trust "Permittee" for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 Zoning, Section 25-278 Planned Developments of the City of Leesburg Code of Ordinances, as amended and as set forth in the Stipulated Settlement Agreement dated September 10, 2002 and the required Development of Regional Impact (DRI) development order.

**BACKGROUND:** The "Permittee" is desirous of obtaining a PUD (Planned Unit Development) zoning district to allow construction of a proposed mixed-use development known as Secret Promise. Said development shall consist of individual residential, (single family, multi-family and assisted living units) commercial, industrial, civic, educational and mixed use areas located on approximately 3,749 acres within the City of Leesburg. The general location of this project is south of County Road 470, southwest of the Florida Turnpike, west of County Road 48 and East of Sumter County. All development described herein shall be performed in accordance with this Planned Unit Development Agreement, PUD application and supplemental information.

1. **PERMISSION**  
Permission is hereby granted to construct, operate, and maintain a Planned Unit Development with a Contemporary Design Overlay in and on real property in the City of Leesburg. The property is more particularly described as follows:
2. **LEGAL DESCRIPTION:**  
See attached legal Exhibit B.
3. **DEVELOPMENT PRINCIPLES**  
Secret Promise shall be designed, developed and managed in a manner that fully reflects the ideas described in the "Development Principles" as shown below and in accordance with the PUD Conditions described herein.
  - A. The development of Secret Promise shall preserve and manage sensitive environmental areas in a way that will maintain the integrity of ecological functioning and protection of wildlife habitat, according to best known, objective, scientific principles.
  - B. To the maximum extent possible, the natural terrain, drainage and vegetation of the property shall be preserved, with superior examples contained within parks or preservation areas.
  - C. Secret Promise shall contain an ample supply of open space in the form of active and passive parks and recreation areas whose frequent use is encouraged through careful placement and design.

- D. The portions of Secret Promise appropriate for development shall be developed as a sustainable, mixed-use community. The standards contained herein are intended to create a pedestrian-scale community with a defined sense of place.
- E. All streets, pedestrian paths, and bike paths shall contribute to a system of fully-connected and interesting routes within the community.
- F. Buildings shall have a primary orientation to the streets and parks.
- G. Secret Promise shall contain varied housing typologies which will provide housing opportunities for a wide range of income levels and accommodate diverse lifestyles and preferences.

4. LAND USE

Permitted land uses for the Secret Promise property shall include residential, commercial, industrial, civic, educational and mixed use projects, as described in this section. Land uses shall follow all City of Leesburg development codes and standards unless otherwise specified within this PUD zoning document, as amended.

A. Master Development Plan

- 1) All development shall be designed in a manner consistent with the attached Exhibit C, Conceptual Development Plan, dated May 1, 2008. The Master Development Plan is conceptual in nature and may be affected by final zoning approval and conditions, including the need for compensating storage capacity in flood prone areas, final wetland or protected species locations, final engineering, permitting, and surveys.

B. Common Areas

- 1) Any and all common areas will be owned and maintained by homeowners' association(s) and/or a Community Development District ("CDD"), unless dedicated to the City or other public agency.

C. Residential Development Standards

- 1) Single-family and multi-family residential development shall be permitted in the following parcels: 7, 8, 10, 14 - 22, and 24.
- 2) Community centers, community halls, and similar facilities for residents shall be permitted in all residential parcels.
- 3) All residential neighborhoods shall include connections to the pedestrian paths and bikeways that lead to the community parks and mixed-use areas.
- 4) All streets shall be lined on both sides with sidewalks and street trees except as provided herein. As an alternate(s) to the code requirement for sidewalks along both sides of roads, a multi-modal trail lane shall be provided by the developer and shown on the Master Plan that is incorporated into the design of the primary entrance road. Internal road rights-of-ways shall be of sufficient width to contain the required sidewalks on one side of all roads with golf cart lanes where required. Sidewalks shall be a minimum of five feet along the primary entrance road and shall be a minimum of four feet along the residential loop road. All sidewalks shall be constructed in accordance with City of Leesburg Code. In addition, access from all phases of the project to the recreation areas, community club house and proposed commercial area, shall be provided with a paved golf cart path. A homeowners association (HOA) or Community Development District is an acceptable maintenance entity for

the referenced improvements. City staff may approve or disapprove the alternative based on the Permittee demonstrating that the alternative meets the same objectives as the placement of sidewalks along the primary road.

5) Parks

- a. All neighborhoods shall have a neighborhood park that will provide each residential area with a unique identity. All neighborhood parks shall be conveniently located to the residential areas and accessible by pedestrians and bicyclists.
- b. These parks may include formal/informal gardens, children's play areas, walkways, fountains, park benches, and pedestrian-scale lighting. Activity-based facilities such as basketball, tennis, and volleyball courts may also be permitted in the neighborhood parks.

6) Alley Standards

- a. Alleys shall be strongly encouraged in Parcels 10, 14, and 15 as these neighborhoods are in close proximity to the mixed-use areas and are likely to include attached residential units and detached residential units on smaller lots. Alleys should be encouraged in Parcels 7, 8, 16-22, and 24 for any block containing more than three (3) residential lots less than fifty (50) feet in width.

7) Lighting

- a. All residential streets shall include street lighting, staggered at 100-150 feet intervals with lights at the block ends. Actual distance will be determined after review of City staff.
- b. The lighting plan shall ensure that the placement of streetlights does not conflict with the placement of canopy trees.
- c. The mounting height of residential street lighting shall be  $\pm 15$  feet or as determined by City staff.

8) Multi-family Residential Design Standards

Multi-family residential development shall comply with the City of Leesburg development standards for apartments found in Article IV, Section 25-286(a) of the Land Development Code. In addition, the following design standards shall apply to all multi-family residential development:

- a. A maximum of twenty-four (24) units shall be permitted in any single building.
- b. Buildings shall adhere to the following setbacks and site development standards:
  - i. Minimum lot area: fifteen thousand (15,000) SF
  - ii. Minimum living area: five hundred (500) SF
  - iii. Minimum lot width: eighty five (85) feet
  - iv. Minimum front yard setback: fifteen (15) feet
  - v. Minimum side yard setback: ten (10) feet
  - vi. Minimum rear yard setback: five (5) feet
  - vii. Maximum height: forty five (45) feet/3 stories
  - viii. Maximum lot coverage: eighty percent (80%)

- 9) Single-Family Residential Design Standards
- a. Single-family residential development shall comply with the City of Leesburg Subdivision Development Standards (Article VII, Division 1 of the Land Development Code), except where noted herein. In addition, the following design standards shall apply to all single-family residential development:
  - b. General Standards
    - i. All residential structures shall include primary entrances that are visible and accessible from the street and shall have a pedestrian path or walkway from the primary entrance to the sidewalk.
    - ii. First floor elevations shall be a minimum of eighteen (18) inches above the finished grade of the sidewalk.
    - iii. No air conditioning (A/C) units shall be located in the front yard. A/C units shall be located in the side or rear yard. Where A/C units are located in the side yard, they shall be screened from view from the roadway.
    - iv. The architectural styles and construction details of individual homes shall be ensured through an Architectural Review Board (ARB) or through Codes, Covenants and Restrictions (CC&Rs) as established and maintained by the developer.
    - v. Porches shall be no less than seven (7) feet deep measured from the face of the primary building facade to the inside edges of the supporting columns, walls or railings.
    - vi. Parking shall generally be provided in an enclosed garage accessed from the roadway or alley. Any unenclosed parking spaces shall be screened and accessed from a rear alley.
  - c. Single family attached residential (townhomes)
    - i. Minimum lot width: eighteen (18) feet
    - ii. Minimum lot depth: fifty (50) feet
    - iii. Minimum lot size: nine hundred (900) SF
    - iv. Minimum living area (18' wide product): 1000 SF
    - v. Minimum living area (22' wide product): 1200 SF
    - vi. Minimum living area (25-28' wide product): 1400 SF
    - vii. Minimum front setback: twenty (20) feet unless with rear alley access garage then five (5) feet
    - viii. Minimum porch setback: five (5) feet
    - ix. Minimum side street setback: fifteen (15) feet
    - x. Minimum side yard setback: zero (0) or five (5) feet on end unit
    - xi. Minimum forty (40) feet front to front less street
    - xii. Minimum twenty four (24) feet rear to rear less alley
    - xiii. Minimum rear yard setback: eighteen (18) feet

- xiv. Minimum 2-story. End unit may be one-story provided the minimum building (unit) width is thirty-five (35) feet
  - xv. Rear-loaded encouraged.
  - xvi. Maximum of eight (8) units per building, minimum twenty (20) feet required between attached housing buildings
  - xvii. Maximum height: two (2) stories
  - xviii. Maximum building lot coverage: ninety (90) percent
  - xix. Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front setback and corner lot side setback. Balconies and roof overhangs may encroach upon rear setback as per City code.
- d. Single family attached residential (duplex/flats)
- i. Minimum lot width: twenty five (25) to thirty five (35) feet
  - ii. Minimum lot depth: one hundred (100) feet
  - iii. Minimum living area: one thousand (1,000) SF
  - iv. Minimum front set back: twenty (20) feet unless with rear alley access garage then fifteen (15) feet
  - v. Minimum porch set back: ten (10) feet
  - vi. Minimum garage set back: Rear loaded nineteen (19) feet and front loaded fifteen (15) feet
  - vii. Minimum side yard set back: zero (0) or five (5) feet end unit
  - viii. Minimum side street set back: fifteen (15) feet
  - ix. Minimum rear yard setback (front loaded): eighteen (18) feet
  - x. Maximum height: thirty-five (35) feet/two stories
  - xi. Maximum building lot coverage: eighty five percent (85%)
- e. Single family detached residential (40 foot lot product)
- i. Minimum lot width: forty (40) feet
  - ii. Minimum lot depth: ninety-five (95) feet
  - iii. Minimum lot size: thirty-two hundred (3200) SF
  - iv. Minimum living area: twelve hundred (1200) SF
  - v. Minimum front setback: twenty (20) feet unless with rear alley access garage then eighteen (18) feet
  - vi. Minimum porch setback: fifteen (15) feet
  - vii. Minimum side yard setback: five (5) feet
  - viii. Minimum rear yard setback: fifteen (15) feet
  - ix. Maximum height: thirty-five (35) feet/two stories
  - x. Maximum lot coverage: 85%
  - xi. Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front setback and corner lot side setback. Balconies and roof overhangs may encroach upon rear setback as per City code.
  - xii. Pool/screen enclosures setbacks: rear setback shall be minimum five (5) feet.
- f. Single family detached residential (50, 60 and 70 foot lot products)

- i. Minimum lot width: fifty (50) feet
- ii. Minimum lot depth: one hundred and fifteen (115) feet
- iii. Minimum lot size: six thousand (6,000) SF
- iv. Minimum living area:
  - a) 50 foot lot – twelve hundred (1,200) SF
  - b) 60 foot lot – fourteen hundred (1,400) SF
  - c) 70 foot lot – sixteen hundred (1,600) SF
- v. Minimum front setback: twenty (20) feet unless with rear alley access garage then eighteen (18) feet
- vi. Minimum porch setback: ten (10) feet
- vii. Minimum garage setback (front-loaded): twenty-two (22) feet
- viii. Minimum side yard setback: five (5) feet
- ix. Minimum side street setback: fifteen (15) feet
- x. Minimum rear yard setback:
  - a. Rear loaded: nineteen (19) feet from alley
  - b. Front loaded: twenty (20) feet
- xi. Maximum height: thirty-five (35) feet/two stories
- xii. Maximum lot coverage: eighty-five percent (85%)
- xiii. Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front setback and corner lot side setback. Balconies and roof overhangs may encroach upon rear setback as per City code.
- xiv. Pool/screen enclosures setbacks: rear setback shall be minimum five (5) feet.
- xv. Driveway setback (front-loaded): minimum two and one-half (2.5) feet from side yard setback; zero (0) feet if shared driveway.
- g. Single family detached residential (custom lots)
  - i. Minimum lot width: ninety (90) feet
  - ii. Minimum lot depth: one hundred twenty (120) feet
  - iii. Minimum lot size: ten thousand eight hundred (10,800) SF
  - iv. Minimum living area: twenty one hundred (2,100) SF
  - v. Minimum front setback (main facade): twenty five (25) feet
  - vi. Minimum porch setback: fifteen (15) feet
  - vii. Minimum garage setback: thirty (30) feet
  - viii. Minimum side yard setback: seven and one-half (7.5.) feet
  - ix. Minimum side street setback: seventeen and one-half (17.5) feet
  - x. Minimum rear yard setback
    - a. Rear loaded: nineteen (19) feet from alley
    - b. Front loaded: twenty (20) feet
  - xi. Maximum height: forty (40) feet/three (3) stories
  - xii. Maximum lot coverage: sixty percent (60%)

- xiii. Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front and corner lot side setback. Balconies and roof overhangs may encroach upon rear setback as per City code.
  - xiv. Pool/screen enclosures setbacks: rear setback shall be minimum five (5) feet.
- h. Live/Work Units
- i. Live/work units must be composed of a primary residence, studio/garage apartment and an office.
  - ii. Minimum lot width: thirty (30) feet
  - iii. Minimum lot depth: one hundred (100) feet
  - iv. Minimum lot size: three thousand (3000) SF
  - v. Minimum living areas: twelve hundred (1200) SF for primary residence and studio/garage.
  - vi. Minimum office: six hundred (600) SF
  - vii. Minimum front yard setback: fifteen (15) feet
  - viii. Rear access required
  - ix. Minimum rear setback: eighteen (18) feet
  - x. Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front and corner lot side setback. Balconies and roof overhangs may encroach upon rear setback.
  - xi. Pool/screen enclosures setbacks: rear setback shall be minimum five (5) feet.
- i. Assisted Living Facility Development Standards
- i. Assisted Living Facility uses shall be permitted in Parcel 23. Development within Parcel 23 shall comply with the Community Residential Homes regulations of Article IV, Section 25-286 of the City of Leesburg Land Development Code, as amended.
- j. Diversity of Housing Required
- i. In order to comply with the diversity of housing required by the City's adopted Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.2, projects shall incorporate the following requirements:
  - ii. In order to provide a balance of housing types, more than one type of housing shall be provided such as single-family detached and detached dwellings, town houses, multi-family etc. with each having a minimum of ten (10) percent of the total project except where new urbanism design communities are approved by City staff.
  - iii. Since this development is primarily unrestricted with regard to age, the development will have an impact on the need for affordable housing in the area. In order to mitigate the impacts the development may have on housings needs an Affordable Housing Program will be created in which the developer will pay \$2001 per unrestricted residential unit of which 25% of the fee may be due at the time of platting for each phase platted. Funds will be escrowed for the purpose of providing affordable housing within the City of Leesburg.

5. INDUSTRIAL DEVELOPMENT STANDARDS

Light industrial uses shall be permitted in Parcel 4. Development within Parcel 4 shall comply with the regulations of the City of Leesburg M-1 (Industrial) zoning district, found in the City's Land Development Code.

6. COMMUNITY FACILITY DEVELOPMENT STANDARDS

- A. Community facilities shall be permitted in Parcels 11, 12, and 13. Uses permitted shall include an elementary school, middle school, fire station, police station, EMS facility, and child care facilities as defined by City code.
- B. Approximately two (2) acres of Parcel 12 or 13 shall be donated to the City of Leesburg, for potential construction of a fire station and police sub-station. Construction of police and fire facilities shall be the responsibility of the City of Leesburg.
- C. A twenty (20) acre site (possibly in Parcel 11) shall be donated to the City of Leesburg for transfer to the School Board of Lake County for the construction of an elementary school. An additional forty (40) acre site shall be donated to the City of Leesburg for transfer to the School Board of Lake County for the construction of a future middle school. The elementary school and middle school shall be constructed by the Lake County School District and/or designee.
  - 1) The Community Facilities areas, shall include a school collocated with public open space and recreation areas, as shown on the Conceptual Development Plan. This Community Facilities area shall be dedicated to the City of Leesburg for public purposes upon issuance of a DRI development order or as required by the City prior to plat approval of any portion of the development or prior to any building permit issuance, whichever occurs first. The final location of the schools within the Community Facilities areas shall be determined by the City using state of Florida school siting criteria established in Chapter 163, Florida Statutes, and Chapter 6A-2, Florida Administrative Code, and input from the Lake County School District.
  - 2) In addition, to maximize the buildable area of the school within the sites for Community Facilities area, any environmental, floodplain, and wetlands impacts on the school site will be mitigated off site; stormwater retention will be retained and treated off-site within the planned unit development; any transportation impacts associated with the school will be included in the total number of vehicle trips approved for the planned unit development; and the school site shall include central potable water and sanitary sewer lines stubbed out to the site, as well as a cleared building area, to facilitate construction of a school in a timely manner.
- D. The development's impact on elementary, middle, and high schools shall be mitigated in accordance with the adopted interlocal agreement, Lake County First Amendment to the Interlocal Agreement amongst Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, dated December 26, 2007, and subject to the requirements of school concurrency.

7. MIXED-USE DEVELOPMENT STANDARDS/CONTEMPORARY DESIGN OVERLAY

A. The City of Leesburg Contemporary Design Overlay (“CDO”) shall apply to Parcels 1, 2, 3, 5, 6, and 9. Development in these parcels will comply with the CDO development standards in concept as stated in the City of Leesburg Land Development Code, Article V, Sections 25-395 through Section 25-399. Mixed-use development, including vertically-mixed buildings, shall be permitted in Parcels 1, 2, 3, 5, 6, and 9. Residential uses shall be permitted above retail or office uses. Residential-scale office uses shall also be permitted within these parcels, where appropriate. The following exceptions to the CDO development standards shall apply:

- 1) The requirements of the CDO regarding block size [Sec. 25-397(a)] may be waived where topographic or geographical conditions, such as wetlands, make these requirements impractical.
- 2) The requirements of the CDO regarding the designation of “A” streets and “B” streets [Sec. 25-397(b)] may be waived where topographic or geographical conditions, such as wetlands, make these requirements impractical.

In addition to the CDO standards, the following standards, contained in Sections 2 through 6, shall apply to Parcels 1, 2, 3, 5, 6, and 9.

B. Architectural Standards

- 1) Building façades shall be designed to provide visual interest through detail and ornamentation that is visible at both the immediate pedestrian level as well as from a distance. All structures will incorporate the conceptual design standards as shown on Sheet 7 of the PUD Conceptual Plans Exhibit D..
- 2) Canopies, awnings, marquees, cornice trim, blade signage, retail awnings, signage, eaves, and overhangs may project into sidewalk rights-of-way up to eight feet (8’).
- 3) All façades must have a recognizable base (storefront) and top (cornice), and include an expression line that delineates the transition between the ground floor level and the upper façade.
- 4) A maximum of three (3) colors may be used on the body of any one building, plus one additional color for trim or cornice work. Where a clear break exists giving the appearance of a separate building, the above treatment may be repeated. These limitations shall exclude unpainted natural stone or roof material.
- 5) All buildings shall be architecturally finished, with particular attention paid to building walls facing streets.
- 6) All commercial buildings shall reflect the actual floors within the building through use of window locations, façade breaks, façade setbacks, and balconies.
- 7) Building massing shall be designed to address pedestrian scale by articulation of wall heights, façades, varied roof planes and pitches, and use of awning and canopies.
- 8) Building façades shall provide vertical expression of architectural or structural bays through a change in plane. Plane changes can be accomplished through the use of reveals, projecting ribs and/or offsets in the building façade.
- 9) All parapet/roof planes that conceal flat roof must extend around all sides of a building that is visible from any public street and internal ‘main street’.

- 10) Parapet walls shall fully screen all HVAC roof mounted equipment visible from the pedestrian level.
  - 11) Total height of the parapet wall shall not exceed fifteen percent (15%) of the height of supporting wall structure.
  - 12) The design of the architectural façades and roof planes shall not be designed as a physical background for signage.
  - 13) Building façade fenestration and roof planes shall be designed to fully wrap and continue the visual line of the architecture on all sides of the building that can be viewed by the general public. If a façade is not visible to public view, detailed fenestration of the building façade is not required but is encouraged.
  - 14) All doors shall be recessed and incorporate projected, decorative, and proportionately sized surrounding trim components in the façade elevation to provide an identifiable entry point for each customer entry. All doors shall be architecturally and historically compatible to the period or style of the primary building architecture for which it is providing entrance. The use of decorative door surrounds is strongly encouraged.
  - 15) Buildings shall be designed and constructed of materials that ensure the sustained longevity of the structure.
  - 16) Architecture façades shall not be designed as a continuation of signage.
- C. All awnings must meet the following criteria:
- 1) Canvas fabric or metal awnings are encouraged. The use of vinyl or vinyl coated fabrics is specifically discouraged. The use of fluorescent colored awnings is specifically prohibited. The use of bold primary colors is limited to no more than fifty percent (50%) of the total surface area of any single awning.
  - 2) Awnings shall be architecturally coherent across the building in terms of height, size, materials and color so as to provide unified appearance to an individual building. Awnings shall not be of radically uneven or unusual shapes. However, a certain amount of diversity in the building façades is desirable and should be encouraged.
  - 3) Backlighting or the internal illumination of awnings is not permitted.
  - 4) Awnings shall not be used as the primary signage, containing either text or corporate logo identity, for any commercial or retail business.
  - 5) Awnings shall not cover more than seventy percent (70%) of the primary façade of the individual building, shop or storefront if the frontage exceeds forty feet (40') in width.
  - 6) The cumulative effect of individual storefront awnings on a building should be considered in designing a new awning.
  - 7) An awning shall reinforce the frame of the storefront and should not cover the piers or the space between the second story building windows and cornice.
  - 8) Awnings covering second story windows shall conform to the size of the individual windows and should complement the first floor storefront awning in terms of size, materials, height, color, etc.

- 9) The color of the fabric awning shall complement the building's color scheme.

#### D. Pedestrian Standards

- 1) The storefront pedestrian zone shall consist of a minimum twelve-foot (12') building setback from back of curb, to include an eight-foot (8') pedestrian walkway and a four-foot (4') landscape either in planter rows or individual tree planters. Storefront pedestrian zones with adjacent on-street parking shall also include an additional two-foot (2') wide pedestrian "step-out" zone between back of curb and the landscaped areas.
- 2) The defined pedestrian route shall be kept free of all permanent signage, site furnishing, or other physical obstructions. Site furnishings (e.g., benches, trash receptacles) may be placed within the four-foot (4') planter zone at regular intervals.

#### E. Parking

- 1) All mass surface parking lots shall be located behind buildings, where practical. Pedestrian access between or through buildings shall be provided and designed in such a way as to reinforce the pedestrian sense of arrival to the primary streetscape.
- 2) When surface parking lots must abut the public right-of-way, a forty-eight inch (48") wide, one hundred percent (100%) visually opaque landscape and/or buffer wall combination shall be provided. If a landscape buffer is to be used, the plant/shrub material shall be twenty-four inches (24") in height at the time of installation.
- 3) Large parking areas shall be divided into "sub-lots" containing no more than three hundred and sixty (360) spaces per lot. Sub-lots shall be defined and separated by landscaped pedestrian accessways that measure no less than twenty-two feet (22') in width, as measured from the back of curb. No parking overhang shall be permitted within this area. The use of wheel stops in parking spaces that abut pedestrian accessways are required to prevent encroachment.
- 4) All parking areas shall provide a defined pedestrian access route that allows for pedestrian movement unencumbered by multiple vehicular routes crossing within a parking lot.
- 5) On-street parallel parking shall be permitted along internal drives and roadways but must be set back a minimum of twenty (20) linear feet from any roadway intersection.
- 6) On-street parking located along internal drives and roadways shall be set back a minimum of forty-five feet (45') from any roundabout, as measured from the outside face of the roundabout curb radius.
- 7) No on-street parking shall be located along internal drives or roadways within one hundred (100) linear feet of the intersection of a primary project entrance and abutting public road rights-of-way.
- 8) All parking lots should have a minimum of two (2) vehicular ingress and egress points, except where site conditions make this impractical.

- 9) A parking planter island of a minimum of ten feet (10') in width shall typically be provided every ten (10) parking spaces, or fraction thereof, where practical. All dimensions shall be taken from inside of the curb face.

F. Signage

- 1) Signage design shall comply with Article VI of the City of Leesburg Land Development Code. In addition, the following standards shall apply:
  - a. Signage shall be compatible with the architecture, materials, and composition of the building.
  - b. Size, shape, color, and location of a sign shall complement the building façade and should never be so large as to overpower the building.
  - c. Individual storefront signs should be compatible with other storefronts on the same building in terms of size, design, and placement.
  - d. Signage shall not obstruct windows, cornices, decorative details, or the expression line of the façade.
  - e. Signage above the expression line shall be prohibited except:
    - i. Wall-mounted hanging signs that are highly decorative and complement the building façade.
    - ii. Small window signs
    - iii. Signs that identify a building and are incorporated into the cornice detail.

8. COMMON RESIDENTIAL STANDARDS

A. The following requirements shall apply to all residential development.

- 1) Accessory structures shall have a minimum rear and side setback of 5 feet and shall not occupy more than 30 percent of the required rear yard.
- 2) Attached screened enclosures must maintain a minimum setback of five (5) feet from the rear property line.
- 3) Temporary modular sales center and construction offices shall be permitted until project completion.
- 4) All residential units shall be developed through the subdivision plan process or condominium instruments as applicable except for multiple-family complexes.

B. Recreational Development

- 1) Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the common use of the residents. Such recreation space shall consist of not less (two hundred (200) square feet of space per dwelling unit). In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
  - a. Recreational activities such as play grounds, basket ball, tennis and hand ball courts, etc.
  - b. Developed recreational trails which provide access to the public trail system.
  - c. Swimming pool, including the deck area which normally surrounds such pools.
  - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.

- 2) Required stormwater areas and buffer areas shall not be considered as recreational space except for any areas developed as recreational trails which provide access to the public trail system.
- 3) Within the community sidewalks or trails or a combination thereof shall be provided throughout the community to provide pedestrian access from all residences to all amenities.
- 4) Recreational vehicle parking shall be restricted through deed restrictions/covenants etc. which shall prohibit unenclosed parking within the development unless an approved designated area is provided. The area shall be buffered and final location will be determined by City staff as part of the plan approval process.

9. OPEN SPACE, LANDSCAPING AND BUFFER AREAS

- A. Landscaping standards shall comply with the requirements of the general landscaping standards found in Article V, Sections 25-323 through Section 25-328 of the City of Leesburg's Land Development Code, as follows.
- B. For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.
  - 1) Two (2) canopy trees
  - 2) Two (2) ornamental trees
  - 3) Thirty (30) shrubs
  - 4) The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
  - 5) Existing vegetation in the required buffer shall be protected during construction.
  - 6) Variations to the landscape requirements may be approved i.e. where walls are used, by the Community Development Director as long as the intent of the PUD is maintained.
- C. A twenty-five foot (25') landscaped buffer shall be provided along C.R. 470, Florida's Turnpike, and C.R. 48. The landscaping of this buffer shall comply with Article V, Section 25-325, Landscape Buffer along Public Streets, of the City of Leesburg Land Development Code. Pedestrian and bicycle trails shall be permitted within this buffer.
- D. A fifty foot (50') landscaped buffer shall be provided along the western boundary of the property, north of the wildlife conservation area, as shown on the Master Development Plan. This buffer will provide connectivity for wildlife utilization between the power line easement west of the property boundary and the preserved wetlands and uplands. Pedestrian and bicycle trails shall be permitted within this buffer.
- E. On residential streets, trees shall be installed as neighborhoods are developed. The selection of tree species should coincide with the native tree types, as permitted under the City of Leesburg Landscape Code requirements. Use of palm trees should be limited to concentrated groupings at entries and as decorative accents in the landscape.
- F. The plant material shall include a mixture of shade and ornamental trees and shrubs in varying sizes. All plants shall be a clear distance from the intersection.

10. TRAIL AND PARK SYSTEM

- A. A trail system, which may include boardwalks, shall provide pedestrian linkages between the property's upland and wetland preservation areas and the residential neighborhoods.

Enhanced public access and interpretive signage will promote the preservation of natural habitat areas while creating passive recreation opportunities.

- B. The community park, to be located at the heart of the community, shall include both active and passive recreation uses suitable for a wide variety of users.
- C. Neighborhood parks, squares, public plazas, pocket parks, and playgrounds shall be distributed throughout land use districts within the development. Each parcel shall contain at least one park or public space. Each neighborhood park shall consist of a minimum of 200 square feet of recreation area per residential unit in the neighborhood served by the park.
- D. Benches, trash receptacles, and other street furnishings shall be provided in the community and neighborhood parks.

#### 11. WETLANDS AND WILDLIFE PROTECTION

The property's sensitive ecological systems and wildlife habitats shall be protected through the following requirements.

- A. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.
- B. Buildings or structures have a 15' minimum/25' average wetland buffers on-site ERP permit from SJRWMD from any wetland jurisdiction boundary.
- C. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- D. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- E. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- F. A wildlife/historical/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
- G. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance.

12. DEVELOPMENT PHASING

- A. The proposed project shall be constructed in phases in accordance with the Planned Unit Development Conditions and Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.
- B. Implementation of the project shall substantially commence within 36 months of approval of this Planned Development. In the event, the conditions of the PUD have not been implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to RE-1 (Estate Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

13. STORMWATER MANAGEMENT /UTILITIES

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners association is an acceptable maintenance entity.
- D. The 100-year flood plain shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
- G. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.

14. TRANSPORTATION IMPROVEMENTS

- A. Vehicular access to the project site shall be provided by a minimum of five (5) access points. Two from C.R.48 on the east, one from C.R. 470 to the north and two from future connection points along the border of Sumter County. Each of the above referenced access points shall be through a divided boulevard type road for the entrance. Actual location and design of the access shall be determined during the site plan review process and shall include consideration of sidewalks, recreation paths etc. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.

- B. The Permittee shall provide all necessary improvements/paving/right-of-way/signalization within and adjacent to the development including not limited to right-of-way for C.R. 470, C.R. 48 as required by FDOT, Lake County and City of Leesburg.
- C. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements.
- D. Sidewalks shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalk. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.
- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements unless specifically accepted by formal action of the City Commission. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- G. A traffic/transportation study shall be submitted for review of the Lake/Sumter MPO prior to site plan approval for review and determination of any necessary access improvements. Said improvements will be the responsibility of the Permittee.
- H. At the time of site plan approval, the Permittee shall become responsible for their pro-rata share of the cost of the signal(s) as determined by the County, City staff and the traffic study submitted therewith.
- I. Any issues with regard to easement access to adjacent properties shall be resolved and reviewed by the City Attorney prior to the approval of the preliminary subdivision plan.
- J. Streets shall be connected and cul-de-sacs shall be avoided (unless specific site or environmental conditions prevent connections).
- K. The local street network shall connect all neighborhoods to the parks, civic areas, and mixed-use areas.
- L. The roadway network shall be designed and engineered to give equal access for vehicles, bicyclists, and pedestrians.
- M. Primary access points are identified on the Master Development Plan. Precise locations of internal streets shall be determined through the site plan and/or subdivision review process.
- N. On-street parallel parking shall be encouraged on streets with in the CDO areas. On-street parking standards shall comply with City of Leesburg Land Development Code standards for on-street parking (Article V, Sections 25-357 through 25-362).
- O. All pedestrian crosswalks shall be clearly identified through signage, signalization or other appropriate identification measures as approved during the City of Leesburg Site Plan approval process.
- P. The following traffic calming measures may be incorporated where appropriate with approval of City staff:
  - 1) On-street parking
  - 2) Street trees
  - 3) Median plantings
  - 4) Varied paving patterns and materials
  - 5) Street lights
  - 6) Street furniture
  - 7) Stop signs
  - 8) Pedestrian-operated signals at crossings

- 9) Clear signage
- 10) Roundabouts
- 11) Raised pedestrian cross-walks
- Q. The roadway alignment and development areas depicted as part of the Master Development Plan are conceptual and may be revised at the time of the plan review process.
- R. All public streets will be owned and maintained by the City of Leesburg. Any streets in a gated area will be considered private streets and will be owned and maintained by a CDD, homeowners' association(s), or similar entity.
- S. Access for the disabled shall be provided on all approaches at all intersections and at all pedestrian crossing areas.

15. PEDESTRIAN AND BICYCLE SYSTEMS

- A. A bicycle/pedestrian pathway network shall interconnect the residential neighborhoods and the retail, light industrial, office, schools, civic, recreational, and conservation areas.
- B. Pedestrian routes shall connect parks and open space. Pedestrian spaces shall be designed as multi-functional spaces that encourage social gathering and interaction. Adequate pedestrian seating, landscape, and shade cover as well as special visual focal elements shall be included within the parks and pedestrian spaces.

16. SIGNAGE AND LIGHTING REQUIREMENTS

- A. Signage
  - 1) A master signage plan shall be reviewed concurrent with site plan approval.
  - 2) All signs within the development shall be consistent with the master signage plan.
  - 3) Signage standards shall comply with Article VI of the City of Leesburg's Land Development Code.
- B. Lighting
  - 1) All lighting design shall comply with Article V, Section 25-321 of the City of Leesburg Land Development Code. In addition, the following standards shall apply:
    - a. Lighting design in parking lots and pedestrian areas shall utilize lighting fixtures approved by the International Dark Sky Association.
    - b. All light fixtures including security lighting shall be cutoff fixtures and should be incorporated as an integral design element that complements the design of the building and project through its design style, materials and color.
    - c. All cutoff fixtures shall not have more than one percent (1%) of lamp lumens above horizontal.
    - d. All lighting within parking and pedestrian areas shall be coordinated with the landscape tree plan to prevent canopy conflicts with the proposed or existing trees.

- e. A lighting time control panel and photocell shall be provided on all new lighting systems in retail, office, and light industrial areas to provide automatic system shut-off after ordinary business hours. Full system shut-off excludes security lighting elements.
- f. To provide appropriate lighting within a pedestrian area(s), the maximum light pole heights in all parking areas shall not exceed twenty-five feet (25').
- g. An exterior lighting design plan for the mixed-use, multi-family, retail, office, and light industrial areas, including a photometric plan, pole and fixtures schedules and a statement certifying that the design meets all design guideline compliance standards, shall be submitted for review and approval as part of the site plan approval process.

17. CONCURRENCY

The proposed land use change or approval would result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

A. Utilities

1) Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. The development will require construction of new distribution mains, since existing facilities in the service area are not adequate. Should the developer wish to accelerate the construction of such facilities to provide service, the developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- c. The City is in the process of Consumptive Use Permit renewal. The application provides for anticipated demands due to this and other potential development

B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

- 1. The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
- 2. The City updates its Ten-Year Capital Improvement Plan (CIP) as part of our annual budgetary process. Included within the CIP are water, wastewater, and reclaimed water improvements necessary to provide service to proposed development.
- 3. The City has completed an impact fee study, based in part on the CIP in order to assure adequate and appropriate funding for required improvements. The combination of master planning and CIP planning has allowed the City to issue

bonds to fund new potable water facilities and substantial reuse facilities, among other infrastructure improvements.

18. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- F. Any violation of City, State or Federal laws or permit requirements concerning the development of this project will constitute a violation of this permit and will result in all activities on the project site being halted until the violation is satisfactorily resolved and may result in a hearing before the Planning Commission to determine whether a change in the conditions of this PUD are necessary.

**Exhibit B**  
**Legal Description**  
**(To be inserted)**

**Exhibit C**  
**Conceptual Development Plan**  
**(To be inserted)**

**Exhibit D**  
**Proposed Housing Facades**  
**(To be inserted)**

**Exhibit E**  
**Typical Roadway Sections**  
**(To be inserted)**