EXHIBIT A

THIS INSTRUMENT PREPARED BY & RETURN TO:
Fred A. Morrison
McLin & Burnsed P.A.
Post Office Box 491357
Leesburg, Florida 34749-1357

Annexation

(Benderson 85-I Trust)

RESERVED FOR RECORDING

THIS AGREEMENT entered into as of the _____ day of _____, 2006, between **THE CITY OF LEESBURG, FLORIDA,** P.O. Box 490630, Leesburg, Florida 34749-0630, hereafter referred to as the "City," and Benderson 85-I Trust, whose address is 8441 Cooper Creek Blvd., University Park, Florida 34210, hereafter referred to as the "Developer,"

WITNESSETH:

That Developer owns the real property legally described on Exhibit "B" as follows, 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" the PUD Planned Development Conditions date April 20, 2006 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 including any line extensions and any off-site improvements necessary. 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.

3. The developer must pay all impact fees due under City and County ordinances.

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:

Alicia Eaton

ALICIA EATON

Type or print name of witness

William L. Murray

Type or print name of witness

DEVELOPER: **Benderson 85-I Trust**

BY: David H. Baldauf

David H. Baldauf, Trustee

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE ME, the undersigned Notary Public, David H. Baldauf, Trustee, Benderson 85-I Trust personally appeared before me and acknowledged on the 28 day of APRIL, 2006, that he executed the foregoing instrument. He is {CHECK ONE} ☑ personally known to me, or else who ☐ produced _____ as identification.

_____
NOTARY PUBLIC

_____
Type or print name of Notary

_____
Commission Number

Alicia H. Gayton
My Commission DD198658
Expires March 31 2007

_____
Commission Expiration Date

THE CITY OF LEESBURG, FLORIDA

BY: _____
MAYOR

Attest: _____
CITY CLERK

Approved as to form and content:

_____
CITY ATTORNEY

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 _____ _____, 2006, 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"

Legal Description

PARCEL 1:

That part of Government Lot 4, Section 25, Township 19 South, Range 24 East, Lake County, Florida, described as follows:

From the Northwest corner of the Southwest ¼ of Section 25, run East along the North line of Southwest ¼ a distance of 1345.48 feet to the Point of Beginning; thence run South 1925.00 feet along the East line of Lake Street; thence run S 89°38'13" E 1291.98 feet to the East line of the Southwest ¼ of said Section 25; thence run North along said East line to Northeast corner of Southwest ¼ of Section 25; thence run West along the North line of Southwest ¼ to the Point of Beginning.

LESS the Right-of-Way of Dixie Avenue and LESS the West 600.00 feet of the North 600.00 feet of that part of Government Lot 4 in Section 25, Township 19 South, Range 24 East, in the City of Leesburg, Florida, lying South of the South line of the Right-of-Way of Dixie Avenue and East of the East line of the Right-of-Way of Lake Street as said streets existed on January 2, 1974; and LESS the South 600.00 feet of the North 1250.00 feet of the West 435.60 feet of that part of Government Lot 4 in Section 25, Township 19 South, Range 24 East, in the City of Leesburg, Florida, lying South of the South line of Right-of-Way of Dixie Avenue and East of the East line of the Right-of-Way of Lake Street as said streets existed on January 2, 1974.

PARCEL 2:

From the Northwest corner of the Southwest ¼ of above said Section 25; run East along the North line of Southwest ¼ a distance of 1085.48 feet; thence South 510.00 feet; thence East 200.00 feet to the Right-of-Way line of Lake Street; thence run South along said West line of Lake Street 1475.00 feet to the Point of Beginning; thence run East 293.00 feet; thence South to Lake Harris; thence Westerly and Northwesterly along said lake to a point South of Point of Beginning; thence run North along the Southerly extension of the above mentioned West Right-of-Way line of Lake Street to the Point of Beginning.

Lots 11, 12, 13, 14, 15, 16, 17 and the North 156.70 feet of Lot 18, Block 108 less the South 82.50 feet of the said North 156.70 of Lot 18; All of Block 125; All of Block 126; and Lots 1, 4, 5 and 8, Block 127, less the 67.00 feet thereof; and a part of Lot 7, Block 139, of EAST LEESBURG as recorded in Plat Book 1, Page 69, of the Public Records of Lake County, Florida, described as follows:

From the Northwest corner of Lot 18, Block 108, of said EAST LEESBURG, run S 00°17'00" E along the West line of Lot 18 a distance of 185.00 feet to the Point of Beginning of this description; thence run N 89°54'30" W 678.91 feet, more or less, to a point that is 177.00 feet East of the West line of Block 139, said point being in a canal; thence Northerly parallel with the said West line of Block 139 to the North line of aforesaid Lot 7, Block 139; thence Easterly along the North line of Lot 7, Block 139 a distance of 679.39 feet to the East line of Block 139; thence run S 00°17'00" E along the East line of Block 139 to the Point of Beginning.

BENDERSON 85-I TRUST DEVELOPMENT
PLANNED UNIT DEVELOPMENT/CONTEMPORARY OVERLAY DISTRICT CONDITIONS
APRIL 20, 2006

These Planned Unit Development/Contemporary Design Overlay Conditions for PUD/CDO (Planned Unit Development/Contemporary Design Overlay) Districts are granted by the City of Leesburg Planning Commission, Lake County, Florida to Benderson 85-I Trust (Benderson 85-I Trust Development) "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 Unit Development and Section 25-282 Overlay Districts (d) CDO Contemporary Design Overlay of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Planned Unit Development (PUD) with a Contemporary Design Overlay (CDO) zoning district to allow construction of a proposed residential development consisting of a maximum of 519 residential units on approximate 149 acres located at the southwest corner of Ronald Reagan Turnpike and CR 48, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. PERMISSION is hereby granted to Benderson 85-I Trust (Benderson 85-I Trust Development) 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:

   LEGAL DESCRIPTION:

   See attached legal Exhibit B.

2. LAND USE

   The above-described property, containing approximately 149 acres, shall be used for single family attached and detached residential uses, pursuant to City of Leesburg development codes and standards.

   A. Residential Development

      1. The project shall contain a maximum of 519 residential units on approximately 149 acres at a gross density of 3.5 units per gross acre.

      2. The minimum lot size shall be 6,000 square feet for the detached single family homes.

      3. Minimum residential lot size shall be 50 feet with a lot depth of 100 feet. Final lot sizes shall be determined during the review of the preliminary plan.

      4. The following minimum yard setbacks shall be maintained for single-family units:

         Front setback – 20 feet;
         Rear setback – 18 feet; and
         Side setbacks - 5' feet per side except for attached units (townhomes) which may have zero lot line with 10 feet between blocks of attached structures.

      5. Minimum distance between single-family residential structures shall be 10 feet measured from building wall to building wall and the roof overhang shall not exceed 40 percent of the distance between the building wall and the property line.

      6. Corner lots shall have a minimum side yard setback of 20 feet from the public right-of-way.

      7. Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.

8. An attached swimming pool screened enclosure must maintain a minimum setback of five (5) feet from the rear property line.

9. City staff as part of the preliminary plan approval process shall approve final lot sizes and setbacks based on the general intent of the PUD as per the conceptual master plan.

10. Impervious surface coverage for residential shall not exceed 65 percent with a maximum of 70 percent for the overall development. Open space shall be a minimum of 30 percent.

11. Maximum building height for residential units shall not exceed two and one-half stories or 35 feet.

12. Permitted Uses:

    a. Single-family dwellings (detached or attached);
    b. Single-family attached villa units (maximum two units each);
    c. Townhome single-family dwellings;
    d. New urbanism design units with staff approval including rear garages living units;
    e. Accessory structures;
    f. Temporary modular sales center office not to exceed one year and construction office not to exceed two years from the approval of the final plat for the subdivision or phase there of.
    g. Model homes may be used for sales center during the duration of the project.
    h. All residential units shall be developed through a subdivision plat.

13. 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:

    a. 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.

B. Community Facilities

1. Final location of community uses shall be determined during the Preliminary Subdivision Plan/Site Plan approval process.

2. Allowable uses shall be those uses considered as accessory to a residential development such club house, pool, tennis courts, meeting rooms etc. and shall also be consistent with the City of Leesburg adopted Growth Management Plan (as amended).

3. Lot sizes and setbacks may be adjusted by staff during the site plan review process.

4. Maximum impervious surface ratio for community areas shall not exceed seventy (70) percent ISR.

5. Maximum building height shall not exceed two stories or 30 feet.

6. Community development areas shall be properly screened from residential areas with a buffer in accordance with the City of Leesburg Code of Ordinances (as amended). Minimum buffer width shall be 10 feet.

7. Pedestrian access shall be provided from the residential areas to community areas and connection to the City's trail system, if applicable, shall be reviewed during the site plan review process.

8. Recreational vehicle parking shall be restricted through deed restrictions/convenients which shall prohibit unenclosed parking within the development unless an approved designated area is provided. If provided, the area shall be buffered and final location will be determined by staff as part of the Preliminary Subdivision approval process.

C. Recreational Development

1. Recreational development shall require a minimum of 2.7 +/- acres of the project. Recreational development shall meet the requirements of the City of Leesburg Land Development Code (as amended) and adopted Growth Management Plan (as amended).

2. Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the joint use of the residents. Such recreation space shall consist of not less than 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.

3. Required stormwater areas and buffer areas shall not be considered as recreational space except for areas developed as recreational trails which provide access to the public trail system.

4. The development shall provide planned accessibility from all areas of the development to any proposed recreational facilities including pedestrian access where possible.

5. If a connection to the proposed City Turnpike trail system is required, the development shall along the Turnpike provide a public rail to trails access/connection through the development with a minimum of a twenty-five (25) foot wide trail within the required buffer area. Construction of any required trail will be the developer's responsibility and shall be developed per City trail requirements. Some credit may be allowed toward the required recreation areas depending on final determination of overall recreation and trail development plans. Final location and design shall be determined during the preliminary plan/site plan review process.

6. Limited commercial uses shall be allowed within buildings designated for recreational use and shall be intended for the primary use of project residents. The location and intensity of such uses shall be approved by the City staff as part of the preliminary plan review process. Examples of such uses are sales office, post office, ATM or bank services, coffee shop etc.

D. The commercial use of a sales office and/or model center shall be a permitted use as long as it is specifically related to the PUD residential development of the site.

E. Open Space and Buffer Areas

1. 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.

2. Buildings or structures shall be an average of 50 feet from any wetland jurisdiction boundary. Under no circumstances shall the minimum buffer width be less than 30 feet

3. Wetlands shall have a minimum upland buffer of 25 feet or the upland buffer 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.

4. Land uses allowed within the upland buffers are limited to hiking trails, walkways, board walks, passive recreation activities and stormwater facilities as permitted by St. Johns River

Water Management District.

5. 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.

6. A wildlife/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.

7. 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.

8. Landscaping of any required buffer areas shall be as follows:

   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 City of Leesburg Code of Ordinances, as amended.

   a. Two (2) canopy trees
   b. Two (2) ornamental trees
   c. Thirty (30) shrubs
   d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
   e. Existing vegetation in the required buffer shall be protected during construction.

9. Due to the location of the proposed project adjacent to the Ronald Reagan Turnpike, the developer shall provide a fifty (50) foot buffer easement and construct a landscape and noise buffer with a possible trail corridor adjacent to the turnpike with design to be reviewed by staff during the preliminary plan review process. Alternate buffer designs may be approved by staff that meets the intent of this section.

F. Development Phasing

1. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). 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.

2. Implementation of the project shall substantially commence within 24 months of approval of the site plan and construction plan approvals for this Planned Unit Development. In the event, the conditions of the PUD has not been substantially initiated 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 Density Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

3. <u>STORMWATER MANAGEMENT / UTILITIES</u>

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. A copy of the appropriate documentation that any flood hazard boundary has been requested for amendment in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is proposed to be 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. Should the Permittee desire to dedicate the proposed project's stormwater management system to the City of Leesburg; the City, at its discretion, may accept or not accept the stormwater management system. Prior to acceptance, the Permittee shall demonstrate to the City the stormwater management system is in a suitable condition and meets City of Leesburg and St. Johns River Water Management District requirements.

H. 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.

I. 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. Off site improvements required by the City shall include those necessary for the properties located immediately south of the project including utility all required infrastructure.

4. <u>TRANSPORTATION IMPROVEMENTS</u>

A. Vehicular access to the project site shall be provided by a minimum of two public access points, one primary access on C.R. 48 and one secondary access at the southeast corner of the property. The primary access shall be through a public divided boulevard type road. Actual location and design of the boulevard shall be determined during the Preliminary Subdivision 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 including access to the south and west.

B. The Permittee shall provide their fair share of all necessary improvements/signalization within and adjacent to the development 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 be provided on sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. Location of sideways shall be determined during the Preliminary Subdivision Plan review process. All sidewalks shall be constructed in accordance with City of Leesburg Codes.

E. The Permittee shall be responsible for obtaining all necessary FDOT and Lake County permits

and a copy of all permits shall be provided to the City of Leesburg prior to preliminary plan approval.

F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements. 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. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Leesburg; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Leesburg requirements. As a condition of accepting the roadway system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time.

H. A traffic/transportation analysis shall be submitted prior to preliminary plan approval for review and determination of any necessary access improvements if required by Lake County. Said improvements will be the responsibility of the Permittee.

I. At such time that traffic signals are warranted at the proposed project entrance, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.

5. <u>DESIGN REQUIREMENTS</u>

Design requirements shall meet the standards as per Sec. 25-395. Contemporary design district overlay (CDO) general district standards.

A. Residential Development

1. Contemporary design district overlay (CDO) standards require that all residential development on lots that are less than fifty (50) feet in width shall be served by rear alleys. Each alley shall connect with streets at both ends.

2. Building Design

a. Detached single-family homes shall have garages located with the following provisions.

1) Front access garages must be set back a minimum of five (5) feet from the attached primary structure or the front building line.

2) Rear garages must be setback a minimum of twenty (20) feet from an alley or rear access drive.

3) Side entrance garages may be in line with or off set from the primary structures front setback provided the garage has front facade windows.

4) Homes with covered front entrees and/or porches of a minimum fifty (50) square feet may have front access garages setback in line with the porch or five (5) feet forward of the porch.

b. The distance between any principal building and accessory building shall be a minimum of ten (10) feet.

c. Alternative new urbanism design and rear alley access units shall have the following:

1) Ten (10) foot front setback.

2) Traditional/Cracker style front elevations (See attached Examples urban-style, traditional design).

3) Covered front porches of at least forty percent of the length of the front elevation at a minimum depth of four (4) feet.

d. Garages living units where garages are located at the rear of the lot shall meet the following;

1) Living unit shall not exceed fifty (50) percent of the primary residence living area or 800 sq. ft. which ever is smaller.

2) Shall not exceed two bedrooms.

3) Shall be designed to accent the primary residence.

4). Shall be located adjacent to a rear alley or adjacent to the rear of another garage unit on the adjacent rear lot. Shall not be located within fifty (50) of a primary residence other than on the same lot or on an adjacent lot with a garage living unit.

2. Additional Design Features

a. All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:

1) Dormers

2) Gables

3) Recessed entries

4) Covered porch entries

5) Cupolas

6) Pillars or posts

7) Bay window (minimum 12 inch projections)

8) Eaves (minimum 6-inch projections)

9) Off-sets in building face or roof (minimum 16- inch trim).

10) Repetitive windows with minimum 4-inch trim.

B. Other similar design variations meeting the intent of this section may be approved by the Planning and Zoning Manager.

6. MISCELLANEOUS CONDITIONS

A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Unit 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.

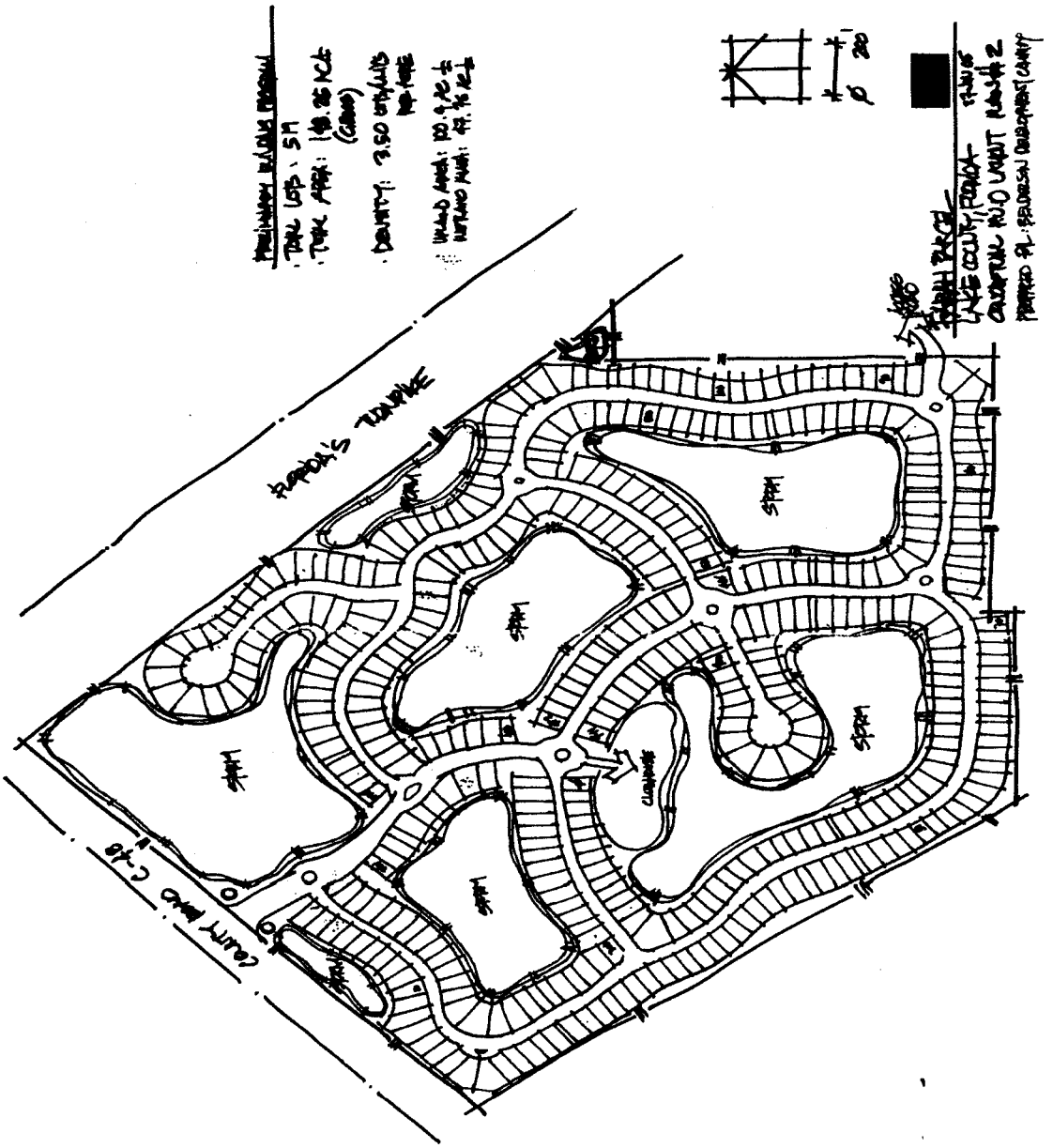
D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to 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.

7. 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.


FLORIDA'S TURNPIKE
COUNTY ROAD C-48
SPRM
CLUBHOUSE
LAKE COUNTY, FLORIDA
CONCEPTUAL PUD UNIT PLAN #2