

EXHIBIT A

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

Annexation

(Anita F. Valdez)

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 Anita F. Valdez, whose address is 300 Lake Ella Road Fruitland Park, Florida 34731, 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 May 18, 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:

DEVELOPERS:

Joyce R. Huey

BY:

Anita F. Valdez
Anita F. Valdez

Joyce R. Huey
Type or print name of witness

Steven B. Richey
Type or print name of witness

STATE OF FLORIDA
COUNTY OF LAKE

BEFORE ME, the undersigned Notary Public, Anita F. Valdez personally appeared before me and acknowledged on the 19th day of June, 2006, that he executed the foregoing instrument. He is {CHECK ONE} personally known to me, or else who produced _____ as identification.

Mary Ludwig
NOTARY PUBLIC
Mary A Ludwig
Type or print name of Notary



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 _____ as identification.

NOTARY PUBLIC

Type or print name of Notary

Commission Number

Commission Expiration Date

EXHIBIT "B"

**VALDEZ
LEGAL DESCRIPTION**

That portion of the North 486.00 feet of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ in Section 28, Township 19 South, Range 24 East, Lake County, Florida described as follows: The North 486.00 feet of the West 998.90 feet of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ in Section 28, Township 19 South, Range 24 East, Lake County, Florida; Less right-of-way of State Road No. 468 also known as (South Street), Containing 9.99 acres.

ANITA F. VALDEZ
PLANNED UNIT DEVELOPMENT CONDITIONS
MAY 18, 2006

This Planned Unit Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Anita F. Valdez "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" of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Planned Unit Development (PUD) zoning district to allow construction of a proposed development comprised of a residential and/or commercial development consisting of a maximum of 96 residential units on approximate 9.9 acres and/or a commercial center of approximately 40,320 square feet located south of S.R. 44 (South Street) and west of Caballo Road, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. **PERMISSION** is hereby granted to Anita F. Valdez to construct, operate, and maintain a Planned Unit Development 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 10 acres, shall be used for mixed use residential and commercial development, pursuant to City of Leesburg development codes and standards.

A. Residential Development

1. The project shall contain a maximum of 96 residential units at a maximum density not to exceed 10 units per acre for uplands and one unit per acre for wetlands.
2. The minimum development standards shall be as established for the R-3 zoning district except for townhomes.
3. Residential dwelling units located in commercial phase of the development shall be designed as new urbanism (TND) units as shown on the conceptual master plan.
4. Minimum distance between 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.
5. City staff as part of the site plan approval process shall approve final lot sizes and setbacks based on the general intent of the PUD for various type units such multi-family, townhomes, commercial and TND etc.
6. Impervious surface coverage shall not exceed 70 percent and the overall project shall maintain open space of a minimum of 30 percent.
7. Maximum building height shall not exceed three stories or 55 feet.
8. Permitted Uses:
 - a. Residential dwellings (Townhomes and Multi-family);
 - b. New urbanism design units with staff approval;
 - c. Accessory structures;

- d. Temporary [FAM3]modular sales center office and construction office not to exceed one year from the approval of the final site for the subdivision or phase there of.
- e. Model homes may be used for sales center during the duration of the project.

B. Recreational Development

1. Recreational development provided on the site shall include active and passive uses, as well as enclosed or unenclosed 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.
2. 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.
3. The Planned Unit Development shall provide planned accessibility from all areas of the development to any proposed recreational facilities including pedestrian access where possible.
4. If a connection to the proposed City trail system is required, the development shall 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.

C. 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.

D. 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.

E. Commercial, Office and Community Facilities

1. An urban design Commercial Center area of approximately one acre shall be situated at the center of the development as shown on the conceptual plan. Final determination and location of commercial areas shall be approved during the Site/Subdivision Plan approval process.
2. Allowable uses shall be those uses as described in the C-1 (Neighborhood Commercial) Zoning District in the City of Leesburg Land Development Code (as amended) and shall also be consistent with the City of Leesburg adopted Growth Management Plan (as amended).
3. The minimum development standards shall be those of the C-1 (Neighborhood Commercial) Zoning District of the Land Development Code. Lot sizes and setbacks may be adjusted by staff during the site plan review process.

4. The gross leaseable area for the designated commercial areas shall not exceed eighty (80) percent ISR and new urban design residential units shall be located above the commercial/office areas.
5. Maximum building height shall not exceed two and three stories or 40 feet.
6. Commercial development areas shall be properly screened from residential areas with a buffer in accordance with the City of Leesburg Land Development Code (as amended). Minimum buffer width shall be 10 feet or the rear of the commercial buildings shall be designed to accent the adjacent residential development with final approval of buffer/design by staff during the site plan review process.
7. Recreational vehicle parking shall be restricted through deed restrictions/covenants which shall prohibit parking within the development unless within an enclosed structure or 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 Subdivision approval process. Final determination of the location and size of such facilities shall be approved by City staff during the Site/Subdivision plan review process.

D. 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 a minimum of 50 feet from any wetland jurisdiction boundary.
3. 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.
4. 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.
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. A twenty-five (25) foot wide vegetative landscaped buffer shall be required along boundaries of the development except for S.R. 44 (South Street). The buffer shall

retain existing healthy trees, shrubs and ground cover and shall include additional plantings where needed as provide in D.9 below.

9. 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 Land Development Code.

- 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.

10. Staff will review and may adjust the required buffers during the preliminary plan review process.

E. 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 this Planned Unit 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 Density Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

3. 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 subdivision/site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Code of Ordinances.

- 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. 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.
- 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.

4. TRANSPORTATION IMPROVEMENTS

- A. All transportation improvements shall be based on a current traffic analysis and shall be contingent upon Site/Subdivision Plan approval by City staff during the development review and permitting process.
- B. Vehicular access to the project site shall be provided by a minimum of one access point on S.R.44 (South Street) through a divided boulevard type road. Actual locations and design of the boulevard shall be determined during the Site/Subdivision Plan review process and shall include consideration of sidewalks, recreation/trail paths etc. Other potential public accesses such as to the east will be reviewed during the development review process.
- C. The Permittee shall provide all necessary improvements/signalization within and adjacent to the development as required by FDOT, Lake County and City of Leesburg.
- D. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements including at a minimum Miami curbs.
- E. Sidewalks shall be provided on both 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. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- F. 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.
- G. 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.
- H. 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.
- I. A traffic/transportation analysis, if required, shall be submitted prior to preliminary plan approval for review and determination of any necessary access improvements. Said improvements will be the responsibility of the Permittee.
- J. At such time that traffic signals are warranted at the intersections adjacent to the proposed project entrances, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.

5. DESIGN REQUIREMENTS

- A. Residential Development

1. Building Design
 - a. Single family design units shall be designed with elevations that are the same or similar to the attached Exhibit C elevations.
 - b. The distance between any principal building and accessory building shall be a minimum of ten (10) feet.
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. Commercial Center Design

1. Building frontages shall occupy no less than 75% of the street facing entrance.
2. Height. The maximum building height may be increased by 10 feet as an incentive for vertical mixed use buildings, except where adjacent to single-story residential uses.
3. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functionally be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish to give emphasis to the entrances.
4. Building Façade. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination as described below, subsection.
5. Storefront character. Commercial and mixed-use buildings shall express a "storefront character" with the design elements that are the same or similar to the attached Exhibit D elevations and shall compliment residential designs. This guideline is met by providing all of the following architectural features along the building frontage as applicable.
 - a. Corner building entrances on corner lots.
 - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - c. Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40% and a

maximum 80% of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50% of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement, but must be transparent and shall not be painted or obscured by opaque panels.

6. Orientation. The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements shall be used to call-out the location of building entries.
- C. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of front building elevation shall be composed of one of the following:
1. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 2. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.)
 3. All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Planning and Zoning Manager for compliance.
 4. Sides and rear of building shall be finished at a minimum with textured stucco and some integration of the front elevation materials and design.
- D. 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 Code of Ordinances, 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.

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.

