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June 8, 1998

ORIGINAL

Ms. Blanca Bayo
Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Alafaya Utilities, Inc.; Reuse Project Plan Docket No. 960288-SU

Dear Ms. Bayo:

Pursuant to a telephone conference with Roseanne Gervasi, enclosed please find the following:

1. Letter of Explanation regarding the inability of Seminole Ranch, Ltd. (Richland Properties) and Live Oak Reserve, Ltd., to locate reuse storage facilities within their respective Planned Unit Development (P.U.D.) as directed by the City of Oviedo Land Development Code.
2. Exhibit 1 to Letter of Explanation consists of copies of the following from the City of Oviedo Land Development Code:
 - (a) Article II, Section 14 "Definitions of basic Terms"
 - (b) Article IX, Part 1, "Zoning Districts"
 - (c) Article XIV, Section 144 "Planned Unit Developments"
3. Exhibit 2 to Letter of Explanation consists of P.U.D. Development Agreement between City of Oviedo and Seminole Ranch, Ltd./ Richland Properties.

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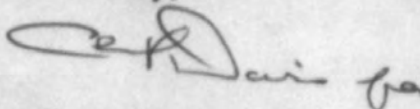
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FPSC-RECORDS/REPORTING

Ms. Blanca Bayo
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Please include this letter with its exhibits in the above referenced file. Should you have any questions, please do not hesitate to contact me at (850) 681-0411.

Sincerely,

A handwritten signature in cursive script, appearing to read "David W. Moyé".

David W. Moyé

DWM:bg

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June 8, 1998

Ms. Roseanne Gervasi
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Alafaya Utilities, Inc., Reuse Project Plan, Docket No. 960288-SU

Dear Roseanne:

The following is provided in response to your request for information regarding the City of Oviedo's prohibition against reuse storage facilities being placed within the above referenced P.U.D.s. We apologize for the delay in getting this information to you. Much of the explanation which follows was provided by Ms. Marty Beamer, the Assistant City Manager for Oviedo. Should you desire greater clarification, she may be contacted at telephone number 407/977-6003.

To begin, both Seminole Ranch, Ltd. and Live Oak Reserve, Ltd., (hereafter P.U.D.s) are Planned Unit Developments located within the Oviedo city limits. Both P.U.D.s have been approved for land use as "PUD-LDR" with "single family" as the primary use. See Article XIV, page 4. Accordingly, the density is a minimum of one unit per acre and a maximum of 3.2 units per acre. Neither P.U.D. is permitted for use as industrial (L-1 or L-2) nor public utilities (P.U.).

The City of Oviedo recognizes the following three types of P.U.D.s: (1) residential (PUD-LDR, PUD-MDR, PUD-HDR), (2) commercial (PUD-C) and (3) Industrial (PUD-I). The PUDs in question are Residential with the lowest recognized level of land use (LDR). As set forth in Exhibit 2, a water utility would not be permitted in conjunction with either of the two P.U.D.s.

Storage of reuse water would require holding the treated "gray water" in a non-pressurized tank or pond which in turn would require re-chlorinating the water before it could be placed in the residents' reuse water lines. This constitutes the operation of a water utility: an activity well outside the permissible uses of a LDR single family P.U.D. as set forth in the City of Oviedo Land Development Code.

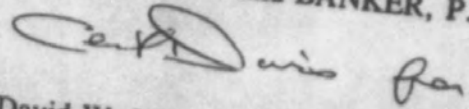
Ms. Roseanne Gervasi
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Finally, a copy of the development agreement between Seminole Ranch, Ltd. and the City of Oviedo is attached. The said agreement does not provide for a reuse water treatment/holding facility (nor could it). The relevant provisions of the anticipated development agreement between the Utility and Live Oak Reserve, Ltd. are no different from those of Seminole Ranch, Ltd.

Hopefully, this information will address your concerns. Please do not hesitate to contact us should you have any questions.

Sincerely,

FOWLER, WHITE, GILLEN, BOGGS,
VILLAREAL and BANKER, P.A.



David W. Moyé

DWM:bg

EXHIBIT 1

ARTICLE IX ZONING DISTRICTS & ZONING MAP**Part I Zoning Districts****Section 99****Residential Districts**

Each residential district is designed to provide a comfortable, healthy, safe and pleasant environment for the people who live in the City of Oviedo.

- a) The Agriculture district is intended to accommodate agriculture uses with accessory single family residences. These districts are generally located in outlying areas of the City and may be converted to higher uses as more urban services become available.
- b) The R-CE Rural Country Estates, R-1AAA and R-1AA districts are designed for areas that are not served by central water and sewer, have inadequate transportation facilities, and are not appropriate for higher density development.
- c) The R-1A and R-1 districts are single-family residential districts that permit low to medium density development generally in areas with complete urban services. In areas without central sewer these districts are only permitted where soils are appropriate for septic tanks.
- d) The R-2 district is a medium density single-family and two-family district generally located in areas with complete urban services.
- e) The R-3 district is designated for high density, multi-family residential use in areas with complete urban services. This district may also serve as a transitional buffer between commercial uses and lower density residential uses.
- f) The MH-I Mobile Home Park district is designated for certain areas where mobile home sites are offered for rent. This district should be located in areas with complete urban services. (See Appendix F.)
- g) Certain retail, commercial, and professional offices uses may be allowed in residential areas as special exceptions as identified in the Table of Permissible Uses in Section 110. These commercial uses must be located on sites of less than two acres and shall conform to the following criteria:

- 1) The site must be located on or at the intersection of two collector roadways, a collector and one arterial roadway, or two arterial roadways.
- 2) If the site is not located at the intersection of a collector or arterial roadway, there shall be at least 500 feet between the proposed site and any existing commercial development.
- 3) The development shall be designed to serve the immediate neighborhood. The scale, orientation of buildings, landscaping, signage, buffering, lighting, and other design considerations must all be deemed to be compatible, as determined by the City through the review process, with the residential neighborhood.
- 4) The development intensity and hours of operation shall be limited in accordance with traffic impact, visual compatibility, and natural site conditions.
- 5) Convenient and safe pedestrian and non-motorized vehicular access must be provided.
- 6) The site must be serviced by central water and sewer.

Section 100

Commercial and Office Districts

Commercial and office districts are created to serve the business needs of the community and provide necessary services for City residents.

- a) The R-P Residential/Professional Office district is designed to accommodate a mixture of residential and professional office uses primarily in areas that are no longer viable for single family use because of high traffic volumes or other market factors. These areas are often transition zones between major arterials or intense commercial districts and residential districts.
- b) The O-C Office/Commercial district is a neighborhood commercial and office district designed to accommodate low intensity commercial uses with limited traffic generation and movements.
- c) The C-1 Commercial district is intended to permit and encourage a full development of retail commercial uses.
- d) The C-2 Commercial district is designed to accommodate the widest range of commercial activities, including drive-thru facilities.

- e) All new development within the commercial zoning districts will require central sewer and water service. If central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in these districts must have access to collector or arterial roads or to service roads that maintain direct access thereto.

Section 101

Industrial Districts

The I-1 and I-2 Industrial districts are established to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment or adult entertainment. Each district must conform to performance standards outlined in Article XIII. The I-1 district is more restrictive than the I-2 district. All new development within the Industrial zoning districts will require central sewer and water service. If central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in these districts must have access to collector or arterial roads or to service roads that maintain direct access thereto.

Section 102

Planned Unit Development District

The PUD district combines various residential, commercial, and/or industrial uses to create a planned community with a more desirable environment than would be possible through the strict application of conventional district regulations.

The approval procedures for a PUD are outlined in Article XIV. Any area zoned C-PUD at the time this Chapter is adopted will henceforth abide by the regulations in the PUD district.

Section 103

Floodplain District

The floodplain district is hereby established as an "overlay" district and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent that such use is also permitted in the applicable overlay district. (See Article XV).

Section 104

Public District

The Public Lands and Institutions District (PLI) is intended to include public lands and major public or quasi-public institutional uses. Public lands shall be defined as activities that serve to provide public services or utilities that shall include but are not limited to recreation, community and government services, utilities and public facilities such as water and sewer treatment. Institutions shall be defined as non-profit, quasi-public, or public activities that provide a public service that include but are not limited to libraries, hospitals, cultural facilities or religious uses.

This classification also include educational uses such as a private or public secondary, middle elementary or similar school providing educational curriculum meeting general public or education requirements established by the State. Also, this classification includes private or public college, university or post-secondary school authorized or licensed by the state to award degrees, but not technical, business or trade schools. Seminaries are exempt from state licensure requirements for private colleges; however such exemption status, must be authorized by the state. Hence, an exemption approved by the state would qualify as meeting requirement of the above definition regarding authorization by the state to award degrees.

This classification is applied only to lands that are owned or controlled by the public.

Section 105

Wetlands Protection Overlay District

The Wetlands Protection Overlay District is hereby established as an overlay district (W-1) to regulate the impacts of development activities on wetlands (see Section 221).

PART II ZONING MAP

Section 106

Official Zoning Map

a) Designation of the Official Zoning Map

There shall be a map known and designated as the Official Zoning Map which shall show the boundaries of all zoning districts within the City's jurisdiction.

b) **Incorporated into Code by Reference**

The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 107.

c) **Lost, Damage or Destruction of Official Zoning Map**

Should the Official Zoning Map be lost, destroyed, or damaged, the Administrator may have a new map made without Council authorization so long as no district boundaries are changed in the process.

Section 107

Amendments to Official Zoning Map

a) **Amendment Procedures**

Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this Chapter, as set forth in Article XXIII.

b) **Updating the Official Zoning Map**

The Administrator shall update the Official Zoning Map as soon as possible after amendments are adopted.

Section 108 Reserved

(ADMIN-7)

ARTICLE II
BASIC DEFINITION AND INTERPRETATIONS**Section 14****Definitions of Basic Terms**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

A-1) Accessory:

- a) **Use:** The use of a structure of a nature customarily incidental and subordinate to the principal use. No accessory structure will be allowed unless the principal use is in place or permitted. (See Section 111.)
- b) **Structure:** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, such as the following:
 - 1) Detached storage buildings less than hundred twenty (120) square feet of floor space. (Detached accessory structures in excess of one hundred twenty (120) square feet must meet the setback requirements in Section 117.) See Section 118 for accessory building setbacks. Mobile homes or trailers may not be used as storage buildings.
 - 2) Swimming pools.
 - 3) Screen pool enclosure.
 - 4) Patio covers that meet the following criteria:
 - no hard roofs;
 - no masonry walls; and
 - no hard walls greater than two feet in height.
 - 5) Air conditioners, satellite dishes, solar panels, or other accessory structures.
 - 6) Antennas.
 - 7) Any material affixed to the structure.

A-2) Administrator: (See Section 32)

- A-3) **Administrative Permit:** A permit issued by the Administrator in accordance with the regulations of this code (see Section 38).
- A-4) **Adult Congregate Living Facility:** Any building or buildings, residence, private home, boarding home, home for the aged, or other place licensed and approved by the Florida State HRS subject to criteria contained in F.S. 419.001.
- A-5) **Adult Entertainment:** Any establishment defined within Ordinance 893 of the City of Oviedo as it may be from time to time amended.
- B-1) **Bed and Breakfast Facility:** - An owner-occupied house, or portion thereof, where short-term lodging and meals are provided for compensation.
- B-2) **Boarding House:** A residential use consisting of at least one dwelling unit together with one or more rooms that are rented or intended to be rented to more than one family, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house or rooming house is designed to be occupied by longer term residents (month to month) as opposed to overnight or weekly guests.
- B-3) **Building:** A structure designed to be used as a place of occupancy, storage or shelter.
- B-4) **Buildable area:** The portion of a lot remaining after required yards have been provided.
- B-5) **Building, principal:** A building in which is conducted the main or principal use of the lot on which said building is located.
- C-1) **Circulation area:** That area used for access to parking or loading areas or other facilities on the lot. Essentially driveways and other maneuvering areas comprise the circulation area.
- C-2) **Comprehensive plan:** A plan adopted by the City of Oviedo in accordance with Chapter 163, Florida Statutes.
- C-3) **Conditional use permit:** A permit issued by City Council that authorizes the recipient to make use of the property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Council. A conditional use permit is an approval of the site design and layout rather than an evaluation of use. It contains the conditions of use.
- C-4) **Convenience Store:** A retail store usually containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract a

large volume of stop-and-go traffic. "Jiffy", "7-11", and "Cumberland Farms" chains are examples of convenience stores.

- D-1) **Day Care Center:** Any child care arrangement that provides day care on a regular basis for five (5) or more children under the age of six (6) years. Certification by the Florida Department of Health and Rehabilitative Services is required.
- D-2) **DBH:** Diameter at breast height. The average diameter of the trunk of a tree measured at four and one-half (4 1/2) feet above natural grade.
- D-3) **Developer:** Any person who is responsible for any undertaking that requires an administrative or regulation permit.
- D-4) **Development agreement:** A document prepared and adopted in accordance with F.S. 163.3220 - 163.3243.
- D-5) **Dripline:** The ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches of the tree. For asymmetrical specimens, or those with unusually small crown spread, the dripline area shall in no case be less than that area described by a radial dimension of one foot for each one inch of trunk radius.
- D-6) **Drive-in restaurant or refreshment stand:** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises. Drive-in restaurants and refreshment stands shall not mean or include pick-up windows as defined by this Code, and said definitions shall be mutually exclusive.
- D-7) **Duplex:** See Dwelling, two family.
- D-8) **Dwelling:**
- a) **Single-family:** A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only. (See also Modular or Manufactured Home.)
 - b) **Mobile home:** (See Mobile Home)
 - c) **Two-family:** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families, containing either a common wall or ceiling/floor. A duplex is a two-family dwelling.

- d) **Multiple-family:** A residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.
- D-9) **Dwelling unit:** A building consisting of one room, or rooms connected together constituting a separate, independent housekeeping establishment. Said enclosure shall contain independent sleeping, kitchen and bathroom facilities designed for and used, or held ready for use, as a permanent residence by one family.
- E-1) **Easement:** Any strip or parcel of land dedicated for public or other private utilities, drainage, sanitation or other specified uses having limitations. The title shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.
- F-1) **Family:** One or more persons related by blood, marriage, or adoption, exclusive of family servants, occupying a single dwelling unit, and living as a single household unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel, or fraternity or sorority. A number of persons, not exceeding three (3), occupying a dwelling and living as a single household unit, though not related by blood, marriage or adoption, shall be deemed to constitute a family.
- F-2) **Flood zone:** (See Section 152). The 100 year elevation shall be determined by FEMA/FIA and the boundary verified by site specific field topographic surveys.
- F-3) **Floor area, gross:** The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls.
- F-4) **Fraternity or Sorority:** A dwelling or combination of dwellings on a single lot occupied and maintained exclusively for college, university or professional school students who are affiliated with a social, honorary or professional organization recognized by the college, university or professional school.
- G-1) **Garage, Mechanical:** A building or portion thereof, other than a private garage or service station, designed or used for repairing.
- G-2) **Garage, private:** An accessory building or an accessory portion of the principal building designed or used for inside parking of motor vehicles owned by the occupants of the building to which it is accessory.
- G-3) **Group home:** A dwelling which provides basic care and supervision to four or more persons not related to the owner or operator of the dwelling; the owner or operator of which is licensed and approved by the Florida State Department of HRS.

- G-4) Guest cottage (or "Mother-in-law suite"):** A detached building or an attached suite located on the same premises of the main residential building, intended for intermittent or temporary occupancy by a nonpaying guest or permanent occupancy by a non-paying family member. The main residential building must have a Certificate of Occupancy before a guest cottage may be approved.
- H-1) Home occupation:** An occupation or profession for gain or support conducted only by members of the family residing on the premises and conducted entirely within the principal buildings, provided that the total floor area used for such purposes does not equal more than twenty-five percent (25%) of the floor area of the principal building. Any home occupation that creates objectionable noise, fumes, odor, dust, or electrical interference shall be prohibited.
- H-2) Hotel:** (See Motel)
- I-1) Improvements:** Street pavement, curbs, and gutters, sidewalks, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments, permanent control points and any other construction required by the City. (See Appendix S).
- K-1) Kennel:** A place where dogs and other small animals and house pets are kept, sheltered, boarded, bred, or groomed for compensation.
- L-1) Livestock:** All animals of the equine, bovine, or swine class including, but not limited to goats, sheep, mules, horses, hogs, cattle and other grazing animals.
- L-2) Loading space, off-street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking.
- L-3) Lot:** For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street; and may consist of:
- a) A single lot of record;
 - b) A portion of a lot of record;
 - c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

- d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
- L-4 **Lot frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under "yard" in this section.
- L-5) **Lot measurements:**
- a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) Width of a lot shall be considered to be the distance between the side lot lines measured at the front building line and parallel to the front lot line.
- L-6) **Lot of record:** A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- L-7) **Lot types:** The following types of lots are defined to clarify terminology used later in this ordinance:
- a) **Corner lot.** A lot at the intersection of two (2) or more streets or along a single street that forms its own corner and provides frontage along two sides of the same lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- b) **Interior lot.** A lot other than a corner lot with only one frontage on a street.
- c) **Through lot.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- d) **Reversed frontage:** A lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the

area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

M-1) Mobile home: A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the Standard Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds 40 feet in length and eight feet in width. A travel trailer is not a mobile home.

a) **Mobile Home Class A.** A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- 1) The home has a length not exceeding four times its width;
- 2) The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- 3) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- 4) A continuous, permanent masonry, foundation, unpierced except for required ventilation and access, is installed under the home; and
- 5) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

b) **Mobile Home, Class B.** A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

c) **Mobile Home, Class C.** Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

- d) **Mobile Home Park:** A residential use in which more than one mobile home is located on a single lot.
- M-2) **Modular or Manufactured Home:** A dwelling unit constructed in accordance with the standards set forth in the Standard Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the Standard Building Code) or a series of panels or room sections transported on a truck erected or joined together on the site.
- M-3) **Motel:** A building or a group of buildings containing sleeping accommodations or efficiency units in which transient guests are lodged on a short-term basis. (For the purposes of this ordinance, hotel and motel shall have the same meaning.)
- N-1) **Nonconforming:**
- a) **Lot:** A lot existing at the effective date of this Chapter (and not created for the purposes of evading the restrictions of this Chapter) that does not meet the minimum area requirement of the district in which the lot is located.
 - b) **Structure:** Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, etc. for the district in which they are located.
 - c) **Use:** Any building or land lawfully occupied by a use at the time of adoption of this Chapter that does not conform with the use regulations of the district in which it is situated.
- N-2) **Nursing home:** A home for the aged, chronically ill, or incurable persons in which 3 or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- O-1) **Office, business:** An office for activities such as real estate, advertising, insurance, travel agency, ticket sales, abstract and title companies, insurance, etc. Retail or wholesale goods are not shown to or delivered from the premises to a customer. A beauty or barber shop is not a business office.
- O-2) **Office, professional:** An office for the use of architects, engineers, attorneys, accountants, physicians, lawyers, dentists, etc. Professional offices generally offer consultant services.

- O-3) **Off-street parking:** A lot or parcel of land or structure designed, constructed, or utilized for the temporary storage or parking of motor vehicles. Required off-street parking shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley.
- P-1) **P.C.P (Permanent Control Point):** A secondary, horizontal control monument, in accordance with F.S. Chapter 177.
- P-2) **Personal Service:** An establishment that primarily provides services generally involving the care of a person or his or her apparel, such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, coin-operated laundries, and tuxedo or costume rentals.
- P-3) **Pick-up Windows:** A window within a principal use used for the sale and dispensing of food, refreshments, and/or beverages to persons, who have placed an order for food, refreshments, or beverages from a location other than the establishment or premises where the food is prepared. Pick-up windows shall not mean or include drive-in restaurants and refreshment stands as defined by this Code, and said definitions shall be mutually exclusive.
- P-4) **Plat:** A map or delineated representation of the subdivision of lands; a complete exact representation of the subdivision and other information in compliance with all applicable statutes and regulations.
- P-5) **Potable water:** Water which is satisfactory for drinking, culinary, and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation.
- P-6) **P.R.M.:** Permanent Reference Monument provided in accordance with F.S. Chapter 177.
- R-1) **Record drawing:** A set of approved plans and specifications which identify, at a minimum, substantial deviations referenced in the certification of completion of construction that have occurred since the permit was issued.
- R-2) **Regulation permit:** A permit issued by the City Council to allow certain development in accordance with this Code. (See Section 38.)
- R-3) **Right-of-way:** Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, access or other purpose by the public, certain designated individual, or governing body.
- R-4) **Rooming house:** (See Boarding house).

- S-1) **Septic tank:** An individual sewage disposal system approved by the County Health Department and serving only one lot.
- S-2) **Service Station:** Any building structure or land used for the dispensing, sale or offering for sale at retail any automobile fuels, oils, or accessories. General automotive servicing, as distinguished from automotive repair, may also be performed.
- S-3) **Short-term Residential Rentals:** Rentals of residential units for a time period no more than six months.
- S-4) **Sight distance triangle:** The triangular area required on any intersection corner to permit a vehicle operator an unobstructed view of the crossing roadway for a minimum sight distance in either direction.
- S-5) **Sign:** (See Section 207)
- S-6) **Site Plan:** An illustration of the details of development of areas such as commercial, industrial, recreational, multifamily residential and other uses not being platted.
- S-7) **Special Exception Permit:** A permit issued by the City Council after recommendation of BOA, that allows certain uses within a zoning district that are not generally permissible throughout the district, but which if controlled as to number, area, location, or relation to the neighborhood, could promote the public health, safety, and welfare.
- S-8) **Street:** (See Article XVI)
- a) **Arterial:** A major street in the transportation system which provides a direct route for long local trips and also provides access to interstates, expressways, etc. The main function of an arterial is to move large volumes of vehicles (>6000).
 - b) **Collector:** A street which conducts traffic between local streets and arterials and also provides access to abutting property.
 - c) **Cul-de-sac:** A street that terminates in a vehicular turnaround. (See also Section 170 (b).)
 - d) **Local:** A street which provides access to property. Average daily traffic is normally less than 1000 vehicles.
- S-9) **Structure:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location. Among other things, structures include buildings, mobile homes, walls, fences, etc.

- S-10) **Structure, temporary:** Any structure serving a temporary use, such as a field or sales office, contractor's office, etc.
- S-11) **Subdivision:** The division of a parcel of land, whether improved or unimproved into two (2) or more lots or parcels of land for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets. The City may grant a waiver to the platting requirements for subdivisions with three (3) lots or less.
- T-1) **Travel Trailer:** A structure that is intended to be transported over streets and highways and is designed as a temporary dwelling for travel and recreational purposes. A travel trailer is not a mobile home.
- T-2) **Tree:** Any living, self-supporting, perennial plant which has at least 1 1/2" D.B.H. and normally grows to a minimum overall height of 15'. (Article XVII.)
- U-1) **Use:** The activity or function that actually takes place or is intended to take place on a lot.
- U-2) **Utility facility:** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a non-profit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals.
- V-1) **Variance:** A variance is an exception to the terms of this code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is generally authorized only for height, area, size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- W-1) **Wetlands:** (See Section 221.)
- W-2) **Wholesale sales:** On-premises sale of goods primarily to customers engaged in the business of reselling the goods.

Y-1) Yard: An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, with the exception of trees and other vegetation. Fences, walls, children's play equipment and other customary yard accessories may be permitted in rear and side yards and some front yards subject to height, visibility limitations and other requirements of this Chapter. (See Sections 117 and 118.)

a) **Front yard:** A yard extending between side lot lines, parallel across the front of a lot adjoining a street. In cases of through lots and corner lots, front yards shall be provided on all frontages. The minimum front yard setback distance shall be maintained at every point along the street. (See also 38.)

b) **Rear yard:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yard. The depth of the rear yard shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The rearmost point of the side lot line in the case of rounded or irregular property corners shall be assumed to be the point at which the side and rear lines would have met without such rounding or irregularity.

c) **Side yard:** A yard extending from the rear line of the required front yard to the front line of the rear yard, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards will extend from the rear lines of the required front yards. In the case of corner lots, there may be only one side yard, and that yard will be the yard(s) remaining after providing two front yards and designating a rear yard.

d) **Minimum yard:** In addition to other yard requirements, a minimum yard equal in depth to the established district side yard shall be provided parallel to all property lines. Accessory uses may be allowed within the minimum yard area in accordance with Sections 117 and 118.

Z-1) Zoning Permit: A permit issued by the Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Chapter.

Sections 15 - 17 Reserved

(ADMIN-6)

ARTICLE XIV PLANNED UNIT DEVELOPMENTS**Section 144****General Regulations for the
Planned Unit Development (PUD)**

The following regulations shall be applicable to all Planned Unit Development (PUD). PUD is a permitted use within any zoning district upon City approval of a development agreement which complies with the land development regulations especially all provision of Article XIV: "Planned Unit Development" and Appendix S: "Development Agreement."

- a) **Purpose and Intent.** The Planned Unit Development (PUD) requires that a development agreement between the applicant and the City be duly approved by the City. The PUD incorporates a more flexible management structure for negotiation and coordination of private sector development objectives, which may be inconsistent with conventional zoning district provisions, with public sector goals, objectives and policies that govern the City's development and conservation of resources. Specifically, the purpose of a PUD is to:
- Achieve high standards in the quality of urban design amenities within residential and non-residential developments by encouraging the development of land as planned communities;
 - Promote efficient use of land by facilitating more cost effective, flexible and creative concepts as well as environmentally sensitive site planning;
 - Stimulate opportunities for varied housing types and a mixture of land uses that would not be possible through conventional zoning districts;
 - Conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, flood prone lands, and other environmentally sensitive lands by encouraging scenic and functional open areas; and
 - Provide for more useable and suitably located open space and recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures.

The PUD is intended to encourage the accomplishment of a more complete living environment through the application of enlightened and imaginative approaches to community planning and shelter design. This alternative permits the introduction of a variety of architectural solutions; provides for historic preservation as well as the preservation of natural futures in scenic areas; reduces land consumption by roads; separates vehicular and pedestrian circulation systems; fosters original approaches to meaningful integration of open space and recreation areas within the development; establishes neighborhood identity and focus; and ideally provides for the compatible coexistence of man with his environment.

Although the PUD provides opportunities for unique concepts, a PUD shall comply with the community character as promoted by the City Council and shall be designed to limit impacts of the development internally within the confines of the PUD through compliance with the regulations established in this Article

These PUD regulations are intended to accomplish the purposes of zoning, subdivision regulations and other applicable city regulations to the same degree as in instances where such city regulations are intended to control development on a lot-by-lot basis rather than on a unified development approach. In view of the substantial public advantages of PUD it is the intent of these regulations to promote and encourage development in this form. The uses and structures proposed are to be planned and developed as unified and coordinated developments.

- b) **Unified Control.** All properties within a proposed PUD shall be under unified ownership or control as evidenced by legal instruments submitted by the applicant. These legal instruments shall be approved by the City Attorney.
- c) **Minimum Size.** A PUD shall have a minimum of five (5) contiguous acres under unified control as defined above in Section 144 (b). All developments in excess of 50 acres shall be required to submit a PUD.
- d) **Conformance with Comprehensive Plan and Land Development Regulations (LDR).** Each PUD submitted shall conform to all provisions of the Comprehensive Plan and all applicable provisions of the LDRs.
- e) **Compliance with Subdivision Regulations.** All PUD applications shall be reviewed pursuant to provisions of this Article. In addition, PUD applications shall comply with provisions of Article IV, Part II "Subdivision." PUD plans must be submitted in a form which will satisfy the requirements for preliminary and final plats. Review time for plats shall conform to provisions of this Article.

f) **Permitted Uses.** The following types of PUDs are permitted:

1) **Residential (PUD-LDR, PUD-MDR, PUD-HDR).** The primary use of the land is residential with supporting commercial and/or industrial uses. Residential PUDs are permitted within any residential land use classification shown on the Comprehensive Plan Future Land Use Map.

2) **Commercial (PUD-C).** The primary use of land is for commercial purposes, with compatible residential and/or industrial uses. Commercial PUDs are permitted within any commercial land use classification shown on the Comprehensive Plan Future Land Use Map.

3) **Industrial (PUD-I).** The primary use of the land is industrial, with compatible commercial and residential uses. Industrial PUDs are permitted within any Industrial land use classification shown on the Comprehensive Plan Future Land Use Map.

g) **Size and Dimension Regulations.** Within all PUDs, the location, size, dimensions, and design of yards, building setbacks, points of vehicular access, parking areas, building characteristics, and all other planned site improvements shall provide for:

- Safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
- Buildings with safe entry and exit from the front and the rear of respective buildings; and
- Convenient, well-landscaped, and well-designed pedestrian ways and open space systems.

Any deviations from the development standards described in this Article or other sections of the LDRs must be specified and justified as mitigation may be required. The following size and dimension standards shall be applicable to any PUD:

1) **Maximum Density/Intensity.** The density and intensity of development within a PUD shall be consistent with Table 14-1. The maximum density and intensity expressed in Table 14-1 is the most which can be achieved without a density bonus. However, the ability of a property to achieve the maximum density/intensity is not guaranteed by right.

TABLE 14-1
PLANNED UNIT DEVELOPMENT STANDARDS

LAND USE	PRIMARY USE	% OF SITE (1)	MIN. ACRES	RESIDENTIAL DENSITY (units/acre)		FLOOR TO AREA RATIO (FAR)			% OF OPEN SPACE (2)
				MIN.	MAX. (2)	COM.	OFF.	PUB.	
LDR	Single Family	65	5	1	3.5	.4	.25	.4	30
MDR	Single Family	65	5	3.6	8	.45	.28	.45	30
HDR	Mult-Family	50	5	n/a	15	.46	.29	.40	30
Commercial	Commercial/Office	50	15	n/a	n/a	.5	.5	.5	30
Industrial	Industrial	50	15	n/a	n/a	.5	.3	.5	30
PUD	(4)	(5)	15	n/a	n/a	.5	.5	n/a	30

Notes:

- (1) The percentage is based upon total developable acres of the project. For example if a development has 100 acres of which 10 acres are within a wetland then the number of acres for residential is 65% multiplied by 80 acres of developable land.
- (2) A higher density can be achieved through use of the density bonus system which is explained in Section 144 (g) (2).
- (3) No more than 20% of the total number lots in a PUD can be less than 6,000 square feet. This restriction shall not apply if 50% of the total developable area for residential is held as open space. No more than 30% of the required 50% open space shall be comprised of wetlands.
- (4) The primary use in the PUD land use is classified as either residential, commercial or industrial on the Future Land Use Map.
- (5) No single secondary land use can occupy a proportional share of the development site greater than that accommodated by the primary use.

Maximum gross residential densities shall be construed to represent the maximum allowable units which may be constructed on the gross land area, determined by dividing the "maximum allowable units" by the "gross land area (GLA)" (i.e., dwelling units/GLA). GLA shall be construed to represent all land under common ownership proposed for residential development.

Density designations shall be restricted or reduced for the following circumstances:

- Waters of the State shall not be included in GLA.
- Land area which encompasses wetlands, transitional wetlands, upland hammocks, or other environmentally sensitive land areas designated on the Future Land Use Map as "Conservation" shall be restricted to development densities established within Article XX. No development shall be permitted within jurisdictional lands and waters of the State or federal government, except in cases where

agencies having jurisdiction determine that development rights exist.

In reviewing applications/site plans for development of particular building sites, the specific residential density approved by the City shall:

- Preserve neighborhood cohesiveness and stability of residential character;
- Ensure compatible transitions in land use density and intensity;
- Protect environmentally sensitive areas, particularly wetlands and floodplains;
- Minimize impacts of flood hazards to development;
- Require all applicable land development regulations are satisfied; and
- Ensure that the number of units proposed is suitable for the site and that the site plan incorporates design features which are consistent with the requirements of the LDRs.

The City shall reserve the power to mandate changes in the site plan as well as mandate reductions in the density and/or intensity of development proposed by an applicant/developer if the City finds that the proposed site plan does not satisfy provisions of the Comprehensive Plan and the LDRs.

2) **Density Bonus.** A bonus to increase density or intensity may be granted to a PUD for utilizing innovative designs to preserve open space and conservation areas, promote internal traffic attainment, and promote pedestrian and mass transit modes of transportation. Bonuses shall be granted as follows:

- a. **Low Density Residential.** A residential density bonus of up to 10% above the maximum density of 3.5 dwelling units/acre (3.85 du/ac).
- b. **Medium Density Residential.** A residential density bonus of up to 7.5% above the maximum density of 8 du/ac (8.6 du/ac). An intensity bonus of .02 above the maximum acceptable floor area ratio (FAR) for commercial (.45 FAR) and office (.28 FAR) uses (.47 and .30 FAR respectively).
- c. **High Density Residential.** A residential density bonus of up to 5% above the maximum density of 15 du/ac (15.75 du/ac). An intensity bonus of .02 above the maximum

- acceptable FAR for commercial (.49 FAR) and office (.29 FAR) uses (.51 and .31 FAR respectively).
- d. **Office.** An intensity bonus of up to .1 above the maximum acceptable FAR (.5) for commercial/ office uses (.6 FAR).
- e. **Planned Unit Development.** A residential density bonus of up to 10% above the maximum density of 5 du/ac (5.5 du/ac). An intensity bonus of up to .05 above the maximum acceptable FAR for commercial (.50 FAR) and office (.30 FAR) uses (.55 and .35 FAR, respectively).
- 3) **Open Space Ratio.** The minimum percentage of open space shall be 30%. The PUD may designate an amount equal to 50% of the total developable area for residential as open space in order to utilize smaller lots; however, not more than 30% of the the required 50% open space shall be comprised of wetlands.
- 4) **Frontage and Accessibility.** Access to PUDs requires arterial or collector roadway facilities. Every land use permitted within the PUD shall have access to a paved street which meets standards for local City streets.
- 5) **Lot Size.** The development plan must demonstrate compliance with the Comprehensive Plan and the LDR. No more than 20% of the total number of lots in a PUD can be less than 8,000 square feet. This restriction shall not apply if 50% of the total developable area for residential is held as open space. No more than 30% of the required 50% open space shall be comprised of wetlands.
- 6) **Setbacks.** Minimum setbacks shall be stipulated for typical lots proposed in the Conceptual Development Plan. The Preliminary Development Plan shall provide detailed information on all setbacks for each respective lot. There shall be no minimum setbacks aside from perimeter boundary setbacks. However, the City shall retain the authority to mandate minimum setbacks during development plan review based on specific site plan considerations and consistent with sound application of urban design principles and practices.

Consideration shall be directed toward provision of usable open space, privacy, fenestration (i.e., roof line, placement and design of windows and doors), access to light and air, preservation of

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natural vegetation, landscaping, pedestrian and vehicular access, surface water management, pedestrian plazas, and other similar attributes of urban design which impact lot configuration, building layout and arrangement of open spaces.

- 7) **Height.** The height of structures shall not exceed 2.5 stories or thirty (30) feet, whichever is less.
 - 8) **Building Configuration and Open Space.** The arrangement and orientation of structures, open space, landscaping, and pedestrian and vehicular circulation improvements shall provide a functional and an aesthetically pleasing environment for pedestrian users.
- h) **Commercial, Office and Industrial Uses.** Centers for commercial, office and industrial land uses within a PUD, whether as a primary or secondary land use, must locate on an arterial or collector roadway facility, or a local service road connected thereto. Professional office associated with a residential mixed-use structure may locate on local roads. Commercial and office may locate on local streets in residential areas if such uses are designed to:
- serve the retail and service needs of the surrounding neighborhood;
 - maintain the residential character of the area;
 - require minimal and infrequent access by truck or heavy vehicles other than public transit; and
 - create roadway impacts that do not resemble characteristics and traffic volumes of a collector facility.
- 1) Location of land uses within a PUD shall be oriented and designed with consideration to existing and proposed adjacent land uses. Appropriate buffering is mandatory where incompatible land use occur adjacent to properties adjoining the PUD. Incompatible land uses within a PUD shall be appropriately buffered as well to the extent necessary to preclude the creation of auditory visual or olfactory nuisances.
 - 2) Commercial and office land uses located along arterial and collector roadways shall be clustered in nodes and integrated with other land uses to prevent strip development.
 - 3) Commercial and office uses within a residential PUD shall be limited in size and scope compatible with service needs related to residential demands generated within the PUD. Such commercial and office activities shall serve a market oriented to retail and

service demands and needs of the surrounding neighborhood. Any allocation above a minimum demand to serve residential land uses within a residential planned unit development shall be based on regional market demand.

The burden to demonstrate regional demand is placed on the applicant of the proposed development, demonstrated by the developer in a study prepared by professional economists, commercial realtors or site location planners.

- i) **Perimeter Transition Setback.** Where perimeter landscape regulations within this section are found to be more restrictive than other provisions within the LDRs, this section shall be the controlling regulation. The perimeter boundary setback shall be measured from the nearest edge of the right-of-way. Adjacent or abutting property shall include property separated from the PUD by a right-of-way or easement. The PUD perimeter setback regulations may be modified by the City Council in cases where the applicant demonstrates that the modification protects the stability of adjacent developments outside of the PUD. Prior to rendering such decision, the City Council shall consider recommendations of staff and the Land Planning Agency. The burden of proof for demonstrating a need for the modification shall reside with the applicant.

Along a perimeter boundary of a PUD, a minimum building setback of one-hundred (100) feet shall be required in cases where the subject PUD development incorporates land uses or structure types which differ from the character of development immediately adjacent to the PUD perimeter boundary.

The City Council may modify the 100 feet setback requirement if the PUD includes along the interior of the perimeter boundary:

- Lot sizes equal to or greater than minimum lot sizes permitted on abutting residential zoned lands;
- Structure types compatible and consistent with structure types permitted on adjacent lands; and/or
- Incorporates a Type "A" opaque screen and buffer as defined in Section 144 (j)(1)(a) that clearly mitigates any potential adverse impacts.

- j) **Screening and Buffer Yard Requirements.** Any one of the following types of screening may be required by the City during the PUD review

process in order to minimize the impact of potentially objectionable areas such as: parking lots; utility or maintenance structures; solid waste disposal facilities; loading facilities, or other unsightly areas. Such screening may also be required along perimeter boundaries where land uses of different intensities are located in close proximity to each other.

1) **Description of Screening Types.** Three (3) basic types of screening are hereby established:

- a. **Type "A", Opaque Screen.** An opaque screen is intended to completely exclude all visual contact between uses. The Type "A" Screen shall be completely opaque from the ground up to a height of at least six (6) feet, with large deciduous or evergreen trees utilized as intermittent visual obstructions from the opaque portion to a mature height of at least twenty (20) feet. One (1) such tree shall be placed every thirty-five (35) linear feet of screened property. The opaque screen may be composed of a wall, fence, or landscaped earth berm with planted vegetation, or existing vegetation, or any combination thereof which maintains a completely opaque screen of at least six (6) feet in height. The six (6) foot opaque portion of the screen must be opaque in all seasons of the year.
- b. **Type "B", Semi-Opaque Screen.** The semi-opaque screen is intended to partially block visual contact between uses. The Type "B" screen shall be completely opaque from the ground up to a height of at least three (3) feet, with large deciduous or evergreen trees utilized as intermittent visual obstructions from the opaque portion to a mature height of at least twenty (20) feet. One (1) such tree shall be placed for every thirty-five (35) linear feet of screened property. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation or any combination thereof which maintains a completely opaque screen of at least three (3) feet.
- c. **Type "C", Intermittent Screen.** The intermittent screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. The Type "C" screen shall utilize large trees as intermittent visual obstructions from the ground up to a mature height of at least twenty (20) feet. The location and number of such trees shall be sufficient to establish the intended screen. The intermittent screen

may be composed of fences, berms, and either existing or planted vegetation.

Compliance of the man-made and vegetative screens will be judged on the basis of (1) whether the natural vegetative and man-made barrier fulfill the intent the screen; (2) the average mature height and density of foliage of the subject species, and (3) the location, design, specifications and mix of natural vegetation with man-made barriers.

2) **General Standards for Screening and Buffer Yards.** In addition to the landscape requirements of Article XVII, the following standards shall apply:

- a. **Landscaped Buffer Strip Required.** A landscaped buffer strip not less than ten (10) feet wide shall be provided in conjunction with all screening required herein. The buffer strip may be contained within required setbacks. Each buffer strip shall be landscaped with grass or other native ground cover in addition to the required screening materials and trees. The buffer strip shall contain no parking area.
- b. **Tree Plantings Required As Intermittent Obstructions.** All screen types ("A", "B", or "C") shall include one (1) tree for each thirty-five (35) linear feet or fraction thereof of screen length. Such trees shall satisfy the requirements for intermittent visual obstructions for all types of screens. Palms shall not be used for the purposes of screening but may be retained and utilized in the calculation of other landscape requirements. Otherwise, tree specifications cited in the landscape regulations Article XVII shall apply.
- c. **Grading of Berms.** Whenever berms are utilized, they shall be constructed with a grade not to exceed one (1) foot vertical to three (3) feet horizontal (1:3 slope). If berms are used, they shall be landscaped with plant material to achieve the required heights.
- d. **Quality and Maintenance of Plant Materials.** All plant materials utilized to fulfill the requirements of this section shall meet the landscape specifications cited in Article XVII. No plant species prohibited in Article XVII shall be permitted in satisfying requirements of this Article. Synthetic or artificial material in the form of trees, shrubs, vines, ground cover or artificial turf shall not be used in lieu

of plant requirements in this section. All landscape screening and buffering shall be maintained pursuant to requirements cited in the landscape maintenance regulations within Article XVII.

- e. **Credit Towards Other Required Landscaping.** Where the landscaping provided under this section meets the requirements of other provisions of this ordinance, such landscaping may be credited toward fulfilling those requirements, with the exception of any required recreational open space.
 - f. **Front Yards, Visibility Triangles, Streetlines.** The above standards notwithstanding, no screening shall be required which conflicts with front yard fence or wall height limitations or required visibility triangles, or which extends beyond any streetlines as specified in Article XVII.
 - g. **Trash and Utility Plant Screens.** In a PUD all central refuse, trash and garbage collection containers shall be screened from sight or located in such a manner that will comply with the provisions of this Code.
- 3) **Ownership of Open Space and Landscaped Areas.** All open space required by this Article shall be either private, reserved for common use, or dedicated to the public.
- a. All required open space shall be reserved as such through appropriate deed restrictions which cannot be removed without the consent of the City Council.
 - b. Open space dedicated to the public shall be open to the general public.
 - c. Private open space shall be owned in fee simple title as part of a lot or parcel in private ownership. The use of private open space shall be reserved and limited through appropriate deed restrictions. The deed restriction shall require the property owner to maintain the private open space in perpetuity.
 - d. All open space reserved for common use shall ultimately be owned in fee simple by an organization of property owners within the PUD plat. The organization shall be established by the applicant, and all organizational documents, including, but not limited to, articles of incorpor-

ation, bylaws and restrictive deed covenants, shall be submitted to the City Attorney for approval prior to recording in the public records of the County and filing with the Secretary of State. The organization shall be responsible for the maintenance of all common open spaces. The organization shall be empowered to assess reasonable maintenance fees upon the owners of real property within the PUD plat for the maintenance of the common open space.

- e. All open space reserved for common use shall be conveyed to the organization prior to or at the time when two-thirds (2/3) of all the dwelling units of the PUD plat under development have been sold. Conveyance shall be by a general warranty deed in fee simple absolute, acceptable to the City Attorney. The deed shall include a deed restriction providing for the perpetual maintenance of the common open space by the organization.
- f. The organization may offer to convey the common open space to the City at no cost. If the City accepts the offer, then the conveyance shall be of general warranty deed in fee simple absolute, acceptable to the City Attorney. Upon acceptance, the open space shall be available for use by the general public. The City shall not accept a conveyance of common open space unless arrangements acceptable to it are made for the continued maintenance of the open space, which arrangements may include maintenance by the City.
- g. All landscaped yards shall be owned in fee simple as part of an approved lot or parcel, and the landscaped yards shall be reserved and limited through appropriate deed restriction. The deed restrictions shall require the property owner to maintain the landscaping in perpetuity.
- k) **Signs.** Signs within a PUD shall be permitted only in accordance with the sign regulation within the LDRs. The applicant shall submit proper documentation of a unified plan for signage with established deed restrictions or covenants governing the type, height, number, size, design and location of all signs in the development. The intent of the plan is to minimize sign proliferation, maximize the architectural integrity, and provide an overall plan assuring harmony in the color theme, and design of all signage.

- 1) Subdivision Improvements and Urban Design Amenities.** In addition to requirements of Article IV, Part II "Subdivision," all urban design amenities such as signage, open space systems, pedestrian walkways, and street furniture shall reflect accepted principles and practices of urban design, including streetscape amenities which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development. This requirement shall be enforced in order to implement the purpose and intent of the PUD. To this end, development plans shall incorporate:
- 1) A Drainage System Approved by the City's Engineer.** The City's Engineer shall consider the relative advantages and disadvantages of curb and gutters, french drains, retention/detention, swales and other similar drainage system components. The City's Engineer shall approve the system or combination of systems most appropriate for surface water management. The following factors shall be considered:
 - a. Natural environmental conditions of the site;
 - b. Existing and proposed future hydrologic conditions of the site, including existing and proposed site elevations, amounts and rates of water run-off, water quality, and other related factors;
 - c. Available drainage improvements on and off site;
 - d. Intensity of proposed use, potential barriers to movement, and impacts of the drainage system alternatives on pedestrian and traffic circulation, aesthetics of the project and impacts on the surrounding area; and
 - e. Potential contaminants or pollutants generated by land uses, motor vehicles, or other sources of pollutants and contaminants.
 - 2) Water and Sewer.** PUDs shall locate within a central water and sewer service area or where such systems are not yet available such facilities must be available concurrent with impact generated by the PUD or provided according to the required Development Agreement (cross reference Appendix S). Any interim sewer services provided for residential land uses shall be consistent with provisions of the Comprehensive Plan. No interim water and sewer services shall be allowed for non-residential land use unless a Development Agreement specifies a threshold or time frame when such central services must be available.
 - 3) Sidewalks and Improvements to Enhance Pedestrian Movement.** Sidewalks shall be planned and installed, as well as

link vehicle use areas including parking areas with all principal buildings. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic.

- 4) **Traffic Circulation Improvements.** Traffic circulation improvements include all intersection improvements along internal and perimeter streets required to service projected traffic volumes, such as acceleration, deceleration and turning lanes, as well as traffic control devices and signage. All such improvements shall conform to City specifications. A grassed median may be required on any collector road or specific segment thereof where volume is anticipated to achieve 15,000 trips per day.
- 5) **Lighting and Signage.** Street lighting and signage which is harmonious with the urban design theme of the project, promotes aesthetics and reinforces good principles and practices of streetscape design. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. Signage shall incorporate a unified design.
- 6) **Open Space and Landscape Furniture.** Open space and landscape furniture, including open plazas, walkways, possible use of functional and aesthetic paving material, street benches, waste disposal receptacles, and sidewalk plantings which promote the project's urban design and aesthetics.
- 7) **Other Subdivision Improvements.** All other subdivision improvements and project amenities shall be consistent with a unified urban design.
- 8) **Loading Docks.** Loading docks are prohibited on interior streets. They shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles shall be located at the rear of all principal structures.
- 9) **Shipping and Receiving.** No shipping or receiving shall be permitted within one hundred (100) feet of any residentially zoned property or within forty (40) feet of any property line adjacent to any zoning district other than residential.
- 10) **Storage Areas.** All storage areas shall be fully enclosed and located at the rear of all structures. No motor vehicle which is inoperative shall be stored or used for storage on any lot or parcel of land in any PUD unless it is within a completely enclosed building.

- 11) **Shaded Light.** Shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas; and shall be so arranged as to eliminate glare from roadways and streets; and shall be directed away from properties lying outside the boundaries of the PUD. Shaded light sources are lighting elements shielded with opaque shade to direct the light. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed in a PUD.
- 12) **Utility Lines.** All utility lines shall be placed underground. All telephone lines shall be placed underground. Service lateral electrical distribution lines serving individual installations shall be placed underground. Other high voltage electrical lines may be placed underground or on concrete poles provided that the poles are within the street right-of-way and have provisions for street lighting. Large transformers shall be placed on the ground and be contained in pad mounts, enclosures, or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building design. Landscaping with shrubs and plants shall be provided to screen pad mount transformers.

Section 146

CONCEPTUAL DEVELOPMENT PLAN REQUIRED FOR A PUD

- a) **General Procedures for Conceptual Development Plan Submittal and Approval.** Petitions for a PUD shall be submitted and considered pursuant to a development agreement and PUD approval procedures. Development proposed for property within an existing PUD zoning district and contained in a previously approved Master Land Use Plan shall not be required to submit a Conceptual Development Plan (CDP), but the Preliminary Development Plan for that property must still be submitted in accordance with Section 146. However, if a proposed development within an existing PUD district contains uses, densities, intensities, roadways, or other infrastructure improvements including open space systems, which are inconsistent with the previously approved Master Land Use Plan, then a new CDP for the proposed development must be submitted. Single phased developments may be granted a waiver from the CDP requirements by the Development Review Committee. All new PUD petitions shall be submitted in accordance with the following special procedures:
 - 1) **Pre-application Conference.** Prior to submitting a formal application for PUD zoning, the petitioner is required to confer with the City and other County, State or regional agencies having

jurisdiction or permitting responsibilities impacting the proposed development. The petitioner shall also submit a tentative land use sketch plan for review at the conference, and to obtain information on any projected plans, programs or other matters that may affect the proposed planned community. This preapplication conference should address, but not be limited to, such matters as:

- a. The proposed relationship between the anticipated project and surrounding uses, and the effect of the proposed development on the City of Oviedo Comprehensive Plan goals, objectives, and policies as well as other stated planning and development objectives of the City.
 - b. The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development. The applicant shall be required to submit narrative and graphic information which addresses concurrency management issues pursuant to Article XXIV, "Concurrency Management."
 - c. The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.
- 2) **Initial Filing.** Before a PUD shall be approved, an application for such approval shall be filed together with the requisite fee at the City Planning Office. Such applications shall contain the following materials or data in sufficient quantities for necessary referrals and records:
- a. The evidence of unified control of the land within the proposed planned development and the associated agreements required herein.
 - b. A proposed Conceptual Development Plan (CDP) as prescribed in Section 146 b) herein.
 - c. Such other materials as the petitioner may feel is applicable to and in support of the PUD.
 - d. Any additional information as may be required by the Land Planning Agency (LPA) or the City Council at the time of any public hearing.

e. An applicant for a PUD may request concurrent review of the conceptual development plan together with the preliminary development plan.

3) **Fee for PUD Review.** The minimum fee for filing a PUD application shall be established by resolution of the City Council.

4) **Ownership Requirements for Application.** A PUD application shall be filed in the name of the record owner of the property included in the PUD. The application may be filed by an applicant with an equitable interest in the property, or by an attorney or agent for the owner, provided the record owner joins in and executes the application. All applications shall include a verified statement showing each and every individual person having a legal equitable and/or beneficial ownership interest in the property upon which the application for site plan approval is sought, except corporations, in which case the name and address of the corporation and principal executive officers will be sufficient.

All land included for the purpose of development within a proposed PUD shall be owned or under the control of the petitioner, whether the petitioner be an individual, a partnership, a corporation, or a group of individuals, partnerships or corporations. The petitioner shall present firm evidence of the unified control of the entire area within the proposed PUD and shall:

a. stipulate that the development of the PUD will be in accordance with the officially approved Final PUD Plan for the PUD and such other conditions or modifications as may be attached to the Development Agreement.

b. provide at the time of final development review agreements, covenants, contracts, deed restrictions, or sureties acceptable to the City Council for completion of the undertaking in accordance with the adopted Final PUD Plan, as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated or maintained at public expense.

c. bind any development successors in title to any commitments made under a. and b. preceding.

5) **Review Procedures for PUD Approval.** Each applicant for PUD approval shall submit a Conceptual Development Plan (CDP) for review by the City Council. The review process shall be carried

out pursuant to this Article. If the CDP is approved, the applicant shall submit a Preliminary Development Plan (PDP) for review by City officials. Notwithstanding an applicant for a PUD approval may request concurrent review of both the CDP and the PDP.

- a. **Staff Review.** Ten (10) copies of the CDP shall be submitted to the City Planning Office and shall be reviewed by the City staff, including such professional consultants as the City Council deems appropriate.
- b. **Criteria for Review.** The City staff shall present its findings in a written report to the LPA. Staff review shall be accomplished expeditiously in order to prevent undue delay or inconvenience, but shall not be limited to the subdivision ordinance time frame for review of plats. The staff review shall ensure the following criteria are met:
 - i. **Compliance with the Comprehensive Plan.** The Conceptual Development Plan shall be consistent with the land use designation denoted on the future land use map and shall be consistent with the policies contained therein.
 - ii. **Conformance with Applicable Regulations.** The CDP shall comply with the requirements of all applicable regulations.
 - iii. **Land Use Compatibility.** The proposal shall not result in any incompatible land uses, considering the type and location of uses involved.
 - iv. **Adequate Public Facilities.** The proposal shall not result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services.
 - v. **Natural Environment.** The proposal shall not have significant adverse impacts on the natural environment.
 - vi. **Economic Effects.** The proposal shall not effect the area's property values or general welfare adversely.

- vii. **Orderly Development.** The proposal shall result in an orderly and logical development pattern, and specifically identify any negative effects on such pattern.
 - viii. **Public Interest; Enabling Act.** The proposal shall not be in conflict with the public interest, and is in harmony with the purpose and intent of this Article.
 - ix. **Other Matters.** Any other matters which the City may deem appropriate or that would be of particular relevance to the LPA or the City Council.
- c. **Review by LPA and City Council.** The procedures of the LPA and the City Council in approving the Development Agreement are cited in Appendix S. In reviewing the CDP and the proposed Development Agreement the LPA and the City Council shall consider the following.
- i. **Considerations by the LPA.** The LPA shall consider all aspects of the CDP necessary to meet the intent and requirements of this Article and the Comprehensive Plan. The LPA shall also consider the recommendations and comments of the staff. The LPA shall evaluate the CDP as defined in Section 145 (b). The LPA shall recommend to the City Council based on whether the CDP is consistent with Comprehensive Plan and LDRs.

The burden is on the applicant to demonstrate that the PUD is consistent with the Comprehensive Plan. Furthermore, through the CDP the applicant must demonstrate that the proposed development can and shall comply with all provisions of the LDRs. The applicant/developer is not required to satisfy all regulations governing site plan approval at this stage of the review process; however, the applicant/developer must demonstrate through the CDP that the proposed development can reasonably be anticipated to satisfy site plan review requirements, including all performance criteria within the time frames mutually agreed upon.
 - ii. **Action by the LPA.** The LPA shall recommend approval, approval with modifications or conditions, or deny the CDP. Such decisions shall be endorsed.

on the face of each copy of the conceptual development plan by the Chairman of the LPA. If the LPA recommends approval with or without modifications, such recommendation and reasons for the LPA shall be reduced to writing and forwarded to the City Council. If the LPA denies approval, the City Council will not review the CDP unless the decision of the LPA is appealed as provided in the following paragraph.

- iii. **Effect of LPA Denial.** If the LPA denies approval of the CDP, the plan shall not be considered by the City Council unless the applicant shall appeal the decision of the LPA to the City Council. Such notice of appeal must be filed in writing by the applicant to the City Clerk within ten (10) days following action by the LPA. If the decision is not appealed, no new PUD application may be filed by the applicant until the passage of six (6) months from the date of the LPA's action.
- iv. **Consideration by City Council.** The City Council shall consider the recommendations and comments of the LPA and staff. The City Council may make such investigations as may be deemed reasonably necessary to ensure conformity with the intent and requirements of this Article.
- v. **Action by the City Council.** The City Council shall approve, approve with modifications or conditions, or deny the CDP or may refer the plan to the LPA for further consideration. In making its decision, the City Council shall consider all aspects of the CDP necessary to meet the intent and requirements of this Article and the Comprehensive Plan.
- vi. **Conditions.** In approving a CDP, the City Council may establish such conditions and may require such modifications as shall ensure compliance with the PUD standards and regulations and further, the City Council may waive or modify subdivision, site plan or other land development regulations otherwise applicable to the development when such waiver or conflict is not in conflict with the City's Comprehensive Plan or the intent and purpose of the LDRs.

In the event that a CDP shall be disapproved by the City Council, the application shall thereby be deemed to be denied. In the event that the City Council shall approve, or approve with modifications or conditions a CDP, the City Council shall thereupon approve with conditions the Development Agreement accompanying said PUD.

- vii. **Requests for Additional Information.** Prior to approval of a CDP, and upon a determination that additional information is necessary for proper review, the City Council may require the submission of additional information by the applicant. The review of such additional information shall follow the procedures applicable to the review of the CDP.
- viii. **Amendments to CDP.** Once a CDP has been approved, and there is cause for amendment of the same, or any portion thereof, such amendment shall be processed in a like manner as the original submission.
- ix. **Prescribed Time Limit for Development.** Any City Council approval of a PUD application shall be subject to a prescribed time limit of not more than eighteen (18) months for the submission and approval of a Preliminary Development Plan (PDP). If the developer cannot meet this requirement, the developer shall request a public hearing for purposes of demonstrating why the PUD project should not be terminated. If the developer does not appear before the City Council to preserve the PUD project or if the developer fails to demonstrate why an extension should be granted, then the CDP approval shall expire. The prescribed time limit for the submission approval of a PDP may be extended by the City Council, for good cause if the developer presents evidence within the one and one-half year period which demonstrates that the developer has progressed in good faith toward implementing the CDP.
- b) **Required Form and Content of CDP.** The CDP shall include at a minimum the following information:

- 1) **Vicinity Map.** A vicinity map drawn to scale which clearly shows the site in relationship to its surroundings. If the project exceeds 100 acres in area, an aerial photograph made within the last two (2) years at a scale of at least one (1) inch = 500 feet showing all property within 1,000 feet of the project boundaries is required.
- 2) **Property Boundaries.** A certified survey delineating the location and dimensions of all boundary lines of the development, and any contiguous lands in which the applicant or property owner presently has any legal interest, including those separated only by a street, canal, or similar feature.
- 3) **Existing Conditions.** The following existing conditions shall be shown on the CDP:
 - a. Approximate location, nature, and extent of all existing:
 - i. easements and streets;
 - ii. buildings and historic sites;
 - iii. land uses and zoning;
 - iv. tree groupings, environmentally sensitive areas, wetlands, and watercourses; and
 - v. topographic contours.
 - b. The location of areas delineated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for the City of Oviedo;
 - c. The names of the property owners of record and existing zoning and land uses for all property within five hundred (500) feet of the perimeter of the PUD; and
 - d. The approximate location and width of all existing or platted streets, drainage ways, utilities, exceptional land characteristics, and similar features contiguous to the site.
- 4) **Development Plan.**
 - a. **Legal Description.** A legal description of the land comprising the PUD project.
 - b. **Proof of Ownership.** Legal instruments acceptable to the City Attorney which clearly indicate persons, A legal and/or equitable ownership interest in the subject property. Where ownership resides with a publicly held corporation.

whose stock is traded on a nationally recognized stock exchange, the name and address of the corporation and all of its principal executive officers together with any majority stockholders will be sufficient. The documentation shall also include an affirmation that no other persons have claims or interests (known to the applicant, developer, or owners) which might affect their right to develop the entire PUD project as proposed.

- c. **Land Use.** The total project acreage, approximate location of each land use and proposed intensity, acreage by each proposed land use, dwelling unit types, general types of non-residential uses, open spaces, recreational facilities, and other proposed uses. The quantitative land use data shall be illustrated in a table which clearly depicts the total number of acres allocated to each active land use, conservation uses, water bodies, recreation areas, and other similar allocation. The table shall also depict total acres. The percentage land area allocated to each category of land shall equal 100 percent.
 - d. **Circulation.** Circulation facilities plan showing approximate locations and types of all access points and major streets.
 - e. **Conceptual Drainage Plan.** A conceptual drainage plan approved by the City Engineer.
 - f. **Location and Densities of Proposed Residential Activities.** General location and proposed densities for each dwelling unit type and approximate number of dwelling units by type.
 - g. **Location and Square Footage of Proposed Non-Residential Activities.** Approximate location and square footage of each non-residential land use by general type, e.g., offices, neighborhood commercial, industrial, etc., together with description of general characteristics of proposed building and/or facility improvements.
5. **Written Material.**
- a. **Planning Objectives.** A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement should include

- a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The statement shall include a proviso that provisions of the Comprehensive Plan and LDR shall be satisfied.
- b. **Development Schedule.** A proposed development schedule indicating the approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and conceptual description of such phases.
- c. **Environmental Impact Statement.** A statement explaining the positive and negative environmental impacts of the proposed development on: a) environmentally fragile lands including any lands designated "Conservation" on the Comprehensive Plan Future Land Use Map as well as any other wetlands, native habitats, flood plain, and any other significant natural features; b) natural vegetation, including general tree removal estimates; c) impact of proposed grading plan and drainage system improvements; and d) other significant natural features of site.
- d. **Public Facility Impact Statement.** A statement identifying the estimated impact of the proposed development on public facilities including: a) quantity of wastewater generated; b) quantity of potable water required; c) description of recreation facilities proposed; d) estimated number of school age children expected within the development; e) estimated property tax and/or sales tax revenue generated by the project by phase; and f) any other positive or negative significant public facility impact.
- e. **Additional Information.** Any other additional material and information as the City Staff, LPA or City Council may reasonably require.

Section 146**PLANNED UNIT DEVELOPMENT SITE PLAN
AND PRELIMINARY PLAT REVIEW**

- a) **General Procedures for PUD Site Plan and Preliminary Plat Submittal and Approval.** The approval of the CDP and its accompanying Development Agreement by the City Council shall constitute authority for the applicant to submit a Preliminary

Development Plan (PDP). The PDP shall be filed, processed and reviewed pursuant to this section. The Preliminary PUD Plan shall include a PUD site plan and a preliminary plat.

- 1) **Pre-Filing Conference.** All applicants proposing development of property located within an existing PUD zoning district and contained in a previously approved Master Land Use Plan must attend a conference with the City prior to filing a PDP. A pre-filing conference shall not be required for developments with a CDP approved by the City Council. This pre-filing conference should address at a minimum the following matters:
 - a. The applicant shall submit a conceptual development plan pursuant to the requirements of Section 145 (b) to be review by City staff and accompany the PDP through the process. The applicant shall not be required to provide a list of the adjacent property owners, nor shall the CDP have to be reviewed and approved by the LPA and City Council. The applicant shall have the option to submit the approved Master Land Use Plan as the CDP provided that the data contain on the Master Land Use Plan is still valid, and meets the requirements of Section 145 (b).
 - b. The proposed correlation between the approved Master Land Use Plan and new proposed preliminary shall be identified with specific attention on any changes or amendments to the Master Land Use Plan.
 - c. The proposed relationship between the anticipated project and surrounding uses, and the effect of the proposed development on the City of Oviedo Comprehensive Plan goals, objectives, and policies as well as other stated planning and development objectives of the City.
 - d. The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development. The applicant shall be required to submit narrative and graphic information which addresses concurrency management issues pursuant to Article XXIV, "Concurrency Management."
 - e. The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.

- 2) **Filing PDP.** No PDP shall be filed unless it has been prepared on the basis of a duly approved CDP, or the applicant has met with City Staff as described above. The PDP shall be submitted within the requisite time limit, as established at CDP approval or as may be extended by City Council action.
- 3) **Fee for PDP Review.** The minimum fee for filing said application shall be established by resolution of the City Council.
- 4) **Ownership Requirements for Application.** The ownership requirements for filing a PDP shall be the same as for filing the CDP as herein set forth.
- 5) **Review Procedures for PDP.** Each applicant for a PUD shall submit a PDP for review by City officials. The review process shall be carried out pursuant to this article. If the PDP is approved, the applicant shall submit a final plat for review by City officials.
 - a. **Staff Review.** Ten (10) copies of the PDP including a preliminary plat thereof, shall be submitted to the City Planning Office and shall be reviewed by the City's staff, including such other professional consultants as the City Council deems appropriate.
 - b. **Criteria for Review.** The City staff shall present its findings in written report to the LPA. Staff review shall be accomplished expeditiously in order to prevent undue delay or inconvenience, but shall not be limited to the subdivision ordinance time frame for review of plats. The staff review shall address the following criteria:
 - i. **Compliance with Subdivision Regulations.** The PDP shall comply with the preliminary plat requirements of the subdivision ordinance, Article XIV.
 - ii. **Compliance with Land Development Regulations.** The PDP shall comply with all applicable land development requirements, including site plan review procedures.
 - c. **Review by LPA and City Council.** The LPA shall hold a meeting to review the PDP. If approved by the LPA, the City Council shall review the plan and approve said plan prior to the submission of any Final Development Plan.

- i. **Considerations by the LPA.** The LPA shall consider all aspects of the PDP necessary to meet the intent and requirements of this article and the comprehensive plan. The LPA shall also consider the recommendations and comments of the staff. The LPA shall recommend to the City Council whether the site plan, and preliminary plat are compliant with the CDP, the Comprehensive Plan, and the Land Development Regulations, especially the procedures, standards, and criteria for site plan review, including all performance criteria of Article XVIII, "Site Plan Review Procedures." The burden of proof shall reside with the applicant/developer to demonstrate compliance.
- ii. **Action by the LPA.** The LPA shall recommend approval, approval with modifications or conditions, or disapproval; and such recommendation shall be endorsed on the face of each copy of the PDP, by the Chairman of the LPA. The recommendation and reasons for the LPA action shall be reduced to writing and forwarded to the City Council.
- iii. **Effect of LPA Denial.** If the LPA denies the PDP, the plan shall not be considered by the City Council unless the applicant shall appeal the decision of the LPA to the City Council. Such notice of appeal must be filed in writing by the applicant to the City Clerk within ten (10) days following action by the LPA. If the decision is not appealed, no new PUD application may be filed by the applicant until the passage of ninety (90) days from the date of the Council's action.
- iv. **Consideration by City Council.** The City Council shall consider the recommendations and comments of the LPA and staff. The City Council may make such investigations as may be deemed reasonably necessary to ensure conformity with the intent and requirements of this Article.
- v. **Action by the City Council.** The City Council shall approve, approve with modifications or conditions, or deny the PDP, or may refer the plat to the LPA for further consideration. In making its decision, the City Council shall consider all aspects of the PDP

necessary to meet the intent and requirements of this article and the Comprehensive Plan.

- vi. **Conditions.** In approving a PDP, the City Council may establish such conditions and may require such modifications as shall assure compliance with the Planned Unit Development standards and regulations and further, the City Council may waive or modify subdivision, site plan or other land development regulations otherwise applicable to the development when such waiver or conflict is not in conflict with the City's Comprehensive Plan or the intent and purpose of the LDRs.

- vii. **Requests for Additional Information.** Prior to, or in addition to, approval of a PDP, and upon a determination that additional information is necessary for proper review of a PUD project, the City Council may require the submission of additional information by the applicant. The review of such additional information shall follow the procedures applicable to the review of the PDP.

- viii. **Amendments to PDPs.** Once a PDP has been approved, and there is cause for amendment of the same, or any portion thereof, such amendment shall be processed in a like manner as the original submission.

- ix. **Prescribed Time Limit for Development.** The City Council shall approve a Planned Unit Development application subject to a prescribed time limit of not more than eighteen (18) months for the submission and approval of a Final PUD Plan. If the developer cannot meet this requirement, the developer shall request a public hearing for purposes of demonstrating why the PUD should not be terminated. If the developer does not appear before the City Council to preserve the Planned Unit Development or if the developer fails to demonstrate why an extension should be granted then the PDP shall expire. The prescribed time limit for the submission and approval of the Final PUD Plan may be extended by the City Council, for good cause if the developer presents evidence within the eighteen

month period which demonstrates that the developer has progressed in good faith toward implementing the PDP.

- x. **Changes in PDP.** If a Final PUD Plan is submitted which includes changes from the approved PDP, the City Planning Staff shall review the plan to determine the effect of the PUD and consistency with applicable ordinances. The LPA shall determine whether any changes are of such significance that the PDP should be re-submitted to the LPA. In any case of doubt, the revised PDR shall be re-submitted for approval by the LPA and the City Council.

- b) **Required Form and Content for Site Plan and Preliminary Plat.** A PDP shall be submitted along with all of the material included in the approved CDP. No permit for construction of subdivision improvements shall be issued until the preliminary plat and site plan have been duly approved and a surety has been submitted and accepted by the City Council. The PDP shall include the conceptual plan together with the following:

- 1) **Written Material.**

- a. **Supply and Maintain Construction and Maintenance Bond.** In order to protect the City of Oviedo, the owner (developer) shall supply and maintain at his expense property construction and maintenance bonds for one (1) year after completion on all roads, sewage lines and treatment plants and water lines to points of connection to the main supply, as well as seventy percent (70%) open land devoted to recreation within the area of the subject PUD.

The performance guarantee shall be in the form of a performance bond or other instrument approved by the City Council after considering the recommendation of the City Attorney. The performance guarantee shall be furnished and payable to the City in the sum of 115% of the total cost of the engineer's estimates for public improvements. Developments may also be required to submit a similar performance bond to cover proposed recreation improvements prior to completion of 50% of the planned residential units. The terms of the performance guarantee may be modified by the City Council after

considering recommendations of staff and the City Attorney.

- b. **Development Schedule.** A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
- c. **Quantitative Data.**
 - i. Total number of dwelling units by type.
 - ii. Total parcel size.
 - iii. Proposed lot or building site coverage by buildings and structure.
 - iv. Proposed lot or building coverage by impervious surfaces, other than buildings and structures.
 - v. Gross and net residential density.
 - vi. Proposed amount of open space.
 - vii. Proposed amount of public lands including all dedicated rights-of-way, easements, and other lands dedicated for public facilities and services.
- d. **Updated Environmental Impact Statement and Environmental Survey.** A statement explaining any additional information that may have been gathered or calculated since the approval of the CDP concerning any positive or negative environmental impacts that may be associated with the development. This statement shall include all environmental information that may be submitted as part of the Development of Regional Impact (DRI) review process, as applicable.

The updated environmental impact statement shall also include an environmental survey showing the existing and proposed site conditions, including contours at two-foot intervals; watercourses; areas within the coastal high hazard area; flood plains; wetlands; or environmentally sensitive wetlands; waters of the State, survey of wetlands; and/or transitional wetlands under the jurisdiction of the State or federal government; native habitats; other unique natural features; areas of environmental concern; historic features; and trees and vegetative cover shown in a tree survey. The environmental survey shall identify trees on the site, drainage, and the various aesthetic characteristics of the subject site and of adjacent areas, and shall identify those portions of the area deemed to be of critical environmental sensitivity.

The LPA may grant a waiver to the tree survey requirement upon recommendation by the Planning Director or other person designated by the City Council. In such case, an aerial photograph denoting the tree canopy at a scale acceptable to the City shall be submitted in lieu of the tree survey.

- e. Updated Public Facility Impact Statement, including a Concurrency Management Plan. A statement identifying any additional data or information that may have gathered or calculated since the approval of the CDP, concerning impacts of the development on public facilities including strategy for meeting concurrency management system requirements for each of the following: a) method and design for accommodating anticipated wastewater to be generated by the development; b) planned recreation and open space improvements; c) method and design improvements required to supply anticipated potable water needs; d) system design for stormwater management; e) traffic generation and traffic assignments together with proposed improvements to accommodate projected trips while maintaining adopted level of service standards; f) planned methods for accommodating projected solid waste generation; g) estimated number of school age children expected within the development and plans for accommodating their educational needs; h) estimated property tax and/or sales tax revenue generated by the project by phase; and i) any other positive or negative public facility impact.

The statement shall also include all public facilities impact information that may be submitted as part of a Development of Regional Impact (DRI) review process, as may be applicable.

- f. DRI Information. If any Planned Unit Development qualifies as a Development of Regional Impact (DRI), as defined in Chapter 380, ES, such projects shall include all data submitted as part of the required Application for Development Approval (ADA).

If the applicant is within 80 percent of the State's established DRI threshold, or if land ownership patterns in the vicinity of the site indicate DRI potential, the City shall require that the applicant obtain a binding letter from the State Department of Community Affairs. In such case the

City shall not grant a development order or site plan approval until the applicant has demonstrated through a binding letter that the project is not a DRI.

- g. **Archeological and Historic Resource Information.** The location and nature of archeological sites and historic buildings that are located within the proposed PUD, and the intended use of each shall be included graphically on the preliminary plat.
- h. **Additional information.** Any other additional information or material, including a traffic impact analysis, which the City Staff, LPA or City Council may reasonably require.

2)

Graphic Element of Development Plan.

- a. **Plat and Site Plan.** A preliminary plat, prepared by a Florida registered engineer, and site plan shall be submitted. The preliminary plat shall be submitted in accordance with the provisions of the subdivision regulations. The surface water management plan meeting criteria of Article XV, Part II, as well as other infrastructure components, including roadway improvements, water and wastewater facilities, and other scheduled infrastructure improvements shall be prepared by a Florida registered engineer. The site plan shall include maps, data and written statements necessary to show at least the following:
 - i. Proposed name of the PUD, title of map, name of City, and description of section, township and range.
 - ii. Name and address of record owners, applicant, and person preparing PDP.
 - iii. The locations and names of abutting subdivisions and the names of owners of record of adjacent acreage.
 - iv. Date, north arrow and graphic scale acceptable to the City.

- v. Legal description and survey of the proposed PUD boundaries made and certified by the Florida registered land surveyor.
- vi. Proposed lot or building site lines with dimensions, setbacks, and landscaped yards. Location and floor area size of all existing and proposed buildings, structures, and other improvements. Designation of all dwelling unit types and number of units. Net residential density calculations. Plans for non-residential uses shall include the square footage allocated to each respective use.
- vii. Any desired changes from the underlying zoning regulations, and the boundaries of underlying zoning districts.
- viii. Location, name and dimensions of all existing and proposed dedicated public lands and the conditions of such dedication.
- ix. The width and location of any street or right-of-way shown upon the comprehensive plan within the PUD and the proposed width, location and grade of all streets proposed public or private, proposed on- or off-site by the applicant. Where private streets, roadways, or where common areas are proposed legal instruments running with the land shall be provided to ensure perpetual maintenance.
- include projected trips, trip assignments to roadway network, existing and projected levels of service on impacted linkages, and proposed improvements, including new facilities, additional lanes, signalization, acceleration/ deceleration lanes, and related system enhancements. The support material must comply with concurrency management provisions of Article XXIV.
- x. Location of closest available public water supply system and proposed preliminary design for water service improvements, including existing and proposed level of service, general location of facility improvements, and schematic drawings as required by the City's Engineer. The final construction drawing shall not be required prior to preliminary

plan approval, but shall be required prior to commencement of the installation of such improvements. The support material must comply with Article XXIV.

- xi. Area in square feet of each lot or building site, to be indicated in a rectangle within each lot or building site.
- xii. Typical cross-sections of proposed streets, canals, sidewalk, and other proposed improvements.
- xiii. Location of proposed wastewater collection system and proposed preliminary design of wastewater collection improvements, including proposed location of improvements, existing and proposed level of service, and schematic drawings as required by the City's Engineer. Final construction drawings shall not be required prior to PDP approval, but shall be required prior to commencing the installation of such facilities. The support material must comply with Article XXIV.
- xiv. Location of proposed improvements for collecting and discharging surface drainage and the preliminary design of such facilities, including the existing and proposed level of service, and schematic drawings as required by the City's Engineer. Final construction drawings shall not be required prior to PDP approval, but shall be submitted prior to commencing the installation of such facilities. The drainage plans shall comply with all provisions of Article XV, Part II and Article XXIV.
- xv. Location and preliminary design of proposed bridges or culverts which may be required, including the type of facility and general level of service as well as schematic drawings as required by the City's Engineer. Final construction drawings shall not be required prior to PDP approval, but shall be required prior to commencing the installation of such improvements.
- xvi. Proposed locations and preliminary designs for sidewalks, curbs, storm drainage facilities, water mains, sanitary sewers, and fire hydrants.

- xvii. Location and width of proposed permanent utility easements. Easements shall provide satisfactory access to existing rights-of-way or other open space shown upon the PUD plat. Permanent drainage easements shall also be shown.
 - xviii. Where the PUD plat covers only a part of contiguous rear property owned by the applicant, a master phasing plan shall also be required unless the application certifies that the remaining real property shall be developed independently of the proposed PUD plat.
 - xix. The proposed treatment of the perimeter of the PUD plat, including material and techniques used, such as landscape, fences and walls for screening and buffering.
 - xx. Location of wetlands or environmentally sensitive areas within the site. Discuss any endangered wildlife habitats or vegetative communities, wellfield, aquifer recharge areas, wetlands which will be impacted by construction of stormwater runoff.
- b. **General Appearance.** Graphic presentation of the general features of proposed structures, excluding single family detached dwellings, including:
- i. Floor plans and square footage of all multi-family and non-residential buildings or structures.
 - ii. Elevations, sections and/or perspectives as necessary to indicate the basic architectural intent, the height of buildings and structures, and the general window and door arrangements.
- c. **Dedication or Reservations of Land for Public Use.** The location and size, in acres or square feet, of all areas to be conveyed, dedicated or reserved as open spaces, conservation easements, public parks, recreational areas, school sites, and similar public uses. The narrative shall demonstrate compliance with concurrency management requirements of Article XXIV.
- d. **Vehicular, Pedestrian and Bicycle Circulation and Parking.** The existing and proposed circulation system of arterial, collector, and local streets including off-street

parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership — public or private — shall be included where appropriate. The existing and proposed pedestrian and bicycle circulation system, including its interrelationship with the vehicular circulation system indicating proposed treatments of points of conflict. Bicycle lanes or paths shall be required adjacent to all roadways with more than 1,000 trips per day.

- e. **Open Space and Landscape Plan.** A general landscape and grading plan indicating the proposed modifications in the topography and ground cover together with a plan for design of open space systems and landscaping. The landscape plan shall comply with open space, landscape and tree preservation requirements of this Article and other applicable provisions of the LDRs, especially Article XVII.
- f. **Information Concerning Adjacent Lands.** Information on adjacent areas sufficient to indicate the relations between the proposed development and the adjoining areas, including:
- i. Land ownership within 500 feet of the exterior boundary of the property. Where lands in the vicinity include substantial acreage under unified control, the applicant may be required to submit land ownership data, including principal officers/owners of corporately owned property.
 - ii. Existing land use and designation on the Comprehensive Plan Future Land Use Map.
 - iii. Zoning classification.
 - iv. Circulation system.
 - v. Density.
 - vi. Public facilities.
 - vii. Unique natural features.
- g. **Additional Information.** Any additional graphic information required by the LPA which is necessary to evaluate the character and impact of the proposed PUD.
- 3) **Site Plan Review Standards.** All of the site plan review procedures and development standards cited in the LDR including performance criteria in Appendix R shall apply.

Section 147**GENERAL PROCEDURE FOR FINAL PLAT REVIEW**

a) **General Procedure for Final Development Plan Submittal and Approval.** Approval of the site plan and preliminary plat by the City Council shall constitute authority for the applicant to submit a final development plan which shall consist of a final site plan and a final plat. The final site plan shall include the approved preliminary site plan together with any approved changes. The final plat shall be compliant with Section 58. The final development plan must be prepared in accordance with the approved PDP and shall not be considered approved by the City Council and shall not be recorded in the records of Seminole County until it has been approved in a manner prescribed pursuant to Section 58. A final plat may be prepared and submitted for the entire planned unit development at one time, or for the approved development stages on an individual basis.

1) **Review Final Development Plan.** The review procedures for the final development plan shall be the same as the review procedures established for a final plan in Section 58. If the final site plan includes any proposed changes, the final site plan shall be reviewed pursuant to procedures established for site plan review.

2) **Substantial Conformity with PDP Required.** The final development plan shall be in substantial conformity with the approved PDP and plat. In achieving substantial conformity, no change authorized by this subsection may cause any of the following:

- a. A change in the use or character of the PUD.
- b. An increase in overall coverage of structures;
- c. An increase in the intensity of use, or the density;
- d. An increase in the problems of traffic circulation and public utilities;
- e. A reduction in approved open space;
- f. A reduction in required pavement widths; or
- g. A violation of a specific requirement or condition of the LDRs.

Changes, erasures, modifications, additions or revisions shall not be made to a final plat after the City Council approval has been given, unless the final plat is resubmitted for approval, except as required by law for clarification.

All changes in use, re-arrangement of lots and blocks, changes in the provision of common open spaces, and other changes except those listed in the paragraph above, may be allowed at the discretion of the City Council. Such amendments may be made only if they are shown to be required by: 1) changes in conditions that have occurred since the final plat was approved; or 2) by changes in adopted City policy. Any changes which are approved in the final plat or the site plan must be recorded as amendments in accordance with the procedure established for the recording of the final plat.

3) **Failure to Comply with Approved Final Development Plan.**

Failure to comply with the requirements of the approved final Development Plan any conditions imposed in its final approval, including time conditions, shall constitute a violation of this Article. Upon finding by the City Council that the developer has failed to comply with the conditions of any staging plans or prescribed time limits, the approval of the final Development Plan and site plan shall be automatically terminated. Prior to continuing with the planned unit development, the developer shall reapply to the City Council for approval to continue under the terms of the Final Development Plan and site plan approval or may require the developer to re-submit the application in conformance with any step outlined in the procedure for PDP or final plat approval. No subsequent plan or re-approval shall effect an increase in the overall project density, intensity or change in use as established in the site plan.

4) **Occupancy and Use of Premises.** Prior to the use or occupancy of any portion of the planned unit development project, the developer must satisfy all the provisions of the approved final plat as stipulated herein, and obtain all necessary permits.

EXHIBIT 2

UNDER FINAL LEGAL REVIEW

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT entered into this _____ day of _____, 1997, between the City of Oviedo (hereinafter sometimes referred to as the "City") and Richland Seminole Ranch, Ltd., a Florida limited partnership (hereinafter referred to as the "Developer");

WITNESSETH:

WHEREAS, Developer has filed an application for a Planned Unit Development Conceptual Development Plan (hereinafter referred to as "CDP") for a project known as River Oaks (the "Project") on property located in the City as described on Exhibit "A" attached hereto and by this referenced incorporated herein (hereinafter referred to as the "Property"); and

WHEREAS, two public hearings as required by Ordinance No. 916 of the City have been duly held; and

WHEREAS, the City finds that the development permitted or proposed in this Development Agreement is consistent with the City's Comprehensive Plan and Land Development Regulations;

NOW THEREFORE, it is hereby resolved and agreed by the City that the River Oaks Planned Unit Development CDP is approved subject to the following terms and conditions:

- I. Legal Description: See Exhibit "A"
- II. Findings of Fact: The proposed development consists of the following:

Total Acreage: 727.30 acres, more or less

Land Use: The property will be developed as a residential community with commercial and school uses described herein.

Project Size:

1.	Single family residential:	Maximum: 1032 units
2.	Commercial:	6.21 acres (please see Section III, Paragraph 5(b)5 regarding alternate uses for this site)
3.	School:	25.25 acres
4.	Park:	10.76 acres
5.	Wetlands:	257.27 acres
6.	Open Space:	29.83 acres (includes some stormwater ponds and buffers not included in residential areas)
7.	Collector Road:	9.17 acres
8.	CR 419 Right-of-Way:	12.49 acres
	TOTAL	727.30 acres

Project Phasing: The development will be phased as indicated below. Each phase must be able to exist on its own with respect to necessary services. The lot numbers may be changed slightly upon final engineering, however, a maximum of 1032 lots shall not be exceeded and the PUD lot mix shall be maintained unless as otherwise allowed herein.

- Phase I** 181 single family residential units:
- ◆ Village I - 41 units, 50' lots
 - ◆ Village 2 - 69 units, 70' lots
 - ◆ Village 3 - 71 units, 50' lots
- 10.76 acres - Active Park, Phase 1
- 6.21 acres Commercial/Office/Institutional

25.25 acres School

Phase II 282 single family residential units:

◆ Village 9 - 143 units, 50' lots

◆ Village 10 - 139 units, 70' lots

Phase III 142 single family residential units:

◆ Village 5 - 58 units, 70' lots

◆ Village 6 - 84 units, 50' lots

Active Park, Phase 2 (Completion)

Phase IV 126 single family residential units:

◆ Village 4 - 126 units, 85' lots

Phase V 266 single family residential units:

◆ Village 2A - 34 units, 70' lots

◆ Village 7 - 77 units, 85' lots

◆ Village 8 - 155 units, 70' lots

The phasing plan is conceptual. Adjustments in the order of phases or villages may occur without revisions to the Development Agreement upon approval of the City Manager provided (i) that the Developer can demonstrate that the phase and each Village can stand on its own; (ii) that the maximum number of lots that are 60 feet in width or less shall not cumulatively exceed 35% of the total number of approved lots in the Project; however, increasing the lot width for products greater than 60 feet will not result in reducing the number of lots less than 60 feet wide and (iii) that the development density of the Project does not exceed the parameters set forth in this Development Agreement.

Units may not be shifted between Villages. The maximum number of units for residential uses and the maximum square feet for non-residential uses are not guaranteed until all permits and approvals are obtained by the Developer from the City of Oviedo, Seminole County, St. Johns River Water Management District, Florida Game and Fresh Water Fish Commission, the U.S. Corps. of Engineers, the Florida Department of Environmental Protection, and any other applicable jurisdiction. The number of units and the amount of non-residential square footage may decrease due to compliance with conditions of this Development Agreement, or through development requirements or restrictions placed on the project by government agencies listed above. The maximum residential units and the maximum number of non-residential square footage are also contingent upon the Developer demonstrating availability of capacity in sewer facilities.

III. City of Oviedo Conditions of Approval.

If permit requirements and conditions imposed by Seminole County, St. Johns River Water Management District, Florida Game and Fresh Water Fish Commission, the U.S. Corps. of Engineers, the Florida Department of Environmental Protection, or any other applicable jurisdiction significantly change the design of the Conceptual Development Plan or create conflict or inconsistencies with the conditions of this Development Agreement, the Development Agreement and Conceptual Development Plan must be amended and approved by the City prior to the continuation of any development activities within this PUD. With each submittal of a Preliminary Development Plan for each phase of the PUD, the Developer shall demonstrate that the PUD is and will continue to be consistent with all conditions of this Agreement.

1. Zoning Contingency/Effective Date. The effective date of this Development Agreement shall be the date on which the Planned Unit Development on the Property is approved

consistent with the uses described in Section II of this Agreement. The densities as delineated on the CDP shall not exceed 1032 units at the Preliminary Development Plan (PDP) stage. The Development Agreement shall be recorded with the County Clerk within fourteen (14) days after its execution by the Chairman of the City Council. The City shall file the Development Agreement with the Florida Department of Community Affairs consistent with Chapter 163, Florida Statutes, within fourteen (14) days of recordation.

2. Wetlands, Habitat Management and Tree Protection.

- (a) Protection, use or encroachment of wetlands shall comply with all applicable rules and regulations of the City of Oviedo as well as those of the St. Johns River Water Management District (SJRWMD) and the Army Corps of Engineers (USACOE). All wetlands required to be protected will be identified as a conservation tract on the Preliminary Development Plan (hereinafter referred to as "PDP") and plat documents. A property owner association shall be responsible for the maintenance and management of all wetlands, conservation tracts, or designated conservation areas unless such responsibility is otherwise accepted by the City of Oviedo or another applicable government agency. The Developer shall establish a funding source through the Covenants, Conditions and Restrictions within the River Oak Homeowner Association to assure long-term and continual management of wetlands, conservation tracts and designated conservation areas.
- (b) Rare upland habitat communities (Upland Unit 1), generally located west of the abandoned runway, shall be preserved and protected. A buffer with a 50 foot average and a 25 foot minimum width shall be located adjacent to Upland Unit 1.

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(b) Rare upland habitat communities (Upland Unit 1), generally located west of the abandoned runway, shall be preserved and protected. A buffer with a 50 foot average and a 25 foot minimum width shall be located adjacent to Upland Unit 1.

A conservation tract shall be placed over the property in a final plat. In the event that the City determines that proper maintenance of said habitat would be adverse to the public health, safety and welfare, then the City shall determine whether mitigation may occur by acquiring an offsite rare upland habitat of equivalent ecological value for Upland Unit 1 or such other mitigation plan approved by the City.

(c) A habitat management plan, including a wildlife corridor and wildlife crossing plan at the community park site, accepted by the FGFWPC, shall be submitted to and accepted by the City with each applicable Preliminary Development Plan. The habitat management plan shall be prepared by an ecologist, biologist or other related professional. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site or a mitigation plan for relocation of species, and shall recommend appropriate habitat management plans and other measures to protect the subject population, including sand hill crane and gopher tortoise species. If preservation of habitat is required or recommended by the FGFWPC for any species, an amendment to the development agreement and the CDP shall occur to designate preservation areas prior to the issuance of any further permit by the City and to modify the CDP to comply with conditions of the Development Agreement. The habitat management plan shall also address a maintenance and management program for all designated conservation areas.

(d) The Developer shall comply with the City's tree protection policies and procedures. Where tree protection practices are not practical due to development impacts, the City may approve alternative procedures during review of Preliminary

Development Plan. Reasonable consideration shall be given to harvesting of trees that are to be removed.

3. Police, Fire, Parks and Recreation Services.

(a) Applicants for building permits within the Project shall comply with the City's Impact Fee Ordinance, as it may from time to time be amended, imposing impact fees for police, fire, parks and recreational facilities and equipment. In addition, school impact fees, interim general service fees and additional impact fees which may be adopted in the future assessing all lands within the City will be paid consistent with the applicable adopted ordinance. Impact fee credits may be applied for and may be obtained consistent with said ordinances.

(b) The Developer shall convey the fire station site to the City at a cost of \$30,000 per acre with the cost of the appraisal borne by Developer. The City shall compensate the Developer by granting fire impact fee credits on a dollar for dollar basis. The Developer shall have the right to assign the impact fee credits to any land within the Project and shall so advise the City in writing. The fire station site shall be conveyed to the City upon the final approval of the Project and the expiration of all appeal periods.

4. Transportation.

(a) The Developer shall bear the cost of all street signs, traffic control signs and devices within the project's boundaries. Such signs and devices shall be placed in appropriate locations as approved by the City.

(b) Access to County Road 419 shall be limited to those points indicated on the approved CDP as well as the fire station site.

(c) The Developer shall pay transportation impact fees consistent with the City's requirement at those rates applicable to all similar developments within the City at the time of building permit issuance. Transportation impact fees may be reduced or eliminated in the event impact fee credits are granted by the City through an impact fee credit agreement for the cost to implement off-site improvements to the City's road system, consistent with procedures set forth within the City's Land Development Code.

(d) It is acknowledged that the Developer has entered into an agreement with Seminole County relative to the construction of CR 419, which said agreement is dated April 22, 1997. All Seminole County right-of-way permits and approvals for access to CR 419 will be obtained for CR 419 entrance and improvements (i.e., required turn lanes and tapers) prior to construction of said improvements.

(e) The Developer shall install an 8 ft. sidewalk along the north side of CR 419 coincident with the development of each Village or tract adjacent to the north right-of-way line of CR 419. However, the entire sidewalk fronting the northern right-of-way line of CR 419 adjacent to the Project shall be completed prior to student occupancy of the 25± acre school site within the Project.

(f) The Developer shall design the undivided section of Street A as a minimum 60 ft. right-of-way with a minimum pavement width of 30' with an 8 ft. wide sidewalk on one side and a 5 ft. sidewalk on the other. Streets identified as B, C and D on the CDP shall be designed with a minimum 60 ft. right-of-way and a roadway section minimum pavement width of 12 feet for divided and 24 feet for undivided sections with minimum 6 ft. wide sidewalks. For local village streets with 1,000 or more trips per day, or streets serving a Village with a minimum lot width equal

to or less than 60 feet, the minimum right-of-way width shall be 60 feet unless otherwise approved by City Council. The design of all roads with a right-of-way equal to or greater than 60 feet must be reviewed and accepted with a Preliminary Development Plan. In those portions of the Project where lots are 60 feet or less in width the design of the road shall accommodate on street parking while allowing the efficient passage of emergency vehicles. The City shall review the pavement width to assure that there is safe ingress and egress while accommodating on street parking. For internal village rights-of-way with 1,000 or more trips per day other than Streets A, B, C and D, the City may require the Developer to install five (5) foot wide sidewalks.

(g) All internal rights-of-way shall be public; provided, however, Developer shall have the right to apply to the City for modification of the foregoing in the event that it is determined that private streets in portions of the project would be more appropriate. If private rights-of-way are approved by the City, Developer must demonstrate that a permanent funding mechanism will be established to conduct long-term maintenance and upkeep. City of Oviedo and other government emergency, enforcement, public and utility service personnel and vehicles shall be allowed access into any private community. The Developer must also provide the City and any other government agency a mechanism to access any gated facilities at entrance ways.

(h) The Developer shall provide street lighting internal to the project and at the intersections of Street "A" and Street "B" with CR 419. Street lighting shall be provided along CR 419 adjacent to Village 1 and 9 if required pursuant to an established comprehensive lighting plan for CR 419. In such event the ongoing obligation for monthly expenses shall be paid by establishment of an MSTU (or similar device) or may be paid by a homeowner's association. The Covenants, Conditions, and Restrictions shall contain a provision contemplating the foregoing.

(i) The provisions of Section 171 of the Land Development Code regarding driveway access on to streets classified as collector roadways by Section 168 of the Land Development Code may be waived by the City during the review of the Preliminary Development Plan. Through an approval of a Preliminary Development Plan, driveway cuts may be allowed by the City on the Street A extension through Village 4 to Willingham Road so long as the lots to be developed on said street have a minimum width of 85 feet and a minimum depth of 125 feet.

(j) Street A will be designed to allow future access to Willingham Road; provided, however, a paved extension of Street A to Willingham Road shall not occur unless (i) Willingham Road is paved from CR 419 to Street A; and (ii) Seminole County authorizes a connection to Willingham Road. If Street A is not developed as a "T" intersection at its northern terminus, Street A shall include a temporary cul-de-sac until such time it is extended to Willingham Road. Removal of the cul-de-sac shall be the responsibility of the Developer or homeowner's association.

(k) The provisions of Section 170 of the Land Development code regarding cul-de-sac length and maximum number of lots on a cul-de-sac shall be waived in Villages 2, 2A, 4, 7, 8, 9 and 10 due to environmental constraints, buffer requirements and Village boundary configuration dictated by wetlands and property lines when the Developer demonstrates that the limitations of the site as a result of the foregoing constraints gives sufficient grounds to waive said provision.

(l) The Developer/property owner, or its successor, shall dedicate right-of-way for CR 419 pursuant to the terms and conditions of Richland Seminole Ranch, Ltd./Seminole County Joint Facilitation of Public Infrastructure Agreement dated April 22, 1997.

(m) Off-site improvements necessary to serve the entire development of the Project include the following:

- a. CR 419: Construction of the 4 laning of CR 419 from Lockwood Blvd. to eastern most Project entrance must commence prior to any PUD construction beyond Phase I.
- b. Lockwood Boulevard/Mitchell Hammock Road Intersection: Convert existing eastbound right-turn lane to through/right movement; add two eastbound left-turn lanes; convert southbound through/right movement to an exclusive through lane and add a southbound right-turn lane. Improvements must be constructed no later than the completion of the four lane improvement to CR 419 as described in (a) above, or within two years from the issuance of the first building permit for a single family home, which ever occurs earlier.
- c. Lockwood Boulevard/CR 419 Intersection: Add a second eastbound through lane; add a second westbound left-turn lane; improve the northbound approach to include one through lane, one left-turn lane, and one right-turn lane. Improvements must be installed no later than the completion of the four lane improvement to CR 419 as described in (a) above.
- d. Intersection Signalization: The applicant shall conduct a signal warrant study for the intersections listed below prior to the approval of the Preliminary Development Plan for each phase of the Project.

- CR 419 & Twin Rivers Blvd./Street "A"
- CR 419 & Street "E"

The Developer shall install traffic signals at the Developer's cost when the signals are warranted by Seminole County or the City of Oviedo. The foregoing condition shall not prohibit or relieve any costs sharing of signalization obligations attributed to other developments.

The Project will be eligible for transportation impact fee credits for the improvement costs associated with the improvements to the Lockwood Boulevard/Mitchell Hammock Road intersection. The intersection improvement will be eligible for city transportation impact fee credits consistent with the procedures and criteria set forth in the City's Land Development Code. If a Development Agreement is executed between the City and the property owner/developer for the Live Oak Reserve property (a.k.a. Live Oak Plantation\Equinas Greens) prior to construction of the intersection improvements, the Developer agrees to enter into a fair share agreement with the Developer/property owner of the Live Oak Reserve Planned Unit Development to construct improvements to the Lockwood Boulevard/Mitchell Hammock Road with each sharing 50% of the cost.

(n) The Developer shall provide traffic calming devices (as approved by the City Engineer) where needed to mitigate for waivers of Section 170 and 171 of the Land Development Code, such determination to be made at the time of the PDP.

(o) Given the size and nature of the Project, the parties agree that for purposes of concurrency, the definition of "continue in good faith" as set forth in Section 265(b) of the City Land Development Code shall be deemed to provide that permit activity must occur within 36 months, rather than 6 months, as presently set forth therein.

5. Building Restrictions.

(a) Residential Areas.

1. Minimum lot sizes, dimensions and building setbacks shall conform to the table attached as Exhibit "B" in accordance with the approved CDP. Minimum lot sizes shall not be decreased but lots may be increased in size. A maximum of thirty-five percent (35%) of the number of residential lots can be 60 feet or less in width unless otherwise allowed pursuant to Section II herein. In the event that the Developer increases the size of the larger lots, the Project shall nonetheless be entitled to develop Villages 1, 3, 6, and 9 with lots of 60 feet in width or less; provided, however, that if there is a reduction in large lots as a result of stormwater retention/detention requirements, habitat or wetland preservation, compliance with this development agreement or other codes of the City of Oviedo, or other government regulations, the number of small lots permitted shall be modified so that the maximum number of lots 60 feet in width or less shall not be greater than 35% of the total number of lots in the Project. No lot shall be created with less than 40 feet of road frontage ~~including lots located on Willingham Road.~~
2. The total number of single family residential lots shown on the data summary shall not exceed 1032 lots.
3. Lots located on the north side of the Project shall be adjacent to a 100 foot wide natural buffer except for those lots along Willingham Road at which point the natural buffer shall be 75 ft. in width as depicted on the CDP. The northern buffer may be reduced to 25 ft. if the land use of the adjacent northern property, including lands across a right-of-way, changes to a density of 1 unit per acre or greater.

4. Where residential lots, abut a landscape tract, or abut a buffer, the setback shall be measured from the nearest tract or buffer boundary line.

5. Setbacks for swimming pools, screen enclosures, and other similar accessory structures located to the rear of the primary structure shall have a 5 ft. rear setback and a 5 ft. side setback to the pool decks. For corner lots, the side street setback shall be 15 feet to the pool deck and 17.5 feet to the water's edge.

6. Lots adjacent to the buffer on the north portion of the Property shall have minimum width of 85 feet and a minimum square footage of 10,500 sq. ft.

7. The school site shall have a 75 ft. minimum building setback from adjacent residential property located to the east (Village 9).

8. Prior to recordation of a plat for a tract or village within the Project, the Developer, or its assigns, shall submit covenants, conditions and restrictions for a homeowners association.

9. The covenants, conditions and restrictions shall contain, a requirement that all single family dwelling units shall have a two car garage and shall further contain the minimum air conditioned space restrictions as provided in Exhibit "B". A Declaration of Covenants, Conditions and Restrictions prohibiting use of garages for living space (but allowing use by Developer as temporary sales offices) shall be subsequently recorded in the public records.

10. No fence or other accessory structure shall be located within the corner lot side street setback.

(b) Commercial Areas.

1. Commercial areas shall be limited to banks with drive-in tellers and child care facilities. Setbacks, floor area ratios, and other development standards will also be addressed at the time of final Development Plan Approval.
2. Any commercial uses other than those set forth in paragraph 1 above shall require the consent of the City Council.
3. The commercial areas will be planned and phased to provide for safe pedestrian access and buffers for and to adjacent properties.
4. Impervious coverage shall not exceed 70% on individual commercial parcels and all development shall conform to City landscape, buffer and general development regulations.
5. In addition to the commercial uses that are provided, institutional uses (including churches and schools) or office uses may be located on the commercial tract as an alternative or addition to commercial uses.
6. Commercial use shall be at a maximum of 10,000 sq. ft. per acre.
7. Office use intensity shall be at a maximum of 10,000 sq. ft. per acre shall be permitted as an alternative use on the commercial tract.

(c.) All Properties

- (1) No building's habitable space nor any office or institutional use shall exceed 2.5 stories, or 30 feet in height, whichever is less except where authorized by the City of Oviedo or as allowed herein. Except as may be set forth above, no commercial structure shall be greater than one story in height.
- (2) Any activity or development proposed within the Econlockhatchee River

Corridor Protection Zone shall comply with the Beonlockhatchee River Basin Overlay Standards (City Ordinance 854).

6. Landscape and Buffering.

(a) The Developer shall comply with the City's landscape regulations. Residential land uses shall comply with the R1A tree planting requirements. Non-residential land uses shall comply with the C-2 tree planting requirements. The canopy tree requirements may be satisfied by an individual lot owner/builder/developer on a lot-by-lot basis when an application for building permit is made to the City.

(b) Landscape buffers shall be provided along CR 419. The following buffers and setbacks (as measured from the right-of-way) shall be maintained along CR 419.

<u>Land Use</u>	<u>Landscape Buffer</u>	<u>Building Setback</u>
Residential	25 ft.	45 ft.
Commercial/Office	25 ft.	50 ft.

(c) The residential buffer along CR 419 shall be composed of a landscape earth berm with the crest to be 4 ft. high above the finished lot grade and located in the center of the buffer with planted vegetation and trees to create a 6 ft high opaque screen and 15 ft. intermittent screen; or, in lieu of the earth berm, a 6 ft. masonry wall, shall be constructed and shall be located at least twenty (20) feet from the right-of-way. The Developer may meander the wall around existing and newly planted vegetation and may variegate the wall to achieve a satisfactory aesthetic effect. The buffer area shall be irrigated. The buffer shall be completed with the infrastructure improvements for each Village located adjacent to CR 419.

(d) A maximum of 25% of the required CR 419 buffer may be used for stormwater retention/detention facilities, as long as required visual screens are maintained. Said wall or landscape buffer shall be constructed as construction permits for each village are issued with respect to villages adjacent to CR 419.

(e) Within the CR 419 building setback line, the following will be allowed: Access driveways, stormwater management areas, landscaping, sidewalks, signage, utilities, lighting, walls, swimming pools and related enclosures, or basins.

(f) All landscape buffer areas within the residential areas including all PUD perimeter buffers, shall be platted as tracts (landscape or conservation) and maintained and monitored by a property owners association. If a wall option is selected, the wall will be maintained by the aforementioned association. Landscaped buffers on the office/commercial site, the school site and the fire station site shall be located on said tracts and shall be maintained by the owners of said sites. Unless otherwise prohibited under this Agreement, sidewalks and utilities shall be permitted activities within interior roadway or CR 419 landscape buffer areas. Only utility or pedestrian crossings shall be permitted in PUD perimeter buffers.

(g) Residential Villages abutting Street A shall have a 10 ft. buffer, Type A along that portion of Street A located between CR 419 and Street B. The buffer will consist of a masonry wall with a nominal height of 6 ft. or greater. The landscape plan for the right of way shall be submitted with the applicable Preliminary Development Plan.

(h) The school shall maintain a 30 ft. buffer between the residential property located on the east (Village 9), which buffer may be used for play fields or stormwater retention. A masonry wall shall be located on the school tract with a nominal height of 6 ft or greater and shall

be placed along the property line adjacent to the Village 9 residential development.

(i) Within the natural buffers located on the north side of the Project as set forth in Section III 5(a)4 and within the 25 foot buffer adjacent to Village 10, no uses shall be permitted except for the crossing of Street A to Willingham Road. Utility crossings, running perpendicular to the buffer, are allowed.

(j) As to conservation buffers surrounding wetlands as are required by Ordinance No. 854 of City's the Land Development Code and the rules of the SJRWMD, those uses allowed under the regulations of the SJRWMD and the City of Oviedo shall be permitted.

(k) The buffer along the northern boundary shall be maintained as a natural vegetative buffer. The buffer yard shall be designed to provide an opaque, visual obstruction to a height of at least fifteen (15) feet. Prior to approval of the first Preliminary Development Plan, the Developer shall prepare and submit a management plan to assure long-term monitoring and maintenance of the PUD perimeter buffers, wetlands, and designated conservation areas. The Homeowner's Association shall be responsible for the maintenance.

7. Recreation and Open Space.

(a) The Developer shall construct a central neighborhood park for the entire Project designed to provide residents with a private park with controlled access. The detailed park design shall be subject to approval of the City at the time of filing the Preliminary Development Plan for Phase I. The size of the park shall meet or exceed the level of service standards imposed by the City. Additional recreational facilities will be provided along with parking facilities for the residents. The neighborhood park, as well as common open space, conservation, stormwater management and upland buffers (unless otherwise specified herein) shall become the property of the

homeowners association or property owners association and shall be maintained by the same. There shall be a master association for the entire Project. Said associations shall be imposed on the Property pursuant to the Covenants, Conditions and Restrictions ("CC&Rs") to be submitted at the time of the first PDP. Said CC&Rs shall provide for mandatory payments of fees and the imposition of liens to be imposed on all lots and commercial/office tracts within the Project.

(b) Construction of Phase 1 park improvements shall commence prior to the issuance of the 150th building permit and shall be completed within six months. Phase 2 park improvements will be completed prior the 561st residential building permit. The park improvements will be developed consistent with the phases identified below. Building permits shall not be issued by the City unless and until the park improvements are completed in accordance with the foregoing schedule.

(i) Phase 1 park improvements shall include the following:

Swimming Pool

Tot lot with appropriate playground equipment (as recommended by the City Recreation and Parks Director)

Parking ~~including existing and new~~

Passive recreational area

~~including existing and new~~

(ii) Phase 2 park improvements shall include the following:

Club House/Pool Bath House

Tennis Courts

Basketball Court

Parking ~~with 100 spaces~~

Multi-purpose Field ~~with irrigation~~

Additional Tot Lot Equipment (as recommended by the City
Recreation and Parks Director)

Jogging Trail ~~(paved)~~

~~with irrigation~~

The park improvements provided above may be modified provided, in the opinion of the City Manager, if the revision does not diminish the recreational function of the park. All recreation equipment shall comply with City standards.

- c. A wildlife corridor with a minimum width of 100 feet shall be provided within the central park to connect wetlands and open space areas located east and west of Street "A". The developer shall include the wildlife corridor within the site plan for the community park. Trees and vegetation shall be planted to create a wildlife corridor.
- d. Each park shall contain a minimum of 20 trees per acre. Size and type of trees shall be consistent with the City's Land Development Code.
- e. A site plan for each park must be submitted to and approved by the City prior to construction of any park.
- f. The homeowner's association shall be responsible for any maintenance and management of conservation and open space tracts, including perimeter buffer areas, unless such responsibility is accepted by the City of Ovisdo or another government agency. The Developer shall establish a funding source through the Covenants, Conditions and Restrictions within the River Oak Homeowner Association to assure long-term and continual management of these areas.

g. The stormwater component of the park shall be limited to the stormwater needs of the park.

8. Water and Sewer.

- a. Water will be provided by the City water distribution system.
- b. Central sewer will be provided by the provider authorized to do so under applicable Florida law. Treatment plants, effluent disposal facilities, or sewer or reclaimed water storage facilities are not listed as permissible uses allowed within the PUD. Any proposal to locate such facilities within the PUD requires an amendment to this agreement. No septic tank or package plant systems shall be located within the PUD.

Prior to City approval of any Preliminary Development Plan or site plan, the Developer must demonstrate that sewer capacity, including treatment, disposal and storage facilities, is available at either the City's adopted minimum level of service standard or a minimum level of service standard accepted by the Florida Department of Environmental Protection.

- c. The Developer shall obtain water and sewer capacity through the City's (or other service provider's) established reservation procedures, when applicable.
- d. The Developer shall install all reclaimed water distribution lines within the property limits to City standards. Reclaimed water shall be supplied by the provider authorized to do so under applicable Florida law, and all such reclaimed facilities shall be dedicated to service provider. Reclaimed water

lines shall not be installed in the PUD until a stormwater management plan demonstrates that the stormwater storage system can accept the additional capacity, and not until the drainage analysis demonstrates that no adverse impact occurs to the hydrologic regime of designated PUD conservation areas, to the quality of water within the Econlockhatchee River, or to adjacent off-site wetlands or surface water features. This condition may be satisfied by obtaining a regulatory agency permit for reclaimed water disposal.

- a. The Developer will provide a looped water system from the Lockwood Boulevard and CR 419 intersection to the Project and connect to the water system at Twin Rivers Boulevard and CR 419. The water main will be sized to meet the water flow requirements of the Project.

9. Archaeological and Historical Resources. It is acknowledged that the City has received a statement from the Florida Division of Historical Resources of the Florida Department of State dated April 29, 1997, to the effect that there is no significant potential for any archaeological or historical resources to occur on the Project site within the area of the Project within 2,000 feet of the Big Econlockhatchee River.

IV. Period of Effectiveness and Compliance Date.

This Development Agreement shall take effect consistent with Florida Administrative Code Section 9J-11.011.

This Development Agreement shall be binding upon all successors in interest to the parties to this Agreement.

The effectiveness of this Development Agreement may be extended upon City Council approval.

V. Land Use, Zoning and Development Regulation Approvals.

The development of the project must comply with the conditions of this Development Agreement. In the event a development requirement, permit, condition, term or restriction is not addressed in this Agreement or on the approved CDP, the development will comply with the zoning ordinance, land development code and subdivision regulations in effect as of the adoption of this Agreement except for modifications of said regulations relating to landscaping, berms and walls, and tree protection in which event the then current City regulations shall apply at the time of the issuance of a development permit; provided, however, no retrofitting or retroactive application of such conditions shall apply. Development permits required by the City include: Preliminary Development Plan or Conditional Use Permit for subdivision or site plan approval, Right-of-Way Utilization Permit, environmental permit, construction permit, sign permit and building permit. The absence of listing a permit needed within the Development Agreement does not relieve the Developer of the necessity of complying with the laws governing said permit requirements. All development authorized by a building permit is subject to building, fire protection, and life safety codes in effect at the time such permit is approved by the City.

Development shall comply with the City's Comprehensive Plan dated October 20, 1997, or as amended to comply with a stipulated compliance agreement established between the City and the Florida Department of Community Affairs.

The project shall be developed at intensities below those levels of intensity which would require a Binding Letter of Interpretation from the Department of Community Affairs (i.e. clearly below DRI thresholds).

VI. Concurrency Management. Public facilities including water, wastewater, solid waste, stormwater management, parks and recreation, and roads shall meet concurrency management level of service standards as established in the City of Oviedo Comprehensive Plan and Land Development Code.

VII. DownZoning. This development shall not be subject to down-zoning, unit density reduction, or intensity reduction for the term of the Development Agreement, unless the City can demonstrate that the Development Agreement was based on substantially inaccurate information provided by the Developer, or that change is clearly established by local government to be essential to the public health, safety or welfare.

VIII. Authority. Each party represents and warrants to the other that it has all necessary power and authority to enter into and consummate the terms and conditions of this Agreement, that all acts, approvals, procedures and similar matters required in order to authorize this Agreement have been taken, obtained or followed, as the case may be, that this Agreement and the proposed performance of this Agreement by such party is not an ultra vires act and that, upon the execution of this Agreement by all parties, this Agreement shall be valid and binding upon the parties hereto and their successors in interest.

IX. Breach. In the event of a breach hereof by either party hereto, then the other party hereto shall have all rights and remedies allowed by law, including the right to specific performance of the provisions hereof.

X. Notice. All notices required or permitted to be given under this Agreement must be in writing and must be delivered to the City or the Developer at its address set forth below (or such other address as may hereafter be designated by such party). Any such notice must be personally delivered or sent by registered or certified mail, overnight courier or facsimile or telecopy. Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy or facsimile) or on the date which is three days after such notice is deposited in the United States mail (if sent by registered or certified mail). The parties addresses for the delivery of all such notices are as follows:

As to City:

City Manager

Oviedo City Hall

400 Alexandria Blvd.

Oviedo, FL 32765

As to Richland:

Richland Seminole Ranch, Ltd.

4830 W. Kennedy Blvd., Suite 700

Tampa, FL 33607

Attention: J. Curt Wilkinson

With copy to:

Hal H. Kantor, Esq.

215 No. Bola Drive

Orlando, FL 32801

XI. Amendment. This Agreement may be amended or canceled in writing by mutual consent of the parties hereto. Amendments shall be only entered into by the original developer, Richland, or by a successor developer, if any, specifically designated by Richland in writing.

XII. Severability. If any provisions of this Agreement are held to be illegal or invalid, the other provisions of this Agreement shall remain in full force and effect so long as each party substantially gets the consideration contemplated hereunder.

XIII. Successors and Assigns. This Agreement and the terms and conditions hereof shall be binding upon and inure to the benefit of the City and Richland and their respective successors in interest. The terms and conditions of this Agreement similarly shall be binding upon the Property and shall run with title to the same.

XIV. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

XV. Effective Date. This Agreement shall be effective upon execution by both parties.

XVI. Termination Date. The effectiveness of this Development Agreement will terminate ten (10) years from the effective date of the Development Agreement provided (a) a preliminary development plan for Phase I is submitted to the City within 18 months from the effective date of this agreement, (b) substantial completion of infrastructure improvements for Phase I has been completed within three (3) years from the effective date, and conveyance to Seminole County of CR 419 additional right-of-way has occurred within three (3) years from the effective date. Further development past this date, upon good cause shown, will require approval by the Developer and the City of Oviedo.

This Agreement is subject to the provisions of Florida Statute 163.3235, and 163.3241,

providing for periodic review, modification or revocation of a development agreement to comply with subsequently enacted state and federal law. This Agreement is also subject to Florida Statute 163.3233 regarding the local laws and policies governing a development agreement.

ADOPTED by the City of Oviedo this day of _____, 1997.

IN WITNESS WHEREOF, the Developer and the City have executed this Development Agreement as of the day and year approved and accepted by the City.

Signed, sealed and delivered in the presence of:

BY: _____

RICHLAND SEMINOLE RANCH, LTD, a Florida limited partnership

BY: **CANYON MESA, INC., a Florida corporation as General Partner**

Title: _____

Date: _____

Approved as to form and legality Accepted by the City of Oviedo, for use and reliance by the City of Oviedo, Fl.

BY: _____

DATE: _____

City Attorney

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1997, by _____, as _____ of Canyon Mesa, Inc., a Florida corporation, as General Partner of Seminole Ranch, Ltd., a Florida limited partnership, on behalf of the partnership and he is personally known to me.

Name: _____

My Commission

Expires: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of
_____, 1997, by _____ of the City of Oviedo, on
behalf of the City and he is personally known to me.

Name: _____

My Commission Expires: _____