

Interoffice Memorandum

DATE: March 10, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department



CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Make a finding of consistency with the Comprehensive Plan and approve the Silverleaf Planned Development (PD) - Regulating Plan (RP) / Silverleaf Phase 3 (Tract FD-1) Preliminary Subdivision Plan (PSP) dated "Received February 20, 2025", subject to the conditions listed under the Development Review Committee (DRC) Recommendation in the Staff Report. District 1.

PROJECT: Silverleaf PD - RP / Silverleaf Phase 3 (Tract FD-1) PSP (CDR-24-12-307)

PURPOSE: This 6.19 acres of subject properties located within the Silverleaf PD, generally south of Silver Grove Boulevard and west of Avalon Road. The Silverleaf Phase 3 Preliminary Subdivision Plan is approved for 449 residential units.

Through this request, the applicant is requesting a waiver from Orange County Code Section 38-79(16)c.1.(i) to allow a mechanical unit side setback of zero (0) feet from the property line for internal units of rear loaded townhome building for Lots 407-412, 415-418, 421-426, 429-434, 437-440, 443-448, 495-496, 499-504, 507-512, 515-516, 636-641, 644-649, 652-657, 660-665, 675-680, 683-688, 691-696, 699-704, 714-717, 720-725, 728-733, 736-739 in lieu of the two (2) foot setback from the property line. In addition, the plan proposes to revise the lot numbering.

This proposal received a recommendation of approval from the DRC on February 19, 2025.

BUDGET: N/A

CASE # CDR-24-12-307
Commission District # 1

1. GENERAL INFORMATION

Applicant: Marc Stehli
Poulos & Bennett, LLC

Owner: Pulte Home Company, LLC

Project Name: Silverleaf Planned Development (PD) -
Regulating Plan (RP) / Silverleaf Phase 3
(Tract FD-1) Preliminary Subdivision Plan
(PSP)

Hearing Type: Preliminary Subdivision Plan (PSP)

Request: To request a waiver from Orange County
Code Section 38-79(16)c.1.(i) to allow a
mechanical unit side setback of zero (0) feet
from the property line for internal units of rear
loaded townhome building for Lots 407-412,
415-418, 421-426, 429-434, 437-440, 443-
448, 495-496, 499-504, 507-512, 515-516,
636-641, 644-649, 652-657, 660-665, 675-
680, 683-688, 691-696, 699-704, 714-717,
720-725, 728-733, 736-739 in lieu of the two
(2) foot setback from the property line.

Applicant Justification: Due to narrow lot
widths associated with typical townhome
buildings, there is insufficient distance
between the side yard property line and the
edge of the driveway for a rear loaded
internal townhome unit to accommodate a
two (2) foot setback.

In addition, the plan proposes to revise the lot
numbering.

2. PROJECT INFORMATION

A. Overview: This 6.19 acres of subject properties are
zoned Planned Development (PD), and are
located within the Silverleaf PD, south of Silver
Grove Boulevard and west of Avalon Road.
The future land use of the parcels is Village (V)
within the Horizon West Town Center Village.
The overall Silverleaf PD is entitled to 2,474

residential units, and Phase 3 is proposing 449 residential units.

Through this request, the applicant is requesting a waiver from Orange County Code Section 38-79(16)c.1.(i) to allow a mechanical unit side setback of zero (0) feet from the property line for internal units of rear loaded townhome building for Lots 407-412, 415-418, 421-426, 429-434, 437-440, 443-448, 495-496, 499-504, 507-512, 515-516, 636-641, 644-649, 652-657, 660-665, 675-680, 683-688, 691-696, 699-704, 714-717, 720-725, 728-733, 736-739 in lieu of the two (2) foot setback from the property line.

Additionally, the plan proposes to revise the lot numbering to include Lot 621 and ensure proper sequential numbering for the revised lots. Furthermore, the originally approved Condition of Approval Number 29 will need to be revised to reflect the addition of Lot 621, and the subsequent lot renumbering.

- B. Location: South of Silver Grove Boulevard / West of Avalon Road
- C. Parcel ID(s): 30-23-27-0000-00-019 (a portion of); 30-23-27-8139-04-070/ 080/ 090/ 100/ 110/ 120/ 150/ 160/ 170/ 180/ 210/ 220/ 230/ 240/ 250/ 260/ 290/ 300/ 310/ 320/ 330/ 340/ 370/ 380/ 390/ 400/ 430/ 440/ 450/ 460/ 470/ 480/ 950/ 960/ 990; 30-23-27-8139-05-000/ 010/ 020/ 030/ 040/ 070/ 080/ 090/ 100/ 110/ 120/ 150/ 160; 30-23-27-8139-06-360/ 370/ 380/ 390/ 400/ 410/ 440/ 450/ 460/ 470/ 480/ 490/ 520/ 530/ 540/ 550/ 560/ 570/ 600/ 610/ 620/ 630/ 640/ 650/ 750/ 760/ 770/ 780/ 790/ 800/ 830/ 840/ 850/ 860/ 870/ 880/ 910/ 920/ 930/ 940/ 950/ 960/ 990; 30-23-27-8139-07-000/ 010/ 020/ 030/ 040/ 140/ 150/ 160/ 170/ 200/ 210/ 220/ 230/ 240/ 250/ 280/ 290/ 300/ 310/ 320/ 330/ 360/ 370/ 380/ 390 (affected parcels)
- D. Total Acres: 6.19 gross acres (affected area)
- E. Water Supply: Orange County Utilities
- F. Sewer System: Orange County Utilities

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| G. Schools: | N/A |
| H. School Population: | N/A |
| I. Parks: | Horizon West Regional Park – 2.1 Miles |
| J. Proposed Use: | Single-Family Attached Residential Dwelling Units |
| K. Site Data: | Building Setbacks: Primary Street Frontage Build-to-Zone – 5 ft. to 25 ft. / Rear – 5 ft. / Side (internal unit) – 0 ft. / Side (between buildings) – 10 ft. |
| L. Fire Station: | Fire Station 48 – 16990 Porter Road |
| M. Public Notification: | The notification area for this public hearing extended beyond 700 feet. Chapter 30-40(c)(3)(a) of Orange County Code requires the owners of the property within three hundred (300) feet of the subject property to be notified at least 10 days prior to the date of the hearing. Two hundred and twenty-nine (229) notices were mailed to those property owners in the mailing area. |
| N. Community Meeting Summary: | A community meeting was not required for this case. |
| O. Transportation: | <p>This CDR request to reallocate landscaping will not trigger the transportation concurrency requirements via a Capacity Encumbrance Letter (CEL) application. Future development will be subject to the terms of the Town Center West (Silverleaf) Road Network Agreement.</p> <p>Town Center West (Silverleaf) Road Network Agreement for C.R. 545/Avalon Road and New Independence Parkway ("Agreement") by and between Orange County and Jen Florida 36, LLC, was approved by the Board of County Commissioners on 9/01/2020 and recorded at document number 20200467436. The Road Network Agreement provides for the dedication of right-of-way, design, engineering, permitting, mitigation and construction of four-laning of C.R. 545/Avalon Road from McKinney Road to Schofield Road and four-laning of New Independence Parkway from C.R. 545/Avalon Road west to</p> |

the Lake County line. Concurrency Vesting shall be provided pursuant to Section 8 of the Agreement based on achieved thresholds of construction of the road improvements. Conveyance of right-of-way shall be by general warranty deed (either in fee simple for road right-of-way or perpetual easement for shared use stormwater ponds). The Owner will receive Road Impact Fee Credits in Road Impact Fee Zone 4 in the amount of \$22,500 per acre.

The Board of County Commissioners approved a First Amendment to Town Center West (Silverleaf) Road Network Agreement on July 13, 2021 by and among Jen Florida 36, LLC, Hamlin Partners at Silverleaf, LLC and Orange County to amend the terms of the Town Center West (Silverleaf) Road Network Agreement ("Agreement") approved by the Board September 1, 2020, and recorded as Document #20200467436. The First Amendment is adding Hamlin Partners as a Constructing owner, adding a Fair Share allocation increment of \$500,000 to be paid to the Escrow Agent by Constructing Owner as an option other than constructing improvements, increasing the number of vested trips from 600 trips to 900 trips that may be awarded to Non-Constructing Owners for payment of the Fair Share, and adding a provision for temporary signalization costs for design and construction to be provided by Constructing Owners.

On June 7, 2022, the Board of County Commission approved a Second Amendment to Town Center West (Silverleaf) Road Network Agreement by and among Jen Florida 36, LLC, Hamlin Partners at Silverleaf, LLC and Orange County recorded as Document number 20220390118 to amend the terms of the Town Center West (Silverleaf) Road Network Agreement ("Agreement") approved by the Board September 1, 2020, and recorded as Document #20200467436, as amended. The Second Amendment is revising Section 4.A(5) to allow for the construction of the intersection at Porter Road and CR 545/Avalon Road in advance of the

construction of Segment 2. The Second Amendment also serves to change the timeframe for Non-Constructing Owners to pay their Fair Share payments to a later date. Finally, the Second Amendment replaces Section 8.2 to provide a schedule for Vested Trips being awarded at defined thresholds, rather than as payments for work completed are made.

On December 13, 2022, the Board of County Commission approved a Third Amendment to Town Center West (Silverleaf) Road Network Agreement (C.R. 545/Avalon Road) ("Third Amendment") by and among Jen Florida 36, LLC, Hamlin Partners at Silverleaf, LLC, and Orange County recorded as Document number 20220757096. The Third Amendment advances 300 trips from the Construction Phase to the Design Phase due to the current market conditions and unavoidable delays in completion of the Improvements contemplated under the Silverleaf Road Agreement. Additionally, the Third Amendment corrects an addition error that occurred in the Second Amendment Exhibit "H".

P. Environmental Protection Division: Orange County Environmental Protection Division (EPD) staff has reviewed the proposed request and did not identify any issues or concerns.

Q. Comprehensive Plan: The subject property has an underlying Future Land Use Map (FLUM) designation of Village (V) on the Future Land Use Map and is zoned Planned Development (PD). The proposal appears to be consistent with the Comprehensive Plan.

R. Zoning: PD (Planned Development)

3. REQUESTED ACTION:

Development Review Committee (DRC) Recommendation – (February 19, 2025)

Make a finding of consistency with the Comprehensive Plan and approve the Silverleaf PD - RP / Silverleaf Phase 3 (Tract FD-1) PSP dated "Received February 20, 2025", subject to the following conditions:

1. Development shall conform to the Silverleaf PD Regulating Plan; Board approvals; Silverleaf Phase 3 (Tract FD-1) Preliminary Subdivision Plan dated "Received February 20, 2025," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the Board, or by action of the Board. In the event of a conflict or inconsistency between a condition of approval of this preliminary subdivision plan and the preliminary subdivision plan dated "Received February 20, 2025," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, as may be amended, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this preliminary subdivision plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.

5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).

6. If applicable, an Acknowledgement of contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, as may be amended, must be executed and recorded in the Public Records of Orange County, Florida, prior to issuance of any permits associated with this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.

7. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.

8. Owners of lots 347 and 348, 358 and 359, 373 and 374, 384 and 385, 378 and 379, 413 and 414, 441 and 442, 454 and 455, 472 and 473, 482 and 483, 488 and 489, 582 and 583, 602 and 603, 623 and 624, 642 and 643, 658 and 659, 681 and 682, 697 and 698, 718 and 719, 734 and 735, 748 and 749, 758 and 759, as depicted on the Silverleaf Phase 3 Preliminary Subdivision Plan, dated " * " may be permitted to install a fence along their side and rear property lines, but there shall be no structures, including but not limited to masonry walls, sheds, pools, pool decks or pool enclosures within any drainage and/or utility easement. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this condition, and through a conspicuous note on the plat and in the Declaration of Covenants, Conditions, and Restrictions (CC&R's) that Drainage Easements encumber these lots.

9. A waiver from Orange County Code Section 38-79(16)C.1(l) is granted to allow a mechanical unit side setback of zero (0) feet from the property line for internal units of rear loaded townhome building for Lots 407-412, 415-418, 421-426, 429-434, 437-440, 443-448, 495-496, 499-504, 507-512, 515-516, 636-641, 644-649, 652-657, 660-665, 675-680, 683-688, 691-696, 699-704, 714-717, 720-725, 728-733, 736-739 in lieu of the two (2) foot setback from the property line.

10. Except as amended, modified, and / or superseded, the following Board Conditions of Approval, dated August 30, 2021 shall apply:
 - a. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.
 - b. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
 - c. Prior to issuance of any certificate of completion, all storm drain inlets shall have metal medallion inlet markers installed. Text on the marker shall read "No Dumping, Only Rain in the Drain." Specification detail will be provided within all plan sets. Contact the National Pollutant Discharge Elimination System (NPDES) Supervisor at the Orange County Environmental Protection Division for details.
 - d. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
 - e. Approval of this plan does not constitute approval of a permit for the construction of a boat dock, boardwalk, observation pier, fishing pier, community pier or other similar permanently fixed or floating structures. Any person desiring to construct any of these structures shall apply to the Orange County Environmental Protection Division, as specified in Orange County Code Chapter 15 Environmental Control, Article IX Dock Construction, prior to installation, for an Orange County Dock Construction Permit, as well as to any other Orange County Division(s) for any other applicable permits.

- f. Approval of this plan does not constitute approval of a permit for the construction of a boat ramp. Any person desiring to construct a boat ramp shall apply to the Orange County Environmental Protection Division as specified in Orange County Code Chapter 15 Environmental Control, Article XV Boat Ramps, prior to installation, for an Orange County Boat Ramp Facility Permit, as well as to any other Orange County Division(s) for any other applicable permits.
- g. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.
- h. The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable, shall include notification of the prior use of this property (where appropriate) as a citrus grove, landscape nursery, or other prior use if that former use had potential for soil or groundwater contamination.
- i. The project shall comply with the terms and conditions of that certain Town Center West (Silverleaf) Road Network Agreement C.R. 545/Avalon Road and New Independence Parkway approved on September 1, 2020, and recorded at Document #20200467436, Public Records of Orange County, Florida, as may be amended.
- j. A Master Utility Plan (MUP) for the PSP, including hydraulically dependent development, shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PSP shall be consistent with approved and up-to-date Master Utility Plans (MUPs) for the PSP and the Horizon West Town Center. MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUPs and updates must be approved prior to Construction Plan approval.

- k. The proposed development is adjacent to an existing and permitted City of Orlando/Orange County/Conserv II Rapid Infiltration Basin (RIB) site. The design and permitting (stormwater, etc.) for the proposed development shall take into account the groundwater mounding produced by the adjacent RIBs when loaded at full permitted capacity and during wet weather conditions. At the time of construction plan submittal, coordinate with OCU to obtain information on the mounding produced by the RIBs, and submit geotechnical information and stormwater pond design calculations for use in coordinating with Conserv II.

- l. The plat and the Conditions, Covenants, and Restrictions (CC&Rs) for this project shall notify homeowners of the following: Homeowners own and maintain their individual water and reclaimed water services which extend to their homes from public meters located adjacent to public road right-of-way. The privately-owned water and reclaimed water services for affected lots on the PSP extend to these units through HOA-owned tracts. The owners of these lots shall be granted access to the HOA-owned tracts for the purpose of maintaining their water and reclaimed water services.

- m. New streets that are extensions of or in alignment with existing streets shall bear the same names as those borne by such existing streets.

- n. Unless otherwise specified to the County's satisfaction in the PSP, a Development Plan, in conformance with the requirements of Section 34-131(b) (20), including the appropriate group type, is required for the park / recreation tract(s) within this Preliminary Subdivision Plan (PSP), or phase thereof, as appropriate. Regardless of whether the park / recreation tract is included in the PSP or approved via a separate Development Plan, the park / recreation area tract(s) shall be constructed in conjunction with the subdivision infrastructure and completed prior to issuance of the Certificate of Completion (C of C) for the infrastructure for the phase in which the park / recreation tract(s) is located.

- o. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.

- p. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.

- q. Roads and drainage system(s), including any retention pond(s), will be owned and maintained by Orange County with a Municipal Service Benefit Unit (MSBU) established for stormwater system functionality. Routine maintenance, including mowing, beyond that provided by the County, shall be the responsibility of the Homeowners' Association.

- r. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
- s. A mandatory pre-application/sufficiency review meeting for the plat shall be required prior to plat submittal, but after approval of the site construction plans. The applicant shall resolve, to the County's satisfaction, all items identified in the pre-application/ sufficiency review meeting prior to formal submittal of the plat to the County.
- t. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Construction Plan submittal and must be approved prior to Construction Plan approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
- u. A Municipal Service Benefit Unit (MSBU) shall be established for the standard operation and maintenance of street lighting inventory including leasing, fuel, and energy costs for this project. Street lighting fixtures, poles, and luminaries used in this project shall be selected from the approved inventory list supplied by the Orange County Comptroller. Street lighting fixtures, poles, and luminaries used in this project shall be supplied and installed by the utility company that services the area of the project, as authorized by law or agreement, and thereafter maintains the street lighting inventory. The developer shall obtain approval of the street lighting fixtures, poles, and luminaries from the Orange County Comptroller Special Assessments Department via a "Letter of Commitment" prior to the installation of the street lighting fixtures, poles, and luminaries and prior to the plat being recorded by Orange County Comptroller Official Records section. All installation costs and street lighting operational costs prior to the effective date of the MSBU approval by the Orange County Board of County Commissioners shall be the sole responsibility of the developer.
- v. Habitat Crossings must be designed for the appropriate Florida species in accordance with the latest Federal Highway Administration (FHWA) specifications as published in the "Wildlife Crossing Structure Handbook Design and Evaluation in North America" Manual.
- w. It is anticipated that retaining wall(s) will be designed and constructed, therefore, such retaining wall(s) shall be noted on the preliminary subdivision plan, and the following provision must be incorporated into the Declaration of Covenants, Conditions, and Restrictions (CC&Rs):

For the proposed retaining wall(s), the CC&Rs shall reflect all lots served by such retaining wall and a reserve fund for maintenance, repair, and capital replacement of the retaining wall shall be established and funded with the creation of the HOA. Coincident with platting, the developer shall record in the public records the CC&Rs governing the lots and addressing the HOA responsibilities for the annual maintenance and any necessary repairs of the retaining wall. The CC&Rs shall require the establishment and maintenance of two HOA accounts for:

- i. Annual routine maintenance of the retaining wall, including an engineer's report to be submitted to the HOA on a three-year cycle.
- ii. Capital-repair/replacement of the retaining wall based on a 50-year life cycle.

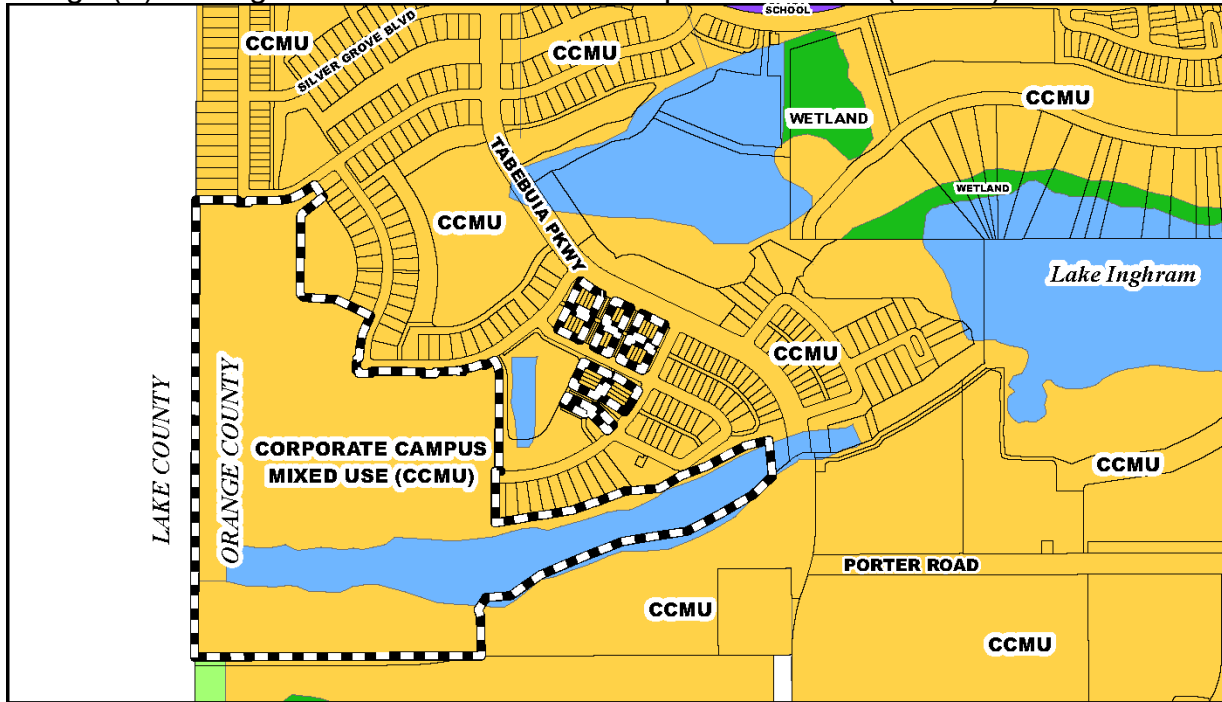
Initial funding of the accounts shall be approved by Orange County on the basis of a professional engineer's estimate for the above referenced accounts.

Removal of this provision from the CC&Rs is not authorized unless approved by the Orange County Board of County Commissioners (BCC).

- x. Where public gravity main will be located within alleyways, the distance from structure to structure shall be a minimum of 38 feet. To meet this requirement, the Side and Rear Setbacks for affected lots on the PSP shall be a minimum of 19 feet from the property line, based on the utility configuration shown in the PSP.
- y. Any lot with a side yard abutting Open Space tracts 23, 24, 25, 31, 32, 33, 35, 37, 39, 41 and 42 shall treat the associated side yard fencing as a corner lot with an abutting side street. The subject side yard fencing facing the open space tract shall be limited to 4' in height if opaque, or up to 6' in height if 50% or more is transparent, such as aluminum picket or similar.

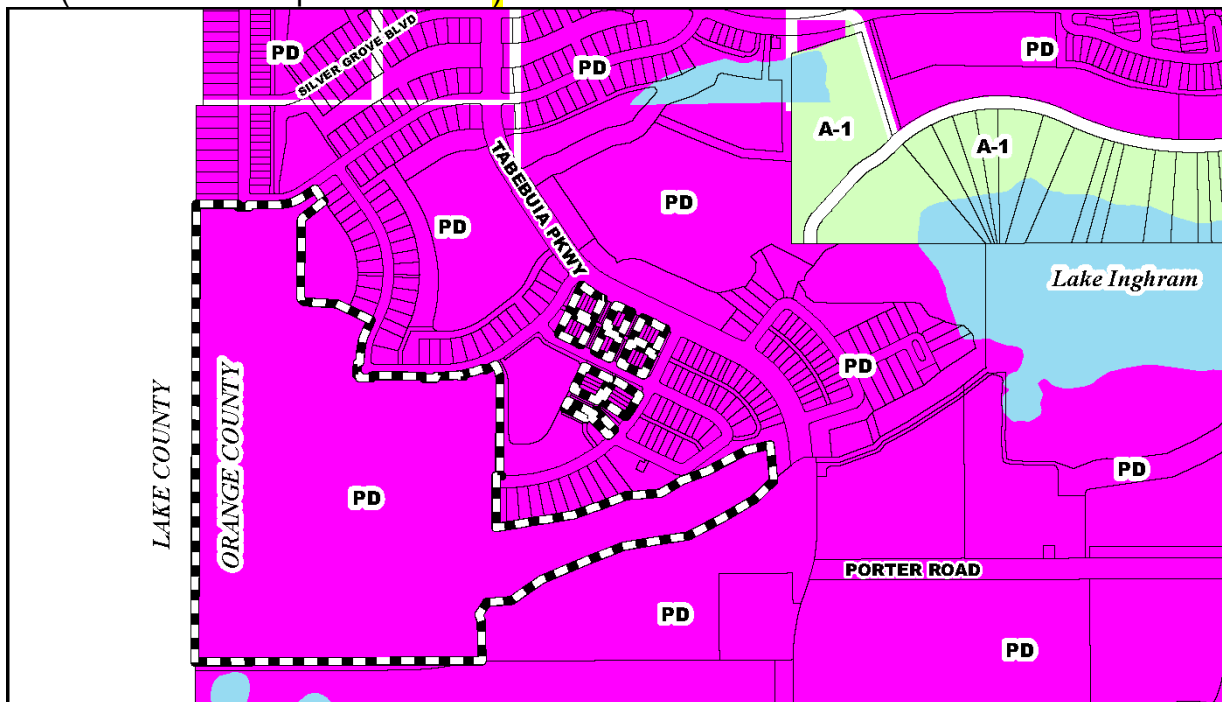
FUTURE LAND USE

Village (V) – Village Center / Commercial Campus Mixed Use (CCMU)



ZONING

PD (Planned Development District)



Site Plan Sheet

