

# State of Florida



Department of State

I certify that the attached is a true and correct copy of the  
Articles of Incorporation of PENNBROOKE  
HOMEOWNERS' ASSOCIATION, INC., a corporation  
organized under the Laws of the State of Florida, filed on  
April 24, 1986, as shown by the records of this office.

The document number of this corporation is N14574.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capital, this the  
25th day of April, 1986.



George Firestone  
Secretary of State

N145 14

FILED

1908 APR 24 AM 11:20

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION

OF

PENNBROOKE HOMEOWNERS' ASSOCIATION, INC.

(a corporation Not for Profit)

The undersigned hereby associate themselves for the purpose of forming a corporation not for profit under Chapter 617 of Florida Statutes and certify as follows:

ARTICLE I

NAME

The name of this Corporation shall be PENNBROOKE HOMEOWNERS' ASSOCIATION, INC.

ARTICLE II

PURPOSE

A certain Declaration of Covenants and Restrictions either now has or will be imposed upon certain lands in Lake County, Florida, said Declaration of Covenants and Restrictions to, among other things, establish and designate that said lands shall be known as "PENNBROOKE." This Corporation is organized for the purpose of functioning as the property owners' association of PENNBROOKE in accordance with the Declaration of Covenants and Restrictions referred to herein. It is organized to serve as the instrumentality of all property owners within PENNBROOKE where common interests are involved, to own or otherwise acquire and maintain recreational, golf course and other

lands and facilities, easements and roadways within PENNBROOKE, and to otherwise engage in such additional lawful activities for the benefit, use, and enjoyment of its members as it may deem proper including but not limited to contracting for the maintenance of said land, facilities and improvements.

### ARTICLE III

#### POWERS

The powers of the Corporation shall include and be governed by the following provisions:

1. The Corporation shall have all of the common law and statutory powers of a corporation not for profit which are not in conflict with the terms of these Articles, and in addition, all of the powers set forth in the Declaration of Covenants and Restrictions for the PENNBROOKE, which are not in conflict with law.

2. The corporation shall have all of the powers reasonably necessary to implement the powers of the Corporation, including but not limited to the following:

a. To acquire, purchase, sell, transfer and convey both real and personal property and any interest therein in accordance with the Declaration of Covenants and Restrictions for the PENNBROOKE.

b. To operate and manage, or contract for the operation and management, of such property as may be owned, acquired or controlled by the Corporation in accordance with the Declaration of Covenants and Restrictions.

- c. To make and collect assessments against members of the Association for the purposes set forth in these Articles of Incorporation and Bylaws and the Declaration of Covenants and Restrictions.
- d. To use the proceeds of assessments in the exercise of its powers and duties.
- e. To maintain, repair, replace and operate its property.
- f. To reconstruct improvements upon its property after casualty and to further improve the property.
- g. To make and amend regulations with respect to the use of its property.
- h. To enforce the Declaration of Covenants and Restrictions imposed upon the property within the PENNBROOKE.
- i. To enforce by legal means the provisions of the Declaration of Covenants and Restrictions, these Articles, the Bylaws of the Corporation and the rules and regulations governing use of the property owned, controlled or managed by the Association.
- j. To contract for the management of the Association's property.

ARTICLE IV

MEMBERS

The qualification of the members, the manner of their admission to membership and termination of such membership, and voting by members shall be as follows:

1. Until such time as the Declaration of Covenants and Restrictions for PENNBROOKE shall be recorded among the Public Records of Lake County, Florida, the membership of this Corporation shall be comprised of the Subscribers or their assigns, and be entitled to cast one (1) vote on all matters in which the membership shall be entitled to vote.

2. After the recording of the Declaration of Covenants and Restrictions for the PENNBROOKE, the owners of each lot or parcel, as same is defined in Article I of the Declaration of Covenants and Restrictions (including the Developer), shall automatically become a member of the Association upon acquisition of a fee simple title (or in the case of the Developer, upon the filing of the Declaration) of any lot or parcel subjected to said Declaration of Covenants and Restrictions, by the filing of record therefore, a deed in the office of the Clerk of the Circuit Court in and for Lake County, Florida, evidencing such ownership. At the time of the filing of said Declaration of Covenants and Restrictions, the Subscribers who are members of the corporation by virtue of Paragraph 1 above, shall no longer be members by virtue of Paragraph 1.

3. Memberships shall be compulsory and shall continue until such time as the member transfers or conveys of record his

fee simple interest in the lot or parcel upon which automatic membership is based or said interest is transferred and/or conveyed by operation of the law, at which time said membership (with respect to the lot or parcel conveyed) shall automatically be conferred upon the transferee. Membership shall be appurtenant to and may not be separated from ownership of any lot or parcel which is subject to the Declaration of Covenants and Restrictions.

4. The interest of a member in the funds and assets of the Corporation cannot be assigned, hypothecated or transferred in any manner, except as an appurtenance to the members lot or parcel. The properties, funds and assets of the corporation shall be held or used for the benefit of the membership and for the purposes authorized herein, in the Declaration of Covenants and Restrictions, and in the Bylaws which may be hereafter adopted.

5. On all matters on which the membership shall be entitled to vote, there shall be one (1) vote for each lot or parcel subject to the Declaration of Covenants and Restrictions for the PENNBROOKE, which vote may be exercised or cast by the owner or owners of each lot or parcel in such manner as may be provided by the Bylaws of this Corporation. Should any member own more than one (1) lot or parcel, such member shall be entitled to exercise or cast one (1) vote for each lot or parcel in the manner provided for in said Bylaws. In addition, should a lot or parcel be divided as to ownership so that separate and distinct owners or a multiple of owners own separate portions

thereof, each distinct owner or multiple of owners shall be entitled that percentage of one (1) vote that is equal to the percentage of the lot or parcel owned.

#### ARTICLE V

##### TERM

This Corporation shall have perpetual existence.

#### ARTICLE VI

##### MANAGEMENT OF THE AFFAIRS OF THE CORPORATION - OFFICERS

The affairs of this Corporation shall be managed by its officers, subject, however, to the directions of the Board of Directors, except to the extent that the Directors shall have delegated the responsibility for such management under the provisions of these Articles and in accordance with the Bylaws. The officers of this Corporation shall consist of a President, a Secretary, and a Treasurer, all of whom shall be elected by the Board of Directors according to the Bylaws of this Corporation. The Directors, if they desire, may combine the offices of the Secretary and Treasurer. The Directors may additionally provide for such other officers, agents, supervisory personnel or employees of the Corporation as they shall see fit, none of whom need be a member of the Corporation. Commencing with the first annual meeting of the Board of Directors in January, 1987, the officers will be elected annually to hold office until the next annual meeting of the Board of Directors or until their successors are elected and qualify. The names of the officers who are to serve

until the first election of the Board of Directors are as follows:

Robert Stetler	President
Robert Leavitt	Vice President
Marlene McDaniel	Secretary-Treasurer

None of the Directors or officers shall be required to be a member of this Association to hold office.

#### ARTICLE VII

##### BOARD OF DIRECTORS

This Corporation shall be governed by a Board of Directors consisting of not less than three (3) persons nor more than nine (9) persons. Until such time as the Developer of PENNBROOKE, its successors or assigns, transfers and conveys of record all property subject to the Declaration of Covenants and Restrictions herein referred to, or the date which is six (6) years subsequent to the date that the first residential lot or parcel within the PENNBROOKE is conveyed of record to a residential purchaser, whichever first occurs, the membership of the Association shall elect the directors as provided in the Bylaws. Thereafter, succeeding Boards of Directors and succeeding Directors shall be elected by members in the manner and in accordance with the method provided for in the Bylaws of the Association, as the same shall be constituted from time to time.

The names and post office addresses of the persons who will serve as Directors until the first annual election meeting



of members or until their successors are appointed or elected and qualify are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Robert Stetler	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197
Robert Leavitt	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197
Marlene McDaniel	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197

#### ARTICLE VIII

##### REMOVAL OF OFFICERS AND DIRECTORS

Any officer may be removed prior to the expiration of his term of office in the manner hereinafter provided, or in such manner as is provided in the Bylaws. Any officer may also be removed with or without cause by a majority vote of the full Board of Directors at a meeting of Directors called at least in part for the purpose of considering such removal. Any officer or director of this Association may be removed with or without cause, and for any reason, upon a petition in writing of a majority of the members of this Association approved at a meeting of members called at least in part for the purpose, by a two-thirds (2/3) vote of the membership. The petition calling for the removal of such officer or director shall set forth a time and place for the meeting of members, and notice shall be given to all members of such meeting in the manner provided in the Bylaws for the giving of notices of special meetings. At any such meeting, the officer or director whose removal is sought shall be given the opportunity to be heard. In addition, during the period of time during which Developer has or retains the right of

appointment of the members of the Board of Directors, any member of the Board of Directors may be removed with or without cause by the Developer at its discretion.

#### ARTICLE IX

##### INDEMNIFICATION OF OFFICERS AND DIRECTORS

Every officer or director of the Association shall be indemnified by the Association against all expenses and liability, including counsel fees, reasonably incurred by or imposed upon him in connection with any proceeding to which he may be a party or in which he may become involved by reason of his being or having been an officer or director, whether or not he is an officer or director at the time such expenses are incurred, except in such cases wherein the officer or director is adjudged guilty of willful misfeasance or malfeasance in the performance of his duties, provided that in the event of any claim for reimbursement or indemnification hereunder based upon a settlement by the officer or director seeking such reimbursement or indemnification, the indemnification herein shall apply only if the Board of Directors approves such settlement and reimbursement as being in the best interest of the Association. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such officers or directors may be entitled.

ARTICLE X

BYLAWS

The original Bylaws of this Association shall be adopted by a majority vote of the members of this Association present at a meeting of members called for the purpose, at which a majority of the membership is present, and thereafter the Bylaws of this Association may be amended, altered or rescinded only in the manner therein provided.

ARTICLE XI

PROHIBITION AGAINST ISSUANCE OF STOCK AND DISTRIBUTION OF INCOME

This corporation shall never have or issue any shares of stock, nor shall this corporation distribute any part of the income of this corporation, if any, to its members, directors or officers. Nothing herein, however, shall be construed to prohibit the payment by the corporation of compensation in a reasonable amount to the members, directors or officers for services rendered, nor shall anything herein be construed to prohibit the corporation from making any payments or distributions to members of benefits, monies or properties permitted by Section 617.011 of Florida Statutes.

ARTICLE XII

CONTRACTUAL POWERS

In the absence of fraud, no contract or other transaction between this corporation and any other person, firm, association, corporation or partnership shall be affected or

invalidated by the fact that any director or officer of this corporation is pecuniarily or otherwise interested in, or is a director, member or officer of any such other firm, association, corporation or partnership, or is a party or is pecuniarily or otherwise interested in such contract or other transactions, or in any way connected with any person, firm, association, corporation or partnership, pecuniarily or otherwise interested therein. Any director may vote and be counted in determining the existence of a quorum at any meeting of the Board of Directors of this Corporation for the purpose of authorizing such contract or transaction with like force and effect as if he were not so interested, or were not a director, member or officer of such other firm, association, corporation or partnership.

ARTICLE XIII

SUBSCRIBERS

The names and post office addresses of the Subscribers to these Articles of Incorporation are as follows:

<u>NAME</u>	<u>POST OFFICE ADDRESS</u>
Robert Stetler	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197
Robert Leavitt	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197
Marlene McDaniel	3310 U.S. Hwy 19 North Clearwater, FL 33519-1197

ARTICLE XIV

AMENDMENT

These Articles of Incorporation may be amended from

time to time by resolution adopted by a majority of the Board of Directors and approved by a vote of two-thirds (2/3) of the members of this Association present at any meeting of the members of the Association called at least in part to consider such amendment, or approved in writing by the members of this Association having not less than two-thirds (2/3) of the total membership vote, provided so long as Developer is owner of any lot or parcel or any property affected by the Declaration of Covenants and Restrictions or any amendment thereto or is entitled to appoint the Board of Directors of the Association, no amendment to these Articles of Incorporation will be effective without Developer's express written joinder and consent.

IN WITNESS WHEREOF, we have hereunto set our hands and seals at Clearwater, Pinellas County, Florida, this 15<sup>th</sup> day of April, 1986.

  
ROBERT STETLER

  
ROBERT LEAVITT

  
MARLENE MCDANIEL

STATE OF FLORIDA

COUNTY OF Lake

BEFORE ME, the undersigned authority, this day personally appeared ROBERT STETLER, to me well known and known to me to be the identical individual described in and who executed the

foregoing Articles of Incorporation of PENNBROOKE HOMEOWNERS' ASSOCIATION, INC. and he acknowledged before me that he signed and executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at 500 S. Rd. 44, Lake County, Florida, this 15<sup>th</sup> day of April, 1986.

Marlene Diana McDaniel  
NOTARY PUBLIC

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES MAR. 6, 1990.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF FLORIDA

COUNTY OF Lake

BEFORE ME, the undersigned authority, this day personally appeared ROBERT LEAVITT, to me well known and known to me to be the identical individual described in and who executed the foregoing Articles of Incorporation of PENNBROOKE HOMEOWNERS' ASSOCIATION, INC. and he acknowledged before me that he signed and executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at 500 S. Rd. 44, Lake County, Florida, this 15<sup>th</sup> day of April, 1986.

Marlene Diana McDaniel  
NOTARY PUBLIC

My commission expires:

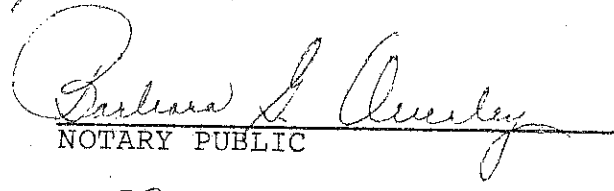
NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES MAR. 6, 1990.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF FLORIDA

COUNTY OF Lake

BEFORE ME, the undersigned authority, this day personally appeared MARLENE McDANIEL, to me well known and known to me to be the identical individual described in and who executed the foregoing Articles of Incorporation of PENNBROOKE HOMEOWNERS' ASSOCIATION, INC. and she acknowledged before me that she signed and executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at Leahurst, Lake County, Florida, this 15<sup>th</sup> day of April, 1986.

  
NOTARY PUBLIC

My commission expires: Sept. 20, 1988.

FILED  
CORP 24 11:28  
TALLAHASSEE, FLORIDA

CERTIFICATE DESIGNATING PLACE OF BUSINESS  
DOMICILE FOR SERVICE OF PROCESS WITHIN THE STATE,  
NAMING AGENT UPON WHOM PROCESS MAY BE SERVED

In pursuance of Chapter 48.091, Florida Statutes, the following is submitted in compliance with said Act:

First--that PENNBROOKE HOMEOWNERS' ASSOCIATION, INC., desiring to organize under the laws of the State of Florida as a non-profit corporation, has named ROBERT STETLER, 3310 U.S. Hwy 19 North, Clearwater, Florida 33519-1197, in the County of Pinellas, as its agent to accept service of process within this State.

ACKNOWLEDGEMENT

Having been named to accept service of process for the above stated Corporation, at place designated in this Certificate, I hereby accept to act in this capacity, and agree to comply with the provision of said Act relative to keeping open said office.

By: Robert Stetler  
ROBERT STETLER



RECEIVED  
AUG 16 1993

ARTICLES OF AMENDMENT TO THE ARTICLES OF  
INCORPORATION OF PENNBROOKE HOMEOWNERS ASSOCIATION, INC.

Pursuant to the provisions of Sections 617.1001, 617.1002 and 617.1006, Florida Statutes, the above named corporation has adopted the following Articles of Amendment to its Articles of Incorporation:

1. The name of the corporation is Pennbrooke Homeowners Association, Inc. The Charter No. of this corporation is N14574.

2. The first paragraph of Article VII, Board of Directors, is deleted in its entirety and the following is substituted therefor:

This corporation shall be governed by a Board of Directors consisting of not less than three (3) persons nor more than nine (9) persons. Until 120 days after the Developer has closed the sales of 90% of the total home lots contemplated by the general plan of development of Pennbrooke or after the Developer elects to relinquish its control of the Association, whichever shall first occur, the Directors shall be elected as provided in the Bylaws. Thereafter, succeeding Boards of Directors and succeeding Directors shall be elected by members in the manner and in accordance with the method provided for in the Bylaws of the Association, as the same shall be constituted from time to time.

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

1993 AUG - 3 AM 9:03

FILED

3. The foregoing Amendment was adopted on May 6, 1993, by the members of the Association. The number of votes cast for the amendment was sufficient for approval.

EXECUTED this 6<sup>th</sup> day of July, 1993, in Lake County, Florida.

Pennbrooke Homeowners Association,  
Inc., a Florida not-for-profit  
corporation

By: Arthur H. Erickson  
Arthur H. Erickson  
As its President

By: Margaret Bascelo  
Margaret Bascelo  
As its Secretary

RECEIVED  
AUG 16 1993

STATE OF FLORIDA )  
COUNTY OF LAKE )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, 1993, by Arthur H. Erickson as President of Pennbrooke Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the Corporation, who is personally known to me or who has produced a driver's license as identification, and who did not take an oath.

Tracy Lynn Jones  
Signature)

Tracy Lynn Jones  
(Type or Print Name)

Notary Public

My Commission Expires:

My Commission Number is:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JANUARY 28, 1994  
BONDED THRU AGENT'S NOTARY BROKERAGE

STATE OF FLORIDA )  
COUNTY OF LAKE )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of July, 1993, by Margaret Busceto as Secretary of Pennbrooke Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the Corporation, who is personally known to me or who has produced a driver's license as identification, and who did not take an oath.

Tracy Lynn Jones  
Signature)

Tracy Lynn Jones  
(Type or Print Name)

Notary Public

My Commission Expires:

My Commission Number is:

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JANUARY 28, 1994  
BONDED THRU AGENT'S NOTARY BROKERAGE

**BUSINESS OFFICE**

**FILED**

**MAR 8 1994**

ORDINANCE #29-93

**MAR 7 8 33 AM '94**

**RECEIVED** WHEREAS the Lake County Planning and Zoning Commission did, on the 25th day of August, 1993, review petition #135B-84-2 (Leisure Communities, Ltd.), a request to amend PUD Ordinance #66-84 as amended by Ordinance #115-88 on property generally located in the Leesburg area lying N of Alibrandi Rd. (2-4601) and W of Whitney Rd. (2-4603). The property more particularly described as follows:

LEGAL DESCRIPTION: From the Point of intersection of the W line of Sec. 19, Twp. 19S, Rge. 24E, in Lake County, Florida, with the N'ly line of the r/w of the Seaboard Air Line Railroad, run SE'ly along the N'ly line of said r/w 2201 ft. to the POB of the tract herein described: From said POB, run thence SE'ly along the N'ly line of said r/w to the E line of the SW 1/4 of Sec. 19, thence N to the NE cor of the SW 1/4 of said Sec. 19, thence E 1320 ft., thence NW'ly to a point that is 552 ft. W of the NE cor of the SW 1/4 of the NE 1/4 of said Sec. 19, thence E along the S line of the N 1/2 of the NE 1/4 of said Sec. 19 to a point that is 900 ft. W of the SE cor of the NE 1/4 of the NE 1/4 of said Sec. 19, thence N 660 ft. to the S line of the N 1/2 of the NE 1/4 of the NE 1/4 of said Sec. 19, thence E 570 ft. to a point that is 330 ft. W of the E line of said Sec. 19, thence N 660 ft. to the N line of said Sec. 19, thence W to the NW cor of the NE 1/4 of the NW 1/4 of said Sec. 19, thence S 2210 ft., thence E 660 ft., thence S 430 ft. to the S line of the NW 1/4 of said Sec. 19, thence E 293 ft., thence S 179.66 ft., thence S 80 deg. 15' W to a point due N of the POB, thence S to the POB; ALSO: The NW 1/4 of the NW 1/4, and the N 1/2 of the SW 1/4 of the NW 1/4 of Sec. 19, Twp. 19S, Rge. 24E, in Lake County, Florida; ALSO: From the Point of Intersection of the W line of Sec. South, Rge. 24E, in Lake County, Florida; ALSO: From the Point of Intersection of the W line of Sec. 19, Twp. 19S, Rge. 24E, in Lake County, Florida, with the N'ly line of the r/w of Seaboard Air Line Railroad, run thence SE'ly along the N'ly line of said r/w 2201 ft. to the POB of the tract herein described: From said POB run thence S to the N'ly line of the r/w of SR 44, thence SE'ly along the N'ly line of r/w of SR 44 to the E line of the SW 1/4 of said Sec, thence N along the E line of the SW 1/4 of said Section to the N'ly line of the r/w of said railroad, thence NW'ly along the N'ly line of the r/w of said railroad to the POB; LESS the r/w of the Seaboard Air Line Railroad. ALSO: That part of the N 1/2 of the SE 1/4 of Sec. 19, Twp. 19S, Rge. 24E, in Lake County, Florida, described as follows: Begin 169 ft. N of the SE cor of

the W 1/2 of the NE 1/4 of the SE 1/4 run NW'ly 200 ft., thence SW'ly 203 ft. to the N r/w line of the Seaboard Air Line Railroad, thence NW'ly along the said N r/w line to its intersection with the W line of the NE 1/4 of the SE 1/4 of said Sec. 19, thence run N along the said W line to the NW cor of said NE 1/4 of SE 1/4, thence E 600 ft., thence S to the POB. ALSO: Beginning at the SE cor of the NW 1/4 of the SE 1/4 of Sec. 19, Twp. 19S, Rge. 24E, in Lake County, Florida, run thence N 75 deg. 36" W along the N r/w line of the Seaboard Air Line 1388 ft., more or less, to the W line of the SE 1/4 of Sec. 19, thence run N to the NW cor of the NW 1/4 of the SE 1/4, thence E to the NE cor of said NW 1/4 of the SE 1/4 thence S to the POB; ALSO: From the NE cor of the SW 1/4 of the NE 1/4 of Sec. 19, Twp. 19S, Rge. 24E, run W along the N bdry of said SW 1/4 of the NE 1/4, 184 yds., thence in a SE'ly direction to the SE cor of said SW 1/4 of the NE 1/4, thence N to the POB. ALSO: The SW 1/4 of the SW 1/4 of Sec. 17, Twp. 19S, Rge. 24E, in Lake County, Florida; ALSO: The S 1/2 of the N 1/2 of the SW 1/4 and the S 1/4 less the E 1650 ft. of the N 430 ft. thereof, and the S 1/2 of the NW 1/4 of the SE 1/4 less the E 330 ft. thereof, all in Sec. 18, Twp. 19S, Rge. 24E, in Lake County, Florida.

WHEREAS, after giving Notice of Hearing on the Petition for amendment of the Planned Unit Development and the development plan, as well as the amendment of the Development Order as that term is defined in Chapter 380.06, Florida Statutes, which included a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 19th day of October, 1993; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Commission, the recommendation of the Lake County Planning Staff, and any comments, favorable or non-favorable, presented by the public and surrounding property owners at a duly advertised Public Hearing; and,

WHEREAS, upon review, certain terms and conditions regarding the development of the aforesaid real property have been duly approved; and,

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the aforesaid real property subject to the following terms and conditions.

I. Terms: The Planned Unit Development (PUD) shall mean and include the following types of land uses.

A. Residential - Residential development shall consist of manufactured housing, mobile cottages, which are defined as a manufactured unit with a maximum area under roof of 1200 square feet, including all additions and carports, on lots with a minimum area of 2400 square feet, and convention<sup>a</sup> construction. Phasing of the project shall be done based on product type in response to the demands of the market place. The majority of units to be constructed in the balance of the project shall be conventionally built housing. Product type shall be mixed, but in no case shall the total number of units for the entire project exceed 2097 units.

B. Recreational Facilities and Open Space - Total recreational development shall contain a minimum of 33 acres in size and include an eighteen hole golf course, which may later be expanded by the Developer if demand so warrants. Developer may also construct such other accessory uses as needed, which may include, but not be limited to a clubhouse, pool, tennis courts, or other facilities for active recreation. Open space shall consist of a minimum of 44 acres. Wetland acreage shall be utilized in the calculation of open space. The Developer must execute a conservation easement which shall be granted in favor of a public entity covering all wetlands which have been deemed to be jurisdictional in nature by the appropriate permitting agencies and which are permitted to remain a wetland.

Use of remaining wetlands shall be limited to passive recreation uses including normal picnic facilities without structures and a boardwalk, as well as drainage facilities.

- C. Commercial - Commercial development shall include 14.3 acres utilized for mini-warehouse/storage facilities to be located along the west boundary of the property and 9.9 acres utilized for commercial uses as those uses as defined within the C-2 (Community Commercial District) zoning classification of the Land Development Regulations.
- D. Sales Office - Model homes shall be allowed for purposes of demonstrating various types of housing product to prospective purchasers. Model units may also be used to house sales staff and in which to conduct business related to the sale and purchase of units in the development.

## II Setbacks and Buffers:

- A. Single Story Structures - The following distances shall exist between structures: 10 feet on the sides, 20 feet on the rear, and 20 feet off the curb in the front.
- B. Two Story Structures - The following distances shall exist between structures:
  - 20 feet on the sides,
  - 30 feet on the rear and
  - 25 feet off the curb in the front.
- C. Corner Lot Setbacks - The sides of corner units shall be a minimum of 15 feet from the back of the curb. Back of curb is typically the lot line. All other setbacks per individual products as listed above.
- D. Distance From Road Right-of-Way of SR 44 and Lewis Road - The minimum distance between any residential building or structure from the right-of-way of SR 44 and Lewis Road shall be one-half (1/2) the height of said building or structure, but in no case shall the distance be less than 50 feet.
- E. Distance From Water Bodies - The minimum distance between any residential or commercial structure from natural water bodies shall be 50 feet of open space, but decking for recreational structures may overhang the water, and pools may be constructed within 25 feet of the ordinary high water line.

- 274
- F. Vegetative Buffer: There shall be a twenty-five (25') ft. vegetative buffer within and adjacent to the entire perimeter of the Planned Unit Development.

III Transportation:

- A. Ingress and Egress - Ingress and egress to the development shall be provided from one (1) entrance on SR 44 from the south and (1) entrance on Lewis Road to the east.
- B. Ingress/Egress design must be submitted to and approved through the development review process.
- C. All streets shall be maintained by the property owners and are classified as private streets by Lake County. Lake County will assume no maintenance responsibilities as long as the streets remain private. The developer can limit access to the development by means of a security guard or gated entrance which restricts access by the general public to the development. All streets within the development shall be constructed to County standards.
- D. A pedestrian system linking the residential development areas and open space systems shall be provided along the major collector road within the development. Sidewalks shall be constructed on at least one side of the roadway.

IV Drainage Facilities:

The developer shall submit to Lake County a Master Drainage Plan. This plan will identify post developed drainage basins, approximate pond locations and general discharge direction for the basins. Prior to platting any phase thereof, the developer shall provide:

1. A detailed site plan of modification of shorelines of lakes within that phase or portion of the Planned Unit Development be platted.
2. A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters.
3. A detailed site plan of modification of existing wetlands within that phase or portion of the Planned Unit Development.

V. Public Facilities:

- A. The Developer has constructed a fire station on the site at the corner of Whitney and Lewis Road. If Lake

County closes this fire station and it ceases to operate, the Developer shall not be required to build, equip or provide a fire station and/or any equipment on the project site nor contribute to a facility located off-site. The Developer has also purchased a pumper truck and furnished the fire station.

- B. Fire Protection Water Flow shall be provided in accordance with the provisions of the Lake County Land Development Regulations.
- C. Potable Water/Wastewater Facility - The developer has constructed an on-site water plant and on-site wastewater plant to meet Lake County standards. Upgrading of these plants will be based upon water supply and wastewater disposal criteria adopted and promulgated by Lake County.

#### VI Screening & Fencing:

- A. The Developer shall provide fencing as specified in the Land Development Regulations. Additional fencing six (6) feet in height or a maintained vegetative buffer also six (6) feet in height shall be placed around the entire sites for recreational vehicle, maintenance yard and sewage lagoon. Access to these areas shall be through locked gates.

#### VII Parking

The Developer shall supply parking facilities as specified in the Lake County Land Development Regulations.

#### VIII Building Permits

The Developer shall submit complete building plans and/or site plans and have them approved by the Lake County Technical Review Committee and appropriate governmental staff, as designated in the Lake County Land Development Regulations, prior to issuance of any building permits for any construction authorized by this ordinance.

#### IX Vested Rights:

Approval of the terms and conditions in this Ordinance shall in no way or manner divest this project of its vested rights, whether those vested rights be statutory in nature or accrue to the development by principles of common law. The Developer shall have the unfettered right to continue the development of the project subject to the terms and conditions set forth herein. The duration of this Ordinance shall be until the year 2000, unless the Developer amends the time frame for completion and said request is approved by those agencies having jurisdiction.



X. CONDITIONS AS ALTERED AND AMENDED WHICH PERTAIN TO THE ABOVE TRACT OF LAND SHALL MEAN:

- A. The aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Planning and Zoning Commission and the Board of County Commissioners.
- B. No person, firm, or corporation, shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with the Land Development Regulations of Lake County.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.
- E. The transfer of ownership or lease of any or all of the property described in Ordinance #29-93 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the PUD (Planned Unit Development) established by Ordinance #29-93 and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Lake County Land Development Regulations, as they may be amended from time to time.
- F. This ordinance supersedes all ordinances in conflict herewith to the extent of such conflict.

DONE AND RESOLVED by the Lake County Board of County Commissioners on the 19th day of October, 1993, A.D.

STATE OF FLORIDA )

:

COUNTY OF LAKE )

Catherine C. Hanson  
CATHERINE HANSON, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commission in regular session on October 19, 1993 as the same appears on record of County Commissioners Minute Book 45, Pages 735-744.

BY: James C. Watkins  
JAMES C. WATKINS  
Clerk of the Circuit Court  
and Ex-Official Clerk of the  
Board of County Commissioners  
Lake County, Florida