

Exhibit A to Ordinance 2019-26

Design and Development Standards:

1. Lot development standards:
 - a. There shall be no permanently affixed, wired, southward-facing outdoor speakers on lots 33-52 of the revised Binding Master Concept Plan dated September 6, 2019.
 - b. Maximum height of structures shall be limited to one (1) story.
2. Developer will submit plans for the following transportation improvements (as depicted on the Binding Master Concept Plan) concurrent with preliminary plat and construction plan approval, and shall construct the improvements, subject to approval from Sarasota County for improvements in County right-of-way, prior to the issuance of the first certificate of occupancy:
 - a. Eastbound to Southbound right turn lane from Edmondson Road to Auburn Road. If construction of the eastbound to southbound right hand turn lane impacts the existing multi-use path on the south side of Edmondson Road, Developer will restore the multi-use path to existing conditions
 - b. Right and left hand turn lanes from Auburn to Edmonson; Developer will incorporate on-road bicycle lane(s).
 - c. The left hand turn lane from Auburn into the project. Installation of the left hand turn lane shall not impede on-road bicycle lanes or sidewalks.
3. There shall be no vehicular or pedestrian access connecting the subdivision to Fox Lea Drive.
4. No storm water or other drainage from the developed portion, non-buffer areas, of the subdivision site shall be discharged into the existing ditch that runs east-west within the northern portion of the Fox Lea Drive right-of-way.
5. The Master Surface Water Management Plan shall be consistent with the Curry Creek Basin Master Plans.
6. Landscape and Buffer Standards/Landscape Plan. The buffers surrounding the site shall be as shown on the Landscape Plan and the Binding Master Concept Plan, consistent with the following standards (which shall govern in the case of any conflicts).
 - a. Border Road Buffer: The landscaped buffer area shall be a minimum of 45.7 feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property lines and includes a six-foot-high (6') tan PVC fence within the landscaped buffer area to cover the sides of the lots designated as 11 and 12 on the binding concept plan. The remainder of the buffer will be landscaped per the Landscape Plan.
 - b. N. Auburn Road Buffer: The landscaped buffer area shall be a minimum of 50 feet in width measured at right angles to property lines and shall be established along

the entire length of and contiguous to the designated property lines and includes a six-foot-high (6') fence, as depicted in the Landscape Plan, within the fifty-foot-wide landscaped buffer area. The 6' fence will be buffered from the public ROW by a continuous hedge to block the public from the fence. The hedge will continue along the north boundary of the property as depicted on the Landscape Plan. Existing vegetation within this buffer will be maintained as much as possible with exotics being removed and supplemented with plantings per the Landscape Plan.

i. Sidewalk. The public sidewalk depicted in the Binding Master Concept Plan and Landscape Plan shall be included within the fifty (50) foot wide buffer area. The sidewalk shall meander to avoid existing preserved trees wherever possible and be included within a public access easement. The Murphy Oaks HOA shall have maintenance responsibility of the sidewalk.

ii. Opacity. The project landscaping will achieve 90% opacity when viewed from N. Auburn Road to a height to shield the view up to the soffit level within three years of the start of construction.

c. Fox Lea Drive Buffer: The landscaped buffer area shall be a minimum of forty (40) feet in width, and shall include a five foot (5') berm, an eight-foot-high (8') concrete wall, a continuous hedge composed of Wax Myrtles, which will be permitted to grow naturally without trimming, and additional trees and landscaping (including canopy trees) as depicted on the Landscape Plan. Developer, its successors and assigns, shall maintain the berm, wall and landscaping per the described standards in perpetuity.

i. Existing vegetation in Fox Lea Drive ROW. Existing vegetation within in the Fox Lea Drive right-of-way adjacent to the property will be kept in its current condition to the extent practical. Any existing vegetation in the right-of-way damaged during construction by the Developer or its contractors will be replaced as follows: if the damaged vegetation is a tree subject to Sarasota County's tree ordinance, it will be replaced by the required mitigation in the same location or on the berm, as required by Sarasota County; if the damaged vegetation is not protected under Sarasota County's tree ordinance, it will be replaced behind its previously location, on the berm, with a species consistent with the table shown on the landscape plan. All such vegetation planted to replace damaged existing vegetation under the terms herein, shall be in addition to the landscaping shown on the landscape plan.

d. Interstate 75 Buffer: The landscaped buffer area shall be a minimum of 120.9 feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property lines and includes a six-foot-high (6') concrete wall on top of a 7' berm. The 6' concrete wall will be buffered from the public ROW by a continuous hedge to block the public from the wall. Also, this buffer will include additional landscaping in front of the wall and on top of the berm to further block the residence from I-75, as depicted on the Landscape Plans.

7. The Developer shall commence construction of the amenity area within twelve (12) months after issuance of the first certificate of occupancy for the first residence, or upon the closing on twenty five (25) percent of lots to the end users, whichever shall first occur.

Land Development, Construction Management and Staging Standards:

8. No open burning; chipping. The Developer shall not utilize open burning of land clearing material and debris during construction. As part of its land clearing permit, the developer will identify a site in the northeastern portion of the property for a wood chipper, and shall create a temporary berm at least 12' high on the south side of where the chipper is located and shall remain while the chipper is in operation. The chipper and berm will be generally located as depicted on Exhibit A.

9. Construction of southernmost berm and wall. The 5' berm along the southern boundary shall be constructed immediately after land clearing is complete. Once the 5' berm is constructed and stabilized, the 8' wall shall be constructed. No construction or land development, other than those activities necessary or ancillary to the construction of the berm and wall, shall occur until the wall and berm are in place.

10. Construction traffic. Construction access to the site shall be from Auburn Road, and there shall be no construction entrance or construction access to the property from Fox Lea Drive.

11. Right-of-way for Fox Lea Drive. Developer shall support any application by Fox Lea Farm to vacate Fox Lea Drive and shall disclaim any rights in the northern half of the street.

12. Inspection by Fox Lea Farm during Land Development and Construction. Fox Lea Farm may name an officer, independent contractor, employee, or other agent of Fox Lea Farm, as an authorized inspector (the "Inspector") and identify that representative to the Developer or the Construction Manager on-site. Fox Lea Farm's Inspector will be permitted to enter and inspect the subject property, upon reasonable notice to and permission from the Construction Manager, which shall not be unreasonably withheld. Excluding willful or grossly negligent action by the Developer and any contractors, Fox Lea Farm and the Inspector shall indemnify Developer and any contractor working on the subject property against any claims based on injury suffered by the Inspector while on the subject property prior to conducting any inspection.

Post-Land Development and Post construction Development and Use Standards:

13. The Developer shall comply with all terms of the Developer's Agreement offered by the Developer concurrent with the rezoning, and shall demonstrate that any required off-site improvements and recorded documents have been completed prior to the approval of the final plat.

14. Additional provisions in the declarations and covenants for the subdivision. Developer will submit deed restrictions for the Property to the City for review prior to the application for final plat approval, as required by Section 86-232(4) of the Land Development Code. The deed restrictions shall include:

- a. A Notice of Proximity for I-75, Fox Lea Farm and the Fox Lea Operations (which also will be recorded in the public records separately), as set forth in Exhibit B to the

Developer's Agreement. The deed restrictions will require every purchaser or renter to execute an acknowledgement of the Notice of Proximity, and copies of the acknowledgements will be maintained by the homeowners' association and provided to Fox Lea Farm and the City upon request.

- b. The following restrictions to protect Fox Lea Farm:
 - i. The use of outdoor speakers or outdoor amplified music are prohibited on Lots 33-52, as depicted on the Binding Master Plan. Speakers for fire or burglar alarms oriented to the north are excepted.
 - ii. The use of fireworks, as defined in Florida Statutes, are prohibited.
 - iii. The launching or operation of drones or radio-controlled aircraft from the Property which fly over Fox Lea Farm is prohibited, unless permission is received in writing from Fox Lea Farm.
 - iv. The burning of trash or yard waste, and other outdoor burning such as bonfires, is prohibited, but this prohibition shall not apply to outdoor barbeques for cooking, outdoor propane heaters, or small fire pits/fire tables.