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**SIXTH AMENDMENT TO FLORIDIAN GOLF CLUB
PLANNED UNIT DEVELOPMENT ZONING AGREEMENT**

THIS AGREEMENT made and entered into this ____ day of _____, 2022, by and between FLORIDIAN NATIONAL GOLF CLUB, LLC, a Florida limited liability company, f/k/a FLORIDIAN GOLF RESORT, LLC, hereinafter referred to as OWNER, and MARTIN COUNTY, a political subdivision of the State of Florida, hereinafter referred to as COUNTY.

WITNESSETH:

WHEREAS, after appropriate notice, public hearing and approval, OWNER and COUNTY on or about the 23rd day of October 2012, entered into a Planned Unit Development Zoning Agreement for the development of a project in Martin County, Florida, known as “Floridian Golf Club PUD”, which Agreement is recorded at Official Records Book 2616, beginning at Page 1910 of the Public Records of Martin County, Florida, the “Original Agreement” which has been amended through and including that certain Fifth Amendment to Floridian Golf Club Planned Unit Development Zoning Agreement, dated July 13, 2021, and recorded in Official Records Book 3249, beginning at Page 1006 of the Public Records of Martin County, Florida the “Fifth Amendment”, and collectively with the Original Agreement and all amendments thereto being referred to “the “PUD Agreement”; and

WHEREAS, OWNER desires to amend the PUD Agreement in order to replace the previously approved Revised Master Site Plan, Revised Timetable for Development, Revised Phasing Plan, and Revised Special Conditions with revised documents.

NOW, THEREFORE, the parties do hereby agree as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. The Revised Master Site Plan and Revised Phasing Plan attached hereto as **Revised Exhibit D** and **Revised Exhibit E-1**, respectively, replace and supersede all previously approved versions of the Master Site Plan, Revised Master Site Plans, Phasing Plan and Revised Phasing Plans. **Revised Exhibit D** and **Revised Exhibit E-1** reflect the addition of a single-family residential lot in Phase 3, and the addition of two (2) River Cottage Units, within Phase 4, which will be conveyed individually by way of condominium documents in accordance with Florida Statutes.
3. The Revised Timetable for Development attached hereto as **Revised Exhibit E** replaces and supersedes all previously approved versions of the Timetable for Development. **Revised Exhibit E** reflects revisions to the Replat of Phase 3, and the revisions to Phase 4 for consistency with the revisions to the Revised Master Site Plan described in paragraph 2 above.
4. The Revised Special Conditions attached hereto as **Revised Exhibit F**, replaces and supersedes all previously approved versions of the Special Conditions. **Revised Exhibit F**, reflects the following revisions:

4.1. Special Condition 2:

- A. The five (5) “lake cottage units” identified as Phase 6 on the Revised Phasing Plan may be conveyed individually by way of condominium documents in accordance with Florida Statutes. Vehicular parking for the units shall be provided within Phase 6 and/or at the golf clubhouse with the understanding that owners and guests may utilize golf carts on the private roads within the project to access the units from the clubhouse.

Access and parking for the units have been designed to accommodate vehicles and golf carts.

- B. The four (4) “river cottage units” identified within Phase 4 on the Revised Phasing Plan may be conveyed individually by way of condominium documents in accordance with Florida Statutes. Vehicular parking for the units shall be provide within Phase 4 and/or at the golf clubhouse with the understanding that owners and guests may utilize golf carts on the private roads within the project to access the units from the clubhouse. Access and parking for the units have been designed to accommodate vehicles and golf carts.

4.2. Special Condition 18 D. is added and reads as follows:

The side setback along the southerly boundary of Lot 13, Floridian Golf Club PUD, Phase 3, according to the plat thereof, as recorded in Plat Book 17, Page 48 of the public records of Martin County, Florida, shall be 7.5 feet.

5. All the terms and conditions of the PUD Agreement, which are not specifically amended or revised by this Amendment, shall remain in full force and effect as stated therein.

IN WITNESS WHEREOF, the parties hereto have caused this PUD Amendment to be made and entered into the day and year first written. The date of this PUD Amendment shall be the date on which this PUD Amendment was approved by the Board of County Commissioners.

OWNER

WITNESSES:

FLORIDIAN NATIONAL GOLF CLUB,
LLC, a Florida limited liability company
f/k/a FLORIDIAN GOLF RESORT, LLC

Name: _____

By: _____
Giles Kibbe, President

Name: _____

3700 SE Floridian Drive
Palm City, Florida 34990

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments before me by means of ☒ physical presence or ☐ online notarization, appeared Giles Kibbe, President of Floridian National Golf Club, LLC, a Florida limited liability company, f/k/a Floridian Golf Resort, LLC, on behalf of the company, who ☐ is personally known to me or ☐ has produced _____ as identification, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2022.

Signature of Notary Public
Printed Name: _____
(Notary Seal)

COUNTY

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Carolyn Timmann
Clerk of the Circuit Court and Comptroller

By:_____
Doug Smith, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

(COMMISSION SEAL)

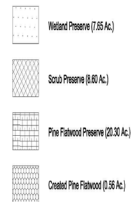
Krista A. Storey
Senior Assistant County Attorney

Pursuant to Sec. 695.26, F.S.
Prepared by:
Robert S. Raynes, Jr., Esquire
Gunster, Yoakley & Stewart, P.A.
800 SE Monterey Commons Blvd., Suite 200
Stuart, Florida 34996

REVISED EXHIBIT D REVISED MASTER SITE PLAN



Land Use Legend



Building and Lot Data

Existing Golf Shelter:	1,153 sf
Existing Teaching Center:	4,420 sf
Restoration Building (Amenity Area):	4,749 sf
Pool House (Amenity Area):	608 sf
3-Story Lake Cottages:	3 units (4 Bedrooms Each)
	2,773 sf Each
	2 units (4 Bedrooms Each)
	2,860 sf Each
2-Story Golf Villas:	4 units (6 Bedrooms Each)
	7,008 sf Each
Maximum Height:	30 Feet (3 story)
Single Family Lots 1 thru 22:	15,000 sf (min)
Single Family Lots 23 thru 28:	25,000 sf (min)
Average Lot Size:	21,800 sf

General Notes:

1. Preserve areas may not be altered except in compliance with the Preserve Area Management Plan (PAMP) approved by North County.

2. Wetland/Flood preserve areas and upland preserves shall be protected from encroachment, construction and other activities by providing a minimum 10' setback from all proposed structures. Construction and other activities must maintain a minimum 5' setback from preserve areas. The wetland slope of all adjacent to the wetland shall not exceed 3:1 (horizontal to vertical) without a permit.

3. The 10' and 30' Buffer/Preservation Zone shall be regulated in accordance with the approved PAMP and P&Z Special Ordinance pertaining to the location of a CU within the preserve in which they are located.

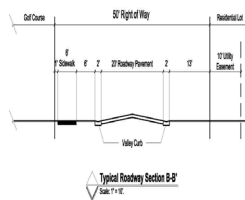
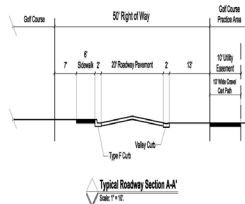
4. Upland/Flood preserve areas shall be regulated in accordance with the PAMP and P&Z Special Ordinance pertaining to the location of a CU within the preserve in which they are located.

5. All roads within the P&Z shall be planned and maintained by the Property Owners Association (POA).

6. Private roads may be owned by Golf Course pursuant to P&Z Ordinance.

Site Data:

Total Site Area:	5,297,288 sf (121.61 ac)
Total Residential Units:	33 units
Gross Residential Density:	0.27 upa
Total Preserve:	1,592,134 sf (36.55 ac)
Developable Area:	3,705,154 sf (85.06 ac)
Impervious Area:	1,178,798 sf (27.02 ac) (29%)
Residential Lots (95% max):	19,123 sf (0.44 ac)
Building Footprint:	28,884 sf (0.66 ac)
Car Park/Driveways:	80,865 sf (1.84 ac)
General Golf Path:	30,370 sf (0.70 ac)
Pavement:	294,203 sf (6.68 ac)
Lakes:	288,768 sf (6.58 ac)
Water Features:	21,529 sf (0.50 ac)
Waterfront Amenity Center:	23,589 sf (0.54 ac)
Peninsula Area:	4,118,520 sf (94.59 ac) (78%)
Residential Lots (20% max):	131,129 sf (3.00 ac)
Highway Right-of-Way:	150,087 sf (3.43 ac)
Waterfront Preserve:	332,152 sf (7.59 ac)
Scrub Preserve:	274,812 sf (6.28 ac)
Pine Flatwood Preserve:	884,618 sf (20.30 ac)
Crested Pine Flatwood:	34,205 sf (0.78 ac)
Golf Course:	1,877,910 sf (42.84 ac)
Golf Course Practice Area:	283,615 sf (6.48 ac)
Waterfront Amenity Center:	112,544 sf (2.57 ac)
Existing Corridor:	PUD
Future Land Use Designation:	Estate Density, Rural Density
Existing User:	Golf Course Community



11111 South Dixie Blvd. Suite 100
11111 South Dixie Blvd. Suite 100
11111 South Dixie Blvd. Suite 100
11111 South Dixie Blvd. Suite 100

Key Location:



Project Team:

Applicant:
Pineview National Golf Club, LLC
2100 SE Pineview Drive
Palm City, FL 34980
772-919-1770

Land Planner/Landscape Architect:
Lucido & Associates
301 E. Ocean Blvd.
Suite 100
Palm City, FL 34980
772-919-1770

Civil Engineer/Inspector:
Coburn & Topping
2605 S. 29th Street
Fort Pierce, FL 34947
772-469-3537

Environmental:
SR Consultants
1101 SE Military Community Blvd., Suite 200
Palm City, FL 34980
772-897-9771

FLORIDIAN GOLF CLUB PUD

Marlin County, Florida

Revised Master Plan

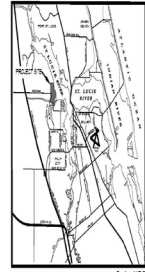
Date	By	Description
12/24/17	S.L.S.	Revised per 40-PUD Amendment
08/21/18	S.L.S.	1st Reamendment
11/27/18	S.L.S.	2nd Reamendment
01/23/19	S.L.S.	3RD Reamendment
11/02/2019	S.L.S.	Revised per 40-PUD Amendment
04/20/21	S.L.S.	Reamendment #1



Designer: DM
Manager: MC
Project Number: 12017
Municipal Number: -
Computer File:

1 of 2

Key Location:



Project Team:

Applicant:
 Florida National Golf Club, LLC
 3100 SE Preston Drive
 Palm City, FL 34989
 772-324-1100

Land Planner / Landscape Architect:
 Lucido & Associates
 7150 S.W. 14th Street, Suite 100
 Fort Lauderdale, FL 33304
 772-324-1111

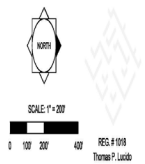
City Engineer / Planner:
 City of Port St. Lucie
 1000 SE Northway Commons Blvd, Suite 200
 Stuart, FL 34989
 772-324-1111

**FLORIDIAN
 GOLF CLUB PUD**

Martin County, Florida

Revised Master Plan

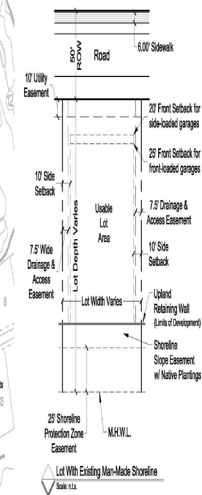
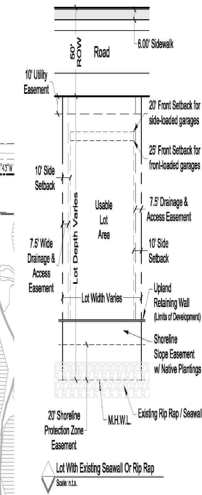
Date	By	Description
12/04/17	S.L.S.	Revised per 4th PUD Amendment
08/21/18	S.L.S.	1st Reamendment
11/27/18	S.L.S.	2nd Reamendment
01/23/19	S.L.S.	GMD Revisions
11/08/2019	S.L.S.	Revised per 5th PUD Amendment
4.8.2021	S.L.S.	Reamendment #1



Designer: DN
Manager: MC
Project Number: 12471
Municipal Number: -
Computer File: -

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Typical Lot Details



Land Use Legend

- Wetland Preserve (7.65 Ac.)
- Scrub Preserve (8.00 Ac.)
- Pine Flatwood Preserve (20.30 Ac.)
- Created Pine Flatwood (0.56 Ac.)



REVISED EXHIBIT E
REVISED TIMETABLE FOR DEVELOPMENT

- A. This development shall be constructed in accordance with this timetable of development. This development shall be constructed in phases in accordance with the phasing plan, attached as **Revised Exhibit E-1**.
- B. 1. The core infrastructure improvements, consisting of the required stormwater management system, the appropriate NPDES components, stabilized roadways, and adequate fire protection must be completed before issuance of building permits. All required improvements, including but not limited to roads, sidewalks, stormwater and drainage facilities, utilities, landscaping, recreational amenities and those identified on the final site plan for the applicable phase, must be substantially completed, as determined by the County Engineer, prior to the issuance of any certificate of occupancy and prior to the timetable set forth below.
2. Utilities in any phase shall be completed and turned over to Martin County prior to the issuance of a certificate of occupancy for a structure in a subsequent phase which relies upon the water and wastewater utilities of the prior phase.

The phases to be constructed and the time period within which final site plan approval of each phase must be obtained and completed are as follows:

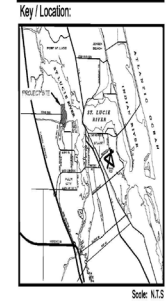
Final Site Plan and/or Plat Approval (on or before)	Completion (on or before)	Elements of Phase to be constructed
Phase 1 – Completed	Completed	Existing golf course, teaching center and related facilities, relocation of helipad, existing golf course preserve areas, teaching center including right turn lane on SW Murphy Road, sidewalk and utilities connection to SW Murphy Road.
Phase 2 – Completed	Completed	10 single-family lots (Lots 1-10), extension of Bessey Creek Way (in Port St. Lucie) to SW Rivers End Way (in Martin County) to provide legal access to Lots 1-10, including temporary turnaround on Lot 11, supporting infrastructure improvements and management of additional preserve areas per PAMP requirements.

Final Site Plan and/or Plat Approval (on or before)	Completion (on or before)	Elements of Phase to be constructed
Replat Phase 3 –	August 27, 2020 <u>August 27, 2024</u>	Convert Lots 23-28 to permanent golf course tract and fill in the existing boat basin between Lot 17 and 18 (Completed). <u>Replat Lot 17 and Lot 18 to create Lot 17A.</u>
Phase 4 – Completed	Dec. 14, 2026	2 <u>4</u> River Cottages, Amenity Center and portion of golf course practice area, supporting infrastructure improvements and shoreline restoration per PAMP requirements.
Plat Phase 4 -	Dec. 14, 2026	
Phase 5 – Dec. 21, 2024	Dec. 14, 2026	4 single-family “island” lots (Lots 23-26), completion of SW Harbor Island Way, supporting infrastructure improvements and shoreline restoration per PAMP requirements.
Phase 6 – Completed	Completed	5 lake cottages, completion of SW Lake Cottage Way parking, emergency access connection to SW Murphy Road and supporting infrastructure improvements.

REVISED EXHIBIT E-1 REVISED PHASING PLAN



171 E. Duval Blvd., Suite 100, Jacksonville, FL 32202
904.445.1111
1000 SE Montgomery Commons Blvd., Suite 200, Tallahassee, FL 32309
904.445.1111



Project Team:
Applicant:
 Floridian National Golf Club, LLC
 3706 SE Flamingo Drive
 Palm City, FL 34980
 772.289.7700
Land Planner / Landscape Architect:
 Lucido & Associates
 701 E. Duval Blvd.
 Suite 100, Jacksonville, FL 32202
 904.445.1111
Civil Engineer / Surveyor:
 Colangelo & Thompson
 2806 S. 23rd Street
 Fort Pierce, FL 34981
 772.464.0337
Environmental:
 GVI Consultants
 1000 SE Montgomery Commons Blvd., Suite 200
 Tallahassee, FL 32309
 904.445.1111

FLORIDIAN GOLF CLUB PUD

Martin County, Florida

Revised Phasing Plan

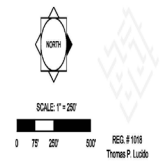
Date	By	Description
12.04.17	S.L.S.	Revised per 4th PUD Amendment
08.21.18	S.L.S.	1st Reconsideration
11.27.18	S.L.S.	2nd Reconsideration
01.23.19	S.L.S.	GMD Revisions
11.06.2019	S.L.S.	Revised per 5th PUD Amendment

Phasing Schedule:

Phase	Description
1	Existing golf course, teaching center and related facilities; relocation of Helicap; existing golf course preserve areas, reconstruction of SW River's End Way to teaching center including right turn lane on SW Murphy Road, sidewalk and utilities connection to SW Murphy Road
2	10 Single Family Lots (1-10); Extension of Bessey Creek Way (in Port St. Lucie) to River's End Way (in Martin County) to provide legal access to lots 1-10, including temporary turnaround on lot 11; Supporting infrastructure improvements and management of additional preserve areas per PAMP requirements
3	12 Single Family Lots (11-22); Completion of SW River's End Way, a portion of the Permanent Golf Course Practice area; Supporting infrastructure improvements and shoreline restoration per PAMP requirements
4	Portion of Permanent Golf Course Practice area; Waterfront Amenity Center; 4 Golf Villas; Supporting infrastructure improvements and shoreline restoration per PAMP requirements.
5	4 Single Family "Island" Lots (23-26); Completion of SW Harbor Island Way; Supporting infrastructure improvements and shoreline restoration per PAMP requirements
6	5 Lake Cottages; Completion of SW Lake Cottage Way and golf cart / vehicle parking; Emergency access connection to SW Murphy Road and supporting infrastructure improvements

Land Use Legend

	Wetland Preserve (7.55 Ac.)
	Scrub Preserve (8.80 Ac.)
	Pine Flatwood Preserve (22.30 Ac.)
	Created Pine Flatwood (0.56 Ac.)



Designer: DM Street
 Manager: MC
 Project Number: 15-430
 Municipal Number: -
 Computer File: Floridian PUD Revised Phasing Plan.dwg

1 of 1

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REVISED EXHIBIT F

REVISED SPECIAL CONDITIONS

1. ADDITIONAL REQUIREMENTS

The Floridian Golf Club PUD shall comply with all requirements of the Martin County Comprehensive Growth Management Plan. Unless specifically provided for within this PUD Agreement or set forth on the master site plan, the Floridian Golf Club PUD shall comply with all requirements of the General Ordinances and Land Development Regulations of the Martin County Code.

2. COTTAGE UNITS

- A. The five (5) “lake cottage units” identified as Phase 6 on the Revised Phasing Plan may be conveyed individually by way of condominium documents in accordance with Florida Statutes. Vehicular parking for the units shall be provided within Phase 6 and/or at the golf clubhouse with the understanding that owners and guests may utilize golf carts on the private roads within the project to access the units from the clubhouse. Access and parking for the units have been designed to accommodate vehicles and golf carts.
- B. The ~~two (2)~~ four (4) “river cottage units” identified within Phase 4 on the Revised Phasing Plan may be conveyed individually by way of condominium documents in accordance with Florida Statutes. Vehicular parking for the units shall be provided within Phase 4 and/or at the golf clubhouse with the understanding that owners and guests may utilize golf carts on the private roads within the project to access the units from the clubhouse. Access and parking for the units have been designed to accommodate vehicles and golf carts.

3. DRAINAGE/STORMWATER MANAGEMENT

- A. It shall be the OWNER'S sole responsibility to obtain the necessary drainage/stormwater management permits from the South Florida Water Management District (SFWMD). In no event shall COUNTY bear the responsibility for aiding the OWNER in obtaining permits from the SFWMD or funding the improvements necessary to develop the Floridian Golf Club PUD.
- B. In order to ensure that the PUD's drainage/stormwater management system functions as designed and permitted in perpetuity, OWNER shall maintain the PUD's drainage/stormwater management system according to the Stormwater Management System Maintenance Plan to be submitted with final site plan application. The Maintenance Plan will provide that the OWNER shall be responsible for performing the specific inspections and maintenance operations on the stormwater management system on-site and off-site as approved by the Board of County Commissioners at final site plan approval in order to ensure it functions

as intended and as approved by COUNTY. Neither COUNTY nor the SFWMD shall have any responsibility in maintaining the system.

4. EMERGENCY/CONSTRUCTION/DELIVERY ACCESS

Any emergency/construction/delivery access indicated on the master site plan, final site plans and subdivision plats shall be primarily for emergency vehicles and construction and delivery vehicles, but may also be used by residential unit owners. The OWNER shall secure the emergency/construction/delivery access in a manner acceptable to the COUNTY. If gates are featured, knox switches, or locks, are required.

5. ENDANGERED SPECIES

- A. In the event that it is determined that any representative plant or animal species of regional concern is resident on or otherwise is significantly dependent upon Floridian Golf Club PUD, the OWNER shall cease all activities which might negatively affect that individual or population and immediately notify Martin County, the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS). Construction may resume when proper protection, to the satisfaction of all agencies, is provided by the OWNER.
- B. Gopher Tortoises - In Florida, gopher tortoises are protected as a Threatened Species. No land clearing or construction shall occur until all tortoises which will be impacted are relocated to upland preservation areas or off-site. A certified environmental professional will supervise clearing in the areas of the gopher tortoise burrows. Tortoises inhabiting burrows in areas to be developed will be captured and relocated using methodology approved by the Florida Fish and Wildlife Conservation Commission and conducted by an environmental professional possessing a valid relocation permit. During clearing and grubbing operations, equipment operators will be notified of the occurrence of gopher tortoises on-site and instructed to observe for roaming and foraging individuals. Should gopher tortoises be seen during the clearing and grubbing, all equipment operations will be stopped and the gopher tortoises will be captured and relocated. Once the tortoise(s) have been safely relocated, equipment operation can resume.
- C. Endemic Species - All gopher tortoise relocation efforts will include trapping of endangered endemic species that may live in the burrow.
- D. Relocation of Tortoises - If the number of tortoises exceeds the carrying capacity of the remaining natural area, the Martin County Environmental Planning Administrator will be notified and will be provided with a copy of the Gopher Tortoise Relocation Permit from the Florida Fish and Wildlife Conservation Commission. Every attempt shall be made to relocate within Martin County.

6. EXISTING RESIDENTIAL STRUCTURE

Prior to final site plan approval of Phase 3, the existing residential structure located on proposed

Lots 20, 21 and 22 shall be removed or the proposed lots shall be reconfigured to accommodate the structure. Completed.

7. FIRE PROTECTION

A. All Structures that are in excess of 1000 square feet or two stories or greater in height shall be provided with a sprinkler system installed in accordance with NFPA 13D, Standard for the installation of Sprinkler System in One and Two Family Dwellings and Manufactured Homes. Compliance with all other provisions of the National Fire Protection Association is required. Specifically, stabilized roads and hydrant installations shall be completed before issuance of building permits pursuant to NFPA 241. All structures constructed under this development order shall comply with this condition.

B. In addition to the requirements of the Comprehensive Plan, Land Development Regulations and Code, the OWNER shall provide the following public benefit:

As requested by the Martin County Fire Protection Division, single-family homes shall be equipped with fire sprinklers thereby reducing the project's impact on fire protection services in this area.

8. HAULING OF FILL

The OWNER agrees not to haul any fill off of the site of the Floridian Golf Club PUD and to coordinate with the County Engineer the routes and timing of any fill to be hauled to the site of this project. The OWNER shall also comply with all COUNTY excavation and fill regulations. Lake littoral zones and upland buffers shall be maintained in accordance with a Preserve Area Management Plan approved by COUNTY.

9. IRRIGATION

Irrigation water for the entire PUD will be supplied by Port St. Lucie or by wells pursuant to the existing water use allocation from South Florida Water Management District for groundwater withdrawals in accordance with all applicable regulations.

10. MODELS

Model units with interim septic tanks, necessary access road, parking and utilities, including fire water flow, will be allowed on-site for purposes of sales presentation. Model units must be consistent with the approved master site plan and may be approved prior to final site plan approval. The location and number, not to exceed five (5), shall be mutually agreed upon by the OWNER and the Growth Management Department Director. The OWNER agrees that the septic tanks will be removed at the time of completion of the wastewater system and a bond satisfactory to the COUNTY will be provided to ensure said removal. Models may be used for the sale of residential units within the PUD until such time as ninety percent (90%) of the residential units have been issued certificates of occupancy.

11. PRESERVE AREAS

- A. No construction or alteration shall be permitted within any of the preserve areas except in compliance with a Preserve Area Management Plan approved by COUNTY. The precise location of all the preserve areas shall be staked and surveyed prior to final site plan approval and shall be fenced prior to and during construction. A Preserve Area Management Plan will be submitted with the application for the first residential final site plan.
- B. In addition to re-vegetation efforts associated with the exotic removal effort, the Shoreline Protection Zone in its various widths throughout the project site will be re-planted with appropriate native species. These zones will be kept free of exotic vegetation as defined by the Florida Exotic Pest Plant Council in perpetuity. The restoration plan will be submitted as part of the first residential final site plan application for the Floridian Golf Club PUD.
- C.
 - 1) As part of the final site plan and plat application for the respective phase, the OWNER shall provide a maximum 12 foot wide riparian access perpendicular to the Shoreline Protection Zone at shared lot lines. Each waterfront lot owner shall be entitled to a fishing pier or boat dock subject to State and Federal permitting requirements. The riparian access shall be elevated over the canal bank slope of the Shoreline Protection Zone to minimize impact to native plantings.
 - 2) Notwithstanding the above, the OWNER shall provide a maximum 12 foot wide riparian access perpendicular to the Shoreline Protection Zone for Lot 26. The lot owner shall be entitled to a fishing pier or boat dock subject to State and Federal permitting requirements. The riparian access shall be elevated over the canal bank slope of the Shoreline Protection Zone to minimize impact to native plantings.
- D. In addition to the requirements of the Comprehensive Plan, Land Development Regulations and Code, the OWNER shall provide the following public benefit:
 - 1. As depicted on the master site plan, OWNER shall provide 100% preservation of existing scrub habitat (approximately 8.6 acres) and 30% preservation of existing pine flatwoods within the golf course. An additional 7.05 acres of upland preserve area and 0.56 acres of created upland preserve shall be provided in excess of the minimum requirements as depicted on the master site plan. In total, approximately 44 acres or 36% of the site as depicted on the master site plan shall be maintained by the OWNER in preserve areas and lakes.
 - 2. In addition to the increased preserve area, as depicted on the master site plan, the overall required open space for the project shall exceed the minimum 50% project-wide requirement by approximately 22 acres (i.e. 70% of the total site area) not including manmade lakes.

12. SCHOOL IMPACT

- A. The OWNER shall obtain a letter of "No Objection" from the Martin County School Board prior to final site plan approval for any residential units within the Floridian Golf Club PUD.
- B. In addition to the requirements of the Comprehensive Plan, Land Development Regulations and Code, the OWNER shall provide the following public benefit: Completed.

Within sixty (60) days of final site plan approval of the first residential phase, a \$20,000.00 contribution shall be provided to the Martin County School District to be used to enhance school bus safety as determined by the Martin County School District. OWNER shall not receive school impact fee credits for the contribution required by this condition. In addition, Martin County School District buses shall not be required to enter or make stops within the Floridian Golf Club community.

13. SOIL EROSION AND SEDIMENTATION

Site clearing and vegetation removal shall be phased in accordance with the approved final site plan. Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activity shall be undertaken within thirty (30) days of completion of clearing work. The slopes of constructed lakes from the top of the bank to the control water elevation (landward edge of littoral zone) shall be immediately stabilized and/or sodded to the satisfaction of the Engineering Department upon completion of the lake construction.

14. TEMPORARY CONSTRUCTION OFFICE

The OWNER may establish and maintain on the property a temporary construction office in a location approved by the Growth Management Department Director during the period that the property is being developed and until three (3) months following the issuance of the last certificate of occupancy for a unit. A bond for the removal of the construction office shall be supplied to the COUNTY.

15. TEMPORARY SALES OFFICE

The OWNER may establish and maintain on the property a temporary sales office in a location approved by the Growth Management Department Director during the period that the property is being developed and until three (3) months following the issuance of the last certificate of occupancy for a unit. A bond for the removal of the sales office shall be supplied to the COUNTY.

16. TIME SHARING OR INTERVAL OWNERSHIP PROHIBITED

The units to be constructed within the Floridian Golf Club PUD shall not be sold nor shall title be conveyed or transferred on the basis of time sharing or interval ownership.

17. TRAFFIC IMPACTS

- A. SW Murphy Road is classified as a minor arterial roadway that requires either 130 feet of right-of-way for a swale section or 115 feet of right-of-way for a curb and gutter section. Pursuant to Section 4.843.B.1, Land Development Regulations, Martin County Code, right-of-way requirements may be adjusted by the County Engineer for specific roadways involving intersection right-of-way improvements or restrictions of Martin County or the FDOT. COUNTY acknowledges and accepts the existing SW Murphy Road right-of-way in recognition of the existing conservation easements that have been previously dedicated by the OWNER.
- B. Sidewalks are required on both sides of SW Murphy Road, a minor arterial roadway. The property frontage along SW Murphy Road on the west side is 1305 feet and on the east side is 1865 feet. The COUNTY may waive the sidewalk requirements, if deemed unwarranted, and accept payment equal to the cost of construction, as determined by the County Engineer. Such payment shall be used to fund sidewalk construction within the County to enhance pedestrian connectivity as needed or may be allocated to fund economic development activities at the discretion of COUNTY. In lieu of the construction of sidewalks on both sides of SW Murphy Road, pursuant to Section 4.843.G.7, Land Development Regulations, Martin County Code, within sixty (60) days of final site plan approval of Phase 2, the OWNER shall pay a fee equal to the cost of construction, determined by the County Engineer to be \$20.00 per linear foot.
- C. Except for SW Lake Cottage Drive, all roads within the Floridian Golf Club PUD will be curb and gutter within a 50 foot wide private right-of-way and provided with a 6 foot sidewalk on one side of the roads. SW Lake Cottage Drive consists of minimum 9-foot wide paver-brick, travel lanes with 2-foot wide valley gutter and a 2' wide flush header curb for a total road width of 22 feet, with necessary provisions for service and emergency access vehicles as identified on the master and final site plans. Golf carts will be allowed to operate within the private roads on site.
- D. In addition to the contribution required in Paragraph B above, and as a public benefit, the OWNER shall construct approximately 400 feet of sidewalk on the east side of SW Murphy Road, south of SW Rivers End Way, with a crosswalk connection to the existing sidewalk on the west side of SW Murphy Road, with appropriate signage and pavement markings, as part of Phase 1. This connection will provide pedestrian access to the COUNTY's passive park located on the South Florida Water Management District's C-23 Canal.
- E. As part of Phase 1, at no cost to the COUNTY, OWNER shall design, permit and construct a northbound right turn lane, in accordance with Florida Department of Transportation and Martin County standards and specifications, along SW Murphy Road at the project's entrance. OWNER shall supply COUNTY with security in the amount of one hundred percent (100%) of the estimated cost of the

improvements as certified by OWNER'S engineer and approved by the County Engineer. When complete, OWNER'S engineer shall furnish a certificate of satisfactory completion to the County Engineer for approval. Upon approval by the County Engineer, ninety percent (90%) of the posted security shall be released by the County Engineer. A ten percent (10%) warranty security shall be held for an additional twelve (12) months following which time, if all of the improvements are free of defects due to faulty engineering, workmanship or materials, the ten percent (10%) security shall be released by the County Engineer. OWNER shall not receive impact fee credits for the design, permitting or construction of the northbound right turn lane.

18. USES AND DEVELOPMENT STANDARDS

- A. Except as provided for within this PUD Agreement or as set forth on the master site plan, the requirements of Article 3, Land Development Regulations, Martin County Code, and specifically the RE-2A zoning district shall apply to that portion of the development of the Floridian Golf Club PUD, which has an Estate Density Land Use Designation.
- B. Except as provided for within this PUD Agreement or as set forth on the master site plan, the requirements of Article 3, Land Development Regulations, Martin County Code, and specifically the RE-½A zoning district shall apply to that portion of the development of the Floridian Golf Club PUD, which has a Rural Density Land Use Designation.
- C. The setbacks for the single-family lots are as set forth on the master and final site plans including construction setbacks as requested by the environmental planner.
- D. The side setback along the southerly boundary of Lot 13, Floridian Golf Club PUD, Phase 3, according to the plat thereof, as recorded in Plat Book 17, Page 48 of the public records of Martin County, Florida, shall be 7.5 feet.

19. WATER/WASTEWATER

Water and wastewater services for this project shall be provided by Martin County Utilities. OWNER shall provide an executed copy of an agreement for each phase for such service within 60 days of final site plan approval of that phase. For water conservation, OWNER shall individually meter each unit and/or supporting structure.

20. OPEN SPACE

In recognition of the excess open space provided within the PUD, Section 3.16.A.3, Land Development Regulations, which requires the area within the setbacks to be comprised of open space, shall not be applicable to the tennis courts in Phase 4.