

INSTR # 200509705
OR BK 01302 PGS 0950-0971
RECORDED 03/17/2005 09:14:57 AM
JOHN A. CRAWFORD
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
RECORDING FEES 188.50

*Return to:
Joyce Bradley*

ORDINANCE NO. 2004 - 18

AN ORDINANCE TO RE-ZONE AND RE-CLASSIFIES LANDS IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County commissioners adopted Ordinance 97-19, enacting and establishing a Comprehensive Zoning Code, as amended; and

WHEREAS, Daniel McCranie (the "Developer") as the authorized agent of First Coast Equity Resources, LLC and Doug Grosse, the owner of the property described in the attached Exhibit "A" intends to develop the property in accordance with the Turning Leaf PUD Preliminary Development Plan, dated January 16, 2004, as described in the attached Exhibit "B" and the Turning Leaf PUD Conditions, dated February 20, 2004, as described in the attached Exhibit "C"; and

WHEREAS, the owner of the property described in the attached Exhibit A has authorized Daniel McCranie to apply for a re-zoning and re-classification of the property from Open Rural (OR) to that of a Planned Unit Development (PUD) pursuant to which the property will be developed as provided herein; and

WHEREAS, the Planning and Zoning Board has considered said application and held public hearings on the same after due notice

on April 6, 2004, and made its findings and recommendations thereon; and

WHEREAS, the Board of County Commissioners has considered the findings and recommendations of the Planning and Zoning Board and has held its own public hearings on the application after due notice and finds that the property described in the attached Exhibit "A" are suitable in location and character for the uses proposed in said application according to the criterion as set forth in Ordinance No. 97-19, as amended, Article 25, Planned Unit Development.

NOW THEREFORE, BE IT ORDAINED this 26th day of April, 2003, by the Board of County Commissioners of Nassau County, Florida, that the application for the Turning Leaf Planned Unit Development is hereby approved and the Turning Leaf Lands shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Ordinance No. 97-19, as amended, Article 25, Planned Unit Development and further subject to the additional conditions, requirements and findings described below:

SECTION 1. The Planned Unit Development concept shall be as indicated on the PUD Preliminary Development Plan attached hereto as Exhibit "B". The Planned Unit Development is further subject to the requirements of Ordinance No. 97-19, as amended, in effect on the date hereof except as otherwise provided herein.

SECTION 2. Owner and Description. First Coast Equity Resources, LLC and Doug Grosse currently owns the property re-zoned by this Ordinance and the applicant/Developer is Daniel McCranie. The legal description is attached hereto as Exhibit "A".

SECTION 3. Conditions: The conditions set forth as Exhibit "C" (the "PUD Conditions") shall be made a part of this Planned Unit Development, and the property shall be subject to said PUD Conditions. Further, the conditions of the Nassau County Zoning Ordinance Code established pursuant to Ordinance 97-19, as amended, established for the final development plan review are applicable, as are Goals and Objectives of the Nassau County Comprehensive Plan as is currently in effect in Nassau County, Florida.

SECTION 4. This Ordinance shall take effect upon its being filed in the Office of the Secretary of State.

ADOPTED this 26th day of April, 2004.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



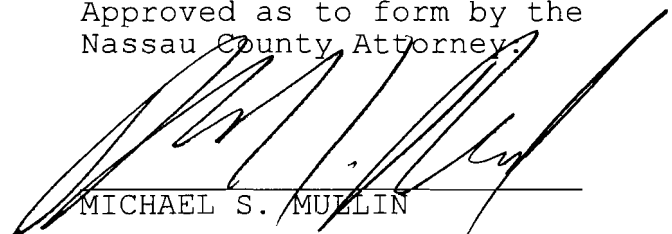
FLOYD L. VANZANT
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex/Officio Clerk

Approved as to form by the
Nassau County Attorney.



MICHAEL S. MULLIN

EXHIBIT "A"

Coastal Land Surveyors

Boundary • Subdivisions • Topographic • Construction

34 North 14th Street
Fernandina Beach, FL 32034
(904) 281-8850 Voice
(904) 277-8850 Fax

LEGAL DESCRIPTION 0311-21

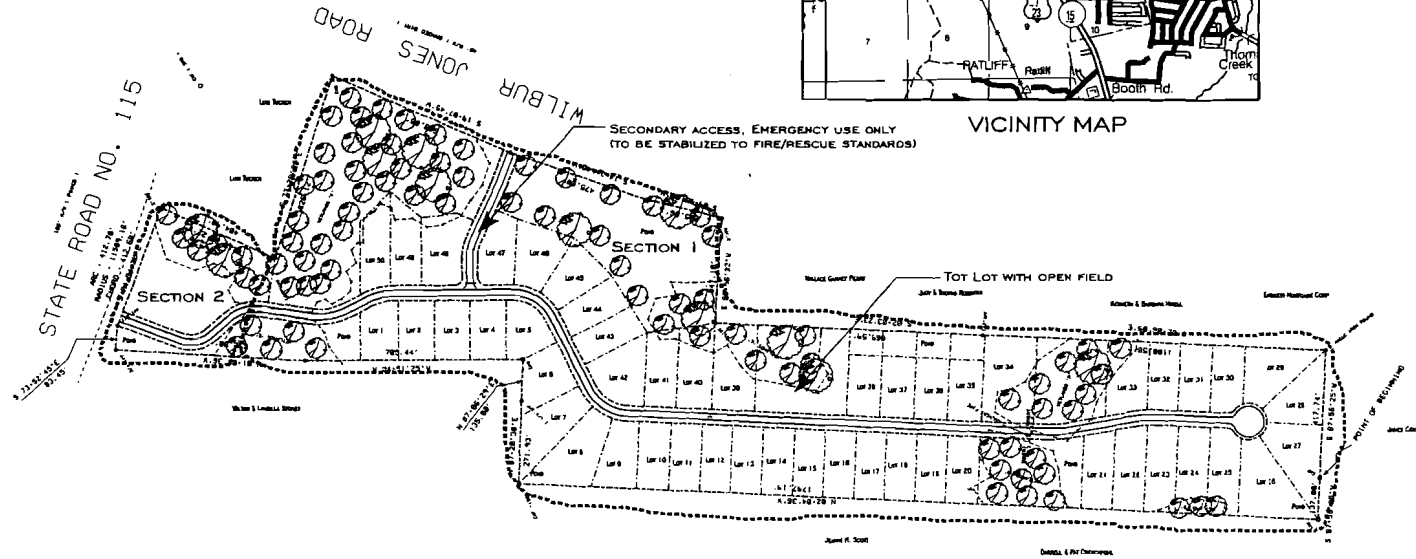
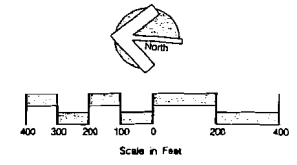
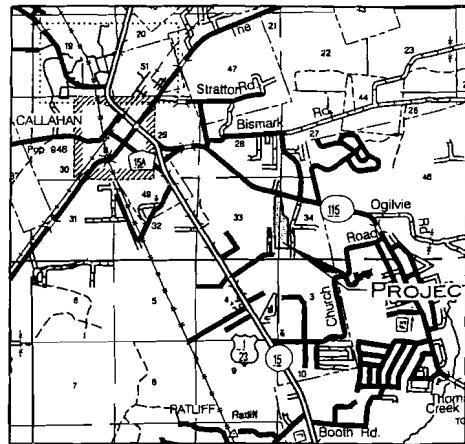
A PORTION OF SECTIONS 33 AND 34, TOWNSHIP 2 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 34, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE SOUTH 87 DEGREES 56 MINUTES 25 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 137.00 FEET TO THE EASTERLY LINE OF PINEBREEZE ESTATES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 5, PAGE 307, OF PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01 DEGREES 59 MINUTES 32 SECONDS WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 786.63 FEET TO A POINT; THENCE NORTH 02 DEGREES 04 MINUTES 36 SECONDS WEST CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 1797.19 FEET TO A POINT LOCATED AT THE NORTHEAST CORNER OF SAID PINEBREEZE ESTATES; THENCE NORTH 87 DEGREES 20 MINUTES 30 SECONDS EAST, A DISTANCE OF 271.93 FEET TO A POINT; THENCE NORTH 87 DEGREES 06 MINUTES 29 SECONDS EAST, A DISTANCE OF 135.00 FEET TO A POINT; THENCE NORTH 04 DEGREES 51 MINUTES 25 SECONDS WEST, A DISTANCE OF 705.44 FEET TO A POINT; THENCE NORTH 01 DEGREES 09 MINUTES 36 SECONDS WEST, A DISTANCE OF 610.38 FEET TO A POINT; THENCE NORTH 89 DEGREES 04 MINUTES 02 SECONDS EAST, A DISTANCE OF 79.50 FEET TO A POINT LOCATED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 115 (A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SAID POINT BEING LOCATED ON THE ARC OF A CURVE CONCAVE TO THE NORTHERLY AND HAVING A RADIUS OF 11509.16 FEET; THENCE AROUND AND ALONG SAID CURVE AN ARC DISTANCE OF 412.70 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 74 DEGREES 54 MINUTES 25 SECONDS EAST, 412.68 FEET) TO A POINT; THENCE SOUTH 19 DEGREES 38 MINUTES 22 SECONDS WEST, A DISTANCE OF 404.90 FEET TO A POINT; THENCE SOUTH 77 DEGREES 28 MINUTES 30 SECONDS EAST, A DISTANCE OF 626.12 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF WILBUR JONES ROAD (A 40 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 19 DEGREES 07 MINUTES 45 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 628.65 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY; THENCE SOUTH 14 DEGREES 34 MINUTES 45 SECONDS WEST CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 475.00 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE SOUTH 09 DEGREES 15 MINUTES 20 SECONDS WEST CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 245.86 FEET TO A POINT; THENCE SOUTH 88 DEGREES 56 MINUTES 22 SECONDS WEST, A DISTANCE OF 347.10 FEET TO A POINT; THENCE SOUTH 02 DEGREES 03 MINUTES 23 SECONDS EAST, A DISTANCE OF 869.59 FEET TO A POINT; THENCE SOUTH 02 DEGREES 06 MINUTES 05 SECONDS EAST, A DISTANCE OF 1100.50 FEET TO A POINT LOCATED ON THE SOUTHERLY LINE OF SAID SECTION 34; THENCE SOUTH 87 DEGREES 56 MINUTES 25 SECONDS WEST ALONG SAID SECTION LINE, A DISTANCE OF 417.74 FEET TO THE POINT OF BEGINNING.

PREPARED BY:

JIM PEACOCK, P.S.M. NO. 3718

EXHIBIT "B"



VICINITY MAP

LEGEND

-  WETLAND AREA
-  RECREATION / OPEN SPACE

NOTE: LOCATION AND SIZE OF LOTS, DETENTION PONDS, PROJECT ENTRANCES, RECREATION/OPEN SPACE AND OTHER IMPROVEMENTS OR AREAS SHOWN ON PLAN ARE CONCEPTUAL. ACTUAL LOCATION AND SIZE MAY VARY BASED UPON FINAL ENGINEERING PLAN APPROVAL FOR ANY PHASE OF THE PROJECT, AND BASED UPON THE TERMS OF THE TURNING LEAF PUD CONDITIONS APPROVED BY NASSAU COUNTY.

MAXIMUM NUMBER OF LOTS = 50
 MAXIMUM SF OF COMMERCIAL = 20,000 SF

ENGINEER - MCCRANIE & ASSOCIATES, INC.
 DEVELOPER - DOUG GROSSE
 SURVEYOR - COASTAL LAND SURVEYORS

| AREA CALCULATIONS | Ac. | % |
|-------------------|-------|------------------------------------|
| TOTAL | 57.43 | |
| RESIDENTIAL | 42.45 | 74% |
| OPEN SPACE | 12.12 | 21% (1.00 AC. ACTIVE/RECREATIONAL) |
| COMMERCIAL | 2.86 | 5% |

THE REQUIRED WETLAND BUFFERS WILL BE SHOWN ON THE ENGINEERING PLANS AND THE PLAN.

received
 [Handwritten signature]

| | | |
|----|------|-------------|
| 1 | DATE | DESCRIPTION |
| 2 | | |
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| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |

PROJECT NO: D. MCCRANIE
 DESIGNED BY: D. MCCRANIE
 DRAWN BY: A. DESLEY
 CHECKED BY: S. TADLER

McCrane & Associates, Inc.
 ENGINEERS

McCrane & Associates, Inc.
 2680 CHRISTIAN WAY - SUITE 101 - YULEE, FLORIDA 32097
 LAND DEVELOPMENT - ROADWAY DESIGN - PERMITTING

DOUG GROSSE

TURNING LEAF PUD

PRELIMINARY DEVELOPMENT PLAN

Sheet No. PDP-1
 DATE: JANUARY 16, 2004
 REGISTERED PROFESSIONAL: 04001

EXHIBIT "C"

(**"TURNING LEAF PUD CONDITIONS"**)

I. General Conditions:

The Turning Leaf Lands will be developed in one phase as delineated on the preliminary development plan. The Turning Leaf Preliminary Development Plan incorporates by reference the terms of these Turning Leaf PUD Conditions and the Developer's statements made in the related rezoning application, which collectively set forth the Developer's written plan of development for the Turning Leaf Lands, and which are intended to clearly demonstrate that approval of the Turning Leaf PUD will benefit the community as a whole and fulfill the applicable policies of the Nassau County Comprehensive Plan, and intent of Article 25, Planned Unit Development, of Ordinance 97-19, as amended, the Nassau County Zoning Code (the "Zoning Code"). The proposed preliminary phasing schedule is attached as Schedule 1 hereto (the "Phasing Schedule"). The Developer may choose to develop the Turning Leaf Lands in a different phasing order other than as set forth in the Phasing Schedule and at its option, may elect to commence all or multiple phases at one time, subject to prior notification of any planned changes to the phasing schedule, as outlined herein as Schedule 1, to the County Planning Director and Engineering Services Director. The Developer will update, as necessary, the Phasing Schedule based on market conditions at the time of the final development plan approval and engineering plan review for any phase of the PUD. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Turning Leaf PUD Preliminary Development Plan, the Developer must submit a final development plan for the Project to the Nassau County Planning and Zoning Board for review and to the Nassau County Board of County Commissioners for approval. The

Developers may, at their discretion, submit engineering plans for the initial phase(s), or for the Project as a whole, for approval by the Development Review Committee, pursuant to the provisions of Ordinance 2000-40, as amended, and Article 25, Planned Unit Development, of the Zoning Code, as amended. The Board of County Commissioners, upon request from the Developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Turning Leaf PUD Preliminary Development Plan is conceptual such that the final location of any Village and any roads, project entrances, recreation/open space and other areas will be depicted on the final development plan and the final engineering plans for the particular phases of the Project, subject to the provisions of Section 25.07 of the Zoning Code. The PUD will consist of up to fifty (50) dwelling units and related amenities and accessory uses located in Sections 1 and 2, and will consist of recreational amenities in Section 1.

II. Specific Conditions:

1. Recreational Amenities, Open Space and Common Areas. Recreational amenities, open space and common areas shall be provided for the project. Passive recreational amenities may include, but are not limited to, walking, bicycling and/or nature trails, wetland observation areas, etc. Recreational areas may be developed, operated and maintained within Section 1 and within any of the areas depicted as Recreation/Open Space on the Turning Leaf PUD Preliminary Development Plan. The location of these recreational areas will be determined at time of final development plan approval.

Active recreational facilities and accessory structures in the Project shall be subject to site plan approval by the Development Review Committee, pursuant to Ordinance 2000-40, and shall be

constructed within the twenty (20%) of open space provided, or within Section 1, which meets the open space requirements of Article 25. The Developer will determine the specific amenity improvements to be made within the Turning Leaf PUD based on market, environmental, permit and design factors, conditions and requirements of the Developer. The Developer, or the homeowners association or property owners association after acquiring title to the common areas, and recreational amenities within the Turning Leaf PUD, may adopt rules and regulations governing the use of the same by the residents of Turning Leaf PUD. The Developer will have no obligations to maintain or improve the recreational amenities, open space or common areas after conveyance to the homeowners association or property owners association, subject to fulfillment of the recreation and open space requirements herein. In all events, the Developer will provide not less than a cumulative total of one (1) acre of park sites within the Turning Leaf Lands as part of the recreational amenities for the project before issuance of the building permit for the twenty-sixth (26th) dwelling unit. The recreational amenity areas and related maintenance and use restrictions shall be evidenced by recorded deed restrictions or recorded Declaration(s) of Covenants and Restrictions (collectively, the "Covenants and Restrictions"). As shown on the Site Data Table in the Turning Leaf Preliminary Development Plan, the Developer has committed over twenty percent (20%) of the gross acreage of the Turning Leaf Lands for use as recreation and/or open space, and such calculation has been made in accordance with the requirements of the Zoning Code, Article 25. All privately owned recreation/open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for that applicable phase of the project.

If the Developer elects to administer common open space through a property owners and/or homeowners association or other nonprofit corporation, such organizations shall conform to the following requirements.

- a. The Developer shall establish the applicable association or nonprofit corporation prior to the sale of any lots or units by the Developer to any third party within the Turning Leaf Lands.
- b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the portion of such Turning Leaf Lands governed by such entity.
- c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Turning Leaf Lands. The Developer shall establish a master property owners and/or homeowners association for the Turning Leaf Lands that shall be responsible for the maintenance of stormwater drainage facilities, subject to the conditions herein. The property owners and/or homeowners association may be responsible for the maintenance of road, subject to the conditions herein.
- d. The applicable association or nonprofit corporation shall manage all common areas, recreational and open space and recreational facilities that are not dedicated to the public and that are within the lands that are subject to the jurisdiction of such association or nonprofit corporation; shall provide for the maintenance, administration and operation of such portions of the Turning Leaf Lands and any other lands within the Turning Leaf Lands not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation

All common area open space and recreational facilities for the

applicable phase of the project shall be included in the final development plans of the Project. Such common areas, open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each accompanying development phase of the project.

The Turning Leaf PUD shall be subject to Recreation Impact Fees for Community and Regional Parks. If the Developer chooses to construct active Community Park public recreation facilities, subject to the criteria established in the Regional Planning Council Report on Recreation Impact Fees, dated December 9, 2002, the Developer may receive impact fee credits, subject to the approval of such credits by the Board of County Commissioners and the provisions of Ordinance 87-17, as amended.

2. Stormwater Facilities: The Turning Leaf Lands will be served by a stormwater system, which shall adhere to the applicable standards of the St. Johns River Water Management District and Nassau County for stormwater systems, and shall be conveyed to the homeowners association and/or property owners association by deed and/or easement for maintenance and operation by the homeowners association and/or property owners association. The Developer shall secure a St. Johns River Water Management District permit, and any applicable Nassau County permits, for stormwater facilities before final approval of the Final Development Plan.

3. Development Standards:

The Turning Leaf Lands will include not more than fifty (50) dwelling units located in Section 1 and twenty thousand (20,000) sf of commercial in Section 2. The provisions of the Commercial - Neighborhood (CN) zoning district shall apply in Section 2. The Below are the site development standards for Sections 1 & 2:

A. Sections 1 and 2

Minimum Lot Requirements:

- i. Minimum lot width: one hundred (100) feet
- ii. Minimum lot area: Twenty-one thousand, seven hundred and eighty (21,780) square feet
- iii. Maximum allowable height: thirty-five (35) feet

Minimum Setbacks:

- i. Front: twenty-five (25) feet
- ii. Side yard: fifteen (15) feet
- iii. Rear yard: fifteen (15) feet

All yard requirements will be measured from the face of the exterior walls. Lot widths shall be measured as an average on irregular shaped lots. Corner lots shall have only one required front yard with the other roadway frontage to be considered the side yard. This side yard setback shall be increased by five (5) feet. Cantilevered projections from dwelling units shall be permitted to project no more than five (5) feet into the required minimum yard setback.

All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum yard setback requirements of ten (10) feet.

Home Occupations: Home occupations shall be allowed as a conditional use within any single-family residential parcel, in accordance with the provisions of Section 28.14 of the Zoning Code.

Off-Street Parking & Loading: Residential development within Section 1 shall be subject to the applicable off-street parking and loading required for such use, pursuant to the Article 31 of the Zoning Code.

4. Signage: The Turning Leaf Lands may have an entry feature and related project identification signage at all external entrances to the Turning Leaf Lands. External entrance project

identification signs shall not exceed one hundred and fifty (150) square feet on each face. Each Section shall also be entitled to project identification signage identifying the Section and the various owners and tenants within any commercial Section. All project signs may be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs may be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance, Section and distinct development areas or recreational area may be single faced or double faced and the external entrance signage may include two (2) separate signs, one on each side of the entrance. Traffic and street name signage may include aesthetic framing, however, any applicable FDOT/Nassau County standards for sign face, elevations, etc. will be maintained, by the Developer and/or homeowners' association as appropriate to these conditions, for such traffic and street name signage consistent with the provisions of this paragraph. There are no other specific reserved signage approvals requested for the Turning Leaf Lands, provided any residential Section shall be entitled to any signage allowed for single family residential districts. Home occupations, approved as a conditional use as detailed herein, shall be allowed signage in accordance with Section 28.14(A)(3) of the Zoning Code.

5. Sidewalks and Street Lights: Four (4) foot sidewalks with a five (5) foot wide minimum accessible passing zone every two hundred (200) feet shall be provided on both sides of all local streets and five (5) foot sidewalks on minor collectors. Driveways may act as passing zones if they do not exceed a two percent (2%) cross slope. Streetlights will also be provided along all streets. A lighting plan demonstrating the location of streetlights shall be submitted with final engineering plans for approval by the Development Review Committee.

6. Construction Standards: Except as specifically provided herein, all development in Turning Leaf Lands shall be in accordance with Nassau County's subdivision and land development

standards, and any applicable State standards, in effect as of the date of the Ordinance creating the Turning Leaf PUD and any applicable utility providers standards with respect to any water, sewer, or electrical utilities for Turning Leaf Lands served by a utility provider. All utilities shall be underground.

- A. All internal roads in the PUD shall be curb and gutter.
- B. The applicant shall provide a minimum fifteen (15) foot, average twenty-five (25) foot buffer, along Wilbur Jones Road, except at the second point of access.
- C. Flooding issues arising from drainage along Wilbur Jones Road shall be reviewed during site plan review and improvements to the overall drainage system to lessen flooding along Wilbur Jones Road shall be incorporated into the PUD.

7. Wetland Buffers: All wetlands within the Turning Leaf Lands as depicted on the Turning Leaf PUD Preliminary Development Plan shall be protected with undisturbed buffers of native vegetation between any developed area and such wetland with buffers that have an average width of fifty feet (50') and a minimum width of twenty-five feet (25') and provided access ways of no more than twenty feet (20') wide may be provided through the wetland buffer, pursuant to the current requirements of Nassau County Ordinance No. 2000-40, Section 6.5, adopted May 17, 1999, revised February 28, 2000 and revised September 25, 2000. The exact boundaries of wetlands and wetland buffers shown on the Turning Leaf PUD Preliminary Development Plan will be depicted on the final engineering plans for applicable phases of the Turning Leaf PUD consistent with the above requirements. If the buffer requirements are made to be less restrictive, the Developer may provide the smaller wetland buffer as long as the buffer conforms to all federal, state and local regulations.

8. Resident Boat and RV Storage Area: The Developer reserves the right to provide a boat and RV storage area as a permitted accessory use and structure within the Turning Leaf Lands specifically designated by the Developer for use by residents of the PUD. This use shall not be considered a commercial use. Any boat and RV storage area shall be buffered in accordance with the provisions of Section 28.08 of the Zoning Code.

9. Temporary Uses: Temporary sales offices, including modular units, for the sale of the lots and/or completed residences, will be permitted within Turning Leaf Lands until all of the residential lots and completed residences are sold, not to exceed one (1) unit in the residential section as delineated on the preliminary development plan. The developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval the location of said units.

The Developer, or its designated successor, assign or designee, will be required to maintain a copy of the approved Planned Unit Development Ordinance, including the Preliminary Development Plan and PUD Conditions in any sales office located upon the Turning Leaf Lands which is available for inspection by project residents and landowners, including the posting for public viewing of the preliminary development plan in any sales office, and this obligation shall be contained in the Covenants and Restrictions described below that are placed on the residential lands within the project. The siting of temporary construction trailers shall be allowed on Turning Leaf Lands during construction. The temporary construction trailers must be removed within thirty (30) days of completion of the improvements, for which the temporary construction trailers are being utilized, provided the right to temporary construction trailers shall continue until build-out of the project.

10. Alterations: Changes in the location of the road(s), project

entrances, stormwater system improvements, and to the boundaries, size and configuration of lots, Villages and Recreation/Open Space areas, as depicted on the Turning Leaf PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the alteration does not constitute a major deviation from the approved Preliminary Development Plan, subject to the provisions of Section 25.07 of the Nassau County Zoning Code and provided the integrity of the original application is maintained, provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.

11. Silviculture: The Turning Leaf Lands may continue to be used for agriculture/silviculture activity until such time as construction begins for a specific portion of the site, and any portions not then subject to construction may continue to be used as agriculture/silviculture.

12. Ownership And Maintenance: The Turning Leaf Lands and related uses/facilities associated therewith (other than individual lots or commercial parcels), will be owned, maintained and or operated as follows. Any areas associated with the development (i.e., amenities, recreation/open space areas, signage, landscape, stormwater systems, etc.) will be managed through a homeowners association(s) and/or a property owners association(s). To ensure that all of the recreation and open space areas described in these PUD Conditions, and depicted in the approved Turning Leaf Preliminary Development Plan for any phase of the project will be used as intended, the Covenants and Restrictions described above will contain provisions consistent with terms of this Section II, Subsections 1 and 12 and any deed from the Developer to third party purchasers in the project will incorporate such Covenants and Restrictions by reference to the Covenants and Restrictions in each deed. Such deed restrictions created by the Covenants and Restrictions shall run with the land in order to protect both present and future property owners within the Turning Leaf Lands.

The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas. The north-south road, and maintenance thereof, shall be dedicated or granted to Nassau County in accordance with Nassau County's standards for acceptance of such dedication, subject to the approval of the Board of County Commissioners. At the option of the Developer, if the development becomes a gated community, the roadways will remain private and the maintenance of the same will be the responsibility of the homeowners association or property owners association.

- A. The applicant shall dedicate to the County the applicable right-of-way, in accordance with County standards, along the length of the property fronting Wilbur Jones Road, subject to approval of the Engineering Services Department.

13. Access: Access to and from the Turning Leaf Lands will be provided as shown on the Turning Leaf PUD Preliminary Development Plan. The location of all external and internal project entrances, accesses and roadways may change based on environmental, permitting and design factors, conditions and requirements of the Developer. The Developer will finalize the location of all external and internal project entrances, accesses and roadways during the final engineering approval for the applicable phase of development, subject to the provisions of Section 25.07 of the Nassau County Zoning Code. Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic County services such as fire and police protection, emergency service needs of PUD residents, and site inspection by the Fire, Planning, Engineering and Code Enforcement departments to monitor adherence to County regulations and the conditions contained herein.

The Developer shall provide a total of two (2) road connections: one (1) to Lem Turner and one (1) to Wilbur Jones Road, which shall be shown on the preliminary development plan. The primary entrance shall be fully paved to Nassau County local road standards. The secondary access shall be for emergency access only. Access to the commercial properties in Section 2 shall be internally from the new north-south road.

14. Notification: The Applicant shall incorporate into the covenants and restrictions notification to all property owners that they are living in a Planned Unit Development (PUD), which may include a commercial component.

III. Justification for Planned Unit Development Classification for this Project and Approval of the Preliminary Development Plan:

The proposed project allows for development of the Turning Leaf Lands for single-family residential uses in a manner that warrants flexibility in the application of land use controls for Nassau County, Florida consistent with the intent of Article 25 of the Zoning Code. The project design is in harmony with the general purpose and intent of the Nassau County Comprehensive Plan and the Zoning Code. The design and layout of the Turning Leaf Planned Unit Development implemented by these PUD Conditions:

1. Is creative in its approach through the use of natural features of the site and its approach to development of the project;

2. Accomplishes a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Code;

3. Provides for an efficient use of the Turning Leaf Lands, resulting in small well designed networks of utilities and streets

and thereby lowers development costs;

4. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation and open space areas in excess of existing Zoning Code and subdivision requirements;

5. Provides an environment of stable character compatible with the surrounding areas;

6. Retains property values over the years and makes a substantial improvement of the quality of development of the Turning Leaf Lands after the date hereof; and

7. The Turning Leaf PUD Preliminary Development Plan which incorporates by reference the terms of these PUD Conditions and the statements made by the Developer in the related zoning exception includes the criteria required for the Nassau County Planning and Zoning Board and the Nassau County Board of County Commissioners to review and approve the Turning Leaf PUD Preliminary Development Plan.

Schedule 1

"Phasing Schedule"

TURNING LEAF ESTIMATED PHASING SCHEDULE

| Year | Use | Quantity | Units | Cumulative Total |
|------|--------------------------------------|----------|----------------|------------------|
| 2005 | Single Family | 50 | Dwelling Units | 50 units |
| | | | | |
| 2008 | Residential Commercial | 20,000 | Square Feet | 20,000 sf |
| | | | | |
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