



findings and recommendations of the Planning and Zoning Board and has held its own public hearings on the application after due notice and also considered the Comprehensive Land Use Plan, and finds that the property described in the attached Exhibit "A" is 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 13th day of December, 2004, by the Board of County Commissioners of Nassau County, Florida, that the application for the Planned Unit Development is hereby approved and the land shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Article 25 of Ordinance No. 97-19, of the County of Nassau 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. Nassau Partners, LTD currently own the property re-zoned by this Ordinance and the applicant's

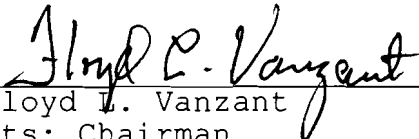
agent is Rogers Towers, PA.

**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 13th day of December, 2004.

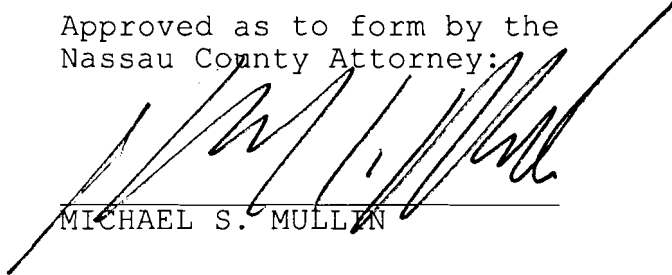
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
Floyd L. Vanzant  
Its: Chairman

ATTEST:

*J.M. Oxley, Jr. Clerk*  
*by J. Bradley, Deputy Clerk*  
\_\_\_\_\_  
J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
MICHAEL S. MULLEN

**EXHIBIT "A"**

EXHIBIT "A"

LEGAL DESCRIPTION:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING GOVERNMENT LOT 1 AND A PORTION OF GOVERNMENT LOT 2 SECTION 14, A PORTION OF GOVERNMENT LOTS 1 AND 2, SECTION 13, AND A PORTION OF SECTIONS 11 AND 12 ALL IN TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS - SECTION 74160-2401) INTERSECTS THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS - SECTION 74614-2601) AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE EAST AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST ALONG LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST; A DISTANCE OF 812.78 FEET TO THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OF NASSAU PARTNERS LTD. ACCORDING TO DEED RECORDED IN BOOK 839, PAGE 765 OF THE OFFICIAL RECORDS OF SAID COUNTY FOR THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN THE FOLLOWING FIVE (5) COURSES ALONG THE SOUTHERLY, SOUTHWESTERLY, SOUTHERLY AND THEN EASTERLY LINE OF LAST MENTIONED LANDS (1) RUN THENCE SOUTH 90°-00'-00" EAST, A DISTANCE OF 2245.05 FEET TO A POINT; (2) RUN THENCE SOUTH 40°-00'-00" EAST, A DISTANCE OF 1340.06 FEET TO A POINT; (3) RUN THENCE SOUTH 85°-00'-00" EAST, A DISTANCE OF 1072.69 FEET TO A POINT; (4) RUN THENCE NORTH 20°-00'-00" WEST, A DISTANCE OF 956.13 FEET TO A POINT; (5) RUN THENCE NORTH 15°-00'-00" EAST, A DISTANCE OF 966.30 FEET TO A POINT ON THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, SAID POINT HEREINAFTER DESIGNATED AS POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 06°-00'-20" EAST ALONG THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD, A DISTANCE OF 1821.89 FEET TO AN ANGLE POINT; RUN THENCE SOUTH 06°-30'-20" EAST CONTINUING ALONG LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1391.52 FEET TO THE SOUTHWEST CORNER OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY INC. ACCORDING TO DEED RECORDED IN BOOK 579, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE NORTH 88°-50'-49" EAST ALONG LAST MENTIONED SOUTHERLY LINE, THE SAME BEING THE SOUTHERLY LINE OF GOVERNMENT LOT 2 AND GOVERNMENT LOT 1, A DISTANCE OF 2054.85 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; RUN THENCE SOUTH 01°-22'-25" EAST ALONG A WESTERLY LINE OF SAID LANDS OF RAYLAND COMPANY INC., THE SAME BEING THE EASTERLY LINE OF GOVERNMENT LOT 9 AND THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF RUFUS M. GRIDER ACCORDING TO DEED RECORDED IN BOOK 270, PAGE 593 OF THE OFFICIAL RECORDS OF SAID COUNTY, A DISTANCE OF 761.41 FEET TO THE NORTHWEST CORNER OF NASSAU LANDING SUBDIVISION ACCORDING TO PLAT RECORDED IN PLAT BOOK 4, PAGES 84 & 85 OF THE PUBLIC RECORDS OF SAID COUNTY; RUN THENCE SOUTH 73°-18'-08" EAST ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 1330.63 FEET TO A POINT; RUN THENCE NORTH 05°-36'-10" EAST, A DISTANCE OF 1314.20 FEET TO A POINT; RUN THENCE NORTH 90°-00'-00" EAST, A DISTANCE OF 1538.69 FEET TO A POINT ON THE EASTERLY LINE OF THE AFOREMENTIONED LANDS OF RAYLAND COMPANY, INC.; RUN THENCE NORTH 13°-25'-49" EAST ALONG LAST MENTIONED EASTERLY LINE, A DISTANCE OF 182.96 FEET TO A POINT; RUN THENCE SOUTH 83°-28'-26" EAST ALONG A SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 326 FEET, MORE OR LESS, TO A POINT ON THE AFOREMENTIONED WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, SAID POINT BEARS SOUTH 24°-36'-38" EAST FROM THE AFOREMENTIONED POINT "A"; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE MEANDERINGS OF SAID MEAN HIGH WATER LINE, A DISTANCE OF 6900 FEET, MORE OR LESS, TO SAID POINT "A".

THE LAND THUS DESCRIBED CONTAINS 368.55 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

**EXHIBIT "B"**





**EXHIBIT "C"**

## EXHIBIT "C"

### ("RIVER GLEN PUD CONDITIONS")

#### I. General Conditions:

River Glen PUD consists of approximately three hundred sixty nine (369) acres located east of Edwards Road and south State Road 200/A1A in Nassau County. The River Glen PUD will be a low density residential community consisting of up to six hundred ninety (690) units of single family residential homes and patio homes. The PUD will provide for 7.94 acres of active recreational space, in addition to nearly 8 acres of passive recreation space. Gross density is approximately 1.8 units per acre.

- A. River Glen will be developed as depicted on the preliminary development plan (attached hereto as Exhibit "B"). The River Glen Preliminary Development Plan incorporates by reference the terms of these PUD Conditions and the Developer's statements made in the related rezoning application, which collectively set forth the Developer's written plan of development, and which are intended to clearly demonstrate that approval of the River Glen PUD will benefit the community as a whole and fulfill the applicable policies of the Nassau County Comprehensive Plan, and intent of Article 25 of Ordinance 97-19, as amended, the Nassau County Zoning Code (the "Zoning Code").
- B. The Developer shall develop River Glen in multiple phases as set forth on the Preliminary Development Plan. The Developer may choose to develop the project 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 to the County Growth Management Director and Director of Engineering Services. As part of the final development plan submittals to Nassau County for any phase of the project, 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.
- C. Within one (1) year after approval by the Nassau County Board of County Commissioners of the River Glen PUD Preliminary Development Plan, the Developer shall submit a final development plan for the initial phase of development of the Project to the Nassau County Planning and Zoning Board for review and to the Nassau County

Board of County Commissioners. The Developers may, at their discretion, simultaneously submit engineering plans 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.

- D. The location and size of all lots, roads, project entrances, access, recreation, open space and other areas shown on the River Glen PUD Preliminary Development Plan are conceptual and may be changed without the amendment of this PUD. The final location of residential areas, roads, project entrances and access, recreation/open space areas, and other areas will be depicted on the final development plan and the final engineering plans for particular phases of the project, so long as the proposed changes will not trigger a major deviation to the PUD pursuant to Section 25.07 of the Zoning Code.

If there is any inconsistency in the terms and conditions of this PUD with any County Ordinance or requirements, the terms and conditions of this PUD shall govern.

## **II. Specific Conditions:**

### **A. Recreational Amenities, Open Space and Common Areas:**

1. The development is uniquely located adjacent to Plummer's Creek. There will be two amenity areas, one which will focus on the use of Plummer's Creek including access to the creek, areas for quiet enjoyment for viewing the creek, picnic areas, and walking trails. The developer shall provide for pedestrian interconnectivity with the passive recreational amenities within the adjoining Timber Creek PUD. There will also be a designated area to launch small boats, such as kayaks or canoes into the Creek. The recreation areas shall include a general community recreational facility, including a multi-purpose playfield, children's playground, pool, tennis court and similar community recreational uses. The location of these recreational areas is indicated on the River Glen Preliminary Development Plan. In addition, an area may be designated within the development for RV and boat storage. All common area open space and recreational facilities for the applicable

phase of the project shall be included in the final development plan of the Project. The Large Amenity Center consisting of, at a minimum, pool, clubhouse, playground, basketball court and multi-purpose recreation field, shall be completed no later than the issuance of the one hundredth (100<sup>th</sup>) certificate of occupancy.

2. The Developer, or the homeowners association or property owners association, after acquiring title to the common areas, and recreational amenities within River Glen PUD, may adopt rules and regulations governing the use of the same by the residents. 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 set forth herein.
3. 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"). 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 the project.
4. As shown on the Site Data Table in the Preliminary Development Plan, the Developer has committed over thirty three percent (33 %) of the gross acreage of the site for use as recreation and/or open space, including 8 acres of passive recreational areas. This calculation has been made in accordance with the requirements of the Zoning Code, Article 25, § 25.04(F).
5. The River Glen PUD shall be subject to the Recreation Impact Fees for Community and Regional Parks, pursuant to Ordinance 2003-25 as amended. If the Developer chooses to construct active Community Park public recreation facilities, subject to the criteria set forth in the Regional Planning Council Report on Recreation Impact Fees, dated December 9, 2002, the Developer may receive impact fee credits in the amount of the total obligation of the Developer for the Community Park recreation impact fee. Otherwise, the provisions of Ordinance 87-17, as amended, shall apply.

B. Administration of Community Space and Facilities:

1. 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. The Developer shall establish the applicable association or nonprofit corporation through Covenants and Restrictions prior to the sale of any lots or units by the Developer to any third party within the River Glen Lands. 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 Project.
2. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the River Glen PUD governed by such entity.
3. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the River Glen PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the River Glen PUD that may be responsible for the maintenance of certain infrastructure subject to the conditions set forth herein.
4. The applicable association or nonprofit corporation shall manage all common areas, recreational and open space and recreational facilities that are not otherwise 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 River Glen PUD and any other land located within the River Glen PUD that is not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.

C. Stormwater Facilities:

1. The River Glen PUD shall be served by a stormwater system, which shall adhere to the applicable standards of the St. Johns River Water Management District and

Nassau County, and the system, storm sewers, drainage channels, and detention basins 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.

2. A St. Johns River Water Management permits for stormwater facilities shall be obtained by the Developer prior to Final Development Plan approval, pursuant to Ordinance 2000-40, as amended.

D. Residential Development Standards:

1. The River Glen lands shall include not more than 690 dwelling units. Below are the site development standards for each housing area:

a. Minimum Lot Requirements:

- (1) Minimum lot width:
- (2) Single Family lots:
- (3) Fifty (50) feet (no more than twenty-five percent (25%) of the total number of lots in this development shall be fifty (50) feet, i.e. 172 lots maximum)
- (4) Fifty-Five (55)
- (5) Sixty (60)
- (6) Seventy (70)
- (7) Eighty (80)
- (8) Flag lots on curves require a minimum of twenty (20) feet of frontage. Curved roads and cul de sacs will require a minimum of 25 feet of frontage. So long as a flag lot or a lot on a curved road or cul de sac provides an average lot width of fifty (50) feet (for the purpose of determining an average lot width, the flag-pole portion of the lot may be excluded), the structure can be built anywhere on the lot so long as required set backs are met.

b. Minimum lot area:

- (1) Patio Homes: Four thousand five hundred (4500)
  - (2) Single Family lots
  - (3) 5000 square feet for 50 foot lots
  - (4) 5500 square feet for 55 foot lots
  - (5) 6000 square feet for 60 foot lots
  - (6) 7000 square feet for 70 foot lots
  - (7) 8000 square feet for 80 foot lots
- c. Maximum allowable height:  
All units: Thirty-five (35) feet
- d. Maximum lot coverage: Fifty percent (50%)
- e. Minimum Setbacks:
- (1) Front: Twenty (20) feet. The front setback shall be measured from the street toward which the front door faces.
  - (2) Side yard: Five (5) Feet for Single Family units, a total of 10 feet for Patio Homes with one side yard allowed to be zero (0) feet.
  - (3) Rear yard: Fifteen (15) feet
2. All yards shall be measured from the finished face of the exterior foundation walls to the property line. Lot widths shall be measured as an average on irregular shaped lots. Cantilevered projections from dwelling units shall be permitted to project no more than five (5) feet into the required minimum front or rear yard setback.
  3. All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum rear yard setback requirement of ten (10) feet and shall not be located in the front yard.
  4. Accessory Structures shall be allowed per Article 28.16 of the Zoning Code.
  5. Home Occupations: Home occupations shall be permitted as a conditional use within any residential dwelling, in accordance with the provisions of Section 28.14 of the Zoning Code.

E. Temporary Uses: The following temporary uses are permitted:

1. A temporary sales office for the sale of lots and houses will be permitted within the community until all of the homes are sold. Such offices may be moved within the property as development proceeds from phase to phase. In addition, model homes shall be permitted in the development until all the lots are sold. So long as the home is being used as a model home and sales office is located in the garage, the garage doors may be removed and replaced with either sliding glass doors or French doors. Upon completion of the project where a temporary sales office or model home is utilized, the home must be restored to its original appearance.
2. Temporary construction trailers as needed to support the construction process for the various uses. The temporary construction trailers shall be removed within thirty (30) days of completion the improvements for which they were intended, provided that the right to utilize such temporary facilities shall continue until build-out of the project.
3. These temporary facilities may utilize special decorative and security lighting as long as the temporary facilities are in use.
4. These temporary facilities may utilize temporary septic tanks and/or pump-out sewerage storage tanks as approved by the County Health Department, and temporary overhead electrical service. All such facilities will be removed upon removal of the temporary facilities.

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

G. Signage:

1. Permanent Signage: The Project may have an entry feature and related project identification signage at the Primary Entrance. The Primary Entrance identification signs shall not exceed one hundred and fifty (150) square feet on each face. The Secondary Access may have a sign not to exceed seventy five (75) square feet on each face that identifies the project and defines the rules governing the access. Sub-areas within the project shall also be entitled to project



identification signage identifying the sub-area. Each distinct development area and recreational area within the project shall also be entitled to identification signage. Sub-area or recreational area identification signage shall not exceed fifty (50) square feet on each sign face. All project signs may either 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 light units projecting onto the sign. The signs at the Primary Entrance and distinct development areas or recreational area may be single faced or double faced and the Primary Entrance signage may include two (2) separate signs, one on each side of the entrance.

2. Temporary Signage: Temporary marketing and/or promotional signage shall be allowed within the project adjacent to the Primary Entrance at Edwards Road until all of the residential lots, completed residences and neighborhood and community commercial lands are sold (the "Temporary Marketing Signage"). The Temporary Marketing Signage may consist of up to two (2) marketing signs at the project entrance, a marketing sign at the project sales office, and signs at each residential unit or lot. The Temporary Marketing Signs located at the primary entrance and at the sales office may be single faced or double faced and each sign shall be limited to a maximum cumulative signage area of no more than one hundred (100) square feet. The signs at each residential unit and lot shall not exceed ten (ten) square feet per face.
3. 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 applicable homeowner's or property owner's association as appropriate to these conditions, for such traffic and street name signage consistent with the provisions of this paragraph. Nassau County will not be required to maintain the decorative portion of any signage accepted by Nassau County for maintenance.

H. Sidewalks and Street Lights: Sidewalks shall be provided on both sides of all interior streets and along the eastern side of Edwards Road for the segment which adjoins the

River Glen PUD. Streetlights shall be provided on each street in the residential areas. Special decorative lighting may be provided at the primary project entrance, at the recreation areas and at entrances into defined sub-areas of the site. All site lighting proposals are subject to review and approval as part of the Final Development Plan.

- I. Construction Standards: Except as specifically provided herein, all development in River Glen PUD 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 PUD and any applicable utility providers standards with respect to any water, sewer, or electrical utilities for the PUD served by JEA or any other utility provider. Prior to the issuance of any building permit for a dwelling unit or recreational facilities, water mains and fire hydrants shall be installed and operational and the sub-base of all roads stabilized except that model home permits shall be exempt from this provision.
  
- J. Utilities: All sewer, water, electrical, telephone, and cable distribution and collection lines will be constructed underground where possible, unless stated otherwise or as required by the respective franchise companies. Above ground utility elements such as transformers and switching boxes will be screened and/or landscaped. All utilities shall be provided in accordance with the rules and regulations established by the appropriate governmental agency. Ownership, maintenance and operation of the water, sewer, electrical, telephone and other service utilities will be the responsibility of the respective franchise companies serving the area. Temporary overhead power and telephone lines as well as construction "drop" poles at each structure may be used during construction until such time as underground service is available.
  
- K. Wetland Buffers:
  1. All wetlands within the River Glen Lands, except those wetlands where Developer has obtained a permit to dredge or fill, 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 (50) feet and a minimum

width of twenty-five (25) feet and provided access ways of no more than twenty (20) feet 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 term "access ways" as used here shall mean trails or boardwalks as may be constructed to serve individual lots.

2. The exact boundaries of wetlands and wetland buffers indicated on the River Glen PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement. If the buffer requirements of the Nassau County Comprehensive Plan are revised to be less restrictive prior to final approval of the Final Development Plan, the Developer may provide the newly defined wetland buffer by administrative amendment so long as the buffer conforms to all federal, state and local regulations.
- L. Landscaping and Buffers: Any maintenance/service site to be developed within the project shall be buffered from adjacent residential structures by an opaque wall or fence at least six feet in height or by a landscape planting area at least ten feet deep.
- M. Alterations: Changes in the location of the road(s), project entrances, stormwater system improvements, and to the boundaries, size and configuration of lots and Recreation/Open Space areas, as depicted on the River Glen PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the change does not constitute a Major Amendment to the PUD pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code, provided the integrity of the original application is maintained and provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.
- N. Silvicultural Uses: The River Glen Lands may continue to be used for silvicultural 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 silviculture subject to

application of “best management practices” including controlled burning as approved by Florida Forestry Division.

- O. Ownership And Maintenance: River Glen Lands and related uses/facilities associated therewith (other than individual lots or commercial parcels), will be owned, maintained and or operated as follows:
1. Any common 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). All roadways and stormwater management facilities shall remain private and shall be maintained and operated by the homeowner’s or property owner’s association as established by the Developer.
  2. To ensure that all of the recreation and open space areas described in these PUD Conditions and depicted in the approved 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 these PUD Conditions 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. The Applicant shall also incorporate into the covenants and restrictions notification to all property owners that they are living in a Planned Unit Development (PUD).
  3. 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 River Glen Lands. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas.
  4. Ownership, maintenance and operation of the water, sewer, electrical, telephone and other service utilities will be the responsibility of the respective franchise companies serving the area. Appropriate easements over the private streets and other areas of the Project will be granted as need to support the provision of such services.

P. Access:

1. Access to and from the River Glen Lands will be provided as shown on the PUD Preliminary Development Plan. Both main access points will be from Edwards Road. There will be no connection from internal streets to any another development outside the PUD. The Developer reserves the right to provide secure access to the community by way of gated access available to the residents and fire, police and emergency personnel.
2. 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, so long as the changes do not constitute a Major Amendment to the PUD pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code. The Developer will finalize the location of all external project entrances, accesses and roadways during the final engineering approval for the applicable phase of development.
3. 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. In addition, Rayonier will be provided an easement across the River Glen lands to its adjacent woodlands property.
4. 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 Emergency Services, Planning, Engineering and Code Enforcement departments to monitor adherence to County regulations and the conditions contained herein. If any road is gated, the gate shall automatically open in response to a “yelp” electronic siren.

Q. Concurrency: It is acknowledged that the County has issued to the River Glen PUD a “DECISION GRANTING FINAL CERTIFICATE OF CONCURRENCY WITH CONDITIONS” dated June 11, 2004 approving 690 Single Family Detached Housing Units. The expiration date of the certificate is June 11, 2006. However, so long as the

conditions of the River Glen PUD and the conditions of the Final Certificate of Concurrency are met, the certificate of concurrency shall remain in full force and effect without the necessity for extension or renewal.

- R. Open Spaces: The area depicted as “open spaces” on the Preliminary Development Plan, including but not limited to the wetland preservation areas, wetland mitigation areas and recreational amenities, shall be permitted to be used for passive and active recreational activities. Multi-purpose trails and walkways may be constructed in and through these areas subject to applicable wetlands and other permits. The exact boundaries of all such areas shall be established on the Final Development Plans for each phase or increment of development.
  
- S. Sidewalks and Trails: A five (5) foot sidewalk shall be provided along the eastern side of Edwards Road for the portion which adjoins the River Glen PUD. Four (4) foot sidewalks shall be provided on both sides of all streets with 5’x 5’ passing zones or its equivalent provided every 200’ or as otherwise provided in and subject to compliance with Nassau County and the State of Florida Americans with Disabilities (ADA) requirements. Driveways may act as passing zones if they do not have cross slope exceeding two percent (2%). If the projected traffic on any portion of a street causes that portion to meet the County’s definition of a “Collector”, the sidewalks along that portion of the street shall be five (5) feet in width.
  
- T. School Impact Fees: The Developer acknowledges the Inter-local agreement that exists between Nassau County and the Nassau County School Board. The Developer has met with the representative(s) of the School Board pursuant to that agreement for purposes of discussing the potential school impacts of the proposed development. The Developer has executed a “School Capacity Solution Letter” and delivered same to the County Planning Office and the School Board. It is understood that such Letter shall be attached to the PUD Ordinance as Exhibit D.
  
- U. Public Disclosure: 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 builder sales office located in the project which is available for inspection by project residents and landowners, including the posting for public viewing of the preliminary development plan in any builder sales office, and this obligation shall be contained in the Covenants and Restrictions that are placed on the residential lands within the project.

V. Use of Approved Development Rights: The number of dwelling units assigned to this development shall not be eligible for use on any properties other than those rezoned by this application to create the River Glen PUD.

W. Additional Nassau County Fire/EMS Impact Fees: At the time a building permit is obtained, an additional Fire/EMS Impact Fee of \$550.00 per dwelling unit, for the first five hundred (500) units, will be paid to the County for Fire/EMS purposes. The amount and number of units that will pay the extra amount were calculated and proposed by the Developer.

**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 River Glen PUD 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 Nassau County 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 River Glen Planned Unit Development (PUD) requirements:

- A. Is creative in its approach through the use of natural features of the site and its approach to development of the project;
- B. Accomplishes a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Code;
- C. Provides for an efficient use of the River Glen Lands, resulting in small well designed neighborhood, and networks of utilities and streets, creating a homogenous master

planned community;

- D. 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;
- E. Provides an opportunity for new approaches to ownership through implementation of a variety of lot types and styles that will allow opportunities for home ownership by a broad range of individuals;
- F. Provides an environment of stable character compatible with the surrounding areas;
- G. Retains property values over the years and makes a substantial improvement of the quality of development of the River Glen Lands after the date hereof; and
- H. The River Glen PUD Preliminary Development Plan which incorporates by reference the terms of these PUD Conditions and the statements made by the Developer in the related rezoning application 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 River Glen PUD Preliminary Development Plan.