

INSTR # 200632845  
OR BK 01439 PGS 0728-0750  
RECORDED 08/24/2006 12:25:50 PM  
JOHN A. CRAWFORD  
CLERK OF CIRCUIT COURT  
NASSAU COUNTY, FLORIDA  
RECORDING FEES 197.00

**ORDINANCE NO. 2006 - 65**

AN ORDINANCE AMENDING ORDINANCE NO. 2005-47, WHICH AMENDED ORDINANCE 83-19 AS AMENDED. THIS ORDINANCE REZONES AND RECLASSIFIES PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO THAT OF A PLANNED UNIT DEVELOPMENT (PUD); THE NAME OF THE PUD IS "TUPELO PLANTATION PUD"; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of County commissioners adopted Ordinance 83-19, enacting and establishing a Comprehensive Zoning Code for the unincorporated portion of Nassau County, Florida, and which Ordinance has been subsequently amended including Ordinance 97-19; and

**WHEREAS**, the Board of County Commissioners adopted Ordinance No. 2005-47 on June 13, 2005; and

**WHEREAS**, the "owners" of that certain property have requested that Ordinance No. 2005-47 be amended; and

**WHEREAS**, the "owner" of that certain property in the attached Exhibit "A" intend to develop the described property in accordance with a master plan; and

**WHEREAS**, the "owner" of that certain property in the attached Exhibit "A" have applied for a re-zoning and re-classification of that property from OPEN RURAL (OR) to that of a PLANNED UNIT DEVELOPMENT (PUD); and

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Rec 197.00

\*Return: Joyce Bradley

**WHEREAS**, the Planning and Zoning Board of Nassau County has considered said application and held public hearings on the same after due notice, 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 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 14th day of August, 2006, 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 two (2) PUD Preliminary Development Plans (Phases I-III as approved by Ordinance 2005-47 and Phase IV as approved by

this Ordinance) 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.

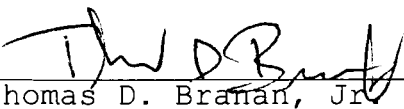
**SECTION 2.** Owner and Description. Tupelo Plantation Developers, LLC currently owns the property re-zoned by this Ordinance and the applicants/Developers are Kyle F. Davis and Tupelo Plantation Developers, LLC.

**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 14th day of August, 2006.

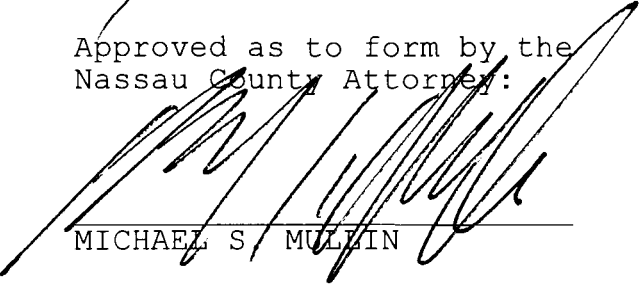
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
Thomas D. Branahan, Jr.  
Its: Chairman

ATTEST:

  
\_\_\_\_\_  
John A. Crawford  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
\_\_\_\_\_  
MICHAEL S. MULLIN

**EXHIBIT "A"**

R 06-023

9

BOUNDARY SURVEY

OF

LANDS SITUATED IN

SECTION 17, TOWNSHIP 1 NORTH, RANGE 24 EAST;  
NASSAU COUNTY, FLORIDA.

SECT.

SECT.

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DESCRIPTION OF LANDS SURVEYED:

A Tract of land situated in Section 17, Township 1 North, Range 24 East; Nassau County, Florida: said Tract being more particularly described as follows:

Begin at a Litewood Post at the Northwest corner of Section 17 and run N 89 deg 10 min 27 sec E , along the North line of said Section 17, a distance of 670.0 feet to a concrete monument; Thence run S 06 deg 30 min 00 sec E, 1310.0 feet; Thence run S 45 deg 44 min 31 sec E, 3982.556 feet; Thence run S 00 deg 34 min 42 sec E, 1220.0 feet to the South line of said Section 17; Thence run S 89 deg 25 min 18 sec W, along said South line, 979.01 feet to the 1/4 Section corner on the South line of said Section 17; Thence run S 89 deg 40 min 43 sec W, along said South line, 2649.51 feet to a concrete monument at the Southwest corner of said Section 17; Thence run N 00 deg 35 min 12 sec W, along the West line of said Section 17, a distance of 5316.27 feet to the Point of Beginning.

**EXHIBIT "B"**



**PUD SPECIFICATIONS**

**NET ACREAGE CALCULATIONS**

TOTAL SITE ACRES - 148 ACRES  
 POLAR W/LAND ACRES AGRICULTURAL PLANNING  
 POLAR ACRES VETLAND SETBACK PLANNING  
 POLAR ACRES VETLAND SETBACK PLANNING  
 POLAR ACRES VETLAND SETBACK PLANNING  
 POLAR ACRES VETLAND SETBACK PLANNING  
 POLAR ACRES VETLAND SETBACK PLANNING

**GENERAL NOTES:**

ALL CHANGES TO COMPLY WITH SURVY & BROWARD COUNTY REQUIREMENTS  
 ALL SPECIAL REQUIREMENTS TO BE STABILIZED ONLY APPROVED

**PROPERTY LINE (TYPE)**  
**VETLAND LINE (TYPE)**

**OPEN SPACE**

**MINIMUM LOT WIDTH - 100 FEET  
 MINIMUM LOT AREA - 1 ACRES  
 MINIMUM FENCED SETBACKS  
 FRONT - 10' FT  
 SIDE - 5' FT  
 REAR - 10' FT**

**MINIMUM BUILDING HEIGHT - 10 FEET  
 MAXIMUM LOT COVERAGE - 50%**

**SETBACKS**

**MINIMUM LOT WIDTH - 100 FEET  
 MINIMUM LOT AREA - 1 ACRES**

**MINIMUM FENCED SETBACKS**

**FRONT - 10' FT  
 SIDE - 5' FT  
 REAR - 10' FT**

**MINIMUM BUILDING HEIGHT - 10 FEET  
 MAXIMUM LOT COVERAGE - 50%**

**SETBACKS**

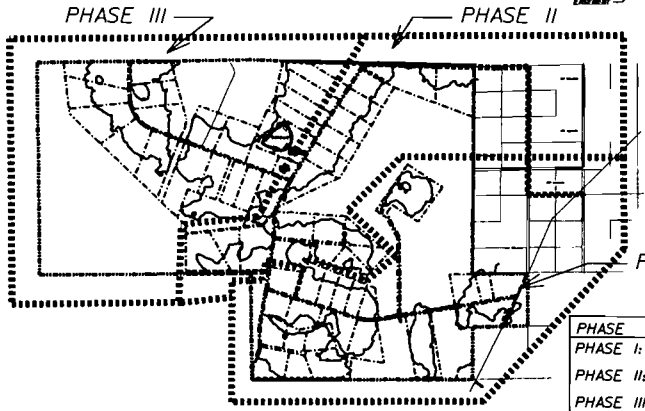
**MINIMUM LOT WIDTH - 100 FEET  
 MINIMUM LOT AREA - 1 ACRES**

**MINIMUM FENCED SETBACKS**

**FRONT - 10' FT  
 SIDE - 5' FT  
 REAR - 10' FT**

**MINIMUM BUILDING HEIGHT - 10 FEET  
 MAXIMUM LOT COVERAGE - 50%**

**SETBACKS**



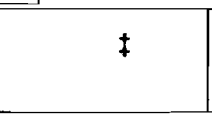
| PHASE      | LOTS  |
|------------|-------|
| PHASE I:   | 1-23  |
| PHASE II:  | 24-42 |
| PHASE III: | 43-64 |

|              |  |
|--------------|--|
| DATE:        |  |
| SCALE:       |  |
| PROJECT NO.: |  |
| REVISION:    |  |

GILLETTE & ASSOCIATES, INC.  
 20 SOUTH 4TH STREET  
 FERNANDINA BEACH, FL 32834

CERTIFICATE OF AUTHORIZATION NO. 4332

DO NOT SCALE THIS DRAWING. DIMENSIONS AND NOTES TAKE PREFERENCE. DRAWING IS REDUCED IF LESS THAN 22" x 34"



Tupelo Plantation  
 Management, LLC

Tupelo Plantation

Preliminary  
 Development Plan

received  
 7/27/04

SHEET NO.  
 PDP-1  
 1 OF 1  
 ISSUE DATE  
 FEBRUARY 25, 2004  
 PROJECT NO.  
 BA-18.19  
 REGISTERED PROFESSIONAL





**EXHIBIT "C"**

## EXHIBIT "C"

### "TUPELO PLANTATION" PUD CONDITIONS

#### I. General Conditions:

The Tupelo Plantation PUD consists of approximately 1,454 acres located near Bryceville. An additional 266 contiguous acres located to the west, to be known as Phase IV, is added to the original PUD through rezoning application R06-023. The Tupelo Plantation PUD will consist of up to seventy-two (72) residential lots in the initial three (3) phases. Up to thirty (30) residential lots shall be permitted on the additional acreage known as Phase IV. The PUD will provide a minimum of fifty (50%) percent open space, including a pond, equestrian trails and an active park.

- A. The Tupelo Plantation PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"). The Tupelo Plantation PUD 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 for the Tupelo Plantation PUD, and which are intended to clearly demonstrate that the PUD will 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 (also referred to as the "Zoning Code").
- B. The Developer shall develop the Tupelo Plantation PUD in four phases.
- C. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Tupelo Plantation PUD Preliminary Development Plan, the Developer shall 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.
- D. 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, Ordinance 97-19, 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.

- E. The location and size of all building units, lots, roads, project entrances, recreation/open space and other areas shown on the Tupelo Plantation PUD Preliminary Development Plan is conceptual such that the final location of any roads, project entrances, recreation/open space and other areas will be depicted on the final development plan and the final engineering plans so long as the changes do not constitute a Major Amendment to the PUD, subject to Section 25.07 of the Zoning Code.

## **II. Specific Conditions:**

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

1. Recreational amenities, open space and common areas shall be provided for the project. The location of these recreational areas is indicated on the Tupelo Plantation Preliminary Development Plan. All common area open space and recreational facilities for the project shall be included in the final development plan of the Project.
2. Any 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 open space provided in the Preliminary Development Plan, which meets the open space requirements of Article 25.
3. The Developer, or the homeowners association or property owners association after acquiring title to the common areas and recreational amenities within the Tupelo Plantation PUD, may adopt rules and regulations governing the use of the same by the residents of the Tupelo Plantation 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 set forth herein. However, the developer shall not convey any common areas, improvements or recreational amenities to any homeowners' association until all improvements are constructed and approved by Nassau County.
4. 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.

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.
  - a. The Developer shall establish the applicable association or nonprofit corporation prior to any Final Development Plan approval for the Tupelo Plantation PUD.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Tupelo Plantation PUD governed by such entity.
  - c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Tupelo Plantation PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the Tupelo Plantation PUD that shall be responsible for the maintenance of roads, master drainage, etc., subject to the conditions set forth herein. All improvements including roads, master drainage facilities, storm sewers, etc. shall be completed and approved by Nassau County before being transferred to any homeowners’ organization.
  - d. The applicable association or nonprofit corporation shall manage all common areas, recreational and open space and recreational facilities 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 Tupelo Plantation PUD and any other lands located within the Tupelo Plantation 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 Tupelo Plantation 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 for residential stormwater systems, and said system 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. All St. Johns River Water Management and Nassau County permits for stormwater facilities shall be obtained by the Developer prior to Final Development Plan approval, pursuant to Ordinance 2000-40, as amended. The developer shall obtain an operating permit for these facilities prior to transferring them to any homeowners' / property owners' organization.

D. Residential Development Standards:

1. The Tupelo Plantation Phases I through III shall include not more than seventy-two (72) residential lots. Below are the site development standards for the residential area:
  - (a) Maximum height: Thirty-five feet (35')
  - (b) Minimum lot size: Five (5) acres (217,800 square feet)
  - (c) Minimum lot width: Three hundred fifty feet (350')
  - (d) Maximum lot coverage: Twenty percent (20%)

Minimum Required Yard Setbacks:

- (a) Front: One hundred feet (100')
- (b) Side yard: Twenty-five feet (25')
- (c) Rear yard: Fifty feet (50')

2. The Tupelo Plantation Phase IV (added by R06-023) shall include not more than thirty (30) residential lots. Below are the site development standards for the residential area:

- (a) Maximum height: Thirty-five feet (35')
- (b) Average lot size: Five (5) acres (217,800 square feet)
- (c) Minimum lot size: Three (3) acres (130,680 square feet)
- (d) Minimum lot width: Three hundred feet (300')
- (e) Maximum lot coverage: Twenty percent (20%)

Minimum Required Yard Setbacks:

- (a) Front: One hundred feet (100')
- (b) Side yard: Twenty-five feet (25')
- (c) Rear yard: Fifty feet (50')

E. 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.

F. Off-Street Parking & Loading: Residential development within the Tupelo Plantation 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. The Tupelo Plantation PUD may have project identification signage at the external entrance. External entrance project identification signs shall not exceed one hundred and fifty (150) square feet on each face. All project signs may be designed as ground-mounted signs or integrated into or mounted on landscape features such as a wall or fence. All lighting of signs may be sign mounted or ground mounted units projecting onto the sign. The signs at the project entrance may be single faced or double faced and the signage may include two (2) separate signs, one (1) on each side of the entrance.

2. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.

3. Traffic and street name signage may include aesthetic framing. However, any applicable FDOT/Nassau County standards for sign face, elevations, etc. shall be maintained; by the Developer and/or homeowners' association as appropriate, for such traffic and street name signage consistent with the provisions set forth in this paragraph.
5. There is no other specific reserved signage approvals requested for the Tupelo Plantation PUD, provided 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.

H. Construction Standards:

1. Except as specifically provided herein, all development in the Tupelo Plantation PUD shall be in accordance with Nassau County's subdivision and land development standards, and any applicable State standards, in effect at the time of submittal of the Final Development Plans and Plat of record and any applicable State standards for well and septic, and any applicable utility providers standards with respect to electrical utilities for the Tupelo Plantation PUD served by Florida Power & Light (FPL) or any other utility provider.
2. All utilities shall be located above ground.

I. Wetland Buffers:

1. All wetlands within the Tupelo Plantation PUD shall be protected with undisturbed buffers of native vegetation between any developed area, and such wetlands with buffers shall 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.
2. The exact boundaries of wetlands and wetland buffers indicated on the Tupelo Plantation 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.

J. Temporary Uses:

1. Temporary sales offices, including modular units, not to exceed two (2) units, for the sale of lots, shall be permitted within the Tupelo Plantation PUD until all residential lots are sold. The developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval of the location of said units.
2. 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 Final Development Plan and PUD Conditions in any sales office located upon the Tupelo Plantation PUD, which is available for inspection by project residents and landowners, including the posting for public viewing of the Final Development Plan in any sales office, and this obligation shall be contained in the Covenants and Restrictions that are placed on the residential lands within the project.
3. The siting of temporary construction trailers shall be allowed on the Tupelo Plantation PUD during construction. The temporary construction trailers must be removed within thirty (30) days of completion of the improvements.

- K. 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 Tupelo Plantation 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.

L. Ownership and Maintenance:

1. The Tupelo Plantation PUD and related uses/facilities associated therewith, will be owned, maintained and or operated as follows:
  - a. 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).
  - b. To ensure that all of the recreation and open space areas, described in these PUD Conditions and depicted in the approved Tupelo Plantation 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.
  - c. 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 Tupelo Plantation PUD. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas. The electrical improvements will be the responsibility of the private utility company that provides service for this area, which is currently FPL.
  - d. The Covenants and Restrictions shall be submitted to Growth Management for review and approval prior to Final Development Plan approval. The intent of this review is to ensure the ownership and maintenance obligations of future property owners is clearly stated and is consistent with the language outlined in these PUD Conditions. The County's review of the Covenants and Restrictions shall be limited to the elements of these PUD Conditions only. If the developer and Growth Management do not agree on elements of the Covenants and Restrictions, the Board of County Commissioners shall review them at a Public

Hearing and render a decision. No Final Development Plan shall be approved without an approval of the Covenants and Restrictions. The Covenants and Restrictions shall be recorded upon Final Development Plan approval and will be attached to the Final Development Plan as an exhibit.

M. Access:

1. Access to and from the Tupelo Plantation PUD will be provided as shown on the Tupelo Plantation PUD Preliminary Development Plan.
2. The location of all 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.
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 Fire-Rescue, Growth Management, 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.
5. All internal roadways shall be stabilized as stipulated in 6. below and shall remain unpaved. All roadways shall remain private and shall be maintained by the developer or an established homeowners/property owners association with strict covenants and restrictions. The developer or an established homeowners/property owners association shall maintain these private roads at the level stipulated in Paragraph 6 below, as determined by the

County's Director of Engineering Services. The covenants and restrictions shall specify these maintenance obligations to the homeowners/property owners association. The proper maintenance of these private roads shall be enforceable by the Nassau County Code Enforcement Department based upon information to be provided by the Director of Engineering Services. Maintenance of the roadways shall ensure the utilization of said roads by Nassau County Emergency Vehicles, as determined by the Director of Engineering Services, in conjunction with the Emergency Services Director. Said determination shall be binding upon the Developer and the homeowners' association, and they shall undertake any and all corrective maintenance actions to address the Engineering Service Director's and the Emergency Services Director's determination. If the developer or the established homeowners/property owners association does not agree with the determination, they may appeal that determination to the Board of County Commissioners. The Board of County Commissioners shall set a hearing within thirty (30) days and receive testimony and render a decision, which shall be binding.

6. Roadway improvements for this development shall be subject to the following:
  - **Interior Roads (approximately four (4) miles)** - These roads shall remain unpaved, but the developer agrees to provide an approved drainage system and stabilize the roadways with the installation of up to six (6) inches of crush-crete material to achieve an LBR of 40. These improvements shall be completed in conjunction with the phasing schedule indicated on the Preliminary Development Plan. Additionally, no Certificates of Occupancy shall be issued on home sites which front on unimproved road segments. These improvements are subject to review and approval by the Nassau County Engineering Services Department during Final Development Plan review.
  - **Turkey Branch Road (approximately one (1) mile)** – This existing road provides access for current area residents. The developer agrees to provide an approved drainage system and stabilize the road with the installation of up to six (6) inches of crush-crete material to achieve an LBR of 40. These improvements shall be completed in conjunction with the phasing schedule indicated on the Preliminary Development Plan. Additionally, no Certificates of Occupancy shall be issued on home sites which front on unimproved road segments. These improvements are subject to review and approval by the Nassau County Engineering Services Department during Final Development Plan review.

- **Woods Lane / Raulerson Road (approximately two (2) miles)** – This existing County road provides access to the subject property from SR 2 (Crawford Road). The developer agrees to provide 100% of the funding for the paving of this road as permitted by SJRWMD Permit # 42-089-96801-1, issued April 6, 2005. Prior to plat approval, the developer will obtain a cost estimate for this paving from the County's Director of Engineering Services. The developer will provide the County a cash deposit in this amount within thirty (30) days of receipt of the estimate. The plat shall not be approved until this cash deposit is secured in a form acceptable to both the County and the developer. The County will proceed to pave the road as soon as possible using best efforts to complete the paving within one (1) year from the date of plat approval. During construction, the County shall be obligated to provide the developer with details of draws against the paving account. Any cost overruns are to be completely funded by the developer within thirty (30) days of notification by the Director of Engineering Services or his/her designee. Once the paving is completed and accepted by the County, the County will maintain the road, and the developer shall have no future obligations for repairs and maintenance.

- N. 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) and state that the County does not maintain the internal road system.
- O. Additional Nassau County Fire/EMS Impact Fees: At the time a building permit is obtained, an additional Fire/EMS Impact Fee of \$750.00 per dwelling unit will be paid to the County for Fire/EMS purposes. This amount was calculated and proposed by the Developer.
- P. Railroad Crossing Maintenance: Beginning upon the date of completion of construction of flashing warning lights and (if applicable) warning gates or arms at the at-grade railroad crossing at Woods Lane, the local portion of annual maintenance costs (currently and not to exceed 50% of total maintenance costs) of that improved railroad crossing shall be borne by Tupelo Plantation, to be assessed to and paid by, or through, the homeowners/property owners association of Tupelo Plantation. The homeowners/property owners association of Tupelo Plantation will pay this portion of the annual maintenance costs for a period of ten (10) years. Additionally, if FDOT does not upgrade this railroad crossing by the issuance of the 40<sup>th</sup> Certificate of Occupancy, the Developer

shall upgrade the crossing at the Developer's expense.

**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 Tupelo Plantation PUD for single-family residential use 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 Tupelo Plantation Planned Unit Development (PUD) requirements:

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 Tupelo Plantation PUD, resulting in small well designed networks of utilities and drives and thereby lowers development costs;
4. Enhances the appearance of the area through preservation of natural features, and the provision of recreation and open space areas in keeping with 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 Tupelo Plantation PUD after the date hereof; and
7. The Tupelo Plantation 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 Tupelo Plantation Planned Unit Development.

**IV. SUCCESSOR AND/OR ASSIGNS** – The Conditions set forth herein shall be binding on any successors or assigns. The Developer shall notify the Director of Growth Management of any sale, conveyance, agreement, and/or assignment of any kind whereby the Developer relinquishes control of the PUD or transfers stock in the corporate entity or changes the LLC. Further, it shall be the obligation of the Developer to provide to the Growth Management Director a signed acknowledgment by any successor or assignor or transferee of the acknowledgement of the PUD conditions, and the acknowledgment that they are bound by the Conditions set forth herein. The acknowledgment does not pertain to individual lot sales. It shall be the Developer's obligation to inform each and every purchaser of individual lots of the conditions of the PUD.

**V. ANNUAL MONITORING** – The Developer or its successors or assigns shall provide an annual monitoring report to the Director of Growth Management in a form required by the Director of Growth Management.