

**ORDINANCE 2015 - 06**

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 95.5 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF HARTS ROAD, SOUTH OF WILLIAM BURGESS BOULEVARD FROM RESIDENTIAL SINGLE-FAMILY 2 (RS-2) TO PLANNED UNIT DEVELOPMENT (PUD), CREATING A NEW PUD TO BE KNOWN AS "LUMBER CREEK"; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, TRG CFG Project I, LLC has authorized Gillette and Associates to file Application R15-002; and

**WHEREAS**, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on May 5, 2015 and voted to recommend approval of R15-002 to the Commission; and

**WHEREAS**, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the 2030 Comprehensive Plan and the orderly development of Nassau County; and

**WHEREAS**, the proposed PUD amendment complies with the underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) and

**WHEREAS**, the Board of County Commissioners held a public hearing on June 8, 2015; and

**WHEREAS**, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes and the Nassau County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. FINDINGS:** That the proposed rezoning to PUD is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan in particular Policies FL.01.02(B), FL.08.04, and FL.10.06.

**SECTION 2. PROPERTY REZONED:** The real property described in Section 3 is rezoned and reclassified to Planned Unit Development (PUD), to be known as Lumber Creek upon the effective date of the ordinance; the Growth Management Department is authorized to amend the Official Zoning Map to reflect this change.

- A) The Legal Description for the Lumber Creek PUD is adopted as shown in Exhibit "A" attached herein.
- B) The Preliminary Development Plan (PDP) for the Lumber Creek PUD is adopted as shown in Exhibit "B" attached herein.
- C) The conditions of the Lumber Creek PUD, are adopted as shown in Exhibit "C" attached herein.

**SECTION 3. OWNER AND DESCRIPTION:** The land reclassified by this Ordinance is owned by TRG CFG Project I, LLC, and is identified by the following map, the legal description attached as Exhibit "A", and the Preliminary Development Plan (PDP) attached as Exhibit "B".

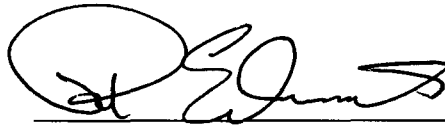
R15-002



**SECTION 4. EFFECTIVE DATE:** This Ordinance shall become effective after filing with the Secretary of State.

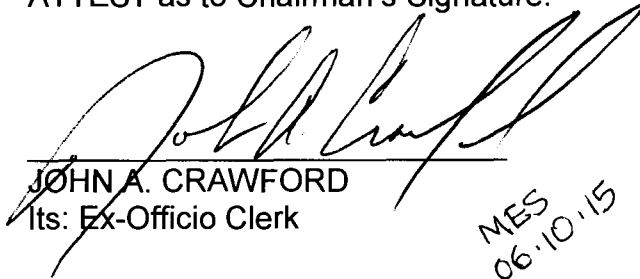
**PASSED AND ADOPTED THIS 8TH DAY OF JUNE, 2015.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



PAT EDWARDS  
Its: Chairman

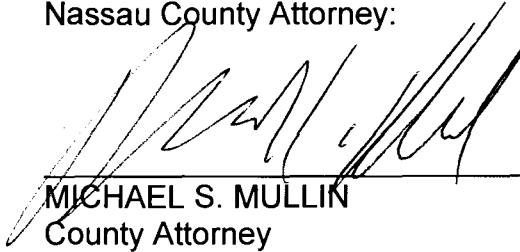
ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
06-10-15

Approved as to form and legality by the  
Nassau County Attorney:



MICHAEL S. MULLIN  
County Attorney

Exhibit A

DESCRIPTION OF PROPERTY

A PARCEL OF LAND SITUATE IN SECTION 9 AND THE JOHN LOWE MILL GRANT SECTION 42, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 9; THENCE NORTH  $01^{\circ}10'37''$  WEST, ALONG THE WEST LINE OF SAID SECTION 9, A DISTANCE OF 670.58 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE NORTH  $01^{\circ}10'37''$  WEST, ALONG THE WEST LINE OF SAID SECTION 9, A DISTANCE OF 417.97 FEET TO INTERSECT THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 77, PAGE 396, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF LAST REFERENCED LANDS THE FOLLOWING THREE COURSES; (1) NORTH  $89^{\circ}05'03''$  EAST A DISTANCE OF 59.04 FEET; (2) NORTH  $00^{\circ}20'54''$  WEST A DISTANCE OF 845.34 FEET; (3) SOUTH  $89^{\circ}11'12''$  WEST A DISTANCE OF 71.27 FEET TO INTERSECT THE WESTERLY LINE OF SAID SECTION 9; THENCE NORTH  $01^{\circ}10'37''$  WEST ALONG THE WEST LINE OF SAID SECTION 9, A DISTANCE OF 752.75 FEET; THENCE NORTH  $01^{\circ}11'54''$  WEST CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 567.83 FEET; THENCE NORTH  $89^{\circ}50'58''$  EAST, ALONG THE SOUTHERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 162, PAGE 514, AND ALONG THE NORTHERLY LINE OF PARCELS A & B AS DESCRIBED IN OFFICIAL RECORD BOOK 733, PAGES 47-52, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, A DISTANCE OF 2467.76 FEET TO THE NORTHEAST CORNER OF SAID PARCEL B AND THE WESTERLY LINE OF LOT 2, WIDE ROAD ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 404-406, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH  $03^{\circ}46'41''$  EAST, ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF 66.09 FEET TO INTERSECT THE WESTERLY RIGHT-OF-WAY LINE OF HARTS ROAD (A 66 FOOT RIGHT-OF-WAY) AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 840.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF SAID HARTS ROAD AND EASTERLY LINE OF SAID LOT 2, THROUGH A CENTRAL ANGLE OF  $07^{\circ}22'08''$  AN ARC DISTANCE OF 108.03 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH  $18^{\circ}17'00''$  EAST A DISTANCE OF 107.96 FEET; THENCE SOUTH  $21^{\circ}58'04''$  EAST, ALONG THE WESTERLY RIGHT-

OF-WAY LINE OF SAID HARTS ROAD AND EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 364.32 FEET; THENCE SOUTH 68°01'04" WEST, ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 220.74 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 03°46'41" WEST, ALONG THE WESTERLY LINE OF SAID WIDE ROAD ACRES, A DISTANCE OF 1498.48 FEET TO THE NORTHWEST CORNER OF LOT 12 AS SHOWN ON SAID PLAT OF WIDE ROAD ACRES; THENCE NORTH 68°03'06" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 12, A DISTANCE OF 871.65 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID HARTS ROAD, THENCE SOUTH 21°58'04" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID HARTS ROAD AND EASTERLY LINE OF SAID LOT 12, A DISTANCE OF 150.00 FEET; THENCE SOUTH 68°03'26" WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 12, A DISTANCE OF 943.94 FEET; THENCE SOUTH 03°46'41" WEST, ALONG THE WESTERLY LINE OF SAID WIDE ROAD ACRES, A DISTANCE OF 719.47 FEET; THENCE NORTH 84°24'39" WEST A DISTANCE OF 1366.14 FEET; THENCE SOUTH 11°21'13" WEST A DISTANCE OF 413.90 FEET TO THE SOUTHERLY LINE OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 733, PAGES 47-52 AFOREMENTIONED; THENCE NORTH 84°28'57" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 482.38 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1, PAGE 98 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH 82°36'41" WEST ALONG THE NORTHERLY LINE OF SAID LANDS A DISTANCE OF 217.91 FEET TO THE SOUTHEASTERLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 21, PAGE 238, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF LAST REFERENCED LANDS THE FOLLOWING TWO COURSES; (1) NORTH 02°53'25" WEST A DISTANCE OF 442.01 FEET; (2) NORTH 87°16'30" WEST A DISTANCE OF 67.59 FEET TO THE POINT OF BEGINNING.

(A PORTION OF THE ABOVE DESCRIBED PROPERTY IS NOW KNOWN AS LUMBER CREEK, PHASE ONE, PLAT BOOK 7, PAGES 295-299, AS AMENDED BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 1487, PAGE 859 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA)

LESS AND EXCEPT:

Lots 105 and 109 of LUMBER CREEK, PHASE ONE, according to the Plat thereof as recorded in Plat Book 7, Pages 295 through 299, inclusive of the Public Records of Nassau County, Florida.

**PROJECT INFORMATION:**

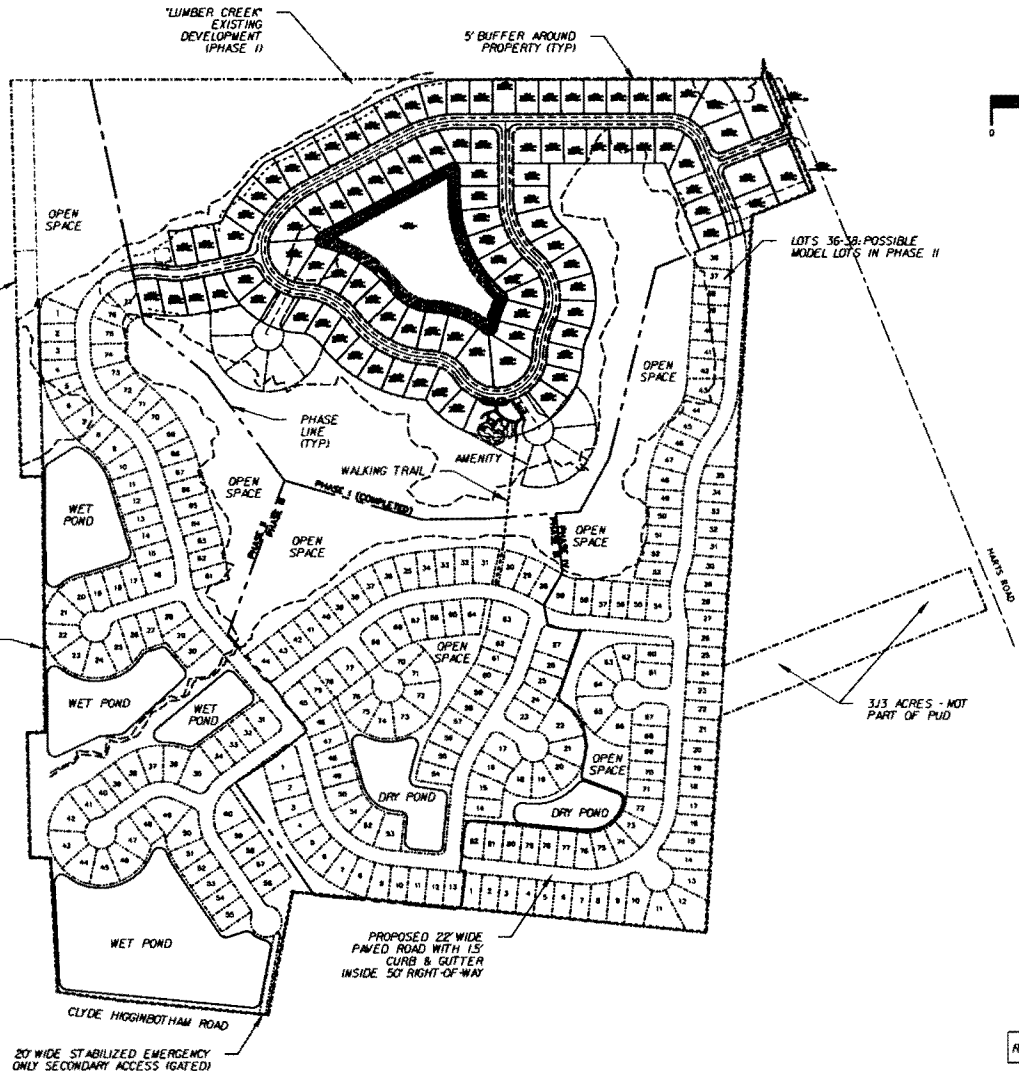
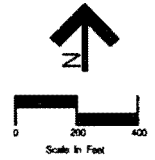
LUMBER CREEK PUD: PHASE I: 107 LOTS/AMENITY-56.28 ACRES  
 PHASES II - III: 238 LOTS  
 95.5 ACRES TOTAL  
 PRIMARY & SECONDARY RESIDENTIAL - 66.9 AC  
 OPEN SPACE - 28.6 AC (30%)

PHASE II: 77 LOTS  
 PHASE III: 79 LOTS  
 PHASE III: 82 LOTS

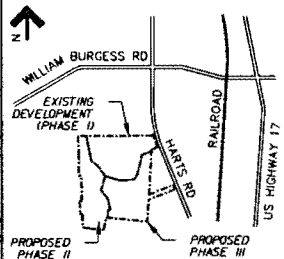
MINIMUM LOT SIZE: 50' WIDE x 120' DEEP

ENGINEER: NICK E. GILLETTE, P.E.  
 GILLETTE & ASSOCIATES  
 20 S 4TH STREET  
 FERNANDINA BEACH, FL 32034

DEVELOPER: THOMAS KELLY  
 THE RESOURCE GROUP LLC  
 1325 2ND AVENUE NORTH  
 JACKSONVILLE BEACH, FL 32250



**VICINITY MAP**



REVISED: 5/12/15

DATE	DESCRIPTION

Project Mgr:	AG	Gillette & Associates, Inc. 28 South 4th Street Fernandina Beach, FL 32034
Designed by:	AG	
Drawn by:	MP/JP	Certificate of Authorization No. 9332
QA/QC:	AG	DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PREFERENCE. DRAWING IS REDUCED BY LESS THAN 22" x 34"

THE RESOURCE GROUP, LLC

LUMBER CREEK  
PHASE II-III

PUD SITE PLAN

Registered Professional

Sheet No.	PUD-1
X of X	1 of 1
ISSUE DATE	December 3, 2014
PROJECT No.	05-10-22

EXHIBIT "C" (Revised 5/12/15)  
("LUMBER CREEK")

**I. General Conditions:**

The LUMBER CREEK PUD consists of approximately 95.5 acres located on the west side of Harts Road in Nassau County, Florida. The Lumber Creek PUD will consist of two hundred and thirty (238) single family homes and open space.

- A. The Lumber Creek PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"). The Lumber Creek 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 Lumber Creek PUD, and which are intended to clearly demonstrate that approval of the Lumber Creek 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 may, at their discretion, develop the Lumber Creek PUD in phases, but the proposed Preliminary Development Plan contemplates two phases (Phase II and Phase III).
- C. The "Lumber Creek Subdivision", as referenced in this document, consists of the existing Phase I, the plat for which is recorded in Plat Book 7, Page(s) 295-299, of the Public Records of Nassau County, Florida, as amended from time to time, along with Phases II and III as described in this PUD. The amenity center and all of the commons areas in the Lumber Creek Subdivision will be constructed to serve the entire Lumber Creek Subdivision and will be owned and controlled by one HOA.
- D. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Lumber Creek 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.

- E. The Developer 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.
  
- F. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Lumber Creek 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 25.08 of the Zoning Code. However, a significant change to the location/size of the proposed open space or significant change to the location of roadways or transportation improvements will be considered a substantial deviation and will require approval from the planning and zoning board.

**II. Specific Conditions:**

**A. Open Space and Common Areas.**

1. Open space and common areas shall be provided for the project. The location of these areas is indicated on the Lumber Creek Preliminary Development Plan. All common area open space for the applicable phase of 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 and shall be constructed within the upland portion of the open space provided in the Preliminary Development Plan.
  
3. The Developer, or the homeowners association or property owners association after acquiring title to the common areas and recreational amenities within the Lumber Creek Subdivision, may adopt rules and regulations governing the use of the same by the residents



of the Lumber Creek Subdivision. The Developer will have no obligations to maintain or improve the 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 to any homeowners' association until all improvements are constructed and approved by Nassau County.

4. The open space 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 open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for the project.
5. As shown on the Site Data Table in the Lumber Creek Preliminary Development Plan, the Developer has committed approximately 30.09 acres of the Lumber Creek PUD for use as active recreation and/or open space, and such calculation has been made in accordance with the requirements of the Zoning Code, Article 25, § 25.04(F).
6. The Lumber Creek PUD shall be subject to the Recreation Impact Fees for Regional Parks, pursuant to Ordinance 2003-25 as amended, unless cash and land or a combination thereof contributions are given to Nassau County to satisfy concurrency requirements. The construction of onsite amenities and active recreation areas (pool/pavilion areas) within the Lumber Creek Subdivision will qualify for local park impact fee credits due to the provision local parks for the use by the residents. Since these amenities are proposed to remain private, they will not qualify for regional or municipal park fee credits.

**B. Administration of Community Space and Facilities:**

1. The Developer will administer common open space through the existing Lumber Creek Property Owner's Association that 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 Lumber Creek PUD.

- b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Lumber Creek PUD and the Lumber Creek Subdivision governed by such entity.
- c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association within the Lumber Creek PUD and Subdivision. If so, the Developer shall establish a master property owners and/or homeowners association for the Lumber Creek Subdivision that shall be responsible for the maintenance of roads, master drainage, the Amenity area, 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 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 the Lumber Creek PUD and any other lands located within the Lumber Creek 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 Lumber Creek 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 before transferring them to any homeowners' organization.

D. Residential Development Standards:

1. The Lumber Creek PUD shall include not more than two hundred and thirty eight (238) single family dwelling units. Below are the site development standards:

- a. Single Family Standards: Single-family lots shall adhere to the requirements as set forth below:

- (1) Minimum Lot Requirements:

- (a) Minimum lot width: Fifty (50) feet
- (b) Minimum lot area: Five Thousand (5,000) SF
- (c) Maximum height: Thirty-five (35) feet
- (d) Maximum lot coverage: Sixty percent (60%)

- (2) Minimum Required Yard Setbacks:

- (a) Front: Twenty (20) feet
- (b) Side yard: Five (5) feet
- (c) Rear yard: Ten (10) feet

2. All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum yard setback requirement of five (5) feet and shall not be located in the front yard.

- 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 Lumber Creek 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 Lumber Creek PUD may have project identification signage at all external entrances to the Lumber Creek PUD. External entrance project identification signs shall not exceed fifty (50) square feet on each face. All project signs will be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs will be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance or recreational area will be single faced or double faced and the external entrance signage may include one (1) separate sign, one (1) on each side of the entrance, not to exceed a total number of two (2) signs for the entire development.
2. Each open area within the Lumber Creek PUD shall also be entitled to identification signage. Open space area identification signage shall not exceed ten (10) square feet on each sign face.
3. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.
4. 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 Lumber Creek 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. Sidewalks and Street Lights:

1. Four (4) foot wide sidewalks with a minimum accessible passing zone every two hundred (200) feet shall be provided in compliance with the Nassau County Land Development Code. Driveways may act as passing zones if they do not exceed a two percent (2%) cross slope.
2. Streetlights shall be provided along all streets. The Developer shall submit a lighting plan, demonstrating the location of streetlights, with final engineering plans for approval by the Development Review Committee.

I. Amenities:

1. Developer will construct an amenity center within Phase I of the existing Lumber Creek subdivision which shall be sized to serve the entire Lumber Creek Subdivision. The developer shall provide the following amenities within Phase I:
  - a. Pool and Deck
  - b. Open Air Amenity Center
  - c. Men's and Women's Restroom Facilities
  - d. Recreation Field and Tot Lot
  - e. Firepit and Grill Area
  - f. Walkway to Amenities from Phase II

Developer may, at its option, construct additional amenities. All amenities constructed within Phase I of the Lumber Creek Subdivision, when operational, are intended to serve all homeowners within the Lumber Creek Subdivision.

J. Visual Screen/Buffer:

1. A visual screen/buffer shall be provided along the entire boundary line of the property as depicted on the Preliminary Development Plan (Exhibit "B") which screen/buffer shall be at least five (5) feet in depth. The buffer/screen may include a wood, wood composite, masonry wall, or vinyl fence, existing or planted landscaping, earth mounds or a

combination thereof so long as such measures shall provide at the time of installation a minimum of 85 percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above such level and horizontally along the length of all common boundaries. No screen/buffer shall be required where a stormwater pond is located immediately adjacent to the property boundary line. The screen/buffer shall be installed at the rear of each lot no later than the start of vertical construction on said lot.

2. In addition, there shall be an eight (8) foot tall fence, set five (5) feet in from the entire western boundary line of the property as depicted on the Preliminary Development Plan (Exhibit "B"). The order of the visual buffers starting at the rear lot line and moving towards the front of the lot will be the five (5) foot screen/buffer first and then the eight (8) foot tall fence. The fence may be made of wood, wood composite, vinyl, PVC or similar material and shall be a minimum of 85 percent opacity. No fence shall be required where a stormwater pond is located immediately adjacent to the property boundary line. The fence shall be installed no later than the start of vertical construction on said lot.

K. Construction Standards:

1. Except as specifically provided herein, all development in the Lumber Creek 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 utility providers standards with respect to any water, sewer, or electrical utilities for the Lumber Creek PUD served by JEA or any other utility provider.
2. All utilities shall be located underground.

L. Wetland Buffers:

1. All wetlands within the Lumber Creek PUD shall be protected with buffers in accordance with applicable St. John's River Water Management District criteria.

2. The exact boundaries of wetlands and wetland buffers indicated on the Lumber Creek PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement.

M. Temporary Uses:

1. Temporary sales offices, including modular units, not to exceed two (2) units, for the sale of the lots and/or completed residences, shall be permitted within the Lumber Creek PUD until all of the residential lots and completed residences 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 Lumber Creek 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 Lumber Creek PUD 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.

- N. 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 Lumber Creek 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 25.08 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. Section 25.08 of the Nassau County Land Development Code will govern all applicable procedures for changes to the PUD.

O. **Silviculture:** The Lumber Creek PUD 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.

P. **Ownership and Maintenance:**

1. The Lumber Creek PUD and related uses/facilities associated therewith (other than individual lots), will be owned, maintained and or operated as follows:

a. Any areas associated with the development (i.e., 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 Lumber Creek 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 Lumber Creek PUD. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas. The water/sanitary sewer improvements will be the responsibility of the private utility company, which provides service for this area, which is currently JEA.

Q. **Access:**



1. Access to and from the Lumber Creek PUD will be provided as shown on the Lumber Creek PUD Preliminary Development Plan.
  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. Section 25.08 of the Nassau County Land Development Code will govern all applicable procedures for changes to the PUD.
  3. Model home building permits will be issued upon installation of all necessary water mains and fire hydrants, and stabilization of all roadways internal to the development, and plat recording. Up to 10% of the total lots for each phase of the development may be issued as model lots; however, Certificates of Occupancy will not be issued for these models until all improvements for that phase are complete.
  4. 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.
  5. 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.
- R. 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).

**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 Lumber Creek 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 Lumber Creek Planned Unit Development (PUD) requirements:

1. Is of less intensity than the underlying Future Land Use Map allows;
2. Accomplishes a more desirable environment with minimal impact to environmentally sensitive lands;
3. Provides for an efficient use of the Lumber Creek PUD, 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 open space areas in excess of existing Zoning Code and subdivision requirements;
5. Provides an opportunity for home ownership by a broad range of individuals;
6. Provides an environment of stable character compatible with the surrounding areas;
7. Retains property values over the years and makes a substantial improvement of the quality of development of the Lumber Creek PUD after the date hereof; and
8. The Lumber Creek 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 Lumber Creek PUD

Preliminary Development Plan.