

I AM NOT THE TYPE OF PERSON WHO WOULD BE ABLE TO LIVE WITH MYSELF IF I DIDN'T KNOW THAT I WAS DOING THE RIGHT THING.

ORDINANCE NO. 2006 - 77

STECORDERS SEING 180.00

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 23rd day of October, 2006, by the Board of County Commissioners of Nassau County, Florida, that the application for the modification of the Nassau Crossing Planned Unit Development conditions are hereby approved 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. Robert P. Cook currently owns the property re-zoned by this Ordinance and the applicant/developer is D. F. Miller Partnership.


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.

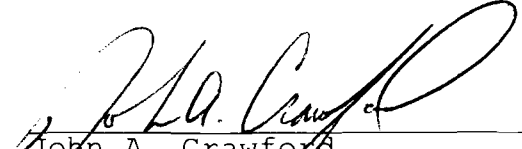
ADOPTED this 23rd day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



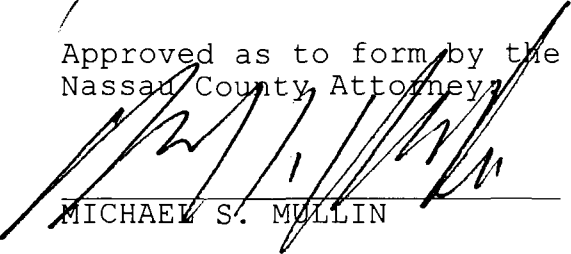
Thomas D. Branan, Jr.
Its: Chairman

ATTEST as to Chairman's
signature:



John A. Crawford
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

EXHIBIT "A"



Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

Legal Description

A PORTION OF THE JOHN LOWE MILL GRANT, SECTION 42, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTHERLY LINE OF LOT 1 "WIDE ROAD ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 404-406, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, WITH THE EASTERLY RIGHT-OF-WAY LINE OF HARTS ROAD, AN 80-FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF THE FOLLOWING (5) COURSES; (1) NORTH 22 33/64 32'31" WEST A DISTANCE OF 618.85 FEET TO THE BEGINNING CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 758.08 FEET; (2) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25 33/64 51'00", AN ARC DISTANCE OF 342.02 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 09 33/64 37'01" WEST A DISTANCE OF 339.13 FEET; (3) THENCE NORTH 03 33/64 18' 29" EAST A DISTANCE OF 1803.37 FEET; (4) THENCE SOUTH 89 33/64 17' 53" WEST A DISTANCE OF 10.02 FEET TO A POINT WHERE SAID RIGHT-OF-WAY TRANSITIONS TO A 60 FOOT RIGHT-OF-WAY; (5) THENCE NORTH 03 33/64 18' 29" EAST A DISTANCE OF 567.90 FEET TO INTERSECT THE WESTERLY RIGHT-OF-WAY LINE OF THIS C.S.X. RAILROAD RIGHT-OF-WAY, (A TRANSITIONAL RIGHT-OF-WAY); THENCE SOUTH 14 33/64 43' 23" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2073.63 FEET TO A POINT WHERE SAID RIGHT-OF-WAY BECOMES A 200 FOOT RIGHT-OF-WAY; THENCE SOUTH 05 33/64 55' 38" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 3956.58 FEET TO THE NORTHERLY CORNER OF LOT 36, "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 SOUTH 67 33/64 27' 21" WEST, ALONG THE NORTHERLY LINE OF SAID LOT 36, A DISTANCE OF 394.32 FEET TO THE SOUTHEREASTERLY CORNER OF AFORESAID LOT 1, THENCE NORTH 22 33/64 31' 30" WEST, ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 150.08 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE SOUTH 67 33/64 28' 48" WEST, ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 780.46 FEET TO THE POINT OF BEGINNING.

LESS THEREFROM RIGHT OF WAY FOR WILLIAM BURGESS ROAD RECORDED IN OFFICIAL RECORD BOOK 1048 PAGES 1753 - 1755 OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA

ALSO LESS A2.72 ACRE PARCEL OF UPLANDS AT THE SOUTHERLY TIP OF THE ABOVE DESCRIBED LANDS BOUNDED ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF HARTS ROAD, BOUNDED ON THE SOUTH BY THE NORTHERLY LINE OF LOT 1, WIDE ROAD ACRES, PLAT BOOK 5, PAGE 404-406 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA AND BOUNDED ON THE NORTH BY THE JURISDICTIONAL WETLANDS LINE FOR THIS AREA

CONTAINING 197.36 ACRES MORE OR LESS.

EXHIBIT "B"

DENSITY CALCULATIONS:

120.46 ACRES X 3 UNITS/ACRE (MDR FLUM) = 361 UNITS
76.9 ACRES WETLAND (1 UNIT / 5 ACRES) = 15 UNITS
376 UNITS ALLOWED
350 UNITS PROPOSED

PARK 1 - 2.45 ACRES (PLAYGROUND AREA)
PARK 2 - 3.81 ACRES
PARK 3 - 0.59 ACRES

TOTAL PARK AREA = 6.85 ACRES
TOTAL OPEN SPACE = 76.9 ACRES

LOT BREAKDOWN
120 - 75' LOTS
164 - 60' LOTS
66 - TOWNHOME UNITS

350 LOTS TOTAL

PROPOSED SETBACKS:

75' LOTS

MINIMUM LOT WIDTH - 75 FEET
MINIMUM LOT AREA - 7,500 SF
MINIMUM FRONT YARD - 20 FEET
MINIMUM SIDE YARD - 7.5 FEET
MINIMUM REAR YARD - 20 FEET
MAXIMUM BUILDING HT - 35 FEET
MAXIMUM LOT COVERAGE - 35%

60' LOTS

MINIMUM LOT WIDTH - 60 FEET
MINIMUM LOT AREA - 6,000 SF
MINIMUM FRONT YARD - 20 FEET
MINIMUM SIDE YARD - 5 FEET
MINIMUM REAR YARD - 15 FEET
MAXIMUM BUILDING HT - 35 FEET
MAXIMUM LOT COVERAGE - 40%

TOWNHOME UNITS

MINIMUM LOT WIDTH -	20 FEET INTERIOR 30' EXTERIOR
MINIMUM LOT AREA -	2,000 SF INTERIOR 3,000 SF EXTERIOR
MINIMUM FRONT YARD -	20 FEET
MINIMUM SIDE YARD -	0 FEET INTERIOR 15 FEET EXTERIOR
MINIMUM REAR YARD -	20 FEET
MAXIMUM BUILDING HT -	35 FEET
MAXIMUM LOT COVERAGE -	45%

MAXIMUM 6 CONTIGUOUS UNITS WITHOUT
AN OPEN SPACE OF 30 FEET BETWEEN UNITS

LEGAL NOTE

[illegible]

LESS THEREAFTER PAID OF BY FOR WILLIAM BURGESS ROAD RECORDED IN
OFFICIAL RECORD BOOK 104 PAGES 151 - 153 OF THE PUBLIC RECORDS OF NASSAU
COUNTY
FLORIDA

ALSO LESS A 3/4 ACRE PARCEL OF UPLANDS AT THE SOUTHERLY TIP OF THE ABOVE DESCRIBED LAND BORDERED ON THE WEST BY THE EASTERN RIGHT-OF-WAY LINE OF STATE HIGHWAY 60, BORDERED ON THE SOUTH BY THE NORTHERLY LINE OF LOT 1, W/2, RANGE 30N, PLAT 30, PAGES 40-43 OF THE PUBLIC RECORDS OF ALBANY COUNTY, FLORIDA AND BORDERED ON THE NORTH BY THE JURISDICTIONAL WETLANDS LINE FOR THIS AREA.

CONSUMERS ARE IN GENERAL MORE OR LESS

REVISÉ: 6-2-05

SHEET NO
PDP-1

ISSUE DATE
August 30, 2005

ALL 60-FOOT LOTS AND 75-FOOT LOTS SHOWN ARE 110 FOOT DEEP

[illegible]


 The McGraw-Hill Companies

NASSAU CROSSING

DF MILLER
PARTNERSHIP,LLP

PRELIMINARY
DEVELOPMENT PLAN

EXHIBIT "C"

EXHIBIT "C"
("NASSAU CROSSING")

I. General Conditions:

The NASSAU CROSSING PUD consists of approximately one hundred and ninety eight (198) acres located on the east side of Harts Road in Yulee, Florida. The Nassau Crossing PUD will consist of two hundred and eighty four (284) single-family dwelling units and sixty six (66) townhome units. The Nassau Crossing PUD will provide 6.85 acres of active recreational space and 76.9 acres of passive recreation space.

- A. The Nassau Crossing PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"). The Nassau Crossing 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 Nassau Crossing PUD, and which are intended to clearly demonstrate that approval of the Nassau Crossing 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 the Nassau Crossing PUD in a three phases. Phasing is in accordance with lots sizes as shown on the Nassau Crossing Preliminary Development Plan.
- C. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Nassau Crossing 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 lots, roads, project entrances, recreation/open space and other areas shown on the Nassau Crossing 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 Nassau Crossing Preliminary Development Plan, including a 3.81 acres Nassau County public park, dedication to be determined by Nassau County Board of County Commissioners, a 2.45 acre playground area and 0.59 acre park for private use. The 3.81 acre public park will include at a minimum of five picnic tables and open space/playground area which shall include a "tot lot" equipped with children's playground equipment and a soccer field. The 2.45 acres may consist of a "tot lot" park and a playground area. Specific improvements in the 2.45 acre private park will be provided during Final Development Plan review. 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 Developer shall complete all improvements to the park sites identified on the preliminary development plan as Park 1 and Park 2 prior to the issuance of the fiftieth (50th) Certificate of Occupancy.
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 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 Nassau Crossing

PUD, may adopt rules and regulations governing the use of the same by the residents of the Nassau Crossing 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.
5. As shown on the Site Data Table in the Nassau Crossing Preliminary Development Plan, the Developer has committed over forty-two percent (42%) of the gross acreage of the Nassau Crossing PUD for use as recreation and/or open space, including 76.9 acres of passive recreational areas, and such calculation has been made in accordance with the requirements of the Zoning Code, Article 25, § 25.04(F).
6. The Nassau Crossing PUD shall be subject to the Recreation Impact Fees for Regional Parks, pursuant to Ordinance 2003-25 as amended.

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 the sale of any lots or units by the Developer to any third party within the Nassau Crossing PUD.

- b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Nassau Crossing PUD governed by such entity.
- c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Nassau Crossing PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the Nassau Crossing 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 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 Nassau Crossing PUD and any other lands located within the Nassau Crossing 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 Nassau Crossing 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 Nassau Crossing shall include not more than two hundred and eighty four (284) single family dwelling units and sixty six (66) townhome units. Below are the site development standards for each housing area:

- a. Seventy-five (75) foot single-family lots shall adhere to the requirements as set forth below.

- (1) Minimum Lot Requirements:

- (a) Minimum lot width: Seventy-five (75) feet
 - (b) Minimum lot area: Seven Thousand Five Hundred (7,500)SF
 - (c) Maximum height: Thirty-five (35) feet
 - (d) Maximum lot coverage: Thirty-five percent (35%)

- (2) Minimum Required Yard Setbacks:

- (a) Front: Twenty (20) feet
 - (b) Side yard: Seven and a half (7.5) feet
 - (c) Rear yard: Twenty (20) feet

- b. Sixty (60) foot single-family lots shall adhere to the requirements as set forth below.

- (1) Minimum Lot Requirements:

- (a) Minimum lot width: ~~Seventy~~ Sixty (60) feet
 - (b) Minimum lot area: Six thousand (6,000) SF
 - (c) Maximum height: Thirty-five (35) feet
 - (d) Maximum lot coverage: Forty (40%)

(2) Minimum Required Yard Setbacks:

- (a) Front: Twenty (20) feet
- (b) Side yard: ~~Six Five~~ (65) feet
- (c) Rear yard: Fifteen (15) feet

c. Townhome Units shall adhere to the requirements as set forth below.

(1) Minimum Lot Requirements:

- (a) Minimum lot width: Twenty (20) feet interior
Thirty (30) feet exterior
- (b) Minimum lot area: Two thousand (2,000) SF interior
Three thousand (3,000) SF exterior
- (c) Maximum height: Thirty-five (35) feet
- (d) Maximum lot coverage: Forty-five (45%)

(2) Minimum Required Yard Setbacks:

- (a) Front: Twenty (20) feet
- (b) Side yard: Zero (0) feet interior
Fifteen (15) feet exterior
- (c) Rear yard: Twenty (20) 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 Nassau Crossing 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 Nassau Crossing PUD may have project identification signage at all external entrances to the Nassau Crossing PUD. 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 walls and fences. All lighting of signs may be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance or recreational area may be single faced or double faced and the external entrance signage may include two (2) separate signs, one (1) on each side of the entrance, not to exceed a total number of four (4) signs for the entire development.
2. Each recreational area within the Nassau Crossing PUD shall also be entitled to identification signage. Recreational 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 Nassau Crossing 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, Street Lights and Walking Path:

1. Four (4) foot sidewalks with a minimum accessible passing zone every two hundred (200) feet shall be provided on both sides of all local streets. 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.
 3. Sidewalk will be provided along Harts Road for project frontage.
 4. A Walking Path shall be provided along the eastern portion of the project for interconnectivity. Walking Path will be constructed of a stabilized porous surface.
 5. The Developer shall submit a lighting plan for the Walking Path with final engineering plans for approval by the Development Review Committee.
-
- I. The developer shall dedicate one-half of the distance needed to achieve an eighty (80) feet right of-way on Harts Road along the property's frontage.
 - J. The Developer will dedicate approximately 0.23 acres for the realignment of William Burgess Boulevard.
 - K. Construction Standards:
 1. Except as specifically provided herein, all development in the Nassau Crossing 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 Nassau Crossing PUD served by JEA or any other utility provider.
 2. All utilities shall be located underground.

L. Wetland Buffers:

1. All wetlands within the Nassau Crossing PUD 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. If this ordinance changes prior to final PUD approval, the applicant has the right to redesign the plan in accordance with wetland buffers adopted at that time. This will not constitute a substantial change and will not require a submission of the preliminary development plan.
2. The exact boundaries of wetlands and wetland buffers indicated on the Nassau Crossing 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.

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 Nassau Crossing 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 Nassau Crossing 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 Nassau Crossing 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 Nassau Crossing 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.

O. Silviculture: The Nassau Crossing 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 Nassau Crossing PUD and related uses/facilities associated therewith (other than individual lots or townhome units), 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 Nassau Crossing 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 Nassau Crossing 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 Nassau Crossing PUD will be provided as shown on the Nassau Crossing 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.
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.
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.
 6. Private land owners which do not have access to Harts Road and are blocked such access by this development shall be allowed access through the development's streets. These land owners are not required to be a member of any homeowners' organization.
 7. A Final Certificate of Concurrency with Conditions dated November 21, 2005 has been issued for three hundred and twenty (320) single family dwelling units. The Developer shall apply for a modification to the Final Certificate of Concurrency for the proposed number of single-family and townhome units.
- 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 Nassau Crossing 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 Nassau Crossing 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 Nassau Crossing 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 recreation and open space areas in excess of existing Zoning Code and subdivision requirements;
5. 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;
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 Nassau Crossing PUD after the date hereof; and
8. The Nassau Crossing 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 Nassau Crossing PUD Preliminary Development Plan.