## ORDINANCE 2014 -12

AN ORDINANCE OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 27.11 ACRES OF REAL PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF WOODBRIDGE PARKWAY, FROM RESIDENTIAL GENERAL-1 (RG-1) AND PLANNED UNIT DEVELOPMENT (PUD) TO PUD. PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Synovus Bank, LLC is the owner of multiple parcels comprising 27.11 acres identified as Tax Parcel #40-2N-28-0000-0061-0120, 40-2N-28-0000-0061-0130, 40-2N-28-0000-0008-0090, and 0080 by virtue of Deed recorded at O.R. 1744, page 1525 of the Public Records of Nassau County, Florida; and

**WHEREAS**, Synovus Bank, LLC has authorized Gillette and Associates to file Application R14-003 to change the Zoning Map classification of the land described herein; and

**WHEREAS**, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on April 1, 2014 and voted to recommend approval of R14-003 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 zoning complies with the underlying Future Land Use Map (FLUM) designation of Commercial, as amended by CPA14-003; and

**WHEREAS**, the Board of County Commissioners held a public hearing on April 28<sup>th</sup> 2014; 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 Planned Unit Development (PUD) is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan, in particular Policies FL.01.02(B) and FL.08.05

## SECTION 2. PROPERTY REZONED.

The real property described in Section 3 is rezoned and reclassified to Planned Unit Development (PUD), upon the effective date of the Ordinance, the Growth Management Department is authorized to amend the Official Zoning Map to reflect this change.

## SECTION 3. OWNER AND DESCRIPTION.

The land reclassified by this Ordinance is owned by Synovus Bank, LLC and is identified by the following tax identification numbers, graphic illustration, and legal descriptions:

40-2N-28-0000-0061-0120, 40-2N-28-0000-0061-0130, 40-2N-28-0000-0008-0090, and 0080



CORNEROFSECTION42(A.TUCKER GRANT), TOWNSHIP2NOR'IH, RANGE28EAST, NASSAUCOUNTY, FLORIDA; THENCE SOUTH 85°47'37" EAST ALONG THE

SOUTH LINE OF SAID SECTION 42 (A. TUCKER GRANT), A DISTANCE OF 607.85 FEET; THENCE NORTH 04°38'54" WEST, A DISTANCE OF 3742.91 FEET OT THE POINT OF BEGINNING.

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UTILITIESEASEMENTBEING75.00FEETIN WIDTHASRECORDEDIN OFFICIAL RECORDS BOOK 29, PAGES 39-43 AND OFFICIAL RECORDS BOOK 168, PAGES 301-

305OFTHEPUBLICRECORDSOF

NASSAUCOUNTY,FLORIDA;THENCEALONGTHESOUTHERLY OF SAID FLORIDA PUBLIC UTILIES EASEMENT THE FOLLOWING TWO COURSES; (1)SOUTH 80°42'08"WEST,ADISTANCE OF 156.63FEET;(2)SOUTH74°14'08" WEST,A DISTANCE OF 702.61FEET TO THE

NORTHEASTERLYCORNEROFNASSAUCLUBAPARTMENTS; THENCEALONGTHEPE RIMETER

OFSAIDNASSAUCLUBAPARTMENTSTHEFOLLOWINGTWOCOURSES;(1)SOUTII15° 43'45"·EAST,ADISTANCEOF398.92FEET;(2)SOUTH73°32'23" WEST,

ADISTANCEOF185.50FEETTOINTERSECT THE NORTHEASTERLY RIGHT-OF-

WAYLINEOF WOODBRIDGEPARK WAY (AN 80.00 FOOTRIGHT-OF-WAY); THENCE

IN A SOUTHEASTERLYDIRECTION ALONGSAIDRIGHT-OF-

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NORTHEASTERLYHAVINGARADIUSOF460.00FEETPASSINGTHROUGHACENTRALA NGLEOF61°19"19"ANARCDISTANCEOF492.32FEETTOTHEPOINTOFTANGENCY(THEA FORESAIDARC

HASA CHORDDISTANCEOF469.16FEETTHA TBEARSSOUTH63°59'53"EAST); THENCE NORTH85°20'28"EASTALONGTHENORTHERLYRIGHT-OF-

WAYLINEOFWOODBRIDGEPARKWAY, A DISTANCEOF532.14FEETTOTHEPOINTOFBEG INNING.

CONTAINING14.63ACRESMOREOR LESS



APORTIONOFSECTION40 (WILLIAM BERRIE GRANT)ANDAPORTIONOFSECTION41(D. FERNANDEZGRANT), TOWNSHIP2NORTH, RANGE28EAST,NASSAU COUNTY,FLORIDA,BEINGMOREPARTICULARLYDESCRIBEDASFOLLOWS:

FORA POINTOF REFERENCE COMMENCE ATTHESOUIHWEST CORNEROF SECTION 42 ( A. TUCKERGRANT), TOWNSHIP2 NORTH, RANGE 28 EAST, NASSAUCOUN'IY, FLORIDA; THENCE SOUTH 85°47'37" EASTAL ONGTHESOUTHLINE OF SAID SECTION 42 (A. TUCKERGRANT), A DISTANCE OF 607.85 FEET; THENCE NORTH 04°38'54" WEST, A DISTANCE OF 3138.33 FEE TTO THE POINT OF BEGINNING.

FROMTHE POINTOF BEGINNINGTHUSDESCRIBEDCONTINUENORTH 04°38'54" WESTA DISTANCE OF 524.58FEETTOTHE SOUTHERLY RIGHT-OF-WAYLINEOF WOODBRIDGE PARKWAY(AN 80.00FOOT RIGHT-OF-WAY);THENCESOUTH85°0'28" WESTALONGS AID RIGHT-OF-WAYLINEADISTANCEOF 532.13 FEET TO THE BEGINNING OF A CURVECONCAVE TOTHENORTHEASTERLY,HAVINGARADIUSOF 540.00FEET; THENCEINA NORTHWEST ERLY DIRECTIONCONTINUINGALONGSAIDRIGHT-OF-WAYLINEANDALONGTHE ARC OF

SAID CURVEPASSINGTHROUGHACENTRALANGLEOF55°30'06"ANARCDISTANCEOF5 23.09FEETTO WHERESAIDRIGHT-OF-WAYLINEINTERSECTSTHEEASTERLY LINEOF NASSAUCLUB APARTMENTS;(THEAFORESAIDARCHASA CHORDDISTANCEOF502.88FEET\_THATREARSNORTH 66°54'20"WEST);

CHORDDISTANCEOF502.88FEET THATBEARSNORTH 66°54'29"WEST);

THENCESOUTH04°38'51"EASTALONGTHEEASTERLY

LINEOFNASSAUCLUBAPARTMENTS, A DISTANCEOF758.55FEETTOTHESOUTHEASTE RLYCORNER

OFSAIDNASSAUCLUBAPARTMENTS; THENCENORTH85°21'06" EAST, ADISTANCEOF9 77.22 FEETTOTHEPOINTOFBEGINNING.

CONTAINING 12.48 ACRES MORE OR LESS.

## **SECTION 4. EFFECTIVE DATE.**

This Ordinance shall be filed with the Secretary of State and will become effective upon the effective date of CPA14-003, the Future Land Use Map change accompanying this rezoning.

PASSED AND ADOPTED THIS 28<sup>TH</sup> DAY OF APRIL, 2014.

BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA

BARRY V. HOLLOWAY, Its: Chairman

ATTESTATION: Only to Authenticity as to Chairman's Signature:

JOHN A. CRÁWFORD Its; Ex-Officio Clerk

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

DÁVID A. HALLMAN, County Attorney

#### EXHIBIT A

#### ("WOODBRIER")

#### I. General Conditions:

The WOODBRIER PUD consists of approximately 27.11 acres located on the north side of Woodbridge Parkway in Nassau County, Florida. The Woodbrier PUD will consist of one hundred six (106) single family homes and open space.

- A. The Woodbrier PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"). The Woodbrier 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 Woodbrier PUD, and which are intended to clearly demonstrate that approval of the Woodbrier 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 Woodbrier PUD in phases, but the proposed Preliminary Development Plan contemplates two phases.
- C. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Woodbrier 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 Woodbrier 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 <u>Section 25.08</u> of the Zoning Code. <u>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.</u>

#### 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 Woodbrier 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 Woodbrier PUD, may adopt rules and regulations governing the use of the same by the residents of the Woodbrier PUD. 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 Woodbrier Preliminary Development Plan, the Developer has committed approximately 1.90 acres of the Woodbrier 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 Woodbrier 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.
- 7. If the terms and conditions of the Woodbrier PUD are not met and Nassau County determines that the PUD has expired or is no longer valid, the property shall revert to Residential General 1 (RG-1) zoning, as described in the Nassau County Zoning Code.
- 8. An 80-foot right of way, to be known as Woodbridge Parkway, will be dedicated to Nassau County to the extent it bisects the proposed project. This right of way will be dedicated with no encumbrances and will be sufficient to dedicate the existing improvements to the County.
- 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 Woodbrier PUD.

- b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Woodbrier PUD governed by such entity.
- c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Woodbrier PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the Woodbrier 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 Woodbrier PUD and any other lands located within the Woodbrier 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 Woodbrier 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 Woodbrier shall include not more than one hundred and six (106) 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: Ten (10) Feet Minimum; (20) feet Maximum
        (b) Side yard: Five (5) feet
        (c) Rear yard: Ten (10) feet
  - 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 Woodbrier 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 Woodbrier PUD may have project identification signage at all external entrances to the Woodbrier PUD. External entrance project identification signs shall not exceed <u>fifty (50)</u> square feet on each face. All project signs <u>will</u> be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs <u>will</u> be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance or recreational area <u>will</u> 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.
- Each open area within the Woodbrier 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 Woodbrier 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:
  - 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 <u>Code</u>. Driveways may act as passing zones if they do not exceed a two percent (2%) cross slope.

 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. The Developer shall submit a lighting plan for the Walking Path with final engineering plans for approval by the Development Review Committee.
- I. Construction Standards:
  - 1. Except as specifically provided herein, all development in the Woodbrier 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 Woodbrier PUD served by JEA or any other utility provider.
  - 2. All utilities shall be located underground.

#### J. Wetland Buffers:

- 1. All wetlands within the Woodbrier 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 Woodbrier PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement.

#### K. Temporary Uses:

- 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 Woodbrier 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 Woodbrier 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 Woodbrier 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.
- L. 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 Woodbrier 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.

4/4/2014

- M. Silviculture: The Woodbrier 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.
- N. Ownership and Maintenance:
  - 1. The Woodbrier 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 Woodbrier 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 Woodbrier 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.
- O. Access:
  - 1. Access to and from the Woodbrier PUD will be provided as shown on the Woodbrier 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.
- 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.
- P. 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 Woodbrier 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 Woodbrier Planned Unit Development (PUD) requirements:

- 1. Is of less intensity than the previously approved PUD for the subject property;
- 2. Accomplishes a more desirable environment with minimal impact to environmentally sensitive lands;
- 3. Provides for an efficient use of the Woodbrier 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 Woodbrier PUD after the date hereof; and
- 8. The Woodbrier 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 Woodbrier PUD Preliminary Development Plan.

