

Exhibit "C"
SANDY BLUFF PUD WRITTEN DESCRIPTION AND CONDITIONS
Revised August 5, 2021

I. INTRODUCTION

Nassau County Ordinance 2019-19, being the 2030 Comprehensive Plan – Future Land Use Element - Goals, Objectives and Policies states that its Goal is to “effectively manage growth by encouraging and accommodating land uses which create a sound revenue base and offer diverse opportunities for a wide variety of living, working, shopping and leisure activities, with minimum adverse impacts on the natural environment.” Moreover, Objective FL.01 provides that “the County shall use the Future Land Use Map to correlate future land uses with the appropriate environmental conditions, the availability of supporting infrastructure, and where they are most compatible with surrounding land uses.” Nassau County’s Zoning Code requires that a proposed Planned Unit Development (“PUD”) rezoning Ordinance enumerate conditions that assure that certain requirements related to the PUD will be met. The following are the conditions that the Applicant and its successors commit to meet in response to the County’s requirements.

The Applicant proposes to rezone approximately 53.88 acres of property located off of Roses Bluff Rd., approximately 1.5 miles Northwest of Chester Rd., with the current zoning from OR to PUD, for a single-family residential subdivision to be called “Sandy Bluff”. The property is more particularly described by the legal description attached hereto as **Exhibit “1”** (the “Property”).

The features of the PUD have been designed in consultation with the Nassau County Planning and Economic Opportunity Department, and achieves the following Applicant and County goals of providing Regional Coordination Elements, Recreation and Open Space Elements, Conservation Elements and Capital Improvement Elements, all as set forth in the Nassau County 2030 Comprehensive Plan. These features are as follows:

- A. Maintain density that is consistent with the 2030 Future Land Use Map (“FLUM”), being Low Density Residential with a maximum density of 2 units per acre. A minimum net/upland acreage of 53 acres will be required to yield the proposed 106 units. All abutting property is also designated as LDR by the FLUM;
- B. Exceed the ratio for open space land use verse residential lots, with the goal of a PUD at 2.5 acres for 100 lots under the Nassau County Land Development Code, and the Sandy Bluff PUD achieving over 5.5 acres for 106 lots with the required minimum being only 2.65 acres;
- C. Preserve natural woodlands through the use of vegetation buffers along part of the Northwestern property line and Roses Bluff Rd., and within the internal parks.
- D. Provide for parks and recreation areas including the Sanctuary/Meditative Park at the front of the property, Astrological Park in the central part of the property, and Aqua Vista Park along the Bells River waterfront.
- E. Create walking trails within Astrological and Aqua Vista Parks, including both ADA-compliant and natural trails.
- F. Integrate the natural woodlands, wetlands and waterfront into the surrounding parks, recreation and open space, and provide a stormwater pond within the natural topography of the land that also serves as a park amenity;
- G. Attain a county public health goal by connecting the Sandy Bluff PUD to the JEA potable water supply and wastewater disposal (sewer) as required, wherein the water and sewer lines

currently terminate near the corner of Coopers Way and Roses Bluff Rd, thus extending public infrastructure approximately ½ mile. Likewise, the site will be engineered to internally retain water shed through a storm water detention system culminating in the creation of Star Lake, which is approximately 4.94 acres.

All in all, this PUD achieves the density goals and objectives of the 2030 Future Land Use Map, while limiting the disruption of the existing vegetation and wildlife, and adds open space uplands for recreational use, as well as public infrastructure.

- II. **OWNERSHIP AND MAINTENANCE:** the PUD and related facilities, other than individual residential lots, will be owned, maintained, and operated as follows:
- A. Any common areas associated within the PUD, including common preservation areas, stormwater management facilities, passive trails, landscape areas, signage, lighting, etc., will be managed by a Homeowners Association which will be established for this development through Declaration of Covenants, Conditions and Restrictions ("C&Rs"). Prior to any vertical construction ensuing, the C&Rs shall be submitted to County Staff for review before recording to ensure conformance with the PUD. If Staff provides no objections within thirty (30) calendar days, the C&Rs may be recorded, or if objections are received, the C&Rs may be recorded after determined by Staff that they conform to the PUD Written Description and Conditions. Failure to record the C&R's may result in the issuance of a stop work order. The Homeowners' Association will be a not-for-profit association and membership is mandatory for all property owners. The association will manage all common open space and recreational amenity areas not dedicated to the public. The association shall maintain, administrate, and operate this land and any other land within the PUD not publicly or privately owned. The Homeowners' Association shall be responsible for maintenance of all public recreation areas and shall be responsible for maintaining the public areas in conformance with all State and Federal regulations.
 - B. The roadways will be private, may be gated, and will be maintained and operated by the Applicant or the Homeowners Association pursuant to the Declaration of Covenants, Conditions and Restrictions. However, the pedestrian public, including bicycles, will have access through a pedestrian gate open during daylight hours to the Aqua Vista Waterfront Park and waterfront landing through the internal pedestrian circulation network.
 - C. Ownership, maintenance and operation of the water, sewer, electrical, cable, telephone and other service utilities will be the responsibility of the respective franchise companies serving the area, wherein the JEA water and sewer service will be extended to the PUD in accordance with the state wide concurrency requirements of Florida Statute 163.3180, as adopted by Nassau County thereunder, with Applicant to reserve the right to negotiate with JEA for the recovery of development costs of the capital improvements through the apportionment of tap fees assessed to third parties connecting to the water and sewer service and/or apply for a credit against impact fees for the addition of public infrastructure.

III. **PERMITTED USES:**

Single-Family dwellings and related accessory uses and structures, as described in Section IV below, shall be permitted on Lots 1 through 106 as shown on the Sandy Bluff PUD Site Plan. The total number of residential units shall not exceed 106 and the Future Land Use Map density limitation of two units per net acre (not including wetlands). Recreation uses including amenities, open space, preserved wetlands and stormwater management through a lake as described in Section IV below, shall be permitted. The Sandy Bluff PUD Site Plan dated July 13, 2021 and attached hereto as **Exhibit "2"** shows the uses and sizes to be permitted on the various lots and parcels within the Property. These lot and parcel designations are solely for the purpose of defining permitted uses within the PUD, and may be reconfigured per engineering requirements to accommodate a pump station.

IV. DESCRIPTION OF USES

A. Residential Single-Family

1. *Permitted uses and structures.*
 - a. Single-family detached dwellings and accessory structures.
 - b. Essential public services, including water, sewer, gas, telephone, radio and electric, meeting the performance standards and development criteria set forth in Section 28.13 of Land Development Code.
 - c. Home occupations /Home Based Businesses shall be allowed as provided under applicable provisions of the Land Development Code and Florida Statutes, Section 559.955.
 - d. Parks, playgrounds and recreational and community structures, with the ability to construct a community fishing pier, as well as private piers for those residents whose lots have riparian rights pursuant to Florida Statutes.
2. *Maximum number of lots —106.*
3. *Minimum lot requirement (width and area), Lot coverage by all buildings, Minimum yard requirements, and Maximum height of structure for each Single Family use.*
4. *Minimum lot width —(75 feet in width at the right-of-way, except that lot width of those with a radius shall be measured using a parallel line along the wall nearest to the right-of-way.*
5. *Minimum lot depth. — 120 feet.*
6. *Minimum lot size. —9,000 square feet.*
7. *Maximum lot coverage by all buildings. 50 percent, excluding screened enclosures.*
8. *Maximum impervious coverage by buildings, accessory structures and impervious surface. 60%.*
9. *Minimum yard requirements.* Principal structures must comply with the following setbacks from property lines:
 - a. Front: 20 feet.
 - b. Side: Five feet.
 - c. Rear: Five feet.
 - d. Eaves and other architectural features may encroach into the setbacks up to 18 inches, and air conditioning condensers and generators may encroach into the setbacks by up to 36 inches.
10. *Maximum height of structure. 35 feet.*
11. *Conflicts.* In the case of conflicts, the development criteria for Single-Family uses within

this PUD supersede those requirements set forth in the Land Development Code.

B. Recreation/Amenities/Lake

1. Permitted uses and structures.

- a. Passive recreation, including walking trails, benches, picnic tables, pavilions and viewing areas.
- b. Stormwater, surface water management, and flood control improvements, as permitted by the applicable regulatory agencies.
- c. Wetland preservation, mitigation, and restoration, as permitted by the applicable regulatory agencies.
- d. Parks, playgrounds, meditation, lake, landing, pier and other typical recreational and community structures.
- e. Essential services, including water, septic, gas, telephone, radio and electric, meeting the performance standards and development criteria set forth in Section 28.13 of the Land Development Code.
- f. The minimum calculations of areas are as follows:
Wetlands (acres): 0.99
Uplands (acres): 52.89
Star Lake (acres): 4.9
Parks (acres) 5.6: Sanctuary: 0.7, Astrological: 1.8 and Aqua-Vista: 3.1, being approximately 10.39 percent of the development.
Open Space (acres): 10.0
ADA-compliant and natural trails (lineal feet): 2,250

2. Minimum lot requirement (width and area). None.

3. Maximum lot coverage by all buildings. Two percent.

4. Minimum yard requirements. None.

5. Maximum height of structure. 20 feet.

C. Accessory Uses and Structures

Accessory uses and structures are permitted if those uses and structures are customarily incidental and clearly subordinate to a permitted principal use or structure and these uses and structures are located on the same lot as the principal use. Whether attached or detached to a building or structure containing the principal use, the accessory structure shall be considered as a part of the principal building. Accessory uses shall not involve operations or structures not in keeping with the character of the district where located and shall be subject to the following:

1. Accessory uses shall not be located in required front or side yards, except as follows:

- a. Detached Buildings such as carports, covered parking, or garages which are separated from the main structure may be located in a required side or rear yard but not less than five feet from a lot line.

- b. Air conditioning compressors, generators or other equipment designed to serve the main structure may be located in a required back versus side yard and may be located not less than three feet to the property line.
 - c. Swimming pools and associated screened enclosures may be located in a required rear yard so long as they do not encroach on the required rear set back, as measured from the outside of the bulkhead (water line) of the pool structure or foundation of the screen enclosure.
2. Accessory uses and structures shall include noncommercial greenhouses, accessory dwelling units, garages, tool houses, garden sheds, children's play equipment, barbecue pits and swimming pools. Any structure under a common roof and meeting all required yards is a principal structure. The maximum height of an accessory structure shall not exceed 35 feet.

D. Access

Vehicular access will be provided by two roads as shown on the PUD Site Plan via Roses Bluff Rd. Pedestrian access shall be available from two entry points by the sidewalks shown on the PUD Site Plan via Roses Bluff Rd, which may be gated, but at least one pedestrian access point shall be open during daylight hours.

E. Buffers and Common Open Space and Recreation

- 1. Screening Buffer. A screening buffer shall not be less than 30 feet in width along Roses Bluff Rd. The buffer will contain a landscaped berm (including canopy and understory tree preserved or planted at a minimum spacing of twenty feet, along with continuous hedge row along Lots 1 and 74), with a three-to-one slope and a five foot wide sidewalk along the Roses Bluff Rd. The buffer along Roses Bluff Rd. may contain a fence, wall, or hedge that is up to six feet tall, entry gates and the monument signs.
- 2. Stockade/Privacy: The Northwesterly border shall have a stockade/privacy fence owned and maintained by the HOA of the minimum height of six feet along this outer property line from Lot 1 through Lot 33. As a condition of issuance of the first home construction permit, the Applicant must verify that the outer Northwestern property line stockade/privacy fence has been installed.
- 3. Northwesterly Buffer. A 15-foot wide vegetation buffer shall run from Lots 1 to 16, and shall continue southeasterly from Lot 16 along the abutting Development Purposed Land of the PUD's property line and shall be deeded to the HOA. No protected trees shall be disturbed unless they are dead and pose a risk to the safety of the public, although trees may be added to provide additional screening. Buildings, Detached Buildings, Accessory Structures or impervious surfaces shall not be located within the Preservation Buffer, and the owners of lots 1 to 16 within the PUD shall install fencing along their property line abutting the Preservation Buffer, which shall range from three-and-one-half to six feet in height and shall be black aluminum picket fencing.
- 4. Common Open Space and Recreation. All common open space and recreation such as parks, walking trails, and lakes, and preservation areas contained therein, will be deeded to the HOA.
- 5. The HOA shall maintain and enforce all rights and restrictions within the Screening Buffer, Preservation Buffer and Common Open Space and Recreation, including parks, walking trails and lakes.

F. Signage

1. *Permanent Entrance Signs.* A community identification monument sign will be permitted at each entrance on Roses Bluff Rd, and may be located in the Screening Buffer or may be located within the right-of-way with approval of the county engineer, subject to site plan review. Each sign shall not exceed eight feet in height and shall not be greater than 48 square feet (each side) in area. These signs may be one or two-sided and externally illuminated, and may contain the name of the subdivision, development, address and developer name or logo.
2. *Other signs.* Directional signs indicating common areas, passive walking trails, amenity areas, and various building entries, will be permitted, and may be externally illuminated. The design of these signs should reflect the character of the use. For predominately vehicle directional signage, such signs shall be a maximum of eight square feet in area per sign face and a maximum height of six feet tall. All Vehicular Control Signs shall meet County requirements. Real estate, construction, model home, or other temporary signs are permitted, and shall be a maximum of 32 square feet in area and eight feet in height. Additionally, signs required by environmental permitting to be posted in common areas such as stormwater facilities shall be permitted.
3. *Sign Area.* Sign area is defined as the background area upon which the copy area is placed. Where the copy area is incorporated or attached to the wall, the wall area shall not be construed to be the background area of the sign unless it is an integral part of the sign, but shall include the entire face of the sign where the advertising surface contains framing, trim or molding.

G. Architectural Guidelines.

Buildings, structures, and signage within the PUD shall be architecturally compatible with elevations depicted in Exhibit "3" attached hereto. These elevations will provide guidance for County Staff to review building permit applications for single-family dwellings, and shall be incorporated into the Declaration of Covenants, Conditions and Restrictions. Such compatibility standards shall be provided to Staff for review and comment prior to any vertical permitting to ensure the stated intent of attaining architectural compatibility. Additionally, there shall be a minimum of nine different elevations, and no elevation shall be built next to each other or directly across the street.

H. Construction Offices/Model Homes/Sales Office.

The number of Model Homes shall not exceed ten and may be permitted when the infrastructure is in place to meet emergency services requirements. A Certificate of Occupancy for the Model Home will only be issued after the Building Official or his/her designee finds it meets the applicable Building Code and all infrastructure (including utilities) is completed and inspected and accepted by the County.

I. Parking

Off street parking will be provided in accordance with the Land Development Code. All houses will have either a two or three car garage.

J. Internal Sidewalk.

As depicted on the PUD Site Plan, Applicant shall provide a five-foot wide sidewalk in the right-

of-way on both sides of the internal roadways that are front and/or side loaded with lots.

K. Internal Roadways.

All roadways within the development shall be paved to a paving design standard that meets or exceeds the minimum County standards, with a 50-foot wide right-of-way containing a five-foot wide utility easement on each side, and contained therein a 20-foot wide asphalt or concrete surface, and curbs and gutters, with the approximate width of the adjacent greenbelt of 13'6", which shall contain required sidewalks and utilities.

L. Recreation.

As depicted on the PUD Site Plan, the project contains approximately 11.5 acres of Open Space, inclusive of active and passive recreational areas, plus the following amenities:

1. **Astrological Park:** this park shall include a fenced dog park of at least 100 by 50 feet in size, pavilion (600 square feet roof canopy and a 1,000 square foot floor) for shelter and community gatherings, at least three picnic tables and three benches, an open field children/adult play area (at least 15,000 square feet) and other park fixtures and/or equipment to activate the park and attract residents of the community, which may be changed by the HOA as lifestyle and demographic trends evolve. Such fixtures and equipment may include any of the following as points of illustration and not as an obligation or limitation: shuffleboard, horseshoe pit(s), bocce ball court(s), cornhole, volleyball court, swing(s), slide(s), hyperextension bench, dip station, step up, jungle gym or tetherball set.
2. **Sanctuary/Meditation Park:** forested canopy and open grassy area (minimum 5,000 square feet in size).
3. **Aqua-Vista Trail/Park:** A ~~1030-foot wide~~ ADA-accessible pathway for walking and/ golf carts ~~that will connect internal sidewalks meanders approximately 500 feet to the waterfront to provides the community public access to fishing and views from the a waterfront landing and dock. This pathway will include a minimum ten foot wide pathway for pedestrians and golf carts that approximately 500 feet in length, extending to the waterfront to provide community access to fishing and views from the waterfront landing and dock. The trail shall be ADA complaint for approximately 120 feet east of the roadway, where there shall be a flat surface or deck of at least 600 square feet in size with at least one bench, that overlooks Bells River from the top of the bluff, beyond which point the trail shall be a natural trail that shall have a cover such as mulch, pine straw or other similar materials that continues down the bluff to the waterfront.~~
 - a. *Waterfront Landing:* The waterfront landing shall be ADA-accessible and shall be constructed of wood, composite material, stone, brick or other similar material. As depicted on the site plan the waterfront landing shall be located to the nearest point of the mean high tide water line as allowed by the federal, state or local governmental agencies having jurisdiction thereover. The landing shall have a minimum surface area of 400 900 square feet, ~~but is not required to be any particular shape so long as the landing meets the minimum surface area and serves as the transition to the dock. Should the Applicant be unable to secure all necessary permits for the community fishing pier, despite all good faith efforts, it shall resize the landing to a minimum of 900 square feet.~~

- b. Dock: The Applicant may construct a dock extending into the open water of the Bells River, which shall be either private or public at the Applicant's discretion. If public, the dock must be ADA-accessible. shall extend from the waterfront landing waterward for a distance far enough to ensure that water is under the dock at low tide. This requirement shall be validated in the permitting of the dock to ensure compliance is met. The dock shall be a minimum of six (6) feet wide and shall extend at least 50 feet beyond the mean high water line. The waterward terminus of the dock shall either be a viewing platform or floating dock with a minimum one hundred and fifty (150) square feet. The dock shall be supported by pilings.
4. **Wonderlust Walking Trail**: This trail has an ADA-compliant segment running from the sidewalk to sidewalk behind lots 17 through 28, and a natural trail behind Lots 56-58, which then runs along the southern edge of Star Lake, and then behind Lots 44-47. The natural trail shall have a cover such as mulch, pine straw or other natural materials. Each segment will have at least two benches along it.
5. **Park Construction Timing**. Parks and public recreation areas, as set forth in the PUD, shall be completed and shall be determined to be complete and ADA-compliant by the County Engineer prior to the issuance of the 50th certificate of occupancy, or if they are only substantially complete as determined by the County Engineer, Applicant shall post a performance bond for 125% of the cost to complete as determined by Applicant's engineer and verified by the County Engineer for issuance of a 51st through 84th certificate of occupancy. In any event, all recreation areas must be completed and ADA compliance determined before the issuance of the 85th certificate of occupancy, to the satisfaction of the County's Parks Director and County Engineer. If the County or its designee is required to finish any recreation area and the bond amount is not sufficient to cover the cost of construction, the developer/applicant shall be responsible for all costs necessary to complete the construction and permitting of the facilities as determined by the County's Parks Director and County Engineer. Failure to comply with the requirements set forth herein, as determined by the County Engineer and Parks Director, may cause a stop work order to be issued.
6. **Tree Protection in Parks**: Within the identified park areas, the developer shall preserve a minimum of 45 percent of all native trees that have a diameter of six inches or greater, measured at breast height. The Applicant/Developer shall provide a tree survey and preservation plan conforming to applicable standards of Land Development Code Sec. 37.02 to demonstrate how this standard is met.

M. Lighting.

All lighting shall face in a downward direction, except that upward lighting shall be allowed at the entrance to illuminate signs and a flagpole, if any, the waterfront landing area and dock, or to accent trees within the parks of the PUD.

N. Bus Stop.

A bus stop and shelter will be provided along Roses Bluff Rd, with the location to be coordinated with the Nassau County School Board and/or Transportation Department, and the proposed area set forth on the Preliminary Development Plan revised as of June 28, 2021, being Exhibit C-1 to the Application.