

**PLANNED UNIT DEVELOPMENT (PUD)  
CONDITIONS  
Exhibit C**

The design and development of the Mills Creek Preserve PUD will be subject to these Development conditions which are hereby made a part of the development approval for the property.

**1. General Conditions**

The project will be developed as a multi phase, multi-family residential community with a maximum of 300 units. The development will also include parking, a leasing office, amenities center / clubhouse, pool, pedestrian path / trail, stormwater management facilities (SMF), and utility infrastructure. A public park will be constructed by the applicant and dedicated by a perpetual easement to Nassau County as part of the project. An Agreement between Nassau County and the Applicant, subject to approval by the Board of County Commissioners, will be executed which outlines maintenance and operational parameters as generally outlined herein prior to the approval of the Final Development Plan (FDP). The public park will be a minimum 2.5 acres per 100 residential units developed as set forth on page 4, paragraph 2(i). The Preliminary Development Plan identifies the conceptual location and layout for the multi-family apartment buildings, amenities, parking, SMF, and public park area. Development shall be generally consistent with the layout shown on the Preliminary Development Plan. However, some shifting of the buildings and facilities shown shall be permitted to address site conditions and unforeseen circumstances during the preparation of the Final Development Plan (FDP) subject to the approval of Nassau County via the FDP review process).

The multi-family residential development and the public park shall be developed in multiple phases consistent with the terms of this Agreement. Within one (1) year after approval of the Preliminary Development Plan, the Developer shall submit a Final Development Plan for the project. The Final Development Plan shall conform to all requirements of these PUD Conditions and the codes of Nassau County. The County Commission, 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. The extension request shall be heard by the Board of County Commissioners as a public hearing.

The project's primary access point will be located at the north end of the site along Semper Fi Drive. The primary access point will serve the apartment complex and the public park. A secondary, gated, emergency access point will be provided on the east side of the project, also along Semper Fi Drive. A five (5) foot wide sidewalk will be constructed from the project's primary access point to the north within the Semper Fi Drive right-of-way to SR 200 providing for continuous connectivity with the internal multi-use trail system. The Mills Creek Preserve development is a multi phase project. Phase One shall consist of six (6) individual residential buildings not to exceed 151 units. Individual residential buildings shall be eligible for a certificate of occupancy as completed, and all amenity

improvements shall be completed prior to construction of Phase Two. No certificates of occupancy for Phase Two will be issued prior to completion of Phase One. Applicant/Developer shall secure construction areas with temporary fencing from residential buildings that have been issued certificates of occupancy. The Developer shall purchase a completion bond for the project as required by HUD financing requirements.

All rights and obligations contained herein shall be included in the Final Development Plan, and shall be binding on Nassau County and Developer/Applicant, or its successors, and or assigns.

Except as specifically provided herein, all development in the Mills Creek Preserve PUD, including recreation, shall be in accordance with the applicable regulatory standards of Nassau County including, but not limited to, Subdivision Regulations, Land Development Code, Roadway and Drainage Standards and any applicable State standards, including the Florida Accessibility Code, and Building and Life Safety Codes, in effect at the time of the submittal of the Final Development Plan for each individual component of the project.

## **2. Specific Conditions**

### **A. Improvements, Ownership and Maintenance**

The Mills Creek Preserve development, related infrastructure, and recreational facilities will be owned, maintained, and operated as follows:

#### **1) Common Areas and Project Amenities within the Apartment Complex**

All common areas, amenities, landscaping, parking, pathways / trails, and stormwater management facilities within the multi-family apartment complex shall be managed and maintained by the Developer and/or successor in title and/or a Property Owners' Association, as required by the Board of County Commissioners.

#### **2) Public Park**

##### **(i) Dedication and Agreement**

The area identified on the Preliminary Development Plan for the public park will be dedicated to Nassau County via perpetual easement and subject to an Agreement between Nassau County and the Applicant, as approved by the Board of County Commissioners, which sets the parameters of maintenance and operations. . The perpetual easement and correlating Agreement will be recorded in public records of Nassau County, Florida and will allow public use of the areas identified in Public Park Area exhibit, Exhibit (D). The Agreement shall be approved and executed prior to the approval of the Final Development Plan and define maintenance responsibilities, any operational restrictions, and liability. The following general parameters will be included in the agreement (subject to approval by the Board of County Commissioners):

- (a) The park is only open during daylight hours. Nothing herein shall prevent Nassau County from holding special events or other

community based events at the facility. Likewise, nothing herein shall prevent the Mills Creek Preserve community from reserving the facility for use via the customary channels to reserve County park facilities and subject to approval and conditions approved by the County Manager.

- (b) No stadium lights/sports field lighting or trail pathway lighting will be constructed. This does not prevent the establishment of lighting for security as determined appropriate by the Nassau County Manager, such security lighting, if needed, shall be in harmony with the Mills Creek Community. The facility shall be subject to site engineering plan approval by the DRC and inspection by Nassau County throughout the construction process. The facility shall not be accepted or additional certificates of occupancy issued on the residential buildings unless constructed in accordance with the approved plan.
- (c) The County Manager will determine and control park programing and operations.
- (d) Language that requires the preservation of natural areas/jurisdictional wetlands as identified in the PDP.
- (e) Parking limitations as to hours and location.
- (f) Rules pertaining to the use of the multi-use trail similar to those established for the Amelia Island Trail.
- (g) Rules related to the dog park. The rules, promulgated under the authority of the Nassau County Animal Services, shall clearly define the authority to remove, or cause to be removed, dangerous and/or nuisance dogs. Strict prohibition from leaving dogs unattended.
- (h) County rules for the customary use of public parks will be incorporated into the agreement.
- (i) Prohibiting littering, dumping or other similar nuisances.
- (j) Shared maintenance. The Applicant/Owner shall provide enhanced maintenance in the form of regular mowing (weekly or bi-weekly during primary growth seasons to maintain a neat, orderly and functional park), regular trash pickup at the same interval provided for the Mills Creek Preserve community, and maintenance of the dog park area. All other maintenance to public park area and improvements thereon, including but not limited to trails, pavilions, amenities, and general grounds maintenance shall be the sole responsibility of the County.
- (k) The Applicant/Owner shall provide the following public park amenities; multi-use trails, restroom facility, three pavilions with a picnic table for each pavilion, a charcoal grill for each pavilion and soccer fields consistent with specifications herein and as depicted on Exhibit D, subject to approval by the County Manager.
- (l) Nassau County shall be responsible for the maintenance of the

parking area (to include asphalt maintenance and striping), restrooms, trails, pavilions, charcoal grills, irrigation system within public park, and general grounds maintenance. In addition, Nassau County shall be responsible for the cost of all utilities that serve the public park, including, but not limited to, electricity (for restrooms, trail lighting and irrigation system), water and sewer for public park restrooms, and water for irrigation, consistent with other County facilities.

- (m) The County shall provide customary janitorial services of the restroom facility consistent with other County facilities.
- (n) Maintenance of the utility infrastructure serving the public restroom shall be the sole responsibility of the respective utility provider.
- (o) Nassau County, subject to Florida Statutes, will include the public park area in its insurance coverage identified as public park areas in Exhibit D.
- (p) The Applicant shall be responsible for maintenance of the stormwater facilities south of the dog park as depicted in Exhibit D. Nassau County shall be responsible for maintenance of the pond adjacent to the soccer fields. All storm water ponds shall be fenced, by the developer, in a manner consistent with the aesthetics of the development. In conjunction with site construction, fencing shall be installed by the developer.
- (q) The club house, pool, sand volleyball, playground, splash pad, and fitness center are private and for the exclusive use of the Mills Creek Community. All multi-use trails and pavilions located outside the public park areas as depicted on the Public Park Areas exhibit are for the exclusive use of the Mills Creek Preserve Community. Nassau County shall permit signage depicting the areas that are private for the exclusive use of Mills Creek Preserve Community.
- (r) The maintenance agreement for the public park between the Developer and Nassau County shall be finalized prior to the approval of the Final Development Plan (FDP).

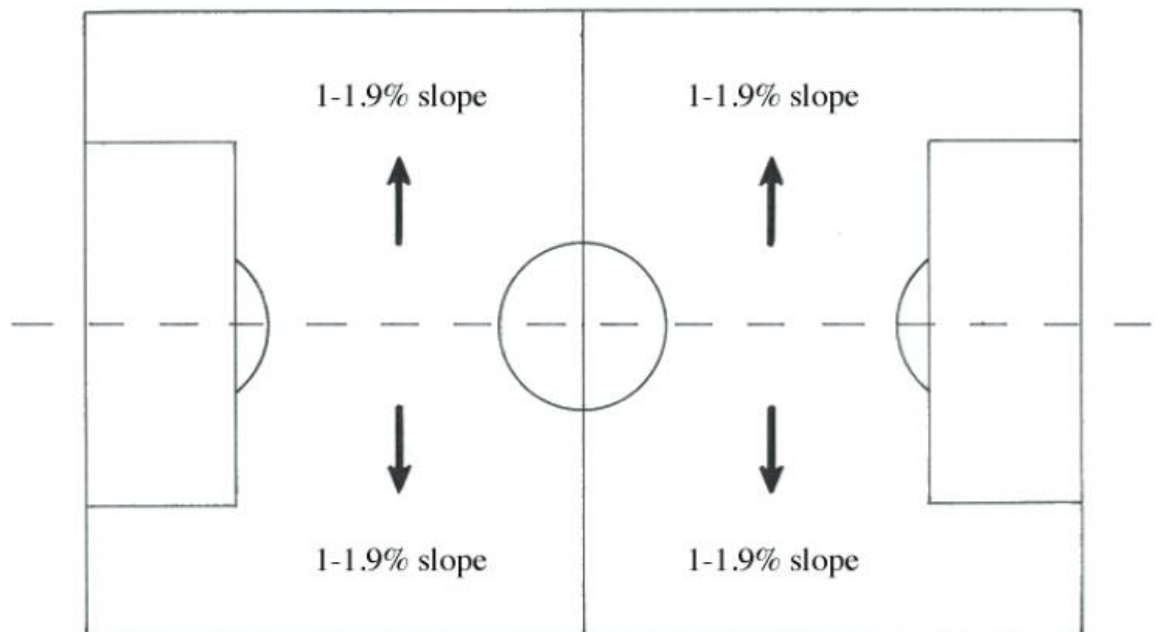
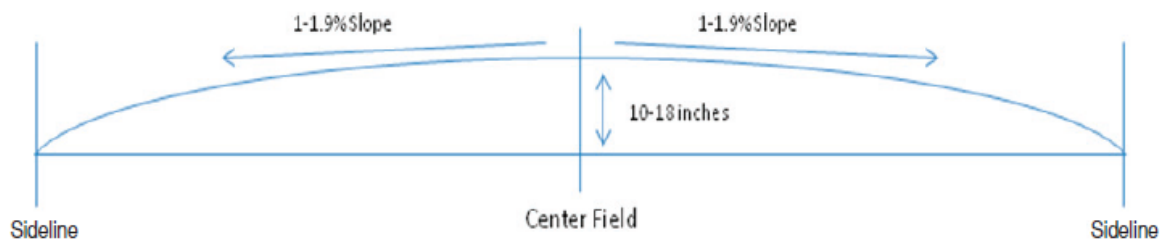
(ii) Public Park Improvements

The improvement shall be generally consistent with those improvements depicted in Exhibit D. The Final Development Plan (FDP) shall be submitted and must be consistent with Exhibit D and approved by the Planning and Zoning Board and the Board of County Commissioners. The following improvements shall be provided by the Applicant at the Applicant's expense.

- (a) All areas located north of the dog park and west of the project entrance as shown on Exhibit D which are not located within a jurisdictional wetland or required upland buffer shall be cleared, grubbed, graded/leveled, and either sodded or grassed with a native species unless otherwise marked on the FDP as to remain natural

areas. The contractor may make field adjustments to avoid specimen trees and healthy clusters of native canopy trees. Where possible, native canopy trees should be preserved in those areas outside of the identified soccer fields.

- (b) The applicant shall construct or cause to be constructed two youth soccer fields as generally depicted on Exhibit D and on the Final Development Plan. This shall include clearing, grubbing, site grading and soil stabilization necessary to provide a well-drained level playing surface. The soccer field playing surfaces shall be raised to an appropriate elevation and crowned to direct water shedding away from the playing surface. The top of crown shall be the center line, goal to goal, of the playing field and have a slope between 1% and 1.9%. The soccer fields shall be finished in either sod or seeded with an appropriate species of grass for facilitating soccer play. The Agreement shall provide further specificity. At a minimum, permanent irrigation shall be provided for the playing fields.



- (c) The multi-use trail system as generally depicted on Exhibit D and the Final Development Plan. Including the elevated segment crossing

the wetland. The multi-use trail shall be a minimum of eight (8) feet in width and constructed out of asphalt or concrete. Details on the trail shall be provided with the FDP.

- (d) Public parking area as generally depicted on Exhibit D and the Final Development Plan.
- (e) Public restroom facility as generally depicted on Exhibit D and the Final Development Plan. The restroom shall be serviced by public water and sewer. The restroom facility may be relocated based on final engineering and the extension of water and sewer lines. However, the restroom must be located in the general vicinity of the soccer fields. The restroom is intended to be a modular unit comparable to those at other County facilities.
- (f) A dog park and customary amenities. The park will include an area for small dogs and large dogs.
- (g) Three pavilions along the trail in proximity to the soccer fields as generally depicted on Exhibit D. Details on each pavilion shall be provided in the FDP.
- (h) A stub-out of the multi-use trail along the Semper-Fi ROW at the south east most point of the property to allow for the trail to be extended south.
- (i) All related site planning, engineering, permitting and general plans preparation required to construct or cause to be constructed the above defined facilities.
- (j) All related site work required to construct or cause to be constructed the above defined improvements. This includes but is not limited to stormwater management systems, extension of utilities, access drive, clearing, grubbing, site grading, and soil stabilization.

### 3) Utilities

Ownership, maintenance, and operation of the water, sewer, electrical, telephone, and other service utilities will be the responsibility of the respective entities serving the project. Appropriate easements will be granted as needed to support the provision of such services. Applicant/Developer shall have no responsibility for maintenance of utilities or cost of supplying utilities for utilities servicing public park after the date of the perpetual easement.

## **B. Permitted Uses**

The following uses are permitted as illustrated on the Preliminary Development Plan:

- 1) A maximum of 300 multi-family residential units.
- 2) Accessory uses including an amenities center / club house, pool, playground, fitness center, dog park, multi-use trail / path, common areas, stormwater management

- facilities, and single-story garages.
- 3) Preservation and open space areas.
  - 4) Public Park.

#### **C. Temporary Uses**

The following temporary uses are permitted:

- 1) Temporary construction trailers, as needed, to support the construction process.  
The Developer shall indicate the temporary construction trailer locations on any Final Development Plan submitted to the County for approval. Temporary construction trailers shall be permitted through build-out of the project. The trailers shall be removed within 30 days after build-out of the project.
- 2) These temporary uses may utilize temporary pump-out sewage storage tanks as approved by the Nassau County Health Department and temporary overhead electrical service. All such facilities will be removed upon removal of the temporary uses.

#### **D. Access, Circulation, and Traffic**

The following standards apply:

- 1) Primary Access: Access to the site will be provided by a two-way access drive connected to Semper Fi Drive and located on the northern boundary of the site. This access point will provide access to the multi-family residential development as well as the public park. Access into the multi-family residential portion of the development may be gated. Access into the public park shall not be gated. The Mills Creek Preserve development is a multi phase project, but all access points and related infrastructure will be completed prior to the issuance of a certificate of occupancy/completion.
- 2) Secondary Access: A secondary emergency access point will be located along the eastern boundary of the site and connect to Semper Fi Drive. This access point may be gated. The Developer shall coordinate with Nassau County Fire Rescue Department during the Site Engineering Plan review process to install the appropriate mechanism that will allow access during an emergency. The Mills Creek Preserve development is a multi phase project, but all access points and related infrastructure will be completed prior to the issuance of a certificate of occupancy/completion.
- 3) The primary and secondary access points will be maintained by the Developer or designated property management company. There are no streets within the project area. All drive aisles and parking areas within the multi-family residential area will be maintained by the Developer or designated property management company. The parking area within the public park will be maintained by Nassau County.
- 4) Pedestrian Access: The general public shall have access to the multi-use trail / path that runs along the northern and eastern portions of the site, as well as the multi-use trails / paths in the public park. A five (5)-foot wide sidewalk shall be constructed within

the existing Semper Fi Drive right-of-way from the project's primary access point north to SR 200.

#### **E. Development Standards**

The following development standards shall apply to the multi-family residential development within the PUD:

- 1) Minimum Lot Width: 125 ft.
- 2) Minimum Lot Area: 15,000 sq. ft.
- 3) Minimum Front Setback: 25 ft.
- 4) Minimum Side Setback: 20 ft.
- 5) Minimum Rear Setback: 20 ft.
- 6) Maximum Building Height: 40 ft. / 3 stories (measured from the finished slab to the average height of the tallest sloped roof)
- 7) Maximum Building Coverage: 35%

#### **F. Open Space, Preservation, and Buffer Areas**

- 1) Open space throughout the PUD shall be provided generally consistent with the areas shown on the Preliminary Development Plan.
- 2) Preservation Areas: Unimpacted wetlands shall be designated as preservation areas. Approximately 7 acres of unimpacted wetlands will remain within the project area. Off-site mitigation for impacts to wetlands within Tax Parcels 12-2N-26-0000-0001-0150 and 12-2N-26-0000-0001-0080 has already been completed and approved by the Army Corps of Engineers (ACoE), St. Johns River Water Management District (SJRWMD), and/or Nassau County. Mitigation for wetland impacts within Tax Parcel 12-2N-26-0000-0001-0050 shall be approved prior to the approval of Site Engineering Plans.
- 3) Wetland Preservation Area Buffers: Buffers for impacted wetland areas shall be provided, if required, in accordance with St. Johns River Water Management District and/or Army Corps of Engineers permit(s). Unimpacted wetlands shall have an average 25 ft. wide buffer with a minimum width of 15 ft.

#### **G. Signage**

- 1) The PUD may have the following permanent signs:
  - a) An entry feature and related project identification signage at the primary access point. The identification sign at the primary access point shall be located within the project boundaries and shall not exceed 150 square feet on each face, exclusive of any portion of a decorative wall to which the sign might be affixed.
  - b) An identification sign for the public park not to exceed 50 square feet on each face. An additional sign conveying park operating hours and rules may be provided and shall not exceed ten (10) square feet in size on each face.
  - c) General information and directional signs may be provided throughout the project site. Nassau County shall permit signage depicting the areas that are private for the exclusive use of Mills Creek Preserve Community. Each sign shall not exceed

five (5) sq. ft.

- d) All project signs may either be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. Directional signs may be mounted on individual posts not to exceed eight feet in height. All lighting of signs may be sign mounted or ground mounted light units projecting onto the sign. The identification sign(s) at the primary access point may be single- or double-faced and may include two (2) separate signs, one on each side of the entrance. All signage features shall have a maximum height of 13 feet above existing grade. The design of the permanent signage shall be submitted with the Engineered Site Plans.
  - e) In participation and consideration with other entities served by Semper Fi Drive, the Applicant may construct or cause to be constructed an entry feature to the Semper Fi Drive community at the intersection of SR200 and Semper Fi Drive. The entry feature should be an identifiable feature that can be used as means of creating a sense of place and establishing a theme/style for this particular node of development as development moves west and creates the 'Semper Fi Village'. The determination of the identifiable feature will be based upon consultation by and between the Developer and County staff and a recommendation of the Planning and Zoning Board to the Board of County Commissioners. The construction of the entry feature will be subject to approval by the County Manager.
- 2) Temporary Signage: Temporary Marketing and/or promotional signage shall be allowed within the project site for up to six (6) months following the completion of construction. The temporary marketing signage may consist of up to two (2) marketing signs at the primary access point, a marketing sign at the leasing office, and signs at each individual multi-family residential building. The temporary marketing signs located at the primary access point and at the leasing office shall not exceed a maximum cumulative signage area of 100 square feet. The signs at each multi-family residential building shall not exceed ten (10) square feet.
- 3) Temporary Construction Signage shall be allowed along Semper Fi Drive in order to improve the circulation of construction vehicles and minimize traffic impacts. Such signage shall be maintained in a clear and legible condition throughout the time needed to support the construction process, and shall be removed upon completion of construction or when no longer required.

#### **H. Landscaping and Tree Removal**

Landscaping and tree removal shall be in accordance with the adopted Nassau County Land Development Regulations in place at the time Engineering Site Plans are submitted.

#### **I. Parking**

- 1) A minimum of 1 parking space per unit shall be provided in the multi-family residential portion of the development.
- 2) A maximum of 2.5 parking spaces per unit shall be provided in the multifamily residential portion of the development.

- 3) A minimum of 15 parking spaces shall be provided for the leasing office.
- 4) Consistent with Exhibit D, a minimum of 20 parking spaces shall be provided for the public park. A minimum of 10 parking spaces shall be constructed of asphalt or concrete. The remaining may serve as overflow parking and be comprised of rock, millings, grass-pavers or other alternative surface approved by the County's Public Works Director. Parking shall meet the requirements of the Florida Accessibility Code.

**J. Utilities**

All sewer, water, electrical, telephone, cable, and other available utility distribution and/or collection lines shall be constructed underground where possible, unless stated otherwise or as required by the respective franchise companies. Above ground utility elements such as transformers and switching boxes will be screened and/or landscaped. All utilities shall be provided in accordance with the rules and regulations established by the appropriate governmental agency. Ownership, maintenance, and operation of the utilities will be the responsibility of the respective franchise companies serving the area. Temporary overhead power and telephone lines, as well as construction "drop" poles at each structure may be used during construction until such time as underground service is available.

**K. Stormwater Management Facilities**

All stormwater management facilities shall be permitted by and constructed to the standard of the SJRWMD and conveyed to the Property Owners' Association for maintenance. The Developer shall secure all required ACoE, SJRWMD, and/or Nassau County permits for stormwater management facilities prior to approval of the Engineered Site Plans.

**L. Section L. Impact Fee and Mobility Fee (new section)**

- 1) Impact Fee Credits shall be governed by Sec. 7.06 of Ordinance No. 2016-02, known as the Comprehensive Impact Fee Ordinance, in effect at the time of approval of this PUD.
  - a) Fee amount is subject to change with updates to the Impact Fee Ordinance.
  - b) Actual Impact Fee will be calculated based on fee amount at the time of building permit.
  - c) The table provided herein is an estimate based on the fees as they exist at the adoption of this PUD.
  - d) Nassau County and Developer mutually agree that Recreation Impact Fees shall be credited Developer as partial consideration for perpetual easement for public park.
- 2) Mobility Fee Credits shall be governed by Sec. 3.02 of Ordinance No. 2014-16, known as the Nassau County Mobility Fee Ordinance in effect at the time of approval of this PUD
  - a) Fee amount is subject to change with updates to the Impact Fee Ordinance.
  - b) Actual Impact Fee will be calculated based on fee amount at the time of building permit.
  - c) The table provided herein is an estimate based on the fees as they exist at the adoption of this PUD.

- d) Nassau County and Developer mutually agree that Mobility Fee Credits shall be credited to the Developer for the cost of the proposed sidewalk running from the project entrance to SR 200.

Type of Fee	Multi-Family Per Unit
Mobility	\$820
Administration	\$767
Fire/EMS	\$145
Police	\$67
Recreation Comm. Park	\$237
Recreation Reg. Park	\$288
School	\$3268
<b>TOTAL</b>	<b>\$5592/Unit</b>