

## Exhibit D

### WRITTEN DESCRIPTION

#### BRADLEY POND Units 1 & 2

**April 1, 2019**  
**Revised May 2, 2019**  
**Revised June 13, 2019**  
**Revised June 24, 2019**  
**Revised August 13, 2019**

#### I. PROJECT DESCRIPTION

- A. This application is submitted in twofold. One, to rezone the previous Bradley Pond PUD 2017-44 (hereafter to be known as Unit 1) to add a corner parcel for signage and partner with the City of Jacksonville on trails and sidewalks for the development and two, to add a back parcel (hereafter to be known as Unit 2) for 37 new units. Unit 1 will not be listed in section VIII due to the fact that it is already a PUD. The subject property is located south of Cedar Point Road, east of Gate Road, north of vacant land and west of homes on land with the same land use and zoning. Cedarbrook, a single family development, is located approximately 1,350' west of the property and Tidewater, another single family development is located approximately 2,500' to the east. The subject property is in close proximity to shopping, mass transportation and schools.

	Unit 1	Unit 2
B. Project Architect/Planner:	J. Lucas & Associates, Inc.	J. Lucas & Associates, Inc.
C. Project Engineer:	J. Lucas & Associates, Inc.	J. Lucas & Associates, Inc.
D. Project Developer:	Terrawise Homes, Inc.	Sustainable Jax, LLC
E. Current Land Use Category:	Low Density Residential(LDR) Rural Residential (RR)	Rural Residential (RR)
F. Current Zoning District:	Planned Unit Development (PUD)	Residential Rural (RR-Acre)
G. Requested Zoning District:	Planned Unit Development (PUD)	Planned Unit Development (PUD)
H. Real Estate Numbers:	159854-0020 , 159854-0200 and portion of 159829-0010	159827-0050

#### II. QUANTATIVE DATA

	Unit 1	Unit 2
A. Total acreage:	34.08 acres +/-	24.78 +/-
B. Maximum number of dwelling units by each type:	Parcel A-22 Parcel B-35 Parcel C-45 Total - 102	37
C. Minimum amount of recreation area:	1.02 acres	n/a
D. Total amount of open space:+/-	8.43 acres	14.33 acres

E. Total amount of public/private rights of way:	+/- 7 acres	2.18 acres
F. Maximum amount of land coverage of all buildings and structures:	50%	40%
G. Phase schedule of construction: initiation date:	2nd quarter 2017, completion date: 4th quarter 2019	TBD

### III. STATEMENTS

Unit 1	Unit 2
This proposed PUD differs from the usual application of the Zoning Code because it provides more open space that is required by the Code, utilizes clustering of different housing types to promote various lifestyles and price ranges, employs traditional neighborhood (TND) home designs with garages served by alleys and greater lot coverage and provides a greater emphasis on walk ability, connectivity and community.	This proposed PUD differs from the usual application of the Zoning Code because it provides more open space that is required by the Code, utilizes clustering and provides a greater emphasis on walk ability, connectivity, community and environmental contribution to the area.
A Homeowners' Association for the development shall be responsible for the maintenance of the common areas and recreation facilities. The streets may be dedicated to the City of Jacksonville or may remain privately owned and maintained by the Homeowners Association.	A Homeowners' Association for the development shall be responsible for the maintenance of the common areas and recreation facilities. The streets may be dedicated to the City of Jacksonville or may remain privately owned and maintained by the Homeowners Association.
The Subject Property will fulfill housing needs appropriate to various lifestyles and income levels, provide a mix of housing types appealing to first time buyers, retirees and other buyers. This would have a positive impact on the area, blend with surrounding uses and help to increase the property values of the older communities in the area.	The Subject Property will fulfill housing needs appropriate to various lifestyles and income levels. This would have a positive impact on the area, blend with surrounding uses and help to increase the property values of the older communities in the area
	This project is in compliance with the Future Land Use Element Policy 7.2.1 that states the City shall allow the transfer of residential densities between contiguous parcels under a common site plan and controlled zoning district in all land use categories
	Wetlands are present along the southern portion of the Property which makes the clustering of the lots to the north and eastside of the property. Natural buffering is provided to create this integrated community and blend the proposed development into the surrounding area
	The subject area will provide proposed access to Clapboard Creek via a kayak/canoe launch site with publicly accessible parking which will be maintained by the Homeowners Association
	The Homeowners Association will maintain all trails within the Bradley Pond subdivision boundaries

#### IV. USES AND RESTRICTIONS

##### A. Permitted Uses:

Unit 1	Unit 2
1-Single family dwellings and other uses allowed in RLD zoning districts as allowed by Part 656.305.A.II.(a)	1- Single family dwellings.
2-Family day care homes	
3- Essential services	
4- Neighborhood parks, pocket parks, playgrounds or recreational structures)	
5- Home occupations of the Zoning Code.	
6-Temporary sales offices and construction trailers shall be allowed to be placed on site and moved throughout the site. The number of temporary offices will not exceed four (4) at any given time and shall be removed upon the completion of all sales and construction activities on the Property. No construction trailer shall be located next to a completed and occupied home. Completed homes may be used as model homes or sales or construction offices.	Same as Unit 1
7- Single family dwellings will be constructed on Suburban Lots with the garage facing the street that the home fronts on or as TND Lots with an alley behind each home and garages facing the alley	

	Unit 1	Unit 2
B. Permissible Uses by Exception:	n/a	n/a
C. Limitations on Permitted or Permissible uses by Exception:	n/a	n/a
D. Permitted Accessory Uses and Structures:	Accessory uses and structures are allowed as defined in Section 656.403 of the Zoning Code provided however, that no setback shall be required to locate air conditioning compressors in a required side yard and fences, swimming pools, screened enclosures and air conditioning compressors shall be permitted in the second front yard on double frontage or through lots.	Accessory uses and structures are allowed as defined in Section 656.403 of the Zoning Code provided however, that no setback shall be required to locate air conditioning compressors in a required side yard and fences, swimming pools, screened enclosures and air conditioning compressors shall be permitted in the second front yard on double frontage or through lots.

#### V. DESIGN GUIDELINES

- A. Lot Requirements (Required setbacks shall be measured to the face of the structural wall of the home or building. Nonstructural exterior surfaces or veneers will not be considered encroachments:

	Unit 1	Unit 2

1- Minimum lot Area:	Parcel A- 7,000 square feet Parcel B- 6,000 square feet* Parcel C- 5,000 square feet	6,000 square feet
2- Minimum lot width:	Parcel A- 70 feet Parcel B- 60 feet Parcel C- 50 feet*	60 feet
	For corner lots, the minimum lot width shall be increased by 5 feet.	
3- Maximum lot coverage:	Parcel A- 50% Parcel B- 50% Parcel C- 55%	50%
4- Minimum front yard:	Parcel A- 20 feet Parcel B- 20 feet Parcel C- 10 feet	20 feet to face of garage door and minimum 15 feet
	Parcels A & B: 20 feet to face of garage door and minimum 15 feet. On corner lots, one of the front yards may be reduced to 10 feet for Suburban Lots	
5- Minimum side yard:	5 feet	5 feet
6- Minimum rear yard:	Parcel A- 10 feet Parcel B- 10 feet Parcel C- 20 feet	10 feet
	A rear yard shall also include any yard for a double frontage or through lot that is shown on the plat for the development which reflects a 5 foot non-access easement and the yard of any TND lot that backs up to the alley serving the garage for that lot.	
7- Maximum height of structures:	35 feet	35 feet
8- Minimum frontage of each lot:	80 % of required lot width	Same as Unit 1
	Lot frontage may be reduced to 25 feet on cul- de-sacs and curves * Parcel C may be developed as either TND Lots using the same Design Guidelines for Parcel C or as Suburban lots using the same Design Guidelines as for Parcel B provided however, that each phase for this parcel shall be developed as one or the other i.e. C Phase One or Phase Two shall not be allowed to contain a mix of TND and Suburban lots but one parcel or the other may be allowed to be developed as TND lots and the other as Suburban lots.	Lot frontage may be reduced to 25 feet on cul- de-sacs and curves

## B. Ingress, Egress and Circulation

	Unit 1	Unit 2
1- Parking Requirements	The parking requirements for this development shall be consistent with Part 6 of the Zoning Code. On street, parallel parking will be allowed and encouraged for streets adjacent to TND lots	The parking requirements for this development shall be consistent with Part 6 of the Zoning Code

2- Vehicular Access	a. Primary vehicular access to the Property shall be by way of Cedar Point Road substantially as shown in the Site Plan. There shall be no access to Gate Road, The final location of the access point on Cedar Point Road is subject to the review and approval of the Development Services Division	a. Primary vehicular access to the Property shall be by way of Cedar Point Road through adjacent community zoned through Ordinance 2017-44 which provided for potential access point(s) to the south. Within the Property, internal access shall be provided to each home and the common areas via the streets as shown on the Site Plan which shall meet the standards required by the Code of Subdivision Regulations
	b. Within the Property, internal access shall be provided to each home and the common areas via the streets as shown on the Site Plan which shall meet the standards required by the Code of Subdivision Regulations.	b. The PUD provides for two potential access points to the land locked parcel to the east and west of the PUD
	c. The PUD provides for two (2) potential access points to land locked parcels to the south of the PUD. In the event that these access points are included in the final plans for the PUD, the development of either or both of the parcels to the south shall require a modification of this PUD	
	d. A left and right turn lane warrant analysis shall be provided for the entrance at Cedar Point Rd. Cul-de-sacs with islands shall be designed such that SU-30 design vehicles can negotiate them. The roundabout shall be designed to FHWA Single Lane Roundabout Standards	
3- Pedestrian Access	a. The community is designed to promote walk ability and opportunities for residents to get out and enjoy each other's company as well as the plentiful open space and amenities in the community. Pedestrian access shall be provided by sidewalks installed as per the alternate pedestrian system shown on the Site Plan which includes a 5' sidewalk on both sides of most streets and meandering sidewalks and paths throughout the recreation and open space areas or as otherwise approved by the City of Jacksonville Planning and Development Department	a. The community is designed to promote walk ability and opportunities for residents to get out and enjoy each other's company as well as the plentiful open space and amenities in the community. Pedestrian access shall be provided by sidewalks and multi-use pathways.

	<p>b. The sidewalk condition in 2017-44 that required the developer to build the offsite sidewalk along Cedar Point Rd from Gate Rd westward to CedarBrook, along with the onsite sidewalk along Cedar Point Road, will instead be built by the City of Jacksonville as part of a grant project. This city built sidewalk will be 8' wide and where it is adjacent to the Bradley Pond community shall be within the 20' Bradley Pond subdivision buffer.</p> <p>The Developer, in lieu of not having to build the sidewalks along Cedar Point Road, will instead construct a publicly accessible 10' wide paved multiuse trail thru the Bradley Pond development along a north/south axis connecting the sidewalk along Cedar Point Road (the sidewalk to be built by the city) to Clapboard Creek. This multiuse trail will be maintained by the Bradley Pond HOA. The City of Jacksonville will retain rights for construction of a publicly accessible trail connection via bridge/boardwalk and/paved trail to adjacent land parcels on the south side of Clapboard Creek</p>	<p>b. The Developer will construct a publicly accessible 10' wide paved multiuse trail connecting the City of Jacksonville constructed Cedar Point Road paved multiuse trail to Clapboard Creek,</p>
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**C. Signage**

Unit 1	Unit 2
<p>1-The Applicant may construct up to two (2) permanent single faced identity signs at each side of the entrance Cedar Point Road or one permanent, double faced sign in a median of the entry road to the development. Each sign shall not exceed twenty-four (24) square feet in area or twelve (12) feet in height.</p>	<p>1-Real estate and construction signs shall also be allowed on each lot as provided for by Part 656.1306 and Section 656.1307 of the Zoning Code.</p>
<p>2-Real estate and construction signs shall also be allowed on each lot as provided for by Part 656.1306 and Section 656.1307 of the Zoning Code.</p>	<p>2-Community informational signs or directional signs will be allowed within this PUD not to exceed 12 square feet.</p>
<p>3-The Applicant may construct one monument sign at the corner of Cedar Point Rd. and Gate Road not to exceed 24 square feet in area or twelve (12) feet in height which may be externally illuminated</p>	

## D. Landscaping

Unit 1	Unit 2	
1-Landscaping will meet the requirements of Part 12 Landscape Regulations of the Zoning Code. Street trees and xeriscaping shall be allowed and encouraged for all lots in the PUD	1-Landscaping will meet the requirements of Part 12 Landscape Regulations of the Zoning Code. Street trees and xeriscaping shall be allowed and encouraged for all lots in the PUD.	
2-A twenty foot (20") buffer will be provided along Cedar Point Road in accordance with the City of Jacksonville Zoning Code. In addition, a twenty foot (20") buffer will be provided along Gate Road, the buffer will be extended to the southeast corner of the property and a six (6') foot, 85% opaque fence will be installed on the eastern boundary of this twenty foot (20") buffer. Finally, a six (6') foot, 85% opaque fence will be located along the eastern boundary as shown by the Site Plan.	2-A twenty foot (20') buffer will be provided along the rear of lots 33-37 with a six (6) foot, 85% opaque fence to be placed inside the twenty foot (20') buffer.	
3-Only one (1) story homes shall be allowed to be constructed in Parcel A on lots adjacent to the required twenty foot (20") buffer.	3-Community and private Gardens will be encouraged in front or backyards.	
	4-Only one (1) story homes shall be allowed to be constructed on lots 33-37. These lots shall be deed restricted  5- The open ditch that runs in a north/south direction currently on the Burke property (real estate number 159827-0000) that is close to the West boundary line that is adjacent with Unit 2 of Bradley Pond (real estate number 159827-0050) will be moved as part of the development of Bradley Pond Unit 2 westward off the Burke property and wholly onto Bradley Pond Unit 2 property at the request of Marion & Ron Burke.	
	Unit 1	Unit 2
<b>E. Recreation</b>	A minimum of one (1) acre of recreation area shall be provided for every 100 single family lots (and any fraction thereof) pursuant to Part 656.420 of the Zoning Code. The recreation may include community gardens along the pedestrian crossings, active recreation such as playgrounds, covered areas for gathering and other amenities. The recreation and open space shall be maintained by a mandatory homeowners association for the PUD	The developer will construct a publicly accessible kayak launch with adjoining parking lot on Clapboard Creek both of which will be maintained by the Bradley Pond HOA.
<b>F. Utilities</b>	Water, sanitary sewer and electric will be provided by JEA. Alleys may be utilized for the placement of underground utility lines subject to approval by the utility provider.	Water, sanitary sewer and electric will be provided by JEA.

<b>G. Wetlands</b>	The Property will be developed in accordance with the permit requirements of the St. Johns River Water Management District and all other local, state and federal requirements. The site plan has been designed to minimize impacts to wetlands.	The Property will be developed in accordance with the permit requirements of the St. Johns River Water Management District and all other local, state and federal requirements. The site plan has been designed to minimize impacts to wetlands while incorporating the beauty of the natural environment of the wetlands and providing the residents an opportunity to see the wetlands as a wonderful part of their community
<b>VI. Development Plan Approval</b>	With each request for verification of substantial compliance with the PUD, a preliminary development plan shall be submitted to the City of Jacksonville Planning and Development Department identifying all the existing and proposed uses within the Property and showing the general layout of the overall Property.	same as Unit 1

## VII. PUD REVIEW CRITERIA

	Unit 1	Unit 2
A. Consistency with Comprehensive Plan:	According to the Future Land Use Map series (FLUMS) of the 2030 Comprehensive Plan, the designated Land Uses are Low Density Residential (LDR) Rural Residential (RR) which allow for the uses requested in the subject PUD.	According to the Future Land Use Map series (FLUMS) of the 2030 Comprehensive Plan, the designated Land Use is Rural Residential (RR) which allows for the use requested in the subject PUD.
B. Consistency with the Concurrency and Mobility Management System:	The PUD will satisfy all concurrency requirements as required by the City of Jacksonville Concurrency Management System Office.	Same as Unit 1
C. Allocation of Residential Land Use:	The PUD provides for residential uses which are in compliance with the requirements of the 2030 Comprehensive Plan.	Same as Unit 1
D. Internal Compatibility/ Vehicular Access:	Vehicular access will be from Cedar Point Road. All uses are for single family.	Vehicular access will be from Cedar Point Road through the development under Ordinance 2017-44 to the north of this project. All uses are for single family.

E. External Compatibility/ Intensity of Development:	The proposed density and uses are compatible with residential development in the area. The PUD provides for twenty foot (20") buffers along the western boundary and open space along the eastern boundary adjacent to existing rural uses and restricts homes constructed adjacent to those uses to one (1) story construction	The proposed density and uses are compatible with residential development in the area.
F. Recreation/ Open Space:	The PUD will provide a recreation/common area for the community of approximately 5.13 acres. In addition, ponds and wetlands total approximately 3.3 acres and provide additional open space accessible to all residents	The PUD will provide an active recreation/common area for the community of approximately 2.42 acres. In addition, ponds and wetlands total approximately 14.47 acres and provide additional passive space
G. Impact on Wetlands:	The Property will be developed in accordance with the permit requirements of the local, state and federal agencies with jurisdiction	Same as Unit 1
H. Listed Species Regulations:	The Subject Property contains less than 50 acres and a listed species survey is not required.	Same as Unit 1
I. Off Street Parking and Loading Requirements:	Parking will be provided for each home as required by Part 6 of the Zoning Code. On street, parallel parking will be allowed and encouraged for streets adjacent to TND lots.	Parking will be provided for each home as required by Part 6 of the Zoning Code.
J. Sidewalks, Trails and Bikeways:	Pedestrian access shall be provided by sidewalks installed as per the alternate pedestrian system shown on the Site Plan or as otherwise approved by the City of Jacksonville Planning and Development Department	Same as Unit 1
K. Stormwater Retention:	A total of two (2) ponds are proposed to be constructed and the existing pond is proposed to remain on the Property and will be maintained by the Homeowners Association	A total of two (2) ponds are proposed to be constructed
L. Utilities:	The Jacksonville Electric Authority will provide all utilities.	Same as Unit 1

### VIII. PUD/DIFFERENCE FROM USUAL APPLICATION OF ZONING CODE

Element	Zoning Code	Unit 2
Landscaping & Buffering	Part 12, Chapter 656 Zoning Code	1-Street trees and xeriscaping shall be allowed and encouraged for all lots in the PUD. Community and private Gardens will be encouraged in front or backyards. 2- A twenty foot (20') buffer will be provided along the rear of lots 33-37 with a six (6) foot fence to be placed inside the twenty foot (20') buffer.

<p>Min Lot Requirements (Width &amp; Area)</p>	<p>Section 656.304 A (l) d  For single-family dwellings and mobile homes, the minimum lot requirements (width and area), except as an otherwise required for certain other uses, are as follows:  (1) Width—100 feet.  (2) Area—43,560 square feet.</p>	<p>(1) Width—60 feet.  (2) Area—6,000 square feet.</p>
<p>Min Yard Requirements</p>	<p>Section 656.304 A (l) f  The minimum yard requirements for all permitted or permissible uses and structures are as follows:  (1) Front—25 feet.  (2) Side—Ten feet.  (3) Rear—Ten feet.</p>	<p>(1) Front—20 feet.  (2) Side—5 feet.</p>
<p>Permitted Accessory Uses &amp; Structures</p>	<p>Section 656.403, Zoning Code</p>	<p>Accessory uses and structures are allowed as defined in Section 656.403 of the Zoning Code provided however, that no setback shall be required to locate air conditioning compressors in a required side yard and fences, swimming pools, screened enclosures and air conditioning compressors shall be permitted in the second front yard on double frontage or through lots.</p>

Permitted Uses	<p>Section 656.304 A (I) a</p> <ul style="list-style-type: none"> <li>(1) Single-family dwellings.</li> <li>(2) Foster care homes.</li> <li>(3) Community residential homes of six or fewer residents meeting the performance standards and development criteria set forth in Part 4.</li> <li>(4) Family day care homes meeting the performance standards and development criteria set forth in Part 4.</li> <li>(5) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.</li> <li>(6) Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.</li> <li>(7) Golf courses meeting the performance standards and development criteria set forth in Part 4.</li> <li>(8) Neighborhood parks, pocket parks, playgrounds or recreational structures which serve or support a neighborhood or several adjacent neighborhoods, meeting the performance standards and development criteria set forth in Part 4.</li> <li>(9) Country clubs meeting the performance standards and development criteria set forth in Part 4.</li> <li>(10) Animals, other than household pets, meeting the performance standards and development criteria set forth in Part 4.</li> <li>(11) Home occupation meeting the performance standards and development criteria set forth in Part 4.</li> </ul>	<ul style="list-style-type: none"> <li>(1) Single family dwellings.</li> <li>(2) Temporary sales offices and construction trailers shall be allowed to be placed on site and moved throughout the site. The number of temporary offices will not exceed two (2) at any given time and shall be removed upon the completion of all sales and construction activities on the Property. No construction trailer shall be located next to a completed and occupied home. Completed homes may be used as model homes or sales or construction offices.</li> </ul>
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## VIII. PUD CONDITIONS

### Canoe/kayak Launch Site.

1. The developer shall provide public vehicular access to Clapboard Creek through a perpetual, non-exclusive public access easement, dedication as part of the plat, or Deed of Dedication (“Kayak/canoe Vehicular Access Easement”) in favor of the City, in a form approved by the Office of General Counsel, over the local roads as contemplated in the development, from Cedar Point Road to the small island in the southern portion of the Unit 2 property. The small island is depicted as “Island” on the Preliminary Site Plan of Bradley Pond Unit 1 and 2, dated August 12, 2019 (“Preliminary Site Plan”).
2. As a condition of issuance of the first Single Family Residential New Building permit for the development, the **conveyance documentation** for the Kayak/canoe Vehicular Access Easement shall be provided to the City for acceptance. This easement may make provision for an initial temporary kayak parking area (“Temporary Parking”), as indicated on the Preliminary Site Plan, as well as the permanent kayak Parking Area (located at the near southern extent of the uplands in Unit 2), but shall include the entire length of the easement from Cedar Point Road to the Kayak/canoe Launch site. The Easement shall include language that if the developer is unable to construct the Access, then the City, or other governmental agency, may do so.
3. As a condition of the issuance of the 41<sup>st</sup> Single Family Residential New Building permit for the development, the Kayak/canoe Vehicular Access shall be **constructed**, and approved by the City, from Cedar Point Road to, as an initial stage, the northern portion of Unit 2, at the point where “Temporary Parking” is depicted on the Preliminary Site Plan. The portion of this access and parking area located within Unit 2 may be paved, or may be unpaved and graded so long as it is traversable by a non-four-wheel-drive car. From this initial temporary kayak parking area, which shall contain parking for 10 vehicles, the Trail, including the pedestrian bridge/boardwalk, shall be **constructed** to the shoreline Kayak/canoe launching area (the “Kayak/canoe Launch”).
4. The temporary Kayak/canoe Vehicular Access and the Kayak/canoe Launch site shall be cleared of underbrush and maintained in a manner to allow passive recreation use, as approved by the Parks, Recreation and Community Services Department (“Parks Dept.”).
5. The Kayak Vehicular Access shall at all times make provision for the conveyance of drainage flow from the north across or under the Access so that the drainage is not impeded by the Access, particularly between Unit 2 Lots 14 and 15, and Lots 33 and 34. A statement on the plat, in the recorded HOA documents, and a deed restriction for Lots 14, 15, 33 and 34 of Unit 2 shall prohibit the filling, grading, planting or constructing structures in that area.
6. As a condition of issuance of the 41<sup>st</sup> Single Family Residential New Building Permit, **Directional Signs**, in the form and locations approved by the Parks Dept. shall be provided on Cedar Point Road, and the designated shoreline launch site, alerting the public of the Canoe/kayak Launch Site.
7. The developer or the Homeowner’s association (“HOA”) shall maintain: the Kayak Access and Parking Area (both temporary and permanent); the drainage under the Vehicular Access; the Kayak/canoe Launch Site, including any necessary repairs/replacement of the pedestrian bridge across the wetlands,

as needed; and the Multi-use Trail. A statement shall be included in the HOA documents alerting purchasers in this development of these requirements.

8. As a condition of acceptance of Unit 2, the paved Kayak Parking Area and the paved Kayak/canoe Vehicular Access to it shall be **constructed** through Unit 2 to the kayak Parking Area, as indicated on the Preliminary Site Plan. The parking lot shall be to ADA standards.

#### **Multi-use Trail.**

1. In lieu of providing the sidewalk as required in ordinance 2017-44-E (Bradley Pond PUD I), the developer shall provide public access to the Kayak/canoe Launch site through a perpetual non-exclusive public access easement ("Multi-use Trail Easement") that will contain a 10 foot wide paved Multi-use Trail ("the Trail") as indicated on the Preliminary Site Plan, providing the connection from the sidewalk to be constructed by the City along Cedar Point Road to the Kayak/canoe Launch site, for the purposes of pedestrian and non-motorized bicycle use. The easement shall be in favor of the City, in a form approved by the Office of General Counsel. The developer shall construct and maintain the Trail, however, if the developer fails to do so, the City may do so with the cost charged to the developer or HOA, as the case may be. Rather than providing the exact location of the Trail through a survey, the developer may provide a blanket easement over the HOA Tract 1 in Unit 1, and the HOA Tract in Unit 2, so long as the location of the Trail is consistent with that shown on the Preliminary Site Plan.
2. As a condition of issuance of the 41<sup>st</sup> Single Family Residential New Building Permit in Unit 1, the developer shall design and construct, and the City shall review for acceptance, the 10 foot wide paved Trail provided through Unit 1 and as a paved Trail and pedestrian bridge/boardwalk through Unit 2, down to and including the Kayak/canoe Launch site, in conformance with specifications provided by the Parks Dept.
3. The Trail shall be designed and constructed such that private vehicles cannot access the Trail, and shall be to ADA standards.
4. The Trail shall not be lighted, and shall have operating hours posted as from dawn to dusk.

#### **Access to the Property and to Lots.**

1. Vehicular access to the Property shall be by way of Cedar Point Road, substantially as shown on the Preliminary Site Plan. The final location of the access point on Cedar Point Road is subject to the review and approval of the Planning Department.
2. There shall be no vehicular access to Gate Road.
3. All Lots in Phase I of Parcel C (the TND Lots) shall be developed as shown on the Preliminary Site Plan with an alley providing vehicular access and utilities to the Lots. Any garage located on these Lots shall be located in the rear of the lot to allow vehicular access from the alley, with no garage door facing the right-of-way.
4. The alleys for the Parcel C Lots, and the roads abutting the frontage of Parcel C Lots, shall be constructed in conformance with the TND Roadway Typical Section as shown in Appendix 3 of the Land

Development Procedures Manual, and in the Series 500 Paving drawings of the City Standard Details (April 2009) document.

5. Alleys and roads in Parcel C shall contain the utilities in order to allow street trees to line the streets.
6. Phase 2 of the Parcel C Lots (Lots 82-102), currently drawn as TND Lots on the Preliminary Site Plan, may be developed in the suburban model that is present in Parcels A and B, with a minimum width of 60 feet, or may be developed as TND Lots, but not a mixture of both.
7. All Lots not developed as TND Lots, shall have a minimum of 25 feet from the sidewalk, if any, to the face of the garage door. Along areas where no sidewalk is planned, there shall be a minimum of 20 feet from the right-of-way line to the face of the garage.

#### **Internal Circulation.**

1. Cul-de-sacs with islands shall be designed such that SU-30 design vehicles can negotiate them.
2. The roundabout shall be designed to FHWA Single Lane Roundabout Standards.
3. Sidewalks a minimum of 5 feet in width shall be provided on both sides of all streets except: in Unit 2 a single 6 foot wide sidewalk will be provided fronting Lots 22-37, rather than providing a 5 foot sidewalk on both sides of the street; and in Unit 1, the sidewalk may be eliminated as shown on the Preliminary Site Plan on the northernmost cul-de-sac in Unit 1 if required for the proper turning radius in the cul-de-sac.

#### **Buffers.**

1. The 20 foot natural buffer as required by Sec. 656.1222, *Ordinance Code*, along Cedar Point Road and Gate Road shall be platted as a separate Tract and owned by the HOA. It shall contain an 85% opaque screen fence or wall located along the Lot-side of the buffer, with trees and landscaping provided on the street-side of the buffer.
2. As a condition of Civil Plan Review and Approval of Unit 1, the developer shall provide the City with a perpetual, non-exclusive easement for the purpose of pedestrian and non-motorized bicycle use, to construct an 8 foot wide sidewalk within the 20 foot Landscape Buffer Tract as shown on the Preliminary Site Plan along Cedar Point Road. The easement shall be in a form approved by the Office of General Counsel.
3. Pursuant to Sec. 656.1222 and in order to determine the amount and location of all trees of 3" d.b.h. or greater, the developer shall provide the City with a tree survey of trees 3" d.b.h. or greater along Cedar Point Road and Gate Road.
4. The tree survey along Cedar Point Road will be utilized by the City so that the sidewalk, which will be designed and constructed by the City, will meander in order to save existing trees while providing a safe distance from the roadbed of Cedar Point Road.
5. Within the 20 foot Buffer Tracts along Cedar Point Road and Gate Road, pursuant to Sec. 656.1222, if trees 3" or great d.b.h. are removed from the Tracts, they must be replaced with at least 3" caliper trees (equating to the amount of inches total removed) in each Tract. If the preserved trees do not

equate to one tree per 40 linear feet along the perimeter adjacent to the rights-of-way, then trees of at least 4" caliper shall be provided.

6. As noted on the Preliminary Site Plan in Unit 2, a separate 20 foot deep HOA Tract shall be provided on the north property line adjacent to property owned by others. The Tract shall contain the preserved natural vegetation, and a fence on the Lot-side of the Tract. The fence shall not be required within the jurisdictional wetlands if conditions are such that construction of a fence is unreasonable.
7. Where property (real estate # 159827-0000) currently owned by the Burkes is adjacent to the development, an 8 foot height fence, as shown on the Preliminary Site Plan, shall be provided. Where the fence is located on the property line at the development's Park area, clumping bamboo shall be provided on the Park side of the fence between the fence and the Multi-use Trail.

#### **Miscellaneous.**

1. No subdivision identity sign may exceed a height of 6 feet.
2. The open ditch that runs in a north/south direction currently located on the Burke property that is close to the east property line in the northern portion of Unit 2, shall be moved by the developer westward off the Burke property and wholly onto the Unit 2 property prior to the issuance of the first Single Family Residential New Building Permit.
3. A separate platted Tract, to be owned by the HOA, shall be created in Unit 2 between Lots 14 and 15, and Lots 33 and 34 in order to allow the drainage to occur from the north offsite, south toward the wetlands adjacent to Clapboard Creek. A statement on the plat, in the recorded HOA documents, and a deed restriction for Lots 14, 15, 33 and 34 of Unit 2 shall indicate the prohibition of filling, grading, planting or constructing structures in that area.
4. Only one story homes shall be allowed to be constructed in Unit 1 on Lots 1-10, 25-29, 36, 37, and 40, as those Lots are located on the Preliminary Site Plan.
5. Only one story homes shall be allowed to be constructed in Unit 2, Lots 33-37, as those Lots are located on the Preliminary Site Plan.
6. The lot mix for Unit 2 totaling 37 lots shall be as follows: 18 lots at 60' wide (Lots 1-3, 16-30); 3 lots at 64'-69' wide (Lots 4, 31,32); and 12 lots at 70' wide (Lots 5-13, 35-37). Lots 14, 15, 33, 34 shall be as substantially shown on the Preliminary Site Plan.
7. Street trees shall be provided between the sidewalk and the roadway in Parcel C at a minimum, and shall count toward the required trees on the Lot, or as mitigation trees.