

FILE 200513572 OR BOOK 01310 PGS 0508-0513 RECORDED 04/18/2005 09:05:08 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

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Return: Joyce Bradley*

ORDINANCE NO. 98-33

AN ORDINANCE AMENDING ORDINANCE NO. 83-19, AS AMENDED. THIS ORDINANCE RE-ZONES AND RE-CLASSIFIES THE PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO THAT OF A PLANNED UNIT DEVELOPMENT (PUD); THE NAME OF THE PUD IS "LIGHTHOUSE POINTE"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 28th day of September, 1983, the Board of County Commissioners did adopt Ordinance No. 83-19, an Ordinance Enacting and Establishing a Comprehensive Zoning Code for the unincorporated portion of Nassau County, Florida; and

WHEREAS, the "owners" of that certain property described in the attached Exhibit "A" intend to develop the described property in accordance with a master plan; and

WHEREAS, the "owners" of that certain property described in the attached Exhibit "A" have applied for a re-zoning and re-classification of that property from OPEN RURAL (OR) to that of a PLANNED UNIT DEVELOPMENT (PUD); and

WHEREAS, the Planning and Zoning Board of Nassau County has considered said application and held public hearings on the same after due notice, and made its findings and recommendations thereon; and

WHEREAS, the County Commission of Nassau County has considered the findings and recommendations of the Planning Board and held its own public hearings on the application after due notice and also considered the Comprehensive Land Use Plan, and finds that the property described in the attached Exhibit "A" is suitable in location and character for the uses proposed in said application according to the criterion as set forth in Article 24 of Ordinance No. 83-19, as amended, of the County of Nassau.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County that the application for the Planned

REC 69.50

Unit Development is hereby approved and the land shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Article 24 of Ordinance No. 83-19, as amended, of the County of Nassau and further subject to the additional conditions and requirements:

SECTION 1. The Planned Unit Development concept shall be as indicated on the Preliminary Development Plan attached hereto as Exhibit "B". The Planned Unit Development is further subject to the requirements of Ordinance No. 83-19.

SECTION 2. Owner and Description. The land re-zoned by this Ordinance is owned by Amelia Island Ventures, Inc.

SECTION 3. Conditions: The conditions set forth as exhibit "C" shall be made a part of this PUD, and the property shall be subject to said conditions. The conditions set forth for site plan review are applicable.

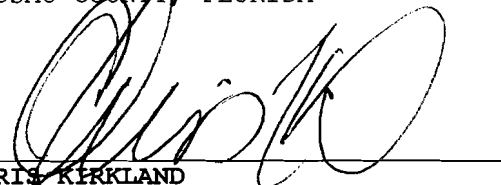
SECTION 4. This Ordinance shall take effect upon adoption by the Board of County Commissioners and filing in the Secretary of State's Office.

ADOPTED THIS 12th of October, 1998, by the Board of County Commissioners.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk


CHRIS KIRKLAND
Its: Chairman

Approved as to form by the
Nassau County Attorney:

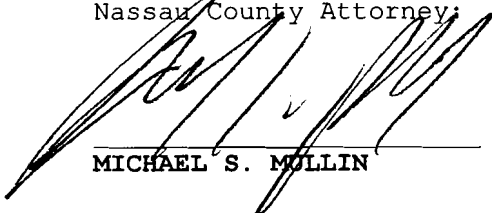

MICHAEL S. MOLLIN

EXHIBIT "A"

A PORTION OF SECTION 37 AND 38, TOWNSHIP 3 N, RANGE 27 EAST AND A PORTION OF SECTIONS 41 AND 42, TOWNSHIP 3 N, RANGE 28 EAST, NASSAU COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A-The Island

COMMENCE AT THE LINE DIVIDING RANGE 27 E AND RANGE 28 E AND THE SOUTHEASTERLY LINE OF SAID SECTION 38; THENCE S 42°-49'-23" W ALONG SAID SOUTHEASTERLY LINE OF SECTION 38 A DISTANCE OF 705.07 FEET; THENCE N 7°-40'-06" E A DISTANCE OF 600.98 FEET; THENCE N 87°-39'-00" E A DISTANCE OF 443.85 FEET; THENCE S 2°-07'-40" E A DISTANCE OF 66.88 FEET; THENCE N 44°-08'-49" E A DISTANCE OF 1,217.66 FEET; THENCE CONTINUE N 44°-08'-49" E A DISTANCE OF 636.76 FEET; THENCE N 49°-11'-16" W A DISTANCE OF 170.49 FEET; THENCE N 29°-04'-29" E A DISTANCE OF 291.33 FEET TO THE POINT OF BEGINNING; THENCE N 51°-52'-10" W A DISTANCE OF 10.02 FEET; THENCE N 11°-36'-04" W A DISTANCE OF 27.58 FEET; THENCE NORTH 37°-38'-53" W A DISTANCE OF 18.42 FEET; THENCE N 62°-17'-41" W A DISTANCE OF 23.16 FEET; THENCE N 35°-39'-33" E A DISTANCE OF 45.11 FEET; THENCE N 49°-18'-32" E A DISTANCE OF 26.25 FEET; THENCE N 51°-29'-46" E A DISTANCE OF 54.78 FEET; THENCE NORTH 48°-53'-17" E A DISTANCE OF 45.61 FEET; THENCE S 88°-06'-29" E A DISTANCE OF 10.34; THENCE N 03°-33'-51" E A DISTANCE OF 8.37 FEET; THENCE N 50°-59'-09' EAST A DISTANCE OF 39.41 FEET; THENCE NORTH 50°-16'-41" E A DISTANCE OF 45.47 FEET; THENCE N 72°-52'-48" E A DISTANCE OF 20.40 FEET; THENCE N 41°-50'-09" E A DISTANCE OF 14.40 FEET; THENCE N 64°-39'-14" E A DISTANCE OF 41.45 FEET; THENCE S 81°-15'-53" E A DISTANCE OF 29.86 FEET; THENCE S 26°-17'-04" E A DISTANCE OF 12.91 FEET; THENCE S 69°-45'-49" E A DISTANCE OF 18.93 FEET; THENCE S 27°-13'-41" W A DISTANCE OF 31.04 FEET; THENCE S 60°-48'-18" W A DISTANCE OF 20.38 FEET; THENCE S 25°-07'-55" W A DISTANCE OF 12.26 FEET; THENCE S 73°-58'-40" W A DISTANCE OF 12.57 FEET; THENCE S 31°-11'-06" W A DISTANCE OF 20.52 FEET; THENCE S 52°-20'-13" W A DISTANCE OF 24.88 FEET; THENCE S 24°-08'-53" W A DISTANCE OF 25.11 FEET; THENCE S 41°-08'-52" W A DISTANCE OF 31.03 FEET; THENCE S 56°-04'-20" W A DISTANCE OF 16.53 FEET; THENCE S 27°-18'-41" W A DISTANCE OF 26.99 FEET; THENCE S 35°-45'-06" W A DISTANCE OF 20.07 FEET; THENCE S 89°-38'-15" W A DISTANCE OF 6.94 FEET; THENCE S 15°-16'-48" W A DISTANCE OF 10.92 FEET; THENCE S 29°-46'-26" W A DISTANCE OF 21.08 FEET; THENCE S 47°-30'-08" W A DISTANCE OF 25.80 FEET; THENCE S 57°-12'-07" W A DISTANCE OF 34.28 FEET; THENCE S 64°-35'-56" W A DISTANCE OF 44.06 FEET; THENCE NORTH 51°-52'-10" W A DISTANCE OF 23.16 FEET TO THE POINT OF BEGINNING. CONTAINING 0.79 ACRE MORE OR LESS.

PARCEL B-Mainland

BEGIN AT THE LINE DIVIDING RANGE 27 E AND RANGE 28 E AND THE SOUTHEASTERLY CORNER OF SAID SECTION 38; THENCE S 42°-42'32" W ALONG THE SOUTHEASTERLY LINE OF SAID SECTION 38 A DISTANCE OF 703.51 FEET; THENCE N 7°-50'09" E A DISTANCE OF 1,006.93 FEET; THENCE N 7°-01'01" E A DISTANCE OF 180.95 FEET; THENCE N 7°-08'-51" E A DISTANCE OF 318 MORE OR LESS TO THE MARSHLANDS OF BELLS RIVER, THENCE EASTERLY, SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY ALONG THE MARSHLANDS OF BELLS RIVER A DISTANCE OF 5,422 MORE OR LESS TO THE CENTERLINE OF A CREEK; THENCE WESTERLY ALONG SAID CENTERLINE OF CREEK A DISTANCE OF 707 FEET MORE OR LESS TO THE EASTERLY LINE OF SAID SECTION 37; THENCE S 0°-01'-55" E ALONG SAID EASTERLY LINE OF SECTION 37 A DISTANCE OF 60 FEET MORE OR LESS; THENCE N 86°-15'-43" W A DISTANCE OF 425.0 FEET; THENCE S 0°-01'-55" EAST A DISTANCE OF 160.0 FEET TO THE DIVISION LINE OF LOTS 1 AND 2 OF THE ESTATE OF H.M. THIGPEN AS RECORDED IN DEED BOOK 39, PAGE 356 OF SAID COUNTY RECORDS, A DISTANCE OF 422.86 FEET TO THE DIVIDING LINE OF SAID SECTIONS 37 AND 38; THENCE N 42°-42'-32" E ALONG THE DIVIDING LINE OF SAID SECTIONS 37 AND 38 A DISTANCE OF 994.84 FEET; THENCE S 0°-01'-55" E PARALLEL THE EASTERLY LINE OF SAID SECTION 38 A DISTANCE OF 251.73 FEET; THENCE N 42°-42'-32" E PARALLEL THE DIVIDING LINE OF SAID SECTIONS 37 AND 38 A DISTANCE OF 251.73 FEET TO THE EASTERLY LINE OF SAID SECTION 37; THENCE N 0°-01'-55" W ALONG THE EASTERLY LINE OF SAID SECTION 37 A DISTANCE OF 251.73 FEET TO THE POINT OF BEGINNING. CONTAINING 71 ACRES MORE OR LESS.

LESS AND EXCEPT COUNTY ROAD RIGHT OF WAYS FOR LENTZ ROAD.

SUBJECT TO A 30 FOOT EASEMENT FOR INGRESS AND EGRESS THAT LIES SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID SECTION 38, THAT BEGINS AT THE ONE ACRE OUT PIECE IN THE NORTHEASTERLY CORNER OF SAID SECTION 37 AND RUNS SOUTHWESTERLY TO LENTZ ROAD.

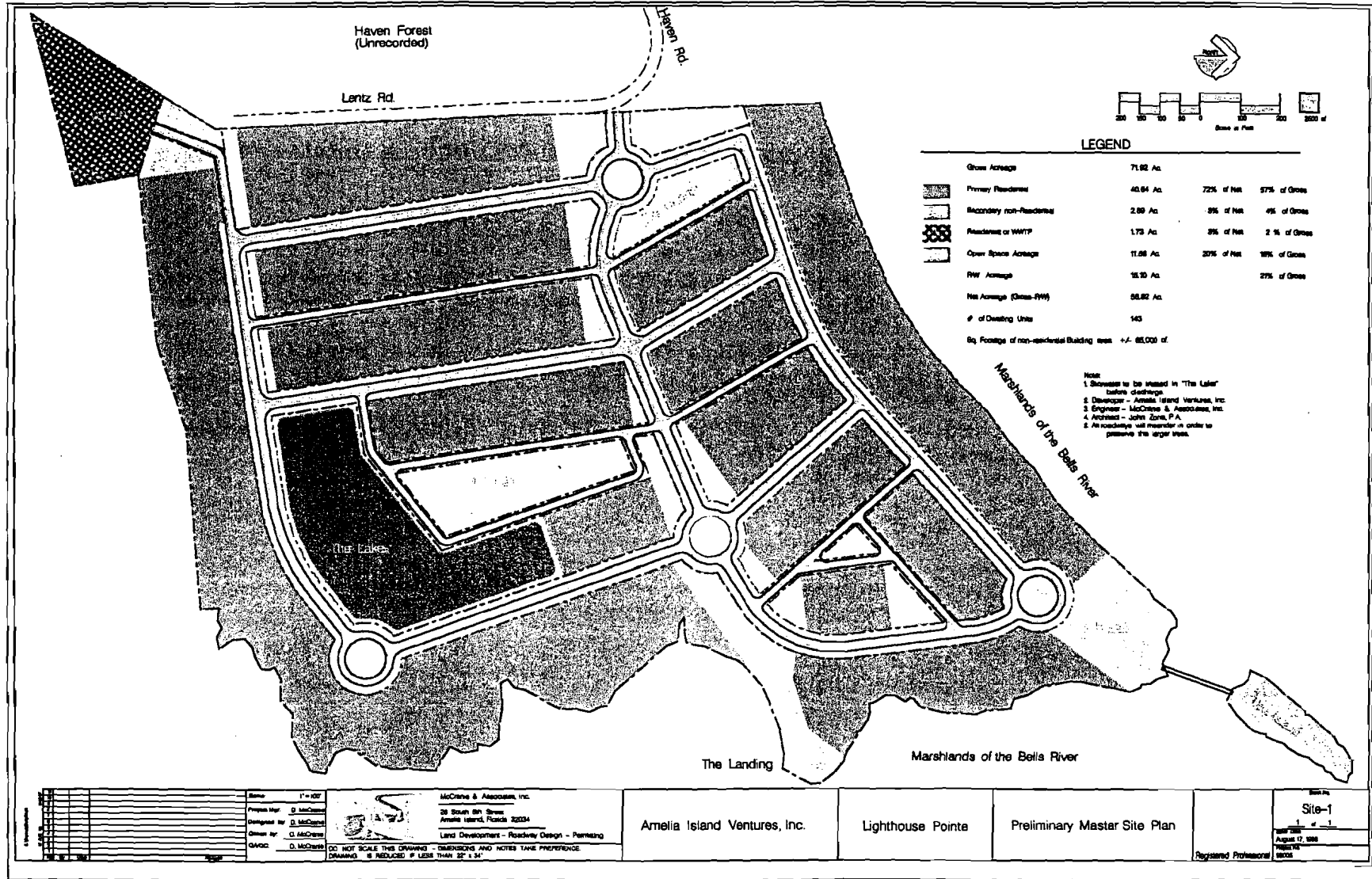


EXHIBIT 'C'

1. The parcel designated for the location of the potable water treatment facility and wastewater lift station shall employ a twenty (20) foot natural buffer and fence along all boundary lines. The community water well shall be placed no closer than 200 feet to any impervious surface, as per Comprehensive Plan Policy 4.05.04.

2. Commercial uses shall be restricted to indoor retail, restaurant, hotel, and service uses listed as permitted uses in the Commercial General (CG) district. Development of these uses (as well as the chapel) shall utilize setback and lot restrictions for the CG zoning district, and the parking restrictions listed in Article 31 of the Zoning Code.

3. Total number of lots not to exceed 142 in number.

4. Future traffic impacts shall be based upon 142 residential lots plus the traffic impacts generated by the commercial uses of the PUD.

5. Lots shall vary in size from 60' wide by 100' deep to 80' wide by 200' deep. Covenants and restrictions to be submitted during Final Development Plan.

6. Marsh and river-front lots in the development shall contain a fifty (50) foot undisturbed buffer from the jurisdictional wetland line as per Comprehensive Plan Policy. All development within this buffered area shall average 50 feet with a minimum of 25 feet. All development therein to be prohibited.

7. The lighthouse, Lighthouse Inn, general store, and marina office shall be located on the small island and the 50 foot setback from the jurisdictional wetlands line be defined as an average not an absolute one on said island.

8. All commercial and other non-residential uses (such as the marina, lighthouse, and chapel) must be given final approval from the Planning and Zoning Board and Board of County Commissioners as a Final Development Plan only after completion of the staff level site plan review process.

9. The maximum height requirement for the island shall be 100 feet from the lighthouse, a 50 foot maximum height restriction for all other commercial structures on the island. The rear yard setback in the Commercial General (CG) shall be 30 feet. (The 150 foot setback from the mean high-water line would preclude development.)

10. The marina shall be limited to 40 slips and be for the exclusive use of the development. Final approval of the marina must be contingent upon written proof approval by the applicable state and federal agencies.

11. Residential uses shall be restricted to the following conditions:

- A. 60 foot minimum lot width.
- B. 100 foot minimum lot depth.
- C. 15 foot minimum distance between buildings.
- D. 5 foot minimum side yard setback.
- E. 12 foot minimum front yard setback.
- F. Ten foot minimum rear yard setback.
- G. 35 foot maximum height
- H. 40% maximum lot coverage

12. The Zoning Administrator may administratively approve setback variances of up to three (3) feet for residences in order to save individual trees. There shall be architectural review standards submitted during the Final Development Plan approval

process. These standards shall address the preservation of trees.

13. The sewer force main shall be extended from A1A (United Water Company) to the proposed PUD at the expense of the developer. This extension shall include all lift stations and up-sizing per United Water requirements. If said PUD does not seek extension of the aforementioned force main then said PUD shall have cause to construct and pave Lents Road from Roses Bluff Road to the existing Haven Road connection therefore providing two points of ingress and egress. All necessary rights of way for improvements of Lents Road shall be secured by the county, and all construction by the contractor shall meet or exceed the paving standards of Nassau County.

14. All roadways within the development shall be paved to a paving design standard that meets or exceeds the minimum County standards. The roadway system shall be maintained in perpetuity by the homeowners association.

15. The developer shall construct the force main to United Water standards and then upon demand by the County, the developer will deed to the County that portion of the roadway currently known as Lents Road within the control of the developer at a minimum width of 60 feet to its point of connection with Haven Road.

16. The internal roadway system on the preliminary development plan can be re-aligned on the final development plan to protect existing trees.

17. Fire hydrants shall be installed within the subdivision at developer's cost with adequate fire suppression flow rate.