

ORDINANCE NO. 99-28

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 "NORTH HAMPTON PUD"; 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 which Ordinance has been subsequently amended including Ordinance No. 97-19 adopted on the 28th day of July, 1997; 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), to establish residential development; 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, pursuant to the Nassau County Comprehensive Plan Objective 1.09 and Policy 1.09.03, the owners of the property described in Exhibit "A" have submitted a wetlands jurisdictional survey approved by the St. Johns River Water Management District delineating the jurisdictional wetlands line of that portion of the property abutting Lofton Creek as shown on Exhibit "B"; 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 25 of Ordinance No. 97-19 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 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 25 of Ordinance No. 97-19, of the County of Nassau and further subject to the additional conditions, requirements and findings described below:

SECTION 1. The Planned Unit Development concept shall be as indicated on the Preliminary Development Plan attached hereto as Exhibit "C". The Planned Unit Development is further subject to the requirements of Ordinance No. 97-19.

SECTION 2. Owner and Description. The land re-zoned by this Ordinance is owned by Rayland Company, Inc., owners.

SECTION 3. Conditions: The conditions set forth as Exhibit "D" shall be made a part of this PUD, and the property shall be subject to said conditions. Further the conditions set forth for site plan review are applicable as are Goals and Objectives of the Comprehensive Plan.

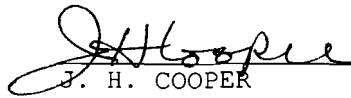
SECTION 4. The Board of County Commissioners of Nassau County has accepted the wetlands line shown on Exhibit "B" as the landward boundary of the Nassau County Comprehensive Plan Future Land Use Wetlands designation adjacent to Lofton Creek and has confirmed that the property described on Exhibit "A" attached hereto, located north and east of the Lofton Creek wetlands line shown on Exhibit "B", may be developed consistent with the densities and intensities of the adjacent

Nassau County Medium Density Residential Comprehensive Plan Future Land Use designation.

SECTION 5. This Ordinance shall take effect upon adoption by the Board of County Commissioners and filing in the Secretary of State's Office.

ADOPTED this 23rd day of August, 1999, by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



J. H. COOPER
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

EXHIBIT "A"



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.

200 Shadowlawn
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3730
Fax: 912/882-2720

DECEMBER 5, 1996
REVISED: DECEMBER 20, 1996
REVISED: MARCH 4, 1998
REVISED: JULY 7, 1999

LEGAL DESCRIPTION OF A PORTION OF, SECTIONS 1, 12, 13, 24, 38, 39 AND 40, TOWNSHIP 2 NORTH, RANGE 27 EAST; NASSAU COUNTY, FLORIDA

FOR: LANDMAR RESORTS, INC., RAYLAND COMPANY, INC., GARTNER BROCK & SIMON, AND FIRST AMERICAN TITLE INSURANCE COMPANY

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN A PORTION OF SECTIONS 1, 12, 13, 24, 38, 39 AND 40, ALL IN TOWNSHIP 2 NORTH RANGE 27 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A RAILROAD SPIKE FOUND AT THE CENTERLINE OF RIGHT-OF-WAY INTERSECTION OF STATE ROAD NO. 200-A (A 100-FOOT RIGHT-OF-WAY BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR SECTION 74600-2150 (7460-175)) AND STATE ROAD NO 200 / A1A (RIGHT-OF-WAY VARIES AS SHOWN ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR SECTION 74060-2503) AND RUN SOUTH 72°-46'-59" EAST ALONG LAST MENTIONED CENTERLINE, A DISTANCE OF 97.48 FEET TO A POINT; RUN THENCE SOUTH 17°-13'-01" WEST PERPENDICULAR TO LAST MENTIONED CENTERLINE, A DISTANCE OF 92.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200 / A1A, SAID POINT BEING THE EASTERNMOST END OF A MITER IN THE EASTERLY RIGHT-OF-WAY LINE OF LOFTON BOULEVARD ACCORDING TO DEED RECORDED IN BOOK 766, PAGE 775 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE SOUTH 62°-13'-01" WEST ALONG LAST MENTIONED MITER IN SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.00 FEET TO A POINT; RUN THENCE SOUTH 17°-13'-01" WEST ALONG LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, THE SAME BEING THE WESTERLY LINE OF LANDS OF RAYLAND COMPANY, INC. ACCORDING TO DEED RECORDED IN BOOK 646, PAGE 1021 OF THE OFFICIAL RECORDS OF SAID COUNTY, A DISTANCE OF 1066.48 FEET TO THE SOUTHWEST CORNER THEREOF; RUN THENCE SOUTH 72°-46'-59" EAST ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 285.13 FEET TO A POINT; RUN THENCE SOUTH 00°-00'-00" EAST, A DISTANCE OF 755.92 FEET TO A SET 1/4 INCH IRON PIPE AT THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 03°-20'-00" EAST, A DISTANCE OF 2020.00 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 03°-27'-00" EAST, A DISTANCE OF 1493.15 FEET TO A POINT; RUN THENCE SOUTH 43°-32'-22" WEST, A DISTANCE OF 740.33 FEET TO A POINT; RUN THENCE SOUTH 06°-33'-41" WEST, A DISTANCE OF 634.57 FEET TO A POINT; RUN THENCE SOUTH 26°-46'-44" WEST, A DISTANCE OF 179.65 FEET TO A POINT; RUN THENCE SOUTH 87°-43'-05" WEST, A DISTANCE OF 405.35 FEET TO A POINT; RUN THENCE SOUTH 10°-49'-23" WEST, A DISTANCE OF 308.02 FEET TO A POINT ON THE NORTHERLY LINE OF AN 80-FOOT WIDE UTILITY EASEMENT ACCORDING TO DEED RECORDED IN BOOK 673, PAGE 1452 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE SOUTH 87°-43'-05" WEST ALONG THE NORTHERLY LINE OF SAID EASEMENT, A DISTANCE OF 1279.85 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 04°-00'-00" EAST, A DISTANCE OF 1681.71 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 28°-01'-01" EAST, A DISTANCE OF 2499.77 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 15°-00'-12" WEST, A DISTANCE OF 1460.12 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 40°-00'-00" WEST, A DISTANCE OF 1650.02 FEET TO A SET 1/2 INCH PIPE; RUN THENCE SOUTH 18°-00'-00" WEST, A

DISTANCE OF 1004 FEET, MORE OR LESS, TO THE EASTERLY EDGE OF MARSH OF LOFTON CREEK, SAID POINT LYING NORTH 18°-00'-00" EAST, A DISTANCE OF 40 FEET, MORE OR LESS, FROM A SET 1/2 INCH IRON PIPE; RUN THENCE IN A SOUTHWESTERLY, WESTERLY AND THEN IN GENERALLY A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF SAID EASTERLY EDGE OF MARSH OF LOFTON CREEK, THE SAME BEING THE WESTERLY LINE OF LANDS DESCRIBED IN DEED RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 579, PAGE 407, A DISTANCE OF 15,377 FEET, MORE OR LESS, TO A POINT THAT BEARS NORTH 87°-59'-45" WEST FROM A SET 1/2 INCH PIPE; RUN THENCE SOUTH 87°-59'-45" EAST, A DISTANCE OF 224 FEET, MORE OR LESS, TO THE SET 1/2 INCH IRON PIPE; THENCE CONTINUE SOUTH 87°-59'-45" EAST, DISTANCE OF 815.02 FEET TO A SET 1/2 INCH IRON PIPE; RUN THENCE NORTH 04°-31'-42" WEST, A DISTANCE OF 1691.90 FEET TO A POINT; RUN THENCE NORTH 71°-33'-21" EAST, A DISTANCE OF 3056.25 FEET TO A POINT; RUN THENCE NORTH 38°-28'-45" EAST, A DISTANCE OF 2146.01 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 749.02 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.



PARK D. PRIVETT, JR.
REG. SURVEYOR NO. 2841, FL.

MAP TO SHOW BOUNDARY SURVEY OF

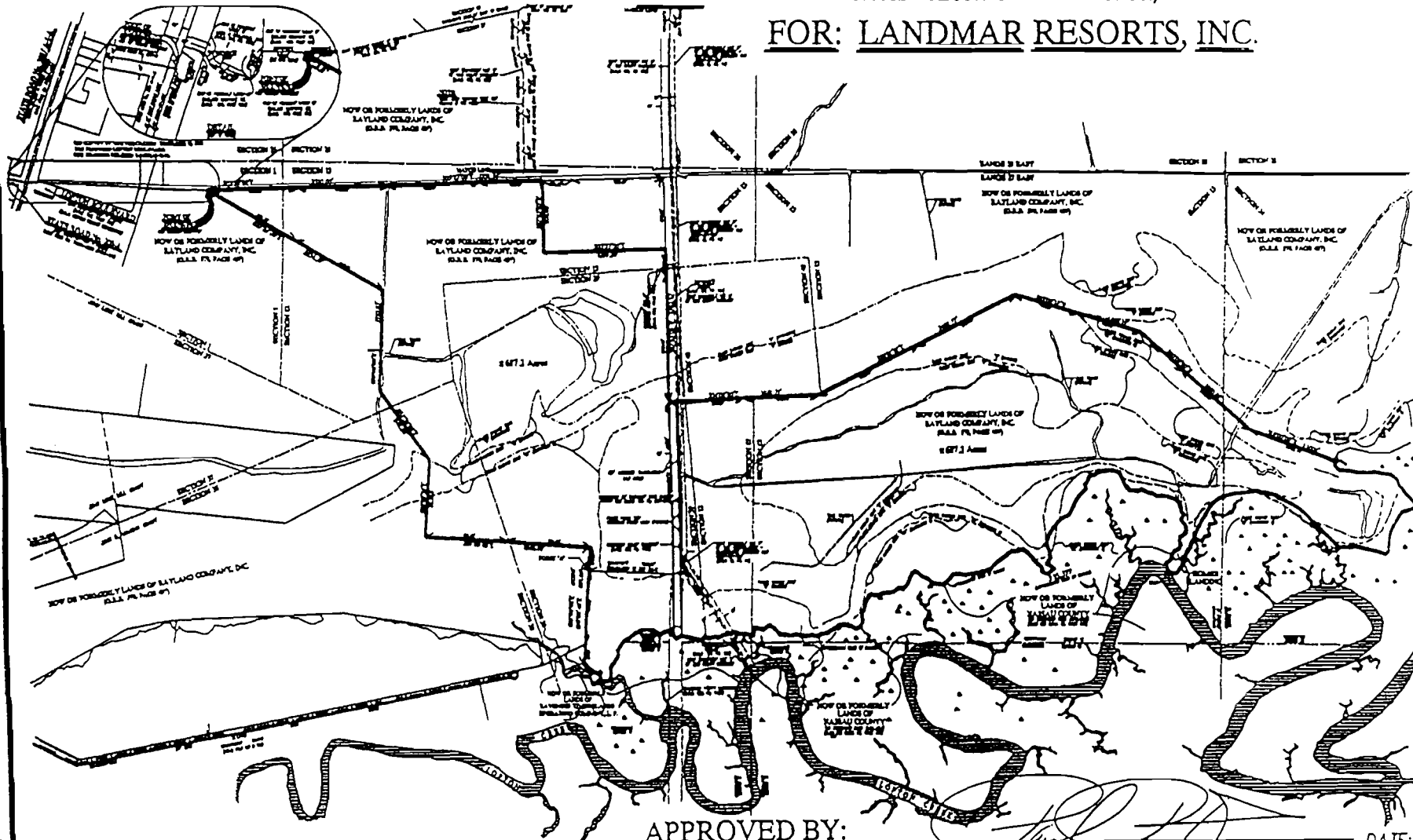
A PORTION OF SECTIONS 1, 12, 13, 24, 38, 39, AND 40,
TOWNSHIP 2 NORTH, RANGE 27 EAST,
NASSAU COUNTY, FLORIDA

(BEING A PORTION OF LANDS DESCRIBED IN DEED RECORDED IN BOOK 579, PAGE 407,
OFFICIAL RECORDS OF SAID COUNTY.)

FOR: LANDMAR RESORTS, INC.

NOTE:

- 1.) FOR FURTHER INFORMATION SEE SKETCH BY THIS FIRM DATED: DECEMBER 5, 1996 AND HAVING OUR DRAWING B-3-309-9-96.
- 2.) SEE PAGE 2 OF 3 AND 3 OF 3 FOR LEGAL DESCRIPTION.



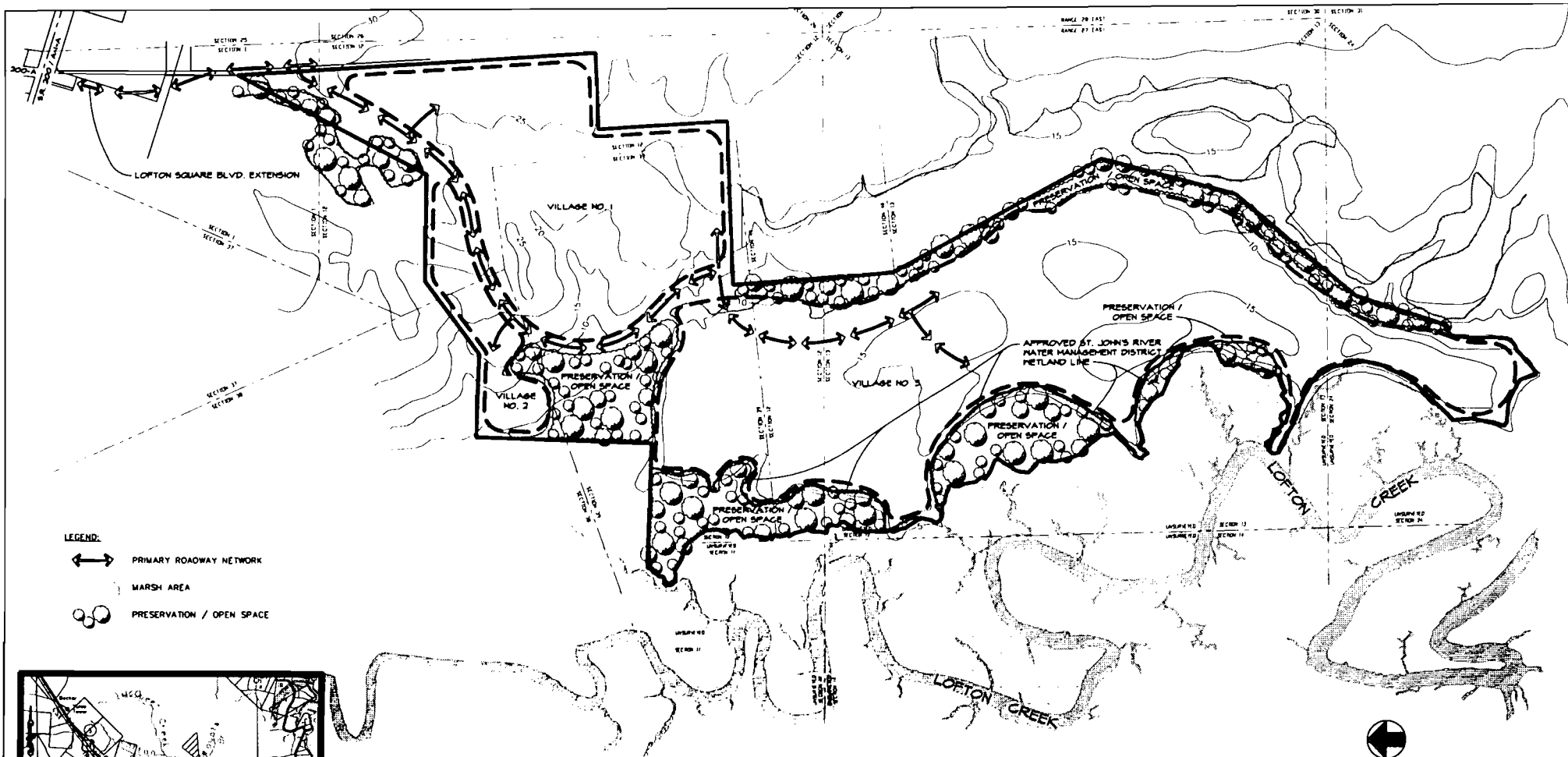
APPROVED BY:

PARK D. PRIVETT, JR.
FLA. REG. SURVEYOR No. 2841

DATE: 4/14/99

EXHIBIT B

PAGE 1 OF 3



PROJECT LOCATION

VICINITY MAP



EXHIBIT "C"
PRELIMINARY DEVELOPMENT PLAN

FOR
LANDMAR RESORTS, INC.

DEVELOPER: LANDMAR RESORTS, INC.
ENGINEER: ENGLAND-THIMS & MILLER, INC.
SURVEYOR: ROBERT M. ANGAS ASSOCIATES, INC.

England-Thims & Miller, Inc.
ENGINEERS - PLANNERS - ARCHITECTS - LANDSCAPE ARCHITECTS
200 N. JOHNS BLVD. SUITE 200
JACKSONVILLE, FLORIDA 32202
PHONE: (904) 444-0888 FAX: (904) 444-0888
APRIL 28, 1999

EXHIBIT "D"

("NORTH HAMPTON PUD CONDITIONS")

1. Recreational Amenity: The project may include the construction of onsite recreation facilities consisting of a multi-purpose playfield sized to accommodate a standard soccer field, a children's playground and picnic facilities. In addition an area may include but is not required to include a pool, tennis courts, clubhouse, rest rooms and other related recreation amenities. The location of this recreation area will be determined at time of engineering plan approval.
2. Stormwater Facilities: All stormwater ponds shall be constructed to St. Johns River Water Management District standards whereby fences are not required, and shall be deeded to the homeowners association which will have responsibility for maintenance and insurance.
3. Open Spaces: The areas depicted as "open space" on the site plan shall be permitted to be used for passive or active recreational activities, included but not limited to a golf course and related activities, hiking and/or nature trails, wetland mitigation areas, etc. The exact boundaries of this area will be depicted on the Final Construction Plans. These Open Spaces shall be protected by recorded deed restrictions or declaration of covenants and restrictions.
4. Development Standards: The development will include not more than 599 single family lots which shall be subject to the following standards:

a. Minimum Lot Requirements:

- | | | |
|-----------------------|-----------------|---------|
| 1. Minimum lot width: | fifty (50) feet | |
| 2. Minimum lot area: | five thousand | (5,000) |
| | square feet | |

b. Minimum Yard Requirements

- | | |
|---------------|------------------|
| 1. Front: | twenty (20) feet |
| 2. Side yard: | five (5) feet |
| 3. Rear yard: | ten (10) feet |

All yard requirements will be measured from the face of the exterior walls.

c. Building Restrictions:

1. Maximum residential dwelling building height:
Thirty five (35) feet

2. Maximum residential dwelling lot coverage:
Fifty (50) percent

d. Signage:

Both the residential and the golf club sites will have an entry identification sign at their respective entrances within the project. In addition, project identification signs will be permitted at entrances on Lofton Square Boulevard at its intersection with S.R. 200 (A-1-A). Each entry sign shall not exceed 150 SF per sign face.

5. Sidewalks and Street Lights: Sidewalks shall be provided on one side of the street in the residential areas. Street lights will also be provided.
6. Construction Standards: All development shall be in accordance with the County's subdivision standards and United Water's standards.
7. Wetland Buffers: As illustrated on the Preliminary Development Plan, the wetlands along the eastern and western side of the project are mapped on the Future Land Use Map and shall be protected with a fifty (50) foot wide upland buffer. All other wetlands on the property shall be buffered pursuant to specific permit requirements of the St. Johns River Water Management District.
8. Boat and RV Storage Area: The developer reserves the right to provide a Boat and/or RV storage area within the PUD. If this is provided, the area will be completely fenced and landscaped.
9. Golf Course and Club: In addition to the residential units, an 18 hole golf course may, at the developer's option, be permitted to be developed among the residential villages. If a golf course is constructed, the developer may provide a structure which could provide retail services, beverage services (including alcohol), and dining services for the use of the members of the club. In addition, all accessory uses/buildings ancillary to a golf course/club (including but not limited to maintenance buildings, restrooms, shelters throughout the course, beverage/snack service throughout the course, etc. may be permitted). It should be noted that there will not be any increase in the number of dwelling units in the event that the golf course/club is not constructed.
10. Temporary Uses: A temporary sales office for the sale of the lots, homesites and club memberships will be permitted at or near the entrance(s) of the development until all of the residential lots are sold.

Up to 4 temporary construction trailers shall be allowed to be placed on the site during construction. The trailers must be removed within 30 days of completion of all residential units.

11. Alterations: Changes in the location of the road(s) and to the boundaries of the villages, as depicted on the site plan to accommodate permitting requirements, may be allowed (with concurrence of staff) provided the integrity of the original application is maintained.
12. Silviculture: These lands may continue to be used for agriculture/silviculture activity until such time as construction begins for a specific portion of the site, and any portions not then subject to construction may continue to be used as agriculture/silviculture.
13. Ownership And Maintenance: Accordingly, the North Hampton PUD and related uses/facilities associated therewith (other than individual lots or golf parcels), will be owned, maintained and or operated as follows. Any common areas associated with the residential development (i.e., amenities, common preservation areas, signage, landscape island/features, etc.) will be managed through a home owner's association. The golf course and club (if constructed) will remain in private ownership, and will be owned, operated and maintained by the developer or its assignee. The roadways and associated drainage will be dedicated to Nassau County, or at the option of the developer, if the development becomes a "gated community", the road and drainage system will remain private and the maintenance of the same will be the responsibility of the home owner's association. The water/sewer will be the responsibility of the private utility company which provides service for this area (United Water).