

8

Return to *
Joyce Bradley

ORDINANCE NO. 2002- 33

AN ORDINANCE AMENDING ORDINANCE NO. 84-2, WHICH AMENDED ORDINANCE NO. 83-19, AS AMENDED, WHICH CREATED THE PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS "THE DUNES CLUB"; SPECIFICALLY AMENDING EXHIBIT B; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 28th day of September, 1983, the Board of County Commissioners did adopt Ordinance 83-19, an Ordinance Enacting and Establishing a Comprehensive Zoning Code for the unincorporated portion of Nassau County, Florida, and which ordinance has been substantially amended including Ordinance No. 97-19, adopted on the 28th day of July, 1997; and

WHEREAS, on the 21st day of February 1984 the Board of County Commissioners adopted Ordinance No. 84-2, An Ordinance Amending Ordinance No. 83-19, which rezoned and reclassified property to that of A Planned Unit Development to be known as "The Dunes Club"; and

WHEREAS, the Amelia Island Holding Company and Dunes Club Company have requested a change to amend Exhibit "B" to eliminate future tennis court development requirements; 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 Board of County Commissioners of Nassau County, Florida, has considered the findings and recommendations of the Planning and Zoning Board and held its own public hearing after due notice and also considered the Comprehensive Land Use Plan,

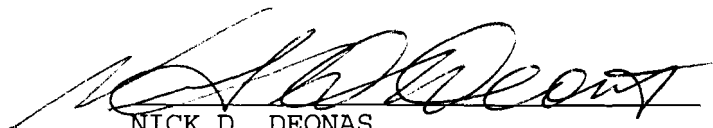
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and finds that the amendment complies with the Comprehensive Land Use Plan and the original intent of Ordinance No. 84-2.

NOW, THEREFORE BE IT ORDAINED this 24th day of June, 2002, by the Board of County Commissioners of Nassau County, Florida, that the application for the amendment of the Planned Unit Development is hereby approved and Exhibit "B" attached hereto is amended, as recommended by the Planning and Zoning Board. Further, the conditions set forth for site plan review are applicable as are Goals and Objectives of the Comprehensive Plan in existence at the date of the ordinance or as amended pursuant to the EAR based amendments as approved by the Florida Department of Community Affairs.

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

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



NICK D. DEONAS
Its: Chairman

ATTEST:



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

Approved as to form by the
Nassau County Attorney:

Sue Gottesmann - Jarzyrna

~~MICHAEL S. MULLIN~~

SUE GOTTESMANN-JARZYNA

ASSISTANT COUNTY ATTORNEY

EXHIBIT B

RECOMMENDATIONS OF THE PLANNING BOARD REGARDING REZONING
APPLICATION R-83-26 FILED BY JAMES O. HARDWICK AS AGENT FOR THE
DUNES CLUB COMPANY

Said rezoning application was proposed for the purpose of rezoning a sixty-six acre parcel of land from Residential General (RG) to Planned Unit Development (PUD). The preliminary development plan application consisting of the Application For Preliminary Development Plan Approval, Dunes Club PUD, dated November 8, 1983, and the Preliminary Plan Map submitted therewith prepared by the Haskell Company under job number 2578-8200 attached hereto as Addendum 3 is approved subject to the following:

1. So long as the property is developed in conjunction with adjacent properties pursuant to a common plan as contemplated by an existing agreement attached as Addendum 1, between the Developer, the Florida Department of Community Affairs ("DCA"), and adjacent owners, no final development plans shall be approved hereunder and no construction activity shall be permitted on the Property other than plans and development expressly allowed by agreement with DCA until an Application for Development Approval under Chapter 380 has been submitted, reviewed and approved.

2. In the event the Property is not developed in conjunction with adjacent properties pursuant to the common plan referenced above, Developer acknowledges that neither Nassau County nor any other agency has waived its right to require the developer or any successor owner or owners of the Property to obtain a binding letter determination as to whether this PUD independently constitutes a Development of Regional Impact prior to approval of any final development plans or issuance of any permits other than for development expressly allowed by agreement with DCA. If the property is not developed in conjunction with adjacent properties and the Developer is required to obtain a binding letter, no further final development plans shall be approved until the county receives notice that the Development does not constitute a Development of Regional Impact or if a binding letter determination made pursuant to this section indicates that this PUD independently constitutes a Development of Regional Impact then no further final development plans shall be approved hereunder except in accordance with the procedures of §380.06 of Fla Stat.

3. The ordinance be expressly conditioned upon the understanding and agreement of developers that notwithstanding the adoption of the PUD ordinance, Nassau County may consider all regional and local

issues properly raised in hearings regarding developers DRI applications and any Development Order adopted pursuant to Chapter 380 of the Florida Statutes. The Developer shall agree, as a condition to adoption of the ordinance, that it will not object to any modifications of the PUD ordinance which may be necessary to conform the PUD ordinance to issues so raised or to any DRI Development Order subsequently issued for the Property on the grounds that Nassau County is estopped from reconsidering or that it has waived its right to reconsider any local issues which were or should have been considered in adopting this PUD ordinance, nor will Developer assert that any such reconsideration is improper.

4. The developer is shall allow adequate access to fire and other emergency vehicles over a construction road entering the property from A1A until the main A1A entrance is opened. The Developer will provide construction entrance keys to the Department of Emergency Services and to Amelia Plantation Security so that emergency vehicles can have ready access over the construction road.
5. The developer shall open at least one permanent A1A entrance as indicated on the site plan attached as Addendum 3 according to county standards upon the issuance of certificates of occupancy for 150

residential units.

6. The Developer shall provide a minimum 70 foot separation between at least two of the oceanfront buildings provided that the oceanfront is developed according to current plans calling for seven-story heights. The general rule for building separation as stated on Page 4 of the Application For Preliminary Development Plan submitted by Developer shall be amended to include a forty foot minimum setback for building separation.
7. Off street parking areas shall contain a minimum of two spaces per residential unit unless waived by the Board of County Commissioners.
8. Developer shall complete at least one pool and two tennis courts prior to the occupancy of Phase B with a minimum of two additional tennis courts prior to the occupancy of Phase C ~~and one additional tennis court for each additional residential Phase of fifty or more residential units thereafter up to a total of nine tennis courts.~~
9. Phases A and B of the project shall be subject to the PUD.
10. Developer shall provide a more detailed plan, to include flood prone areas, indicating specific units of the recreation/open space areas. Said detailed plan shall be provided prior to any approval of additional

final development plans.

11. The Developer shall comply with all applicable state regulations for surface drainage, flood control, and soil conservation.
12. The interior roads shall meet all county standards except as otherwise expressly provided for.
13. Development Agreement between Amelia Water Works and the Developer shall be a part of the preliminary PUD application, attached hereto as Addendum 2.
14. The PUD shall be in conformance with the preliminary plan submitted as indicated on the site plan attached as Addendum 3. The build-out shall be in phases as indicated on Addendum 3.
15. The Board of County Commissioners should enter into negotiations with the Developer regarding impact fees as the project will severely impair fire and rescue capabilities as well as the roads. These negotiations should commence before approval of additional final development plans.
16. The County Engineer review all plans for interior road designs, drainage and parking layouts and said plans be approved by the Board of County Commissioners prior to any additional final development plans being approved.
17. Phases A and B as shown in the Preliminary Plan and attached as Addendum 3 be approved as Final Development Plans.