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Joyce Bradley

INSTR # 200510644
OR BK 01304 PGS 0392-0402
RECORDED 03/24/2005 09:43:07 AM
JOHN A. CRAWFORD
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
RECORDING FEES 95.00

ORDINANCE NO. 2002 - 60

AN ORDINANCE TO RE-ZONE AND RE-CLASSIFIES NORTH HAMPTON, PHASE 4 IN NASSAU COUNTY, FLORIDA, FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the Phase 4 Lands, North Hampton L.L.C., described in the attached Exhibit "A", is also the developer of the existing North Hampton PUD; and

WHEREAS, the Board of County commissioners adopted Ordinance No. No. 97-19, enacting and establishing a Comprehensive Zoning Code, as amended; and

WHEREAS, the owner of the Phase 4 Lands described in the attached Exhibit "A" (the "Phase 4 Lands") intends to develop the Phase 4 Lands in accordance with the North Hampton PUD Phase 4 Preliminary Development Plan dated August 1, 2002, as revised September 25, 2002, November 12, 2002, and December 5, 2002 as described in the attached Exhibit "B" and the North Hampton PUD Phase 4 Conditions as described in the attached Exhibit "C"; and

WHEREAS, the owner of the Phase 4 Lands described in the attached Exhibit A has applied for a re-zoning and re-classification of that property from Open Rural (OR) to that of a Planned Unit Development (PUD) pursuant to the Phase 4 Lands will be developed as provided herein; and

WHEREAS, the Planning and Zoning Board has considered said application and held public hearings on the same after due notice on October 1, 2002, and made its findings and recommendations thereon; and

WHEREAS, the Board of County Commissioners has considered the findings and recommendations of the Planning and Zoning Board and has held its own public hearings on the application after due notice and finds that the Phase 4 Lands described in the attached Exhibit "A" are

REC 95.00

suitable in location and character for the uses proposed in said application according to the criterion as set forth in Ordinance No. 97-19, as amended, Article 25, Planned Unit Development.

NOW THEREFORE, BE IT ORDAINED this 16th day of December, 2002, by the Board of County Commissioners of Nassau County, Florida, that the application for the North Hampton Phase 4 Planned Unit Development is hereby approved and the Phase 4 Lands shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Ordinance No. 97-19, as amended, Article 25, Planned Unit Development and further subject to the additional conditions, requirements and findings described below:

SECTION 1. The North Hampton Phase 4 Planned Unit Development concept shall be as indicated on the North Hampton PUD Phase 4 Preliminary Development Plan attached hereto as Exhibit B. The North Hampton Phase 4 Planned Unit Development is further subject to the requirements of Ordinance No. 97-19, as amended, in effect on the date hereof except as otherwise provided herein.

SECTION 2. Owner and Description. The Phase 4 Lands re-zoned by this Ordinance are owned by North Hampton, L.L.C.

SECTION 3. Conditions: The conditions set forth as Exhibit "C" (the "North Hampton PUD Phase 4 Conditions") shall be made a part of this North Hampton Phase 4 Planned Unit Development, and the Phase 4 Lands shall be subject to said North Hampton PUD Phase 4 Conditions. Further, the conditions of the Nassau County Zoning Ordinance Code established pursuant to Ordinance 97-19, as amended, established for the final development plan review are applicable, as are Goals and Objectives of the Nassau County Comprehensive Plan as is currently in effect in Nassau County, Florida.


SECTION 4. This Ordinance shall take effect upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

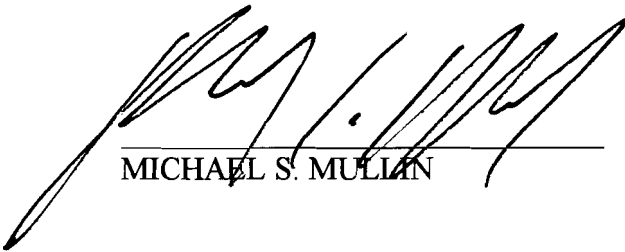


NICK D. DEONAS
Its: Chairman

ATTEST:


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

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

h/anne/ords/north-hampton-phase-4

Exhibit "A"

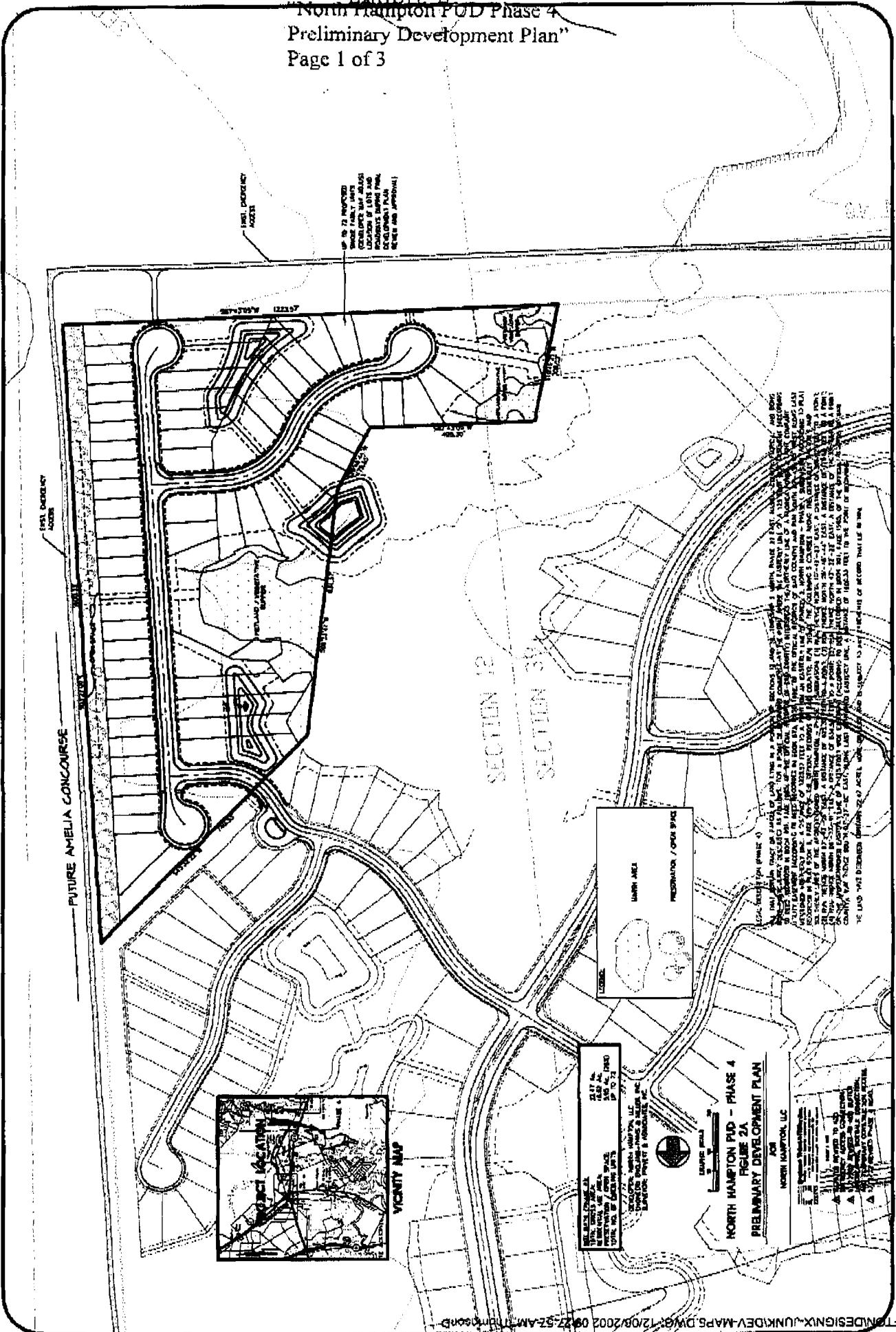
"Phase 4 Lands"

LEGAL DESCRIPTION:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 12 AND 39, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY LINE OF A 125 FOOT WIDE EASEMENT (ACCORDING TO DEED RECORDED IN BOOK 901, PAGE 1965, OF THE OFFICIAL RECORDS OF SAID COUNTY) INTERSECTS THE NORTHERLY LINE OF A FLORIDA POWER & LIGHT COMPANY UTILITY EASEMENT (ACCORDING TO DEED RECORDED IN BOOK 673, PAGE 1452, OF THE OFFICIAL RECORDS OF SAID COUNTY) AND RUN SOUTH $87^{\circ}-43'-05''$ WEST ALONG LAST MENTIONED NORTHERLY LINE, A DISTANCE OF 1223.57 FEET TO A POINT ON AN EASTERLY LINE OF PARCEL 2, NORTH HAMPTON - PHASE 1 SUBDIVISION (ACCORDING TO PLAT RECORDED IN PLAT BOOK 6, PAGE 215 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE THE FOLLOWING 5 COURSES ALONG THE GENERALLY EASTERLY AND SOUTHERLY LINES OF THE AFDREMENTIONED NORTH HAMPTON - PHASE 1 SUBDIVISION: (1) RUN THENCE NORTH $10^{\circ}-49'-25''$ EAST, A DISTANCE OF 308.02 FEET TO A POINT; (2) RUN THENCE NORTH $87^{\circ}-43'-05''$ EAST, A DISTANCE OF 405.35 FEET TO A POINT; (3) RUN THENCE NORTH $26^{\circ}-46'-44''$ EAST, A DISTANCE OF 179.65 FEET TO A POINT; (4) RUN THENCE NORTH $06^{\circ}-35'-41''$ EAST, A DISTANCE OF 634.57 FEET TO A POINT; (5) RUN THENCE NORTH $43^{\circ}-32'-22''$ EAST, A DISTANCE OF 740.33 FEET TO A POINT ON THE AFDREMENTIONED EASTERLY LINE OF A 125 FOOT WIDE EASEMENT (ACCORDING TO DEED RECORDED IN BOOK 901, PAGE 1965, OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH $03^{\circ}-27'-00''$ EAST, ALONG LAST MENTIONED EASTERLY LINE, A DISTANCE OF 1600.33 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 22.47 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD THAT LIE WITHIN.

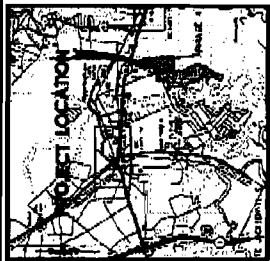
Exhibit B
"North Hampton PUD Phase 4
Preliminary Development Plan"
Page 1 of 3



“North Hampton PUD Phase 4”

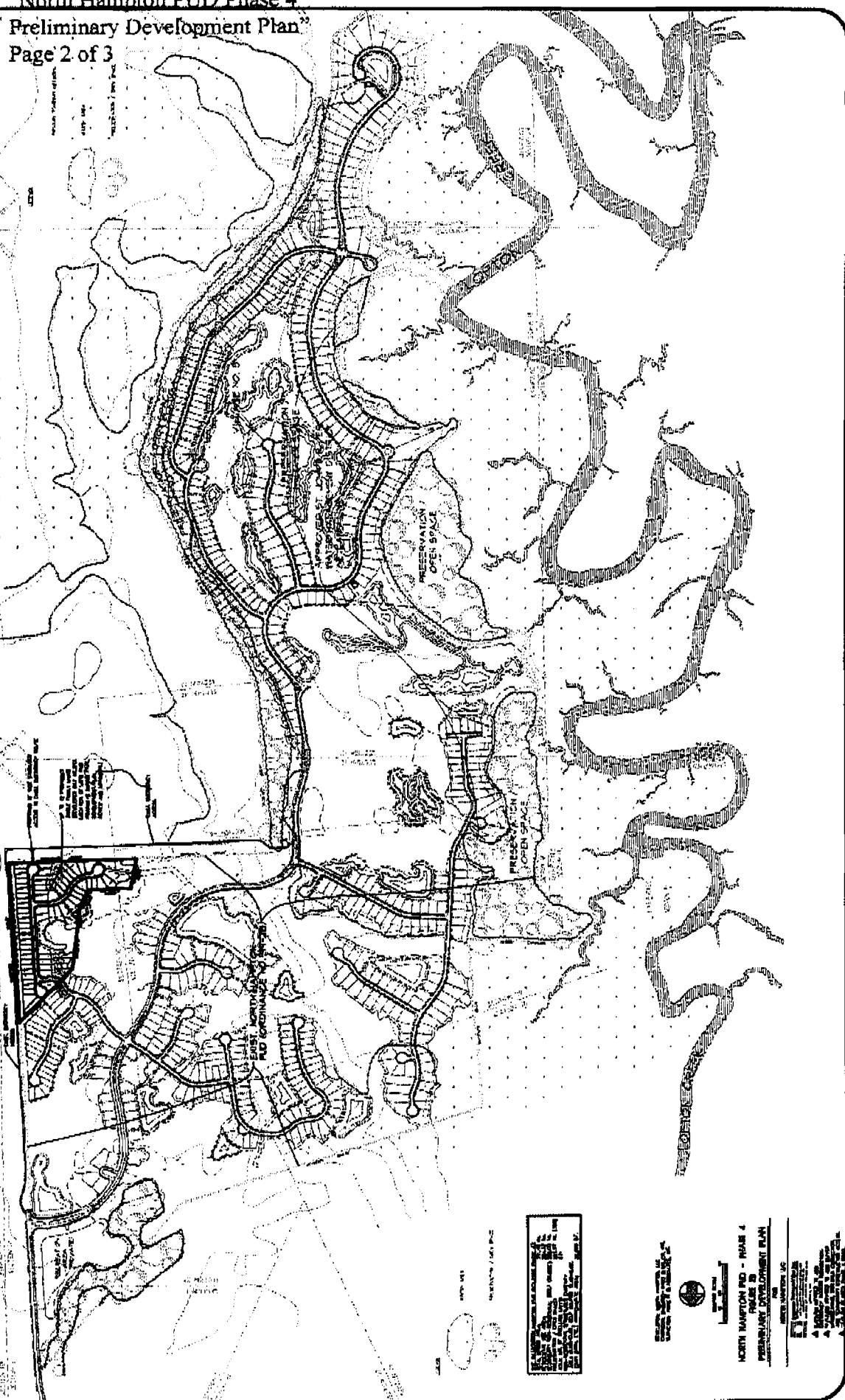
Preliminary Development Plan

Page 2 of 3



VICINITY MAP

Scale: 1" = 100' (Horizontal)
Scale: 1" = 100' (Vertical)



THIS PLAN IS PREPARED BY THE DESIGNER AND IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO APPARENT DISCREPANCIES BETWEEN THE INFORMATION PROVIDED AND THE ACTUAL SITE CONDITIONS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO APPARENT DISCREPANCIES BETWEEN THE INFORMATION PROVIDED AND THE ACTUAL SITE CONDITIONS. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND NO APPARENT DISCREPANCIES BETWEEN THE INFORMATION PROVIDED AND THE ACTUAL SITE CONDITIONS.



North Hampton PUD - Phase 4
Preliminary Development Plan
North Hampton, VA

Exhibit B
"North Hampton PUD Phase 4
Preliminary Development Plan"
Page 3 of 3

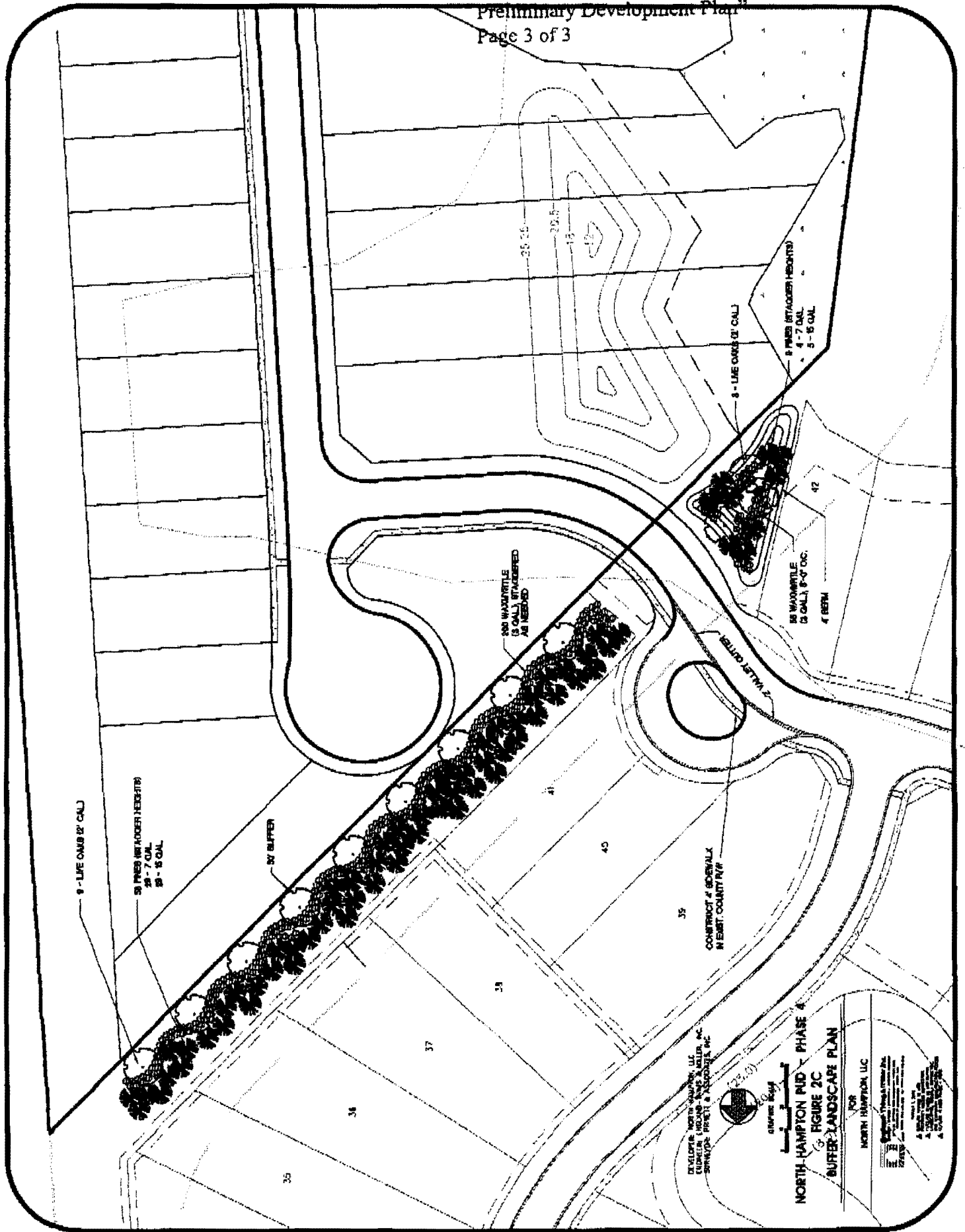


EXHIBIT "C"

("NORTH HAMPTON PUD PHASE 4 CONDITIONS")

(as updated December 6, 2002)

I. General Conditions:

The North Hampton PUD Phase 4 Conditions described herein will only apply to the Phase 4 Lands and not to any portion of the North Hampton PUD established pursuant to Corrective Ordinance 99-28 dated September 27, 1999 (the "North Hampton PUD").

II. Phase 4 Lands Specific Conditions

1. **Recreational Amenities:** There are no Recreation Amenities planned to be constructed upon the Phase 4 Lands. The Phase 4 Lands will be served by the Recreational Amenities provided in the North Hampton PUD.

2. **Stormwater Facilities:** The Phase 4 Lands will be served by a stormwater system meeting the standards of the St. Johns River Water Management District and Nassau County for non-fenced stormwater systems and shall be conveyed to the homeowners association by deed and/or easement for maintenance and operation by the homeowners association. Portions of the stormwater system will be located on the Phase 4 Lands including portions of certain Phase 4 lots as shown on the North Hampton PUD Phase 4 Preliminary Development Plan on Exhibit B and the Phase 4 Lands stormwater system will be part of the North Hampton PUD master stormwater system.

3. **Open Spaces:** The areas depicted as open space on the North Hampton PUD Phase 4 Preliminary Development 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 engineering plans for the Phase 4 Lands. These Open Spaces shall be protected by recorded deed restrictions or declaration of covenants and restrictions.

4. **Development Standards:** The Phase 4 Lands will include not more than 72 single family dwelling units which shall be subject to the following standards which are the same as in the North Hampton PUD:

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:

The Phase 4 Lands may have an entry feature and related project identification signage at the internal entrance to the Phase 4 Lands from the North Hampton PUD lands. There are no other specific reserved signage approvals requested for the Phase 4 Lands, provided the Phase 4 Lands shall be entitled to any signage allowed for single family residential districts pursuant to Nassau County Zoning Code Ordinance 97-19 adopted July 28, 1997, Article 30.

5. Sidewalks, Street Lights and Montauk Drive Cul de Sac/Phase 4 Lands Entrance Road: Sidewalks shall be provided on one side of the street in the developed portions of the Phase 4 Lands. Street lights will also be provided along the street. In addition, as depicted on the North Hampton PUD Phase 4 Preliminary Development Plan, the Developer at its cost and expense shall extend the Phase 4 Lands sidewalk within the right of way of Montauk Drive such that the Phase 4 Lands sidewalk connects into the existing sidewalk located within the right of way of Montauk Drive. The Montauk Drive Cul de Sac and the Phase 4 Lands entrance road will be constructed by the Developer consistent with the preliminary design shown on the North Hampton PUD Phase 4 Preliminary Development Plan.

6. Construction Standards: Except as specifically provided herein, all development in the Phase 4 Lands shall be in accordance with Nassau County's subdivision standards and land development standards in effect as of the date of the Ordinance creating the North Hampton Phase 4 PUD and any applicable JEA or other utility providers standards with respect to any water, sewer, or electrical utilities for the Phase 4 Lands served by the JEA or other utility provider.

7. Wetland Buffers: All wetlands on the Phase 4 Lands as depicted on the North Hampton PUD Phase 4 Preliminary Development Plan shall be protected with undisturbed buffers of native vegetation between any developed area and such wetland with buffers that have an average width of fifty feet (50') and a minimum width of twenty-five feet (25') and

provided access ways of no more than twenty feet (20') wide may be provided through the wetland buffer all as authorized pursuant to the current requirements of Nassau County Ordinance No. 2000-40, Section 6.5 adopted May 17, 1999, revised February 28, 2000 and revised September 25, 2000. The exact boundaries of wetland buffers shown on the North Hampton PUD Phase 4 Preliminary Development Plan will be depicted on the final engineering plans for the Phase 4 Lands consistent with the above described requirements.

8. Boat and RV Storage Area: There are no Boat or RV Storage Areas proposed or reserved for the Phase 4 Lands.

9. Golf Course and Club: There is an existing golf course and club operated within the North Hampton PUD. The Phase 4 Lands may have cart paths or other uses consistent with use and operation of the adjacent North Hampton PUD golf course and club.

10. Temporary Uses: Temporary sales offices for the sale of the lots and/or completed residences, will be permitted within the Phase 4 Lands until all of the residential lots and/or completed residences are sold. Up to 2 temporary construction trailers shall be allowed to be placed on the Phase 4 Lands during construction. The temporary construction trailers must be removed within 30 days of completion of all residential units. During Developer's construction of roads, utilities, and drainage improvements within the Phase 4 Lands, Developer shall use the temporary construction access shown on the North Hampton Phase 4 Preliminary Development Plan.

11. Alterations: Changes in the location of the road(s), stormwater system improvements, and to the boundaries and configuration of the lots, as depicted on the North Hampton PUD Phase 4 Preliminary Development Plan to accommodate permitting and design requirements of the developer, may be allowed (with concurrence of staff) provided the integrity of the original application is maintained and provided the same shall be finalized during final engineering plan approval.

12. Silviculture: The Phase 4 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: Phase 4 Lands 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, stormwater systems, island/features, etc.) will be managed through a homeowners association. The roadways and associated non-exclusive drainage easements will be dedicated or granted to Nassau County, or at the option of the developer, if the development becomes a gated community, the roadways will remain private and the maintenance of the same will be the responsibility of the homeowners association. The water/sewer improvements will be the responsibility of the private utility company which provides service for this area which is currently the JEA.

14. Secondary Access and MSBU:

A. Secondary Access: Developer, at its cost and expense, shall construct a secondary emergency access from the Phase 4 Lands to the Existing Emergency Access along the power line as shown on the Preliminary Development Plan not later than commencement of construction for the first residential unit in the Phase 4 Lands. In addition to the Emergency Access described above, and as required by Nassau County, the Developer has agreed to provide a location for an additional roadway connection to be located in another phase of the North Hampton PUD, which can provide interconnectivity with other projects located to the east of North Hampton and ultimately serve as a second point of access for North Hampton, subject to permissibility with applicable regulatory agencies.

B. MSBU: The Developer acknowledges that Nassau County may elect to establish a municipal service taxing or benefit unit for the construction of the four lane improvements to Amelia Concourse (the "MSBU"). Developer also acknowledges that any such MSBU established by Nassau County may subject the residential units on the Phase 4 Lands to MSBU assessments.

15. 50' Existing Buffer Area: The Developer agrees to enhance the existing approximately 50' Buffer Area shown on the North Hampton Phase 4 Preliminary Development Plan Figure 2C in accordance with the Landscape Plan incorporated into the Preliminary Development Plan Figure 2C. In addition, Developer agrees to retain or to cause the homeowners association to retain the existing approximately 50' Buffer Area shown on the North Hampton Phase 4 Preliminary Development Plan Figure 2C in its natural state as enhanced by the additional plantings called for in the Landscape Plan and any subsequent additional plantings added by the Developer or the homeowners association, if any.