



findings and recommendations of the Planning and Zoning Board and has 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 Ordinance No. 97-19, as amended, Article 25, Planned Unit Development.

**NOW THEREFORE, BE IT ORDAINED** this 11th day of October 2004, by the Board of County Commissioners of Nassau County, Florida, 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 PUD Preliminary Development Plan attached hereto as Exhibit "B". The 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. Robert A. and Sook Marino currently own the property re-zoned by this Ordinance and the

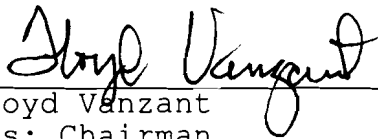
applicant/Developer is Southern Plantations of Florida, LLC.

**SECTION 3. Conditions:** The conditions set forth as Exhibit "C" (the "PUD Conditions") shall be made a part of this Planned Unit Development, and the property shall be subject to said PUD 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.

ADOPTED this 11th day of October, 2004.

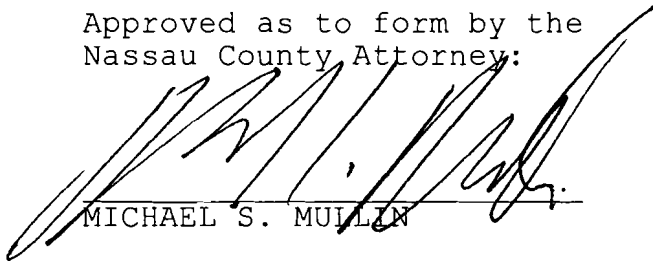
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
Floyd Vanzant  
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"**

## LEGAL DESCRIPTION OF SUBJECT PROPERTY

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF SECTIONS 29 AND 30, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 30 AND RUN SOUTH 89°-38'-10" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 30, A DISTANCE OF 1513.44 FEET TO A POINT; RUN THENCE NORTH 05°-00'-00" WEST, A DISTANCE OF 1911.51 FEET TO A POINT; RUN THENCE SOUTH 80°-00'-00" EAST, A DISTANCE OF 483.25 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 1123.34 FEET, A CHORD DISTANCE OF 395.60 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 89°-51'-30" EAST; RUN THENCE SOUTH 59°-43'-00" EAST, A DISTANCE OF 1260.24 FEET TO A POINT OF CURVATURE; RUN THENCE IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1200.00 FEET, A CHORD DISTANCE OF 341.03 FEET TO A POINT, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 67°-53'-09" EAST; RUN THENCE SOUTH 05°-34'-05" EAST, A DISTANCE OF 911.75 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SECTION 29; RUN THENCE SOUTH 89°-43'-40" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 29, A DISTANCE OF 660.00 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 73.57 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD THAT LIE WITHIN

**EXHIBIT "B"**





**EXHIBIT "C"**

## EXHIBIT "C"

### ("TIMBERLAKE PUD CONDITIONS")

#### I. General Conditions:

The Timberlake PUD consists of approximately seventy-three (73) acres located south of Amelia Concourse in the Yulee Planning District. The Timberlake PUD will consist of one hundred sixty-three (163) single-family dwelling units. The Timberlake PUD will provide 1.50 acres of active recreational space, in addition to more than twenty (20) acres of passive recreation space. The total open space is 25 acres or 34% of the total site.

- A. The Timberlake PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"). The Timberlake Preliminary Development Plan incorporates by reference the terms of these PUD Conditions and the Developer's statements made in the related rezoning application, which collectively set forth the Developer's written plan of development for the Timberlake PUD, and which are intended to clearly demonstrate that approval of the Timberlake PUD will benefit the community as a whole and fulfill the applicable policies of the Nassau County Comprehensive Plan, and intent of Article 25 of Ordinance 97-19, as amended, the Nassau County Zoning Code (the "Zoning Code").
- B. The Developer shall develop the Timberlake PUD in two (2) phases.
- C. Within one (1) year after approval by the Nassau County Board of County Commissioners of the Timberlake PUD Preliminary Development Plan, the Developer shall submit a final development plan for the Project to the Nassau County Planning and Zoning Board for review and to the Nassau County Board of County Commissioners for approval.
- D. The Developers may, at their discretion, simultaneously submit engineering plans for the Project as a whole for approval by the Development Review Committee, pursuant to the provisions of Ordinance 2000-40, as amended, and Article 25, Planned Unit Development, of the Zoning Code, Ordinance 97-19, as amended. The Board of County Commissioners, upon request from the

Developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.

- E. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Timberlake PUD Preliminary Development Plan is conceptual such that the final location of any roads, project entrances, recreation/open space and other areas will be depicted on the final development plan and the final engineering plans so long as the changes do not constitute a Major Amendment to the PUD, subject to Section 25.07 of the Zoning Code.

**II. Specific Conditions:**

**A. Recreational Amenities, Open Space and Common Areas.**

1. Recreational amenities, open space and common areas shall be provided for the project. The location of these recreational areas is indicated on the Timberlake Preliminary Development Plan, including a 1.5 acre park. All common area open space and recreational facilities for the applicable phase of the project shall be included in the final development plan of the Project.
2. Any active recreational facilities and accessory structures in the Project shall be subject to site plan approval by the Development Review Committee, pursuant to Ordinance 2000-40, and shall be constructed within the upland portion of the thirty-nine percent (34%) of open space provided in the Preliminary Development Plan, which exceeds the open space requirements of Article 25.
3. The Developer, or the homeowners association or property owners association after acquiring title to the common areas and recreational amenities within the Timberlake PUD, may adopt rules and regulations governing the use of the same by the residents of the Timberlake PUD. The Developer will have no obligations to maintain or improve the recreational amenities, open space or common areas after conveyance to the homeowners association or property owners association, subject to fulfillment of the recreation and open space requirements set forth herein.

4. The recreational amenity areas and related maintenance and use restrictions shall be evidenced by recorded deed restrictions or recorded Declaration(s) of Covenants and Restrictions (collectively, the "Covenants and Restrictions"). All privately owned recreation/open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for the project.
5. As shown on the Site Data Table in the Timberlake Preliminary Development Plan, the Developer has committed thirty-four percent (34%) of the gross acreage of the Timberlake PUD for use as recreation and/or open space, including 20.3 acres of passive recreational areas, and such calculation has been made in accordance with the requirements of the Zoning Code, Article 25, § 25.04(F).
6. The Timberlake PUD shall be subject to the Recreation Impact Fees for Community and Regional Parks, pursuant to Ordinance 2003-25 as amended. If the Developer chooses to construct active Community Park public recreation facilities, subject to the criteria set forth in the Regional Planning Council Report on Recreation Impact Fees, dated December 9, 2002, the Developer may receive impact fee credits in the amount of the total obligation of the Developer for the Community Park recreation impact fee. Otherwise, the provisions of Ordinance 87-17, as amended, shall apply.

B. Administration of Community Space and Facilities:

1. If the Developer elects to administer common open space through a property owners' and/or homeowners' association or other nonprofit corporation, such organizations shall conform to the following requirements.
  - a. The Developer shall establish the applicable association or nonprofit corporation prior to the sale of any lots or units by the Developer to any third party within the Timberlake PUD.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Timberlake PUD governed by such entity.

- c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Timberlake PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the Timberlake PUD that shall be responsible for the maintenance of roads, master drainage, etc., subject to the conditions set forth herein.
- d. The applicable association or nonprofit corporation shall manage all common areas, recreational and open space and recreational facilities that are not otherwise dedicated to the public and that are within the lands that are subject to the jurisdiction of such association or nonprofit corporation; shall provide for the maintenance, administration and operation of such portions of the Timberlake PUD and any other lands located within the Timberlake PUD that is not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.

C. Stormwater Facilities:

- 1. The Timberlake PUD shall be served by a stormwater system, which shall adhere to the applicable standards of the St. Johns River Water Management District and Nassau County for residential stormwater systems, and said system shall be conveyed to the homeowners association and/or property owners association by deed and/or easement for maintenance and operation by the homeowners association and/or property owners association.
- 2. All St. Johns River Water Management District and Nassau County permits for stormwater facilities shall be obtained by the Developer prior to Final Development Plan approval, pursuant to Ordinance 2000-40, as amended.

D. Residential Development Standards:

- 1. The Timberlake PUD shall include not more than one hundred sixty-three (163) dwelling units. Below are the site development standards for each housing area:

**Village 1**

a. Fifty (50) foot single-family lots shall adhere to the requirements as set forth below.

(1) Minimum Lot Requirements:

(a) Minimum lot width: Fifty (50) feet

(b) Minimum lot area: Five thousand five hundred (5,500) SF

(c) Maximum height: Thirty-five (35) feet

(d) Maximum lot coverage: Fifty percent (50%)

(2) Minimum Required Yard Setbacks:

(a) Front: Twenty (20) feet

(b) Side yard: Five (5) feet

(c) Rear yard: Ten (10) feet

**Village 2**

b. Sixty (60) foot single-family lots shall adhere to the requirements as set forth below.

(1) Minimum Lot Requirements:

(a) Minimum lot width: Sixty (60) feet

(b) Minimum lot area: Seven thousand two hundred (7,200) SF

(c) Maximum height: Thirty-five (35) feet

(d) Maximum lot coverage: Fifty percent (50%)

(2) Minimum Required Yard Setbacks:

(a) Front: Twenty (20) feet

(b) Side yard: Five (5) feet

(c) Rear yard: Fifteen (15) feet

2. All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum yard setback requirement of five (5) feet and shall not be located in the front yard.

E. Home Occupations: Home occupations shall be permitted as a conditional use within any residential dwelling, in accordance with the provisions of Section 28.14 of the Zoning Code.

F. Off-Street Parking & Loading: Residential development within the Timberlake PUD shall be subject to the applicable off-street parking and loading required for such use, pursuant to Article 31 of the Zoning Code.

G. Signage:

1. The Timberlake PUD may have project identification signage at all external entrances to the Timberlake PUD. External entrance project identification signs shall not exceed one hundred and fifty (150) square feet on each face. All project signs may be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs may be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance or recreational area may be single faced or double faced and the external entrance signage may include two (2) separate signs, one (1) on each side of the entrance, not to exceed a total number of four (4) signs for the entire development.

2. Each recreational area within the Timberlake PUD shall also be entitled to identification signage. Recreational area identification signage shall not exceed fifty (50) square feet on each sign face.
3. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.
4. Traffic and street name signage may include aesthetic framing. However, any applicable FDOT/Nassau County standards for safety, sign face, elevations, etc. shall be maintained; by the Developer and/or homeowners' association as appropriate, for such traffic and street name signage consistent with the provisions set forth in this paragraph.
5. There is no other specific reserved signage approvals requested for the Timberlake PUD, provided home occupations, approved as a conditional use as detailed herein, shall be allowed signage in accordance with Section 28.14(A)(3) of the Zoning Code.
6. Any proposed landscaping will be submitted for review in conjunction with the final development plan.

H. Sidewalks and Street Lights:

1. Four (4) foot sidewalks with a minimum accessible passing zone every two hundred (200) feet shall be provided on both sides of all local streets. Driveways may act as passing zones if they do not exceed a two percent (2%) cross slope.
2. Streetlights shall be provided along all streets. The Developer shall submit a lighting plan, demonstrating the location of streetlights, with final engineering plans for approval by the Development Review Committee.

I. Construction Standards:

1. Except as specifically provided herein, all development in the Timberlake PUD shall be in



accordance with Nassau County's subdivision and land development standards, and any applicable State standards, in effect as of the date of the Ordinance creating the Timberlake PUD and any applicable utility providers standards with respect to any water, sewer, or electrical utilities for the Timberlake PUD served by JEA or any other utility provider.

2. All utilities shall be located underground.

J. Wetland Buffers:

1. All wetlands within the Timberlake PUD 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 (50) feet and a minimum width of twenty-five (25) feet and provided access ways of no more than twenty (20) feet wide may be provided through the wetland buffer, 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.
2. The exact boundaries of wetlands and wetland buffers indicated on the Timberlake PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement. If the buffer requirements of the Nassau County Comprehensive Plan are revised to be less restrictive prior to final approval of the Final Development Plan, the Developer may provide the newly defined wetland buffer by administrative amendment so long as the buffer conforms to all federal, state and local regulations.

K. Temporary Uses:

1. Temporary sales offices, including modular units, not to exceed two (2) units, for the sale of the lots and/or completed residences, shall be permitted within the Timberlake PUD until all of the residential lots and completed residences are sold. The Developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval of the location of said units.

2. The Developer, or its designated successor, assign or designee, will be required to maintain a copy of the approved Planned Unit Development Ordinance, including the Final Development Plan and PUD Conditions in any sales office located upon the Timberlake PUD, which is available for inspection by project residents and landowners, including the posting for public viewing of the Final Development Plan in any sales office, and this obligation shall be contained in the Covenants and Restrictions that are placed on the residential lands within the project.
3. The siting of temporary construction trailers shall be allowed on the Timberlake PUD during construction. The temporary construction trailers must be removed within thirty (30) days of completion of the improvements, for which the temporary construction trailers are being utilized, provided the right to temporary construction trailers shall continue until build-out of the project.

L. Alterations: Changes in the location of the road(s), project entrances, stormwater system improvements, and to the boundaries, size and configuration of lots and Recreation/Open Space areas, as depicted on the Timberlake PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the change does not constitute a Major Amendment to the PUD, pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code, provided the integrity of the original application is maintained and provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.

M. Ownership And Maintenance:

1. The Timberlake PUD and related uses/facilities associated therewith (other than individual lots or commercial parcels), will be owned, maintained and or operated as follows:
  - a. Any areas associated with the development (i.e., amenities, recreation/open space areas, signage, landscape, stormwater systems, etc.) will be managed through a homeowners association(s) and/or a property owners association(s).

- b. To ensure that all of the recreation and open space areas described in these PUD Conditions and depicted in the approved Timberlake Preliminary Development Plan for any phase of the project will be used as intended, the Covenants and Restrictions described above will contain provisions consistent with terms of these PUD Conditions and any deed from the Developer to third party purchasers in the project will incorporate such Covenants and Restrictions by reference to the Covenants and Restrictions in each deed.
  
- c. Such deed restrictions created by the Covenants and Restrictions shall run with the land in order to protect both present and future property owners within the Timberlake PUD. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas. The water/sanitary sewer improvements will be the responsibility of the private utility company, which provides service for this area, which is currently JEA.

N. Access:

- 1. Access to and from the Timberlake PUD will be provided as shown on the Timberlake PUD Preliminary Development Plan.
  
- 2. The location of all external and internal project entrances, accesses and roadways may change based on environmental, permitting and design factors, conditions and requirements of the Developer, so long as the changes do not constitute a Major Amendment to the PUD pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code. The Developer will finalize the location of all external project entrances, accesses and roadways during the final engineering approval for the applicable phase of development.
  
- 3. Model home building permits will be issued upon installation of all necessary water mains and fire hydrants, stabilization of all roadways internal to the development, and plat recording.
  
- 4. Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly

owned easement.

5. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic County services such as fire and police protection, emergency service needs of PUD residents, and site inspection by Fire-Rescue, Growth Management, Engineering and Code Enforcement departments to monitor adherence to County regulations and the conditions contained herein. If any road is gated, the gate shall automatically open in response to a “yelp” electronic siren.

- O. Notification: The Applicant or Developer shall incorporate into the Covenants and Restrictions notification to all property owners that they are living in a Planned Unit Development (PUD).

**III. Justification for Planned Unit Development Classification for this Project and Approval of the Preliminary Development Plan:**

The proposed project allows for development of the Timberlake PUD for single-family residential uses in a manner that warrants flexibility in the application of land use controls for Nassau County, Florida consistent with the intent of Article 25 of the Nassau County Zoning Code. The project design is in harmony with the general purpose and intent of the Nassau County Comprehensive Plan and the Zoning Code. The design and layout of the Timberlake Planned Unit Development (PUD) requirements:

1. Is creative in its approach through the use of natural features of the site and its approach to development of the project;
2. Accomplishes a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Code;
3. Provides for an efficient use of the Timberlake PUD, resulting in small, well designed networks of utilities and streets and thereby lowers development costs;
4. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation and open space areas in excess of existing Zoning Code and subdivision requirements;

5. Provides an opportunity for new approaches to ownership through implementation of a variety of lot types and styles that will allow opportunities for home ownership by a broad range of individuals;
6. Provides an environment of stable character compatible with the surrounding areas;
7. Retains property values over the years and makes a substantial improvement to the quality of development of the Timberlake PUD after the date hereof; and
8. The Timberlake PUD Preliminary Development Plan which incorporates by reference the terms of these PUD Conditions and the statements made by the Developer in the related rezoning application includes the criteria required for the Nassau County Planning and Zoning Board and the Nassau County Board of County Commissioners to review and approve the Timberlake PUD Preliminary Development Plan.