

ORDINANCE NO. 2008-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS AMENDING ORDINANCE NO. 84-14, AS FURTHER AMENDED, WHICH REZONED AND RECLASSIFIED PROPERTY TO A ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS "NASSAU LAKES"; SPECIFICALLY PROVIDING FOR CUL DE SACS BETWEEN PHASE I AND PHASE II OF THE SUBDIVISION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Board of County Commissioners has received public input and petitions from citizens living in Nassau Lakes Subdivision and Beachway at Nassau Lakes Subdivision expressing the need to have Arrigo Boulevard/Parliament Drive closed off to through traffic at the boundary of the two subdivisions in Phase I and Phase II of the Nassau Lakes PUD, respectively; and

WHEREAS, On October 14, 2002, the Board of County Commissioners voted unanimously to block the road in order to prevent through traffic from C.R. 107 to S.R. 200 (A-1-A); and

WHEREAS, the County has blocked said roadway and prepared plans to construct a cul-de-sac on Arrigo Boulevard in Beachway at Nassau Lakes and to construct a hammerhead turn around on Parliament Drive in Nassau Lakes Subdivision, and to install a gate across the roadway which blocks traffic but is designed to allow through traffic in the event of an emergency.

NOW, THEREFORE, BE IT ORDAINED this 14TH day of July, 2008, by the Board of County Commissioners of

Nassau County, Florida, that Ordinance No. 84-14, as amended, shall be further amended as follows:

EXHIBIT "C"

1. The triangle parcel of property indicated on the attached Exhibit "A", and borders State Road 107, shall not be included in the P.U.D.
2. The Developer of each parcel shall enter into negotiations with the Board of County Commissioners regarding impact fees as the project will impact the fire, police, and rescue capabilities as well as the park and recreation services and the road systems of Nassau County. The negotiations should commence prior to approval of any final development plans and the impact fees should be determined prior to the approval of any final development plans, however, the negotiations may be continued based upon the mutual agreement of the parties.
3. The Board finds that, based upon their public hearings, the recommendations of the Planning Board and the comprehensive land use plan, that the tract of land on Exhibit "B", adjacent to State Road 107, designated by the developer as 13.00 acres of neighborhood commercial is, as of the date of this ordinance, not a justifiable nor permissible use. However, the tract shall be

designated for planning purposes for commercial neighborhood uses as set forth in Article 15, Section 15.01 of Ordinance 83-19 with the following stipulations:

a. The total acreage to be utilized for commercial neighborhood purposes within the 13-acre tract, shall be determined by the Board of County Commissioners based upon the recommendations of the Planning Board. The Planning Board shall submit its recommendations to the Board no later than the approval of the final development plan for Phase Three (3). The developer may furnish information to the Planning Board at any time for the Planning Board's review and the Planning Board shall make a report to the Board of County Commissioners within forty-five (45) days of the receipt of the information.

b. The location and types of commercial uses within the designated tract shall be determined by the Board of County Commissioners based upon the recommendations of the Planning Board. The developer shall submit specific requests to the Planning Board indicating the types of commercial use and the location of the buildings. The Planning Board shall submit its recommendations to the Board of County Commissioners within forty-five (45) days of the receipt of the request.

c. The Planning Board, in considering its recommendations as to acreage, uses and sites, shall among other items, consider the following:

- (a) Criteria for commercial acreage and uses as provided by the Northeast Florida Regional ~~Planning~~ Council;
- (b) Market studies provided by the developer;
- (c) All other relevant information submitted to the developer;
- (d) Comments of the appropriate county department heads.

4. The developer of Phase II shall install water lines in a "looped system" along Parliament Drive and Nassau Lake Circle during construction of the horizontal improvements (water lines, sewer lines road construction, etc.) in Phase II. In addition, five (5) hydrants shall be installed at approximately five hundred (500) feet intervals (as approved by the County ~~Development~~ of ~~Emergency Services~~ Fire Chief) in accord with N.F.P.A. standards.

5. The developer of each Phase shall be permitted to have one (1) active model or sales office for the duration of development of the respective phase for the purpose of showing and selling the product offered within the development.
6. The project shall be built in phases as indicated on the revised "Preliminary Development Plan - Nassau Lakes", as Phases I, II, and III. Phase I-A development has commenced and shall continue as currently platted. Phase I-B has been platted, but no horizontal improvements have been made. Phases II and III shall commence construction within three (3) years from the date of this Amended Development Order. Any phase that has not commenced construction of horizontal improvements (water lines, sewer lines, roadways, etc.) within three (3) years from the date of this Amended Development Order will lose its development approval and is subject for re-review. The Amended Development Order shall remain in full force for a period of five (5) years from the date of approval by the Board of County Commissioners and may be extended subject to a public hearing in accordance with Chapter 163.3221, F.S.
7. The Developer of each phase shall regularly and routinely consult with the Public Safety Director, Sheriff, County

Engineer, and Planning and Zoning Director regarding the final development plans and wherever practical and consistent with the development principles of this P.U.D. ordinance and Ordinance 83-19, Section 24.05, include the suggestions of the aforementioned officials in the final development plans. The aforementioned officials should regularly make written reports to the Board of County Commissioners and Planning Board as to the said recommendations and consultations.

8. In lieu of the requirements for on-site recreation and open space, Rayland and/or its assigns will deed to Nassau County seventeen (17) acres adjacent and contiguous to the proposed Nassauville Regional Park. This dedication of land to the County will satisfy all obligations of the Nassau Lakes P.U.D. in conjunction to the recreation and open space requirements for Phase II and Phase III. Any areas identified for recreation or parks within Phase II and III shall be designated for residential use with the satisfaction of this requirement.
9. The recommendation of the County Engineer, dated April 26, 1984, and attached hereto as "ADDENDUM I" shall be a part of the stipulation.

10. The maximum lot coverage for the phase three multi-family area shall be as indicated in Article 13, Section 13.06(b).
11. Phase I may utilize septic tanks as may be approved by the Nassau County Health Department. If community water and/or sewer service is available prior to commencement of development of the commercial area or any Phase, the developer of that Phase shall include the installation of community water and/or sewer service.
12. Developer shall, to aid in the patrolling of the development, install security lights as recommended by the Nassau County Sheriff's Office. Utility bills and maintenance of the security lights will be the responsibility of the Property Owner's Association.
13. The developer, prior to obtain approval of any final development plans or issuance of any permits, shall obtain a binding letter from the Department of Community Affairs that said development does not constitute a development of regional impact. If a binding letter of determination indicates that this P.U.D. independently constitutes a development of regional impact, then no further development plans shall be approved hereunder except in accordance with the procedures of 308.06 of Florida Statutes. In addition, the County retains the

- right to amend the P.U.D. ordinance based upon local issues that are addressed in the D.R.I. review process.
14. The developer shall place all utilities under ground.
  15. The covenants and restrictions shall be presented to the Board of County Commissioners for approval prior to the approval of any final development plans. Said covenants and restrictions shall be recorded.
  16. All other provisions of Ordinance 83-19; Article 24 shall be adhered to.
  17. The residential lots in Phase I shall be allowed to develop up to ninety-three (93) single-family detached dwellings. Phase II shall be allowed up to one hundred seventy (170) residential single-family detached dwellings. All minimum lot requirements, minimum yard requirements and building height and lot coverage requirements of Article 9 (RS-2), Zoning Code, shall apply to Phases I and II. Phase III shall be allowed up to two hundred thirty (230) single family or multi-family units. The provisions for lot requirements, yard requirements, building height and lot coverage requirements of Article 12 (RG-1), Zoning Code, shall apply to Phase III.
  18. A buffer of native vegetation shall be reserved by easement. The buffer shall "average" twenty-five (25)



feet in width or the amount required by the Comprehensive Plan at the time of development along the perimeter of depicted jurisdictional wetlands.

19. Upon receipt of a request by the Developer, the Board of County Commissioners will consider a credit for any contribution of land for a public facility or construction, expansion of a public facility required by the Development Order toward an impact fee or exaction for the same need where the construction, expansion or contribution exceeded the required adopted Level of Service (LOS) for the subject development. The authorization for credit against a local exaction or impact fee expires five (5) years from the date of this Amended Development Order.
20. The owner/developer of each Phase shall submit an annual report on the progress of the development detailing any development (i.e.: installation of infrastructure, number of dwellings completed, lots developed, etc.) during the previous ~~twenty~~ twelve (12) months. The Annual Monitoring Report shall be filed with the Planning Department on January 1 of each year.
21. In addition, the developer for Phases II and III should:
  - a. Include internal bicycle/pedestrian paths and show them on the development plan.

b. Show all FEMA flood plains on the Preliminary and Final Development Plan.

c. Show the Hurricane inundation area for Category 1, 2, and 3 hurricanes on the Preliminary Development Plans.

~~22. Parliament Drive, if approved by the County Departments, may be cul-de-saced in Phase I and Phase II.~~

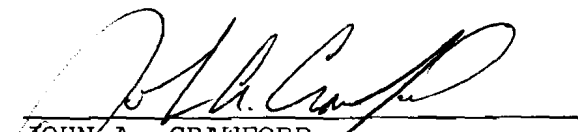
22. The County shall construct a cul-de-sac or other improvements on Arrigo Boulevard/Parliament Drive to facilitate vehicles ability to turn around at the boundary of the two subdivisions (Beachway at Nassau Lakes and Nassau Lakes) in Phase I and Phase II of the Nassau Lakes PUD. In addition, the County shall install a gate across the roadway which will block through traffic and which is designed to allow through traffic in the event of an emergency.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA




MARIANNE MARSHALL  
Its: Chair

Attest as to Chair's signature:



JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

A handwritten signature in black ink, appearing to read 'D. A. Hallman', written over a horizontal line.

DAVID A. HALLMAN