FILE 200510145 OR BOOK 01303 PGS 0278-0290 RECORDED 03/21/2005 08:18:08 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

Retrinto X Joyce Bradley

ORDINANCE NO. 2003 - 24

99-38, AN ORDINANCE AMENDING ORDINANCE NO. ORDINANCE AMENDED NO. 83-19, AS AMENDED. THIS ORDINANCE REZONED AND RECLASSIFIED THE PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, TO THAT OF A PLANNED UNIT DEVELOPMENT (PUD); THE NAME OF THE PUD IS "THE HIDEAWAY"; SPECIFICALLY AMENDING THE PUD TO INCREASE THE ACREAGE AND THE OVERALL NUMBER APPROVED RESIDENTIAL UNITS; AND AMENDING CONDITIONS, EXHIBIT "C"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on the 28th day of September, 1983, the Board of County Commissioners of Nassau County, Florida 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 substantially amended including Ordinance No. 97-19, adopted on the 28th day of July, 1997; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 99-38 on October 25, 1999; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 2002-48 on September 30, 2002, which amended Ordinance No. 99-38; and

WHEREAS, the owner of the subject property has requested that Ordinance No. 99-38 as amended be further amended; 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 has considered the findings and recommendations of the Planning

and Zoning 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 in the described 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 this 12th day of May, 2003 by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 99-38, as amended shall be further amended as follows:

The Planned Unit Development concept shall be as indicated on the Preliminary Development Plan dated February 28, 2003 attached hereto as Exhibit "C".

Owner and Description. The land rezoned by this Ordinance is owned by Nassau Hideaway, LLC.

Exhibit "C" shall be made a part of this Ordinance, as recommended by staff, 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 in existence at the date of the Ordinance or as amended pursuant to the E.A.R. based amendment 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.

ADOPTED this 12th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS NASSAU COUNTY, FLORIDA

VICKIE SAMUS Its: Chairman

ATTEST:

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

Approved as to form by the Nassau County Attorney:

MICHAEL S. MUZIIN

EXHIBIT "A" LEGAL DESCRIPTION

Nassau Hideaway, LLC

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EXHIBIT "B" PRELIMINARY DEVELOPMENT PLAN

Nassau Hideaway, LLC

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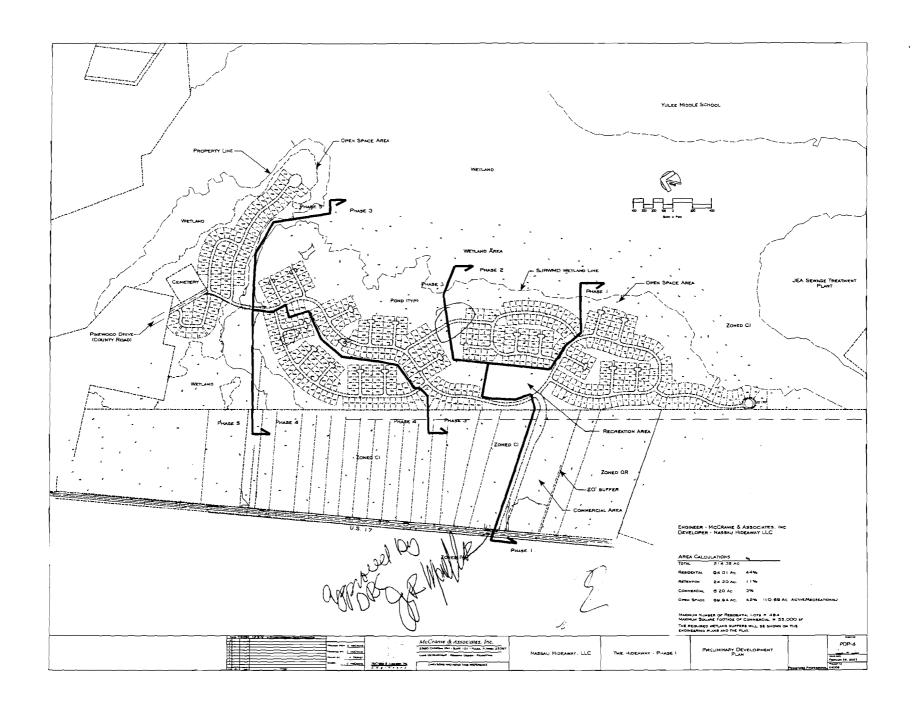
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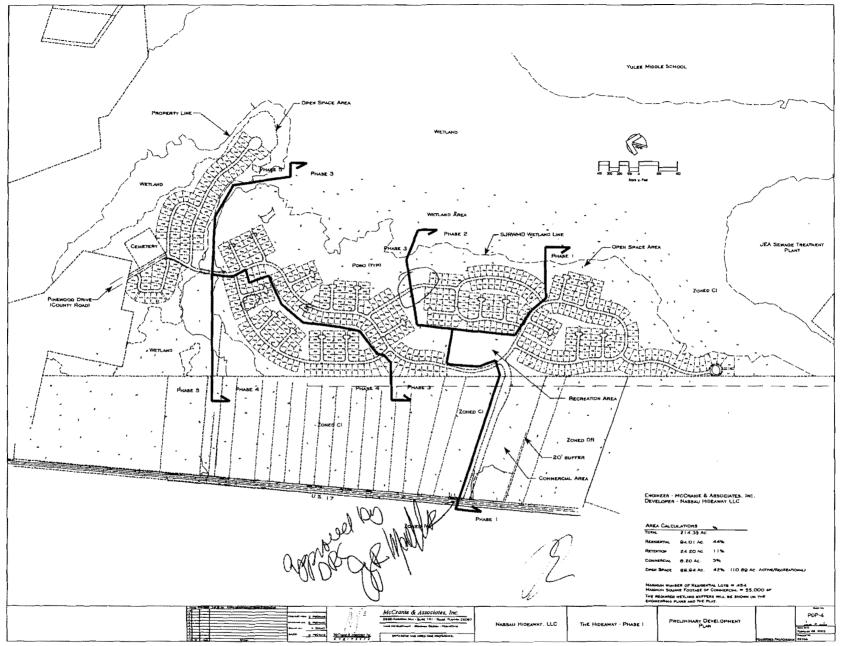
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EXHIBIT "C" CONDITIONS "THE HIDEAWAY" PLANNED UNIT DEVELOPMENT

- The applicant must shall conform with to all applicable county regulations (including Concurrency Management) in the development of this project.
- 2. The applicant will shall provide adequate, safe, and accessible recreational facilities for this development in accordance with the requirements of the Concurrency Management Ordinance and any other applicable county regulations. Stormwater drainage facilities are shall not to be considered recreational facilities.
- 3. A master drainage plan for all phases of this development must be submitted and approved by the Public Works

 Director County Engineer prior to the commencement of any construction of the property.
- Storm water facilities shall not be located in the required recreational open space areas.
- 5. Traffic calming features should shall be included in the layout of roadways to eliminate long straight-aways.
- 6. The requirements of Section 25.04 of Ordinance No. 97-19
 (Nassau County Zoning Code) are shall be applicable.
- 7. The <u>preliminary final</u> development plan shall be submitted pursuant to Section 25.05 of Ordinance No. 97-19 (Nassau

- County Zoning Code) within 90 days one (1) year of the date of this ordinance the approved PUD modification.
- 8. All of the procedures and requirements of Section 25.04 of Ordinance No. 97-19 (Nassau County Zoning Code) shall be applicable.
- 9. Upon approval of the Planned Unit Development the preliminary development plan shall be attached as an exhibit to this ordinance.
- 10. No development <u>site</u> <u>improvements</u> shall progress until the approval of the <u>preliminary</u> <u>final</u> development plan and the final development plan.
- 11. Permitted Accessory Uses and Structures: shall follow

 Article 28. The permitted uses and structures in the

 modification shall be Ssingle family residential

 dwellings., Mobile and Modular Home parks (minimum of 10

 acres required), Mobile and Modular home subdivisions.
- 12. Permitted Accessory Uses & Structures: See Article 14 28,

 Section 14.02 28.15 of Ordinance No. 97-19, as amended

 (Nassau County Zoning Code).
- 13. Conditional Uses: See shall follow Article 28, Section 28.14 of Ordinance No. 97-19, as amended (Nassau County Zoning Code).
- 14. Minimum Lot Requirements:

 Minimum Lot Width: Seventy (70) Sixty (60) feet. This is measured as an average on irregular shaped lots.

Minimum Lot Area: Seven thousand 7,000) Six Thousand (6,000) square feet.

15. Minimum Yard Requirements:

Front Yard: Twenty (20) Twenty five (25) feet.

Side Yard: Seven and one-half (7 ½) Five (5) feet.

Rear Yard: Fifteen (15) Ten (10) feet.

16. Building Restrictions:

Maximum Building Height: Twenty-six (26) Thirty five (35) feet.

Maximum Lot Coverage: Forty (40) Fifty (50) percent.

- 17. No mobile homes/manufactured homes shall be permitted within the Planned Unit Development (PUD).
- 18. The "Tee" dead ends shall be allowed, as shown on the Preliminary Development Plan.
- 19. The roadways shall remain private. A thirty (30) foot right-of-way, with ten (10) foot easements on either side, will be the minimum requirement. The secondary access shall be on Pine Wood Drive. This shall be a fully paved back access at final build-out. A stabilized roadway will be provided to earlier phases from Pine Wood Drive, to the constructed phase. Improvements will be made to Pine Wood Drive as required by the County.
- 20. Sidewalks shall be required on both sides of the road along dead-end roadways and on one side of the main roadway system.

- 21. Walking Paths/Nature Trails shall be provided except for those areas that are restricted by jurisdictional wetlands.
- 22. A six (6) foot opaque fence shall be provided between the cemetery and the proposed development.
- 23. A direct roadway connection between Phase II and Phase

 III on the preliminary development plan will be required

 (as shown in Exhibit A attached to the staff report).
- 24. The applicant shall incorporate into the covenants and restrictions a restriction that any fencing along any recreational area, open space, or greenway shall not exceed four (4) feet in height and shall be no more than thirty (30) percent opaque.
- 25. The spine road system through the PUD shall have twelve

 (12) foot lanes with curb and gutter. Corner lots shall

 have driveway access from the side street and not the

 spine road.
- 26. Acceleration/deceleration lanes shall be required at all access points to this development located on US 17.