

ORDINANCE 2013 - 14

AN ORDINANCE AMENDING ORDINANCE NO. 2000-09, WHICH REZONED AND RECLASSIFIED PROPERTY TO A ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS "CYPRESS PALM GARDENS"; SPECIFICALLY MODIFYING EXHIBIT "B", PRELIMINARY DEVELOPMENT PLAN, AND EXHIBIT "C", PUD CONDITIONS, PERTAINING TO DEVELOPMENT PERMITTED ON THE 36.76 ACRE SITE AS SHOWN IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Ordinance 2000-09 on March 27, 2000, creating the Cypress Palm Gardens PUD; and

WHEREAS, the Board of County Commissioners entered into development agreement with the developer of Cypress Palm Gardens PUD on September 11, 2000, providing for the necessary off-site improvements to Hendricks Road and Hatton Road; and

WHEREAS, Cypress Trails, LLC has authorized McCranie & Associates, Inc. to file Application R13-003 to amend the Cypress Palm Gardens PUD Preliminary Development Plan and to amend the PUD conditions; and

WHEREAS, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on June 18, 2013 and voted to recommend approval of R13-003 to the Commission; and

WHEREAS, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the 2030 Comprehensive Plan and the orderly development of Nassau County; and

WHEREAS, the proposed PUD amendment complies with the underlying Future Land Use Map (FLUM) designation of Low Density Residential (LDR) and

WHEREAS, the Board of County Commissioners held a public hearing on July 22, 2013; and

WHEREAS, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes and the Nassau County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS: That the proposed amendment to the Cypress Palm Gardens PUD Preliminary Development Plan is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan in particular Policies FL.01.02(B) and FL.08.04.

SECTION 2. PUD AMENDED: The real property described in Section 3, known as the Cypress Palm Gardens PUD, is amended as follows:

- A) The conditions of the PUD, adopted in Ordinance 2000-09 are amended as shown in Exhibit "C"; to reduce the minimum lot area from 0.5 acre to 0.25 acre (10, 890 square feet); adopt a minimum lot width of 90 feet; and reduce the required front setback for residential uses from 30 feet to 25 feet, and increase the rear setback to 20 feet. All other conditions adopted for this PUD in Ordinance 2000-09 (Exhibit C) shall remain in force.
- B) The Preliminary Development Plan (PDP) for the PUD, attached as Exhibit "B," is amended to increase the number of lots permitted for single-family residential use from 38 to 50.
- C) The development agreement entered into by the developer and the Board of County on September 11, 2000, attached to this ordinance as Exhibit "D", providing for the necessary off-site improvements to Hendricks Road and Hatton Road prior to the release of any construction permits for this development shall remain in force.

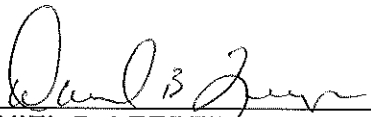
SECTION 3. OWNER AND DESCRIPTION: The land reclassified by this Ordinance is owned by Cypress Trails, LLC and is identified by the legal description attached as Exhibit "A", and the Preliminary Development Plan (PDP) attached as Exhibit "B".

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective after filing with the Secretary of State.

PASSED AND ADOPTED THIS 24th DAY OF July, 2013.

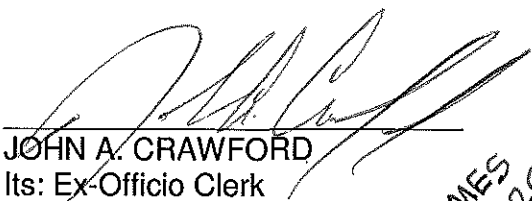
BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER,
Its: Chairman


ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
67-26-13

Approved as to form and legality by the
Nassau County Attorney,



DAVID A. HALLMAN,
County Attorney

EXHIBIT A

LEGAL DESCRIPTION

Section 32; Township 2N; Range 28; Pt of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Pt OR 557 Pg 653 ESMT
OR 481/707 as recorded in public records of Nassau County, Florida.

EXHIBIT B



Building setbacks (existing and proposed):

Front = 10'

Side = 10'

Back = 10'

Setbacks take precedence over setbacks

Property is located in Flood Zone X

Engineer - McNamee & Associates, Inc.

Owner - Cypress Trails, LLC

Original PIA # - 22-24-26-505-0007-0000

Property is zoned R10

1/4" is one foot (1/4" scale)

Area Calculations

Total 36.76 AC.

Residential 25.67 AC. 70 %

Per/Open Space 3.14 AC. 10 %

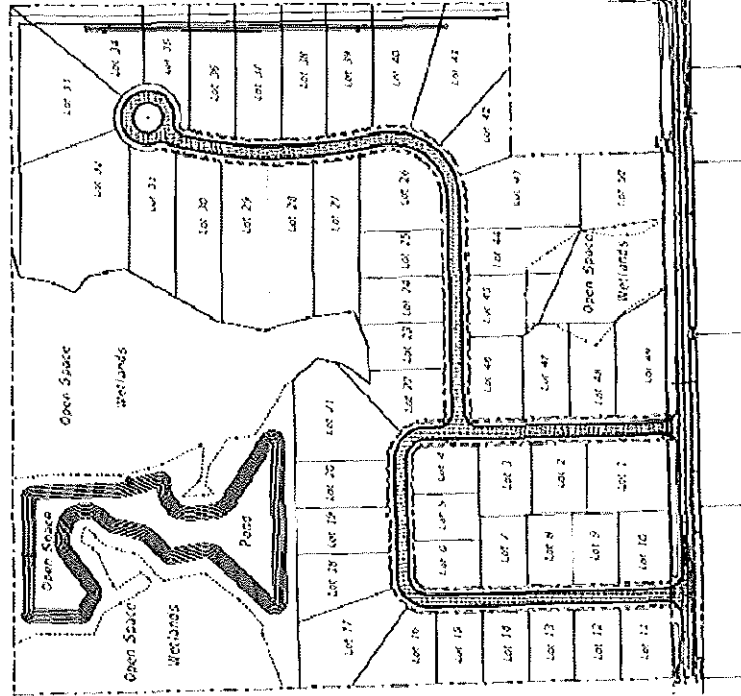
Wetland/Open Space 7.95 AC. 20 %

Maximum Density (F10W) 129.35 x 21 = 17.21/50 = 60 lots

Requested Number of Residential Lots = 50

Minimum Lot Width = 60'

Minimum Lot Size = 20,890 sq. ft.



M&A McNamee & Associates, Inc.
 200 N. 10th Street, Suite 100
 Minneapolis, MN 55401
 Tel: 612.338.1111
 Fax: 612.338.1112
 Email: info@mna.com

Cypress Palm Gardens
 Replat

Cypress Trails, LLC
 Preliminary Development
 Plan

Scale:
 1" = 100'
 1/4" = 100'

EXHIBIT C

CYPRESS PALM GARDENS PUD CONDITIONS (AMENDED)

1. All development within this PUD shall consist of single-family site-built homes. Mobile or manufactured homes shall not be permitted.
2. Minimum lot size shall be ~~0.5-acre~~ 10,890 square feet. Minimum lot width shall be 90 feet. Maximum lot coverage shall be 30%. Setbacks and height restrictions for all residential lots shall ~~conform to those for the RS-1 zoning district~~; be as follows: 30' 25' front yard, 10' side yard, 15' 20' rear yard, 35' maximum height.
3. Streets shall be paved in accordance with County standards specified in Ordinance 99-17. Sidewalks and curb and gutter construction are required.
4. The developer and the County must have a signed agreement providing for the necessary off-site improvements to Hendricks Road and Hatton Road prior to the release of any construction permits for this development.
5. The developer shall be given the option of replacing on-site recreational requirements with equitable off-site improvements in the form of lands, funds or facilities dedicated to public recreation.

EXHIBIT D

(9)

RECEIVED
15002004

AGREEMENT

THIS AGREEMENT is made and entered into this 11th day of September, 2000, by and between Pearl Blue Albert (hereinafter after referred to as "Developer") and Board of County Commissioners of Nassau County, Florida, (hereinafter referred to as "County").

W I T N E S S E T H

Doc# 2000P7621
Book: 950
Pages: 1834 - 1839
Filed & Recorded
09/26/2000 04:00:35 PM
J. N. UNLEY JR.
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
RECORDING \$ 25.00
INDEXING \$ 3.00

WHEREAS, Developer applied for a rezoning request December 30, 1999, to change the zoning on approximately thirty seven (37) acres (more particularly described on Exhibit "A" attached hereto) from Open Rural (OR) to a Planned Unit Development (PUD) zoning classification; and

WHEREAS, the Nassau County Board of Planning and Zoning approved said zoning request on March 7, 2000 and made recommendation for approval by the Board of County Commissioners; and

WHEREAS, the Nassau County Board of County Commissioners approved said zoning request on March 27, 2000 pursuant to conditions as outlined in Exhibit "B" attached hereto; and

WHEREAS, the requirements for a Planned Unit Development are set forth in Article 25 of the Nassau County Zoning Code; and

WHEREAS, pursuant to the conditions for development for the PUD, the developer and the county shall have a signed agreement providing for the necessary off-site improvements to Hendricks

Give to
Source

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and Hatton Roads prior to the release of any construction permits for this development.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:


1. All off-site improvements required may include the widening of Hendricks Road from the developments that Hendricks access to CR 107 as well as any turn lane improvements from CR 107 to Hendricks Road to accommodate the increased capacity of traffic as a result of the proposed subdivision. The Director of Public Works shall approve any off-site improvements prior to any construction.
2. Right of way must be provided for Hatton Road as measured thirty (30) feet from the Center line of the existing roadway. Any plan to connect the development access to Hatton Road will require final improvements to the road structure to accommodate additional traffic as generated by the proposed subdivision. The Director of Public Works shall approve any improvements prior to any construction.

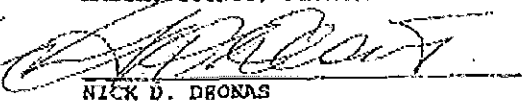
This Agreement shall be construed according to the laws of the State of Florida.

IN WITNESS WHEREOF the undersigned have set their hands and seals this 11th day of September, 2000.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


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


NICK D. DEONAS
Its: Chairman

09/23/00 08:20 FAX 9044913811

WORKS.CO PUBLIC

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STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument is hereby acknowledged before me this
30 day of AUG, 2000, by PEARL BLUE ALBERT as
DEVELOPER of Cypress Palm Gardens Planned Unit Development
who is personally known to me or who has produced PERSONALLY KNOWN
as identification and who did take an oath.

Charles T. Smith

NOTARY PUBLIC, STATE OF FLORIDA

PRINTED NAME: CHARLES T. SMITH
Notary Public, State of Florida

My Commission expires: AUGUST 23, 2002
My Commission Number is: CL 731728



EXHIBIT "A"
DESCRIPTION OF PROPERTY
R-00-003

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Section 32; Township 2N; Range 28; PT of SW ¼ of NW ¼ PT OR
557 Pg 653 ESMT OR 481/707 as recorded in public records of
Nassau County, Florida.