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Return to
Joyce Bradley X

ORDINANCE NO. 87 - 15

AN ORDINANCE AMENDING ORDINANCE NO. 83-19. THIS ORDINANCE RE-ZONES AND RE-CLASSIFIES THE PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA FROM A PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) AND RESIDENTIAL SINGLE FAMILY - 1 (RS-1) TO THAT OF A PLANNED UNIT DEVELOPMENT (PUD) TO BE CALLED MARSH LAKES PUD

WHEREAS, on the 28th day of September, 1983, the Board of County Commissioners did adopt Ordinance 83-19, an Ordinance enacting and establishing a comprehensive zoning code for the unincorporated portion of Nassau County, Florida; and

WHEREAS, the "Owners" of that certain property described in the attached Exhibit "A" intend to develop the described property in accordance with a master plan; and

WHEREAS, the "Owners" of that certain property described in the attached Exhibit "A" have applied for a re-zoning and re-classification of that property from Open Rural (OR) and Residential Single Family (RS-1) to a Planned Unit Development (PUD).

WHEREAS, the Planning 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 County Commission of Nassau County has considered the findings and recommendations of the Planning 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 described in the attached Exhibit "B" is suitable in location and character for the uses proposed in said application according to the criterion as set forth in Article 24 of Ordinance 83-19 of the County of Nassau;

REC 112.00 73C

FILE 200520252 OR BOOK 01323 PGS 0985-1008 RECORDED 06/06/2005 09:05:20 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County that the application for the Planned Unit Development to be known as "MARSH LAKES" 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 24 of Ordinance 83-19 of the County of Nassau and further subject to the Additional conditions and requirements:

Section I The Planned Unit Development concept shall be as indicated on the land use plan prepared by Landers-Atkins Planners which is attached hereto as Exhibit "B" and made a part hereof.

Section II The preliminary development plan is approved as indicated on the land use plan is approved subject to the stipulations contained in Exhibit "C" attached hereto and made a part hereof.

Section III This Ordinance shall take effect upon adoption by the Board of County Commissioners and filing in the Secretary of State's office.

ADOPTED this 13th day of January, 1987, by the Board of County Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

By: Gene R. Blackwelder
GENE R. BLACKWELDER

Its: Chairman

Attest: T.J. Greeson
T.J. GREESON

Its: Ex-Officio Clerk

R-86-18
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MAP NO. _____ (DATE FILED) _____

APPLICATION FOR THE REZONING OF LAND

COMMISSION DISTRICT _____ APPLICATION NO. _____

TO: THE ZONING BOARD AND COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA

THE UNDERSIGNED HEREBY APPLIES FOR REZONING OF LAND DESCRIBED AS FOLLOWS:

1. LEGAL DESCRIPTION OF LAND SOUGHT TO BE REZONED:

Parcel "A"

All that portion of Piney Island or Section Thirty-Seven (37), in Township Two (2) North, Range Twenty-Eight (28) East, County of Nassau and State of Florida, which lies south of the right of way of State Road 200, and which lies upland of the mean high water elevation of 3.40 M.S.L. as described in that certain survey prepared by Charles Bassett on November 2, 1972, and as described in Official Records Book 267, page 542, public records of Nassau County, Florida. This parcel of land contains 180.43 acres, more or less.

Parcel "B"

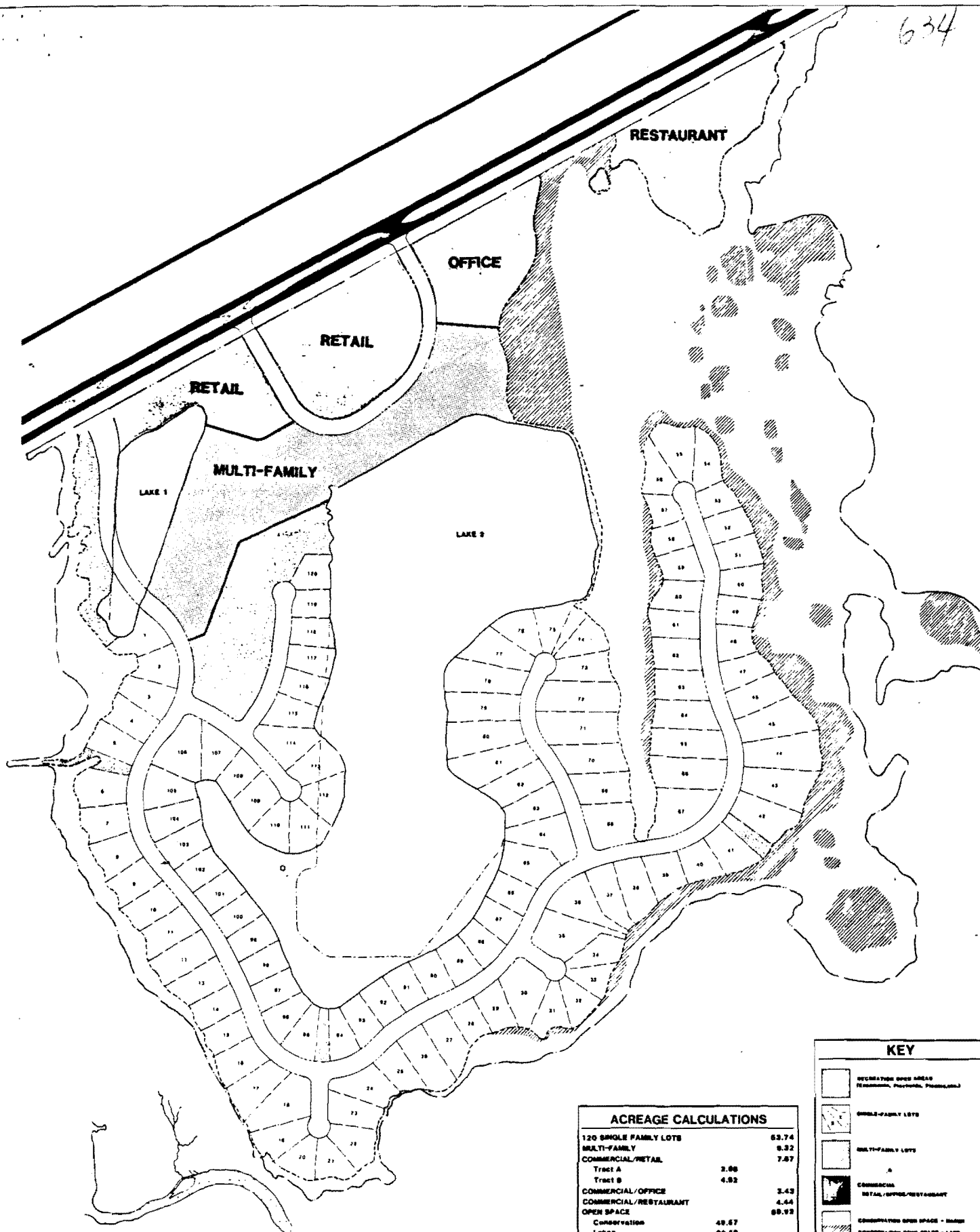
All of that certain lot, piece or parcel of land situate, lying and being in Section Forty (40) and Forty-One (41), Township Two (2) North, Range Twenty-Eight (28) East, County of Nassau and State of Florida, and more particularly described by metes and bounds as follows: Beginning from a point on the Section line between said Section 41 and Section 40, said point lying N 41°00' E a distance of 3,376 feet from the southeast corner of Section 40, then S 9°35' E a distance of 44.1 feet to a point, thence S 87°42' E a distance of 409 feet to the POINT OF BEGINNING; Thence S 87°42' E a distance of 700 feet to a point on the westerly right-of-way line of a graded county road (40' R/W), thence in a northwesterly direction along the said right-of-way line and around a curve to the left a distance of 640 feet more or less to a point on said right-of-way line, thence N 87°42' W a distance of 720 feet more or less to a point, thence S 9°35' E a distance of 620 feet more or less to the POINT OF BEGINNING. This parcel of land contains 10.4 acres, more or less.

2. LOCATION:

Parcel "A"

That portion of Piney Island lying south of State Road 200 (A1A).

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"EXHIBIT B"

ACREAGE CALCULATIONS	
120 SINGLE FAMILY LOTS	63.74
MULTI-FAMILY	6.32
COMMERCIAL/RETAIL	7.87
Tract A	3.88
Tract B	4.92
COMMERCIAL/OFFICE	3.43
COMMERCIAL/RESTAURANT	4.44
OPEN SPACE	89.93
Conservation	49.67
Lakes	23.68
Recreation	9.48
CIRCULATION	12.01
TOTAL	190.43

KEY

- RECREATION OPEN AREAS (Bioscience, Playfields, Preserves)
- SINGLE-FAMILY LOTS
- MULTI-FAMILY LOTS
- A
- COMMERCIAL, OFFICE/RESTAURANT
- CONSERVATION OPEN SPACE - MARSH
- CONSERVATION OPEN SPACE - LAKE
- DEVELOPMENT LINE
- PROPERTY LINES AND AERIALS
- EXISTING LAKE LINE

Consultants: Lenders-Atkins Planners, Inc. Master Planning
 England, Thims, & Miller Engineering and Surveying
 CZR, Inc. Environmental Planning
 Southern Resources Mapping Topographic Mapping

Preliminary Development Plan - Parcel "A"
MARSH LAKES PUD
 Developers: Marsh Lakes Development Company
 Wholly Owned Subsidiary of Amelia Island Company



EXHIBIT "C"

STIPULATION

I. PERMITTED USES

A. Parcel "A"

1. Single Family. The single family area as shown on the preliminary P.U.D. plan occupies 53.74 acres. There are a total of 120 lots with an average lot size of .45 of an acre. The largest lot shall be approximately .64 of an acre and the smallest lot shall be approximately .30 of an acre. The exact configuration of the lots and the sizes of these lots, street routing, easement locations and the like should be shown on the Marsh Lakes Subdivision plat to be filed as a final development Plan. The single family area should be restricted to the Uses, Minimum Lot Sizes, Minimum Yard Requirements, and Building Restrictions of the RS-1 (Residential, Single Family 1) zoning classification except that certain conditional uses should be prohibited by deed restriction (i.e. such as day care nurseries, parking lots, mobile homes, mother-in-law dwellings, service business signs and retail sales of any kind shall be prohibited by deed restriction).

2. Multi-Family. The multi-family area as shown on the preliminary P.U.D plan contains 9.32 acres. There shall be a total of 72 units for a net density of 7.772 units an acre. The multi-family area shall be limited to the Minimum Yard Requirements and Building Restrictions of the RG-1 (Residential, General 1) zoning classification. Conditional uses shall be limited by deed restriction as discussed in paragraph one (1). No single family or duplex structures shall be allowed in

the multi-family tract. Townhouses, triplexes, quadriplexes, or other multi-family structures shall be allowed at a net density of 7.72 units per acre provided in accordance with the requirements of the RG-1 zoning classification.

3. Commercial/Retail. The commercial/retail area contains 7.87 acres. A maximum of 75,000 square feet of retail sales, services and limited office space was requested for this area and shall be approved. This area as stated by the developer, is intended to be a neighborhood shopping area with some professional office with a unifying architectural theme. It is not intended that this area be used by major commercial or service establishments. The permitted uses are similar to the commercial neighborhood district (CN) and are detailed below:

A. Retail outlets for the sale of food, drugs and alcoholic beverages for consumption off the premises, wearing apparel, toys, sundries and notions, books and stationary, leather goods and luggage, jewelry (including watch repair but not a pawn shop), art and art supplies camera or photographic supplies (including repair), sporting goods, hobby shops, and pet shops (but not animal kennels), musical instruments, television and radio shops (including repair), florist or gift shops, delicatessens, back shops (but not flea markets), and similar products.

B. Service establishments such as barber or beauty shops, tailors or dress makers, shoe repair shops, restaurants with beer, wine or liquor, restaurants with drive-thru (but not drive-in restaurants), interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundry or dry cleaners, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes or steam detectable to normal senses form off the premises.

southwesterly and southeasterly views. A full service restaurant with a maximum capacity of 250 seats shall be approved. Additionally, the restaurant shall be allowed consumption of alcoholic beverages on premises if requested and accessory retail sales not to exceed 10,000 square feet of sales area. A building setback of 50 feet and parking lot setback of 25 feet shall be required from State Road 200. Other minimum yard requirements and building restrictions subject to site plan review.

II. SPECIAL REQUIREMENTS

See Exhibit "1"

III. ADDITIONAL REQUIREMENTS

1. All conveyances of any properties within the P.U.D. shall contain a reference to the P.U.D. and copies of all deeds shall be provided to the Planning Board or Board of County Commissioners within ten (10) days of their execution.

2. Any conveyance of property within the P.U.D. shall also contain a provision that the Developer named herein retains architectural control of the project. Said architectural restrictions shall be approved by the Planning Board prior to the issuance of permits.

3. The Developer shall enter into negotiations with the Board of County Commissioners regarding impact fees as the project may impact the fire, police, and rescue capabilities as well as the park and recreation services and the road systems of Nassau County. The negotiations shall commence prior to approval of any final development plans and the impact fees, if any, shall 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.

4. The Developer shall regularly and routinely consult with the Public Safety Director, Sheriff, County Engineer and

C. Business and professional offices including real estates, travel agencies, medical and dental offices and clinics (except no animal hospitals or veterinary clinics).

Buildings on Tract A. shall have a minimum setback of 30 feet from State Road 200 and buildings on Tract B shall have a minimum setback of 50 feet from State Road 200. A natural buffer of 30 feet shall be required between Tract A and the multi-family parcel although 15 feet of the buffer may be assigned to each tract. Bufferings and landscaping over the entire commercial/retail parcel shall not be less than 25% of the total land area. Maximum building height shall be 35 feet except that non-habitable spaces including attics, clock towers and cupolas may be taller. Off-street parking spaces shall be provided at the rate of 5 per 1,000 feet of gross floor area. Other requirements not specifically mentioned herein shall be subject to site plan review at the time the final plan for the commercial area or part is reviewed. A maximum of 3,000 square feet of the retail/commercial area may be built in the office area.

D. There shall be no gasoline dispensing facilities or automobile repair facilities or service centers or stations.

4. Office. The office area shown on the preliminary P.U.D. plan occupies 3.43 acres. A maximum of 22,000 square feet of office uses shall be allowed. The minimum lot requirements, minimum yard requirements and building restrictions of the commercial, professional and office (CPO) zoning classification shall apply except that all buildings shall have a minimum setback of 50 feet from State Road 200 and a minimum setback for all parking of 25 feet from State Road 200. No convenience stores shall be allowed within the office area.

5. Restaurant. The restaurant area shown on the Preliminary P.U.D. plans contains 4.44 acres with approximately 700 feet of frontage along SR 200 and 1,200 feet of marsh front

Planning and Zoning Director regarding the final development plans and wherever practical and consistent with the development principals 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 shall regularly make written reports to the Board of County Commissioners and Planning Board as to the said recommendations and consultations.

5. 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.

6. The P.U.D. shall be subject to permitting requirements of the various state agencies.

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Nassau County Building and Zoning Department

CALLAHAN (904) 879-1593

2290 SOUTH 8th STREET
FERNANDINA (904) 261-3511

FERNANDINA BEACH, FLORIDA 32034-3056
JACKSONVILLE (904) 356-6670

MELVIN F. DOUGHERTY
Building Official

L. DOUGLAS JONES
Planning & Zoning Director

December 15, 1986

Mr. Gene Blackwelder, Chairman
Board of County Commissioners
P.O. Box 1010
Fernandina Beach, Florida 32034

RE: Rezoning R-86-18
Residential Single Family - 1 (RS-1) and Open Rural to
Planned Unit Development -- (Commercial on South Side of
A-1-A, Piney Island)

Dear Mr. Chairman

Having duly advertised for a public hearing for rezoning application R-86-18 filed by James M. Rester, President, Marsh Lakes Development Company, Amelia Island Plantation, Amelia Island, Florida 32034, to rezone approximately sixteen (16) acres located on the southern portion of Piney Island on the south side of A-1-A between Pine Grove Road and the Intracoastal Waterway (Thomas Shave Bridge) and on the westerly side by Little Berry Lane from Residential Single Family - 1 (RS-1) and Open Rural (OR) to Planned Unit Development (PUD) to include Commercial on the south side of A-1-A, Piney Island.

Having heard testimony from those present at the Public Hearing and after considering the need and justification for the change and the relationship to the County's Comprehensive Plan, the Board found that the proposed change would not be contrary to the health, safety and general welfare of the citizens of Nassau County.

After said discussion, a motion was made by Board Member Coakley to recommend approval of rezoning to include Commercial on the south side of A-1-A, Piney Island. Motion seconded by Board Member Walker and voted 5-1 to approve said motion.

The Nassau County Planning and Zoning Board hereby respectfully submits to the Board of County Commissioners its recommendation to APPROVE application for rezoning.

Respectfully

Anne T. Coonrod

ANNE T. COONROD, CHAIRMAN
Planning and Zoning Board

/jcs

cc: County Commissioners

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Nassau County Building and Zoning Department

2290 SOUTH 8th STREET FERNANDINA BEACH, FLORIDA 32034-3056

CALLAHAN (904) 879-1593

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MELVIN F. DOUGHERTY
Building Official

L. DOUGLAS JONES
Planning & Zoning Director

November 19, 1986

Mr. Gene Blackwelder, Chairman
Board of County Commissioners
P.O., Box 1010
Fernandina Beach, Florida 32034

RE: Rezoning R-86-18
Marsh Lakes - Planned Unit Development/Amelia Plantation

Dear Mr. Chairman

Having duly advertised for a public hearing for rezoning application R-86-18 to approve Marsh Lakes, Planned Unit Development, Amelia Plantation. The Nassau County Planning and Zoning Board met and heard said application.

Having heard testimony from those present at the Public Hearing and after considering the need and justification for the change and the relationship to the County's Comprehensive Plan, the Board found that the proposed change would not be contrary to the health, safety and general welfare of the citizens of Nassau County.

After said discussion, a motion was made by Board Member Walker to recommend approval of rezoning parcels A and B of the south side of Piney Island from Residential Single Family - 1 (RS-1) and Open Rural (OR) to a Planned Unit Development (PUD) to exclude that part of the PUD bordering A-1-A that represents commercial which is to be considered with the Comprehensive Landuse Plan when the Comprehensive Landuse Plan Amendments are considered on December 2, 1986. And further, approve Residential Single Family and Multi-Family as shown in the preliminary landuse plan for Amelia Island. The developer should comply with all the conditions that he has submitted in writing with his letter of October 7, 1986, as to submitting to reviews on drainage studies, land uses, and all those items which he has referred to. Also, he should comply with any impacts that he may be subject to and that he conforms to all the other conditions that he committed himself to in his application, and it meets the review criteria of Section 5.04, and the Board will consider recreation features at Site Plan Review. Motion seconded by Board Member Coakley and voted 6-0 to approve said motion.

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Rezoning R-86-18
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The Nassau County Planning and Zoning Board hereby respectfully submits to the Board of County Commissioners its recommendation to APPROVE application for rezoning.

Respectfully

Anne T. Coonrod *ATC*

ANNE T. COONROD, CHAIRMAN
Planning and Zoning Board

/jcs'

cc: County Commissioners