

ORDINANCE NO. 2000- 17
AMENDMENT TO ORDINANCE NO. 83-19
NASSAU COUNTY, FLORIDA

WHEREAS, on the 23rd day of September, 1983, the Board of County Commissioners, 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 subsequently amended including Ordinance No. 97-19, adopted on the 28th day of July, 1997; and

WHEREAS, **MORTON HOMES AND LAND DEVELOPMENT, INC.**, the owner of the real property described in this Ordinance has applied to the Board of County Commissioners for a rezoning and reclassification of the property from RESIDENTIAL, SINGLE FAMILY 1 (RS-1) to RESIDENTIAL, GENERAL 1 RG-1); and

WHEREAS, the Nassau County Zoning Board, after due notice and public hearing has made its recommendations to the Commission; and

WHEREAS, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the overall comprehensive land use plan and orderly development of the County of Nassau, Florida, and the specific area.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Nassau County, Florida:

SECTION 1: PROPERTY REZONED: The real property described in Section 2 is rezoned and reclassified from RESIDENTIAL, SINGLE FAMILY 1 (RS-1) to RESIDENTIAL, GENERAL 1 (RG-1) as defined and classified under the Zoning Ordinance, Nassau County, Florida.

SECTION 2: OWNER AND DESCRIPTION: The land rezoned by this ordinance is owned by **MORTON HOMES AND LAND DEVELOPMENT, INC.**, and is described as follows:

See Exhibit "A" attached hereto and made
a part hereof by specific reference.

SECTION 3: EFFECTIVE DATE: This ordinance shall become effective upon being signed by the Chairman of the Board of

County Commissioners of Nassau County, Florida.

ADOPTED this ^{15th}~~24th~~ day of ^{May}~~April~~, 2000.


CERTIFICATE OF AUTHENTICATION
ENACTED BY THE BOARD

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

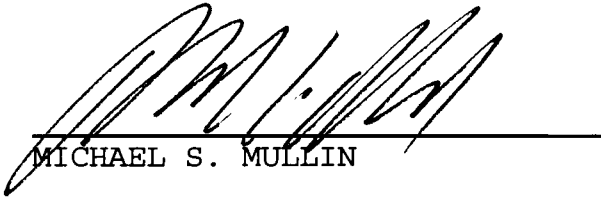


J. M. "Chip" Oxley, Jr.
Its: Ex-Officio Clerk



NICK D. DEONAS
Its: Chairman

Approved as to form by
the Nassau County Attorney:


MICHAEL S. MULLIN

c:rez.ord

EXHIBIT "A"
DESCRIPTION OF PROPERTY
R-00-006

SECTION 00; TOWNSHIP 00; RANGE 30; LOT 5 IN OR 841/1343, LOT 6 IN OR 840/921, LOT 7 IN OR 840/923, LOT 8 IN OR 840/916-919, LOT 9 IN OR 840/913 THE SANDPIPER #1 PB 4/78 AND 79 AS RECORDED IN PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.



Nassau County Public Works Department


2290 State Road 200
Fernandina Beach, Florida 32034-3056

Jack D'Amato, Jr., PE
Director of Public Works

Dennis Close
Road & Bridge Superintendent

MEMORANDUM

TO: Nick Deonas, Chairman

FROM: Jack D'Amato, Director of Public Works 

DATE: April 14, 2000

SUBJECT: Planning and Zoning Item for Agenda of April 24, 2000
Morton Homes & Land Development/McCranie & Associates, Inc.; R00-006

Background:

Application filed by Morton Homes & Land Development, Inc., 48-E Argamont Street, Sea Island, Georgia, 31561, owner and McCranie and Associates, Inc., 23 South 3rd Street, Fernandina Beach, Florida 32034 agent for owner to re-zone approximately 1.46 acres from Residential, Single Family (RS-1) to Residential, General 2 (RG-2). Property located on the East side of South Fletcher Avenue between Sandpiper Lane East which is U-shaped, Fernandina Beach area.

Recommendation:

Staff recommends approval based on the following conditions:

The Future Land Use Map designates this property as Residential, High Density, which allows for a maximum density of twelve(12) dwelling units per acre(du/a).

The maximum density permitted in the Residential General (RG-2) zoning district is normally 10du/a with the possibility of a bonus density of 12du/a for clustered development. The subject property is adjacent to a high density development (Sandpiper Condominiums). While this development is currently a non-conforming use under the current RS-1 zoning, the development is in conformance with the underlying land use.

In reviewing the impacts of the rezonings of the subject property, Staff is of the opinion that the RG-2 zoning district may cause negative impacts on the quality of life of surrounding property owners due to the ability to build up to a height of 85 feet or seven(7) stories. It is Staff recommendation that the applicants amend their applications to rezone the subject properties from RS-1 to RG-1. The RG-1 zoning district allows a maximum density of 8 units per acre and a height restriction of 35 feet (see Section 12.06 of the Zoning Code). Rezoning to the RG-1 zoning district is in compliance with the requirements of the County Comprehensive Plan and the Future Land Use Map as 4/3/00.

Staff finds this rezoning in compliance with the Future Land Use Element of the County Comprehensive Plan and subject to concurrency requirements as of 2/16/00.



Nassau County Public Works Department

2290 State Road 200
Fernandina Beach, Florida 32034-3056

Jack D'Amato, Jr., PE
Director of Public Works

Dennis Close
Road & Bridge Superintendent

April 14, 2000

Mr. Nick Deonas, Chairman
Board of County Commissioners
P.O. Box 1010
Fernandina Beach, FL 32035-1010

RE: R00-006

Dear Mr. Chairman:

Having duly advertised for a public hearing for a rezoning R-00-006 filed Morton Homes & Land Development, Inc., 48-E Argamont Street, Sea Island, Georgia 31561 owner and McCranie and Associates, Inc., 23 South 3rd Street, Fernandina Beach, Florida 32034, agent for the owner to re-zone approximately 1.46 acres from Residential, Single Family (RS-1) to Residential, General 2 (RG-2). Property located on the East side of South Fletcher Avenue between Sandpiper Lane East which is U-shaped, Fernandina Beach area.

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 detrimental to the health, safety and welfare of the citizens of Nassau County.

After said discussion, a motion was made by Board Member Brown to recommend approval of said rezoning. Motion was seconded by Board Member Brock, and it was unanimously carried.

The Nassau County Planning and Zoning Board hereby respectfully submits to the Board of County Commissioners its recommendation to **approve** application R-00-006 for rezoning.

Respectfully,

John Stack (as)

John Stack, Chairman
Nassau County Planning and Zoning Board

cc: Board of County Commissioners
Mike Mullin, County Attorney
J.M. "Chip" Oxley, Jr., Clerk of Court
Walt Gossett, County Coordinator

340 feet. The County Attorney reported Mr. Diebenow representing American Tower had requested the application for V99-014 be withdrawn from further consideration. It was moved by Board Member Brock, seconded by Board Member Brown and unanimously carried to accept the applicant's request to withdraw without prejudice application V99-014.

R00-005 was filed by Joseph L. Voza, 108 Governors Road, Ponte Vedra Beach, Florida 32082, owner; and McCranie and Associates, 23 S. 3rd Street, Fernandina Beach, Florida 32034, agent for the owner, seeking to rezone approximately one acre from Residential Single Family (RS-1) to Residential General (RG-2); FLUM designation is High Density. Property is located on the east side of South Fletcher Avenue between Sandpiper Lane East and Van Dyke Road, Fernandina Beach area. Considered at the same time was R00-006 filed by Morton Homes and Land Development, Inc., 48-E Argamont Street, Sea Island, Georgia 31561, the owner; and McCranie and Associates, agent for the owner to rezone approximately 1.46 acres from Residential Single Family (RS-1) to Residential General (RG-2); FLUM designation is high density. Property is located on the East side of Fletcher Avenue on Sandpiper Lane East, Fernandina Beach area. Proofs of publication were on file. Mr. McDowell reported Staff had requested the applicants amend their applications to rezone to the RG-1 zoning level that would allow a maximum density of 8 units per acre and a height restriction of 35 feet. The RG-2 level would have allowed a building height of 85 feet, which Staff feels may cause negative impacts on the quality of life of the surrounding property owners. Rezoning to the RG-1 zoning district is in compliance with the requirements of the Comprehensive Plan and the Future Land Use Map. At the workshop Staff noted that a Planned Unit Development was not required, as Staff established a base line and

determined the location of the property was north of the southern boundary of the airport. It was moved by Board Member Zetterower, seconded by Board Member Brock and unanimously carried to open the public hearing. Mr. Nick Gillette representing McCranie and Associates was sworn in. Mr. Gillette noted the applicants agree with the intent of Staff's comments relative to the height of the proposed units, however they wish to utilize a greater density of ten units per acre or a total of five additional units. Mr. McDowell explained the Zoning Code indicates bonus density is possible and can be addressed in the Concurrency and Site Plan Review process. Mr. Howard Lane, 4504 Sandpiper Lane, Amelia Island, was sworn in and requested Staff address drainage issues associated with this proposed development during the site review process as well. Mr. Don Fisher, 4448 Spinnaker Drive was sworn in and asked Staff to clarify from where the 35 feet height would be judged. Mr. D'Amato stated the finished grade could not be artificially elevated in this particular location but this issue will need to be addressed for future developments. It was moved by Board Member Zetterower, seconded by Board Member Brock and unanimously carried to close the floor to public discussion. It was moved by Commissioner Brown, seconded by Board Member Brock and unanimously carried to recommend approval to the Board of County Commissioners of R00-005 filed by Joseph L. Vozza, to rezone approximately one acre from Residential Single Family (RS-1) to Residential General (RG-1), and R00-006 filed by Morton Homes and Land Development to rezone approximately 1.46 acres from Residential Single Family (RS-1) to Residential General (RG-1), subject to Staff comments relative to density be addressed in the Site Plan Review process.

NASSAU COUNTY PLANNING & ZONING COMMISSION

DATE OF HEARING: March 7, 2000

PUBLIC HEARING NUMBER: R00-006

PETITIONER: Morton Homes and Land Development, Inc., 48-E Argamont Street, Sea Island, Georgia 31561 owner and McCranie and Associates, Inc., 23 South 3rd Street, Fernandina Beach, Florida 32034, agent for the owner.

REQUEST: This property is zoned as Residential, Single Family (RS-1); FLUM: Residential, High Density; and the Rezoning to Residential General 2 (RG-2) is sought for approximately 1.46 acres.

LOCATION: SITE DESCRIPTION: On the east side of South Fletcher Avenue between Sandpiper Lane East and Sandpiper Lane East, Fernandina Beach area. Sandpiper Lane East is U-shaped.

SURROUNDING ZONING AND LAND USES:

	ZONING	EXISTING LAND USE	FLUM
North	RS-1	Residential	Residential HD
South	RS-1	Residential	Residential HD
East	RS-1	Residential	Residential HD
West	RS-1	Recreation	Recreation

STAFF COMMENTS: The applicant request a rezoning of the subject property from Residential Single Family (RS-1) to Residential General (RG-2).

The Future Land Use Map designates this property as Residential, High Density, which allows for a maximum density of twelve (12) dwelling units per acre (du/a).

The maximum density permitted in the Residential General (RG-2) zoning district is normally 10du/a with the possibility of a bonus density of 12du/a for clustered development.

The subject property is adjacent to a high density development (Sandpiper Condominiums). While this development is currently a non-conforming use under the current RS-1 zoning, the development is in conformance with the underlying land use.

Staff finds this rezoning in compliance with the Future Land Use Element of the County Comprehensive Plan and subject to concurrency requirements as of 2/16/00.

Staff recommends approval.

Dm
2/16/00

ACTION OF PLANNING & ZONING BOARD:
(list vote)

RECOMMEND APPROVAL _____

DENIAL _____

~~~~~  
ACTION OF COUNTY COMMISSIONERS

APPROVE: \_\_\_\_\_ DENIED: \_\_\_\_\_

**APPLICANT'S RESPONSES  
for  
REZONING APPLICATION**

**10. Rezoning Review Criteria:**

*(Please answer the following questions in detail; if additional space is required please identify those responses as Exhibit "A")*

- a. Is the proposed change contrary to the established land use pattern?

*APPLICANT STATES:* No.

- b. Would the proposed change create an isolated district unrelated to adjacent and nearby districts?

*APPLICANT STATES:* No.

- c. Would the proposed change materially alter the population density pattern and thereby overload public facilities such as schools, utilities, streets, etc.?

*APPLICANT STATE:* No.

- d. Are existing district boundaries illogically drawn in relation to existing conditions on the property proposed for change?

*APPLICANT STATES:* No.

- e. Is the proposed change contrary to the long range land use plans?

*APPLICANT STATES:* No.

- f. Do changed or changing conditions make the approval of the proposed rezoning desirable?

*APPLICANT STATES:* Yes. It conforms with the FLUM.

g. Will the proposed change adversely influence living conditions in the neighborhood?

*APPLICANT STATES:* No.

h. Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety:

*APPLICANT STATES:* No

i. Will the proposed change create problems?

---

*APPLICANT STATES:* No

j. Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?

*APPLICANT STATES:* No.

---

k. Will the proposed change affect property values in the adjacent area?

---

*APPLICANT STATES:* No.

l. Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?

*APPLICANT STATES:* No.

m. Are there substantial reasons why the property cannot be used in accord with existing zoning?

*APPLICANT STATES:* Yes. It is zoned for single family, currently. However, the FLUM designates this area as high-density residential.

n. Is the proposed change out of scale with the needs of the neighborhood or the county?

*APPLICANT STATES:* No.

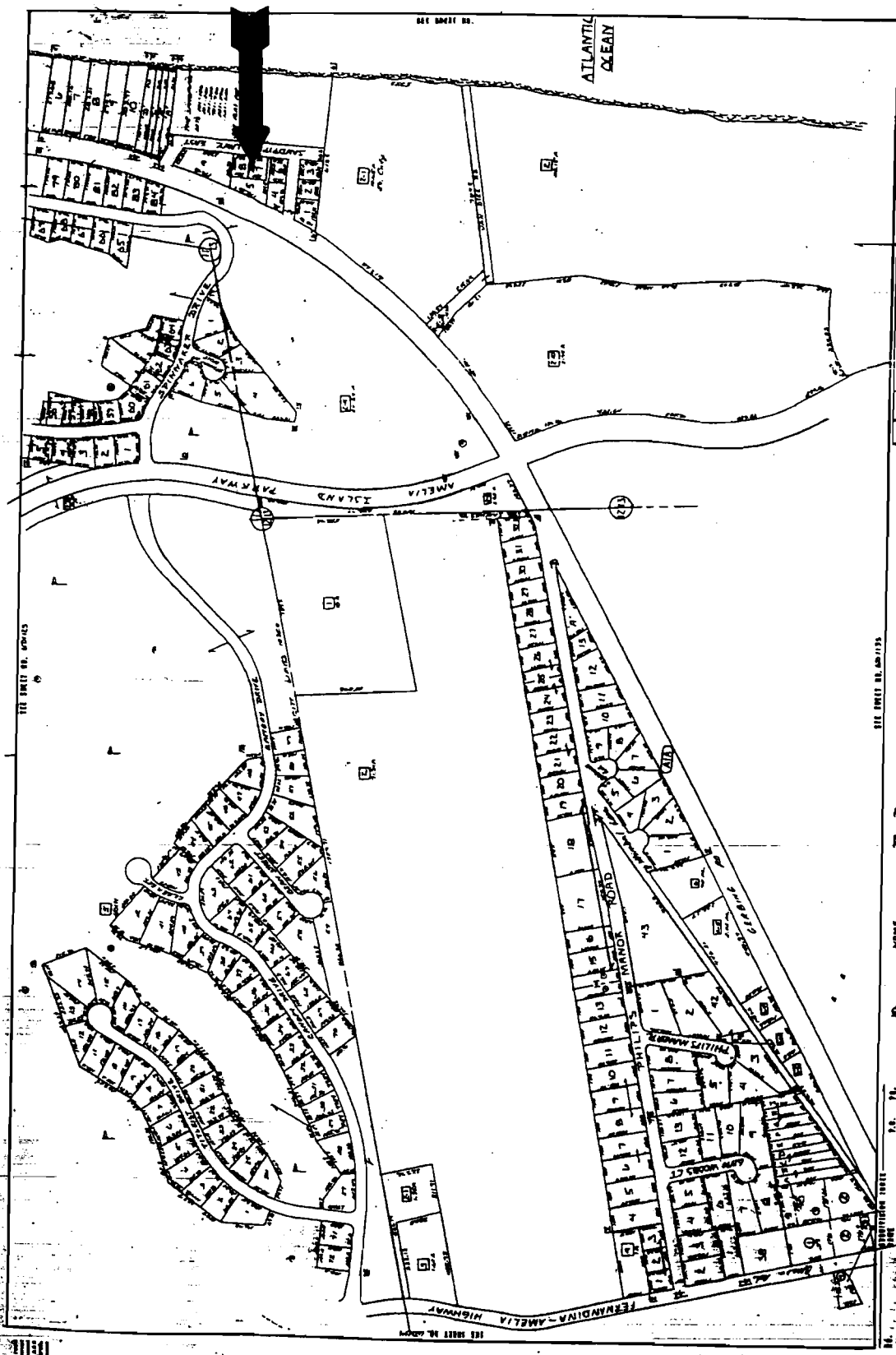
o. Are there other sites in this general location already zoned to permit the proposed use?

*APPLICANT STATES:* Yes.

p. Is the width and area of the parcel sought to be rezoned adequate to accommodate the proposed use?

*APPLICANT STATES:* Yes.

Exhibit C



RECORDS DEPT. OF LICENS.  
 NASSAU COUNTY,  
 FLORIDA  
 1998 COUNTY PROPERTY APPRAISAL  
 (REVISIONS OF 2000, 2001, 2002)

1. THE SHIPWRECK UNIT  
 2. THE SHIPWRECK UNIT  
 3. THE SHIPWRECK UNIT  
 4. THE SHIPWRECK UNIT  
 5. THE SHIPWRECK UNIT  
 6. THE SHIPWRECK UNIT  
 7. THE SHIPWRECK UNIT  
 8. THE SHIPWRECK UNIT  
 9. THE SHIPWRECK UNIT  
 10. THE SHIPWRECK UNIT  
 11. THE SHIPWRECK UNIT  
 12. THE SHIPWRECK UNIT  
 13. THE SHIPWRECK UNIT  
 14. THE SHIPWRECK UNIT  
 15. THE SHIPWRECK UNIT  
 16. THE SHIPWRECK UNIT  
 17. THE SHIPWRECK UNIT  
 18. THE SHIPWRECK UNIT  
 19. THE SHIPWRECK UNIT  
 20. THE SHIPWRECK UNIT  
 21. THE SHIPWRECK UNIT  
 22. THE SHIPWRECK UNIT  
 23. THE SHIPWRECK UNIT  
 24. THE SHIPWRECK UNIT  
 25. THE SHIPWRECK UNIT  
 26. THE SHIPWRECK UNIT  
 27. THE SHIPWRECK UNIT  
 28. THE SHIPWRECK UNIT  
 29. THE SHIPWRECK UNIT  
 30. THE SHIPWRECK UNIT  
 31. THE SHIPWRECK UNIT  
 32. THE SHIPWRECK UNIT  
 33. THE SHIPWRECK UNIT  
 34. THE SHIPWRECK UNIT  
 35. THE SHIPWRECK UNIT  
 36. THE SHIPWRECK UNIT  
 37. THE SHIPWRECK UNIT  
 38. THE SHIPWRECK UNIT  
 39. THE SHIPWRECK UNIT  
 40. THE SHIPWRECK UNIT  
 41. THE SHIPWRECK UNIT  
 42. THE SHIPWRECK UNIT  
 43. THE SHIPWRECK UNIT  
 44. THE SHIPWRECK UNIT  
 45. THE SHIPWRECK UNIT  
 46. THE SHIPWRECK UNIT  
 47. THE SHIPWRECK UNIT  
 48. THE SHIPWRECK UNIT  
 49. THE SHIPWRECK UNIT  
 50. THE SHIPWRECK UNIT  
 51. THE SHIPWRECK UNIT  
 52. THE SHIPWRECK UNIT  
 53. THE SHIPWRECK UNIT  
 54. THE SHIPWRECK UNIT  
 55. THE SHIPWRECK UNIT  
 56. THE SHIPWRECK UNIT  
 57. THE SHIPWRECK UNIT  
 58. THE SHIPWRECK UNIT  
 59. THE SHIPWRECK UNIT  
 60. THE SHIPWRECK UNIT  
 61. THE SHIPWRECK UNIT  
 62. THE SHIPWRECK UNIT  
 63. THE SHIPWRECK UNIT  
 64. THE SHIPWRECK UNIT  
 65. THE SHIPWRECK UNIT  
 66. THE SHIPWRECK UNIT  
 67. THE SHIPWRECK UNIT  
 68. THE SHIPWRECK UNIT  
 69. THE SHIPWRECK UNIT  
 70. THE SHIPWRECK UNIT  
 71. THE SHIPWRECK UNIT  
 72. THE SHIPWRECK UNIT  
 73. THE SHIPWRECK UNIT  
 74. THE SHIPWRECK UNIT  
 75. THE SHIPWRECK UNIT  
 76. THE SHIPWRECK UNIT  
 77. THE SHIPWRECK UNIT  
 78. THE SHIPWRECK UNIT  
 79. THE SHIPWRECK UNIT  
 80. THE SHIPWRECK UNIT  
 81. THE SHIPWRECK UNIT  
 82. THE SHIPWRECK UNIT  
 83. THE SHIPWRECK UNIT  
 84. THE SHIPWRECK UNIT  
 85. THE SHIPWRECK UNIT  
 86. THE SHIPWRECK UNIT  
 87. THE SHIPWRECK UNIT  
 88. THE SHIPWRECK UNIT  
 89. THE SHIPWRECK UNIT  
 90. THE SHIPWRECK UNIT  
 91. THE SHIPWRECK UNIT  
 92. THE SHIPWRECK UNIT  
 93. THE SHIPWRECK UNIT  
 94. THE SHIPWRECK UNIT  
 95. THE SHIPWRECK UNIT  
 96. THE SHIPWRECK UNIT  
 97. THE SHIPWRECK UNIT  
 98. THE SHIPWRECK UNIT  
 99. THE SHIPWRECK UNIT  
 100. THE SHIPWRECK UNIT