



ORDINANCE 2003 -33

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF NASSAU COUNTY, ORDINANCE 91-04, AS AMENDED PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES); SPECIFICALLY RECLASSIFYING PROPERTY FROM CONSERVATION-WETLANDS TO LOW DENSITY RESIDENTIAL ON THE FUTURE LAND USE MAP; PROVIDING FOR REVOCATION; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Nassau County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners of Nassau County to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

RESCINDED 11-24-03 BY ORDINANCE 2003-58

WHEREAS, the Nassau County Planning and Zoning Board has been established pursuant to Nassau County Ordinance No. 74-33; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Nassau County, by Ordinance No. 83-19, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and

WHEREAS, the Board of County Commissioners adopted a Comprehensive Plan and Future Land Use Map pursuant to Ordinance 91-4, and amended said Plan and Map pursuant to Ordinance 93-19; and

WHEREAS, the Board of County Commissioners retained Berryman and Henigar as consultants for the preparation of the E.A.R.-based amendments; and

WHEREAS, the Nassau County Planning and Zoning Board has undertaken and prepared an Evaluation and Appraisal Report, as specified in Section 163.3191, Florida Statutes, setting forth an assessment and evaluation of the Nassau County Comprehensive Plan, adopted on the 3rd of July, 1990, and subsequently amended and recommended the Evaluation and Appraisal Report to the Board of County Commissioners of Nassau County for Adoption; and

WHEREAS, the Nassau County Planning and Zoning Board held duly noticed public hearings to address the Evaluation and Appraisal Report ("EAR"); and

WHEREAS, the Nassau County Board of County Commissioners has, in the preparation of the amended version of the Nassau County Comprehensive Plan, caused the performance of necessary studies and surveys; the collection of relevant and appropriate data; the holding of numerous public hearings and public workshops, and has effectively provided for full public participation, required notice to the public, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, and consideration and response to public and official comments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners transmitted ten (10) copies of the amended version of the Comprehensive Plan to the Department of Community Affairs as the State Land Planning Agency for written comment, and transmitted one (1) copy to each of the local government or governmental agencies in the State of Florida having filed with the Board of County Commissioners a request for a copy of the amended version of the Comprehensive Plan; and

WHEREAS, the Department of Community Affairs, by letter, transmitted objections, recommendations, and comments on the amended version of the Comprehensive Plan; and

WHEREAS, on March 11, 2002, the Board did adopt Ordinance 2002-06, approving a revised set of EAR-based amendments, and deferring the proposed EAR amendment to the Future Land Use Map for the property commonly referred to as Crane Island; and

WHEREAS, the Owners' requested change in Land Use from Conservation to Low Density Residential was reviewed with the Department of Community Affairs by the Owners; and

WHEREAS, the Department of Community Affairs indicated that the Future Land Use Map change could only be considered if the County adopted a text change; and

WHEREAS, the Board of County Commissioners finds that the amendment on the Future Land Use Map and reclassification is consistent with the overall Comprehensive Land Use Map and orderly development of Nassau County, Florida, with a text change approval.

WHEREAS, the proposed Future Land Use Map amendment was revised in view of objections, recommendations, and comments by the Department of Community Affairs; and

WHEREAS, Policy 5.05.06(a) of the Coastal Management Element of the Nassau County Comprehensive Plan was amended by the Board on June 23, 2003, in view of objections, recommendations and comments by the Department of Community Affairs; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, public hearings have been held with due public notice having been provided, on the amended version of the Future Land Use Map amendment, re-classifying land designated Conservation-Wetlands to Low Density Residential, and with written advance notice of such public hearings having been provided to the State Land Planning agency; and

WHEREAS, the Board of County Commissioners of Nassau County further considered all oral and written comments received during public hearings, including the data collection and analyses packages, and objections, recommendations, and comments of the Department of Community Affairs; and

WHEREAS, in exercise of its authority, the Board of County Commissioners of Nassau County has determined that the amendment to the Future Land Use Map of the Comprehensive Plan and reclassification of land, as set forth herein, is consistent with the overall Comprehensive

Plan and Future Land Use Map, and the orderly development of Nassau County, Florida, in conjunction with the above-referenced amendment to the Coastal Management Element.

NOW, THEREFORE, BE IT ORDAINED this 23rd day of June, 2003, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. SECTION 1. PURPOSE AND INTENT:

This Ordinance is enacted pursuant to the requirements of Chapter 163, Florida Statutes, and Chapter 9J-5, F.A.C. Specifically, the authority for this Ordinance is Section 163.3191, Florida Statutes. This Ordinance amends Ordinance 91-4, as amended.

2. SECTION 2. PROPERTY RECLASSIFIED. The real property described in Section 3 is reclassified from Conservation-Wetlands to Low Density Residential on the Future Land Use Map of Nassau County subject to revocation pursuant to the provisions in Section 6.

3. SECTION 3. OWNER AND DESCRIPTION. The land reclassified by this Ordinance is owned by Vincent G. Graham (27.5% interest), Piedmont Square, LLC, (20% interest), Lynwood G. Willis and Jane T. Willis, his wife, (undivided 25% interest), Robert H. Still, Jr., and Michael D. Abney, as Co-Trustees of the Lynwood G. Willis and Jane T. Willis Trust U/D/O December 31, 1992, (undivided 25%

interest), and Crane Island Investments, LLC, (undivided 2.5% interest), and is described as follows:

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

4. SECTION 4. SEVERABILITY

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. SECTION 5. EFFECTIVE DATE.


This Ordinance shall be filed with the Department of Community Affairs after adoption by the Board of County Commissioners. This Ordinance shall become effective upon notification by the Department of Community Affairs that the amendment is found to be in compliance, and upon receipt of the official notification by the Department of Community Affairs, this Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

6. SECTION 6. PROVISION FOR REVOCATION

In the event the County becomes eligible to revoke Ordinance 2003-__33__ in accordance with Section 5 thereof,

then the County upon taking such action, may, simultaneously therewith, revoke this amendment.

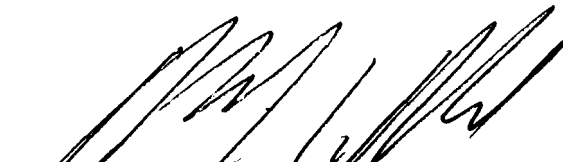
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


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. MULLIN

h/anne/ords/comp-plan-amd-crane-island

EXHIBIT "A"

A PORTION OF SECTION 19, "CRANEY ISLAND," AND A PORTION OF SECTIONS 6 AND 49, ALL IN TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89°48'01" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 1143.72 FEET TO ITS INTERSECTION WITH THE ORIGINAL GOVERNMENT MEANDER LINE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG LAST SAID LINE, RUN THE FOLLOWING FOUR (4) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 23°19'40" WEST, 1135.18 FEET, TO THE EASTERLY PROLONGATION OF THE SOUTHERLY BOUNDARY OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN OFFICIAL RECORDS 0539, PAGE 1100, OF THE PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; COURSE NO. 2: CONTINUE SOUTH 23°19'40" WEST, 111.15 FEET; COURSE NO. 3: SOUTH 00°10'48" WEST, 327.86 FEET; COURSE NO. 4: SOUTH 09°53'05" EAST, 496.61 FEET TO THE WATERWARD BOUNDARY LINE (AS OF JULY 1, 1975), AS DIGITIZED AND SHOWN ON CLARY & ASSOCIATES, INC. MAP FILE NO. T2N-57, DATED MARCH 16, 1998; THENCE SOUTHWESTERLY, NORTHWESTERLY, SOUTHEASTERLY, NORTHEASTERLY ALONG THE BOUNDARY OF SAID LINE, RUN THE FOLLOWING SIXTY-EIGHT (68) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 74°39'00" WEST, 281.30 FEET; COURSE NO. 2: NORTH 78°01'26" WEST, 168.67 FEET; COURSE NO. 3: SOUTH 21°48'05" WEST, 80.78 FEET; COURSE NO. 4: NORTH 68°11'55" WEST, 26.93 FEET; COURSE NO. 5: NORTH 04°05'08" EAST, 70.18 FEET; COURSE NO. 6: NORTH 78°41'24" WEST, 50.99 FEET; COURSE NO. 7: SOUTH 26°33'54" WEST, 44.72 FEET; COURSE NO. 8: NORTH 83°53'04" WEST, 140.80 FEET; COURSE NO. 9: NORTH 39°28'21" WEST, 110.11 FEET; COURSE NO. 10: SOUTH 49°23'55" WEST, 92.20 FEET; COURSE NO. 11: SOUTH 86°11'09" WEST, 150.33 FEET; COURSE NO. 12: SOUTH 12°31'44" EAST, 184.39 FEET; COURSE NO. 13: SOUTH 52°56'29" EAST, 265.50 FEET; COURSE NO. 14: SOUTH 40°42'33" EAST, 395.76 FEET; COURSE NO. 15: SOUTH 28°15'22" EAST, 30.83 FEET; COURSE NO. 16: SOUTH 01°20'01" WEST, 284.50 FEET; COURSE NO. 17: SOUTH 50°37'47" WEST, 46.38 FEET; COURSE NO. 18: SOUTH 14°48'00" EAST, 63.24 FEET; COURSE NO. 19: SOUTH 68°30'21" WEST, 49.57 FEET; COURSE NO. 20: SOUTH 44°11'53" WEST, 109.78 FEET; COURSE NO. 21: SOUTH 39°52'47" EAST, 49.14 FEET;

COURSE NO. 22: SOUTH 38°05'15" WEST, 53.44 FEET; COURSE NO. 23: SOUTH 64°51'40" WEST, 59.41 FEET; COURSE NO. 24: SOUTH 29°31'42" WEST, 73.29 FEET; COURSE NO. 25: SOUTH 64°12'35" EAST, 57.34 FEET; COURSE NO. 26: SOUTH 04°07'01" EAST, 225.67 FEET; COURSE NO. 27: SOUTH 19°15'12" WEST, 75.00 FEET; COURSE NO. 28: SOUTH 13°01'15" EAST, 53.04 FEET; COURSE NO. 29: SOUTH 19°15'12" WEST, 85.26 FEET; COURSE NO. 30: NORTH 02°57'43" WEST, 87.20 FEET; COURSE NO. 31: NORTH 78°34'19" WEST, 62.01 FEET; COURSE NO. 32: SOUTH 25°20'49" WEST, 88.59 FEET; COURSE NO. 33: SOUTH 10°00'00" EAST, 67.54 FEET; COURSE NO. 34: SOUTH 51°06'36" WEST, 44.72 FEET; COURSE NO. 35: SOUTH 65°28'19" WEST, 261.52 FEET; COURSE NO. 36: NORTH 69°31'03" WEST, 94.43 FEET; COURSE NO. 37: SOUTH 49°20'09" WEST, 94.17 FEET; COURSE NO. 38: SOUTH 74°34'09" EAST, 141.93 FEET; COURSE NO. 39: SOUTH 44°16'05" EAST, 52.74 FEET; COURSE NO. 40: SOUTH 04°49'42" WEST, 113.69 FEET; COURSE NO. 41: SOUTH 52°23'53" EAST, 69.62 FEET; COURSE NO. 42: NORTH 75°32'52" EAST, 56.74 FEET; COURSE NO. 43: SOUTH 28°04'35" EAST, 64.20 FEET; COURSE NO. 44: SOUTH 12°21'19" WEST, 248.98 FEET; COURSE NO. 45: SOUTH 36°22'50" WEST, 134.63 FEET; COURSE NO. 46: SOUTH 08°46'24" WEST, 57.66 FEET; COURSE NO. 47: SOUTH 48°13'44" WEST, 114.05 FEET; COURSE NO. 48: SOUTH 36°54'27" WEST, 59.38 FEET; COURSE NO. 49: SOUTH 51°09'37" WEST, 73.70 FEET; COURSE NO. 50: SOUTH 01°32'06" WEST, 63.56 FEET; COURSE NO. 51: SOUTH 13°16'09" WEST, 54.31 FEET; COURSE NO. 52: SOUTH 05°24'52" WEST, 54.62 FEET; COURSE NO. 53: SOUTH 38°34'53" WEST, 99.52 FEET; COURSE NO. 54: SOUTH 57°45'16" WEST, 43.99 FEET; COURSE NO. 55: NORTH 20°53'50" WEST, 165.67 FEET; COURSE NO. 56: NORTH 24°47'58" WEST, 100.27 FEET TO THE MEAN HIGH WATER LINE (AS ESTABLISHED BY CLARY & ASSOCIATES, IN ACCORDANCE WITH CHAPTER 177, PART II, FLORIDA STATUTES, CHAPTER 18-5, F.A.C. AND CHAPTER 21HH-6, F.A.C., AS SHOWN ON CLARY & ASSOCIATES MAP, FILE NO. T2N-35); THENCE NORTHWESTERLY AND NORTHEASTERLY, ALONG LAST SAID LINE, RUN THE FOLLOWING THIRTY-FOUR (34) COURSES AND DISTANCES: COURSE NO. 1: NORTH 41°09'56" WEST, 102.29 FEET; COURSE NO. 2: NORTH 33°19'15" WEST, 100.28 FEET; COURSE NO. 3: NORTH 27°46'17" WEST, 100.02 FEET; COURSE NO. 4: NORTH 39°13'10" EAST, 20.24 FEET; COURSE NO. 5: NORTH 39°26'44" WEST, 94.05 FEET; COURSE NO. 6: NORTH 15°56'27" WEST, 100.65 FEET; COURSE NO. 7: NORTH 25°31'47" WEST, 100.00 FEET; COURSE NO. 8: NORTH 22°22'49" WEST, 100.10 FEET; COURSE NO. 9: NORTH 32°15'03" WEST, 100.82 FEET; COURSE NO. 10: NORTH 22°03'09" WEST, 95.72 FEET; COURSE NO. 11: NORTH 07°35'42" WEST, 100.32 FEET; COURSE NO. 12: NORTH 12°20'27" WEST, 100.00 FEET; COURSE NO. 13: NORTH 14°27'34" WEST, 100.08 FEET; COURSE NO. 14: NORTH 01°34'37" WEST, 101.73

FEET; COURSE NO. 15: NORTH 16°00'07" WEST, 100.22 FEET; COURSE NO. 16: NORTH 16°23'39" WEST, 94.90 FEET; COURSE NO. 17: NORTH 05°55'55" WEST, 100.32 FEET; COURSE NO. 18: NORTH 07°10'22" EAST, 101.12 FEET; COURSE NO. 19: NORTH 08°05'08" WEST, 110.67 FEET; COURSE NO. 20: NORTH 02°37'48" EAST, 37.66 FEET; COURSE NO. 21: NORTH 04°06'05" WEST, 199.79 FEET; COURSE NO. 22: NORTH 04°53'01" WEST, 131.15 FEET; COURSE NO. 23: NORTH 12°09'13" WEST, 160.18 FEET; COURSE NO. 24: NORTH 05°01'54" EAST, 160.02 FEET; COURSE NO. 25: NORTH 13°25'31" WEST, 141.70 FEET; COURSE NO. 26: NORTH 14°18'10" WEST, 154.82 FEET; COURSE NO. 27: NORTH 05°30'37" WEST, 143.95 FEET; COURSE NO. 28: NORTH 05°35'10" WEST, 144.68 FEET; COURSE NO. 29: NORTH 41°54'22" EAST, 128.72 FEET; COURSE NO. 30: NORTH 39°39'37" WEST, 184.51 FEET; COURSE NO. 31: NORTH 08°26'08" WEST, 155.35 FEET; COURSE NO. 32: NORTH 00°22'39" WEST, 103.87 FEET; COURSE NO. 33: NORTH 02°17'02" EAST, 114.51 FEET; COURSE NO. 34: NORTH 59°55'35" EAST, 30.64 FEET, TO THE WESTERLY PROLONGATION OF THE AFORESAID SOUTHERLY BOUNDARY OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN SAID OFFICIAL RECORDS 0539, PAGE 1100; THENCE NORTH 83°34'36" EAST, ALONG LAST SAID LINE, AND ALONG SAID SOUTHERLY LINE OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN SAID OFFICIAL RECORDS 0539, PAGE 1100, AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 2119.07 FEET, TO THE POINT OF BEGINNING.

CONTAINING 113.69 ACRES, MORE OR LESS