

ORDINANCE NO. 2004- 38
AMENDMENT TO 91-04
NASSAU COUNTY, FLORIDA

WHEREAS, on the 28th day of January, 1991, the Board of County Commissioners of Nassau County, Florida, did adopt Ordinance No. 91-04, an Ordinance Enacting and Establishing the Comprehensive Land Use Map and the Future Land Use Map for the unincorporated portion of Nassau County, Florida; and

WHEREAS, staff has identified properties which were incorrectly designated or undesignated on the current Future Land Use Map adopted by Nassau County; and

WHEREAS, staff has prepared a listing of these properties with the corrected land use designations;

WHEREAS, the Board of County Commissioners held a transmittal hearing on February 9, 2004; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners transmitted copies of the proposed Comprehensive Plan Amendment 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, has notified the county that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code. The Department will waive the objections, recommendations, and comments on the amended version of the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Nassau County held an adoption hearing on July 26, 2004 and further considered all oral and written comments received during the public hearing; and

WHEREAS, the Board of County Commissioners finds that the amendments on the Future Land Use Map and reclassifications are consistent with the overall Comprehensive Land Use Map and orderly development of Nassau County, Florida, and the specific area.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 26th day of July, 2004:

1. **SECTION 1. PROPERTY RECLASSIFIED.** The real property described in Section 2 (a, b, c, d, e, and f) is reclassified from Undesignated to Commercial on the Future Land Use Map of Nassau County. The real property described in Section 2 (g) is reclassified from Undesignated to Recreation on the Future Land Use Map of Nassau County.

2. **SECTION 2. DESCRIPTION.** The lands reclassified by this Ordinance are described as follows:

- a) All the area with existing vertical structure site improvements and parking in the approximately fifteen acres of the Amelia Island Yacht Basin (ID 46-2N-28-0000-0012-0000 and 46-2N-28-0000-0005-0000). The Yacht Basin was formerly designated Commercial in the 2005 FLUM and is currently zoned Commercial General (CG). Upland portion only.
- b) Approximately one and one-half acres of the Thompson property (ID 46-2N-28-0000-0003-0010) located under the Thomas Shave bridge on the eastern shore of the Intracoastal Waterway. This property is an existing, non-conforming single-family residence. The property was formerly designated Commercial in the 2005 FLUM and is currently zoned Commercial General (CG).
- c) All upland property located in the western shore of the Intracoastal Waterway associated with the Down Under Restaurant, associated boating services and existing structures owned by McCarthy Family Limited (ID 46-2N-28-0000-0013-0000 and 46-2N-28-

0000-0005-0000) as well as the existing warehouse/barn structures and boat dock Wade property (ID 46-2N-28-0000-0006-0000) on the southern side of the Thomas Shave bridge in this area. These areas under the Thomas Shave bridge on the western shore of the Intracoastal Waterway were designated Commercial in the 2005 FLUM and are currently zoned Commercial General (CG).

- d) Approximately 2.5 acres associated with the B.A. Pig restaurant and associated structures located on the south side of the Thomas Shave bridge/SR200/A1A and east of the Marsh Lakes PUD, owned by the Wade Hampton Sparkman Trustee (ID 46-2N-28-0000-0009-0000). This property was designated Commercial in the 2005 FLUM and is currently zoned Commercial General (CG).
- e) Approximately eight acres on SR200/A1A northern frontage located west of the Thomas Shave Bridge and south of the Piney Island residential community owned by Leslie Gerson and the Piney Island Partnership (ID 37-2N-28-0000-0001-0010 and 37-2N-28-0000-0001-0000). This property was designated Commercial in the 2005 FLUM and is currently zoned Commercial Neighborhood (CN); and approximately three and one half acres of southern SR200/A1A frontage of the Living Waters World Outreach Center located west of the Marsh lakes PUD and northeast of the Otter Run subdivision. This is an existing church and school. The property was designated Commercial in the 2005 FLUM and is currently zoned Open Rural (OR) (ID 40-2N-28-0000-0033-0000).
- f) Approximately 9.670 acres of southern SR200/A1A frontage property located west of the Thomas Shave Bridge and part of the approved Marsh Lakes PUD. The PUD was adopted in Ordinance 87-15 and most recently amended in Ordinance 92-10. The PUD was adopted based on a legal description incorporating all of this property, including the approved mixed use commercial area located in the frontage property along SR200/A1A. This change does not represent an increase in overall density (see policy 5.05.06A of the Coastal Management Element of the Comprehensive Plan) but rather corrects the already approved densities. K.T. Fernandina Joint Venture owns this property (ID 37-2N-28-0000-0001-0040). This property was designated Commercial in the 2005 FLUM and is currently zoned PUD. Upland portion only.
- g) Approximately 2.04 acres of the Lofton Creek boat ramp and associated parking located on the western shore of Lofton Creek on the south side of SR200/A1A owned by Nassau County. (ID 38-2N-27-0000-0001-0020).

3. **SECTION 3.** This amendment is made pursuant to Florida Statutes 163.3184. The Board held public hearings with due public notice having been provided on the amended version of the Future Land Use Map amendment, classifying properties mentioned in Section 2 (a, b, c, d, e, f) of this ordinance currently shown as undesignated to Commercial

and classifying property mentioned in Section (g) of this ordinance currently shown as undesignated to Recreation.

4. **SECTION 4. EFFECTIVE DATE.** The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, Florida Statutes; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



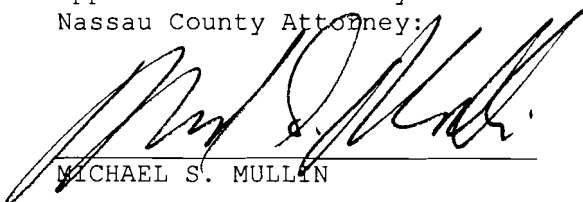
FLOYD L. VANZANT
Its: Chairman

ATTEST:



J. M. "CHP" OXLEY, JR.
Its: Ex-officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLAN