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FILED FOR RECORD IN 2005 BY CLERK OF COUNTY OF NASSAU FLORIDA

FILE 200509888 OR BOOK 01302 PGS 0836-0845 RECORDED 03/17/2005 09:14:57 NASSAU COUNTY, JOHN A. CRAWFORD, CLERK

ORDINANCE NO. 2005- 04

AN ORDINANCE AMENDING ORDINANCE NO. 92-10, WHICH AMENDED ORDINANCE NO. 87-46, WHICH AMENDED ORDINANCE NO. 87-15. THIS ORDINANCE REZONED AND RECLASSIFIED PROPERTY HEREINAFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, TO A PLANNED UNIT DEVELOPMENT (PUD); THE NAME OF THE PUD IS "MARSH LAKES PUD"; SPECIFICALLY AMENDING EXHIBIT "B", PRELIMINARY DEVELOPMENT PLAN AND EXHIBIT "C", CONDITIONS, FOR THE 4.3 ACRE TRACT KNOWN AS THE "RESTAURANT TRACT"; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted Ordinance No. 83-19, enacting and establishing a Comprehensive Zoning Code, as amended; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 87-15 on January 13, 1987; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 87-46 on August 18, 1987; and

WHEREAS, the Board of County Commissioners adopted Ordinance No. 92-10 on March 23, 1992; and

WHEREAS, the "owner" of the subject property has requested that Ordinance 92-10 be amended; and

WHEREAS, the Planning and Zoning 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 Board of County Commissioners, when this was originally heard, voted 2-2 and therefore it was deemed that no action was taken based upon the 2-2 vote. The owner invoked the Special Master proceedings under Florida Statutes Chapter 70; and

WHEREAS, the Board of County Commissioners has considered the findings and recommendations of the Planning and Zoning Board and the proceedings before the Special Master on a Mediated Settlement Agreement and also considered the Comprehensive Land Use Plan, and

finds that the property described in the attached Exhibit "A" is suitable in location and character for the uses proposed in said application according to the criterion as set forth in Ordinance No. 97-19, as amended, Article 25, Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED, this 24th day of January 2005, by the Board of County Commissioners of Nassau County, Florida, that the application for amendment to the Marsh Lakes Planned Unit Development is hereby approved and that Ordinance No. 92-10 is further amended as follows and shall be subject to the additional conditions, requirements, and findings described below:

SECTION 1. The Planned Unit Development concept shall be as indicated on the PUD Preliminary Development Plan attached hereto as Exhibit "B". The Planned Unit Development is further subject to the requirements of Ordinance No. 97-19, as amended, in effect on the date hereof except as otherwise provided herein.

SECTION 2. Owner and Description. Frank D'Anna currently owns the property re-zoned by this Ordinance.

SECTION 3. Conditions. The conditions set forth as Exhibit "C" (the "PUD Conditions") shall be made a part of this Planned Unit Development, and the property shall be subject to said PUD Conditions. Further, the conditions of the Nassau County Zoning Ordinance Code established pursuant to Ordinance No. 97-19, as amended, established for the final development plan review are applicable, as are Goals and Objectives of the Nassau County Comprehensive Plan as is currently in effect in Nassau County, Florida.

SECTION 4. This Ordinance shall take effective upon its being filed in the Office of the Secretary of State.


ADOPTED this 24th day of January 2005.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



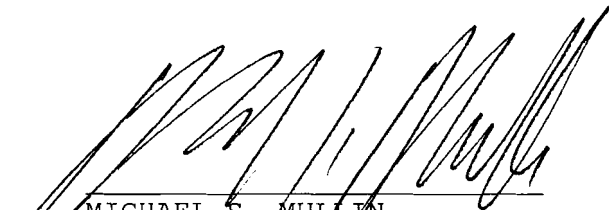
ANSLEY N. AGREE
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN

EXHIBIT "A"

LEGAL DESCRIPTION

A PART OF SECTION 37, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

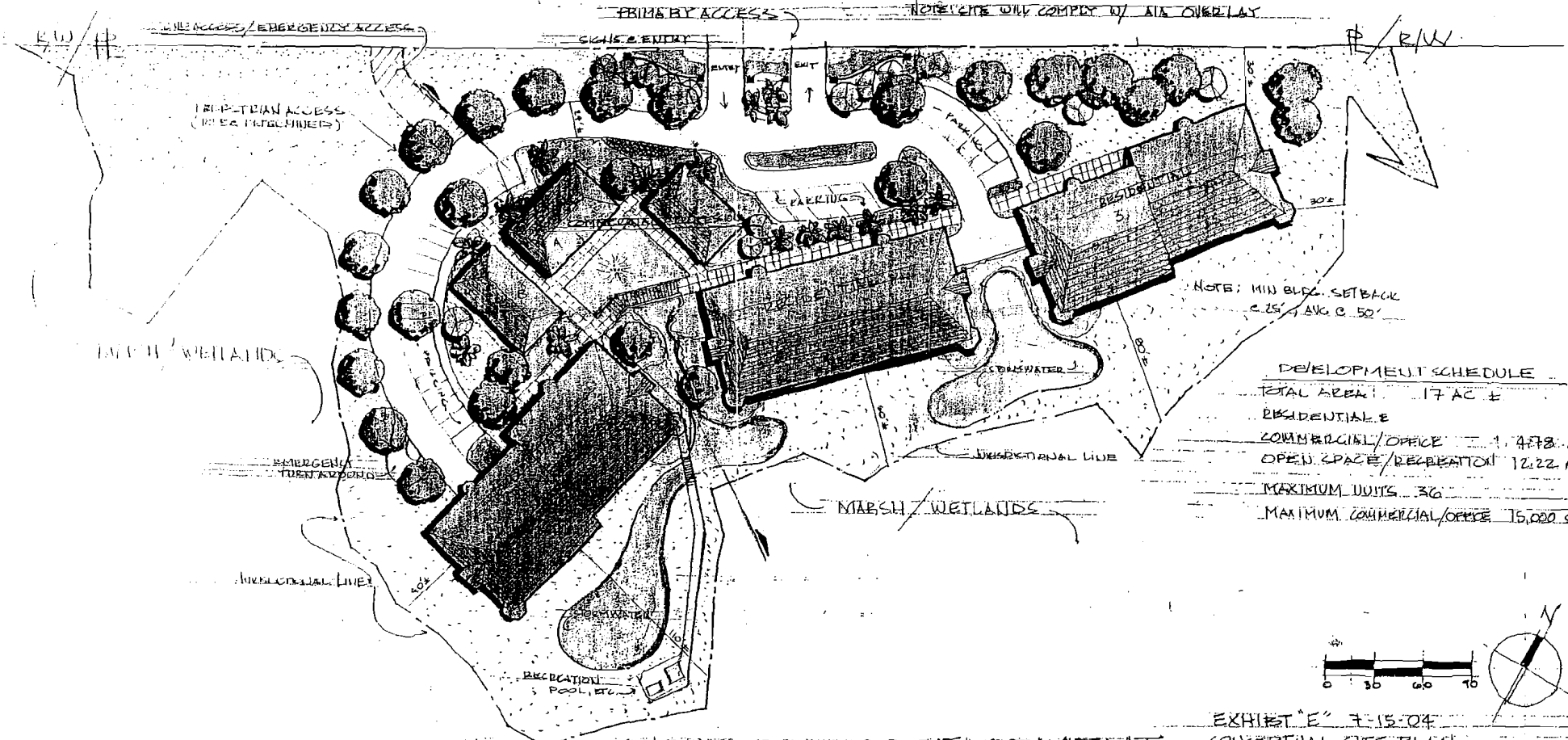
FOR A POINT OF REFERENCE COMMENCE AT A CONCRETE MONUMENT FOUND AT THE SOUTHWESTERLY CORNER OF TRACT "B", "PINEY ISLAND", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGES 63 AND 64 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERLY LINE OF THE SEABOARD COASTLINE RAILROAD (A 120 FOOT RIGHT-OF-WAY) AND THE NORTHEASTERLY LINE OF PINEY ISLAND DRIVE (A 60 FOOT RIGHT-OF-WAY) BOTH AS SHOWN ON SAID PLAT OF PINEY ISLAND; RUN THENCE SOUTH 30°54'59" EAST, ALONG THE SOUTHEASTERLY PROLONGATION OF SAID NORTHEASTERLY LINE OF PINEY ISLAND DRIVE, A DISTANCE OF 417.45 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF STATE ROAD NO. 200 (STATE ROAD A-1-A), AS NOW ESTABLISHED FOR A WIDTH OF (184 FEET) ; RUN THENCE NORTH 59°05'01" EAST, ALONG SAID SOUTHEASTERLY LINE OF STATE ROAD NO. 200, A DISTANCE OF 632.56 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED AND DEPARTING FROM SAID AFOREMENTIONED SOUTHEASTERLY LINE OF STATE ROAD NO. 200; RUN THENCE SOUTH 19°55'38" EAST A DISTANCE OF 870.02 FEET TO THE NORTHERLY CORNER COMMON TO TRACT "D" AND LOT 52 OF "MARSH LAKES", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGES 159 THROUGH 167 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MARSH LAKES AND ALONG THE NORTHERLY LINE OF LOTS 51 AND 52 AS SHOWN THEREON, NORTH 87°25'30" EAST A DISTANCE OF 247.00 FEET MORE OR LESS TO THE (3.40) FOOT ELEVATION CONTOUR LINE; RUN THENCE GENERALLY IN A NORTHERLY, NORTHEASTERLY, SOUTHWESTERLY AND NORTHEASTERLY DIRECTION ALONG SAID (3.40) FOOT ELEVATION CONTOUR LINE FOR A DISTANCE OF 2340 FEET MORE OR LESS TO THE AFOREMENTIONED SOUTHEASTERLY LINE OF STATE ROAD NO. 200 (STATE ROAD A-1-A); THENCE SOUTH 59°05'01" WEST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 980.0 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 17.000 ACRES MORE OR LESS.

EXHIBIT "B"

U.S. 200 / AIA → TO FERNANDINA



NOTE: MIN BLDG. SETBACK
C. 25' / AVG C. 50'

DEVELOPMENT SCHEDULE

TOTAL AREA	17 AC ±
RESIDENTIAL	
COMMERCIAL/OFFICE	1,478 AC
OPEN SPACE/RECREATION	12.22 AC
MAXIMUM UNITS	30
MAXIMUM COMMERCIAL/OFFICE	15,000 SQ. FT.

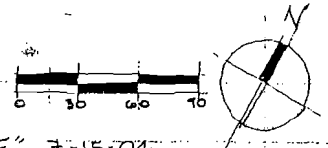


EXHIBIT "E" 7-15-04
CONCEPTUAL SITE PLAN

JOHN STOKES DEVELOPMENT

EXHIBIT "C"

PUD Conditions for Marsh Lakes PUD
(tract previously known as the "Restaurant Site")
El Mirasol

1. Permitted Uses and Structures: Up to thirty-six (36) Multi-Family Dwellings and up to ~~15,000~~ 11,000 square feet of commercial and retail, professional office, public meeting rooms, service establishments such as barber, hair salon, music studio, gym, dry cleaner, coffee and wine shop, travel agency, dental and medical facilities, and uses similar to the CN, Commercial Neighborhood, zoning district.
2. Permitted Accessory Uses and Structures: Article 28, Section 28.15 of the Nassau County Zoning Code. Additionally, uses may include marine facilities, including docks and piers, club facilities, pools, pump/equipment rooms and bathroom facilities, cabanas and similar uses provided such uses will be used primarily by the residents and occupants of the development.
3. Minimum Lot Requirements:
 - Residential: Maximum three (3) buildings as shown on Preliminary Development Plan
 - a. Front Yard: ~~Twenty-five (25)~~ Thirty (30) feet
 - b. Side Yard: ~~Twenty-five (25)~~ Thirty (30) feet
 - c. Rear Yard: Twenty-five (25) feet
 - Commercial/Office: Maximum three (3) buildings as shown on Preliminary Development Plan
 - a. Front Yard: Twenty-five (25) feet
 - b. Side Yard: Twenty-five (25) feet
 - c. Rear Yard: Twenty-five (25) feet
4. Building Restrictions:
 - a. Maximum Residential Building Height: ~~Forty-five (45) Forty (40) feet as measured from the crown of eastbound A1A (in no event shall the height exceed 45' from the site's base elevation)~~ Forty-five (45) feet
 - b. Maximum Commercial/Office Height: Twenty (20) feet
 - c. Maximum Lot Coverage: Thirty-five (35) percent
5. Access: The primary access is a boulevard entrance to the site to be finalized by the Florida Department of Transportation. A second access will be designed for emergency and select use subject to review of the Florida Department of Transportation. The proposed secondary access point shall be reviewed for necessity during Final Development Plan review by the

Department of ~~Emergency Services~~ Fire/Rescue. There will be a fifty (50) foot radius designed turn around for emergency vehicles.

6. Phasing: The project will be phased to meet marketing and economic demands for the entire project. It is projected for two phases:

Phase I:

Residential: 3 buildings, 12 units per building, total 36 units

Commercial: 1 building, not to exceed 5,000 square feet

Phase II:

Commercial: Up to 2 buildings not to exceed 10,000 square feet with total square footage of all buildings not to exceed 11,000 square feet

7. Stormwater and Drainage: All storm water pond and facilities shall be constructed to St. Johns River Water Management District configuration standards and shall be deeded to the homeowner's association which will have responsibility for maintenance and insurance.
8. Wetland Buffers: Wetland areas will have a minimum twenty-five (25) foot and an average of a minimum setback buffer of fifty (50) feet. Accessory structures, storm water facilities, landscaping and signage may be located in the setback buffers. No development other than a 20' foot pedestrian access path shall be permitted within any of the required wetland buffer areas.
9. Signage: There will be one (1) entry sign and entry features. The entry features may include landscape and wall and berm features. No signs at the entry will be illuminated. There will be internal signage and directional signs for both the residential buildings and on the commercial/office structures. There will be a master sign program for the entire development. All signage will comply with the A1A Overlay master plan.
10. Landscape: Landscaping for the entire project will meet or exceed the landscape requirement of the Code. There may be accent lighting for the landscaping. All landscaping will comply with the A1A Overlay.
11. Parking: Parking for the development, including handicap requirements, will be per the Code.
12. Covenants and Deed Restrictions: Covenants and Deed Restrictions will be developed to assign responsibilities and regulatory controls for the entire development. The covenants and restrictions will be reviewed by the Growth Management Department and will be recorded prior to development.

13. Fire Protection: All buildings will be sprinkled and fire hydrants will be designed to comply with Fire Rescue requirements.
14. Architectural Review: The project will have an architectural and landscape review for any development.
15. Sidewalks and Lighting: The project will have a themed lighting and master signage program and will have a master sidewalk plan. Pedestrian access will be provided throughout the site and connectivity with adjoining properties within the PUD will be provided, subject to a determination of appropriateness by the Growth Management Department.
16. The applicant shall produce documentation of review by the City of Fernandina Beach to ensure there is no adverse impact posed by this development on airport operations.