

**ORDINANCE 2017 - 36**

**AN ORDINANCE AMENDING ORDINANCE NO. 2005-04, WHICH AMENDED ORDINANCES 92-10, 87-46, AND 87-15 WHICH REZONED AND RECLASSIFIED PROPERTY TO A ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS "MARSH LAKES"; MODIFYING THE PRELIMINARY DEVELOPMENT PLAN; MODIFYING THE PUD CONDITIONS; PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners adopted Ordinance 87-15 on January 13, 1987 creating the "Marsh Lakes PUD"; and

**WHEREAS**, Ordinance 87-15 was subsequently amended in Ordinances 87-46, 92-10, 2005-04; and

**WHEREAS**, Tuscany Preserve, LLC is the owner of one parcel comprising +/-17.0 acres identified as Tax Parcel # 37-2N-28-209T-0143-0000 by virtue of Deed recorded at O.R. 1881, page 181 of the Public Records of Nassau County, Florida; and

**WHEREAS**, Tuscany Preserve, LLC has authorized Gillette & Associates, Inc. to file Application R17-009; and

**WHEREAS**, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on November 7, 2017 and voted to recommend approval of R17-009 to the Commission; and

**WHEREAS**, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the 2030 Comprehensive Plan and the orderly development of Nassau County; and

**WHEREAS**, the proposed PUD amendment complies with the underlying Future Land Use Map (FLUM) designation of Medium Density Residential (MDR) and Conservation (CSV I); and

**WHEREAS**, the Board of County Commissioners held a public hearing on November 27, 2017; and

**WHEREAS**, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes and the Nassau County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AS FOLLOWS:**

### **SECTION 1. FINDINGS**

That the proposed amendment to the Marsh Lakes PUD is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan in particular Policies FL.01.02(B&G), FL.02.01, FL.04.01, FL.06.01 and FL.06.02.

### **SECTION 2. PUD AMENDED**

The real property described in Section 3, a part of the Marsh Lakes PUD, is amended as follows:

- A) The Preliminary Development Plan for the PUD, adopted in Ordinance 2005-04 is amended as shown in Exhibit "B ";
- B) The conditions of the PUD adopted in Ordinance 2005-04, are modified and adopted as shown in Exhibit "C" attached herein;
- C) All other conditions adopted for this PUD shall remain in force.

### **SECTION 3. OWNER AND DESCRIPTION**

The land reclassified by this Ordinance is owned by Tuscany Preserve, LLC, and is identified by the following map, the legal description attached as Exhibit "A", and the Preliminary Development Plan (PDP) attached as Exhibit "B".

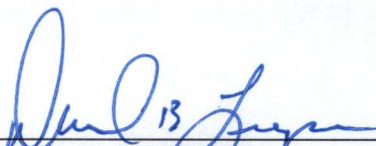
**SECTION 4. EFFECTIVE DATE**

This Ordinance shall become effective after filing with the Secretary of State.


**PASSED AND ADOPTED THIS 27th DAY OF November, 2017.**

BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
DANIEL B. LEEPER,  
Its: Chairman

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MBS  
11-29-17

Approved as to form and legality by the  
Nassau County Attorney:

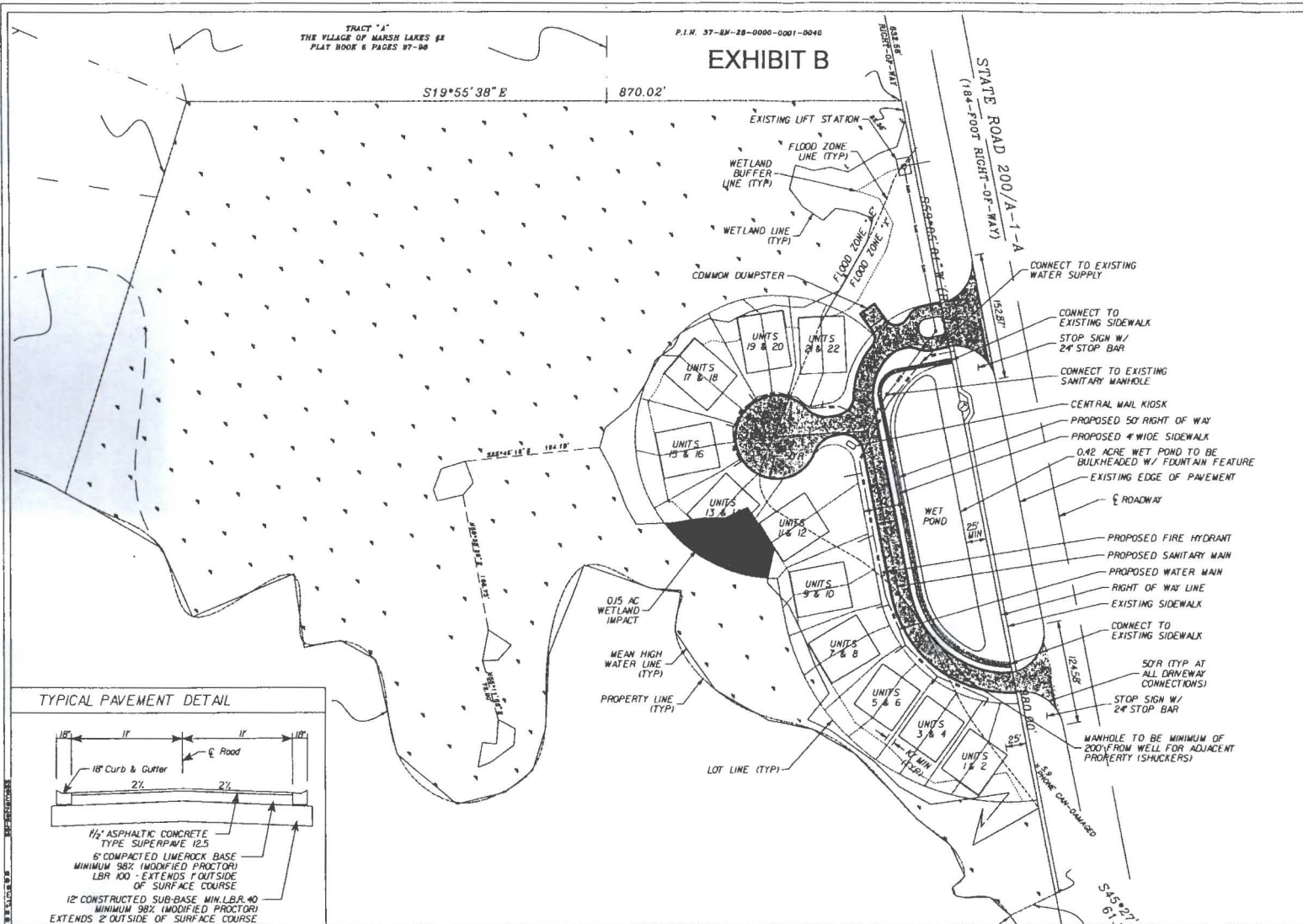
  
\_\_\_\_\_  
MICHAEL S. MULLIN,  
County Attorney



**EXHIBIT A**


A PART OF SECTION 37, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, ALSO BEING THOSE SAME LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1327, PAGE 1534, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


FOR POINT OF REFERENCE COMMENCE AT A CONCRETE MONUMENT FOUND AT THE SOUTHWESTERLY CORNER OF TRACT B, PINEY ISLAND, ACCORDING TO 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 120.0 FOOT RIGHT OF WAY) AND THE NORTHEASTERLY LINE OF PINEY ISLAND DRIVE, (A 60.0 FOOT RIGHT OF WAY) BOTH AS SHOWN ON SAID PLAT OF PINEY ISLAND; RUN THENCE SOUTH 30 DEGREES 54 MINUTES 59 SECONDS 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 NO. A-1-A, AS NOW ESTABLISHED FOR A WIDTH OF 184.0 FEET); RUN THENCE NORTH 59 DEGREES 05 MINUTES 01 SECOND EAST ALONG SAID SOUTHEASTERLY LINE OF STATE ROAD NO. 200, A DISTANCE OF 632.56 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION. FROM THE POINT OF BEGINNING THUS DESCRIBED AND DEPARTING FROM SAID AFOREMENTIONED SOUTHEASTERLY LINE OF STATE ROAD NO. 200; RUN THENCE SOUTH 19 DEGREES 55 MINUTES 38 SECONDS 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 159-167 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, RUN NORTH 87 DEGREES 25 MINUTES 30 SECONDS EAST, A DISTANCE OF 893.91 FEET, MORE OR LESS, TO THE 3.40 FOOT ELEVATION CONTOUR LINE; RUN THENCE GENERALLY IN A NORTHERLY, NORTHWESTERLY, SOUTHWESTERLY AND NORTHEASTERLY DIRECTION ALONG SAID 3.40 FOOT ELEVATION CONTOUR LINE, FOR A DISTANCE OF 2,217.0 FEET, MORE OR LESS, TO INTERSECT WITH A LINE WHICH BEARS SOUTH 57 DEGREES 07 MINUTES 52 SECONDS EAST FROM A POINT IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200 (STATE ROAD NO. A-1-A) LYING 980.30 NORTHEAST OF THE POINT OF BEGINNING; THENCE NORTH 57 DEGREES 07 MINUTES 52 SECONDS EAST ALONG SAID LINE, A DISTANCE OF 73.62 FEET TO SAID SOUTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTH 59 DEGREES 05 MINUTES 01 SECOND WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 980.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.




BUILDING INFORMATION	
UNITS	BUILDING FOOTPRINT
1 & 2	3,360 SF
3 & 4	3,360 SF
5 & 6	3,360 SF
7 & 8	3,800 SF
9 & 10	3,800 SF
11 & 12	3,800 SF
13 & 14	3,800 SF
15 & 16	3,800 SF
17 & 18	3,800 SF
19 & 20	3,800 SF
21 & 22	3,800 SF
11 BUILDINGS TOTAL	40,480 SF

LEGEND

 PROPOSED ASPHALT

 WETLANDS

 WETLAND IMPACT

### GENERAL NOTES

PROPERTY;  
PID \* 37-2N-28-209T-0000-0000  
GROSS SITE ACREAGE:17.00 AC  
ZONING:PUD  
FLUM:MEDIUM DENSITY  
SITE LOCATED IN FLOOD ZONE AE-9 & X  
USE:  
PROPOSED USE:MULTI FAMILY ATTACHED  
(III DUPLEXES)

TOTAL BUILDING AREA - 40,480

WATER AND SEWER PROVIDED BY JEA  
ELECTRICITY PROVIDED BY FLORIDA POWER  
AND LIGHT

STRIPING TO BE IN ACCORDANCE WITH  
NASSAU COUNTY STANDARDS

SIGNAGE TO BE IN ACCORDANCE WITH NASSAU COUNTY STANDARDS FOR THE AIA OVERLAY DISTRICT

Sheet No. 200

PDP-1

     of     

Issue Date  
SEPTEMBER 20 1992

Registered Professional



## EXHIBIT C

### PUD Conditions for Marsh Lakes PUD

(tract previously known as the "Restaurant Site")

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.~~ 11 duplexes (22 single family dwellings)
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)~~ eleven (11) buildings as shown on Preliminary Development Plan
  - a. Front Yard: ~~Thirty (30) feet~~ Twenty-five (25) feet
  - b. Side Yard: ~~Thirty (30) feet~~ Zero (0) feet
  - c. Rear Yard: Twenty-five (25) feet
  - ~~Commercial/Office~~
    - 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. 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)~~ Thirty-five (35) feet
  - b. ~~Maximum Commercial/Office Height: Twenty (20) feet~~
  - c. b. Maximum Lot Coverage: Thirty five (35) Forty-five (45) 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 a necessity during the Final Development Plan review by the Department of 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 proposed 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 building 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)~~ fifteen (15) foot and an average of a minimum setback buffer of ~~fifty (50)~~ twenty-five (25) feet. No development other than a 20' foot pedestrian access path shall be permitted within any of the required wetland buffer areas. All wetland impacts will be in accordance with SJRWMD and COE regulations with permits obtained accordingly.
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 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~~ Nassau County Planning & Economic Opportunity Department and will be recorded prior to Development.
13. Fire Protection: All buildings will ~~be sprinkled~~ have ~~and~~ fire hydrants as required and 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, Nassau County Planning & Economic Opportunity Department.
- ~~16. The application shall produce documentation of review by the City of Fernandina Beach to ensure there no adverse impact posed by this development on airport operations.~~