

ORDINANCE NO. 2013-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 62.78 ACRES OF REAL PROPERTY LOCATED ON THE SOUTH SIDE OF AMELIA CONCOURSE APPROXIMATELY 1,500 FEET WEST OF CR107 FROM RESIDENTIAL, SINGLE-FAMILY 2 (RS-2) AND OPEN RURAL (OR) TO PLANNED UNIT DEVELOPMENT (PUD); CREATING A NEW PUD TO BE KNOWN AS HARBOR CONCOURSE PUD; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Amelia Development, LLC and Cal South Concourse, LLC, owners of the real property described in this Ordinance, have authorized Gillette & Associates, Inc. To file application R13-009 to change the zoning classification of the land described herein; and

WHEREAS, the Planning and Zoning Board, after due notice conducted a public hearing on September 17, 2013 and voted to recommend approval of the rezoning request (R13-009) from Residential, Single-Family 2 (RS-2) and Open Rural (OR) to Planned Unit Development (PUD) to the Commission; and

WHEREAS, the Board of County Commissioners held a public hearing on October 14, 2013; and

WHEREAS, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the overall Comprehensive Land Use Plan as proposed and the orderly development of the County of Nassau, Florida, and the specific area; and

WHEREAS, public notice of this rezoning has been provided in accordance with Chapter 125, Florida Statutes and the Nassau County Land Development Code.

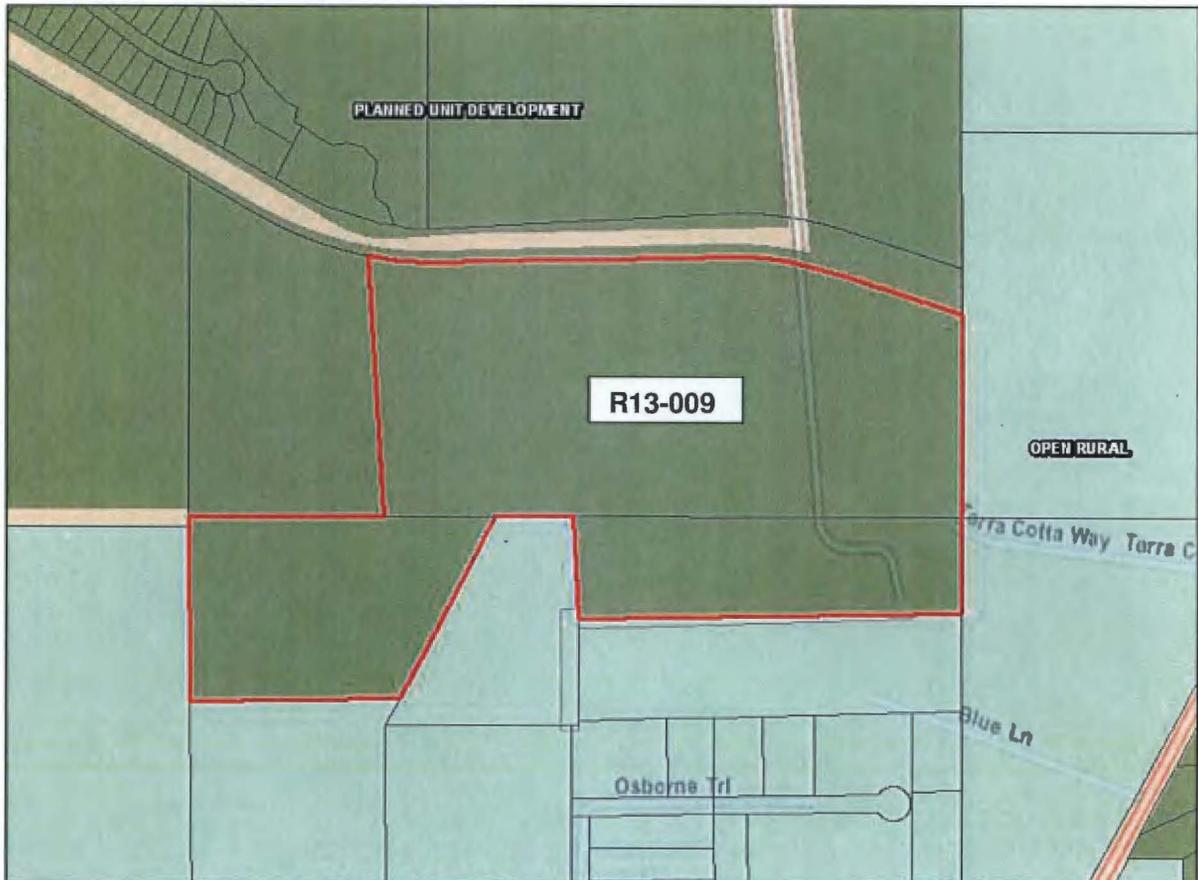
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS: That the proposed rezoning to PUD is generally consistent with the goals, objectives and policies of the 2030 Comprehensive Plan in particular Policies FL.01.02(B), FL.08.04, and FL.10.06.

SECTION 2. PROPERTY REZONED: The real property described in Section 3 is rezoned and reclassified to Planned Unit Development (PUD), to be known as Harbor Concourse upon the effective date of the ordinance; the Growth Management Department is authorized to amend the Official Zoning Map to reflect this change.

- A) The Legal Description for the Harbor Concourse PUD is adopted as shown in Exhibit "A" attached herein.
- B) The Preliminary Development Plan (PDP) for the Harbor Concourse PUD is adopted as shown in Exhibit "B" attached herein.
- C) The conditions of the Harbor Concourse PUD, are adopted as shown in Exhibit "C" attached herein.

SECTION 3. OWNER AND DESCRIPTION: The land reclassified by this Ordinance is owned by Amelia Development, LLC and Cal South Concourse, 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 28th DAY OF October, 2013.

BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA

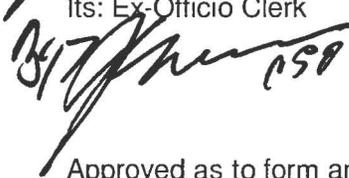


DANIEL B. LEEPER,
Its: Chairman

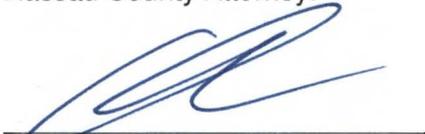
ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk


MES
10-29-13

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



DAVID A. HALLMAN,
County Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN AND BEING A PART OF THE NORTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER AND A PART OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA.

SAID PARCEL BEING ALSO A PORTION OF THE LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 855, PAGES 1174-1178 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SECTION 32 AFORESAID: AND RUN NORTH 89°23'55" EAST ALONG THE NORTH LINE OF SAID SECTION 32 A DISTANCE OF 1043.43' FEET TO THE POINT OF BEGINNING OF LANDS DESCRIBED IN OFFICAL RECORDS BOOK 855, PAGES 1174-1178 AFORESAID; CONTINUE NORTH 89°23'55" EAST ALONG THE NORTH LINE OF SAID LANDS AND ALONG THE NORTH LINE OF SECTION 32 AFORESAID, A DISTANCE OF 265.24' FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE NORTH 89°23'55" EAST ALONG THE NORTH LINE OF SAID SECTION 32 AND ALONG THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 855, PAGES 1174-1178 AFORESAID, A DISTANCE OF 1334.48' FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 00°58'09" EAST ALONG THE EASTERLY LINE OF SAID LANDS BEING ALSO THE EASTERLY LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER AFOREMENTIONED, A DISTANCE OF 329.65' FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID LANDS; THENCE SOUTH 88°38'38" WEST ALONG THE PERIMETER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 855, PAGES 1174-1178 AFORESAID, A DISTANCE OF 1318.42' FEET; THENCE NORTH 03°37'07" WEST, A DISTANCE OF 347.49' FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 29, AND SECTION 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING IN SECTION 29, AND SECTION 32, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 32, SAID POINT LYING ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF ROBERT A. MARINO AND SOOK MARINO (ACCORDING TO DEED RECORDED IN BOOK 933, PAGE 803 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE NORTH 89°-43'-40" EAST ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 660.00 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTH 05°-05'-34'-05" WEST ALONG THE EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 911.75 FEET TO THE POINT ON A NON-TANGENT CURVE; RUN THENCE IN A EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1200.00 FEET, A CHORD DISTANCE OF 318.21 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THEN BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 83°-40'-28" EAST; RUN THENCE NORTH 88°-42'-23" EAST, A DISTANCE OF 1015.37 FEET TO A POINT OF CURVATURE; RUN THENCE IN EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTH AND HAVING A RADIUS 1050.00 FEET, A CHORD DISTANCE OF 346.73 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 81°-47'-24" EAST; RUN THENCE SOUTH 72°-17'-11" EAST, A DISTANCE OF 415.16 FEET TO A POINT ON THE WESTERLY LINE

OF LANDS NOW OR FORMERLY OF JAMES D. PETERS AND SHIRLEY D. PETERS, DAVID B. ZACHARY & BARBARA P. ZACHARY (ACCORDING TO DEED RECORDED IN BOOK 149, PAGE 499 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 00°-05'-39" EAST, ALONG THE WESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 710.06 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS (ACCORDING TO DEED RECORDED IN BOOK 855, PAGE 1174 OF THE OFFICIAL RECORDS OF SAID COUNTY); RUN THENCE SOUTH 89°-43'-40" WEST ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 712.17 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF NORTH HAMPTON, LLC (ACCORDING TO DEED RECORDED IN BOOK 999, PAGE 346 OF THE OFFICIAL RECORDS OF SAID COUNTY) RUN THENCE SOUTH 89°-59'-20" WEST ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 709.26 FEET TO THE NORTHWEST CORNER THEREOF, SAID POINT LYING ON THE EASTERLY LINE OF LANDS NOW OR FORMERLY OF BARNEY L. NELSON AND KATIE E. NELSON (ACCORDING TO DEED RECORDED IN BOOK 16, PAGE 203 OF THE OFFICIAL RECORDS OF SAID COUNTY), SAID EASTERLY LINE ALSO BEING THE WESTERLY LINE OF SAID SECTION 32; RUN THENCE NORTH 00°-20'-26" EAST ALONG SAID SECTION 32, A DISTANCE OF 622.11 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION OF 150-FOOT WIDE EASEMENT OVER A PORTION OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING 150-FOOT WIDE EASEMENT FOR INGRESS AND EGRESS LYING OVER A PORTION OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, SAID EASEMENT LYING 75.00 FEET (AS MEASURED AT RIGHT ANGLES) EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 29 SAID POINT LYING ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF ROBERT A. MARINO AND SOOK MARINO (ACCORDING TO DEED RECORDED IN BOOK 933, PAGE 803 OF THE OFFICIAL RECORDS OF SAID COUNTY) AND RUN NORTH 89°-43'-40" EAST ALONG THE SOUTHERLY LINE LAST MENTIONED LANDS, A DISTANCE OF 666.00 FEET TO THE SOUTHEAST CORNER THEREOF; RUN THENCE NORTH 05°-34'-05" WEST ALONG THE EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 911.75 FEET TO THE NORTHEAST CORNER THEREOF, RUN THENCE NORTH 16°-56'-41" EAST, A DISTANCE OF 75.00 FEET TO A POINT ON A NON-TANGENT CURVE AND THE POINT OF BEGINNING OF SAID CENTERLINE TO BE DESCRIBED HEREAFTER.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN IN A EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BING CONCAVE TO THE NORTH AND HAVING A RADIUS OF 1125.00 FEET, A CHORD DISTANCE OF 298.32 FEET TO POINT OF TANGENCY OF SAID CURVE, THE BEARING OF AFOREMENTIONED CHORD BEING SOUTH 83°-40'-28" EAST; RUN THENCE NORTH 88°-42'-23" EAST, A DISTANCE OF 1015.37 FEET TO A POINT OF CURVATURE; RUN THENCEIN A EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 1125.00 FEET, A CHORD DISTANCE OF 371.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 81°-47'-24" EAST; RUN THENCE SOUTH 72°-17'-11" EAST, A DISTANCE OF 391.07 FEET TO A POINT ON THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF JAMES D. PETERS, DAVID B. ZACHARY & BABARA P. ZACHARY (ACCORDING TO DEED RECORDED IN BOOK 149, PAGE 499 OF THE OFFICIAL RECORDS OF SAID OF THE OFFICIAL RECORDS OF SAID COUNTY) AND THE TERMINUS POINT OF SAID CENTERLINE DESCRIBED HEREIN.

EXHIBIT "B"



ISSUE DATE: SEPTEMBER 13, 2013

<p>Project No. PDP-1</p> <p>Scale: 1" = 40'</p> <p>DATE: 9/13/13</p> <p>BY: [Signature]</p>	<p>PRELIMINARY DEVELOPMENT PLAN</p>	<p>HARBOUR CONCOURSE</p>	<p>CAL SOUTH CONCOURSE, LLC</p>	<p>11211 S. 4th ST., SUITE 200, BILLYE, WA 98008</p>	<p>Scale: 1" = 40'</p> <p>Project No. PDP-1</p> <p>DATE: 9/13/13</p> <p>BY: [Signature]</p>
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EXHIBIT “C”
(“HARBOR CONCOURSE”)

(Revised 9/17/2013)

I. General Conditions:

The HARBOR CONCOURSE PUD consists of approximately 62.79 acres located on the south side of Amelia Concourse in Nassau County, Florida. The Harbor Concourse PUD will consist of one hundred thirty eight single family homes, an amenity area, and open space.

- A. The Harbor Concourse PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit “B”). The Harbor Concourse PUD Preliminary Development Plan incorporates by reference the terms of these PUD Conditions and the Developer’s statements made in the related rezoning application, which collectively set forth the Developer’s written plan of development for the Harbor Concourse PUD, and which are intended to clearly demonstrate that approval of the Harbor Concourse PUD will benefit the community as a whole and fulfill the applicable policies of the Nassau County Comprehensive Plan, and intent of Article 25 of Ordinance 97-19, as amended, the Nassau County Zoning Code (the “Zoning Code”).
- B. The Developer may, at their discretion, develop the Harbor Concourse PUD in phases, but the proposed Preliminary Development Plan contemplates a single phase.
- C. Within two (2) years after approval by the Nassau County Board of County Commissioners of the Harbor Concourse PUD Preliminary Development Plan, the Developer shall submit a final development plan for the Project to the Nassau County Planning and Zoning Board for review and to the Nassau County Board of County Commissioners for approval.
- D. The Developers may, at their discretion, simultaneously submit engineering plans for the Project as a whole for approval by the Development Review Committee, pursuant to the provisions of Ordinance 2000-40, as amended, and Article 25, Planned Unit Development, of the Zoning Code, Ordinance 97-19, as amended. The Board of County Commissioners, upon request from the Developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.

- E. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Harbor Concourse PUD Preliminary Development Plan is conceptual such that the final location of any roads, project entrances, recreation/open space and other areas will be depicted on the final development plan and the final engineering plans so long as the changes do not constitute a Major Amendment to the PUD, subject to Section 25.07 of the Zoning Code.

II. Specific Conditions:

A. Recreational Amenities, Open Space and Common Areas.

1. Recreational amenities, open space and common areas shall be provided for the project. The location of these recreational areas is indicated on the Harbor Concourse Preliminary Development Plan. Approximately 1 acre of active recreation will be dedicated for use as an amenity for internal use. Approximately 19.88 acres will be dedicated as passive open space. All common area open space and recreational facilities for the applicable phase of the project shall be included in the final development plan of the Project.
2. Any active recreational facilities and accessory structures in the Project shall be subject to site plan approval by the Development Review Committee and shall be constructed within the upland portion of the open space provided in the Preliminary Development Plan.
3. The Developer, or the homeowners association or property owners association after acquiring title to the common areas and recreational amenities within the Harbor Concourse PUD, may adopt rules and regulations governing the use of the same by the residents of the Harbor Concourse PUD. The Developer will have no obligations to maintain or improve the recreational amenities, open space or common areas after conveyance to the homeowners association or property owners association, subject to fulfillment of the recreation and open space requirements set forth herein. However, the developer shall not convey any common areas, improvements or recreational amenities to any homeowners' association until all improvements are constructed and approved by Nassau County.

4. The recreational amenity areas and related maintenance and use restrictions shall be evidenced by recorded deed restrictions or recorded Declaration(s) of Covenants and Restrictions (collectively, the "Covenants and Restrictions"). All privately owned recreation/open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for the project.
5. As shown on the Site Data Table in the Harbor Concourse Preliminary Development Plan, the Developer has committed approximately thirty-one percent (31 %) of the gross acreage of the Harbor Concourse PUD for use as recreation and/or open space, including 19.88 acres of passive recreational areas, and such calculation has been made in accordance with the requirements of the Zoning Code, Article 25, § 25.04(F).

B. Administration of Community Space and Facilities:

1. If the Developer elects to administer common open space through a property owners' and/or homeowners' association or other nonprofit corporation, such organizations shall conform to the following requirements.
 - a. The Developer shall establish the applicable association or nonprofit corporation prior to the sale of any lots or units by the Developer to any third party within the Harbor Concourse PUD.
 - b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the Harbor Concourse PUD governed by such entity.
 - c. The Developer may elect to form separate and/or multiple property owners and/or homeowners association for the Harbor Concourse PUD. If so, the Developer shall establish a master property owners and/or homeowners association for the Harbor Concourse PUD that shall be responsible for the maintenance of roads, master drainage, etc., subject to the conditions set forth herein. All improvements including roads, master drainage facilities, storm sewers, etc. shall be completed and approved by Nassau County before being transferred to any homeowners' organization.

- d. The applicable association or nonprofit corporation shall manage all common areas, recreational and open space and recreational facilities that are not otherwise dedicated to the public and that are within the lands that are subject to the jurisdiction of such association or nonprofit corporation; shall provide for the maintenance, administration and operation of such portions of the Harbor Concourse PUD and any other lands located within the Harbor Concourse PUD that is not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.

C. Stormwater Facilities:

1. The Harbor Concourse PUD shall be served by a stormwater system, which shall adhere to the applicable standards of the St. Johns River Water Management District and Nassau County for residential stormwater systems, and said system shall be conveyed to the homeowners association and/or property owners association by deed and/or easement for maintenance and operation by the homeowners association and/or property owners association.
2. All St. Johns River Water Management and Nassau County permits for stormwater facilities shall be obtained by the Developer prior to Final Development Plan approval, pursuant to Ordinance 2000-40, as amended. The developer shall obtain an operating permit for these facilities before transferring them to any homeowners' organization.
3. A 60-foot right of way for use by the County to access a bordering recreation site will also be permitted for drainage and wetland impacts by the Developer. A stormwater stub-out will be provided for connection of the County roadway into the on-site stormwater system at the time of construction of the PUD.

D. Residential Development Standards:

1. The Harbor Concourse shall include not more than one-hundred forty two (142) single family dwelling units. Below are the site development standards:

a. Single Family Standards: Single-family lots shall adhere to the requirements as set forth below.

(1) Minimum Lot Requirements:

- (a) Minimum lot width: Fifty (50) feet
- (b) Minimum lot area: Five Thousand (5,000) SF
- (c) Maximum height: Thirty-five (35) feet
- (d) Maximum lot coverage: Sixty percent (60%)

(2) Minimum Required Yard Setbacks:

- (a) Front: Twenty (20) feet
- (b) Side yard: Five (5) feet
- (c) Rear yard: Ten (10) feet

2. All screened pool enclosures, whether attached, semi-attached or detached from the principal building, shall adhere to a minimum yard setback requirement of five (5) feet and shall not be located in the front yard.

E. Home Occupations: Home occupations shall be permitted as a conditional use within any residential dwelling, in accordance with the provisions of Section 28.14 of the Zoning Code.

F. Off-Street Parking & Loading: Residential development within the Harbor Concourse PUD shall be subject to the applicable off-street parking and loading required for such use, pursuant to Article 31 of the Zoning Code.

G. Signage:

1. The Harbor Concourse PUD may have project identification signage at all external entrances to the Harbor Concourse PUD. External entrance project identification signs shall not exceed one hundred and fifty (150) square feet on each face. All project signs may be designed as ground-mounted signs or integrated into or mounted on landscape features such as walls and fences. All lighting of signs may be sign mounted or ground mounted units projecting onto the sign. The signs at each external project entrance or recreational area may be single faced or double faced and the external entrance signage may include one (1) separate sign, one (1) on each side of the entrance, not to exceed a total number of four (2) signs for the entire development.
2. Each recreational area within the Harbor Concourse PUD shall also be entitled to identification signage. Recreational area identification signage shall not exceed ten (10) square feet on each sign face.
3. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.
4. Traffic and street name signage may include aesthetic framing. However, any applicable FDOT/Nassau County standards for sign face, elevations, etc. shall be maintained, by the Developer and/or homeowners' association as appropriate, for such traffic and street name signage consistent with the provisions set forth in this paragraph.
5. There is no other specific reserved signage approvals requested for the Harbor Concourse PUD, provided home occupations, approved as a conditional use as detailed herein, shall be allowed signage in accordance with Section 28.14(A)(3) of the Zoning Code.

H. Sidewalks, Street Lights and Walking Path:

1. Four (4) foot sidewalks with a minimum accessible passing zone every two hundred (200) feet shall be provided on one side of all local streets. Driveways may act as passing zones if they do not exceed a two percent (2%) cross slope.

2. Streetlights shall be provided along all streets. The Developer shall submit a lighting plan, demonstrating the location of streetlights, with final engineering plans for approval by the Development Review Committee.
3. The Developer shall submit a lighting plan for the Walking Path with final engineering plans for approval by the Development Review Committee.

I. Construction Standards:

1. Except as specifically provided herein, all development in the Harbor Concourse PUD shall be in accordance with Nassau County's subdivision and land development standards, and any applicable State standards, in effect at the time of submittal of the Final Development Plans and Plat of record and any applicable utility providers standards with respect to any water, sewer, or electrical utilities for the Harbor Concourse PUD served by JEA or any other utility provider.
2. All utilities shall be located underground.

J. Wetland Buffers:

1. All wetlands to be preserved within the Harbor Concourse PUD shall be protected with buffers in accordance with applicable St. John's River Water Management District criteria.
2. The exact boundaries of wetlands and wetland buffers indicated on the Harbor Concourse PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement.

K. Temporary Uses:

1. Temporary sales offices, including modular units, not to exceed two (2) units, for the sale of the lots and/or completed residences, shall be permitted within the Harbor Concourse PUD until all of the residential lots and completed residences are sold. The developer shall

indicate with a note on any site plan submitted to the Development Review Committee for approval of the location of said units.

2. The Developer, or its designated successor, assign or designee, will be required to maintain a copy of the approved Planned Unit Development Ordinance, including the Final Development Plan and PUD Conditions in any sales office located upon the Harbor Concourse PUD, which is available for inspection by project residents and landowners, including the posting for public viewing of the Final Development Plan in any sales office, and this obligation shall be contained in the Covenants and Restrictions that are placed on the residential lands within the project.
 3. The siting of temporary construction trailers shall be allowed on the Harbor Concourse PUD during construction. The temporary construction trailers must be removed within thirty (30) days of completion of the improvements, for which the temporary construction trailers are being utilized, provided the right to temporary construction trailers shall continue until build-out of the project.
- L. Alterations: Changes in the location of the road(s), project entrances, stormwater system improvements, and to the boundaries, size and configuration of lots and Recreation/Open Space areas, as depicted on the Harbor Concourse PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the change does not constitute a Major Amendment to the PUD, pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code, provided the integrity of the original application is maintained and provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.
- M. Silviculture: The Harbor Concourse PUD may continue to be used for agriculture/silviculture activity until such time as construction begins for a specific portion of the site, and any portions not then subject to construction may continue to be used as agriculture/silviculture.

N. Ownership and Maintenance:

1. The Harbor Concourse PUD and related uses/facilities associated therewith (other than individual lots), will be owned, maintained and or operated as follows:
 - a. Any areas associated with the development (i.e., amenities, recreation/open space areas, signage, landscape, stormwater systems, etc.) will be managed through a homeowners association(s) and/or a property owners association(s).
 - b. To ensure that all of the recreation and open space areas described in these PUD Conditions and depicted in the approved Harbor Concourse Preliminary Development Plan for any phase of the project will be used as intended, the Covenants and Restrictions described above will contain provisions consistent with terms of these PUD Conditions and any deed from the Developer to third party purchasers in the project will incorporate such Covenants and Restrictions by reference to the Covenants and Restrictions in each deed.
 - c. Such deed restrictions created by the Covenants and Restrictions shall run with the land in order to protect both present and future property owners within the Harbor Concourse PUD. The deed restrictions created by the Covenants and Restrictions shall prohibit the partition of any open space areas. The water/sanitary sewer improvements will be the responsibility of the private utility company, which provides service for this area, which is currently JEA.

O. Access:

1. Access to and from the Harbor Concourse PUD will be provided as shown on the Harbor Concourse PUD Preliminary Development Plan.
2. The location of all external and internal project entrances, accesses and roadways may change based on environmental, permitting and design factors, conditions and requirements of the Developer, so long as the changes do not constitute a Major Amendment to the PUD pursuant to the provisions of Section 25.07 of the Nassau County Zoning Code. The Developer will finalize the location of all external project entrances, accesses and roadways

during the final engineering approval for the applicable phase of development.

3. Model home building permits will be issued upon installation of all necessary water mains and fire hydrants, and stabilization of all roadways internal to the development, and plat recording.
4. Each dwelling unit or other permitted use shall be provided access, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement.
5. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic County services such as fire and police protection, emergency service needs of PUD residents, and site inspection by Fire-Rescue, Growth Management, Engineering and Code Enforcement departments to monitor adherence to County regulations and the conditions contained herein. If any road is gated, the gate shall automatically open in response to a “yelp” electronic siren.
6. A 60-foot right of way will be dedicated to the County for access to a bordering park as shown in the Preliminary Development Plan. The County property to be utilized as a park consists of +17 acres. The right of way will serve as an access to the 17 acres. This right of way will be improved by the County for access to the park. The Developer will secure the necessary SJRWMD/ACOE permits and provide necessary mitigation to accommodate this construction. The Developer will also provide a stormwater stub-out for the conveyance of stormwater from the roadway into the PUD drainage system for treatment and attenuation. The County will be responsible for collecting and conveying the stormwater to the stub-out, which will be extended into the proposed right of way by the Developer. If the 17 acres, owned by the County, is not utilized as a public park, the dedicated right of way shall revert to the Developer or its successors or assigns.

P. Notification:

The Applicant shall incorporate into the covenants and restrictions notification to all property owners that they are living in a Planned Unit Development (PUD).

III. Justification for Planned Unit Development Classification for this Project and Approval of the Preliminary Development Plan:

The proposed project allows for development of the Harbor Concourse PUD for single-family residential uses in a manner that warrants flexibility in the application of land use controls for Nassau County, Florida consistent with the intent of Article 25 of the Nassau County Zoning Code. The project design is in harmony with the general purpose and intent of the Nassau County Comprehensive Plan and the Zoning Code. The design and layout of the Harbor Concourse Planned Unit Development (PUD) requirements:

1. Is consistent with the previously approved PUD for the subject property;
2. Accomplishes a more desirable environment with minimal impact to environmentally sensitive lands;
3. Provides for an efficient use of the Harbor Concourse PUD, resulting in small well designed networks of utilities and streets and thereby lowers development costs;
4. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation and open space areas in excess of existing Zoning Code and subdivision requirements;
5. Provides an opportunity for home ownership by a broad range of individuals;
6. Provides an environment of stable character compatible with the surrounding areas;
7. Retains property values over the years and makes a substantial improvement of the quality of development of the Harbor Concourse PUD after the date hereof; and

8. The Harbor Concourse PUD Preliminary Development Plan which incorporates by reference the terms of these PUD Conditions and the statements made by the Developer in the related rezoning application includes the criteria required for the Nassau County Planning and Zoning Board and the Nassau County Board of County Commissioners to review and approve the Harbor Concourse PUD Preliminary Development Plan.