

**ORDINANCE NO. 2009-28**

**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 PLANNED UNIT DEVELOPMENT (PUD) TO PUD; CREATING AND ESTABLISHING THE HARBOR CONCOURSE PUD; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Amelia Development, LLC, owner of the real property described in this Ordinance, filed Application R09-004 for a rezoning and reclassification of the property from Planned Unit Development (PUD) to PUD; and

**WHEREAS**, the property is the subject of a companion Future Land Use amendment to the Nassau County Comprehensive Plan CPA09-006; and

**WHEREAS**, the Planning and Zoning Board, after due notice conducted a public hearing on August 4, 2009 and voted to recommend approval of the rezoning request (R09-004) from PUD to PUD to the Commission; 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:**

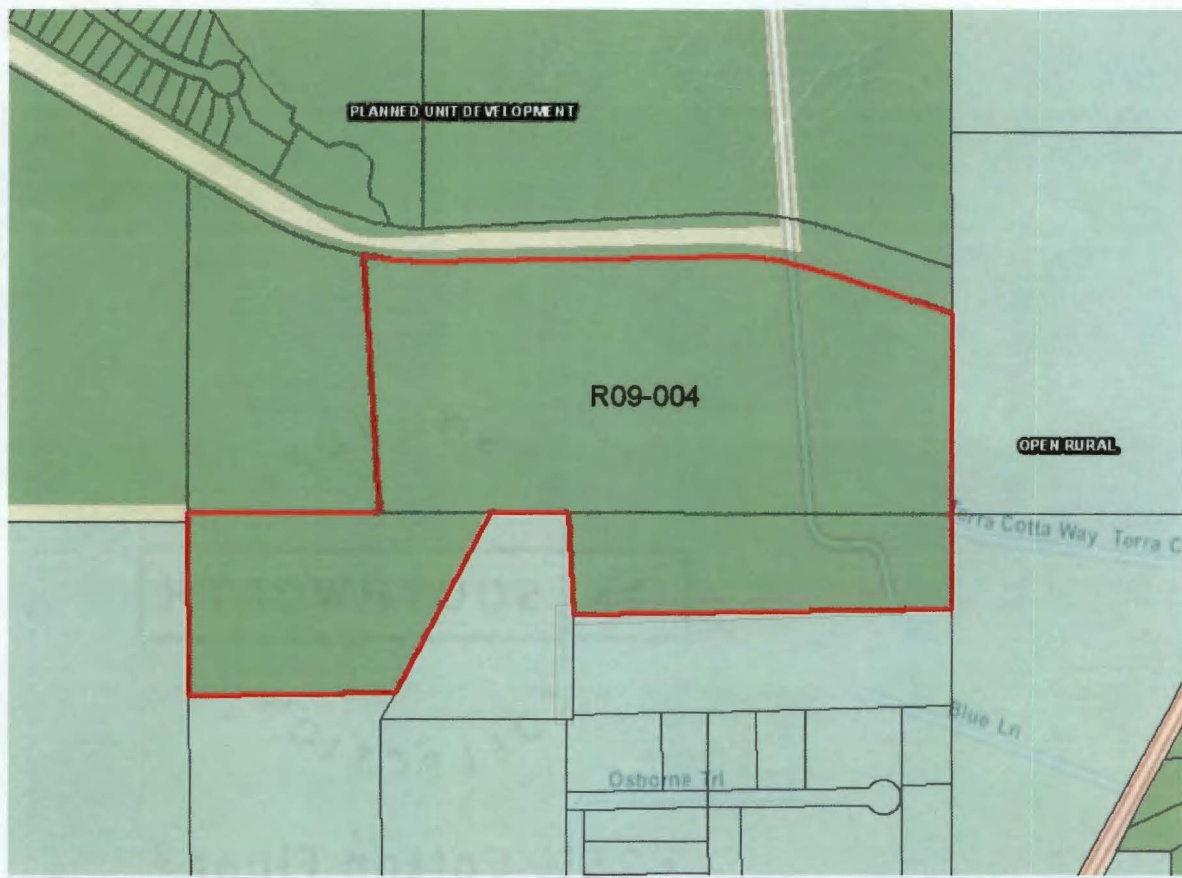
**SECTION 1. FINDINGS:** That the proposed rezoning to Planned Unit Development (PUD) is generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan Policies 1.01.04 and 1.02.05(b).

**SECTION 2. PROPERTY REZONED:** The real property described in Section 3 is rezoned and reclassified to Planned Unit Development (PUD); and shall

be known and cited as the Harbor Concourse PUD. All development within this PUD shall be consistent within the Preliminary Development Plan, attached as Exhibit A, and the PUD Written Development Criteria, attached as Exhibit B, each made a part hereof. The Official Zoning Map shall be amended to reflect this change.

**SECTION 3. OWNER AND DESCRIPTION:** The land rezoned by this Ordinance is owned by Amelia Development, LLC, of Fernandina, Florida and is identified by the following tax identification numbers, graphic illustration and legal description:

29-2N-28-0000-0002-0000, 32-2N-28-0000-0003-0000, and 32-2N-28-0000-0003-0040





## LEGAL DESCRIPTION

### PARCEL 1

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°-34'-05" WEST ALONG THE EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 911.75 FEET TO A 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, THE 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 A EASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 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 & SHIRLEY D. PETERS, DAVID B. ZACHRY & BARBARA P. ZACHRY (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 1599.32 FEET TO THE NORTHWEST CORNER THEREOF; RUN THENCE SOUTH 28°-19'-19" WEST ALONG THE NORTHWESTERLY 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.

TOGETHER WITH:

### PARCEL 2

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 OFFICIAL 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 1334.41' FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 00°59'55" EAST (SOUTH 00°58'09" EAST DEED) ALONG THE EASTERLY LINE OF SAID LANDS BEING ALSO THE EASTERLY LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER AFORESAID, A DISTANCE OF 330.09' FEET (329.65' FEET DEED) TO THE MOST SOUTHEASTERLY CORNER OF SAID LANDS; THENCE SOUTH 88°39'26" WEST (SOUTH 88°38'38" WEST DEED) ALONG THE PERIMETER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 855, PAGES 1174-1178 AFORESAID, A DISTANCE OF 1318.42' FEET; THENCE NORTH 03°37'59" WEST, A DISTANCE OF 347.63' FEET TO THE POINT OF BEGINNING.

PARCEL 1 = 52.47 ACRES, PARCEL 2 = 10.31 ACRES = 62.78 TOTAL ACRES, MORE OR LESS

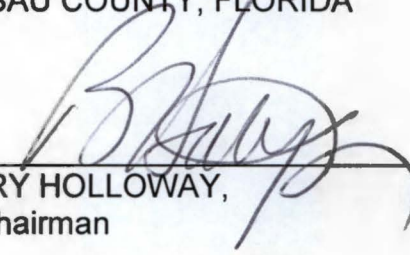


**SECTION 3. EFFECTIVE DATE:** This Ordinance shall become effective after filing with the Secretary of State and contemporaneously with CPA09-006, the amendment to the Future Land Use Map for a portion of this same property.

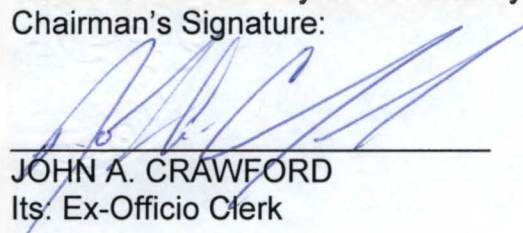
**PASSED AND ADOPTED THIS 28th DAY OF September, 2009.**

**BOARD OF COUNTY COMMISSIONERS**

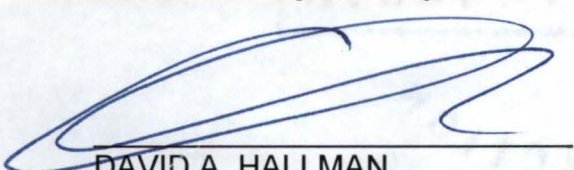
**NASSAU COUNTY, FLORIDA**

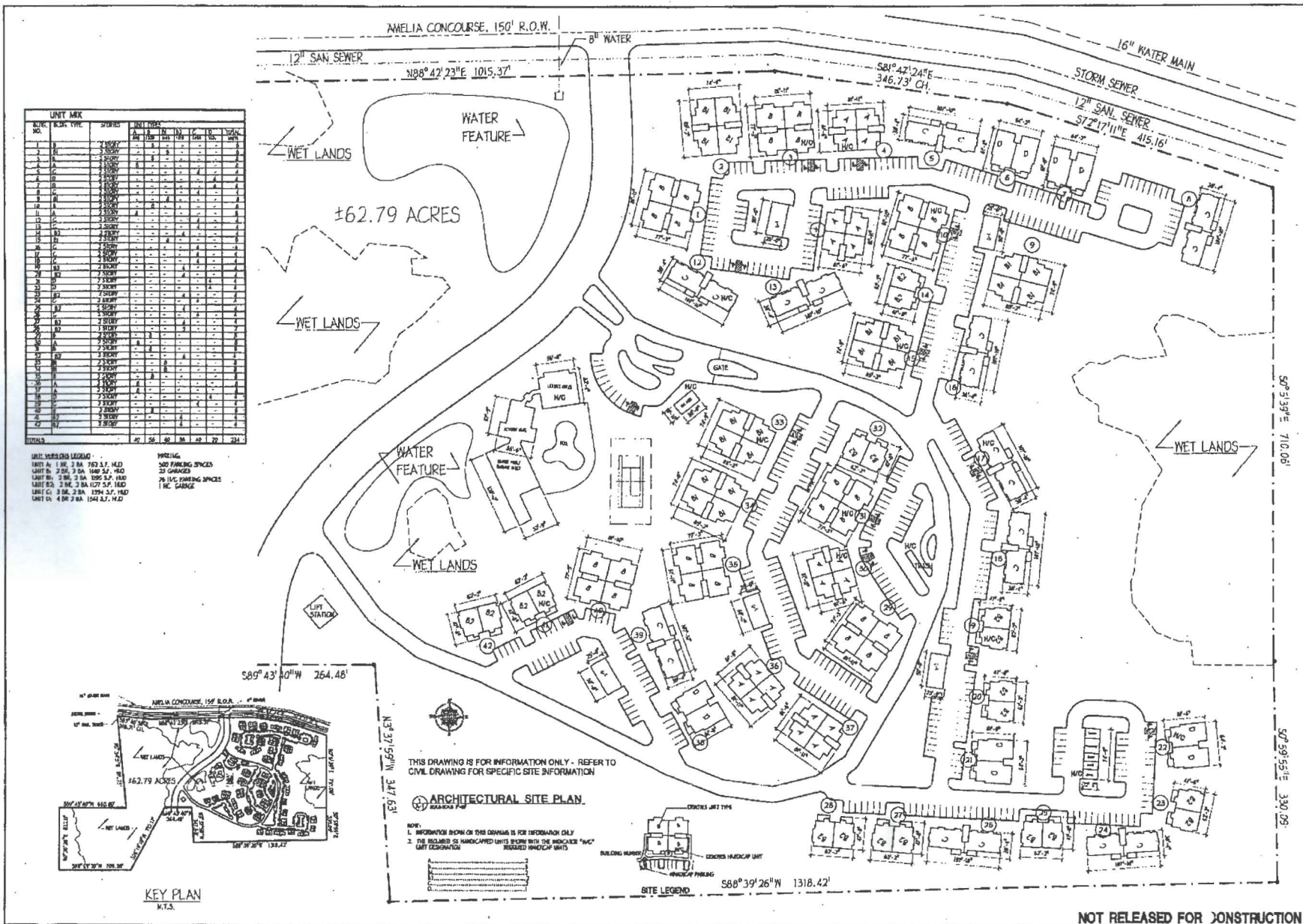
  
\_\_\_\_\_  
**BARRY HOLLOWAY,**  
Its: Chairman

**ATTESTATION: Only to Authenticity as to  
Chairman's Signature:**

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

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

  
\_\_\_\_\_  
**DAVID A. HALLMAN,**  
County Attorney



**PUCCIANO & ENGLISH, INC.**  
**ARCHITECTS, AIA**  
8064 MERCEUR UNIVERSITY DRIVE, SUITE 70  
ATLANTA, GA 30341  
PH 770-457-0823, FAX 770-457-0882  
pucciano-english@aol.com



JOB NAME	
DRAWING BY:	
CHECK BY:	
JOB PROGRESS:	
ITEM	DATE

4-16-2009

REVISIONS:  
DATE NO.

**HARBOR CONCOURSE**  
AN APARTMENT COMMUNITY  
FOR  
**THE HARBOR COMPANIES**  
MIAMI CO., FLORIDA

SHEET NO. 1  
RECEIVED  
MAY 20 1968

NOT RELEASED FOR CONSTRUCTION



EXHIBIT "B"  
HARBOR CONCOURSE PUD CONDITIONS

I. General Conditions: The Harbor Concourse PUD consists of approximately sixty-three (63) acres located south of Amelia Concourse in the Yulee area. The Harbor Concourse PUD will consist of up to a maximum of two hundred thirty-five (235) apartment units.

A. The Harbor Concourse PUD will be developed as delineated on the preliminary development plan (attached hereto as Exhibit "B"), as said plan may be amended by the terms of this agreement. The Harbor Concourse 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

B. Any development requirements not specifically modified by this PUD text shall default to Nassau County Land Development Code, as amended from time to time (the "Zoning Code").

C. Within one (1) year 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. This deadline may be extended by the BOCC for successive one-year increments upon cause shown by the developer.

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.

E. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Harbor Concourse Preliminary Development Plan is general 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 and are consistent with the terms of this agreement.

II. Specific Conditions:

A. Recreational Amenities, Open Space and Common Areas

1. Open space and common areas shall be provided for the project. All common area open space and recreational facilities shall be included in the final development of the project.
2. 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.

B. 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.
2. All St. Johns River Water management District 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.

C. Residential Development Standards

1. The Harbor Concourse PUD shall include a maximum of two hundred thirty-five (235) units in multiple two story or one (1) one story buildings as outlined in the unit mix table of the site plan (Exhibit B). Said density being contingent upon the effective date of CPA09-006 and the Planning and Zoning Board's interpretation. Below are the minimum site development standards for each building area:

Setbacks from Amelia Concourse Parkway      35 feet

All other yards:

Setback from any other property line	25 feet
Separation between buildings	20 feet
Height Limit	35 feet
Setback from Jurisdictional Wetlands	15' min/25' average

2. Off-street Parking and 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. Harbor concourse will include approximately 23 covered parking spaces within fully enclosed garages that are architecturally compatible with the principle residential buildings.

3. The maximum size of any residential building shall be eight units and 110 linear feet in any direction.

D. Signage

1. The Harbor Concourse PUD may have project identification signage at all external entrances. External project identification signs shall not exceed seventy five (75) square feet on each face. All project signs shall be designed as monument signs. 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 entrance signage shall not exceed a total number of four (4) signs for the entire development.

2. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.

3. Traffic and street name signage may include aesthetic framing. However, any applicable FDOT/Nassau County standards for safety, sign face, elevations, etc. shall be maintained by the Developer.

4. Any proposed landscaping will be submitted for review in conjunction with the final development plan. The Harbor Concourse PUD will meet or exceed the minimum requirements of Article 37, Land Development Code.

E. Sidewalks and Streetlights

1. Internal Four (4) foot sidewalks shall be provided on both sides of county road leading to the public park. A continuous internal pedestrian path system meeting minimum ADA requirements for access to buildings will be indicated on the Final Development Plan.

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



F. 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 State standards, in effect as of the date of the Ordinance creating Harbor Concourse PUD and any applicable utility provider's 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.

G. Wetland Buffers

1. All wetlands within the Harbor Concourse PUD shall be protected with undisturbed buffers of native vegetation between any developed area and such wetland with buffers that have a average width of twenty-five (25) feet, with a minimum of 15 feet.

2. The exact boundaries of wetlands and wetland buffers indicated on the Harbor Concourse Preliminary Development Plan will be subject to a final determination by the SJRWMD.

H. Temporary Uses

1. Temporary Rental offices, including modular units, not to exceed two (2) units, shall be permitted within the Harbor Concourse PUD until all of the residential units are completed. The Developer shall indicate with a note on any site plan submitted to the Development Review Committee for approval 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 rental office located on the Harbor Concourse PUD, which is available for inspection by project residents, including the posting for public viewing of the Final Development Plan.

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.

I. 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 sixty (60) foot right-of-way which provides access from the Amelia Concourse into this development shall also provide access to the future Nassau County park site. The Developer shall dedicate this right-of-way to Nassau County for ownership and Maintenance upon acceptance of the improvements by the County Engineering Services Department. The Developer shall construct the roadway during the initial phase of development. Continuous four (4) foot sidewalks shall be constructed on both sides of this road prior to conveyance of the road to the county. Storm water management and drainage elements for the entire roadway shall be accommodated within the Harbor Concourse PUD.
  3. 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. Any driveway connection to Amelia Concourse Parkway is deemed to constitute a major change.
  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 pursuant to the specifications of the Nassau County Fire/Rescue Department.
- P. Use of Approved Development Rights: The number of dwelling units assigned to this development shall not be eligible for use on any properties other than those rezoned by this application to create Harbor Concourse 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 multi-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 requirements:

- A. Is creative in its approach through the use of natural features of the site and its approach to the development of the project;
- B. Accomplishes a more desirable environment than would be possible through the strict requirements of the Zoning Code;
- C. Provides for an efficient use of the Harbor Concourse PUD, resulting in small, well designed networks of utilities and streets;
- D. 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;
- E. Provides an environment of stable character compatible with the surrounding area;
- F. Provides a 60 foot right-of-way dedicated to Nassau County for access to the County's proposed regional park from Amelia Concourse to Nassau County's property line and the construction of the roadway over said right-of-way;
- G. The Developer will provide water and sewer stub-outs to the County's proposed regional park;
- H. The Harbor Concourse 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.