

ORDINANCE NO. 2025-006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, MODIFYING THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS TRIBUTARY (FORMERLY KNOWN AS THREE RIVERS); PROVIDING CERTAIN FINDINGS; AMENDING THE PRELIMINARY DEVELOPMENT PLAN FOR THE PUD; AMENDING THE PUD CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (“Board”) adopted Ordinance 2006-68 on August 28, 2018, creating the Three Rivers PUD; and

WHEREAS, the Board adopted Ordinance 2019-03 on February 11, 2019, amending the Three Rivers PUD; and

WHEREAS, the Board adopted Ordinance No. 2021-16 on August 23, 2021, further amending the Three Rivers PUD and renaming it as the “Tributary PUD”; and

WHEREAS, the Tributary PUD is subject to the provisions of the Tributary Development of Regional Impact, approved by Ordinance 2006-126 on August 28, 2006, as amended (the “DRI”); and

WHEREAS, Three Rivers Developers, LLC, through England-Thims & Miller, Inc, as current owner or authorized agent, filed application PUD23-004 (the “Application”) to amend certain provisions of the Tributary PUD Preliminary Development Plan, approved as Exhibit B to Ordinance 2006-68 as amended (the “PUD Preliminary Development Plan”), and the Tributary PUD Conditions, approved as Exhibit C to Ordinance 2006-68 as amended (the “PUD Conditions”) to ensure the Tributary PUD is consistent with the governing DRI development order; and

WHEREAS, the Nassau County Planning and Zoning Board held a duly noticed public hearing as required by law and in accordance with Chapters 125 and 163, Florida Statutes; and

WHEREAS, the Board finds that the amendments to the PUD set forth in the Application are consistent with the 2030 Comprehensive Plan, specifically Policies FL.01.02(H), FL.08.06, FL.09.05, and FL.10.06, and the orderly development of Nassau County; and

WHEREAS, the proposed PUD amendments set forth in the Application comply with the underlying Future Land Use Map (FLUM) designation of Multi-Use (MU) and Conservation (CSV I); and

WHEREAS, the Board has considered the findings and recommendations of the Planning and Zoning Board and held a duly noticed public hearing as required by law and in accordance with Chapters 125 and 163, Florida Statutes.

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

SECTION 1. FINDINGS. The above findings are true and correct and are hereby incorporated herein by reference.

SECTION 2. PUD AMENDMENTS.

(A) The PUD Preliminary Development Plan for the Tributary PUD is hereby amended as shown in Exhibit “A” attached hereto and incorporated herein by reference.

(B) Section 2.1, Land Use Summary, of the PUD Conditions is hereby amended as follows:

2.1 Land Use Summary

The general Tributary PUD land uses are summarized in the table below. The projected units and square footage identified may be allocated throughout the PUD, in accordance with the allowable uses and development standards. The PUD shall be developed in two phases detailed in Table 2.1 below. All structures and associated off-street parking spaces shall be designed in accordance with the latest edition of the Nassau County Nassau County Land Development Code and the *Florida Accessibility Code for Building Construction*.

Table 2.1 Land Use Summary and Phasing						
	Residential	Retail	Office	Light Industrial	Community Parks	Watercraft Dry Storage
Phase 1 (2008-June 30, 2026)	4,400 <u>1,750</u> du	200,000 sf	- - -	50,000 sf	- - -	- - -300 slips
Phase 2 (2022-June 30, 2031)	4,800 <u>1,450</u> du	300,000 sf	50,000 sf	200,000 sf	- - -	<u>300 slips</u>
TOTAL	3,200 du	500,000 sf	50,000 sf	250,000 sf	20 <u>40</u> acres	300 slips

Subject to the requirements of the Tributary DRI Development Order, the allowable mix of uses within the Tributary PUD is 3,200 residential dwelling units, 300 watercraft dry storage slips, 500,000 sf of retail, 50,000 sf of office, and 250,000 sf of light industrial nonresidential uses. Development rights within the Tributary PUD shall be consistent with the Tributary DRI Development Order, which requires the following minimum required land uses: 1,658 residential dwelling units, 0 watercraft dry storage slips, 375,000 sf of retail, 37,500 sf of office, and 187,500 sf of light industrial nonresidential uses within the Tributary PUD. The minimums and maximums apply at buildout. The distribution of overall land use designations set forth in the Preliminary Development Plan shall reflect sufficient area of each designation to achieve these individual, minimum required land uses. The allocations of the minimum required square footage and units for the individual land uses designated herein shall be shown in the Preliminary Development Plan to achieve the minimum functional mix of uses intended for the PUD and the integration of office, retail, industrial, and dry storage uses with the residential component of the PUD. The location of minimum allowable land uses may be shifted within the boundaries of the PUD provided that an amendment to the Preliminary Development Plan is processed and the functional mix and integration of uses is maintained.

Site layout within the non-residential allocated areas in the northeast and northwest portions of the PUD in the Preliminary Development Plan is conceptual and is for illustrative purposes only. Illustrated site improvements, including, but not limited to building locations, configurations, and design are solely intended to demonstrate that the minimum required land uses can be achieved within the allocated areas (37,500 SF Office, 187,500 SF Industrial, 375,000 SF Commercial/Retail). Site layout is subject to modification, revision, and change if Developer demonstrates that the minimum required land uses can be met, and no change is made to the Preliminary Development Plan. Site Layout changes may be administratively approved by the planning department and no further PUD approvals shall be required.

Site layout within the river front Village Center southern portion of the PUD in the Preliminary Development Plan is conceptual and is for illustrative purposes only. Notwithstanding, the location of the boat ramp, truck and trailer parking area, kayak launch, and promenade shall be generally located where depicted in the Preliminary Development Plan, subject to change if required by County engineering or County, state, or federal permitting. Further the final site plan and site design shall meet the intent of the PUD to provide a publicly accessible mixed-use river front Village Center that includes, among other things, a publicly accessible river front promenade, publicly accessible temporary docking facilities, publicly accessible parking, and public entertainment space. Site layout is subject to modification, revision and change if Developer demonstrates that the intent of the publicly accessible river front promenade is maintained, the minimum required land uses can be met, and no change is made to the Preliminary Development

Plan. Site layout changes may be administratively approved by the planning department and no further PUD approvals shall be required.

Commencement is defined as approval of receipt of a clearing permit of any part of each phase. Completion shall be defined as approval of as-built drawings for horizontal infrastructure for that phase or sub-phase of development. Approval of units for purposes of this subsection should be defined as approval of construction plans for horizontal infrastructure to serve such residential units. The Developer may submit construction plans for future phases before the previous phase is constructed. The Applicant, its successors and assigns shall be permitted to roll over into the next phase development rights not constructed by the end of Phase 1.

(C) Section 5.3.8., Recreation, of the PUD Conditions is hereby amended as follows:

5.3.8 Recreation. Neighborhood parks will be owned and operated by the Developer/CDD/POA. These parks may be located in the center of neighborhoods, may have a perimeter road of reduced speed limit, or may be located in cul-de-sac islands when the speed limit of the surrounding road meets the criteria shown in the graphics standards. Safe access to all parks shall be determined at the time of construction plan review. Appropriate means will be taken to assure safe access and may include crosswalks or signage.

A forty (40) acre Regional Park located in the PUD's southeastern corner, as depicted in the Preliminary Development Plan, has been dedicated to the County, ~~shall be owned and maintained by the County. The Regional Park shall contain a minimum of twenty-seven (27) acres of usable uplands.~~ The Regional Park will be constructed in three (3) phases by the Developer, CDD, and/or POA consistent with the Community Park Development Agreement dated February 25, 2019. Phases I and II have been completed. ~~In general, Phase One shall consist of two (2) baseball fields, parking, a concession stand and restrooms. Phase Two shall include a multi-use field, a playground and picnic area and two (2) additional baseball fields.~~ Phase Three III shall include additional parking, an open space area, a nature trail and a dog area. Each Phase shall be connected by multi-use trails. The County will likely seek to permit a boardwalk and dock and the Developer, CDD, and/or POA will cooperate with the County in the permitting process. The County may also choose to construct additional facilities within the Regional Park as set forth in the Development Agreement.

~~Dry-docking for boats such as canoes, kayaks, motorboats and rowboats may be made available. Boat launch facilities will be available, as well as dry-docks that will allow up to three hundred (300) slips for storage of both motorized and non-motorized watercraft. Temporary or short-term tie-ups~~

~~will be provided to allow boating participants to enjoy Tributary and the pedestrian-scale opportunities offered in the Village Center.~~

The developer shall submit for approval of FDP Unit 14, which includes a public boat launch facility as shown on the Preliminary Development Plan and an alternative plan to apply in the event the boat launch facility is not permitted, which alternative designates the parcel which would have been the boat launch for other publicly accessible public recreation Village Center Promenade uses as shown on the Preliminary Development Plan (the "Alternative Plan"), no later than 180 days following approval of the DRI NOPC and PUD by Nassau County.

Within 180 days following approval of FDP Unit 14, the Developer at its expense shall prepare and submit to Nassau County design and engineering plans and applications for the required permits from state and federal agencies for the public boat launch facility.

Within sixty (60) days after Nassau County's approval of the design and engineering plans (the "Approved Design and Engineering Plans") and permit applications, the Developer at its expense shall submit to Nassau County a signed and sealed Engineer Cost Estimate, prepared by an engineer licensed in the State of Florida, of the cost of permitting and constructing the public boat launch facility shown in the Approved Design and Engineering Plans. The County may either accept the Developer's Engineer Cost Estimate or prepare a signed and sealed Engineer Cost Estimate at the County's expense for the Developer's review, and the final Engineer's Cost Estimate shall be equal to the average of the two Engineer Cost Estimates. If either party does not accept the average of the two Engineer Cost Estimates, a third Engineer Cost Estimate shall be obtained (the third engineer shall be selected by the first two engineers with the cost of the third estimate shared equally by the Developer and the County), and the third Engineer Cost Estimate shall be binding. The accepted average of the Developer's and the County's Engineer Cost Estimates or the third Engineer Cost Estimate is referred to below as the "Final Engineer Cost Estimate."

Within sixty (60) days after its receipt of the Final Engineer Cost Estimate, the Developer shall provide a bond payable to the County in a sum equal to one hundred fifteen percent (115%) of the amount of the Final Engineer Cost Estimate. The bond shall have a term of at least thirty-two (32) months.

Within thirty (30) days after the Developer provides the bond to the County, at the election of Nassau County either Nassau County as sole applicant or Nassau County and the Developer as joint applicants shall file the Approved Design and Engineering Plans and permit applications to state and federal agencies for the construction of the boat launch facility. The County and the

Developer, if co-applicant, shall take all reasonable steps necessary to diligently pursue issuance of the required permits. Any permitting fees and expenses incurred by Nassau County in seeking the required permits shall be paid by the Developer.

1. If the required permit(s) are issued for the public boat launch facility pursuant to the Approved Design and Engineering Plans within 540 days after the applications are filed, the Developer will construct and open the public boat launch within 365 days of issuance of the last required permit for boat launch construction. Upon completion of the public boat launch pursuant to the design and engineering plans approved by Nassau County, the bond shall be released.
2. If within 540 days after the applications are filed the required permits for the public boat launch facility pursuant to the Approved Design and Engineering Plans are denied or are not issued or if Nassau County abandons the permitting efforts, the Developer shall replace the bond with a cash payment to the County of 115% of the Final Engineer Cost Estimate within 30 days of receipt of the request from the County, and upon such payment the bond will be released. If the Developer fails to make such cash payment, Nassau County may demand payment from the surety for the full value of the bond, which demand will not be objected to by the Developer. The funds paid by the Developer or drawn from the bond shall only be used by Nassau County to expand capacity of the Regional Park system in Nassau County with first priority being to facilitate water access. In such event of the County being paid by the Developer or drawing on the bond and without any additional PUD or FDP review or approval, the Developer may proceed pursuant to the Alternative Plan for FDP Unit 14 with no public boat launch and designating the parcel which would have been the public boat launch for other publicly accessible public recreation Village Center – Promenade uses as shown on the Preliminary Development Plan.

The 540-day permitting period referenced above shall be extended by mutual agreement of the County and the Developer if there are reasonable expectations that the required permits will be imminently issued for the boat launch facility. In the event of force majeure, including natural disasters (such as fire, storms, floods, hurricanes, tornadoes), governmental or societal actions (such as war, civil unrest, moratoria, infrastructure failures (i.e. transportation, energy)), which otherwise renders compliance impossible, the Developer's deadline for compliance and the 540-day permitting window referenced above shall be extended concomitantly with concurrence of the County.

The boat launch facility shall be open for public access, be suitable in size and design for launching motorized vessels (a minimum width of 32 feet and achieving a ramp depth of at least 4 feet below the mean low water line at its end) and be equipped with not less than 15 vehicle and boat trailer parking spaces proximate to the ramp. Temporary or short-term tie-ups will be provided to allow boating participants to enjoy Tributary and the pedestrian-scale opportunities offered in the Village Center. The Developer shall ensure that the boat launch facility is accessible to the public via the public roadway network constructed to County Roadway and Drainage Standards. The boat launch facility and its parking may be conveyed to Nassau County or a Community Development District (CDD) upon completion, with conveyance to be determined at the discretion of the Board of County Commissioners Nassau County or the Community Development District shall maintain the boat launch for its intended active recreational uses and may enter into an interlocal agreement addressing maintenance standards, hours, the regulation of use and activities, noise, loitering, and nuisances. The launch fee and other costs associated with the use of this boat ramp will be the same for all residents of Nassau County, whether or not they reside in the PUD.

All parks, recreation areas, community centers and the Village Center may have accessory concessionary sales and/or rental facilities, as well as administrative offices, public and community service facilities, accessory maintenance, and other ancillary facilities. Outdoor cultural, art, educational, recreational or music events are allowable by right, as are temporary structures accessory to such events.

(D) All other PUD Conditions adopted for the Tributary PUD not amended herein shall remain in full force and effect.

SECTION 3. SEVERABILITY. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION 4. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after its enactment and shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Nassau County, Florida this _____ day of _____, 2025.

**BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA**

A.M. "HUPP" HUPPMANN, CHAIR
Board of County Commissioners
Nassau County, Florida

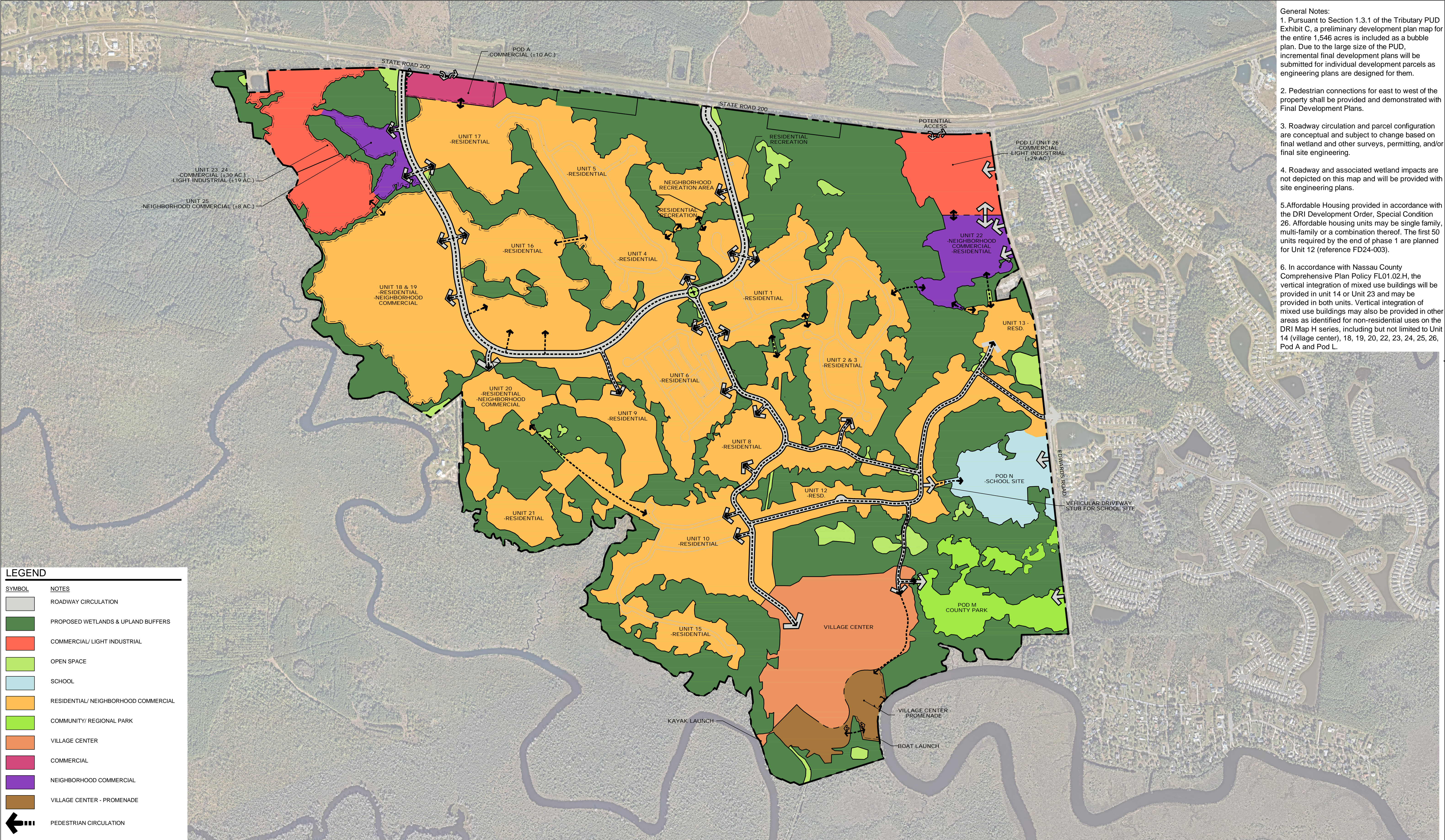
ATTEST as to Chairman's signature:

MITCH L. KEITER
Its: Ex-Officio Clerk

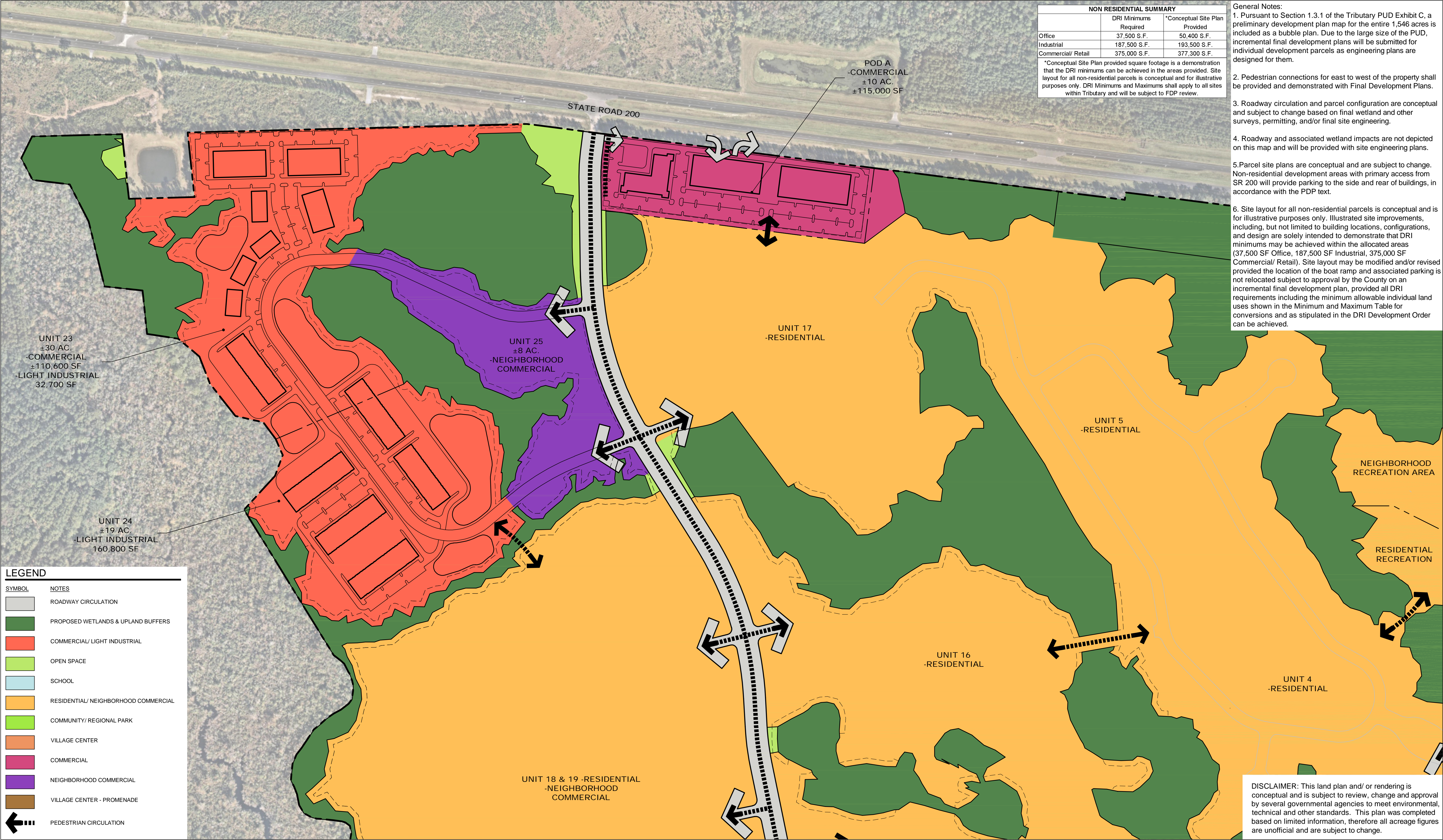
APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:

DENISE C. MAY,
County Attorney

EXHIBIT A
PRELIMINARY DEVELOPMENT PLAN



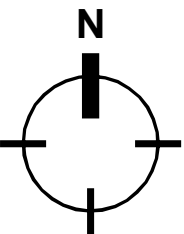
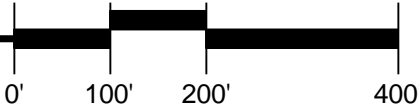
Tributary

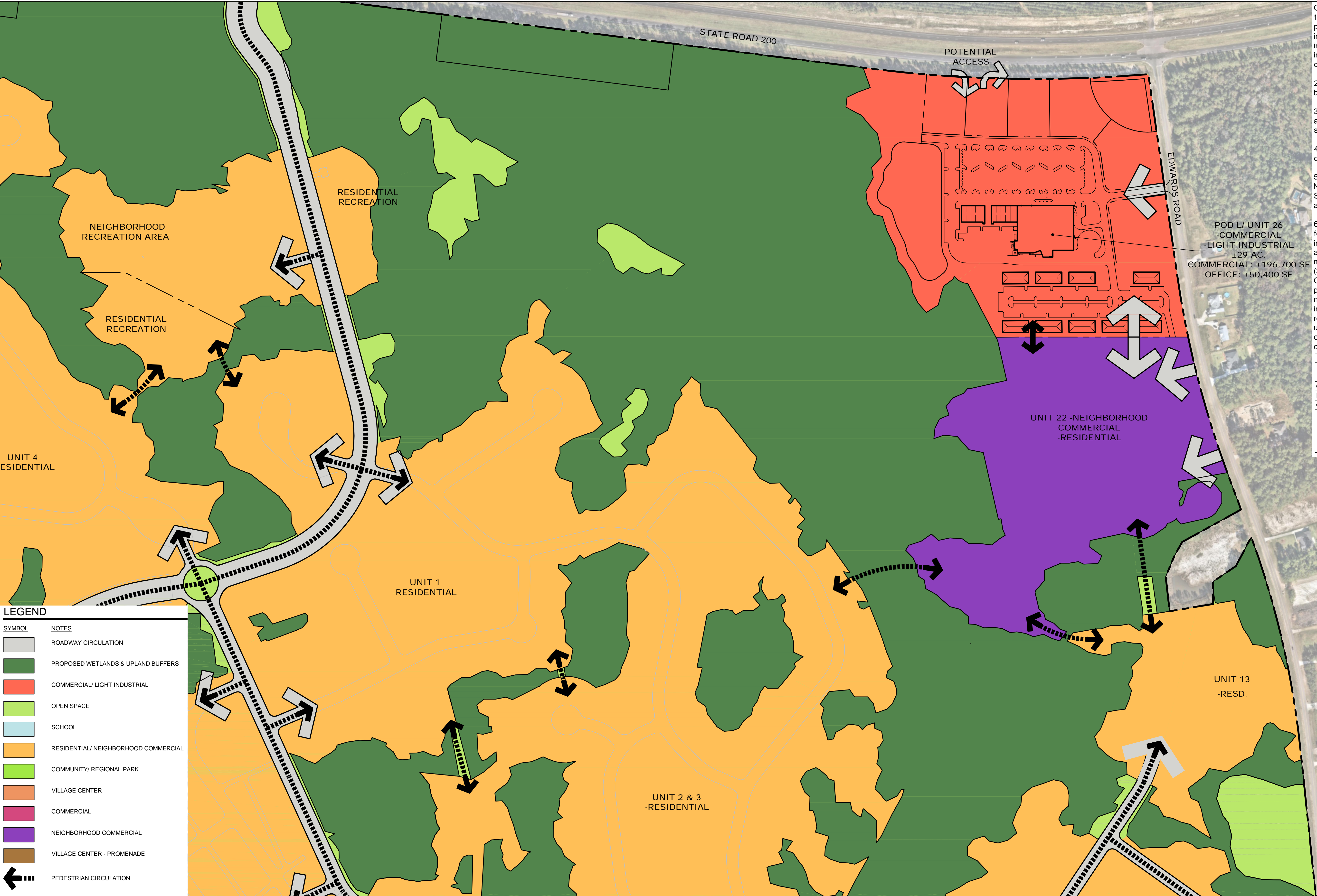


Tributary

Preliminary Development Plan Enlargement #1

11 December 2024





General Notes:

1. Pursuant to Section 1.3.1 of the Tributary PUD Exhibit C, a preliminary development plan map for the entire 1,546 acres is included as a bubble plan. Due to the large size of the PUD, incremental final development plans will be submitted for individual development parcels as engineering plans are designed for them.
2. Pedestrian connections for east to west of the property shall be provided and demonstrated with Final Development Plans.
3. Roadway circulation and parcel configuration are conceptual and subject to change based on final wetland and other surveys, permitting, and/or final site engineering.
4. Roadway and associated wetland impacts are not depicted on this map and will be provided with site engineering plans.
5. Parcel site plans are conceptual and are subject to change. Non-residential development areas with primary access from SR 200 will provide parking to the side and rear of buildings, in accordance with the PDP text.
6. Site layout for all non-residential parcels is conceptual and is for illustrative purposes only. Illustrated site improvements, including, but not limited to building locations, configurations, and design are solely intended to demonstrate that DRI minimums may be achieved within the allocated areas (37,500 SF Office, 187,500 SF Industrial, 375,000 SF Commercial/ Retail). Site layout may be modified and/or revised provided the location of the boat ramp and associated parking is not relocated subject to approval by the County on an incremental final development plan, provided all DRI requirements including the minimum allowable individual land uses shown in the Minimum and Maximum Table for conversions and as stipulated in the DRI Development Order can be achieved.

NON RESIDENTIAL SUMMARY		
	DRI Minimums Required	*Conceptual Site Plan Provided
Office	37,500 S.F.	50,400 S.F.
Industrial	187,500 S.F.	193,500 S.F.
Commercial/ Retail	375,000 S.F.	377,300 S.F.

*Conceptual Site Plan provided square footage is a demonstration that the DRI minimums can be achieved in the areas provided. Site layout for all non-residential parcels is conceptual and for illustrative purposes only. DRI Minimums and Maximums shall apply to all sites within Tributary and will be subject to FDP review.

POD L/ UNIT 26
-COMMERCIAL
-LIGHT INDUSTRIAL
±29 AC.
COMMERCIAL: ±196,700 SF
OFFICE: ±50,400 SF

STATE ROAD 200

POTENTIAL ACCESS

EDWARDS ROAD

DISCLAIMER: This land plan and/ or rendering is conceptual and is subject to review, change and approval by several governmental agencies to meet environmental, technical and other standards. This plan was completed based on limited information, therefore all acreage figures are unofficial and are subject to change.

Tributary



General Notes:

1. Pursuant to Section 1.3.1 of the Tributary PUD Exhibit C, a preliminary development plan map for the entire 1,546 acres is included as a bubble plan. Due to the large size of the PUD, incremental final development plans will be submitted for individual development parcels as engineering plans are designed for them.
2. Pedestrian connections for east to west of the property shall be provided and demonstrated with Final Development Plans.
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Tributary

