

ORDINANCE NO. 2013- 12

AN ORDINANCE AMENDING ORDINANCE NO. 2003-32, WHICH REZONED AND RECLASSIFIED PROPERTY HEREIN AFTER DESCRIBED IN NASSAU COUNTY, FLORIDA, FROM A ZONING CLASSIFICATION OF RESIDENTIAL, SINGLE-FAMILY 1 (RS-1) TO THAT OF A PLANNED UNIT DEVELOPMENT (PUD) KNOWN AS HERON ISLES PUD, AS FURTHER AMENDED BY ORDINANCE 2004-49; SPECIFICALLY AMENDING EXHIBIT "C", PUD CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance No. 2003-32 on June 23, 2003, which rezoned and reclassified property described within said ordinance from Open Rural (OR) to Planned Unit Development (PUD), the name of said PUD being Heron Isles; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance No. 2004-49 on October 11, 2004, which amended Ordinance No. 2003-32, specifically amending Exhibit "A", the legal description of the Heron Isles PUD, and specifically amending Exhibit "B", the Preliminary Development Plan, and Exhibit "C", the PUD Conditions, of the Heron Isles PUD: and

WHEREAS, the Applicant/Developer of that certain property and the County have agreed to further amend Exhibit "C", Conditions, of the PUD, regarding the obligations of the parties as outlined in Section III, Paragraph H(c) of Exhibit "C" related to the construction of a fire station; and

WHEREAS, the Planning and Zoning Board of Nassau County has held public hearings on the same after due notice, and made its findings and recommendations thereon; and

WHEREAS, the Board of County Commissioners has considered the findings and recommendations of the Planning and Zoning Board and held its own public hearings after due notice.

NOW, THEREFORE, BE IT ORDAINED this 8th day of July, 2013, by the Board of County Commissioners of Nassau County, Florida as follows:

1. Section III, Paragraph H(c) of Exhibit "C", of Ordinance No. 2003-32, as amended by Ordinance No. 2004-49, shall be further amended as follows:

(c) Fire Station. The Fire Station site shall be dedicated to the County prior to issuance of the first residential building permit. The Applicant/Developer shall pay for title examination, "Phase One" environmental audit and boundary survey. ~~This site shall revert to the grantor in the event that the County has not completed construction of the fire station within ten (10) years from the date of the dedication of the land.~~ The Applicant/Developer agrees to execute any amended documents of conveyance to remove any reverter or reversionary clause related to the fire station property. The County agrees to reconvey to the Applicant/Developer the property associated with the fire station site if at any point in the future the plan and requirement for the fire station is eliminated.

Applicant/Developer will start the construction of the fire station on the dedicated site on or before ~~October 1, 2005~~ six months after the County provides the plans as hereinafter set forth and complete such construction on or before ~~October 1, 2006~~ eighteen months after receipt of such plans. The County will provide the plans, which include fixtures, and specifications, ~~on or before April 1, 2005.~~ The latest date to start construction and the latest date to complete construction will be extended by one (1) day for each day that the County delivers the plans after April 1, 2005 or such dates may be extended without amending this PUD by a resolution approved by the Board of County Commissioners. This subparagraph may be amended by signed written agreement of the Applicant/Developer and County approved by resolution of the Board of County Commissioners without the need to formally amend this PUD. The Applicant/Developer will secure all necessary permits. Applicant/Developer shall pay any cost associated with the construction of the fire station (excluding any costs associated with the fire station equipment for the fire station) provided that the total cost to the Applicant/Developer shall not exceed a base of \$450,000.00, indexed for inflation based on the CPI index and the cost of any enhancements proposed by the Applicant/Developer.

Upon completion of the fire station and issuance of a certificate of occupancy for it by the County, Applicant/Developer shall receive transferable, on a proportional basis, to the builders within the

PUD, fire impact fee credits in the amount of the total cost to construct the fire station, which shall not exceed the total obligation of the Applicant/Developer for the fire impact fee.

2. Effective Date. This ordinance shall become effective upon its being filed in the office of the Secretary of State.

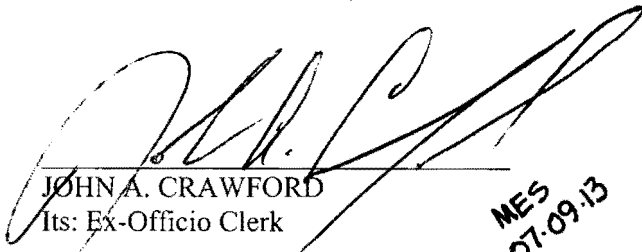
DULY ADOPTED this 8th day of July, 2013.

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
07-09-13

Approved as to form by the
Nassau County Attorney:



DAVID A. HALLMAN