ORDINANCE 2010-_08_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE SITE PLAN REVIEW PROCEDURES, STANDARDS AND TIMELINES; PROVIDING FOR A NEW SECTION 5.07 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR PRE-APPLICATION MEETINGS, PRELIMINARY BINDING SITE PLAN APPROVAL, SITE ENGINEERING PLAN APPROVAL AND PERMITTING; PROVIDING FOR PROCEDURES, TIME LIMITS AND STANDARDS FOR REVIEW; AMENDING SECTIONS 25.05(F) AND 25.08 OF THE LAND DEVELOPMENT CODE, FINAL DEVELOPMENT PLANS AND PERMITS; REPEALING SECTIONS 29-111 THROUGH 29-117 AND 29-133 OF THE CODE OF ORDINANCES; REPEALING SECTIONS 28.16, 28.16.1, AND 28.16.3 OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE DEFINING A CLASS IV SITE PLAN; AMENDING SECTIONS 14.03, 16.01, AND 28.09 OF THE LAND DEVELOPMENT CODE THAT REFERENCE SITE PLAN REVIEW PROCEDURES; AMENDING SECTION 37.02 TO REFER TO REVISED SITE PLAN CLASSIFICATIONS; PROVIDING FOR FINDINGS; CREATING A NEW SECTION 28.19(5)(m) TO REPLACE SECTION 28.16.3; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in September 2000 Nassau County adopted Ordinance 2000-40 creating, inter alia, site plan review procedures; and

WHEREAS, in July 2004 the Nassau County Economic Development Board and the Amelia Island Fernandina Beach Chamber of Commerce convened a Land Use Permitting Task Force whose mission was to evaluate the existing permitting process with the objective of creating a more efficient process; and

WHEREAS, on December 17, 2008 the Task Force made a presentation and delivered recommendations to the Board of County Commissioners, Staff and the public; and

WHEREAS, on April 8, 2009, September 29, 2009 and April 21, 2010 the Board of County Commissioners, in consultation with the Planning and Zoning Board and the Task Force, provided policy direction for amending Ordinance 2000-40; and

WHEREAS, this Ordinance consolidates, streamlines and amends the current site plan review process along the parameters of the Task Force recommendations and Board direction; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on July 6, 2010 and recommended approval; and

WHEREAS, public notice of this Ordinance has been provided in accordance with Chapter 125, F.S.

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

SECTION 1. FINDINGS

This Ordinance is consistent with and furthers the goals, objectives and policies of the Nassau County Comprehensive Plan in particular, Policies 1.04A.02, 1.04B.04, 1.07.07, 3.08.06, 5.02A.04, 7.02.04 and 8.05.01

SECTION 2. REPEAL

A. Chapter 29, Article IV, Sections 29-111 through 29-117 and 29-133 (Classification, Procedures, Site development requirements, Review fee, Towers and antennas, Required off-street parking and off-street loading, Land coverage) of the Nassau County Code of Ordinances [Development Review Regulations 5.1 through 5.7 inclusive, and 6.3] are hereby repealed in their entirety.

B. Sections 28.16, 28.16.1 and 28.16.3 (Site plan Requirements, Review fee and Towers and antenna) of Ordinance 97-19, the Nassau County Zoning Code, as same may have been amended from time to time, are hereby repealed in their entirety.

SECTION 3. ADOPTION

A new Section 5.07, et. seq. is hereby created and adopted and shall read as follows:

Section 5.07. Site Development Plan Review

A. Purpose and applicability

1. The purpose of this section is:
   a. To provide guidelines and procedures to ensure that site development plans contain essential information and data necessary for the County to reach fair, equitable and timely decisions.

b. To ensure that proposed development is consistent with the Comprehensive Plan, applicable land development regulations and is compatible with the surrounding general character of the area.

c. To provide applicants with preliminary approval that ensures expeditious review of site engineering construction plans based upon the preliminary binding site plan approval and established standards.

2. Site development plans subject to review and approval are hereby classified as follows for the purpose of the procedures and standards contained in this section:

a. Class I:

i) Single family dwellings, duplexes, mobile home placement or replacement on existing lots of record or lot splits exempt from subdivision requirements, excluding beach front construction.

ii) Residential accessory structures.

iii) General repairs.

iv) Any modifications to existing non-residential buildings or sites in which:

a) The building area of the site is not increased by more than four thousand nine hundred ninety nine (4,999) square feet; or

b) the site's impervious area is not increased more than three thousand nine hundred ninety nine (3,999) square feet; and

c) The use and occupancy classification (as defined by the Florida Building Code) of the facility is not changed.

v) Temporary sales and construction related to an approved site engineering plan for a period not to exceed three (3) years.

b. Class II:

i) All sites which exceed the limitations of Class I as stated above or are not specified as Class III herein.

ii) Expansions of existing non-residential development generating an increase of more than 400 gross average daily vehicular trip ends per day.

iii) Multi-family development containing an aggregate of 3 dwelling units or more.

iv) New commercial construction on a vacant site.

v) New beach front construction seaward of the Coastal Construction Control Line or Building Restriction Line.

c. Class III

i) Final Development Plan in a Planned Unit Development (PUD).

ii) Preliminary development plan within a Community Planning Area created subsequent to July 1, 2010 and identified in the "MU-CPA" category by the FLUM.

d. *Class IV:*

i) Development proposals certified by the State Office of Tourism, Trade and Economic Development (OTTED) as qualifying under Sec. 288.065, F.S. (rural loan/infrastructure/economic development); Sec. 288.1045, F.S. (defense contractor); Sec. 288.106, F.S. (qualified targeted industries); or Sec. 288.108, F.S. (high-impact business). In order to receive such certification, the applicant must prepare and submit a General Project overview on forms provided by and submitted to the Nassau County Economic Development Board. In advance of OTTED certification, if the Nassau County Economic Development Board and the County Commissioner in whose district an application is located concur that the application is eligible for Class IV status then such development will be subject to Class IV review.

ii) Affordable / workforce housing development proposals wherein 20% of the units (minimum of 3) are provided for a

period of at least five years at monthly mortgage payments (including taxes and insurance), or monthly rents (including utilities), that do not exceed 30% of the median adjusted gross annual income, adjusted for household size, as provided by the U.S. Department of Housing and Urban Development for Nassau County (Jacksonville MSA). Also included in this classification are residential developments meeting the standards of Sec. 7-162, Code of Ordinances.

3. Site plan approval required. No building permit for a Class II, III, or IV

development, as defined herein, shall be issued unless site engineering plans for construction, based upon a preliminary binding site plan, are approved in accordance with the procedures and standards of this section.

4. All applications are to be made on forms provided by Nassau County. Persons authorized to file for site plan approval include:

   a. Owners of a property that is subject to site plan application; or

   b. Lessees or contract vendees of property subject to the site plan approval application, with the notarized written permission of the property owner(s); or

   c. Agents of a property owner, lessee or contract vendee with notarized written permission of the property owner.

5. The Building Department shall accept a complete building permit application for Class IV developments simultaneously with submittal of a complete site engineering plan application. This is an accelerated process undertaken at the Applicant's request and whereupon the Applicant assumes all risk associated with time and expense of changes necessitated as a result of the final site engineering plan approval.

B. **Development Review Committee**

The Development Review Committee (DRC) is hereby established.

1. Membership and Chair. The directors of Growth Management, Engineering Services, Fire/Rescue, Building, 911 Addressing and Mapping and the Nassau County Health Dept. shall each designate a DRC regular member and an alternate member from their respective departments. The Director of Growth Management or his/her designee shall serve as chair. Designees shall exercise the responsibility and authority of the regular member.

2. The Growth Management Department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications,

collection of fees and preparation of minutes and development orders.

3. Public notice of DRC meetings shall be posted on the County website and placed in public notice boxes. The general public is invited to observe all meetings and review all documents.

4. Meetings shall be held on a weekly basis as established by the DRC. Special meetings may be called from time to time.

5. Powers and duties. The Development Review Committee has the following powers and duties:

a. To conduct pre-application conferences and provide information about applicable development procedures and standards.

b. Preliminary binding site plans:

i. Approve Class II and IV preliminary binding site plans

ii. To review and make a recommendation regarding Class III preliminary binding site plans.

c. Site engineering drawings – To approve site engineering plans for the commencement of horizontal and/or above ground site construction based upon compliance with applicable codes, other regulatory agencies having jurisdiction and the valid preliminary binding site plan.

d. Approve minor deviations in site engineering plan drawings from an approved preliminary binding site plan which, by way of illustration but not limitation, include the following:

i. Where there is no increase in the total number of dwelling units, a change in the types of units not exceeding 5% of the total, e.g. cumulative change from single family to town home of 20 units in a residential development of 425 units is acceptable.

ii. An increase or decrease of parking spaces where the proposed number remains in excess of minimum code requirements e.g, anchor tenant wants 120 parking spaces where 117 are required by the LDC.

iii. Change in location of a driveway connection up to 150 feet centerline measurement on the same road segment required pursuant to an F.D.O.T. permit.

iv. Decrease in jurisdictional wetlands not exceeding 10% made pursuant to a final environmental resources permit issued by the

SJRWMD. Example, the water management district permits compensatory mitigation reducing 2 acres of jurisdictional wetlands on a preliminary binding site plan indicating 21 acres of preserved jurisdictional wetlands.

v. Increase or decrease of storm water management areas not exceeding 15% of the stormwater area on the approved preliminary binding site plan based on final design and permitting through the SJRWMD.

e. Review and approve preliminary plats.

f. Upon request, review amendments to the Land Development Code or Comprehensive Plan.

C. **Submission requirements**

1. Class I site development plans accompany an application for building permit approval. Submittal requirements include:

a. Applicable plans, specifications and ownership documentation required during the building permit process.

b. If served by on-site sewage treatment and disposal system (septic tank), permit from the Nassau County Health Dept. or F.D.E.P. in accordance with Sec. 381.0065, F.S. If central sewer, availability letter from franchised utility provider. If package treatment plant, copy of F.D.E.P. permit.

c. Driveway connection permit from Nassau County or F.D.O.T., as applicable.

d. If served by central water, written documentation from franchised water supplier that adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the certificate of occupancy.

e. Other applicable permits from agencies having jurisdiction over the proposed construction or activity, e.g. Division of Hotels and Restaurants, F.D.E.P., Division of Alcoholic Beverages and Tobacco, SJRWMD, etc.

2. Class II, III and IV preliminary binding site plan informational requirements include:

a. Boundary survey meeting the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers in Rule 61G17-6 F.A.C.

b. Twenty sets of plans in 11" x 17" or 24" x 36" format including name of

responsible designer, date, north arrow and graphic scale of not more than one inch (1") equals fifty feet (50') and providing the information applicable to the site development specified in the following subsections.

c. Tabulations - Gross site acreage; total building area; total parking area and parking ratio; total surface area of stormwater retention facilities at top of bank; jurisdictional wetlands and wetland buffer width; submerged areas; total landscaped areas; and buffers. Provide calculations of floor area ratio; impervious surface ratio and landscaped open spaces.

d. Proposed use(s) - residential dwelling units by unit type for residential uses and lot sizes. Gross floor area of all non-residential uses and identification of the use. If commercial end users are unknown, the evaluation shall be conducted based on the uses shown in the certificate of concurrency.

e. On-site: Property dimensions and existing and proposed easements and rights-of-way; exterior dimensions of all principal structures (except single family detached), their height , finished floor elevation and number of stories; setbacks; distances between structures; fire hydrants or dry wells; stormwater ponds, easements and major stormwater conveyance systems; wetlands preserved, impacted and mitigated; floodways, flood plains and flood hazard areas; driveway location and dimensions including return radii and pavement material; drive aisle width; number and dimension of parking spaces; cross-access locations and dimensions; off-street loading areas for passengers or freight; drive-through locations including stacking and escape lanes; landscape area dimensions; sidewalks; bicycle lanes and racks.

f. Off-site: Width and length of turn lanes; conceptual water supply and sewage disposal facilities including points of connection; main extensions and laterals; lift stations; fire hydrants; proposed traffic signalization phasing and sequencing.

g. Ancillary items – Phase lines; accessory uses and structures including exterior sales, service or storage areas; exterior lighting including height of poles and notes on shielding of luminaires; fences and walls; dumpsters and enclosures; sign location(s) and height; rights-of-way and all other lands or improvements proposed for dedication to the public.

h. All preliminary binding site plans over five (5) acres in size shall conduct an environmental assessment. The assessment may employ aerial photographs; land use and cover classifications per Florida Land Use Classification Codes (FNAI.org/gisdata.cfm); wetlands identified by the National Wetlands Inventory, SJRWMD (SJRWMD.com/gisdevelopment) or ground truthing; wildlife corridors and strategic habitat conservation areas identified by the Florida Fish and Wildlife Conservation

Commission' Florida Natural Areas Inventory and Florida Department of Environmental Protection supplemented, as appropriate, by field surveys. Planning for proposed development should consider natural systems and developers are encouraged to use conservation design techniques such as clustering, density transfers, stem wall foundations, tree wells, and other techniques to produce marketable projects while protecting natural and historic resources. Site development plans impacting areas identified as potential habitat for endangered, threatened or species of special concern, as listed in Rule 68A-27, F.A.C., shall provide evidence of submittal to the Florida Fish and Wildlife Conservation Commission (FWCC) prior to receiving conceptual approval. Archaeological and historic resources shall be identified by reference to the Florida Master Site File.

3. Site engineering plan informational requirements

a. Eight sets with a minimum of 3 sets on 24" x 36" sheets. The balance may be on 11" x 17" sheets, all to be signed and sealed by the engineer of record together with a digital file in a format usable by Nassau County.

b. The preliminary binding site plan approved in accordance with the preceding section, including all necessary changes or corrections to comply with any conditions of approval. If another agency having jurisdiction over the development specifically requires, as a condition precedent for that agency's approval, modifications to the County-approved preliminary binding site plan, they shall be so noted and evidence of the agency's specific direction provided. Such changes shall be considered in accordance with subsection B(5)(d), above.

c. Engineer or engineering company identified on each sheet of the site engineering plans together with executed certificate of completeness (signed and sealed statement by the Engineer of Record that the design complies with the requirements of the Nassau County Code). Improvements shall be designed in accordance with requirements of the utility company and approved by the County Engineer or his/her designee.

d. Paving and grading plans showing plan views, profiles and detail sheets in accordance with Ordinance 99-17 as amended and the Engineering Services' Technical Review Checklist.

e. Drainage and geotechnical reports meeting the criteria of Ordinance 99-17 as amended and Engineering Services' Technical Review Checklist.

f. Sediment and erosion control measures.

g. Lighting plan conforming to Ordinance 2005-53, as same may be

amended from time to time.

h. Water and wastewater plans and profiles as applicable to the franchised utility provider and FDEP.

i. Copies of Nassau County certificate of concurrency; SJRWMD permit or compliance letter; FDOT permit or Notice of Intent letter, and any other State and Federal permits. An Applicant may elect to defer all permits with the exception of the certificate of concurrency to the preconstruction meeting at the Applicant's own risk. Should any permit(s) require any changes to the approved plans, the Applicant shall have to get the plans re-approved through the site engineering plan approval process. No construction shall be allowed to commence until all permits have been obtained, and no preconstruction meeting shall occur prior to all necessary permits being obtained.

j. Complete landscape plan and materials list pursuant to Article 37, LDC, as same may be amended from time to time.

D. **Preliminary Binding Site Plan Processes.**

1. Whenever a time limitation is referenced in this Section, it shall refer to calendar days unless specifically stated otherwise.

2. Class I approval does not require a preliminary binding site plan and goes directly to the building permit process. Any applicant for a Class I site plan, which plan does not otherwise qualify as a Class II, III or IV, can request a pre-application meeting prior to applying directly for a building permit.

3. Class II preliminary binding site plans.

a. A pre-application conference between the developer and the County shall be held to discuss basic site development requirements, site features and the proposed development. A concept plan drawn to scale shall be submitted to the DRC . This plan should contain at a minimum: proposed buildings and major outdoor use areas, parking and vehicular circulation, access points, wetlands, location of open spaces, and stormwater management areas. This pre-application meeting may be waived at the discretion of the DRC Chair.

b. Within 120 days following the pre-application meeting or waiver, the Applicant must submit 20 sets of plans meeting the applicable criteria of subsection C, above, a certificate of concurrency for the property and the fee as established by resolution of the County Commission.

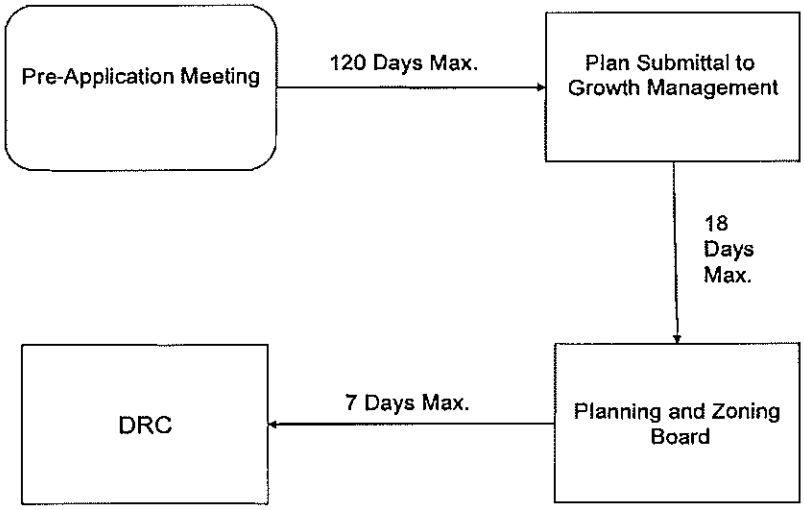
c. Within 18 days of the receipt of a complete set of plans, the Planning

and Zoning Board will consider the preliminary binding site plan at a regular or special meeting. The Planning and Zoning Board will take into consideration the presentation of the Applicant, comments from DRC members and public comments. After evaluation of the application, the Planning and Zoning Board (PZB) will provide comments and inputs to the Applicant and DRC. The PZB must base their comments on the standards of the Land Development Code and standards for review of subsection (f), below.

d. Following the conclusion of the PZB hearing and within 25 days of the date of complete submission, the Development Review Committee will meet to consider the preliminary binding site plan. At least one week prior to the DRC meeting, members shall provide written comments to the Applicant. The DRC meeting will be an interactive meeting between the members and the Applicant and his/her agent(s). The Applicant or their agent must be present for consideration of the preliminary binding site plan. The DRC will approve, deny for cause cited, or approve subject to conditions. The Applicant can make minor modifications by red lining the plan during the meeting.

e. Within 3 working days following this DRC meeting, the Development Review Coordinator will send, by first class mail and e-mail, minutes of the meeting constituting a written compilation of comments to the Applicant. Within one week following a DRC recommendation for denial or approval subject to conditions, the Applicant will advise the Growth Management Department if they wish to exercise their option to amend their preliminary binding site plan and request an additional DRC review with the anticipation of changing the DRC recommendation or recommended conditions. The Applicant will have up to 45 days from receipt of the DRC comments to resubmit plans. The DRC will conduct its re-review within 7 days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments.

Class II Preliminary Binding Site Plan Process



f. The DRC's decision shall be based upon the following review criteria:

i. Consistency with the goals, objectives and policies of the Nassau County Comprehensive Plan.

ii. Conformity with the Land Development Code, subdivision and other applicable development standards.

iii. Special conditions relating to a valid development order, development agreement or developer agreement binding on the property, or any portion thereof.

iv. Automotive and pedestrian safety, traffic flow, access, and buffering from abutting property(ies). Geometric design will be based on the applicable FDOT or Nassau County design and construction standards.

v. The location, size and character of recreation and open spaces and their relationship to community-wide open spaces, conservation areas or recreation facilities.

g. In approving a preliminary binding site plan, the DRC may attach conditions that directly derive from, and are consistent with, the standards for review, the Land Development Code, Code of Ordinances, Comprehensive Plan goals, objectives and policies, Florida Building Code, Florida Fire Prevention Code, Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, Manual of Uniform Traffic

Control Devices, and Rule 64E, Florida Administrative Code or applicable Florida Statutes.

4. Class III preliminary binding site plans.

a. The procedures and standards for the pre-application and DRC review are the same as for a Class II set forth in Section D(2), above. However, the Planning and Zoning Board shall conduct a public hearing after the DRC pursuant to Article 25 of this Code. At the conclusion of its meeting, the Planning and Zoning Board will provide a recommendation to the Board of County Commissioners. In the case of a final development plan within a PUD, the standards for review will also include Section 25.05(E) of this Land Development Code. The standards for review of a preliminary development plan in a Community Planning Area will also include the applicable FLUM policies and the DRI development order, if any.

b. The Board of County Commissioners will hold a public hearing to review the Class III preliminary binding site plan. Based upon competent and substantial evidence the Board will approve, deny for cause or approve subject to conditions the preliminary binding site plan. The Commission shall base their decision on the standards for review established in this Section. Any conditions of approval set forth will be based upon the limitations of Section D(3)(f), above. Conditions placed by the Board on the approval are considered binding on the Applicant, their successors and assigns, and will be incorporated into the site engineering plans.

5. Class IV preliminary binding site plans.

a. A pre-application conference between the developer and the County shall be held to discuss basic site development requirements, site features and the proposed development. A concept plan containing the information noted in Class II, above, shall be prepared by the Applicant for the meeting. In the case of a economic development proposal, the Executive Director of the EDB or his/her designee will be invited to participate. In the case of an affordable housing proposal seeking qualification the Chair, or his/her designee, of the Affordable Housing Advisory Committee will be invited. In all cases, the Commissioner in whose district the proposed development lies will be invited.

b. Within 75 days following the pre-application meeting, the Applicant will submit 20 sets of plans meeting the applicable criteria of subsection C, above, a certificate of concurrency for the property and one-half the fee as established by resolution of the County Commission.

c. Within 18 days of the receipt of a complete set of plans, the Planning

and Zoning Board will consider the Class IV preliminary binding site plan at a regular or special meeting. The Planning and Zoning Board will take into consideration the presentation of the Applicant, comments from DRC members and public comments. After evaluation of the application, the Planning and Zoning Board will provide its comments and inputs to the Applicant and DRC.

d. Following the conclusion of the PZB hearing and within 25 days of the date of submission, the Development Review Committee will meet to consider the preliminary binding site plan. At least one week prior to the DRC meeting, members shall provide written comments to the Applicant. The DRC meeting will be an interactive meeting between the members and the Applicant and his/her agent(s). The DRC will approve, deny for cause cited, or approve subject to conditions. The Applicant can make minor modifications by red lining the plan during the meeting.

e. The DRC decision shall be based upon the criteria of Section 2(D)(3)(f), above, and any condition of approval shall be based upon the criteria of Section 2(D)(3)(g).

E. Site Engineering Plan.

1. Following approval or conditional approval of a Class II, III, or IV preliminary binding site plan, an applicant has 90 days to file site engineering plans for processing as set forth in this section. The point of intake shall be the Growth Management Department. The DRC shall review the site engineering plans and provide written comments to the Applicant within 21 days and meet with the Applicant and their agent within 28 days. At that meeting, the DRC will approve, approve subject to conditions or deny for cause the site engineering plans. Following a denial or approval subject to conditions, the Applicant has a maximum of 45 calendar days to resubmit site engineering plans to the Development Review Coordinator. The resubmittal will also include a written reiteration of the original comment followed by a response. The DRC will re-consider the amended site engineering plans at a regular meeting to take place not more than 14 days following resubmittal. The re-review shall be based upon satisfaction of initial comments. The Growth Management Director will do all things necessary and appropriate to abbreviate the review time for Class IV applications.

F. Effect and time limitations of approval

1. No building permit or site work permit shall be issued by the Building Department for any improvements for a development meeting the criteria of

Class II, III, or IV, whether in phases or as a single operation, unless a site engineering plan(s) for those improvements have been approved by the Development Review Committee.

2. The parameters of the development approved during the preliminary binding site plan shall not be subject to further DRC review. Such parameters include, but are not limited to, use(s), density and intensity, building area and general location, vehicular areas, landscaped areas, open spaces and buffers and areas dedicated to public use. Minor deviations from the preliminary plan may be approved pursuant to the standards of Section B(5). Conditions attached to the approval of the preliminary binding development plan are binding on the applicant, his successors or assigns and shall be addressed as part of the application for site engineering plan approval.

3. Approval of a site engineering plan does not relieve an applicant for site work or building permit from the need to obtain necessary approvals from any other agencies having jurisdiction with respect to the proposed improvements or limit the applicability of the Florida Building Code or Florida Americans with Disabilities Act.

4. An applicant obtaining site engineering plan approval must receive a site work or building permit for the improvements, or first phase of improvements identified in the site engineering plan, not later than one year following approval of the site engineering plan by the DRC. One extension of up to two years may be granted for cause upon a demonstration to the Planning and Zoning Board.

G. Appeals and variances

1. An aggrieved person who wishes to challenge a decision of the Development Review Committee with respect to a preliminary binding site plan or site engineering plan, including a denial of an application or a condition of approval, shall file a written petition for hearing, along with the appropriate fee, to the Clerk of Court within 30 calendar days from the date of final decision.

2. The petition shall be on a form provided by Nassau County and shall include a statement and supporting material setting forth the particular basis for the challenge, including the applicable code sections alleged to be applied in error, and setting forth the different result which would occur if the provisions were correctly applied.

3. Upon receipt of a timely and complete petition, the matter shall be duly noticed and placed on the agenda of the Conditional Use and Variance Board. The CUVB shall conduct the hearing within 45 days of filing, unless otherwise mutually agreed to by the parties. Hearings will be open to participation by the public. Published legal notice and written legal notice by first class mail to

all property owners within 300 feet of the affected property, whose name is known by reference to the ad valorem tax roll, shall be provided not less than 7 days prior to the hearing. The hearing shall be conducted as a de novo proceeding.

4. At the conclusion of the hearing, the CUVB may uphold the DRC decision, overturn the DRC decision, or modify the conditions of approval.

5. Decisions of the CUVB may be appealed in the manner set forth in this code.

6. If an Applicant fails to meet any of the timelines set forth in this Section the process shall begin anew. However, the DRC Chair may extend deadlines for discrete phases of the process by up to 30 days for extenuating circumstances. If the DRC fails to meet a deadline as articulated herein, the DRC Chair will notify in writing the County Manager within 3 working days for corrective procedural action.

7. If a preliminary plan has been approved subject to receipt of a variance, an Applicant has 60 days to file for the necessary variance(s). The Applicant assumes all risk associated with the approval of a variance(s).
    i. Variances from the Land Development Code are considered by the Nassau County Conditional Use and Variance Board.
    ii. Variances from the Florida Building Code or Florida Fire Prevention Code are considered by the Board of Adjustments and Appeals.
    iii. Variances from Rule 64E, F.A.C. are initiated through the Bureau of Onsite Sewage Program for septic systems and the Nassau County Health Dept. for private wells.
    iv. Waivers from the subdivision ordinance are considered by the Nassau County Planning and Zoning Board.
    v. Waivers of the Roadway & Drainage Standards (Ord. 99-17) are considered by the Board of County Commissioners.
    vi. Design exceptions to street and highway standards for County roads are considered by the County Engineer.

H. Fees

There is no fee for a pre-application meeting. Fees for preliminary binding site plans and site engineering plan approval shall be established from time to time by Resolution of the Board of County Commissioners. Qualifying Class IV developments are subject to one-half the established fee for other classes.

SECTION 4. ADOPTION

A new Section 28.19(5)(m) is hereby created and adopted and shall read as follows:

Where radio and television communications or relay antenna facilities or towers, water storage tanks or towers, and similar facilities are permitted or permitted as a Conditional Use, their physical location point will be identified by a GPS survey that is accurate to the third (3^{rd}) anchor point order and shall be submitted on CD-ROM.

SECTION 5. AMENDMENT

Section 14.03 of the Land Development Code, RMH zoning district, is hereby amended to read as follows:

Section 14.03. Establishment Procedure.

A. New or revised mobile home subdivisions shall comply with the provisions of the latest amended Nassau County Subdivision Regulations.

B. Developers of mobile home parks shall file site plans for review as required for Class II developments in Article ~~28, Section 28.11~~ V. Said site plan shall be supplemented with a legal description of the overall development plan, mobile home spaces, open space, together with a description of the manner in which the water and sewer facilities shall be provided with attached approval of the Nassau County Health Department.

SECTION 6. AMENDMENT

Section 16.01 of the Land Development Code, CG zoning district, is hereby amended to read as follows:

Section 16.01. Permitted uses and structures.

(A) Uses permitted in the Commercial Neighborhood District.
(B) Retail outlets for the sale of food and pharmaceuticals, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, home furnishings and appliances (including repairs incidental to sales), office equipment or furniture, used merchandise, hardware and similar uses.

(C) Hobby and gift shops, delicatessens and bakeries (not wholesale bakery), florist shops, antique shops, and similar uses.
(D) Service establishments such as home equipment rentals, barber and beauty shops, shoe repair shops, reducing salons and gymnasiums, tailors and dressmakers, radio and television repair shops, travel agencies, laundry or dry cleaning establishments, pickup stations or package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene, with no odor, fumes or steam detectable to normal senses from off the premises, and other similar uses.
(D) Funeral homes.
(F) Outdoor fruit, vegetable, poultry or fish markets.
(G) Hotels and motels and commonly associated facilities.
(H) Indoor commercial recreation centers, video games, arcades, billiard room, bowling alleys, skating rinks and similar uses.
(I) Private clubs, fraternal organizations and lodge halls.
(J) Restaurants and commonly associated facilities.
(K) Gasoline dispensing facility containing not more than one (1) pump island with not more than four (4) gasoline and/or fuel pumps; provided no repairs or other automobile services are provided.
(L) Travel trailer parks and campgrounds, subject to ~~site plan review in section 26.17~~ the standards and procedures of Section 28.09.

SECTION 7. AMENDMENT

Section 28.09(B) of the Land Development Code, Travel trailer parks and campgrounds, is hereby amended to read as follows:

Section 28.09. Travel trailer parks and campgrounds.

(A) Development guidelines:
(1) Location and access: A travel trailer park or campground shall be so located that no entrance nor exit from a park shall discharge traffic into any residential district. A travel trailer park or campground fronting on a public street shall have a minimum of one hundred-fifty (150) feet of frontage.
(2) Permitted use: Spaces in the travel trailer park and campground shall be used exclusively for temporary portable housing. Permanent occupancy for dwelling purposes is prohibited. Spaces shall be rented by the day or week only.
(3) Accessory uses: Management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of a travel trailer park or campground are permitted as accessory uses.

(4) Yard requirements: Twenty-five (25) feet front, rear and side yards shall be provided for travel trailer parks or campgrounds.

(5) Relation of spaces to exterior streets: No space intended for occupancy shall be so located that any part intended for occupancy for sleeping purposes shall be within fifty (50) feet of the right-of-way line of any arterial street or within twenty-five (25) feet of the right-of-way line of any other street.

(6) Design of access to park: All traffic into or out of the park shall be through entrances and exits designed for the safe and convenient movement of traffic.

(7) Off-street parking, loading and maneuvering space: Each travel trailer park or campground shall provide adequate off-street parking, loading and maneuvering space. In connection with the use of any travel trailer park or campground, no parking, loading, or maneuvering incidental to parking, or loading shall be permitted on any public street, sidewalk or public right-of-way.

(B) Site plan: A site plan is required for all travel trailer park and campground developments in Nassau County. All site plans shall be submitted and processed in accordance with ~~article 28, section 28.16~~ Class III requirements of Section 5.07 of this ordinance.

SECTION 8. AMENDMENT

Sections 25.05(F) and 25.08 of the Land Development Code, PUD district, are hereby amended to read as follows:

F. *Final development plan*: The final development plan shall include the following exhibits, which shall be prepared for each development phase:

1. ~~*Engineering plans*: All engineering plans shall be in conformance with the requirements and specifications of the Nassau County Subdivision Regulations.~~ The final development plan must be based upon the preliminary development plan and written plan of development adopted by Nassau County as part of the rezoning to the PUD district. Where a development standard is not specifically addressed by the PUD in conflict with the provisions of this land development code, the provisions of this code will govern. The final development plan will contain the information and exhibits required by Section 5.07(C)(2) of this code, Class III preliminary binding site plans.

~~a. Subsurface conditions of the tract stating the depth of the~~

~~ground water table unless test pits are dry at the depth of three (3) feet, the results of soil percolation tests, and soil profile to show hard pan, muck, clay strata, etc.~~

~~b. Typical cross sections of proposed grading, streets and sidewalks, canals and waterways.~~

~~c. Type of pavement to be used. All paving and pavement types shall be in conformance with the Nassau County Subdivision Regulations.~~

~~d. Final engineering drawings of water, sanitary sewer and storm drainage systems; sidewalks; streets; bulkheads; street name signs and lighting.~~

2. *Additional information required in final development plan*:

a. A statement of dedication signed by the owner of the PUD dedicating any improvements to Nassau County.

~~b. A certificate of surveyor completed by a professional land surveyor registered in the State of Florida certifying the final development plan.~~

~~c. The location, dimensions and character of construction of all proposed streets, driveways, points of ingress and egress, loading areas, number of parking spaces and areas, primary residential areas and structures, secondary nonresidential areas and structures, recreational areas and structures and common open space.~~

~~d~~ b. Proposed lot lines (if any), lot and block numbers and dimensions of all primary nonresidential uses and secondary nonresidential uses and common open space.

~~e~~ d. The proposed architectural and landscape deed restrictions that clearly reflect the compatibility of the variety of primary and secondary uses proposed.

~~f~~ e. Location and width of canals, waterways and flood prone areas.

~~g~~ f. Reservations, easements, alleys and any areas to be dedicated for public use and sites for other than residential use, with notes stating their purpose and any limitations.

~~h. A legal description of the PUD boundaries with bearings,~~

~~distances and tie point.~~

~~i. Accurate location and description of all monuments and markers.~~

~~j~~ g. ~~All linear dimensions are to be given to the nearest one hundredth (1/100) of a foot and angular dimensions to the nearest second.~~ The final development plan shall be properly signed and executed by the developer as required for recording.

~~k. The final development plans shall meet the platting requirements of the Nassau County Subdivision Regulations adopted pursuant to Chapter 177, Florida Statutes. If the final development plan requires two (2) or more sheets, the sheets are to be numbered, and the numbers and titles of the sheets are to be indicted on the cover title page.~~

3. *Development schedule*:

   a. Delineation of areas to be developed according to their order of construction.

   b. Proposed dates for beginning and completing construction of each development phase or stage.

   c. Proposed schedule for the construction and improvement of common open space, streets, utilities, and any other necessary improvements for each development phase or stage.

4. *Required legal documents (where applicable)*:

   a. *Deed restrictions*: Any deed restrictions proposed by the developer of the PUD to preserve the character of the development's common open space and to establish compatible architectural and landscape design of structures.

   b. *Property owners' association or nonprofit corporation*: If the developer elects this method of administering common open space, the proposed bylaws of the property owners association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted for approval by the Board of County Commissioners.

~~c. *Bill of sale*: A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this Section. Acceptance by the County is entirely dependent on the discretion of the Board of County Commissioners.~~

~~d. *Title opinion*: A signed statement from an attorney stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.~~

~~e. *Tax receipts*: Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.~~

~~f. *Other documents*: A document signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.~~

Section 25.08. Site engineering plans, legal documents, and permits.

~~No permits, building permits included, shall be issued until the final development plan for the particular development phase has been approved by the Board of County Commissioners and duly recorded.~~ Following approval of the final development plan by the Board of County Commissioners and recordation in the public records, the Applicant may file for site engineering plan approval and preliminary plat approval, if required, in accordance with Article 5. In addition to the submittal requirements of Section 5.07(C), the developer will provide:

1. *Bill of sale*: A bill of sale conveying to Nassau County, the property owners association or nonprofit corporation, or some other authority all water and sewer lines, mains, lift stations and any other improvements required to be installed by this Code. Acceptance by the County is entirely dependent on the discretion of the Board of County Commissioners.

2. *Title opinion*: A signed statement from an attorney stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.

3. *Tax receipts*: Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.

4. *Other documents*: A document, in a format acceptable to the County

Attorney, signed by all persons having interest in the proposed site, dedicating all right-of-ways, easements, and other public land shown on the final development plan. Also a document signed by the developer indicating that all necessary off-site easements or dedications have been acquired.

SECTION 9. AMENDMENT

Article 32 of the Land Development Code is hereby amended to delete the definition of *Class IV developments* and shall read as follows:

~~*Class IV Developments:* The following developments shall be considered Class IV developments, as amended from time to time and pursuant to Ordinance 2000-40, as amended:~~

~~a. Multifamily Residential development containing ten (10) or more dwelling units.~~

~~b. Non-residential containing more than 35,000 square feet of total building area.~~

~~c. Planned Unit Developments~~

SECTION 10. AMENDMENT

Sections 37.02(B)(1), 37.02(C)(1)(h), 37.02(E)(1), 37.02(E)(1)(a) and 37.02(I) are hereby amended and adopted to reflect the revised site plan classifications and shall read as follows:

B. General Requirements.

1. The terms and provisions of this article shall apply as specified herein to all Class II, III and IV developments, pursuant to Section ~~5.1~~ 5.7 of this Ordinance ~~2000-40~~ as amended from time to time, and government agencies located within the unincorporated areas of Amelia Island.

C. Exemptions.

1. Site plan approval of the Development Review Committee and final approval of the Board of County Commissioners shall not be required under the following conditions and situations, as determined by the Planning and Zoning Department unless otherwise specified:

   a) A bona fide agricultural/silviculture use such as tree nurseries, forest

crops, farming, and greenhouses.

b) Removal of dead or diseased Oak or Magnolia trees that have fallen from natural causes.

c) Removal of Oak or Magnolia trees that endanger public or private property, and the public health, safety and welfare of the community.

d) Removal of Oak and Magnolia trees planted on the premises of a plant nursery or tree farm that have been grown expressly for the purpose of selling to the general public in the ordinary course of business.

e) Removal of Oak and Magnolia trees within approved utility rights-of-way or easements that are necessary to supply gas, water, sewer, telephone, cable television, electrical service, or other needed utilities, subject to the provisions of Ordinance 2003-04.

f) Public utilities with the power of eminent domain may remove or transplant trees either on-site or off-site.

g) Emergency conditions may require the Department of Emergency Management Services to waive all, or part, of the requirements of this article in the event of manmade or natural disasters such as hurricanes, tornadoes, floods, storms/high winds, hard freezes, fires, etc. The waiver shall apply to a geographically defined area for a period not to exceed ninety (90) days. Longer periods shall require approval of the Board of County Commissioners.

h) Class II, III and IV development properties (containing an existing structure) in existence as of the date of adoption of these regulations.

E. Submission Requirements.

1. All applicants for site plan approval for Class II, III and IV developments are herby required to submit a tree inventory and tree retention/landscape plan as part of the standard site plan review submission procedures, including, but not limited to the following:

   a. Developers of all new Class II, III and IV residential developments shall be required to submit a streetscape plan, including proposed tree retention and landscaping.

I. Minimum Tree Requirements.

All Class II, III and IV non-residential developments ~~consisting of more than 35,000 square feet of total building area~~ requesting site plan approval shall meet the minimum tree requirements of ~~one (1) Oak or Magnolia tree per five~~

~~thousand (5,000) square feet of building area~~ Section 37.05.

SECTION 11. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

SECTION 12. SEVERABILITY

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 13. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

PASSED AND ADOPTED THIS 26th **DAY OF** July **, 2010.**

BOARD OF COUNTY COMMISSIONERS

NASSAU COUNTY, FLORIDA

MICHAEL H. BOYLE,
Its: Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

EBK
7/27/10

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

DAVID A. HALLMAN,
County Attorney