

ORDINANCE NO. 2007- 16

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA AMENDING ARTICLE 32 OF ORDINANCE 97-19; PROVIDING FOR ADDITIONS AND AMENDMENTS TO THE DEFINITIONS SECTION OF THE LAND DEVELOPMENT CODE RELATING TO ARTICLES I AND II; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Nassau County is adopting a unified Land Development Code and desires to create a Code that is unambiguous, consistent in its application to similar classes of property and makes clear property rights and development procedures and standards to developers, investors and the general public; and

**WHEREAS**, the purpose of Article 32 is to define terms and phrases used in the Land Development Code that are technical or specialized, or that may not reflect common usage ; and

**WHEREAS**, the terms included for codification in Article 32 will facilitate the implementation of Articles I and II, respectively adopted in January and June 2007; and

**WHEREAS**, legal notice of this Ordinance has been provided in accordance with Sec. 125.66, 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 the Nassau County Comprehensive Plan, in particular Policy 7.03.01.

**SECTION 2. AMENDMENT**

Article 32 of the Nassau County Land Development Code is hereby amended to add the following definitions:

*Aggrieved Person –*

- (a) Specifically named persons whose substantial interests are being determined in the proceeding.

(b) Any other person who is entitled to participate in whole or in part in the proceeding, or whose substantial interests will be affected by proposed board action, and who makes an appearance as a party. The alleged substantial interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.

(c) At Planning and Zoning Board and Board of County Commissioners level, County staff.

*Arterial Road* - a roadway providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed and high mobility importance and is functionally classified as a principal arterial or a minor arterial in the Comprehensive Plan.

*Average Daily Traffic Volume* – Seasonally adjusted average number of vehicles passing a point on a roadway segment on a daily basis.

*Background Growth Rate* – A factor added to the existing and reserved demand representing an increase in demand from development exempt from concurrency review and not otherwise reserved.

*Capacity* - the maximum demand that can be accommodated by a public facility or service without exceeding the adopted level of service. For roadways, capacity means the maximum number of vehicles that can be accommodated by a given roadway during a specified time period under prevailing roadway, traffic and control conditions at the roadway's adopted level of service.

*Certificate of Concurrency* - certification issued by Nassau County for a proposed project confirming that adequate public facilities are available to serve the development or will be available concurrent with the impacts of the development.

*Complete application* – an application that includes all of the information required by this Code, the application form or by the County but does not mean that said information is sufficient in comprehensiveness of data or in quality of information provided.

*Construction Plans* - detailed engineering plans, specifications and calculations prepared in accordance with County and other applicable regulations, codes and standards, approved by the County to begin land development activities, including the subdivision of land, and setting forth the specific improvements to be made in conjunction with

development as they affect the existing site, its boundary conditions, topography, wetlands, water, sewer, paving and drainage.

*de minimis* - is an impact to the major road network that meets the requirements set forth in Section 163.3180(6), F.S.

*Developer* - any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing of land. The term "developer" is intended to include the sequential entities involved in successive stages of a development project.

*Directly Accessed Segment* – The first road segment on the Major Road Network on which traffic from the project's site is expected to travel. If a development has more than one access point, it may be possible for two or more Directly Accessed Segments to exist.

*Impacted Segment* – Any segment of the Major Road Network, except hurricane evacuation routes, on which peak hour traffic generated by a development contributes one percent or more of the maximum service volume at the adopted level of service standard.

*Level of Service (LOS)* – a quantitative indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

*Major Road Network* - all existing and planned roadway segments within Nassau County that comprise the roadway network to be used when evaluating the traffic impacts of proposed development.

*Peak Hour Volume* – the number of vehicles that pass a point on a roadway segment during the highest one hour of traffic volume on a typical day in the peak season.

*Project* - the development of land and water involving a use or group of uses pursuant one or more development orders issued by Nassau County.

*Schedule of Capital Improvements* - is that document of the same name adopted as part of the Capital Improvements Element of the Comprehensive Plan.

*Segment* – a portion of a roadway on the Major Road Network defined by two end points usually located at signalized intersections.

*Traffic Impact Area* - all roadways and intersections of the Major Road Network in which peak hour traffic attributable to a development is equal to or greater than one percent of the maximum service volume of the adopted level of service standard for any such roadways, up to a maximum radius of five miles from the project site boundaries. The five mile radius may be extended based upon extraordinary conditions.

*Working Day* - any day not including Saturdays, Sundays, or legal holidays recognized by the County.

### **SECTION 3. 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 4. 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 5. EFFECTIVE DATE**

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

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
JIM B. HIGGINBOTHAM  
Its: Chairman

Attest as to Chairman's Signature:

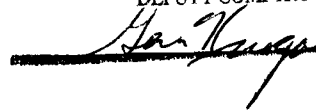
  
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JOHN A. CRAWFORD

Is: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
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DAVID A. HALLMAN

REVIEWED BY GENE KNAGA  
DEPUTY COMPTROLLER

 DATE 7/13/07