

**ORDINANCE NUMBER 2025-017**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE ARTICLE 5, PROCEDURES; SPECIFICALLY AMENDING SECTION 5.01. GENERAL; CLARIFYING AUTHORIZED AGENT REQUIREMENT; AMENDING SECTION 5.02. REZONING UPDATING REZONING EVALUATION CRITERIA; AMENDING SECTION 5.07, SITE DEVELOPMENT PLAN REVIEW; ALLOWING FOR PRELIMINARY BINDING SITE PLAN (PBSP) SUBMITTALS TO BE OPTIONAL; CLARIFYING THE DEFINITION OF CLASS II DEVELOPMENTS; DELETING NEW BEACH FRONT CONSTRUCTION CLASS II DEVELOPMENTS; REVISING THE DEFINITION OF CLASS III DEVELOPMENTS; DELETING REQUIREMENTS FOR SUBMITTAL OF A FINAL DEVELOPMENT PLAN (FDP); CLASSIFYING LIVE LOCAL HOUSING DEVELOPMENTS AS CLASS IV DEVELOPMENTS; ALLOW FOR FOUNDATION-ONLY PERMITS TO PROCEED PRIOR TO APPROVAL OF SITE ENGINEERING PLANS (SEPs); UPDATING DEPARTMENT NAMES; MODIFYING POWERS AND DUTIES OF THE DEVELOPMENT REVIEW COMMITTEE (DRC); ELIMINATING HARD COPY PLAN SUBMITTAL REQUIREMENTS; ADDING REQUIREMENT FOR ARCHITECTURAL RENDERINGS FOR PRELIMINARY BINDING SITE PLANS (PBSPs) AND (SEPs) WHERE REQUIRED; REVISING (SEP) INFORMATIONAL REQUIREMENTS; CLARIFYING LIGHTING PLAN SUBMITTAL REQUIREMENTS; REVISING (PBSPs) PROCESS; REVISING SUBMITTAL TIMEFRAMES; DELETING REQUIREMENT FOR CLASS III (PBSPs); REVISING (SEP) PROCESS FOR APPLICANTS CHOOSING TO BYPASS (PBSPs) SUBMITTAL; REVISING (SEP) PROCESS FOR APPLICANTS CHOOSING TO SUBMIT (PBSPs); ADDING CRITERIA FOR THE DETERMINATION OF SUBSTANTIAL CONSTRUCTION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

**WHEREAS**, Policy FL.10.05 of the Nassau County Comprehensive Plan requires the County to review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan; and

**WHEREAS**, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163 Florida Statutes and the Nassau County Land Development Code; and

**WHEREAS**, the Board of County Commissioners finds this ordinance serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County that the following regulation is hereby adopted.

### **SECTION 1. FINDINGS.**

The above findings are true and correct and are incorporated herein by reference. This Ordinance is consistent with the goals, objectives, and policies of the Nassau County Comprehensive Plan Policy Future Land Use Policy FL.10.05.

### **SECTION 2. AMENDING ARTICLE 5.**

Appendix A Land Development Code, Article 5. Procedure is hereby amended to read as follows:

#### **Section 5.01. General.**

The board of county commissioners may, from time to time, amend, supplement or repeal the zoning regulations and district boundaries established by this ordinance. Proposed changes and amendments may be suggested by the board of county commissioners, the planning and zoning board, a property owner for his own land, or an authorized agent of the property owner by petition of the owners of fifty-one (51) percent or more of the area involved in the proposed zoning change.

All proposed zoning amendments must be submitted to the planning and zoning board before final action can be taken by the board of county commissioners. The planning and zoning board shall review the proposed zoning amendment within sixty (60) days from the filing date to determine consistency with the adopted comprehensive plan and submit written recommendations to the board of county commissioners. A public hearing, with due public notice, must be held by both the planning and zoning board and the board of county commissioners before final action can be taken on any zoning amendment. Approval or disapproval of any amendment to this ordinance shall require a simple majority vote of the board of county commissioners. In order to override a recommendation of the planning and zoning board, a simple majority vote of the board of county commissioners is also required. If a petition for a zoning amendment is denied, the board of county commissioners shall not take any further

action on an application for basically the same amendment within twelve (12) months after the last application was denied.

~~Any person or persons jointly or severally aggrieved by a zoning amendment decision made by the board of county commissioners may file an appeal in the circuit court which serves the county in which the board of county commissioners is located. This appeal must be filed within thirty (30) days after the board of county commissioners has rendered its decision.~~

## Section 5.02. Rezoning.

The procedure for rezoning property in Nassau County is as follows:

- (A) Person~~(s)~~ or party~~(ies)~~ desiring to rezone property must file an application with the planning director. Applications are available ~~in the senior planner's office~~on the Planning Department website. The ~~senior planner~~planning staff shall determine whether or not the requested zoning change is consistent with the underlying land use shown on the adopted Future Land Use Map ~~2005~~. If the land use is consistent, the ~~senior planner~~planning staff will collect the established zoning fee and submit the application to the planning and zoning board for review at ~~its~~the next available meeting. If the requested rezoning is not consistent with the underlying land use shown of the Future Land Use Map ~~2005~~, ~~the senior planner~~planning staff will provide the applicant with the procedures for requesting a land use amendment to the comprehensive plan.
- (B) When applying for a rezoning, the applicant shall provide the following information:
- (1) Legal description of the property to be rezoned, lot and block numbers included;
  - (2) Names and addresses of all owners of the property to be rezoned;
  - (3) Existing and proposed zoning classification of the property;
  - (4) The Future Land Use Map ~~2005~~ designation from the adopted comprehensive plan.
  - (5) A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed; and
    - (a) If joint or several ownership, all owners of record must consent, in writing, to the rezoning ~~petition~~application.
    - (b) If a contract for purchase, a copy of the purchase contract and the written consent of the seller/owner must be submitted.
    - (c) If an authorized agent for the property owner, a copy of the agency agreement or the written consent of the owner is required.
    - (d) If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has



the delegated authority to represent the corporation or other business entity is required.

- ~~(e) If a group of property owners requesting the rezoning of the area in which their property is located, the written consent of at least fifty-one (51) percent of the people owning property in the area described in the application is required.~~
  - ~~(ef)~~ A complete list of all property owners; and mailing addresses ~~and legal description~~ of all property within three hundred (300) feet of the parcel to be rezoned. This information must be taken from the latest county tax rolls which are kept in the county property appraiser's office.
  - ~~(fg)~~ The signature of the owner or owners of the property and the person or agent filing the application.
  - ~~(gh)~~ Any other pertinent information as deemed necessary.
- (C) ~~The senior planner~~Planning staff shall review all applications for zoning classification changes for consistency with the Nassau County Comprehensive Plan and provide a written recommendation to the planning and zoning board regarding the merits of the request based upon the goals, objectives and policies of the adopted comprehensive plan.
- (D) ~~The planning and zoning board shall study each rezoning request and submit a written recommendation to the board of county commissioners within sixty (60) days after receiving the request.~~ The planning and zoning board shall hold a public hearing, or hearing with due public notice; to consider the rezoning ~~requests application~~ and to receive public input. The applicant shall be responsible for arranging and showing proof that public notice requirements have been met.

The planning and zoning board's written report to the board of county commissioners shall contain a recommendation for denial or approval. Said report shall show that the planning and zoning board has studied and considered:

- (1) The need and justification for the change; and
- (2) The relationship of the proposed amendment or rezoning to the county's general planning program and such comprehensive plan as may from time to time be adopted by the Board of County Commissioners.
- (3) Consistency with the adopted comprehensive plan and underlying future land use designation of the parcel(s) or properties.
- (4) Consistency with the adjacent and surrounding permitted land uses, densities, and intensities.
- (5) Consistency with applicable small area plans, overlay districts, and other adopted plans or programs of the Board of County Commissioners.

- (6) The availability of public infrastructure and facilities that will serve the site in question including public water and wastewater, public roads, public schools, public parks, fire suppression services, and other similar items.
- (7) Consistency of the proposed rezoning with any applicable substantive requirements of the Code, including minimum or maximum district size, access, setback and buffering requirements.
- (8) The nature and degree of potential adverse impacts the proposed rezoning could have upon environmentally sensitive lands or areas of historical or cultural significance.

(E) Limitations on rezoning of land.

- (1) No ordinance to rezone land shall contain conditions, limitations, or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in Article 25 of the Land Development Code.
- (2) Whenever the Board of County Commissioners has, by ordinance, changed the zoning classification of land, the Board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
- (3) Land Use plan amendments shall be consistent with Florida's Growth Policy act, chapter 163, Florida Statutes, as may be amended.

(F) The time limits of subsection (E) may be waived by a simple majority vote of the Board of County Commissioners when such action is deemed necessary to prevent injustice or to facilitate proper development of the county.

~~(EG)~~ The board of county commissioners shall review the planning and zoning board's recommendations and hold a public hearing, with due public notice, to consider the rezoning request.

~~(FH)~~ ~~The senior planner~~ Planning staff shall be responsible for giving due public notice of the public hearings held by the planning and zoning board and the board of county commissioners.

~~(GI)~~ Following said public hearings, the board of county commissioners, by ordinance, may ~~amend, modify or change the existing zoning requirements for~~ approve the ~~petitioner's property rezoning application~~, or it may deny the ~~petition~~ application. If the application is denied, the board of county commissioners shall not take any further action on another application for basically the same proposal on the same property, until twelve (12) months after the date the last application was denied.

~~(HJ)~~ Any person or persons jointly or severally aggrieved by a rezoning decision made by the board of county commissioners may file an appeal in the circuit court which serves the county in which the board of county commissioners is located. This appeal must be filed thirty (30) days after the board of county commissioners has rendered its decision.

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## 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 provide applicants ~~with the option to receive~~ 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 ~~or 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 development review committee has the ability to determine if a proposed project is required to go through full DRC review, subject to section 5.07(B)(5)(f).
    - v. Temporary sales and construction related to an approved site engineering plan for a period not to exceed three (3) years.
    - vii. Construction impacting a beach dune system not regulated by the Florida Department of Environmental Protection shall require a dune protection plan.
  - b. *Class II:*
    - i. All sites which exceed the limitations of Class I as stated above or are not specified as Class III herein. This includes the development of undeveloped land, redevelopment of land or structure(s), and the modification of existing developed land or structure(s) that is not specifically listed as meeting the Class I standards.

- ii. Expansions or use changes of existing non-residential development generating an increase of more than four hundred (400) gross average daily vehicular trip ends per day.
  - iii. Multi-family development containing an aggregate of three (3) dwelling units or more.
  - iv. New commercial construction on a vacant site or the change of use from residential to non-residential.
  - ~~v. New beach front construction seaward of the coastal construction control line or building restriction line.~~
- c. *Class III:*
- i. Existing ~~Final~~ development plans for planned unit developments (PUD) and travel trailer parks and campgrounds with an approved FDP in good standing shall apply for site engineering plan (SEP) approval consistent with the approved FDP.
  - ii. New PUDs approved after the effective date of the ordinance adopting this amendment shall not seek final development plan approval but shall apply for SEP approval pursuant to section 5.07 C. below. All PUD applicants must submit a preliminary development plan as defined in section 25.05 of the Land Development Code.
  - iii. PUDs in existence upon the effective date of the ordinance adopting this amendment without an approved FDP in good standing shall proceed to SEP approval pursuant to section 5.07 C. below.
  - iv. New travel trailer parks and campgrounds approved after the effective date of the ordinance adopting this amendment shall proceed to SEP approval pursuant to section 5.07 C. below.
  - v. Travel trailer parks and campgrounds existing prior to the effective date of the ordinance adopting this amendment without an approved FDP in good standing shall not be required to seek FDP approval and shall proceed to SEP approval pursuant to section 5.07 C. below in a planned unit development (PUD).
- d. *Class IV:*
- i. Development proposals certified by the Florida Department of ~~Economic Opportunity~~ Commerce (DEODOC) as qualifying under F.S. § 288.065, (rural loan/infrastructure/economic development); ~~F.S. § 288.1045, (defense contractor); F.S. § 288.106, (qualified targeted industries);~~ or F.S. § 288.108, (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 ~~DEO-DOC~~ 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 twenty (20) percent of the units (minimum of three (3)) are provided for a period of at least five (5) years at monthly mortgage payments (including taxes and insurance), or monthly rents (including utilities), that do not exceed thirty (30) percent 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) as provided in section 420.0004 subsections (9), (11), or (17), Florida Statutes. Also included in this classification are residential developments meeting the standards of section 7-162, Code of Ordinances.~~
  - iii. Proposed developments pursuant to section 125.01055(7), Florida Statutes, as amended, which meet all the requirements of section 5.08 of the Land Development Code.
3. Site engineering plan approval required. No building permit, except for an at-risk foundation-only 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. The issuance of foundation-only building permits prior to approval of site engineering plans is an accelerated process undertaken at the applicant's request whereupon the applicant assumes all risk associated with time and expense of changes necessitated as a result of the final site engineering plan approval.
  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 ~~planning and economic opportunity,~~ engineering development services, fire/rescue, building, a representative from the Nassau County School District as recommended to the county manager by the superintendent of schools, health department, and 911 addressing shall each designate a DRC regular member and an alternate member from their respective departments. The director of ~~planning and economic opportunity development services~~ or his/her designee shall serve as chair. Designees shall exercise the responsibility and authority of the regular member.
2. The ~~planning and economic opportunity development services~~ department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications, collection of fees, preparation of minutes, audio recording of meetings and preparation of ~~development orders approval documents~~.
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 commencing at 9:00 a.m. as established by the DRC. Special meetings may be called from time to time by the ~~planning and economic opportunity~~ director or development services director. Minutes of the meetings shall be prepared as well as recorded (audibly) and available to the public upon request. An agenda for the DRC shall be posted on the county website, at least seventy-two (72) hours prior to a scheduled meeting.
5. Powers and duties. The development review committee has the following powers and duties:
  - a. To conduct pre-application ~~conferenees meetings~~ and provide information about applicable development procedures and standards.
  - b. Preliminary binding site plans:
    - ~~i. —to a~~ 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 plans—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, if applicable, the valid preliminary binding site plan.
  - d. RESERVED. ~~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 five (5) percent of the total, e.g., cumulative change~~

from single-family to town home of twenty (20) units in a residential development of four hundred twenty-five (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 one hundred twenty (120) parking spaces where one hundred seventeen (117) are required by the LDC.~~
  - iii. ~~Change in location of a driveway connection up to one hundred fifty (150) feet centerline measurement on the same road segment required pursuant to an FDOT permit.~~
  - iv. ~~Decrease in jurisdictional wetlands not exceeding ten (10) percent made pursuant to a final environmental resources permit issued by the SJRWMD. Example, the water management district permits compensatory mitigation reducing two (2) acres of jurisdictional wetlands on a preliminary binding site plan indicating twenty-one (21) acres of preserved jurisdictional wetlands.~~
  - v. ~~Increase or decrease of stormwater management areas not exceeding fifteen (15) percent 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. As determined by the DRC at a pre-application meeting, the DRC may waive the requirement for the project to go through DRC review ~~under section 5.07(A)(2).~~
- i. Project criteria that may be utilized to determine waiver of DRC review includes, but is not limited to:
    - 1. The impervious surface within the development does not increase by more than three thousand nine hundred and ninety-nine (3,999) square feet; or
    - 2. The building area of the site is not increased by more than four thousand nine hundred and ninety-nine (4,999) square feet; or
    - 3. There is no increase in traffic volume; or
    - 4. The number of parking spaces does not increase by more than ten (10) percent; or
    - 5. There is no reduction in required landscaping or buffering areas.
  - ii. Where it is determined that DRC review is not required, building permits of any proposed changes to the site shall be reviewed and approved by the committee members or their designee prior to a building permit being issued for the property. All changes to the site shall comply with the Nassau County Code of Laws and Ordinances.
- g. Serve as the county's design review board and/or architectural review board in order to provide architectural and design review of various types of structures



including, but not limited to, residential structures, accessory structures or any other structure subject to architectural or design standards utilized by Nassau County.

- h. Review and make recommendations on amendments to existing final development plans.
- i. Review and approve minor deviation to approved PUD preliminary development plans and approved PUD final development plans, as set forth in Article 25 of the Land Development Code.
- j. Review and make recommendations relating to major deviations proposed to approved PUD preliminary development plans and approved PUD final development plans, as set forth in Article 25 of the Land Development Code.

C. *Submission requirements.*

1. Class II, ~~III~~ and IV may submit a preliminary binding site plan(s) for approval to ensure expeditious review of site engineering construction plans based upon the preliminary binding site plan approval. 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. ~~Eight (8) sets of plans in 11" x 17" or 24" x 36"~~electronic format including name of responsible designer, date, north arrow and graphic scale of not more than one (1) inch equals fifty (50) feet 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 landscape 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.
  - 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, floodplains 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; public school bus stop(s) and/or child pick-up/drop-off area(s).

- 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; public school bus stop(s) and/or child pick-up/drop-off area(s).
- 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 ten (10) 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's 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.

i. Architectural renderings (where required), streetscape plans, materials lists and similar requirements of a planned unit development, development of regional impact, sector plan, overlay district, preliminary development plan, development agreement, developer agreement, or other similar development order.

1. As it relates to developments that are comprised solely of single family detached homes, two-family homes [duplexes], or single family attached homes [townhomes], the owner of a property may choose to delay the submittal of architectural renderings (when required), at the owner's risk. However, none of the following shall occur until the architectural renderings and correlating architectural and urban design standards have been reviewed and approved by Nassau County:

a. Commencement of any on-site or off-site construction. This includes mass grading and sitework but does not include the commercial harvesting of trees as part of an agricultural operation.

b. Approval of preliminary plat.

c. Approval of building permit

2. An owner who chooses to delay the submittal of architectural renderings for review shall sign an At-Risk Acknowledgement Form that states, among other items:

a. The owner is responsible for any costs or delays that arise due to the delayed submittal of architectural renderings. This includes costs and delays associated with amending previously approved Site Engineering Plans (SEP).

b. Approval of an SEP does not exempt a project from meeting all architectural and urban design standards nor can approval of an SEP be used as grounds for an inability to meet the architectural or urban design standards.

c. The owner who chooses to delay submittal of architectural renderings accepts the risk that the previously approved SEP may need to be amended in order to meet the various urban design standards.

2. Site engineering plan informational requirements.

- a. If an applicant chooses to bypass the preliminary binding site plan process, in addition to the following submittal requirements, an applicant shall include all submittal requirements of the preliminary binding site plan set forth in section 5.07 C.1. above. All site engineering plans submitted for planned unit developments (PUD) shall conform to the approved PUD preliminary development plan and, if applicable, approved final development plan, and include all submittal requirements of the preliminary binding site plan as set forth in section 5.07 C.1. above. The applicant shall submit plans in electronic format Eight (8) sets with a minimum of three (3) sets on 24" x 36" sheets. The balancee 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. If applicable, tThe 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~~Appendix D, Roadway and Drainage Standards, as amended, and the ~~engineering development~~ services' technical review checklist.
- e. Drainage and geotechnical reports meeting the criteria of ~~Ordinance 99-17~~Appendix D, Roadway and Drainage Standards, as amended, and ~~engineering development~~ services' technical review checklist.
- f. Sediment and erosion control measures.
- g. ~~Lighting plan. A detail of exterior lighting fixtures showing height of poles and notes on shielding of luminaires must be included in the SEP submittal. If an engineered street lighting plan prepared by the utility company meeting the minimum requirements of Nassau County is submitted for review, no additional engineered lighting plans for the roadway(s) will be required. Site photometric plans for other areas proposed to include artificial lighting, except for lighting within single-family and two-family lots, shall be required to be submitted. Lighting plans may be submitted separately but must be submitted and approved prior to scheduling of the pre-construction meeting, 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 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 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 ~~A~~Article 37, LDC, as same may be amended from time to time.
- k. School impact analysis and subsequent school concurrency reservation letter (residential projects).
- l. Public school bus stop(s) and/or child pick-up/drop-off area(s) meeting the minimum requirements of the Nassau County School District.



m. Architectural renderings (where required), streetscape plans, materials lists and similar requirements of a planned unit development, development of regional impact, sector plan, overlay district, preliminary development plan, development agreement, developer agreement, or other similar development order.

1. As it relates to developments that are comprised solely of single family detached homes, two-family homes [duplexes], or single family attached homes [townhomes], the owner of a property may choose to delay the submittal of architectural renderings (when required), at the owner's risk. However, none of the following shall occur until the architectural renderings and correlating architectural and urban design standards have been reviewed and approved by Nassau County:

a. Commencement of any on-site or off-site construction. This includes mass grading and sitework but does not include the commercial harvesting of trees as part of an agricultural operation.

b. Approval of preliminary plat.

c. Approval of building permit

2. An owner who chooses to delay the submittal of architectural renderings for review shall sign an At-Risk Acknowledgement Form that states, among other items:

a. The owner is responsible for any costs or delays that arise due to the delayed submittal of architectural renderings. This includes costs and delays associated with amending previously approved Site Engineering Plans (SEP).

b. Approval of an SEP does not exempt a project from meeting all architectural and urban design standards nor can approval of an SEP be used as grounds for an inability to meet the architectural or urban design standards.

c. The owner who chooses to delay submittal of architectural renderings accepts the risk that the previously approved SEP may need to be amended in order to meet the various urban design standards.

D. *Preliminary binding site plan (PBSP) processes.*

1. Preliminary binding site plans are optional. An applicant can choose, at their own risk, to bypass the preliminary binding site plan process and proceed directly to site engineering plan submittal, provided all submittal requirements of the preliminary binding site plan as set forth in section 5.07C.1 above are included with the site engineering plans. Whenever a time limitation is referenced in this section, it shall refer to calendar days unless specifically stated otherwise.
2. Class I reviews are processed ~~approval does not require a preliminary binding site plan and goes directly to~~ through 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 meeting~~ 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, dimensions for parking, driving aisles and driveways, access points, wetlands, location of open spaces, landscape and uncomplimentary use buffers and stormwater management areas. This pre-application meeting may be waived at the discretion of the DRC chair.
- b. Within one hundred ~~twenty-eighty~~ (1820) days following the pre-application meeting or waiver, the applicant must submit ~~twenty (20) sets of plans in electronic format~~ meeting the applicable criteria of ~~subsection~~ Section 5.07 C., above, and the fee as established by resolution of the county commission. The DRC will have up to fourteen (14) days to review this first submittal and return comments to the applicant.
- c. The applicant will have up to ~~forty-five (45)~~ninety (90) days from receipt of the DRC comments to resubmit plans. If no resubmittal occurs within the required timeframe, the applicant shall be required to restart the site plan review process, beginning with a pre-application meeting. The resubmittal ~~will also~~shall include a written reiteration of the original comment followed by a response. The DRC will conduct its re-review within seven (7) days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that ~~to~~ do not comply with the county code.
- d. The submittal process shall be repeated until all comments have been satisfied and a PBSP has been approved by DRC or an appeal has been filed pursuant to ~~{subsection}~~ G.
- e. 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.
- f. 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, Roadway and Drainage Standards, 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.
- g. After preliminary binding site plan comments have been satisfied, the project shall be scheduled on the agenda for the next DRC committee meeting at which point in time the DRC will consider the project for final approval.

~~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 subsection D.3., 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 subsection 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 subsection D.3.e., 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.~~

54. Class IV preliminary binding site plans.

- a. Class IV preliminary binding site plans shall follow a Class I, II or III process as classified by ~~{subsection}~~ A.2.
- b. The fee for preliminary binding site plans and site engineering plan submittals for Class IV projects shall be one-half (½) of the application fee.



E. *Site engineering plan (SEP) process.*

1. If an applicant chooses, at their own risk, to bypass the preliminary binding site plan approval process, a pre-application meeting between the developer and the county shall be held, prior to the submitting of the site engineering plan, to discuss the proposed development including basic site development requirements and site features. A concept plan drawn to scale shall be submitted to the DRC. This plan shall contain, at a minimum, proposed buildings and major outdoor use areas, parking and vehicular circulation, dimensions for parking, driving aisles and driveways, access points, wetlands, location of open spaces, landscape and uncomplimentary use buffers, and stormwater management areas. This pre-application meeting may be waived at the discretion of the DRC chair. Within one hundred eighty (180) days following the pre-application meeting or waiver, the applicant shall submit a complete site engineering plan for processing.
2. If an applicant chooses to complete the preliminary binding site plan process,  
~~f~~Following approval or conditional approval of a Class II, III, or IV preliminary binding site plan, an applicant has ~~ninety (90) days~~ one (1) year to ~~file~~ submit a complete set of site engineering plans for processing as set forth in this section. An applicant may, for good cause shown, request one (1) one-year (1 yr) extension of this timeframe to the development services department prior to the expiration of the preliminary binding site plan provided no applicable land development regulation revisions have occurred since approval of the preliminary binding site plan. The point of intake shall be the development services ~~department of planning and economic opportunity~~. The DRC shall review the site engineering plans and provide written comments to the applicant within twenty-one (21) days. Following a denial or approval subject to conditions, the applicant has a maximum of ~~forty-five (45)~~ ninety (90) calendar days to resubmit site engineering plans to the development services ~~department of planning and economic opportunity~~. If no resubmittal occurs within the required timeframe, the applicant shall be required to restart the site plan review process, beginning with a pre-application meeting. The resubmittal ~~will also~~ shall include a written reiteration of the original comment followed by a response. The DRC will reconsider the amended site engineering plans. not more than fourteen (14) days following resubmittal. The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that ~~to~~ do not comply with the county code. The submittal process shall be repeated until all comments have been satisfied and the engineering plans have been approved by DRC or an appeal has been filed pursuant to ~~{subsection}~~ G. The ~~planning and economic opportunity~~ development services 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-applicable 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 with the exception of foundation-only building permits. The issuance of foundation-only building permits prior to approval of site engineering plans for construction is an accelerated process undertaken at the applicant's request whereupon the applicant assumes all risks associated with time and expense of changes necessitated as a result of the final site engineering plan approval.

2. The parameters of the development approved during the preliminary binding site plan shall not be subject to further DRC review unless they represent a health safety issue. 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 binding site plan may be approved by the development review committee through the site engineering plan review and approval process pursuant to the standards of subsection B-5. Conditions attached to the approval of the preliminary binding development site 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 permit or building permit for the improvements, or first phase of improvements identified in the site engineering plan, not later than ~~one-two (12)~~ (12) years following approval of the site engineering plan by the DRC and commence substantial construction. Substantial construction shall be determined by the development review committee. The following criteria shall be used in determining substantial construction:
  - (a) All local and state permits have been secured to fully construct the development, and;
  - (b) Installation of horizontal infrastructure has been permitted and commenced.
  - (c) Clearing, grading, and pond construction activities do not constitute substantial construction.

One (1) extension of up to ~~two (2)~~ one (1) years may be granted for cause upon a demonstration to and approval by the planning and zoning board development services director provided no applicable land development regulation revisions have occurred since the last plan set submittal or the plan set is updated to conform to any applicable revisions. The extension request must be made prior to the expiration of the site engineering plan.

G. *Appeals and variances.*



1. An ~~aggrieved person~~applicant who wishes to challenge a decision of the development review committee with respect to his or her application for 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 thirty (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 ~~difference-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: (i) preliminary binding site plans shall be placed on the agenda for the planning and zoning board. The planning and zoning board shall conduct the hearing within forty-five (45) days of the filing of a timely and complete petition, unless otherwise mutually agreed to by the parties; ~~or Published legal notices shall be accomplished by posting on the county website~~; (ii) site engineering plans shall be placed on the agenda for the construction board of adjustments and appeals board. The construction board of adjustments and appeals board shall conduct the hearing within forty-five (45) days of the filing of a timely and complete petition, unless otherwise mutually agreed to by the parties. Due public notice ~~Published legal notices~~ shall be accomplished as defined for the applicable board. Newspaper or other posting costs shall be at the expense of the appellant. by posting on the county website.
- H. *Fees.* There is no fee for a pre-application meeting. Fees for Class II and IV preliminary binding site plans, Class III final development 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 (½) the established fee for other classes.

#### **Section 5.08. Live Local Act (LLA) Requirements and Standards.**

- A. Intent. The Live Local Act (LLA) created subsection (7) of Section 125.01055, Florida Statutes, (LLA Statute), which requires authorization of certain multifamily and mixed-use residential projects which meet all of the requirements and criteria of the LLA Statute. The purpose of this section is to establish land development regulations for LLA projects consistent with Florida law.
- B. Applicability. The provisions of this section shall be applicable in the unincorporated areas of Nassau County to projects seeking to develop pursuant to the LLA. This section shall only be construed to allow LLA projects meeting the criteria set forth in this Section and the LLA Statute, as may be amended, subject to the execution by the property owner of a Land Use Restriction Agreement (LURA). LLA projects must comply with all other requirements of the applicable Nassau County Land Development Code, Comprehensive Plan, and Code of Ordinances except those exceptions as provided in the LLA Statute.



C. LLA zoning verification.

1. LLA projects must submit a Live Local Act Verification application on a form provided by the county.
2. LLA projects must be currently zoned as Commercial Neighborhood (CN), Commercial General (CG), Commercial Intensive (CI), Commercial, Highway, and Tourist (CHT), Commercial, Professional, and Office (CPO), Industrial Warehouse (IW), Industrial Heavy (IH), or Industrial Park (IP). No application for rezoning to an available LLA zone may accompany an LLA application.

D. Zoning Requirements

1. LLA projects shall be subject to the applicable requirements of the Nassau County Land Development Code for multifamily residential developments in areas zoned for such use and any applicable supplementary regulations.
2. Off-street parking requirements shall be pursuant to Article 31 of the Land Development Code, Article 9 of Appendix D, Roadway and Drainage Standards, and any applicable supplementary regulations. Project may seek approvals for a determination for alternative parking standards as may be applicable unless otherwise provided in the LLA statute.

E. Occupancy. Unless otherwise provided by the LLA statute, at least forty percent (40%) of the residential units shall be designated as affordable housing, as defined in the LLA statute for a period of at least thirty (30) years and subject to a Land Use Restriction Agreement (LURA) with the county.

F. Procedure. All LLA project applications must follow the submittal and review requirements of Class IV developments as defined in this Article.

**SECTION 3. CODIFICATION.**

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

#### **SECTION 4. CONFLICTING PROVISIONS.**

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 5. SEVERABILITY.**

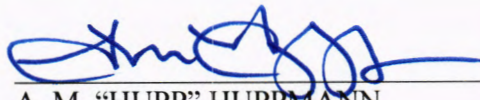
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

#### **SECTION 6. EFFECTIVE DATE.**

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

**ADOPTED THIS 28th DAY OF July, 2025 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



A. M. "HUPP" HUPPMANN  
Chairman

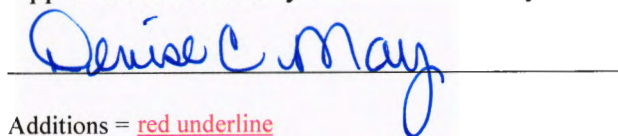
ATTEST AS TO CHAIRMAN'S SIGNATURE:



MITCH L. KEITER

Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



Additions = red underline  
Deletions = ~~red-strikethrough~~  
Relocated = green double underline



DENISE C. MAY

Additions = red underline  
Deletions = ~~red strikethrough~~  
Relocated = green double underline



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 31, 2025

John A. Crawford  
Clerk of the Circuit Court  
Nassau County  
76347 Veteran's Way, Suite 456  
Yulee, Florida 32097

Dear John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2025-017, which was filed in this office on July 31, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp