

Ordinance 2009- 32

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA AMENDING ARTICLE TWO OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR REALLOCATION OF TRANSPORTATION CONCURRENCY WHEN A PARCEL IS SUBDIVIDED, AND CLARIFYING THE COUNTY'S POLICY REGARDING CAPACITY RESERVATION; PROVIDING SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Land Development Code established in Ordinance 97-19, as amended, provides a process for concurrency review procedures and requirements in Nassau County to ensure a fair procedure; and

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this matter on October 6, 2009 and voted to recommend approval; and

**WHEREAS**, the county desires to revise the concurrency review procedures and requirements to better serve the public purpose.

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

1. Article 2 of the Land Development Code is hereby amended as follows:

**A new Section 2.03(F) is hereby created and adopted and shall read as follows:**

**Section 2.03. Concurrency review process.**

*F. Sale of Property*

Pursuant to the sale of any portion of the land subject to the concurrency certificate, the certificate holder on the parent parcel shall notify the Growth

Management Department of the sale of property so that the County can track the concurrency for the subject property. This notification shall be made by submitting an Application for Intra-Parcel Reallocation of Transportation Concurrency.

**Section 2.04(C) is hereby amended to read as follows:**

**Section 2.04. Minimum requirements, effect and duration of approval.**

C. *Capacity reservation.* If the certificate of concurrency, development or proportionate fair share agreement expires, the unused reserved capacity shall be reassigned to the county. The transfer of concurrency between two or more separate properties is prohibited, except in the following circumstances:

(1) when transfers are otherwise provided for in an approved development agreement; or

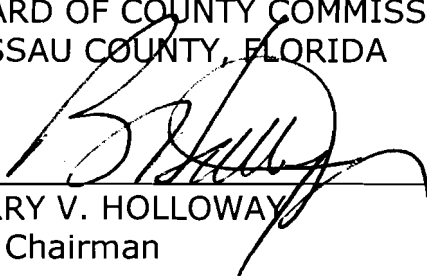
(2) when transfers are within board designated industrial centers where the proximity of the properties are such that the county can track concurrency because the impacted infrastructure is the same (e.g. when the trips generated on one property impact the same facility as the trips generated on the other properties). In any proposed transfer pursuant to this subsection (2), the transfer shall not be effective unless the Board determines that there is a bona fide public benefit resulting from the transfer.

**3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions or this Ordinance.

**4. Effective Date.** This Ordinance shall become effective upon filing with the Department of State.

**DONE AND ENACTED THIS** 9th **DAY OF**  
November, 2009.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA


  
\_\_\_\_\_  
BARRY V. HOLLOWAY  
Its: Chairman

ATTEST AS TO CHAIRMAN'S  
SIGNATURE:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

*EBC 11/9/09*

Approved as to form by the  
Nassau County Attorney

  
\_\_\_\_\_  
DAVID A. HALLMAN

Nassau County Growth Management  
96161 Nassau Place  
Yulee, Florida 32097

**APPLICATION FOR INTRA-PARCEL REALLOCATION OF TRANSPORTATION CONCURRENCY**

Date Received: \_\_\_\_\_

Name of Original Project: \_\_\_\_\_

Date of Certificate of Concurrence: \_\_\_\_\_

Original Tax ID# \_\_\_\_\_

Original Acreage: \_\_\_\_\_

**Grantor Information**

Applicant / Agent Name: \_\_\_\_\_

Address / City / State: \_\_\_\_\_

Phone: \_\_\_\_\_

Project Name if Different From Original: \_\_\_\_\_

New Parcel Tax ID # \_\_\_\_\_ Acreage \_\_\_\_\_

**Grantee Information**

Applicant / Agent Name: \_\_\_\_\_

Address / City / State: \_\_\_\_\_

Phone: \_\_\_\_\_

Project Name for New Development: \_\_\_\_\_

New Parcel Tax ID # \_\_\_\_\_ Acreage \_\_\_\_\_

a.) PMPH trips provided by original Certificate of Concurrence \_\_\_\_\_

\*\*Total of b through f can not exceed a

b.) PMPH ITE trip requirement by existing and approved development \_\_\_\_\_

c.) PMPH previous reallocations \_\_\_\_\_

d.) PMPH trips assigned to grantee's parcel \_\_\_\_\_

e.) PMPH trips available for grantor's developable parcel \_\_\_\_\_

f.) PMPH trips reassigned to Nassau County \_\_\_\_\_

Verified by: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Grantor: \_\_\_\_\_

Please Print Name : \_\_\_\_\_

State of: \_\_\_\_\_

County of: \_\_\_\_\_

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_

Identification Presented: \_\_\_\_\_

Oath Taken: \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Notary Signature

My commission expires: \_\_\_\_\_

Signature of Grantee: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

State of: \_\_\_\_\_

County of: \_\_\_\_\_

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_

Identification Presented: \_\_\_\_\_

Oath Taken: \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Notary Signature

My commission expires: \_\_\_\_\_