

ORDINANCE 2014 - 003

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES, AMENDING SECTION 5.07(D) OF THE LAND DEVELOPMENT CODE, PRELIMINARY BINDING SITE PLAN PROCESSES; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Policy H.07.02 of the Nassau County Comprehensive Plan requires the County to continuously assess its existing permit processing procedure for the purpose of improving efficiency, reducing delays and lowering costs and remaining in compliance with statutory requirements; 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, the Board of County Commissioners approved an amendment of the Land Development Code in Ordinance 2010-08, an overhaul of Section 5.07, specifying procedures for site development review; and

WHEREAS, the Board of County Commissioners finds it necessary to amend Section 5.07, as a corrective measure to ensure the efficiency of site development review procedures; and

WHEREAS, the Board of County Commissioners has found it in the best interest of the citizens of Nassau County to amend the Code of Ordinances; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on January 7, 2014, and voted to recommend approval.

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

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies FL.01.01, FL.10.05, and H.07.02.

SECTION 2. AMENDMENT

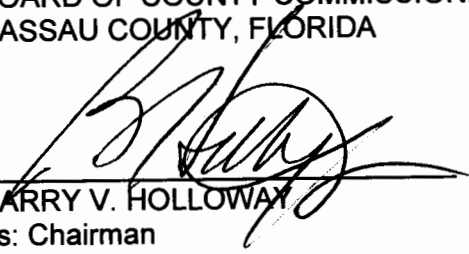
1. Section 5.07(D) of the Land Development Code is amended as set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 3. EFFECTIVE DATE

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

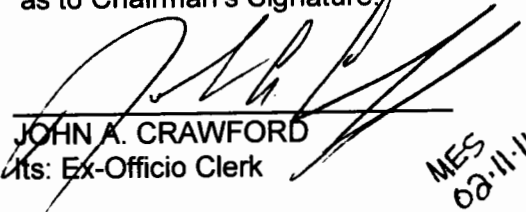
ADOPTED THIS 10th DAY OF February, 2014 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



BARRY V. HOLLOWAY
Its: Chairman

ATTESTATION: Only to Authenticity
as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
02-11-14

Approved as to form



David A. Hallman,
County Attorney

EXHIBIT A

Section 5.07 Site development plan review

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 one hundred twenty (120) days following the pre-application meeting or waiver, the applicant must submit twenty (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 eighteen (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 consider the preliminary binding site plan at the next regular or special meeting, providing that the County is in receipt of a complete set of plans at least fourteen (14) calendar days before the scheduled date of the Planning and Zoning Board 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 twenty-five (25) days of the date of complete submission, the development review committee will meet to consider the preliminary binding site plan. At least one (1) 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 three (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 (1) 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 forty-five (45) days from receipt of the DRC comments to resubmit plans. 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.

- 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.