

ORDINANCE 94 - 9

AN ORDINANCE AMENDING ORDINANCE 83-19, AS AMENDED, WHICH ESTABLISHED A COMPREHENSIVE ZONING CODE; SPECIFICALLY CREATING ARTICLE 25, MIXED EMPLOYMENT CENTER; THE PURPOSE IS TO CREATE A DISTRICT TO PROVIDE FLEXIBILITY AND PERFORMANCE CRITERIA FOR A MIXED EMPLOYMENT CENTER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board has found it necessary to further amend Ordinance 83-19, as amended; and

NOW, THEREFORE, BE IT ORDAINED this 13th day of December, 1993, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 83-19, as amended, be further amended as follows:

1. ARTICLE 25 - MIXED EMPLOYMENT CENTER

INTENT: The application of flexible land use controls to the development of land is often difficult or impossible within the traditional zoning district regulations. In order to permit the use of more advantageous techniques of land development and to facilitate implementation of the Nassau County Comprehensive Plan, it is often necessary to establish Mixed Employment Centers (MECs) in which development is in harmony with the general purpose and intent of this Ordinance and the adopted Nassau County Comprehensive Plan. However, development in a MEC differs in one or more respects from the usual application of provisions of this Ordinance. The objective of a MEC is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce developments which are in keeping with overall land use intensity and open space objectives

of this Ordinance, while departing from the strict application of use, setback, height, and minimum lot size requirements of the various zoning districts. The intent of this district is to permit such flexibility and provide performance criteria for mixed employment center development which:

- A. Permit a creative approach to the development of land;
- B. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of this ordinance;
- C. Provides for an efficient use of land, resulting in small networks of utilities and streets and thereby lower development costs;
- D. Enhances the appearance of the area through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements;
- E. Provides an opportunity for new approaches to ownership;
- F. Provides an environment of stable character compatible with surrounding areas;
- G. Retains property values over the years.

SECTION 25.01 - MIXED EMPLOYMENT CENTER (MEC) DEFINED: For the purpose of this Ordinance, Mixed Employment Center (MEC) shall mean the development of land under unified control which is planned and developed as a whole in a single programmed series of operations with uses and structures substantially related to the character of the entire development. A MEC must also include a

program for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants thereof.

SECTION 25.02 - PERMITTED USES: Any use which is permitted or permissible as a conditional use in any commercial, industrial, and government use zoning district contained in this ordinance and residential uses as ancillary and secondary uses may be included in a MEC.

SECTION 25.03 - SITE REQUIREMENT: All MEC's should have a minimum site area of twenty-five (25) acres. This requirement may be waived by the Planning Commission to insure orderly development of a particular area.

SECTION 25.04 - SPECIAL REQUIREMENTS:

A. Unified ownership or control: The title of all land within a proposed site for a Mixed Employment Center (MEC) shall be owned or controlled by the developer submitting the applications provided for under this Section. The term "Controlled by" shall be interpreted to mean that such developer shall have the written consent of all owners of property within the proposed site not wholly owned by the developer. Such consent shall contain a statement that such developer is authorized to represent such owners in the submission of an application under the provisions of this Section and that such owners shall agree to be bound by the decision of the Board of County Commissioners in the event such application is approved.

B. Access: Each permitted use shall be provided access,

either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way or commonly owned easement. County owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic county services such as fire and police protection and emergency service needs of MEC residents. Access to public rights-of-way shall be approved by the Florida Department of Transportation and Nassau County. In order to minimize congestion on public roadways, shared accesses, common driveways, and frontage roads shall be utilized.

C. Off-street parking and loading: All off-street parking and loading requirements in Article 29 of this Ordinance shall apply.

D. Community facilities:

1. All Community facilities, i.e., water and sewerage systems, electrical substations, etc., as to the size, shape, construction location and shown by the applicant to be of benefit to the general public.

2. All local distribution utilities, eq., electrical, telephone, etc., shall be underground, where possible, unless stated otherwise. Electrical transmission lines and substations may be above-ground subject to site plan review. These utilities shall be provided in accordance with the rules, resolutions and/or regulations established by the appropriate governmental agency.

E. Development standards: All streets, sidewalks, sewer facilities, utilities and drainage shall be constructed according to the requirements of the Nassau County Subdivision Regulations.

F. Common open space:

1. A minimum of ten percent (10%) of the gross site acreage shall be reserved for common meaningful open space.

2. Parking areas, road rights-of-way or minimum yards and spacings between structures may not be included in determining usable open space unless waived by the Planning Commission. Water bodies and wetlands may be used to partially fulfill open space requirements, but may not exceed fifty percent (50%) of the required open space.

3. All privately owned common open space shall continue to conform to its intended use as specified in the final development plan. To ensure that all the common open space in the MEC will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions shall run with the land in order to protect both present and future property owners. The Deed restrictions shall prohibit the partition of any common open space.

4. All common open space and public recreational facilities shall be included in the preliminary and final development plans. Such common open space and recreational facilities shall be constructed and fully improved according to the development schedule established for each development phase of the MEC.

5. If a developer elects to administer common open space through an association or nonprofit corporation, such organizations shall conform to the following requirements:

a. The developer must establish the association or nonprofit corporation prior to the sale of any lots or properties within the MEC.

b. Membership in the association or nonprofit corporation shall be mandatory for all property owners within the MEC.

c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration and operation of such land and any other land within the MEC not publicly or privately owned; and shall secure adequate liability insurance on the land.

SECTION 25.05 - PROCEDURES.

A. General:

1. To develop a Mixed Employment Center (MEC) in Nassau County, the property must be rezoned to MEC. Rezoning shall be subject to approval of the preliminary development plan by the Board of County Commissioners. within one (1) year after approval of the preliminary development plan, the developer must submit a final development plan to the Planning Commission for review and to the Board of County Commissioners for approval. The Board of County Commissioners, upon request from the developer and for good cause shown, may extend the one (1) year time period for submitting the final development plan. Such extension shall not exceed one (1) year.

2. If the developer fails to submit a final development

plan within the one (1) year period specified by this Ordinance and has not been granted an extension, the approved preliminary plan shall be revoked, and the site shall revert back to its previous zoning classification(s). A Notice of such revocation, containing a legal description of the site, shall be recorded into the public records of Nassau County. A copy of this revocation shall be sent to the developer.

3. If development actions required by the Ordinance creating a MEC are not taken within any time limits set by the Board of County Commissioners in such ordinance, the approval of the MEC as provided in such ordinance shall become invalid and no further action shall be permitted under same. The Board of County Commissioners may extend such time limits for a reasonable length of time if probable cause is shown.

B. Preliminary development plan approval procedure:

1. Preapplication conference: Before submitting the preliminary development plan application for approval as a MEC, the developer shall meet with the Zoning Administrator, County Engineer, and Health Department Official and such other personnel as may be necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from county personnel before entering into any binding commitments or incurring substantial expenses of site plan preparation.

2. Five (5) copies of the preliminary development plan applications shall be submitted to the Zoning Administrator at least

thirty (30) days prior to the meeting of the Planning Commission, at which meeting such application is to be considered in a public hearing. The application fee established by the Board of County Commissioners shall be collected.

3. The Zoning Administrator and County Engineer shall review the preliminary development plan application to determine its conformity with the Nassau County Comprehensive Plan, County policies, and the requirements of this section.

4. Upon completion of the review of the preliminary development plan application and all exhibits, the Planning Commission shall recommend to the Board of County Commissioners the approval, approval subject to conditions, or disapproval of the preliminary plan application. The Planning Commission shall consider the review criteria established in this section when making its recommendations.

5. Upon receiving the recommendations of the Planning Commission, the Board of County Commissioners shall hold a public hearing to review the Planning Commission's recommendations and review the preliminary development plan application. The Board of County Commissioners shall approve, approve subject to conditions, or disapprove the preliminary development plan application. Approval of the preliminary development plan indicates approval of the MEC zoning, subject to acceptance to the final development plan. The decision of the Board of County Commissioners shall take into consideration the review criteria established in this section.

6. If the preliminary development plan application is

approved by the Board of County Commissioners, a copy of the application and required exhibits, if deemed necessary by the County, shall be recorded in the public records.

C. Preliminary development plan review criteria: The Planning Commission and the Board of County Commissioners shall consider the following criteria when review the preliminary development plan for a MEC.

1. Degree of consistency of the proposed MEC with the surrounding area in terms of character and density.

2. Provision for and adequacy of future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.

3. The nature, intent, and compatibility of common open space, including the proposed method for the maintenance and conservation of open space.

4. The feasibility and compatibility of the specified stages or phases contained in the preliminary development plan to exist as an independent development.

5. The benefits inherent in a MEC classification to the general public that justify the requested departure from standard land use requirements.

6. The conformity and compatibility of the proposed MEC with the Nassau County Comprehensive Plan.

D. Preliminary development plan application:

1. General: The preliminary development plan

application shall contain the names of the developer, surveyor and engineer who prepared the development plan and topographic data map, and the name of the proposed MEC. It must also contain a written description of the intended plan of development, clearly indicating where approval of the MEC would benefit the community as a whole and fulfill the intent of the MEC.

2. Exhibits: The following exhibits shall be attached to the preliminary development plan application.

a. Vicinity map indicating the relationship between the MEC and its surrounding area, including adjacent streets and thorough fares.

b. The preliminary development plan shall also contain, but not be limited to, the following information:

(1) Proposed name or title of project, the name of the engineer, architect and developer.

(2) North arrow, scale of one inch equals two hundred feet (1" = 200') or larger, date and legal description of the proposed site.

(3) Boundaries of the tract shown with bearings, distances closures and bulkhead lines. All existing easements, section lines, streets and physical features in and adjoining the project and zoning.

(4) Names and locations of adjoining developments and subdivisions.

(5) Proposed parks, school sites or other public and private open space.

(6) Vehicular and pedestrian circulation systems, including off-street parking and loading areas, driveways and access points.

(7) Site data, including tabulation of the total number of gross acres in the project, the acreage to be devoted to each of the several types of non-residential uses, secondary residential and open space uses, the total number of dwelling units and square feet of gross nonresidential building area.

(8) Proposed common open space, including the proposed improvements and any complementary structures, and the tabulation of the percent of the total area devoted to common space. Areas qualifying for common open space shall be specifically designated on the site plan.

(9) General statement indicating proposed means of drainage for the site to ensure conformity with natural drainage within the vicinity area or with the drainage plan established within the vicinity area.

(10) Delineation of specific areas designated as a proposed stage.

(11) General statement indicating source of potable water and waste water disposal.

(12) The proposed method of dedication and administration of the proposed common open space.

c. Topographic data map drawn to a scale of one inch equals four hundred feet (1" = 400') or larger by a registered

surveyor and/or engineer, showing:

(1) The location of the existing property lines for private property and public property, streets, buildings, water courses, transmission lines, sewers, bridges, culverts and drain pipes, water mains and any public utility easements.

(2) Wooded areas, streams, lakes, marshes, flood prone areas and any other physical conditions affecting the site.

(3) Existing contours, based upon U.S. Coast and Geodetic data with a contour interval of two (2) feet, and proposed finished elevations.

E. Final development plan approval procedure:

1. Five (5) copies of the final development plan shall be submitted to the Zoning Administrator thirty (30) days prior to the next Planning Commission meeting. During this thirty (30) day period, the Zoning Administrator shall distribute copies of the final development plan to the appropriate county departments for review and comment. Each department shall conduct its review and submit written comments to the Zoning Administrator within fifteen (15) days after receipt of the final development plan.

2. The Zoning Administrator shall submit the final development plan along with the written analysis and recommendations to the planning Commission for review at its next meeting. The Analysis and recommendations submitted to the Planning Commission shall reflect the review and comments of the other County departments involved in the review of the final development plan.

3. The Planning Commission shall hold a public hearing to review the final development plan for consistency with the preliminary development plan, conformance with the provisions of this Ordinance, and other related county regulations. The Planning Commission shall submit written recommendations to the Board of County Commissioners.

4. The Board of County Commissioners shall hold a public hearing to review the final development plan and consider the recommendations of the Planning Commission. The Board of County Commissioners shall approve, approve with conditions, or deny the final development plan.

5. Upon approval by the Board of County Commissioners, the Nassau County Clerk of the Circuit Court shall record the final development plan in the public records.

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.

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 MEC 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, nonresidential areas and structures, secondary residential areas, recreational areas and structures and common open space.

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

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

f. Location and width of canals, waterways and flood prone areas. Coastal High Hazard Areas and Jurisdictional

Wetlands (as defined by the St. Johns River Water Management District).

g. 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 MEC Boundaries with bearings, distances and tie point.

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

j. 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 indicated 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 MEC 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 non-profit 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 non profit corporation shall be submitted for approval by the Board of County Commissioners.

c. Bill of sale: A bill of say 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 this discretion of the Board of County Commissioners.

d. Title opinion: A signed statement from an attorney and/or title company 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 rights-of-way, 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 25.06 - BONDING: Prior to beginning construction of each development phase of the MEC, the Board of County Commissioners shall require the developer to post a performance bond guaranteeing that all public improvements and common open areas will be constructed according to the approved final development plan. The Board of County Commissioners shall establish reasonable time limits for completing construction of the necessary improvements. The Board of County Commissioners shall have the sole right to extend such time limits if sufficient evidence is provided by the developer to substantiate an extension. the performance bond shall have a face value equal to the cost of constructing the required improvements.

SECTION 24.07 - DEVIATION FROM THE APPROVED FINAL DEVELOPMENT PLAN: Any adjustments which may be required to the approved final development plan during the development of the MEC, must be approved by the Planning Commission. Any changes in the following criteria:

- A. There is no increase in the number of units.
- B. There is no increase in the number of stories or floor area.
- C. There is no decrease in the amount of open space and the

open space is in the same general location.

D. There is no major change in the location of traffic routes.

SECTION 25.08 - PERMITS: No permits, building permits including, 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.

2. ARTICLE ~~25~~ 26: PLANNED DEVELOPMENT DISTRICT: PDD.
3. ARTICLE ~~26~~ 27: SUPPLEMENTARY REGULATIONS.
4. ARTICLE ~~27~~ 28: NONCONFORMING LOTS, USES AND STRUCTURES.
5. ARTICLE ~~28~~ 29: SIGN REGULATIONS.
6. ARTICLE ~~29~~ 30: REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING.
7. ARTICLE ~~30~~ 31: DEFINITIONS.
7. ARTICLE ~~31~~ 32: DISTANCE RESTRICTIONS OF VENDORS OF ALCOHOLIC BEVERAGES FROM CHURCHES AND SCHOOLS.
8. ARTICLE ~~32~~ 33: EFFECTIVE DATE.
9. Effective date: This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

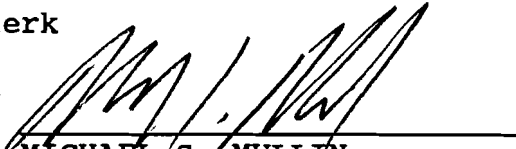
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


JAMES E. TESTONE
Its: Chairman

ATTEST:


T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:


MICHAEL S. MULLIN

6/b:mixed.emp