

ORDINANCE NO. 2004 - 08

**AN ORDINANCE DESIGNATING GERBING ROAD, IN THE UNINCORPORATED AREA OF NASSAU COUNTY, FLORIDA, FROM THE INTERSECTION OF A1A AND GERBING ROAD TO THE END OF THE PUBLIC RIGHT-OF-WAY, AS AN CANOPY/SCENIC ROAD; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Board of County Commissioners finds that roads should be designated as scenic/canopy roads or a portion of said roads; and

**WHEREAS**, the designation of said scenic/canopy roads or a portion of said roads will protect and enhance both the natural corridors of the county and their natural beauty along these roads; and

**WHEREAS**, the twenty residents who live on Gerbing Road or on side streets that feed from Gerbing Road have requested that the Board of County Commissioners designate Gerbing Road from the intersection of A1A and Gerbing Road to the end of the public right-of-way, located within the unincorporated area of Nassau County, as a canopy/scenic road; and,

**WHEREAS**, the Planning Department recommends to the Board of County Commissioners that Gerbing Road from the intersection of A1A and Gerbing Road to the end of the public right-of-way, located within the unincorporated area of Nassau County, be designated as a canopy/scenic road based upon the scenic criteria (including tree canopy) as set forth in Ordinance 2001-27(1)(1)(a) in as much as protecting the canopy tree cover will help maintain the unique charm of Amelia Island and, therefore,

protect both its quality of life and consequent property values;  
and

**WHEREAS**, the Planning and Zoning Board, after a public hearing, found the scenic/canopy designation for Gerbing Road from the intersection of A1A and Gerbing Road to the end of the public right-of-way, located within the unincorporated area of Nassau County, to be in the best interests of the citizens of Nassau County; and

**WHEREAS**, the Board of County Commissioners, after a public hearing, concurred with the recommendation of the Planning and Zoning Board, which found it in the best interest of the County to designate Gerbing Road from the intersection of A1A and Gerbing Road to the end of the public right-of-way, located within the unincorporated area of Nassau County, as a canopy/scenic road; and

**WHEREAS**, pursuant to Ordinance 2001-27(3), as amended, the scenic canopy road zone should be established by the Board of County Commissioners and shall include the right-of-way as established by the County; and

**WHEREAS**, pursuant to Ordinance No. 2001-27(1)(1)(b), as amended, the Nassau County Planning Department ensures that the trees on the proposed roadway are identified and recorded; and

**WHEREAS**, pursuant to Ordinance No. 2001-27(1)(1)(c), as amended, the exact method used to identify and record the trees on the proposed roadway was by a detailed survey of the trees on the public right of way, which was conducted by the County and which is attached hereto as Attachment "A".

**NOW, THEREFORE, BE IT ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. Gerbing Road from the intersection of A1A and Gerbing Road to the end of the public right-of-way, located within the unincorporated area of Nassau County, is hereby designated as scenic/canopy road pursuant to the procedures outlined in Ordinance No. 2001-27(1), as amended.

2. Pursuant to Ordinance 2001-27(3), as amended, the Board of County Commissioners establishes the scenic/canopy road zone to be the County right-of-way of Gerbing Road.

3. Restrictions applicable to the Gerbing Road pursuant to Ordinance 2001-27, as amended:

a. The County shall not widen or increase the number of lanes on any of the County roads designated as Scenic/Canopy Roads.

b. Outdoor advertising signs shall be prohibited, except signs advertising residential developments or homes for sale or parcels of property immediately adjacent to the road or subdivision and entryway signs constructed in accordance with the County Sign Ordinance. On-premises commercial signs, excluding billboards, shall be allowed.

c. The erection of markers or signage indicating that the road is a scenic/canopy road or historic road shall only be accomplished at the direction of the Planning Department with the consent of the Board of County Commissioners.

d. The County may set and post speed limits and provide signage warning of restricted roadway shoulders.

e. The County may set of classes of vehicular travel, including weight and height limitations.

f. The County may limit access and width of access.

g. Tree protection. No trees, except as identified in Florida's Most Invasive Species List, Category I, which have attained a diameter of eight inches (8") or more at a point four and one-half feet (4-1/2') above average ground level within the zone shall be removed, except as provided herein, and trees shall be identified by survey, as set forth herein.

4. Criteria for tree removal. Pursuant to Ordinance 2001-27, as amended:

(a) The Planning Department shall recommend approval to the Board of County Commissioners of a permit for removal of a tree within the zone if the applicant demonstrates the presence of one or more of the following conditions:

i. Safety Hazard. Necessity to remove a tree which poses a safety hazard to pedestrians or other persons, buildings, or other property, or vehicular traffic, or which threatens to cause disruption of public services.

ii. Diseased or pest-infested trees. Necessity to remove a diseased or pest-infested tree to prevent the spread of the disease or pests.

iii. Good forestry practices. Necessity to reduce competition between trees.

iv. Reasonable and permissible use of property. Tree removal which is essential for reasonable and permissible use of essential improvements, resulting from:

1. Need for access immediately around the proposed structure for essential construction equipment, limited to a maximum width of twenty feet (20') from the structure.

2. Limited access to the building site essential for reasonable use of construction equipment.

3. Essential grade changes. Essential grade changes are those grade changes needed to implement safety standards common to standard engineering or architectural practices, and reference to a text where such standards are found shall be required.

4. Location of driveways, buildings, or other permanent improvements. Driveway aisles shall be consistent with other applicable standards.

(b) The Board of County Commissioners shall approve or deny a permit request, and said request shall be considered at a regularly scheduled meeting of the Board of County Commissioners. Notice shall be provided to property owners within the zone in the same manner as set forth in Paragraph 3.

(c) The individual(s) requesting the permit shall pay an application fee of one hundred fifty dollars (\$150.00) and shall be responsible for notifying the property owners, and the cost of the advertisement(s).

5. Pursuant to Ordinance 2001-27, as amended: The Board of County Commissioners, when approving removal of any tree or

trees within the zone, shall direct the Planning Department to amend the identification of the trees, updating and showing the location of the trees permissibly removed, and including the location of any mitigation trees arising from or in connection with a tree removal and shall be so indicated in the Minutes of the next regularly scheduled Board meeting. No liability or fine shall be levied for trees removed from within the zone if the identification is not maintained current within thirty (30) days of amending action by the Board of County Commissioners.

6. Pursuant to Ordinance 2001-27, as amended: Canopy road tree protection zone tree or vegetation removal applications.

a. Required Information. All permits for removal or relocation of trees, or for pruning management, within the canopy road tree protection zone (unless such activity is permitted under an approved general permit) shall be obtained by making application to the Planning Department. Permit forms shall be promulgated by the Planning Department and approved by the Board of County Commissioners.

b. Mitigation requirements. The permit application for removal of trees or vegetation in the canopy road tree protection zone must be accompanied by a mitigation plan which shall include, at a minimum, the following:

i. An analysis documenting the purpose that necessitates the tree removal and explaining why the project cannot be modified to avoid the need for tree removal.

ii. An analysis of the canopy road section to be impacted by the proposed activity within the canopy road tree protection zone. The analysis shall include a narrative description of the affected roadway section together with other material helpful in assessing the impact of the intrusion of the existing canopy road effect. Such characteristics as under-brush density and species composition, tree species and size distribution, high bank areas, and capacity shall be included as appropriate.

iii. A replanting and management plan designed to mitigate the visual and vegetation impacts.

c. Inspection. Prior to determination on a permit application, the Planning Department, shall conduct an on-site inspection.

d. Appeal - Any permit that is denied may be appealed to the Board of County Commissioners within thirty (30) days of the date of denial by filing a request with the Clerk of the Court's office.

7. Traffic safety regarding canopy road designation. Pursuant to Ordinance 2001-27, as amended: Traffic safety on the designated canopy road shall be promoted by the utilization of speed control devices and by limiting truck traffic to local delivery trucks and setting speed limits. The County shall provide speed control devices and signage restrictions as deemed necessary.

8. Traffic Directional Signs. Pursuant to Ordinance 2001-27, as amended: The Planning Department may recommend to

the Board of County Commissioners that traffic, other than local vehicular traffic, be routed on canopy roads subject to the requirements in Paragraph 6 and upon providing information that:

a. The road has been previously utilized for non-local traffic.


b. The routing of other than local traffic does not create safety concerns or adversely affect the Canopy Road.

c. There is a need and necessity to route other than local traffic.


d. Said recommendations shall be placed on the Board's agenda and considered at a meeting commencing at 6:00 p.m.

9. This Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

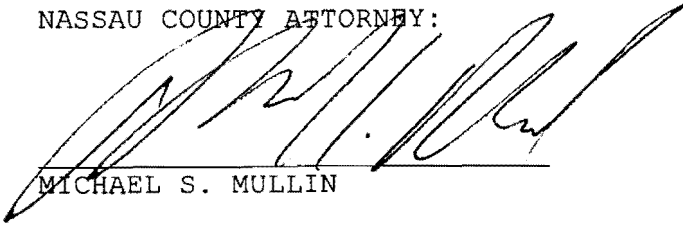
  
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FLOYD L. VANZANT  
Its: Chairman

ATTEST:

  
\_\_\_\_\_  
J.M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk



APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:



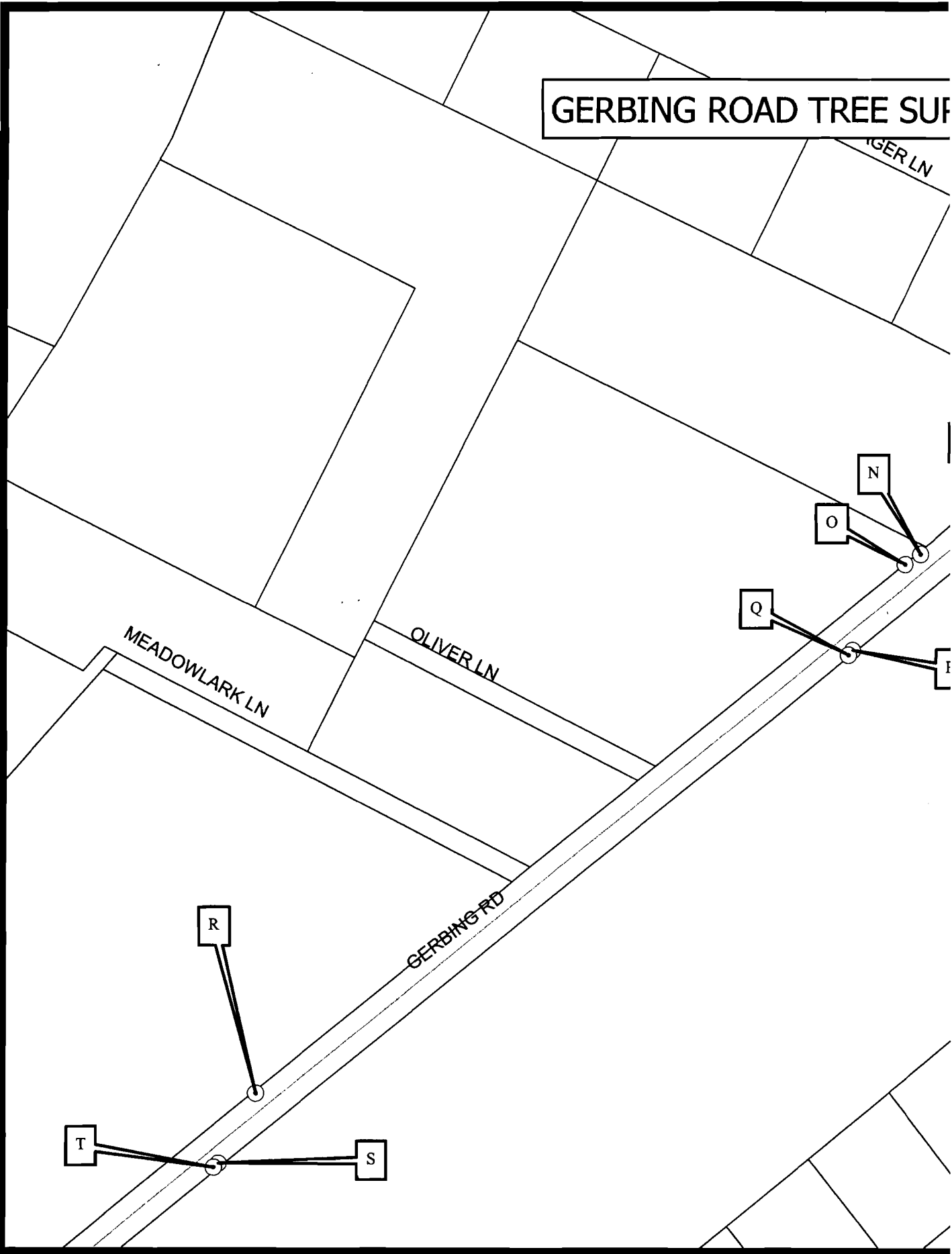
A handwritten signature in black ink, appearing to read 'Michael S. Mullin', is written over a horizontal line.

MICHAEL S. MULLIN

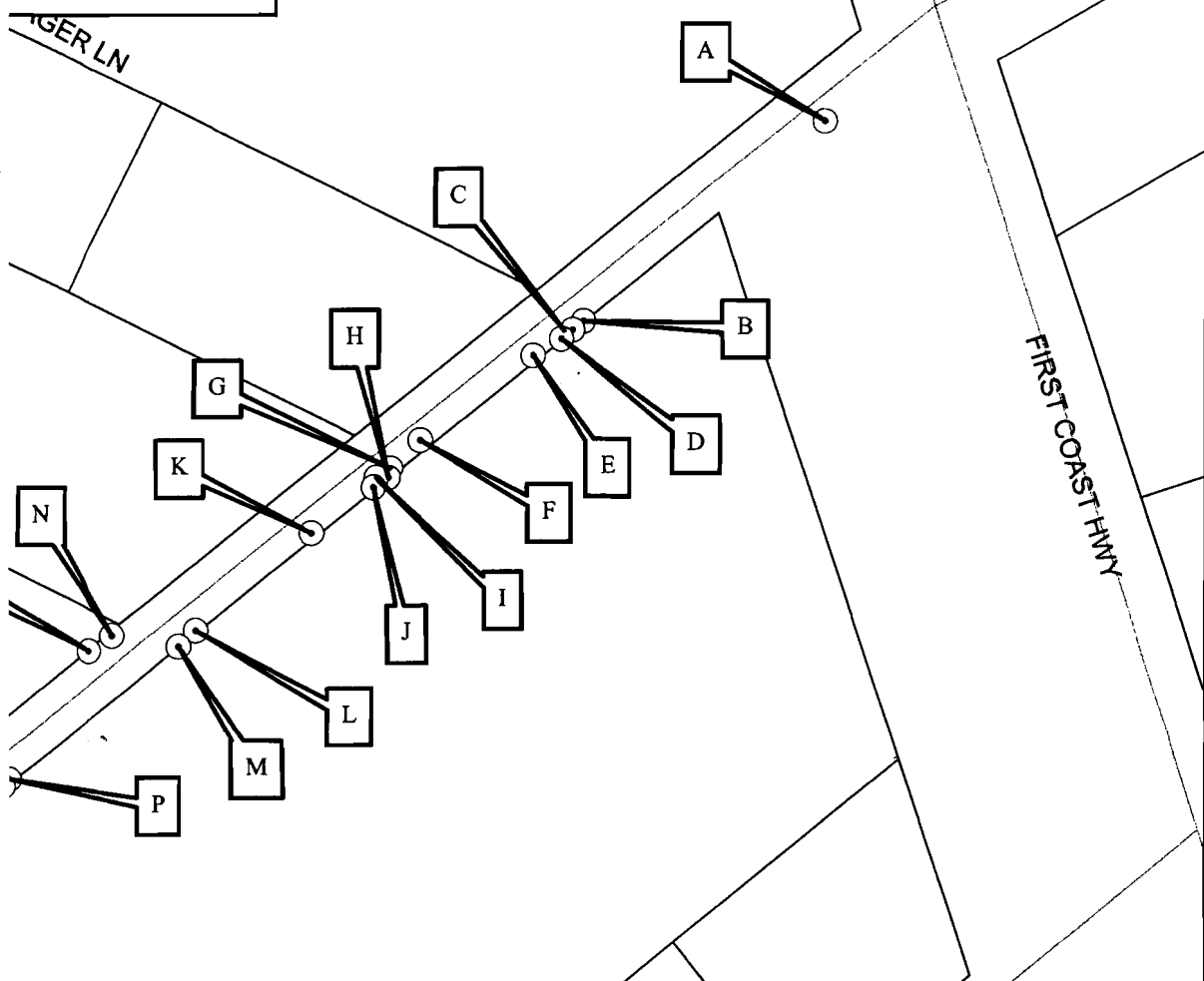
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**ATTACHMENT "A"**

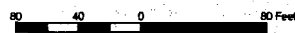
# GERBING ROAD TREE SURV



# EE SURVEY



Tree	Distance from Starting Point to Center Line	Distance from Center Line to tree midpoint	Caliper of Tree	Side of Street
A	101'	14'	34"	south
B	301'	17'	12"	south
C	310'	17'	21"	south
D	319'	17'	17"	south
E	340'	14'	14"	south
F	430'	11'	24"	south
G	456'	13'	28"	south
H	461'	17'	26"	south
I	467'	12'	19"	south
J	472'	16'	25"	south
K	521'	14'	19"	south
L	618'	16'	9"	south
M	633'	17'	18"	south
N	662'	15'	14"	north
O	680'	17'	13"	north
P	771'	15'	19"	south
Q	777'	16'	11"	south
R	1478'	15'	16"	north
S	1547'	14'	45"	south
T	1553'	14'	41"	south



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