

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

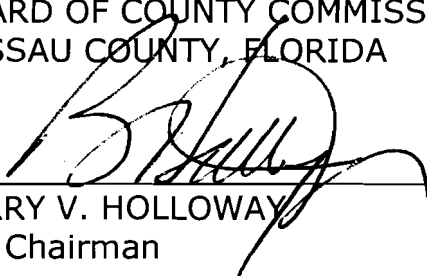
(2) when transfers are within board designated industrial centers where the proximity of the properties are such that the county can track concurrency because the impacted infrastructure is the same (e.g. when the trips generated on one property impact the same facility as the trips generated on the 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: _____