

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLES 2 THROUGH 12 OF ORDINANCE NO. 99-17, AS AMENDED, KNOWN AS “THE NASSAU COUNTY ROADWAY AND DRAINAGE STANDARDS”; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR COMPLIANCE WITH FLORIDA STATUTES; PROVIDING FOR COMPLIANCE WITH NASSAU COUNTY’S 2030 COMPREHENSIVE PLAN; AMENDING STORMWATER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Articles 2 through 12 of Ordinance No. 99-17, as amended, known as the Roadway and Drainage Standards, to address scrivener’s errors, comply with Florida Statutes, comply with Nassau County’s 2030 Comprehensive Plan, and amending stormwater requirements.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, that Ordinance 99-17, as amended, shall be further amended as follows:

ARTICLE 1. - SHORT TITLE

This ordinance shall be known as and may be referred to as the "Roadway and Drainage Standards Ordinance of Nassau County, Florida".

ARTICLE 2. – FINDINGS

It is hereby found, ascertained, determined and declared that:

It is in the best interest of the citizens of Nassau County to establish a procedure for:

- a. The design and construction of adequate roads on public and private rights-of-way located within residential, commercial, industrial, and institutional areas located within Nassau County, Florida; and,
- b. The design and construction of adequate drainage facilities so that the effect of stormwater runoff resulting from the construction of residential, commercial, industrial, and institutional projects on any neighborhood landowner is diminished.
- c. The design, construction, development, and/or redevelopment of lands within unincorporated Nassau County.

The requirements imposed by this Ordinance are just and equitable in that all persons seeking to construct improvements within the unincorporated areas of Nassau County will be required to provide a level of improvement consistent with the service needs of the occupants, neighboring landowners, and other residents of Nassau County.

ARTICLE 3. – POLICY

It is hereby declared that it is Nassau County policy that both individual owners and developers are required to meet essentially the same requirements in constructing new roadways, ~~and~~ drainage improvements, developing land, and redeveloping land in the unincorporated areas of Nassau County, Florida.

ARTICLE 4. - DEFINITIONS

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly otherwise requires:

Base: A layer of selected, processed, or treated aggregate material of specified thickness and quality placed immediately below the pavement and above the subgrade to support the asphalt or concrete surface.

Building pad: The horizontal limits of the area defined by the building foundation and up to five (5) feet outside of the building foundation.

Clearing and Grubbing: Moving, removing, displacing, and/or stockpiling, by manual or mechanical means, any non-protected trees, tree roots, vegetation, and brush as well as the top organic layer of a site.

Connection: Driveways, streets, turnouts or other means of providing for the right of access to or from public or private roadways.

Construction: Any activity which results in the modification of surface features, including but not limited to grading, or the placement or alteration of buildings, structures or utilities, unless specifically exempted by this or any other applicable Nassau County ordinance.

Detention: A process for collecting, temporarily storing, and releasing through a controlled outlet a defined amount of stormwater runoff generated from a runoff contributing area to downstream and lower lying areas for the purpose of providing for flood protection through attenuation of discharge rate and flood volumes as well as detention of state regulated water quality discharges.

Development: All activities as set forth in F.S. § 380.04, including but not limited to: A subdivision of land pursuant to a subdivision plat or a development plan; a residential mobile home park; and any other construction whether residential, commercial, industrial, office, professional, institutional, or recreational.

Development review process: The review and permitting process enacted by Nassau County for the purpose of assessing the impacts of new development or alterations to existing development and ensuring that the development has met applicable federal, state and local regulations and permitting requirements.

Drainage/utility easement: A non-possessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land.

Drainage/utility right-of-way: Any strip or area of land, including surface, overhead, or underground, granted by deed for fee ownership, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

Dry detention system: A normally dry stormwater storage area which meets the herein defined function of detention. Dry detention systems are similar in function to retention systems; however, due to soil and hydrological conditions full recovery of the facility within the regulatory time period cannot be accomplished through ground infiltration alone and additional measures must be implemented through secondary controlled outlets or bleed-down devices to assure these type systems will function as designed. The secondary outlet also provides for gradual release of a defined flood protection volume if applicable under Article 10 of this ordinance.

Engineer: A professional engineer registered in Florida pursuant to the provisions of F.S. ch. 471, who is competent in the field of civil engineering.

Engineering Services department: The operating department of Nassau County is responsible for the administration of this ordinance. The director of Engineering Services or their designee shall be responsible for determining whether the technical objectives and standards of this ordinance have been met and has the authority to permit technical variations to certain requirements of this ordinance under the provisions of Article ~~16~~ 15 of this ordinance and other applicable federal, state, and local law.

Foundation: Structural support for exterior walls and columns of a building as required in the Nassau County Building Code.

Institutional lender: A financial intermediary such as a state or federally chartered bank, a life insurance company or other similar entity subject to regulatory oversight for the protection of depositors, investors or policy holders.

Legal positive outfall: An outfall to a natural water body such as the ocean, a river or a creek, or State of Florida jurisdictional wetlands contiguous to a natural water body or to some other legally established drainage way which has the hydraulic capacity to accept and convey the proposed stormwater discharge. Legally established drainage way refers to a drainage way within a public right-of-way, a recorded or platted easement, or an implied easement or servitude under Florida law.

Mining: Any surface excavation for the principal purpose of removing material from the site and transporting to another site for sale, processing, refining, filling, construction or disposal. Mining includes the operation of borrow pits for soil, shell, clay, rock, and similar materials. Projects which remove material for sale as a secondary function in the creation of a stormwater management system within the scope of a development plan shall be exempted from the provisions of this ordinance pertaining to mining or borrow pit operations.

Owner:

- a. The private owner or developer (or their agents) owning the rights-of-way and lands being improved; or,
- b. A third party constructing on public right-of-way with a permit to construct.

Pavement: The subgrade, base and surface course installed within the roadbed to specific design criteria which, in combination, constitute the roadway.

Redevelopment: All activities as set forth in F.S. § 380.04 conducted on land that previously was developed, including but not limited to: A subdivision of land pursuant to a subdivision plat or a development plan; a residential mobile home park; and any other construction whether residential, commercial, industrial, office, professional, institutional, or recreational.

Regulatory floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year base flood without cumulatively increasing the water surface elevation more than the designated height. The location and extent of regulatory floodways are defined and may be updated or amended from time to time.

Resurfacing: Reconstruction of a roadway's surface including, but not limited to, one or more of the following: milling, leveling, overbuild, overlay, striping, and pavement markings.

Retention: A process for collecting and permanently storing with subsequent release through ground infiltration or evaporation of a defined amount of stormwater runoff from a runoff contributing area without release to downstream and lower lying areas.

Retention system: A normally dry stormwater storage area which meets the herein defined function of retention. In general, retention systems are limited to areas where soil and hydrological conditions do not influence the systems infiltrative capacity and/or recovery rates. In general, these systems are shallow and/or limited to areas where the seasonal high groundwater table is well below the ground surface such as in areas consisting of hydrological soil group A (see definition of stormwater management system).

Roadway classifications:

- (1) *Major collector:* A part of the roadway system serving as a principal network for a through traffic flow. The routes connect areas of principle traffic generators. Roadways classified as major collectors shall be as set forth in Exhibit 1. Exhibit 1 shall be established and may be amended by a resolution of the Nassau County Board of County Commissioners, at a minimum every five (5) years.
- (2) *Minor collector:* A distributor and collector roadway servicing traffic between major collectors and local roads. Roadways classified as minor collectors shall be as set forth in Exhibit 1. Exhibit 1 shall be established and may be amended by a resolution of the Nassau County Board of County Commissioners, at a minimum every five (5) years. In addition, roadways serving as major entrances to residential or commercial developments will be classified as minor collectors when the traffic volume is projected to exceed two thousand (2,000) vehicles per day (VPD) at build out.
- (3) *Local road:* Roadway used primarily for direct access to residential driveways, commercial driveways, or other abutting roads.
- (4) *Commercial driveway:* Roadways used for direct access from local roads or collector roadways to commercial, office, industrial, institutional uses, or multi-family residential projects.
- (5) *Residential driveway:* A cleared or improved driveway located on a privately owned parcel or located within a right-of-way or access easement, approved pursuant to the

provisions of this ordinance, or Section 28.03 of Ordinance No. 97-19, as amended, owned by property owners adjoining the driveway. The right-of-way or easement must be recorded. A residential driveway located entirely within a single parcel need not be located within an easement. A residential driveway does not serve more than three (3) dwelling units and does not extend beyond property lines of those units served. Additional dwelling units may be added only by upgrading the driveway to a higher class roadway standard.

Roadway/Right-of-Way, Nassau County: A street or road and all improvements located within a right-of-way owned by Nassau County. The roadway must have been dedicated or deeded to and accepted by Nassau County for maintenance.

Roadway/Right-of-Way, private: A street or road and all improvements located within a right-of-way or access easement not dedicated for public use, approved pursuant to the provisions of this ordinance, or Section 28.03 of Ordinance No. 97-19, as amended, owned and maintained by a property owners' association, private individuals, community development district or any entity other than Nassau County, the State of Florida, or another local government. Said private roadways shall restrict access from the public. Ownership of private roadways serving residential development shall be vested jointly by all abutting landowners or in a property owners' association whose voting members include such abutting landowners or community development district. A developer retaining ownership of private roadways after construction and approval shall grant a recorded easement to all abutting properties which will provide for the use of the private roadways by all future lot owners, their guests, invitees, successors and assigns. The grant of easement may be accomplished by recorded plat.

Roadway/Right-of-Way, public: A street or road and all improvements located within a right-of-way dedicated for public use ~~owned by Nassau County, the Florida Department of Transportation, or another local governmental entity. The roadway must have been dedicated or deeded to, and accepted by, the governmental entity.~~ Said roadways shall not restrict access from the public.

Shall: Designates a mandatory condition. Where certain requirements in design or application are described with the "shall" stipulation, it is mandatory that these requirements be met, unless exempted through the provisions of Article 16 ~~15~~ of this ordinance.

Joint use Shared access driveway: A single connection that serves as a driveway to more than one residential or non-residential property or development, including those of different ownership.

Should: Designates an advisory condition. Where the word should is used, it is considered to be advisable usage, recommended but not mandatory.

Standard details: The detailed criteria and standards which graphically depict typical roadway and drainage design for construction within unincorporated Nassau County, and which are consistent with the objectives and standards of this ordinance and may be amended by a resolution of the board of County commissioners.

Stormwater: The flow of water which results from, and which occurs immediately following, a rainfall event.

Stormwater management system: A system designed and constructed or implemented to control discharges which are necessitated by rainfall events. These systems incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse stormwater to prevent or reduce

flooding, over drainage, environmental degradation and water pollution or otherwise affect the quantity and quality of the discharges from a project to downstream and lower lying areas. In general, all stormwater management systems within Nassau County, unless exempt from the discharge requirements in Article 10 of this ordinance, will function as detention or combination of retention and detention as defined herein.

Subgrade: The portion of a private or public roadway, which has been prepared as specified, upon which the base course is to be placed.

Swale: A man-made trench which:

- a. Has a top width-to-depth ratio of the cross-section equal to or greater than six (6) feet horizontal to one (1) foot vertical (6:1), or side slopes equal to or greater than three (3) feet horizontal to one (1) foot vertical (3:1); and,
- b. Contains contiguous areas of standing or flowing water only following a rainfall event; and,
- c. Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and,
- d. Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Wet detention system: A permanently wet stormwater detention storage area normally used in areas where soil and hydrological conditions are not conducive to dry detention or retention systems as defined herein. In addition to the herein defined function of detention, these systems provide through a secondary controlled outlet or bleed-down device, detention of a defined stormwater treatment volume per state regulations for removal of dissolved and suspended pollutants by taking advantage of physical, chemical, and biological processes within the pond. The secondary outlet also provides for detention of a defined flood protection volume if applicable under Article 10 of this ordinance.

ARTICLE 5. - DATA SUBMITTAL

Section 5.1. - General.

5.1.1. Signed and sealed construction plans and drainage calculations shall be prepared by an engineer and submitted to the Engineering Services department under the Nassau County Development Review Process procedures to demonstrate compliance with this ordinance.

5.1.2. The Engineering Services department shall establish checklists relating to the contents of development review submittals. The checklists shall establish minimum requirements for the contents of construction plans and design documents to assure requirements herein have been met. Nassau County Standard Details shall be established and may be amended by a resolution of the Nassau County Board of County Commissioners.

Additional information may be requested if the Engineering Services department believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to

supporting references as appropriate to communicate the required information for responsible evaluation of the site.

Section 5.2. - Commencement of construction.

Prior to commencement of land clearing, site preparation, or construction of any roadway and drainage improvements the following shall be obtained:

- a. Applicable local, state and federal permits referenced in Article 6 of this ordinance which are required by the appropriate permitting authorities for the particular portion of development to proceed with the land clearing, site preparation, or construction;
- b. Approval of construction plans and related documents required for the proposed land clearing, site preparation, or construction through the Nassau County Development Review Process;
- c. Compliance with other appropriate land use and development regulations of Nassau County.

It is the intent of this section to require documentation of necessary permits and approvals appropriate to the stage of construction and for the portion of the development under construction. It is not the intent of this section to prohibit incremental development and construction.

Section 5.3. - Completion of construction.

5.3.1. The following documentation is required upon completion of the construction project and prior to issuance of any building certificates of occupancy:

- a. An "As-Built" Survey meeting the requirements contained in the Nassau County As-Built Requirements checklist;
- b. Engineer's certification of completion (~~see Exhibit 4~~);
- c. Operation and Maintenance Responsibility;
- e. d. Any other documents which are necessary to comply with the requirements of other permitting agencies and are required by Nassau County as a condition to issuance of certificates of occupancy, see Section 6.3, State and federal permits.

~~5.3.2. In addition to the requirements of section 5.3.1 above, the following documentation is required to be submitted to the engineering services department prior to construction bond release:~~

- a. e. Documentation from the responsible utility company approving water and sewer installations and acceptance of same;
- b. f. Surveyor's certification (~~see Exhibit 3~~);
- e. g. A construction bond, securing the completion of sidewalks, if applicable;
- d. h. Test reports prepared by a licensed testing laboratory as required by Article 11 of this ordinance;
- e. i. Documentation from the department of environmental protection verifying acceptance of certification of completion of the sewer and/or water system;

- f. j. If roads and related drainage improvements are dedicated to the County, a maintenance bond meeting the requirements of Article 12 of this ordinance;
- g. ~~A copy of record covenants and restrictions and/or other publicly recorded or filed documentation which establish the property owners' association.~~
- k. Stormwater Management Facility Maintenance Plan as required by Section 10.6.7.4.

5.3.2. Dedication and acceptance of maintenance of roads:

Pursuant to F.S. § 177.081(3), roads within a subdivision shall be dedicated to the public. The board of County commissioners shall not accept roadways for maintenance. The responsibility for maintenance of the roadways and associated infrastructures for a subdivision shall be the responsibility of an established homeowners' association, community development district or the developer.

The homeowners' association, community development district or developer shall be required to sign the plat for the association to assume the maintenance of the roadways and associated infrastructure for the subdivision and to show a provision for same in the recorded covenants and restrictions for the subdivision.

ARTICLE 6. - PERMITS

Section 6.1. - Right-of-way permits.

6.1.1. An application for right-of-way permit shall be submitted to, and approved by, the ~~Engineering Services department~~ County Engineer or their designee prior to commencement of any planned construction activities within County right-of-way. Construction activities include, but are not limited to: utility installations, driveway connections, sidewalks, drainage alterations, and construction or placement of fences, walls, signs, and other appurtenances or structures unless exempted by provisions of subsection 8.4 herein. ~~Right-of-way permits are required as a separate application from Development Review Committee approval. Right-of-way permits fees shall not be required for construction activities that are approved through Development Review Committee subject to the provisions of subsection 6.2 herein.~~ Right-of-way permits shall not be required for construction activities, excluding residential driveway and sidewalk construction, that are approved through a development permit subject to the provisions of subsection 6.2 herein. A right-of-way permit number will be assigned to all development permitted activities occurring within Nassau County right-of-way.

6.1.2. Upon approval by the County Engineer or their designee ~~Engineering Services department~~, the right-of-way permit shall allow the described construction for a specified period not to exceed twelve (12) months from the date of approval. Right-of-way permits for construction may be extended with prior written approval from the County Engineer or their designee ~~Engineering Services department~~ up to a total period of eighteen (18) months. Additional extensions beyond a total permit period of eighteen (18) months shall require a new application for right-of-way permit to be submitted and approved including payment of all applicable fees.

6.1.3. Right-of-way permits and all construction work within County rights-of-way shall comply with provisions set forth in Ordinance 97-14.

Section 6.2. – Development Review Approval

6.2.1. Development Review Committee approval issued through the Nassau County Development Review Process as specified in the Nassau County Development Review Regulations shall be obtained prior to commencement of construction for all residential, commercial, industrial, and institutional projects meeting review requirements established by the Nassau County Development Plan Review and Approval Procedures. DRC approval shall be valid for a specified period not to exceed five (5) years but no less than three (3) years. The designated duration for DRC approval will be dependent on the facts and circumstances of each situation, including but not limited to: The size of the project and the anticipated amount of time required to complete the project. Commencement of construction shall be made during the designated permit time period.

6.2.2. Development Review approval shall expire unless construction has commenced and continued in good faith on the three-year anniversary of approval for projects less than or equal to fifty (50) acres. For projects greater than fifty (50) acres, the DRC approval shall expire based on the three-year anniversary period plus one (1) year for each additional ten (10) acres or portion thereof up to a maximum of five (5) years. Prior to expiration, DRC approval may be granted one (1) extension upon demonstration of significant progress toward start of construction of the development through a written request from the owner/applicant to the County Engineer or their designee Engineering Services department.

6.2.3. Once DRC approval has expired, renewal can only be made by resubmittal through the Nassau County Development Review Process. Resubmittals shall be subject to the current Land Development Regulations of Nassau County including all applicable review fees.

6.2.4. The owner/applicant and their agents are responsible for constructing the site improvements in accordance with the approved construction drawings under the authority of the Development Review Committee. Any substantial deviations shall be reviewed by the engineer of record with concurrent review through the Nassau County Development Process prior to field changes being made. If approval is granted for the construction deviations, revised construction drawings and related documents showing compliance with Nassau County Land Development Regulations may be required.

6.2.5. Clearing and grubbing of land is allowed in accordance with a Development Review Committee approved Plan once erosion and sediment controls have been installed. Grading and fill shall not occur until a pre-construction meeting has been conducted with Nassau County Engineering Services unless otherwise exempted by Florida Statutes or Local Ordinance. All clearing and grubbing shall be conducted in accordance with an approved tree protection plan where applicable.

Section 6.3. - State and federal permits.

Copies of applicable permits, including permit conditions, from all agencies having jurisdiction over construction projects shall be provided to the Engineering Services department prior to ~~issuance of DRC approval~~ commencement of any work. ~~Construction plans may be conditionally approved subject to permits being received by the engineering services department from other regulatory agencies prior to commencement of construction.~~ These permits include, but

are not limited to: work in or near wetland areas, stormwater management systems, specialized flood hazard areas, coastal construction and roadway construction. The burden of obtaining these permits, if required, will be the sole responsibility of the owner/applicant including any work to upgrade existing public or private roadway and drainage facilities which will be unreasonably impacted by the project. Agencies, which may have jurisdiction over the proposed work include, but are not limited to, the following:

- St. Johns River Water Management District;
- Florida Department of Environmental Protection;
- Florida Department of Transportation;
- United States Army Corps of Engineers;
- United States Environmental Protection Agency;
- Federal Emergency Management Agency.

ARTICLE 7. - NOTIFICATION AND INSPECTIONS

Section 7.1. - Authorization for inspection.

7.1.1. The Engineering Services department shall have the right to inspect any project that has been issued a development permit to ensure that all ~~roadway and drainage~~ improvements shown on the Development Review Committee approved plans are constructed in accordance with the approved construction drawings and related specifications.

7.1.2. The Engineering Services department shall have the right to enter upon and inspect land where construction activities have commenced in violation of Nassau County Land Development Regulations, regardless of whether or not an application for development permit has been made to Nassau County.

Section 7.2. - Notification.

7.2.1. All site-related roadway and drainage improvements shall be constructed in accordance with approved construction drawings and related specifications under the authority of the right-of-way permit or development permit, as approved by the Nassau County Development Review Process. To ensure construction is in compliance with permit conditions, the Engineering Services department shall be given advanced notification of the following items in the format indicated:

Permit Type/Work Item	Advance Notification	Format
Development Permits		
Commencement of Construction	48 hours	Written

Ordinance No. 2022-04		
Storm Sewers and Underdrains (prior to backfilling)	24 hours	Verbal
Roadway Subgrade	24 hours	Verbal
Roadway Curb and Concrete Work	24 hours	Verbal
Roadway Base Course	24 hours	Verbal
Roadway Surface Course	24 hours	Verbal
Final Inspections	5 days	Verbal
Right-of-Way Permits		
All Construction and Installations	24 hours	Verbal

7.2.2. The Engineering Services department acknowledges that conflicts may occur in scheduling and there may be times when a County inspector will not be available. In those instances where an inspector is not available, and to wait would unreasonably delay the project, the inspection requirements may be met by having the engineer of record submit, with applicable test reports, a signed and sealed certification to the Engineering Services department that construction was performed and completed as specified in the approved construction drawings and specifications.

7.2.3. Pre-construction meeting conference: ~~If a development is large enough, as determined by the Engineering Services director, a pre-construction meeting conference will be held prior to commencement of work. Pre-construction meetings conferences shall include all interested parties. A proposed project schedule is required for all pre-construction conferences. All documents on the Request for Pre-Construction Meeting checklist are required prior to scheduling.~~

Section 7.3. - Testing.

The Engineering Services department shall have the right to require adequate testing during construction on-site and off-site related improvements to ensure that work is performed and completed as specified on the construction drawings and related documents. All roadway and drainage projects, public or private, which serve or provide services to the citizens of Nassau County shall meet the construction and testing requirements as contained within this document.

Section 7.4. - Final inspection.

7.4.1. All ~~roadway and drainage~~ improvements shown on the Development Review Committee approved plans shall be completed ~~including, if applicable, installation of street name signs, directional signs, and traffic control signs~~ prior to scheduling for final inspection. Grassing requirements shall be a minimum of 70% coverage and fully established and/or sodding to be 100% coverage & stabilized.

7.4.2. Unless otherwise approved by the County Engineer or their designee ~~Engineering Services department~~, an "As-Built" Survey shall be submitted at the time of scheduling for final inspection.

7.4.3. The final inspection shall be a joint inspection consisting of at least a representative of the Engineering Services department, the general contractor, and the engineer of record.

7.4.4. Upon completion of the final inspection and review of the "As-Built" Survey, the Engineering Services department shall notify the owner/applicant of the results of the final inspection and "As-Built" review including any remedial action which may be necessary to bring the on-site and related off-site roadway and drainage improvements into compliance with the approved construction drawings and related specifications.

7.4.5. Storm sewer piping within all rights-of-ways and under all paved areas within multi-family developments shall be inspected by an internal video survey prior to construction approval by the County. This inspection shall include the use of laser profile technology and ovality report for all plastic pipe and video micrometer technology for RCP. All cracks, gaps, deflections, or other deficiencies outside of the tolerances allowed by the FDOT guidelines shall be repaired in accordance with the FDOT Pipe Matrix. Pipe deflection shall not exceed 5%. Gap width shall not exceed 5/8" for RCP eighteen inches or less in size. Gap width shall not exceed 7/8" for RCP larger than eighteen inches.

ARTICLE 8. - CONSTRUCTION WITHIN RIGHT-OF-WAY

Section 8.1. - General.

8.1.1. This ~~section~~ article is established to regulate construction, ~~or~~ installation of any utility, or placement of any temporary or permanent structure within any right-of-way owned by Nassau County and all new public rights-of-way. In addition, and in the interests of public health, safety and welfare, this section should be used as a guide for construction, installation, or placement of the same in private road rights-of-way. ~~Failure to meet these guidelines may jeopardize future acceptance of any private facility by Nassau County.~~

8.1.2. The presence of existing above-ground and under-ground facilities within County right-of-way will be presumed to be properly permitted in accordance with the existing guidelines in effect at the time of their installations whether or not documentation to that effect exists. The utility agency/owner shall relocate or adjust those existing above-ground and under-ground utility facilities to comply with current utility accommodation standards according to FDOT's Utility Accommodation Manual when roadway improvement projects are planned or traffic accident statistics indicate a hazard exists. ~~providing~~ Provided the relocation does not conflict with other standards, codes or regulations that provide for public health and safety, any Comprehensive Plan requirement, or overlay district requirements. ~~or will be economically unfeasible for the benefit desired.~~ Abandoned utility lines within Nassau County right-of-way shall be removed or grout filled.

Section 8.2. - Application for right-of-way permit.

8.2.1. Unless exempted herein, or otherwise approved by the County Engineer or their designee ~~Engineering Services department~~, any construction, installation, or placement of any above-ground or under-ground temporary or permanent structure or utility within County right-of-

way is prohibited unless an application for right-of-way permit has been submitted and approved by the Engineering Services department.

8.2.2. Temporary or permanent structures shall include but not be limited to: driveway connections, signs, posts, fences, landscaping, drainage connections, above-ground and underground utility installations, cross drains, side drains, ditches, and swales.

8.2.3. The application for right-of-way permit and related drawings shall be submitted in duplicate to the Engineering Services department for review. One (1) of the two (2) applications shall be an original. Upon approval, the applicant will receive one (1) copy of the approved application which shall be kept on the job site during the duration of the construction or installation activities and shall be made available to the Engineering Services department personnel upon request during field inspections. The original will be placed in County files and one (1) copy shall be used by County inspection staff.

8.2.4. The County Engineer or their designee ~~Engineering Services department~~ shall have the right to revoke any right-of-way permit where it is found that the permitted activity is not being performed in accordance with permit conditions, where there has been a misrepresentation of a material fact in the permit application, or where the activity is detrimental to the health, safety, and welfare of the public.

Section 8.3. - Maintenance of traffic.

8.3.1. Whenever construction or construction-related activities within County right-of-way will affect the movement of traffic or traffic safety, the activities shall comply with applicable traffic control standards contained in the Manual of Uniform Traffic Control Devices (Part VI), the F.D.O.T. Standards for Traffic Control through Work Zones and Nassau County Road Closure Policy.

8.3.2. Temporary closure of one or more travel lanes shall require flagmen to control vehicular traffic. Total closure of a roadway for more than five (5) minutes shall require prior approval of the County Engineer or their designee ~~Engineering Services department~~.

8.3.3. The Engineering Services department shall require that a maintenance of traffic plan prepared by Florida Advance MOT certified personnel be submitted with the application of right-of-way permit prior to commencement of any work within County right-of-way on all major and minor collectors, and on other local roads where such work could obstruct traffic or threaten the health, safety and welfare of the public. Any road or lane closures shall be in accordance with the Nassau County Road Closure Policy.

Section 8.4. - Mailboxes.

8.4.1. The location and construction of mailboxes and/or cluster box units ~~within County right-of-way~~ shall conform to the rules and regulations of the United States Postal Service.

8.4.2. Cluster Box Unit (CBU)/Mail Kiosk Regulations

8.4.2.1. Installation of CBUs, as well as any associated improvements (e.g. shelters, lighting, and other related amenities), hereinafter CBU related improvements, shall be the responsibility of the developer.

8.4.2.2. Approval and installation of all CBU related improvements must be completed prior to first certificate of occupancy issued.

8.4.2.3. The establishment of a homeowners' association or community development district is required in developments with CBU related improvements. Maintenance of all CBU related improvements shall be the responsibility of the homeowners' association or community development district.

8.4.2.4. CBU related improvements not part of a designated amenity area shall be on their own tract.

8.4.2.5. CBU related improvements shall be prohibited within the public right-of-way or in any utility easement unless written permission is granted by the easement holder.

8.4.2.6. CBU related improvements shall not be located within the vision triangle.

8.4.2.7. CBU shall be setback from an unsignalized intersection 85 ft, or 20 ft from a designated crosswalk, whichever is more restrictive.

8.4.2.8. CBUs shall be setback from main entrance intersections of the subdivision a minimum of 200 feet.

~~8.4.2.9. Landscaping, Lighting, and Parking shall conform to the regulations set forth in the Land Development Code.~~

~~8.4.2.910. A letter from the USPS stating their approval of the kiosk location will be required before County approval of engineering plans prior to construction acceptance.~~

8.4.2.1011. Required Parking shall be provided according to the chart below:

Number of Lots/Mailboxes	Parking Spaces Required
50 or fewer	2
51 to 100	3
101 to 200	4
201 and above	5

8.4.2.1112. Parking spaces may be provided in a dedicated parking area or within a bulb-out along the right-of-way, subject to approval by Engineering Services. CBU related improvements that are located in designated amenity areas may utilize the off-street parking provided. Parking may not encroach into pedestrian pathways or impede pedestrian or vehicular traffic

8.4.2.1213. Parking areas and access to the CBUs shall be compliant with current Americans with Disabilities Act (ADA) standards and Florida Accessibility Code.

Section 8.5. - Construction standards.

8.5.1. All underground utility installations, excavations, and backfill within Nassau County or proposed public right-of-way shall be installed to the following standards:

8.5.1.1. Utility locations within County right-of-way shall conform to the standard details for utility placement within County right-of-way unless otherwise approved by the County Engineer or their designee ~~Engineering Services department~~.

8.5.1.2. Minimum depths for under-ground utilities shall be as follows unless otherwise approved by the County Engineer or their designee ~~Engineering Services department~~:

Utility	Outside Pavement (inches)	Under Pavement (inches)
Sewer Force Mains	36	42
Water Reuse Lines	30 36	36
Sanitary Sewer	36	42
Water Mains	36	42
Telephone	30	36
Cable TV	24	36
Electric	36	36
Gas	36	42
Fiber Optic	36	36

8.5.1.3. The minimum depth shall be based on the vertical distance from the top of the utility to the design cross-section of the roadway. Actual depth as stated in the right-of-way permit, ~~conditions may be greater in order to avoid existing utilities and/or stormwater piping depending on the existing field conditions. In general, depths of water mains and sewer force mains shall be thirty six (36) inches outside pavement and forty two (42) inches under pavement unless otherwise approved by the Nassau County engineering services department.~~

8.5.1.4. All activity under pavement or other stabilized surface within eight (8) feet of edge of pavement on paved roads, or within fifteen (15) feet of the centerline of unpaved roads, ~~should~~ shall have backfill material placed in no greater than twelve-inch lifts, except for the top two (2) feet which should be placed in no greater than eight-inch lifts. Backfill material shall be compacted to a density of not less than ninety-eight (98) percent of the maximum density obtained using the modified proctor method.

8.5.1.5. All activity under pavement or other stabilized surface more than eight (8) feet from the edge of pavement on paved roads, or more than fifteen (15) feet from the centerline of unpaved roads, ~~should~~ shall have backfill material placed in no greater than twelve-inch lifts, and compacted to a density not less than ninety-five (95) percent of the maximum density obtained using the modified proctor method.

8.5.1.6. Minimum vertical spacing at utility crossing shall be no less than twelve (12) inches unless otherwise approved by Engineering Services.

8.5.2. "Jacking and boring" or "directional boring" of utilities under existing paved roadways are the preferred methods for all underground utility installations crossing County paved roadways. Standards pertaining to these methods shall be the guidelines contained in the then current F.D.O.T. Utilities Accommodation Manual.

8.5.3. Jetting of utilities under any roadway is prohibited. Where a utility is found to be illegally jetted under an existing roadway, the roadway section shall be removed to a depth, ~~and width,~~ and ~~the roadway section~~ reconstructed as directed by the County Engineer or their designee ~~Engineering Services department.~~

8.5.4. Open cutting of existing pavement and side roads under the jurisdiction of Nassau County generally will not be allowed. Under certain conditions, such as subsurface obstructions, limited space for jacking, high water table, or substandard roadway surface, open cutting may be allowed with approval of the County Engineer or their designee ~~Engineering Services department.~~ The applicant shall provide written justification for approval of open roadway cuts. Primary consideration will be given to the age and condition of the existing roadway pavement and safety and convenience to the public. Where open roadway cuts are permitted, replacement of fill, base and surface course shall be in conformance with requirements set forth by the County Engineer or their designee ~~Engineering Services department.~~ Flowable fill or an equivalent material is the required method for reconstruction of open roadway cuts. Open roadway cuts shall have temporary asphalt installed until an overlay can occur.

8.5.5. All areas disturbed by construction activities within County right-of-way shall be restored to the standards specified for new construction, or restored to a condition equal to conditions prior to the disturbance if the prior conditions exceeded new construction standards. Asphalt areas shall be resurfaced for the full roadway width if any patching, saw-cutting, or any other activities impacting the existing pavement occurs, as determined by the County Engineer. Overlay for open road cuts, patching, saw-cutting, or other activities impacting the pavement shall extend for a minimum distance of 50' each way beyond said impacts.

8.5.6. Drainage shall be maintained throughout the construction or installation process and shall not be blocked, restricted, or inhibited unless otherwise approved by the County Engineer or their designee ~~Engineering Services department.~~ All roadway swales shall be returned to design grade within thirty (30) days of completion of the utility installation.

8.5.7. Single vertical joints shall be avoided within Nassau County right-of-way. Joint within asphalt shall be offset one (1) foot from joint in base. Joint in subgrade shall be offset two (2) feet from joint in pavement.

Section 8.6. - Right-of-way improvements and owner responsibilities.

8.6.1. No fencing, shrubs, trees or construction other than grassing shall be placed in the right-of-way without prior County approval or permit.

8.6.2. Construction of any driveway connection or other access across public and private right-of-way or drainage facilities is the responsibility of the individual owner. Maintenance of residential culverts on public roadways maintained by Nassau County is the responsibility of Nassau County. Maintenance of any driveway connection, or any other access across public and private right-of-way or drainage facilities, for the purpose of protecting the integrity of the roadway edge is the responsibility of the owner. In the event one or more sections of a driveway connection is disturbed during maintenance to a drainage facility within a County road right-of-way, Nassau County shall repair, if able, or replace the disturbed section(s) using like material. No person shall block or impede the flow of water through any County or private drainage facility, nor shall leaves, trash or other materials be placed in or burned within the aforementioned facilities.

8.6.3. All driveway and/or drainage connections to and/or across public right-of-way shall require a permit. The pipe size and invert depth of all side drains/driveways culverts shall be approved determined by the County Engineer or their designee. Driveway connections shall in cases where the driveway connection does not require a pipe, the driveway should be constructed with a minimum of six (6) inches of reinforced concrete (three thousand (3,000) psi). to conform with the existing flow line of the roadside swale, or as established by the engineering services department. Swale driveways may be allowed, if approved by the County Engineer or their designee Engineering Services department. In cases where the driveway connection is approved to not require a pipe, the driveway shall conform with the existing flow line of the roadside swale, or as established by the County Engineer or their designee.

8.6.4. Any connection to public roadways found to be installed incorrectly or without permit shall be subject to enforcement procedures, fines and/or removal of the facility by the County Engineer or their designee Engineering Services department. The owner/applicant has the option to replace the facility at the owner/applicant's expense upon approval of the County Engineer or their designee Engineering Services department.

8.6.5. All privately owned facilities shall be continuously maintained by the owner, a property owners' association, the developer, community development district, or other entity approved by the County and designated in the construction application. Failure to adequately maintain the facilities shall be a violation of this ordinance.

Section 8.7. – Haul Route Agreements and Developer / User responsibilities.

8.7.1. A Haul Route Agreement shall be entered into and executed by any parties conducting hauling operations on County roadways as a result of development (as defined in the definitions section of this ordinance) and/or borrow pit or pond operations.

ARTICLE 9. - ACCESS MANAGEMENT

Section 9.1. - General.

Nassau County has the authority to establish, control, and limit points of ingress and egress from County roadways to ensure the safety and efficiency of its roadway system. These standards

are intended to implement Florida law. Consequently, this ordinance shall be consistent with the latest version of the Florida Department of Transportation (F.D.O.T.) "Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Green Book), F.D.O.T. "Roadway and Traffic Design Standards" (Standards), and the United States Department of Transportation "Manual on Uniform Traffic Control Devices" (MUTCD) unless specifically revised by this ordinance or the standard details. References will be made to the F.D.O.T. "Standard Specifications for Road and Bridge Construction" (Specifications). No facilities for ingress or egress to County roadways shall be constructed unless they comply with the standards set forth in this ordinance.

9.1.2. Development or redevelopment of abutting and existing parcels: Any property being redeveloped or altered, such that it requires alterations to the pavement or parking areas, shall be ~~inspected~~ reviewed by the Engineering Services director or ~~his/her~~ their designee to determine that all provisions of this ordinance are being met.

Any existing access point in use after redevelopment will require a right-of-way permit. Existing driveways shall be inspected before and after development activities by the Engineering Services director or ~~his/her~~ their designee to determine that no damage has occurred to the drive surface, roadway edge, side drain, or end treatments due to development activities.

Any existing access points not in use after redevelopment of a parcel shall have the unused apron removed and any dropped curb section along the street at abandoned access points shall be replaced with a new curb (and sidewalk if previously existing) at the expense of the property owner.

Section 9.2. - Location of connections.

9.2.1. Separation of access points:

- a. Access for all land uses located on segments of the major roadway networks as defined in the traffic circulation element of the comprehensive plan shall comply with the following:

Functional Class of Roadway	Distance Between Access Points
Primary arterial or minor arterial	Access to the State Highway System must comply with the rules of the Department of Transportation Chapter 14-97, State Highway System Access Management Classification System and Standards

- b. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway. The nearest adjacent driveway shall be defined as any existing access point regardless of whether the existing access point is used to access the right-of-way permit applicants parcel or a neighboring parcel or property.
- c. Lots shall not, in general, derive access from a collector road. Where driveway access from a collector road may be the only possible access for several adjoining lots, the

Engineering Services director may require that such lots be served by combined access drives in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on collector roads.

- d. Commercial driveway connections shall align with other driveways on the opposite side of an undivided roadway or shall be offset a minimum of one hundred (100) feet. Offset requirements may be increased where auxiliary lanes are required.
- e. ~~Residential driveway connections shall be restricted to local roads unless otherwise approved by the engineering services department. Planned developments shall incorporate design of the roadway systems to alleviate residential connections to major and minor collectors.~~

9.2.2. Number of access points: Access for all land uses located on roads under the jurisdiction of this ordinance shall in addition to the requirements above comply with the following:

- a. New development sites shall be required, where possible according to the Engineering Services director, to share access points. Shared access easements shall be recorded on the development plat. Proposed access improvements may be subject to Development Review Committee review. Shared access driveway improvements within the County right-of-way shall be installed by the developer or a construction bond for shared access improvements shall be in place prior to final plat approval. Shared access driveways installed as well as any other development improvements will be bonded in accordance with the provisions of Article 12 of this Ordinance.
- b. Commercial parcels shall be allowed a maximum of two (2) accesses along each street fronting the parcel, subject to separation and spacing requirements in Section 9.3.1.
- e. ~~Commercial properties located at the intersection of two (2) roads (corner property) shall be limited to one (1) access point for the first one hundred (100) feet of property frontage from the intersection.~~
- d. ~~Non-commercial property located at the intersection of two (2) roads shall be limited to one (1) access point for the first one hundred (100) feet of property frontage from the intersection.~~
- e. c. Driveway location: No driveway may be constructed closer than one hundred (100) feet to the right-of-way line of any intersection or the nearest driveway except for single family dwellings located on marginal access or minor streets intersecting with a marginal access or minor street, where minimum separation shall be fifty (50) feet. Driveway locations and minimum distance requirements in platted subdivisions, shall be as specified in the Final Engineering Plans as reviewed and approved by the Development Review Committee.
- f. d. Commercial lots shall not receive access from local roads unless authorized by Development Review Committee approval or the County Engineer. If approval is granted, but the County road is not constructed in accordance with the appropriate Nassau County Standard Detail (See Standard Details 2, 3 or 4) the developer shall make improvements in order to bring the road up to current Nassau County standards to the nearest intersection with a collector roadway.

9.2.3. Residential driveway connections shall be restricted to local roads unless otherwise approved by the County Engineer or their designee ~~Engineering Services department~~. Planned developments shall incorporate design of the roadway systems to alleviate residential driveway connections to major and minor collectors.

Section 9.3. - Driveway design.

9.3.1. Driveway widths, spacing, radii, and minimum angles for residential and commercial driveways shall be based on the following guidelines (See Figure 1 for a depiction of the measurement criteria):

Residential Driveways	Local Roads	Minor Collectors	Major Collectors
Nominal width			
Single residence (W)	12—22 <u>26</u> ft.	12—22 <u>26</u> ft.	16—22 <u>26</u> ft.
Two or three residence (W)	20—24 <u>26</u> ft.	20—24 <u>26</u> ft.	22—26 ft.
Minimum flare (F)	<35 mph = 5 ft.; 35-50 mph = 10 ft. ; >50 mph = 15 ft.		
Minimum spacing			
From property line (P)	5 ft.	5 ft.	15 ft.
From street corner (C)	50 ft.	100 ft.	100 ft.
Between driveways (S)	50 ft. *	100 ft.	100 ft.
Minimum angle (A)	80 degrees	80 degrees	80 degrees

*Driveway locations and minimum distance requirements in platted subdivisions, shall be as specified in the Final Engineering Plans as reviewed and approved by the Development Review Committee

Commercial Driveways	Local * Roads	Minor Collectors	Major Collectors
Nominal width			
One Way (W)	16 ft.	16 ft.	16—20 ft.
Two-way (W)	24—30 ft.	24—36 ft.	24—36 ft.
Minimum radius (R)	25 ft.	30 ft.	35 ft.
Minimum Flare (F) (optional in lieu of radius)	<35 mph = 10 ft.; 35-45 mph = 15 ft. ; >45 mph = 20 ft.		
Minimum spacing			

From property line (P)	25 ft.	30 ft.	35 ft.
From street corner (C)	100 ft.	100 ft.	100 ft.
Between driveways (S)	100 ft.	100 ft.	100 ft.
Minimum angle (A)	80 degrees	80 degrees	80 degrees

Note: These design values are typical minimum standards but may be adjusted by the County Engineer or their designee ~~Engineering Services department~~ as required for the projected traffic conditions or for other good cause.

*If commercial access is granted on local road by Development Review Committee or the County Engineer.

9.3.2. The location of the driveway should be compatible with the internal movement of traffic and the planned parking layout. The location of the driveway connection shall never allow vehicles to back across the throat of a driveway or back into the "through" travel lane. Developments with thirty thousand (30,000) square feet gross floor area or more shall be a minimum of seventy-five (75) feet of storage lane at the entrance to avoid obstructing through traffic.

9.3.3. In the event that the guidelines set forth in this section will cause hardship or make driveway installation impossible, the Engineering Services director may relax these requirements if suitable justification is demonstrated.

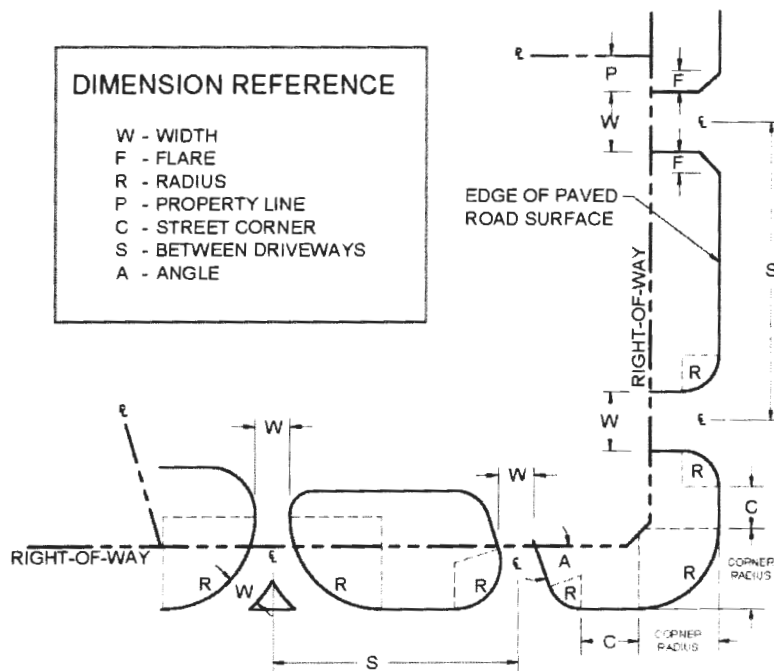


Figure 1: Driveway Connection Diagram

9.3.4. Single family residential dwelling units shall not have more than two (2) driveways per dwelling unit.

Section 9.4. - Driveway grades.

Figure 2 established maximum grade changes for driveways from the three (3) classes of roadways. For the values shown, no vertical curve connecting the tangents is necessary. For grade changes more abrupt than those in Figure 2, vertical curves at least ten (10) feet in length shall be used to connect tangents.

Section 9.5. - Connection design.

9.5.1. The plans submitted for review shall depict the proposed improvements for driveway connections and driveway approaches. The plans shall provide the driveway size, width, return radii, angle to the roadway, approach taper length, existing and proposed pavement marking, existing and proposed drainage pipes or other drains (including pipe size and type of material), and existing and proposed grades (including pavement design).

9.5.2. Proposed connections shall have no fences, walls, hedges, or other obstacles that will obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grade of the intersecting driveway, per F.D.O.T. Standards, Index No. 546.

9.5.3. All connections, both commercial and residential, to paved roadways shall be permanent type pavement, including Portland Cement Concrete or asphaltic concrete. Gravel, bituminous surface treatments, and other similar materials without a permanent surface are prohibited. “Millings” surface treatments are only allowed for residential connections if all of the following criteria is met:

- The property owner shall execute a “Roadway Maintenance and Repair Affidavit” stating that the property owner will be responsible for any damage to the paved roadway edge, including the shoulder, and/or the drainage culvert. Aforementioned affidavit detailing owner responsibilities, claim process, and penalties shall be provided in a standard County form as approved by the County Attorney.
- The proposed connection does not provide access to a property located within a platted subdivision.
- The construction shall be in accordance with Nassau County “Alternate Asphalt-Millings Driveway Installation Drawing”.
- The proposed connections are accessing roadway segments with rural development context including the following roadways*:

Andrews Road	Ford Road	Griffin Road
Kings Ferry (CR 115A)	Lessie Road	CR 108 (US 17 to CR 121)
Middle Road (CR121A)	CR 119	CR 121
Musselwhite Road	CR 115 (Old Dixie Highway)	CR 108 (CR121 to US 1)

*Additional roadway segments, not included in the list above, may be approved by request, at the discretion of the County Engineer.

9.5.4. Pavement design requirements of commercial driveway and roadway connections, for the extent of permanent pavement required in Section 9.6 below, including stabilized subgrade, base course, and surface course, shall equal or exceed the requirements of the adjacent roadway travel lane. Pavement design requirements of residential driveway connections, for the extent of permanent pavement required in Section 9.6 below, shall equal or exceed the requirements for local roads, with the exception of Portland cement concrete driveways which shall have a minimum pavement thickness of six (6) inches of reinforced concrete (three thousand (3,000) psi).

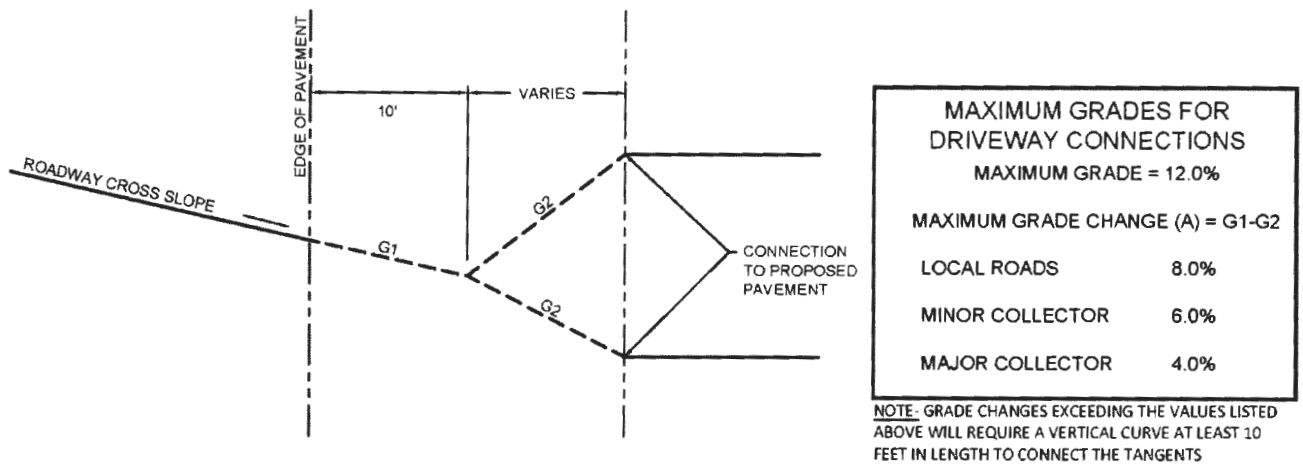


Figure 2: Maximum Grade Change For Driveway Connections

9.5.5. All culvert ends shall be constructed with end treatments in accordance with the table below.

Driveway End Treatment Requirements	
Posted Roadway Speed	End Treatment Required*
30 mph or less	No end treatments required
31-44 mph	Pre-cast mitered end section with 4:1 slope (Detail No. 24) Cast-in-place mitered end section per Detail No. 24 & FDOT Design Standards Index Nos. 273 430-010, 430-011, 430-021, and 430-022.
45 mph or greater	Cast-in-place mitered end section per Detail No. 24 & FDOT Design Standards Index Nos. 273 430-010, 430-011, 430-021, and 430-022. Pre-Cast mitered end with 4:1 slope may be used, in lieu of cast in place mitered ends only where the distance requirements meeting the requirements of Table 3 , below, is present .

* All erosion provisions set forth in Article 10 shall be met.

Table 3— Minimum Distance Requirements for Pre-Cast Mitered End Sections

Design Speed	45 mph & less	50	55	60 & above
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<u>Minimum Distance From Edge of Travel Lane to Center of the Culvert</u>	6 ft.	8 ft.	8 ft.	14 ft.
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Section 9.6. - Connection limits.

9.6.1. Permanent pavement for commercial driveways shall extend at least to the end of the driveway curb radius, or to the right-of-way line, whichever is greater. Permanent pavement for residential driveways shall extend a minimum of five (5) feet from the edge of travel lane or 2' past the edge of the driveway culvert closest to the right-of-way line, whichever is greater.

9.6.2. Easement for ingress/egress: Easements dedicated for ingress and egress to provide access to property not having direct access on a state, County, or approved private roadway, shall be in conformance to the Nassau County Zoning Ordinance and this ordinance.

Section 9.7. - Temporary driveway connections.

9.7.1. Temporary driveway connections shall be permitted for activities which do not require a permanent driveway connection. Examples of activities that may obtain a temporary driveway connection may include, but are not limited to:

- a. Temporary construction driveways;
- b. Silviculture operations;
- c. Agriculture activities;
- d. Borrow pit and mining activities.

9.7.2. Right-of-way permits shall be obtained for all temporary driveway connections and shall meet the requirements of Article 8 of this ordinance. Right-of-way permits for temporary connections shall expire after a twelve (12) month period and may be extended for additional six (6) month periods upon payment of the applicable right-of-way permit fee.

9.7.3. ~~Temporary~~ All development construction, borrow pit, and mining activity entrances (temporary or permanent) shall provide edge of paved roadway protection in the form of a paved five (5) foot apron driveway connections shall be paved for a minimum of five (5) feet from the edge of travel lane or paved shoulder. If a ditch or swale is present, a side drain is required which meets the requirements of Section 11.11.3 of this ordinance. Any unpaved portion of the driveway connection shall be constructed to ensure that erosion will not occur that could affect the roadway drainage system.

9.7.4. Upon expiration of the temporary driveway connection permit, the driveway connection shall be removed and the right-of-way shall be restored to its original condition.

Section 9.8. - Auxiliary lanes.

9.8.1. Auxiliary turn lanes shall be required on all County, FDOT, or public rights-of-way where safety and capacity considerations warrant their use for vehicle deceleration and storage.

Where Florida Department of Transportation or Nassau County auxiliary lane requirements differ, the more stringent regulation shall apply:

9.8.1.1. Roads with posted speed limits of thirty (30) mph or greater:

a. *Right turn lane:*

- Development will generate two hundred fifty (250) vehicles per day (VPD) on the intersecting roadway connection; or,
- Gross floor area of non-residential development is twenty-five thousand (25,000) square feet; or,
- Development will generate five (5) semitrailer truck (WB-40 or larger) trips per day.

b. *Left turn lane:*

- Development will generate five hundred (500) VPD on the intersecting roadway or driveway connection; or,
- Gross floor area of non-residential development is fifty thousand (50,000) square feet; or,
- Development will generate ten (10) semitrailer truck (WB-40 or larger) trips per day.

9.8.1.2. Roads with posted speed limits of twenty-five (25) mph or less:

a. *Right turn lane:*

- Development will generate five hundred (500) VPD on the intersecting roadway or driveway connection; or,
- Gross floor area of non-residential development is fifty thousand (50,000) square feet; or,
- Development will generate five (5) semitrailer truck (WB-40 or larger) trips per day.

b. *Left turn lane:*

- Development will generate one thousand (1,000) VPD on the intersecting roadway or driveway connection; or,
- Gross floor area of non-residential development is one hundred thousand (100,000) square feet; or,
- Development will generate ten (10) semitrailer truck (WB-40 or larger) trips per day.

9.8.2. The geometric design of the auxiliary lanes shall be in accordance with F.D.O.T. Standards. The construction of auxiliary lanes shall meet other provisions of this ordinance.

Pavement design requirements of the auxiliary lanes, including stabilized subgrade, base course, and surface course, shall be the same as the requirements of the adjacent roadway travel lane. The entire width of the road surface must be overlaid for the total length of the auxiliary lanes with a surface course of similar type as the adjacent roadway sections.

9.8.3. Protection of right-of-way: Any property being developed or redeveloped shall be reviewed by the Engineering Services director to determine if right-of-way shall be required for future widening of adjacent roadways or if right-of-way is required to bring roadway to current standards. Where the requirement exists that right-of-way be protected, the submitted plans for development or redevelopment shall be modified to provide for the required right-of-way. Additional right-of-way shall be required of all properties being developed or redeveloped along the following Major and Minor Collector Roads:

Amelia Island Parkway	Edwards Road	Old Dixie Highway (CR 115)
Andrews Road	Ford Road	Old Nassauville Rd (CR 107)
Bay Road (CR 115)	Griffin Road	Pages Dairy Road (CR 200A)
Blackrock Road (CR 107)	Kings Ferry (CR 115A)	River Road/Brandies Avenue
Chester Road	Lessie Road	William Burgess Boulevard
CR 108	Middle Road (CR 121A)	CR 119
Miner Road	CR 121	Musselwhite Road
Crawford Road		

Section 9.9. - Parking and loading requirements.

9.9.1. All parking lots, loading areas and vehicular use areas shall have paved surfaces with adequate drainage and stormwater management provisions as required by Article 10 of this ordinance. Use of pervious surfaces using LID techniques ~~non-permanent surfaces~~ may be permitted with approval by Engineering Services ~~and demonstration that off-site impacts will not occur.~~

9.9.2. All off-street parking spaces shall be directly accessible from an aisle or driveway. Access to parking areas shall be designed so as not to obstruct free flow of traffic. Improvements shall be provided as necessary to prevent ingress and egress to parking areas at any point other than designated driveways.

9.9.3. Parking spaces and drive aisles at the perimeter of parking lots shall be provided with curbing, wheel stops, or other similar physical barrier to ensure that parked vehicles do not come into contact with sidewalks, landscaping, walls, fences, drainage structures, stormwater ponds, or buildings, or other obstructions. If a raised sidewalk is located immediately adjacent to the front overhang of the parking spaces, the parking stall depths may be decreased by two (2) feet, provided the sidewalk width is increased by the corresponding two (2) feet.

9.9.4. All angled parking spaces, except handicap accessible spaces and small car spaces, shall be a minimum of nine (9) feet in width. All parallel parking spaces, except for handicap accessible spaces, shall be a minimum of eight (8) feet in width. Other stall and aisle dimensions shall be based on the following standards (see Figure 3 for a depiction of the measurement criteria):

Angle (degrees)	Stall Depth to Wall (D) (feet)	Stall Depth to Interlock (I) (feet)	Aisle Width (W)* (feet)
90 (2-Way)	18.0	18.0	24.0
60 (2-Way)	19.0	17.5	24.0
75 (1-Way)	19.5	18.8	23.0
60 (1-Way)	19.0	17.5	16.0
45 (1-Way)	17.5	15.3	12.0
Parallel	-	20.0	12.0

* Aisle width may be decreased by two (2) feet for one-sided parking modules where four (4) feet of clear, unobstructed area is provided adjacent to the parking aisle opposite the parking spaces.

9.9.~~56~~~~57~~. Small car parking spaces shall be permitted in low turnover parking areas such as employee lots and residential parking sites. The small parking spaces shall not exceed thirty (30) percent of the total required spaces and shall be clearly designated with signs. Small car spaces shall be considered only for ninety (90) degree and parallel parking layouts. 90-degree small parking spaces shall be a minimum of eight (8) feet in width with stall depths a minimum of sixteen (16) feet. Parallel small parking spaces shall be a minimum of eight (8) feet in width and eighteen (18) feet in length.

9.9.~~67~~~~67~~. Parking stall dimensions, access aisles, and curb ramps for handicap accessible spaces shall be designed to meet the standards of the Americans with Disabilities Act and the Florida Accessibility Code for Building Construction.

9.9.~~78~~~~77~~. Commercial facilities with drive-through windows shall provide adequate vehicle storage area for queuing outside the road right-of-way.

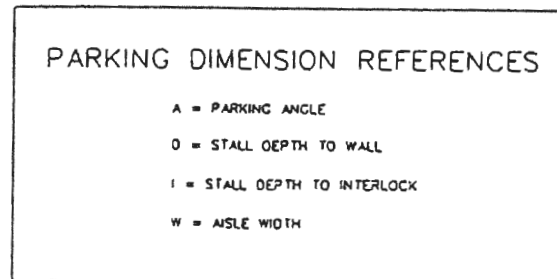
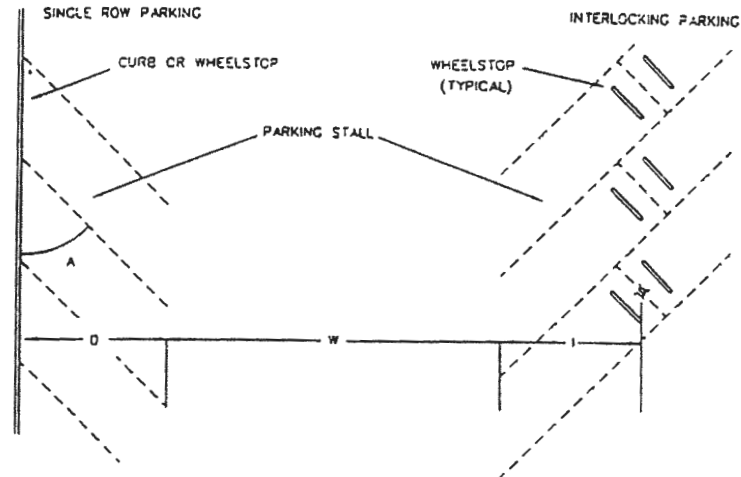


Figure 3: Parking Dimension References

ARTICLE 10. - STORMWATER MANAGEMENT

Section 10.1. - Objectives.

10.1.1. Article 10 of this ordinance shall govern the design and construction or alteration of all drainage systems, natural or man-made, within the unincorporated areas of Nassau County. The following objectives are hereby established in order to protect, maintain and enhance both the immediate and the long-term health, safety, and welfare of the citizens of Nassau County, while allowing landowners reasonable use of their property:

- a. To reduce the risk of loss of life and property due to flooding;
- b. To reduce the capital expenditures associated with flood control and the installation and maintenance of storm drainage systems;
- c. To minimize the adverse impact of land development and related construction activities on property, environmentally sensitive areas, water and other natural resources.

10.1.2. The owner/applicant should respect the rights of other land owners with regard to volume, rate, and quality of stormwater runoff leaving a project site; and, shall mitigate in accordance with the requirements of this ordinance, the predicted impacts of the proposed activity on other lands through the use of a properly designated, constructed and maintained stormwater management system. In mitigating impacts, the following shall be addressed:

- a. Impacts to adjacent and downstream collection, storage, and conveyance systems due to increased volume and rate of stormwater runoff leaving a project site;
- b. Impacts to adjacent and upstream runoff contributing areas which may be hydrologically or hydraulically connected to the project;
- c. Impacts to adjacent and downstream property due to sediments and other pollutants carried by stormwater runoff during and after construction of the project;
- d. Impacts to Special Flood Hazard Areas (SFHA) due to earthwork activities associated with the project which may result in reduced flood storage or conveyance capacity;
- e. Impacts to volume sensitive areas which are flood-prone due to being landlocked, or closed areas having either no drainage outlet or limited outlet capacity.

10.1.3. Nassau County acknowledges ~~that~~ under certain circumstances, it may not be possible or practical to meet all of the objectives of Section 10.1. Projects will be evaluated to determine the methods ~~by which~~ the owner/applicant proposes to mitigate undesirable effects resulting from an inability to meet all the objectives herein. A project ~~that~~ meeting all of the minimum design standards and permitting requirements established by Article 10 shall be presumed to adequately mitigate for stormwater runoff impacts identified above.

10.1.4. Compliance with this ordinance shall not, by itself, relieve the designer, the contractor, or the owner of his or her liability to others affected by the drainage work.

Section 10.2. - Activities requiring a permit.

10.2.1. Unless exempted under section 10.3 below, the following activities will require prior approval through the Nassau County Development Review Process:

- a. Alteration, restriction, or removal of existing natural drainage collection, storage and conveyance systems;
- b. Alteration, restriction, removal, reconstruction, or abandonment of existing manmade collection, storage, and conveyance systems;
- c. Any activity which alters or disrupts the natural flow patterns of stormwater runoff or would result in an increase in stormwater discharge volume and/or rate. These activities include, but are not limited to: draining, compaction, filling, excavating, diverting, obstructing or otherwise altering the natural flow patterns of stormwater runoff;
- d. Changing the use of land and/or the construction of a structure or change in the size of one or more structures;
- e. The development of recorded and unrecorded subdivisions or the re-platting of recorded subdivisions, residential or non-residential.

10.2.2. Construction activities shall be reviewed and permitted with a Lot Grading Form or Grading Permit. This includes single family dwellings.

Section 10.3. - Exemptions.

10.3.1. Except as noted, the following projects shall be exempted from the stormwater permitting requirements of this ordinance:

- a. Agricultural and forestry pursuits;
- b. Maintenance work performed on existing mosquito control drainage canals;
- c. Maintenance work performed on existing stormwater management systems provided that such maintenance work does not alter the purpose and intent of the system as constructed;
- d. Maintenance or renewal of existing pavement or buildings;
- e. Single family dwelling units and duplexes which are not a part of a larger common plan of development or sale;

10.3.2. Projects meeting the provisions of Section 10.3.1(e) above shall be subject to the requirements of Section 10.6.8, special flood hazard areas and volume sensitive areas, and Section 10.8, finished floor elevations and lot grading plans.

10.3.3. Minor Projects, listed below, shall be exempted from stormwater discharge requirements of Section 10.6.3.1 only. Projects shall, at a minimum, provide retention of stormwater runoff generated from the first one inch of rainfall resulting from the developed or redeveloped area. At the approval of the County Engineer or their designee, where soil types and groundwater table conditions are not conducive to retention systems, a stormwater detention system shall be provided with the above required stormwater volume released over a period of twenty-four (24) to seventy-two (72) hours following the storm event. ~~The following projects shall be considered minor in nature and shall be exempted from the stormwater discharge requirements of section 10.6.3.1 only. However, depending on soil types and hydrologic conditions, projects exempted under this provision shall at a minimum provide retention of stormwater runoff generated from the first one inch of rainfall resulting from the developed or redeveloped area. In cases where soil types and groundwater table conditions are not conducive to retention systems, a stormwater detention system shall be provided with the above required stormwater volume released over a period of twenty four (24) to seventy two (72) hours following the storm event.~~

10.3.3.1. ~~Single triplexes and quadraplexes provided that~~ if lot coverage including the building, driveways, and parking area does not exceed thirty-five (35) percent of the total developable lot area and the lot is not part of a larger common plan of development or sale.

10.3.3.2. Expansions or modifications to existing projects ~~provided that~~ if all of the following requirements are met:

- a. The site is currently served by an existing and maintained stormwater management system;
- b. The existing site improvements plus the proposed expansion does not exceed 70 percent total site impervious coverage;
- c. The expansion consists of no more than two thousand eight hundred (2,800) square feet of building, sidewalks, and associated parking area. The requirement is based on a one-time only expansion or a cumulative expansion up to the two thousand eight hundred (2,800) square feet. Any further expansions shall be nonexempt and shall meet all the stormwater management requirements of Article 10 of this ordinance;

- d. The existing stormwater management system can be enlarged to collect and retain or detain, as required above, stormwater runoff from the developed or redeveloped area;
- e. The proposed improvements and alterations to the project site will not cause unreasonable impacts to adjacent properties;
- f. All other applicable land development regulations have been met.

10.3.3.3. New projects which are less than or equal to thirty-five (35) percent impervious lot coverage up to a maximum of nine thousand (9,000) square feet of impervious lot coverage including building, sidewalks, driveway, and parking area and provided that all of the following are met:

- a. No more than fifteen thousand (15,000) square feet of the project site is altered, including clearing and earthwork;
- b. Retention or detention of stormwater runoff as required above can be provided;
- c. The proposed improvements and alterations to the project site will not cause unreasonable drainage impacts to adjacent properties;
- d. All other applicable land development regulations have been met.

10.3.4. Projects meeting the requirements of Section 10.3.3 above shall be required to submit a drainage plan meeting the requirements referenced in Section 10.7, below and are subject to "As-Built" inspection and certification. Projects will not be released for issuance of Certifications of Occupancy until the Engineer of Record certifies the as-built and Engineering Services approves the as-built. See as-built checklist for submittal requirements.

10.3.5. The County Engineer or their designee ~~Engineering Services Department~~ shall have the right to exempt any project from the drainage requirements herein, where, in the judgment of the County Engineer or their designee ~~Engineering Services Department~~, the proposed improvements will result in less than a five (5) percent increase in volume and/or rate of stormwater runoff from the project site; ~~impacts adjacent and downstream properties are negligible~~ and, there is no history of flooding problems. This exemption must be in writing to be valid.

10.3.6. Exemption of any project under the provisions of Section 10.3 does not relieve the owner/applicant from obtaining permits from other local, state or federal agencies which may have jurisdiction over the project or from meeting all other applicable land development regulations.

Section 10.4. - Certifications.

10.4.1. Professional certification:

10.4.1.1. All construction drawings and related design documents pertaining to stormwater management shall be prepared by a Florida Registered Engineer or other professional allowed under state law, who is competent in the fields of hydrology; drainage and flood control; erosion and sediment control; and, stormwater pollution control. All final drawings, specifications, plans, reports, or documents prepared or issued by the registered professional shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date and embossed

seal of the registered professional. All drawings of record shall clearly identify in a legible manner the name and registration number of the registered professional.

10.4.1.2. The registered professional shall certify to Nassau County, either on the drainage plan or by separate document, that the drainage facilities shown on the final drawings of record were designed in conformance with the Nassau County Roadway and Drainage Standards Ordinance. A standard form meeting this requirement is provided as Exhibit 2 of this ordinance.

10.4.2. Operation and maintenance. Projects which do not otherwise require establishment of operation and maintenance responsibility in public records shall be required to designate the entity responsible for operation and maintenance prior to ~~approval for construction~~ final approval from Engineering Services department. It shall be recorded in Nassau County public records. A standard form meeting this requirement is provided as Exhibit 5 of this ordinance. ~~The designated entity responsible for the operation and maintenance of the stormwater retention facility shall submit a copy of any inspection reports such as the bi-annual report required by St. Johns River Water Management District to the engineering services department when requested.~~

10.4.3. As-built certification. "As-Built" survey requirements and related certification shall be provided in accordance with the requirements of Article 5 of this ordinance. A standard form meeting this requirement is provided as Exhibit 4 of this ordinance.

Section 10.5. - Legal positive outfall.

10.5.1. All stormwater discharges from a project shall be directed to a point of legal positive outfall from the point of discharge to the receiving body of water without ~~unreasonably impacting adverse impacts~~ the flood levels of any upstream, downstream, or adjacent property relative to the minimum design standards of Section 10.6 and the design considerations for mitigating ~~unreasonable adverse impacts~~ set forth in Section 10.1.2. ~~No diversions of surface waters will be permitted if properties downstream of the diversion would be unreasonably impacted by such diversion for storm events up to and including the 100-year storm. Any improvements or increase in capacity of downstream facilities necessary to serve the project shall be the responsibility of the owner/applicant and shall be constructed in conjunction and prior to the project construction unless otherwise approved or provided for by Nassau County. Financial assurances meeting the requirements of article 12 of this ordinance may be required prior to approval by Nassau County.~~

10.5.2. No diversions of surface waters will be permitted if properties downstream of the diversion would be impacted post development in rates or volumes that exceed predevelopment flow rates and volumes for storm events up to and including the 100-year storm.

10.5.3. Any improvements or increase in capacity of downstream facilities necessary to serve the project shall be the responsibility of the owner/applicant and shall be constructed in conjunction or prior to the project construction. Nassau County requires calculations to prove the downstream structures can adequately handle post development design flows. Upstream structures shall be evaluated, at the discretion of the County Engineer or their designee, if submitted plans and calculations show potential impacts to the upstream structure are probable. Bonding of the construction meeting the requirements of Article 12 of this ordinance may be required prior to approval by Nassau County.

10.5.24. County approval of a project does not result in the grant of any easements or property rights or authorize encroachment upon or use of the property by others. The County will require proof that the owner/applicant and the project engineer have verified the existence of a legal right to discharge stormwater from the project outfall.

Section 10.6. - Minimum design standards.

10.6.1. General:

10.6.1.1. In meeting the objectives of Section 10.1 above, storage of stormwater runoff shall be provided to meet the minimum design standards below. Required storage shall meet the volume requirements for water quality and attenuation of peak discharge rate and/or volume (for volume sensitive areas), whichever is greater. In the event another local, state, or federal regulation is more restrictive, the more restrictive standards shall prevail.

10.6.1.2. Projects which are to be constructed in phases shall provide drainage improvements meeting the minimum design standards for each phase. No phase shall be dependent upon the ultimate installation of a future phase.

10.6.1.3. Treatment or attenuation of stormwater runoff will not be allowed in roadside swales unless bio swales or other LID concept is approved by the County Engineer or their designee.

10.6.1.4. All wet ~~retention~~ detention ponds used for the treatment or attenuation of stormwater runoff shall meet the following public safety requirements of chapter 62-25.025, Florida Administrative Code: permanently wet detention basins shall either be fenced or otherwise restricted from public access or contain side slopes that are no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the normal water level (nwl). All side slopes shall be stabilized by either vegetation or other materials to minimize erosion and subsequent sedimentation of the basins.

~~10.6.1.5. All wet retention ponds used for the treatment or attenuation of stormwater runoff must be posted "No Swimming". Public warning signs shall be no larger than two (2) square feet in size and must be placed every two hundred (200) feet around the perimeter of the pond.~~

10.6.2. Geotechnical evaluation:

10.6.2.1. The United States Department of Agriculture (U.S.D.A.), Soil Conservation Natural Resources Conservation Service (NRCS) "Soil Survey of Nassau County, Florida" shall be used as a planning guide only. Soil profiles using the U.S.D.A. soil classification method shall be performed on sufficient areas throughout the site to verify soil types and hydrological conditions. The Unified Soil Classification System (USCS) will also be used in the evaluation process.

10.6.2.2. A geotechnical report from a licensed engineer or other professional authorized under the Florida Statutes to do such work shall be submitted for any stormwater storage facilities including ponds, conveyances, and storage facilities as required by and in accordance with the. ~~proposed as a "dry" facility or any stormwater storage facility which~~

~~uses infiltration for sizing of the facility. testing requirements of the SJRWMD Environmental Resource Permit "Stormwater Quality Applicant's Handbook" most recently adopted version. The report shall include soil boring logs, estimated seasonal high water table, locations of confining layers, results of hydraulic conductivity tests, and any other parameters which may affect the design or recovery of the facility. Soil borings shall extend a sufficient distance below the proposed bottom elevation of the stormwater storage facility to identify any constraints that may affect the design or recovery of the system. Guidelines pertaining to the depth and number of borings and hydraulic conductivity tests may be obtained from the engineering services department. In an area where it is evident that a seasonal high water table or a confining or impermeable soil lay is within four (4) feet of the bottom elevation of the proposed retention area, a "mounding analysis" is required to substantiate the design and recovery of the system.~~

10.6.3. Specific design and performance criteria:

~~10.6.3.1. Except for those projects which are exempted under Section 10.3 above, allowable stormwater discharge rate and discharge volume from a project shall be based on the following design and performance criteria are required. Low Impact Development (LID) Designs are encouraged, unless otherwise indicated below: The County Engineer or their designee shall have the right to exempt any project from the discharge pre vs post requirements of this section which borders on and discharges directly into the Nassau River; the St. Mary's River, the Intercoastal Waterway and its tributaries, or the Atlantic Ocean.~~

- a. ~~The post-development rate of runoff for a development shall not exceed the predevelopment runoff rate for the Mean Annual, 5-year, 10-year, and 25-year storm events. Projects which discharge or contribute runoff to downstream areas which are not volume sensitive and have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall limit peak rates of discharge for developed conditions to pre-developed or existing conditions for the 5-year, 10-year, and 25-year design storm event.~~
- b. ~~Projects which discharge or contribute runoff to downstream areas which are The Post Development rate of runoff for volume sensitive sites or flood-prone areas and/or do not have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall provide detention of the 25-year discharge volume for developed conditions. Volume Sensitive sites or flood-prone areas shall be determined by Engineering Services, such that The volume released from the project during the critical time period is no greater than the volume released under pre-developed or existing conditions during the same time period. For the purposes of this requirement the critical time period shall be the storm duration as indicated in section 10.6.3.7 below unless a detailed hydrologic study of the contributing watershed demonstrates otherwise.~~
- c. ~~Retention / Detention areas shall be designed with sufficient hydraulic capacity for a 25-year storm event. Top of banks for all ponds shall be set to accommodate the 100-year storm event.~~
- e. d. Unless exempt, all projects shall meet state water quality discharge standards as regulated by the St. Johns River Water Management District and/or the Florida Department of

Environment Protection. A valid and active copy of the permit(s) shall be submitted to the Nassau County Engineering Services department before a pre-construction meeting will be held. The engineering services department shall presume that this requirement is met upon submittal of a copy of a valid St. Johns River Water Management District permit.

~~10.6.3.2.~~ The Engineering Services Department shall have the right to exempt any project from the discharge requirements of section 10.6.3.1(a) which borders on and discharges directly into the Nassau River; the St. Mary's River, the Interoceanal Waterway and its tributaries, or the Atlantic Ocean.

~~10.6.3.3.~~ Stormwater discharge analysis shall consist of generating pre-development and post-development runoff hydrographs; routing the post-development runoff hydrographs through the stormwater storage system; and, sizing the storage system and discharge control structure(s) to limit post-development discharge rate and/or volume to pre-development or existing conditions for the storm events indicated in section 10.6.3.1 above. Stormwater discharge computations shall include the storm frequency, storm duration, rainfall amount, rainfall distribution, hydrologic soil conditions, surface storage, changes in land use cover and slope conditions, off-site runoff contributing areas, time of concentration, tailwater conditions, and any other changes in topographic and hydrologic characteristics. Where applicable, projects will be divided into sub-basins according to the drainage divides to allow for more accurate hydrologic simulations. Interconnected pond systems shall be molded as such.

~~10.6.3.4.~~ Depending on soil types and hydrologic conditions, infiltration may be utilized in conjunction with flood routing procedures to satisfy the requirements of section 10.6.3.1(a) and 10.6.3.1(b) where soil and groundwater table conditions are conducive to such practices, such as SCS hydrologic group "A" soils.

~~10.6.3.5.~~ All stormwater storage facilities shall be designed to recover sufficient volume to satisfy state water quality discharge standards with total volume recovery within seven (7) to fourteen (14) days following the design storm event.

~~10.6.3.6.~~ Rainfall data and distributions shall be based on the 24-hour precipitation amounts contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida" or SCS Type II Florida Modified rainfall distribution.

~~10.6.3.7.~~ Rainfall distributions shall be based on the 24-hour duration rainfall event utilizing the SCS Type II Florida Modified rainfall distribution or an applicable basin specific storm frequency distribution contained in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida".

~~10.6.3.8.~~ Except as indicated in section 10.6.3.9, hydrographs for flood routing procedures shall use the U.S. Department of Agriculture, Soil Conservation Services (SCS) runoff curve number method. Ultimate land usage shall be utilized for post-development design and analysis using average antecedent moisture conditions (AMC II). Selection of

~~appropriate runoff curve numbers shall be based on values contained in the latest edition of the SCS Technical Release 55 entitled, "Urban Hydrology for Small Watersheds". With prior approval of the engineering services department, other methods may be accepted based on applicability to site conditions, soil and hydrologic conditions, and demonstration that results are comparable to the SCS runoff curve number method.~~

~~10.6.3.93. The following Methods are accepted for generating runoff hydrographs for flood routing procedures are the SCS Unit Hydrograph Method and Modified Rational Method. Use of the Modified Rational Method for flood routing procedures shall be limited to small non-residential projects less than ten (10) acres.~~

~~a. SCS Unit Hydrograph Method;~~

~~b. Santa Barbara Urban Hydrograph Method;~~

~~c. Modified Rational Method*.~~

~~* Use of the Modified Rational Method for flood routing procedures shall be limited to small non-residential projects less than five (5) acres.~~

~~10.6.4. Collection and conveyance facilities. Unless otherwise approved by the County Engineer or their designee Engineering Services Department, the following standards shall apply to all collection, storage, and conveyance facilities.~~

~~10.6.4.1. Temporary roadway flooding for the storm events indicated below may be permissible during the design storm event only if full recover and use of the roadway is available at the end of the design storm event. Flood Hydraulic routing analysis shall show that flood water elevations at no time will exceed the following:~~

- ~~a. Exceed an elevations that would permitting flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a roadway for a 25-year storm event;~~
- ~~b. Exceed a depth of one (1.0) foot (twelve (12) inches) above the lowest elevation on the centerline profile of a roadway located within a Special Flood Hazard Area (SFHA) or exceed the finished floor elevation of any structure within the project for the 100-year storm event whether located in a Special Flood Hazard Area or not.~~

~~10.6.4.2. Roadway storm sewer systems shall be designed to transport stormwater runoff resulting from a 5-year frequency storm event using the F.D.O.T. Zone 45 intensity-duration-frequency curves. Time of concentration shall be based on standard accepted engineering practice and should consider, where applicable, overland sheet flow, shallow concentrated flow, open channel flow, or a combination of these conditions. Sheet flow length is limited to 100 feet. For systems with time of concentrations less than ten (10) minutes, the time of concentration of ten (10) minutes may be used.~~

~~10.6.4.2.1. All roadways shall have a twelve inch (12") separation from the seasonal high groundwater table to the bottom of the stabilized subgrade of all roadways.~~

10.6.4.3. Storm sewer systems serving parking lots or other non-residential projects shall be designed to collect and handle all stormwater flows into and through the system without creating unreasonable impacts to adjacent properties. Temporary ponding in parking lots is permissible ~~if a shallow depth and~~ if full recovery and use of the parking area is available at the end of the storm event. At a minimum, the storm sewer system shall be designed to convey the 5-year storm event using the F.D.O.T. Zone ~~45~~ intensity-duration-frequency curves.

10.6.4.4. Friction losses shall be considered in the computation of the design hydraulic gradient for all storm sewer systems. Energy losses associated with special pollution control structures (weirs, baffles, etc.) and losses due to utility conflict structures shall also be included when present in the system. When hydraulic calculations do not consider all minor energy losses, the elevation of the hydraulic gradient for design storm conditions shall be at least one (1.0) foot below the gutter elevation. If all energy losses are calculated, the hydraulic gradient shall be allowed to reach the roadway gutter elevation. Minor energy losses shall include those losses associated with entrance, exit, expansion, contraction, bends, and junction/manhole losses.

10.6.4.5. Determination of hydraulic gradient and sizing of the storm sewer system shall be based on the highest tailwater which can be reasonably expected to occur coincident with the applicable design storm event. Standard design tailwater conditions for the design of storm sewer systems are as follows:

- a. Systems which discharge into ponds, lakes, and other wet facilities shall use the stage occurring at peak flow conditions for the design storm event used. Where no outlet exists, the seasonal high water elevation shall be used ~~at the beginning of~~ throughout the storm event;
- b. Systems discharging into tidal areas such as the Atlantic Ocean, the Intracoastal Waterway, the St. Mary's River and the Nassau River use the Mean High Tide elevation plus ~~twelve (12)~~ twenty-four (24) inches to account for sea level rise;
- ~~e. Systems discharging into regulatory floodways shall use a tailwater elevation derived by use of the Federal Emergency Management Agency (FEMA) flood profile data contained in the FEMA Flood Insurance Rate Study or other approved water surface profile study;~~
- c. Systems discharging into ditches shall use the normal depth flow in the ditch or if downstream control exists, the greater of the normal depth flow or the stage due to backwater from the downstream control;
- d. Systems which connect to existing storm sewer systems shall use the hydraulic grade line of the existing system at the connection or top of the crown of the pipe.

10.6.4.6. All manual calculations shall be submitted in standard FDOT storm sewer tabulation format. Printouts from commercially available computer software developed specifically for analysis and design of storm sewer systems is permissible.

10.6.4.7. The minimum design velocity for storm sewer systems shall be two and one-half (2½) feet per second. Energy dissipation will be required at the point of discharge for velocities greater than six (6) feet per second. Submergence of the pipe outlet by at least

two-thirds (2/3) of the pipe diameter below normal water level may be considered as energy dissipation.

10.6.4.8. Unless otherwise approved by the County Engineer or their designee Engineering Services Department, the minimum allowable pipe size for storm sewer systems shall be fifteen (15) inches. The maximum pipe lengths without maintenance access structures shall be based on the following:

Pipe Size	Maximum Pipe Length (feet)
<u>Underdrain</u>	<u>100</u>
15 inches	200
18 inches	300
24 inches to 36 inches	400
42 inches and larger	500
Box Culverts	500

10.6.4.9. Open channels (swales, ditches, and canals) shall be designed to convey, without damage, stormwater flow from design storm frequencies as follows:

- a. Outfall ditches and canals - 25-year
- b. Collector road swales and ditches - 10-year
- c. Local road swales and ditches - 10-year

10.6.4.10. Unless site specific factors warrant the use of larger design storm events, local road cross-drains shall be designed to convey, without damage, the ~~5-year~~ 10-year storm event based on open channel flow conditions and the 10-year storm event utilizing available head at the entrance. Collector road cross-drains shall be designed to convey, without damage, the 10-year storm event based on open channel flow conditions and the 25-year storm event utilizing available head at the entrance.

10.6.4.11. Unless site specific factors warrant the use of larger design storm events, roadway side drains shall be designed to convey, without damage, the ~~5-year~~ 10-year storm event.

10.6.5. Erosion and sediment control:

~~10.6.5.1. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on site. These management practices shall be designed according to specific site conditions and shall be shown and noted on the grading and drainage plan or on a separate erosion and sediment control plan. Information pertaining to the construction, operation and maintenance of the erosion and sediment control practice shall be included. Sediment accumulations in the system from construction activities shall be removed to prevent loss of storage volume. Sedimentation occurring to off-site areas shall be halted and the area immediately restored to conditions prior to sedimentation. Where the natural cover or topography of the site has been altered or~~

otherwise disturbed, all necessary erosion prevention and sediment control measures shall be used to retain sediment onsite.

10.6.5.2. These management practices shall meet the design criteria set forth in the most recent version of the Florida Department of Environmental Protection's (FDEP's) Erosion and Sediment Control Manual, shall be adequate to prevent the transportation of sediment from the site to the NPDES Permit Requirements, and shall be shown and noted on a separate erosion and sediment control plan in the construction plans. Sediment accumulations in the system from construction activities shall be removed when 50% full to prevent loss of storage volume. If Sedimentation occurs to off-site areas all work shall cease, siltation halted, and the area immediately restored and stabilized.

10.6.5.3. All off-site drainage entering the property prior to the commencement of construction shall be accommodated and maintained through the construction period to prevent adverse impacts to upstream and downstream adjacent property.

10.6.5.4. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed properly.

10.6.5.5. All inspection reports from a Qualified FDEP Stormwater Inspector shall be provided to the County upon request.

10.6.5.26. All side slopes and other areas disturbed by construction shall be stabilized by sodding, hydro-mulching or other appropriate vegetative or non-vegetative erosion control measures. Contractors shall temporarily or permanently stabilize bare soils and soil stockpiles when the area is inactive for (14) fourteen days or more or has reached final grade. Grass shall be fully established prior to scheduling for final inspection of the project and/or acceptance by the Engineering Services department.

10.6.6. Public safety. Normally dry basins designed to impound more than two (2) feet of water or permanently wet basins shall be designed with side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1) out to a vertical depth of two (2) feet, eight (8) feet horizontal below the surface control elevation normal water elevation. As an alternative, the basins shall be fenced or otherwise restricted from public access if the slopes must be steeper due to space limitations or other constraints.

10.6.7. Access and maintenance:

10.6.7.1. Stormwater storage facilities shall be designed with unobstructed drainage easements connecting to a roadway and constructed to permit adequate equipment access. Fencing, landscaping, and other obstructions shall be prohibited within said easements.

10.6.7.2. Facilities designed and constructed to serve more than one (1) property owner, such as residential and non-residential subdivisions shall provide an access and maintenance buffer contained within a dedicated tract or easement designated for the stormwater storage facility adequate to provide for future maintenance, meeting the requirements below as measured from top of bank. Except where existing septic systems or wells are present on adjacent property, an access and maintenance buffer of width

~~meeting the requirements below shall be provided landward of the top of bank elevation of all stormwater storage facilities. Where existing septic systems or wells are present on the adjacent property, a buffer of sufficient width to meet separation requirements between the stormwater storage facility and the well or septic system shall be provided as approved by the state health department or, in the case of public water wells, as approved by the St. Johns River Water Management District. Minimum buffer widths shall be based on the following unless the owner/applicant can demonstrate lesser widths will be adequate to provide maintenance of the stormwater storage facility:~~

Storage Facility Size	Buffer Width
Less than ¼ acre	5 feet
¼ acre to 1 acre <u>Wet Detention Pond</u>	10 feet
Greater than 1 acre	15 feet
Maximum slope	10 feet horizontal to 1 foot vertical (10:1)

10.6.7.3. Where existing septic systems or wells are present on the adjacent property, a buffer of sufficient width to meet separation requirements between the stormwater storage facility and the well or septic system shall be provided as approved by the state health department or, in the case of public water wells, as approved by the St. Johns River Water Management District.

10.6.7.4. Maintenance plan required. Maintenance of the stormwater management facilities is intended to ensure that the facilities perform as originally designed and permitted. The developer must submit a written maintenance plan meeting the criteria of this article. The plan must be reviewed and approved by the County Engineer or their designee prior to the final inspection. The plan must include:

- a. The entity's written agreement of acceptance to maintain the facilities (exhibit 5);
- b. Map of locations of stormwater facilities;
- c. Specific maintenance activities to be performed;
- d. Frequency of maintenance activity;
- e. Measurable objectives of maintenance activity.

10.6.7.5. The designated entity responsible for the operation and maintenance of the stormwater retention facility shall submit a copy of any inspection reports required by St. Johns River Water Management District to the Engineering Services department when requested.

10.6.7.26. Minimum drainage easement widths for conveyance facilities other than those within a road right-of-way shall be based on the following:

- a. Piped systems: Fifteen (15) feet of or the pipe width diameter plus two (2) times the average depth to the pipe invert rounded up to the nearest five (5) foot increment, whichever is greater.

- b. *Open channels:* Thirty (30) feet or the width to convey the required design flow plus twelve (12) feet for access and maintenance rounded up to the nearest five (5) foot increment, whichever is greater.

Lesser widths may be approved by the County Engineer or their designee for minor conveyance systems such as rear yard swales upon demonstration ~~that these~~ minor systems ~~are adequate to~~ convey the design flows from the contributing drainage area ~~are capable of being~~ effectively, can be maintained by the property owner; and, are not crucial to the master stormwater conveyance system.

~~10.6.7.37.~~ Unless otherwise approved by the County Engineer or their designee ~~engineering services department~~, no permanent structure shall be allowed within any public or private drainage easement. For the purpose of this ordinance, examples of permanent structures ~~that~~ include, but are not limited to: buildings, footings, decks, screened enclosures, patios, swimming pools, and swimming pool decks.

~~10.6.7.48.~~ The County Engineer or their designee ~~engineering services department~~ may require a drainage right-of-way in lieu of a drainage easement where necessitated by maintenance requirements and functional importance to the contributing drainage easements. No structures (except for drainage structures), whether temporary or permanent, shall be allowed within an area designated as a drainage right-of-way.

10.6.8. Special Flood Hazard Areas and flood-prone areas:

~~10.6.8.1.~~ Construction occurring in special flood hazard areas as identified by the Flood Insurance Rate Maps (FIRMS) ~~flood insurance rate maps and/or the flood hazard boundary maps~~ shall meet the requirements of the Federal Emergency Management Agency's National Flood Insurance Program (NFIP) as adopted by Ordinance 98-01 entitled, Floodplain Ordinance and any revisions and updates thereof.

~~10.6.8.2.~~ Filling of ~~flood-prone~~ volume sensitive areas will be prohibited unless the owner/applicant can mitigate for the lost storage volume by providing other drainage improvements to compensate for the lost storage volume elsewhere within the ~~flood-prone~~ volume sensitive area. Other drainage improvements may include compensating storage, downstream conveyance improvements, or, a combination of compensating storage and downstream conveyance improvements. No filling shall be allowed within land-locked or closed type basins unless the owner/applicant can demonstrate that the filling activities will not negatively impact other properties within the ~~flood-prone~~ volume sensitive area.

~~10.6.8.3.~~ Flood-prone Volume sensitive areas shall be designated in the "Volume Sensitive Areas" map, as adopted by the Board of County Commissioners ~~upon staff recommendations~~. Adopted map of volume sensitive areas will be provided upon request from Engineering Services.

Section 10.7. - Submittal requirements.

10.7.1. The owner/applicant is responsible for including in the stormwater management review submittal sufficient information for the Engineering Services Department to evaluate the environmental characteristics of the affected areas, the potential and predicted adverse impacts of

the proposed activity on other lands, and the effectiveness of reducing adverse impacts. The engineering services department will establish submittal criteria relating to the contents of all development review submittals. The criteria for submittals shall establish minimum requirements for the contents of construction plans and related design documents to assure requirements herein have been met. Other information may be requested if the Engineering Services department believes the information is reasonably necessary for support of the drainage analysis including maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references as appropriate to communicate the required information for responsible evaluation of the site.

Section 10.8. - Finished floor elevations and lot grading plans.

10.8.1. Finished floor elevations shall be constructed at a level one (1) foot or greater than the current 100-year flood level for all structures built within the Special Flood Hazard Areas. In all cases, this shall be the controlling minimum elevation.

10.8.2. In all other areas, the finished floor elevation shall be constructed to the elevations specified in the engineer of record's County approved drainage plan.

10.8.3. If no drainage plan exists, or if the plan predates this chapter, the floor level shall be at least eighteen (18) inches above the centerline elevation of adjacent roadways. Lots greater than one (1) acre may be less if approved by the Engineering Services.

10.8.4. The minimum floor elevations shall be as specified in the engineering plans and the maximum floor elevation shall not exceed six (6) inches more than specified in the engineer of records' County approved drainage plan. Lots greater than one (1) acre may exceed six (6) inches if approved by the Engineering Services.

10.8.5. The utilization of stem wall construction may be approved via a lot specific grading plan submitted with a building permit application, reviewed, and approved by Engineering Services.

10.8.6. Prior to the issuance of a certificate of occupancy, the County's Engineering Services department shall inspect site grading and, if properly constructed, provide the building official written confirmation the site work has been completed as permitted. An inspection fee will be set by the board of County commissioners via resolution.

10.8.7. If fill is to be placed outside of the building foundation plus five (5) feet, or within ten (10) feet of a property line, a lot grading plan shall be required depicting the existing and proposed conditions prior to any filling activities. This requirement shall also include fill associated with raised septic systems.

10.8.8. Requirements for Lot Grading Plans.

- a. Drawn to a scale of one (1) inch equals fifty (50) feet or larger;
- b. Property boundary lines;

surface area. The applicant shall provide signed and sealed engineering plans and calculations documenting that this "no net loss" requirement is met.

- a. This excludes fill brought in for stem wall stabilization.
- b. Engineering Services shall have the right to exempt any project from the no net loss requirements which borders on and discharges directly into tidally influenced bodies of water

~~4) 4)~~ An applicant shall be required to provide onsite storage of stormwater for all development and redevelopment projects, not part of a subdivision with a designed stormwater system, ~~and~~ for any addition or modification ~~that increases the impervious surface area~~ on a developed lot ~~by~~ with more than 20% impervious area, subject to the following:

- a. Projects located outside of a subdivision, but in an area with an available engineered stormwater system shall ensure that stormwater is properly routed to the stormwater structures.

- b. Any modification or replacement of driveway and sidewalk areas on a developed lot shall not require onsite storage improvements provided the modification or replacement does not increase the impervious area of the existing driveway or sidewalk area.

- c. Pavers are allowed as pervious if shown as engineered with a detail submitted in the application permit.

- d. Private pools and associated sidewalls are exempt from impervious area.

- e. Private pool screen enclosure footers are exempt from impervious area.

- f. Small scale development activities under two-hundred and fifty (250) square feet and/or that qualify for Building Permit exemption are exempt from these provisions.

- ~~2) 5)~~ Where possible, utilize low impact development (LID) techniques such as rainwater harvesting, roof downspout disconnection, rain gardens, green roofs, trenches and chambers, bioretention, vegetated filter strips, permeable pavement, enhanced grass swales, dry swales, and perforated pipe systems. These systems will need to be in a recorded maintenance agreement to follow the deed on the lot.

- ~~5) 6)~~ An as-built approved by Nassau County Engineering Services shall be provided before issuance of final certificate of occupancy including any lot grading.

- ~~6) 7)~~ Volume calculations for any projects that require onsite storage shall be based on the following calculation:

- c. Existing drainage patterns on the site including points of entry of off-site drainage contributing areas, points of exit of stormwater runoff and if necessary, existing elevations and/or elevation contours;
- d. Proposed limits of filling and grading of the site including fill depth, slopes, floor elevations, and if necessary, final elevations and/or elevation contours of the site;
- e. Location of swales and drains to convey stormwater runoff from the site and any off-site contributing drainage areas to an appropriate point of disposal without unreasonably impacting adjacent and downstream properties;
- f. Any other pertinent information as may be required by the Engineering Services department as appropriate for responsible evaluation of the grading plan. This includes potential or delineated wetlands, ponds, swales, and mound systems to toe of slope;
- g. Demonstrate fill will not block the natural flow of stormwater runoff from adjacent properties and will not divert or direct additional stormwater runoff onto adjacent properties. Any additional stormwater runoff shall be directed to the roadway drainage system or other approved drainage facility.

10.8.9. The Engineering Services department may require construction of retaining walls, roof gutters, underdrains, swales, or any other facility deemed necessary to provide adequate drainage.

10.8.10. Stormwater, Drainage, Storage and Treatment Requirements for Individual Lots

The terms and provisions of this section shall apply as specified herein to all developments and redevelopments, and government agencies located within the unincorporated areas of Amelia Island.

~~3)-1)~~ All lots and development sites shall be constructed and graded in such a manner that the stormwater drains to the adjacent street, an existing natural element used to convey stormwater, or County drainage structure after meeting onsite storage requirements.

~~4)-2)~~ Except as required to meet coastal construction codes as set forth within a valid permit from the Florida Department of Environmental Protection; or as required to meet applicable flood zone or stormwater regulations as set forth herein, the elevation of a development or redevelopment site shall not be altered without an engineered stormwater design approved by Engineering Services.

a. Where use of fill requires approval, compensatory storage (equivalent volume excavation) shall be provided, unless Engineering Services determines there are site-specific drainage and other characteristics that do not warrant compensatory storage.

~~7)-3)~~ There shall be no net loss of storage for areas in a Special Flood Hazard Area and Shaded X zones. Site grading shall create storage onsite to mitigate for filling of volume onsite. This storage is in addition to the storage required for the increase in impervious

$V = CAR/12$, where

V = volume of storage in cubic feet

A = total impervious area, in square feet

R = mean annual rain event

C = runoff coefficient is 0.92, the difference between impervious area (C = 1.0) and undeveloped conditions (C = 0.08).

a. This volume must be stored at least one (1) foot above the ~~annual~~ seasonal high water table and below the overflow point to offsite (in many cases this may be the adjacent road elevation). As an option, and as approved by Nassau County Engineering Services, an applicant may implement, at the applicant's cost, offsite storage and necessary conveyance to control existing flood stages offsite, provided documentation showing appropriate authorization for the off-site use and meeting the requirements of this section is submitted and approved by the County

8) The property owner shall sign Exhibit 5 requiring maintenance of the system to be the sole responsibility of the property owner, subsequent to approval of a property owner's final grading, including onsite and/or floodplain storage and stormwater treatment and closeout of the applicable permit or issuance of certificates of occupancy. ~~the improvements shall be maintained by the property owner and recorded in a maintenance agreement.~~

a. In order to ensure compliance with the provisions of this section and the requirements to maintain onsite stormwater improvements over time, the County is authorized to conduct inspections of property, upon reasonable notice and at reasonable times, for the purpose of inspecting said property and/or onsite storage improvements for compliance with this section and with any applicable conditions of previously issued permits.

b. Failure to maintain the improvements will require restoration upon notification by engineering service or code enforcement, within a stipulated time frame.

c. If restoration is not completed within Nassau County's Code requirements, the County shall have the right to complete the restoration, and the County's actual cost incurred, together with a charge of one hundred (100) percent of said costs to cover the County's administrative expenses, shall be charged to the then owner of the property.

9) Applicants shall provide documents and calculations to demonstrate compliance. The submittal of application for construction shall be completed by an engineer.

10) Impervious surface requirements shall not be eligible for relief via waivers from the Planning and Zoning Board.

Section 10.9. Illicit Discharge and Connection

10.9.1. Purpose. The purpose of this ~~article~~ section is to provide for the health, safety, and general welfare of the citizens of the County of Nassau through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

10.9.2. Applicability. This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

10.9.3. Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants.

10.9.4. Control of pollutant contributions from interconnected MS4s. Interconnected MS4s, including MS4s not owned by the County, shall be controlled so that they do not impair the operation of or contribute to the failure of the receiving MS4 to meet any applicable local, state or federal law or regulation. Owners of sections of the interconnected MS4 shall be responsible for the quality within their portion of the system and shall coordinate with the owners of the downstream segments.

10.9.5. Prohibitions

- (a) *Illicit/Illegal Discharges.* No person shall drain, deposit, place or otherwise discharge into any natural outlet or stormwater system within the County, or to cause or permit to be drained, deposited, placed or otherwise discharged into such waters, any organic or

inorganic matter which causes or tends to cause pollution. Polluting matter includes, but is not limited to, the following:

- (1) Petroleum products, including, but not limited to oil, grease, and gasoline;
- (2) Solid waste;
- (3) Pet waste;
- (4) Chemicals;
- (5) Paints;
- (6) Steam cleaning waste;
- (7) Soaps;
- (8) Laundry waste;
- (9) Pesticides, herbicide or fertilizers;
- (10) Degreasers, solvents;
- (11) Sanitary sewage;
- (12) Chemically treated cooling water;
- (13) Antifreeze and other automotive products;
- (14) Lawn clippings, leaves, branches, etc.;
- (15) Animal carcasses;
- (16) Recreational vehicle waste;
- (17) Dyes;
- (18) Construction materials;
- (19) Wash waters;
- (20) Any liquids in quantity or quality that are capable of causing a violation of the County's NPDES stormwater permit; and
- (21) Solids in such quantities or such size capable of causing interference or obstruction to the flow of the County's storm sewer system.

(b) *Illicit connections.*

(1) No person may maintain, use or establish any direct or indirect connection to any storm sewer owned by the County that results in any discharge in violation of any provision of federal, state, County or other laws of regulation.

(2) This subsection is retroactive and applies to illicit connections from which this subsection is derived regardless of whether made under a permit or other authorization or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(c) *Violation of permits.* Any discharge into the stormwater system of the County in violation of any federal, state, County, municipal or other governmental law, rule, regulation or permit is prohibited, except those discharges set forth in this section or as in accordance with a valid NPDES permit.

10.9.6. Industrial or construction activity discharges.

(a) Stormwater from areas of any commercial activity, industrial activity or construction activities shall be controlled, treated and managed on-site using best management practices so as not to cause an illicit or illegal discharge to the County's MS4 or regulated waters.

(b) All erosion, pollutant and sediment controls required by any applicable local, state, or federal permit, including elements of a stormwater pollution prevention plan required under an NPDES permit and the County's land development regulations, shall be properly implemented, installed, operated and maintained.

(c) Authorized discharges to the County's MS4 shall be controlled so that they do not impair the operation of the County's MS4 or contribute to the failure of the County's MS4 to meet any applicable local, state or federal law or regulation.

(d) Authorized discharges to regulated waters shall be controlled so that they do not adversely impact the quality or beneficial uses of those waters or result in violation of any applicable local, state or federal law or regulation.

(e) Any person who has been issued an NPDES permit authorizing discharges to the MS4 shall submit a complete copy of the permit to Nassau County within thirty (30) days after the effective date of this article or within thirty (30) days after the issuance of a permit.

10.9.7. Authorized exemptions. The commencement, conduct or continuance of any illicit or illegal discharge to the storm drain system is prohibited except as described as follows:

(1) Water main flushing;

- (2) Flushing of reclaimed water lines;
- (3) Street cleaning;
- (4) Construction dust control;
- (5) Landscape irrigation;
- (6) Diverted stream flows;
- (7) Rising ground waters;
- (8) Foundation and footing drains;
- (9) Dechlorinated swimming pool discharges;
- (10) Uncontaminated ground water infiltration (as defined in 40 CFR 35.205(20));
- (11) Uncontaminated pumped ground water;
- (12) Discharges from potable water sources;
- (13) Air conditioning condensate;
- (14) Irrigation water;
- (15) Springs;
- (16) Lawn watering;
- (17) Individual residential car washing;
- (18) Flows from riparian habitat and wetlands; and
- (19) Discharges or flows from emergency firefighting activities and emergency response activities done in accordance with an adopted spill response/action plan.

The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Florida Department of Environmental Protection, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval by the County engineer has been granted for any discharge to the storm drain system.

10.9.8. Emergency Conditions. Notwithstanding any other provisions of this article, whenever the County determines that conditions or activities require immediate action to protect public health, safety or welfare or to provide for compliance with these regulations, rules promulgated

hereunder or County approved construction plans, County personnel designated by the County engineer are authorized to enter at a reasonable time in or upon any property for the purpose of testing, inspecting, investigating, measuring, sampling and correcting such emergency conditions. Failure to admit personnel responding to emergency conditions, as determined and authorized by the County, shall constitute a separate violation of this article.

(1) Suspension due to illicit discharges in emergency situations.

The County may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the County may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(2) Suspension due to the detection of illicit discharge.

Any person discharging to the MS4 in violation of this article may have that person's MS4 access terminated if such termination would abate or reduce an illicit discharge. The County will notify a violator of the proposed termination of the violator's MS4 access. The violator may petition the County for a reconsideration and hearing. A person commits a violation of the provisions of this article if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the County.

10.9.9. Inspections and monitoring for compliance. County personnel and County agents shall be granted access for inspection of facilities discharging or suspected of discharging to the County's MS4 or waters of the United States in order to ensure compliance with the provisions of this article and to investigate violations of any of the terms herein. All structures and processes which allow discharges to the County's MS4, as well as records connecting them, shall be made accessible to County personnel and County agents for this purpose.

10.9.10. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices (BMPs). The County shall require the use of best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at the expense of the owner or operator, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Furthermore, any person responsible for a property or premise which is or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be

deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

10.9.11. Reporting requirements. Illicit discharges to the MS4 are prohibited. Any person owning or occupying a premise or facility who has knowledge of a discharge of pollutants from those premises or facilities or other type of evidence which might result in a violation of the prohibitions found in 10.9.5 of this article shall immediately take action to abate the discharge of pollutants and shall notify the County within twenty-four (24) hours of the discharge of pollutants. The initial notification may be made by telephone, but the person responsible shall submit a written report to the County within seventy-two (72) hours of discovery. The written report shall include a description of the discharge volume, content, frequency, discharge point location to the MS4, measures taken or to be taken to terminate the discharge, and the name, address and telephone number of the person who may be contacted for more information. Hazardous material discharges shall be immediately reported to the Nassau County Fire Rescue Dispatch, then to the County.

10.9.12. Violations, enforcement, and penalties.

(a) *Notice of violation.* Whenever the engineering department finds a person has violated a prohibition or failed to meet a requirement of this article, the County engineer or his/her designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(b) If the violation is not corrected by the assigned date, the Engineering Services department may file a complaint with Code Enforcement. ~~notice of violation with the code enforcement board.~~

~~(c) In addition to any fines that may be imposed, any person responsible for illicit or illegal discharges, or noncompliance with BMPs at industrial and/or construction sites, and who fails to correct any prohibited condition or discontinue any prohibited activity at the order of the code enforcement board shall be liable for the expenses incurred in abating pollution, including expenses incurred in testing, measuring, sampling, collecting, removing, treating and disposing of the polluting materials and preventing further noncompliance and/or illicit discharges.~~

~~(d) Persons responsible for violation of this article shall be liable for all costs incurred by the County in sampling, analyzing and/or monitoring the discharge, together with all state and/or federal fines imposed as a result of the discharge and cost of removing, remedying or properly treating the discharge.~~

(~~ec~~) Any person found in violation and/~~or~~ who fails to comply with the requirements of any provision of the article shall, without limitation on the County's legal recourse, be subject to prosecution before the Nassau County Enforcement Board, pursuant to the Nassau County Code of Ordinances. Each day of violation shall constitute a separate violation.

~~(f) The County may elect to take any or all of the above remedies concurrently, and the pursuit of one (1) shall not preclude the pursuit of another.~~

~~(g) In lieu of enforcement proceedings, penalties and remedies authorized by this article, the County may impose upon a violator alternative compensatory actions, including, without limitation, storm drain stenciling, attendance at compliance workshops, creek cleanup.~~

(~~hd~~) The County may pursue an injunction to address any violation.

ARTICLE 11. - ENGINEERING DESIGN STANDARDS

Section 11.1. - General.

11.1.1. All new roadways and private access easements, with the exception of those set forth in Sections 11.2.3 and 11.2.4 and Section 28.03 of the Land Development Code shall be paved in accordance with approved design and construction plans prepared to equal or exceed the design standards established in this article section.

11.1.2. The design and specifications for roadways shall comply, at a minimum, with the latest version of the Florida Department of Transportation (F.D.O.T.) "Roadway and Traffic Design Standards" (Standards), "FDOT Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways" (Florida Green Book), "A Policy on Geometric Design of

Highways and Streets” (AASHTO Green Book), and the "Manual of Uniform Traffic Control Devices" (MUTCD), unless specifically revised by this ordinance or the standard details. Material specifications and construction procedures shall comply with the latest version of the F.D.O.T. "Standard Specifications for Road and Bridge Construction" (Specifications).

11.1.3. The standard details graphically depict the roadway and drainage design details for construction within unincorporated Nassau County and are consistent with the objectives and standards contained within this ordinance. The board of County commissioners, upon the recommendation of the director of Engineering Services, shall be authorized to amend the standard details, by resolution, from time to time when necessary for the benefit of the citizens of Nassau County. Variations and waivers to the standard details shall be permitted consistent with the provisions of Article 15 of this ordinance. The standard details shall not be incorporated into construction plans by reference.

Section 11.2. - Right-of-way requirements.

11.2.1. Minimum right-of-way widths shall be as listed below. These minimum widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the right-of-way.

Roadway Classification	Minimum Right-of-Way Widths				
	Curb/Gutter			Swale Section	
	1-Way	2-Lane	4-Lane	2-Lane	4-Lane
Alleys	25' Unobstructed	25' Unobstructed	N/A	N/A	N/A
Local Roads	N/A	60 ft.*	N/A	60 ft.	N/A
Minor Collectors	N/A	80 ft.	110 ft.	90 ft.	130 ft.
Major Collectors	N/A	80 ft.	130 ft.	100 ft.	150 ft.

* Right-of-way widths for local road curb and gutter sections may be reduced to fifty (50) feet upon demonstration that a utility easement five (5) feet in width or greater is provided outside of the right-of-way on each side.

11.2.2. All NEW private access easements and existing private access easements used for non-residential access, except as set forth in Section 28.03 of the Land Development Code, shall be a minimum width of sixty (60) feet. The roadway within said easement shall be paved unless in compliance with Section 11.2.4 as per this Ordinance, Article 11, roadway design. A new residential access easement thirty (30) feet in width and/or having the roadway within said easement constructed to the alternate standards – Detail 23A- may be approved by the County Engineer or their designee if a determination is made that said easement will not be beneficial to future connectivity or execution of the County’s Transportation plan.

11.2.3. All residential, private access easements recorded and named by the Property Appraiser prior to March 27, 2017, in accordance with the requirements and provisions set forth in Section 28.03 of the Land Development Code, shall be in compliance with the minimum width and construction requirements listed below.

Easement Width and Construction Requirements for Easements Existing Prior to March 27, 2017		
Easement Width	Maximum number of lots served*	Minimum Construction Standards
30' Width	All lots existing prior to March 27, 2017	Roadway must meet the requirements set forth in the 30' Graded Roadway Typical Section (Alternate Standards) See Detail No. 22A of this Article. -Subject to inspection by County Staff
	Each additional lot created by a SINGLE lot split, <u>including one-time parent tract splits and open rural homestead exemption</u> , after March 27, 2017	Roadway must meet the requirements set forth in the 30' Un-Paved Private Road Typical Section (Alternate Standards) See Detail No. 23A of this Article or Roadway must be paved in accordance with Detail No. 2A of this Article. Subject to inspection by County Staff
	Each additional lot created by more than a single lot split after March 27, 2017	Roadway must be paved in accordance with Detail No. 2 of this Article. Subject to provisions of Section 11.2.
60' Width	All lots existing prior to March 27, 2017	Roadway must meet the requirements set forth in the 60' Graded Roadway Typical Section (Alternate Standards) See Detail No. 22 of this Article. Subject to inspection by County Staff
	Each additional lot created by a SINGLE lot split, <u>including one-time parent tract splits and open rural homestead exemption</u> , after March 27, 2017	Roadway must meet the requirements set forth in the 60' Un-Paved Private Road Typical Section (Alternate Standards) See Detail No. 23 of this Article or Roadway must be paved in accordance with Detail No. 2 of this Article. Subject to inspection by County Staff
	Each additional lot created by more than a single lot split after March 27, 2017	Roadway must be paved in accordance with Detail No. 2 of this Article. Subject to provisions of Section 11.2.4

11.2.4. If the access easement is for a rural subdivision as defined in Section 1 of Ordinance No. 99-18, as amended, or a Family Hardship as defined in Chapter 29-3.2 of Nassau County Land Development Code, it may be unpaved subject to the requirements set forth in Detail No. 22 or Detail No. 23. The County Engineer or his their designee shall inspect and approve the road. The roadway shall be paved if additional parcels are connected to the road and/or easement. The owner/developer that connects additional parcels to the rural subdivision road and/or easement shall be responsible for the paving. An application shall be required by the owner/developer that seeks to connect to the rural subdivision road and/or easement. The application shall be reviewed

by the development review committee (DRC) and placed on the earliest planning and zoning board agenda for its review and approval.

11.2.5. If pavement within a roadway is divided, such as to allow for preservation of trees within the right-of-way, the width for the remaining portion of the right-of-way outside of the travel lanes shall comply with the roadway typical section for the designated roadway classification. Design must be adequate to assure that the tree root system will not adversely affect the integrity of the roadway in the future. The County will not assume maintenance responsibility, for landscaped medians within the County right-of-way.

11.2.6. All intersecting roadways shall require additional right-of-way at the corners. The corner clip shall connect the two (2) points which are twenty (20) feet from the intersecting right-of-way lines (see standard details).

11.2.7. Reduction of the minimum right-of-way widths listed in Section 11.2.1 above may be permitted if documentation demonstrates sufficient width to safely accommodate all planned or required drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the right-of-way or separate easements. Requirements of this ordinance shall not prohibit the County from undertaking, or permitting, expansion of existing travel lanes within right-of-way not meeting the minimum widths in Section 11.2.1 above if environmental, legal, or physical constraints prevent expansion of such right-of-way to the minimum widths so long as public safety is not jeopardized.

~~11.2.8. A curb and gutter section is recommended in all developments containing lots one (1) acre or less in size.~~

Section 11.3. - Minimum lane widths.

11.3.1. Minimum travel lane widths shall be as follows:

Roadway Classifications	Minimum Lane Widths Not Including Curbs (feet)
Alley (25' unobstructed ROW required for Fire Rescue Access) See Detail No. 25	14' - One Way 8' each - Two Way (16' total)
Local Roads (curb and gutter)	10' each (20' total)
Local Roads (swale)	11' each (22' total)
Minor Collectors	12' each (24' total)
Major Collectors	12' each (24' total)

Note: See Article 9, Access management for details on driveway connections.

11.3.2. If pavement within a roadway is divided, such as to allow for preservation of trees, the minimum pavement width shall be fourteen (14) feet. The minimum pavement width of fourteen (14) feet shall be measured from the gutter line for curb and gutter sections. Right-of-way widths for the divided section shall be in accordance with Section 11.2.5 above.

Section 11.4. - Cul-de-sac.

11.4.1. All roadways and alleys without paved outlet shall be terminated with a cul-de-sac or approved turn-around area. (see standard details).

11.4.2. The minimum right-of-way width for a cul-de-sac bulb with curb and gutter sections shall be a ~~sixty-five (65) feet~~ fifty-six (56) foot radius with a five (5) foot utility easement. For a swale section, the minimum right-of-way width shall be a sixty-five (65) foot radius. These widths may be increased to allow sufficient width for drainage facilities, utilities, sidewalks, bicycle paths, or other appurtenances within the right-of-way.

11.4.3. The minimum pavement radii for cul-de-sac shall be forty-eight (48) ~~fifty (50)~~ feet with the pavement design for the cul-de-sac bulb consistent with the roadway.

11.4.4. Other variation or shapes of cul-de-sac may be allowed if the right-of-way is available and the design conforms to American Association of State Highway and Transportation Officials (AASHTO) criteria contained in "A Policy on Geometric Design of Highways and Streets".

Section 11.5. - Pavement design.*11.5.1. Stabilized subgrade:*

11.5.1.1. All local roadway and all driveway subgrades shall extend have a minimum width of forty-eight (48) inches greater than the finished surface course twenty-four (24) inches past the edge of pavement. All major and minor collector roadway subgrades shall extend a minimum of forty-eight (48) inches past the edge of pavement. (See roadway typical sections, in the standard details). Minimum depth and bearing values shall be as follows:

Roadway Classification	Stabilized Depth (inches)	Limerock Bearing Ratio (L.B.R.)
<u>Multi-Use Path</u>	<u>8</u>	<u>40</u>
Local Roads	12	40
Minor Collectors	12	40
Major Collectors	12	40

11.5.1.2. Where the existing soils to be used in the roadway subgrade have the required bearing value, no additional stabilizing material will be required. The stabilizing material, if required, shall be high-bearing value soil, sand-clay, limerock, shell or other materials which meet the standards established in the F.D.O.T. Specifications.

11.5.1.3. The construction of the stabilized roadbed shall meet the criteria as set forth in the F.D.O.T. Specifications. Minimum density shall be ninety-eight (98) percent (Modified Proctor Method).

11.5.1.4. Tests for the subgrade bearing capacity shall be located no more than five hundred (500) feet apart or every soil change, and tests for compaction shall be located no more than three hundred (300) feet apart. Tests shall be staggered to the left, right, and on the

centerline of the roadway with no less than two (2) tests conducted per roadway section. When conditions warrant, in the judgment of the County Engineer or their designee Engineering Services department, additional tests may be required to assure compliance with F.D.O.T. Specifications. The contractor/project engineer will be advised in writing that additional tests will be required and the extent of such additional tests.

11.5.1.5. Sock/Dewatering pipes shall be properly secured, capped, buried, and marked on curbing once use is completed.

11.5.2. Base course:

11.5.2.1. Base course materials shall be limerock or material with an equivalent structural value. The minimum thickness and density for limerock shall be as follows:

Roadway Classifications	Stabilized Depth (inches)	Limerock Bearing Ratio (L.B.R.)
<u>Multi-Use Path</u>	<u>6</u>	<u>100</u>
Local Roads	6	100
Minor Collectors	8	100
Major Collectors	8	100

11.5.2.2. Base course. The base course width shall be a minimum of twelve (12) inches greater than the finished surface course (see roadway typical sections in the standard details). Limerock shall conform to F.D.O.T. Specifications for base course material and construction methods. Under special conditions where base material may be subjected to greater than normal moisture, soil cement or asphaltic base may be used after approval by the County Engineer or their designee Engineering Services department. In such instances, the applicant shall submit the justification, test data to be used to determine mix, the contractor's experience record, and quality control procedure. The engineer of record shall state whether a fabric or other method will be used in the system to minimize surface cracking.

11.5.2.3. All bases shall be primed in accordance with the specifications. A tack coat will not be required on primed bases except on areas which have become excessively dirty and cannot be cleaned, or in areas where the prime has cured and lost all bonding effect. Tack coat material and construction methods shall conform to F.D.O.T. Specifications.

11.5.2.4. The construction of the base shall meet the criteria as set forth in the F.D.O.T. Specifications. Minimum density shall be ninety-eight (98) percent (Modified Proctor Method).

11.5.2.5. Testing for the base course bearing capacity shall be located no more than five hundred (500) feet apart or every source and/or material change. If base material is stockpiled, bearing capacity testing shall occur every thirty (30) days and when material sourcing location changes. Testing for the base thickness and compaction shall be located

no more than three hundred (300) feet apart and staggered to the left, right, and on the centerline of the roadway with no less than two (2) tests conducted per roadway section. When conditions warrant, in the judgment of the County Engineer or their designee Engineering Services department, additional testing may be required to assure compliance with F.D.O.T. Specifications, the contractor/engineer will be advised in writing that additional tests will be required and the extent of such additional tests.

11.5.3. Asphaltic concrete surface course:

11.5.3.1. Surface courses for flexible pavements shall meet the following minimum thickness requirements:

Roadway Classification	Structural Course		Surface Course	
	Thickness	Type	Thickness	Type
<u>Multi-Use Path</u>	<u>N/A</u>	<u>N/A</u>	<u>1 inch</u>	<u>SP-9.5*</u>
Local Roads	N/A	N/A	1½ inches	SP-9.5*
Minor Collectors	N/A	N/A	1½ inches	SP-9.5*
Major Collectors	1½ inches	SP-12.5	<u>1 inch</u>	SP-9.5

* SP-12.5. with an equivalent structural value and minimum thickness of one and one-half (1½) inches shall be permitted.

11.5.3.2. Asphaltic concrete types or equivalent structural courses shall conform to the F.D.O.T. Standards and Specifications for design, materials, and method of construction.

11.5.3.3. All asphalt work performed in the final layer of pavements in the County right of way, to include, but not limited to, roadways and drives, shall include the removing and replacing of the full depth of the layer, extending a minimum of 50 feet on both sides (where possible) of the work area for the full width of the paving lane.

11.5.3.3.4. Asphalt cores for thickness shall be located no more than two hundred (200) feet apart and staggered to the left, right, and on the centerline of the roadway with no less than two (2) cores taken per roadway section.

11.5.3.5. Tack shall be applied on all existing pavement surfaces and vertical face of joints that are to be overlaid with an asphalt mix. Tack shall be applied on clean, dry surfaces.

11.5.4. Portland cement concrete pavement:

11.5.4.1. Stabilized subgrade requirements for Portland cement concrete pavements shall be the same as those for flexible pavements.

11.5.4.2. Minimum pavement thickness requirements shall be as follows:

Roadway Classifications	Minimum Thickness (inches)
Local Roads	8
Minor Collectors	8
Major Collectors	10

11.5.4.3. Portland cement concrete pavement, including joints, shall conform to F.D.O.T. specifications for materials and method of construction.

Section 11.6. - Roadway alignment.

11.6.1. Curves on collector roads shall be super elevated per Florida Department of Transportation Standards.

Roadways shall be designed with the following minimum radii for the centerline of curves:

Roadway Classifications	Minimum Centerline Radius (feet)
Local Roads	100 <u>50</u>
Minor Collectors	325*
Major Collectors	500*

* Minimum centerline radius may be increased based upon design speed of roadway.

Section 11.7. – Sidewalks and Multi-Use Trails.

11.7.1. Sidewalks shall be required along the frontage of new DRC developments. Multi-use trails shall be required on roadways identified in the Master Trails Plan (FTMS-8) for new developments. For residential subdivisions that do not include internal roadways, sidewalk shall be installed or bonded prior to plat approval. In all other cases, sidewalk shall be installed prior to final Nassau County construction approval. Per Comprehensive Plan Policy T.04.01, a fee-in-lieu of sidewalk construction may be considered for approval by the County Engineer upon formal, written request from the applicant. All provisions of adopted sidewalk fee-in-lieu policy shall apply.

11.7.1.1. Internal sidewalks shall be required on all commercial projects and internal subdivision roadways where lots are five (5) acres or less. on all roads that are classified as major or minor collectors, and on state highways. Sidewalks shall be required on all commercial developments and in subdivisions containing lots one (1) acre or less.

Sidewalks shall be constructed on each side of the roadway to be developed ~~unless otherwise provided through an approved pedestrian circulation plan. A variance may be considered by the County Engineer or their designee if a superior pedestrian circulation plan is demonstrated by the following:~~

- a. Incorporation of multi-use trails and/or boardwalks with the minimum width of ten (10) feet.
- b. Provide superior pedestrian and/or bicycle access and circulation in accordance with the connectivity, design, and principles as defined in: Nassau County Parks Administrative Procedures and Design Manual, Nassau County Comprehensive Plan Objectives ROS.02 & T.04.

~~11.7.2. Sidewalks and multi-use trails shall be designed and constructed in accordance with F.D.O.T. Standards except as modified herein and meet requirements set forth in the Florida Accessibility Code. ADA mats within Nassau County right-of-way shall be yellow in color and installed using "wet-set" concrete method to avoid premature failure and tripping hazards.~~

~~11.7.3. The minimum sidewalk width shall be five (5) feet, with six (6) feet provided in areas of high pedestrian travel such as near schools, parking facilities, shopping center, and transportation facilities. Handicap ramps are required on all curb and gutter sections. If an objection obstruction is unavoidable, the sidewalk shall be widened to compensate for the obstruction. Multi-use trails shall be a minimum of ten (10) feet.~~

~~11.7.4. Sidewalks and multi-use trails should be placed as far as possible from the roadway travel lane as practical. Where a sidewalk abuts curb and gutter or is used as a parking wheel stop, the minimum sidewalk width shall be six (6) feet. Utility strips should be considered in determining the location of the sidewalk to better serve the needs of the pedestrian traffic as well as the utility companies and to increase roadway safety. Location of roadway signs and signal poles should also be a consideration in establishing sidewalk location.~~

~~11.7.5. Sidewalks, bicycle paths, or multipurpose-use trails shall be provided at the time of construction or reconstruction along roads which provide access from neighborhoods, residential areas, multi-family developments, mixed use developments containing residential units or single-family homes to planned or existing County parks and schools.~~

~~11.7.6. Required sidewalks and multi-use trails shall be constructed with the installation of site infrastructure by the developer. In residential subdivisions, sidewalks shown on the approved engineering plans or otherwise required to be constructed within or adjacent to the common areas shall be installed by the developer and approved by the County prior to recording the subdivision plat. Alternatively, construction of these sidewalks may be deferred until the County inspects the subdivision for final approval. In that event, the construction of said sidewalks shall be included in the construction bond for the plat. The bond shall include an amount equal to one hundred fifteen (115) percent of the costs of constructing uninstalled sidewalks lying in or adjacent to common areas.~~

~~In residential subdivisions where lots have an area of one (1) five (5) acres or less, construction of sidewalks across individual residential lots, as shown on the approved engineering plans, may be deferred until the house on the individual lot is installed. However, the sidewalk across an individual lot shall be constructed prior to the issuing of a certificate of occupancy for the house~~

on the ~~particular~~ lot when the engineering plans show a sidewalk is required for that lot. This requirement shall be stated in the Declaration of Covenants and Restrictions of the subdivision, or by other instrument of record which runs with title to the ~~particular~~ lot or lots. Nothing in the ordinance shall be construed to create an obligation on the part of the County to construct any sidewalk.

11.7.7. Fees for the inspection of sidewalks by the County shall be established by separate resolution of the Board of County Commissioners.

Section 11.8. - Shoulder treatment.

11.8.1. Construction areas within County right-of-way and easements shall be treated with sod, to protect the right-of-way against erosion, siltation and rivulets caused by surface run-off.

11.8.2. All roadway work shall require a minimum of sixteen (16) inches of sod adjacent to the edge of pavement (see roadway typical sections in the standard details). Grasses shall be Argentine Bahia, Bermuda or an approved alternative. Winter Rye and/or Millet may be mixed for protection until germination. Grasses shall be fully established and free of disease and damaging insects prior to County approval of the project. All soil preparation, grassing, mulching, sod and watering shall meet F.D.O.T. Specifications for material and method of construction.

11.8.3. Local roadways with swale sections may be installed with a ten (10) foot lane width if a twelve (12) inch wide by eight (8) inches deep ribbon curb is installed adjacent to the asphalt surface course.

11.8.4. All arterial roadways shall be constructed with paved shoulders.

Section 11.9. - Signing and pavement marking.

11.9.1. All Nassau County roadways shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) for signing and pavement markings. Signing and pavement marking plans shall be submitted on all development plans and shall require approval from County Engineer or their designee ~~the Engineering Services department~~. All traffic control signs and pavement markings for new developments shall be furnished and installed at no cost to the County.

11.9.2. Thermoplastic material shall be used for all pavement markings, including turn lanes, stop bars, crosswalks, and other areas as designated by the Engineering Services department. Pavement markings shall extend fifty (50) feet past new asphalt to ensure a smooth connection to existing markings. New asphalt shall be allowed a thirty (30) day curing period before placement of thermoplastic materials. Temporary pavement markings shall be applied where necessary to control traffic on existing roadways during the curing period.

11.9.3. All public roadways shall be delineated with roadway pavement markings according to F.D.O.T. Standards and Specifications. The approach leg of a local road with a major or minor collector shall be delineated with a stop bar and a double solid yellow centerline for a minimum length of one hundred (100) feet from the stop bar or a minimum length of fifty (50) feet with a local road. Additional pavement markings may be required at the discretion of the County Engineer or their designee.

11.9.4. All Nassau County roadways shall be delineated with reflective pavement markers (RPM) according to F.D.O.T. Standards and Specifications and the MUTCD. Variances may be granted for roads where highway lighting exists, or when, in the judgment of the County Engineer

or their designee ~~Engineering Services department~~, the need for reflective pavement markers does not exist. All roadways shall have blue reflective pavement markers delineating locations of fire hydrants.

11.9.5. All signs installed shall conform to the criteria in the MUTCD and F.D.O.T. Standards and Specifications. When access is in the County right-of-way to a major collector, the stop sign shall be thirty-six (36) inches wide. When access is in the County right-of-way to a minor collector, the stop sign shall be thirty (30) inches wide. The back side of each sign is required to have the date of installation stenciled on it (month/year), in inch figures using a long lasting flat black paint or decal.

11.9.6. Street name signs on County-maintained roadways shall have white lettering on green background. Street name signs on non-County-maintained roadways shall be white lettering on blue background. All street name signs shall conform to County specifications for size, shape, lettering style, and other requirements.

11.9.7. All signs shall be manufactured with high-intensity prismatic sheeting material unless otherwise specified by the Engineering Services department.

Section 11.10. - Traffic signals.

Traffic signals may be required if justified based upon traffic signal warrants contained in the MUTCD and the signal location is approved by the County Engineer or their designee ~~Engineering Services department~~. All expenses, including signal warrant study, design, materials, and installation shall be the responsibility of the applicant at no cost to the County. Traffic signals shall be designed to comply with the MUTCD and F.D.O.T. Standards and Specifications, and the signal equipment shall meet County specifications. The traffic signal shall become the property of Nassau County upon acceptance by the County of the signal installation following a ninety (90) day burn-in ~~time~~ period to ensure that all equipment is functioning properly.

Section 11.11. - Roadway drainage.

11.11.1. Open channels:

11.11.1.1. The design of open channels shall be based on design and performance criteria contained in Section 10.6.4, entitled Collection and conveyance facilities.

11.11.1.2. The design of open channels shall consider the need for channel linings. Standard treatment for roadside swales shall be solid sodding. Sodding shall be used when the design flow velocity does not exceed four (4) feet per second or where side slopes exceed a steepness of three (3) feet horizontal to one (1) foot vertical (3:1). Sodding shall be staggered, to avoid seams in the direction of flow. For flow velocities greater than four (4) feet per second, flexible or rigid linings shall be used. Flexible linings may include use of geotextile grids, rock rip-rap, and interlocking concrete grids. Rigid linings shall include concrete pavement. The following table sets forth guidelines for lining types based on various design factors which include open channel gradient, side slopes, and velocity ranges. Subject to applicability to site conditions, manufacturer's recommendations and approval from the County Engineer or their designee ~~Engineering Services department~~ alternative channel linings may be acceptable.

Gradient (%)	Side Slopes	Velocity Range (fps)	Protective Lining
2.00% and less	Flatter than 3:1	Less than 4.0	Sod
Greater than 2.00%	Steeper than 3:1	Greater than 4.0	Flexible/Rigid Lining

Note: Channel velocities greater than six (6) feet per second may require energy dissipation.

11.11.1.3. For open channels where positive flow conditions are required, a minimum physical slope of 0.1 foot per one hundred (100) feet (0.1 percent) or the slope to provide for conveyance of the design flow, whichever is greater, shall be used.

11.11.1.4. The design of all open channels and roadside swales shall consider ease of maintenance and accessibility. Side slopes for roadside swales shall be in general conformance with the roadway typical sections. Side slopes for other facilities requiring regular maintenance shall not be greater than three (3) feet horizontal to one (1) foot vertical (3:1).

11.11.1.5. All drainage structures and ends of pipe shall be located a minimum of six (6) feet from the edge of pavement.

11.11.1.6. Roadway drainage shall be designed to direct storm drainage in a manner that such water will be filtered through soils and vegetation before the runoff enter drainage creeks.

11.11.2. Cross-drains:

11.11.2.1. Cross-drains shall be sized based on design and performance criteria contained in Section 10.6.4, entitled Collection and conveyance facilities.

11.11.2.2. The minimum allowable pipe diameter for cross drains shall be eighteen (18) inches or the equivalent section for arch or elliptical pipe.

11.11.2.3. The minimum length of pipe to be used, including the end treatment, shall be length necessary to provide for the required roadway shoulder width and adequate clear zone requirements.

11.11.2.4. Unless otherwise approved, minimum pipe cover shall be twelve (12) inches measured from the outside top of pipe to the bottom of the roadway base at any point in the roadway cross-section.

11.11.2.5. Culverts under intersecting side roads shall be considered as cross-drains and shall be designed using cross-drain criteria.

11.11.2.6. Valley gutters are not allowed as cross-drains.

11.11.2.7. End treatments for cross-drains shall be in compliance with the standards set forth in the FDOT ~~Design Standard Plans Index No. 260 through Index No. 272.~~

11.11.3. Side-drains (driveway culverts):

11.11.3.1. Side-drains shall be sized based on design and performance criteria contained in Section 10.6.4, entitled Collection and conveyance facilities.

11.11.3.2. Unless otherwise approved by the County Engineer or their designee ~~Engineering Services department~~, the minimum allowable pipe diameter for side drains shall be fifteen (15) inches or the equivalent section for arch or elliptical pipe.

11.11.3.3. All construction drawings submitted for review shall include a schedule showing the size, type, and invert elevation of the side-drain needed to provide access to each subdivided lot.

11.11.3.4. Side-drains shall be installed with County approved end treatments. See Section 9.5.5 for end treatment requirements.

11.11.3.5. Pipe length, not including shoulder and end treatment, for side-drains shall be based on the following:

<u>Driveway End Treatment Type</u>	<u>Minimum Pipe Length*</u>
Residential driveways <u>Cast-in-place</u>	Driveway width plus 4 feet
Non-residential driveways <u>Pre-cast</u>	Driveway width plus 8 <u>9</u> feet

* Pipe length does not include the length of end treatment.

11.11.3.6. Unless otherwise approved, minimum pipe cover shall be twelve (12) inches measured from the outside top of pipe to the bottom of the roadway base at any point in the roadway cross-section.

11.11.3.7. Valley gutters are not allowed as side-drains. Swale driveways, if approved, shall meeting the requirements of Section 8.6.3.

11.11.4. Curb, gutter, and inlets:

11.11.4.1. The F.D.O.T. Standards shall be used as a guideline for selection of drainage structure types and hydraulic capacities.

11.11.4.2. Selection of curb, gutter, and inlet type, location, and spacing shall consider roadway geometry; width of spread (flow); inlet geometry and intake capacity; maximum pipe length without maintenance access; potential for flooding of off-site property; and pedestrian and bicycle safety. Maximum spacing for curb inlets shall be based on the width of spread. Width of spread shall not exceed one-half (1/2) of the travel lane adjacent to the gutter for a rainfall intensity of four (4) inches per hour. In general, maximum spacing for inlets shall be five hundred (500) feet with consideration for closer spacings for flat grades. Longer spacings may be allowed upon demonstration that the width of spread meets requirements set forth above.

11.11.4.3. Inlets shall be placed at all low points in the gutter grade, and as appropriate at intersections, median breaks, and on side streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the roadway intersection.

11.11.4.4. Curb inlets shall not be located within drop curb locations.

11.11.4.5. The minimum allowable gutter grade shall be 0.3 percent.

11.11.4.6. Valley gutters shall be installed where water is conveyed across an entrance, driveway, or roadway. Valley gutters shall be 3’ wide with a rating of 3500 psi when constructed within Nassau County right-of-way.

11.11.5. Pipe material and specifications:

11.11.5.1. The Florida Department of Transportation Standard Specification for Road and Bridge Construction shall be used as a guideline for specifications on pipe material, placement, bedding, and backfill requirements.

11.11.5.2. Pipe material shall be selected based on durability, structural capacity, and hydraulic capacity. The design service life of the facility shall be based on the following:

Facility Type	Service Life
Storm sewer systems	50 or 100 years
Cross-drains	50 or 100 years
Side-drains	25 years

Note: Where more than one service life is given, the lower value shall be used for locations on local and minor collector roadways, and the higher value shall be used for locations on major collectors and in urban areas.

11.11.5.3. In estimating the projected durability of a material, consideration shall be given to actual performance of the material in nearby similar environmental conditions, its theoretical corrosion rate, the potential for abrasion, and other appropriate side factors. To avoid unnecessary site-specific testing, generalized soil maps such as SCS Soil Survey for Nassau County may be used to delete unsuitable materials from consideration. In the event testing is necessary, tests shall be based on F.D.O.T. approved test procedures. They shall also be considered to the extent practical. Backfill material shall not be more corrosive than that which is required to provide the design service life.

11.11.5.4. All gravity flow pipe installations shall have a soil tight joint performance unless site specific factors warrant watertight joint performance.

11.11.5.5. The following pipe materials and cross-sections are approved for use by the Engineering Services department as listed below. Pipe materials and material suppliers shall be FDOT approved:

Pipe Material:

- a. Pipe materials permitted under paved County maintained roadways, County owned ROW (except residential side drains / driveway culverts), primary (as determined by County Staff) residential development roadways, and primary (as determined by County Staff) multi-family drive aisles:

Reinforced Concrete Pipe (RCP);

Elliptical Reinforced Concrete Pipe (ERCP);

Concrete Box Culvert.

- b. Pipe materials permitted under non-County maintained roadways, secondary residential development roadways, and secondary multi-family drive aisles

Reinforced Concrete Pipe (RCP);

Elliptical Reinforced Concrete Pipe (ERCP);

Concrete Box Culvert;

Polypropylene Pipe (HP or equivalent FDOT approved polypropylene);

- c. Pipe materials permitted under green areas:

Corrugated Polyethylene Pipe (HDPE);

Polypropylene Pipe (HP or equivalent FDOT approved polypropylene);

Reinforced Concrete Pipe (RCP);

Reinforced Concrete Elliptical Pipe (ERCP);

Concrete Box Culvert.

- d. Pipe utilized for residential side drains / driveway culverts along paved roadways:

Reinforced Concrete Pipe (RCP);

Reinforced Concrete Elliptical Pipe (ERCP);

Polypropylene Pipe (HP or equivalent FDOT approved polypropylene);

Corrugated Polyethylene Pipe (HDPE)

~~—Bituminous-Coated Corrugated Steel Pipe (CMP)~~

~~—Bituminous Coated Elliptical Steel Pipe (ECMP)~~

- e. Pipe utilized for cross drains, side drains, and driveway culverts along dirt roadways:

Polypropylene Pipe (HP or equivalent FDOT approved polypropylene);

Corrugated Polyethylene Pipe (HDPE)

~~—Bituminous Coated Corrugated Steel Pipe (CMP)~~

~~—Bituminous~~ Coated Elliptical Steel Pipe (ECMP)

f. Pipe materials permitted for use onsite for Non-residential Development:

Corrugated Polyethylene Pipe (HDPE);

Polypropylene Pipe (HP or equivalent FDOT approved polypropylene);

Reinforced Concrete Pipe (RCP);

Reinforced Concrete Elliptical Pipe (ERCP);

Concrete Box Culvert.

11.11.6. Other drainage structures:

11.11.6.1. The Florida Department of Transportation Roadway and Traffic Design Standards shall be used as a guideline for selection and construction of all drainage structures, including but not limited to: manholes, inlets, pipe end treatment, and box culverts.

11.11.6.2. Bridges shall be designed and constructed in accordance with the Florida Department of Transportation Standards and Specifications, Florida Department of Transportation Structures Design Guidelines, and American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges.

11.11.7. Special flood hazard areas. All proposed roadways shall have a centerline elevation equal to or greater than the base flood elevation of the special flood hazard area.

ARTICLE 12. - BONDING

Section 12.1. - General.

12.1.1. Bonds shall be required for all roadway, drainage, and water and sewer construction within a platted subdivision, for all roadway and drainage construction outside a development's project boundaries, and for all construction within County or municipal service district right-of-way.

12.1.2. The bonds referred to in this ~~article section~~ may be in the form of a certified or cashier's check, irrevocable letter of credit, escrow agreement, surety bond, or three-party agreement under which an institutional lender providing construction financing to the owner binds itself to the County, the forms of which shall be subject to approval by Nassau County.

12.1.3. Surety bonds referred to in this ~~article section~~ shall be payable to the order of Nassau County Board of County Commissioners on a form acceptable to the County. Each bond shall include language covering all improvements constructed on private or public easements and right-of-way within the platted area, and any off-site improvements if required.

Section 12.2. - Construction bond.

12.2.1. No clearing or construction of roadway, drainage, underground utilities or any improvements within County right-of-way is authorized until such time as the construction bond is approved and provided ~~submitted~~ to the Engineering Services department ~~for approval~~.

12.2.2. A construction bond shall be approved and on file or the subdivision improvements must be completed in accordance with the requirements for release of the construction bonds as stipulated in Section 5.3 of this ordinance, prior to the time the subdivision plat is accepted by the clerk of the court for recording. The bond amount shall be adequate to secure construction of the outstanding approved DRC plan roadway, drainage, and water and sewer ~~roadway, drainage, and water and sewer~~ improvements.

12.2.3. All construction shall be completed by the owner/applicant and approved or accepted by the County prior to recording of the plat or, if a construction bond is provided, within One (1) year after the date the bond is received and approved by the clerk of the circuit court. The bond shall be payable to the County in a sum equal to one hundred fifteen (115) percent of the cost of constructing the roadway, drainage, and water and sewer improvements as estimated by the owner/applicant's engineer and as approved by the County Engineer or their designee ~~Engineering Services department~~. The bond shall remain in force for a term of at least fourteen (14) months from the date of approval, this bond requirement may be waived only by the board of County commissioners.

12.2.4. If at the end of one (1) year following receipt and, the developer has not completed the improvements required and furnished a good and sufficient maintenance bond to the County (if applicable), the County shall give ten (10) days' notice to the developer and ~~his~~ their surety of the intent to begin procedures to cause forfeiture of the construction bond. The County manager may, after a recommendation from the Engineering Services department, accept an extension to the construction bond or proceed with the forfeiture. The County may give the notice described above prior to the end of said year if it appears to the County Engineer or their designee ~~Engineering Services department~~ that the bonded improvements will not be constructed within the year.

12.2.5. If an extension is granted, the developer shall cause the construction bond to be renewed for a minimum of six (6) months beyond the new completion date. All requests for extension must be accompanied by certification that the amount of the renewed bond is equal to one hundred fifteen (115) percent of the cost to complete the project or cause same to be increased.

12.2.6. At the discretion of the County Engineer or their designee ~~Engineering Services department~~, a construction bond may not be required for minor work authorized by a right-of-way permit or construction plans approved through the Engineering Services department.

Section 12.3. - Release of construction bond.

12.3.1. Upon completion of the roadway, drainage, and water and sewer improvements, the owner/applicant's engineer shall submit to the Engineering Services department, that the construction bond be released. This request must be accompanied by those items as required in Section 5.3 of this ordinance. The owner/applicant shall complete all required construction at least thirty (30) days prior to the scheduled termination date of the construction bond and notify the County upon completion thereof. If construction is incomplete within thirty (30) days of the termination date of the bond, provide evidence to the County Engineer or their designee that the bond has been extended and continues in force, or forfeit the bond in the amount equal to the total cost of construction.

12.3.2. Upon review and approval of the request, a letter will be forwarded by the Engineering Services department to the clerk confirming that the improvements have been constructed as required by this ordinance. The construction bond may be released upon receipt by the clerk of maintenance bond in the amount required by Section 12.4 below for all facilities dedicated to Nassau County or located within public right-of-way.

Section 12.4. - Maintenance bond.

12.4.1. When the request is made for acceptance of the bonded improvements or for release of the construction bond, the person, firm or corporation seeking such acceptance or release shall first furnish a good and sufficient bond acceptable to in an amount equal to fifteen (15) percent of the total of all construction contracts issued for construction of roadway, drainage, and water and sewer improvements.

12.4.2. The maintenance bond is to be furnished to secure the timely maintenance of roads and associated infrastructures located within the right-of-way as a guarantee against faulty workmanship, construction and materials. Said bond shall be submitted by the owner/applicant to the Engineering Services department for approval and forwarding to the clerk and shall remain in force until released as stipulated in Section 12.5 below, but in no case for less than twenty-six (26) months from the date of Engineering final construction approval ~~board acceptance~~ and seventy-five (75) percent occupancy with certificates of occupancy of all phases of the entire development. If the County elects to repair and take remedial action to correct deficiencies during the warranty period, the cost will be drawn from the bond. No maintenance bond shall be required for subdivision improvements that will not be dedicated to the County provided the owner/applicant presents satisfactory evidence that a responsible property owners' association or other private entity will accept responsibility for perpetual maintenance of the improvements.

Section 12.5. - Release of maintenance bond.

At least two (2) months prior to the expiration date of the maintenance bond, the developer shall submit a request to the Engineering Services department for release of the maintenance bond. The Engineering Services department shall again inspect the improvements covered by the bond and shall notify the owner/applicant and ~~his~~ their surety of any required remedial actions. The owner/applicant shall complete all required repairs three (3) weeks prior to the scheduled termination date of the maintenance bond and notify the County upon completion thereof, provide evidence to the County that the bond has been extended and continues in force for an additional ninety (90) days, or forfeit the bond in the amount equal to the total cost of repairs. Authorization for bond extension must be approved by the County manager. The County shall again inspect the improvements and notify the owner/applicant of the acceptability of the repairs. If repairs are satisfactory, the bond will be released by written authorization of the County manager. In the event the owner/applicant does not complete the required repairs three (3) weeks prior to the termination date of the maintenance bond, the owner/applicant must provide the County evidence that the bond continues in force for an additional ninety (90) days, or show cause why the bond should not be presented for collection.

ARTICLE 14. - ENFORCEMENT

The violation of any of the provisions of this ordinance, as now existing or hereafter amended, shall be prosecuted in the same manner as misdemeanors are prosecuted. Any person, firm or corporation shall, upon conviction of violation hereof, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that an offense or violation of any regulation, restriction or limitation continues shall be deemed a separate offense.

In addition, the violation of any provision of this ordinance, as now existing or hereafter amended, may be restricted by injunction, including a mandatory injunction and otherwise abated in any manner provided by law. Such a suit or action may be instituted and maintained by the Nassau County Board of County Commissioners, or by any person, firm, corporation, association or other group or body affected by the violation of any such regulations, restrictions, or limitations.

In addition, the violation of any provision of this ordinance, as now existing or hereafter amended, may be enforced by the Nassau County Code Enforcement Officers in accordance with Chapter 125 and 162, Florida Statutes, including but not limited to "Citation" enforcement as adopted and implemented by Resolution 96-78, as may be amended from time to time. Upon notice from an authorized code enforcement officer, work on any site that is contrary to the provisions of this ordinance, or work being performed in a dangerous or unsafe manner, shall immediately cease. Such notice shall be posted at the site, and a warning or citation given to the owner of the property or the person performing the work. The notice shall state the specific conditions under which works may resume.

ARTICLE 15. - VARIATIONS AND VARIANCES**Section 15.1. - Variations.**

The Director of Engineering Services or ~~his~~ their designee has the duty and authority to administer the provisions of this ordinance. Variations to the standards and criteria herein may be permitted by the director of Engineering Services or ~~his~~ their designee, after review and recommendation of the County development review committee (DRC), upon showing that strict application of the requirements contained in this ordinance would result in real difficulties, or substantial hardship or injustice and where the owner/applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of this ordinance have been substantially met as determined by the director of Engineering Services and the development review committee (DRC). Substantial hardships exclude financial hardships. Notwithstanding the above, variations to the following provisions shall not be allowed:

1.	Ordinance Section 5.1.1	Construction plan and drainage calculation submittals.
2.	Ordinance Section 9.9.7	Handicap accessible parking requirements.
3.	Ordinance Section 10.4.1	Professional certification.
4.	Ordinance Section 12.1	Bonding.

Section 15.2. - Variances.

15.2.1. Unless otherwise provided for in this ordinance, after a request for a variance has been denied by the director of Engineering Services or approved with conditions, the owner/applicant may appeal to the planning and zoning board. The planning and zoning board shall hear the appeal within thirty (30) days of receipt of the appeal. The appeal form shall be approved by the County attorney. The planning and zoning board shall schedule the hearing as set forth herein and consider the benefits or hardships against the general standards and objectives of this ordinance, and may require such conditions that will, in its judgment, substantially secure the objectives of the standards or requirements so varied or modified.

15.2.2. The form required for the variance shall be approved by the County attorney.

15.2.3. The variance shall be approved, approved with conditions, or denied within thirty (30) days of receipt.

15.2.4. The board of County commissioners is authorized to establish by resolution, reasonable application and review fees to be charged by the County for such waivers. Such fees shall be deposited in the general fund of the County.

ARTICLE 16. - CONSTRUCTION AND DEVELOPMENT SUBJECT TO ORDINANCE

This ordinance shall apply to and regulate all construction or development for which formal application for approval has been, is, or should have been made to Nassau County after the effective date of this ordinance, except for construction or development which is determined by the director of Engineering Services to be vested pursuant to Florida Law in regard to regulation under Ordinance 87-18, as amended, or other applicable land development regulations. The requirements of this ordinance shall also apply to approved developments of regional impact, approved planned unit or special developments, and approved final development plans existing at the time this ordinance becomes effective, unless specific contrary provisions have been included in the order for such development or the construction or development is determined by the director of Engineering Services to be vested pursuant to Florida law in regards to other conflicting land development regulations.

ARTICLE 17. - NON-CONFORMING USES

This ordinance shall not apply to construction or development approved by Nassau County and completed prior to the effective date of this ordinance or to construction to development that has been approved by the County and is determined by the director of Engineering Services to be vested under the other land development regulations pursuant to Florida law. The provisions of Nassau County Ordinance 87-18, as amended, or other applicable land development regulations shall continue to apply to such does not comply with this ordinance. Such non-conforming uses may continue in use or construction to a completed state under authority and terms of this section and applicable land development regulations under which they may be vested, but such construction or development shall not be expanded, replaced or reconstructed under authority of such regulations.

ARTICLE 18. – VESTED RIGHTS DETERMINATIONS AND APPEALS

An applicant may appeal a vested rights determination of the director of Engineering Services to the County manager by written notice filed with the manager within thirty (30) days of the director of Engineering Services determination. An applicant may appeal a vested rights determination of the County manager to the board of County commissioners by filing written notice of such appeal within thirty (30) days of the date of the County manager's determination.

The applicant has the duty and responsibility to demonstrate that vested rights to proceed with the proposed construction or development have been legally established and/or to demonstrate that the County is equitably stopped from applying this ordinance or other land development regulations to the construction or development. The applicable legal requisites are: that the applicant has made such substantial change of position or has incurred such extensive obligations and expenses, acting in good faith and in reasonable reliance on a valid, unexpired act or omission of the County, that it would be highly inequitable or unjust to affect such rights by requiring the applicant to conform to the requirements of this ordinance.

ARTICLE 19. - SEVERABILITY

Should any section, clause or provision of this ordinance, or any amendment hereto, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE 20. - CONFLICT WITH OTHER COUNTY ORDINANCES

In the event of a conflict between the Roadway and Drainage Standards Ordinance and other County ordinances as adopted prior to this Roadway and Drainage Standards Ordinance, the Roadway and Drainage Standards Ordinance shall prevail.

ARTICLE 21. - JURISDICTION

This ordinance shall be effective in the unincorporated areas of Nassau County, Florida.

ARTICLE 22. - EFFECTIVE DATE

This ordinance shall take effect May 1st, 2022 ~~upon the receipt by the Secretary of State.~~

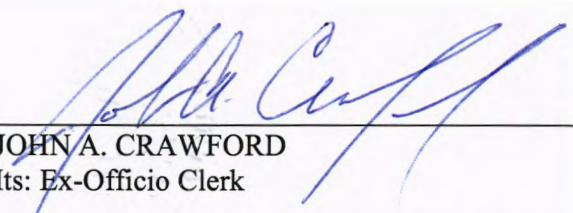
DULY ADOPTED this 14th day of February, 2022.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



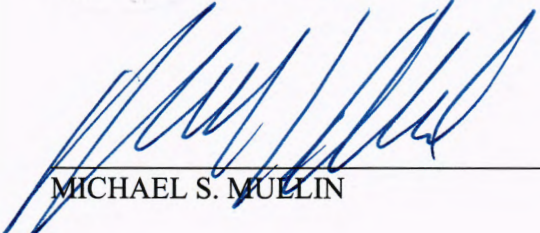
AARON C. BELL
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



MICHAEL S. MULLIN



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 8, 2022

Honorable John A. Crawford
Clerk of the Circuit Court
Nassau County
76347 Veteran's Way, Suite 456
Yulee, Florida 32097

Attention: Heather Nazworth

Dear Mr. Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2022-04, which was filed in this office on March 8, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb