

ORDINANCE NO. 2004 -29

**AN ORDINANCE DESIGNATING BUCCANEER TRAIL/CR 105A, IN THE UNINCORPORATED AREA OF NASSAU COUNTY, FLORIDA, FROM THE INTERSECTION OF FLETCHER AVENUE/A1A AND GERBING ROAD NORTH TO THE CITY OF FERNANDINA BEACH LIMITS WHERE BUCCANEER TRAIL/CR 105A CROSSES INTO THE CITY, AS CANOPY/SCENIC ROADS; PROVIDING AN EFFECTIVE DATE**

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

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

**WHEREAS**, the Board of County Commissioners has directed that Buccaneer Trail/CR 105A, from the intersection of Fletcher Avenue/A1A and Gerbing Road north to the City of Fernandina limits where Buccaneer Trail/CR 105A crosses into the City, located within the unincorporated area of Nassau County, be designated as a canopy/scenic road; and,

**WHEREAS**, the Growth Management Department recommends to the Board of County Commissioners that Buccaneer Trail/CR 105A, from the intersection of Fletcher Avenue/A1A and Gerbing Road north to the City of Fernandina limits where Buccaneer Trail/CR 105A crosses into the City, located within the unincorporated area of Nassau County, be designated as a canopy/scenic road based upon the scenic criteria (including tree canopy) as set forth in Ordinance 2001-27(1)(1)(a) in as much as protecting the canopy

tree cover will help maintain the unique charm of Amelia Island and, therefore, protect both its quality of life and consequent property values; and

**WHEREAS**, the Planning and Zoning Board, after a public hearing, found the scenic/canopy designation for Buccaneer Trail/CR 105A, from the intersection of Fletcher Avenue/A1A and Gerbing Road north to the City of Fernandina limits where Buccaneer Trail/CR 105A crosses into the City, located within the unincorporated area of Nassau County, to be in the best interests of the citizens of Nassau County; and

**WHEREAS**, the Board of County Commissioners, after a public hearing, concurred with the recommendation of the Planning and Zoning Board, which found it in the best interests of the County to designate Buccaneer Trail/CR 105A, from the intersection of Fletcher Avenue/A1A and Gerbing Road north to the City of Fernandina limits where Buccaneer Trail/CR 105A crosses into the City, located within the unincorporated area of Nassau County, as a canopy/scenic road; and

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

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

**WHEREAS**, pursuant to Ordinance No. 2001-27(1)(1)(c), as amended, the exact method used to identify and record the trees on the proposed roadway was by the tree survey, as described in Attachment "A" and submitted by the Growth Management and GIS Departments.

**NOW, THEREFORE, BE IT ORDAINED** this 28th day of June, 2004, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. Buccaneer Trail/CR 105A, from the intersection of Fletcher Avenue/A1A and Gerbing Road north to the City of Fernandina limits where Buccaneer Trail/CR 105A crosses into the City, located within the unincorporated area of Nassau County is hereby designated as scenic/canopy road pursuant to the procedures outlined in Ordinance No. 2001-27(1), as amended.

2. Pursuant to Ordinance 2001-27(3), as amended, the Board of County Commissioners establishes the scenic/canopy road zone to be the County right-of-way for this section of Buccaneer Trail/CR 105A.

3. Restrictions applicable to the Buccaneer Trail/CR 105A pursuant to Ordinance 2001-27, as amended:

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

b. Outdoor advertising signs shall be prohibited, except signs advertising residential developments or homes for sale or parcels of property immediately adjacent to the road or subdivision and entryway signs constructed in accordance with the

County Sign Ordinance. On-premises commercial signs, excluding billboards, shall be allowed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Pursuant to Ordinance 2001-27, as amended: The Board of County Commissioners, when approving removal of any tree or trees within the zone, shall direct the Growth Management Department to amend the identification of the trees, updating and showing the location of the trees permissibly removed, and including the location of any mitigation trees arising from or in connection with a tree removal and shall be so indicated in the Minutes of the next regularly scheduled Board meeting. No liability or fine shall be levied for trees removed from within the zone if the identification is not maintained current within thirty (30) days of amending action by the Board of County Commissioners.

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

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

b. Mitigation requirements. The permit application for removal of trees or vegetation in the canopy road tree

protection zone must be accompanied by a mitigation plan which shall include, at a minimum, the following:

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

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

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

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

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

7. Traffic safety regarding canopy road designation.  
Pursuant to Ordinance 2001-27, as amended: Traffic safety on the designated canopy road shall be promoted by the utilization of speed control devices and by limiting truck traffic to local

delivery trucks and setting speed limits. The County shall provide speed control devices and signage restrictions as deemed necessary.

8. Traffic Directional Signs. Pursuant to Ordinance 2001-27, as amended: The Growth Management Department may recommend to the Board of County Commissioners that traffic, other than local vehicular traffic, be routed on canopy roads subject to the requirements in Paragraph 6 and upon providing information that:

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

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

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

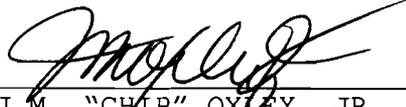
d. Said recommendations shall be placed on the Board's agenda and considered at a meeting commencing at 6:00 p.m.

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

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
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FLOYD L. VANZANT  
Its: Chairman

ATTEST:



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

APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN

**ATTACHMENT 'A'**

Tree	Caliper of Tree (Inches) "	Distance from Starting Point to Center Line (Feet) '	Distance from Center Line to Tree Midpoint (Feet) '	Side of Street (N,S,E,W)
1	36"	59'	34'	E
2	21	107	41	E
3	18	119	40	E
4	16	141	41.5	E
5	20	154	41	E
6	31	216	27	W
7	42	281	25	W
8	54	367	23	E
9	36	399	27	W
10	36	426	15	W
11	38	462	17	E
12	34	482	19	W
13	48	574	30	W
14	36	638	23	W
15	37	696	30	W
16	48	747	22.5	W
17	39	747	30	W
18	36	799	17	W
19	21	872	19	W
20	23	873	19	W
21	35	888	26	E
22	69	913	16	E
23	28	927	18	W
24	19	938	23	E
25	38	939	25	E
26	99	947	26	W
27	25	1159	16	W
28	20	1173	17.5	W
29	48	1100	26.5	E
30	37	1108	17	W
31	24	1124	18.5	W
32	28	1152	16	E
33	33	1162	17	W
34	36	1166	14	E
35	19	1170	15.5	W
36	28	1187	17	W
37	37	1201	18	W
38	24	1228	16.5	W
39	53	1244	21	W
40	22	1256	15.5	E
41	22	1274	15	E
42	32	1286	14.5	E
43	15	1298	16	E
44	21	1300	16	E
45	18	1318	14.5	E
46	43	1322	17	E
47	36	1330	16.5	E

48	20	1335	16	E
49	29	1351	15.5	E
50	45	1369	15	E
51	54	1398	16	W
52	72	1441	16	E
53	20	1434	22	E
54	36	1504	17	E
55	82	1513	17	E
56	50	1526	18	E
57	31	1535	30	W
58	29	1540	17	E
59	36	1554	16.5	E
60	39	1567	16	E
61	36	1596	28	W
62	34	1754	23	W
63	21	1765	22	E
64	21	1767	19.5	E
65	31	1822	20	E
66	40	1915	20	E
67	7	1983	24.5	W
68	6	2005	26.5	W
69	8	2010	29.5	W
70	5	2011	23	W
71	9	2015	23.5	W
72	17	2020	30	W
73	10	2023	28	W
74	4	2029	24.5	W
75	3	2031	24.5	W
76	4	2032	30	W
77	6	2044	24.5	W
78	4	2053	25.5	W
79	6	2054	25	W
80	5	2056	25	W
81	10	2065	30	W
82	9	2072	30	W
83	31	2087	20.5	E
84	20	2099	30	W
85	9	2107	29	W
86	9	2109	30	W
87	33	2147	23.5	E
88	23	2145	27.5	E
89	4	2140	29.5	E
90	20	2183	26	W
91	20	2179	26	E
92	7	2180	16	E
93	19	2204	16	E
94	7	2225	21	E
95	28	2235	14.5	E
96	18	2200	27.5	W
97	6	2266	21	E
98	20	2287	40	E
99	13	2296	24	E
100	22	2313	28.5	W

101	6	2319	18.5	E
102	5	2333	20	E
103	36	2350	29	W
104	33	2417	23.5	E
105	20	2479	27.5	E
106	11	2493	20	E
107	12	2494	25.5	E
108	15	2495	23	E
109	18	2510	26.5	E
110	39	2513	19	E
111	72	2519	29	W

# BUCCANEER ROAD TREE SURVEY

