

ORDINANCE NO. 2005 - 59

AN ORDINANCE DESIGNATING MANUCY ROAD, IN THE UNINCORPORATED AREA OF NASSAU COUNTY, FLORIDA, FROM FIRST COAST HIGHWAY TO THE END OF THE PUBLIC RIGHT OF WAY, 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, at least fifty-one percent of the property owners abutting Manucy Road have requested that the Board of County Commissioners designate Manucy Road from First Coast Highway to the end of the public right-of-way, located within the unincorporated area of Nassau County, as a canopy/scenic road; and,

WHEREAS, the Growth Management Department recommends to the Board of County Commissioners that Manucy Road from First Coast Highway to the end of the public right of way, located within the unincorporated area of Nassau County, be designated as a canopy/scenic road based upon the scenic criteria (including tree canopy) as set forth in Ordinance 2001-27(1)(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 Manucy Road from First Coast Highway to the end of the public right of way, located within the unincorporated area of Nassau County, to be in the best interests of the citizens of Nassau County; and

WHEREAS, the Board of County Commissioners, after a public hearing, concurred with the recommendation of the Planning and Zoning Board, which found it in the best interests of the County to designate Manucy Road from First Coast Highway to the end of the public right of way, located within the unincorporated area of Nassau County, as a canopy/scenic road; and

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

WHEREAS, pursuant to Ordinance No. 2001-27(1)(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)(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 more than fifty-one percent of property owners abutting Manucy Road.

NOW, THEREFORE, BE IT ORDAINED this 25th day of July, 2005, by the Board of County Commissioners of Nassau County, Florida, as follows:

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

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

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

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

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

c. The erection of markers or signage indicating that the road is a scenic/canopy road or historic road shall only be accomplished at the direction of the Growth Management Director or his/her designee 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 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 Coordinator or his/her designee 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 Director or his/her designee 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 Coordinator or his/her designee. Permit forms shall be promulgated by the Growth Management Coordinator or his/her designee 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 Coordinator or his/her designee, 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 Engineering

ATTEST:



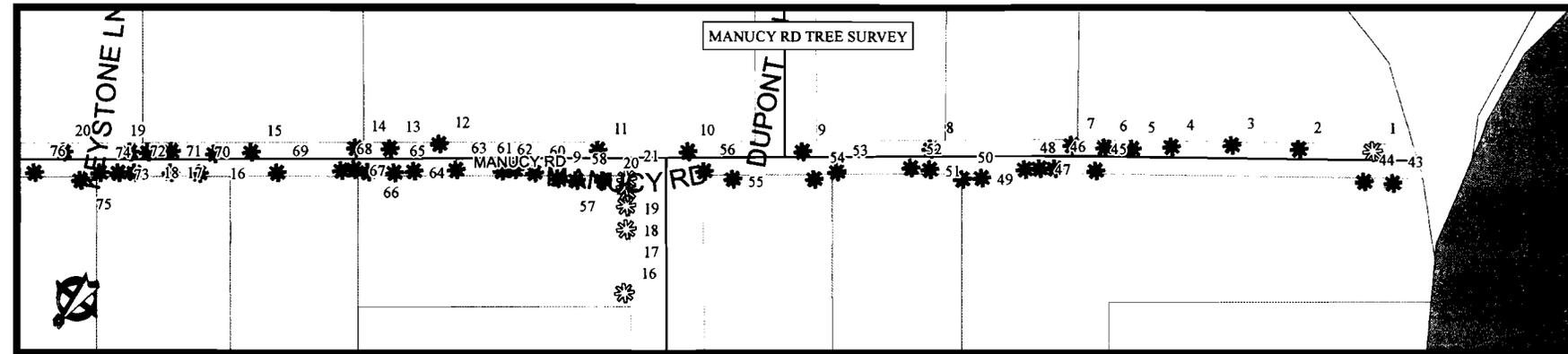
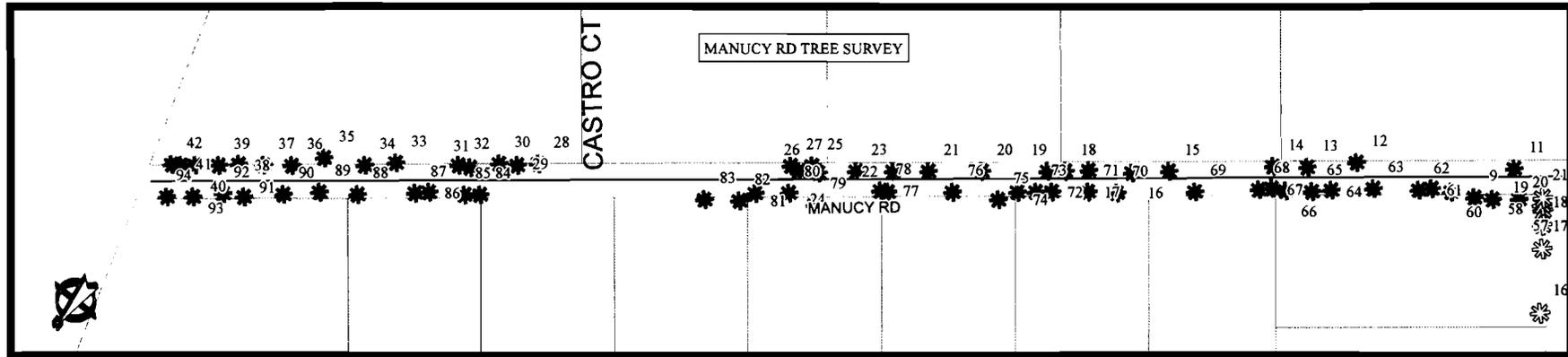
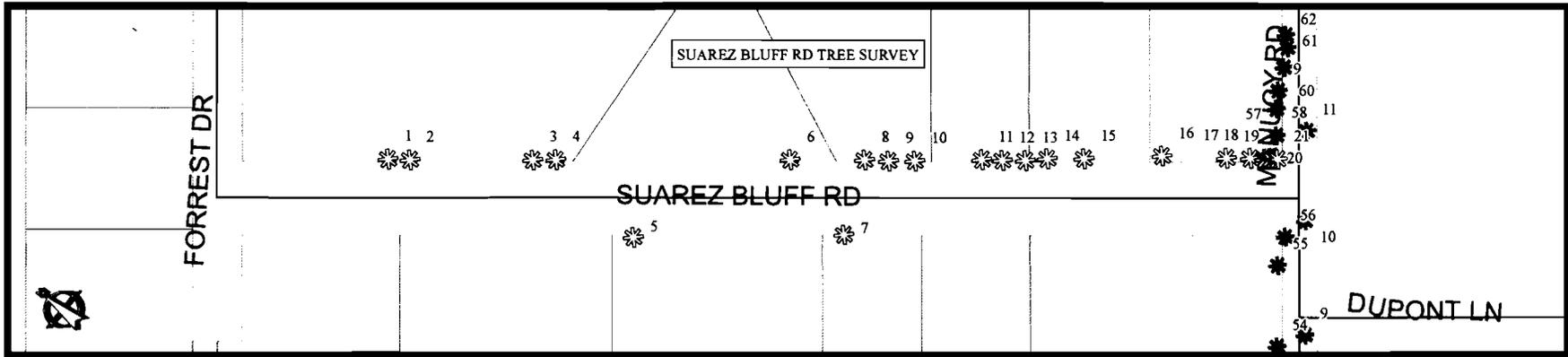
JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:

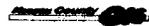


MICHAEL S. MULLIN

ATTACHMENT 'A'



-  MANUCY ROAD TREES
-  SUAREZ ROAD TREES



1" = 30'
30 15 0 Feet



Manucy Road

Tree	Tree Type	Approx. Tree Size (Diameter)	Description
1	Cedar	8"	
2	Cedar	6"	
3	Water Oak	21"	
4	Palm	18"	
5	Water Oak (Twin)	20"	
6	Water Oak (Twin)	17"	
7	Water Oak	8"	
8	Water Oak	42"	
9	Palm	14"	
10	Palm	8"	
11	Water Oak	22"	
12	Water Oak (Twin)	11"	
13	Water Oak (Twin)	12"	
14	Palm	17"	
15	Live Oak	40"	
16	Water Oak	17"	
17	Palm	12"	
18	Palm	9"	
19	Palm	14"	
20	Water Oak	25"	
21	Live Oak	10"	
22	Live Oak	32"	
23	Live Oak	20"	
24	Palm	15"	
25	Water Oak	19"	
26	Water Oak	16"	
27	Water Oak	19"	
28	Water Oak	18"	
29	Water Oak	16"	
30	Sweet Gum	9"	
31	Sweet Gum	7"	
32	Sweet Gum	9"	
33	Sweet Gum	18"	
34	Sweet Gum	7"	
35	Sweet Gum	13"	
36	Sweet Gum	9"	
37	Sweet Gum	6"	
38	Sweet Gum	15"	
39	Sweet Gum	15"	
40	Palm	26"	

41	Live Oak	54"	
42	Water Oak	8"	
43	Bay	36"	Outside ROW
44	Red Cedar	16"	Outside ROW
45	Bay	22"	
46	Bay	15"	
47	Palm	24"	
48	Palm	24"	
49	Live Oak	22"	Outside ROW
50	Live Oak	30"	Outside ROW
51	Palm	16"	
52	Water Oak	20"	
53	Water Oak	32"	
54	Water Oak	30"	Outside ROW
55	Live Oak	17"	Outside ROW
56	Double Bay	12"	
57	Live Oak	22"	Outside ROW
58	Live Oak	28"	Outside ROW
59	Palm	20"	
60	Palm	22"	
61	Palm	18"	
62	Bay	18"	
63	Bay	16"	
64	Live Oak	30"	
65	Live Oak	28"	
66	Live Oak	30"	
67	Bay	18"	
68	Live Oak	18"	
69	Red Bud	6"	
70	Palm	20"	
71	Palm	21"	
72	Palm	20"	
73	Palm	24"	
74	Palm	23"	
75	Water Oak	18"	Outside ROW
76	Live Oak	8"	
77	Palm	24"	
78	Palm	24"	
79	Live Oak	12"	Outside ROW
80	Live Oak	105"	
81	Palm	20"	
82	Live Oak	13"	Outside ROW
83	Live Oak	20"	Outside ROW
84	Sweet Gum	11"	
85	Sweet Gum	13"	

86	Sweet Gum	15"	
87	Sweet Gum	11"	
88	Sweet Gum	15"	
89	Live Oak	22"	
90	Palm	24"	
91	Live Oak	28"	
92	Live Oak	26"	
93	Live Oak	29"	
94	Palm	20"	
Approximate Total Inches		1858"	