

NASSAU COUNTY

DEVELOPMENT REVIEW

REGULATIONS

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AMENDING ORDINANCE 99-18

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SECTION 1. INTENT AND PURPOSES

Intent: The public health, safety, comfort and welfare require the harmonious, orderly and progressive development of land. It is the intent of this Ordinance that both individual land owners and developers be required to meet the same requirements in constructing new roadways and drainage improvements. It is also the intent of this Ordinance to create uniform subdivision regulations and site development for the unincorporated areas of Nassau County. In addition, the Ordinance provides for uniform plat requirements, bonding, and water and sewer requirements. In addition, it is in the interest of the public that the County establish requirements for the design and construction of adequate roads, for the design and installation of adequate drainage facilities.

Purpose: This Ordinance is adopted for the following purposes:

1. To establish uniform and adequate standards for the design of subdivision plats and for minimum improvements in accordance with Chapter 177, Part I, *Florida Statutes*.
2. To provide regular and orderly procedures for the uniform and expeditious processing of subdivision plats and site developments by the proper agencies and officials.
3. To insure coordination of subdivision plats and site developments with public improvement plans and requirements of the Comprehensive Plan for the County.
4. To insure subdivision and site development design which will encourage the development of sound and economically stable communities, and the creation of healthful environments.
5. To prevent traffic hazards and provisions of safe and convenient traffic circulation, both vehicular and pedestrian.
6. To discourage premature, uneconomical scattered development.
7. To assure cooperation and greater convenience for developers.
8. To increase the safety from fire, flood, and other dangers.
9. To ensure proper legal descriptions and monumenting of subdivided land.
10. To prevent or reduce the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the jurisdiction of Nassau County in order to preserve the integrity, stability and beauty of the community and the natural value of the land.

11. To provide for open spaces and recreational areas through the most efficient design and layout of the land.
12. To guide the future growth and development of the County, in accordance with the Comprehensive Plan and the Zoning Ordinance.
13. To minimize public and private losses due to flood conditions.
14. To refine the accuracy of the property survey boundaries for developments, critical facilities and government infrastructure, by establishing a permanent point and azimuth mark. This is to be accomplished by using the 1983 State Plane Coordinates – FL East Control for all developments and land transfers.

Note: Refer to Appendix “A” for the minimum plat requirements for surveying accuracy.

SECTION 2. DEFINITIONS

The definitions listed in Part I - Platting of Section 177.031, *Florida Statutes*, are hereby adopted by reference. In addition, other terms in this Ordinance are hereby defined. Any definitions in Section 177.031, which are also set forth herein, are to be considered supplemental and not contradictory.

Board: The term "Board", as used herein, refers to the Board of County Commissioners of Nassau County.

Developed Area: means the portion of the lot that has been built upon, contains required parking, other accessory uses and/or structures, and/or is landscaped or otherwise disturbed.

Developer's Engineer: The term "developer's engineer", as used herein, refers to a professional engineer, registered in Florida, engaged by the developer to prepare engineering plans and to supervise construction.

Development: The division of land into more than two (2) parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in the use of land; and construction, elimination or alteration of a driveway onto a public street.

Development Review Committee: A committee consisting of Public Works Director or his designee, Planning Director or his designee, County Environmental Health Director or his designee, Fire Marshal, Building Official, Traffic Engineering Technician, Director of Emergency Services or his designee, and other staff as designated by the Public Works Director and shall be chaired by the Public Works Director or his designee

Environmental Survey: A survey utilizing the Florida Fish and Wildlife Conservation Commission (FFWCC) recommended methodology. If threatened or endangered species are determined to be present, mitigation permits shall be required prior to plat or site plan acceptance or issuance of a final development order.

Family Unit: Persons related by marriage (husband and wife only) or lineal consanguinity.

Final Plat: Original copy of a subdivision plat submitted on linen tracing cloth or stable base film for recording as required by Section 177.091, Florida Statutes.

G.P.S. (Global Positioning Survey): A survey that gives spatial northern and easting coordinate points. GPS criteria is per FCC Standards and Specifications for Geodetic Control Networks, September 1984.

Land Coverage: The total area of all impervious improvements on a parcel of land. This includes, but is not limited to, total area of all structures, all parking facilities, and all stormwater retention facilities measured at the normal high water level.

Nassau County Comprehensive Plan: A series of planning elements containing goals, objectives and policies, maps, data and analysis; as adopted by the Board to guide future developments, consistent with the requirements of the Florida Local Government Comprehensive Planning Act, as amended.

Open Space: means landscaped or undeveloped lands suitable for passive recreation or conservation uses.

Pervious Area: means the undeveloped portion of the site or lands not covered by an impervious surface and includes the area of the grassed storm water retention facilities above the normal water level.

Owner: The private owner or developer constructing on or owning the rights-of-way and lands being improved. The word "owner" shall not be construed to be Nassau County or Florida Department of Transportation by reason of their ownership of rights-of-way.

Plat: A map or representation on which the subdivider's plan for subdivision is presented and which he submits for approval and intends in final form to record.

Preliminary Plat: A representation of a proposed plat which is submitted for approval to the Development Review Committee. The final plat of a subdivision must conform to the approved preliminary plat.

Private Easements: A right-of-way or easement owned by adjoining property owners.

Private Roadways: A street or road located within a right-of-way or easement owned by a homeowners association, private individuals or any entity other than Nassau County or the State of Florida. Ownership of private roadways shall be vested jointly in all abutting land owners. Retention of the ownership of the private roadway by the developer is not permitted unless he is the sole owner of all abutting properties and agree that any properties abutting the private roadway which may be conveyed to others in the future will include the use of the private roadway by the lot owners, their guests, invitees, successors and assigns.

Public Roadways: A street or road located within a right-of-way owned by Nassau County or Florida Department of Transportation. The street must have been dedicated or deeded and accepted by either agency.

Subdivision: The term “subdivision”, as used herein, is either:

- a. The division of real property in the unincorporated areas of Nassau County, Florida into more than two (2) contiguous lots, parcels, tracts, sites or units; or
- b. Establishment or dedication of a road, street or alley through a tract of land resulting in the division of real property; or
- c. Resubdivision of land heretofore platted into lots, provided, however, that the sale or exchange of lots or portions of lots to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered a subdivision of land;
- d. Resubdivision or replatting of subdivided property requires the submittal of a subdivision plat pursuant to the requirement of this Ordinance.
- e. Transfer of property between property owners is exempt from this requirement if no additional building sites or lots are created and neither parcel of land becomes substandard.

Surveyors: The term “surveyor”, as used herein, refers to a land surveyor registered in Florida and engaged by the developer to survey and plat the land for subdivision or resubdivision.

SECTION 3. PLATS - JURISDICTION AND PROCEDURE

3.1 GENERAL PROCEDURE

The following procedures for securing subdivision plat approval shall be followed in submitting, reviewing and acting upon all subdivision plats within the unincorporated areas of Nassau County, Florida. The subdivider and/or his surveyor, engineer or land planner is encouraged, but not required, to discuss informally his preliminary studies and sketches for any subdivision of land with the Public Works Director, as well as the County Health Department, County Fire-Rescue Department, and Planning & Zoning Office. Many times these discussions may lead to a more complete preliminary plat and safeguards the subdivider from unnecessary expense and loss of time by not conforming to the standards set forth herein.

If any violation of this ordinance shall continue, after receiving a written notice, the Public Works Director, after consultation with the County Attorney, may institute an appropriate action of proceedings with the State Attorney's Office. The Board of County Commission, in addition to the other remedies, may institute any appropriate action or proceedings of a civil action in the Circuit Court, to enjoin and restrain any person violating the provisions of this ordinance.

It shall be unlawful for any person or persons to violate any of the provisions of this code or to use said land, structure, or building in violation of any provisions of this code. Any person found guilty of violating this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisoned in the county jail for a period not to exceed sixty (60) days or both. Each day that a violation exists or continues shall be deemed a separate offense.

3.1.1 Title Certification

Every plat of a subdivision must be accompanied by a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication. The title opinion or certification shall also show all mortgages not satisfied.

3.1.2 Qualification of Person Making Survey and Plan Certification

Every subdivision of land made under the provisions of this Ordinance shall be made under the responsible direction and supervision of a surveyor and mapper who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, that the survey was made under his responsible direction and supervision, and that the survey data compiles with all of the requirements of this Ordinance. The certification

shall bear the signature, registration number, and the official seal of the surveyor or mapper.

3.1.3 Geographic Information System Data

A digital rendering of the plat in a format compatible with AutoCad 13 or later versions shall be submitted with the final plat. The plat shall be developed using control standards listed in "Appendix A".

3.2 CONCEPTUAL PLAN

A conceptual plan for all proposed subdivisions, drawn to scale, may be submitted to the Development Review Committee for a non-binding evaluation prior to the submittal of a preliminary plat. If a conceptual plan is submitted, it must be submitted to the Planning Director the Friday prior to the next scheduled meeting and will be reviewed at that time. This plan shall include:

- a. Proposed layout of all lots
- b. Proposed streets ,rights of way, and access points
- c. Proposed location of open space, recreational facilities, common areas, and amenities.

3.3 PRELIMINARY PLAT

Seven (7) copies of the preliminary plat containing the information stipulated in this section and any supplementary material shall be submitted to the Planning Office. Following submission, the preliminary plat and supplementary material submitted shall be reviewed by the Development Review Committee. The Planning Director shall, within thirty (30) days, after review of the Development Review Committee, conditionally approve, approve, or disapprove the preliminary plan, and state the conditions for approval, if any, or if disapproved, the reasons for disapproval. The action, which shall be noted on two (2) copies of the preliminary plat, is hereby limited to a period of twelve (12) months, after which time the subdivider is required to resubmit a (new) preliminary plat. The preliminary plat shall contain the following information:

1. The boundary lines of the area being subdivided with the distance and bearings and the legal description of the property.
2. The lines of all proposed streets with their widths and names. All street names must have the written approval of the 911 Coordinator.

3. The outline of any portions of the property intended to be dedicated for public use, such as for schools, parks, etc.
4. The lines of adjoining streets with their widths and names.
5. All lot lines together with the identification system for all lots and blocks, the square foot area of each lot, net usable acreage (less jurisdictional areas), and the minimum finish floor elevation. The lot number within a subdivision shall be assigned counter-clockwise from the northeast corner and shall follow in a logical numerical order within a particular block, unless assignment of a different numbering system would be more logical and better serve a public purpose as may be approved by the Public Works Director.
6. The location of all setback lines and easements provided for public use, service, utilities or drainage.
7. All dimensions both linear and angular for locating the boundaries of the subdivision, lots, streets, easements, and any other areas for public use or private use. Linear dimensions are to be given to the nearest one-one hundredth (1/100) of a foot. Closure shall be shown on the plat.
8. The radii, arcs, chords, chord bearings, points of tangencies and central angles for curved streets and rounded block corners, per Section 177.091, *Florida Statutes*.
9. The location of all survey monuments, permanent points and azimuth marks with their descriptions.
10. The name of the subdivision, the scale of the plat, points of the compass and the name of the owner and owners of the subdivision.
11. Certification of a currently registered surveyor of the State of Florida as to the correct representation of the plat per Section 177.061, *Florida Statutes*.
12. Private restrictions and trusteeships and their period of existence.
13. Acknowledgment of the owner and owners to the plat and restrictions, including dedication to public use of all streets and parks, alleys, easements, rights-of-way and public areas shown on such plat, the dedication of or granting of easements required.
14. All flood hazard zones as established by the FEMA Flood Insurance Rate Maps.
15. Subdivision plats located within areas of potential storm surge inundation shall include a statement that "The area as depicted hereon is subject to storm surge

inundation during a Category one (1), two (2), three (3), four (4), or five (5) hurricane.

16. All wetland jurisdictional areas as required by Chapter 62-340 F.A.C.,
17. Present zoning district(s) the property is located in.
18. The location of permanent bench marks which shall be provided at convenient points with elevations indicated.

3.4 ENGINEERING PLANS

Engineering plans are required for all subdivisions. Engineering plans shall be submitted in conjunction with the preliminary plat. Neither the preliminary plat nor the engineering plans shall be approved separately. In the case of a PUD, the engineering plans for the project may be approved separately. Final platting of the PUD may be completed in accordance with a phase development schedule. Engineering plans required for all subdivisions shall be submitted simultaneously with the preliminary plat. No construction of improvements may commence until the engineering plans have been approved by the Public Works Director, after final review by the Development Review Committee, and after submission of all the required permits (i.e. – St. Johns River Water Management District; U.S. Corps of Engineers, etc.). All engineering plans shall conform to the Nassau County Road & Drainage Standards. At a minimum, the following information shall be required on the engineering plans:

1. All existing and/or proposed sanitary sewers, water mains, and stormwater culverts within the tract or adjacent thereto.
2. Plan, profile and typical cross section drawings for any existing or proposed roads.
3. Contours of land on one foot intervals on United States Coast and Geodetic Datum and offsite drainage facilities serving the subdivision.
4. Subsurface conditions of the tract stating the depth of ground water table unless test pits are dry at the depth of 3 feet, the results of soil percolation tests, and soil profiles to show hard pan, muck, clay strata, etc.
5. Drainage plans and calculations designed in accordance with the Nassau County Road & Drainage Standards.
6. A lot grading plan showing proposed finished floor elevations, proposed lot drainage and elevations in accordance with the Nassau County Road & Drainage Standards.

7. Any final engineering or improvement plans shall be submitted in triplicate on black and white or blue line prints drawn at a scale of not more than fifty (50) feet to the inch on sheets twenty-four (24) inches by thirty-six (36) inches in size. One-half inch($\frac{1}{2}$) margin at right, top and bottom edges and three (3) inch margin at left (binding) edge. The final plans shall be signed and sealed by the developer's engineer.

3.5 FINAL PLATS

The final plat shall be consistent with the preliminary plat as approved by the Planning Director. The original copy shall be submitted on linen tracing cloth or stable base film consistent with Section 177.091, *Florida Statutes*. The final plat should be submitted to the Planning Director a minimum of ten (10) days prior to a scheduled Board of County Commissioners meeting.

The final plat shall have the required signature blocks for the following signatories:

- a. By a Notary Public or other officer authorized by law to take acknowledgments as to the certification of the acknowledgment by the owner or owners.
- b. By the County Health Officer certifying the water supply and sewage system's acceptability or approving the plat subject to review of each lot for septic tanks by the County Environmental Health Officer according to the Florida Administrative Code.
- c. By the Public Works Director as to approval for the Development Review Committee.
- d. By the Nassau County Tax Collector as to the approval that the taxes are current.
- e. By the County Attorney.
- f. By the Planning Director as to approval for the Zoning Department.
- g. By the Chairman of the Board as to approval for Nassau County Commissioners.
- h. By the Fire Rescue Chief.

- i. By the Clerk of the Circuit Court of Nassau County as to plat having been filed for record. The plat book and page designation shall be obtained from the Clerk at the time it is presented to the Clerk for recording.

3.6 COMPUTER MEDIA

In addition to the required submittals mentioned above, the developer shall submit three (3) copies of the Final Plat and Engineering Plans in a digital format compatible with AutoCad 13 or later versions. The digital format is to be fully rotated and indicative of the State Plan Coordinate System. Refer to Appendix "A" for further survey requirements.

3.7 ST. JOHNS RIVER WATER MANAGEMENT DISTRICT PERMIT

Prior to plat acceptance the applicant must have proof of St. Johns River Water Management District permit approval or exemption.

3.8 REVIEW FEE

A review fee will be charged and the specific fees shall be adopted by the Board under a separate resolution and is available for inspection at the offices of the Public Works Department and the Office of the County Clerk. Said fees may be adjusted by the Board pursuant to a resolution duly adopted by the Board.

3.9 FILING FEE

A filing fee to defray the cost of recording the plat and preparing record copies for distribution shall be submitted by the subdivider to the County Clerk prior to approval by the Board of County Commissioners. Said fees shall be made payable to Clerk of the Circuit Court and shall be in such amount as established by the Board of County Commissioners by resolution, consistent with state statutes.

3.10 PROCEDURE FOR CONSIDERATION OF PLAT

It is the responsibility of the developer or his/her designee to insure that the final plat and all computer media are submitted simultaneously to the Planning Director with all required documentation and owner's and/or mortgagor's certification signatures no later than ten (10) working days prior to the scheduled Commission public hearing when said plat shall be considered. All required approval signatures from appropriate County officials will be obtained by the Public Works Director's office.

SECTION 4. SUBDIVISIONS

4.1 GENERAL CONDITIONS

Each subdivision shall contain improvements designed and constructed according to the requirements and specifications of this Ordinance, the Nassau County Road & Drainage Standards and the applicable policies, resolutions, regulations and ordinances of Nassau County, including the Nassau County Comprehensive Plan and the laws of the State of Florida. The land proposed for subdivision shall be suitable for development and, upon completion of the drainage construction described in the drainage plans, shall not be subject to damaging floods, poor drainage, erosion or other conditions detrimental to the health, safety and general welfare of the public.

4.2 ROADS AND DRIVEWAYS

All roads and driveways within the subdivision shall be paved and constructed in accordance with the requirements set forth herein and within the Nassau County Road & Drainage Standards, Ordinance 99-17.. All subdivisions shall have direct paved access to the connection with a county maintained road or street dedicated to public use which has been accepted for maintenance by the County or Florida Department of Transportation. If the county maintained road or street is not paved the developer shall pave the county road or provide paved access from the subdivision to connect with a paved county road or street accepted by the County or the State. If the county road is paved but in substandard condition, improvements may be required of the developer in order to bring the road up to current county standards. If a driveway is not constructed or in substandard condition it is the responsibility of the developer to construct or improve the driveway to current county standards. Said paving and driveway construction shall be in accordance with the requirements set forth herein and the Nassau County Road & Drainage Standards.

4.3 RELATION TO ADJOINING STREET SYSTEM

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection, where adjoining land is not subdivided) insofar as that may be deemed necessary by the Board for public requirements. The street arrangement shall not cause hardships to owners of adjoining property when they plat their own land and/or seek to provide convenient access to it. Offset streets shall be avoided but in no event shall there be less than one-hundred fifty feet (150') between offsets. The angle of intersection between streets shall not vary by more than fifteen (15) degrees from a right angle.

4.4 STREET NAMES

New streets shall be appropriately marked at each intersection with street regulatory signs. The applicant shall be responsible for cost of all initial street signs in the subdivision. All street names require written approval of the 911 Coordinator. Streets shall be named in accordance with Nassau County Ordinance 88-23 as amended by Ordinance 92-14 and Ordinance 99-43 and any subsequent amendments, and in accordance with procedures established by the Nassau County Sheriff's office.

4.5 BLOCKS

1. Where a tract of land is of such size and location as to prevent a lot arrangement related to a normal street design, there may be established courts, dead-end streets, or cul-de-sacs, provided; however, that proper access shall be given to all lots from a dedicated street or court and a cul-de-sac or other turnaround device is installed that meets all County requirements.
2. Residential blocks shall be not more than two thousand two hundred feet (2,200') in length. The width of any residential block shall be sufficient to allow two (2) tiers of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway, or a land use other than residential. Block requirement will vary according to zoning requirements for industrial and commercial subdivisions.

4.6 CUL-DE-SACS

Where a street does not extend beyond the boundary of the subdivision area and its continuation is not required by the Board for access to adjoining property, its terminus shall not normally be nearer to such boundary than fifty feet (50'). However, the Board may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, utilities, or emergency access. A cul-de-sac turnaround shall have a minimum 50 foot paved radius and shall be provided at the end of a permanent dead-end street in accordance with Nassau County Road & Drainage Standards available at the Public Works Department. For greater convenience to traffic, permanent dead-end streets shall be limited in length to one thousand feet (1,000') from the nearest intersection unless otherwise approved by the Public Works Director.

4.7 INTERSECTIONS

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) streets at an angle of less than seventy-five (75)

degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred feet (100') therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Public Works Director.

2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with an existing intersection on the opposite side of such street. In the case of local streets, such jogs with centerline offsets of less than one hundred fifty feet (150') shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with major streets, their alignment shall be continuous. Intersections of major streets shall be a minimum of eight hundred feet (800') apart.

4.8 ACCESS

All proposed developments shall meet the standards set forth in the Nassau County Roadway & Drainage Standards *Ordinance 99-17*. *All access easements shall be a minimum width of sixty (60) feet. A sixty (60) foot easement can serve up to five (5) dwelling units. Any additional dwelling units will require the approval of the Public Works Director, or his designee.*

4.8.1 Required Number of Access Points

All subdivisions consisting of 25 lots or more shall provide at least two (2) points of access subject to the approval of the Development Review Committee. One access may be closed to public access provided that it is approved by the Emergency Services Director or his designee as being accessible to County emergency services .

4.9 LOTS

1. The minimum building setbacks required are those stipulated in the Zoning Ordinance for the pertinent district and in Policy 2.03.04 of the Traffic Circulation Element of the Comprehensive Plan for lots on arterials and collectors.
2. Lots shall have a minimum width as stipulated in the Zoning Ordinance for the pertinent district.
3. Corner lots shall have dimensions sufficient to permit the establishment of front building lines on each side of the lots having street frontage.

4. The arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
5. Restrictions requiring building to be set back to such building lines shall be shown on the plat.
6. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a better street and lot layout. Such variations must be approved by the Director of Public Works.
7. When the specification of this subsection conflicts with the zone requirements of the regulations and restrictions stipulated in the Zoning Ordinance, the more restrictive shall prevail.
8. The size and dimensions of lots for industrial or commercial uses will vary and shall be consistent with the requirements stipulated in the Zoning Ordinance for that particular use. For industrial subdivisions a minimum lot size of two (2) acres will be required unless varied by the Board.

4.10 EASEMENTS

Easements at least seven and one half feet (7 ½') in width shall be provided on each side of all back lot lines, and five feet (5') in width on each side of side lot lines where necessary for poles, wires, conduits, sewers, gas, water or drainage swales. Easements of greater width may be required along or across lots where necessary for proper drainage for street rights-of-way.

4.11 EASEMENT ALONG STREAMS OR CANALS

Wherever any street or important surface drainage course is located in any area being developed, the developer shall provide an easement, whose width will be determined by the Public Works Director or his designee, along the stream for the purpose of widening, deepening, improving or for drainage use.

4.12 WATER LINES

4.12.1 Connection to Public Water Supply; Installation of Fire Hydrants

Where an approved public water supply is reasonably accessible, as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, each lot within the subdivision shall be provided with a connection

to such water supply. The water service for each lot will be installed at the time of the application for a building permit. All mains, to be under paving, will be constructed prior to the paving installation. Fire hydrants will be installed in all subdivisions where an existing public water supply can be extended within dedicated or proposed right-of-way that is within one quarter (¼) mile of said proposed development. The developer will extend the water supply and provide the fire hydrants at five hundred foot (500') intervals. The location of fire hydrants and water main size shall be approved by Fire Chief or his designee. The Public Works Director shall review development plans to ensure that the public water supply is located in a manner that provides least susceptibility to hurricane impacts. Potable water infrastructure shall be phased into operation as development proceeds on barrier islands.

4.12.2 Private Water Supply Systems; Fire Hydrants

Where no existing public water supply is available and the installation of a public water supply system will be required at the time of application for a building permit, the private water supply system shall be constructed in such a manner that an adequate supply of potable water will be available to each lot. The rules and regulations of the Nassau County Health Department shall govern the installation of the system. Stub outs for fire hydrants shall be provided and the fire hydrants shall be installed by the developer at the time the water system is placed in use. The Public Works Director shall review development plans to ensure that the private water supply is located in a manner that provides least susceptibility to hurricane impacts. Potable water infrastructure shall be phased into operation as development proceeds on barrier islands.

4.12.3 Alternative Fire Protection Measures Where Public Water Supply Not Available

Where no existing public water supply is available and it is anticipated that a public water supply will not be made available, the Board may require alternative fire protection measures. The alternative fire protection measures will be based on recommendations of the Fire Chief or his designee and may include, but not be limited to the installation of wells, pumps, drafting hydrants and other measures to allow adequate fire protection for the area being subdivided.

4.13 SANITARY SEWER

4.13.1 Connection to Accessible Sanitary Sewer

Where an adequate sanitary sewer is reasonably accessible, as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, each lot in the subdivision area shall be provided with a connection to such sanitary sewer. The subdivision sewer system and all connections shall comply with the regulations of the Department of Environmental Protection. The Public Works Director shall review development plans to ensure that the sanitary sewer system is located in a manner that provides least susceptibility to hurricane impacts.

4.13.2 Installation of Sewage Collection and Treatment System Where Sewers Not Accessible and Septic Tanks Not Permissible

Where sewers are not accessible and septic tanks are not permissible as determined by the County Department of Health and pursuant to Florida State Statutes and Florida Administrative Code, the owner or developer shall install and operate a sewage collection and treatment system of a capacity sufficient to serve the entire subdivision and all contemplated additions. All such systems shall be constructed in accordance with the regulations and requirements of and approval of the County Health Officer or appropriate State agency. The owner or owners must furnish written proof to the Public Works Director to the effect that provisions for sanitary sewage disposal of the entire subdivision meet with the approval of the County Health Officer or appropriate State agency. No construction is to begin until this condition has been met. Issuance of building permits will be conditioned upon demonstration of wastewater treatment systems. All industrial developments with private sewage treatment plants shall provide monitoring reports to the Department of Environmental Protection concerning their sewage treatment plants as required by Statute or Code.

4.14 PUBLIC USES

4.14.1 Open Space, Parks and Recreational Areas

1. **Recreational Standards:** The Board shall require that land be reserved or dedicated for parks, playgrounds, beach access, boat ramps or other recreational purposes in locations as designated ~~on~~ in the Comprehensive Plan or otherwise where such reservations would be appropriate. Each reservation or dedication shall be of suitable size, dimension, topography and general character and shall have adequate road access, for the particular purpose envisioned by the Board. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreational Purposes". When recreation areas are required, the Board shall determine the number of acres to be reserved using the basis of two and one half (2 ½) acres for every one hundred (100) dwelling units. Development plans shall provide open space for both passive and active recreation in accordance with the established level of service specified in the Comprehensive Plan.
2. **Recreation Sites:** Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or other active recreation purposes and shall be relatively level and dry. The Amelia Island Bicycle Trail, as delineated, shall be implemented by requiring developments to construct that section related to their development. Such development shall receive appropriate credit from recreation and/or transportation impact fees. Greenways which provide links between nature reserves, parks, cultural and historic sites, natural wetlands, beaches and other water bodies may also be used for recreation sites.

3. **Other Recreation Reservations:** The provisions of this section are minimum standards. None of the above paragraphs shall be construed as prohibiting a developer from reserving other land for active or passive recreation in addition to the requirements of this section.

4.14.2 Public Beach Access

Within an average of one-half mile increments, the County shall require the dedication of public access to beaches from developments located on the Atlantic Coast beach.

4.15 VACATION AND ANNULMENT OF PLATS EASEMENTS, AND RIGHT-OF-WAY

4.15.1 Plats

Plats subdividing land may be vacated or annulled in accordance with Section 177.101, *Florida Statutes*.

1. The Board, in public hearing, may annul a registered subdivision after 60 months if the development proposed in the subdivision plat has not proceeded in a timely manner as stated in the County's adopted Concurrency Management Ordinance.
2. Applications for vacations of plats shall be accompanied by proof of legal notice publication in 2 weekly issues of a newspaper of general circulation in Nassau County, together with paid tax certificates.
3. Every vacating and annulment resolution adopted by the Board shall have the effect of vacating all streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the office of the Circuit Court Clerk and duly recorded in the public records of Nassau County.

4.15.2 Easements & Rights of Way

1. The board, in public hearing, may vacate, abandon, discontinue, and close any existing public or private street, alleyway, road or highway in accordance with Section 336.09, *Florida Statutes*.
2. Applications for vacation or abandonment of public or private streets, alleyways, roads or highways shall be accompanied by proof of legal notice publication in two (2) weekly issues of a newspaper of general circulation in Nassau County.
3. Such vacation and/or abandonment shall not become effective until a certified copy of such resolution has been filed in the office of the Circuit Court Clerk and duly recorded in the public records of Nassau County.

SECTION 5. SITE DEVELOPMENTS

The approved development shall begin substantial work on the project within one year of the approval of the Site Development Plan or the development order will be considered null and void. The starting date of the development may be extended by the Board of County Commissioners.

5.1 CLASSIFICATION

Threshold for site developments shall be as follows:

Class I: The following developments shall be considered Class I developments:

- a. Single family dwellings, duplexes, mobile home placement or replacement, excluding beachfront construction.
- b. Non-residential interior remodeling which does not affect the exterior zoning requirements such as, but not limited to; parking, paving, setbacks, etc.
- c. Residential accessory structures.
- d. General repairs.

Class II: The following developments shall be considered Class II developments:

Modifications to existing non-residential sites in which:

- a. The impervious area is not increased by more than one thousand five hundred (1,500) square feet.
- b. The use of the facility is not changed.
- c. The existing paving and/or drainage system is not significantly altered.
- d. The use of the facility is changed, but the change does not result in an increase in intensity that significantly alters exterior site requirements

Class III: The following developments shall be considered Class III developments:

- a. Non-residential development of an undeveloped parcel of land.
- b. Modification of an existing site which results in an increase of impervious area of more than one thousand five hundred (1,500) square feet.

- c. Modification of an existing non-residential site which results in a change of use that results in an increase in intensity that significantly alters exterior site requirements.
- d. Modification of an existing non-residential site which significantly alters the paving and/or drainage system.
- e. Multifamily residential developments of 3-10 units.
- f. All new beachfront residential construction All subdivision engineering plans excluding Planned Unit Developments.

Class IV: The following developments shall be considered Class IV developments:

- a. Multifamily Residential development containing ten (10) or more dwelling units.
- b. Non-residential containing more than 35,000 square feet of total building area.
- c. Planned Unit Developments

5.2 PROCEDURE

The following procedures shall be used when submitting a site development for review:

Class I Site Development

Review and approval of Class I Site Plans shall be performed by the Planning Director or his/her designee, in conjunction with the building permit review and approval process: Development Review Committee review of Class I Site Plans is not required.

Class II & III Site Development

1. A pre-application conference between the developer and the Development Review Committee shall be held to discuss basic site development requirements, site features and the proposed development.
2. A conceptual plan drawn to scale shall be submitted to the Planning Director or his/her designee, and that person shall submit the plan to the Development Review Committee for consideration. This plan should contain at a minimum: proposed buildings, parking areas, access points, impervious surfaces, location of open space, amenities and accessory uses.
3. For *Class II* developments, each member of the Development Review Committee, based upon the authority of their Department, may recommend modification of the

site plan. Any recommended modification shall be submitted in writing to the Public Works Director for review, with a copy provided to the applicant. The Public Works Director shall have the authority to accept any recommended modification or deny any recommended modification proposed by any member of the Development Review Committee.

4. Seven (7) copies of the proposed site development plan shall be submitted to the Planning office for review and distribution to other governmental departments involved in the review process.
5. Prior to distribution of the proposed site development, the Public Works Director or his designee shall conduct a sufficient review to determine if the developer addressed the site development requirements stated in this Ordinance and the Nassau County Road and Drainage Standards. If all requirements have been addressed, the Public Works Director or his designee shall proceed with the distribution of the site plan. If all the requirements have not been addressed, the site plan should be returned to the developer to make the necessary additions in order to comply with the requirements of this Ordinance.
6. Each department or regulatory agency represented on the Development Review Committee shall conduct its review and submit signed, written recommendations to the Planning Director within fifteen (15) working days after receipt of the site plan by that department.

Class IV Site Developments

If the proposed site plan is a class IV development, it will be required to follow the procedures described above for a Class III development *and* ~~the~~ to complete the following additional procedures:

- a. The Public Works Director or his designee shall submit the proposed site plan, as approved or modified by the Development Review Committee, along with a written analysis and recommendations to the Planning Board for consideration at its next meeting. A copy shall also be provided to the applicant prior to the Planning Board's consideration. The site plan analysis and recommendations shall reflect the review and comments of all governmental departments involved in the site plan review process. The Planning Board shall review the proposed site plan at a regularly scheduled meeting. The applicant may address the Planning Board at its meeting to discuss the site plan.
- b. Following the aforementioned review, the Planning Board shall recommend approval, approval with conditions, or denial of the proposed site plan.

- c. Following the recommendation(s) by the Planning Board, the proposed site plan must be considered and approved by the Board of County Commissioners at the last regularly scheduled meeting of the month.
- d. Following said review, the Board of County Commissioners shall approve, approve with additional conditions, or deny the proposed site plan.
- e. Upon approval of the proposed site plan by the Board of County Commissioners, a building permit shall be issued.

5.3 SITE DEVELOPMENT REQUIREMENTS

The following information, shall be provided by the developer when submitting a site plan for approval:

- 1. Vicinity Map:
 - a. Site location.
 - b. Legal description of the site (names and addresses of adjacent property owners shall also be attached).
- 2. Site Plan – including but not limited to:
 - a. Name, location, owner and architect of the proposed development.
 - b. Present zoning and conditional use permit (if applicable) for subject site.
 - c. Tabulation of gross site acreage and land coverage, total building area, total parking area, total area of stormwater retention structures at normal high water line, and the total area of open space.
 - d. Number of units proposed.
 - e. Date, north arrow and graphic scale (one inch (1”) equals fifty feet (50’).
 - f. Dimensions of all structures (vertical and horizontal), type of construction as defined by the adopted Building Code, and major features including setbacks, distances between structures, floor area, driveway widths, parking spaces, property or lot lines, and percent of lot coverage.
 - g. Internal automotive and pedestrian circulation including driveways, sidewalks, curb and gutter, and site ingress and egress. Improvements shall be designed in accordance with the Nassau County Road & Drainage Standards and approved by Public Works Director or his designee. In

addition, improvements may be required to the County road adjacent to the development.

- h. Location, number and dimension of off-street parking and loading facilities. Improvements shall be designed in accordance with the Nassau County Road & Drainage Standards and approved by the Public Works Director.
- i. Location and dimension of water supply and sewage disposal facilities. Improvements shall be designed in accordance with requirements of the utility company and approved by the Public Works Director.
- j. Location of electrical service lines, easements, transformers and fire hydrants.
- k. Location, size and design of landscaped or open space areas including existing trees and buffers.
- l. Location of any on-site lighting and signs.
- m. Site drainage plan must be designed and constructed in accordance with the Nassau County Road & Drainage Standards and approved by the Public Works Director.
 - 1. Existing and proposed ground contours and elevations.
 - 2. Existing and proposed drainage facilities with their size, elevations, and slopes including off-site drainage facilities.
 - 3. Design calculations, which support the proposed drainage design.
 - 4. Elevations and slope of surrounding property.
 - 5. Location and size of existing and proposed easements and right-of-ways.
- n. Location of flood hazard boundaries and jurisdictional wetlands.
- o. Location of dumpster with screened enclosure.
- p. All proposed developments over 40 acres in size shall conduct an environmental survey by an environmental professional acceptable to the County to determine the presence of *threatened* and *endangered* species. Based on the results of the survey, a mitigation plan, as approved by the County or its designee, shall be required as a condition of development approval.

- q. Abutting streets and easements.
- r. Natural site features (topography).
- s. Site plans in digital format on CD-ROM or floppy disk using criteria described in Section 3.1.3.
- t. Utilities.
- u. Existing structures.
- v. Adjacent land uses.
- w. Soils that have severe development constraints.

5.4 REVIEW FEE

A review fee will be charged and the specific fees shall be adopted by the Board under a separate resolution and is available for inspection at the offices of the Public Works Department and the Office of the County Clerk. Said fees may be adjusted by the Board pursuant to a resolution duly adopted by the Board

5.5 LANDSCAPE REQUIREMENTS

Off-street parking areas - All off-street parking areas in Nassau County containing five (5) or more spaces shall comply with the landscape requirements described in the following subsections.

5.5.1 General

It is essential that proper plant specimens be chosen for each specific condition (consult the County Agent for assistance). In choosing plant materials, consideration should be given to the amount of sun or shade, the wetness or dryness of the soil, the effects of salt spray (where applicable), the amount of maintenance required, the ultimate growth size of plants chosen, and the aesthetics of the planting areas.

Preserving existing trees and shrubs within the parking area is encouraged. A minimum of 25% of the total caliper inches of all existing hardwood trees six inches (6") in caliper or over as measured four feet and six inches (4'6") from the ground must be preserved. Discretionary credit will be given for each existing plant or tree preserved. All trees shall be planted in a minimum dimension of five feet (5'). This five foot (5') square minimum planting area must be free of all bumper overhang in order to prevent possible tree damage resulting from auto bumpers striking trees. All trees have a minimum trunk

diameter of two inches (2") measured at a point four and one half feet (4 ½') above ground line, and a minimum crown spread of five feet (5') diameter.

Shrubs used for screening off-street parking areas from adjacent properties shall have a minimum height of thirty inches (30") when planted. These shrubs shall be planted in a manner which will form a visual barrier between the off-street parking area and adjacent property. All shrubs used for screening shall be of a plant species that is capable of reaching the required height of six feet (6') within twenty-four (24) months under normal growing conditions. (See Suggested Plant List). Shrubs used as accent ground cover and vines may vary in size depending on the type of plant material and the desired effect.

The location of all trees and shrubs shall be reviewed and approved by the Planner.

5.5.2 Adjacent to Public Right-of-Ways

A landscaped area at least five feet (5') wide shall be located between the parking area and the abutting right-of-way. Wheel stops or curbing shall be used, where necessary, to assure that this five foot (5') strip is not overhung by car bumper. This landscaped area shall include one (1) canopy tree for every twenty-five feet (25') of frontage or fraction thereof, and one (1) shrub for every five feet (5') of frontage or fraction thereof. Canopy trees are required to be set back a minimum of fifteen feet (15') from the right-of-way line. All shrubs shall have a minimum height of two feet (2') at planting and shall attain a maximum height of three feet (3') within twelve (12) months under normal growing conditions.

The required landscaped area may also be defined by the use of a barrier of non-living materials in lieu of living materials. Such barrier shall not exceed three feet (3') in height. An average of one (1) shrub or vine for every ten feet (10') or fraction thereof, shall be planted abutting such barrier. These shrubs or vines may be clustered rather than spaced evenly apart. Such shrubs or vines shall be planted for every twenty-five feet (25') of frontage or fraction thereof. A planting area of four feet (4') must be maintained between this barrier and the right-of-way line.

5.5.3 Sight Distance for Landscaping Adjacent to Public Right-of-Way and Points of Access

When access intersects a public right-of-way, clear unobstructed cross visibility shall be provided within the sight triangle formed by such intersection. The sight triangle shall be measured from the point of intersection, ten feet (10') along the access way and then ten feet (10') along the right-of-way, with the third side being a line connecting the two points. Cross visibility within the sight triangle shall be unobstructed between the height of two feet (2') and eight feet (8') measured from the ground line. Trees and palms shall have their limbs and foliage trimmed in a manner that no limbs or foliage will extend in to the cross visibility area. To ensure proper visibility at the intersection of access ways with public right-of-ways, excluding properly trimmed trees as previously stated, only ground cover type plants shall be allowed within the sight triangle.

5.5.4 Adjacent to Other Properties

- a. *Residential Areas* When off-street parking areas are adjacent to residential uses or properties, a landscaped buffer at least five feet (5') wide shall separate them. The landscaped buffer shall contain an opaque screen composed of either living plant materials or durable nonliving materials, i.e., fences, walls, etc., having a minimum height of six feet (6'). When located on side lot lines, such screen shall terminate within ten feet (10') of its intersection within the street right-of-way line. All living plant materials shall be planted in a manner which will form a visual barrier and must be at least thirty inches (30") when planted and shall attain the required height of six feet (6') within twenty-four (24) months under normal growing conditions. If a barrier composed of nonliving materials is used for screening, the barrier shall be accented with shrubbery. A minimum of one (1) tree shall be planted for every fifty feet (50') of common lot line or fraction thereof. The required landscaped area shall be protected from vehicle encroachment by the use of wheel stops or curbs.
- b. *Nonresidential Areas* When off-street parking areas are adjacent to nonresidential uses or property containing a conforming hedge, wall, or other durable landscape feature, the provisions stated in 5.4.1 excluding the tree planting requirements, shall not apply to rear or side lot lines.
- c. A landscaped buffer is not required for off-street parking areas that are screened from adjacent property by intervening buildings.

5.5.5 Interior Landscaping Regulations

- a. Off-street parking areas shall contain ten (10) square feet of interior landscaping for each parking space.
- b. Each separate interior landscaped area shall contain a minimum of one hundred (100) square feet and shall be at least five feet (5') wide. A minimum of one (1) canopy tree shall be planted for every two hundred (200) square feet of interior landscaping with the remaining area adequately planted with shrubs, ground cover, or other approved landscaping materials.
- c. All interior landscaping shall be protected from vehicle encroachment by curbing or wheel stops.
- d. Interior landscaping shall be located in a manner, which will divide or interrupt the broad expanse of paving. Landscaped areas shall subdivide parking areas into parking bays containing a maximum of forty (40) spaces, provided that no more than twenty (20) spaces shall be in an uninterrupted row.
- e. Interior landscaping layout or design shall be reviewed and approved by the Planning office.

- f. It is preferred that native plant species be used in lieu of non-native species. Non-native species may be substituted if the native species are not available as determined by the Planning office.

5.5.6 Suggested Plant List

- a. Canopy Trees
1. Devilwood *Osmanthus Americanus* (Full Sun/Prtl Shade)
 2. Winged Elm *Ulmus Alata* (Full Sun)
- b. Accent Trees
1. Flowering Dogwood *Cornus Florida* (Partial Shade)
 2. Cherry Laurel *Prunus Caroliniana* (Full Sun)
- c. Palms
1. Cabbage Palm *Sabal Major* (Full or Partial Sun)
 2. Needle Palm *Rhapidophyllum Hystrix* (Partial Shade)
 3. Saw Palmetto *Serenoa Repens* (Full Sun/Partial Shade)
- d. Accent Shrubs
1. American Beautybush *Callicarpa Americana* (Partial Shade)
 2. Fetterbush *Lyonia Lucida* (Partial Shade)
 3. Firebush *Hamelia Patens* (Full Sun/Partial Shade)
 4. Gallberry *Ilex Glabra* (Full Sun/Partial Shade)
 5. Inkberry *Scaevola Plumieri* (Full Sun)
 6. Oak-leaf Hydrangea *Hydrangea Quercifolia* (Partial Shade)
 7. Sea Lavendar *Tournefortia Gnophalodes* (Full Sun)
- e. Hedges
1. Blueberry *Vaccinium Spp.* (Partial/Full Shade)
 2. Florida Anise *Illicium Floridanum* (Partial/Full Shade)

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|--------------------|---------------------------------------|
| 3. Large Gallberry | Ilex Coriacea (Partial Shade) |
| 4. Mountain Laurel | Kalmia Latifolia (Partial/Full Shade) |
| 5. Spanish Bayonet | Yucca Aloifolia (Sun/Shade) |
- f. Low Shrubs, Ground Cover and Vines
- | | |
|------------------------------|---------------------------------------------|
| 1. Gopher Apple | Licania Michauxii (Full Sun) |
| 2. Trumpet Creeper | Campis Radicans (Full Sun) |
| 3. Southern Honeysuckle | Lonicera Sempervirens (Full Sun/Prtl Shade) |
| 4. Adam's-needle (Beargrass) | Yucca Smalliana (Full Shade) |
| 5. Coontie | Zamia Floridana (Sun/Shade) |
| 6. Eastern Coralbean | Erythrina Herbacea (Partial Shade) |
| 7. Partridge Berry | Mitchella Repens (Shade) |
| 8. Virginia Creeper | Partenocissus Quinequefolia (Full Sun) |

5.6 TOWERS AND ANTENNAE

In districts where radio and television communications or relay antenna facilities or towers, water storage tanks or towers, and similar facilities are permitted or permitted as a Conditional Use, their physical location point will be identified by a GPS survey that is accurate to the third (3rd) anchor point order and shall be submitted on CD-ROM or floppy disk.

5.7 REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING

5.7.1 Continuation Required

- a. Off-street parking or off-street loading facilities shall be maintained and continued, so long as the main use continues.
- b. Parking spaces on lots of more than four (4) spaces, shall be marked by painted lines or curbs or other means to indicate individual spaces and shall be maintained, so long as the main use continues.

5.7.2 Existing Uses

- a. *Repair:* Conforming buildings and uses existing as of the effective date of this Ordinance may be modernized, altered, or repaired without providing additional

off-street parking or off-street loading facilities, providing there is no increase in area or capacity.

- b. *Enlargement:* Where a conforming building or use existed as of the effective date of this Ordinance and such building or use is enlarged in floor area, volume, capacity, or space occupied, off-street loading as specified in this Ordinance shall be provided for the additional floor area, volume, capacity, or space created or used. All off-street loading or parking spaces actually existing on the effective date of this Ordinance shall be maintained and additional required spaces shall be provided for the additional floor area, except where the sum of existing and new parking spaces exceed the number required by this Ordinance for the existing building or use and such enlargement combined.
- c. *Change in Use:* Change in use of a conforming or non-conforming building or use existing as of the effective date of this Ordinance, shall require the off-street parking and/or off-street loading spaces which would have been required for the new use had the regulations of this Ordinance been applicable thereto.

5.7.3 Required Off-Street Parking and Loading Facility

5.7.3.1 General

1. The required off-street parking or loading facilities shall be identified as to purpose and location when not clearly evidenced.
2. The Public Works Director or his designee shall determine the size or area of off-street parking facilities that will require a drainage plan to be submitted to the County for review.
3. All off-street parking areas, except those serving single family or two family development, shall be paved, striped, properly drained, maintained and landscaped. All landscaping shall be in accordance with this Ordinance. The Public Works Director or his designee may allow an alternative driveway and/or parking surface in any zoning district. The alternative surface must be of a material that will suitably minimize dust particulate. The number of parking spaces, driveway widths, drainage design, landscaping, and other requirements of the Zoning Code shall remain in full force and shall be met for any alternative driveway or parking surface, unless otherwise waived or modified by the Development Review Committee with the approval of the Director of Public Works

5.7.3.2 Barriers

Where off-street parking or loading areas for four (4) or more vehicles are located on the perimeter of a lot, barriers shall be provided to insure that all or no portion of a parked

vehicle shall encroach over and onto any adjacent private property and separate ownership or over and onto any public street or sidewalks; and, further, barriers shall be provided so that no parked motor vehicle door, when open, can make such encroachment. Barriers may consist of fences, walls, hedges, chains, wheel stops, shrubs, ditches (when necessary to the drainage plan of a lot only) or other method of barrier satisfactory to the Planning office.

5.7.4 Off-Street Parking and Loading – Location

The required off-street parking or loading spaces shall be located on the same lot or parcel of land they are intended to serve, when feasible. If practical difficulties prevent the placing of parking facilities on the same lot with the structure they are designed to serve, such facilities shall be located on another site not more than four hundred feet (400') away.

5.7.5 Off-Street Parking and Loading - Access

Each off-street parking or loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street parking or loading space. Each loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe egress and ingress by motor truck and/or trailer combination.

5.7.6 Off-Street Parking and Loading - Design Standards

Design and layout of off-street paving and loading shall meet the requirements set forth in the Nassau County Road and Drainage Standards.

5.7.7 Off-Street Parking and Loading - Non-Conforming Use

Where enlargement of facilities or extensions of use are to be made in a building occupied by non-conforming use, no such enlargement of facilities or extensions shall be permitted unless and until existing off-street parking or loading is retained and additional off-street parking or loading is provided. The additional off-street parking or loading required shall be in such amount as is required for said enlargement or extension.

5.8.8 Off-Street Parking and Loading - Uses Not Specifically Mentioned

Requirements for off-street parking and loading for uses not specifically mentioned in this article, shall be the same as provided for the use most similar to the one sought, it being the intent of this Ordinance to require all uses to provide off-street parking and loading.

5.7.9 Off-Street Parking and Loading - Fractional Measures

When units or measurements determining the number of required off-street parking or loading spaces result in requirement of a fractional space, such fraction equal to or greater than one-half ($\frac{1}{2}$) shall require a full off-street parking or loading space.

5.7.10 Off-Street Parking - Measurement

Floor area shall mean the gross floor area inside the exterior walls, where floor area is indicated as a basis for determining the amount of off-street parking or loading required. In hospitals, bassinets shall not be counted as beds. In stadiums, sport arenas, churches, and other places of public assembly in which occupants utilize benches, pews, or other similar seating arrangements, each twenty-four (24) lineal inches of such seating facilities shall be counted as one seat for the purpose of computing off-street parking requirements.

5.7.11 Off-Street Parking - Minimum Requirements

Irrespective of any other requirement of this Ordinance, each and every separate individual store, office, or other business shall be provided with at least two (2) off-street parking spaces.

5.7.12 Off Street Parking Spaces - Number Required

Off-Street parking spaces shall be provided and maintained in all districts as follows:

a. Residential Uses

1. Dwellings up to four units located on an individual lot: Two (2) spaces for each dwelling unit.
2. Multi-family dwellings in excess of four units: Two (2) spaces for each dwelling unit, plus one (1) space for owner or operator and one (1) space for each two (2) employees.
3. Mobile home park: Two (2) spaces for each mobile home lot.
4. Mobile home subdivision or mobile home on individual lot: Two (2) spaces per mobile home.
5. Housing for elderly: One (1) space for each two (2) dwelling units.
6. Nurses home, convent, monasteries: One (1) space for each four (4) lodging units.
7. Fraternity and sorority houses: One (1) space for each two (2) residents.
8. Hotels and motels: One (1) space for each sleeping room plus spaces required for accessory uses such as restaurant, etc.

b. Institutional Uses:

1. Sanitariums, rest homes, nursing home, convalescent homes, homes for the aged: One (1) space for each four (4) beds plus one (1) space for each employee.

2. Hospitals: One and One-half (1 ½) spaces for each bed.
 3. Churches and funeral homes: One (1) space for each four (4) seats in sanctuary or chapel area plus one space for every two hundred (200) square feet of floor area in accessory structures.
 4. Art gallery, library, museum: One (1) space for every six hundred (600) square feet of gross floor area.
 5. Orphan's home: One (1) space for each employee, plus one (1) space for each six (6) beds.
- c. Schools and Educational Uses:
1. Elementary and junior high schools: Two (2) spaces for each classroom, office room and kitchen.
 2. Senior high schools: Six (6) spaces for each classroom, office room, kitchen, gymnasium and auditorium.
 3. Day nursery and kindergarten: Two (2) spaces for each employee plus adequate provision for the loading and unloading of children.
 4. Dance, art and music studios: One (1) space for every three hundred (300) square feet of gross floor area.
 5. Vocational, trade and business school: One (1) space for every three (3) seats of seating capacity.
- d. Assembly: Recreational and Similar Uses:
1. Private clubs: One (1) space for each four (4) seats, or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater.
 2. Restaurant, night club, bar or tavern: One (1) space for each four (4) seats in public rooms plus one (1) space for each two (2) employees.
 3. Theaters: One (1) space for every four (4) seats.
 4. Bowling alleys: Two (2) spaces per alley.
 5. Stadiums and arenas: One (1) space for each four (4) seats.
 6. Community center, recreational facility: One (1) space for each two hundred (200) square feet of gross floor area or one (1) space for each three (3) seats, whichever is greater.

7. Billiard parlor: Two (2) spaces for each three (3) tables.
 8. Public, private and commercial parks, campgrounds and recreational parks: One (1) space for each campsite or picnic area.
- e. Business and Professional Uses:
1. Medical and dental office or clinic: One (1) space for each doctor; plus one (1) space for each two (2) employees, plus one and one-half (1 ½) spaces for each consultation room or examining room, provided the maximum number of required spaces for each doctor shall not exceed seven (7).
 2. Research laboratory: One (1) space for each two (2) employees plus one (1) space for each company vehicle plus two (2) spaces for patron parking.
 3. Professional and business offices (other than medical or dental): One (1) space for each three hundred (300) square feet of gross floor space, plus one (1) space for every two (2) occupants or employees.
 4. Radio or television broadcasting office or studio: One (1) space for every five hundred (500) square feet of gross floor area.
- f. Commercial Uses:
1. Business, commercial, or personal service establishments (not otherwise listed): One (1) space for each three hundred (300) square feet of gross floor area, plus, where applicable, one (1) space for every one thousand (1,000) square feet of lot or ground area outside the buildings used for any type of sales or display.
 2. Marinas: One (1) space for each boat berth plus one (1) space for each two (2) employees.
 3. Bus, railroad or other transportation terminals: One (1) space for each five hundred (500) square feet of gross floor area plus one (1) space for each two (2) employees.
 4. Wholesale, warehouse, or storage use: One (1) space for every two (2) employees on peak shifts, plus one (1) space for each vehicle based at the facility.
 5. Commercial shopping centers: One (1) space for each one hundred fifty (150) square feet of non-storage floor area.

- g. Industrial and Similar Uses: All uses in industrial not otherwise listed: One (1) space for every two (2) employees on peak shifts, plus one (1) space for every company vehicle operating from the premises.
- h. Handicap Parking Space Requirements:
1. Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public.
 2. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces.
 3. Handicap parking spaces and access structures shall be constructed in accordance with the most current standards required by Section 4.6 of the Florida Accessibility Code for Building Construction and Section V, Ch. 553, F.S.
 4. The required number of handicap parking spaces shall be:
 - Zero (0) to twenty (20) required spaces: one (1) handicap space.
 - Twenty-one (21) to fifty (50) required spaces: two (2) handicap spaces.
 - Required parking which exceeds fifty (50) spaces shall include a minimum of four percent (4%) of those spaces as handicap spaces.

5.7.13 Off-Street Loading - Requirements

Off-street loading spaces shall be provided and maintained as follows:

- a. Businesses: Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight, terminal, merchant, restaurant, mortuary, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of:

SQUARE FEET	NUMBER OF SPACES
Over 5,000 but not over 25,000	1
25,000 but not over 60,000	2

60,000 but not over 120,000	3
120,000 but not over 200,000	4
200,000 but not over 290,000	5

**NOTE:* Plus one additional off-street loading space for each additional ninety thousand (90,000) square feet over two hundred ninety thousand (290,000) feet or major fraction thereof.

- b. Public buildings: For each auditorium, convention hall, exhibition hall, museum, hotel, motel, or office building, sports arena, stadium, hospital, sanitarium, welfare institution, or similar use which has an aggregate floor area of: over ten thousand (10,000) square feet, but not over forty thousand (40,000) square feet: one (1) space, plus one (1) space for each additional sixty thousand (60,000) square feet or major fraction thereof.
- c. Others: For any use not specifically mentioned, the requirements for off-street loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

SECTION 6. NASSAU COUNTY COMPREHENSIVE PLAN REQUIREMENTS

PARTIAL LISTING OF ADOPTED NASSAU COUNTY COMPREHENSIVE PLAN REQUIREMENTS PERTAINING TO THE SUBDIVISION OF LAND

The Comprehensive Plan for Nassau County was adopted in accordance with Section 163.3194 (3)(a), Florida Statutes. Therefore all the provisions of the Nassau County Comprehensive Plan must be met when a development order for the subdivision of land or new construction is issued.

According to legal opinion:

“compliance of a development order with the comprehensive plan is to be determined by reference to “the objectives, policies, land uses, and densities and intensities in the comprehensive plan,” itself;” “.

Please review the Comprehensive Plan for policies that may apply to your application. A partial listing of some of the most pertinent policies is included below.

6.1 FLOOD PLAIN CONSTRUCTION . (Policy 1.01.07)

New development and construction in the 100-year floodplain as located in the Flood Insurance Rate Maps promulgated by FEMA, latest version, shall meet FEMA regulations and shall have the lowest floor elevations at least 1 foot above the base flood level.

6.2 FLOOD PLAIN OPEN SPACE RATIOS (Policy 1.01.07 (b))

Open Space ratios for the following land uses located in a 100-year floodplain shall be:

a.	Conservation Land Use	
	Limited Development	80% open space
	Preservation	100% open space
b.	Residential Land Use	60% open space
c.	Commercial land Use	60% open space

6.3 LAND COVERAGE (Policy 1.02.05)

The maximum intensity of the following land uses as measured by land coverage are as follows:

Commercial Land Use	70% of parcel
Industrial Land Use	80% of parcel
Recreational land Use	
Active Development	50% impervious surface
Passive Development	10% impervious surface
Public Buildings and Grounds	65% of parcel
Other public Facilities	90% impervious surface
Conservation Land Use	

Private Ownership
Public Ownership

Limited Development Overlay
Preservation Overlay

6.4 Land Use Overlays (Policy 1.02.05, I)

Overlay districts may be placed over any underlying land use in accord with the Comprehensive Plan. Criteria include:

Planned Unit Development (PUD)	
Residential Land Use	No less than 65% of site
Commercial Land Use	No greater than 15% of site
Recreational Land Use	No less than 20% of site
Mixed Use District (Floating District)	
Commercial Mixed Use	
Residential Land Use	35 to 45% of site
Commercial Land Use	55 to 65% of site
Industrial Mixed Use	
Commercial Land Use	36 to 45% of site
Industrial Land Use	55 to 65% of site

6.5 WETLAND BUFFER (Policies 1.04.A.02, 4.05B.02, 5.09.05, 5.11.01, 6.02.03)

A buffer which is an average of 50 feet wide, but in no event less than 25 feet wide, of undisturbed native vegetation shall be provided between the developed area and where wetlands, named rivers or lakes occur. An access way no more than 20 feet wide may be provided through the wetland buffer.

Note: It is the developers responsibility to inform any prospective buyer that the required buffer of native vegetation is not to be disturbed or removed at any time by the property owner as this will be a violation of the adopted Nassau County Comprehensive Plan.

6.6 RIGHT-OF-WAY PROTECTION (Policy 1.07.01b, Objective 2.03)

The minimum right-of-way corridor for existing and future segments of the roadway network are:

Arterial Right-of-Way	125 feet
Collector Right-of-Way	90 feet
Local Right-of-Way	60 feet

6.7 CENTERLINE SETBACK STANDARDS (Policy 2.03.04)

The minimum building setback will be measured from the centerline of the existing roadway or from the centerline of any proposed major roadway which is located on the Right-of-Way Corridor Map or otherwise designated by the County. The following minimum construction setback requirements are established for construction adjacent to major roadway network segments:

Arterial Right-of-Way
Collector Right-of-Way

65 feet plus minimum yard
45 feet plus minimum yard

A waiver of the right-of-way and road width standards may be allowed as an incentive to encourage innovative design in mixed use or planned developments.

6.8 VEGETATED OAK HAMMOCK AND DUNE INTERFACE AREAS (Policy 5.02A.04)

Vegetated areas shall not be destroyed beyond 30 feet outside of the immediate building area.

6.9 COASTAL HIGH HAZARD AREA WARNING (Policy 5.03.01, c, 5.07.03)

The developer or surveyor shall alert potential purchasers of property in hazard areas of the potential consequences of construction in hurricane flood hazard areas. A statement shall be required to be included on all new subdivision approved Plats located within areas of potential storm surge inundation that: "The area as depicted herein is subject to storm surge inundation during a Category 1,2,3,4, or 5 hurricane."

SECTION 7. GRANDFATHER CLAUSE AND SPECIAL EXCEPTIONS

1. This Ordinance shall not apply to projects constructed, or under construction prior to the effective date of this Ordinance. Previously platted roads, which have not been constructed are subject to the requirements of this Ordinance, unless bonds have been received and accepted on such roads.
2. Access roads for agricultural and timber operations are not required to meet the requirements of this Ordinance as long as used solely for these purposes and are maintained by the owners. If roadways are converted to serve projects containing other uses, they shall be upgraded to meet the requirements of this Ordinance prior to issuance of a building permit, a move-on permit or subdividing land. Improving agricultural and timber lands resulting in additional runoff shall be exempted from the requirements of Section 5, if a permit has been issued by the St. Johns River Water Management District (or letter of exemption) is on file with the Public Works Director..

SECTION 8. VARIATIONS AND EXCEPTIONS

8.1 GENERAL

Whenever the tract to be subdivided or site to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that strict application of the requirements contained in these regulations would result in real difficulties, or substantial hardships or injustice, the Planning and Zoning Board, upon the recommendation of the Public Works Director may vary or modify such requirements so that the subdivider may develop the property in a reasonable manner, but so that, at the time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations preserved.

8.2 CONDITION OF WAIVER

An applicant seeking a variance will submit an application to the Planning & Zoning office and the *Planning Board* including a written request stating the reasons and facts which support such a request. The *Planning Board* shall not approve a variance unless:

- a. The particular physical conditions, shape or topography of the property involved causes an undue hardship to the applicant if the strict letter of the Ordinance is carried out.
- b. The conditions, upon which a request for waiver are based, are peculiar to the property for which the waiver is sought, are not generally applicable to other property and do not result from actions of the applicant.
- c. The variance is consistent with the criteria for granting a variance specified in Section 3.04(B)(3) (a-g) of the Zoning Ordinance and the requirements of Nassau County Comprehensive Plan.

8.3 ADMINISTRATIVE APPEALS

The Planning and Zoning Board shall hear and decide appeals by the applicant where it is alleged there is an error in any Order, requirement, decision or determination by an administrative official in the enforcement of this Nassau County Development Regulations Ordinance. Such appeal must be filed with the Planning and Zoning Board within thirty (30) days of the date of the action which is the subject of the appeal.

SECTION 9. SEVERABILITY

Should any section, clause or provision of this Ordinance, or 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.

SECTION 10. CONFLICT WITH OTHER COUNTY ORDINANCES

In the event of a conflict between the Development Review Regulations Ordinance and other County Ordinances as adopted prior to this Ordinance, the Development Review Regulation Ordinance shall prevail.

SECTION 11. JURISDICTION


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

SECTION 12. EFFECTIVE DATE

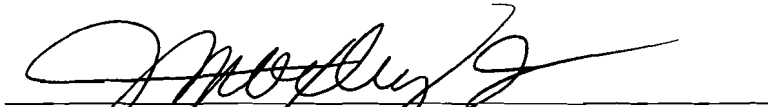
This Ordinance shall take effect upon the receipt by the Secretary of State.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA, this 25th day of September, 2000.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

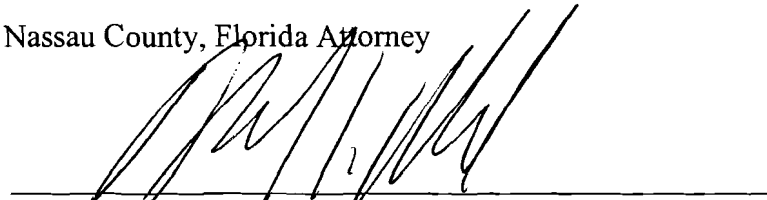
By: 
NICK DEONAS, Chairman

ATTEST:


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

Approved as to form by the

Nassau County, Florida Attorney


MICHAEL S. MULLIN, County Attorney

APPENDIX "A"
MINIMUM PLAT REQUIREMENTS FOR SURVEYING ACCURACY

DATUMS

Horizontal Datum: NAD 83 (1990 ADJUSTMENT)

Note: All coordinates to be State Plane, Florida
East, U S Survey Feet and in Northing
Easting Format.

Vertical Datum: NAVD 88 or NGVD 1929 in U S Survey Feet with the Datum
Shift Noted (88-29 = ???).

HORIZONTAL POINT

Establish a permanent point and azimuth mark, using survey standard monumentation, visible from each other and a minimum of 1500 feet to a maximum of 3000 feet apart. The accuracy of said points will meet one of the following two criteria.

- 1) Surveying by conventional means between two or more established Control Points (State Plane FLE) the new permanent point and azimuth mark will meet a Second Order Class II (1:20,000) closure.
- 2) Surveying by Global Positioning System, between a minimum of three established GPS Control Points all in the same adjustment, the new point and azimuth mark will meet a positional tolerance.

Constant Error (m.)	Proportional Error	# Occupations of each PT.
0.030	1/50000	2

VERTICAL POINT

- Establish a permanent benchmark on the permanent point, using survey standard monumentation.
- The accuracy of the Bench Level Run will be Third Order and meet the following criteria:
Required Accuracy of Level Lines – In Miles
(0.05' X Square Root of Miles)
Note: If the base point is not part of the boundary a point on the boundary must meet this same horizontal and vertical criteria.
- All information on plat and construction drawings will be submitted on a 3.5 IBM compatible floppy disc or CD ROM in AUTO CAD format (.dxf) 13 or later; or in ARC/INFO coverage. All data files should be documented on data source, methodology and standard data information, ie read-me file.
- All information on base point and azimuth point, including ties to points, will be provided on separate data sheets.