

ORDINANCE 2002 - 36

AN ORDINANCE AMENDING ORDINANCE 2001-27, PROVIDING FOR DESIGNATION BY ORDINANCE OF CANOPY/SCENIC ROADS LOCATED IN THE UNINCORPORATED AREAS OF NASSAU COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION 1 SCENIC/CANOPY ROAD(S); SECTION 2 RESTRICTIONS ON SCENIC/CANOPY ROADS; SECTION 5; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to amend Ordinance 2001-27.

NOW, THEREFORE, BE IT ORDAINED this 15th day of July, 2002, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 2001-27 is hereby amended as follows:

1. 1. Scenic/Canopy Road(s).

a. The Board of County Commissioners may designate roads or portion of said roads as Scenic/Canopy Roads, by Ordinance, based upon criteria set forth herein. The Public Works Director may recommend, based upon the criteria, that roads or portion of said roads be considered, or a petition of the lesser of either of fifty-one percent (51%) or two hundred (200) of the property owners abutting the road may request that a road be considered. Said petition shall be submitted to the Director of Public Works for review and comment, and a report made to the Board of County Commissioners. The criteria shall include: (1) historic significance; (2)

scenic criteria (including tree canopy); (3) ecological significance; (4) length and current width; (5) Land Use Map designation; (6) zoning of the property within the area; (7) traffic information.

b. The Director of Public Works or his/her designee shall ~~cause a survey to be done of existing trees~~ insure that the trees are identified and recorded on the proposed roadway and zone, and present the survey information to the Board of County Commissioners ~~with the report based upon the criteria listed above~~ for its approval. The identification and recordation shall be in a form that can be attached to an Ordinance. ~~The survey shall meet the minimum technical standards of Chapter 472 of the Florida Statutes and Administrative Rules promulgated thereunder.~~

c. The Board of County Commissioners ~~may~~ shall designate said road by a separate Ordinance. Said Ordinance shall reference the exact method by which the trees were identified and recorded. Said information may be attached to the Ordinance, when possible, or stored by the Public Works Department. Any Ordinance proposing to designate a roadway shall be considered by the Planning and Zoning Board based upon due public notice. The Planning and Zoning Board shall make recommendations to the Board of

County Commissioners. The Board of County Commissioners shall consider the recommendations pursuant to the procedural requirements of Ordinance 97-19, Zoning Code. The owners adjacent to the road shall be notified by certified mail by the Public Works Department at least twenty (20) days prior to the Ordinance's being considered. ~~A copy of the survey shall be sent along with the notice.~~

2. 2. Restrictions on Scenic/Canopy Roads.

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 Public Works Director or his/her designee with the consent of the Board of County Commissioners.

d. Setting and posting of speed limits and warning of restricted roadway shoulders.

e. Setting of classes of vehicular travel, including weight and height limitations.

f. Limiting 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, which shall be attached to the~~ Ordinance as set forth herein.

3. 5. The Board of County Commissioners, when approving removal of any tree or trees within the zone, ~~shall amend the Ordinance designating the Zone, and in such amending Ordinance~~ shall direct the Public Works Director to amend ~~(or cause an amendment to be made to)~~ the survey ~~of the zone~~ the identification of the trees, updating and showing the location of the trees permissibly removed, ~~all remaining trees protected,~~ 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 ~~official survey of the zone~~ identification is not maintained current within thirty (30) days of amending action by the Board of County Commissioners.

4. 6. 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 Director of Public Works or his/her designee. Permit forms shall be promulgated by the Director of Public Works 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 Director of Public Works or his/her designee, ~~or its 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.

5. Effective Date: This Ordinance shall become effective upon its filing in the Office of the Secretary of

State.

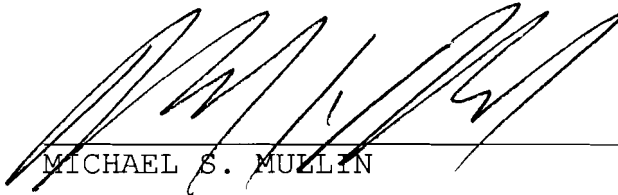
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


NICK D. DEONAS
Its: Chairman

ATTEST:


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

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

h/anne/ords/canopy-road-and