

**ORDINANCE 2015- 05**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING SECTION 37.08 OF THE LAND DEVELOPMENT CODE, NATURAL RESOURCES PROTECTION; ALLOWING FOR REMOVAL OF DEAD TREES WITHIN A DESIGNATED CANOPY/SCENIC ROAD ZONE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Nassau County adopted the Natural Resources Protection Ordinance, 2008-01, which includes Section 37.08 of the Land Development Code; and

**WHEREAS**, Section 37.08(D) outlines Criteria for removal of native canopy trees within a designated canopy/scenic road zone as provided for in this Section; and

**WHEREAS**, Staff has recommended certain amendments to Article 37.08 to allow the Public Works Director to authorize the removal of trees within a designated canopy/scenic road zone which pose a safety hazard to pedestrians or other persons, buildings, or other property, or vehicular traffic, or which threatens to cause disruption of public services; and

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this Ordinance on April 7, 2015 and voted to recommend approval and legal notice of this Ordinance has been provided in accordance with Sec. 125.66, F.S.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

**SECTION 1. FINDINGS**

This Ordinance is consistent with the Nassau County Comprehensive Plan, in particular Policies CS.02.01, FL.10.03, FL.10.05, ROS.03.01, and ROS.03.02.

## **SECTION 2. AMENDMENT**

Section 37.08(D) of the Land Development Code is amended as follows:

D. Criteria for tree removal.

1. The Public Works Director may authorize, *without* the approval of the Board of County Commissioners, the removal of trees in the public ROW which pose a safety hazard to pedestrians or other persons, buildings, or other property, or vehicular traffic, or which threatens to cause disruption of public services. Any hazardous trees, including diseased or pest infested trees, shall be verified as dead and/or in need of immediate attention by the IFAS extension service arborist, or by other certified arborist. If a hazardous condition can be resolved by trimming, only the IFAS extension service arborist or other certified arborist shall identify specific portions of the trees to be trimmed.
12. The Growth Management ~~coordinator~~ Director or his/her designee shall recommend approval to the Board of County Commissioners of a permit for removal of a tree within the zone if the applicant demonstrates the presence of one (1) or more of the following conditions:
  - a. ~~Safety hazard. Necessity to remove a tree which poses a safety hazard to pedestrians or other persons, buildings, or other property, or vehicular traffic, or which threatens to cause disruption of public services.~~
  - ea. *Good forestry and environmental practices.* Necessity to reduce competition between trees and deter the spread of invasive non-native plant and tree species.
  - db. *Reasonable and permissible use of property.* Tree removal which is essential for reasonable and permissible use of essential improvements, resulting from:
    1. Need for access immediately around the proposed structure for essential construction equipment, limited to a maximum width of twenty (20) feet from the structure.
    2. Limited access to the building site essential for reasonable use of construction equipment.
    3. Essential grade changes. Essential grade changes are those grade changes needed to implement safety standards common to standard engineering or architectural practices, and reference to a text where such standards are found shall be required.

4. Location of driveways, buildings, or other permanent improvements. Driveway aisles shall be consistent with other applicable standards.
23. The Board of County Commissioners shall approve or deny a permit request, and said request shall be considered at a regularly scheduled meeting of the Board of County Commissioners. Notice shall be provided to property owners within the zone in the same manner as set forth in Section 25-63.
34. The individual(s) requesting the permit shall pay an application fee of one hundred fifty dollars (\$150.00) and shall be responsible for notifying the property owners, and the cost of the advertisement(s).

#### **SECTION 4. CODIFICATION**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

#### **SECTION 5. SEVERABILITY**

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

#### **SECTION 6. EFFECTIVE DATE**

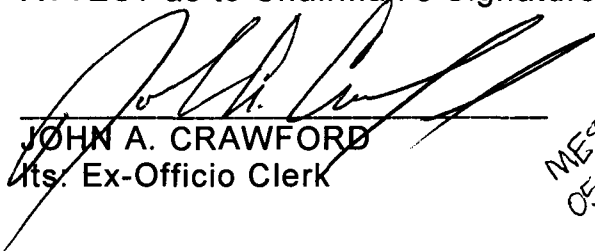
This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

ADOPTED THIS 11th DAY OF May, 2015 BY THE BOARD  
OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.



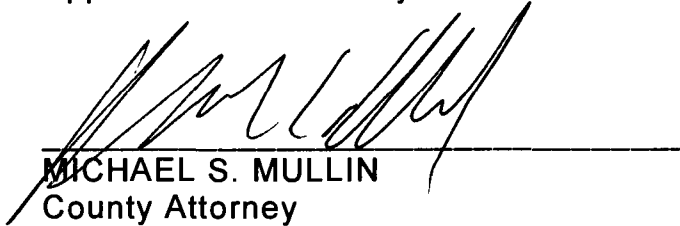
Pat Edwards  
Its: Chairman

ATTEST as to Chairman's Signature:

  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

MES  
05-13-15

Approved as to form by the Nassau County Attorney:

  
MICHAEL S. MULLIN  
County Attorney