

ORDINANCE 2016-11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ARTICLE 5.07 OF THE LAND DEVELOPMENT CODE, SITE DEVELOPMENT PLAN REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Nassau County revised site development review procedures in 2010 via Ordinance 2010-08, with the intent of streamlining the Land Development Code(Ordinance 97-19, as amended); and

WHEREAS, the Nassau County Planning and Zoning Board has determined that further amendments are necessary; and

WHEREAS, the amendments set forth herein are beneficial to property owners and the efficient review of developments; and

WHEREAS, Staff has recommended amendments to Article 5.07 (site development review); and

WHEREAS, the Planning and Zoning Board conducted a public hearing on the amendments on September 6, 2016 and voted to recommend approval of the amendments to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a public hearing on September 26, 2016 and finds that the amendments are in the best interest of the public.

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 FL.10.05 and H.07.02.

SECTION 2. AMENDMENT

The Land Development Code, Ordinance 97-19, is amended as follows:

Section 5.07. - Site development plan review.

A. Purpose and applicability.

1. The purpose of this section is:

- a. To provide guidelines and procedures to ensure that site development plans contain essential information and data necessary for the county to reach fair, equitable and timely decisions.
 - ~~b. To ensure that proposed development is consistent with the comprehensive plan, applicable land development regulations and is compatible with the surrounding general character of the area.~~
 - eb. To provide applicants with preliminary approval that ensures expeditious review of site engineering construction plans based upon the preliminary binding site plan approval and established standards.
2. Site development plans subject to review and approval are hereby classified as follows for the purpose of the procedures and standards contained in this section:
- a. Class I:
 - i. Single-family dwellings, duplexes, mobile home placement or replacement on existing lots or record or lot splits exempt from subdivision requirements, excluding beach front construction.
 - ii. Residential accessory structures.
 - iii. General repairs.
 - iv. Any modifications to existing non-residential buildings or sites in which:
 - (a) The building area of the site is not increased by more than four thousand nine hundred ninety-nine (4,999) square feet; or
 - (b) The site's impervious area is not increased more than three thousand nine hundred ninety-nine (3,999) square feet; and
 - (c) The use and occupancy classification (as defined by the Florida Building Code) of the facility is not changed.
 - v. Temporary sales and construction related to an approved site engineering plan for a period not to exceed three (3) years.
 - b. Class II:
 - i. All sites which exceed the limitations of Class I as stated above or are not specified as Class III herein.
 - ii. Expansions of existing non-residential development generating an increase of more than four hundred (400) gross average daily vehicular trip ends per day.
 - iii. Multi-family development containing an aggregate of three (3) dwelling units or more.
 - iv. New commercial construction on a vacant site.
 - v. New beach front construction seaward of the coastal construction control line or building restriction line.
 - c. Class III:
 - i. Final development plan in a planned unit development (PUD).
 - ii. ~~Preliminary development plan within a community planning area created subsequent to July 1, 2010 and identified in the "MU-CPA" category by the FLUM.~~
 - d. Class IV:
 - i. Development proposals certified by the ~~State Office of Tourism, Trade and Economic Development (OTTED)~~ Florida Department of Economic Opportunity (DEO) as qualifying under § 288.065, F.S. (rural loan/infrastructure/economic development); § 288.1045, F.S. (defense contractor); § 288.106, F.S. (qualified targeted industries); or § 288.108, F.S. (high-impact business). In order to receive such certification, the applicant must prepare and submit a general project overview on forms provided by and submitted to the Nassau County

Economic Development Board. In advance of ~~OTTED-DEO~~ certification, if the Nassau County Economic Development Board and the county commissioner in whose district an application is located concur that the application is eligible for Class IV status then such development will be subject to Class IV review.

- ii. Affordable/workforce housing development proposals wherein twenty (20) percent of the units (minimum of three (3)) are provided for a period of at least five (5) years at monthly mortgage payments (including taxes and insurance), or monthly rents (including utilities), that do not exceed thirty (30) percent of the median adjusted gross annual income, adjusted for household size, as provided by the U.S. Department of Housing and Urban Development for Nassau County (Jacksonville MSA). Also included in this classification are residential developments meeting the standards of section 7-162, Code of Ordinances.
3. Site plan approval required. No building permit for a Class II, III, or IV development, as defined herein, shall be issued unless site engineering plans for construction, based upon a preliminary binding site plan, are approved in accordance with the procedures and standards of this section.
 4. All applications are to be made on forms provided by Nassau County. Persons authorized to file for site plan approval include:
 - a. Owners of a property that is subject to site plan application; or
 - b. Lessees or contract vendees of property subject to the site plan approval application, with the notarized written permission of the property owner(s); or
 - c. Agents of a property owner, lessee or contract vendee with notarized written permission of the property owner.
 5. The building department shall accept a complete building permit application for Class IV developments simultaneously with submittal of a complete site engineering plan application. This is an accelerated process undertaken at the applicant's request and whereupon the applicant assumes all risk associated with time and expense of changes necessitated as a result of the final site engineering plan approval.
- B. Development review committee. The development review committee (DRC) is hereby established.
1. Membership and chair. The directors of ~~growth management~~ Planning and eEconomic eOpportunity, eEngineering sServices, fFire/rRescue, bBuilding, and Health Department and 911 Addressing and Mapping (as determined by the Planning and Economic Opportunity Director) ~~911-addressing and mapping and the Nassau County Health Department~~ shall each designate a DRC regular member and an alternate member from their respective departments. The director of ~~growth management~~ Planning and Economic Opportunity planning or his/her designee shall serve as chair. Designees shall exercise the responsibility and authority of the regular member.
 2. The ~~growth management~~ pPlanning and eEconomic eOpportunity department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications, collection of fees, preparation of minutes, and preparation of minutes audio recording of meetings and preparation of and development orders.

3. Public notice of DRC meetings shall be posted on the county website and placed in public notice boxes. The general public is invited to observe all meetings and review all documents.
4. Meetings shall be held on a weekly basis commencing at 9:00 a.m. as established by the DRC. Special meetings may be called from time to time by the Planning and Economic Opportunity Director. Minutes of the Meetings shall be prepared as well as prepared by _____ and distributed and posted on the County website recorded (audibly) and available to the public upon request. An agenda for the DRC shall be posted on the County website, at least seventy-two (72) hours prior to a scheduled meeting.
5. Powers and duties. The development review committee has the following powers and duties:
 - a. To conduct pre-application conferences and provide information about applicable development procedures and standards.
 - b. Preliminary binding site plans:
 - i. Approve Class II and IV preliminary binding site plans;
 - ii. To review and make a recommendation regarding Class III preliminary binding site plans.
 - c. Site engineering drawings—To approve site engineering plans for the commencement of horizontal and/or above ground site construction based upon compliance with applicable codes, other regulatory agencies having jurisdiction and the valid preliminary binding site plan.
 - d. Approve minor deviations in site engineering plan drawings from an approved preliminary binding site plan which, by way of illustration but not limitation, include the following:
 - i. Where there is no increase in the total number of dwelling units, a change in the types of units not exceeding five (5) percent of the total, e.g., cumulative change from single family to town home of twenty (20) units in a residential development of four hundred twenty-five (425) units is acceptable.
 - ii. An increase or decrease of parking spaces where the proposed number remains in excess of minimum code requirements e.g., anchor tenant wants one hundred twenty (120) parking spaces where one hundred seventeen (117) are required by the LDC.
 - iii. Change in location of a driveway connection up to one hundred fifty (150) feet centerline measurement on the same road segment required pursuant to an F.D.O.T. permit.
 - iv. Decrease in jurisdictional wetlands not exceeding ten (10) percent made pursuant to a final environmental resources permit issued by the SJRWMD. Example, the water management district permits compensatory mitigation reducing two (2) acres of jurisdictional wetlands on a preliminary binding site plan indicating twenty-one (21) acres of preserved jurisdictional wetlands.
 - v. Increase or decrease of stormwater management areas not exceeding fifteen (15) percent of the stormwater area on the approved preliminary binding site plan based on final design and permitting through the SJRWMD.
 - e. Review and approve preliminary plats.
 - f. Upon request, review amendments to the land development code or comprehensive plan.

C. Submission requirements.

1. ~~Class I site development plans accompany an application for building permit approval. Submittal requirements include:~~
 - a. ~~Applicable plans, specifications and ownership documentation required during the building permit process.~~
 - b. ~~If served by on-site sewage treatment and disposal system (septic tank), permit from the Nassau County Health Department or F.D.E.P. in accordance with § 381.0065, F.S. If central sewer, availability letter from franchised utility provider. If package treatment plant, copy of F.D.E.P. permit.~~
 - c. ~~Driveway connection permit from Nassau County or F.D.O.T., as applicable.~~
 - d. ~~If served by central water, written documentation from franchised water supplier that adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the certificate of occupancy.~~
 - e. ~~Other applicable permits from agencies having jurisdiction over the proposed construction or activity, e.g., division of hotels and restaurants, F.D.E.P., division of alcoholic beverages and tobacco, SJRWMD, etc.~~
21. Class II, III and IV preliminary binding site plan informational requirements include:
 - a. Boundary survey meeting the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers in Rule 61G17-6 F.A.C.
 - b. Twenty (20) sets of plans in 11" x 17" or 24" x 36" format including name of responsible designer, date, north arrow and graphic scale of not more than one (1) inch equals fifty (50) feet and providing the information applicable to the site development specified in the following subsections.
 - c. Tabulations—Gross site acreage; total building area; total parking area and parking ratio; total surface area of stormwater retention facilities at top of bank; jurisdictional wetlands and wetland buffer width; submerged areas; total landscaped areas; and buffers. Provide calculations of floor area ratio; impervious surface ratio and landscape open spaces.
 - d. Proposed use(s)—Residential dwelling units by unit type for residential uses and lot sizes. Gross floor area of all non-residential uses and identification of the use. If commercial end users are unknown, the evaluation shall be conducted based on the uses shown in the certificate of concurrency.
 - e. On-site: Property dimensions and existing and proposed easements and rights-of-way; exterior dimensions of all principal structures (except single-family detached), their height, finished floor elevation and number of stories; setbacks; distances between structures; fire hydrants or dry wells; stormwater ponds, easements and major stormwater conveyance systems; wetlands preserved, impacted and mitigated; floodways, floodplains and flood hazard areas; driveway location and dimensions including return radii and pavement material; drive aisle width; number and dimension of parking spaces; cross-access locations and dimensions; off-street loading areas for passengers or freight; drive-through locations including stacking and escape lanes; landscape area dimensions; sidewalks; bicycle lanes and racks.
 - f. Off-site: Width and length of turn lanes; conceptual water supply and sewage disposal facilities including points of connection; main extensions and laterals; life lift stations; fire hydrants; proposed traffic signalization phasing and sequencing.
 - g. Ancillary items—Phase lines; accessory uses and structures including exterior sales, service or storage areas; exterior lighting including height of poles and notes on shielding of luminaires; fences and walls; dumpsters and enclosures; sign location(s) and height; rights-of-way and all other lands or improvements proposed for dedication to the public.

- h. All preliminary binding site plans over ~~five-ten~~ (105) acres in size shall conduct an environmental assessment. The assessment may employ aerial photographs; land use and cover classifications per Florida Land Use Classification Codes (FNAI.org/gisdata.cfm); wetlands identified by the National Wetlands Inventory, SJRWMD (SJRWMD.com/gisdevelopment) or ground truthing; wildlife corridors and strategic habitat conservation areas identified by the Florida Fish and Wildlife Conservation Commission's Florida Natural Areas Inventory and Florida Department of Environmental Protection supplemented, as appropriate, by field surveys. Planning for proposed development should consider natural systems and developers are encouraged to use conservation design techniques such as clustering, density transfers, stem wall foundations, tree wells, and other techniques to produce marketable projects while protecting natural and historic resources. Site development plans impacting areas identified as potential habitat for endangered, threatened or species of special concern, as listed in Rule 68A-27, F.A.C., shall provide evidence of submittal to the Florida Fish and Wildlife Conservation Commission (FWCC) prior to receiving conceptual approval. Archaeological and historic resources shall be identified by reference to the Florida Master Site File.

32. Site engineering plan informational requirements.

- a. Eight (8) sets with a minimum of three (3) sets on 24" x 36" sheets. The balance may be on 11" x 17" sheets, all to be signed and sealed by the engineer of record together with a digital file in a format usable by Nassau County.
- b. The preliminary binding site plan approved in accordance with the preceding section, including all necessary changes or corrections to comply with any conditions of approval. If another agency having jurisdiction over the development specifically requires, as a condition precedent for that agency's approval, modifications to the county-approved preliminary binding site plan, they shall be so noted and evidence of the agency's specific direction provided. Such changes shall be considered in accordance with subsection B.5.d., above.
- c. Engineer or engineering company identified on each sheet of the site engineering plans together with executed certificate of completeness (signed and sealed statement by the engineer of record that the design complies with the requirements of the Nassau County Code). Improvements shall be designed in accordance with requirements of the utility company and approved by the county engineer or his/her designee.
- d. Paving and grading plans showing plan views, profiles and detail sheets in accordance with Ordinance 99-17 as amended and the engineering services' technical review checklist.
- e. Drainage and geotechnical reports meeting the criteria of Ordinance 99-17 as amended and engineering services' technical review checklist.
- f. Sediment and erosion control measures.
- g. Lighting plan conforming to Ordinance 2005-53, as same may be amended from time to time.
- h. Water and wastewater plans and profiles as applicable to the franchised utility provider and FDEP.
- i. ~~Copies of Nassau County certificate of concurrency;~~ SJRWMD permit or compliance letter; FDOT permit or notice of intent letter, and any other state and federal permits. An applicant may elect to defer all permits ~~with the exception of the certificate of concurrency~~ to the preconstruction meeting at the applicant's own risk. Should any

permit(s) require any changes to the approved plans, the applicant shall have to get the plans re-approved through the site engineering plan approval process. No construction shall be allowed to commence until all permits have been obtained, and no preconstruction meeting shall occur prior to all necessary permits being obtained.

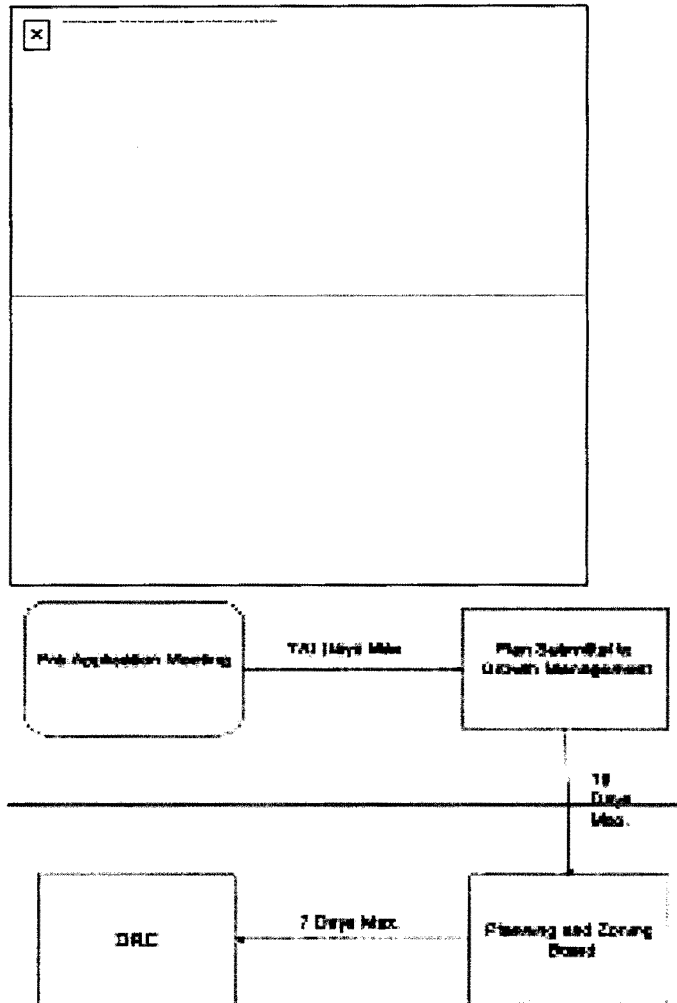
- j. Complete landscape plan and materials list pursuant to article 37, LDC, as same may be amended from time to time.
- k. School Impact Analysis and subsequent School Concurrency Reservation Letter (residential projects)

D. Preliminary binding site plan processes.

- 1. Whenever a time limitation is referenced in this section, it shall refer to calendar days unless specifically stated otherwise.
- 2. Class I approval does not require a preliminary binding site plan and goes directly to the building permit process. Any applicant for a Class I site plan, which plan does not otherwise qualify as a Class II, III or IV, can request a pre-application meeting prior to applying directly for a building permit.
- 3. Class II preliminary binding site plans.
 - a. A pre-application conference between the developer and the county shall be held to discuss basic site development requirements, site features and the proposed development. A concept plan drawn to scale shall be submitted to the DRC. This plan should contain at a minimum; proposed buildings and major outdoor use areas, parking and vehicular circulation, dimensions for parking, driving aisles and driveways, access points, wetlands, location of open spaces, landscape and uncomplimentary use buffers and stormwater management areas. This pre-application meeting may be waived at the discretion of the DRC chair.
 - b. Within one hundred twenty (120) days following the pre-application meeting or waiver, the applicant must submit twenty (20) sets of plans meeting the applicable criteria of subsection C., above, a certificate of concurrency for the property and the fee as established by resolution of the county commission. The DRC will have up to fourteen (14) days to review this first submittal and return comments to the applicant.
 - c. ~~If requested by the Planning Director or the applicant, the planning and zoning board will consider the preliminary binding site plan at the next regular or special meeting, providing that the county is in receipt of a complete set of plans at least fourteen (14) calendar days before the scheduled date of the planning and zoning board meeting. The planning and zoning board will take into consideration the presentation of the applicant, comments from DRC members and public comments. After evaluation of the application, the planning and zoning board (PZB) will provide comments and inputs to the applicant and DRC. The PZB must base their comments on the standards of the land development code and standards for review of subsection fd., below. The applicant will have up to forty-five (45) days from receipt of the DRC comments to resubmit plans. The resubmittal will also include a written reiteration of the original comment followed by a response. The DRC will conduct its re-review within seven (7) days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that do not comply with the county code.~~

- ~~dd. Following the conclusion of the PZB hearing and within twenty-five (25) days of the date of complete submission, the development review committee will meet to consider the preliminary binding site plan. At least one (1) week prior to the DRC meeting, members shall provide written comments to the applicant. The DRC meeting will be an interactive meeting between the members and the applicant and his/her agent(s). The applicant or their agent must be present for consideration of the preliminary binding site plan. The DRC will approve, deny for cause cited, or approve subject to conditions. The applicant can make minor modifications by red lining the plan during the meeting. The submittal process shall be repeated until all comments have been satisfied and a PBSP has been approved by DRC or an appeal has been filed pursuant to 5.07(G).~~
- ~~e. Within three (3) working days following this DRC meeting, the development review coordinator will send, by first class mail and e-mail, minutes of the meeting constituting a written compilation of comments to the applicant. Within one (1) week following a DRC recommendation for denial or approval subject to conditions, the applicant will advise the growth management department if they wish to exercise their option to amend their preliminary binding site plan and request an additional DRC review with the anticipation of changing the DRC recommendation or recommended conditions. The applicant will have up to forty-five (45) days from receipt of the DRC comments to resubmit plans. The DRC will conduct its re-review within seven (7) days of the receipt of revised plans. The re-review shall be based upon satisfaction of initial comments.~~

Class II Preliminary Binding Site Plan Process



(NOTE TO CODIFIER: REMOVE FLOW CHART GRAPHIC)

ffd. The DRC's decision shall be based upon the following review criteria:

- i. Consistency with the goals, objectives and policies of the Nassau County Comprehensive Plan.
- ii. Conformity with the land development code, subdivision and other applicable development standards.
- iii. Special conditions relating to a valid development order, development agreement or developer agreement binding on the property, or any portion thereof.
- iv. Automotive and pedestrian safety, traffic flow, access, and buffering from abutting property(ies). Geometric design will be based on the applicable FDOT or Nassau County design and construction standards.
- v. The location, size and character of recreation and open spaces and their relationship to community-wide open spaces, conservation areas or recreation facilities.

gge. In approving a preliminary binding site plan, the DRC may attach conditions that directly derive from, and are consistent with, the standards for review, the Land Development Code, Code of Ordinances, comprehensive plan goals, objectives and policies, Florida Building Code, Florida Fire Prevention Code, Manual of Uniform

Minimum Standards for Design, Construction and Maintenance for Streets and Highways, Manual of Uniform Traffic Control Devices, and Rule 64E, Florida Administrative Code or applicable Florida Statutes.

- h. After preliminary binding site plan comments have been satisfied, the project shall be scheduled on the agenda for the next DRC Committee meeting at which point in time the DRC will consider the project for final approval.

4. Class III preliminary binding site plans.

- a. The procedures and standards for the pre-application and DRC review are the same as for a Class II set forth in subsection D.23., above. However, the planning and zoning board shall conduct a public hearing after the DRC pursuant to article 25 of this Code. At the conclusion of its meeting, the planning and zoning board will provide a recommendation to the board of county commissioners. In the case of a final development plan within a PUD, the standards for review will also include subsection 25.05(E) of this Land Development Code. The standards for review of a preliminary development plan in a community planning area will also include the applicable FLUM policies and the DRI development order, if any.
- b. The board of county commissioners will hold a public hearing to review the Class III preliminary binding site plan. Based upon competent and substantial evidence the board will approve, deny for cause or approve subject to conditions the preliminary binding site plan. The commission shall base their decision on the standards for review established in this section. Any conditions of approval set forth will be based upon the limitations of subsection D.3.f.d., above. Conditions placed by the board on the approval are considered binding on the applicant, their successors and assigns, and will be incorporated into the site engineering plans.

5. Class IV preliminary binding site plans.

- a. ~~A pre-application conference between the developer and the county shall be held to discuss basic site development requirements, site features and the proposed development. A concept plan containing the information noted in Class II, above, shall be prepared by the applicant for the meeting. In the case of an economic development proposal, the executive director of the EDB or his/her designee will be invited to participate. In the case of an affordable housing proposal seeking qualification the chair, or his/her designee, of the affordable housing advisory committee will be invited. In all cases, the commissioner in whose district the proposed development lies will be invited.~~ Class IV preliminary binding site plans shall follow a class I, II or III process as classified by 5.07A(2)
- b. ~~Within seventy-five (75) days following the pre-application meeting, the applicant will submit twenty (20) sets of plans meeting the applicable criteria of subsection C., above, a certificate of concurrency for the property and one~~ One-half (1/2) application fee as established by resolution of the county commission shall be observed for preliminary binding and site engineering plan submittals for Class IV projects. The fee for preliminary binding site plans and site engineering plan submittals for Class IV projects shall be One-half (1/2) of the application fee.
- c. ~~Within eighteen (18) days of the receipt of a complete set of plans, the planning and zoning board will consider the Class IV preliminary binding site plan at a regular or special meeting. The planning and zoning board will take into consideration the presentation of the applicant, comments from DRC members and public comments. After evaluation of the application, the Planning and zoning board will provide its comments and inputs to the applicant and DRC.~~

- d. ~~Following the conclusion of the PZB hearing and within twenty-five (25) days of the date of submission, the development review committee will meet to consider the preliminary binding site plan. At least one (1) week prior to the DRC meeting, members shall provide written comments to the applicant. The DRC meeting will be an interactive meeting between the members and the applicant and his/her agent(s). The DRC will approve, deny for cause cited, or approve subject to conditions. The applicant can make minor modifications by red lining the plan during the meeting.~~
- e. ~~The DRC decision shall be based upon the criteria of subsection D.3.f., above, and any condition of approval shall be based upon the criteria of subsection D.3.g.~~

E. Site engineering plan.

1. Following approval or conditional approval of a Class II, III, or IV preliminary binding site plan, an applicant has ninety (90) days to file site engineering plans for processing as set forth in this section. The point of intake shall be the growth management department of Planning and Economic Opportunity. The DRC shall review the site engineering plans and provide written comments to the applicant within twenty-one (21) days, ~~and meet with the applicant and their agent within twenty-eight (28) days. At that meeting, the DRC will approve, approve subject to conditions or deny for cause the site engineering plans.~~ Following a denial or approval subject to conditions, the applicant has a maximum of forty-five (45) calendar days to resubmit site engineering plans to the ~~development review coordinator~~Department of Planning and Economic Opportunity. The resubmittal will also include a written reiteration of the original comment followed by a response. The DRC will reconsider the amended site engineering plans ~~at a regular meeting to take place not more than fourteen (14) days following resubmittal.~~ The re-review shall be based upon satisfaction of initial comments. Additional DRC comments will be forthcoming if the resubmittal employs design changes that do not comply with the county code. The submittal process shall be repeated until all comments have been satisfied and the engineering plans have been approved by DRC or an appeal has been filed pursuant to 5.07(G). ~~The growth management~~ Planning and Economic Opportunity director will do all things necessary and appropriate to abbreviate the review time for Class IV applications.

F. Effect and time limitations of approval.

1. No building permit or site work permit shall be issued by the building department for any improvements for a development meeting the criteria of Class II, III, or IV, whether in phases or as a single operation, unless a site engineering plan(s) for those improvements have been approved by the development review committee.
2. The parameters of the development approved during the preliminary binding site plan shall not be subject to further DRC review unless they represent a health safety issue. Such parameters include, but are not limited to, use(s), density and intensity, building area and general location, vehicular areas, landscaped areas, open spaces and buffers and areas dedicated to public use. Minor deviations from the preliminary plan may be approved pursuant to the standards of subsection B.5. Conditions attached to the approval of the preliminary binding development plan are binding on the applicant, his successors or assigns and shall be addressed as part of the application for site engineering plan approval.

3. Approval of a site engineering plan does not relieve an applicant for site work or building permit from the need to obtain necessary approvals from any other agencies having jurisdiction with respect to the proposed improvements or limit the applicability of the Florida Building Code or Florida Americans with Disabilities Act.
4. An applicant obtaining site engineering plan approval must receive a site work or building permit for the improvements, or first phase of improvements identified in the site engineering plan, not later than one (1) year following approval of the site engineering plan by the DRC. One (1) extension of up to two (2) years may be granted for cause upon a demonstration to the planning and zoning board.

G. Appeals and variances.

1. An aggrieved person who wishes to challenge a decision of the development review committee with respect to a preliminary binding site plan or site engineering plan, including a denial of an application or a condition of approval, shall file a written petition for hearing, along with the appropriate fee, to the clerk of court within thirty (30) calendar days from the date of final decision.
2. The petition shall be on a form provided by Nassau County and shall include a statement and supporting material setting forth the particular basis for the challenge, including the applicable code sections alleged to be applied in error, and setting forth the difference result which would occur if the provisions were correctly applied.
3. Upon receipt of a timely and complete petition, the matter shall be duly noticed and placed on the agenda: (1) preliminary binding site plans shall be placed on the agenda for the Planning and Zoning Board. The Planning and Zoning Board shall conduct the hearing within forty-five (45) days of filing, unless otherwise mutually agreed to by the parties. Published legal notices shall be accomplished by posting on the County website. (2) Site engineering plans shall be placed on the agenda for the Construction Board of Adjustments and Appeals Board. The Construction Board of Adjustments and Appeals Board shall conduct the hearing within forty-five (45) days of filing, unless otherwise mutually agreed to by the parties. Published legal notices shall be accomplished by posting on the County website.

~~G. Appeals and variances.~~

- ~~1. An aggrieved person who wishes to challenge a decision of the development review committee with respect to a preliminary binding site plan or site engineering plan, including a denial of an application or a condition of approval, shall file a written petition for hearing, along with the appropriate fee, to the clerk of court within thirty (30) calendar days from the date of final decision.~~
- ~~2. The petition shall be on a form provided by Nassau County and shall include a statement and supporting material setting forth the particular basis for the challenge, including the applicable code sections alleged to be applied in error, and setting forth the different result which would occur if the provisions were correctly applied.~~
- ~~3. Upon receipt of a timely and complete petition, the matter shall be duly noticed and placed on the agenda of the conditional use and variance board. The CUVB shall conduct the hearing within forty-five (45) days of filing, unless otherwise mutually agreed to by the parties. Hearings will be open to participation by the public. Published legal notice and written legal notice by first class mail to all property owners within three hundred (300) feet of the affected property, whose name is known by reference to the ad valorem tax roll, shall be provided not less than seven (7) days prior to the hearing. The hearing shall be conducted as a de novo proceeding.~~

- ~~4. At the conclusion of the hearing, the CUVB may uphold the DRC decision, overturn the DRC decision, or modify the conditions of approval.~~
- ~~5. Decisions of the CUVB may be appealed in the manner set forth in this Code.~~
- ~~6. If an applicant fails to meet any of the timelines set forth in this section the process shall begin anew. However, the DRC chair may extend deadlines for discrete phases of the process by up to thirty (30) days for extenuating circumstances. If the DRC fails to meet a deadline as articulated herein, the DRC chair will notify in writing the county manager within three (3) working days for corrective procedural action.~~
- ~~7. If a preliminary plan has been approved subject to receipt of a variance, an applicant has sixty (60) days to file for the necessary variance(s). The applicant assumes all risk associated with the approval of a variance(s).~~
 - ~~i. Variances from the Land Development Code are considered by the Nassau County Conditional Use and Variance Board.~~
 - ~~ii. Variances from the Florida Building Code or Florida Fire Prevention Code are considered by the board of adjustments and appeals.~~
 - ~~iii. Variances from Rule 64E, F.A.C. are initiated through the Bureau of Onsite Sewage Program for septic systems and the Nassau County Health Department for private wells.~~
 - ~~iv. Waivers from the subdivision ordinance are considered by the Nassau County Planning and Zoning Board.~~
 - ~~v. Waivers of the roadway and drainage standards (Ord. [No.] 99-17) are considered by the board of county commissioners.~~
 - ~~vi. Design exceptions to street and highway standards for county roads are considered by the county engineer.~~

- H. Fees. There is no fee for a pre-application meeting. Fees for preliminary binding site plans and site engineering plan approval shall be established from time to time by resolution of the board of county commissioners. Qualifying Class IV developments are subject to one-half (½) the established fee for other classes.

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 26th DAY OF September, 2016 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

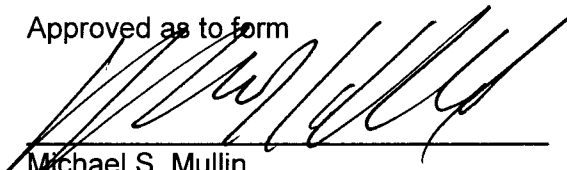

WALTER J. BOATRIGHT
Its: Chairman

ATTEST as to Chairman's Signature.


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
09.28.16

Approved as to form


Michael S. Mullin,
County Attorney