

ORDINANCE 2017 -05

AN ORDINANCE AMENDING ORDINANCE 99-18, AS AMENDED, KNOWN AS THE "NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 1, INTENT AND PURPOSE; SECTION 2, DEFINITIONS; ADDING A NEW SECTION 3, DEVELOPMENT THAT DOES NOT REQUIRE PLATTING; RENUMBERING SECTION 3 TO SECTION 4, PLATS-JURISDICTION AND PROCEDURE; RENUMBERING SECTION 4, TO SECTION 5, SUBDIVISIONS; DELETING SECTION 5, SITE DEVELOPMENTS, WHICH WAS PREVIOUSLY REPEALED BY ORDINANCE 2010-08; AMENDING SECTION 6, NASSAU COUNTY COMPREHENSIVE PLAN REQUIREMENTS; AMENDING SECTION 7, GRANDFATHER CLAUSE AND SPECIAL EXCEPTIONS; AMENDING SECTION 8, VARIATIONS AND EXCEPTIONS; AMENDING SECTION 9, SEVERABILITY; ADDING A NEW SECTION 11, ENFORCEMENT; RENUMBERING SECTION 11 TO SECTION 12, JURISDICTION; ADDING SECTION 13, CODIFICATION; RENUMBERING SECTION 12 TO SECTION 14, EFFECTIVE DATE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has found it necessary to further amend Ordinance 99-18, as amended.

NOW, THEREFORE, BE IT ORDAINED, this 23rd day of January, 2017 by the Board of County Commissioners of Nassau County, Florida, that Ordinance 99-18, as amended, be further amended as follows:

SECTION 1. INTENT AND PURPOSE

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~~ ensure coordination of subdivision plats and site developments with public improvement plans and requirements of the Comprehensive Plan for the County.
4. To ~~insure~~ ensure 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 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.

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, regardless of how said lots or parcels are described or recorded 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 or the transfer of ownership or building development of parcels (lots) accessed by a private easement or roadway on county or state maintained road.

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 either a designated regular member or an alternate member from the directors of the Planning and Economic Opportunity, Engineering Services, Fire/Rescue, Building, 911 Addressing and Mapping and the Nassau County Health Department departments. The Director of Planning and Economic Opportunity and/or his designee shall chair the committee meetings.~~

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.

Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public or private street.

Minor Development: Developments allowable in Open Rural (OR) zoned areas that provide for creation of lots or parcels, utilizing a sixty foot (60') easement or road and that provides for the creation of up to eight (8) 5-acre minimum lots or parcels. Minor Developments are exempt from the requirements of Section 4 and Section 5 of this Ordinance, except for Section 5.4. Minor Developments are subject to the requirements of Section 11.2.3 of Ordinance 2017-04 . Lots contained in Minor Development cannot be further subdivided. Minor developments are not permitted on County maintained dirt roads.

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.

Parcel: A tract of land which may be described by metes and bounds or plat.

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 Access Easements: ~~A right-of-way or easement owned by adjoining property owners.~~ The Private Access Easements are defined the same as Private Roadways, set forth herein.

Private Roadways: A street or road located within a right-of-way or easement owned and maintained by a homeowners association, private individuals or any entity other than Nassau County or the State of Florida and approved by the Director of Public Works pursuant to the requirements of this Ordinance. 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/she is the sole owner of all abutting properties and agrees 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 or maintained by Nassau County or Florida Department of Transportation. The street must have been dedicated or deeded and accepted by either agency.

Rural Subdivision: Developments allowable in Open Rural (OR) zoned areas that provide for the creation of lots or parcels, utilizing a 60' easement or road and that provide for the creation of nine (9) 5-acre minimum lots or parcels up to twenty-five (25) 5-acre minimum lots or parcels. Rural Subdivisions are subject to the requirements of Section 4 and Section 5 of this Ordinance and Section 11.2.4 of Ordinance 2017-04 . Rural Subdivisions are not permitted on county maintained dirt roads.

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 regardless of how said lots, parcels, tracts, sites or units are described, for the purpose of transfer of ownership for development or sale. If the lots, parcels, tracts, sites or units are accessed by an easement, right-of-way or road, this term shall mean any division of any lot, parcel, tract, site or unit. A parent tract split can be approved for a legally created lot that conforms to the requirements of the Land Development Code (LDC). A split may not be approved within a platted subdivision. Only one (1) lot may be created from the original legally created lot or lot of record. Each lot shall front on a publically maintained road and conform to the required minimum lot dimensions for the land use category and zoning district where the lots are created. If any lot abuts a publically maintained road that does not conform to the right-of-way specifications provided or adopted by reference in these regulations, the owner may have to dedicate the required right-of-way width necessary to meet the minimum design if satisfying the criteria set forth in the LDC's; or
- b. Utilization, establishment or dedication of a road, street, or alley, right-of-way or easement through a tract of land resulting in the division of real property, or the selling of more than two lots that are accessed by a private road, street, alley, right of way, or easement; 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; however, on non residential plats, language may be added to the plat that states the following: "Further Subdivision of lots/tracts as shown on the plat shall not be considered a Subdivision, nor require further platting or a replat of said lot/tract".
- 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.
- f. Development of commercial or industrial centers, where no new roads are being established, are not subject to the platting requirements of this chapter, provided however, that such commercial development shall be subject to review and approval in accordance with Section 5.07 of the Land Development Code.

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. **DEVELOPMENT THAT DOES NOT REQUIRE PLATTING**

3.1 Development that does not require platting and is exempt from the requirements in Section 4 and Section 5, except for Section 5.4.

3.1.1 A Minor Development (Maximum allowable density – one (1) dwelling unit per 5- acre minimum lots or parcels). The Minor Development area is intended to include lands in areas that have a zoning classification of Open Rural (OR). The owner or owners of record of a proposed Minor Development may establish up to eight (8) 5-acre minimum lots or parcels. All lots or parcels established as part of a Minor Development must be 5- acre minimum and must have a minimum of one-half (0.50) acres of uplands or twenty-

thousand (20,000) square feet of contiguous buildable area. Every eligible Minor Development shall comply with the following criteria:

- i. Creation of a sixty foot (60') easement, with the roadway within the easement being twenty four feet (24') wide, connecting each lot to a county or state maintained road. This is not applicable if the parcel has access by means of county or state road frontage. The roadway, within the easement, must meet the requirements as set forth in the Roadway and Drainage Standards, Article 11, Ordinance No. 99-17. A Minor Development cannot be created on a County maintained dirt road.
- ii. Deeds conveying parcels within a Minor Development must include the following disclaimer in bold, capital ten point type.

"THE PARCEL OF LAND DESCRIBED IN THIS DEED IS NOT A PART OF A PLATTED SUBDIVISION REVIEWED AND APPROVED BY NASSAU COUNTY. NO GOVERNMENTAL AGENCY, INCLUDING NASSAU COUNTY, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED. DEPENDING ON THE STATE OF MAINTENANCE OF ACCESSWAYS, EMERGENCY RESPONSE TIMES MAY BE ADVERSELY AFFECTED AND SCHOOL BUSES, U.S. MAIL AND PRIVATE CONTRACTOR DELIVERY SERVICE MAY NOT BE ABLE TO ACCESS THE PRIVATE DRIVE, ROADS, EASEMENTS AND RIGHTS-OF-WAY. FIRE HYDRANTS ARE NOT AVAILABLE FOR FIRE SUPPRESSION. MAINTENANCE OF THE PRIVATE DRIVES, ROADS, EASEMENTS OR RIGHTS-OF-WAY ARE THE RESPONSIBILITY OF THE LAND OWNERS WHOSE PROPERTY IS ACCESSED. THIS PROPERTY IS NOT A PART OF A DEVELOPMENT WITH AN APPROVED STORMWATER MANAGEMENT SYSTEM. NEITHER THE COUNTY OR ANY OTHER PUBLIC AGENCY IS RESPONSIBLE FOR PROVIDING STORMWATER MANAGEMENT OR FLOOD CONTROL."

- iii. The five-acre minimum lots or parcels shall not be further divided or split. No building permits shall be issued for any lots or parcels within the Minor Development that have been divided and/or conveyed within the original 5-acre

minimum lots or parcels. Each deed referenced in ii above shall also contain language that indicates that the 5-acre minimum lots/parcels cannot be further divided or split.

- iv. Copies of each deed must be submitted to the Planning and Economic Opportunity Department and the Building Department. No building permit shall be issued without a copy of the recorded deed being presented to the department with the language contained in paragraph ii above.
- v. Dead end streets, easements, rights-of-way or roads are not permitted. All of the listed accessways shall terminate in a cul-de-sac or other alternative approved by the Development Review Committee (DRC).

3.1.2 Prior to issuance of a building permit, the approval must be obtained as set forth in Paragraph 3.1.3 and 3.1.4 and each land owner seeking a building permit that abuts the 60' easement and who does not have direct access to a publicly maintained road, must sign a hold harmless indemnification agreement with Nassau County acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that sold said lot or parcel and the other lot/parcel owners within the development and that Nassau County does not assert any opinion as to the legal validity, usability or practical access to said parcel; further that the land owner shall indemnify and hold harmless Nassau County, its board of county commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the Nassau County Attorney, and shall be recorded in the Official

Public Records of Nassau County, shall run with the land, and shall be binding on the land owner, his/her heirs, successors and assigns.

3.1.3 The application for a Minor Development shall be filed with the Planning and Economic Opportunity Department prior to the division of any property. The Planning and Economic Opportunity Department will place the application on the earliest available Development Review Committee agenda for review and approval. The DRC will have up to fourteen (14) days to review this first submittal and return comments to the applicant. 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. The submittal process shall be repeated until all comments have been satisfied and the plan has been approved by DRC or an appeal has been filed. Upon approval by the Development Review Committee, it shall be placed on the earliest available Planning and Zoning Board agenda for final approval.

(a) The application must include:

- (i) A certified boundary survey of the proposed Minor Development completed by a surveyor registered in the State of Florida. The survey shall indicate the access sixty foot (60') easement, a cul-de-sac (if applicable) and the individual lots/parcels within the property boundary and shall be recorded in the public record of Nassau County prior to application for a building permit. The survey

shall also include State Plane Coordinates in a fully rotated digital format consistent with Section 4.6 of this regulation.

- (ii) A road construction plan, prepared by an engineer licensed in the State of Florida, that indicates that the roadway and cul-de-sac (if applicable) within the access easement will be constructed to standards as set forth in Section 11.1 (Ordinance No. 99-17, as amended). In addition, the plan must include a drainage system and drainage easement and utility easements approved by the Development Review Committee (DRC). Developers or sellers of the lots are responsible for maintenance of the road until the last Lot or Parcel is sold and shall provide a road maintenance agreement indicating that the developers or sellers are responsible for maintenance of the road until the last Lot or Parcel is sold, and said document shall be approved by the County Attorney prior to the sale of any lots or parcels and shall be recorded.
- (iii) A document, approved by the County Attorney, that indicates that the property owner or owners are responsible for the maintenance of the access easement and cul-de-sac (if applicable) and the standard required for the road. In addition, the document shall indicate that the 60' roadway shall be upgraded to the appropriate standard by the developer/owner of property that creates additional parcels that are connected to the road and/or easement. The document shall be recorded, and shall run with the land, prior to any single building permit being approved. No additional parcels shall connect to the existing sixty foot (60') roadway without a recommendation of DRC and the

approval of the Planning and Zoning Board. See also Section 5.3 and Section 5.4.

- (iv) Title Certification as to confirmation of ownership of the parent property and easement shall be provided by a title company or attorney licensed in the State of Florida. The certification shall confirm that each lot owner owns to the center of the road/easement when applicable.
- (v) The road, within the sixty foot (60') easement, shall be named in accordance with Nassau County Ordinance 2003-13, as amended.
- (vi) The minimum building setbacks and width required are those stipulated in the Open Rural (OR) zoning district.
- (vii) Depiction of National Wetlands Inventory with twenty five (25) foot buffer.
- (viii) A review fee will be charged as set forth in a separate resolution by the Board of County Commissioners.
- (ix) A Minor Development is not required to meet the requirements of 5.07 of the Land Development Code.

3.1.4 Upon completion of construction of the roadway within the easement, a Florida licensed engineer shall certify that the access roadway and cul-de-sac (if applicable) meets or exceeds the standards set forth in Section 11 of Ordinance No. 99-17, as amended. The Director of Public Works or his designee shall independently inspect and approve the road. No building permits shall be issued to lots/parcels within the development without a certification as to the road and approval by the Director of Public Works or his designee.

SECTION 34. PLATS - JURISDICTION AND PROCEDURE

4.1 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~~ Development Review Committee. 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~~ County Manager, after consultation with the County Attorney, may institute an appropriate action of proceedings with the Code Enforcement Office and/or the State Attorney's Office. The Board of County Commissioners, 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.

4.1.1 Title Certification

Every plat of a subdivision ~~must~~ shall be accompanied by a ~~title opinion of an attorney at law licensed in Florida or a certification by an abstractor or of 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.

4.1.2 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.

4.1.3 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".

4.2 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 and Economic Opportunity Director the ~~Friday~~ Thursday prior to the next scheduled meeting and will be reviewed at that time. The developer may be present for the evaluation/comments. This plan shall include:

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

4.3 PRELIMINARY PLAT

~~Seven~~ Eight (78) 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 ~~and Economic Opportunity Director~~ Department shall, within thirty (30) days, after review of the Development Review Committee, issue a letter to the person submitting the plat, with copies to the County Manager and County Attorney, that: conditionally approves, approves, or disapproves the preliminary ~~plan~~ plat, and state the conditions for approval, if any, or if disapproved, the reasons for disapproval. The action, which shall also 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~~ Nassau County Property Appraiser, pursuant to Ordinance 2003-13, as amended.
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, and the 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. The easements for water and sewer shall be included even if water and sewer service is not available. (Comprehensive Plan Policy SEW.03.08)
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. (for all lots less than five (5) acres.)
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.

For non-residential plats, language may be added to the plat that states the following: "Further Subdivision of lots/tracts as shown on the plat shall not be considered a Subdivision, nor require further platting or a replat of said lot/tract".

4.4 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. Rural Subdivisions are exempt, but only if no new roads are constructed and no additional improvements are required in accordance with Sections 5.2 and 5.3.

6. A lot grading plan showing proposed finished floor elevations, proposed lot drainage and elevations in accordance with the Nassau County Road & Drainage Standards. Rural Subdivisions are exempt, but only if no new roads are constructed.
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 (½) 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. Rural Subdivisions are exempt, but only if no new roads are constructed and no additional improvements are required in accordance with Sections 5.2 and 5.3.

4.5 FINAL PLATS

The final plat shall be consistent with the preliminary plat as approved by the Planning and Economic Opportunity 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 and Economic Opportunity Director a minimum of ~~ten~~ (40) thirty (30) 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 and Economic Opportunity 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.
- j. Certification by 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 and shall also show all mortgages not satisfied.
- k. Mortgage company.

4.6 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 Plane Coordinate System. Refer to Appendix "A" for further survey requirements.

4.7 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.

4.8 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.

4.9 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.

4.10 PROCEDURE FOR CONSIDERATION OF PLAT

It is the responsibility of the developer or his/her designee to ~~insure~~ ensure that the final plat and all computer media are submitted simultaneously to the Planning and Economic Opportunity Director with all required documentation and owner's and/or mortgagor's

certification signatures no later than ~~ten (10)~~ thirty (30) 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 Planning and Economic Opportunity Department Director's office.

SECTION 45. SUBDIVISIONS

5.1 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.

5.2 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. Rural Subdivisions may not be subject to the paving requirement for the internal roads but are subject to Article 11.2.4 of Ordinance No. 99-17, as amended. All subdivisions, including Rural 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, including Rural Subdivisions, 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~~ shall 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. (Ordinance No. 99-17, as amended).

5.3 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~~ the Development Review Committee 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.

5.4 CONNECTION

Minor Developments and Rural Subdivisions that connect to other Minor Developments or Rural Subdivisions shall trigger the upgrade of the road within the Minor Development and Rural Subdivision to the appropriate standard. The developer/owner that connects to a Minor Development or Rural Subdivision is responsible to upgrade the roads within the Minor Development or Rural Subdivision. The procedure for connection to a Minor Development is set forth in paragraph 3.1.3(iii). The procedure to connect to a Rural Subdivision is the same as a Minor Development, which requires Development Review Committee (DRC) review and Planning and Zoning Board approval.

5.5 STREET LIGHTING

1. Street lighting shall be provided in accordance with a plan designed by the utility company, or using as a guidelines the standards set forth by the Illuminating Engineering Society of North America (IES) Lighting Handbook, current edition.
2. Street lights shall be provided at all street entrances, intersections and curves, at required intervals along each street, and at the end of each cul-de-sac or dead-end. Such lights may be required on interior streets, alleys, boundary streets, access paths and the like. For Rural Subdivisions or Minor Developments, street lighting is optional.
3. An individual, homeowner's association or other legal entity, shall be responsible for the care, maintenance and costs of street lighting.
4. Spacing of light poles or posts shall conform to the standards in the IES Lighting Handbook, current edition.
5. The maximum height of light poles or posts shall not exceed the maximum building height permitted or as may be specified by the zoning classification.
6. The height and shielding of lighting fixtures shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting fixtures shall be of a type appropriate to the development.
7. Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors.

5.6 STREET NAMES

New streets shall be appropriately marked at each intersection with street regulatory signs. The applicant shall be responsible for the cost of all initial street signs in the subdivision.

All street names require written approval of the Nassau County Property Appraiser, 911 Coordinator. Streets shall be named in accordance with Nassau County Ordinance 2003-13, as amended. ~~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.~~

5.7 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.~~ Residential (lots less than one acre) blocks shall be not more than one thousand two hundred (1,200) feet 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.

5.8 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.

5.9 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.

5.10 ACCESS

All proposed developments shall meet the standards set forth in the Nassau County Roadway & Drainage Standards Ordinance 99-17, as amended and the Land Development Code. ~~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.~~

5.10.1 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.

5.11 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.

5.12 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.

5.13 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.

5.14 WATER LINES

5.14.1 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.

5.14.2 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.

5.14.3 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.

5.15 SANITARY SEWER

5.15.1 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.

5.15.2 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.

5.16 PUBLIC USES

5.16.1 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 impact fees and/or transportation ~~impact~~ mobility 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.

5.16.2 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.

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

5.17.1 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. A portion of a plat may be vacated or annulled as part of an application to replat. A replat to increase the number of lots or eliminate open space, recreational areas or common property, shall require consent of all property owners. Such vacation or annulment may only proceed with a companion replat following the procedures outlined in Chapter 29 combined with Due Public Notice as defined in Article 32 of the Land Development Code.

5.17.2 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.

5.18 HOMEOWNERS ASSOCIATIONS

5.18.1 Homeowners Associations Pertaining to Subdivision Regulations

Each Subdivision, including Rural Subdivisions, shall have a property/homeowners association that is responsible for the maintenance of roads, easements, amenities, and the appropriate documentation shall be provided that sets forth the by-laws and covenants of the property/homeowners association and the certificate of incorporation and shall be recorded in the public records of Nassau County prior to the issuance of a building permit.

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~~FL02.01)

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)~~FL02.01(A))

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
<u>ba.</u>	Residential Land Use	60% open space
<u>eb.</u>	Commercial land Use	60% open space

6.3 ~~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	

6.4 ~~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

6.5 ~~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	65 feet plus minimum yard
Collector Right of Way	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.~~

6.66.3 COASTAL HIGH HAZARD AREA WARNING (Policy CHZ.05.04 ~~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."

6.4 PUBLIC FACILITIES (Policy SEW.03.08)

Provisions shall be made in the Land Development Code (LDC) for the inclusion of water and sewer utility easements and rights-of-way in a subdivision plat to assure the eventual construction and utilization of a sewage system in such subdivision per Section 381.272(1), F.S.).

SECTION 7. GRANDFATHER CLAUSE AND SPECIAL EXCEPTIONS

1. This Ordinance shall not apply to projects approved developments constructed, or under construction prior to the effective date of this amended 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 or easements 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 or easements are converted to facilitate the sale of lots on the easements or access road or 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 Conditional Use and Variance Board, after review and recommendation by the Development Review Committee, upon the recommendation of the Public Works Director may vary or modify such requirements so that the subdivider or developer 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. The Conditional Use and Variance Board may impose conditions for the development.

8.2 CONDITION OF WAIVER

An applicant seeking a variance will submit an application to the Planning and Economic Opportunity & Zoning office and the Planning Board including include a written request stating the reasons and facts which support such a request and address the variance criteria. The application shall be on a form approved by the County Manager. The application must be submitted at least thirty (30) days prior to a scheduled board meeting. The Planning Board Conditional Use and Variance 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. An undue hardship does not include a financial hardship.

- 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. Administrative appeals shall not include variations and exceptions.

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. ENFORCEMENT

1. 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.

2. If any violation of this ordinance shall continue, after receiving a written notice, the County Manager, after consultation with the County Attorney, may institute an appropriate action of proceedings with the Code Enforcement Board. The Board of County Commissioners, 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.

SECTION 12. JURISDICTION

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

SECTION 13. CODIFICATION

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

SECTION 14. EFFECTIVE DATE

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

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF

NASSAU COUNTY, FLORIDA, this 23rd day of January, 2017.

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA

By: _____

DANIEL B. LEEPER

Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD

Its: Ex-Officio Clerk

MES
01.24.17

Approved as to form by the County Attorney:



MICHAEL S. MULLEN