(b) The history or development and use of the real property, including what was developed on the property and by whom, if it was subdivided and how and to whom it was sold, whether plats were filed or recorded, and whether infrastructure and other public services or improvements may have been dedicated to the public.

(c) The history of environmental protection and land use controls and other regulations, including how and when the land was classified, how use was proscribed, and what changes in classifications occurred.

(d) The present nature and extent of the real property, including its natural and altered characteristics.

(e) The reasonable expectations of the owner at the time of acquisition, or immediately prior to the implementation of the regulation at issue, whichever is later, under the regulations then in effect and under common law.

(f) The public purpose sought to be achieved by the development order or enforcement action, including the nature and magnitude of the problem addressed by the underlying regulations on which the development order or enforcement action is based; whether the development order or enforcement action is necessary to the achievement of the public purpose; and whether there are alternative development orders or enforcement action conditions that would achieve the public purpose and allow for reduced restrictions on the use of the property.

(g) Uses authorized for and restrictions placed on similar property.

(h) Any other information determined relevant by the special magistrate.

(19) Within 14 days after the conclusion of the hearing, the special magistrate shall prepare and file with all parties a written recommendation.

(a) If the special magistrate finds that the development order at issue, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is not unreasonable or does not unfairly burden the use of the owner's property, the special magistrate must recommend that the development order or enforcement action remain undisturbed and the proceeding shall end, subject to the owner's retention of all other available remedies.

(b) If the special magistrate finds that the development order or enforcement action, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is unreasonable or unfairly burdens use of the owner's property, the special magistrate, with the owner's consent to proceed, may recommend one or more alternatives that protect the public interest served by the development order or enforcement action and regulations at issue but allow for reduced restraints on the use of the owner's real property, including, but not limited to:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of development rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.
9. Issuance of the development order, a variance, special exception, or other extraordinary relief, including withdrawal of the enforcement action.
10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.

(c) This subsection does not prohibit the owner and governmental entity from entering into an agreement as to the permissible use of the property prior to the special magistrate entering a recommendation. An agreement for a permissible use must be incorporated in the special magistrate's recommendation.

(20) The special magistrate's recommendation is a public record under chapter 119. However, actions or statements of all participants to the special magistrate proceeding are evidence of an offer to compromise and inadmissible in any proceeding, judicial or administrative.

(21) Within 45 days after receipt of the special magistrate's recommendation, the governmental entity responsible for the development order or enforcement action and other governmental entities participating in the proceeding must consult among themselves and each governmental entity must:

(a) Accept the recommendation of the special magistrate as submitted and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity. However, the decision of the governmental entity to accept the recommendation of the special magistrate with respect to granting a modification, variance, or special exception to the application of statutes, rules, regulations, or ordinances as they would otherwise apply to the subject property does not require an owner to duplicate previous processes in which the owner has participated in order to effectuate the granting of the modification, variance, or special exception;

(b) Modify the recommendation as submitted by the special magistrate and proceed to implement it by development agreement, when appropriate, or by other method, in the ordinary course and consistent with the rules and procedures of that governmental entity; or

(c) Reject the recommendation as submitted by the special magistrate. Failure to act within 45 days is a rejection unless the period is extended by agreement of the owner and issuer of the development order or enforcement action.

(22) If a governmental entity accepts the special magistrate's recommendation or modifies it and the owner rejects the acceptance or modification, or if a governmental entity rejects the special magistrate's recommendation, the governmental entity must issue a written decision within 30 days that describes as specifically as possible the use or uses available to the subject real property.

(23) The procedure established by this section may not continue longer than 165 days, unless the period is extended by agreement of the parties. A decision describing available uses constitutes the last prerequisite to judicial action and the matter is ripe or final for subsequent judicial proceedings unless the owner initiates a proceeding under ss. 120.569 and 120.57. If the owner brings a proceeding under ss. 120.569 and 120.57, the matter is ripe when the proceeding culminates in a final order whether further appeal is available or not.

(24) The procedure created by this section is not itself, nor does it create, a judicial cause of action. Once the governmental entity acts on the special magistrate's recommendation, the owner may elect to file suit in a court of competent jurisdiction. Invoking the procedures of this section is not a condition precedent to filing a civil action.

(25) Regardless of the action the governmental entity takes on the special magistrate's recommendation, a recommendation that the development order or enforcement action, or the development order or enforcement action in combination with other governmental regulatory actions, is unreasonable or unfairly burdens use of the owner's real property may serve as an indication of sufficient hardship to support modification, variances, or special exceptions to the application of statutes, rules, regulations, or ordinances to the subject property.

(26) A special magistrate's recommendation under this section constitutes data in support of, and a support document for, a comprehensive plan or comprehensive plan amendment, but is not, in and of itself, dispositive of a determination of compliance with chapter 163.

(27) The special magistrate shall send a copy of the recommendation in each case to the Department of Legal Affairs. Each governmental entity, within 15 days after its action on the special magistrate's recommendation, shall notify the Department of Legal Affairs in writing as to what action the governmental entity took on the special magistrate's recommendation.

(28) Each governmental entity may establish procedural guidelines to govern the conduct of proceedings authorized by this section, which must include, but are not limited to, payment of special magistrate fees and expenses, including the costs of providing notice and effecting service of the request for relief under this section, which shall be borne equally by the governmental entities and the owner.

(29) This section shall be liberally construed to effect fully its obvious purposes and intent, and governmental entities shall direct all available resources and authorities to effect fully the obvious purposes and intent of this section in resolving disputes. Governmental entities are encouraged to expedite notice and time-related provisions to implement resolution of disputes under this section. The procedure established by this section may be used to resolve disputes in pending judicial proceedings, with the agreement of the parties to the judicial proceedings, and subject to the approval of the court in which the judicial proceedings are pending. The provisions of this section are cumulative, and do not supplant other methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution.

(30) This section applies only to development orders issued, modified, or amended, or to enforcement actions issued, on or after October 1, 1995.

History.—s. 2, ch. 95-181; s. 7, ch. 96-410; s. 25, ch. 97-96; s. 58, ch. 2004-11; s. 1, ch. 2011-139.

Administrative Procedure Act – Florida

The Florida Administrative Procedure Act ("Act") is found in Title 10, Part X, Chapter 120 of the Florida Statutes. The Act is not applicable to the legislature and the courts.

According to Fla. Stat. § 120.525, an agency must give notice of all public meetings, hearings and workshops by publishing it in the Florida Administrative Weekly and on the agency's website at least seven days before the event. But this rule is not applicable in case of emergency meetings. An agency can all for an emergency meeting if it finds that there is imminent danger to public health, safety and welfare. In such a situation, the agency can give notice by any reasonable procedure which is necessary to protect public interest. This procedure must be protected by any other statute, the state constitution or the U.S. constitution. Under the emergency procedure, the agency is permitted to take only that action which is necessary to protect public interest.

According to Fla. Stat. § 120.53, an agency must maintain all its final orders and a hierarchical subject-matter index. The agency must also make available to the public electronic data base of all its orders in such a way that users can research and retrieve the full text of the orders whenever necessary.

Fla. Stat. § 120.536 provides that an agency has authority only to adopt rules related to the powers and duties granted by the concerned statute. An agency cannot adopt a rule only because of the reason that it is reasonably related to the purpose of the concerned legislation and because is not arbitrary. An agency does not have authority to execute statutory provisions related to general legislative intent or policy. Also according to Fla. Stat. § 120.54, an agency cannot use discretion in rule making. It has to adopt the rule making procedures as soon as practicable.

Fla. Stat. § 120.542 provide for variances and waivers. In some situations, strict application of the rule making procedures will lead to unfair results. It is appropriate in such cases for the agencies to adopt a procedure in order to provide relief to persons subject to the regulation. According to this section, variances and waivers will be granted to a person if s/he shows that the purpose of the underlying statute can be achieved by other means and that the actual procedure will create great hardship to him/her and violate principles of fairness.

Fla. Stat. § 120.545 deals with the creation of a committee to review the agency rules. The committee will examine each proposed rule, its accompanying material, and each emergency rule. It will also examine existing rules to check if there was an invalid delegation of statutory authority.

days, an application may be denied if an applicant fails to correct errors or omissions or supply additional information as requested.

Under the APA, license applications must be approved or denied within 90 days of the original application or the agency's request for additional information. This period may be tolled as a result of the initiation of administrative proceedings under §120.57, F.S., with the time resuming after the administrative law judge issues a recommended order. An agency must provide to the applicant written notice of its proposed action, as well as information regarding administrative and judicial review options and the applicable time limits and procedures to be followed.

Before an agency may revoke, suspend, amend, or withdraw a license, it must notify the licensee by personal service or certified mail of the circumstances justifying the agency's pending action. In this event, the licensee has the right to request a hearing under §120.57, F.S. An agency may summarily suspend, restrict, or limit a license if it finds that an immediate serious danger to the public health, safety, or welfare requires an emergency suspension.

What is a variance or waiver to the APA?

Revisions to the APA in 1996 include a provision allowing agencies to grant variances and waivers from requirements of their rules in order to avoid unreasonable, unfair, and unintended results. If a citizen subject to a rule can demonstrate that a rule would "create a substantial hardship or would violate principles of fairness" (§120.542(2), F.S.), an agency must grant a variance or waiver if the person can meet the purpose of the underlying statute through other means. An agency may not grant a variance or waiver to statutes. A copy of both the petition and the agency's order granting or denying the petition, containing a statement of the relevant facts and reasons supporting the agency's action, must be filed with JAPC.

What is a petition to initiate rulemaking?

Pursuant to §120.54(7), F.S., any person who is regulated by an agency or who has a substantial interest in an agency's rule may petition the agency to adopt, amend, or repeal a rule. The agency must respond by either agreeing to initiate rulemaking or by denying the petition. This decision in the form of a written statement is considered a final action that may be appealed pursuant to §120.68, F.S.

If a petition to initiate rulemaking is directed to an existing rule which the agency has not adopted as a rule, and the agency, after holding a public hearing, does not initiate

The Florida Senate

2012 Florida Statutes

Title X	Chapter 120	SECTION 542
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	ADMINISTRATIVE PROCEDURE ACT Entire Chapter	**Variances and waivers.**

120.542 Variances and waivers.—

(1) Strict application of uniformly applicable rule requirements can lead to unreasonable, unfair, and unintended results in particular instances. The Legislature finds that it is appropriate in such cases to adopt a procedure for agencies to provide relief to persons subject to regulation. A public employee is not a person subject to regulation under this section for the purpose of petitioning for a variance or waiver to a rule that affects that public employee in his or her capacity as a public employee. Agencies are authorized to grant variances and waivers to requirements of their rules consistent with this section and with rules adopted under the authority of this section. An agency may limit the duration of any grant of a variance or waiver or otherwise impose conditions on the grant only to the extent necessary for the purpose of the underlying statute to be achieved. This section does not authorize agencies to grant variances or waivers to statutes or to rules required by the Federal Government for the agency's implementation or retention of any federally approved or delegated program, except as allowed by the program or when the variance or waiver is also approved by the appropriate agency of the Federal Government. This section is supplemental to, and does not abrogate, the variance and waiver provisions in any other statute.

(2) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

(3) The Governor and Cabinet, sitting as the Administration Commission, shall adopt uniform rules of procedure pursuant to the requirements of s. 120.54(5) establishing procedures for granting or denying petitions for variances and waivers. The uniform rules shall include procedures for the granting, denying, or revoking of emergency and temporary variances and waivers. Such provisions may provide for expedited timeframes, waiver of or limited public notice, and limitations on comments on the petition in the case of such temporary or emergency variances and waivers.

(4) Agencies shall advise persons of the remedies available through this section and shall provide copies of this section, the uniform rules on variances and waivers, and, if requested, the underlying statute, to persons who inquire about the possibility of relief from rule requirements.

(5) A person who is subject to regulation by an agency rule may file a petition with that agency, with a copy to the committee, requesting a variance or waiver from the agency's rule. In addition to any requirements mandated by the uniform rules, each petition shall specify:

(a) The rule from which a variance or waiver is requested.

(b) The type of action requested.

(c) The specific facts that would justify a waiver or variance for the petitioner.

(d) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.

(6) Within 15 days after receipt of a petition for variance or waiver, an agency shall provide notice of the petition to the Department of State, which shall publish notice of the petition in the first available issue of the Florida

federal courts have eroded the ability of landowners to bring substantive due process claims to protect property rights under the Fifth and 14th Amendments, Fla. Const. art. I, §9 is alive and well to protect property owners from arbitrary and/or capricious government actions that adversely affect property rights.[47] Under Florida law, then, it appears that governmental action that adversely affects property rights is subject to stricter substantive due process scrutiny than the test applied by the federal courts.[48]

Declaratory judgment is the typical state court method of seeking relief for substantive due process violations.[49] Accordingly, if the aggrieved applicant can prove that the adverse action of local government was pretextual, arbitrary, and/or capricious, and was not substantially related to any legitimate health, safety, or welfare concern, the applicant should consider filing a state law substantive due process claim.

• *An Equal Protection Claim* — If local governmental action treats an applicant differently than other similarly situated landowners/developers without any rational basis, the governmental action violates the applicant's constitutional guarantee of equal protection under the law.[50] A property owner's right to be treated the same as other similarly situated landowners is derived from the Equal Protection Clause contained in Fla. Const. art. I, §2, and the 14th Amendment to the U.S. Constitution. Equal protection challenges are typically brought in the form of declaratory judgment actions — in state court under F. S. Ch. 86, and in federal court under the Federal Declaratory Judgment Act, 28 U.S.C. §2201.[51] Additionally, a claim for an equal protection violation may be brought under the Civil Rights Act, 42 U.S.C. §§1983 and 1988, in either state or federal court.[52]

• *A Regulatory "Takings" Claim* — Claims of regulatory "taking" or inverse condemnation are brought pursuant to the Fifth and 14th Amendments to the U.S. Constitution, as well as Fla. Const. art. X, §6.[53] Unfortunately, in order to recover on a true "takings" claim, the aggrieved applicant must prove that the governmental action either physically invaded the applicant's property or rendered the applicant's property worthless.[54]

If an aggrieved applicant can satisfy the stringent "takings" analysis, a "just compensation" for the taking or invalidation of the governmental action through a claim for declaratory relief can be sought.[55] Prior to seeking "just compensation" damages, a litigant must exhaust all available state court remedies for "just compensation," including an inverse condemnation action under Florida law.[56]

• *The Bert J. Harris, Jr., Private Property Rights Protection Act of 1995* — Codified at F.S. §70.001, the Bert Harris Act authorizes a cause of action for an aggrieved property owner who can establish that governmental action — while not rising to the level of a constitutional "taking" — nonetheless "inordinately burdens" his or her property.[57] As set forth in F.S. §70.001(2):

> When a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this [act].

The term "inordinate burden" is defined by the Bert Harris Act as a government action that has so limited the use of real property that the property owner is permanently unable to attain the reasonable, investment-backed expectation for either its existing use or a vested right to a specific, future use, thereby requiring the landowner to bear permanently a disproportionate share of a burden imposed for the good of the public.[58] The "inordinate burden" standard of the Bert Harris Act is much less stringent than the traditional "takings" analysis pursuant to the Fifth and 14th Amendments to the U.S. Constitution and Fla. Const. art. X, §6. Therefore, landowners can seek compensation for regulatory action of government that reduces the value of their property, even if all economic value of their property is not destroyed.

The Bert Harris Act establishes an explicit procedure to follow in order to ensure notice and the opportunity to resolve disputes amicably. Before filing a complaint for damages under the Bert Harris Act, a property owner must first serve notice of its claim, coupled with a valid appraisal that demonstrates a loss in fair market value for the property.[59] The claim must be presented to the governmental entity no later than one year after the regulation is "first applied...to the property at issue."[60] The one-year period for presentation of claims is a presuit condition and not a statute of limitations.[61]

After presenting its claim to the appropriate governmental entity, a property owner must wait at least 150 days (or 90 days if the regulated property is classified as agricultural) before filing an action under the Bert Harris Act.[62] In the interim, the parties are encouraged to discuss resolution of the owner's claims, and the governmental entity is required to make a written settlement offer.[63] Unless the settlement offer is accepted during the prescribed notice period, the governmental entity must issue a "statement of allowable uses" for the affected property, which notifies the owner of all uses of the property that the governmental entity will allow.[64] The statement of allowable uses "constitutes the last prerequisite to judicial review," and any property owner who disagrees with the allowable uses delineated in the "statement" may file a lawsuit for damages seeking the diminution in value caused by the governmental action.[65] If the government fails to issue a statement of allowable uses within 150 (or 90) days, it is deemed a denial for purposes of allowing the property owner to file an action in circuit court under the Bert Harris Act.[66]

• *The Federal Civil Rights Act: 42 U.S.C. §§1983 and 1988* — The Federal Civil Rights Act, codified at 42 U.S.C. §§1983 and 1988, provides civil remedies (in the form of damages, declaratory relief, injunctive relief, and/or attorneys' fees) when local governments violate a party's rights protected by the U. S. Constitution, or by the federal statutes. Section 1983 provides:

> Every person who, under color of any statute, ordinance, regulation, custom or usage ... subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in any action at law.

The language of §1983 evidences the intent of Congress to subject any governmental body to a civil suit if, in denying an application pursuant to an ordinance, it deprives a citizen of any rights secured by the U.S. Constitution or federal law. Florida courts have recognized the mandate of Congress in ruling that a §1983 claim is a proper vehicle to challenge quasi-judicial conduct.[67]

Exhibit 8 – Conditional Use and Variance Board Criteria

Section 3.05. - Conditional use and variance board.

The conditional use and variance board shall serve as the body that reviews and makes approval determinations on requests for conditional uses and variances from the terms of this ordinance for the board of county commissioners.

(A) *Establishment of the conditional use and variance board:* The board of county commissioners shall appoint the members of the conditional use and variance board. The conditional use and variance board shall be composed of seven (7) members. Each member shall serve a three (3) year staggered term whereby, the terms of three (3) members shall expire one (1) year, and the terms of three (3) members shall expire the following year and the term of one (1) member shall expire the next year. One (1) member each from the five (5) county commission districts and two (2) at-large members.

(B) *Powers and duties:*

1. Review and make approval determinations regarding requests for conditional uses.
2. Review and make approval determinations regarding requests for variances from the terms of this ordinance which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this ordinance, the conditional use and variance board must find evidence of the following:
   (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.
   (b) The special conditions and circumstances do not result from actions of the applicant.
   (c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.
   (d) Literal interpretations of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would place unnecessary and undue hardship on the applicant.
   (e) The variance granted in the minimum variance that will make possible the

reasonable use of the land, building, or structure.

(f) The granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and

(g) The granting of the variance will not exceed the density or intensity of land use as designated on the Future Land Use Map 2010 or the underlying land use.

3. In granting any variance, the conditional use and variance board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance. The conditional use and variance board may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.

   Under no circumstances, except as permitted above, shall the conditional use and variance board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

4. Elect a chairman and vice-chairman of the conditional use and variance board. A new chairman and vice-chairman shall be selected each year by the members of the conditional use and variance board. No person shall serve two (2) consecutive terms as chairman.

5. Establish the time, place and date of the monthly conditional use and variance board regular meeting plus workshops.

6. Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of any party to:

   (a) Present his/her case by oral and documentary evidence;

   (b) Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;

   (c) Be accompanied, represented and advised by counsel or represent himself;

   (d)

Section 1.01. - Purpose and intent.

The purpose of this Code is to implement the county's comprehensive plan by establishing regulations, procedures and standards for review and approval of all development and use of land in the unincorporated portions of the county. Further, this Code is adopted in order to preserve and foster public health, safety and welfare; to facilitate the adequate and efficient provision of public facilities and services; and to conserve, utilize, and protect natural resources within Nassau County.

The intent of this Code is that the development process in the county be:

a. Efficient, in terms of time and expense;
b. Effective, in terms of addressing the natural resources and public facility implications of development; and,
c. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the county.

(Ord. No. 2007-05, 1-22-07)

Section 1.02. - Relationship to comprehensive plan.

Section 163.3201, Florida Statutes, provides that the adoption and enforcement of this Land Development Code shall be based on, be related to, and be a means of implementation for the Nassau County Comprehensive Plan. Section 163.3194(1)(b), Florida Statutes, requires that all land development regulations be consistent with the comprehensive plan of the enacting local government. A land development regulation, or development order issued there under, shall be found consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing or other aspects of development permitted by such order or regulation, are compatible with and further the objectives, policies, land uses and densities or intensities in the comprehensive plan, and if it meets all other criteria enumerated by the local government.

(Ord. No. 2007-05, 1-22-07)

Section 1.03. - Authority.

This Code is enacted pursuant to the requirements and authority of Chapter 163.3202, Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act) and the general powers established in Chapter 125, Florida Statutes (County Government) and the Constitution of the State of Florida.

The Board of County Commissioners of Nassau County, Florida (herein after referred to as the "Board" and/or "BOCC"), has the authority to prepare, adopt and enforce this Code pursuant to Article 8, Section 163.3161(8), Florida Statutes, Section 163.3201, Florida Statutes, 163.3202, Florida Statutes, Rule 9J-5, Florida Administrative Code, Rule 9J-24, Florida Administrative Code, the Nassau County Comprehensive Plan, and other such authorities and provisions established in statutory or common law.

(Ord. No. 2007-05, 1-22-07)

Section 1.04. - Applicability.

The regulations of this Code shall apply throughout the unincorporated portions of Nassau County. The development and subsequent use and occupancy of any land, water or building shall be in accordance with all the applicable provisions of this Code.

A. *General applicability:*

1. Except as specifically provided in this Code or the comprehensive plan, the provisions of this Land Development Code shall apply to all development in the unincorporated area of the county.
2. No building, structure or parts thereof shall be built, erected or constructed and no existing building, structure or parts thereof shall be moved, structurally altered, enlarged or reconstructed, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformance with this Code and as permitted in the zoning district in which said building or structure is located. In addition, no building, structure or land, water, or parts thereof, shall be used, developed or intended to be used for any purpose or in any manner other than a use designated in this Code and as permitted in the zoning district in which such building, structure or land is located.

B. *Exceptions:*

1.

Miscellaneous Information

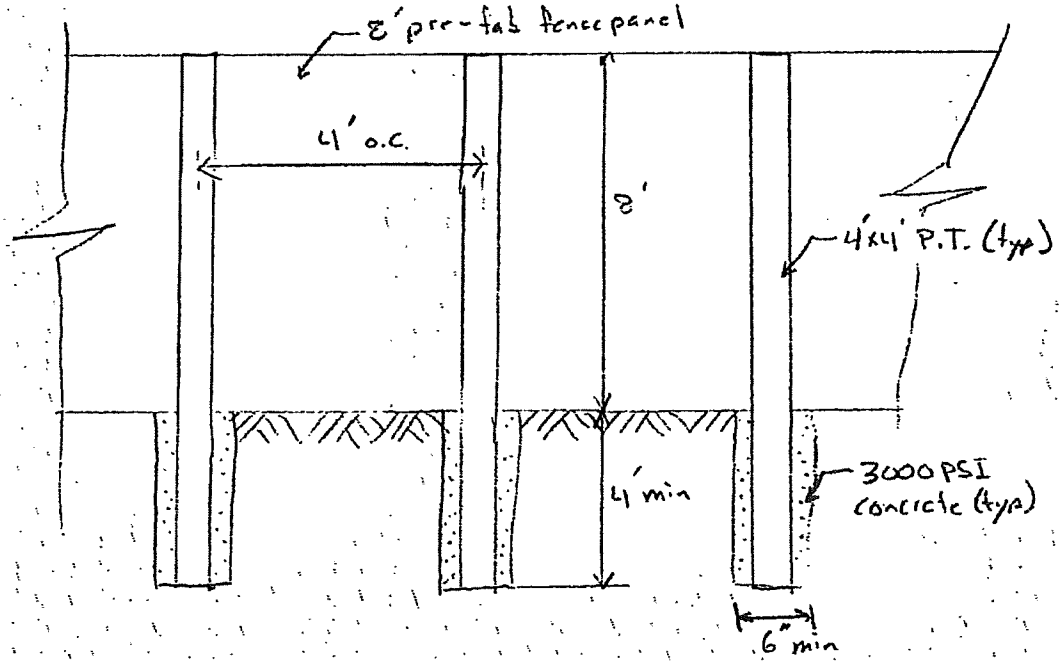
Blue Potato, LLC — 8' Fence Wind Load — 97277 Bellville Rd. — Andre L. Desilet, P.E.

Design Basis

1. Florida Building Code, 5th Edition (2014)
2. ASCE 7-02, ch 6

Windload Basis

- Location: Yulee, FL
- Wind velocity: 128 mph (101 mph nominal used in design)
- Exposure classification: B
- Model fence as "Other Structure" per ASCE 7-02, 6.5.13



Blue Potato, LLC — 8' Fence Wind Load, 97277 Belleville Rd. — Andrei L. Desilet, P.E.

V = 101 mph nominal (128 mph ultimate) — H = 8'

Exposure B

$$q_z = 0.00256\, k_z\, k_{zt}\, k_d\, V^2$$

$$q_z = 0.00256\,(0.85)(1.0)(0.85)(101)^2$$

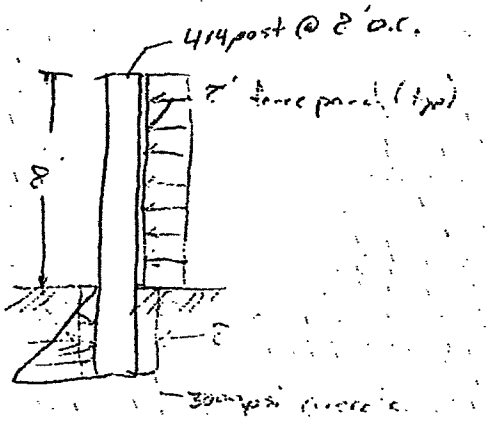
$$q_z = 18.87\ \#/ft^2$$

$$F = q_z\, G\, C_f\, A_f \qquad C_f = 1.3,\ G = 0.85$$

$$F = q_z\,(.85)(1.3)(8')(8') = 1{,}334\ lbs \quad \text{for } 8' \times 8' \text{ panel}$$

$$P = \frac{F}{A} = \frac{1334}{64} = 20.84\ psf$$

Fence construction



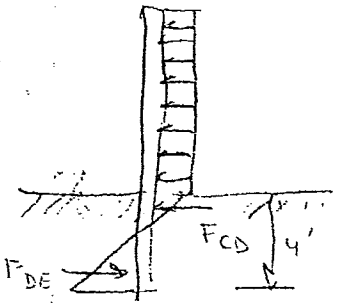
$$M_{max} = \frac{\omega l^2}{3}$$

$$V = \omega l$$

4x4 post

$S = 7.15\ in^3$

Blue Potato, LLC — 8' Fence Wind Load, 97277 Bellville Rd. — Andre L Desilet, P.E.



$\phi = 33°$

$\gamma = 120 pcf$

$\gamma' = 65 pcf$

for $\alpha = 90° \; \beta = 0°$

$k_A = 0.26$

$k_p = 7.12$

Assume $w = 18.87 \; lb/ft^2$

$P_1 = 20.84 psf$

$L_3 = P_1/(\gamma'(k_p - k_A)) = 20.84 / (65(7.12 - 0.26)) = 0.05'$

$P_2 = \gamma'(k_p - k_A) L_4 = 65(7.12 - 0.26) L_4$

$L_4 = 4' - L_3 = 3.95$

$P_2 = 65(7.12 - 0.26)(3.95') = 1,761 \; lb/ft^2$

$F_1 = 1,334 \; lbs$ (for 8' x 8' fence panel)

$F_2 = \frac{1}{2} P_2 L_4 = (.5)(1,761)(3.95) = 3,478 \; lb/ft$

Post resistance = 3,478 (post width) = 3,478(.5') = 1739 lbs

use post spacing of 4' = 2 posts / 8' panel

Post resistance = 3,478 lbs

$$FS = \frac{R}{F} = \frac{3478}{1,334} = 2.6$$

Moment @ ground level (4' post height)

$M = (1,334 \; lbs)(4') = 5,336 \; lbs$ per 8' panel

$M = 2668 \; lb\text{-}ft$ per post (2 posts / 8' panel)

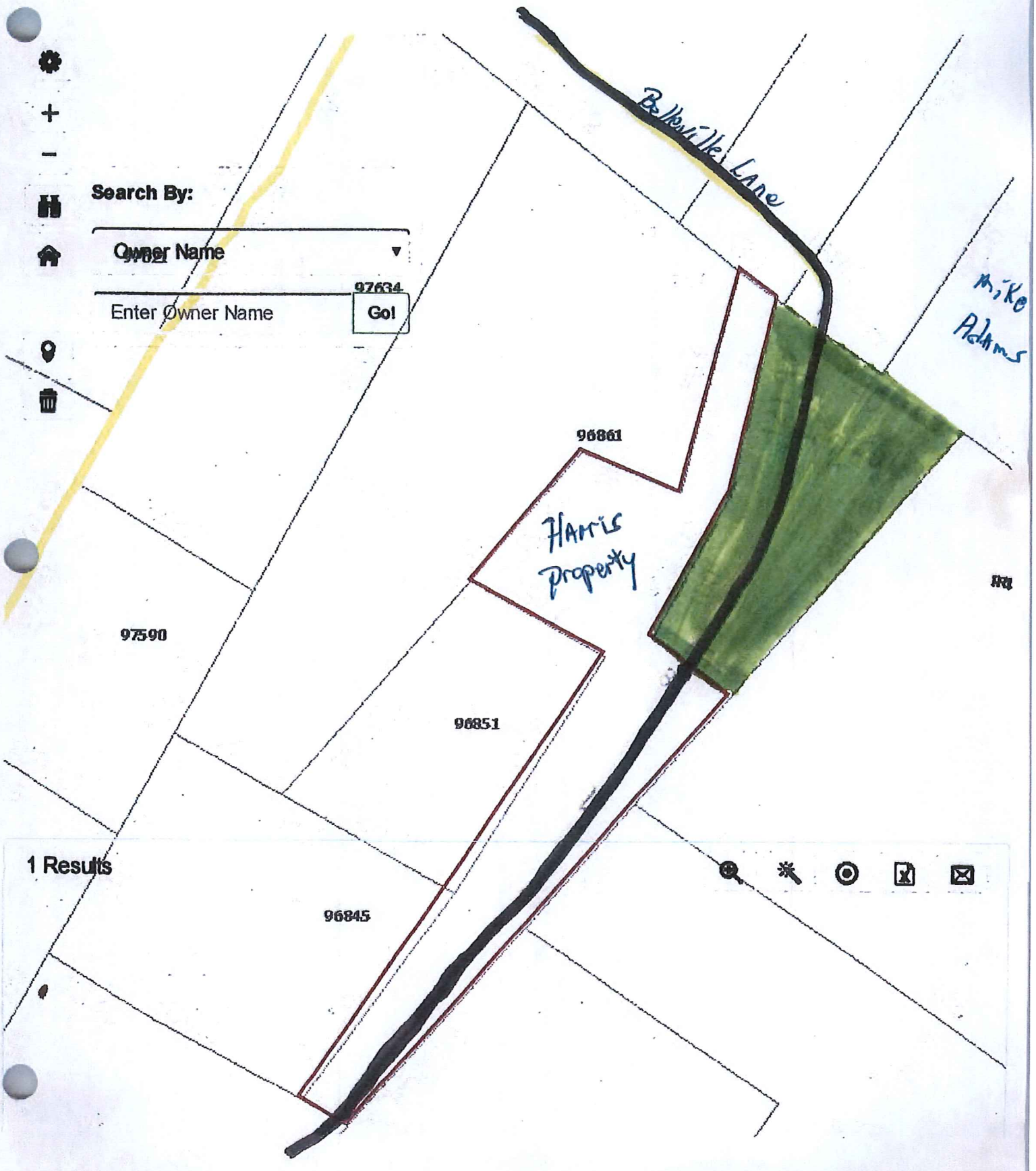
Required Section Modulus

$$S = \frac{M(12)}{1200} = 2.668 \; in^3$$

4x4 post (3.5" x 3.5" actual dim.)

$$S = \frac{(3.5)(3.5)^2}{6} = 7.15$$

$$FS = \frac{S_{prov}}{S_{req}} = \frac{7.15}{2.668} = 2.68$$


Search By:
Owner Name
Enter Owner Name
Go!
Belleville Lane
Mike Adams
96861
Harris Property
97590
96851
96845
1 Results

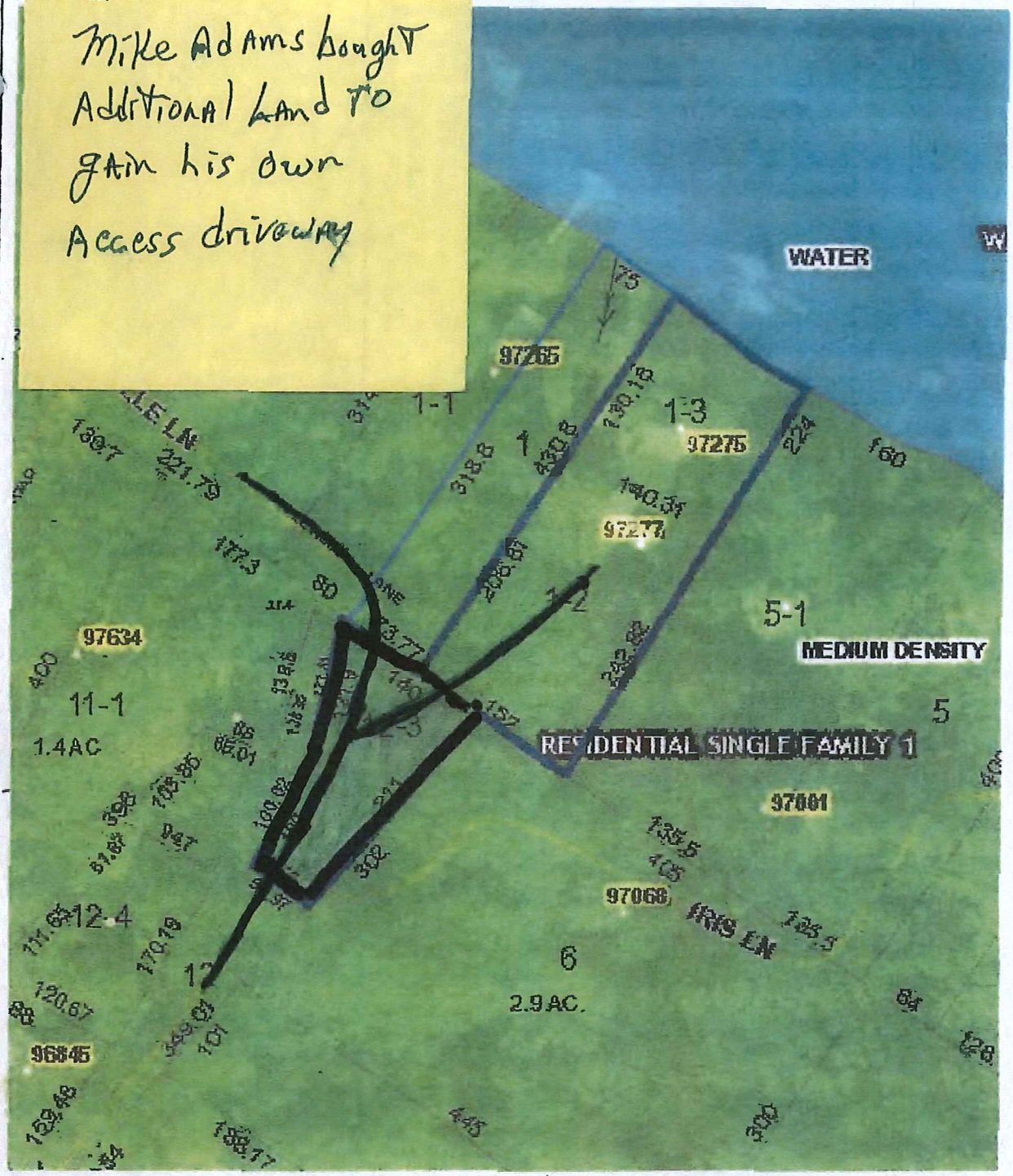
Adams Property

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE. NEITHER NASSAU COUNTY, ITS MUNICIPALITIES, NOR THE NASSAU COUNTY PROPERTY APPRAISER'S OFFICE ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREIN. THIS IS NOT A SURVEY.

N W E S

Printed: Oct 09, 2013

2001 -
Mike Adams bought
Additional Land to
gain his own
Access driveway



Adams Property

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Printed: Oct 09, 2013

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@ CAM150M01        CamaUSA Appraisal System                    Nassau County
 5/13/2014 13:09   Sale Maintenance                             Land  000
Year T Property                                                AG    000
2014 R 42-3N-28-0000-0012-0030 . . . . . .                     Bldg  000
       CHESTER RIVER RD  YULEE                                 Xfea  000
       ADAMS MICHAEL R & PHYLLIS                               TOTAL    B
Options: A=Add  C=Change  D=Delete  R=Restore  F=Finance        Sales 003
S Seq    M=Multi-Prop  N=Notes  X=Addt'l Info  S=Snapshot
  . . .
..  1   Bk . . . 985 Pg . . . 470 Dt . 5/09/2001 In WD QU Q R . . VI V Stamp . . . . . .
        Pr . . . . . 8000 Adj . . . . . RA . . . Mult N Fin N PT . . . AdjPr        8000
        Grantor DAVIS CECIL L JR TRUSTEE . . . . . .
        Grantee ADAMS MICHAEL R & PHYLLIS . . . . . .
        {UD1} . . . . . {UD2} . . . . . ChgCd . . . . . {UD4} . . . . .
        Doc . . . . . DDt . . . . . Mnt 7/24/2001 JAMIE
..  2   Bk . . . 712 Pg . . . 302 Dt . 8/25/1994 In WD QU U R 05 VI V Stamp . . . . . .
        Pr . . . . . 100 Adj . . . . . RA . . . Mult N Fin N PT . . . AdjPr         100
        Grantor HALL THOMAS G JR & IRIS F JONES . . . . . .
        Grantee DAVIS CECIL L JR TRUSTEE . . . . . .
        {UD1} . . . . . {UD2} . . . . . ChgCd . . . . . {UD4} . . . . .
        Doc . . . . . DDt . . . . . Mnt 1/25/1995 JAMI
                                                                                        +
F1=Task  F3=Exit  F4=Prompt  F10=GoTo  PgUp/PgDn  F24=More
```

Tax Rec only - 2001

Mike Adams purchase of Additional Land To give him road frontage for access To his Property

Date. 2001

Grantor - Cecil L. Davis, Jr. Trustee

Purchase Price - $8,000.00