

**ORDINANCE 2017 -**

**AN ORDINANCE AMENDING ORDINANCE 99-18, AS AMENDED, KNOWN AS THE “NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE”; SPECIFICALLY AMENDING SECTION 4, PLATS-JURISDICTION AND PROCEDURE, SPECIFICALLY SECTION 4.1.1, TITLE CERTIFICATION; SECTION 4.4, ENGINEERING PLANS; SECTION 4.5, FINAL PLATS; ADDING A NEW SECTION 4.6, EASEMENTS; RENUMBERING SECTIONS 4.6 THROUGH 4.10; AND AMENDING SECTION 5, SUBDIVISIONS, SPECIFICALLY SECTION 5.10.1, REQUIRED NUMBER OF ACCESS; AND SECTION 5.11, LOTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, has found it necessary to further amend Ordinance No. 99-18, as amended, known as the “Nassau County Development Review Regulations”; and

**WHEREAS**, amendments to Chapter 177, Florida Statutes, has been enacted by the Florida Legislature, which eliminates the requirement for a title certification by a title company and provides for a title opinion of an attorney at law licensed in Florida; and

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, finds, based on staff requests, that amendments are required as to Sections 4.1.1, 4.4(8), 4.5(j), 5.10.1, 5.11(3) and creating a new Section 4.6.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 99-18, as amended, shall be further amended as follows:

**1. SECTION 4. PLATS - JURISDICTION AND PROCEDURE**

Section 4.1.1, Title Certification, Section 4.4, Engineering Plans, and Section 4.5, Final Plats, shall be amended to read as follows:

**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 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 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 shall be accompanied by a title opinion of an attorney at law licensed in Florida ~~certification 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 ~~certification~~ shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.

**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

~~complies~~ complies 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 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
- b. Proposed streets, rights of way, and access points
- c. Proposed location of open space, recreational facilities, common areas, and amenities.

#### **4.3 PRELIMINARY PLAT**

Eight (8) 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 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 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 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, net usable acreage (less jurisdictional areas). 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 SITE ENGINEERING PLANS**

Site Engineering Plans are required for all subdivisions unless specifically exempted herein. Site Engineering Plans, when required, shall be submitted in conjunction with the preliminary plat. Neither the preliminary plat nor the Site Engineering Plans, when required, shall be approved separately. In the case of a PUD, the Site Engineering Plans for the project may be approved separately. Final platting of the PUD may be completed in accordance with a phase development schedule. Site Engineering Plans, when required, for all subdivisions shall be submitted simultaneously with the preliminary plat. No construction of improvements may commence until the Site Engineering Plans, when required, 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 Site 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 three (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.
8. At the discretion of the Development Review Committee, based on the recommendation of the Public Works Director, or designee, the requirements to submit a Site Engineering Plan may be waived in the following situations: Notwithstanding this provision, all projects shall be required to comply with Article 10, Stormwater Management, of Ordinance 99-17, as amended, also known as the Roadway and Drainage Standards of Nassau County.
  - a. The subdivision of land is for the purpose of facilitating a single family residential detached development; and
  - b. The subdivision of land results in building sites with a gross area of one acre or larger; and
  - c. No new roads are created; and
  - d. No improvements are required to existing roadways beyond those improvements reviewed as part of a driveway permit; and
  - e. No new improvements are required pursuant to Sections 5.2 and 5.3 of this Section; and
  - f. No public recreation lands are being dedicated or reserved; and
  - g. No dredging and filling of jurisdictional wetlands are required.

#### **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 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. Title opinion of an attorney at law licensed in Florida ~~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 or releases of record or otherwise terminated by law.
- k. Mortgage company.

#### **4.6 EASEMENTS**

The location and width of proposed easements and existing easements identified in the title opinion or property information report required by s. 177.041(2), Florida Statutes, must be

shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

#### **4.76 COMPUTER MEDIA**

In addition to the required submittals mentioned above, the developer shall submit 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 Plan Coordinate System. Refer to Appendix "A" for further survey requirements.

#### **4.87 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.

#### **4.98 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.

#### **4.109 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.

#### **4.1140 PROCEDURE FOR CONSIDERATION OF PLAT**

It is the responsibility of the developer or his/her designee to 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 thirty (30) working days prior to the scheduled Commission hearing when said plat shall be considered. All required approval signatures from appropriate County officials will be obtained by the Planning and Economic Opportunity Department Director's office.

## **2. SECTION 5. SUBDIVISIONS**

Section 5.10.1 Required Number of Access Points, and Section 5.11, Lots, of Section 5,

Subdivisions, shall be amended to read as follows:



## **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 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 Development Review Committee for public requirements. 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 Subdivision 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. Streets shall be named in accordance with Nassau County Ordinance 2003-13, as amended.

## **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 (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.

#### **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 Public Works Director ~~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. The Development Review Committee may consider a twenty percent (20%) reduction of the building lines (required yard/building setback line) along the secondary 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 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 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.
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.

### **3. SECTION 12. JURISDICTION**

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

### **4. 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.



**5.     SECTION 14. EFFECTIVE DATE**

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

**DULY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 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

Approved as to form by the County Attorney:

\_\_\_\_\_  
MICHAEL S. MULLIN