

ORDINANCE 2004- 23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE 91-4, AS AMENDED, KNOWN AS THE "COMPREHENSIVE PLAN ORDINANCE OF NASSAU COUNTY"; SPECIFICALLY, ADDING SECTION 'K', YULEE AREA, TO POLICY 1.02.05 OF THE FUTURE LAND USE ELEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners to prepare and enforce comprehensive plans for the development of the County; and,

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners, by Ordinance 97-19 as amended, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and,

WHEREAS, the Planning and Zoning Board has held duly noticed public hearings to address the proposed comprehensive text amendment to the adopted Nassau County Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Board, based on these public hearings, has recommended to the Board of County Commissioners that the proposed comprehensive text amendments to the adopted Nassau County Comprehensive Plan be approved; and,

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Nassau County to further amend Ordinance 97-19, as amended.

NOW, THEREFORE BE IT ORDAINED this 10th day of May, 2003⁴ by the Board of County Commissioners of Nassau County, Florida that Ordinance 97-19, as amended, be amended as follows:

SECTION 1. 1.0 FUTURE LAND USE ELEMENT

K. Yulee Area

All lands within this land use must be within one of eight districts, as identified below, or must be in a conservation land use. This land use shall require compliance with "district" goals, objectives and policies, and supporting narrative and exhibits as appropriate. The following land use "districts" are established within the Yulee Area Land Use of the County 's Comprehensive Plan:

- Neighborhood Land Use
- Community Land Use
- Commercial Land Use
- Workplace Land Use
- Old Town Land Use
- Lofton Creek Land Use
- Village Center Land Use
- St. Mary's Land Use

1. Neighborhood

The Neighborhood district is located south of A1A, between I-95 and U.S. 17. Medium density was designated within this district due to the absence of major environmental features (such as Lofton Creek) and because of the districts proximity to I-95. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
MD Res.	60-70%
Retail	5-15 %
Office	0-10 %
Institutional	0-10 %
Open Space/Parks and Rec.	10-20 %

2. Community

The Community District is located within five areas of the Yulee Area land use. Four of these areas are located along primary arterials (three on U.S. 17, one on the south side of A1A) while the fourth is located immediately adjacent to what is considered to be a future major commercial node at the intersection of Chester Road and A1A. The purpose of this district is to provide a higher density of residential development to include affordable housing and multi-family development that are close proximity to the employment centers within the Yulee Area Land Use. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
HD Res.	25-35%
MD Res.	15-20%
Retail	15-25%
Office	20-30%
Institutional	0-10%
Open Space/Parks and Rec.	10-20%

3. Commercial

The Commercial District is intended to respond to the retail demands of the citizens of the County at large and to respond to the traveling public. Therefore, this use is located at the two interchanges of I-95 within the study area and at the major intersection of Chester Road and A1A. With care, all four of the tracts with this district designation are appropriate for highly intense retail development. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
Retail	55-65%
Office	25-35%
Light Indus.	10-20%
Institutional	0-10%
HD Res.	0-5%

4. Workplace

The Workplace District is intended to be the future employment center of the County with an emphasis on those uses that would benefit by proximity to the interstate and easy access to the Jacksonville International Airport. The Workplace District is located east and adjacent to I-95 and north, and adjacent to A1A. The primary land use within this district is light industrial and office/warehouse uses. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
Retail	10-20%
HD Res.	10-20%
Office	15-25%
Institutional	0-10%
L. Ind.	45-55%

5. Old Town

Located North of SR A1A at the intersection of US 17, this district incorporates the historic Yulee area. Therefore a special emphasis will also be placed on historic preservation in this district. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
Retail	40-50%
L. Ind.	25-35%
Office	15-25%
HD Res.	5-15%
Institutional	0-10%

6. Lofton Creek

Medium-density residential and parks/recreation are the allowed uses in this predominantly residential district along the Lofton Creek. A small percentage of Office/retail will be allowed in the Lofton Creek district abutting SR 200/A1A. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
MD Res.	75-85%
Open Space/Parks and Rec.	10-20%
*Retail/Office	1%

* only areas directly abutting SR 200/A1A shall be allowed up to ten percent (10%) Office/Retail.

7. Village Center

This district is composed of predominantly Retail and Office uses to support the surrounding residential districts (Lofton and St. Marys):

USE	ACREAGE CAP
Retail	60-70%
Office	25-35%
HD Res.	0-5%
Institutional	10%

8. St. Mary's

Low-density residential and parks/recreation are the allowed uses in this predominantly residential district along the St. Mary's River. Marinas will be an allowed use in this district subject to an approved marina siting plan or a substantial deviation to the Yulee Area DRI. Approved uses within the District, and their maximum allowable acreage include:

USE	ACREAGE CAP
LD Res.	75-85%
Open Space/Parks and Rec.	15-25%
Retail	0-1%
Marinas	NA

9. Note

- a. Each district has a set of allowed uses that should not exceed the provided acreage caps.
- b. Schools, parks and churches, and other institutional uses such as utilities, transportation facilities, cemeteries, police and fire substations, and other similar uses deemed as public service or public benefit, shall be allowed in all districts except for areas designated as conservation in the Master Conservation Plan
- c. Existing agriculture/silviculture uses shall be allowed prior to development.
- d. Residential densities shall correspond with those listed in the "Dwelling Unit Density by Land Use Category" table located at the end of this Element.

10. Designation Criteria

Lands designated within the Yulee Area Land Use must meet the following criteria:

- The land use must be undeveloped or must be consistent with one or more of the land uses displayed the master plan displayed as Exhibit 2.
- The land must be within the Nassau/Yulee Area-wide DRI boundaries.
- The land must be given an underlying district designation consistent with one of the above referenced exhibits.

11. Master Conservation Plan

a. Environmental

For the Yulee Area Land Use, there is established a master conservation plan. This plan provides for the preservation of approximately ten thousand (10,000) acres of land in natural condition. However the land may be used for passive recreation, and existing silviculture uses.

In addition to lands preserved, there shall also be a trail system that may be used for both bicyclists and pedestrian. Each developer within the Yulee Area Land Use Plan shall be required to connect to this integrated system. The trail system is allowed in buffers and/or setbacks as defined below.

All on-site wetlands to be preserved on-site shall be required to comply with the upland buffer requirements of the St. Johns River Water Management District in lieu of policy 6.02.03 of this comprehensive plan.

Roadway crossings of Lofton Creek are prohibited unless:

- The crossing is displayed on the master plan for the Yulee Area Land Use Plan, or;
- The crossing is deemed necessary by the FDOT for the construction or widening of a State Road, or;
- The crossing is necessary to access private property where no other means of access is practically available, or;
- The roadway is functionally classified as a neighborhood street, or smaller, and the wetland impact to a particular wetland is less than one tenth (1/10) of one (1) acre to a non isolated wetland, and one fifth (1/5) of an acre to an isolated wetland, or;
- A plan amendment is approved to allow an additional crossing.

b. Historic/Archaeological

Archaeological sites are presumed to be within the Yulee Area Land Use. Therefore, archaeological analyses will be required prior to land disturbance activities. Prior to new development, an applicant shall submit a project location map to the State Bureau of History and Records Management. If so requested by the State, an applicant shall conduct a site survey to confirm the presence or absence of archaeological sites. Should an archaeological site be found, the owner of the property shall cease development activity until the discovery can be assessed. As directed by the State, artifacts may be removed or may remain

on-site. In no event shall development be forced to cease for more than ninety (90) calendar days. In no event shall this policy be used as justification for a taking of private property.

c. Buffers and Setbacks

It is the intent of the County to protect the rural character of the area and to provide reasonable protection to land owners or tenants who may reside, work, or recreate within the Yulee Area Land Use. Therefore, the following buffers and setbacks are established:

- 1) I-95 Buffer and Setback
 - Non residential lands shall have a Twenty five (25) foot buffer and setback from right of way line for I-95;
 - Residential lands, to include multi-family, shall have a twenty five (25) foot buffer and a fifty (50) foot setback from the right of way line for I-95.
- 2) A1A Buffer and Setback- Buffers and setback along A1A shall be as established in the AIA Corridor Overlay Regulations.
- 3) U.S. 17 Buffer and Setback
 - For lands lying east of the railroad right of way, there shall be a twenty five (25) foot buffer from the right of way of U.S. 17.
 - For residential development, the building setback shall be fifty (50) feet from the right of way line for U.S. 17.
 - For non-residential development, the building setback line shall be twenty five (25) feet from the right of way line U.S. 17.
 - For lands lying west of the rail road right of way and that do not have developable property east of the rail road, the buffer shall be 15 feet from the rail road right of way and the building setback shall be twenty five (25) feet unless the site plan is designed for rail access and said access is approved by the railroad. In such an event the buffer and building setback may be zero.

- 4) County Road 108 Buffer and Setback Buffers and building setbacks shall be:
 - Fifty (50) feet from the CR 108 for both buffers and setbacks for lands lying west of U.S. 17;
 - Twenty five (25) feet buffer and fifty (50) foot setback for lands lying east of U.S. 17.
- 5) Buffers and setbacks between uses unless otherwise noted above, buffers and setbacks shall be consistent with County Code.

d. Public Facilities

- 1) In order to develop at the densities listed above, all residential development shall be connected to central water and sewer.
- 2) This area shall utilize the standards and guidelines set forth in the Florida Statute section 163.3180(12) to satisfy Transportation Concurrency by a payment of proportionate share contribution (pipelining).
- 3) The provisions, procedures and requirements of the Interlocal Agreement for Public School Facility Planning are hereby adopted and shall be applicable to the lands in the Yulee Area.
 - a. For proposed developments of two hundred (200) dwelling units or more, a representative of the School Board shall be invited to a preliminary plan conference with the Developer to address the potential impact on school facilities and capacity.
 - b. The School Board shall be notified of all preliminary plan applications for projects of ten (10) dwelling units or more, and major mixed-use development, within ten (10) working days of receipt of such applications.
 - c. If the County does not receive a written response from the School Board within twenty (20) working days, the preliminary plan application shall be deemed consistent with State Requirements for Educational Facilities.

- d. In reviewing preliminary plan applications, the County shall consider the criteria outlined in Section 6.5 of the Interlocal Agreement for Public School Facility Planning.

SECTION 2. EFFECTIVE DATE.


The Board of County Commissioners shall file this Ordinance with the Department of Community Affairs after adoption. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



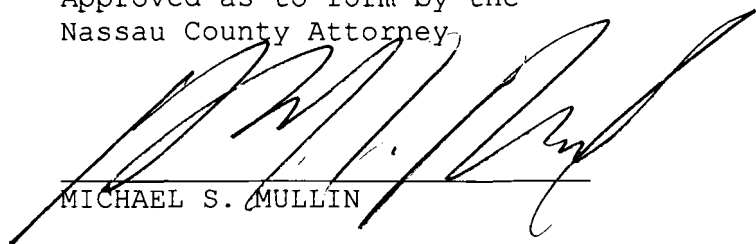
FLOYD L. VANZANT
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney,



MICHAEL S. MULLIN