

ORDINANCE 93 - 19

AN ORDINANCE AMENDING ORDINANCE 91-4, AS AMENDED, REPLACING ELEMENTS OF THE COMPREHENSIVE PLAN OF NASSAU COUNTY, AS ESTABLISHED IN ORDINANCE 91-4, WHICH CONTROLS FUTURE LAND USE, GUIDES PUBLIC FACILITIES, AND PROTECTS NATURAL RESOURCES, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES), INCLUDING FUTURE LAND USE ELEMENT; TRAFFIC CIRCULATION ELEMENT; HOUSING ELEMENT; PUBLIC FACILITIES ELEMENT; COASTAL ELEMENT; CONSERVATION ELEMENT; RECREATION AND OPEN SPACE ELEMENT; CAPITAL IMPROVEMENTS ELEMENT AND CONCURRENCY MANAGEMENT SYSTEMS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sections 163.3165 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the County Commission to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the County (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, Nassau County, on January 28, 1991, adopted a Comprehensive Plan in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, upon review such adopted Comprehensive Plan was found to be "Not in Compliance" by the Department of Community Affairs (DCA); and

WHEREAS, to avoid prolonged litigation through the

Administrative Hearing and court process, Nassau County, on June 29, 1993, reluctantly entered into a Stipulated Settlement Agreement with DCA to take remedial action amending the adopted Plan to bring the Plan "Into Compliance" by DCA standards; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Nassau County, Florida, held public hearings with due public notice having been provided on the proposed amendments to the comprehensive plan; and

WHEREAS, the Board of County Commissioners of Nassau County, Florida, further considered all oral and written comments received during public hearings and the objections, recommendations, and comments provided by the DCA regarding the proposed amendments; and

WHEREAS, the Board of County Commissioners, in reviewing the Land Use Map, has discovered certain scrivener's errors on the Map and has corrected those errors in the present map submitted; and

WHEREAS, the Board of County Commissioners has re-worded specific policies to conform to present policies of the DCA; and

WHEREAS, in exercise of its authority, the Board of County Commissioners has determined it necessary and desirable to adopt the amended version of the Comprehensive Plan to preserve and enhance present advantages; encourage the most appropriate use of land, water, and other resources consistent with the present interest; and deal effectively with future problems that may result from the use and development of land within Nassau County.

NOW, THEREFORE, BE IT ORDAINED this 27th day of September, 1993, by the Board of County Commissioners of Nassau County,

Florida, that Ordinance 91-4, as amended, be further amended as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of the Stipulated Settlement Agreement between the Department of Community Affairs (DCA) and Nassau County, signed June 29, 1993, and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, ~~as amended~~. This Ordinance also provides for correction of scrivener's errors on the land use map. The correction of the scrivener's errors have been indicated on the maps accompanying this Ordinance and are specifically set forth on Exhibit "1-A". In addition, this Ordinance amends Policy 1.02.5(e); 5.01.03; 5.01.04; 5.04A.01; and adds Policy 5.04A.08; 6.02.09; 7.02.07; 7.03.05. Said changes are set forth in the attached Exhibit "1-B".

Section 2. Title of Comprehensive Plan.

The revised version of the Comprehensive Plan for Nassau County, Florida, shall be entitled "The Nassau County Comprehensive Plan 2005".

Section 3. Nassau County Future Land Use Element.

The Nassau County Future Land Use Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "A" and incorporated herein ~~by reference~~;

(1) Goals, objectives, policies, including definitions, and any specifically incorporated appendixes, tables, or ~~exhibits~~ figures.

~~(2) Plan implementation requirements.~~

(b) ~~Future Land Use Map.~~ All maps referenced in the Element.
Section 4. Traffic Circulation Element.

The Traffic Circulation element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "B" and incorporated herein;

Goals, objectives, and policies including definitions, and any specifically incorporated appendixes, tables, or ~~exhibits~~ figures.

(b) Future Traffic Circulation Map Series.

Section 5. Housing Element.

The Housing Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "C" and incorporated herein:

Goals, objectives, and policies including definitions,

and any specifically incorporated appendixes, tables, figures, or exhibits maps.

Section 6. Public Facilities Element (Sanitary Sewer, Potable Water, Drainage, Solid Waste, and Aquifer Recharge).

The Public Facilities Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "D" and incorporated herein:

Goals, objectives, and policies including definitions, and any specifically incorporated appendixes, tables, or exhibits figures as well as all maps referenced in the text.

Section 7. Coastal Management—Element.

The Coastal Management—Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "E" and incorporated herein:

Goals, objectives, and policies including definitions, and any specifically incorporated appendixes, tables, or exhibits figures as well as all maps referenced in the text.

Section 8. Conservation Element.

The Conservation Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau

County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "F" and incorporated herein:

Goals, objectives, and policies including definitions, and any specifically incorporated appendixes, tables, or ~~exhibits~~ figures as well as all maps referenced in the text.

~~(b) Any maps incorporated by reference.~~

Section 9. Recreation and Open Space Element.

The Recreation and Open Space Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include the text attached hereto as Exhibit "G" and incorporated herein: Goals, objectives, and policies, including definitions, and any specifically incorporated appendixes, tables, maps, or ~~exhibits~~ figures as well as all maps referenced in the text.

Section 10. Intergovernmental Coordination Element.

The Intergovernmental Coordination Element of the Nassau County Comprehensive Plan is hereby adopted to include the text attached hereto as Exhibit "H" and incorporated herein: Goals, objectives, and policies, including definitions, and any specifically incorporated appendixes, tables, or exhibits.

Section 11. Capital Improvement Element.

The Capital Improvements Element of the Nassau County Comprehensive Plan, including all amendments thereto as specified

in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include:

(a) The text attached hereto as Exhibit "I" and incorporated herein: Goals, objectives, and policies, including definitions, and any specifically incorporated appendixes, tables, or ~~exhibits~~ figures.

(b) Schedule of capital improvements.

(c) Procedures for annual monitoring and evaluations.

Section 12. Monitoring and Evaluation Section.

The Monitoring and Evaluation Section of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted to include the text attached hereto as Exhibit "J" and incorporated herein.

Section 13. Applicability and Effect.

The applicability and effect of the Nassau County Comprehensive Plan shall be provided by the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.32161 through 163.3215, Florida Statutes, and this Ordinance.

Section 14. ~~Severability~~ Concurrency Management Plan

The Concurrency Management Plan of the Nassau County Comprehensive Plan, including all amendments thereto as specified in the Nassau County/DCA "Stipulated Settlement Agreement" of June 29, 1993, is hereby adopted as Exhibit "J" to include:

(a) Procedures for application and evaluation

(b) Determination of Concurrency Funding

(c) Period of concurrency validation

(d) Operating procedures of the Concurrency Management System.

Section 15. Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 16. Copy on File.

(a) A certified copy of the enacting ordinance, as well as certified copies of the Nassau County Comprehensive Plan and any amendments thereto, shall be filed with the Clerk of the Circuit Court.

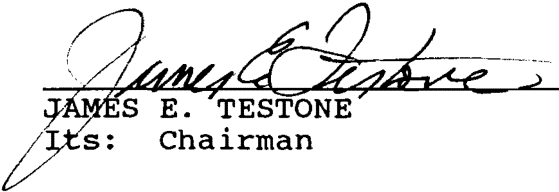
(b) To make the Nassau County Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as a certified copiesy of the Nassau County Comprehensive Plan and any amendments thereto, shall be located in the Planning and Zoning Department of Nassau County. The Planning Director shall ~~also~~ make copies available to the public for a reasonable publication charge.

Section 17. Effective Date.

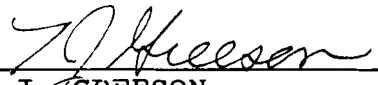
This Ordinances shall be filed with the Office of the Secretary of State of Florida and shall immediately take effect upon receipt of official acknowledgment from the Secretary of State

that said Ordinance has been filed with that office.

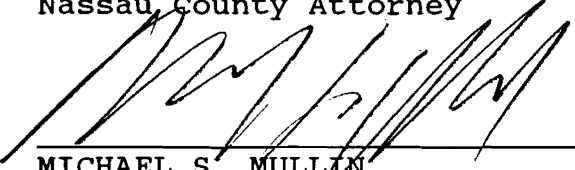
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


JAMES E. TESTONE
Its: Chairman

ATTEST:


T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

6/b:c-plan3.ord

"Exhibit 1-A"

COMPREHENSIVE PLAN

REMEDIAL AND TECHNICAL AMENDMENTS

Adopted by Board of County Commissioners

Public Hearing - September 27, 1993

1. Scrivener Amendments to Future Land Use Map
2. Rework - Policy 1.02.05(E), Page AA-7
3. Rework - Policy 5.01.03 and 5.01.04 Public Beach Access,
Page EE-1
4. Rework - Policy 5.04A.01 Post Disaster Expenditures
Add - Policy 5.04A.08
5. Add - Policy 6.02.09 Conservation Element, Page FF-4
6. Add - Policy 7.02.07 & 7.03.05 Recreation Element,
Page GG-3 & 4

Exhibit 1-B

**FUTURE LAND USE MAP (FLUM)
Remedial and Technical Amendments including
Scrivener Changes**

September 13, 1993

1. Little Piney Island - No Density Shown, should be **LOW DENSITY RESIDENTIAL** (as shown on previous FLUM).
2. Should be a **COMMERCIAL** strip along north side of A-1-A on both sides of Piney Island entrance (as shown on previous FLUM).
3. Marsh Lakes Planned Unit Development, should be **Medium Density Residential, High Density Residential and Commercial** (as shown on approved PUD (shown on previous FLUM)).
4. Blank (white color) area at Pine Grove Road and Little Berry Lane should be **Low Density/and Public Bldgs. & Grounds for park site.**
5. Landfill and Govt. Bldgs. should show as **PUBLIC BLDGS.** The commercial should extend to the east boundary of the Yulee Methodist Church and south of the church site to the edge of the wetlands (as depicted).
6. Stone Container should be shown as **INDUSTRIAL** (not govt. use).
7. Property should be **COMMERCIAL** (Bobbi Boone & McSivid Sandblasting).
8. **AGRICULTURE**, as shown on previous maps.
9. Northeast and Southeast corner of intersection of 119 and 121 should be **COMMERCIAL.**
10. Existing commercial frontage should be **COMMERCIAL** along East and West sides of U.S. 301/1 between Pratt Siding Road and old Alligator Farm. Located in Section 26&37, Twp.3N, Rng.24 E.
11. Southeast and Northeast corner of intersection of Eastwood Road and US 301/1. Should be **COMMERCIAL.**
12. North boundary of Hilliard Town limits, along West side of US 301/1 should be **LOW DENSITY RESIDENTIAL.**
13. Area along West side of US 301/1 (Boulogne), between the St. Marys River and existing commercial motel should be **COMMERCIAL.**
14. Existing Kings Ferry grocery should be **COMMERCIAL.**
15. Corner of Deerfield Rd. & Lem Turner Rd. to **Residential** with Fire Station as **Public Building.**

Future Land Use Element (Page AA-7)

Policy 1.02.05(E) Recreation

Land designated for recreation is intended for a variety of leisure time activities. Included in this land use classification are both resource-based and activity-based sites and facilities. Resource-based sites and facilities are oriented toward natural resources; activity-based sites and facilities are those that require major development for the enjoyment of a particular activity. Activity-based sites and facilities include ball fields, golf courses, tennis courts, etc.; resource-based facilities include lakes, hiking trails, wilderness campsites, greenway corridors, boat launching facilities, public beach and water accesses, scenic overlooks, etc.

The use of land for recreational purposes shall follow performance standard guidelines which control noise, pollution, etc., to ensure compatibility with adjacent land uses.

Impervious surface land coverage of recreation land use shall not exceed 50 percent for active recreational development; 10 percent for passive recreational development.

Coastal Management Element (Page EE-1)

Policy 5.01.03 - Public Beach Access

The County will not vacate ~~necessary~~ existing easements, rights-of-way, walkways and other access points to beaches and shores.

Policy 5.01.04- Public Beach Access

The County will acquire public beach access and expansion to existing public accessways through dedication, purchase or other means, ~~public access~~ at approximately 1/2 miles increments and together with increased facilities for public beaches accesses (i.e.: parking, restrooms, showers, picnic facilities, new and improved beach ramps and walkways, etc.)

Coastal Management Element (Page EE-4)

Policy 5.04A.01 - Post Disaster Expenditures

The Coastal High Hazard Area in Nassau County shall include all land and water areas depicted as inundated by a Category 1 through 3 Hurricane Storm Surge (Figure E-5).

Policy 5.04A.08

Land lying within or partially within Coastal High Hazard Areas shall receive a top priority for acquisition if they have one or more of the following characteristics: (1) pristine coastal property or coastal property with significant or important environmental sensitivity, (2) provide public access to beach areas or expand existing public access areas, (3) would assist the County in its beach management efforts, (4) assist in hazard mitigation, (5) provide recreational opportunities within the Amelia Island "Urban Service Area", (6) will help ensure the protection or enhancement of beach or shoreline ecosystems, and (7) creates a new or expands an existing greenway corridor.

Conservation Element - (Page FF-4)

Policy 6.02.09

New development will be reviewed for the establishment and acquisition of natural Greenways where they may provide links between nature reserves, parks, cultural and historic sites, natural wetlands, beaches and other water bodies. Non-linking expansion or extension of greenways will be considered to help preserve natural floodplains, wetlands and native habitat or wildlife movement routes. Greenway corridors may be used for resource conservation or recreation (i.e.: bike trails).

Acquisition may be by purchase, easement, TDR, or public/private partnership

Recreation Element - (Page GG-3)

Policy 7.02.07

The County shall consider greenways to link existing and proposed nature reserves, parks, cultural and historic sites with each other. These greenways may be extensions of the above listed facilities with pedestrian and/or bike trails.

Recreation Element - (Page GG-4)

Policy 7.03.05

Conservation areas, including wetlands, shown on the FLUM shall be reviewed for inclusion in a greenway system if they would provide a link to nature reserves, parks, cultural or historic sites or extensive floodplains, wetlands, lakes or waterways.

Any area designated as a greenway shall count towards the development's Open Space requirement.