

ORDINANCE NO. 2002- 36A

AN ORDINANCE AMENDING AND RESCINDING SECTIONS OF ORDINANCE NO. 2002-06, WHICH AMENDED THE NASSAU COUNTY COMPREHENSIVE PLAN AND FUTURE LAND USE MAPS; SPECIFICALLY RESCINDING LAND USE MAP AMENDMENTS Q, R, AND S (REGIONAL, MUNICIPAL AND LOCAL ACTIVITY CENTERS), FUTURE LAND USE ELEMENT POLICY 1.02.05J(5); FUTURE LAND USE ELEMENT POLICIES 1.04A.02, CONSERVATION ELEMENT POLICIES 6.02.01(a), 6.02.03 AND 6.02.03(g) (VEGETATIVE BUFFERS); FUTURE LAND USE MAP AMENDMENT V; RESCINDING FUTURE LAND USE ELEMENT POLICY 1.02.05B(4) AND DESIGNATION ON THE FUTURE LAND USE MAP (MEDIUM DENSITY BONUS) INDICATING A SCRIVENER'S ERROR; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of County Commissioners of Nassau County, adopted Ordinance No. 2002-06 on the 11th day of March, 2002; and

WHEREAS, the staff has advised the Board of scrivener's errors regarding Future Land Use Element Policy 1.02.05B(4) and the designation on the Future Land Use Map indicating a medium density bonus; and

WHEREAS, staff has consulted with staff members at the Department of Community Affairs regarding Ordinance No. 2002-06; and

WHEREAS, staff recommends rescinding Future Land Use Policy 1.02.05J(5) including the designation on the Future Land Use Maps, Future Land Use Element Policy 1.04A.02, and Conservation Element Policies 6.02.01(a), 6.02.03, and 6.02.03(g) and Future Land Use Map Amendment V; and

WHEREAS, the Board of County Commissioners, after receiving staff recommendations, concurs with said recommendations.

NOW, THEREFORE BE IT ORDAINED this 24th day of June, 2002, by the Board of County Commissioners of Nassau County, Florida that sections of Ordinance No. 2002-06 shall be amended and rescinded as follows:

SECTION 1. PURPOSE AND INTENT

This Ordinance is enacted in order to correct a scrivener's error and to rescind previously adopted EAR based amendments. The rescission is based upon staff review with the Department of Community Affairs and the acknowledgement by County staff and Department of Community Affairs staff that it would best serve the citizens of the county to rescind certain portions and re-write certain aspects to provide clarity.

SECTION 2. SCRIVENER'S ERROR

Future Land Use Element Policy 1.02.05B(4) adopts a density bonus for medium density residential land use category to allow up to five (5) dwelling units per acre rather than the two (2) to three (3) dwelling units per acre. The County voted to provide for the medium density bonus for a particular property located in the unincorporated area of Amelia Island known as PLM East. Exhibit JJ, Proposed Future Land Use Map Changes for the Proposed Nassau County Comprehensive Plan 2000-2010, provides the requirements for the medium density bonus for that property. The inclusion of Future Land Use Element Policy 1.02.05B(4) in the

text and the indication on the future land use map was in error and is hereby deleted.

a. ~~Policy 1.02.05B(4)~~

~~Medium Density Residential Bonus (greater than 2 dwelling units per acre up to 3 dwelling units per acre) MMB with bonus density to 5 units per acre and subject to approval by the Board of County Commissioners based on a recommendation of the Planning and Zoning Board and staff.~~

SECTION 3. RESCISSION

The following policies are hereby rescinded:

1. ~~1.02.05J(5)~~

~~Regional, Municipal and Local Activity Centers~~

a. ~~Regional Activity Center (RAC): A Regional Activity Center shall be a land use category that will be designated and depicted on the Future Land Use Map. It shall consist of an area in close proximity with a major highway intersection where commercial, industrial and residential growth has occurred or is very likely to occur in the next ten years. This area shall be centered on the highway intersection and extend outward one mile from the intersection. Within one year of adoption of the EAR based plan amendment, the county will study the need for allowing development within the RAC that is more dense or~~

~~intense than the county wide adopted land use category. The study will also assess whether to allow the RAC to contain a mix of land uses as allowed in the medium and high density residential, commercial and industrial land use categories.~~

~~b. Municipal Activity Center (MAC): A Municipal Activity Center shall be a land use category that will be designated and depicted on the Future Land Use Map. It shall consist of the area surrounding an incorporated municipality and extend outward one half mile from the municipal boundary. Within one year of adoption of the EAR based plan amendment, the County will study the need for allowing development within the RAC that is denser or more intense than the county wide adopted land use category. The study will also assess whether to allow the RAC to contain a mix of land uses as allowed in the medium and high density residential, commercial and industrial land use categories.~~

~~Local Activity Center: A Local Activity Center shall be a land use category that will be designated and depicted on the Future Land Use Map. It shall consist of the area surrounding a minor highway intersection and extend outward~~

~~about one quarter mile from the intersection. Within one year of adoption of the EAR based plan amendment, the County will study the need for allowing development within the RAC that is more dense or intense than the county wide adopted land use category. The study will also assess whether to allow the RAC to contain a mix of land uses as allowed in the medium and high density residential, commercial and industrial land use categories.~~

~~2. 1.04A.02~~

~~The County shall restrict development in conservation areas, specifically in Conservation I and II, to the maximum extent possible. Where a development proposes to limit development to only the upland portion of a tract of land, up to 1 unit per 1 acre may be transferred from the wetlands to the uplands as part of the development plan approval process.~~

~~A 25 foot minimum buffer of vegetation native to the site shall be provided in Conservation Areas I, II, and IV and where wetlands, named rivers or lakes occur except in Conservation III areas which are all 100 year floodplains as determined by Federal Emergency Management Agency Criteria shall contain an undisturbed native vegetative buffer 50 feet wide with not less than 60 percent of the adjacent developed~~

~~area to the wetlands, but in no event less than 25 feet wide for 40 percent of said developed area with a balance of width required for 50 feet being added to the 60 percent as it fronts the developed area and is consistent with Objective 6.02 and related policies of the Conservation Element.~~

~~3. 6.02.01(a)~~

~~Within one year of adopting the EAR based plan amendment, the County shall adopt revised LDR's that provide for the preservation of open space. Development shall comply with the open space standards as summarized below and as provided for in more detail by the policies of this Conservation Element.~~

~~1. Limit development to the upland portion of a site whenever feasible and practicable.~~

~~2. Maintain a 25 foot minimum set back from wetlands in Conservation I II and IV areas and the Conservation III areas which are all 100 year floodplains as determined by Federal Emergency Management Agency Criteria shall contain an undisturbed native vegetative buffer 50 feet wide with not less than 60 percent of the adjacent developed area to the wetlands, but in no event less than 25 feet wide for 40 percent of said developed area with a balance of width required~~

~~for 50 feet being added to the 60 percent as it fronts the developed area.~~

~~3. Limit development so that whenever feasible and practicable native vegetative communities are preserved.~~

~~4. Require development, where practicable and feasible to maintain the canopy integrity in hammock and scrub areas.~~

~~5. Development shall maintain conservation easements in county designated corridors.~~

~~6. Limit development in designated wildlife habitat corridors.~~

~~7. Require that a percentage of the parcel proposed for development is maintained as open space.~~

~~4. 6.02.03~~

~~A 25 foot minimum buffer of natural vegetation native to the site shall be provided where wetlands and water bodies occur except in Conservation III areas which are all 100 year floodplains as determined by Federal Emergency Management Agency Criteria shall contain an undisturbed native vegetative buffer 50 feet wide with not less than 60 percent of the adjacent developed area to the wetlands, but in no event less than 25 feet wide for 40 percent of said developed area with a balance of width required for 50 feet being added to the 60 percent as it fronts the developed area.~~

~~Wetland and water body boundaries shall be jurisdictional boundaries as established or approved by the U.S. Corp of Engineer, SJRWMD or other agency(s) designated by the County.~~

~~5. 6.02.03(g)~~

~~Consistent with the land use designations of the Future Land Use Element (Policy 1.02.05), the Conservation land use designation is defined in the following manner:~~

- ~~1. Conservation I: This land use designation includes all jurisdictional wetlands over two acres in size. This category of land use is not an overlay district and is shown on the Future Land Use Map. Land uses allowed in this category include passive recreation uses, residential and agriculture uses that use BMPs and have received all required regional and state permits. The Future Land Use Map Setback distances for development shall be 25 feet from the wetland boundary. Density shall be one unit per five acres or less. The only fill allowed in this type of wetland shall be the minimum necessary to allow for the construction of the proposed dwelling(s) clustered at the density allowed and for transportation access. The clearing of native~~

~~vegetation shall not be allowed except for that which is required to construct the dwelling and accessory structures and to maintain transportation access.~~

~~2. Conservation II: This land use designation includes all jurisdictional wetlands under two acres in size. This category of land use is not an overlay district and is shown generally on the Future Land Use Map. Land uses allowed in this category include passive recreation uses, residential and agriculture uses that use BMPs and have received all required regional and state permits. Setback distances for development shall only be as required by the SJRWMD and other state/federal agencies as appropriate. Density shall be one unit per five acres or less. The only fill allowed in this type of wetland shall be the minimum necessary to allow for the construction of the proposed dwelling(s) clustered at the density allowed and for transportation access. The clearing of native vegetation shall not be allowed except for that which is required to construct the dwelling and accessory structures and to maintain transportation access.~~

~~3. Conservation III: Conservation III areas are all 100 year floodplains as determined by Federal Emergency Management Agency Criteria and shall contain an undisturbed native vegetative buffer 50 feet wide with not less than 60 percent of the adjacent developed area to the wetlands, but in no event less than 25 feet wide for 40 percent of said developed area with a balance of width required for 50 feet being added to the 60 percent as it fronts the developed area. This land use designation is an overlay district. As such, the Future Land Use Map shows an underlying land use designation. Density shall be as allowed by the underlying land use. Development shall be protected from flooding as required by the Nassau County Floodplain regulations.~~

~~4. Conservation IV: This land use designation is for publicly owned conservation lands. Development is limited to that which is allowed by Policy 1.02.05 of the Future Land Use Element.~~

SECTION 4. LAND USE MAP

1. The Land Use Map amendments Q, R, and S that address Policy 1.02.05J(5) are rescinded.
2. The Land Use Map amendment indication as to the medium density bonus is deleted as indicated in Section 2 due to a scrivener's error.

3. The Land Use Map Amendment V is rescinded based upon no data and analysis to support the amendment.

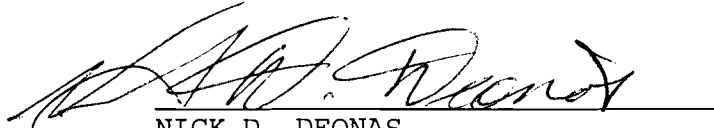
SECTION 5. REMAINING PROVISIONS

All other remaining sections of Ordinance No. 2002-06 shall remain in full and effect as previously submitted.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective upon its being filed with the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



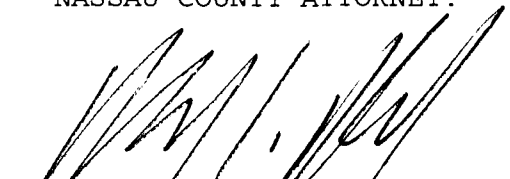
NICK D. DEONAS
Its: Chairman

ATTEST:



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

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:



MICHAEL S. MULLIN