



AN ORDINANCE AMENDING AND REVISING THE COMPREHENSIVE PLAN OF NASSAU COUNTY, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES), INCLUDING REVISIONS TO THE COASTAL MANAGEMENT ELEMENT AND POLICIES; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Sections 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 of Nassau County 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, the Nassau County Planning and Zoning Board has been established pursuant to Nassau County Ordinance No. 74-33; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Nassau county, by Ordinance No. 83-19, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and

WHEREAS, the Board of County Commissioners adopted a Comprehensive Plan and Future Land Use Map pursuant to Ordinance 91-4, and amended said Plan and Map pursuant to Ordinance 93-19 and Ordinance 2002-06; and

WHEREAS, the Nassau County Planning and Zoning Board held duly noticed public hearings to address the amendment; and

WHEREAS, the Department of Community Affairs, in conjunction with the Applicant (Crane Island Investments, LLC, et al.), provided the initial text change language for consideration by the Board of County Commissioners, in conjunction with the requested Future Land Use Map amendment; and

WHEREAS, the Nassau County Board of County Commissioners has, in the preparation of the amended version of the Nassau County Comprehensive Plan has

considered the recommended language of the Department of Community Affairs for Section 5.05.06(a) and held numerous public hearings, effectively provided for full public participation, required notice to the public, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, and consideration and response to public and official comments; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners, without comment, transmitted ten (10) copies of the DCA-recommended amended version of the Comprehensive Plan to the Department of Community Affairs (DCA) as the State Land Planning Agency for written comment, and transmitted one (1) copy to each of the local government or governmental agencies in the State of Florida having filed with the Board of County Commissioners a request for a copy of the amended version of the Comprehensive Plan; and

WHEREAS, the Department of Community Affairs, after review of the transmitted language, made changes to the proposed language; and

WHEREAS, the DCA-recommended text change language was revised after public hearings and with the concurrence of DCA; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners of Nassau County held public hearings with due public notice having been provided, on the text change, and with written advance notice of such public hearings having been provided to the State Land Planning Agency; and

WHEREAS, the Board of County Commissioners of Nassau County further considered all oral and written comments received during public hearings and recommendations of the Department of Community Affairs; and

WHEREAS, the Department of Community Affairs has conditioned the density increase on the Future Land Use Map for Crane Island on the approval of the text change to Section 5.05.06(a)

WHEREAS, in exercise of its authority, the Board of County Commissioners of Nassau County has determined it necessary to adopt with provision for revocation the Comprehensive Plan amendment that is set forth herein.

NOW, THEREFORE, BE IT ORDAINED this 23rd day of June, 2003, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION 1. PURPOSE AND INTENT

This Ordinance is enacted pursuant to the requirements of Chapter 163, Florida Statutes, and Chapter 9J-5, F.A.C.

Specifically, the authority for this Ordinance is Section 163.3191, Florida Statutes. This Ordinance amends Ordinance 91-4, as amended.

SECTION 2. COASTAL MANAGEMENT ELEMENT

The Coastal Management Element, Goals, Objectives and Policies, is amended as set forth in Exhibit "A" which shall become a part hereof.

SECTION 3. 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.

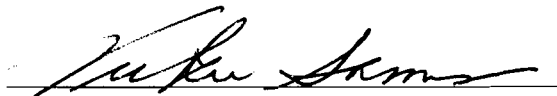
SECTION 4. EFFECTIVE DATE

This Ordinance shall be filed with the Department of Community Affairs after adoption by the Board of County Commissioners. This Ordinance shall become effective upon notification by the Department of Community Affairs that the amendment is found to be in compliance, and upon receipt of the official notification by the Department of Community Affairs, the Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

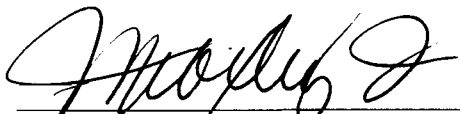
SECTION 5. PROVISION FOR REVOCATION

In the event the Circuit Court makes a final determination that the County is without jurisdiction to enforce a binding agreement with the Applicant contemplated by the terms set forth on Exhibit A in numbered paragraphs 1 through 5, then the County may, by filing a certified copy of the final determination with the Department of Community Affairs, revoke this amendment ab initio.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


VICKIE SAMUS
Its: Chairman

ATTEST:


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

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

h/anne/ords/comp-plan-crane-is1

EXHIBIT "A"

NASSAU COUNTY COMPREHENSIVE PLAN - TEXT AMENDMENT
ADDING COASTAL MANAGEMENT ELEMENT

Section 5.05.06-a is hereby amended as follows:

To maintain the maximum evacuation time, the County shall not allow an overall increase in the density of land use that is allowed by the Future Land Use Map within the Coastal High Hazard Area (CHHA).

Amendments to the Future Land Use Map for parcels within the Coastal High Hazard Area ("CHHA") that would allow higher densities on these parcels may be approved provided that the County has adopted in the immediately prior large scale cycle (provided that such prior cycle occurred within the same or the preceding calendar year) or simultaneously adopts a Future Land Use Map amendment establishing at least an equivalent decrease in density on another vacant, developable parcel in the CHHA. The parcel subject to the density increase and the parcel subject to the decrease must be located within the CHHA, and must utilize the same main evacuation route(s) and evacuation shelter(s), and must not result in any increase of development within the velocity zone (Zone V and VE) as depicted on the FEMA flood insurance rate maps. Any density decreases may not be "banked". And utilization of

decreased densities shall be subject to the requirements of this Section.

Prior to the issuance of any development permits for said parcels where the density on the FLUM has increased, the landowner/developer shall enter into a binding agreement approved by the County establishing conditions and/or commitments which ensure that the change in location of the density within the CHHA will not cause the hurricane evacuation clearance times to increase. At a minimum, the binding agreement shall include:

1. A provision that any local roadway or intersection improvements that are necessary to ensure that clearance times will not be increased based on a traffic analysis that evaluates the transfer in the location of the density.

2. If any new or improved roadways or bridges are required to accommodate development on the parcel where density has increased, such roadway or bridge improvement must be built or retro-fitted at an elevation above the Category One storm surge level;

3. A provision establishing a method of early warning, such as NOAA radios or reverse "911", in any residential development;

4. A provision that the development will include a significant public benefit, such as a public waterfront park area or other public benefit appropriate to the development; and

5. A provision requiring that the development be tied into central water and sewer facilities and indicating that public expenditures to construct infrastructure for the development shall not be allowable. Similarly, public expenditures to maintain infrastructure shall not be allowable except to the extent that public maintenance is required by local governmental authorities or where control of said infrastructure is desired or required by and agreed to by local authorities.

EXHIBIT "A"

A PORTION OF SECTION 19, "CRANEY ISLAND," AND A PORTION OF SECTIONS 6 AND 49, ALL IN TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89°48'01" EAST, ALONG THE NORTHERLY LINE OF SAID SECTION 6, A DISTANCE OF 1143.72 FEET TO ITS INTERSECTION WITH THE ORIGINAL GOVERNMENT MEANDER LINE; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG LAST SAID LINE, RUN THE FOLLOWING FOUR (4) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 23°19'40" WEST, 1135.18 FEET, TO THE EASTERLY PROLONGATION OF THE SOUTHERLY BOUNDARY OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN OFFICIAL RECORDS 0539, PAGE 1100, OF THE PUBLIC RECORDS OF SAID COUNTY, AND THE POINT OF BEGINNING; COURSE NO. 2: CONTINUE SOUTH 23°19'40" WEST, 111.15 FEET; COURSE NO. 3: SOUTH 00°10'48" WEST, 327.86 FEET; COURSE NO. 4: SOUTH 09°53'05" EAST, 496.61 FEET TO THE WATERWARD BOUNDARY LINE (AS OF JULY 1, 1975), AS DIGITIZED AND SHOWN ON CLARY & ASSOCIATES, INC. MAP FILE NO. T2N-57, DATED MARCH 16, 1998; THENCE SOUTHWESTERLY, NORTHWESTERLY, SOUTHEASTERLY, NORTHEASTERLY ALONG THE BOUNDARY OF SAID LINE, RUN THE FOLLOWING SIXTY-EIGHT (68) COURSES AND DISTANCES: COURSE NO. 1: SOUTH 74°39'00" WEST, 281.30 FEET; COURSE NO. 2: NORTH 78°01'26" WEST, 168.67 FEET; COURSE NO. 3: SOUTH 21°48'05" WEST, 80.78 FEET; COURSE NO. 4: NORTH 68°11'55" WEST, 26.93 FEET; COURSE NO. 5: NORTH 04°05'08" EAST, 70.18 FEET; COURSE NO. 6: NORTH 78°41'24" WEST, 50.99 FEET; COURSE NO. 7: SOUTH 26°33'54" WEST, 44.72 FEET; COURSE NO. 8: NORTH 83°53'04" WEST, 140.80 FEET; COURSE NO. 9: NORTH 39°28'21" WEST, 110.11 FEET; COURSE NO. 10: SOUTH 49°23'55" WEST, 92.20 FEET; COURSE NO. 11: SOUTH 86°11'09" WEST, 150.33 FEET; COURSE NO. 12: SOUTH 12°31'44" EAST, 184.39 FEET; COURSE NO. 13: SOUTH 52°56'29" EAST, 265.50 FEET; COURSE NO. 14: SOUTH 40°42'33" EAST, 395.76 FEET; COURSE NO. 15: SOUTH 28°15'22" EAST, 30.83 FEET; COURSE NO. 16: SOUTH 01°20'01" WEST, 284.50 FEET; COURSE NO. 17: SOUTH 50°37'47" WEST, 46.38 FEET; COURSE NO. 18: SOUTH 14°48'00" EAST, 63.24 FEET; COURSE NO. 19: SOUTH 68°30'21" WEST, 49.57 FEET; COURSE NO. 20: SOUTH 44°11'53" WEST, 109.78 FEET; COURSE NO. 21: SOUTH 39°52'47" EAST, 49.14 FEET; COURSE NO. 22: SOUTH 38°05'15" WEST, 53.44 FEET; COURSE NO. 23: SOUTH 64°51'40" WEST, 59.41 FEET; COURSE NO. 24: SOUTH 29°31'42" WEST, 73.29 FEET; COURSE NO. 25: SOUTH 64°12'35" EAST, 57.34 FEET; COURSE NO. 26: SOUTH 04°07'01" EAST, 225.67 FEET; COURSE NO. 27: SOUTH 19°15'12" WEST, 75.00 FEET; COURSE NO. 28: SOUTH 13°01'15" EAST, 53.04 FEET; COURSE NO. 29: SOUTH 19°15'12" WEST, 85.26 FEET; COURSE NO. 30: NORTH 02°57'43" WEST, 87.20 FEET; COURSE NO. 31: NORTH 78°34'19" WEST, 62.01 FEET; COURSE NO. 32: SOUTH 25°20'49" WEST, 88.59 FEET; COURSE NO. 33: SOUTH 10°00'00" EAST, 67.54 FEET; COURSE NO. 34: SOUTH 51°06'36" WEST, 44.72 FEET; COURSE NO. 35: SOUTH 65°28'19" WEST, 261.52 FEET; COURSE NO. 36: NORTH 69°31'03" WEST, 94.43 FEET; COURSE NO. 37: SOUTH 49°20'09" WEST, 94.17 FEET; COURSE NO. 38: SOUTH 74°34'09" EAST, 141.93 FEET; COURSE NO. 39: SOUTH 44°16'05" EAST, 52.74 FEET; COURSE NO. 40: SOUTH 04°49'42" WEST, 113.69 FEET; COURSE NO. 41: SOUTH 52°23'53" EAST, 69.62 FEET; COURSE NO. 42: NORTH 75°32'52" EAST, 56.74 FEET; COURSE NO. 43: SOUTH 28°04'35" EAST, 64.20 FEET; COURSE NO. 44: SOUTH 12°21'19" WEST, 248.98 FEET; COURSE NO. 45: SOUTH 36°22'50" WEST, 134.63 FEET; COURSE NO. 46: SOUTH 08°46'24" WEST, 57.66 FEET; COURSE NO. 47: SOUTH 48°13'44" WEST, 114.05 FEET; COURSE NO. 48: SOUTH 36°54'27" WEST, 59.38 FEET; COURSE NO. 49: SOUTH 51°09'37" WEST, 73.70 FEET; COURSE NO. 50: SOUTH 01°32'06" WEST, 63.56 FEET; COURSE NO. 51: SOUTH 13°16'09" WEST, 54.31 FEET; COURSE NO. 52: SOUTH 05°24'52" WEST, 54.62 FEET; COURSE NO. 53: SOUTH 38°34'53" WEST, 99.52 FEET; COURSE NO. 54: SOUTH 57°45'16" WEST, 43.99 FEET; COURSE NO. 55: NORTH 20°53'50" WEST, 165.67 FEET; COURSE NO. 56: NORTH 24°47'58" WEST, 100.27 FEET TO THE MEAN HIGH WATER LINE (AS ESTABLISHED BY CLARY & ASSOCIATES, IN ACCORDANCE WITH CHAPTER 177, PART II, FLORIDA STATUTES, CHAPTER 18-5, F.A.C.

AND CHAPTER 21HH-6, F.A.C., AS SHOWN ON CLARY & ASSOCIATES MAP, FILE NO. T2N-35); THENCE NORTHWESTERLY AND NORTHEASTERLY, ALONG LAST SAID LINE, RUN THE FOLLOWING THIRTY-FOUR (34) COURSES AND DISTANCES: COURSE NO. 1: NORTH 41°09'56" WEST, 102.29 FEET; COURSE NO. 2: NORTH 33°19'15" WEST, 100.28 FEET; COURSE NO. 3: NORTH 27°46'17" WEST, 100.02 FEET; COURSE NO. 4: NORTH 39°13'10" EAST, 20.24 FEET; COURSE NO. 5: NORTH 39°26'44" WEST, 94.05 FEET; COURSE NO. 6: NORTH 15°56'27" WEST, 100.65 FEET; COURSE NO. 7: NORTH 25°31'47" WEST, 100.00 FEET; COURSE NO. 8: NORTH 22°22'49" WEST, 100.10 FEET; COURSE NO. 9: NORTH 32°15'03" WEST, 100.82 FEET; COURSE NO. 10: NORTH 22°03'09" WEST, 95.72 FEET; COURSE NO. 11: NORTH 07°35'42" WEST, 100.32 FEET; COURSE NO. 12: NORTH 12°20'27" WEST, 100.00 FEET; COURSE NO. 13: NORTH 14°27'34" WEST, 100.08 FEET; COURSE NO. 14: NORTH 01°34'37" WEST, 101.73 FEET; COURSE NO. 15: NORTH 16°00'07" WEST, 100.22 FEET; COURSE NO. 16: NORTH 16°23'39" WEST, 94.90 FEET; COURSE NO. 17: NORTH 05°55'55" WEST, 100.32 FEET; COURSE NO. 18: NORTH 07°10'22" EAST, 101.12 FEET; COURSE NO. 19: NORTH 08°05'08" WEST, 110.67 FEET; COURSE NO. 20: NORTH 02°37'48" EAST, 37.66 FEET; COURSE NO. 21: NORTH 04°06'05" WEST, 199.79 FEET; COURSE NO. 22: NORTH 04°53'01" WEST, 131.15 FEET; COURSE NO. 23: NORTH 12°09'13" WEST, 160.18 FEET; COURSE NO. 24: NORTH 05°01'54" EAST, 160.02 FEET; COURSE NO. 25: NORTH 13°25'31" WEST, 141.70 FEET; COURSE NO. 26: NORTH 14°18'10" WEST, 154.82 FEET; COURSE NO. 27: NORTH 05°30'37" WEST, 143.95 FEET; COURSE NO. 28: NORTH 05°35'10" WEST, 144.68 FEET; COURSE NO. 29: NORTH 41°54'22" EAST, 128.72 FEET; COURSE NO. 30: NORTH 39°39'37" WEST, 184.51 FEET; COURSE NO. 31: NORTH 08°26'08" WEST, 155.35 FEET; COURSE NO. 32: NORTH 00°22'39" WEST, 103.87 FEET; COURSE NO. 33: NORTH 02°17'02" EAST, 114.51 FEET; COURSE NO. 34: NORTH 59°55'35" EAST, 30.64 FEET, TO THE WESTERLY PROLONGATION OF THE AFORESAID SOUTHERLY BOUNDARY OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN SAID OFFICIAL RECORDS 0539, PAGE 1100; THENCE NORTH 83°34'36" EAST, ALONG LAST SAID LINE, AND ALONG SAID SOUTHERLY LINE OF THOSE LANDS DESIGNATED AS PARCEL 1, AND DESCRIBED AND RECORDED IN SAID OFFICIAL RECORDS 0539, PAGE 1100, AND THE WESTERLY PROLONGATION THEREOF, A DISTANCE OF 2119.07 FEET, TO THE POINT OF BEGINNING.

CONTAINING 113.69 ACRES, MORE OR LESS

98-605.DOC
25 JUNE 98

EXHIBIT "A"