

**ORDINANCE 2006- 46**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE 91-4, AS AMENDED, KNOWN AS THE "COMPREHENSIVE PLAN OF NASSAU COUNTY"; SPECIFICALLY, AMENDING POLICY 1.01.01, POLICY 1.02.05 AND POLICY 1.04A.02 OF THE FUTURE LAND USE ELEMENT; AMENDING POLICY 4.05B.02 OF THE PUBLIC FACILITIES ELEMENT; AND, AMENDING POLICY 6.02.03 OF THE CONSERVATION ELEMENT TO PROVIDE MINIMUM WETLAND BUFFER REQUIREMENTS; 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**, Nassau County's Comprehensive Plan provides for wetland buffers, as follows: "A 50-foot buffer of vegetation native to the site shall be provided where wetlands occur" and "a 50-foot buffer of vegetation native to the area will be required between the developed area and wetlands."

**WHEREAS**, Nassau County has enacted Land Development Regulation 6.5 which provides for wetland buffers, as follows: "A buffer which is an average of 50 feet wide, but in no event less than 25 feet wide, of undisturbed native vegetation shall be provided between the developed area and where wetlands, named rivers or lakes occur. An access way no more than 20 feet wide may be provided through the wetland buffer;

**WHEREAS**, the Florida Department of Community Affairs has issued a preliminary determination that Land Development Regulation 6.5 is not consistent with Nassau County's Comprehensive Plan provisions related to wetland buffers;

**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 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 text amendment 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 91-04, as amended.

**NOW, THEREFORE BE IT ORDAINED** this 10<sup>th</sup> day of April, 2006, by the Board of County Commissioners of Nassau County, Florida that Ordinance 91-4, as amended, be amended as follows:

**NASSAU COUNTY  
FUTURE LAND USE ELEMENT**

**OBJECTIVE 1.01 COORDINATE FUTURE LAND USES**

Upon adoption of the EAR based Plan amendment, the County will correlate future land uses with the appropriate environmental conditions and the availability of supporting infrastructure.

- 1.01.01** Protect estuaries by mitigating the harmful effects of sanitary sewer wastewater and stormwater discharge into Class II and Class III waters by implementing the policies of this Comprehensive Plan, which include, but are not limited to, initiating a countywide storm water management plan, requiring the use of best management practices for silviculture, ~~requiring a 25 foot minimum setback 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 as required by state and federal regulation for new development adjacent to wetlands and water bodies requiring the provision of natural vegetated upland buffers between developed areas and wetlands and water bodies as established in Policy 1.04A.02, and~~ requiring and establishing criteria for reuse as cited in Policy 1.04A.07.
- 1.01.02** Criteria shall be included in the Land Development Regulations to include requirements to preserve/replace the natural/native vegetation along perennial streams and waterways as defined in best management practices for silviculture to maintain the natural beauty of the area, to control erosion, and to retard runoff.
- 1.01.03** Protect natural resources by working closely with various local, state, and federal agencies in collecting information, coordinating development permitting and reporting violations of laws and regulations, which would have a negative impact on the environment.

- 1.01.04** Require that consideration of amendments to the Future Land Use Map address issues pertaining to the availability of supporting infrastructure in accordance with Chapter 9J-5.0055(2) (a), (b), and (c) F.A.C.
- 1.01.05** Ensure through the Zoning Code and Subdivision Regulations that future land uses provide for drainage and stormwater management, open space, and safe and convenient on-site traffic flow, considering needed vehicle parking.
- 1.01.06** Require that post-development conditions for stormwater run-off shall equal or be less than pre-development run-off conditions. These standards will be incorporated into the revised land development code.
- 1.01.07** This policy addresses development standards within the 100-year floodplain. The land use designation of the 100-year floodplain is Conservation III (as per Policy of this Plan). The Conservation III land use designation is an overlay zone. Development within Conservation III areas (e.g., the 100 year flood plain) may develop as allowed by the underlying land use, unless otherwise restricted by the policies of this Comprehensive Plan and the County's Flood Plain Ordinance. Nassau County shall include controls in its Land Development Regulations based upon the latest version of the Flood Insurance Rate Maps and model "Flood Damage Prevention Ordinance" promulgated by FEMA to establish the location of the 100-year floodplain and flood prone areas in Nassau County. The LDRs, then, shall require new construction in these areas to meet FEMA regulations. Our policy will be to control development in flood prone areas to match FEMA requirements to qualify for community rating system.

In addition, the following criteria will apply to development in the 100-year floodplain:

- a. Clearing of native vegetation will be minimized in the 100-year floodplain by requiring a 60% open space ratio for all new development. However, if the 100-year floodplain is also within a jurisdictional wetland, the following shall apply:

Conservation I and II (jurisdictional wetlands). 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. Agricultural uses are allowed if they use BMPs, where available, and have received all required regional and state permits. Passive recreation uses are also allowed in all jurisdictional wetlands. This requirement shall apply to all jurisdictional wetlands, regardless of whether the wetland is located within the 100-year floodplain.

- b. Use of septic tanks in flood prone areas will be restricted as specified by the County Department of Health and all such sewage disposal systems may be required to connect to central sewage systems when system collection lines are made available consistent with Chapter 381.0065, Florida Statutes. The availability of public sewer facilities, as defined by this statute is described below:

"Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of

being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.
2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.
3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.
4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.
  - a. Any development within a flood prone area will maintain the natural topography and hydrology of the development site.

#### **OBJECTIVE 1.02 REDEVELOPMENT/RENEWAL/COMPATIBILITY**

Upon Plan adoption, the County will locate future land uses where they appear most compatible with surrounding land uses and will establish the following policies to implement the redevelopment and renewal of blighted areas.

- 1.02.01** Future industrial development shall be located in planned industrial parks or in areas with compatible surrounding land uses.
- 1.02.02** The Land Development Regulations will include criteria to reduce the intrusion of incompatible commercial, industrial and other land uses into residential areas.
- 1.02.03** Permit future development to proceed only in accordance with land uses designated on the Future Land Use Map.
- 1.02.04** Promote the clustering of planned commercial land uses through incentives and regulations such as density bonuses and improved access.

**1.02.05** Land Development Regulations adopted to implement this Plan shall be based upon the land use standards described below and spatially displayed on the Future Land Use Map.

Designated land use categories to be used for FLUM. Designations are as follows:

**Conservation (I, II, III and IV)**

**Agriculture (A)**

- Parcels under single ownership of 320 acres or more: 1 unit per 20 acres
- Parcels under single ownership under 320 acres: 1 unit per 1 acre

**Recreational (REC)**

**Low Density Residential (LDR)** (greater than 1 dwelling units per acre up to 2 dwelling units/acre)-LDR

**Medium Density Residential (MDR)** (greater than 2 dwelling units per acre up to 3 dwelling units per acre)-MM

**High Density Residential Bonus** (greater than 5 dwelling units per acre up to 10 dwelling units per acre with bonus density to 12) subject to approval by the Board of County Commissioners based on a recommendation of the Planning and Zoning Board and Staff.

**Public Buildings and Grounds (P)**

**Commercial (C)**

**Other Public Facilities (PF)**

**Industrial (I)**

**A. Agriculture**

**1. Agriculture (Crops/Pasture/Silviculture)**

Agriculture land, in a parcel 320 acres or more, used primarily for the cultivation of silviculture, crops or other active agricultural uses. Agriculture designated land may be developed at a density not to exceed 1 unit per 20 acres. Agriculture land in a parcel of 320 acres or less may be developed at a density not to exceed one unit per one acre.

**2. Exceptions**

Notwithstanding the density assigned for Agriculture designated lands on the Future Land Use Map, the following exceptions apply:

- a. Parcels of property twenty (20) acres or less which are not shown on the

Future Land Use Map and are single lots of record which were established by deed of record on or before January 28, 1991 may be developed at the density provided for the parcel on current zoning maps.

- b. The land development regulations shall provide for the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel by the Future Land Use Map of the Comprehensive Plan. Such a provision shall apply only once to any individual. The regulations to implement this policy shall provide procedures for lot splits or subdivision of land for the purpose of conveying a lot or parcel to individuals meeting these requirements for the establishment of a homestead and shall provide for a minimum lot size of the lot so created and the remaining lot. Lot splits or subdivisions of land permitted pursuant to this policy shall be subject to compliance with all other applicable Comprehensive Plan policies and Federal, State, Regional, and County regulations.
- c. Parcels of Agriculture land under individual ownership that have been held by the current owner for a minimum of 5 years and upon which the Homestead Exemption is current may be sold at a maximum of two (2) one acre parcels per year subject to subdivision regulations.
- d. Any other application to subdivide Agricultural designated land shall be considered favorably for revision through the plan amendment process so long as the proposed subdivision of land furthers:
  - 1. A concentration of development that will enhance the potential for implementing central/regional water/sewer systems; or
  - 2. Contributing to the development of mixed-use communities that provide for integrated live/work/recreation population centers; and
  - 3. The clustering of permitted development within agricultural designated lands so as to minimize potential impact on the agricultural productivity of the areas.

**NOTE:**

- 1. The exceptions noted above relate to density only; any development must (a) be consistent with the other provisions of the Plan including, but not limited to, concurrency.
- 2. Agricultural land uses provide for a variety of agricultural activities and shall be protected from the intrusion of land uses that are incompatible with the conduct of agriculture.

**B. Residential**

Residential land use category provides for a variety of land use densities and housing types. Residential land use permits single-family detached (including mobile homes), single-family attached, duplex, and multi-family housing. Parcels of land designated for residential land use are intended to be used predominately for housing and shall require buffering from intrusion of land uses that are incompatible with residential density of from 1 unit per acre to 12 units per acre.

Uses permitted in areas designated residential (low, medium or high) shall include residential uses at the applicable density; neighborhood and community commercial uses on a scale suited to the residential developments to be served; and community/public facilities approved pursuant to an exception or conditional use permit, such as water and wastewater facilities, electric power substation and transmission facilities, emergency medical, fire protection and police facilities, parks and schools.

Residential land use is divided into four categories of density:

1. Agriculture land in single ownership parcels under 320 acres: 1 unit per 1 acre.
2. Low Density Residential greater than 1 dwelling units per acre up to 2 dwellings per acre.
3. Medium Density Residential: Greater than 2 dwelling units per acre up to 3 dwelling units per acre.
4. High Density Residential: Greater than 5 dwelling units per acre up to 10 dwelling units per acre with bonus density to 12 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.

Residential development within a permitted DRI, PUD or otherwise established subdivision by an issued development order shall be limited to the number of dwelling units approved in the DRI or development order.

Residential development within the 100-year floodplain shall be required to meet FEMA regulations, the requirements of Policy 1.01.07 and County Department of Health regulations regarding the installation of septic tanks.

Mobile homes will be permitted in accordance with F.S. 320.8285(5); manufactured homes will be permitted in accordance with F.S. 553.38(2) and Community Residential homes shall be permitted in accordance with F.S. 419.001(2) and (3).

### **C. Commercial**

Land designated for commercial use is intended for activities that are predominately associated with the sale, rental, and distribution of products or the performance of service. Commercial land uses shall be physically (wall, vegetative screen) or spatially (distance) buffered from adjacent land uses of lesser density or intensity of use.



The intensity of commercial land use is controlled by the Zoning Code (Land Development Regulation), which specifies Floor Area Ratios, parking area requirements for various types of commercial activity, height restrictions, signage, etc.

Commercial land use includes offices, retail, lodging, restaurants, services, commercial parks, shopping centers, construction and demolition debris disposal facility or other similar business activities. Public/Institutional uses and recreational uses are allowed within the commercial land use category. The intensity of commercial use, as measured by land coverage, should not exceed 70 percent of the parcel. The maximum height should not exceed 40 feet.

#### **D. Industrial**

Land designated for industrial use is intended for activities that are predominately associated with the manufacturing, assembly, processing, or storage of products. Industrial land uses provides for a variety of intensities of use including heavy industry, light industry, and industrial park operations. Such uses shall be physically (wall, vegetation, etc.) or spatially (distance) buffered from adjacent land uses of lesser density or intensity of use.

The intensity of industrial land use is controlled by the County's Zoning Code (Land Development Regulations), which specifies permitted uses on industrial lands designated as industrial or light industrial. The Zoning Code also controls amount of parking area required, Floor Area Ratios, height restrictions, signage, etc.

The intensity of industrial use, as measured by land coverage should not exceed 50 percent of the parcel. The maximum height of development may not exceed 45 feet.

Commercial mining operations that impact an area of 5 acres or more shall be permitted only under Industrial land use. These operations, including oil, gas, mineral, rock and sand extraction shall be regulated the standards of 62C-16.0051 FAC.

#### **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 site and facilities include ball fields, golf courses, tennis courts, etc.; resource-based facilities include lakes, hiking trails, wilderness campsites, etc.

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

Impervious surface land coverage of recreation land use should not exceed 50

percent for active recreational development; 10 percent for passive recreational development.

**F. Public Building and Grounds**

Lands designated in this category of use include a broad variety of public and quasi-public activities such as hospitals, schools, churches, governmental buildings, etc.

The siting of public buildings and grounds shall be controlled by Zoning Regulations, which include public participation in the permitting process for community input regarding compatibility.

The intensity of development in this land use category, as measured by land coverage, shall not exceed 70 percent. The maximum height shall not exceed 60 feet.

**G. Other Public Facilities**

Lands designated as Other Public Facilities are intended for use as potable water, sanitary sewer treatment facilities, landfill, stormwater/drainage control structures, etc. The siting of public facilities shall be controlled by Zoning Regulations that include public participation in the permitting process. Public facilities construction, as measured by land coverage, shall not exceed 90 percent of impervious surface with height restrictions specified in implementing LDRs.

**H. SR 200/A1A Access Management Overlay District**

Consistent with Policy 2.05.07 of the Traffic Circulation Element, the SR 200/A1A Access Management Overlay District is created. The SR 200/A1A Access Management Overlay District provides a further means for the County to manage development along SR 200/A1A. This district is shown in map form as part of the Future Land Use Map Series. It lies generally within 1000 feet of each side of SR 200/A1A and stretches from Edwards Road (which is one mile west of the I-95 and SR 200/A1A interchange) to the Intracoastal Waterway. The following policies, in addition to the countywide access management requirements specified by Policy 2.05.06 of the Traffic Circulation Element shall also apply to development within the 200/A1A Access Management Overlay District:

1. Direct access to SR 200/A1A shall be controlled to preserve the safety, efficiency, and character of this regionally important transportation route. Individual property access shall not be provided to SR 200/A1A where alternative access is available, or can be provided by the land developers, as defined in the LDRs.
2. Accessibility to land development along SR 200/A1A shall be provided through the use of parallel roads side streets, joint access driveways and cross access easements connecting adjacent developments.
3. Activity centers with unified access and circulation systems shall be required. The purpose for requiring such centers is to provide an alternative to strip development with individual driveways.

4. Activity centers shall be centered at and extend outward in a radius at the following intersections:

SR 200/A1A and I-95  
SR 200/A1A and SR 107  
SR 200/A1A and SR 107 (Nassauville Road)  
SR 200/A1A and US 17  
SR 200/A1A and SR 200A (Old Chester Road)

5. Development standards for Activity Centers shall include:

Driveways within 500 of the Activity center's intersection shall be prohibited unless otherwise allowed by state law.

Adjacent non-residential properties shall provide a cross access drive and pedestrian access to allow circulation between sites.

All other standards of the SR 200/A1A Overlay District shall apply to development proposed within an Activity Center.

6. In accordance with the State Road 200/A1A Access Management Study, Florida Department of Transportation, 1995 future developments should be set back an additional 25 feet on each side of the existing right-of-way.
7. When issuing any permit for access to any State Road in Nassau, the County shall document that it has followed the criteria and procedures for State Highway System Connection Permits in F.A.C. Rule 14-96. In addition, the County shall require the applicant, as appropriate, to document that the permit request is consistent with the Florida Department of Transportation's Access Management Rule (F.A.C. Rules 14-96 and 14-97), the Access Management Classification System and Standards in F.A.C. Rule 14-97.

**I. Conservation**

The Conservation Land Use shall designate land areas of ecological value within the County on which development must proceed with restrictions. These are areas, which may be altered by development and so must be protected. Development on conservation lands in private ownership shall take place only in such a manner that will ensure the long-term function of natural hydrologic or ecological systems. Conservation I, II lands (which are jurisdictional wetlands) may be developed with all permitted development clustered on the upland portion of the site or on that portion of the site which will be least environmentally impacted by construction/development. Other permitted uses include passive recreation and silviculture. Development for purposes other than recreation or residential may be allowed as a special exception. If there is an indication that a wetland is present on a proposed development site, the developer shall be required to provide a wetland determination.

Consistent with Policy 6.02.03k of the Conservation Element, the Conservation land use designation is defined in the following manner:

**Conservation I:** This land use designation includes all jurisdictional wetlands. 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 no less than 25 feet to 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. A natural vegetative upland buffer, as established in Policy 1.04A.02, shall be required and maintained between developed areas and contiguous (i.e., non-isolated) wetlands to protect the water quality of the wetlands.

**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 be no less than 25 feet to the wetland boundary 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. A natural vegetative upland buffer, as established in Policy 1.04A.02, shall be required and maintained between developed areas and contiguous (i.e., non-isolated) wetlands to protect the water quality of the wetlands.

**Conservation III:** This land use designation includes aAll 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.~~ 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. A natural vegetative upland buffer, as established in Policy 1.04A.02, shall be required and maintained between developed areas and contiguous (i.e., non-isolated) wetlands to protect the water quality of the wetlands.

**Conservation IV:** This land use designation is for publicly owned conservation lands. Development is limited to that which is allowed by the site's management plan or guidelines as administered by a State, Federal, or County agency. For County lands that have no management plan or guidelines, development shall be limited to

that which is deemed appropriate by a state or federal agency. ~~Setback distances for development shall be no less than 25 feet to the wetland boundary as designated by the SJRWMD and other state/federal agencies as appropriate.~~ A natural vegetative upland buffer, as established in Policy 1.04A.02, shall be required and maintained between developed areas and contiguous (i.e., non-isolated) wetlands to protect the water quality of the wetlands.

**J. Overlays Districts**

**1. Planned Unit Development (PUD)**

Planned Development may be applied as an optional overlay district over any underlying land use when application is made by the developer under the Zoning Code (Land Development Regulations) and when the County Planning Board approves such application as being an improvement in land use utilization over that permitted by Zoning Code categories.

The PUD land use overlay will not require a Future Land Use Element amendment so long as the proposed use does not increase the intensity\* or density of use specified on the Future Land Use Map for the underlying land use.

- a. Intensity of use is based upon the mix of land use activities requiring no greater demand for traffic, water, sewer and solid waste than the designated underlying land use.

The PUD overlay can allow mixed uses and can disregard traditional zoning requirements, such as set back line and lot coverage requirements in order to achieve better site design. The PUD designation allows the developer and County to negotiate elements of site designated density in order to achieve individual goals. The PUD overlay may not increase the density and intensity of use specified for the Limited Development Overlay.

The PUD primarily is residential in nature with the following acceptable mix of uses:

- Residential - no less than 65 percent
- Commercial - no greater than 15 percent
- Recreational - As determined by the LDRs.

Residential, commercial and recreational land uses within the PUD shall carry the same intensity/density of use as defined in Policy 1.02.05, B. (Residential), C. (Commercial), and E. (Recreational).

The PUD overlay is granted upon application of the developer; hence, it is not a designation that can be shown in advance on the Future Land Use Map.

**2. Mixed-Use Development (Floating District)**

Sections within the County, upon application, may be designated for Mixed-Use Development. This type of development differs from the PUD in that components to the Mixed-Use development may be sponsored at various times by owners of

individual properties within the designated mixed-use district. Unlike the PUD, Mixed Use Development must meet the requirements of the County Zoning Code and Subdivision Regulations. Development within the mixed-use district is controlled further by performance standards, which ensure compatibility among land uses and a numerical cap which limits the intensity/density of land use within the district.

Mixed Used Districts are primarily commercial or industrial in nature with the following acceptable mix of uses:

Commercial Mixed Use-MUC

- Residential 35 to 45 percent
- Commercial 55 to 65 percent

Industrial Mixed Use-MUI

- Commercial 36 to 45 percent
- Industrial 55 to 65 percent

Residential, commercial, and industrial land uses within the Mixed Use Overlay shall carry the same intensity/density of use as defined in Policy 1.02.05 B, C and D.

Like the PUD, Mixed-Use Districts are granted upon application by landowners within the proposed district and so cannot be shown in advance on the Future Land Use Map. Also like the PUD, the Mixed-Use District will not require a land use amendment so long as the proposed uses do not increase the overall density or intensity\* of use shown for the aggregate underlying land uses on the Future Land Use Map proposed for mixed use or encroach upon "Agricultural" land use or the Limited Development Overlay area.

- See definition of "intensity" of use under PUD.

3. Conservation III (100 Year Flood Plain)- See item "I", above.
4. SR 200/A1A Access Management Overlay District. See item "H", above.
5. White Oak Plantation Limited Development Overlay

The existing White Oak Plantation was established in 1938 and has expanded over the years to 6,430.56 acres, agriculturally, especially silviculturally based, single user property which presently supports other uses that are not commonly found in agricultural areas of the County. These uses include a large animal conservation program, supported by the Howard Gilman Foundation, a conference facility which seats forty (40), a dance studio and entertainment space that seats seventy-five (75), about forty (40) rooms of lodging, eleven (11) residences for key staff, administrative space for White Oak Plantation and Gilman Building Products, a variety of indoor and outdoor recreational facilities, and various buildings and sheds associated with agricultural, conservation and maintenance activities. Under this White Oak Plantation Limited Development Overlay these existing uses of the property may be expanded to the extent described below. These uses are found to be compatible with the objectives of this Nassau County Comprehensive Plan.

The uses and activities allowed under this Limited Development Overlay and related conditions are as follows:

1. Traditional agricultural and silviculture uses subject to appropriate best management practices.
2. Environmental conservation, research and education programs associated with animal conservation and the property's natural resources including veterinary, zoological, environmental, silviculture and agricultural sciences.
3. An internationally known conservation center specializing in the breeding of rare and endangered animal species.
4. Resource-based recreational uses that are common to agricultural lands including hunting, fishing, boating, hiking, bird watching, nature study, horseback riding and similar activities.
5. A golf course.
6. A conference facility to seat no more than sixty (60) conferees.
7. Entertainment space, dance studio, and a rehearsal and workshop space with no more than eighty (80) seats.
8. Lodging associated with all Plantation activities not to exceed eighty (80) rooms.
9. Residences for key staff, not to exceed Twenty (20).
10. Administrative space for the Howard Gilman Foundation, Gilman Building Products and other Foundation entities of no more than 45,000 square feet (but not including offices that make up no more than fifteen (15) percent of the space in agricultural, maintenance or other primary use building or small ancillary offices that support predominantly outdoor activities).
11. Various buildings and sheds associated with agricultural, conservation and maintenance activities.
12. Facilities-based indoor and outdoor recreational and entertainment uses and activities including tennis, swimming, field sports, bowling, billiards, dining and food services, lounge and bar, fitness and health, and other similar uses used for the entertainment of guests.
13. White Oak shall continue to provide and maintain its own roadway, potable water, sewage disposal, fire fighting, security, stormwater, and solid waste collection and recycling systems.
14. White Oak shall continue to maintain all internal roadways and parking areas appropriate to their function, with White Oak determining the

- selection of surface material, and in such manner to support emergency access.
15. White Oak shall adhere to the following procedures in adhering to the technical codes adopted by Nassau County.
    - a. White Oak will retain an engineer or architect who will serve as an Inspector pursuant to Section 105.3 of the Code. Such engineer or architect shall submit his/her credentials pursuant to Section 468 F.S. to the County Building Official who will certify such architect or engineer as being qualified to perform building inspections;
    - b. White Oak will file the standard building permit application and two drawing sets with wind loading design signed and sealed by an engineer;
    - c. Upon issuance of the building permit, the qualified inspector shall perform all inspections except the Certificate of Occupancy as required by the Code and file certified inspection reports on all inspections that are required by the adopted code;
    - d. The County Building Official shall be responsible for the Certificate of Occupancy inspection;
    - e. The County building Official or Building Department staff may visit any building project that is permitted pursuant to this paragraph at any time during construction and make such inspections as the Building Official deems necessary.
  16. All future buildings and animal facilities shall be at least 100 feet from any property line.
  17. Because the terms and conditions of this Overlay are detailed and site specific, Development review requirements shall not apply to development associated with the uses and activities allowed under this Limited Development Overlay. Only building and related permits (electrical, plumbing, etc.), where required, will be necessary for further implementation of this Overlay.
  18. Commencing in the year 1996, and in January of each year, White Oak will submit to Nassau County a status report describing the development activity of the preceding year and enumerating the total number of residences, lodging units, entertainment/dance studio seats, and square footage of administrative space.
  19. This overlay does not exempt the owner from obtaining appropriate required permits from the State of Florida, the United States Government, or the St. Johns River Water management District, or Nassau County,



except as Nassau County codes are affected by the language of this Overlay.

20. Since this Overlay was adopted by the County Commission prior to the adoption of the County's Concurrency Ordinance, the development contemplated by this Overlay is exempt from the Concurrency Ordinance. Any change in the Limited Development Overlay that will increase impacts or demand for solid waste, potable water, sanitary sewer, drainage, recreation or streets and intersections should be subject to concurrency review.

#### **OBJECTIVE 1.04A PROTECTION OF NATURAL RESOURCES**

Upon Plan adoption, the county shall take positive action to protect natural resources through implementation of the following policies:

- 1.04A.01** Nassau County shall assume an active role in protecting the integrity of agricultural land by enforcing Future Land Use Element Policies regarding agricultural land use densities.
- 1.04A.02** The County shall restrict development in conservation areas to the maximum extent possible short of a "taking." Development in conservation (Limited Development) will be permitted at a density no greater than 1 unit per 5 acres with permitted density clustered on the upland portion of the parcel or on that part of the parcel that will least environmentally affected by construction/development. Where the Future Land Use Map identifies an underlying land use of less density, the density of the underlying land use will prevail. Development will be prohibited in areas designated as Conservation – Preservation (Policy 1.02.05.I-J).

~~A 50 foot buffer of vegetation native to the site shall be provided where wetlands, named rivers or lakes occur (does not include accessory uses).~~

- A. Land alteration activity which destroys, reduces, impairs or otherwise adversely impacts a wetland or natural water body shall be prohibited unless specifically authorized and permitted by all applicable state and federal permitting agencies having jurisdiction, or as otherwise authorized by law.
- B. A minimum undisturbed natural vegetative upland buffer of twenty five (25) feet shall be required and maintained between developed areas and contiguous (i.e., non-isolated) wetlands to protect the water quality of the wetlands. The twenty five (25) feet shall be measured from the St. Johns River Water Management District or Florida Department of Environmental Protection wetland jurisdictional line. It is the objective of this requirement that a minimum twenty five (25) foot upland buffer be established in all areas except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall upland buffer width. In no instance shall the upland buffer be less than fifteen (15) feet, except for those areas adjacent to unavoidable wetland impacts such as road crossings.
  1. The buffering requirements stipulated above shall only apply to projects for which a permit is not required by the St. Johns River Water

Management District (SJRWMD). Projects which do require such permitting shall reflect the buffers approved by SJRWMD upon submittal of development plans for County approval.

- D. In all cases, the applicable buffer shall be depicted on all site plans, development plans, and other documents submitted to authorize the review for development.
- E. Upland buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the upland buffer in violation of this Policy shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed.
- F. Noxious and exotic plant materials can be removed. Dead vegetation can be removed. Limbing can occur within the buffers, provided that the limbs to be removed are less than three (3) inches in diameter.
- G. An access way of no more than twenty (20) feet may be provided through the upland buffer.
- H. Agriculture and silviculture operations using "Best Management Practices" in the conduct of their operations shall be exempt from Policy 1.04A.02.
- I. All developments shall be subject to the buffer requirements as set forth in Land Development Regulations and/or other applicable regulatory documents on the date the Development Order was issued for that development.
- J. No development shall be permitted to deviate from these wetland buffer requirements ~~without specific authority as granted~~ except as authorized by the appropriate County, Regional, State and/or Federal agency and/or as authorized by law. Nassau County shall permit deviation from these standards only in those instances where 1.) the applicable Regional, State or Federal agency or applicable law has granted authorized the proposed deviation and 2.) the applicant has demonstrated the necessity for this deviation, with appropriate mitigation, to the satisfaction of the Development Review Committee (DRC). In any case where a deviation is granted, it shall be the minimum necessary to permit reasonable use or access.
- K. In the event this Policy is found to be in specific conflict with any other County policy on the protection of wetlands, estuaries and natural water bodies, the more restrictive shall apply.

**1.04A.02A** The County shall not approve any plats that create lots that are not developable due to wetland constraints.

**1.04A.02B** An owner of an existing un-developable wetland parcel that also owns an adjacent non-wetland parcel shall be required to combine the two parcels for development purposes so that the proposed development can be designed according to wetland protection policies of this Comprehensive Plan.

**1.04A.03A** In order to maintain the overall ecological integrity of the wetlands community,

silviculture activities shall follow the best management practices outlined in the publications titled Silviculture Best Practices Handbook (Revised May 1993, Florida Department of Agriculture and Consumer Services, Division of Forestry).

**1.04A.03B** The silviculture policies of this plan are consistent with the 1993 edition of the Florida Department of Agriculture and Consumer Services, Best Management Practices Handbook. As new editions of the Handbook are published, this plan will be reviewed to ensure that it remains consistent with each new edition.

**1.04A.04** The County shall require that the quantity of stormwater runoff after development be equal or less than that which occurred prior to development.

**1.04A.05** The County shall require that wastewater be reused where practical. New wastewater treatment plants shall be required to provide for the reuse and/or disposal of wastewater by best available technology, including agricultural or landscaping irrigation, percolation, or other permitted measures unless data are presented to support claims that such reuse will impact an unreasonable economic or engineering demand on the plant ownership.

**1.04A.06** The County shall control the number of septic tanks sited in environmentally sensitive areas through permitting only the units approved by the County Health Department based upon their determination of the soils' ability to function as an acceptable drain field. Explore and establish a timetable or plan to extend public sewer lines where feasible to environmentally sensitive areas where population justifies it.

**1.04A.07** The County shall regulate mining operations as follows. Mining shall be permitted only in Agricultural (up to 5 acres) and Industrial Land Use (5 acres or more). No mining operations including petroleum, natural gas, and liquid natural gas drilling shall be permitted within 200 feet of a property line. Mining operations impacting 5 or more acres of surface area will be regulated through LDRs to restrict the extent of borrow pits and dredge and fill activities to within 200 feet of property lines or wetland boundaries and to a depth not to exceed the top layer of overlying strata protecting potable water aquifers.

**1.04A.07A** Impacts from mining operations within the County's forested wetlands shall be minimized, through avoidance of disruption of occupied endangered or threatened species habitat or through requiring restoration of similar habitat when mining is approved in forested wetland.

Mining operations and restoration of mined areas must meet the standards of Rule 62C-16.0051 FAC. For mining in wetlands, these standards include 62C-16.0051 (5), (6), (7), (9) and (10).

**1.04A.07B** The County, within its ability to do under state law, shall prohibit any mining operations, which would negatively impact quality and quantity of groundwater supplies of existing users.

**1.04A.07C** Nassau County shall adopt LDRs that:

1. define buffer zones around mining areas and resources which cannot be restored and restrict mining activities to land outside those buffers;
2. require identification and protection of archaeological properties on sites proposed for mining; and,
3. restrict the use of land that contains economically recoverable mineral deposits and lies outside environmentally sensitive areas to activities that will not preclude later extraction of those minerals.

**PUBLIC FACILITIES ELEMENT**

**OBJECTIVE 4.05B PROTECT THE FUNCTION OF NATURAL DRAINAGE FEATURES**

Upon Plan adoption, the County shall protect the function of natural drainage features through implementing the following policies:

**4.05B.01** In order to maximize the use/functions of existing facilities, the County shall establish a maintenance and monitoring program of County controlled drainage ditches throughout County.

**4.05B.02** A buffer of natural vegetation as ~~required under Chapters 373 and 403, F.S., implementing regulations and permits granted thereunder,~~ established in Policy 1.04A.02 shall be provided where wetlands occur.

**4.05B.03** The County shall, by 2005, initiate a master drainage study of the County to identify:

1. the volume, rate, timing and pollutant load of stormwater run off in each planning district;
2. areas of recurring drainage problems; and,
3. establish a priority for improving drainage throughout the County.

Upon completion and approval of the study by the Nassau County Board of County Commissioners, the findings of the study shall be incorporated into the Stormwater Management Ordinance and made part of the County's Comprehensive Plan through the Comprehensive Plan amendment process as required by s.163.3184, 163.3187, F.S.

**4.05B.04** The County shall regulate the use of land in accordance with the Future Land use Map.

**4.05B.05** Adopted sub-division regulations shall ensure that new streets are designed to direct storm drainage in a manner that such water will be filtered through soils and native vegetation before the runoff enters drainage creeks.

**4.05B.06** New sub-divisions or individual parcels must be engineered so that post development runoff for the property is no greater than predevelopment runoff.

**4.05B.06A** Within all new subdivisions, wide backlot and front yard drainage easements, as well as side lot swales to provide for localized runoff routing will be required where centralized retention/detention facilities are not provided.

**4.05B.06B** By 2005, to ensure stormwater management facilities function properly, the County will establish defined levels of maintenance for public and private stormwater management facilities, and will conduct inspections on a routine basis.

**4.05B.06C** Reserved.

**4.05B.06D** The County will, through its land development regulations, require existing uses undergoing redevelopment to meet the new development requirements for stormwater management.

**4.05B.06E** By 2005, the County will conduct a comprehensive inventory of all stormwater management facilities in all of the drainage sub-basins under the county's jurisdiction.

**4.05B.06F** By 2005, the County shall seek grants to establish a grant funded Geographic Information System (G.I.S.) - based inventory of all stormwater management facilities under the county's jurisdiction. Grants will also be sought to fund a stormwater drainage plan and drainage improvement projects as recommended by the plan.

Drainage Standards

New development (and when required, redevelopment) shall, as a minimum, conform to the drainage LOS standards established by Policy 4.01.01 and to the SJRWMD development standards and guidelines.

**CONSERVATION ELEMENT**

**OBJECTIVE 6.02 WATER BODIES, FLOODPLAINS, WETLANDS AND UPLAND COMMUNITIES**

The County shall protect ecological systems that are sensitive to development impacts and provide important natural functions for maintenance of environmental quality and wildlife habitats.

**6.02.01** Within one year of adopting the EAR based plan amendment, the County shall adopt revised LDRs that provide for tree protection standards on the barrier island.

**6.02.02** Within one year of adopting the EAR based plan amendment, recommend the County shall adopt LDRs that require cluster developments in order to preserve wetlands, important native vegetative communities, and other environmentally sensitive communities, by reducing or prohibiting development in the sensitive areas of the property.

**6.02.03** A ~~50-foot~~ buffer of natural vegetation ~~native to the site~~ as established in Policy 1.04A.02 shall be provided where wetlands occur.

- 6.02.03A** During construction, development shall use temporary fabric barriers or similar means to mitigate the impacts of silt and untreated stormwater runoff.
- 6.02.03B** For existing development that has a direct impact on adjacent wetlands and water bodies, retrofitting for stormwater control shall be required when a building permit is issued for construction, rehabilitation or reconstruction activities, if the cost of the activity is 60% or more of the structure's value.
- 6.02.03C** Wetlands identified by the 1994-95 SJRWMD land use and cover inventory are mapped on the Future Land Use Map series. All wetlands, as verified by jurisdictional field delineation at the time of project permitting, are designated as conservation land use and shall be protected by policies contained within this Plan.
- 6.02.03D** Wetlands shall be defined pursuant to the Section 373.019 Florida Statutes and Section 373.421 Florida Statutes.
- 6.02.03E** Marine wetlands are defined as areas with a water regime determined primarily by tides and where the dominant vegetation is salt tolerant plant species.
- 6.02.03F** Major riverine systems are defined as the St. Mary's and Nassau Rivers.
- 6.02.03G** Reserved.
- 6.02.03H** Incompatible Land Uses are directed away from wetlands by the following mechanisms:
1. Residential densities in wetlands shall be as described by Policy 6.02.03g, above.
  2. Clustering non-agricultural land uses away from wetlands is required.
  3. Development shall first avoid wetland impacts and then minimize impacts when they are unavoidable.
- 6.02.03I** Where appropriate, freshwater wetlands shall be incorporated into stormwater management plans in order to ensure the continuity of natural flow ways.
- 6.02.03J** Proposed development on parcels containing wetlands shall direct land uses away from wetlands by clustering the development to maintain the largest contiguous wetland area practicable and to preserve the pre-development wetland conditions. This policy shall be implemented through the application of federal and state wetland permitting programs where the applicant shall first avoid wetland impacts and then minimize impacts when they are unavoidable. This policy is not intended to duplicate any federal or state wetlands permitting program.
- 6.02.03K** Where projects have unavoidable adverse impacts to wetlands, mitigation shall be required in order to ensure that the project does not result in a net loss of wetland functions. A no-net loss of wetland functions is presumed to occur for projects receiving federal and state permits and having an overall mitigation ratio of not less

than 1 acre mitigated for 1 acre impacted. Removal of invasive exotics vegetation shall not be considered as part of the overall mitigation ratio.

**6.02.03L** The polices of the Conservation Element shall not be construed to prevent timbering operations so long as timbering operations utilize Best Management Practices to minimize the effects on the wetlands.

**6.02.03M** At least 25% of all open space required for planned developments shall be preserved as natural areas as per the following standards:

a. The preservation requirements for the preservation and restoration of natural areas are calculated on the gross acreage of the project site, less the non-littoral zone area of any existing man-made water body.

b. The purpose of these preservation requirements is to set aside the required portion of the site to preserve existing native vegetative communities and/or to restore the required portion of the site to support the establishment of native vegetative communities.

Natural areas therefore can be comprised of:

1. Existing native vegetative communities;
2. Wetland and upland areas known to be utilized by endangered and threatened species or serve as corridors for the movement of wildlife shall be preserved and protected in order to facilitate the movement of wildlife through the site:
  - a. Upland habitat shall be part of the preservation requirement when wetlands alone do not constitute the entire requirement.
  - b. Preserved natural areas shall be connected throughout the project area and be connected to off site natural areas to the greatest extent possible.
  - c. Passive uses such as nature trails are allowed in the natural areas.
3. Natural areas, especially preserved wetlands, shall be interconnected within the site and to other wetland areas or wildlife corridors off-site;
4. Wetland flowways through the project shall be maintained.

**6.02.04** Stormwater management systems, including rerouting and maintenance of drainage ditches and control of development in areas of sheetflow, shall be used where appropriate, to enhance the hydrologic conditions of stressed or impacted wetlands.

**6.02.05** All construction in floodplains and floodways shall be required to comply with FEMA, Federal Insurance Administration, and County building codes.

**6.02.06A** Silviculture activities shall follow the best management practices outlined in the publication titled Silviculture Best Management Practices Handbook (Revised May

1993, Florida Department of Agriculture and Consumer Services, Division of Forestry)

- 6.02.07** Waterfront developments shall be designed to ensure that stormwater runoff and erosion do not affect ambient water quality of adjacent waters in accordance with Chapters 381 and 62-600, Florida Administrative Code.
- 6.02.08** The natural functions and hydroperiods of wetlands and floodplains shall be maintained.
- 6.02.09** Within one year of adopting the EAR based plan amendment LDRs will be adopted that require new development to 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 green ways 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.
- 6.02.09A** Upon adoption of the EAR based plan amendment, the County shall form a citizens committee to identify areas of the county suitable for greenway designation. The committee will explore federal, state, regional and local programs and funding sources to acquire and preserve the identified area.

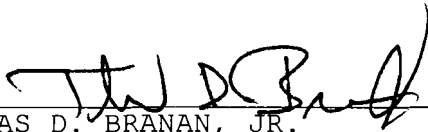
#### SECTION 4. EFFECTIVE DATE.

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



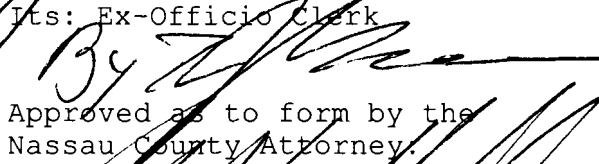
effective status, a copy of which shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. Subsequent to its effective date, the County shall modify the appropriate elements of its Land Development Regulations to reflect this amendment.

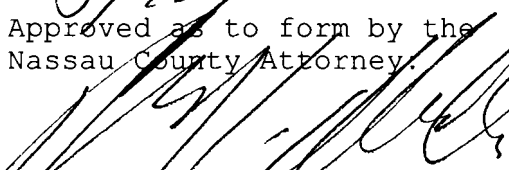
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
THOMAS D. BRANAN, JR.  
Its: Chairman

ATTEST:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

By  CSO  
Approved as to form by the  
Nassau County Attorney.

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