

ORDINANCE 2006 - 57

AN ORDINANCE AMENDING ORDINANCE 99-18, AS AMENDED, KNOWN AS THE "NASSAU COUNTY DEVELOPMENT REVIEW REGULATIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 6.5, WETLAND BUFFER; AND 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, Section 6.5 of the Nassau County Development Review Regulations (Ordinance 99-18) currently 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."; and,

WHEREAS, the Florida Department of Community Affairs has issued a preliminary determination that Section 6.5 of the Nassau County Development Review Regulations (Ordinance 99-18) is not consistent with Nassau County's Comprehensive Plan provisions related to wetland buffers; and,

WHEREAS, on April 10, 2006, the Nassau County Board of Commissioners adopted Ordinance 2006-46, which amended the wetland buffer provisions of the Nassau County Comprehensive Plan; and,

WHEREAS, an amendment to Section 6.5 of the Nassau County Development Review Regulations (Ordinance 99-18) is necessary to render the County's development regulations pertaining to wetland buffers consistent with the amendment to the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED this 10th day of July, 2006, by the Board of County Commissioners of Nassau County, Florida, that Ordinance 99-18, as amended, be further amended as follows:

SECTION 6.5 WETLAND BUFFER (Policies 1.04.A.02, 4.05B.02, 5.09.05, 5.11.01, 6.02.03)

~~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.~~

A. 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.

B. In all cases, the applicable buffer shall be depicted on all site plans, development plans, plats and other documents submitted to authorize the review for development. A table demonstrating the provision of wetland buffers shall be included on all development plans. The format for such table shall be as follows:

Required Area at 25' (SF)	Provided Area (SF)	Provided Average Buffer
#####	#####	##.##'

C. All development plans shall include a note stating the following “Upland buffers shall be maintained in their natural vegetated condition. Native vegetation removed or destroyed within the upland buffer in violation of Nassau County Comprehensive Plan Policy 1.04A.02 shall be restored. These areas shall be replanted with comparable native vegetative species as were removed or destroyed. 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.”

D. An access way of no more than twenty (20) feet may be provided through the upland buffer.

E. 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.

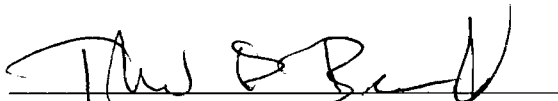
F. Agriculture and silviculture operations using “Best Management Practices” in the conduct of their operations shall be exempt from these buffer regulations.

G. No development shall be permitted to deviate from these wetland buffer requirements 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 the applicable Regional, State, or Federal agency or applicable law has authorized the proposed deviation. In any case where a deviation is granted, it shall be the minimum necessary to permit reasonable use or access.

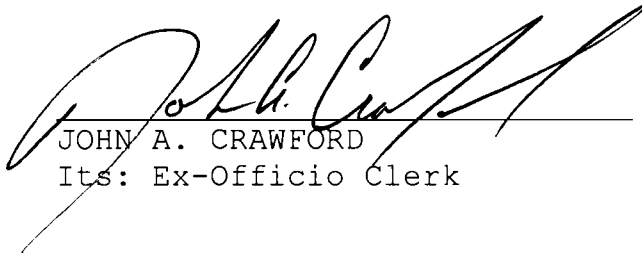
Note: It is the developer's responsibility to inform any prospective buyer that the required buffer of native vegetation is not to be disturbed or removed at any time by the property owner as this will be a violation of the adopted Nassau County Comprehensive Plan.

2. EFFECTIVE DATE: This Ordinance shall become effective upon adoption.

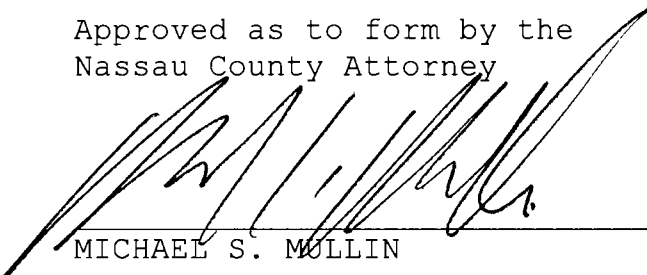
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


THOMAS D. BRANAN, JR.
Its: Chairman

ATTEST:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN