

ORDINANCE NUMBER 2024-017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING AND REVISING POLICY CI.09.02 AND CI.09.03 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE NASSAU COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN AS ADOPTED BY ORDINANCE NO. 2010-11, AS AMENDED; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING SEVERABILITY AND FOR FILING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Nassau County Board of County Commissioners is empowered to adopt Ordinances pursuant to Chapter 125.66, Florida Statutes; and

WHEREAS, Chapter 163, Part II, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Nassau County Board of County Commissioners to: (a) plan for the County's future development and growth; (b) adopt and amend comprehensive growth management plans or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive growth management 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 163.3177(3)(b), Florida Statutes, allows an update to the 5-year capital improvement schedule contained within the County's Comprehensive Growth Management Plan to be accomplished by ordinance; and

WHEREAS, the Board wishes to modify Policy CI.09.02 and CI.09.03 of the Capital Improvements Element of the Comprehensive Growth Management Plan to reflect the updated Five-Year District Facilities Work Program as adopted by the Nassau County School Board dated, September 11, 2024, and as amended annually; and

WHEREAS, in exercise of its statutory authority, the Nassau County Board of County Commissioners has determined it necessary and desirable to adopt the updated version of the Comprehensive Growth Management Plan's Capital Improvements Element to further preserve and enhance present advantages; encourage the most appropriate use of land, water, and natural resources consistent with public interest; overcome present handicaps; and deal effectively and efficiently with future growth and problems that may result from the use and development of land within Nassau County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY FLORIDA, AS FOLLOWS:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, Chapter 125, Florida Statutes.

Section 2. Updates to the Comprehensive Growth Management Plan.

(A) The Board of County Commissioners of Nassau County, Florida, hereby modifies Policies C1.09.02 and C1.09.03 of the Capital Improvements Element of the Comprehensive Growth Management Plan for Nassau County, Florida, as adopted by Ordinance No. 2010-11, as amended, as set forth in Attachment A attached hereto and incorporated herein by reference, to update the Five-Year Schedule of Capital Improvements and reflect the updated Five-Year District Facilities Work Program adopted by the Nassau County School Board dated, September 11, 2024, and as amended annually.

(B) To make the Nassau County Comprehensive Growth Management Plan available to the general public, a certified copy of this Ordinance, the Comprehensive Growth Management Plan, and any Amendments and updates thereto, shall be located in the Nassau County Planning Department, located at 96161 Nassau Place, Yulee, Florida, 32097. The Planning Department, through its Director, shall make copies available for public inspection, and provide duplication for a reasonable publication and copy charge.

Section 3. Applicability and Effect.

The applicability and effect of the Nassau County Comprehensive Growth Management Plan shall be as provided by the Community Planning Act, Chapter 163, Part II, Florida Statutes, and this Ordinance. Except to the extent amended herein, the Comprehensive Growth Management Plan is hereby ratified, confirmed, and remains in full force and effect.

Section 4. Severability.

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

Section 5. Filing.

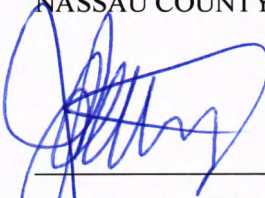
A Certified Copy of this Ordinance, as well as Certified Copies of the Nassau County Comprehensive Growth Management Plan, and subsequent Amendments thereto, shall be filed with the Nassau County Clerk of the Circuit Court.

Section 6. Effective Dates.

A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after its enactment by the Board and the Ordinance shall be effective upon filing with the Department of State.

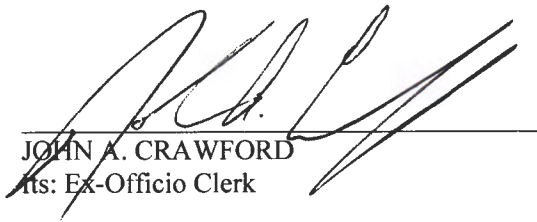
PASSED AND DULY ADOPTED this 28th day of October 2024.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



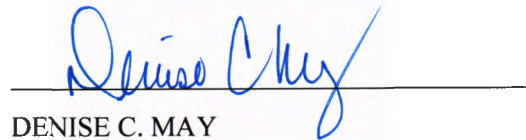
JOHN F. MARTIN
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



DENISE C. MAY

Nassau County 2030 Comprehensive Plan **Capital Improvements Element (CI)** **Goals, Objectives and Policies**

Goal

Based on the premise that existing taxpayers should not have to bear the financial burden of growth-related infrastructure needs, Ensure the orderly and efficient provision of infrastructure necessary to serve existing and future population and development in a manner that creates a fiscally sustainable community.

OBJECTIVE CI.01

Capital improvements shall be provided to: correct existing deficiencies, accommodate desired future growth and replace worn-out or obsolete facilities as indicated in the Schedule of Capital Improvements.

Policy CI.01.01

Capital improvements, in the context of the Comprehensive Plan, shall include improvements necessary to achieve and maintain adopted level-of-service (LOS) standards for the transportation system, potable water, sewage, solid waste disposal, stormwater management, and recreation and open space facilities. Capital improvements shall be defined as those improvements which are limited to a one time minimum expenditure of \$50,000 including land, buildings, design and permitting and do not include expenditures for equipment, operations and maintenance costs.

Policy CI.01.02

The County shall maintain a minimum five (5)-year Schedule of Capital Improvements (SCI) which will include any publicly funded projects of federal, state, or local government, as well as privately funded projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the 5-year period. Projects must be identified as either funded or unfunded and given a level of priority for funding.

Policy CI.01.03

The Schedule of Capital Improvements shall include all projects identified as necessary to achieve and maintain adopted level-of-service standards within Nassau County including, but not limited to, projects identified in the following:

- A) The County's Capital Improvement Plan(CIP)
- B) The FDOT District 2 Five-Year Work Program
- C) The Nassau County School District Five-Year Facilities Work Program
- D) The JEA Annual Water Resource Master Plan
- E) Projects identified as part of a Proportionate Fair Share or Development Agreement.

Policy CI.01.04

The County shall review and monitor outstanding development orders and agreements to ensure that public facility obligations are being met and appropriately incorporated into the five (5)-year Schedule of Capital Improvements.

Policy CI.01.05

The County shall review all proposed new capital facilities against the criteria contained in the various Comprehensive Plan Elements to ensure that the proposed facilities are in conformance with the planned goals and objectives.

Policy CI.01.06

The County shall consider creation of an expanded 10 to 15 year Schedule of Capital Improvements in the Comprehensive Plan for the purpose of projecting future infrastructure needs, estimating future costs and revenue, guiding future growth to appropriate areas, and use as a criterion for review of FLUM amendments.

OBJECTIVE CI.02

The County shall adopt Level of Service (LOS) standards against which the adequacy and deficiencies of facilities may be measured.

Policy CI.02.01

Nassau County adopts the Level of Service (LOS) standards for public facilities and services as shown below. The County may not issue a development order or permit that results in a reduction in the level of service (LOS) for the affected public facilities below the minimum level of services established in this plan. Public facilities and services must meet or exceed the level of service standards established in this plan and must be available when needed for the development as specified in this plan.

A) Transportation

| Road Classification | Minimum LOS | | |
|----------------------------------|-------------|------------------------|-----------|
| | Rural | Transitioning to Urban | Urbanized |
| Limited Access (Freeways) | | | |
| 4-lane | D | D | D |
| 6-lane | D | D | D |
| 8-lane | D | D | D |
| Principal Arterials | | | |
| 2-lane | D | D | D |
| 4-lane | D | D | D |
| 6-lane | D | D | D |
| Minor Arterials | | | |
| 2-lane | D | D | D |
| 4-lane | D | D | D |
| 6-lane | D | D | D |
| Collectors | | | |
| Major | D | D | D |
| Minor | D | D | D |

Notes:

1. Level of service letter designations are defined in the FDOT 2013 Quality/Level of Service Handbook.
2. It is recognized that certain roadways (i.e., constrained roadways) will not be expanded by the addition of through lanes

B) Public School Facilities

1. LOS for Elementary Schools: 95% of permanent FISH capacity
2. LOS for Middle and High Schools: 100% of permanent FISH capacity

3. LOS for Combination Schools (Grades K-8 or 6-12, for example): 100% of permanent FISH capacity

C) Recreation and Open Space

| Type | Service Radius | Minimum Size | Area /1000 Residents | Other Requirements |
|-------------------------------|----------------|--------------|----------------------|--|
| Community Parks | 1- 5 miles | 10 Acres | 3.35 Acres | |
| Regional Parks- General | County -wide | 30 Acres | 10 Acres | |
| Regional Parks- Beach Access | County -wide | Variable | .25 Acre | At .5 mile linear increments with adequate space for parking |
| Regional Parks- Boat Facility | County -wide | Variable | .40 Acre | 1 ramp lane per 5,000 population |

D) Potable Water

| Provider | LOS |
|-------------------------|----------------------|
| JEA | 100.0 gpd per capita |
| Nassau Amelia Utilities | 81.0 gpd per capita |

E) Sanitary Sewer

| Provider | LOS | pk |
|-------------------------|---------------------|-----|
| JEA | 85 gpd per capita | 1.2 |
| Nassau Amelia Utilities | 76.8 gpd per capita | 1.2 |

F) Solid Waste Disposal

| Measure | LOS |
|--|-----------|
| Lbs. per capita/day | 4.91 lbs. |
| Tons per capita/year | .90 ton |
| Fill Rate per capita/year (cubic yards) | 1.4 cy |

G) Stormwater Management

1. Projects which discharge or contribute runoff to downstream areas which are not volume sensitive and have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall limit peak rates of discharge for developed conditions to pre-developed or existing conditions for the 5-year, 10-year, and 25-year design storm event.
2. Projects which discharge or contribute runoff to downstream areas which are volume sensitive and/or do not have adequate capacity to accept and convey stormwater runoff from the project site without increasing flood levels shall provide detention of the 25-year discharge volume for developed conditions such that the volume released from the project during the critical time period is no greater than the volume released under pre-developed or existing conditions during the same time period. For the purposes of this requirement the critical time period shall be the storm duration based on the 24-hour duration rainfall event unless a detailed hydrologic study of the contributing watershed demonstrates otherwise.
3. All projects shall meet state water quality discharge standards as regulated by the St. Johns River Water Management District pursuant to Rule 40C-42 F.A.C., and must submit of a copy of a valid St. Johns River Water Management District permit as part of the development review process.

Policy CI.02.02

The County shall continually review the established level of service (LOS) standards on the basis of consistency with the Schedule of Capital Improvements, local comprehensive planning activities, cost feasibility and effectiveness, relative magnitude and term of need, the ability to use other jurisdictional capital improvements through interlocal agreements, and overall budget impacts.

Policy CI.02.03

The applicable Mobility Fees for new development must be paid in accordance with the County' s adopted Mobility Fee ordinance prior to a development order or permit being issued for the project.

Policy CI.02.04

The land, or equivalent funds, for parks and recreation facilities required to maintain LOS for new development must be dedicated to, or acquired by, the County prior to the issuance of a residential certificate of occupancy.

Policy CI.02.05

Potable water, sewer, solid waste and stormwater management facilities required to maintain LOS for new development must be in place and available for use prior to the issuance of certificates of occupancy.

OBJECTIVE CI.03

The County shall establish a system for prioritizing the scheduling of County-funded capital improvements to mitigate existing or projected deficiencies and to accommodate new growth at the adopted LOS.

Policy CI.03.01

The County shall, in accordance with its adopted Financial Policies, evaluate and prioritize its capital improvement projects based upon the following criteria:

- A) Preservation of the health and safety of the public
- B) Compliance with all mandates and prior commitments
- C) Elimination of existing deficiencies
- D) Maintenance of adopted level of service standards
- E) Protection of existing capital investments
- F) Consistency with the Comprehensive Plan and plans of other agencies
- G) Eligibility for grants
- H) A demonstrated relationship between projected growth and capital project
- I) Impact on operating costs
- J) Utilization of economies of scale and timing of other projects
- K) Adjustment for unseen opportunities, situations, and disasters
- L) Funding sources

Policy CI.03.02

Nassau County shall continually review its established capital improvement prioritizing criteria on the basis of: the maintenance of LOS standards, County comprehensive planning activities, cost feasibility and effectiveness, relative magnitude and term of need, intergovernmental agreements to use other jurisdictional capital improvements and overall budget impacts.

OBJECTIVE CI.04

The County shall continue to limit the expenditure of public funds in Coastal High Hazard Areas (CHHA) as defined in the Florida Statutes.

Policy CI.04.01

The County shall, where feasible, limit public expenditures that subsidize development within the Coastal High Hazard Area (CHHA), as defined, to those which are deemed necessary to:

- A) maintain existing level-of-service standards;
- B) maintain the health, safety and welfare of the residents of these areas, and;
- C) facilitate public access to natural open space and recreation areas.

OBJECTIVE CI.05

The County shall continue to coordinate development or redevelopment proposal approvals consistent with existing services availability, or time development impacts to be concurrent with the programmed provision of required infrastructure in the Schedule of Capital Improvements so as to maintain the adopted Level of Service.

Policy CI.05.01

The County shall utilize existing and improved development permitting procedures to review development proposals for compliance with the County's adopted LOS, and where appropriate, the time frame for implementation of additional facility improvements shall be determined.

Policy CI.05.02

To the extent practicable, the County shall channel development into area where services are, or will be made, available at the adopted LOS.

Policy CI.05.03

County approval of proposed development or redevelopment projects shall be based on the condition that project related infrastructure is, or will be available at the adopted level of service standards.

Policy CI.05.04

Land use decisions and timing shall be reviewed against existing and future facilities as proposed in the adopted Schedule of Capital Improvements for maintenance of the adopted Level of Service.

OBJECTIVE CI.06

The County shall continue to enforce the Land Development Code to ensure that new development pays its share of costs necessary to maintain the level of service standards adopted herein.

Policy CI.06.01

The County shall require the construction and/or posting of financial surety of project related infrastructure improvements necessary to accommodate the development of vacant parcels or substantial redevelopment of existing properties.

Policy CI.06.02

Credit for shall be granted against required mobility fees for the construction of off-site road improvements and/or dedications of right-of-way to mitigate the transportation impacts of new development.

Policy CI.06.03

Nassau County may collect impact fees for transportation(i.e. mobility fees), parks and recreation, fire-rescue, law enforcement and administrative capital facilities. The amount of the impact fee cannot exceed the cost per unit of demand needed to accommodate new development at the adopted LOS standard less the value of future non-impact fee revenues that will also be used to pay for the needed capital facility expansion.

Policy CI.06.04

Cooperate with the Nassau County School Board to collect education impact fees for the capital improvements to public school facilities necessary to serve new residential developments.

OBJECTIVE CI.07

The County shall identify dedicated funding sources, non-ad valorem revenue streams, developer contributions, impact fees, grants and other possible fiscal resources to ensure the provision of needed capital improvements

Policy CI.07.01

The County shall consider project cost projections based on inflation and contingency costs.

Policy CI.07.02

Nassau County's adopted Schedule of Capital Improvements shall incorporate specific funding sources for identified projects.

Policy CI.07.03

The Budget Officer shall prepare annual estimates of available capital funding sources.

Policy CI.07.04

The County shall annually review its Schedule of Capital Improvements in accordance with Sec. 163.3177, F.S. and the goals, objectives and policies of this Comprehensive Plan.

OBJECTIVE CI.08

The County shall continue to coordinate with the Florida Department of Transportation and the North Florida Transportation Planning Organization to advocate the inclusion and funding of certain long-range transportation improvements which are necessary to support development and maintain level of service standards within Nassau County.

Policy CI.08.01

The transportation improvements identified in the ENCPA Sector Plan Mobility Network and its adopted Detailed Specific Area Plans (DSAPs) shall be included as long term (unfunded) needs on the Future Transportation Map Series (Map FTMS-5) and shall be considered by the County when it reviews and updates the County's adopted Mobility Plan and the Schedule of Capital Improvements.

Policy CI.08.02

The County will participate with the North Florida TPO in the update of the TPO's Long Range Transportation Plan and the Transportation Improvement Program (TIP).

Policy CI.08.03

The County will coordinate the updating of the Schedule of Capital Improvements with the North Florida TPO's Transportation Improvement Program, FDOT's Five-Year Work Program, the ENCPA Sector Plan Mobility Network and the County's adopted Future Transportation Map Series (FTMS) and Mobility Plan.

OBJECTIVE CI.09

The County shall manage the timing of residential growth to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy CI.09.01

The uniform, district-wide level-of service standards for public school facilities shall be based upon the Florida Inventory of School Houses (FISH) maintained by the Department of Education (DOE). These standards shall be consistent with the Inter-local Agreement agreed upon by the School District, and the local governments within Nassau County.

Policy CI.09.02

The County hereby incorporates by reference the Nassau County School District's Five-Year Facilities Work Program ~~for fiscal years 2015-2016 through 2019-2020 adopted September 14, 2015 as adopted annually by the Nassau County School District~~, that includes improvements to school capacity sufficient to meet anticipated student demands projected by the County and its municipalities, in consultation with the School Board's projections of student enrollment, and based on the adopted level of service standards for public schools.

Policy CI.09.03

The ~~County, in coordination with the~~Nassau County School Board, shall annually update the ~~Capital Improvements Element by adopting an ordinance that incorporates by reference the~~ School District's Five-Year Facilities Work Program to ensure that level of service standards will continue to be achieved and maintained during the five-year planning period.

Policy CI.09.04

The County shall ensure that future development pays a proportionate share of the capital costs of public school facilities needed to accommodate new development and maintain adopted level of service standards .

Policy CI.09.05

The County shall include public school facilities as part of the development approval process by conditioning development orders upon the availability of public school facilities at the adopted Level of Service.