

PART 5

Special Topics



CSX freight train on the move near Callahan

Summary

Part 5 includes a discussion of five special topics that the County is required to address in the EAR by the requirements of Sec. 163.3191(2), Florida Statutes. For Nassau County, the requirements include the following:

1. The financial feasibility of implementing the comprehensive plan and maintaining levels of service through the capital improvements element.
2. An assessment of the coordination the future land use map and associated planned residential development with public schools and their capacities (i.e. public school concurrency).
3. An assessment of the comprehensive plan with respect to the water management district's regional water supply plan.
4. An evaluation of whether any past reduction in land use density within the coastal high-hazard area impairs the property rights of current residents when redevelopment occurs.
5. An assessment of the extent to which changes are needed to develop a common methodology with the municipalities and surrounding counties for measuring impacts on transportation facilities.

Financial Feasibility

Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code require comprehensive plans to have an orderly and balanced approach to development, paying particular attention to economic, social, physical, environmental and financial feasibility. Financial feasibility assures that committed funding sources are available to finance capital improvements to ensure that level of service standards are achieved and maintained within a five-year planning period.

The financial feasibility of implementing Nassau County's Comprehensive Plan and providing needed infrastructure in order to maintain the level of service standards is addressed through the implementation of the Five-Year Capital Improvement Program, adopted as part of the Capital Improvement Element of the Comprehensive Plan and enforced through the County's Concurrency Management System.

The Schedule of Capital Improvements (SCI) is a multi-year forecast of major capital buildings, infrastructure and equipment. The current SCI is included in this report in Appendix G. The County adopted a Concurrency Management System as part of its Land Development Regulations in February 1999 and updated it in July 2007. The Concurrency Management System ensures, prior to the issuance of a development order and development permit, that the adopted Level of Service standards for roads, potable water, sanitary sewer, solid waste, drainage, parks and recreation and schools (as of June 1, 2008) will be maintained and that public facilities and services needed to support development are available concurrent with the impacts of development. The 2008 state legislative session may consider major changes to Sec 163.3180, F.S. that will be monitored and incorporated into the EAR-based amendments as necessary.

The County requires concurrency tests for local development orders and local development permits to be conducted by each agency or department having responsibility for the impacted facility(s) prior to the consideration of such local development orders or local development permits, which shall include data concerning proposed densities and intensities according to the County's concurrency guidelines.

Effective July 1, 2005, The "pay as you grow system" adopted under Senate Bill 360 requires the Capital Improvement Element to show committed funding sources to finance SCI projects for the first three years, and committed or planned funding sources for years four and five. The intent is to ensure that funding is in place for those capital projects that are necessary to maintain adopted level-of-service standards within the time period set forth in Sec 163.3180, F.S. Through the CIE, the County provides capital improvements to correct existing public facilities determined to be deficient, to accommodate desired growth and replace those facilities determined to be irreparable.

The financial feasibility requirements direct communities to link their rate of growth with the ability to pay for facilities needed to maintain the adopted level of service (LOS) standards. The County has been involved in continuous efforts to implement this and other requirements of the growth management legislation under Senate Bill 360. The County will continue its analysis to provide a financially sound and feasible SCI while maintaining the adopted level of service (LOS) standards and implementing sound growth management procedures (Please see the analysis and Recommendations for Issue 9 in Part 3 for more information on the County's efforts to maintain a financially sustainable community).

Redevelopment in the Coastal High Hazard Area

Between 1997 and 2006, the State of Florida defined the Coastal High Hazard Area (CHHA) in Chapter 163.3178(2) (h) F.S. as: "the evacuation zone for a category one hurricane as established in the regional hurricane evacuation study applicable to the local government". Pursuant to amendments to Ch. 163 F.S. (HB 1359), The Florida Department of Community Affairs (DCA) now establishes the CHHA area below the elevation of a category 1 storm surge as established by a Sea, Lake and Overland Surges from hurricane (SLOSH) computerized model.

Although a significant portion of unincorporated Nassau County is located within the newly-defined CHHA (approximately 43,935 acres or 68 square miles) it incorporates far less land that is designated for low, medium or high density residential use. As it is now defined, 88 percent of the land within the CHHA is covered by wetlands, floodplains and low-lying areas designated as Conservation I, II, or IV or lying within the Conservation III overlay district. As a result, the development potential of lands located within the CHHA is relatively low (see Table 12 below). However, as the coastal areas of Nassau County approaches build-out, there may be development pressure within the CHHA, especially in areas that are not typically considered as "coastal", such as land along the St. Marys and Nassau Rivers.

Since the time of adoption of the last EAR-based amendments, in 2002, the County has not decreased residential density for any properties in the CHHA. As such, the property rights of owners in the CHHA have not been impaired. The County has permitted redevelopment to occur in the CHHA consistent with adopted future land use designations. The objectives and policies from the Coastal Management Element of the County's Comprehensive Plan that presently address development and redevelopment within the Coastal High Hazard Area can be found in Appendix H.

Pursuant to Sec.163.3178 (9) (c) F.S., local governments must adopt the new definition of CHHA and designate the CHHA on their Future Land Use Map series by July 1, 2008. If a level of service for hurricane evacuation is not adopted for out of county evacuation as of July 1, 2008, level of service will be set at 16 hours for a Category 5 storm event.

Table 12 Land Use Distribution in the CHHA

Land Use Category	Acres in CHHA	% of CHHA
Agriculture	3717.22	8.0
Conservation I, II, IV	38571.57	88.0
Industrial	13.16	0.02
Commercial	30.41	0.06

High Density Residential	47.29	0.1
Medium Density Residential	409.15	0.9
Low Density Residential	677.89	1.5
Multi-Use	190.27	0.4
Recreation	81.63	0.1

The record-setting hurricane seasons of 2004 and 2005 underscored the need for Florida communities to be prepared to face the tremendous, wide-ranging challenge of rebuilding after a disaster. In response, the Department of Community Affairs (DCA) partnered with the Florida Coastal Management Program of the Department of Environmental Protection (DEP) and the National Oceanic and Atmospheric Administration (NOAA) to help Florida communities meet this need.

DCA has begun a three-year planning initiative to help coastal and inland local governments prepare post-disaster redevelopment plans (PDRPs). The initiative will be conducted in three phases, running from 2007 to 2009. The initiative will be led by a 19-member focus group consisting of representatives of federal, state and local government, state universities and Florida planning organizations.

The PDRP focus group has selected Nassau County as a pilot community from among a pool of volunteer communities. Nassau County will apply the best practices guidelines established during Phase I. Throughout Phase II, the focus group will help the County develop its Post-Disaster Redevelopment Plan. During Phase III, the focus group will analyze the guidelines and incorporate findings into a final Post-Disaster Redevelopment Planning guidebook, which is expected to be available for distribution in the second half of 2009. In addition, recommendations for legislative changes that will complement the guidebook will be developed to clarify the minimum requirements of a Post-Disaster Redevelopment Plan for those communities that are required to develop them.

Public School Concurrency

An inter-local agreement (ILA) has been adopted by Nassau County, the City of Fernandina Beach, the Town of Hilliard, and the Town of Callahan. This agreement became effective June 12, 2003. The ILA includes provisions for coordinated planning efforts, including data collection, financially feasible work plans, and physical plant surveys. The ILA also contains protocols for new school site selection, as well as expansion and closure of existing schools, and zoning requirements for school facilities.

With the passage of Senate Bill 360 (SB 360) in 2005, school concurrency and a public school facilities element became mandatory elements of a local government comprehensive plan. Nassau County has amended the ILA in accordance with the requirements established in Chapter 163.3191(2) (k) by SB 360; and has adopted the following amendments as of July 14, 2008:

- A Public School Facilities Element (PSFE) to be adopted into the comprehensive plan that will enable the comprehensive plan to more effectively address the coordination of school facilities and land uses (Sections 163.3180(13)(a) and 163.3177(12), F.S., and Rule 9J-5.025, F.A.C.);
- Amendment to the Intergovernmental Coordination Element to include coordinated procedures for implementing school concurrency (Sections 163.3177(6) (h) (1), 163.3177, F.S. and 163.3180(13), F.S.);
- Amendment to the Capital Improvements Element to include adopted school level-of service (LOS) standards that establish maximum permissible school utilization rates relative to capacity (Section 163.3180(13)(b), F.S.);
- Amendment to the Capital Improvements Element to include a financially feasible Public School Capital Facilities Program (Section 163.3180(13) (d) 1. F.S.);
- Update of the supporting data and analysis section of the comprehensive plan to include information on public school Concurrency Service Areas (CSAs) that define the geographic boundaries of school concurrency (Sections 163.3180(13)(c) and 163.3180(13)(g)(5), F.S.).

Water Supply Planning

The St. Johns River Water Management District (SJRWMD) approved its updated District Water Supply Plan on Feb. 7, 2006. Nassau County is not within the District's Priority Water Resource Caution Area (PWRCA).

Nonetheless, the Department of Community Affairs requires that counties not lying within the Priority Water Resource Caution Area address the following items as part of the EAR and subsequent EAR-based amendments to their comprehensive plans:

- Update the Community Facilities Element to address water needs and sources, water supply development, conservation, reuse, and cooperative planning efforts related to development of multi-jurisdictional water supply facilities, including the development of alternative water sources to supplement traditional sources of groundwater and surface water supplies.
- Update the Conservation Element to include an assessment of current and projected water needs and sources for at least a 10-year period. This assessment should consider the St. Johns River Water Management District Water Management Plan.
- Update the Intergovernmental Coordination Element to address cooperative efforts with other local governments, public and private utilities, regional water supply authorities, special districts, and water management districts with regard to potable and reuse water service delivery.
- Update the Community Facilities Element, Conservation Element, Intergovernmental Coordination Element and Future Land Use Element to reflect the St. Johns River Water Management District's 2005 District Water Supply Plan (Note: no water supply development projects listed in the 2005 plan are located in Nassau County).

Common Methodology for Measuring Impacts on Transportation Facilities

Florida Statute 163.3191(2) (p) requires that local governments include the following in their Evaluation and Appraisal Reports:

“An assessment of the extent to which changes are needed to develop a common methodology for measuring impacts on transportation facilities for the purpose of implementing its concurrency management system in coordination with the municipalities and counties, as appropriate pursuant to s. 163.3180(10).”

Nassau County, the City of Jacksonville, and the City of Fernandina Beach all have adopted transportation concurrency management systems. Baker County does not have an adopted transportation concurrency management system at present, but anticipates adoption of one in 2008. Neither the Town of Callahan nor the Town of Hilliard has an adopted transportation concurrency management system at present, but each anticipates the adoption of one within one year.

Each of these jurisdictions bases level of service (LOS) on pm peak hour roadway conditions. Each has adopted the LOS standards established by FDOT for facilities on the Florida Intrastate Highway System (FIHS). The Strategic Intermodal System (SIS), the successor to the FIHS, is not addressed in these jurisdictions' Comprehensive Plans, as the elements were adopted prior to the creation of the SIS.

Level of service is based on the functional classification of a roadway. In Nassau County, all minor arterials or collectors not part of the FIHS have a LOS of D. In the City of Jacksonville, all roads not on FIHS principal arterials, minor arterials, and collectors) have an adopted LOS of E in urbanized areas and D in transitioning areas. In the City of Fernandina Beach, the adopted LOS is C for minor arterials and city-maintained collectors. County-maintained collectors within the City have an LOS of D.

Each of these jurisdictions all provide for use latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, to determine the number of trips to be produced or attracted to a particular land use when assessing trip generation and distribution analysis of traffic.

There are many similarities in the way that Nassau County, the City of Jacksonville, and the City of Fernandina Beach measure impacts on transportation facilities. The established levels of service, are similar and in most cases compatible across jurisdictional lines. All communities use the same trip generation data and the acceptable methods for trip distribution are very similar.

There is some variation between the jurisdictions regarding the concurrency review requirements for specific types of development and the area of impact for those reviews. Although these differences do not appear to have a significant impact, it is difficult to draw a definitive conclusion because there is no coordinated review of specific developments between jurisdictions. An inter-local agreement, memorandum of understanding, or other intergovernmental agreement should be created to define the types of developments that may have multi-jurisdictional traffic impacts and provide opportunities for inter-local coordination in reviewing the traffic impacts of those developments. Mechanisms by which the County and other entities will ensure consistent level of service standards for multi-jurisdictional roadways should also be addressed in these agreements Please see the recommendations for Issues 2 and 8 in Part 3 for more detail on the multi-jurisdictional coordination of transportation planning.

PART 6

Additional Recommendations



Surf fishing on Amelia Island

Summary

Part 6 provides additional recommendations for the updating of the Comprehensive Plan. These recommendations are divided into three sections.

The first includes recommended changes in the timeframes, data & analysis, definitions, format and style to be applied on a universal basis throughout the Plan. This section also includes a recommendation to incorporate the results on the Visioning 2032 plan into the EAR-based amendments.

The second section includes additional recommended changes to the Goals, Objectives and policies of the Plan. These recommended changes are for the most part required by state law (typically in either Ch. 163 F.S. or Rule 9J-5), but not directly related any of the ten identified major local issues.

The last section is a summary of recommended supplemental plans or studies. These are either plans or studies recommended to address one of the ten major local issues in Part 3, or are recommended by an existing policy in the Plan and are still relevant to the future growth of the County.

Universal Recommendations

Timeframes

- Update the planning horizon of the comprehensive plan from 2010 to 2030. A shorter term horizon of 2015 may also be applicable for certain purposes.
- Remove any outdated timeframes from the Goals, Objectives and Policies of the comprehensive plan. Update these timeframes only if it is appropriate and consistent with the recommendations of this report.

Data & Analysis

- The data and analysis required by Rule 9J-5 F.A.C. for each element should be updated to reflect current conditions using the best available data and methodologies to project future population growth and the need for service.
- Update all maps to reflect the current County and municipal boundaries.

Glossary/Definitions

- Add a glossary of commonly used terms in all elements. Cite the most appropriate sources for definitions, in particular terms defined in Ch. 163 F.S. and Rule 9J-5 F.A.C.

Format/ Style

- Clarify the numbering and/or labeling system for Objectives and Policies in order to facilitate referencing and amending the text of the comprehensive plan.
- Phrase all objectives and policies as clear, concise statements.
- Avoid repetitive, overlapping or redundant policies.

Visioning 2032

- EAR-based amendments to the Goals, Objectives and Policies of the comprehensive plan should incorporate applicable findings and recommendations of the Nassau County Visioning 2032 Plan (under contract, to be completed by August 2008).

Implementation Schedule

- Develop an implementation schedule that will detail the various actions needed to implement the recommendations of the EAR. This should include a summary of the actions required, the agencies responsible for implementation, a preliminary schedule or timetable for implementation, and potential funding sources if appropriate

Additional Recommendations for Goals, Objectives and Policies

By Element:

Future Land Use Element

- Add or amend policies in the Future Land Use element to encourage the preservation of working waterfronts (defined in Sec. 342.07, F.S.) as required by Sec. 163.3177 (6)(a) F.S..
- Add or amend policies in the Future Land Use element to permit electrical substations in all FLUM categories except Conservation, subject to reasonable setback and landscape buffer standards for substations as required by Sec. 163.3208 F.S..

Traffic Circulation Element

- Re-name element "Transportation Element" to reflect inclusion of objectives and policies affecting all modes of transportation (road, rail, waterborne, aviation) throughout the County.
- Add objectives to the Transportation Element to coordinate the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements as required by Rule 9J-5.019(4)(b) F.A.C.
- Add objectives to the Transportation Element to coordinate surface transportation access to ports, airports, and related facilities with the traffic circulation system as required by Rule 9J-5.019(4) (b) F.A.C.
- Add policies to the Transportation Element to promote ports, airports and related facilities development and expansion as required by Rule 9J-5.019(4) (c) F.A.C.
- Add policies to the Transportation Element to mitigate adverse structural and non-structural impacts from ports, airports and related facilities as required by Rule 9J-5.019(4) (c) F.A.C.

- Add policies to the Transportation Element to protect and conserve natural resources within ports, airports and related facilities as required by Rule 9J-5.019(4) (c) F.A.C.
- Provide a list and map of future transportation corridors and needed improvements based upon engineering analysis of current deficiencies and future needs.

Housing Element

- Authorize the permitting accessory dwelling units as defined in Sec. 163.31771(2) in areas zoned for single family residential use based upon certain findings. Such dwellings must be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons as required by Sec. 163.31771(4) F.S.
- Provide for certain accessory dwelling units to apply towards satisfying the affordable housing component of the Housing element in the comprehensive plan per Sec. 163.31771(5) F.S.

Public Facilities Element

- Create sub-elements for Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Areas. Create a separate goal for each service and add appropriate objectives and policies for each as required by Rule 9J-5.011.
- The sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge sub-elements should consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities as required by Sec.163.3177(6)(c) F.S.
- Address coordination of local comprehensive plan with the regional water supply plan as required by 163.3177(4) (a).
- Require the Potable Water sub-element to be updated within 18 months of an updated regional water supply plan, to incorporate the alternative water supply projects selected by the County to meet its water supply needs as required by Sec. 163.3177 (6) (c) F.S.
- Provide documentation and graphic representation of existing and proposed utility franchise areas.

Coastal Management Element

- Change the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model per Sec. 163.3178(2) (h) F.S.
- Amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008 as required by Sec. 163.3178(2) (c) F.S.
- Adopt LOS Standard for out-of-county hurricane evacuation for a category 5 storm. New development in the CHHA must maintain this LOS, maintain a 12-hour hurricane evacuation time to shelter, or provide mitigation that satisfies these two requirements as required by Sec. 163.3178(9) (a) F.S.
- Include strategies that will be used to preserve recreational and commercial working waterfronts (defined in Sec. 342.07, F.S.) as required by Sec. 163.3178(2) (g) F.S.

Conservation Element

- Include consideration of the regional water supply plan in the Conservation element as required by Sec. 163.3177(6) (d) F.S.

Open Space and Recreation Element

No Additional Recommendations

Intergovernmental Coordination Element

- Add or amend policies in the Intergovernmental Coordination element (ICE) to include relationships, principles and guidelines to be used in coordinating the comprehensive plan with regional water supply plans as required by Sec 163.3177(6)(h) F.S..

Capital Improvements Element

No Additional Recommendations

Recommended Additional Plans or Studies

Recreation Master Plan

A County-wide Recreation Master Plan to identify locations where the County should acquire land or access for public parks, beach access, boat facilities, and buffer zones throughout the County to accommodate the recreational needs of its growing population. The Plan should include an inventory of county owned or operated facilities and those available to county residents through interlocal agreements, a detailed assessment of recreation needs based upon projected future population growth, identification of lands to be targeted for acquisition and development of recreational facilities, and identification of possible funding options and partnerships.

Boat Facilities Plan

A Boat Facilities Plan, including an inventory of existing boat facilities, i.e. marinas and boat ramps, and evaluate the need for additional facilities at least once every five years as required by Coastal Management Policy 5.08.05

Bicycle Route Network

A plan for a County-wide Bicycle Route Network. The plan should be incorporated into the Recreation Master Plan, as well as into the Transportation Element as required by Traffic Circulation Policy 2.04.01.

Inventory of Stormwater Facilities

A comprehensive inventory of all stormwater management facilities under the county's jurisdiction as required by Public Facilities Policy 4.05B.06E. The County is currently working on a Drainage Master Plan which will include this inventory.

Right-of-Way Plan

A plan for the protection and acquisition of rights-of-way, including future corridors and expanded intersections, as required by Traffic Circulation Objective 2.03

Post-Disaster Redevelopment Plan (update)

An updated post- disaster redevelopment plan, as required by Coastal Management Policy 5.04.03. Nassau County has been chosen as a pilot community by DCA as part of a planning initiative to help coastal and inland local governments prepare post-disaster redevelopment plans (See Part 5 for details).

Hurricane Evacuation Plan (update)

An updated hurricane evacuation plan, as required by Coastal Management Policy 5.04.05. The County should update its evacuation plan based on the Statewide Regional Evacuation Study Program (SRESP), which is expected to be completed in mid-2009. The SRESP will bring uniformity and state-of-the-art science to the process of planning for mass evacuations across the state, homogenizing the evacuation planning process for 67 counties in 11 regions. The anticipated end result will be a user-friendly product that emergency planners statewide can rely upon.

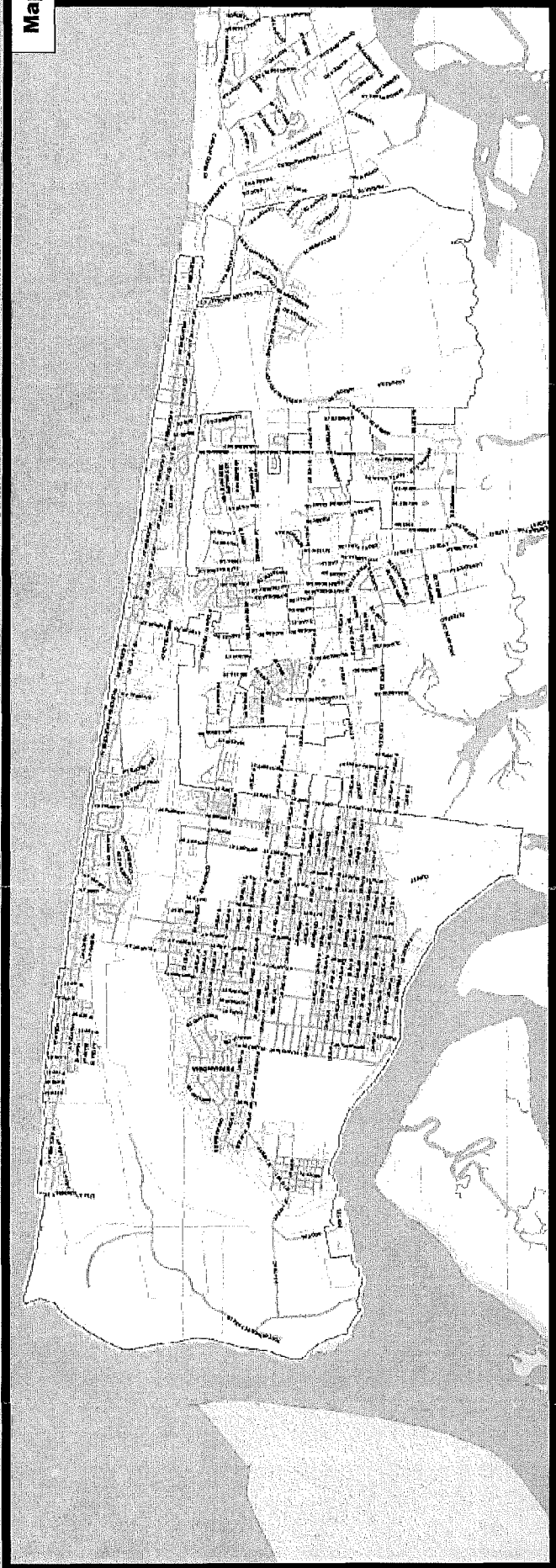
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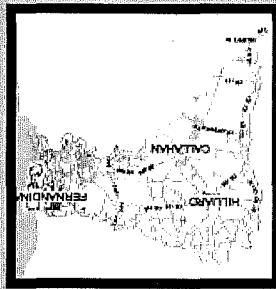
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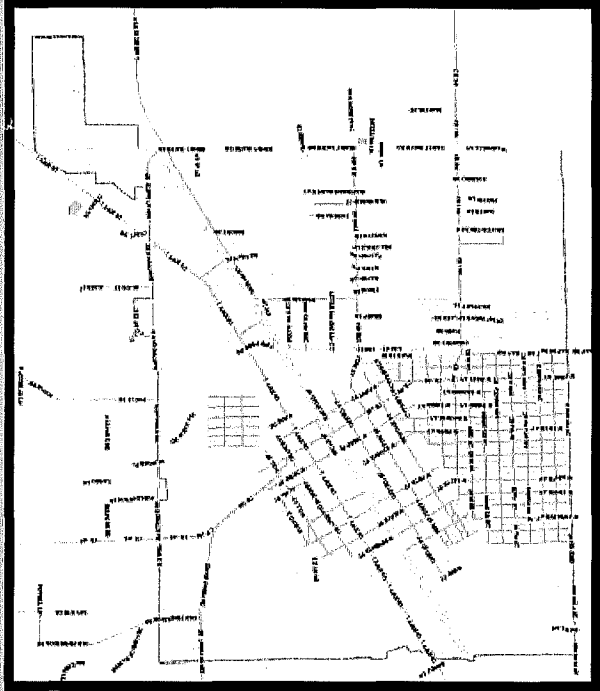
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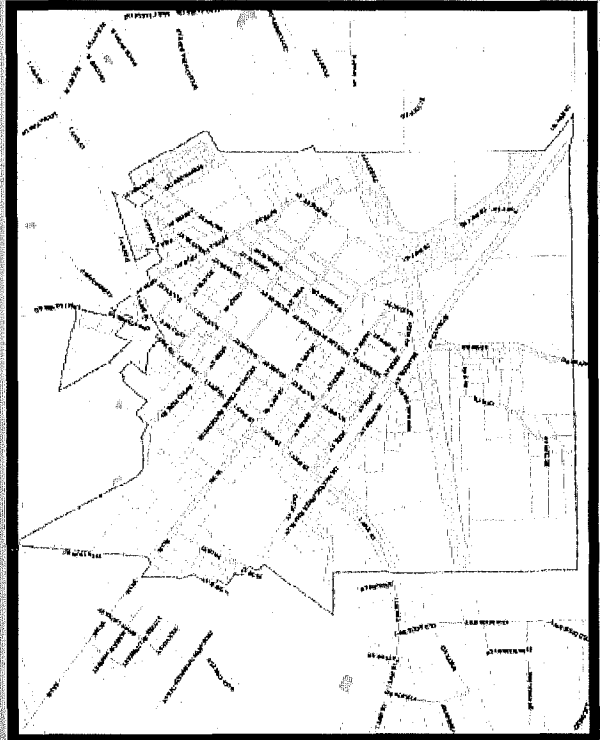





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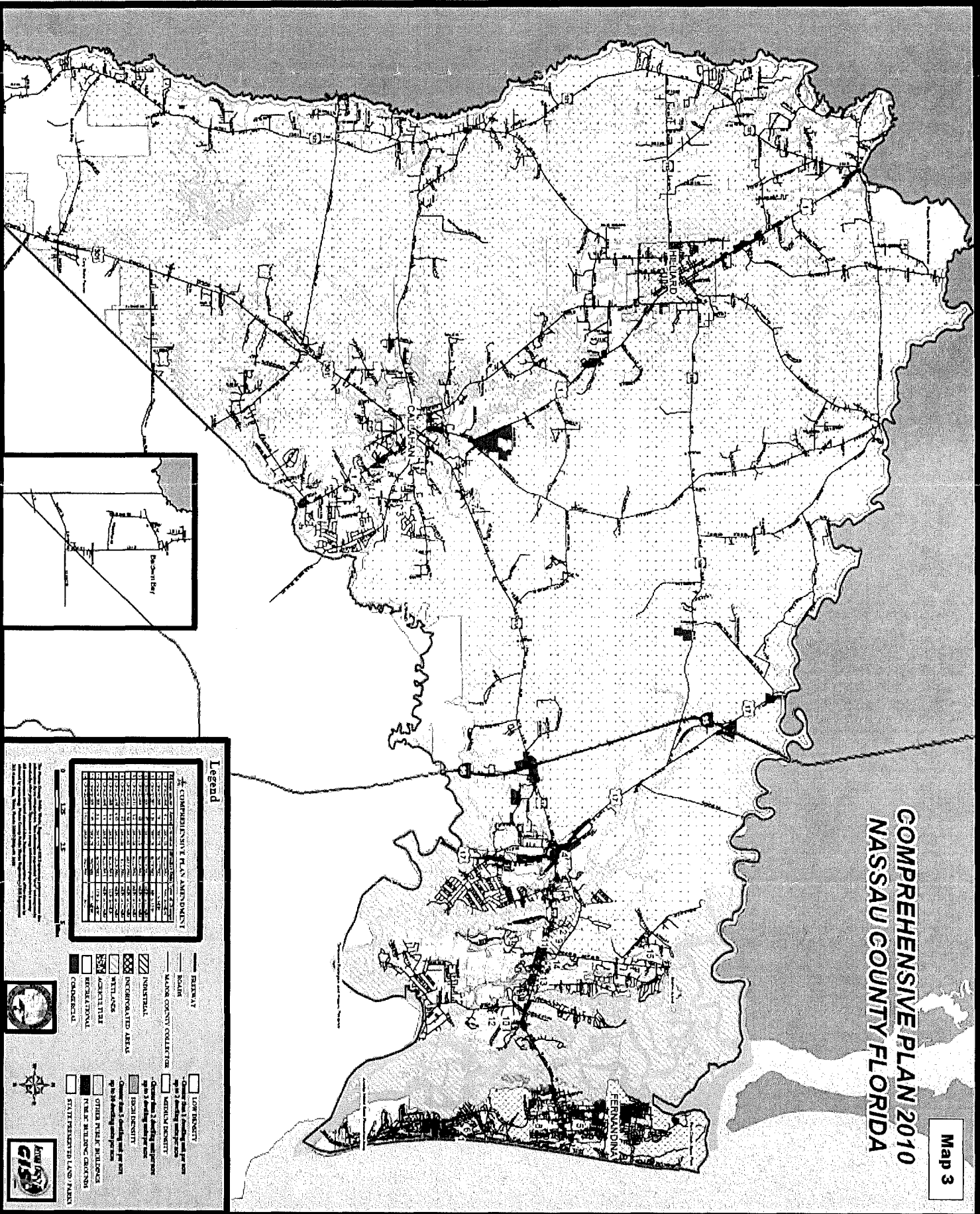


TOWN OF HILLIARD



TOWN OF CALLAHAN

**COMPREHENSIVE PLAN 2010
NASSAU COUNTY FLORIDA**



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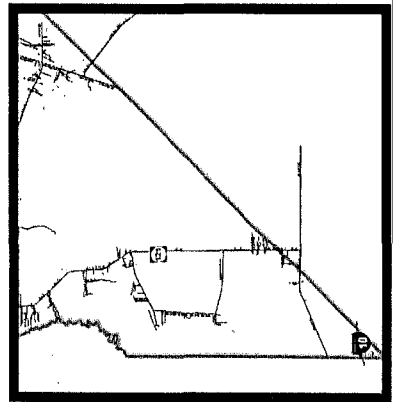
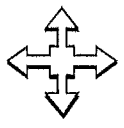
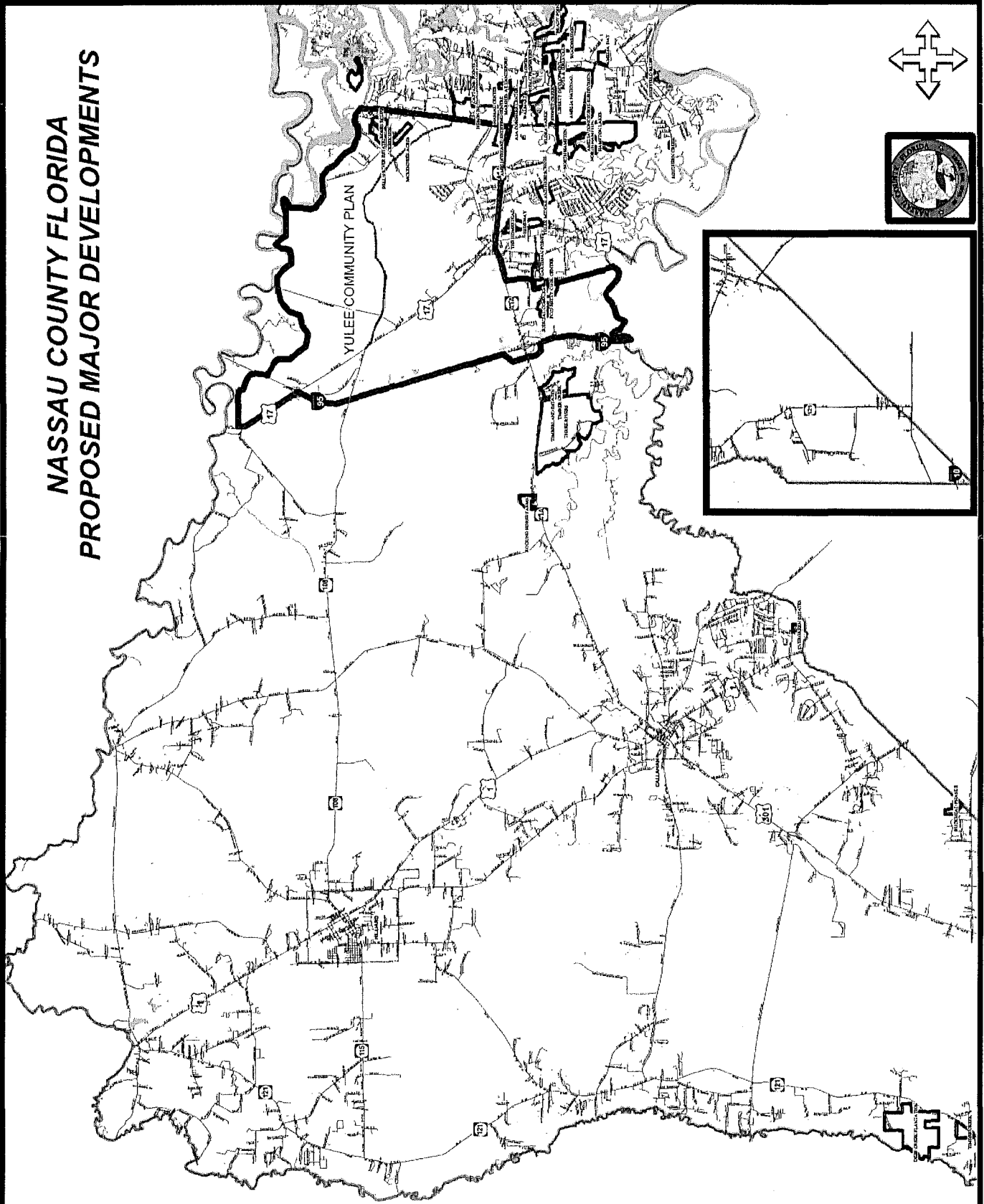
COMPREHENSIVE PLAN AMENDMENT

Legend Symbol	Amendment Description
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- HIGHWAY
- MAJOR COUNTY COLLECTOR
- LOCAL ROAD
- STATE PRESERVED LAND PARKS
- LOW DENSITY
- MEDIUM DENSITY
- HIGH DENSITY
- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- AGRICULTURE
- RECREATION
- OTHER PUBLIC INFRASTRUCTURE
- PUBLIC BUILDING/CONCRETE
- STATE PRESERVED LAND PARKS

Scale: 0, 1.25, 2.5 miles

NASSAU COUNTY FLORIDA PROPOSED MAJOR DEVELOPMENTS



Appendix A
Changes to Ch. 163 Florida Statutes 1999-2006

Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
1999			
163.3178(7)	Required that ports and local governments in the coastal area, which has spoil disposal responsibilities, identify dredge disposal sites in the comp plan.	N/A	N/A
163.3187(1)(h)	Exempted from the twice-per-year limitation certain port related amendments for port transportation facilities and projects eligible for funding by the Florida Seaport Transportation and Economic Development Council.	None; procedural change	None required
163.3177(6)(a)	Required rural counties to base their future land use plans and the amount of land designated industrial on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversify local economies.	FLUE Objective 1.10	None required
163.2511, 163.25, 14, 163.2517, 163.2520, 163.2523, and 163.2526	Added the Growth Policy Act to Ch. 163, Part II to promote urban infill and redevelopment.	Not Addressed	FLUE
163.3177(6)(a)	Required that all comp plans comply with the school siting requirements by October 1, 1999.	FLUE Objective 1.07 ICE Objective 8.05	None required
163.3180(1)(a)	Made transportation facilities subject to concurrency.	None; procedural change	None required
163.3180(1)(b)	Required use of professionally accepted techniques for measuring level of service for cars, trucks, transit, bikes and pedestrians.	None; procedural change	None required
163.3180(4)(b)	Excludes public transit facilities from concurrency requirements.	None; procedural change	None required
163.3180(12)	Allowed multiuse DRIs to satisfy the transportation concurrency requirements when authorized by a local comprehensive plan under limited circumstances.	CIE Objective 9.08	None required
163.3180(15)	Allowed multimodal transportation districts in areas where priorities for the pedestrian environment are assigned by the plan.	No districts established in Nassau County	None required
163.31879(1)(i) and (j)	Exempted amendments for urban infill and redevelopment areas, public school concurrency from the twice-per-year limitation.	None; procedural change	None required
163.3220(2)	Defined brownfield designation and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for "brownfield" definition.]	None; procedural change	None required
2000			
163.3184(11)(c) [Repealed]	Repealed Section 163.3184(11)(c), F.S., that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	Repealed	Repealed

Appendix A
Changes to Ch. 163 Florida Statutes 1999-2006

Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3187(7) [Repealed]	Repealed Section 163.3187(7), F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	Repealed	Repealed
163.3191(13) and (15) [Repealed]	Repealed Sections 163.3191(13) and (15), F.S.	Repealed	Repealed
163.3187(1)(c)1.e	Allowed small scale amendments in areas of critical state concern to be exempt from the twice-per-year limitation only if they are for affordable housing.	None; procedural change	None required
163.2517(3)(j)2.	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of incentives for new development within urban infill and redevelopment areas.	None; procedural change	None required
2001			
163.3177(11)(d)	Created the rural land stewardship area program.	None; procedural change	None required
2002			
163.3174	Required that all agencies that review comprehensive plan amendments and rezoning include a nonvoting representative of the district school board.	PSFE Objective 10.1	PSFE (to be adopted by 6/1/2008)
163.3177(4)(a)	Required coordination of local comprehensive plan with the regional water supply plan.	See 2007 EAR Part 5	PFE
163.3177(6)(a)	Plan amendments for school-siting maps are exempt from s. 163.3187(1)'s limitation on frequency.	None; procedural change	None required
163.3177(6)(c)	Required that by adoption of the EAR, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and include a 10-year work plan to build the identified water supply facilities.	See 2007 EAR Part 5	PFE
163.3177(6)(d)	Required consideration of the regional water supply plan in the preparation of the conservation element.	Not Addressed	CE
163.3177(6)(h)	Required that the intergovernmental coordination element (ICE) include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	No Addressed	ICE
163.3177(6)(h)4.	Required the local governments adopting a public educational facilities element execute an inter-local agreement with the district school board, the county, and non-exempting municipalities.	ILA revisions under consideration	PSFE (to be adopted by 6/1/2008)

Appendix A
Changes to Ch. 163 Florida Statutes 1999-2006

Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3177(6)(h)6., 7., & 8.	Required that counties larger than 100,000 population and their municipalities submit a inter-local service delivery agreements (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with affected parties to discuss and id strategies to remedy any deficiencies or duplications.	N/A	N/A
163.3177(6)(h)9. [Repealed]	Required local governments and special districts to provide recommendations for statutory changes for annexation to the Legislature by February 1, 2003. NOTE: this requirement repealed by Ch. 2005-290, s. 2, LOF.	Repealed	Repealed
163.31776 [Repealed]	Added a new Section 163.31776 that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	Repealed	Repealed
163.31777	Added a new Section 163.31777 that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	ILA adopted 6/2003	None required
163.3180(4)(c)	Added a provision that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	None; Optional plan provision	None required
163.3184(1)(a)	Expanded the definition of "affected persons" to include property owners who own land abutting a change to a future land use map.	None; procedural change	None required
163.3184(1)(b)	Expanded the definition of "in compliance" to include consistency with Section 163.31776 (public educational facilities element).	None; procedural change	None required
163.3184(3), (4), (6), (7), and (8)	Streamlined the timing of comprehensive plan amendment review.	None; procedural change	None required
163.3184(15)(c)	Required that local governments provide a sign-in form at the transmittal hearing and at the adoption hearing for persons to provide their names and addresses.	None; procedural change	None required
163.3187(1)(k)	Exempted amendments related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	None; procedural change	None required
163-3191(2)(1)	Required EARs to include (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	See 2007 EAR Part 5	Under review (see Part 5)

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3215	Allowed local governments to establish a special master process to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	None; procedural change	None required
163.3246	Created the Local Government Comprehensive Planning Certification Program to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	None; Optional plan provision	None required
163.3187(1)	Added a provision to Section 380.06(24), Statutory Exemptions, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of plan amendments contained in s.163.3187(1).	None; procedural change	None required
163.3194(6)	Prohibited a local government, under certain conditions, from denying an application for development approval for a requested land use for certain proposed solid waste management facilities.	None; procedural change	None required
2003			
163.3162	Creates the Agricultural Lands and Practices Act. Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm operation on land that is classified as agricultural land.	FLUE Objective 1.02	None required
163.3167(6)	Changes "State Comptroller" references to "Chief Financial Officer."	None; procedural change	None required
163.3177(6)(k)	Provides for certain airports to abandon DRI orders.	N/A	N/A
163.31776	Throughout s.163.3177, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	None; procedural change	None required
163.31777	Throughout s.163.31777, F.S., citations for Ch. 235, F.S., are changed to cite the appropriate section of Ch. 1013, F.S.	None; procedural change	None required
2004			
163.3167(10)	Amended to conform to the repeal of the Florida High-Speed Rail Transportation Act, and the creation of the Florida High-Speed Rail Authority Act.	None; procedural change	None required

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3167 (13)	Created to require local governments to identify adequate water supply sources to meet future demand.	N/A	N/A
163.3167 (14)	Created to limit the effect of judicial determinations issued subsequent to certain development orders pursuant to adopted land development regulations.	N/A	N/A
163.3175 (1)	Provides legislative findings on the compatibility of development with military installations.	N/A	N/A
163.3175 (2)	Provides for the exchange of information relating to proposed land use decisions between counties and local governments and military installations.	N/A	N/A
163.3175 (3)	Provides for responsive comments by the commanding officer or his/her designee.	N/A	N/A
163.3175 (4)	Provides for the county or affected local government to take such comments into consideration.	N/A	N/A
163.3175 (5)	Requires the representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board.	N/A	N/A
163.3175(6)	Encourages the commanding officer to provide information on community planning assistance grants.	N/A	N/A
163.3177(6)(a)	<ul style="list-style-type: none"> • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with military installations. • Changed to specifically encourage rural land stewardship area designation as an overlay on the future land use map. 	N/A	N/A
163.3177 (6)(c)	Extended the deadline adoption of the water supply facilities work plan amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments.	None; procedural change	None required
163.3177 (10)(l)	Provides for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations.	N/A	N/A

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3177 (11)(d)1.	Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to rural land stewardship areas.	N/A	N/A
163.3177 (11)(d)2.	Provides for multicounty rural land stewardship areas.	N/A	N/A
163.3177 (11)(d)3.-4	Revises requirements, including the acreage threshold for designating a rural land stewardship area.	N/A	N/A
163.3177 (11)(d)6.j.	Provides that transferable rural land use credits may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.	N/A	N/A
163.3177 (11)(e)	Provides legislative findings regarding mixed-use, high-density urban infill and redevelopment projects; requires DCA to provide technical assistance to local governments.	N/A	N/A
163.3177 (11)(f)	Provides legislative findings regarding a program for the transfer of development rights and urban infill and redevelopment; requires DCA to provide technical assistance to local governments.	N/A	N/A
163.31771(1)	Provides legislative findings with respect to the shortage of affordable rentals in the state.	None; procedural change	None required
163.31771 (2)	Provides definitions.	None; procedural change	None required
163.31771 (3)	Authorizes local governments to permit accessory dwelling units in areas zoned for single family residential use based upon certain findings.	Not Addressed	HE
163.31771(4)	An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons.	Not Addressed	HE
163.31771(5)	Provides for certain accessory dwelling units to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan.	Not Addressed	HE
163.31771(6)	Requires the DCA to report to the Legislature.	None; procedural change	None required

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3184(1)(b)	Amends the definition of "in compliance" to add language referring to the Wekiva Parkway and Protection Act.	N/A	N/A
163.3187(1)(m)	Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close proximity to military installations do not count toward the limitation on frequency of amending comprehensive plans.	None; procedural change	None required
163.3187 (1)(n)	Created to provide that amendments to establish or implement a rural land stewardship area do not count toward the limitation on frequency of amending comprehensive plans.	None; procedural change	None required
163.3191(2)(n)	Created to provide that evaluation and appraisal reports evaluate whether criteria in the land use element were successful in achieving land use compatibility with military installations.	N/A	N/A
2005			
163.3164(32)	Added the definition of "financial feasibility."	None; procedural change	None required
163.3177(2)	Required comprehensive plans to be "financially" rather than "economically" feasible.	CIE (amended 11/28/2007)	None required
163.3177 (3)(a)5.	Required the comprehensive plan to include a 5-year schedule of capital improvements. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be guaranteed in the form of a development agreement or interlocal agreement.	CIE (amended 11/28/2007)	None required
163.3177 (3)(a)6.b.1.	Required plan amendment for the annual update of the schedule of capital improvements. Deleted provision allowing updates and change in the date of construction to be accomplished by ordinance.	CIE (amended 11/28/2007)	None required
163.3177 (3)(a)6.c.	Added oversight and penalty provision for failure to adhere to this section's capital improvements requirements.	CIE (amended 11/28/2007)	None required
163.3177 (3)(a)6.d.	Required a long-term capital improvement schedule if the local government has adopted a long-term concurrency management system.	CIE (amended 11/28/2007)	None required
163.3177 (6)(a)	Deleted date (October 1, 1999) by which school sitting requirements must be adopted.	None; procedural change	None required

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3177 (6)(a)	Add requirement that future land use element of coastal counties must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.	Not Addressed	CME
163.3177 (6)(c)	Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the alternative water supply projects selected by the local government to meet its water supply needs.	Not Addressed	PFE
163.3177 (6)(e)	Added waterways to the system of sites addressed by the recreation and open space element.	ROSE Objective 7.03	None required
163.3177 (11)(d)4.c.	Required rural land stewardship areas to address affordable housing.	N/A	N/A
163.3177 (11)(d)5.	Required a listed species survey be performed on rural land stewardship receiving area. If any listed species present, must ensure adequate provisions to protect them.	N/A	N/A
163.3177 (11)(d)6.	Must enact an ordinance establishing a methodology for creation, conveyance, and use of stewardship credits within a rural land stewardship area.	N/A	N/A
163.3177 (11)(d)6.j.	Revised to allow open space and agricultural land to be just as important as environmentally sensitive land when assigning stewardship credits.	N/A	N/A
163.3177 (12)	Must adopt public school facilities element.	PSFE (to be adopted by 6/1/2008)	PSFE (to be adopted by 6/1/2008)
163.3177 (12)(a) and (b)	A waiver from providing this element will be allowed under certain circumstances.	N/A	N/A
163.3177 (12)(g)	Expanded list of items to be to include colocation, location of schools proximate to residential areas, and use of schools as emergency shelters.	PSFE Objective 10.2	PSFE (to be adopted by 6/1/2008)
163.3177 (12)(h)	Required local governments to provide maps depicting the general location of new schools and school improvements within future conditions maps.	PSFE Objective 10.5	PSFE (to be adopted by 6/1/2008)
163.3177 (12)(i)	Required DCA to establish a schedule for adoption of the public school facilities element.	N/A	N/A

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3177 (12)(j)	Established penalty for failure to adopt a public school facility element.	None; procedural change	None required
163.3177 (13)	(New section) Encourages local governments to develop a "community vision," which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources.		
163.3177 (14)	(New section) Encourages local governments to develop a "urban service boundary," which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).		
163.3177(2)	Required the public schools interlocal agreement (if applicable) to address requirements for school concurrency. The opt-out provision at the end of Subsection (2) is deleted.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.31777 (5)	Required Palm Beach County to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school facilities element requirements.	N/A	N/A
163.31777 (7)	Provided that counties exempted from public school facilities element shall undergo re-evaluation as part of its EAR to determine if they continue to meet exemption criteria.	N/A	N/A
163.3178	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	Not Addressed	CME
163.3180(1)(a)	Added "schools" as a required concurrency item.	PSFE Objective 10.8	PSFE (to be adopted by 6/1/2008)
163.3180 (2)(a)	Required consultation with water supplier prior to issuing building permit to ensure "adequate water supplies" to serve new development is available by the date of issuance of a certificate of occupancy.		
163.3180 (2)(c)	Required all transportation facilities to be in place or under construction within 3 years (rather than 5 years) after approval of building permit.		

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3180 (4)(c)	Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517).	N/A	N/A
163.3180 (5)(d)	Required guidelines for granting concurrency exceptions to be included in the comprehensive plan.		
163.3180 (5)(e) – (g)	If local government has established transportation exceptions, the guidelines for implementing the exceptions must be “consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.” Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last.	N/A	N/A
163.3180 (6)	Required local government to maintain records to determine whether 110% de minimis transportation impact threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions.		
163.3180 (7)	Required consultation with the Department of Transportation prior to designating a transportation concurrency management area (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should work together to mitigate any impacts to the Strategic Intermodal System.	None; procedural change	None required
163.3180 (9)(a)	Allowed adoption of a long-term concurrency management system for schools.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (9)(c)	(New section) Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a long-term concurrency management system.		
163.3180 (9)(d)	(New section) Required evaluation in EAR of progress in improving levels of service.		

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3180 (10)	Added requirement that level of service standard for roadway facilities on the Strategic Intermodal System must be consistent with FDOT standards. Standards must consider compatibility with adjacent jurisdictions.	TCE Objective 2.01	None required
163.3180 (13)	Required school concurrency (not optional).	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(c)1.	Requires school concurrency after five years to be applied on a "less than districtwide basis" (i.e., by using school attendance zones, etc).	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(c)2.	Eliminated exemption from plan amendment adoption limitation for changes to service area boundaries.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(c)3.	No application for development approval may be denied if a less-than-districtwide measurement of school concurrency is used; however the development impacts must to shifted to contiguous service areas with school capacity.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(e)	Allowed school concurrency to be satisfied if a developer executes a legally binding commitment to provide mitigation proportionate to the demand.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(e)1.	Enumerated mitigation options for achieving proportionate-share mitigation.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(e)2.	If educational facilities funded in one of the two following ways, the local government must credit this amount toward any impact fee or exaction imposed on the community: <ul style="list-style-type: none"> • contribution of land • construction, expansion, or payment for land acquisition 	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(g)2.	(Section deleted) – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school facilities. However, see (13)(g)6.a. for similar requirement.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(g)6.a.	Formerly (13)(g)7.a.] Local governments must establish a uniform procedure for determining if development applications are in compliance with school concurrency.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3180 (13)(g)7.	Formerly (13)(g)8.] Deleted language that allowed local government to terminate or suspend an interlocal agreement with the school board.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (13)(h)	(New 2005 provision) The fact that school concurrency has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.	PSFE Objective 10.	PSFE (to be adopted by 6/1/2008)
163.3180 (15)	Prior to adopting Multimodal Transportation Districts, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.	N/A	N/A
163.3180 (16)	(New 2005 section) Required local governments to adopt by December 1, 2006 a method for assessing proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.	CIE (amended 11/28/2007)	None required
163.3184(17)	(New 2005 section) If local government has adopted a community vision and urban service boundary, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.	N/A	N/A
163.3184 (18)	(New 2005 section) If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.	N/A	N/A
163.3187(1)(c)1.f.	Allowed approval of residential land use as a small-scale development amendment when the proposed density is equal to or less than the existing future land use category. Under certain circumstances affordable housing units are exempt from this limitation.	None; procedural change	None required
163.3187 (1)(c)4.	(New 2005 provision) If the small-scale development amendment involves a rural area of critical economic concern, a 20-acre limit applies.	N/A	N/A

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3187 (1)(o)	(New 2005 provision) An amendment to a rural area of critical economic concern may be approved without regard to the statutory limit on comprehensive plan amendments.	N/A	N/A
163.3191(2)(k)	Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the EAR whether the local government continues to meet the exemption criteria in s.163.3177(12).	To be included in 2007 EAR	Under review (see Part 5)
163.3191 (2)(l)	The EAR must determine whether the local government has met its various water supply requirements, including development of alternative water supply projects.	To be included in 2007 EAR	Under review (see Part 5)
163.3191 (2)(o)	(New 2005 provision) The EAR must evaluate whether its Multimodal Transportation District has achieved the purpose for which it was created.	N/A	N/A
163.3191 (2)(p)	(New 2005 provision) The EAR must assess methodology for impacts on transportation facilities.	To be included in 2007 EAR	Under review (see Part 5)
163.3191 (10)	The EAR-based amendment must be adopted within a single amendment cycle. Failure to adopt within this cycle results in penalties. Once updated, the comprehensive plan must be submitted to the DCA.	None; procedural change	None required
163.3246 (10)	New section designating Freeport as a certified community.	N/A	N/A
163.3246 (11)	New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	N/A	N/A
2006			
163.3162(5)	Establishes plan amendment procedures for agricultural enclaves as defined in s.163.3164(33), F.S. Ch. 2006-255, LOF.	None; procedural change	None required
163.3164(33)	Defines agricultural enclave. Ch. 2006-255, LOF.	None; procedural change	None required
163.3177(6)(g)2.	Adds new paragraph encouraging local governments with a coastal management element to adopt recreational surface water use policies; such adoption amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions. Ch. 2006-220, LOF.	Not addressed	CME
163.3177(11)(d)6.	Allows the effect of a proposed receiving area to be considered when projecting the 25-year or greater population with a rural land stewardship area. Ch. 2006-220, LOF.	N/A	N/A

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.31771(1), (2) and (4)	Recognizes "extremely-low-income persons" as another income groups whose housing needs might be addressed by accessory dwelling units and defines such persons consistent with s.420.0004(8), F.S. Ch. 2006-69, LOF.	Not addressed	HE
163.3178(2)(d)	Assigns to the Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans. Ch. 2006-68, LOF.	None; procedural change	None required
163.3178(2)(h)	Changes the definition of the Coastal High Hazard Area (CHHA) to be the area below the elevation of the category 1 storm surge line as established by the SLOSH model. Ch. 2006-68, LOF.	To be amended in CME 2008	CME
163.3178(9)(a)	Adds a new section allowing a local government to comply with the requirement that its comprehensive plan direct population concentrations away from the CHHA and maintains or reduces hurricane evacuation times by maintaining an adopted LOS Standard for out-of-county hurricane evacuation for a category 5 storm, by maintaining a 12-hour hurricane evacuation time or by providing mitigation that satisfies these two requirements. Ch. 2006-68, LOF.	To be amended in CME 2008	CME
163.3178(9)(b)	Adds a new section establishing a level of service for out-of-county hurricane evacuation of no greater than 16 hours for a category 5 storm for any local government that wishes to follow the process in s.163.3178(9)(a) but has not established such a level of service by July 1, 2008. Ch. 2006-68, LOF.	To be amended in CME 2008	CME
163.3178(2)(c)	Requires local governments to amend their Future Land Use Map and coastal management element to include the new definition of the CHHA, and to depict the CHHA on the FLUM by July 1, 2008. Ch. 2006-68, LOF.	To be amended in CME 2008	CME
163.3180(2)(a)	Allows the sanitary sewer concurrency requirement to be met by onsite sewage treatment and disposal systems approved by the Department of Health. Ch. 2006-252, LOF.	Not addressed	CIE
163.3180(12)(a)	Changes s.380.0651(3)(i) to s.380.0651(3)(h) as the citation for the standards a multiuse DRI must meet or exceed. Ch. 2006-220, LOF.	None; procedural change	None required
163.3187(1)(c)1.f.	Deletes use of extended use agreement as part of the definition of small scale amendment. Ch. 2006-69, LOF.	None; procedural change	None required

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Statute Ref.	Description	Currently Addressed by:	Amendment required in Element:
163.3208	Creates a new section related to electric distribution substations; establishes criteria addressing land use compatibility of substations; requires local governments to permit substations in all FLUM categories (except preservation, conservation or historic preservation); establishes compatibility standards to be used if a local government has not established such standards; establishes procedures for the review of applications for the location of a new substation; allows local governments to enact reasonable setback and landscape buffer standards for substations. Ch. 2006-268, LOF.	Not addressed	PFE FLUE
163.3209	Creates a new section preventing a local government from requiring a permit or other approval for vegetation maintenance and tree pruning or trimming within an established electric transmission and distribution line right-of-way. Ch. 2006-268, LOF.	Not addressed	PFE
	Community Workforce Housing Innovation Pilot Program; created by Ch. 2006-69, LOF, section 27. Establishes a special, expedited adoption process for any plan amendment that implements a pilot program project.	None; procedural change	None; procedural change
	Affordable housing land donation density incentive bonus; created by Ch. 2006-69, LOF, section 28. Allows a density bonus for land donated to a local government to provide affordable housing; requires adoption of a plan amendment for any such land; such amendment may be adopted as a small-scale amendment; such amendment is exempt from the twice per year limitation on the frequency of plan amendment adoptions.	None; procedural change	None; procedural change

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Changes to Rule 9J-5, F.A.C. 1998-2001

9J-5, F.A.C. Citation	Description	Currently Addressed by:	Amendment required in Element:
1998			
9J-5.025	Established requirements for the Public School Facilities Element for Public School Concurrency for local governments that adopt school concurrency.	PSFE	PSFE (to be adopted by 6/1/2008)
1999			
9J-5.003	Defined public transit and stormwater management facilities	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.003	Revised the definitions of affordable housing, coastal planning area, port facility, and wetlands.	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.003	Repeal the definitions of adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area, mass transit, paratransit, public facilities, very low-income family.	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.005(2)(g) and (8)(j)	Revised provisions relating to adoption by reference into the local comprehensive plan.	None; procedural change	None required
9J-5.0053(2) through (5)	Repealed transmittal requirements for proposed evaluation and appraisal reports , submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports.	None; procedural change	None required
9J-5.0055(3)6	Repealed conditions for de minimis impact and referenced conditions in subsection 163.3180(6), F.S.	None; procedural change	None required
9J-5.006(4)	Required the future land use map to show the transportation concurrency exception area boundaries of such areas have been designated and areas for possible future municipal incorporation.	N/A	N/A
9J-5.011(2)	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high recharge and prime recharge areas.	Not addressed	PFE
9J-5.015(4)	Repealed the Intergovernmental Coordination Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	None; procedural change	None required

Appendix A
Changes to Rule 9J-5, F.A.C. 1998-2001

9J-5.019(1)	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a Traffic Circulation Element and that local governments with a population of 50,000 or less are not required to prepare Mass Transit and Ports, Aviation and Related Facilities Elements .	N/A	N/A
9J-5.019(4)(b)	Required objectives of the Transportation Element to coordinate the siting of new, or expansion of existing ports, airports, or related facilities with the Future Land Use, Coastal Management, and Conservation Elements;	Not Addressed	TCE
9J-5.019(4)(b)	Required objectives of the Transportation Element to coordinate surface transportation access to ports, airports, and related facilities with the traffic circulation system;	Not addressed	TCE
9J-5.019(4)(b)	Required objectives of the Transportation Element to coordinate ports, airports, and related facilities plans with plans of other transportation providers; and	TCE Objective 2.06	None required
9J-5.019(4)(b)	Required objectives of the Transportation Element to ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.	TCE Objective 2.06	None required
9J-5.019(4)(c)	Required policies of the Transportation Element to Provide for safe and convenient on-site traffic flow ;	TCE Objective 2.05	None required
9J-5.019(4)(c)	Required policies of the Transportation Element to establish measures for the acquisition and preservation of public transit rights-of-way and corridors;	TCE Objective 2.03	None required
9J-5.019(4)(c)	Required policies of the Transportation Element to promote ports, airports and related facilities development and expansion;	Not addressed	TCE EDE (see Part 3, Issues 3 & 4)
9J-5.019(4)(c)	Required policies of the Transportation Element to mitigate adverse structural and non-structural impacts from ports, airports and related facilities;	Not addressed	TCE
9J-5.019(4)(c)	Required policies of the Transportation Element to protect and conserve natural resources within ports, airports and related facilities;	Not addressed	TCE CE
9J-5.019(4)(c)	Required policies of the Transportation Element to coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and	TCE Objective 2.06	None required
9J-5.019(4)(c)	Required policies of the Transportation Element to protect ports, airports and related facilities from encroachment of incompatible land uses.	TCE Objective 2.08	None required

Appendix A
Changes to Rule 9J-5, F.A.C. 1998-2001

9J-5.022	Added standards for the review of land development regulations by the Department.	None; procedural change	None required
9J-5.023	Added criteria for determining consistency of land development regulations with the comprehensive plan.	None; procedural change	None required
2001			
9J-5.003	Defined general lanes	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.003	Revised the definition of " marine wetlands. "	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.003	Repeal the definition of " public facilities and services. "	Not addressed	Glossaries need to be adopted for all elements (see Part 6)
9J-5.005(7)	Revised procedures for monitoring , evaluating and appraising implementation of local comprehensive plans.	None; procedural change	None required
9J-5.0053	Repealed requirements for evaluation and appraisal reports and evaluation and appraisal amendments.	None; procedural change	None required
9J-5.005(1) and (2)	Revised concurrency management system requirements to include provisions for establishment of public school concurrency.	PSFE Objective 10.8	PSFE (to be adopted by 6/1/2008)
9J-5.0055(2)(b) and (3)(c)	Authorized local governments to establish multimodal transportation level of service standards and established requirements for multimodal transportation districts.	N/A	N/A
9J-5.0055(2)(c)	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	N/A	N/A
9J-5.0055(8)	Provide that public transit facilities are not subject to concurrency requirements.	None; procedural change	None required
9J-5.0055(9)	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a proportionate share contribution.	CIE Objective 9.05	None required
9J-5.006(4)	Required the future land use map to show multimodal transportation district boundaries, if established.	N/A	N/A
9J-5.006(6)	Authorized local governments to establish multimodal transportation districts and, if established, required local governments to establish design standards for such districts.	N/A	N/A

Appendix A
Changes to Rule 9J-5, F.A.C. 1998-2001

9J-5.010(1)(c)	Required data for the Housing Element include a description of substandard dwelling units and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	HE Objective 3.02	None required
9J-5.10(2)(b)	Authorized local governments to supplement the affordable housing needs assessment with locally generated data and repealed the authorization for local governments to conduct their own assessment.	None; procedural change	None required
9J-5.015(3)(b)	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of interlocal agreements within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for public school concurrency .	ICE Objective 8.05	None required
9J-5.015(3)(c)	Required the Intergovernmental Coordination Element to include policies that provide procedures to identify and implement joint planning areas for purposes of annexation, municipal incorporation and joint infrastructure service areas;	ICE Objective 8.02	None required
9J-5.015(3)(c)	Required the Intergovernmental Coordination Element to include policies that recognize campus master plans and provide procedures for coordination of the campus master development agreement;	N/A	N/A
9J-5.015(3)(c)	Required the Intergovernmental Coordination Element to include policies that establish joint processes for collaborative planning and decision-making with other units of local government;	ICE Objective 8.04	None required
9J-5.015(3)(c)	Required the Intergovernmental Coordination Element to include policies that establish joint processes for collaborative planning and decision making with the school board on population projections and siting of public school facilities ;	ICE Objective 8.05	None required
9J-5.015(3)(c)	Required the Intergovernmental Coordination Element to include policies that establish joint processes for the siting of facilities with county-wide significance ;	ICE Objective 8.01	None required
9J-5.015(3)(c)	Required the adoption of an interlocal agreement for school concurrency .	ICE Objective 8.05	None required

Appendix A
Changes to Rule 9J-5, F.A.C. 1998-2001

9J-5.016(4)(a)	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible public school facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for multimodal transportation districts , if locally established.	CIE Objective 9.09 (to be adopted by 6/1/2008)	CIE
9J-5.019(3)	Required the Transportation Element analysis for multimodal transportation districts to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	N/A	N/A
9J-5.019(4)	Required Transportation Element objectives for multimodal transportation districts to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	N/A	N/A
9J-5.019(4)(c)	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	N/A	N/A

Appendix B

Changes to the State Comprehensive Plan (Chapter 187 F.S.) 2000-2007

The State Comprehensive Plan was amended in 1999 by Chapter 99-378 to include policies related to urban policy in the State Comprehensive Plan. Goal 17, which was previously titled "Downtown Revitalization", was revised and entitled "Urban and Downtown Revitalization". The goal was revised to more broadly refer to urban areas generally, rather than downtown areas specifically.

The following policies were added:

187.201(17)(b)(4). Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning redevelopment goals and design of the community core before redevelopment.

187.201(17)(b)(5). Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.

187.201(17)(b)(6). Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.

187.201(17)(b)(7). Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.

187.201(17)(b)(8). Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding education facilities in urban areas, including planning functions, the development of joint facilities and the reuse of existing buildings.

187.201(17)(b)(9). Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional and state transportation planning.

187.201(17)(b)(10). Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage the private sector development.

187.201(17)(b)(11). Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.

187.201(17)(b)(12). Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

The education goals and policies 187.201(1) of the State Comprehensive Plan were repealed by Chapter 2002-387 in 2002.

Appendix C

Municipal Annexations 2000-2007

Municipality	Date	Acres	Description
Fernandina Beach	4/18/2000	0.8	0.8 acre parcel described as the described as a portion of Cashen Lots 28 and 29 of the subdivision of Section 30, now known as Fernandina Beach, and being the same property as described in plat book "O," Page 59, of the public records of Nassau County, Florida.
Fernandina Beach	9/5/2000	5.75	5.75 acre parcel described as a portion of the Subdivision Ocean Breeze Farms Lots 15 and 16 of Section 3, now known as Fernandina Beach, and being the same property as described in Plat Book 1, Page 5, of the Public Records of Nassau County, Florida
Fernandina Beach	10/3/2005	10.35	10.35 acre parcel described as a portion of Lots 4 and 5 and a portion of a 15-foot road lying south of said Lot 4, of a subdivision of the Susan Cashen Grant, Section 30, Township 3 North, Range 28 East, Nassau County, Florida, as recorded in Plat Book "O", Page 5, of the Public Records of Nassau County, Florida
Fernandina Beach	5/1/2001	0.45	0.45 acre parcel described as the westerly one-half of Lot 10, Block 266, now known as Fernandina Beach, and being the same property as described in Official Records Book 893 page 218, of the Public Records of Nassau County, Florida.
Fernandina Beach	1/21/2003	8.56	Two parcels of land totaling approximately 8.56 acres located on the north side of Sadler Road and east of Drury Road.
Fernandina Beach	7/1/2003	90	Approximately 90 acres of property located off Bailey Road and Amelia Island Parkway owned by Pat Gilley and Albert Griner.
Fernandina Beach	3/2/2004	0.097	Approximately 0.097 of an acre of land owned by the city, located off State Road 200/A1A/8th Street just north of the intersection with TJ Courson.
Fernandina Beach	7/20/2004	0.91	Approximately 0.91 of an acre of land owned by Amelia Service Center, Inc., located at 1610 South 8th Street (eastside).
Fernandina Beach	8/17/2004	3.68	Aproximately 3.68 acres of land owned by Marel Enterprises Limited, located at 1458 Sadler Road, as more particularly described herein.
Fernandina Beach	8/17/2004	8.17	Approximately 08.17 acres of land owned by Joann Kirkland, Thomas Crenshaw and Valencia Gower located at 3125 and 3127 Amelia Road at the intersection of Amelia Road and Amelia Island Parkway.
Fernandina Beach	9/21/2004	1.43	1.43 acres of land owned by Mellany Rae and Doug Lane, located at the corner of Amelia Island Parkway and Amelia Road.
Fernandina Beach	9/7/2004	15.24	15.24 acres of land owned by the First Baptist Church of Fernandina, located on the east side of South 8th between TJ Courson and Lime Street.
Fernandina Beach	10/19/2004	12.33	12.33 acres of land owned by David and Ellen Edwards; the Bird House Wildlife Store Inc., Located on Sadler Road west of Drury Road.
Fernandina Beach	5/3/2005	1.3	1.30 acres of land owned by the Courson Development Corporation located at 870 Sadler Road.
Fernandina Beach	6/22/2005	2	2 acres of land owned by Bailey Road Church of God at 2920 Bailey Road
Fernandina Beach	7/13/2005	18.5	18.5 acres of land owned by Amelia Holdings LLC, "The Townwes of Amelia" NE corner of Amelia Island Pkwy and Bailey Rd
Fernandina Beach	10/12/2005	5.35	5.35 acres of land owned by Jeff and Svetlana Werder and Tawn and Kerilee Duffy, Lots 2 & 5 of Block 2 on Drury Road
Fernandina Beach	10/18/2005	12	Amelia Park Phase III, 1810 South 15th Street
Fernandina Beach	3/8/2006	8.03	8.03 acres of land owned by Assoc. In Assited Living Inc. "Jane Adams House", Nectarine Street
Fernandina Beach	11/8/2006	21.26	City of Fernandina Beach "Egans Creek Greenway Project"

Appendix D



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

November 30, 2007

The Honorable Jim B. Higginbotham, Chairman
Nassau County Commission
96161 Nassau Place
Yulee, Florida 32097

Dear Mr. Higginbotham

The Department has reviewed your letter dated October 1, 2007 outlining the scope of work for the preparation of the County's Evaluation and Appraisal Report (EAR). The Department agrees with the summary of the issues set forth in the attached document. This letter serves as confirmation of our understanding. However, we have additional comments concerning your Scope of Work

With reference to the EAR Major Local Issues List, the Department recommends that the review of major issue number one pertaining to the future land use plan specifically assess Policy 1.02.05 A, regarding the Agriculture land use category provision that allows an increase in density for parcels 320 acres and less without a comprehensive plan amendment. In addition, the EAR should address Policy 1.09.03 that allows Conservation land uses to be reassigned adjacent land use designation densities without a comprehensive plan amendment. The EAR should provide data and analysis regarding the extent to which these policies have increased the proliferation of urban sprawl in the County and allowed development in environmentally sensitive areas to occur.

With reference to the Scope of Work in general, the County should note that the assessment of goals, objectives and policies, as they relate to the major issues, must include the data and analysis indicating progress made towards the achievement of those objectives. If insufficient progress was made, the report should discuss why and assess how things could be done differently to achieve the objectives. In addition, the EAR should update the population projections and identify changes to the plan as required by State Statutes or the Strategic Regional Policy Plan and address the requirements set forth under Section 163.3191(2), Florida Statutes (F.S.). As part of the County's assessment of successes and shortcomings of each element pursuant to Section 163.3191(2)(h), F.S., the Department will look for an assessment of the County's post-disaster redevelopment policies in the Coastal Management Element required by Rule 9-J5.012(3)(c)3 Florida Administrative Code (F.A.C).

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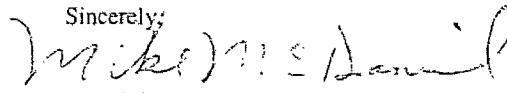
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Appendix D

The Honorable Jim Higginbotham, Chairman.
November 9, 2007
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We appreciate the effort you and your staff have shown in developing your EAR scoping issues for Nassau County. We look forward to continued success as the County prepares its EAR. If you or your staff have any questions, please contact Jon Frederick, Planner, Division of Community Planning at (850) 922-1807.

Sincerely,

Mike McDaniel, Chief
Division of Community Planning

MM/jf

cc: Mr. Walter Fufido, Nassau County Planning Director
Mr. Doug McDowell, Nassau County Strategic Planner
Mr. Ed Lehman, Director of Planning and Development, Northeast Florida Regional Council

Appendix E

Visioning 2032 Plan Scope of Work

Project Background

- The County has recently begun a one year-long process to formulate a County-wide vision plan. The Nassau County Visioning 2032 Plan will provide community-based picture of the desired future for Nassau County and how to achieve that vision. This vision involves the people, institutions and governments of Fernandina Beach, Callahan, Hilliard and unincorporated Nassau County. This plan will conform to the requirements of a community vision that may be adopted into the County's comprehensive plan pursuant to Sec. 163.3177(13) F.S.
- The County has retained the services of MGT of America, a consulting firm based in Tallahassee, for the purpose of conducting public meetings and preparing the Visioning Plan and related documents. MGT was the unanimous first choice of a selection committee that was formed to evaluate responses to the RFP.
- The Visioning 2032 Plan will serve multiple purposes. It provides an opportunity for public input and participation in shaping the future of Nassau County. The Plan will help determine capital funding priorities and assist with the selection of sites for the location of public facilities. The Plan will be recognized in the County and City Comprehensive Plans and allows local governments a larger number of planning tools and options, such as the creation of urban service boundaries and processing of plan amendments. Implementation of the Plan over time will foster involvement and buy-in on the part of the citizens of Nassau County in the operation of their local government.

Scope of Work

- The consultant team, in conjunction with the County, must accomplish the following:
 - Task 1- Conduct Project Start-Up Activities
 - Conduct one or more project meetings with Steering Committee and Project Manager to gain a detailed understanding of the project and to review project work plan as well as project objectives, and time schedule.
 - Task 2- Develop and Implement Communication Plan
 - Prepare a written communication plan for review and comment by Steering Committee and Project Manager. The key elements of the plan will contain strategies, tools, and mechanisms for communicating with key stakeholders and keeping stakeholders and the community at-large informed about the progress of the project. Work with Steering Committee and Project Manager regarding revisions/additions to the communication plan.
 - Task 3- Provide "Conditions" Analysis
 - Research and evaluate area's history, existing land uses, natural features and context within the County. Compile data on area including information for base maps and prepare a narrative description.

Appendix E

- Review the Nassau County Comprehensive Plan, Future Land Use, Transportation, Conservation and Capital Improvements Elements, and other appropriate land use documentation and Vision Plans.
- Task 4- Conduct Public Meetings
- Conduct and facilitate the initial public meeting with the Local Planning Agency. During the meeting discuss objectives, expected outcomes, deliverables, and time lines associated with the project. An implementation plan and reporting system to measure results will also be addressed.
 - Conduct and facilitate the second Public Meeting with the general public in order to introduce the Visioning Plan process objectives and.
 - Conduct debriefing session with Steering Committee and Project Manager to assess the results and outcomes of the public meetings.
 - Prepare a written summary of the public meetings and submit to staff.
- Task 5- Conduct And Manage Public Involvement Opportunities And Input
- Conduct a minimum of eight public involvement events based on the geographic areas represented in the RFP, using the approved protocols, templates, and materials. Public involvement opportunities will also include mailings and online surveys. Of the eight events, at least one on-site workshop will be held in each geographic area represented in the RFP No. NC07-006. The result of the meetings will be to determine the shared vision of Nassau County citizens.
 - Prepare a summary report on community values, consensus issues, preferred alternative land use/transportation system relationships, and other issues. Other issues will include strategies for cost containment, innovative concepts that may enhance value and quality, favorable cost containment approaches, or additional alternative ideas that may be successful if implemented in Nassau County.
 - After approval from the County, present summary findings in an extended countywide workshop. At the extended countywide workshop, narrow and focus down to key issues; and conduct preference exercises for visual, maps, and architectural components.
- Task 6- Develop and Submit Meeting Summaries, Monthly And Quarterly Progress Reports
- Organize and summarize the results of all public meetings and community workshops.
 - Provide monthly progress reports of visioning activities to the Project Manager.
 - Prepare progress briefing reports to the Board of County Commissioners
 - Prepare draft quarterly reports.

Appendix E

- Task 7- Develop and Submit Draft Report
 - Prepare a draft outline of the report for review and comment by the Steering Committee and Project Manager.
 - Prepare draft final report and submit to County for review.

- Task 8- Develop and Submit Final Report
 - Prepare Final Report and submit to County for review.
 - Meet with County to discuss Final Report.
 - Present Final Report as necessary.

Deliverables

1. Mutually agreed upon work plan and time schedule (Task 1)
2. Communication plan (Task 2)
3. Summary, agenda, and minutes of public meetings with Local Planning Agency (Task 4)
4. Summary report on values, consensus issues, etc. (Task 5)
5. Issues and opportunities map (Task 5)
6. Project brochures, newsletters or other informational materials (Task 2)
7. Existing Conditions Report (Task 3)
8. Proposed Conditions Report (Task 3)
9. Summary, agenda, and minutes of eight (8) public workshops (Task 5)
10. Monthly progress reports, August 2007- July 2008 (Task 6)
11. Briefing reports, August 2007- July 2008 (Task 6)
12. Quarterly reports, August 2007- July 2008 (Task 6)
13. Draft report (Task 7)
14. Final report (Task 8)

Appendix F

Supplement to Part 4

Future Land Use Element Policy 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:

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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.

Appendix F

Future Land Use Element Policy 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.

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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

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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.

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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.

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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

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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.

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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. 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.

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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. 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 all 100 year floodplains as determined by Federal Emergency Management Agency Criteria. 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. 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.

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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

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- 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.

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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.

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- 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.

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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.

K. Multi-Use

Land designated for Multi-Use is intended to accommodate, in a more innovative fashion, development or redevelopment of areas in a larger size and scale. The major purposes of this designation are to facilitate mixed-use development with horizontal and vertical land use integration, reduce the need for automobile travel, provide incentives for quality development and give definition to the urban form. Design, aesthetics, environmental protection and enhancements, are to be emphasized as part of the Multi-Use land use designation. This designation will only be applied to areas that are of regional significance and offer a more practical means of their illustration of the Future Land Use Map (FLUM).

Areas which are appropriate for the Multi-Use designation include development which meets or exceeds the thresholds for a Development of Regional Impact (DRI), Florida Quality Development (FQD), or Regional Activity Centers (RAC) under Chapter 380, *Florida Statutes*, or areas which have been approved as a Transportation Management Area with a Chapter 163 Agreement (TMA). These are the only areas to which the Multi-Use designation may apply. Developments in the multi-use category are authorized to use a proportionate share contribution provision in accordance with the provisions of Florida Statutes 163.3180(12) concerning transportation improvements.

The density and intensity of land uses permitted within the Multi-Use land use category shall be specified in the Future Land Use Element of the county's Comprehensive Plan. Additionally, this land use Category would also still follow the set of circumstances under which proposed development in the designated area would be required to be reviewed through the provisions of Chapter 380, *Florida Statutes* DRI process, or through the provisions of an approved TMA.

For an area to qualify for the Multi-Use land use category, the following criteria must be met:

1. This land use designation shall not be approved where other land use designations within the county land use plan provide sufficient flexibility for the existing or proposed land uses.
2. The density and intensity of land uses permitted within this category shall include at least two (2) different land uses and of these no one land use can exceed seventy (70) percent of the land area involved in the particular amendment.
3. Multi-Use land uses will be of regional significance and either a DRI, RAC, FQD or TMA.
4. Multi-Use uses of this magnitude shall be a DRI, FQD, RAC or TMA and may be located in such areas as in community redevelopment areas and areas

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surrounding regional community facilities such as airports, ports, convention centers or governmental complexes, commerce centers, regional activity centers and areas near a major arterial roadway which are planned for intensive development.

5. Each Multi-Use land use designation shall be a defined geographical area, delineated on the Future Land Use Map (FLUM) of the Future Land Use Element of the 2000-2010 Comprehensive Plan. In addition, on the Map within the defined geographical area, the name of the multi-use development shall be inserted with an asterisk. Elsewhere on the map next to the asterisk shall be a cross reference to the specific policy in the Future Land Use Element which refers to the development by name. Within that policy shall be enumerated all the future land use categories which will be utilized by the development without specific locations so that any land use category may be used anywhere in the development subject to the requirements of other applicable local land development.
6. The Multi-Use category differs from the Mixed Use Floating District in that there is no prescribed mix of uses and a comprehensive plan amendment will be required to obtain such a FLUM designation. Unlike the Mixed Use category, the Multi-Use category permits transportation impacts to be mitigated through the use of a proportionate share formula pursuant to Florida Statute 163.3180(12).

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Future Land Use Element Policy 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 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. 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.

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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 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 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.

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.

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Future Land Use Element Policy 1.10.03

Support expanding the amount of land designated for industrial and commercial development within the unincorporated area, as described by the following:

A. Callahan Planning District

The County supports an increase in the size of the Crawford Industrial Park.

The County, or its designees, shall promote development of the Crawford Industrial Park as an appropriate site for industries that require facility sites of 50 to 100 acres.

The County shall support private, state and federally funded improvements to transportation access to the site, which includes US 301, the CSX main rail line and a Norfolk Southern main rail line. The County also supports phased development of water and sewer facilities and an internal road system.

The County shall require that a master plan of the Crawford Industrial Park shall address, but not be limited to protecting wetlands, wildlife corridors, and open space. Also included will be a conceptual plan for transportation access and an assessment of the potential impact on concurrency.

B. Hilliard Planning District

The County hereby changes the use of land at two specific sites that are immediately adjacent to the Town of Hilliard. The first is south of the Winn-Dixie shopping center on US 1. This site is currently zoned as open rural residential. The County supports changing the land use designation to commercial use.

The second site is located on Route 115 (Old Dixie Highway). It is currently zoned as open rural and is adjacent to a light industrial area that includes the Okefenokee rural Electric Office. The County supports reclassifying this land use to industrial use in order to promote the site for increased light industrial use.

Proposed development on these two sites shall be required to connect to municipal water and sewer services.

The County shall require that a master plan of each site be developed before the change of land use is approved. The master plan shall address, but not be limited to protecting wetlands, wildlife corridors and open space. Also included will be a conceptual plan for transportation access and public facilities and an assessment of the potential impact on concurrency.

C. Yulee Planning District

The County hereby expands the amount of land available for commercial and light industrial use at the SR 200/A1A and I-95 interchange as a way to promote economic development.

The County supports designating an area of approximately 2000 acres in the SR 200/A1A and I-95 interchange area as a commercial/industrial node for mixed-use commercial/industrial development. This would allow for the development of commercial, office, manufacturing, and distribution type industries.

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The County shall support state, private and federally funded improvements to transportation access to the site, which includes SR 200/A1A, I-95 and the CSX rail line.

The County shall more specifically address development strategies and proposed changes in land use for this location as part of a locally defined Sector Plan (also referred to as a special area study) that is being initiated for the Yulee Planning District. A master plan of the SR 200/A1A, I-95 Commercial/Industrial area shall address, but not be limited to protecting wetlands, wildlife corridors and open space. Also included will be a conceptual plan for transportation access and public facilities and an assessment of the potential impact on concurrency. If the issues to be addressed by the master plan are instead addressed by the Yulee Sector Plan, the County will consider this approach a reasonable alternative to the master plan requirement.

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Traffic Circulation Element Policy 2.05.07

Consistent with Policy 1.02.05 H. of the Future Land Use 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. The purpose of this district is to reduce traffic congestion. Development that takes place within this district will be managed with the aim of protecting the public investment in the existing transportation system and reducing the need for expensive remedial measures. In addition, the polices of this overlay district will further the orderly layout and use of land, protect community character and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned division of land. 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. In addition to the policies in 2.05.06 above, the following added policies shall also apply to development within this district:

1. Direct access to SR 200/A1A shall be controlled as defined by FDOT 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 LDR's.
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. Unified access and circulation systems shall be required for activity centers. This shall include requiring access to property that does not have access to SR 200/A1A. A unified access and circulation system for activity centers will 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 as identified in the Future Land Use Element.

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 feet of the activity center's intersection shall be prohibited unless there is no other option.

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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 the Activity Center as defined in Policy 2.05.07,4).

6. In Accordance with the State Road 200/A1A 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.

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Public Facilities Element Policy 4.05A.03

The County shall establish wellhead protection zones, consistent with Chapter 62-521.400, F.A.C., to prevent aquifer contamination within the wellhead cone of influence. Upon plan adoption, the County shall designate an interim protection area of 500 feet in radius as the well field protection zone for each water well that serves a community water system which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) of the same persons that are year-round residents, until cones of influence can be determined. The County will revise this policy within six months of the St. Johns Water Management District mapping the cones of influence. Within the zone of protection, the following activities shall be prohibited:

1. landfills;
2. facilities for bulk storage, handling or processing of materials on the Florida Substance List;
3. activities that require the storage, use or transportation of restricted substances, petroleum products, hazardous toxic waste, medical waste. etc. Gasoline storage tanks associated with retail use which meet the standards of Rules 16-761, 17-762, and 17-767, F.A.C., and Chapter 376, F.S., concerning petroleum storage tanks may be permitted in this zone.
4. feedlots or other commercial animal facilities;
5. wastewater treatment plants, percolation ponds, and similar facilities;
6. mines; and
7. excavation of waterways or drainage facilities which intersect the water table.

For community water system wells, as defined above, the first 200 feet within the zone of protection will serve as a zone of exclusion. Within the 200-foot zone of exclusion, no activities may occur except existing residential uses, uses functionally related to the water supply system, open space, parks and playgrounds. No parking area; structures, or other impervious surfaces, other than those surfaces that are accessory to residential uses, will be allowed within this zone except for playing court, open-air shelters, and other similar recreation facilities. An exemption shall be allowed for one single family dwelling unit per parcel or lot that was created on or before June 1, 1993. (9J-5.006(3)(c)6.)

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Coastal Management Element Policy 5.02A.04

In order to help protect the primary and secondary dune system and mitigate the effects of a storm surge, criteria shall be incorporated in the Land Development Regulations within one year of the adoption of the EAR based plan amendment that require the following:

1. Site plan review shall be required for all new beachfront construction.
2. Vegetated oak hammock and dune interface areas, where they exist, shall be preserved to ensure protection of primary and secondary dune systems. Site plan review and on-site inspections during construction shall require that vegetated areas shall not be destroyed beyond 30 feet outside of the immediate building area.
3. Excavation shall be confined to construction zones containing building pads, drainage structures, parking and drives and recreational uses with maximum efforts made to minimize damage in all areas of the dune system.
4. Any excavation in the primary or secondary dune system shall not reduce existing crest elevations below twenty-six feet (26') mean sea level.
5. Any breaches or blowouts in the primary dune system shall be indicated on the site plan and shall be filled and revegetated per permits obtained through DEP.
6. Excavation of primary and secondary dunes shall be prohibited, unless there no other development alternatives on site.
7. In the event of unpermitted destruction or damage to dunes, the developer shall reconstruct or repair the damage to pre-construction conditions.

Appendix F

Coastal Management Element Policy 5.02A.04A

The County shall continue to recognize the Florida Department of Environmental Protection (DEP) Coastal Construction Control Line (CCCL), as established by Chapter 161.053, F.S. Construction encroachment, except for the following, shall be prohibited oceanward of the CCCL.

1. federal, state and locally permitted erosion control stabilization and beach renourishment projects;
2. the construction of dune cross-over structures and other minor structures;
3. public navigational projects, markers or other control structures;
4. maintenance and/or restoration of legal nonconforming structures not requiring greater than 50 percent reconstruction, per Federal Emergency Management Agency (FEMA) regulations;
5. use of emergency equipment and/or activities, such as removal of ordinance and debris, to protect life and/or loss of upland property;
6. structural and non-structural stabilization techniques to protect coastal buildings from a 25 year or less storm event.

Appendix F

Coastal Management Element Policy 5.08.03

The public need for additional public marinas will be evaluated to best locate marinas in areas of high demand with priority consideration given to sites that:

- a. are compatible with adjacent land use;
- b. have available upland support services;
- c. provide protection of water quality;
- d. have minimal hurricane vulnerability;
- e. will be available for public use;
- f. will cause least environmental disruption;
- g. have existing access to the Intracoastal Waterway;
- h. have adequate water depth, with good flushing and circulation;
and,
- i. will have minimal impacts to submerged aquatic vegetation and estuarine wetlands.

Coastal Management Element Policy 5.08.04

By 2002, Land Development Regulations shall specify performance standards for shoreline land uses. The LDRs will address at a minimum:

- a. Set back based upon calculated levels of storm surge;
- b. Building height based upon potential wind loading and aesthetic considerations;
- c. Requirements for central potable water and sewer service;
- d. Area of permitted parcel coverage;
- e. Requirements for protecting dunes and beaches; and
- f. Landscaping and internal circulation.

Appendix F

Conservation Element Policy 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.

Appendix F

Recreation and Open Space Element Policy 7.01.03

The County shall project and generally locate recreation facilities based on the following planning standards. These standards are for planning purposes only and shall be used to help determine when and where grant funds and county funds could be used to improve county recreation facilities.

<u>Facility</u>	<u>Units Per Number of Persons</u>
Picnic Tables/Shelters	1: 1500
Tennis	1: 4000
Football/Soccer	1: 3000
Basketball/Multi-Use	1: 2500
Ball Diamonds	1: 2000
Swimming Pool	1:12500
Play Apparatus	1: 2500
Boat Ramps	1: 5000

<u>Recreation and Open Space</u>	<u>Acres Per 1000 Population</u>
Play Area /Tot Lot	0.5 Ac/1000
Community Park	2.0 Ac/1000
Community Passive Space	1.0 Ac/1000
Regional/State Parks	20.0 Ac/1000
Beach Access w/ Parking	0.5 Ac/1000
TOTAL	<u>14.0 Ac/1000</u>

Appendix F

Intergovernmental Coordination Element Policy 8.05.06

The County shall focus on the following coordination mechanisms when discussing the interlocal agreement, required by Chapter 163, Part II and Chapter 235, Florida Statutes, with the Nassau County School Board:

1. Coordinate the review of the annual update of the Capital Improvements Element of the County and the annual educational facilities report;
2. Coordinate the review and assessment of the associated costs and expenditures of siting and developing schools needed with public infrastructure;
3. Coordinate the review of land uses that increase residential population;
4. Use a unified data base including population forecast (student population), land use and facilities; and
5. Use recreational and physical plant facilities in a manner, which fosters the coordination of use of the facilities consistent with their multi-functional design.

Appendix F

Capital Improvements Element Policy 9.02.01

Nassau County adopts the following Level Of Service (LOS) standards for public facilities and services:

PUBLIC FACILITY CATEGORY

COUNTY STANDARD

Traffic Circulation

Minimum Acceptable Level of Service

TABLE 9-1

Road Classification	Minimum LOS for Rural Segments	Minimum LOS for Segments that are in Areas Transitioning to Urban or Areas over 5000 not in Urbanized Areas
Freeways		
• I-95 (SIS)	B	C
• I-10 (SIS)	B	C
Principal Arterials	C	D
• US 1 (SIS)	B	C
• SR 15	C	D
• US 90	C	D
• US 301/SR 200 from southern County line to I-95 (SIS)	B	C
• US 17	C	D
• SR 200 (non intrastate portion)	C	D
• US 301 (non intrastate portion)	C	D
Minor Arterials	D	D
Collectors (Major and Minor)	D	D

Width (ROW) Roadway (Minimum typical section)

Arterial	125 Feet
Collector	90 Feet
Local	60 Feet

Sanitary Sewer Facilities

Fernandina Beach	172 gallons per capita per day with 1.2 peak factor
Nassau Amelia Utilities	76.8 gallons per capita per day with 1.2 peak factor
JEA	85 gallons per capita per day with 1.2 peak factor

Appendix F

Sewer Facilities built after 2000	85 gallons per capita per day with 1.2 peak factor
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Potable Water

Fernandina Beach	170.9 gallons per capita per day with 1.6 peak factor
Nassau Amelia Utilities	81 gallons per capita per day with 1.5 peak factor
JEA	100 gallons per capita per day with 2.0 peak factor
Potable Water Facilities Built after 2000	100 gallons per capita per day with 2.0 peak factor

Solid Waste Facilities

Average Solid Waste Generation Rate
4.19 pounds per capita per day

Stormwater Management

Water Quality	Applicable local standards as well as water quality standards specified by Chapter-40C-42 F.A.C. shall apply.
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LOS	Retention shall meet SJRWMD Chapter 40C-44, Environmental Resource Permit for Surface Water Systems and SJRWMD Chapter 40C-42, Environmental Resource Permits: Regulation of Stormwater Management Systems.
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Recreation

<u>Facility</u>	<u>LOS: Acres per Number of Persons (Basis)</u>
Regional Park	10 ac/1000 (Countywide seasonal)
Community Park	2 ac/1000 (unincorporated permanent)
Community Park (passive)	1 ac/1000 (unincorporated permanent)
Play area (neighborhood)	.5 ac/1000 (unincorporated permanent)
Beach Access	.5 ac/1000 (Countywide seasonal)

TOTAL	14 ac/1000
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Appendix F

The County shall project and generally locate recreation facilities based on the following planning standards. These standards are for planning purposes only and shall be used to help determine when and where grant funds and county funds could be used to improve county recreation facilities.

<u>Facility</u>	<u>Units Per Number of Persons</u>
Picnic Tables/Shelters	1: 1500
Tennis	1: 4000
Football/Soccer	1: 3000
Basketball/Multi-Use	1: 2500
Ball Diamonds	1: 2000
Swimming Pool	1:12500
Play Apparatus	1: 2500
Boat Ramps	1: 5000

<u>TABLE 9.2 NASSAU COUNTY PERMANENT POPULATION</u>					
	<u>2000</u>	<u>2005</u>	<u>2010</u>	<u>2015</u>	<u>2020</u>
Nassau County	57,663	65,759	74,900	83,300	92,000
Callahan	962	1,274	1,658	1,976	2,322
Fernandina	10,549	11,621	12,331	12,824	13,337
Beach					
Hilliard	2,702	2,920	3,174	3,498	3,883
Unincorporated	43,450	49,944	57,737	65,001	72,457

Sources: Bureau of Economic and Business Research, Nassau County Growth Management Dept.