

**ORDINANCE NO. 2012 - 20**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN PURSUANT TO 2011 LEGISLATIVE CHANGES TO CHAPTER 163, F.S.; AMENDING THE TRANSPORTATION, RECREATION AND OPEN SPACE, PUBLIC SCHOOL FACILITIES, PUBLIC FACILITIES, CONSERVATION, COASTAL MANAGEMENT, REGIONAL COORDINATION, FUTURE LAND USE, AND CAPITAL IMPROVEMENTS ELEMENTS; REMOVING MAP FLUMS-10 (ENERGY CONSERVATION MAP); PROVIDING FOR TRANSMITTAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the Florida Legislature adopted the Community Planning Act (HB 7207), amending Chapter 163, Florida Statutes effective June 2, 2011; and

**WHEREAS,** the 2030 Nassau County Comprehensive Plan, adopted October 18, 2010, will require amendments to the goals, objectives, and policies of the Transportation, Recreation And Open Space, Public School Facilities, Public Facilities, Conservation, Coastal Management, Regional Coordination, Future Land Use, and Capital Improvements Elements and the Future Land Use Map Series in order to be in compliance with the Community Planning Act; and

**WHEREAS,** the Planning and Zoning Board, also acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this application on March 20, 2012 and voted to recommend approval to the Board of County Commissioners; and

**WHEREAS,** the Board of County Commissioners conducted a transmittal hearing on this application on April 9, 2012; and

**WHEREAS,** the Florida Division of Community Planning conducted a limited interagency review of this application in accordance with the expedited review procedures pursuant to Sec. 163.3184(3)(b) and 163.3180(a), F.S.; and

**WHEREAS,** due public notice of all public hearings has been provided in accordance with Chapter 163, F.S.

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

## **SECTION 1. FINDINGS**

This action complies with Chapter 163, Part II, Florida Statutes, as amended, and is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan.

## **SECTION 2. AMENDMENTS**

- A. The objectives and policies of the Transportation, Capital Improvements, Regional Coordination, Future Land Use, and Coastal Management Elements of the Nassau County Comprehensive Plan are hereby amended and adopted as set forth in Exhibit "A" attached hereto and made a part hereof. This amendment affects only those objectives and policies referenced in Exhibit A; all other goals, objectives and policies of the adopted Nassau County Comprehensive Plan shall remain as currently adopted.
- B. Map FLUMS-10, Energy Conservation Map, attached hereto as Exhibit "B" is hereby removed from the adopted Future Land Use Map Series: all other maps in the adopted Future Land Use Map Series shall remain as currently adopted.

## **SECTION 3. SEVERABILITY**

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

## **SECTION 4. EFFECTIVE DATE**

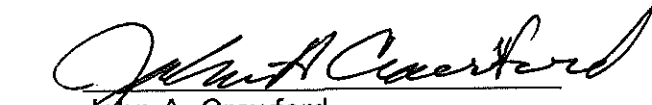
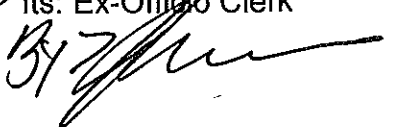
This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. However, if timely challenged, this Ordinance shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this amendment to be in compliance.

Adopted this 11th day of June, 2012 by the Board of County  
Commissioners of Nassau County, Florida.


BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
DANIEL B. LEEPER,  
Its: Vice Chairman

ATTESTATION: Only to Authenticity as to  
Vice Chairman's Signature:

  
John A. Crawford  
Its: Ex-Officio Clerk  
  
MES  
6-12-12

Approved as to form by the  
Nassau County Attorney

  
David A. Hallman,  
County Attorney

## EXHIBIT A

The following Objectives and Policies of the Transportation Element (T) are hereby amended to read as follows:

### Policy T.03.01

~~Right of Way Standards. The following minimum right-of-way standards are set for existing and future segments of the roadway network:~~

<del>Roadway Classification</del>	<del>Right of Way Width</del>
<del>Arterial (major and minor)</del>	<del>125 Feet</del>
<del>Collector (major and minor)</del>	<del>90 Feet</del>
<del>Local</del>	<del>60 Feet</del>

### Policy T.03.0201

County Right of Way Acquisition. Minimum right of way shall be acquired as part of roadway improvement projects undertaken on existing segments of the major roadway network, unless such acquisition is determined to be unreasonable by the Board of County Commissioners because of cost or funding.

### Policy T.03.0302

Right of Way Dedication and Preservation. A program shall be instituted in connection with development approvals, which promotes and encourages the dedication, preservation, or other protection of rights of way for the existing and future major roadway network as defined in addition to the minimum right-of-way cross section, additional right-of-way for expanded intersections (and turn lanes and tapers where feasible) will be acquired, dedicated or preserved according to the Transportation Analysis Spreadsheet and Future Needs Map.

### Policy T.03.0403

Rights-of-Way for planned improvement projects shall be protected through negotiated purchase or right-of-way contribution through the development review process, or other right-of-way preservation mechanisms permitted through State law.

### Policy T.03.0504

Guidelines will be established in the Land Development Regulations to allow waivers to the right-of-way and road width standards as an incentive to encourage innovative design in mixed use or planned developments. For proposed development adjacent to arterial roadways, waivers will only be granted for the purpose for improving safety and access management.

### Policy T.03.0605

The County shall employ Transportation System Management Strategies to protect the right-of-way, improve efficiency and enhance safety.

## **EXHIBIT A**

### **Policy T.05.05**

All new developments, redevelopments and additions to existing developments shall make provisions for safe and convenient internal traffic flow and adequate off-street parking facilities for motorized and non-motorized vehicles as required in the Land Development Code.

### **Policy T.06.03**

The County shall undertake the following actions aimed at assisting the private sector or other private or public non/profit organizations implement transportation operations that will serve as alternatives to the Florida Intrastate Highway System:

- A) The County shall continue it's coordination effort with the Nassau County Council on Aging, JTA and North Florida TPO to assess, where feasible, service options for transit.
- B) The County shall refer to the Nassau County Transit Study to coordinate efforts for transit options with the Nassau County Council on Aging, JTA and the North Florida TPO.

### **Policy T.07.01**

The County ~~shall adopt~~ Land Development Codes that shall set standards for minimum setback distances, buffers and other methods to protect ports, airports and related facilities from encroachment by incompatible land uses.

### **OBJECTIVE T.08**

~~The County recognizes that the use of gasoline creates a large portion of the green-house gas emissions and shall incorporate transportation strategies to address the reduction of these green house gas emissions.~~

### **Policy T.08.01**

~~The County shall identify and pursue strategies to reduce the vehicle miles traveled.~~

- A) ~~Establish locations with the Urbanized Area for compact mixed use development.~~
- B) ~~Increase opportunities for job creation proximate to higher density residential.~~
- C) ~~Facilitate future opportunities for transit-oriented developments~~
- D) ~~Locating multi-modal transportation opportunities adjacent to existing rail lines, airports and ports.~~
- E) ~~Encourage continuation of silviculture and its attendant carbon sequestration in the rural areas of Nassau County.~~
- F) ~~The County shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system.~~

## EXHIBIT A

- G) ~~Require opportunities for neighborhood shopping and personal services within one mile of residential development in the rural transitioning areas.~~

### Policy T.08.02

~~In support of a stronger jobs-to-housing balance and a reduction in the average Vehicle Miles Traveled (VMT), especially within the designated Urban Development Area (UDA) and adjacent Economic Development Opportunity Areas (EDOAs), Nassau County shall encourage Transit Oriented Developments (TOD) along Interstate 95, U.S. Highway 17 and the existing railroad corridor. TODs shall be designed to include an ample mix of transit-supportive uses, with the highest concentration of residential and employment activity located in close proximity to planned multimodal transit centers.~~

## **EXHIBIT A**

The following Objectives and Policies of the Recreation and Open Space Element (ROS) are hereby amended to read as follows:

### **Policy ROS.01.01**

The County shall prepare a Parks & Recreation Master Plan in cooperation with appropriate agencies to guide the development and maintenance of County parks and recreation facilities. The Plan should accomplish the following:

- A) Inventory the County parks system;
- B) Recommend guidelines for the size, timing and phasing of parks in the County by using population trends and projections;
- C) Establish criteria for, and priority ranking of, lands for acquisition and development;
- D) Consider existing and potential funding sources as well as programs for implementation and a long-range capital improvements plan for future parks and recreation facilities.
- E) This Plan should be completed no later than January 1, ~~2013~~ 2014.

### **Policy ROS.01.03**

The County shall adopt the following Level of Service (LOS) standards for community, and regional parks. These standards may be revised or replaced by ~~supplemented by~~ additional location or design criteria based on the recommendations of the Parks and Recreation Master Plan described in Policy ROS.01.01.

### **~~Policy ROS.01.15~~**

~~The County shall maintain and support a recreation department for County-wide park and recreation planning and management.~~

### **Policy ROS.01.~~15~~16**

The County shall review each new development as to the need for public parks and recreation facilities that are necessary to maintain adopted levels of service. Required park land should be identified for dedication during the review process for a subdivision, Planned Unit Development (PUD), or Development of Regional Impact (DRI) and a schedule should be established for construction of facilities. The County may consider funds to be donated in lieu of land in cases where the required aggregate land dedication is less than the minimum standard of useable acres established in Policy ROS.01.03.

### **Policy ROS.01.~~17~~16**

To increase efficiency and convenience in the recreation system, the County will coordinate through interlocal agreements with other public agencies which have recreation areas in the County.

## **EXHIBIT A**

### **Policy ROS.01.1817**

Whenever possible, recreation sites should be established with multi-use purposes to provide both recreation facilities and to ensure preservation or conservation of environmentally sensitive lands.

### **Policy ROS.02.07**

The County shall require developments with significant frontage along navigable waterways will to provide, at a minimum, easements for, or the construction of, boat ramps and/or parking facilities for public use. Such easements may be calculated as part of the development's open space requirements ~~standards for development that are contained in the Conservation Element.~~ Criteria for developments subject to this requirement are to be specified in the Land Development Code (LDC), Planned Unit Development (PUD) or Development of Regional Impact (DRI) development order.

### **OBJECTIVE ROS.03**

The County shall ensure the provision of open space as required in the County's Comprehensive Plan and where it is appropriate within developments to meet concurrency management.

### **Policy ROS.03.01**

The County shall adopt, in the Land Development Code, specific definitions for open space and standards for the provision and protection of open space. ~~Conservation areas that are under public ownership shall be designated as open space.~~

### **Policy ROS.03.02**

The County shall regularly review the Land Development Code to ~~upgrade current definitions of open space, and to~~ maximize the preservation of open space consistent with the goals, objectives, and policies of this element and the future recommendations of the Parks and Recreation Master Plan.

### **Policy ROS.03.03**

~~PUD, cluster~~ and other mixed use type developments shall be encouraged to provide large areas of open space and to provide recreation facilities beyond those necessary to be concurrent with the additional community needs they create.



## **EXHIBIT A**

The following Policies of the Public School Facilities Element (PSF) are hereby amended to read as follows:

### **Policy PSF.02.02**

~~The County shall coordinate in the location, phasing, and design of future school sites to enhance the potential of schools as recreation areas.~~

### **Policy PSF.02.0302**

The County shall require the location of parks, recreation and community facilities in new, planned neighborhoods in conjunction with school sites.

### **Policy PSF.02.0403**

The County shall, where feasible, require the location of parks, recreation and community facilities in existing neighborhoods in conjunction with school sites.

### **Policy PSF.02.0504**

~~The County will coordinate efforts to~~ shall coordinate with the School District regarding emergency preparedness issues, including the design of new school facilities, facility rehabilitation and expansions, to serve as emergency shelters as required by Section 163.3177, Florida Statutes. The County shall coordinate with the School District regarding emergency preparedness issues and plans as required by Section 1013.372, Florida Statutes.

### **Policy PSF.05.03**

The County hereby incorporates by reference the Nassau County School District's Five-Year Facilities Work Program for fiscal years ~~2010-11 through 2015-16~~, adopted September 9, 2010 that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities, in consultation with the School Board's projections of student enrollment, based on the adopted level of service standards for public schools.

### **Policy PSF.08.05**

The County shall only issue a concurrency approval for a subdivision plat or site plan for residential development where:...

The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan, as provided in the policies under Objective ~~10.9~~ PSF.09.

## EXHIBIT A

The following Objectives and Policies of the Public Facilities Element, Potable Water Sub-Element (WAT) are hereby amended to read as follows:

### OBJECTIVE WAT.01

~~The County shall implement procedures to ensure that prior to the issuance of a certificate of occupancy or its functional equivalent, adequate potable water facility capacity will be in place to serve the new development in accordance with the adopted level of service prior to the issuance of a certificate of occupancy or its functional equivalent.~~

### Policy WAT.01.05

New or expansion service areas for publicly owned or investor-owned utilities shall be consistent with the development areas on the Future Land Use Map or Future Land Use Map as amended in accordance with Chapter 163.3187 F.S. The boundaries of the utility service areas shall not be gerrymandered in such a way that enclaves are created that will lack service.

### Policy WAT.02.01

~~A schedule of capital improvement needs~~ Schedule of Capital Improvements (SCI) for public facilities, including potable water systems, will be maintained and updated annually in conformance with the review process for the Schedule of Capital Improvements for as part of the Capital Improvements Element of this plan. Unless modified by an amendment to the element, All projects shall be completed in accordance with the schedule provided in the County's Capital Improvements Plan. Proposed capital improvement projects will be evaluated and ranked according to the following priority level guidelines:

- ~~A) Level One - whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.~~
- ~~B) Level Two - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.~~
- ~~C) Level Three - whether project represents a logical extension of facilities and services within a designated service area.~~

The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

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

## EXHIBIT A

### Policy WAT.04.01

~~The County shall continue to coordinate efforts with the Water Management District to identify and map prime natural groundwater aquifer recharge areas.~~

### Policy WAT.04.0201

The County shall conduct a public information program utilizing materials available from the Water Management District to alert residents of wasteful water usage practices and enhance the responsible and practical use of potable water resources.

### Policy WAT.04.0302

Nassau County will seek to reduce potable water consumption by considering regulations in the Land Development Code requiring wastewater reuse for landscape irrigation where available.

## OBJECTIVE WAT.05

The County shall provide protection to natural groundwater recharge areas commensurate with their significance to natural systems or their status as current or future sources of potable water.

### Policy WAT.05.01

The County shall coordinate with the St. Johns River Water Management District to define the location of significant groundwater recharge areas in the County. These recharge areas will be displayed graphically on a map series within the Comprehensive Plan so that requests for rezoning or land use changes in these areas can be evaluated both in terms of need and potential impact to the aquifer.

### Policy WAT.05.02

The County, in coordination with DEP and the St. Johns River Water Management District shall, identify all known point and non-point sources of pollution within the County. All permitted discharge sources shall be required to meet state Water Quality Standards. All discharges under state law not requiring a permit will be required to meet all applicable Best Management Practices.

### Policy WAT.05.03

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 for potable water wellfields. In cases where the cones of influence have not been determined, the County shall designate an interim protection area of 750 feet in radius as the well field protection zone until cones of influence can be determined. Within the zone of protection, the following activities shall be prohibited:

A) Landfills;

B) Facilities for bulk storage, handling or processing of materials on the Florida Substance List;

## EXHIBIT A

- C) 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).
- D) Feedlots or other commercial animal facilities;
- E) Wastewater treatment plants, percolation ponds, and similar facilities;
- F) Mines; and
- G) Excavation of waterways or drainage facilities which intersect the water table.

For potable water wellfields 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.

## EXHIBIT A

The following Objectives and Policies of the Public Facilities Element, Sanitary Sewer Sub-Element (SEW) are hereby amended to read as follows:

### OBJECTIVE SEW.01

~~The County shall implement procedures to ensure that prior to the issuance of a certificate of occupancy or its functional equivalent, adequate sanitary sewer facility capacity will be in place to serve the new development in accordance with the adopted level of service prior to the issuance of a certificate of occupancy or its functional equivalent.~~

### Policy SEW.01.04

~~New or expansion service areas for publicly owned or investor-owned utilities shall be consistent with the development areas on the Future Land Use Map or Future Land Use Map as amended in accordance with Chapter 163.3187 F.S. The boundaries of the utility service areas shall not be gerrymandered in such a way that enclaves are created that will lack service.~~

### Policy SEW.02.01

~~A schedule of capital improvement needs Schedule of Capital Improvements (SCI) for public facilities, including sanitary sewer systems, will be maintained and updated annually in conformance with the review process for the Schedule of Capital Improvements for as part of the Capital Improvements Element of this plan. Unless modified by an amendment to the element, All projects shall be completed in accordance with the schedule provided in the County's Capital Improvements Plan. Proposed capital improvement projects will be evaluated and ranked according to the following priority level guidelines:~~

- ~~A) Level One - whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.~~
- ~~B) Level Two - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.~~
- ~~C) Level Three - whether project represents a logical extension of facilities and services within a designated service area.~~

The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

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

## EXHIBIT A

The following Objectives and Policies of the Public Facilities Element, Solid Waste Disposal Sub-Element (SOL) are hereby amended to read as follows:

### OBJECTIVE SOL.01

~~The County shall implement procedures to ensure that prior to the issuance of a certificate of occupancy or its functional equivalent, adequate solid waste disposal facility capacity will be in place to serve the new development in accordance with the adopted level of service prior to the issuance of a certificate of occupancy or its functional equivalent.~~

### Policy SOL.02.01

~~A schedule of capital improvement needs Schedule of Capital Improvements (SCI) for public facilities, including solid waste disposal systems, will be maintained and updated annually in conformance with the review process for the Schedule of Capital Improvements for as part of the Capital Improvements Element of this plan. Unless modified by an amendment to the element, All projects shall be completed in accordance with the schedule provided in the County's Capital Improvements Plan. Proposed capital improvement projects will be evaluated and ranked according to the following priority level guidelines:~~

- ~~A) Level One - whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.~~
- ~~B) Level Two - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.~~
- ~~C) Level Three - whether project represents a logical extension of facilities and services within a designated service area.~~

The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

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

## EXHIBIT A

The following Objectives and Policies of the Public Facilities Element, Stormwater Management Sub-Element (STM) are hereby amended to read as follows:

### OBJECTIVE STM.01

~~The County shall implement procedures to ensure that prior to the issuance of a certificate of occupancy or its functional equivalent, adequate stormwater management facility capacity is available or will be available to serve the new development in accordance with the adopted schedule of capital improvements prior to the issuance of a certificate of occupancy or its functional equivalent..~~

### Policy STM.02.01

~~A schedule of capital improvement needs~~ Schedule of Capital Improvements (SCI) for public facilities, including stormwater management systems, will be maintained and updated annually in conformance with the review process for the Schedule of Capital Improvements for as part of the Capital Improvements Element of this plan. Unless modified by an amendment to the element, All projects shall be completed in accordance with the schedule provided in the County's Capital Improvements Plan. Proposed capital improvement projects will be evaluated and ranked according to the following priority level guidelines:

- ~~A) Level One - whether the project is needed to protect public health and safety, to fulfill the County's legal commitment to provide facilities and services, or to preserve or achieve full use of existing facilities.~~
- ~~B) Level Two - whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement costs, provides service to developed areas lacking full service or promotes in-fill development.~~
- ~~C) Level Three - whether project represents a logical extension of facilities and services within a designated service area.~~

The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

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

## EXHIBIT A

The Public Facilities Element, Natural Groundwater Recharge Areas Sub-Element (RCH) is hereby deleted:

### **Goal**

~~Provide the protection of the functions of natural groundwater recharge areas and natural drainage features in a manner which ensures the health, welfare and safety of the residents of Nassau County; promotes compact, efficient development; reduces urban sprawl; protects and conserves natural resources; and satisfies the requirements of sound fiscal planning.~~

### **OBJECTIVE RCH.01**

~~The County shall provide protection to Natural Groundwater Recharge areas commensurate with their significance to natural systems or their status as current or future sources of potable water.~~

#### **Policy RCH.01.01**

~~The County shall coordinate with the St. Johns River Water Management District to define the location of significant groundwater recharge areas in the County. These recharge areas will be displayed graphically on a map series within the Comprehensive Plan so that requests for rezoning or land use changes in these areas can be evaluated both in terms of need and potential impact to the aquifer.~~

#### **Policy RCH.01.02**

~~The County, in coordination with DEP and the St. Johns River Water Management District shall, identify all known point and non-point sources of pollution within the County. All permitted discharge sources shall be required to meet state Water Quality Standards. All discharges under state law not requiring a permit will be required to meet all applicable Best Management Practices.~~

#### **Policy RCH.01.03**

~~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 for potable water wellfields as defined in Rule 9J-5.003(94). In cases where the cones of influence have not been determined, the County shall designate an interim protection area of 750 feet in radius as the well field protection zone until cones of influence can be determined. 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.~~



## EXHIBIT A

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 potable water wellfields 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 per Rule 9J-5.006(3)(c)6.~~

## **EXHIBIT A**

The following Objectives and Policies of the Conservation (CS) are hereby amended to read as follows:

### **Policy CS.01.01**

The County shall participate in the preparation of the SJRWMD 2010 Water Supply Plan to determine the need for alternative water supplies to help meet future demands.

### **Policy CS.01.02**

The County shall only permit future land development to proceed if adequate water supply capacity is available concurrent with to accommodate the impacts of that development in accordance with 9J-5.0055(2) (a), (b) and (c).

### **Policy CS.08.06**

~~The County shall require the use of Florida Friendly Landscaping techniques and native or adapted plants in order to reduce potable water consumption.~~

### **Policy CS.08.0706**

The County shall promote the use of Low Impact Development (LID) techniques approved by the St. Johns River Water Management District within new subdivisions in order to protect the water resources of the County, preserve open space, minimize land disturbance and link green infrastructure components.

### **Policy CS.08.0807**

The County shall promote the use of Energy Star or equivalent high-efficiency appliances and fixtures to reduce energy use in public and private buildings.

### **Policy CS.08.0908**

The County shall continue to promote those land uses that sequester carbon emissions, such as agriculture and timber production, therefore improving the air quality of the County.

### **Policy CS.10.01**

Impacts from mining operations within the County's forested wetlands shall be minimized, through avoidance of disruption of occupied endangered or threatened species habitat or through requiring restoration of similar habitat when mining is approved in forested wetland. Mining operations and restoration of mined areas must meet the standards of Rule 62C-16.0051 FAC. For mining in wetlands, these standards include Rule 62C-16.0051 (5), (6), (7), (9) and (10). Any mining approval by the County will be subject to approval from environmental permitting agencies and local government.

## EXHIBIT A

### **Policy CS.10.03**

~~The County shall regulate mining operations as follows: Commercial mining operations include man-made water bodies or dry pits greater than 20 feet in depth, measured from the top of the bank. Mining operations shall be permitted only in the Industrial land use category. No mining operations or petroleum, natural gas, and liquid natural gas drilling shall be permitted within 660 feet of a property line.~~

## EXHIBIT A

The following Policies of the Coastal Management Element, Coastal Hazard Mitigation Sub-Element (CHZ) are hereby amended to read as follows:

### Policy CHZ.03.03

Critical roadway links causing congestion or on evacuation routes identified by the Northeast Florida Hurricane Evacuation Study for Category 1 through 3 hurricanes shall receive high priority for capital improvement expenditures. ~~The critical roadway locations/segments, as identified by the Northeast Florida Hurricane Evacuation Study, shall include the following:~~

- ~~1. Sadler Road, from SR105/A1A (Fletcher Ave.) to SR 200/A1A~~
- ~~2. SR 200/A1A, from CR 107 (Nassauville Road) to US 17~~
- ~~3. I-95, through entire County (Duval Co. line to Ga. State line)~~
- ~~4. SR 200/A1A, from US 17 to, and including, intersection with US 1 (Callahan)~~
- ~~5. US 301, between US 1 and Norfolk Southern Railroad~~

### Policy CHZ.03.06

The Land Development Code shall establish minimum crown elevations for new road construction for roads constructed within Special Flood Hazard Areas and areas subject to flooding from a Category 1 hurricane, as shown in the most recent Northeast Florida Hurricane Evacuation Study (HES).

### Policy CHZ.06.02

The County shall review its Land Development Code and make revisions as necessary to control development in the hurricane vulnerability zone (i.e. Level 1-3 evacuation zones) in a manner that will reduce the vulnerability of new development to hurricane forces damage.

### Policy CHZ.06.04

~~Consistent with DCA Rule 9J-5.012(3)(c)(8),~~ The County shall identify and assess all infrastructure located within the CHHA to determine its vulnerability. This vulnerability assessment will be based on data and analysis contained in the adopted Local Mitigation Strategy. Any decision to abandon or relocate infrastructure outside the CHHA following a natural disaster will be based on a benefit-cost analysis of vulnerable infrastructure consistent with the methodology provided for in the Local Mitigation Strategy.

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The following Policies of the Regional Coordination Element (RC) are hereby amended to read as follows:

### Policy RC.01.04

The County shall continue its formal relationships with state and federal agencies that have development permitting responsibilities in ~~Fernandina Beach and Nassau County.~~

### Policy RC.01.10

The County shall recognize airport master plans prepared pursuant to Sec. ~~163.3177(4)(k)~~ 333.06, Florida Statutes.

### Policy RC.05.02

The County shall coordinate with economic development organizations to create a coordinated economic development program, including the adoption an economic development element consistent with the provisions of Chapter 163, F.S. and ~~Chapter 9J-5, Florida Administrative Code.~~

## EXHIBIT A

The following Policies of the Future Land Use Element (FL) are hereby amended to read as follows:

### Policy FL.01.02

#### (B) Residential

...The minimum and maximum gross densities permitted in Residential land use categories are as follows:

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

Residential Density Standards		
Category	Minimum	Maximum
Agriculture (AGR)*	0.0 du/a	1.0 du/a
Low Density Residential (LDR)	0.0 du/a	2.0 du/a
Medium Density Residential (MDR)	0.0 du/a	3.0 du/a
High Density Residential (HDR)	3.0 du/a	10.0 du/a

...Mobile homes will be permitted in accordance with Sec. 320.8285(5)(6) F.S.; manufactured homes will be permitted in accordance with Sec. 553.382(2) F.S. and Community Residential homes shall be permitted in accordance with Sec. 419.001(2) and (3) F.S.

### Policy FL.02.01

#### Planned Unit Development (PUD) Overlay District

A Planned Unit Development (PUD) may be applied as an overlay district to any residential land use designation(s) pursuant to the adoption of an ordinance authorizing a development order for a PUD, as required by the Land Development Code.

The purpose of a Planned Unit Development (PUD) is to allow site-specific design requirements (i.e. set back lines, lot coverage requirements, open space requirements, etc.). The PUD designation allows the developer and County to negotiate elements of use and site design in order to achieve more efficient development patterns which can lower costs for infrastructure, reduce traffic congestion, create more livable communities, and preserve open space. They generally provide for a balanced blend of mixed residential uses as well as some commercial uses and recreation areas to serve the residents of the development.

A PUD overlay will not require a Future Land Use Map amendment so long as the proposed uses within the PUD are permitted by and do not increase the density or intensity of uses specified on the underlying Future Land Use Map designation(s) and/or other overlay districts. Density refers to the number of dwelling units per gross acre. The gross land area includes all land owned within the property boundaries of the subject parcel. 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

## **EXHIBIT A**

~~designated underlying land use.~~

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

~~Residential -- no less than 65 percent of the gross land area~~

~~Commercial -- no greater than 15 percent of the gross land area~~

~~Recreation -- no less than 20 percent of the gross land area~~

~~Residential, commercial and recreational land uses within the PUD shall abide by the same maximum density or intensity of use as defined in Policy FL.01.02 for the Low-, Medium- and High-Density Residential, Commercial and Recreation land use categories.~~

### **Policy FL.02.0201**

#### ***100 -Year Floodplain Overlay District***

This overlay includes all 100-year floodplains as determined by Federal Emergency Management Agency (FEMA) criteria....

### **Policy FL.02.0302**

#### ***SR 200/A1A Access Management Overlay District***

The SR 200/A1A Access Management Overlay District provides a further means for the County to manage development along SR 200/A1A....

### **Policy FL.02.0403**

#### ***St. Marys River Overlay District***

The intent of the St. Marys River Overlay District is to protect and preserve the beautiful and unique St. Marys River, which possess excellent water quality, outstanding natural habitats, diverse wildlife, and have considerable recreational value....

### **Policy FL.02.0504**

#### ***White Oak Plantation Limited Development Overlay District***

White Oak Plantation is an agricultural- and silvicultural- based single-user property which supports other uses that are not commonly found in agricultural areas of the County....

- A) The uses and activities allowed under this Limited Development Overlay and related conditions are as follows:...
16. White Oak Plantation shall adhere to the following procedures in adhering to the technical codes adopted by Nassau County.
    - a. White Oak Plantation will retain an engineer or architect who will serve as an Inspector pursuant to Section 105.3 of the requirements of the Florida

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Building Code. Such engineer or architect shall submit his/her credentials pursuant to Section Part XII of Chapter 468, F.S. to the County Building Official who will certify such architect or engineer as being qualified to perform building inspections;

### **Policy FL.04.06**

~~The County shall regulate mining operations as follows: Commercial mining operations include man-made water bodies or dry pits greater than 20 feet in depth, measured from the top of the bank. Mining operations shall be permitted only in the Industrial land use category. No mining operations or petroleum, natural gas, and liquid natural gas drilling shall be permitted within 660 feet of a property line.~~

### **Policy FL.04.07**

Impacts from mining operations within the County's forested wetlands shall be minimized, through avoidance of disruption of occupied endangered or threatened species habitat or through requiring restoration of similar habitat when mining is approved in forested wetland. Mining operations and restoration of mined areas must meet the standards of Rule 62C-16.0051 F.A.C. For mining in wetlands, these standards include Rule 62C-16.0051 (5), (6), (7), (9) and (10) F.A.C.

### **Policy FL.06.01**

The County shall not amend the Future Land Use Map (FLUM) within the boundaries of the defined Coastal High-Hazard Area (CHHA) unless at least one of the following conditions is met:

- A) The requested change does not increase residential density;
- B) The requested change can be determined to not exceed the established hurricane evacuation times pursuant to Sec. 163.3178(9)(a)1 and 2, F.S.; or
- C) Appropriate mitigation is provided for the requested change to reduce impacts on hurricane evacuation times pursuant to Sec. 163.3178(9)(a)3, F.S.

### **Policy FL.11.02**

~~[formerly 2010 Comprehensive Plan Policy 1.09.03]~~ Areas identified on the FLUM as wetlands are generally defined. A landowner may provide more detailed data to the County to clarify jurisdictional wetland areas. Those land areas determined by the Board of County Commissioners, with the advice of the St. Johns River Water Management District, that are determined not to be jurisdictional wetlands, will be allowed to be developed at the least intense adjacent land use densities and intensities. Where the adjacent land use remains wetlands the county will allow the use to be the least intense use bordering on the surrounding wetland.

### **Policy FL.11.03**

For wetlands located in the Conservation Habitat Network (CHN) land use sub-category as established in the East Nassau Community Planning Area, boundary adjustments to such wetlands are subject to the criteria established in Policy FL.13.07(A)(1)(e).



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### Policy FL.13.07 (E) (1)(e)

Public schools shall be located in accordance with ~~Objective 10.3 of~~ the goals, objectives and policies of the Public Schools Facilities Element.

### Policy FL.13.14 (E)

Modifications to the Conservation Habitat Network (CHN) boundaries shall follow the general guidelines and standards set forth in Policy ~~1.14.7~~ FL.13.07(A)(1).

## EXHIBIT A

The following Objectives and Policies of the Capital Improvements Element (CI) are hereby amended to read as follows:

### OBJECTIVE CI.01

Capital improvements shall be provided to: correct existing deficiencies, accommodate desired future growth and replace worn-out or obsolete facilities as indicated in the Schedule of Capital Improvements. ~~Capital improvements in the context of the Comprehensive Plan shall include the transportation system, potable water, sewage, solid waste, drainage, and recreation and open space facilities.~~

#### Policy CI.01.01

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

#### Policy CI.01.02

The County shall maintain ~~and annually update~~ a minimum five(5)-year Schedule of Capital Improvements detailing the expenditures necessary for each new or renovated public facility, ranked in a list of need priorities and then compared with estimated funds available.

#### ~~Policy CI.01.03~~

~~Review all current deficiencies reported in the Comprehensive Plan and identify facility needs in accordance with the following criteria:~~

- ~~A) Facilities that are needed to protect, or that eliminate a hazard to, the public health, welfare or safety.~~
- ~~B) Facilities that must be upgraded to eliminate existing capacity deficits.~~
- ~~C) Facilities required to serve development areas that have vested development approval prior to adoption of the plan.~~
- ~~D) Facilities required to serve redevelopment areas identified in the comprehensive plan.~~
- ~~E) Facilities needed to provide service to new development in accord with the land use element of the plan.~~
- ~~F) Facilities that will serve the identified needs in future plans of the St. Johns River Water Management District and other state agencies that may provide public facilities within the County.~~

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### Policy CI.01.0403

Review projects with each department and appropriate consultants or other sources to provide best cost and time estimates for each proposed facility. Prior to undertaking capital improvements, consider the availability of recurring revenues to fund operational costs.

### Policy CI.01.0503

The Schedule of Capital Improvements shall include all identified facility needs identified in each of the Comprehensive Plan Elements and/or adopted as part of a Proportionate Fair Share or Development Agreement.

### Policy CI.01.0603

Identify funding sources available for each capital improvement contained on the five(5)-year Schedule of Capital Improvements.

### Policy CI.01.0703

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

### Policy CI.01.0803

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

### Policy CI.01.09

~~Include adoption of a five(5)-year Capital Budget with an annually updated five(5)-year Schedule of Improvements no later than the adoption of the annual governmental budget of Nassau County.~~

### Policy CI.01.1003

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

### Policy CI.02.01

Nassau County adopts the Level of Service (LOS) standards for public facilities and services as shown below:...

#### F) Solid Waste Disposal

## EXHIBIT A

### Policy CI.03.01

~~Upon adoption, improvements scheduled in the Capital Improvement Element to eliminate existing public facility deficiencies, shall be predicated on the following criteria to ensure that the projects are ranked in an appropriate order of need:~~

- ~~A) Priority A projects currently underway for which the County is fully committed and/or are so urgently needed that implementation cannot be delayed. Also included, are expansions of existing systems for which revenue bonds have been issued.~~
- ~~B) Priority B projects needed to maintain a function at the adopted level of service or to comply with State or Federal mandates.~~
- ~~C) Priority C projects not necessary to maintain an adopted level of service, but desirable as soon as funds can reasonably be made available, or projects which need further study.~~
- ~~D) Priority D projects which are desirable, but can be safely deferred beyond the third year of the five year projection in the Schedule of Capital Improvements.~~

The County shall evaluate and prioritize capital improvement projects based upon the following criteria:

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

### Policy CI.06.04

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

### Policy CI.07.04

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

### Policy CI.09.01

~~Consistent with the Inter-local Agreement, The uniform, district-wide level of service standards for public school facilities shall be based upon the Florida Inventory of School Houses (FISH) maintained by the Department of Education (DOE). They are initially set and are hereby adopted as shown in Table 9.2. These standards shall be consistent with the Inter-local Agreement agreed upon by the School District, and the local governments within Nassau County.~~

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### Policy CI.09.02

The County hereby incorporates by reference the Nassau County School District's Five-Year Facilities Work Program for fiscal years ~~2010-11 through 2015-16~~, adopted September 9, 2010 that includes school capacity sufficient to meet anticipated student demands projected by the County and municipalities, in consultation with the School Board's projections of student enrollment, based on the adopted level of service standards for public schools.

### Policy CI.09.03

The County, in coordination with the School Board, shall annually update the Capital Improvements Element by adopting by reference the School District's Five-Year Facilities Work Program, ~~to ensure maintenance of a financially feasible capital improvements program and to~~ ensure level of service standards will continue to be achieved and maintained during the five-year planning period.

### Policy CI.09.04

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

### Policy CI.09.05

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

# EXHIBIT B

