

ORDINANCE 2004- 06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE 91-4, AS AMENDED, KNOWN AS THE "COMPREHENSIVE PLAN ORDINANCE OF NASSAU COUNTY"; SPECIFICALLY, AMENDING POLICY 1.04B.04, POLICY 1.05.06 AND POLICY 1.07.02 OF THE FUTURE LAND USE ELEMENT; SPECIFICALLY, AMENDING POLICY 2.01.02 AND POLICY 2.06.07 OF THE TRAFFIC CIRCULATION ELEMENT; SPECIFICALLY, AMENDING POLICY 3.02.01 AND POLICY 3.04.01 OF THE HOUSING ELEMENT; SPECIFICALLY, AMENDING POLICY 4.01.01, POLICY 4.01.03, POLICY 4.01.04, POLICY 4.01.06, POLICY 4.02.02, POLICY 4.02.03 AND POLICY 4.05B.04 OF THE PUBLIC FACILITIES ELEMENT; SPECIFICALLY, AMENDING POLICY 5.04A.02, POLICY 5.04A.08, POLICY 5.06.02B, POLICY 5.15.02 AND POLICY 5.12.03 OF THE COASTAL MANAGEMENT ELEMENT; SPECIFICALLY, AMENDING POLICY 7.01.02 AND POLICY 7.01.03 OF THE RECREATION AND OPEN SPACE ELEMENT; SPECIFICALLY, AMENDING POLICY 9.02.01 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners to prepare and enforce comprehensive plans for the development of the County; and,

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative

instruments and procedures to carry out the provisions and purposes of the Act; and,

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners, by Ordinance 97-19 as amended, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and,

WHEREAS, the Planning and Zoning Board has held duly noticed public hearings to address the proposed comprehensive text amendment to the adopted Nassau County Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Board, based on these public hearings, has recommended to the Board of County Commissioners that the proposed comprehensive text amendments to the adopted Nassau County Comprehensive Plan be approved; and,

WHEREAS, housekeeping revisions to Policy 1.04B.04 and Policy 1.07.02 of the Future Land Use Element, Policy 4.01.03, Policy 4.01.04, Policy 4.01.06, Policy 4.02.02, and Policy 4.02.03 of Public Facilities Element, and Policy 5.04A.02, Policy 5.04A.08, Policy 5.06.02B, and Policy 5.12.03 of the Coastal Management Element of the Comprehensive Plan are required to delete references to the Public Works Director and insert the appropriate County department with jurisdiction for Comprehensive Plan compliance; and,

WHEREAS, a housekeeping revision to Policy 1.05.06 of the Future Land Use Element is required to provide the Department of Emergency Management flexibility on the type or media used for hurricane evacuation guides; and,

WHEREAS, Policy 2.01.02 of the Traffic Circulation Element requires updating in order to identify Scott Road

as a "constrained facility" because a lane in each direction can not be added due to reasons of physical or environmental conditions or policy, because of its designation as a Scenic/Canopy Road in Ordinance 2003-02; and,

WHEREAS, Policy 2.06.07 of the Traffic Circulation Element requires deletion and reservation since it does not describe policy, but rather procedure, in that it is the professional role of Planning staff to perform such duties and the Planning and Zoning Board, if necessary and as directed by the Board of County Commissioners; and,

WHEREAS, Policy 3.02.01 of the Housing Element requires clarification with regards to enforcement of the housing code in the County; and,

WHEREAS, the requirements of Policy 3.04.01 of the Housing Element as currently adopted can be fulfilled by revising the policy to explicitly adopt State and Federal laws pertaining to the prohibition of discrimination in housing as the County standard, pursuant to the Federal Fair Housing Act, 42 U.S.C, Section 3601-3631 and State Fair Housing Act, Chapter 760, Part II, Section 760.20-760.37.

WHEREAS, Policy 4.01.01 of the Public Facilities Element requires a minor grammatical correction and updating in order to replace references to "Florida Water" with "Nassau Amelia", in light of the recent County purchase of the water utility.

WHEREAS, Policy 4.01.03 of the Public Facilities Element has been revised to delete the exception with regards to transportation since the Traffic Engineering Department is now part of Engineering Services and therefore transportation infrastructure availability would

be provided as part of this Engineering Services semi-annual, interdepartmental review; and,

WHEREAS, Policy 4.02.02(d) of the Public Facilities Element requires revision in order to take into account the County's recent purchase of the Nassau Amelia Water Utility; and,

WHEREAS, Policy 4.05B.04 requires deletion and reservation since the policy as currently adopted is a redundant requirement of State law, Chapter 9J-5, Florida Administrative Code; and,

WHEREAS, Policy 5.15.02 of the Coastal Management Element requires revision in order to take into account the County's recent purchase of the Nassau Amelia Water Utility; and,

WHEREAS, Policy 7.01.02 and Policy 7.01.03 of the Recreation and Open Space Element, require revision in order to incorporate into the comprehensive plan policy the description of location, service area, population served and types of facilities to be provided in Regional and Community Parks, as defined in the Northeast Florida Regional Planning Council's report, entitled "Proposal for a Regional and Community Park Recreation Fee", dated September 8, 2003; and,

WHEREAS, Policy 7.01.02 and Policy 7.01.03 of the Recreation and Open Space Element require revision in order to adopt updated Level of Service (LOS) standards for Regional and Community Parks, which are in turn used to establish the final cost of the Recreation Impact Fee; and,

WHEREAS, Policy 7.01.02 and Policy 7.01.03 of the Recreation and Open Space Element require revision in order to consolidate individual Level of Service (LOS) standards for facilities within the category of Community Parks; and,

WHEREAS, Policy 7.01.02 and Policy 7.01.03 of the Recreation and Open Space Element require revision in order to delete the Metro/District Park category since a Metro/District Park is not defined in the Comprehensive Plan and the recreational needs of citizens are being adequately met for in the Community and Regional Park categories; and,

WHEREAS, Policy 9.02.01 of the Capital Improvements Element requires a minor grammatical correction, plus a revision in order to take into account the County's recent purchase of the Nassau Amelia Water Utility, and revision in order to be consistent with the updated Level of Service (LOS) standards in Policy 7.01.02 and 7.01.03 of the Recreation and Open Space Element; and,

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Nassau County to further amend Ordinance ~~97-19~~ 91-04, as amended.

NOW, THEREFORE BE IT ORDAINED this ^{26th}~~23rd~~ day of ~~February~~^{July}, 2004, by the Board of County Commissioners of Nassau County, Florida that Ordinance ~~97-19~~, 91-04, as amended, be amended as follows:

SECTION 1. **1.0 Future Land Use Element**

Policy 1.04B.04 Through site plan review the ~~Public Works Planning Director~~ Growth Management Coordinator or his designee shall restrain development of projects that would infringe on significant historic and archaeological sites.

Policy 1.05.06 The County shall maintain a current hurricane guide(s) showing evacuation routes, hurricane hazards, safety procedures, shelters, and other pertinent information for its citizens.

Policy 1.07.02 Land suitable for utility facilities to support future development needs shall be identified by the

~~County Public Works Engineering Services~~ Department and, by amendment, designated on the Future Land Use Map for private or public acquisition.

SECTION 2. **2.0 Traffic Circulation Element**

Policy 2.01.02 Backlogged Facilities. Backlogged are roads operating at a level of service below the minimum level of service standards, not programmed for construction in the first three years of the Five-Year Schedule of Capital Improvements, contained in the Capital Improvements Element, and not constrained. The list of roadway segments hereby designated as backlogged is as follows: I-95.

The adopted level of service standard for roadways designated as backlogged shall be maintained. Any backlogged facility will be allowed to operate at levels that do not exceed a five percent increase in locally generated peak hour traffic volumes at the time of plan adoption added to the traffic volumes at the time of backlogged designation.

Constrained Facilities. Constrained is defined as a road where a lane in each direction cannot be added due to physical or environmental conditions or policy. The list of roadway segments hereby designated as constrained is as follows:

- a. CR 105A from Gerbing Road to the Royal Amelia Golf Club entrance in Julia Street.
- b. SR A1A from Beach Lagoon Road to Amelia Island Parkway at the Ritz-Carlton Hotel intersection on SRAIA.
- c. Amelia Island Parkway from Julia Street to the intersection of CR105A.
- d. 14th Street from Lime to Atlantic Avenue.
- e. Scott Road from State Road 200/A1A to Amelia Island Parkway.

Policy 2.06.07 ~~The planning staff will work with the guidance of the Planning Board to define the geographic areas and scope of activities in each area to be studied.~~
Reserved.

SECTION 3. **3.0 Housing Element**

Policy 3.02.01 Increase ~~code~~ enforcement of the housing code in the County

Policy 3.04.01 The County shall establish non-discriminatory standards ~~and criteria~~ by adhering to State and Federal law in addressing evaluating and providing for the location of group homes and foster care facilities in the County, pursuant to Chapter 42.3601-42.3631, United State Code (also known as the Federal Fair Housing Act) and Chapter 760.20-760.37, Florida Statutes (also known as the State Fair Housing Act).

SECTION 4. **4.0 Public Facilities Element**

Policy 4.01.01 The following level of service standards ~~are~~ is hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Sanitary Sewer	
Fernandina Beach	172 gallons per capita per day with 1.2 peak factor
<u>Florida Nassau Amelia</u> Water Service	76.8 gallons per capita per day with 1.2 peak factor
JEA	85 gallons per capita per day with 1.2 peak factor
Sewer Facilities Built after 2000	85 gallons per capita per day with 1.2 peak factor
Potable Water	
Florida Public Utilities	170.9 gallons per capita per day with 1.6 peak factor
<u>Florida Nassau Amelia</u> Water Service	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	4.91 pounds per capita per day
Water Quality	Applicable local standards as well as water quality standards specified by Chapter 40C-42 F.A.C. shall apply.
Stormwater Discharge Facilities	Permits for construction of new stormwater discharge facilities shall follow F.A.C. 40C-42 and 40C-4.
LOS	Retention shall meet SJRWMD Chapter 40C-4, Environmental Resource Permit for Surface Water Systems and SJRWMD Chapter 40-C-42, Environmental Resource Permits: Regulation of Stormwater Management Systems.

Policy 4.01.03 ~~The Public Works Engineering Services~~
Director shall, on a semi-annual basis, review the level of
County development in terms of infrastructure availability
and provide the findings to the Board of County
Commissioners and the ~~Planning Director Growth Management~~
~~Coordinator~~ ~~except for transportation, which will be~~
~~provided to the traffic engineering department, for~~
guidance in the issuing of Certificates of Concurrence.

Policy 4.01.04 ~~The Public Works Engineering Services~~
Director shall prepare annual summaries of capacity and
demand information for each public infrastructure facility.
The ~~Public Works Engineering Services~~ Director then shall
submit recommendations to the County Commission regarding
extensions of facilities to meet future needs. These
recommendations shall include required costs to implement
such improvements and upon Commission approval be
considered as recommendations in the next fiscal year
budget hearings.

Policy 4.01.06 The ~~Public Works Planning Director~~
~~Growth Management Coordinator~~ is charged with the
responsibility to determine where the potential exists for
Nassau County to improve its providing public facilities
through coordinating County efforts with adjacent
county/municipality system planning and to recommend to the
County Commission such intergovernmental agreements that
will promote improved services and thereby discourage urban
sprawl.

Policy 4.02.02 Unless modified by an amendment to the
element, all projects shall be completed in accordance with
the schedule provided in the County Capital Improvements 5-
year plan as shown below:

- a. Drainage - Immediate concerns for drainage are
 maintenance of existing County drainage
 facilities; coordinating with the state for
 maintenance of state facilities along state
 highways and development of a countywide drainage
 master plan.

While these are not items that should be shown in
the County's 5-year Capital Improvement Plan, the
findings of the drainage master plan undoubtedly
will require some construction of new, and
realignment of existing, drainage facilities.
These new facilities and associated construction
costs will be added to the Drainage Sub Element
and Capital Improvement Element as amendments to
the Plan.

- b. The Solid Waste Director or designee shall take
 steps immediately to accomplish the following
 tasks at functioning landfills:
 1. ensure that all areas of the landfill not
 actually being worked are covered.
 2. develop a groundwater monitoring system; and
 3. implement a quality assurance program to
 provide protection from water pollution,
 noise pollution, and odor pollution.

The County shall adopt LDRs that include adequate
enforcement procedures and penalties for illegal

dumping and burning of hazardous and non-hazardous waste.

- c. Sanitary Sewer - Immediate concern of the County regarding sanitary sewer disposal is the performance of package plants and septic tanks so as to not impact on the County's natural resources. The County support at this time should be primarily to support the County Department of Health in locating and identifying malfunctioning systems.

Since this effort can best be accomplished through citizen participation, the County shall establish a public information program wherein water quality literature available from the County Department of Health and Water Management District will be made available to Nassau County residents.

While the cost of such an effort will not be identified in the County's 5-year Capital Improvement Plan, it will add some expense to County operations within the ~~Office of the Public Works Director~~ Engineering Services Department.

- d. Potable Water - ~~Since the County does not own or operate a central potable water system, nor does it expect implement such a system within the 2000-2010 planning period, the County must make more feasible the expansion of potable water system by its franchised operators. The County owns and operates the Nassau Amelia Water utility serving the unincorporated areas of Amelia Island and will, when feasible, seek grants and funds to expand the potable water system on the island.~~

Nassau County will ensure that future land development follows the Comprehensive Plan through implementing growth management in accordance with the adopted Future Land Use Map thereby promoting compact development and promoting extension of water/sewer systems.

Policy 4.02.03 Upon completion of the Master Drainage Study (See Policies 4.02.02 and 4.05B.03) the ~~Public Works Engineering Services~~ Director shall prepare a priority

listing of drainage projects to be completed by the County to correct existing deficiencies. This listing, with associated costs, shall be presented to the Board of County Commissioners for implementation in the FY 2003-2004 budget.

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

SECTION 5. **5.0 Coastal Management Element**

Policy 5.04A.02 ~~The Public Works Engineering Services~~ Director, with required support, shall survey disaster sites immediately following the emergency occurrence to identify immediate repair and clean-up actions required to protect public health and safety and shall coordinate with the Director of Emergency ~~Services~~ Management to accomplish priority tasks.

Policy 5.04A.08 Following a storm event, the ~~Public Works Engineering Services~~ Department shall assess all county facilities damaged from storm activity in the CHHA, and shall make recommendations to reduce future expenditures and potential damage risks.

Policy 5.06.02B Within one year of adoption of the EAR based plan amendment, the ~~public works Engineering Services~~ Department shall assist Emergency ~~Services~~ Management in assessing the vulnerability of public infrastructure within the CHHA.

Policy 5.12.03 The ~~Public Works Emergency Management Services~~ Department shall review proposed development plans to ensure that infrastructure (water, sewer, roads) is located in a manner that provides least susceptibility to hurricane impact.

Policy 5.15.02 Potable Water and Sanitary Sewer service areas ~~on the County's barrier island within the unincorporated areas of the barrier island~~ shall ~~continue to be served by the franchised service operations of private utilities by Nassau County through the~~ governmentally-owned utility, Nassau Amelia Water.

SECTION 6. **7.0 Recreation and Open Space Element**

Policy 7.01.02 The County shall adopt the following ~~interim~~ Level of Service (LOS) standards for ~~Recreation and Open Space~~ Regional and Community Parks. These ~~interim~~ standards shall be revised, as necessary, based on the recommendations of the recreation assessment described in Policy 7.01.01.

~~**LEVEL OF SERVICE STANDARDS - RECREATION AND OPEN SPACE**~~

~~**Facility**~~ ~~**LOS: Units per Number of Persons**~~

~~Park (acres)~~ ~~20 Ae/1000~~

Policy 7.01.02A A regional park is a tract of land designated and used by the public for active and passive recreation. A regional park draws users from a larger area than a community park, frequently from the entire County and beyond, by providing access to especially attractive natural resources, amenities and specialized activities.

LEVEL OF SERVICE - REGIONAL PARK

<u>Facility</u>	<u>LOS (acres per number of persons)</u>
<u>Regional Park</u>	<u>10 ac/1000</u>

Location: On the periphery of an urban service area.
Average Service Area: Thirty (30) minutes to one (1) hours driving time.
Average Population Served: Greater than one hundred thousand (100,000+) people.
Average Size (Acres): Two hundred and fifty (250) ac to greater than one thousand (1000+) ac.
Typical Facilities Provided: Passive recreational areas, bridle paths, picnicking, camping and other facilities not requiring intensive development.

Policy 7.01.02B A community park is designated to serve the community in which the park is located. A Community Park draws users from the general area in which the potential uses reside and serve a smaller population than regional parks.

LEVEL OF SERVICE - COMMUNITY PARK

<u>Facility</u>	<u>LOS (acres per number of persons)</u>
<u>Community Park</u>	<u>2 ac/1000</u>

Location: Designed to serve residents of a group of neighborhoods.

Average Service Area: One-half (1/2) to three (3) miles.

Average Population Served: No greater than five thousand (5000) people.

Average Size (Acres): Five (5) ac to twenty (20) ac.

Typical Facilities Provided: All facilities of a neighborhood park plus pools, soft/baseball fields, tennis courts, play and picnic areas, passive recreational areas and recreation buildings.

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.

Facility	Units Per Number of Persons
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>Parkland Recreation</u> and Open Space	Acres Per 1000 Population
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Play Area /Tot Lot	0.5 Ac/1000
Neighborhood Park/Play field	2.0 Ac/1000
Community Park	2.0 Ac/1000
Community Passive Space	1.0 Ac/1000
District/Metro Area Parks	5.0 Ac/1000
Regional/State Parks	210.0 Ac/1000
Beach Access w/ Parking	0.5 Ac/1000
TOTAL	314.0 Ac/1000

SECTION 7. **9.0 Capital Improvements Element**

Policy 9.02.01 Upon plan adoption, the Level Of Service (LOS) standards, which the County shall ensure are provided for new development, and which the County shall

meet within the planning period, where existing deficiencies are noted shall be in accordance with the following criteria:

**PUBLIC FACILITY CATEGORY
STANDARD**

COUNTY

Traffic Circulation

Minimum Acceptable Level of Service

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 (Intrastate Highway system)	B		C
• I-10 (Intrastate Highway system)	B		C
Principal Arterials	C		D
• US 1	C		D
• SR 15	C		D
• US 90	C		D
• US 301/SR 200 from southern County line to I-95 (Intrastate Highway system)	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

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

~~Florida~~ Nassau Amelia 76.8 gallons per capita per

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

Potable Water

Florida Public Utilities	170.9 gallons per capita per day with 1.6 peak factor
Florida <u>Nassau Amelia</u> Water Service	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
4.191 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

Facility	LOS: Units Acres per Number of Persons
Park (acres)	20 ac/1000
<u>Regional Park</u>	<u>10 ac/1000</u>

Community Park2 ac/1000

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.

Facility	Units Per Number of Persons
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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

**Parkland Recreation
and Open Space****Acres Per 1000 Population**

Play Area /Tot Lot	0.5 Ac/1000
Neighborhood Park/Play field	2.0 Ac/1000
Community Park	2.0 Ac/1000
Community Passive Space	1.0 Ac/1000
District/Metro Area Parks	5.0 Ac/1000
Regional/State Parks	2 10.0 Ac/1000
Beach Access w/ Parking	0.5 Ac/1000

TOTAL	3 1 4.0 Ac/1000
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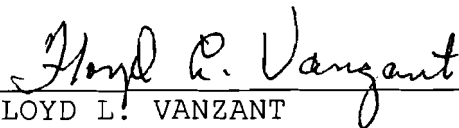
The standards stated above shall pertain to all development and redevelopment without exception for the planning period 1990-2010.

SECTION 8. EFFECTIVE DATE.

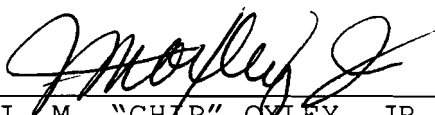
The Board of County Commissioners shall file this Ordinance with the Department of Community Affairs after adoption. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in

compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

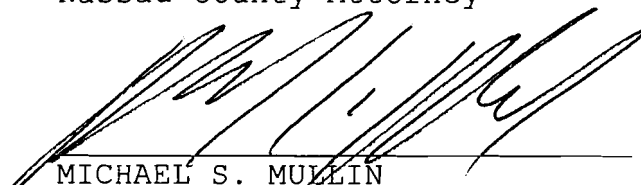
BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


FLOYD L. VANZANT
Its: Chairman

ATTEST:


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney


MICHAEL S. MULLIN

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