

ORDINANCE NO. 2018 - 38

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN; AMENDING THE CONSERVATION, FUTURE LAND USE, AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 2030 Nassau County Comprehensive Plan requires updates to the goals, objectives, and policies of the Plan in order to remain current in its references and in compliance with the requirements of Ch. 163 Florida Statutes; and

WHEREAS, the Planning and Zoning Board, acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this application on September 4, 2018 and voted to recommend approval to the Board of County Commissioners and for transmittal of this application; 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, the Board of County Commissioners held a public hearing for adoption of this amendment on October 22, 2018; 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

1. The Policies of the Conservation, Future Land Use, and Capital Improvements 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 policies and maps referenced in Exhibit "A"; all other maps, goals, objectives and policies of the adopted Nassau County Comprehensive Plan 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 22nd day of October, 2018 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



PAT EDWARDS
Its: Chairman

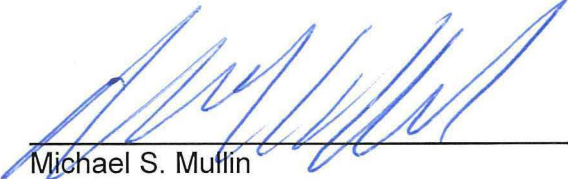
ATTEST as to Chairman's Signature:



John A. Crawford
Its: Ex-Officio Clerk

MES
10-24-18

Approved as to form by the
Nassau County Attorney



Michael S. Muffin
County Attorney

The following Policy of the Conservation Element (CS) is hereby amended to read as follows:

Policy CS.03.02

The County should consider the establishment of a land acquisition fund for the public acquisition of important areas of green infrastructure. ~~Such a fund will utilize a "willing-seller" approach; and its establishment will require the approval of a majority of the electorate.~~

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

Policy FL.01.02

(A) Agriculture (AGR)

~~Land designated~~ Agriculture land, ~~is intended for activities that are associated in a parcel 320 acres or more, used~~ primarily ~~for~~ with the cultivation of silviculture, crops or other ~~active~~ agricultural uses.

Agriculture- designated land in parcels 320 acres or more in area may be developed for residential use at a density not to exceed one (1) unit per 20 acres. Agriculture-~~designated~~ land in ~~a~~ parcels of 320 acres or less in area may be developed for residential use at a density not to exceed one (1) unit per one (1) acre.

Notwithstanding the density assigned above for Agriculture-~~designated~~ lands on the Future Land Use Map, the following exceptions apply:

1. 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.
2. 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, grandchild, aunt, uncle, niece or nephew 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.
- ~~3. 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.~~
- ~~4. Any other application to subdivide Agriculture designated land shall be considered favorably for revision through the plan amendment process so long as the proposed subdivision of land furthers:~~
 - ~~a) A concentration of development that will enhance the potential for implementing central/regional water/sewer systems; or~~

- ~~b) Contributing to the development of mixed-use communities that provide for integrated live/work/recreation population centers; and~~
- ~~c) The clustering of permitted development within agricultural designated lands so as to minimize potential impact on the agricultural productivity of the areas.~~

The exceptions noted above relate to density only; any development must be consistent with the other provisions of ~~the this~~ Plan and adopted County regulations ~~including, but not limited to, concurrency.~~

Community/public facilities may be permitted in Agriculture-designated lands subject to siting provisions in the Land Development Code. This may include, but is not limited to, water and wastewater facilities, electric power substation and transmission facilities, emergency medical, fire protection and police facilities, parks and schools.

Agriculture ~~al~~ designated lands 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.

Policy FL.01.04

All amendments to the Future Land Use Map (FLUM) shall provide justification for the need for the proposed amendment. In evaluating proposed amendments, the County shall consider each of the following:

- (A) The extent to which the proposed amendment discourages urban sprawl per F.S. 163.3177(6)(a)(9), of which indicators are:
- i. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
 - ii. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - iii. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - iv. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - v. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - vi. Fails to maximize use of existing public facilities and services.
 - vii. Fails to maximize use of future public facilities and services.
 - viii. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - ix. Fails to provide a clear separation between rural and urban uses.
 - x. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - xi. Fails to encourage a functional mix of uses.
 - xii. Results in poor accessibility among linked or related land uses.
 - xiii. Results in the loss of significant amounts of functional open space.

- (B) The extent to which the proposed amendment is contiguous to an existing urban or urban transitioning area served by public infrastructure;
- (C) The extent to which population growth and development trends warrant an amendment, including an analysis of vested and approved but unbuilt development;
- (D) The extent to which adequate infrastructure to accommodate the proposed amendment exists, or is programmed and funded through an adopted Capital Improvement Schedule, such as the County's Capital Improvement Plan, the Florida Department of Transportation Five -Year Work Program, the North Florida Transportation Planning Organization (TPO) Transportation Improvement Program, or privately financed through a binding executed agreement, or will otherwise be provided at the time of development impacts as required by law;
- (E) The extent to which the amendment will result in a fiscally and environmentally sustainable development pattern through a balance of land uses that is internally interrelated; demonstrates a context sensitive use of land; ensures compatible development adjacent to agriculture and environmentally sensitive lands; protects environmental and cultural assets and resources; provides interconnectivity of roadways; supports the use of non-automobile modes of transportation; and appropriately addresses the infrastructure needs of the community.
- (F) The extent to which the amendment results in a compact development form that fosters emergence of vibrant, walkable communities; makes active, healthier lifestyles easier to enjoy; conserves land; supports transportation alternatives; reduces automobile traffic congestion; lowers infrastructure costs; reduce vehicular miles traveled and costs related to household transportation and energy; and puts destinations in closer proximity. Successful compact development is illustrated through the use of:
- i. Clustered population and/or employment centers;
 - ii. Medium to high densities appropriate to context;
 - iii. A mix of land uses;
 - iv. Interconnected street networks;
 - v. Innovative and flexible approaches to parking;
 - vi. Multi-modal transportation design including pedestrian, bicycle, and transit-friendly options;
 - vii. And proximity to transit.
- (G) The extent to which the amendment does not propose environmental impacts that would significantly alter the natural landscape and topography such that it would exacerbate or lead to increased drainage, flooding, and stormwater issues.

Policy FL.08.01

The County shall ensure that development orders are conditioned upon the provision of adequate public facilities and services as identified in this plan. The County may not issue a development order or permit that results in a reduction in the level of service (LOS) for the affected public facilities below the minimum level of services established in this plan. Public facilities and services must meet or exceed the level of service standards established in this plan and must be available when needed for the development as specified in this plan.

Policy FL.08.05

The County shall ~~Land Development Code shall provide incentives to~~ direct commercial and multi-family residential uses into clustered or nodal development patterns, that eliminate or reduce strip or ribbon development following major County or state roads.

Policy FL.08.06

The County shall direct ~~Land Development Code shall provide incentives to encourage~~ new residential and commercial development in rural and transitioning areas to accomplish the following:

- (A) Develop in a pattern ~~that is a logical extension of existing urban development patterns~~ providing for compact, mixed use, contiguous development patterns and ~~avoiding leapfrog or scattered~~ development indicative of urban sprawl as defined in Policy FL.01.04.
- (B) Develop in clustered or nodal patterns, eliminating or reducing strip-style development along arterial and collector roads.
- (C) Develop in a pattern that ~~enhances the potential for~~ supports the creation, extension and maximization of central (municipal or regional) water and sewer systems.
- (D) Contribute to a sustainable development pattern ~~the development~~ of mixed-use communities that provide for integrated residential and employment opportunities; and provide for civic and public facilities including emergency medical, fire protection and police facilities, parks and other recreational facilities, schools, hospitals and other public or institutional uses.
- (E) Ensure compatible development adjacent to agriculture lands and minimize the potential impact of urban development on the agricultural productivity of the areas.
- (F) Provide for safe and accessible streets, support the interconnectivity of roadways and the use of bicycle, pedestrian and multi-modal transportation facilities.
- ~~(FG) Where appropriate, Through the use of Planned Unit Developments (PUDs) or similar development orders,~~ use enhanced development standards ~~to create urban-level infrastructure~~ and design elements for new development to promote community identity and a sense of place, including but not limited to ~~This includes but is not limited to standards for diverse housing types, public spaces, street design, architectural design standards, multi-use trails, streets~~ stormwater management facilities, landscaping, and signage.

The following Policies of the Capital Improvements Element are hereby amended to read as follows:

Policy CI.02.01

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

A) Transportation

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

Notes:

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

B) Public School Facilities

1. LOS for Elementary Schools: 95% of permanent FISH capacity
2. LOS for Middle and High Schools: 100% of permanent FISH capacity
3. LOS for Combination Schools (Grades K-8 or 6-12, for example): 100% of permanent FISH capacity

C) Recreation and Open Space

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

D) Potable Water

Provider	LOS gpd per capita	peak factor
JEA	100.0	2.0
Nassau Amelia Utilities	81.0	1.5

E) Sanitary Sewer

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

F) Solid Waste Disposal

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

G) Stormwater Management

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

Policy CI.02.02

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