

**ORDINANCE NO. 2019 - 07**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE 2030 NASSAU COUNTY COMPREHENSIVE PLAN; AMENDING THE COASTAL MANAGEMENT ELEMENT; PROVIDING FOR BEST PLANNING AND ENGINEERING PRACTICES IN DEVELOPMENT TO MITIGATE FUTURE FLOOD EVENTS PURSUANT TO F.S.163.3178(2)(f)(2); PROVIDING FOR ADAPTATION ACTION AREAS (AAA), PURSUANT TO F.S.163.3177(6)(g)(10), TO ADDRESS CURRENT AND FUTURE RISKS RELATED TO COASTAL FLOODING; PROVIDING FOR TRANSMITTAL; 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**, Section 163.3178, Florida Statutes specifies components that must be contained in the coastal management element required for a local government comprehensive plan. Each must contain a coastal redevelopment component that addresses how to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise; and

**WHEREAS**, Section 163.3178(2)(f)(1), Florida Statutes now includes sea-level rise as one of the causes of flood risk that must be addressed in the “redevelopment principles, strategies, and engineering solutions” to reduce flood risk; and

**WHEREAS**, the Planning and Zoning Board, acting in their capacity as Local Planning Agency for Nassau County, conducted a public hearing on this amendment on December 18, 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(1)(a), Florida Statutes; and

**WHEREAS**, the Board of County Commissioners held a public hearing for adoption of this amendment on March 11, 2019; and

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

**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**

The Goals, Objectives and Policies of the Coastal Management Element of the Nassau County Comprehensive Plan are hereby amended and adopted as set forth below. This amendment affects only those policies referenced below; all other goals, objectives and policies of the adopted Nassau County Comprehensive Plan shall remain as currently adopted.

**Nassau County 2030 Comprehensive Plan Coastal Management Element  
(CEV) (CHZ) (WDU)  
Goals, Objectives and Policies**

### **Coastal Environment Sub-Element (CEV)**

#### **Goal**

**Promote the responsible management of its coastal area, balancing the provision of water-dependent and water-related uses with the protection of life and property from natural disasters and the preservation of natural resources.**

#### **OBJECTIVE CEV.01**

**The County shall protect and conserve the remaining coastal barrier dunes and establish construction standards to minimize the impact of man-made structures on the dunes and beaches.**

#### **Policy CEV.01.01**

No motorized vehicles will be allowed on dune systems except in an emergency situation as designated by the local civil defense agency.

#### **Policy CEV.01.02**

In order to help protect the primary and secondary dune system and mitigate the effects of a storm surge, criteria shall be incorporated in the Land Development Code that require the following:

1. Site plan review shall be required for all new beachfront construction.
2. Vegetated oak hammock and dune interface areas, where they exist, shall be preserved

to ensure protection of primary and secondary dune systems. Site plan review and on-site inspections during construction shall require that vegetated areas shall not be destroyed beyond 30 feet outside of the immediate building area.

3. Excavation shall be confined to construction zones containing building pads, drainage structures, parking and drives and recreational uses with maximum efforts made to minimize damage in all areas of the dune system.
- ~~4. Any excavation in the primary or secondary dune system shall not reduce existing crest elevations below twenty-six feet (26') mean sea level.~~
5. Any breaches or blowouts in the primary dune system shall be indicated on the site plan and shall be filled and revegetated per permits obtained through DEP.
6. Excavation of primary and secondary dunes shall be prohibited, unless there no other development alternatives on site.
7. In the event of unpermitted destruction or damage to dunes, the developer shall reconstruct or repair the damage to pre-construction conditions.

### **Policy CEV.01.03**

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

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

### **OBJECTIVE CEV.02**

**The County shall support the restoration of altered beaches or dune systems.**

### **Policy CEV.02.01**

The County, in coordination with SAISSA and the City of Fernandina Beach, shall apply to appropriate State agencies and the U.S. Army Corps of Engineers to acquire grant funding for the

restoration of altered beaches or dunes on Amelia Island where such alteration occurs over time.

**Policy CEV.02.02**

The County shall request State of Florida Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers to notify them of any pending projects for dredging in the St. Marys channel in order to obtain joint agreements with appropriate public agencies to mitigate impacts to the beach area at Fort Clinch State Park and to enhance and renourish the public beaches of Amelia Island.

**OBJECTIVE CEV.03**

**The County will cooperate with federal and state agencies in the protection, enhancement, and restoration of the environmental quality of the coastal area.**

**Policy CEV.03.01**

The County shall not issue a development permit prior to the review by the appropriate state and/or federal regulatory agencies having jurisdiction for projects that impact coastal barrier islands, coastal wetlands, living marine resources or coastal habitat known to be supporting endangered or threatened species of plant or animal.

**Policy CEV.03.02**

Development that will impact coastal wetlands shall comply with the regulations of the U.S. Army Corps of Engineers, SJRWMD, DEP and other state, federal and regional agencies as appropriate.

**Policy CEV.03.03**

The County shall establish coordinating procedures with adjacent counties and municipalities to establish intergovernmental agreements for coordinating efforts in preventing estuarine pollution, controlling surface water runoff, **and** protecting living marine resources, and ensuring consistent floodplain management practices.

**Policy CEV.03.04**

The County shall coordinate with the City of Fernandina Beach, Towns of Hilliard and Callahan, adjacent counties, and regional, state and federal agencies regarding disaster mitigation, sea level rise planning, and post-disaster redevelopment planning.

**OBJECTIVE CEV.04**

**Dredging and filling in the coastal areas shall be discouraged.**

**Policy CEV.04.01**

The County shall require all dredge and fill operations to utilize mitigation techniques and obtain all applicable federal, state and local permits.



**Policy CEV.04.02**

All approved dredge and/or fill activities shall be conducted in a manner, which minimizes adverse impacts on natural ecosystems, water quality, and allow for adequate flushing.

**Policy CEV.04.03**

All dredge spoil material shall be placed on suitable disposal sites approved by all agencies with jurisdiction.

**Policy CEV.04.04**

Approved best management practices, published by the Florida Department of Environmental Regulation, shall be used before, during and after construction to reduce siltation and erosion.

**Policy CEV.04.05**

The County shall permit riprap and seawalls landward of the mean high water line and Coastal Construction Control Line (CCCL) only on parcels of land adjacent to existing hard shoreline erosion structures. In other areas vegetative buffers should be utilized.

**OBJECTIVE CEV.05**

**The County shall implement the following policies to minimize the impact of new development on ~~coastal~~ wetlands, living marine resources, coastal barriers, wildlife habitat and historic/archaeological resources.**

**Policy CEV.05.01**

Development orders in the coastal planning area shall be designed to protect the type, nature, and function of floodplains, wetlands, waterways, inlets, estuaries, and wildlife habitat that is occupied by endangered or threatened species by limiting encroachment, removal of native vegetation, pollution discharge, dredge and fill, drainage, or other impacts associated with development.

**Policy CEV.05.02**

Coastal resources and associated natural communities that support the health of the St. Marys-Nassau watershed and the associated estuarine systems should be priority areas for preservation. Preservation methods may include incentives such as transfer of development rights, mitigation credits, wetland and open space credits, conservation easements and or, through fee simple or less than fee acquisition.

**Policy CEV.05.03**

Proposed development projects in the coastal area shall be reviewed at the time of issuing a building permit or development order to determine potential impacts on designated historic sites. When such construction or other development activity may impact adversely on a historic/ archaeological site, the proposed development must provide sufficient buffering (spatial separation, physical wall, or other method approved by the County Planning and Zoning Board) before a permit is issued.

**Policy CEV.05.04**

The County shall adopt land development regulations regarding wetland protection as part of a comprehensive floodplain management strategy.

**OBJECTIVE CEV.06**

**The County shall maintain or improve the environmental quality of the estuarine systems of the St. Mary's and Nassau Rivers through implementing the following policies:**

**Policy CEV.06.01**

Marinas and boat ramps shall be located in areas where they create a minimum adverse impact to water quality and existing marine habitat.

**Policy CEV.06.02**

The County will seek professional evaluation regarding the impact upon environmental quality of estuarine systems prior to permitting any structure proposed for controlling bank erosion.

**Policy CEV.06.03**

Construction sites, which border estuarine systems must control surface water run-off during and after construction activities to a level equal to or less than that, which occurred prior to construction.

**Policy CEV.06.04**

Marinas that have live-aboard craft shall be equipped with sewage pump-out and collection systems for vessels.

**Policy CEV.06.05**

On an ongoing basis, The County shall coordinate with the Florida Department of Environmental Protection (DEP) and the Florida Fish and Wildlife Conservation Commission to periodically review the policies of the Coastal Management Element and provide recommendations for improving protection of the Ft. Clinch State Park and Nassau-St.Johns River Marshes Aquatic Preserves .

**Policy CEV.06.06**

The County Department of Health shall ensure that septic tanks and septic tank drainfields are located at setback distances prescribed by appropriate Administrative Codes.

**Policy CEV.06.07**

Nassau County shall limit the amount of stormwater discharge into the waters of the coastal planning area by:

1. Requiring all new development in the coastal planning area to utilize on-site retention or detention methods consistent with the provisions of the Stormwater Management Sub-Element prior to discharge;
2. Requiring new development in the coastal planning area to utilize natural drainage features to the maximum extent possible for stormwater management;

**OBJECTIVE CEV.07**

**The County shall establish level of service standards, areas of service and phasing of infrastructure in the coastal area that help to protect the coastal environment and character through implementing the following policies:**

**Policy CEV.07.01**

The County shall review its Land Development Code and make revisions as necessary to control development in the coastal planning area in a manner that will be compatible with existing water-dependent uses, will reduce vulnerability to hurricanes, storm surge, flooding and sea level rise forces and will protect natural resources.

**Policy CEV.07.02**

New development on Amelia Island will require connection to a central water and sewer system when capacity is available before a certificate of occupancy will be issued.

**Coastal Hazard Mitigation Sub-Element (CHZ)**

**Goal**

**Promote the responsible management of its coastal area, balancing the provision of water-dependent and water-related uses with the protection of life and property from natural disasters and the preservation of natural resources.**

**OBJECTIVE CHZ.01**

**The County shall ensure the public safety from coastal hazards, by keeping disaster preparedness plans current and coordinated within the region and with adjacent jurisdictions.**

**Policy CHZ.01.01**

The most recent edition of the Nassau County Comprehensive Emergency Management Plan (CEMP) shall be used as the operational guide in preparation of, response to, and recovery from a tropical storm, hurricane or other emergency. Responsibility for coordination of the Comprehensive Emergency Management Plan with the County Comprehensive Plan shall be designated to the County Growth Management Director.

**Policy CHZ.01.02**

The County shall adopt and maintain a Post Disaster Redevelopment Plan (PDRP) to provide the County and its incorporated municipalities with a strategic, interdisciplinary plan for guiding action and decision making during the disaster recovery and redevelopment periods, as well as identifying actions that can be implemented prior to a disaster to expedite the recovery process.

**Policy CHZ.01.03**

The County shall incorporate the findings and recommendations of the County's Local Mitigation Strategy (LMS) and adopted Post Disaster Redevelopment Plan (PDRP) into the goals objectives and policies of this Plan and into the updates of its Comprehensive Emergency Management Plan (CEMP) to ensure continued safety for its residents during the post-disaster reconstruction/rehabilitation period.

**Policy CHZ.01.04**

The County [Emergency Management Department](#) shall coordinate the development and maintenance of its Post Disaster Redevelopment Plan (PDRP) with other state and regional post-disaster plans and programs among the relevant local, regional and state governments, districts or agencies.

**Policy CHZ.01.05**

The County [Emergency Management Department](#) shall update its hurricane evacuation plan and disaster preparedness plan, based on the recommendations of the most recent Northeast Florida Hurricane Evacuation Study(HES). As updates to the HES become effective, the county will re-evaluate the goals, objectives and policies of this Plan relating to hurricane evacuation and disaster preparedness.



**Policy CHZ.01.06**

The County [Emergency Management Department](#) shall facilitate periodic meetings of the Local Mitigation Strategy Working Group for the purpose of coordinating and implementing LMS strategies.

**Policy CHZ.01.07**

The Local Mitigation Strategy Working Group will be charged with making recommendations related to implementing, updating, revising and coordinating local mitigation strategies and initiatives. Major issues of the LMS Working Group will be concerned with include:

1. Maintaining a uniform list of mitigation goals and objectives and initiatives to address hazard mitigation;
2. Coordination between the county and the three municipalities;
3. Identifying sources and disbursement of state and federal recovery funds;
4. Pre-identifying potential post-disaster mitigation projects; and
5. Relocating of infrastructure.

**OBJECTIVE CHZ.02**

**The County shall manage post disaster redevelopment to improve the survival of rebuilt structures and required infrastructure.**

**Policy CHZ.02.01**

Consistent with the Comprehensive Emergency Management Plan (as amended) and the Post-Disaster Redevelopment Plan, the County will perform an initial damage assessment, immediately following a natural disaster event, in order to determine the extent of damage and prioritize allocation of recovery resources. If the scope of damage exceeds the County's ability to recover, the County shall declare a local state of emergency, pursuant to Chapter 252, F.S. Once a local state of emergency has been declared, the county will request assistance from the Florida Division of Emergency Management (DEM).

**Policy CHZ.02.02**

The 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 Management to accomplish priority tasks.



**Policy CHZ.02.03**

Roadway segments located within low lying areas that are used as hurricane evacuation routes should be considered for elevation or rerouting in subsequent capital budgets during post- disaster re-construction.

**Policy CHZ.02.04**

In the event that sanitary sewer and potable water facilities are damaged ~~post-disaster~~ **hurricane activity**, the facilities shall be subject to post disaster redevelopment policies and regulations that require damaged facilities to be reconstructed at an elevated height or otherwise flood proofed in accordance with existing building and development regulations.

**Policy CHZ.02.05**

Redevelopment plans within the CHHA shall include reduced densities and the minimization of public facilities and expenditures to a level no greater than that necessary to support land uses in the effected areas as shown on the Future Land Use Map.

**Policy CHZ.02.06**

The County shall develop plans and criteria for immediate repair and clean-up in addition to long term repair and redevelopment. These plans shall also address removal, modification or relocation of damaged infrastructure and unsafe structures. The level of reconstruction that will be permitted in an area of damage in terms of intensity and density of use shall be consistent with the Goals, Objectives and Policies expressed in this Plan.

~~**Policy CHZ.02.07**~~

~~-~~

~~Following a storm event, the 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 CHZ.02.0807**

Structures located seaward of the Coastal Construction Control Line (CCCL) exhibiting damage from a naturally occurring storm event, greater than 50 percent of its tax assessed market value, shall be required to obtain all applicable permits and comply with all applicable building codes coastal construction prior to reconstruction.

**Policy CHZ.02.0908**

Consistent with National Flood Insurance Program (NFIP) requirements, any structure predating 1989 FEMA Flood Insurance Rate Maps (FIRMs) and located within a flood hazard area that sustains "substantial damage" due to a natural disaster (i.e. repair costs that exceed 50% or more of the building's value) shall be required to be elevated a minimum of twelve (12) inches above the base flood elevation (BFE), as depicted on current FIRMs.

**Policy CHZ.02.4009**

Consistent with the PDRP, the County will, following a natural disaster event, support the local business community through the disaster impact assessment, needs identification, infrastructure restoration, employee assistance and disaster recovery funding that fosters economic resumption.

**OBJECTIVE CHZ.03**

**The County shall develop a maximum evacuation time based upon the most recent Northeast Florida Hurricane Evacuation Study (HES), and shall implement an evacuation plan based on this time.**

**Policy CHZ.03.01**

The County will develop, in the Land Development Code (LDC), a process to evaluate all new development and redevelopment within designated hurricane evacuation zones and recommend development conditions when necessary in order to maintain consistency with established hurricane evacuation times in the most recent Northeast Florida Hurricane Evacuation Study (HES).

**Policy CHZ.03.02**

Existing roadways designated by the County or State as evacuation routes shall be given priority for capital improvement expenditures over other transportation facilities.

**Policy CHZ.03.03**

Critical roadway links causing congestion on evacuation routes identified by the Northeast Florida Hurricane Evacuation Study shall receive high priority for capital improvement expenditures.

**Policy CHZ.03.04**

New or replacement bridges on evacuation routes spanning major or marked navigable waterways shall not be draw bridges.

**Policy CHZ.03.05**

Roadway segments located within the Coastal High Hazard Area or low lying areas that are utilized for state hurricane evacuation routes shall ~~be considered for~~ include elevation increases during construction or reconstruction.

**Policy CHZ.03.06**

The Land Development Code shall take into account flooding, and at a minimum, 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).

#### **OBJECTIVE CHZ.04**

**The County Emergency Management Department will continue to provide required levels of emergency sheltering for County residents through implementing the following policies:**

##### **Policy CHZ.04.01**

Public school facilities, except for those located on Amelia Island, will be designed for use as emergency shelters in coordination with the Nassau County School Board, municipal governments and other appropriate agencies.

##### **Policy CHZ.04.02**

New non-residential construction over 10,000 square feet may be reviewed by the County to determine its potential for serving as an emergency shelter based upon its construction, size, and location.

##### **Policy CHZ.04.03**

The County will in coordination with the Nassau County School Board, municipal governments and other appropriate agencies solicit state funding from the Florida Division of Emergency Management to increase public shelter capacity by retrofitting existing schools, municipally owned, and county-owned buildings to serve as emergency shelters.

##### **Policy CHZ.04.04**

As part of the annual update of the Schedule of Capital Improvements, the Engineering Services Department shall assist the Emergency Management Department in assessing the vulnerability of public infrastructure within the Coastal High Hazard Area (CHHA), [floodplain, and other vulnerable portions of the County.](#)

#### **OBJECTIVE CHZ.05**

~~The County shall direct population concentrations away from the coastal high hazard area (CHHA) as defined herein.~~

##### **Policy CHZ.05.01**

~~In accordance with Sec. 163.3178(2)(h), F.S., The county hereby designates the "Coastal High-Hazard Area" (CHHA) as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.~~

##### **Policy CHZ.05.02**

~~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:-~~



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

**~~Policy CHZ.05.03~~**

~~Development within the Coastal High Hazard Area (CHHA) as defined shall be limited through County restrictions regarding the provision of water/sewer/road facilities to service areas within the CHHA where infrastructure facilities have been damaged or destroyed by storm forces.—~~

**~~Policy CHZ.05.04~~**

~~A statement shall be included on all new subdivision plats located within areas of potential storm surge inundation (i.e. "The area as depicted hereon is subject to storm surge inundation during a Category 1, 2, 3, 4, or 5 hurricane").—~~

**~~Policy CHZ.05.05~~**

~~The County shall prohibit the location within the CHHA of new assisted living facilities, nursing homes, and other similar facilities that serve the county's special needs population.—~~

**~~Policy CHZ.05.06~~**

~~Within the CHHA, the County will not make infrastructure improvements to accommodate development greater than the density or intensity than allowed by the Future Land Use Map (FLUM).—~~

~~OBJECTIVE CHZ.06~~

~~The County shall limit public expenditures in coastal high hazard areas.~~

~~Policy CHZ.06.01~~

~~The County shall not subsidize public facilities within the CHHA, other than those which are deemed necessary to:~~

~~A) maintain existing level of service standards;~~

~~B) maintain the health, safety and welfare of the residents of these areas, and;~~

~~C) facilitate public access to natural open space and recreation areas.~~

~~Policy CHZ.06.02~~

~~The County shall review its Land Development Code and make revisions as necessary to reduce the vulnerability of new development to hurricane damage.~~

~~Policy CHZ.06.03~~

~~The County shall review proposed development plans to ensure that public infrastructure is located in a manner that provides least susceptibility to hurricane impact. Where in-place infrastructure is destroyed by hurricane forces, replacement of such facilities shall be engineered to reduce exposure to hurricane forces.~~

~~Policy CHZ.06.04~~

~~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.~~



## **OBJECTIVE CHZ.05**

The County shall continue to assess the current and future risks to human life and property from floods and other natural hazards in the coastal, riverine, and creekside areas and implement development and redevelopment strategies that reduce such risks. Development and redevelopment shall be permitted only when consistent with sound planning practices that shall protect life and property from the effects of coastal erosion, flooding, storm surge, sea level rise, or damage to environmental systems.

### **Policy CHZ.05.01**

The County shall maintain and update as needed all maps – including FEMA flood zones and repetitive loss maps, storm surge/Coastal High Hazard Area maps, and sea level rise impact maps – identifying current and potential future areas subject to inundation.

### **Policy CHZ.05.02**

The County shall document and maintain maps of extreme high tides (“king tides”), more frequent severe rainfall events, and newly revealed areas at risk of flooding to efficiently target mitigation efforts.

### **Policy CHZ.05.03**

The County shall continue to provide post-event relief and cleaning/clearing operations to lessen the community’s hardships after a major weather or flood-related event and document the County’s efforts to evaluate and recommend implementation of improvements and projects to be included in the Capital Improvements Plan (CIP).

### **Policy CHZ.05.04**

In accordance with Sec. 163.3178(2)(h), F.S., the County hereby designates the "Coastal High-Hazard Area" (CHHA) as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

### **Policy CHZ.05.05**

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:

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

### **Policy CHZ.05.06**

Development within the Coastal High Hazard Area (CHHA) shall be limited through County

restrictions regarding the provision of water/sewer/road facilities to service areas within the CHHA where infrastructure facilities have been damaged or destroyed by storm forces. The County shall manage its planning, regulatory, and utility services to steer future population concentrations away from the CHHA. Within the CHHA, the County will not make infrastructure improvements to accommodate development greater than the density or intensity than allowed by the Future Land Use Map (FLUM).

**Policy CHZ.05.07**

The County shall limit public expenditures in the CHHA or known flood-prone areas by prohibiting new infrastructure or expansion/improvement of existing infrastructure except for new infrastructure or improvements needed to 1) correct current deficiencies and maintain level of service standards, 2) maintain health, safety and welfare of existing residents in the areas, 3) facilitate public access to natural open space and passive recreation areas, 4) serve planned redevelopment pursuant to a Community Redevelopment Area plan, or 5) improve environmental quality.

**Policy CHZ.05.08**

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.

**Policy CHZ.05.10**

The County shall ensure that adequate debris staging areas exist and that such staging areas are not in the CHHA, the floodplain, wetlands, other environmentally sensitive area, or area with known cultural or archaeological resources.

**Policy CHZ.05.11**

The County shall take flood zones, storm surge categories, and sea level rise projections into account when making future decisions regarding the design, location, and development of infrastructure and public facilities in potentially affected areas.

**Policy CHZ.05.12**

The following statements and information shall be included on all new subdivision plats:

- 1) property located within areas of potential storm surge inundation (i.e. "The area as depicted hereon is subject to storm surge inundation during a Category 1, 2, 3, 4, or 5 hurricane"), and
- 2) flood zones as established at the time of platting.



**Policy CHZ.05.13**

The County shall prohibit the location within the CHHA new construction or expansion of hospitals, congregate living facilities for persons with special needs, assisted living facilities, nursing homes, and other similar facilities that serve the county's special needs population. The County encourages existing facilities to relocate to safer locations within the County.

**Policy CHZ.05.14**

All public utilities and facilities such as sewer, gas, electric, communications, and water systems shall be located and constructed to minimize or eliminate flood or sea level rise damage.

**Policy CHZ.05.15**

The County shall review its Land Development Code and make revisions as necessary to reduce the vulnerability of new development to hurricane damage, flooding, storm surge, and sea level rise. The County shall revise building codes and land development regulations to enhance flood mitigation measures in vulnerable areas to reduce future risks associated with high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise. In these vulnerable areas, the County shall require vulnerability reduction measures for all new construction, redevelopment and infrastructure such as additional hardening, higher floor elevations, or incorporation of natural infrastructure for increased resilience.

**Policy CHZ.05.16**

The County shall review proposed development plans to ensure that public infrastructure is located in a manner that provides least susceptibility to hurricane impact, flooding, storm surge, and sea level rise. Where in-place infrastructure is destroyed by hurricane, flooding, storm surge or sea level rise, replacement of such facilities shall be engineered and located to reduce exposure to such forces.

**Policy CHZ.05.17**

The County shall require that any construction activities seaward of the Coastal Construction Control Line (CCCL) established pursuant to Chapter 161.058 be consistent with statutory provisions.

**OBJECTIVE CHZ.06**

The County shall continue to provide the best planning and engineering practices in development to mitigate future flood events and modify land development regulations and other relevant regulatory documents as needed.

**Policy CHZ.06.01**

The County has adopted and shall maintain a floodplain management ordinance that establishes requirements to safeguard the public health, safety, and general welfare, and minimizes public and private losses due to flooding through regulation of development in flood hazard areas.

**Policy CHZ.06.02**

The County shall monitor the floodplain ordinance for consistency with the Florida Building Code and any needed updates, and shall ensure that future modifications of flood-resistant construction requirements in the floodplain ordinance continue to be consistent with, or more stringent than, requirements of the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. part 60.

**Policy CHZ.06.03**

The County floodplain manager and/or Building Official or designee shall review all permit applications and site development plans to determine whether proposed development sites will reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities (including grading, filling, utility installation, and drainage modification), all new construction and substantial improvements shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with the County floodplain ordinance.

**Policy CHZ.06.04**

The County shall continue to upgrade stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall/bulkhead repair in addition to sustainable flood management actions such as installation of bioswales, recharge through drainage wells, use of pervious pavement, maintenance of natural preserve and open space areas, and protection of tidal beaches that will be adaptable to future climate events.

**Policy CHZ.06.05**

The County shall consider purchasing properties in areas most vulnerable to destructive storm surge and flooding for recreational uses and open space.

**Policy CHZ.06.06**

The County shall continue participation in the National Flood Insurance Program Community Rating System to reduce flood losses, achieve flood insurance premium discounts for residents, and strive toward Higher Regulatory Standards in order to improve the County's score with each recertification process.

**Policy CHZ.06.07**

The County shall pursue, through partnerships, hydrologic and hydraulic studies for areas of the County without known base flood elevation information. This information can be used as the basis for updates to Federal Emergency Management Agency (FEMA) flood insurance studies (FIS), flood insurance rate maps (FIRM), and the County's floodplain management ordinance.



## **OBJECTIVE CHZ.07**

**The County shall utilize, where appropriate, Adaptation Action Areas (AAA), pursuant to F.S.163.3177(6)(g)(10), to address current and future risks related to coastal flooding due to extreme high tides and storm surge, and are vulnerable to the impacts of rising sea level.**

### **Policy CHZ.07.01**

The County will evaluate areas of the County, such as the CHHA, that may benefit from designation as a AAA. Areas to be designated as an AAA shall be created through a Comprehensive Plan amendment as an overlay district. Such areas may include those:

- 1) are below, at, or near the average water level, or
- 2) have a hydrological connection to coastal waters, or
- 3) are designated as evacuation zones for storm surge, or
- 4) those that are otherwise impacted by routine flooding events.

### **Policy CHZ.07.02**

The County may require the following strategies be utilized in an AAA, including but not limited to:

- 1) Requirements for public infrastructure planning, siting, construction, replacement, operation and maintenance;
- 2) Increased stormwater management standards;
- 3) Requirements to connect to existing water and/or sewer utilities;
- 4) Where utility connections are unavailable, requirements for advanced septic treatment;
- 5) Higher pervious lot coverage percentages;
- 6) Green streets;
- 7) Rain gardens and bioswales;
- 8) Use of water-dependent plants;
- 9) Pervious surface material requirements for driveways, parking, streets and landscape areas);
- 10) Ecological asset preservation (dunes, wetlands, natural areas, plants, animals); or
- 11) Building and/or land development code standards.

### **Policy CHZ.07.03**

The County shall consider the implications of any established AAA when reviewing changes to the use, intensity, and density of land lying within the AAA.

### **Policy CHZ.07.04**

The County shall recognize existing regulations, programs and policies that overlap with any established AAA and that are currently in place to limit public investment and address appropriate development and redevelopment practices related to flooding, storm surge or sea level rise.

### **Policy CHZ.07.05**

The County shall partner and coordinate on adaptation activities and access to technical assistance and support with all relevant partners including the City of Fernandina Beach, the Towns of Callahan and Hilliard, and regional, state and federal organizations and agencies.



**Water-Dependent Uses Sub-Element (WDU)**

**Goal**

**Promote the responsible management of its coastal area, balancing the provision of water-dependent and water-related uses with the protection of life and property from natural disasters and the preservation of natural resources.**

**OBJECTIVE WDU.01**

**The County will maintain, improve, and increase public beach access through acquisition and other land use controls.**

**Policy WDU.01.01**

The County shall maintain inventory and analyze existing public beach access and demand to establish future beach access requirements based upon projected populations.

**Policy WDU.01.02**

The County will require the dedication of public access to beaches or waterfront areas as a condition of development for Planned Unit Developments (PUDs) and Developments of Regional Impact (DRIs) located along the Atlantic Coast beaches or the Intracoastal Waterway.

**Policy WDU.01.03**

The County will not vacate existing easements, rights-of-way, walkways and other properties necessary for public access to beaches and shores.

**Policy WDU.01.04**

The County will seek grant funds to acquire and develop beach access points that are convenient to the public and suitable based on the surrounding public roads, topography and ecology.

**Policy WDU.01.05**

Private land owners adjacent to public beach access points, including easements, will not be allowed to restrict public access to the beaches through those access points.

**Policy WDU.01.06**

The County shall maintain and preserve current facilities which provide for vehicular accesses to the beach; including, but not limited to, driving to, driving on, and parking on and adjacent to the beach at locations which the County and the Florida Department of Environmental Protection (DEP) determine that such activities do not adversely impact upon the ecology of the beach or dune system.

**Policy WDU.01.07**

The County, in cooperation with DEP, will develop a beach access and parking plan that will assure maximum accessibility to public beaches while providing sufficient protection to maintain the current quality of the beach and dune system. The recommendations of this plan will be incorporated as part of the Parks and Recreation Master Plan.

**OBJECTIVE WDU.02**

**The County will give priority to compatible water dependent uses over other land uses to maximize the beneficial use of coastal natural resources.**

**Policy WDU.02.01**

The County shall permit the use and development of water dependant facilities such as marinas and docks consistent with the land uses shown on the Future Land Use Map so long as the proposed development meets the permitting requirements of applicable federal, state, regional and local agencies. Water dependant facilities must also meet adopted level of service standards.

**Policy WDU.02.02**

The future land use plan and implementing land development regulations shall protect existing water dependent uses from intrusion by incompatible land uses.

**Policy WDU.02.03**

The need for additional public marinas will be evaluated with priority consideration given to sites that:

- A) are compatible with adjacent land use;
- B) have available upland support services;
- C) provide protection of water quality;
- D) have minimal hurricane vulnerability;
- E) will be available for public use;
- F) will cause least environmental disruption;
- G) have existing access to the Intracoastal Waterway;

- H) have adequate water depth, with good flushing and circulation; and,
- I) will have minimal impacts to submerged aquatic vegetation and estuarine wetlands.

**Policy WDU.02.04**

The Land Development Code shall specify performance standards for shoreline land uses which will address:

- A) Setbacks based upon calculated levels of storm surge;
- B) Building height based upon potential wind loading and aesthetic considerations;
- C) Requirements for central potable water and sewer service;
- D) Area of permitted parcel coverage;
- E) Requirements for protecting dunes and beaches; and
- F) Landscaping and internal circulation.

**Policy WDU.02.05**

The County shall inventory existing marinas and boat ramps and periodically evaluate the need for additional such facilities as needed.

**Policy WDU.02.06**

The County shall ensure that adequate waterfront property that meets the Land Development Code site requirements for commercial and recreational waterfront uses be preserved through zoning and compatible land use planning.

**Policy WDU.02.07**

The County shall continue to support the Waterfronts Florida Partnership Program and the Fernandina Beach Waterfronts Partnership and assist in the protection and revitalization of local recreational and commercial working waterfronts.

### **SECTION 3. SEVERABILITY**

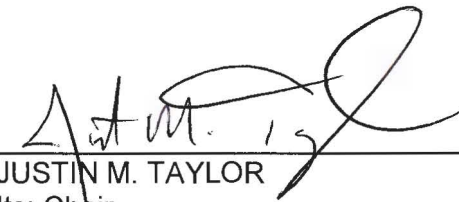
It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality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

### **SECTION 4. EFFECTIVE DATE**

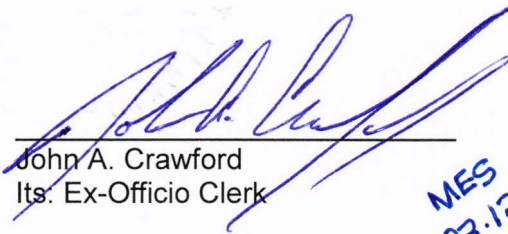
This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective 31 days after the state land planning agency notifies Nassau County that the plan amendment package is complete. However, if timely challenged, this Ordinance shall become effective on the date 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 March, 2019 by the Board of County Commissioners of Nassau County, Florida.


BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
JUSTIN M. TAYLOR  
Its: Chair

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
John A. Crawford  
Its: Ex-Officio Clerk  
MES  
03.12.19

Approved as to form by the  
Nassau County Attorney

  
\_\_\_\_\_  
Michael S. Mullin  
County Attorney