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ORDINANCE NO. 2016-__

**EAST NASSAU CHESTER ROAD DETAILED SPECIFIC AREA PLAN
DEVELOPMENT ORDER**

~~[June 21,~~[August 8,](#) 2016]

AN ORDINANCE OF THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A DEVELOPMENT ORDER FOR THE EAST NASSAU CHESTER ROAD DETAILED SPECIFIC AREA PLAN OF THE EAST NASSAU COMMUNITY PLANNING AREA, ESTABLISHED BY ORDINANCE 2011-04, UNDER CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

LET IT BE KNOWN that, pursuant to Section 163.3245 of the Florida Statutes, the Nassau County Board of County Commissioners heard at a duly noticed public hearing convened on _____, 2016, the East Nassau Chester Road Detailed Specific Area Plan (the “DSAP”) application and related Development Order (the “DO” or “DSAP DO”) for the East Nassau Community Planning Area (the “ENCPA”) and such application will be developed in the manner described in the DSAP filed by TerraPointe LLC c/o Raydient Inc. (“TerraPointe” and/or the “Applicant”); and

RECITALS

WHEREAS, on May 23, 2011, the Nassau County Board of County Commissioners adopted the Nassau County 2030 Comprehensive Plan by Ordinance 2011-04; and

WHEREAS, the Nassau County 2030 Comprehensive Plan includes provision for the ENCPA; and

WHEREAS, pursuant to Section 163.3245(3), Florida Statutes, sector planning encompasses two levels: (1) adoption of a long-term master plan for the entire planning area as a part of the Comprehensive Plan, and (2) adoption by local development order of two or more detailed specific area plans that implement the long-term master plan; and

DRAFT

WHEREAS, on July 25, 2011, the State of Florida, Department of Community Affairs, and the Board of County Commissioners of Nassau County, Florida, entered into a Long Term Master Plan Conversion Agreement for the ENCPA pursuant to Florida Statutes, Section 163.3245(10); and

WHEREAS, the ENCPA is a long-term master plan for a proposed mixed use development on approximately 24,000 acres located near Yulee in Nassau County, Florida (the “ENCPA Property”); and

WHEREAS, on December 17, 2012, the Nassau County Board of County Commissioners adopted Ordinance 2012-39, as modified by Resolution 2015-77 rezoning the ENCPA as “Planned Development for East Nassau Community Planning Area” (the “PD-ENCPA Ordinance”); and

WHEREAS, on June 24, 2013, the Nassau County Board of County Commissioners adopted a development agreement between Nassau County and TerraPointe, as well as other landowners, establishing a Mobility Fee Agreement for the ENCPA, and said Mobility Fee Agreement was modified on July 20, 2015 (the “Mobility Fee Agreement”); and

WHEREAS, on June 24, 2013, the Nassau County Board of County Commissioners adopted Ordinance 2013-10, approving the use of tax increment revenues and establishing an ENCPA Mobility Network Fund to support and subsidize the mobility fee program within the ENCPA, and said ordinance was modified on June 22, 2015, by Ordinance 2015-08; and

WHEREAS, the DSAP consists of approximately 1,080 acres of land described in Exhibit “A” and as depicted in Exhibit “B” (the “Property”) within the ENCPA; and

WHEREAS, TerraPointe is the owner of record for the Property and for purposes of this DSAP DO the term TerraPointe shall include any and all of its successors and assigns; and

WHEREAS, the authorized agents for TerraPointe are Raydient Inc., 1901 Island Walkway, Fernandina Beach, Florida 32034; Gunster Yoakley & Stewart, P.A., 225 Water Street, Suite 1750, Jacksonville, Florida 32202; and VHB, 225 E. Robinson Street, Suite 300, Orlando, FL 32801; and

WHEREAS, TerraPointe has duly provided complete copies of the original DSAP application to the reviewing agencies pursuant to Section 163.3245(3)(f), Florida Statutes; and

DRAFT

WHEREAS, the Planning and Zoning Board conducted a public hearing on _____, 2016, and found that the DSAP and this DSAP DO are consistent with the Nassau County 2030 Comprehensive Plan and Florida Statutes, Section 163.3245, and recommended approval of this DSAP DO to the Board of County Commissioners; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Nassau County, Florida, in a public hearing duly constituted and assembled on _____, 2016, that the Nassau County Board of County Commissioners considered the report and recommendations of the Nassau County staff, any relevant comments from the applicable state agencies as set forth in Section 163.3245(3)(f), Florida Statutes, and the documents and comments made before the Nassau County Board of County Commissioners and finds that the DSAP attached to and incorporated in this Ordinance and this DSAP DO are consistent with Section 163.3245, Florida Statutes, the Nassau County 2030 Comprehensive Plan, and Article 27 of the Nassau County Land Development Code (“LDC”), and are hereby approved subject to the following terms and conditions:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The DSAP and this DSAP DO are consistent with Section 163.3245, Florida Statutes; and
2. The DSAP and this DSAP DO are consistent with the Nassau County 2030 Comprehensive Plan, including the policies relating to the ENCPA, and the Nassau County LDC, including the PD-ENCPA Ordinance.

CONDITIONS AND COMMITMENTS

1. **Application for Development Approval.** The Property shall be developed in accordance with (1) Objective FL.13 and associated policies of the Future Land Use Element of the Nassau County 2030 Comprehensive Plan, as amended, (2) the DSAP Land Use Map, which is attached hereto as Exhibit “B,” and (3) the Application for East Nassau Chester Road Detailed Specific Area Plan, prepared by VHB, originally dated March 14, 2016, and as subsequently amended, which is attached hereto as Exhibit “C” (the “DSAP Application”). The aforementioned items are on file at the Nassau County Planning and

DRAFT

Economic Opportunity Department. This DSAP DO shall control and govern in the event of any conflict between the DSAP Application and this DSAP DO.

2. **Environmental Conditions.** Regionally significant natural resources have been identified and designated as part of a Conservation Habitat Network (“CHN”). The CHN located within the Property is subject to the following general guidelines and standards:
 - a. Prior to development of portions of the DSAP that abut boundaries of the CHN which preserve wildlife habitat, a management plan shall be developed that promotes maintenance of native species diversity in such areas and which may include provisions for controlled burns.
 - b. New roadway crossings for wildlife corridors within the CHN for development activity shall be permitted in conjunction with the design of the internal road network, but shall be minimized to the greatest extent practical.
 - c. Road crossings within the CHN will be sized appropriately and incorporate fencing or other design features as may be necessary to direct species to the crossing and enhance effectiveness of such crossings.
 - d. The East Nassau Environmental Education Program has been developed for the CHN for the ENCPA and submitted to the County. This program will be implemented in conjunction with one or more property owners association(s), environmental group, or other community association or governmental agency (e.g. Community Development District, Independent Special District, etc.) so as to encourage protection of the wildlife and natural habitats incorporated within the CHN in this DSAP and the overall ENCPA.
 - e. The boundaries of the CHN are identified on the Nassau County 2030 Comprehensive Plan Map FLUMS-6 (“Map FLUMS-6”). The boundaries of the CHN within the DSAP shall be formally established as conservation tracts and placed under conservation easements when a development parcel abutting portions

DRAFT

of the CHN undergoes development permitting with the St. Johns River Water Management District (“SJRWMD”) and pursuant to the following criteria:

- i. As to wetland edges forming the CHN boundary, the final boundary shall be consistent with the limits of the jurisdictional wetlands and associated buffers as established in the applicable SJRWMD permits;
- ii. As to upland edges forming the CHN boundary, the final boundary shall be established generally consistent with Map FLUMS-6, recognizing that minor adjustments may be warranted based on additional or refined data, and any boundary adjustments in the upland area shall (a) continue to provide for an appropriate width given the functions of the CHN in that particular location (i.e., wetlands species or habitat protection), the specific site conditions along such boundary, and the wildlife uses to be protected; and (b) ensure that the integrity of the CHN as a wildlife corridor and wetland and species habitat protection area is not materially and adversely affected by such boundary; and
- iii. Boundary modifications meeting all of the criteria described in this ~~subsection~~ Condition shall be incorporated into the CHN and Map FLUMS-6 upon issuance of the applicable SJRWMD permits and shall be effective without the requirement for an amendment to the Nassau County Future Land Use Map, ENCPA Future Land Use Element policies, or any other Nassau County 2030 Comprehensive Plan elements defined in Chapter 163, Florida Statutes.
- f. Silvicultural and agricultural activities allowed in the Agricultural classification of the Future Land Use Element of the Nassau County 2030 Comprehensive Plan, excluding residential land uses, shall continue to be allowed within the CHN. When the final boundaries of any portion of the CHN are established as described above, a silvicultural management plan will be developed in accordance with best management practices to protect the overall conservation objective of such portion of the CHN.

DRAFT

- g. A full natural resource analysis was completed by Breedlove, Dennis & Associates, Inc. The findings of this analysis are incorporated into the DSAP Application as Appendix A and, consistent with Policy FL.13.07(A)(1)(e), have guided the refinement of the CHN boundaries within the DSAP.
 - h. Wetland protection within the ENCPA, including the Property, is regulated by the SJRWMD and the Department of the Army Corps of Engineers (“ACOE”). Prior to development, the extent of state jurisdictional wetlands and surface waters will be determined based on the Florida unified wetland delineation methodology (Chapter 62-340, Florida Administrative Code (“F.A.C.”)). Dredge and fill activities and mitigation for these activities are regulated by the state through the Florida Department of Environmental Protection (“FDEP”), SJRWMD, and ACOE. In addition to state and federal regulations, wetland protection within the DSAP is included within the CHN guidelines and standards outlined in ENCPA Policy FL.13.07.
3. **Transportation/Mobility Facilities.**
- a. Below are the transportation/mobility facilities (as set forth in the Mobility Fee Agreement) needed to serve the future land uses in the ENCPA. The transportation/mobility improvements set forth below will serve the ENCPA, are further depicted and described in Exhibit “C” to this DSAP DO, and comprise the ENCPA Mobility Network (defined below). The location of the ENCPA Mobility Network improvements will be in general conformance with Figure 3.2 in Exhibit “C.” The final location of the ENCPA Mobility Network improvements will be based on final survey and engineering and determined at the time of detailed site plans or construction plans without the requirement for an adjustment to this DSAP DO, except as provided for in LDC Section 27.07. These improvements do not include improvements which are internal to a residential subdivision (such as subdivision streets) or non-residential development (such as driveways) or which are related to a subdivision or development entrance or exit (such as turn lanes,

DRAFT

acceleration/deceleration lanes, and entrance signalization) to an ENCPA Mobility Network improvement.

- 1) CR 108 Extension
- 2) New I-95 Interchange at Interchange Road
- 3) Interchange Road
- 4) US 17 Widening
- 5) North-South Regional Center Arterial
- 6) [East Nassau Employment Center] DSAP Western Loop Collector
- 7) Traffic Signals at major intersections
- 8) SR A1A Intersection improvements
- 9) SR A1A/I-95 Interchange improvements
- 10) SR A1A and William Burgess Boulevard Intersection improvements
- 11) Internal trail system

Collectively, and as they may be amended pursuant to the Mobility Fee Agreement, these improvements are referred to as the “ENCPA Mobility Network.” The projected cost of the ENCPA Mobility Network and each improvement is set forth in the Mobility Fee Agreement, as may be amended.

- b. Funding of the ENCPA Mobility Network will be accomplished in part through the ENCPA Mobility Network Fund as defined in the Mobility Fee Agreement.
- c. As demonstrated in the DSAP Application, no ENCPA Mobility Network improvements are required to mitigate for the DSAP short term (five-year) and long-term (2035) development impacts. Notwithstanding this, the Applicant will cause to be constructed in segments the internal trail system within this DSAP as development progresses within the Property, or portion thereof. The location and cross-sections for the DSAP internal trail system, or portion thereof, shall be finalized in one or more future ~~PDPs~~Preliminary Development Plan(s) (“PDP”) for

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this DSAP. At DSAP buildout, this internal trail system will consist of approximately 4 miles of trails that will accommodate pedestrians and bicyclists and may accommodate golf carts. The Applicant may connect (or cause to be connected) the internal multi-use trail to the commercial development located south of the Property outside the ENCPA. For purposes of this DSAP DO, the terms “internal trail system,” “trail system,” or “multi-use trail” shall mean the internal trail system set forth in this Condition, which is part of the ENCPA Mobility Network.

- d. The short-term (five-year) development program for the DSAP is proposed to consist of up to 400 single family residential units, 300 multi-family residential units, and 31,000 square feet of non-residential retail uses, which uses are projected to generate a total of 714 P.M. peak hour new trips. Notwithstanding the mix of uses listed above, the ultimate mix of uses in the short-term (i) shall be pursuant to the Land Use Conversion Matrix attached as Exhibit “E” and described in Condition 3.f. (the “Conversion Matrix”), and (ii) shall not exceed in the aggregate 714 P.M. peak hour new trips and 1,500 residential units and 31,000 square feet of nonresidential uses. As reflected in the transportation impact analysis attached as Appendix B to Exhibit “C” of this DSAP DO (the “Transportation Impact Analysis”), no ENCPA Mobility Network improvements are required for the DSAP short-term development program. Notwithstanding this, TerraPointe shall cause to be constructed the internal trail system as set forth in Condition 3.c. above and the following DSAP accessways as a condition to development:

- i. Pages Dairy Road Access – TerraPointe shall cause to be constructed a project driveway along Pages Dairy Road for ingress and egress to the DSAP, and such accessway is proposed to be located approximately 660 feet west of the intersection of Pages Dairy Road and Chester Road.
- ii. Chester Road South Access – TerraPointe shall cause to be constructed a project driveway along Chester Road for ingress and egress to the DSAP,

DRAFT

and such accessway is proposed to be located approximately 660 feet north of the intersection of Pages Dairy Road and Chester Road.

- iii. Chester Road North Access – TerraPointe shall cause to be constructed a project driveway along Chester Road for ingress and egress to the DSAP, and such accessway is proposed to be located approximately 1,520 feet north of the intersection of Pages Dairy Road and Chester Road directly across from Starfish Drive.

The general locations of the accessways described ~~in this subsection~~ above are conceptually depicted on Exhibit “D.” In addition to the above accessways, TerraPointe may cause to be constructed emergency vehicle access for ingress and egress to the Property from Pages Dairy Road and Chester Road as development of the Property progresses. The final location of these DSAP accessway improvements, including any emergency vehicle access, will be based on final survey and engineering and determined at the time of detailed site plans or construction plans without the requirement for an adjustment to this DSAP DO, except as provided for in LDC Section 27.07.

- e. The long-term (build-out) development program for the DSAP is proposed to consist of up to 1,200 single family residential units, 675 multi-family residential units, and 91,000 square feet of non-residential retail uses, which uses are projected to generate a total of 1,723 P.M. peak hour new trips. Notwithstanding the mix of uses listed above, the ultimate mix of uses in the long-term shall be (i) pursuant to the Conversion Matrix and (ii) shall not exceed in the aggregate 1,723 P.M. peak hour new trips and 1,875 residential units and 91,000 square feet of non-residential retail uses. As reflected in the Transportation Impact Analysis, no ENCPA Mobility Network improvements are required for the DSAP long-term development program. Notwithstanding this, TerraPointe shall cause to be constructed the internal trail system as set forth in Condition 3.c. and the following DSAP ~~accessways~~accessway as a condition to development:

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- i. Chester Road Additional Access – TerraPointe shall cause to be constructed an additional project driveway along Chester Road for ingress and egress to the DSAP, and such accessway is proposed to be located approximately 5,710 feet north of the intersection of Pages Dairy Road and Chester Road.
- ~~ii. Future CR 108 Extension Access – TerraPointe may cause to be constructed the connection of the future CR 108 Extension with Chester Road consistent with Condition 3.i.~~

The general ~~locations~~location of the ~~accessways~~accessway described ~~in this subsection~~ above ~~are~~is conceptually depicted on Exhibit “D.” In addition to the above ~~accessways~~accessway, TerraPointe may cause to be constructed (i) emergency vehicle access for ingress and egress to the Property from Pages Dairy Road and Chester Road as development of the Property progresses and/or (ii) the connection of the future C.R. 108 Extension with Chester Road consistent with Condition 3.i below. The final location of these DSAP accessway improvements, ~~including any emergency vehicle access,~~ will be based on final survey and engineering and determined at the time of detailed site plans or construction plans without the requirement for an adjustment to this DSAP DO, except as provided for in LDC Section 27.07.

- f. The Applicant may increase or decrease the amount of a particular residential use (as described in Condition 4.c.) consistent with the Conversion Matrix attached as Exhibit “E” without modifying this DSAP DO, provided that (i) the changes are consistent with the Conversion Matrix attached as Exhibit “E” and (ii) at the time of election of a residential use conversion under the Conversion Matrix, the landowner shall notify the County in writing. In no event, shall development within the DSAP at buildout generate more than 1,723 P.M. peak hour new trips and exceed the DSAP maximum development program set forth in Condition 4.c. below, except as provided for herein, regardless of the use of the Conversion Table. Land uses that are consistent with the Conversion Matrix shall take precedence over any acreage amounts by land use set forth in this DSAP DO. The conversion of

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single family, multi-family, senior adult housing – detached or senior adult housing – attached uses to retail use or vice versa is prohibited. The uses identified on the Conversion Matrix as “Senior Adult Housing – Detached” and “Senior Adult Housing – Attached” shall mean residential units within a community in which the community contains a deed restriction that states the community must be developed in accordance with the Housing for Older Persons Act of 1995 (HOPA). Provided that the conversion is consistent with the Conversion Matrix and such uses are consistent with the uses allowed on the DSAP Land Use Plan, Exhibit “B,” no additional DSAP approvals shall be required for any conversion.

- g. For purposes of the DSAP, measurement of the P.M. peak hour new trips generated for residential uses (as described in Condition 4.c.) within the DSAP shall be based upon application of a trip generation methodology which shall use the Average Trip Generation Rates included with the Transportation Analysis at Appendix ___ to determine the P.M. peak hour new trips generated by the residential uses within the DSAP. The measurement of the P.M. peak hour new trips generated for retail uses within the DSAP shall be pursuant to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th edition, and any applicable reduction for internal trip captures and passby capture.
- h. In order to promote alternative forms of transportation, a comprehensive system of bicycle paths and pedestrian walkways or multi-use trails shall be provided throughout the DSAP consistent with Condition 3.c. above.
- i. As reflected in the Transportation Impact Analysis, no ENCPA Mobility Network improvements are required for development of the DSAP, except the internal trail system as set forth in Condition 3.c. The DSAP Land Use Plan attached as Exhibit “B” depicts the County Road (C.R.) 108 Extension (which is an ENCPA Mobility Network improvement) traversing the northern portion of the Property and connecting with Chester Road. Notwithstanding the Transportation Impact Analysis findings, the Applicant may cause to be constructed the portion of the C.R. 108 Extension traversing the Property, as generally depicted on Exhibit “B,” as

DRAFT

DSAP development adjacent to this ENCPA Mobility Network improvement progresses in the DSAP, but in no event, shall the ability to construct this ENCPA Mobility Network improvement as set forth herein be deemed a condition of development within the DSAP or ENCPA until such time as a future detailed specific area plan transportation analysis warrants such improvement [and such future detailed specific area plan development order requires this transportation improvement as a condition to development therein.](#)

4. **Land Uses Summary/DSAP Land Uses.** There are two distinct proposed land use sub-categories in the DSAP: Residential Neighborhood (“RN”) and Village Center (“VC”). A summary of each land use sub-category follows below.

a. Residential Neighborhood (RN): The primary land use sub-category in the DSAP is RN, located on approximately 477 acres. This land use sub-category is divided into three tiers organized around a community VC and allows the development of Neighborhood Centers (“NC”) to provide for smaller mixed-use areas within the RN area. The DSAP includes two of the three tiers: Tier 2 and Tier 3. Tier 2 neighborhoods have a minimum average net density of 2.5 units per acre with no maximum density. Tier 3 neighborhoods have no minimum density and a maximum average net density of 0.50 units per acre when residential units are clustered and 1 unit per 10 gross developable acres when not clustered. Tier 3 within this DSAP will act as a buffer to adjacent non-ENCPA properties. A NC area or areas may be located within the RN area to serve as a neighborhood focal point that will allow neighborhood-serving retail, service or civic areas to serve the daily needs of the DSAP residents. Uses allowed within the RN land use sub-category are set forth in Section 4 of the DSAP Application attached as Exhibit “C,” consistent with ENCPA Policy FL.13.07(E). The development program for the RN area permits up to 1,500 residential units, including 1,200 single family residential units and 300 multi-family residential units, and 31,000 square feet of non-residential retail development, and such mix of uses may be modified consistent with the Conversion Matrix and Condition 3.f. above, provided any conversion is consistent with Condition 4.c. below [and as provided for herein.](#)

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- i. The general development guidelines for Tier 2 of the DSAP RN areas are set forth in ENCPA Policy FL.13.07(E)(1). The general development guidelines for Tier 3 of the DSAP RN areas are set forth in ENCPA Policy FL.13.07(E)(2).
 - ii. The general development guidelines for any NC area(s) within the RN ~~land use areas~~ are specified at ENCPA Policy FL.13.07(E)(3).
- b. Village Center (VC): The VC will be located on approximately 26 acres adjacent to the proposed ENCPA Mobility Network ~~County Road~~C.R. 108 improvement in order to provide services to the ENCPA residents and visitors. The VC land use sub-category is intended to serve higher density/intensity, mixed-use centers for surrounding residential neighborhoods. The residential uses within the VC will have a minimum average net-density of 7 units per acre and a maximum average net-density of 20 units per acre. Uses permitted within the VC land use sub-category are set forth in Section 4 of the DSAP Application attached as Exhibit “C,” consistent with ENCPA Policy FL.13.07(D). The development program for the VC area permits up to 375 multi-family residential units and 60,000 square feet of non-residential development, and such mix of uses may be modified consistent with the Conversion Matrix and Condition 3.f. above, provided any conversion is consistent with Condition 4.c. below and as provided for herein. The general development guidelines for the VC area are specified at ENCPA Policy FL.13.07(D).
- c. Maximum Development Program for the DSAP Land Use areas:

Land Use Area	Acres	Residential Units	Non-Residential Square Footage
RN	477	1,500	31,000
VC	26	375	60,000
TOTAL	503	1,875	91,000

DRAFT

The total uses within the DSAP shall not exceed (i) 1,875 residential units regardless of any conversion of use(s) made pursuant to the Conversion Matrix and (ii) 91,000 square feet of nonresidential retail uses. For purposes of this DSAP, single family, multi-family, senior adult housing – detached and senior adult housing – attached uses are considered residential uses/units. Unless otherwise provided by the operation of the Nassau County 2030 Comprehensive Plan policies relating to the ENCPA, the planned number of units and square footage described above (i) may be transferred among the land use areas of this DSAP or to other DSAPs within the ENCPA and (ii) are not intended to operate as minimum levels of development or commitments to develop. The above mix of uses may be modified consistent with the Conversion Matrix, provided such modification(s) does not exceed the maximum P.M. peak hour new trip generation set forth in Condition 3.f. above or the total allowed residential units set forth herein.

5. **Public Facilities.**

~~a. Potable Water: Per the SJRWMD's 2003 Water Supply Assessment, existing water supply sources and water supply development plans are considered reasonably adequate to meet Nassau County's projected needs. The DSAP is located within JEA's District 7 Nassau County Water Service Area. Potable water demands for the proposed DSAP development program were analyzed at both the five year and build-out milestones. Adequate capacity exists to accommodate potential impacts under both scenarios.~~

a. b. ~~Reuse Water:~~ Supply: Per the SJRWMD's 2003 Water Supply Assessment, existing water supply sources and water supply development plans are considered reasonably adequate to meet Nassau County's projected needs. The DSAP is located within JEA's District 7- Nassau County Water Service Area. Potable water demands for the proposed DSAP development program were analyzed at both the five-year and build-out milestones. Adequate capacity exists to accommodate potential impacts under both scenarios. Distribution system(s) for reuse water.

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stormwater and/or surface water shall be installed concurrently with both residential and nonresidential development within the Property. The ~~reuse~~ distribution system(s) for the residential units and nonresidential square footage within the DSAP shall be developed parallel to and concurrently with the potable water distribution system for utilization when sufficient quantities of reuse water, stormwater or surface water are available. Reuse water shall be used within the Property once the offsite reuse water mains are extended to the Property boundary by JEA and JEA activates the reuse water mains for use of reuse water on the Property. The Applicant ~~will~~shall connect to the JEA reuse water system at the time it is activated by JEA and is available to the Property. Stormwater, surface water and/or potable water (including wells) or some combination thereof shall be used to meet irrigation demands of the Property until reuse water is available to the Property or portion thereof.

- b. ~~e.~~ Wastewater: The DSAP is located within JEA's District 7- Nassau County Sewer Service Area. Wastewater demands for the proposed development program were analyzed at both the five-year and build-out milestones. Per Appendix C attached to Exhibit "C" of this DSAP DO, adequate capacity appears to exist to accommodate potential impacts under the projected five-year and build-out development milestones.
- c. ~~d.~~ Solid Waste: Solid waste service is provided to the DSAP Property by a private provider pursuant to a non-exclusive franchise with Nassau County. No improvements to solid waste facilities are necessary to accommodate the proposed DSAP development.
- d. ~~e.~~ Stormwater: Stormwater impacts and necessary improvements will be determined and permitted in accordance with the SJRWMD discharge design criteria.
- e. ~~f.~~ Schools: The DSAP is located within the Nassau County School District (the "School District"). The School District and Nassau County have entered into an Interlocal Agreement regarding the location and adequate capacity of public

DRAFT

schools. Based upon existing methodologies of the School District and Nassau County, the DSAP school demand and potential impacts were projected for both the five-year and buildout development program scenarios. It was determined that adequate capacity exists within the current system to accommodate potential impacts from development of the DSAP under the projected five-year development program ~~and at buildout, except for high schools~~. The Applicant will adhere to the appropriate school concurrency capacity and mitigation requirements (if any) if and when a deficiency exists at the high school level prior to buildout.

- ~~f.~~ ~~g.~~ Recreation and Open Space: Up to 14.6 acres within the Property shall be developed as a community park(s) no later than the DSAP buildout date set forth in Condition ~~109~~ below. Up to 43.5 acres within the overall ENCPA, outside the DSAP Property, shall be developed in the aggregate as one or more regional parks to mitigate impacts associated with development of this DSAP. A private or public community park may be provided in the aggregate with a minimum 10 acre site within the DSAP. Additional required community park acreage may be provided in other locations within the DSAP so long as active recreation facilities are provided and the minimum total acreage is met. Active recreation for the community park(s) may include private or public playing fields, courts, playgrounds, community buildings and pools. The ownership and locations of the community park(s) and regional park(s) and description of associated improvements will be provided in conjunction with site plan approval (as set forth in LDC Section 27.10) for the portion of the Property or ENCPA property containing one or more of these parks. Demand for recreation and open space within the Property is also proposed to be met within the DSAP through the provision of open space for passive and active recreation, which includes approximately 553 acres of open space in the form of interconnected wetlands, surface waters, and upland preserves forming a CHN, and an extensive multi-use trail, bike lanes and/or sidewalk system. At buildout, the DSAP is planned to contain over 4 miles of multi-use trails, as shown in the DSAP Application, Figure 3.3.

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6. **Impact Fee Credits.** If Nassau County imposes or increases an impact fee or other exaction by ordinance after the Effective Date (defined below) of this DSAP DO, such ordinance shall include a procedure which provides credit against the impact fee or exaction for any and all land or public facilities required in the DSAP for the same need, including but not limited to those which may be required pursuant to this DSAP DO.
7. **Intergovernmental Coordination.** Nassau County maintains a Regional Coordination Element as a component of the Nassau County 2030 Comprehensive Plan. The element contains goals, objectives and policies ensuring coordination of planning efforts with adjacent counties and cities, regional, state and federal agencies and entities that provide services to but do not have regulatory authority within Nassau County. This includes, but is not limited to the Florida Department of Transportation (“FDOT”), the North Florida Transportation Planning Organization, FDEP, Florida Fish and Wildlife Conservation Commission, SJRWMD, the Northeast Florida Regional Council, and JEA.
8. **Projected Population for Planning Period.** The projected population within the DSAP is 1,624 residents for the short term (five-year) planning period and 4,350 residents for the long term (build-out) planning period. A long-term master plan adopted pursuant to Florida Statutes, Section 163.3245(3)(a), is not required to demonstrate need based upon projected population growth or on any other basis.
- ~~9. **Monitoring Official.** The Director of the Nassau County Planning and Economic Opportunity Department or his/her designee shall be the local official responsible for monitoring the development for compliance with this DSAP DO.~~
9. ~~10.~~ **Buildout Date.** The buildout date required by Section 163.3245(5)(d), Florida Statutes, is December 31, 2035.
10. ~~11.~~ **Downzoning Protection.** Until December 31, 2035, the approved DSAP development as set forth in this DSAP DO is not subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that implementation of the DSAP is not continuing in good faith based on standards established in this DSAP DO, that substantial changes in the conditions underlying the approval of the DSAP have

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occurred, that the DSAP was based on substantially inaccurate information provided by the applicant, or that the change is clearly established to be essential to the public health, safety, or welfare.

11. ~~12.~~ **Agricultural and Silvicultural Uses.** The adoption of the DSAP and this DSAP DO does not limit the right to continue existing agricultural or silvicultural uses or other natural resource-based operations or to establish similar new uses that are consistent with a detailed specific area plan approved pursuant to Section 163.3245, Florida Statutes.

12. ~~13.~~ **Assignment.** This DSAP DO is binding on TerraPointe only as a condition to development of the Property (or portion thereof) owned by TerraPointe and upon assignment by TerraPointe of any of its interest(s) under this DSAP DO, such assignor shall be fully and forever released from any DSAP DO condition assigned to a successor.

13. ~~14.~~ **Exhibits.** Below is a listing of the Exhibits to this DSAP DO:

Exhibit A: Legal Description of DSAP Property

Exhibit B: DSAP Land Use Plan

Exhibit C: DSAP Application

Exhibit D: Chester Road DSAP Roadway Access Points

Exhibit E: Conversion Matrix

Section 1. Purpose and Intent.

The purpose and intent of this Ordinance is to adopt a detailed specific area plan in accordance with Section 163.3245, Florida Statutes.

Section 2. Title of DSAP.

The DSAP included within this Ordinance shall be entitled the East Nassau Chester Road Detailed Specific Area Plan.

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Section 3. Legislative Findings.

1. The DSAP included in this Ordinance and this DSAP DO are consistent with the goals, objectives, and policies and long-term master plan for the ENCPA contained in the Nassau County 2030 Comprehensive Plan and LDC Article 27.
2. This Ordinance satisfies the requirement for adoption of a detailed specific area plan by local development order as contemplated in Section 163.3245, Florida Statutes.

Section 4. Adoption of DSAP.

The DSAP DO and DSAP included within this Ordinance are hereby adopted, and property owners within the DSAP shall be entitled to apply for development approvals for individual projects consistent with the DSAP and DSAP DO.

Section 5. Severability.

If any section, condition, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

The Effective Date of this Ordinance is _____, 2016, which is the date of its adoption by the Nassau County Board of County Commissioners (the “Effective Date”). However, if a petition is filed alleging that the DSAP is not consistent with the Comprehensive Plan or with the long-term master plan, this Ordinance shall not be effective until completion of the appeal process provided in Section 163.3245(3)(e), Florida Statutes.

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RENDITION

Within ten (10) days of the adoption of this DSAP Development Order, Nassau County shall render a copy of this DSAP Development Order with all attachments, certified as complete and accurate, by certified mail, return receipt requested, to the Florida Department of Economic Opportunity, Bureau of Local Planning, Northeast Florida Regional Council, and the Owner of Record.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THIS _____ DAY OF _____, 2016.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

By: _____
Its: Chairman

Attest as to Chairman's signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:

MICHAEL S. MULLIN

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Exhibit “A”

Legal Description of DSAP Property

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Exhibit “B”

DSAP Land Use Plan

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Exhibit “C”

DSAP Application

D R A F T

Exhibit “D”

Chester Road DSAP Roadway Access Points

D R A F T

Exhibit “E”

Conversion Matrix