

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING CHAPTER 29 OF THE COUNTY CODE OF ORDINANCES, SUBDIVISION AND DEVELOPMENT REVIEW, SECTION 29-46, PUBLIC USES; PROVIDING FOR RECREATIONAL STANDARDS FOR NEW DEVELOPMENT; PROVIDING FOR DESIGN STANDARDS FOR COMMUNITY, REGIONAL, AND NEIGHBORHOOD PARKS; PROVIDING FOR CONSTRUCTION OF TRAILS DESIGNATED AS FUTURE FACILITIES ON THE COUNTY FUTURE TRANSPORTATION MAP SERIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy ROS.01.01 of the Recreation and Open Space Element of the Nassau County Comprehensive Plan 2010-2030 (“Comprehensive Plan”) mandates the preparation and maintenance of a Park and Recreation Master Plan to guide the development and maintenance of County parks and recreation facilities; and

WHEREAS, the Nassau County Board of County Commissioners (“Board”) adopted Resolution No. 2021-011, which accepted the Nassau County Parks, Recreation, and Open Space Master Plan (“Master Plan”); and

WHEREAS, the Master Plan provides an inventory of the County parks system, provides guidelines for the size, timing and phasing of parks in the County, and identifies potential funding sources as well as programs for implementation and a long-range capital improvements plan for future parks and recreation facilities within the County; and

WHEREAS, Resolution No. 2021-011 further directed County staff to develop or cause the development of any amendments to the Comprehensive Plan or the Nassau County Code of Ordinances deemed necessary or desirable for the implementation of the Master Plan, which legislation shall address appropriate level of service standards, planning guidelines, and development requirements within the County; and

WHEREAS, amendments to the existing Subdivision and Development Review standards and procedures, as codified in Chapter 29 of the County Code of Ordinances are necessary and desirable to implement the Master Plan.

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

SECTION 1. FINDINGS. The above findings are true and correct and are hereby incorporated herein by reference.

SECTION 2. AMENDMENT OF SECTION 29-46 OF THE NASSAU COUNTY CODE OF ORDINANCES. Section 29-46 of the Nassau County Code of Ordinances, entitled Public Uses, is hereby amended as follows:

Sec. 29-46. - Public uses.

(a) Project Vesting

(1) Development projects meeting the following thresholds shall be exempt from the Neighborhood Park requirements of this Ordinance. All other requirements related to recreation shall remain in full effect.

a. A development that has received full Development Review Committee (DRC) approval of a Preliminary Binding Site Plan (PBSP) pursuant to LDC Section 5.07.D. on or before December 13, 2021 and, further, the PBSP has not expired pursuant to LDC Section 5.07.E. The exemption shall no longer be applicable if the PBSP expires.

b. A development that has received approval of a Preliminary Development Plan (PDP) pursuant to LDC Sections 5.07.D., 25.05(B), or 27.08 on or before December 13, 2021 and the PDP or correlating PUD or DSAP-Development Order has not expired and is in good-standing. The exemption shall no longer be applicable if the PDP or correlating master plan, e.g. DSAP DO, PUD, etc. expires or is otherwise deemed withdrawn.

c. A development that has received full Development Review Committee (DRC) approval of a Site Engineering Plans (SEP) pursuant to LDC Section 5.07.E. on or before December 13, 2021 and the SEP has not expired pursuant to LDC Section 5.07.F. The exemption shall no longer be applicable if the SEP expires or is otherwise deemed withdrawn.

d. A development that has received full Development Review Committee (DRC) approval of a preliminary plat pursuant to Chapter 29, Section 29-13, Nassau County Codes of Ordinances on or before December 13, 2021 and the preliminary plat has not expired pursuant to Section 29-13. The exemption shall no longer be applicable if the preliminary plat expires or is otherwise deemed withdrawn.

e. A development for which a complete SEP and preliminary plat packet/application has been submitted to the Development Review Committee for review prior to December 13, 2021 and neither application has been deemed withdrawn or has expired. Further, as related to SEPs, the exemption shall no longer be applicable if the applicant fails to meet the applicant's obligations related to maximum response timeframes in Section 5.07(E) LDC.

(b) *Open space, parks and recreational areas.*

(1) Recreational standards. All development shall be required to comply with the Comprehensive Plan level of service requirements for community and regional parks and neighborhood parks.

a. Community and Regional Parks. All new development containing a residential component shall dedicate a proportionate share of recreation land or pay the applicable impact fee for park land, to mitigate the new demand on Regional Parks created by new residents within the proposed development based upon the level of service standards adopted in the Nassau County Comprehensive Plan Policy ROS.01.04 and further detailed in Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time.

It shall be the County's sole decision to require dedication to meet the level of service standards established in Policy ROS.01.04 and further detailed in the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, or accept payment of impact fees in accordance with the adopted Impact Fee Regulations (Sec., 34-21, Nassau County Code) to mitigate new demand placed on the Regional Park system. Upon application for residential subdivision plat, PUD, Detailed Specific Area Plan, Development of Regional Impact or approval of any other development proposal with a residential component, the Planning Director shall make an individualized determination that the dedication of land is related both in nature and extent to the impact of the proposed development based on the factors set forth below. The Planning Director, in coordination with the Parks Director, shall have the authority to mandate the dedication of land in accordance with this policy or accept the payment of impact fees for park land, subject to the appeal procedures in Section 3.04(B)(7) and Section 1.05(C) of the Nassau County Land Development Code. Any dedication of land for a Regional Park shall be eligible for park land impact fee credits as defined in the adopted Impact Fee Regulations (Sec. 34-21, Nassau County Code).

The following factors shall be evaluated and used to guide the County's decision-making process to require the dedication of land or accept payment of impact fees for park land:

i. Acres Size of Demand Generated. The total acreage demand generated by the proposed development to meet the level of service standards established in Policy ROS.01.04 and the relationship of this total acreage demand to the minimum and/or ideal acreages of a Regional Park as defined herein and further detailed in the Nassau County Parks, Recreation, and Open Space Master Plan and the ability of any potential park within the development to provide the prototypical Regional Park facilities defined in Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time.

ii. Site Characteristics. The physical characteristics of a potential Regional Park site and its capacity to support the uses associated with a Regional Park as defined herein and further detailed in the Nassau County Parks, Recreation, and Open Space Master Plan and the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time. These characteristics may include, but are not limited to:

- Available multi-modal access;
- Adequate buffers to minimize negative impacts to adjacent neighborhoods;

- Site configuration, topography, soils, geometry, and vegetation that are conducive to the construction of both active and passive recreation facilities;
- Adequate utilities to support the proposed facilities and amenities;
- Scenic beauty and vegetation;
- Estimated costs to develop the site; and
- Anticipated local, state, regional or federal permitting requirements.

iii. Expansion of Service. The ability of the potential Regional Park to expand or provide additional service in unserved or underserved areas.

iv. Location (General). Proximity/relationship of the potential Regional Park to other existing, potential, or planned County Parks/Preserves, State Park, State Forest, National Forest, or other similar publicly held recreation or conservation lands. Relationship of the potential Regional Park to unique environmental features, bodies of water and/or cultural resources.

v. Location (Water Access). The potential Regional Park's relationship to waterways and the Atlantic Ocean.

- Any residential development or redevelopment that produces an increased demand on the Regional Park system with frontage or access on a navigable water way, river shore, or the beaches of the Atlantic Ocean shall, unless otherwise determined by Nassau County to not be in the best interests of the citizens, partner with Nassau County to dedicate land, design, and build new Regional Parks and facilities providing access to waterways, shores and beaches. It is the expressed intent of Nassau County to acquire properties that provide access to navigable waterways and the Atlantic Ocean.

vi. Connectedness. The ability of the potential Regional Park to create a logical expansion of, or connection between, public holdings and/or facilities. This may include creating linear based ecological corridors or recreation facilities that expand existing, planned, or potential Regional Parks and improve the overall service provided to the citizens of Nassau County.

vii. Future Potential. The ability to expand the potential Regional Park in the future as adjacent lands develop or are acquired.

viii. Implementation of Community Planning Efforts. Relationship between the potential Regional Park and any existing Area Plan, Corridor Plan, Master Plan, Master Planned Community, Master Planned Development, Sector Plan, Development of Regional Impact, or other community planning initiative or exercise.

ix. All land dedications must be proportional to the residential development's anticipated impacts on the County's Regional Park system. No residential development will be required to dedicate park land in excess of their impact as determined by the level of service standards in Policy ROS.01.04. However,

nothing herein shall prohibit a residential development from voluntarily contributing more than the minimum level of service standards in Policy ROS.01.04.

b. Neighborhood Parks. All new development and redevelopment containing a residential component greater than 25 dwelling units, unless otherwise exempt, shall plan, design, and build new neighborhood parks in accordance with the requirements herein. Rural residential developments where all lots have a minimum gross acreage of 5 acres (217,800 square feet) or more are exempt from the neighborhood park requirements. New private neighborhood parks shall be maintained and operated by the developer and/or Homeowners Association, Property Owners Association, Community Development District, or other similar entity. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreational Purposes." Land and improvements for neighborhood parks shall be provided by new development at the time of initial construction of residential units. Neighborhood parks shall be reviewed through the development review process outlined in Land Development Code (LDC) Section 5.07 (site development plan review) contemporaneously with the development creating the demand. If located in the East Nassau Community Planning Area, the process shall follow LDC Section 27.08 (approval procedure for preliminary development plans (PDP) within DSAPs) and, subsequently, 27.10 (approval procedure for site plans within DSAP/PDP). Plans will be reviewed by the Development Review Committee in accordance with the principles and standards defined in the Parks Administrative Procedures and Design Manual. Neighborhood Parks shall be constructed contemporaneously with residential units creating demand for the new facility.

i. When neighborhood parks are required, the Planning Director shall determine the number of acres to be reserved using the basis of four (4) acres for every one thousand (1,000) residents. Neighborhood parks are required to meet an access standard which requires that they be located within a .5 mile walk of every resident along sidewalks or trails. The minimum size of a neighborhood park shall be 5 acres or as approved by the Planning Director in accordance with the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, and the following: The required size and location of a neighborhood park shall be based upon the total acreage required and Access Standard in accordance with Policy ROS.01.06 and the standards defined in Policy ROS.01.07. A development may be required to have more than one neighborhood park in order to meet the service standards adopted herein.

ii. ~~The shall require that land be reserved or dedicated for parks, playgrounds, beach access, boat ramps or other recreational purposes in locations as designated in the comprehensive plan or otherwise where such reservations would be appropriate. Each reservation or dedication shall be of suitable size, dimension, topography and general character and shall have adequate road access, for the particular purpose envisioned by the board. The area shall be shown and marked on the plat, "Reserved for Park and/or Recreational Purposes."~~ When recreation areas are required, the The board Planning Director shall determine the number of acres

~~to be reserved using the basis of two and one-half (2½) acres for every one hundred (100) dwelling units.~~

~~Development plans shall provide open space for both passive and active recreation in accordance with the established level of service specified in the comprehensive plan.~~

(2) *Recreation sites.*

a. Regional Parks. All community or regional parks shall be constructed to conform to the following design standards:

i. Access. There shall be no legal or physical impediment to bicycle and pedestrian access to a community or regional park.

ii. Prototype Park. The Nassau County prototypical community and regional parks are contained within the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time. The applicable prototype park shall be the guide by which all community and regional parks are designed. The minimum size requirement of a regional park may be modified by Nassau County as determined by the Planning Director and Parks Director consistent with the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time, to accommodate unique natural or cultural features including water-based access based upon the following criteria:

- The site will provide specific public access to a waterway (e.g., beach access, boat ramp, etc.); or
- The site contains a significant historic resource, and the County determines that this resource should be preserved; or
- The site serves to expand an existing public park or other protected natural or conservation lands.

iii. Minimum land area. While a community or regional park may include wetlands, natural areas, stormwater management facilities and other similar components, the minimum required acreage per LOS standard shall be dry, flat and free of encumbrances that would inhibit establishment of active recreation facilities as defined by the applicable prototype park. This includes, but is not limited to, areas subject to conservation easements, wetland or depression areas, easements that prohibit the use of the easement area for active recreation and other similar encumbrances.

iv. Shared Facilities. A community or regional park is not intended to be completely passive nor fully active but rather a blending of recreational opportunities which may, solely at the discretion of Nassau County, include space for third party providers to provide indoor recreation space or aquatics.

b. Neighborhood Parks. All neighborhood parks shall be constructed to conform to the following design standards:

i. Access. Neighborhood parks must be easily accessible from safe and adequate bicycle and pedestrian facilities, as determined by Nassau County, from their home to the neighborhood park unimpeded by a physical or legal impediment.

ii. Prototype neighborhood park. The Nassau County prototypical neighborhood park and design principles are-is contained within the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time. These-is prototype park and design principles shall be the guide by which all neighborhood parks are designed. Based on the level of service standard required in Comprehensive Plan Policy ROS.01.06, when a development generates less than 5 acres of demand for a neighborhood park, prototypes, principles, and standards are provided in the Nassau County Parks Administrative Procedures and Design Manual that shall guide park design.

iii. Street frontage. At least two sides of the park, or thirty-three percent (33%) of the total perimeter of the park, whichever is greater, must abut a street.

iv. Minimum land area. While a neighborhood park may include wetlands, natural areas, stormwater management facilities and other similar components, the minimum required acreage per LOS standard shall be dry, flat and free of encumbrances that would inhibit establishment of active recreation facilities as defined by the Nassau County prototype Neighborhood Park. This includes, but is not limited to, areas subject to conservation easements, wetland or depression areas, easements that prohibit the use of the easement area for active recreation, and other similar encumbrances. In cases where a utility easement is present, the utilities must be located underground and the easement holder shall provide a written statement to the Planning Department approving the use of the area for recreation as shown on the correlating site plan for the individual park.

v. Shared facilities. Stormwater treatment facilities (SWMFs) such as retention and detention ponds may be designed within a neighborhood park subject to the applicable standards for neighborhood parks as defined in the Nassau County Parks Administrative Procedures and Design Manual, as amended from time to time. However, the stormwater treatment facilities shall not count towards the minimum LOS standard in ROS.01.06.

Where neighborhood parks have an area of five acres or greater, SWMFs may be credited towards meeting the minimum area standards defined in Sec. 29-46(b)(1)b.i. subject to the following:

a. SWMFs shall be limited to the lesser of 12% of the total park area, or the actual required volume capacity for the pond as determined by Nassau County Engineering Services based on a review of the project's submitted drainage calculations.

b. SWMFs shall be activated and incorporated as contributing and functioning elements of the park through the inclusion of ADA compliant multi-use trails, fitness stations, picnic area, and other similar active recreation amenities.

c. SWMFs shall not be encircled, in whole or in part, by chain-link fencing or a similar barrier.

(3) Trails that are designated as future facilities on the County's Future Transportation Map Series (FTMS), ~~Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or other active recreation purposes and shall be relatively level and dry. The Amelia Island Bicycle Trail, as delineated,~~ shall be implemented by requiring developments to construct that section related to their development. Such development shall receive appropriate credit from recreation impact fees and/or transportation mobility fees ~~Greenways which provide links between nature reserves, parks, cultural and historic sites, natural wetlands, beaches and other water bodies may also be used for recreation sites.~~

(4) *Other recreation reservations.* The provisions of this section are minimum standards. None of the above paragraphs shall be construed as prohibiting a developer from reserving other land for active or passive recreation in addition to the requirements of this section.

(c) *Public beach access.* ~~Within an average of one half mile increments, the~~ The county shall require the dedication of public access to beaches from new developments and re-developments located on the Atlantic Coast beach.

[words that are underlined are additions and words that are ~~stricken~~ shall be deleted]

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all the remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Nassau County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed with the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this 13th day of December, 2021.

BOARD OF COUNTY COMMISSIONERS
OF NASSAU COUNTY, FLORIDA

By: _____
Thomas R. Ford, Chair

ATTEST:

APPROVED AS TO CONTENT AND FORM:

By: _____
John Crawford, Ex Officio
Clerk to the Board

By: _____
Michael S. Mullin,
County Attorney