



# RECREATION & OPEN SPACE ELEMENT

The Recreation and Open Space Element is intended to identify and address existing recreation and open space facilities and opportunities for improvements. Consideration of the potential need of future facilities and the prioritization of capital improvements is also part of this evaluation. The Element goal is to provide parks, recreational facilities, and open space to meet the health, safety and welfare needs of City residents and visitors.

## RECREATION & OPEN SPACE ELEMENT HIGHLIGHTS

1. Engage in Parks, Recreation and Open Space Master Planning;
2. Inventory parks, recreation and open space based on the Statewide Comprehensive Outdoor Recreation Plan (SCORP);
3. Establish equitable distribution of parks to ensure equal access to recreational facilities;
4. Utilize green building standards/sustainable practices for new construction/renovation;
5. Utilize sustainable materials and low-impact development practices in park construction;
6. Plant native landscaping and employ xeriscaping in parks to reduce irrigation, fertilizer and pesticide use;
7. Coordinate to ensure that fleet of vehicles and maintenance equipment is sustainable and energy efficient;
8. Emphasize pedestrian and bicycle access to parks and recreation areas;
9. Identify how open spaces are to be utilized;
10. Identify and map lands for potential acquisition as park space;
11. Develop recreational boating needs assessment and assessment of waterways networks;
12. Identify shoreline and waterway accesses as part of the overall park and recreational facilities;
13. Continue variety of community services available to the public and continue community outreach and involvement; and
14. Address specific resources such as Egans Creek Greenway and Bosque Bello Cemetery.





# CONSERVATION & COASTAL MANAGEMENT ELEMENT

The Conservation and Coastal Management Element is intended to provide direction for preservation, protection, and sensitive use of the City's natural and coastal resources. The conservation objectives and policies address protection of natural resources, such as wetlands, wildlife, trees, air, and environmentally sensitive lands. The coastal management objectives and policies address protection of the coastal environment, enhancement of public access, assurance of compatible development, and promotion of disaster preparedness. The Element goal is that the City shall conserve and plan for the natural and coastal resources of the area to ensure that resources are protected and available for future generations.

## CONSERVATION & COASTAL MANAGEMENT HIGHLIGHTS

1. Expand public access to include all shorelines and waterways, not just beach access;
2. Protect the beaches and dune systems;
3. Decrease dependence on hard shoreline control systems;
4. Mitigate hazard threats, prepare for disasters and plan for post-disaster redevelopment;
5. Minimize uses and development located in the Coastal High Hazard Area;
6. Recognize sea-level rise as an area of concern;
7. Incorporate working waterfronts legislative requirements and plan for riverfront uses and development;
8. Ensure development is compatible and sensitive to coastal resources;
9. Maintain or improve water quality and encourage water conservation;
10. Protect and preserve wetlands;
11. Monitor dredge, fill and excavation activities;
12. Incorporate wildlife planning strategies;
13. Continue tree preservation and protection efforts and urban forestry programming;
14. Address air quality and reduce impacts from greenhouse gases;
15. Promote energy conservation;
16. Identify natural resource lands eligible for acquisition and preservation; and
17. Increase intergovernmental coordination regarding natural resources.



# The City of Boynton Beach



## DEVELOPMENT DEPARTMENT PLANNING AND ZONING DIVISION

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www.boynton-beach.org

RECEIVED  
Bureau of Community Planning

DEC 12 2016

Div. of Community Development  
of Economic Opportunity

December 8, 2016

Mr. D. Ray Eubanks, Plan Processing Administrator  
Division of Community Planning and Development  
Florida Department of Economic Opportunity  
107 East Madison—MSC 160  
Tallahassee, Florida 32399-2100

Re: Adopted City of Boynton Beach Comprehensive Plan Amendments, 16-1ER

Dear Mr. Eubanks:

We are pleased to transmit the EAR-based amendments to the City of Boynton Beach Comprehensive Plan's Coastal Management Element, adopted by the City Commission on December 6, 2016 (Ordinance 16-018, attached).

A copy of the adopted amendments was mailed to all agencies that either provided comments or acknowledged the receipt of the proposed amendments but had no comments. These include the Treasure Coast Regional Planning Council, the South Florida Water Management District, the Department of Transportation, the Department of Environmental Protection, the Department of State, and the Department of Education.

### **Changes made in response to the Objections, Recommendations and Comments Report**

#### **The objection**

The objection identified by the Department pertained to the lack of timeframe assigned to the City's Future Land Use Map; without it, the map does not satisfy the statutory requirement to include an associated period covering at least one five-year and ten year period (Section 163.3177(5)(a), F.S.) The Department recommended that the City revise the Future Land Use Map to reflect at least a 10-year planning horizon, and include it in the title of the map. Per this recommendation and the discussion held with the DEO staff, we are submitting a "2026 Future Land Use Map" (see attached) as part of the adopted amendment package.

The selected 10-year planning horizon extends past 2023, the year at which the City's next Evaluation and Appraisal Review for the Comprehensive Plan is due to begin. At that time, we will again review Comprehensive Plan and associated documents, revising the planning horizons as necessary. Please also note that we are preparing amendments to the Future Land Use Element of the Comprehensive Plan which will implement recommendations of the recently adopted CRA Community Redevelopment Plan. The amendments will comprise policies regarding the revisions to the Future Land Use Map, stemming both from city-initiated actions and private applications.

#### **Comments and suggestions**

In its comment, the DEO advises that City set up a mechanism to monitor and revise its flood mitigation policies as necessary to ensure their effectiveness, possibly as part of the future Adaptation Action Area Plan. We will set up such a mechanism as advised.

In addition to DEO's ORC report, the City received several technical assistance comments and suggestions from the Department of Transportation. In response to these comments, staff revised Policy 7.9.2 to expand the language pertaining to partnership/coordination on the future adaptation activities and related technical assistance, as follows:

*Policy 7.9.2*

~~*The City shall collaborate/coordinate with its partners from the Southeast Florida Regional Climate Change Compact on adaptation activities and access to technical assistance and support.*~~

*The City shall partner/coordinate on adaptation activities and access to technical assistance and support with all relevant partners, including:*

1. *Southeast Florida Regional Climate Change Compact*
2. *FDOT and other agencies that plan for, or own, operate and maintain public infrastructure within, or crossing areas identified for adaptation*
3. *Adjacent local governments if such areas extend beyond the City limits*

For additional information, please contact me at (561) 742-6258 or [matrash@bbfl.us](mailto:matrash@bbfl.us).

Sincerely,



Hanna Matras  
Senior Planner

Attachments: Amendment Package (one paper, two on CD)

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2  
3 **ORDINANCE NO. 16-018**

4 **AN ORDINANCE OF THE CITY OF BOYNTON BEACH, FLORIDA**  
5 **APPROVING AMENDMENTS TO THE COMPREHENSIVE PLAN**  
6 **COASTAL MANAGEMENT ELEMENT TO ADDRESS NEW**  
7 **STATUTORY REQUIREMENTS PERTAINING TO**  
8 **PREVENTION/MITIGATION OF FLOOD HAZARDS IN THE**  
9 **COASTAL AREAS ALONG WITH UPDATING THE REMAINING**  
10 **OBJECTIVES AND POLICIES TO ACCOUNT FOR COMPLETION**  
11 **AND CHANGES IN THE CITY'S PROGRAMS; PROVIDING FOR**  
12 **CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

13 **WHEREAS**, on August 19, 2008 the City Commission, via Ordinance 08-007, adopted  
14 amendments to the City's Comprehensive Plan which included amendments to the Coastal  
15 Management Element; and

16 **WHEREAS**, the proposed amendments, based on the current Evaluation and Appraisal  
17 Review (EAR) are limited to the Coastal Management Element and pertain to the expansion of  
18 flood mitigation measures for redevelopment in coastal areas; and

19 **WHEREAS**, the proposed amendments include changes to the layout of the element, an  
20 update of the existing objectives and policies to account for completion and changes in City  
21 Programs and a Flood Hazard Map Series that will be added to the Coastal Management  
22 Element Support document; and

23 **WHEREAS**, the City Commission deems it to be in the best interests of the citizens  
24 and residents of the City to adopt the EAR-based amendments into the City's Comprehensive  
25 Plan.

26 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**  
27 **THE CITY OF BOYNTON BEACH, FLORIDA, THAT:**

1           **Section 1.**     The foregoing "Whereas" clauses are true and correct and incorporated  
2 herein by this reference.

3           **Section 2.**     The City Commission of the City of Boynton Beach, Florida, hereby  
4 adopts the amendments to the Comprehensive Plan Coastal Management Element for  
5 transmittal to the Department of Economic Opportunity for the State-Coordinated Review  
6 which address new statutory requirements pertaining to prevention/mitigation of flood hazards  
7 in the coastal areas and update the remaining objectives and policies to account for completion  
8 and changes in the City's programs, a copy of which is attached hereto as Exhibit "A".

9           **Section 3.**     The City Commission hereby certifies that it shall and will conduct such  
10 public hearings as may be required pursuant to Chapter 163, Florida Statutes, as amended, in  
11 order to adopt the Comprehensive Plan Amendments and so directs the City Administration to  
12 conduct and publish same, as provided by general law.

13           **Section 4.**     The City Commission hereby authorizes the appropriate City officials to  
14 submit the appropriate number of copies of this Ordinance and the City's Comprehensive Plan,  
15 as amended herein, to the State of Florida Department of Community Affairs and to any other  
16 governmental agency having jurisdiction with regard to the approval of same in accordance  
17 with and pursuant to Chapter 163, Florida Statutes, and to keep available copies of the Plan  
18 Amendments available for public review and examination at Boynton Beach City Hall.

19           **Section 5.**     All laws and ordinances in conflict with any provisions of this ordinance  
20 are hereby repealed.

21           **Section 6.**     Should any section or provision of this Ordinance or any portion thereof  
22 be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the



1 remainder of this Ordinance.

2 **Section 7.** This Ordinance shall become effective immediately upon passage.

3 FIRST READING this 16<sup>th</sup> day of August, 2016.

4 SECOND, FINAL READING AND PASSAGE this 6<sup>th</sup> day of December, 2016.

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CITY OF BOYNTON BEACH, FLORIDA

YES NO

Mayor – Steven B. Grant ✓ \_\_\_\_\_

Vice Mayor – Mack McCray ✓ \_\_\_\_\_

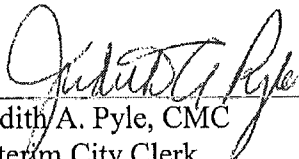
Commissioner – Justin Katz ✓ \_\_\_\_\_

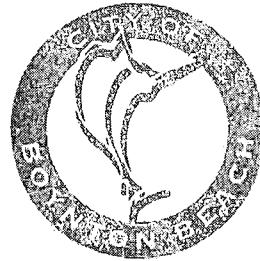
Commissioner – Christina L. Romelus ✓ \_\_\_\_\_

Commissioner – Joe Casello ✓ \_\_\_\_\_

VOTE 5-0

ATTEST:

  
\_\_\_\_\_  
Judith A. Pyle, CMC  
Interim City Clerk



(Corporate Seal)

**City of Boynton Beach  
Coastal Management Element  
Goals, Objectives, and Policies**

**Goal 7**                    *To develop and maintain the Coastal Management area in a manner which protects human life, limits public expenditures in areas subject to destruction by natural disasters while preserving beach, shoreline, marine, wildlife, and recreational resources.*

**Objective 7.1**            **The City shall continue to enforce all applicable local, state, and federal coastal environmental regulations while providing for the development and redevelopment of ~~remaining vacant waterfront residential~~ properties.**

*Measurability:*            *Number of special permits issued for waterfront residential development.*

**Policy 7.1.1**            The City shall continue to participate in and, where appropriate, locally enforce all existing coastal regulatory activities of the Environmental Protection Agency, the Florida Department of Transportation, the Department of Environmental Protection, South Florida Water Management District, Palm Beach County Environmental Resource Management, & and Palm Beach County Health Department.

**Policy 7.1.2**            The City shall continue to regularly review and, where necessary, modify local development regulations to ensure that development projects utilize best management construction techniques for natural resource protection.

~~**Policy 7.1.3**            The City shall continue to require building construction elevations consistent with minimum federal flood insurance regulations.~~

~~**Policy 7.1.4**            The City shall continue to require building construction techniques in accord with the 2004 Florida Building Code.~~

~~**Policy 7.1.5**            The City shall continue to enforce all regulations pertaining to the State's Coastal Construction Line.~~

**Objective 7.2**            **The City shall coordinate with the Florida Department of Environmental Protection, the South Florida Water Management District, Palm Beach County Department of Environmental**

**Resources Management, and other affected parties in meeting the requirements of the Florida Total maximum Daily Load Program for the Lake Worth Lagoon.**

*Measurability: Number of measures Actions initiated in order to meet the Florida TMDL requirements for the Lake Worth Lagoon.*

Policy 7.2.1 The City shall continue to implement the local water quality improvement program for the City's portion of the Intracoastal Waterway using current stormwater data.

~~Policy 7.2.2 The City will investigate the completion of Phase II and III of the Downtown Stormwater Improvement Project installing stormwater pre-treatment devices where financially appropriate.~~

Policy 7.2.3 The City will continue to maintain a program of street sweeping roadways and parking areas that drain into the Intracoastal Waterway.

Policy 7.2.4 The City, in cooperation with the South Florida Water Management District will continue to enforce the local building construction threshold criteria such that major modifications to existing uses conform to local and regional stormwater pre-treatment standards.

Policy 7.2.5 The City shall continue to enforce the land development regulations to require future marinas to be designed to maximize flushing of the marine basin and to provide for proper sanitary sewer hook-ups.

Policy 7.2.6 The City shall continue to support the consolidated efforts of the Lake Worth Lagoon Management Plan and Committee and any efforts of Intergovernmental Plan Amendment Review Committee with regard to this important ecosystem.

Policy 7.2.7 The City shall continue to seek support and funding from County, State, and Federal agencies relative to establishing a long-term water quality improvement program for Lake Worth Lagoon and the Intracoastal Waterway.

~~**Objective 7.3 Through the long term planning horizon the City shall reduce levels of wastewater pollutants flowing into oceanic waters.**~~

~~*Measurability: Cessation of wastewater discharge into oceanic waters.*~~

~~Policy 7.31 — By December 2008 the City shall increase the capacity of its reuse distribution system to 8 MGD, and participate in the expansion of the Regional Wastewater Facility's Reuse Water Treatment system to increase the plant's generation capacity to 100% of capacity thereby reducing the discharge of wastewater to the Atlantic Ocean during dry weather.~~

~~Policy 7.32 — By December 2008 the city shall participate in the development of a deep well injection facility at the Regional Plant thereby ceasing the discharge of all wastewater effluent to the Atlantic Ocean during wet weather.~~

**Objective 7.43** Subsequent to Plan adoption, or when mandated by state statute, the City, in cooperation with Federal, State, County, and adjacent governments will protect and restore the existing coastal dune system and beaches along the City's beachfront and establish standards to minimize the beach and dune impacts of man-made structures.

*Measurability: Amount of coastal dune system and beaches restored and protected.*

Policy 7.43.1 The City shall continue to coordinate with the Coastal Council and other agencies to identify County, State and Federal grants available for establishing a local dune protection program.

~~Policy 7.4.2 — The City shall continue to investigate the feasibility of requiring all beach access locations to be converted to dune cross-over structures and for existing walk paths to be restored and vegetated.~~

Policy 7.43.3 The City shall continue to provide resolutions to support and maintain areawide beach renourishment efforts, if determined to have no significant negative impact on reefs and other living marine resources.

Policy 7.43.4 The City shall continue to provide resolutions that support and maintain improvements of South Lake Worth Inlet to minimize beach erosion.

~~**Objective 7.5** — The City shall continue to limit public expenditures in the coastal high hazard area by restricting expansion/improvement of the City's existing utilities except for those necessary to serve planned development, to improve environmental quality, or to serve redevelopment activities.~~

~~Measurability: Annual review of public expenditures for utility systems upgrades in the Coastal High Hazard area.~~

~~Policy 7.5.1 The City shall continue to adopt and maintain procedures to provide funding for utility and road maintenance primarily with respect to existing needs and redevelopment activities.~~

~~Policy 7.5.2 The City shall continue to adopt and maintain procedures such that future capital improvements shall be oriented to maintaining adopted Level of Service standards for planned uses or to improve local environmental quality, or to serve redevelopment activities.~~

~~Policy 7.5.3 The City shall continue to enforce the land development regulations that require future hook-ups to the City water system be restricted to users that are either on or will hook up within a time specific period to a sanitary sewer system.~~

~~Objective 7.8 Coastal High Hazard Area population densities shall not be increased above the number that can be accommodated by streets and roads in the event that hurricane evacuation is necessary and shall be limited to those areas that are planned to accommodate such development through the provision of adequate public facilities and services. Such development must meet minimum standards for High Velocity Hurricane Zones as required by the Florida Building Code.~~

~~Measurability: Number of certificates of occupancy denied for failure to meet minimum standards for High Velocity Hurricane Zones.~~

~~Policy 7.8.1 The City shall adopt the definition of the Coastal High Hazard Area 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 7.8.2 The City shall not approve any increases in hotel/motel and residential densities in the Coastal High Hazard Area that would increase evacuation times above the 16 hours level of service for out of county hurricane evacuation for a category 5 storm event as measured on the Saffir Simpson scale as provided in Section 163.3148(9)(a), F. S.~~

~~Policy 7.8.3 The City shall annually demonstrate hurricane shelter space availability for at least 20% of the population increase within the~~

~~TCEA associated with hotel/motel and residential developments within the hurricane vulnerability zone. In the event the City is unable to satisfactorily demonstrate hurricane shelter space availability, the City shall coordinate with Palm Beach County Emergency Management and the Red Cross to provide adequate hurricane shelter space within a timely manner. The City shall also participate in a long term, Countywide, comprehensive shelter program coordinated with public, private, non profit organizations to ensure adequate shelter space is available for the long term needs of the TCEA and the County.~~

~~Policy 7.8.4 — The City shall discourage hospitals, congregate living facilities for persons with special needs, nursing homes, and the like from locating within Coastal High Hazard Area and shall encourage such existing facilities to relocate to safer locations within the City.~~

~~**Objective 7.9 — The City shall continue to provide for the phasing of urban services consistent with the Level of Service Standards of each Comprehensive Plan Element.**~~

~~*Measurability: Continued maintenance of the concurrency ordinances.*~~

~~Policy 7.9.1 — The City shall continue to implement procedures to maintain and monitor existing interlocal agreements for provision of water and sewer service with adjacent municipalities and the unincorporated area.~~

~~Policy 7.9.2 — The City shall continue to establish procedures to coordinate and participate in long term area wide planning efforts for provision of solid waste resource recovery and regional sewage disposal.~~

~~Policy 7.9.3 — The City shall continue to adequately fund local maintenance and operation needs with respect to storm drainage.~~

**Objective 7.104 — The City shall continue to protect, conserve and, where possible, improve local wildlife, coastal wetlands, estuaries, coastal barriers and marine habitats.**

*Measurability: Number of acres of habitat protected.*

Policy 7.104.1 — The City shall continue to discourage site clear-cutting and protect, restore and enhance, where possible, existing natural areas and native species, such as beaches and dunes, wetlands, estuaries and drainage systems.

- Policy 7.104.2 The City shall continue to encourage responsible agencies to support and enforce the designation of low speed, wake free areas along the Intracoastal Waterway.
- Policy 7.104.3 The City shall continue to assist with the mitigation strategy programs of transplanting seedlings of red mangrove and marsh grass into the intertidal mangrove areas.
- Policy 7.104.4 The City shall continue to cooperate with the appropriate agencies on the installation of channel markers to protect sea grasses from prop dredging.
- Policy 7.104.5 The City shall continue to develop and support educational programs, enhancements, and proper maintenance of the Mangrove Nature Trail and Nature Center in the mangrove hammock adjacent to the eastern terminus of Boynton Beach Boulevard.
- Policy 7.104.6 The City shall continue to enforce the use of native vegetation species in meeting local landscaping requirements.
- Policy 7.104.7 The City shall continue to enforce the establishment of buffer areas adjacent to natural areas and mangrove sites, open space provisions, tree protection, storm drainage, and best management practices, and amend to comply with policies in this Element.
- Policy 7.104.8 The City shall continue to enforce the permitting and mitigation requirements of County, State, and Federal agencies in developing in natural, wetland, and mangrove areas.
- Policy 7.104.9 The City shall continue to support and cooperate in efforts to preserve and encourage turtle nesting along the City's beach area.
- Policy 7.104.10 The City shall continue to consider the specific and cumulative impacts of development or redevelopment on wetlands, estuaries, water quality, water quantity, wildlife habitats, living marine resources and beach and dune systems.
- Policy 7.104.11 The City shall abide by the 2007 Palm Beach County Manatee Protection Plan herein adopted by reference and shall support the County's efforts to protect manatees and their habitats.

**Objective 7.5**      **The City shall continue to ~~search for~~ seek opportunities to increase the ~~amount~~ number of water-dependent and water-related uses and strive to ensure public access to beach and waterfront areas.~~shoreline facilities by prioritizing shoreline uses with priority given to water dependent uses.~~**

*Measurability:*      *Increase in the number of water dependent and water related uses during the planning period.*

Policy 7.5.1      The City shall evaluate Land Development Regulations to ensure accommodation of and expand provisions for water-dependent and water-related uses to enhance its brand of a coastal community and to increase business and recreational opportunities for both residents and visitors.

Policy 7.5.2      The City shall ensure that redevelopment projects on waterfront properties provide waterfront access to the general public while encouraging developers to include waterfront uses and amenities fostering pedestrian traffic.

Policy 7.11.13      The City shall continue support, through resolutions, area-wide efforts to acquire and develop additional waterfront and beachfront sites on the condition that such increases do not harm natural resources.

~~Policy 7.11.2~~      ~~The City shall continue to provide, contingent upon assistance or support from County and/or the Community Redevelopment Agency, a shuttle service for patrons of beach front parks. The City, in partnership with CRA, will seek to identify funding sources to reinstate shuttle service for patrons of the Oceanfront park.~~

~~Policy 7.11.3~~      ~~Subsequent to Plan adoption, the City shall adopt and implement the land use and zoning recommendations outlined in the Coastal Management Element.~~

~~Policy 7.5.4~~      ~~The City shall consider, cognizant of impacts to established uses, criteria for marina siting to give priority to development plans which increase public interaction with the waterfront. The City shall consider developing performance standards which guide the review of proposals in this respect.~~

~~Policy 7.5.5~~      ~~The City shall continue to enforce the Land Development Regulations to enforce public access to beaches renourished at~~



~~public expense, and enforce the public access requirements of the Coastal Zone Protection Act of 1985.~~

Policy 7.115.64      The City and the Boynton Beach Community Redevelopment Agency shall continue to seek provide funding for, and to implement maintenance and improvements, as needed, to preserve for the City's two existing public waterfronts: Boynton Harbor Marina and the ~~Boat Club~~ Harvey E. Oyer Jr. Park. ~~The improvements are intended to maximize public access to waterways for boating and fishing and improve amenities.~~

Policy 7.115.75      The City shall ensure that any new marina or marina expansion minimizes impacts on coastal and marine resources by coordinating review of marina development with input from all appropriate federal, state, regional, and county agencies. ~~The City shall establish land development regulations regarding marina siting consistent with the Palm Beach County Manatee Protection Plan.~~

Policy 7.115.86      The City shall only allow for location of marinas, boat ramps and other water-dependent uses in a manner which protects seagrass and manatees. Upon the siting of such water-dependent uses, the City shall continue to implement adequate provisions to protect seagrass and manatees such as, but not limited to, minimizing dredging, marking navigation channels, supporting boat speed restrictions, speed zone enforcement, information and restrictive signage, and construction standards so as to not entrap manatees or damage seagrass. To further this goal, new marinas shall only be permitted within the areas identified as a "Preferred" siting category in accordance with the Palm Beach County Manatee Protection Plan.

**Objective 7.6      The City shall continue to assess the current and future risks to human life and property from floods and other natural hazards in the coastal areas and implement development and redevelopment strategies that reduce such risks.**

*Measurability:      Map updates, vulnerability assessments*

Policy 7.6.1      The City shall maintain and update as needed all maps-- including FEMA flood zones and repetitive claim maps, storm surge/Coastal High Hazard Area maps and sea level rise impact maps--

identifying current and potential future areas subject to high flood hazard.

Policy 7.6.2 The City shall continue to 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 7.6.3 The City shall continue to provide flood relief and cleaning operations to lessen the resident's hardship after a major rainstorm and document the City's after-the-storm efforts to evaluate and recommend implementation of minor improvements and projects to be included in the Capital Improvements Plan.

Policy 7.6.4 The City shall continue to utilize the Future Land Use Map and the recommendations of the Community Redevelopment Area Consolidated Plan as the basis for development and redevelopment. The siting, design and construction of structures shall be consistent with regulations contained in the the 5<sup>th</sup> Edition of the Florida Building Code and the City Flood Prevention Code as amended from time to time.

Policy 7.6.5 The City shall manage its planning, regulatory and utility services to steer future population concentrations away from the Coastal High Hazard Areas (CHHA), which is defined 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 7.6.6 The City shall not approve any increases in hotel/motel beds and residential densities in the Coastal High-Hazard Area that would increase evacuation times above the 16 hours level of service for out-of-county hurricane evacuation for a category 5 storm event as measured on the Saffir-Simpson scale as provided in Section 163.3148(9)(a), F. S..

Policy 7.6.7 By 2017, the City shall amend Land Development Regulations to prohibit hospitals, congregate living facilities for persons with special needs, nursing homes, and the like from locating within Coastal High-Hazard Area and FEMA-defined Special Flood Hazard Area, and also encourage such existing facilities to relocate to safer locations within the City.

- Policy 7.6.8      Redevelopment of existing dwelling units located in the Coastal High-Hazard area is prohibited unless an engineering study supports that the redevelopment can occur in a safe manner when considering building construction, design, siting and future storm events.
- Policy 7.6.9      The City shall limit public expenditures in the Coastal High Hazard Area or flood-prone areas by restricting expansion/ improvement of the existing utilities except for improvements necessary to (1) correct current deficiencies; (2) serve planned redevelopment pursuant to the CRA Community Redevelopment Plan; or (3) improve environmental quality.
- Policy 7.6.10     The City shall require that any construction activities seaward of the coastal construction control lines established pursuant to Chapter 161.058, F.S. be consistent with the statutory provisions.
- Policy 7.6.11     The city shall continue to 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 areas, the City 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 7.6.12     The City shall consider, whenever feasible, purchasing properties in areas most vulnerable to destructive storm surges for recreational uses and open space.
- Policy 7.6.13     Rise in sea level projected by the federal government (National Oceanic and Atmospheric Administration) shall be taken into consideration in all future decisions regarding the design, location, and development of infrastructure and public facilities in the potentially affected areas.
- Objective 7.7     The City shall continue to apply the best planning and engineering practices in development to attenuate and mitigate future flood events and modify the Land Development Regulations and other relevant regulatory documents as needed.

*Measurability: Update of the Flood Prevention Code, number of new stormwater projects funded*

Policy 7.7.1 By the end of 2017, the City shall further update its 2010 floodplain ordinance (Flood Prevention Code) for consistency with the 5<sup>th</sup> edition of the Florida Building Code and also ensure that all future modifications of the flood-resistant construction requirements in the Flood Prevention Code continue to be consistent with, or more stringent than, requirements of the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

Policy 7.7.2 The City shall continue to upgrade its stormwater infrastructure through drainage improvements, installation of tidal backflow preventers, and seawall repair in addition to sustainable flood management actions such as installation of bioswales, recharge through drainage wells, use of pervious pavement, maintenance of natural preserves areas and protection of tidal beaches that will stand the test of time and be adaptable to future climate changes.

Policy 7.7.3 The floodplain administrator /building official shall review all permit applications to determine whether proposed development sites will be 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 city Flood Prevention Code.

Policy 7.7.4 The City shall continue to participate in the National Flood Insurance Program's Community Rating System (CRS) administered by the Federal Emergency Management Agency (FEMA) to reduce flood losses and achieve flood insurance premium discounts for their residents.

**Objective 7.68** The City shall continue to provide for the local implementation of the County Emergency Preparedness Plan with respect to residential notification, evacuation and City management techniques, with particular emphasis towards the City's multi-family and mobile home areas through an interlocal agreement, and to encourage public participation in the planning process.

*Measurability:* Ongoing coordination with the Palm Beach County Division of Emergency Management.

Policy 7.68.1 The City shall establish and maintain procedures to maintain local emergency services personnel familiarity with Palm Beach County's adopted Emergency Preparedness Plan.

~~Policy 7.6.2 The City shall continue to provide support and input to the County database regarding emergency preparedness targeting resident groups, and to seek cooperation and assistance in updating procedures contingent with population growth in the coastal area, and when possible, request public input in the planning process.~~

~~Objective 7.7 The City shall maintain or reduce current estimated hurricane evacuation times if development increases.~~

~~*Measurability:* No negative impacts of new developments on estimated hurricane evacuation times.~~

~~Policy 7.7.1 The City shall continue to enforce procedures to maintain local emergency services personnel familiarity with Palm Beach County's adopted Emergency Preparedness Plan.~~

Policy 7.78.2 The City shall continue to participate in all countywide emergency preparedness preparation and practice sessions.

~~Policy 7.7.3 The City shall continue to review existing evacuation routes and deficiencies as noted in the Hurricane Evacuation portion of the Coastal Management Element, every three years, and if appropriate, initiate amendments of the Regional Plan to Palm Beach County Emergency Management personnel.~~

Policy 7.78.43 The City shall provide input to the County's informational program which identifies the location and magnitude of the coastal area population requiring assistance in evacuation.

Policy 7.8.4 The City shall continue to participate in the Palm Beach County Hazard Mitigation Working Group (HMWG) and to adopt the HMWG pertinent recommendations on hazard mitigation.

~~Policy 7.7.5 The City shall adopt the pertinent policies on hazard mitigation that are derived from the Palm Beach County Hazard Mitigation Working Group.~~

Policy 7.8.5      The City shall participate in a long-term, countywide, comprehensive shelter program coordinated with public, private, non-profit organizations to ensure adequate shelter space is available for the long-term needs of the City and the County.

**Objective 7.9**      **The City shall continue the implementation of its Climate Action Plan, revised in December 2015, which will include a study aimed at exploring options for establishment of Adaptation Action Area(s).**

Measurability:      Adaptation Action Area Study funded and initiated by end of 2018. AA areas established by 2020.

Policy 7.9.1      By the year 2018, the City shall initiate a study to evaluate options to establish Adaptation Action Area(s) pursuant to Chapter 163.3177, F.S. for coastal areas that experience flooding due to extreme high tides and storm surge and that are vulnerable to rising sea level. The study will identify portions of the City where the need to improve resilience is the highest and prioritize those areas for adaptation measures and funding of infrastructure improvements. The study shall consider the areas that:

1. Are below, at, or near the average water level
2. Have a hydrological connection to coastal waters
3. Are designated as evacuation zones for storm surge
4. Are otherwise impacted by climate-related drainage/flood control.

Policy 7.9.2      The City shall partner/coordinate on adaptation activities and access to technical assistance and support with all relevant partners, including:

1. Southeast Florida Regional Climate Change Compact
2. FDOT and other agencies that plan for, or own, operate and maintain public infrastructure within, or crossing areas identified for adaptation
3. Adjacent local governments if such areas extend beyond the City limits

Policy 7.9.3      By the end of 2017, the City shall integrate its Climate Action Plan into elements of the Comprehensive Plan as appropriate.

~~Objective 7.12 — To provide for the ongoing development of the coastal area in a manner which will reduce the exposure of human life and public and private property to natural hazards by developing a Post-Disaster Redevelopment Plan.~~

~~Measurability: — Adoption of a Post Disaster Redevelopment Plan.~~

~~Policy 7.12.1 — The City shall continue to utilize the Community Redevelopment Area Plans, the Future Land Use Map, and recommendations from the adopted redevelopment planning studies as basis for a post-disaster redevelopment plan for establishing construction criteria and siting requirements for use in redevelopment of existing developed properties. This effort would include a review of the Coastal Construction Building Code, the Current Flood Protection Ordinance, the Future Land Use Map, Community Redevelopment Agency plans, and other pertinent recommendations from the “Federal Highway Corridor Community Redevelopment Plan” and include criteria to distinguish between immediate repair and long-term redevelopment.~~

~~Policy 7.12.2 — The City shall continue to adopt and maintain procedures in capital improvement funding that prohibit the construction or installation of public infrastructure in coastal high hazard areas or flood prone areas unless necessary to correct current deficiencies, to relocate or replace infrastructure, or to serve a clearly demonstrated public interest.~~

~~Policy 7.12.3 — The City shall continually support redevelopment subsequent to a major storm occurrence consistent with the uses, densities and construction practices as outlined in the Coastal Management Element, the Post Disaster Redevelopment Plan, when available, or other coastal related regulatory documents in the event that a specific Post Disaster Redevelopment Plan is not created.~~

~~Policy 7.12.4 — The City shall modify the Land Development Regulations to provide for general hazard mitigation, include recommendations of the Palm Beach County Hazard Mitigation Annex, as applicable, regulate beach and dune alterations, stormwater management, sanitary sewer and septic tanks, and land use to reduce the exposure of natural hazards to property and human life.~~

~~Policy 7.12.5 — The City shall include in the Post Disaster Redevelopment Plan the identification of areas requiring redevelopment, the elimination of unsafe conditions and inappropriate uses. Reference should be~~

~~made to the Future Land Use Map, Community Redevelopment Agency plans, and to other pertinent recommendations from the "Federal Highway Corridor Community Redevelopment Plan" planning study.~~

~~**Objective 7.13** — **By 2013, the City shall minimize at risk population concentrations in the coastal high-hazard area.**~~

~~*Measurability: — Number of programs initiated during the planning period aimed at meeting the objective.*~~

~~**Policy 7.13.1** — **The City shall implement by 2013, the post disaster redevelopment plan and procedures for establishing construction and development criteria in the coastal high hazard area.**~~

~~**Policy 7.13.2** — **The City shall prohibit by 2018 redevelopment of existing dwelling units located in the coastal high hazard area unless an engineering study supports that the redevelopment can occur in a safe manner when considering building construction, design, siting and future storm events.**~~

~~**Policy 7.13.3** — **By 2018, the City, in a joint City County effort, shall establish a public/private planning initiative to guide post disaster activities.**~~

~~**Policy 7.13.4** — **By 2018, the City shall establish a public/private planning initiative that obtains assistance with possibly overwhelming demands on public service during the post disaster redevelopment activities.**~~



# **FLOOD HAZARD MAP SERIES**







# MAP SERIES: FLOOD HAZARD

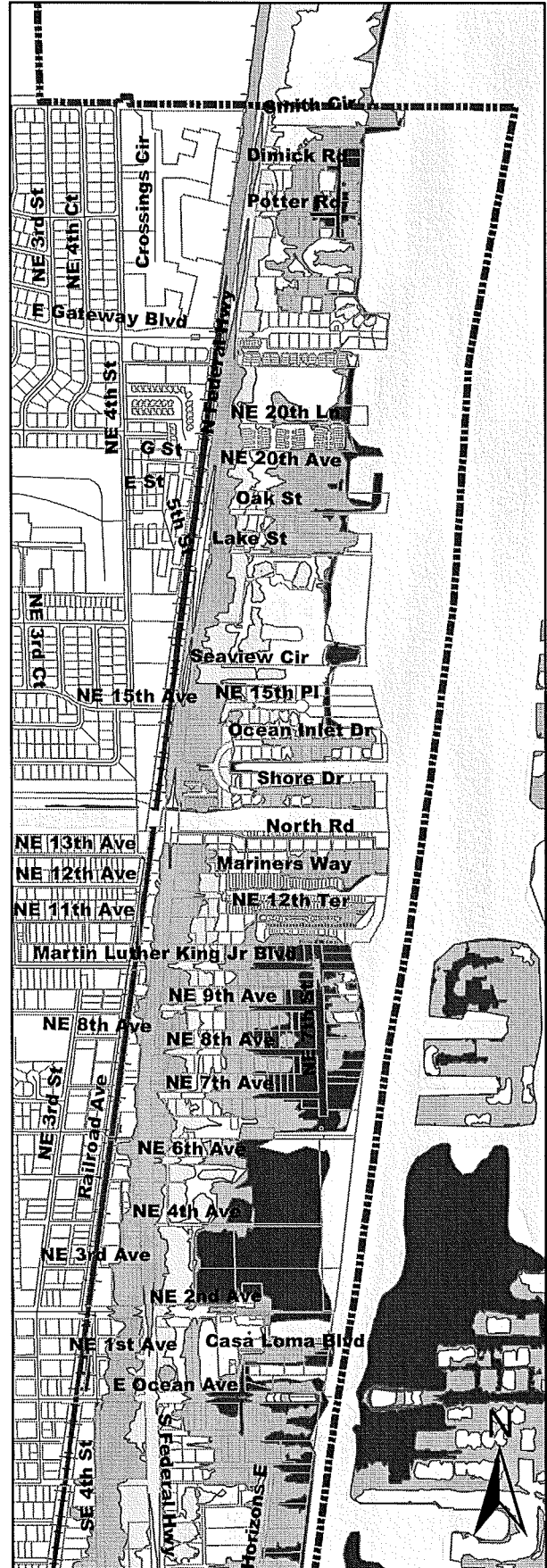
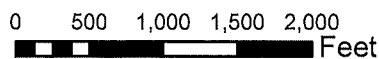
## Coastal Management Area North

### MAP 1A: Storm Surge Categories

#### Legend

#### Storm Surge Zones

-  1 (Coastal High Hazard Area)
-  2
-  3
-  4
-  5
-  City Boundary









# MAP SERIES: FLOOD HAZARD

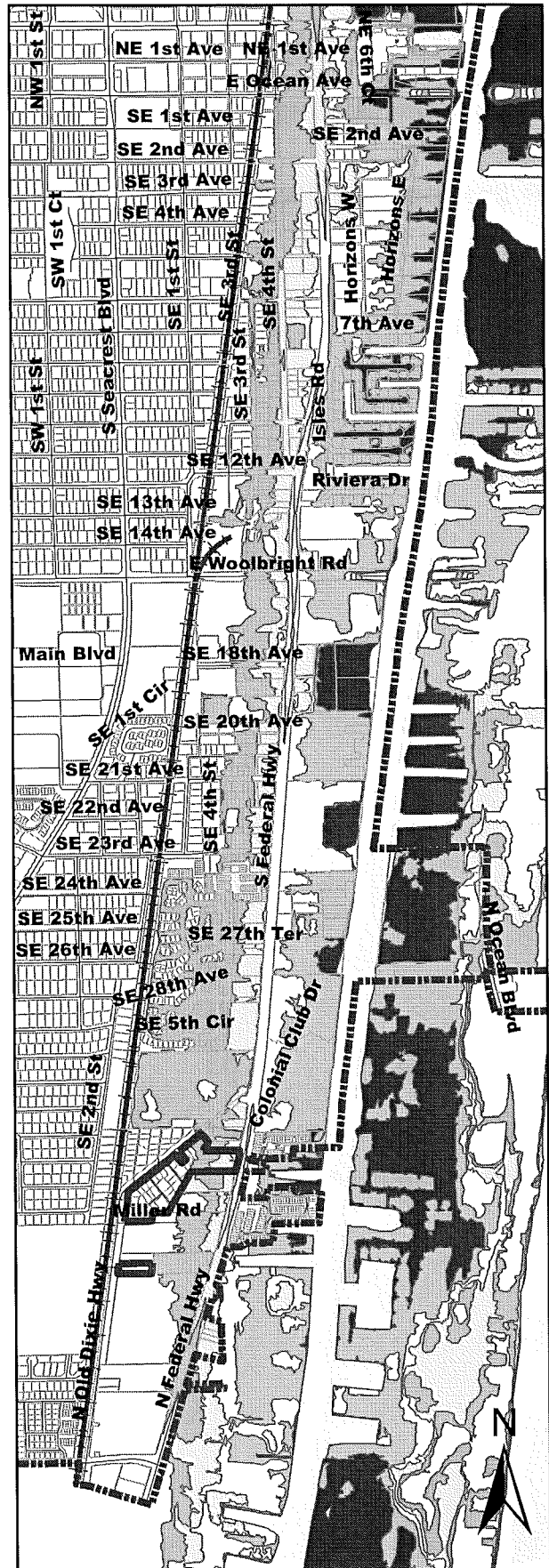
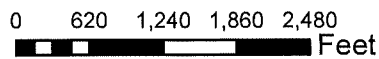
## Coastal Management Area South

### MAP 1B: Storm Surge Categories

#### Legend

#### Storm Surge Zones

-  1 (Coastal High Hazard Area)
-  2
-  3
-  4
-  5
-  City Boundary





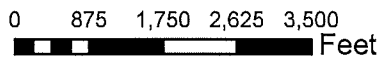
# MAP SERIES: FLOOD HAZARD

## Coastal Management Area

### MAP 2: Coastal Flood Hazard Areas

#### Legend

-  Coastal High Hazard Area (CHHA)
-  City Boundary







# MAP SERIES: FLOOD HAZARD

## Coastal Management Area

### MAP 3: FEMA Special Flood Hazard Areas (SFHA)

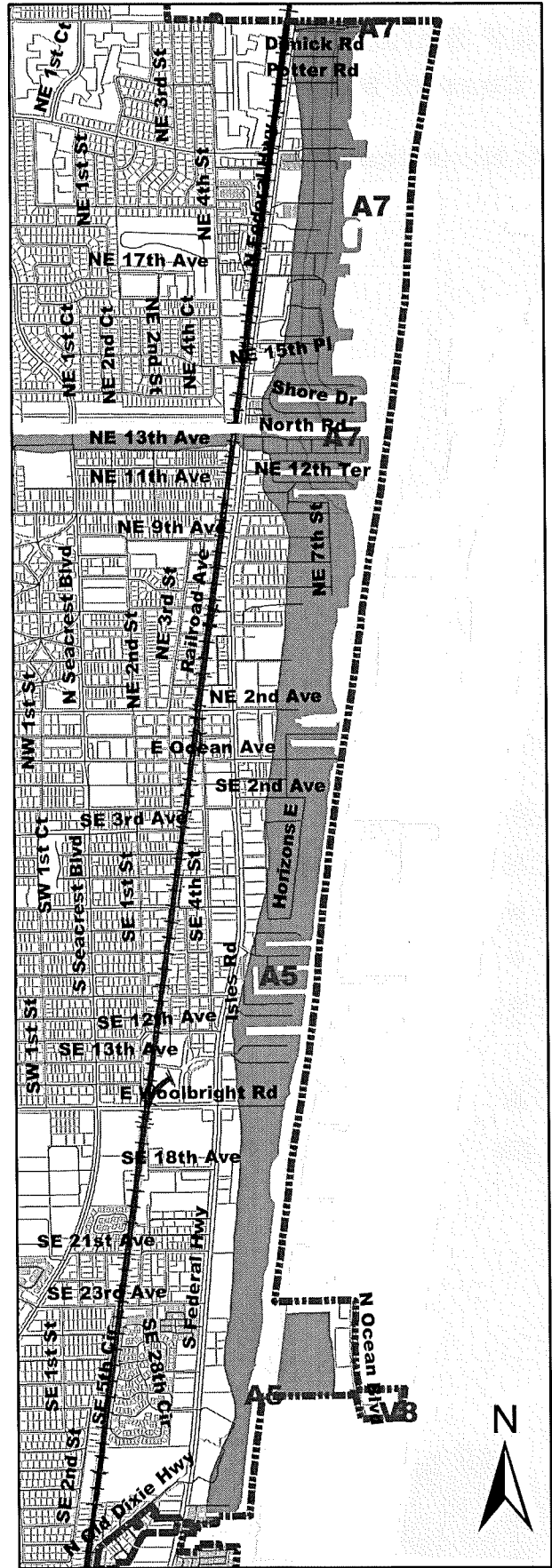
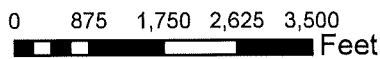
#### Legend

#### SFHA FLOOD ZONES

-  A5
-  A7
-  V8
-  City Boundary

Source: FEMA 1982

Note: New FEMA maps awaiting approval



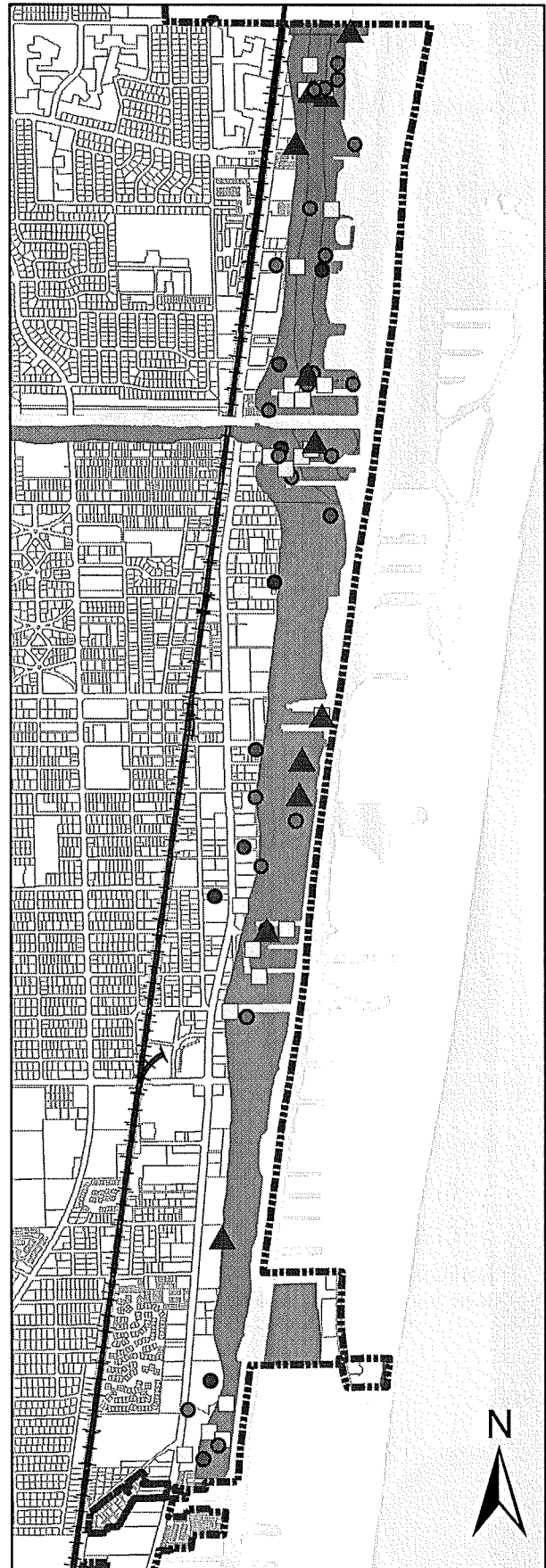
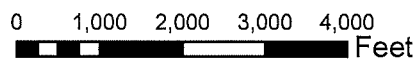
# MAP SERIES: FLOOD HAZARD Coastal Management Area

## MAP 4: Historical Flood Insurance Claims

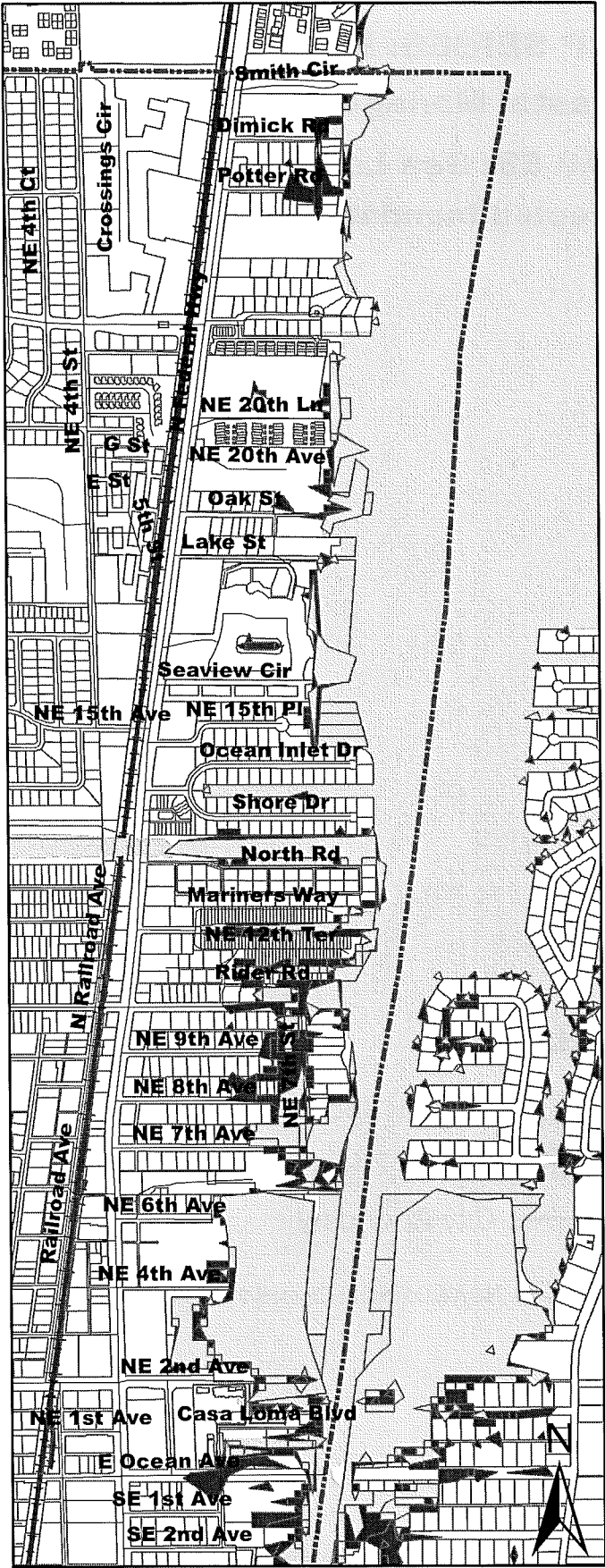
### Legend

#### Claims by Decade

- 1970's (10)
- 1980's (9)
- 1990's (27)
- 2000's (25)
- ▲ 2010-2015 (14)
- Special Flood Hazard Areas (SFHA)



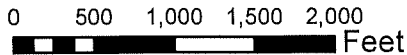
**MAP SERIES: FLOOD HAZARD**  
**Coastal Management Area North**  
**MAP 5A: Sea Level Rise Impact**  
**Projected Inundation at 1 and 2 feet**



**Legend**

-  SLR at 1 foot
-  SLR at 2 feet
-  City Boundary




Source: NOAA Office for Coastal Management





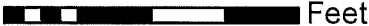
**MAP SERIES: FLOOD HAZARD**  
**Coastal Management Area North**  
**MAP 5B: Sea Level Rise Impact**  
**Projected Inundation at 1 and 2 feet**

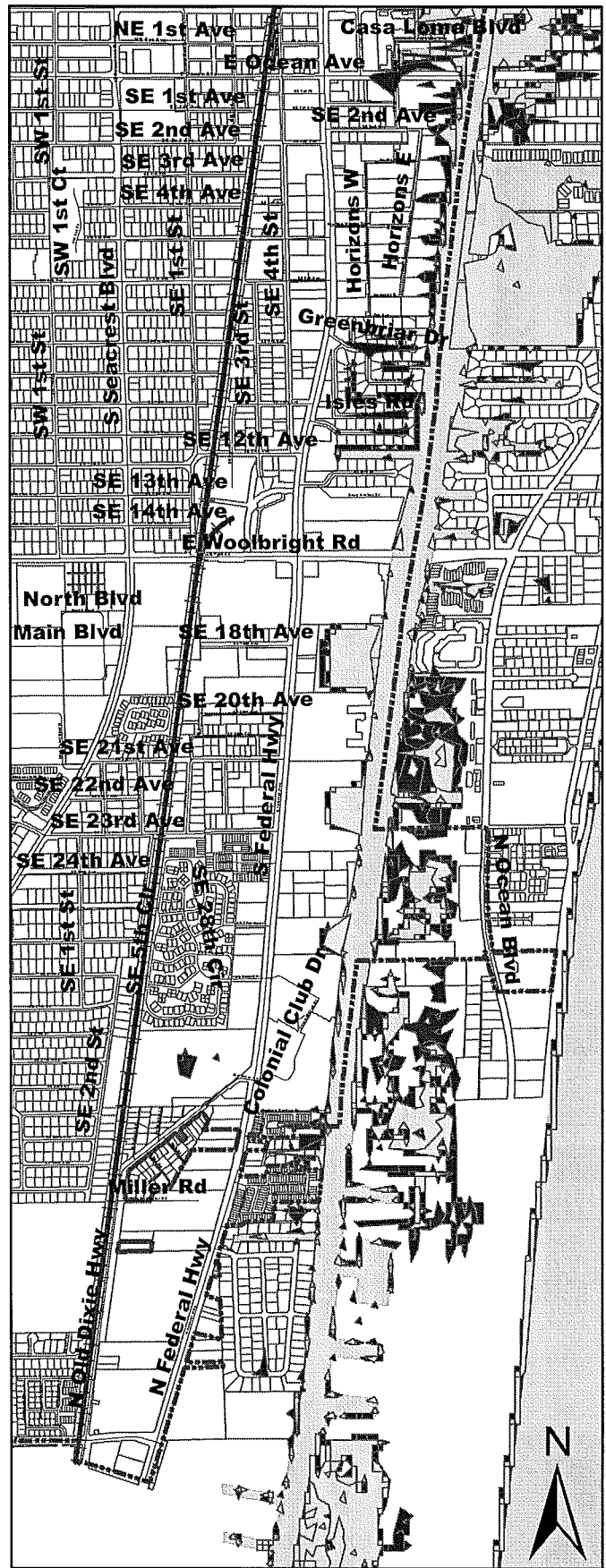
**Legend**

-  SLR at 1 foot
-  SLR at 2 feet
-  City Boundary

Source: NOAA Office for Coastal Management



0 625 1,250 1,875 2,500  
 Feet










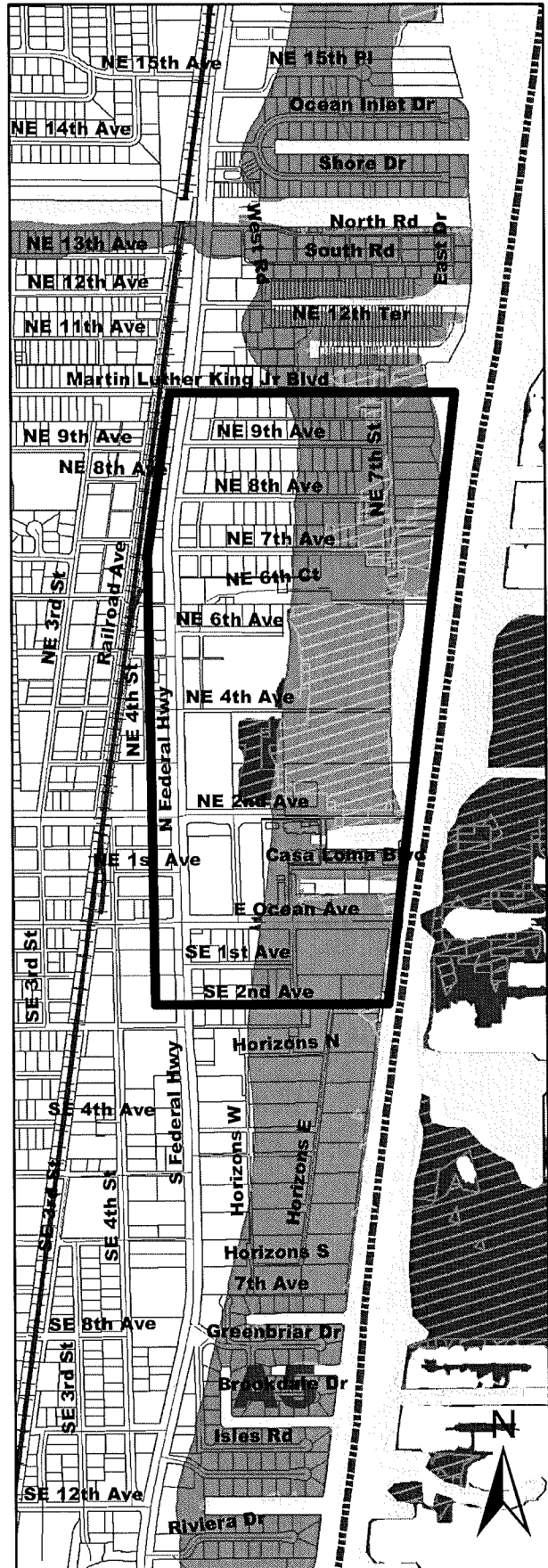
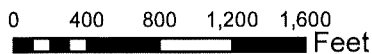
# MAP SERIES: FLOOD HAZARD

Coastal Management Area

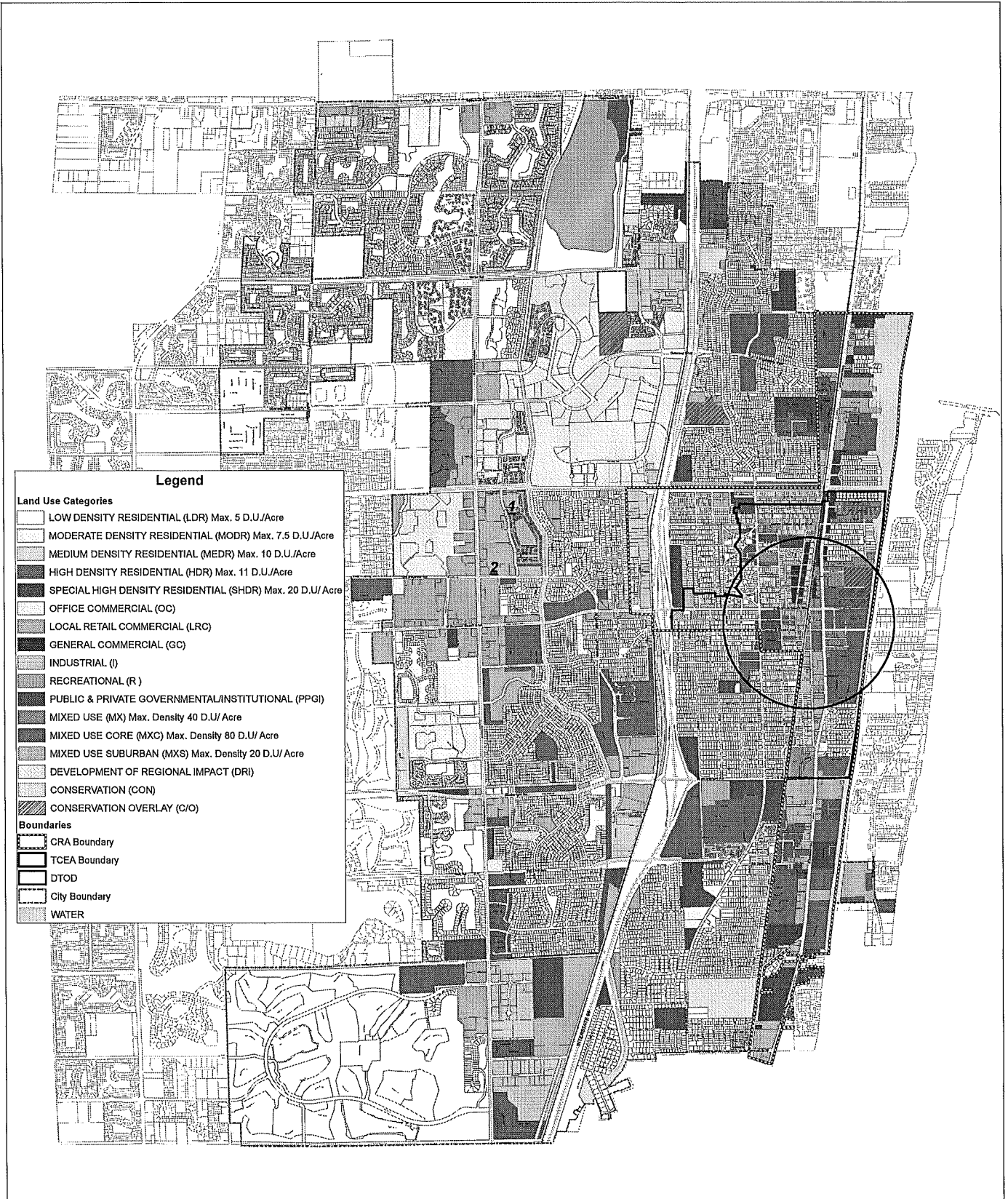
## MAP 6: Top Flood Risk Area

### Legend

-  SFHA (A5) FEMA Flood Zone
-  SFHA (A7) FEMA Flood Zone
-  Coastal High Hazard Area
-  Projected Inundation  
Sea Level Rise at 1 foot
-  City Boundary



# CITY OF BOYNTON BEACH 2026 FUTURE LAND USE MAP



**Legend**

**Land Use Categories**

- LOW DENSITY RESIDENTIAL (LDR) Max. 5 D.U./Acre
- MODERATE DENSITY RESIDENTIAL (MODR) Max. 7.5 D.U./Acre
- MEDIUM DENSITY RESIDENTIAL (MEDR) Max. 10 D.U./Acre
- HIGH DENSITY RESIDENTIAL (HDR) Max. 11 D.U./Acre
- SPECIAL HIGH DENSITY RESIDENTIAL (SHDR) Max. 20 D.U./Acre
- OFFICE COMMERCIAL (OC)
- LOCAL RETAIL COMMERCIAL (LRC)
- GENERAL COMMERCIAL (GC)
- INDUSTRIAL (I)
- RECREATIONAL (R)
- PUBLIC & PRIVATE GOVERNMENTAL/INSTITUTIONAL (PPGI)
- MIXED USE (MX) Max. Density 40 D.U./Acre
- MIXED USE CORE (MXC) Max. Density 80 D.U./Acre
- MIXED USE SUBURBAN (MXS) Max. Density 20 D.U./Acre
- DEVELOPMENT OF REGIONAL IMPACT (DRI)
- CONSERVATION (CON)
- CONSERVATION OVERLAY (C/O)

**Boundaries**

- CRA Boundary
- TCEA Boundary
- DTOD
- City Boundary
- WATER



1. This property is restricted to a maximum of 1,150 high density residential units, 16,000 s.f. of office commercial use and 148,000 s.f. of local retail commercial use.

2. This property is restricted to a maximum of 250,000 s.f. of local retail commercial use.

*The information depicted on this map was correct as of (date of last amendment) and should be used for informational purposes only. More recent versions of the map may be available. Please do not make any decisions based on the information here without consulting someone on the Planning and Zoning Staff.*

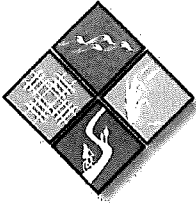
October 20, 2019

Source: Palm Beach County GIS Digital Data 2006-2014  
Copyright Palm Beach County Florida, 2006-2014  
All Rights Reserved - Subject to a License Agreement

1:11,000

0 100 200 400 800 Feet





**APPLICATION FOR COMPREHENSIVE PLAN AMENDMENTS**

**APPLICATION**

<b>OWNER/APPLICANT:</b>	Nassau County
<b>AGENT:</b>	Planning + Economic Opportunity Department
<b>REQUESTED ACTION:</b>	Adopt Peril of Flood Updates to Coastal Management Element of Comprehensive Plan

\*\*\* All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County’s website and at the Planning + Economic Opportunity Department Office. \*\*\*

**SUMMARY OF REQUEST AND BACKGROUND INFORMATION**

The Comprehensive Plan updates to the County’s Coastal Management Element are proposed to come into compliance with the state’s statutory “Peril of Flood” requirements.

**History**

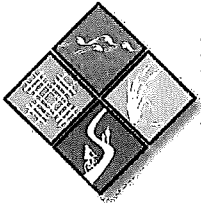
- May 21, 2015 – Gov. Scott signed SB 1094 “An act relating to the peril of flood.” This bill requires that jurisdictions with Coastal Management Elements include certain new language related to coastal risk and redevelopment.
- Became effective July 1, 2015.
- Codified as Florida Statutes 163.3178(2)(f).

**Requirements**

- Update County Comprehensive Plan’s Coastal Management Element related to coastal flooding and the related impacts of sea level rise for consistency with F.S. 163.3178(2)(f).

**Why**

- We need to come into compliance with statutory requirements.
- These policies are important relative to Countywide efforts related to proactive planning around floodplain management, resiliency, mitigation and disaster preparation (see Attachment A: PEO staff memo dated August 23, 2018).
- In Fall 2018 the County was awarded a \$40,000 grant to complete a Phase I Vulnerability Assessment regarding flooding and sea level rise adaptation from the Florida Department of Environmental Protection. Phase I will address two specific areas of the County: 1) east of I-95 on the mainland, and 2) west of I-95 south and west of A1A/SR 200/301. Amelia Island is not included in the request due to existing Vulnerability Assessment work conducted in 2013, and the remainder of western Nassau was not included at this time in order to keep the scope of work manageable for purposes of the grant time period. The County is currently applying for a second grant to complete a Vulnerability Assessment for the remainder of Western Nassau. Specific areas to address in the Vulnerability Assessment for the proposed areas include: future exposure to existing developed areas and future areas, financial exposure, and risks to significant environmental and cultural resources. A Vulnerability Assessment can help the County identify focus areas and areas for potential Adaptation Action Areas, which are one of



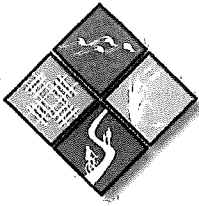
the statutory strategies considered for addressing flood and sea level rise risk. As part of this application, we indicated our first priority would be to ensure our Comprehensive Plan is compliant with the Peril of Flood requirements.

#### Details

- Pursuant to SB 1094, Florida Statute section 163.3178(2)(f)(1) 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.
- SB 1094 expands the flood insurance that may be offered by admitted insurance carriers, requires local governments to include a redevelopment component to reduce the risk of flood when drafting comprehensive coastal management plans, and requires surveyors and mappers to submit elevation certificates to the Division of Emergency Management.
- F.S. 163.3178(2)(f) 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. The redevelopment component must:
  1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
  2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
  3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
  4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
  5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
  6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

The Florida Department of Economic Opportunity’s Bureau of Community Planning and Growth has broken these 163.3178(f)(2) requirements down into two parts:

- 1) Subpolicies (1)-(3) above are strategies for implementing a redevelopment component that include programs, activities and land development regulations. It is up to local governments to establish policies that comply with these requirements. The statutory language does not direct explicitly what those requirements are; rather, it is up to communities to determine appropriate plan policy.
- 2) Subpolicies (4)-(6) above are easily adoptable as policies that reiterate these requirements.



One of the strategies communities can adopt for compliance with the Peril of Flood requirements are also allowed by state statute: Adaptation Action Areas (AAA). According to the Florida Department of Economic Opportunity, "Adaptation Action Areas and other spatial designations are intended to guide a community in reaching their own goals for coastal resiliency. The goal of Adaptation Action Areas is to improve resilience to coastal flooding or any other resilience-related objective of a local government's choosing, and it can be met via a wide range of adaptation options." The following statutory sections address AAA:

F.S. 163.3164 Community Planning Act; definitions.—As used in this act:

(1) "Adaptation action area" or "adaptation area" means a designation in the coastal management element of a local government's comprehensive plan which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

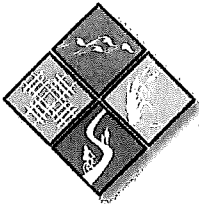
F.S 163.3177(6)(g)(10):

At the option of the local government, develop an adaptation action area designation for those low-lying coastal zones that are experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. Local governments that adopt an adaptation action area may consider policies within the coastal management element to improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise. Criteria for the adaptation action area may include, but need not be limited to, areas for which the land elevations are below, at, or near mean higher high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

#### Data

The following data sources inform Nassau County's relationship to coastal and inland flooding and sea level rise:

- Nassau County Flood Zones – Effective August 2, 2017 (FEMA Flood Insurance Rate Maps)
- Wetlands Mapping Data – National Wetlands Inventory, Florida Land Use Classification Cover System, St. John's River Water Management District
- Nassau County Storm Surge Map and Coastal High Hazard Area (area below elevation of Storm Surge Category 1 per Comprehensive Plan Policy CHZ.05.01 and F.S. 163.3178(2)(h).)
- National Oceanic and Atmospheric Administration Tides and Currents – Historic Tide Gauge Data, Fernandina Beach (Recording since May 8, 1897)
- National Oceanic and Atmospheric Administration Office for Coastal Management – Sea Level Rise Viewer
- United States Army Corps of Engineers – Sea-Level Change Curve Calculator



### Our References

As part of staff's work on updating our Coastal Management Element, we researched communities that have already had updates completed and approved by the state, and used their policy language as models:

- City of Boynton Beach
- City of Jacksonville
- City of Satellite Beach

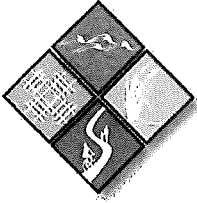
Other communities who have passed changes include Tampa/Hillsborough County and Jupiter. Fort Lauderdale has implemented numerous Adaptation Action Areas, as has Satellite Beach.

### The Changes

- Our Coastal Management Element has three sub-elements: Coastal Environment (CEV), Coastal Hazard Mitigation (CHZ), Water Dependent Uses (WDU)
- Updates primarily CHZ sub-element:
  - Substantive updates to Objective CHZ.05
  - Creation of new Objectives CHZ.06 and CHZ.07 to ensure compliance with F.S. 163.3178(f)(2).
- Also updating CEV to add reference to floodplain management, intergovernmental coordination, and direction to pursue wetland regulations – all consistent with elements of the Peril of Flood statutory requirements.
- At initial discussion of the proposed Peril of Flood edits, the PZB inquired about Policy CEV.01.02(4) regarding reduction of dune crest elevations below twenty-six (26) feet mean sea level. The question specifically was where the 26' reference came from. Staff did not have information regarding the policy at the time, as it not a policy proposed for change and has existed in the Comprehensive Plan for many years. However, after the meeting, staff reached out to the Florida Department of Environment Protection, University of Florida Law School, and Florida Sea Grant to determine if this was a recommended amount. The response is that the optimal policy is that no dune excavation would be permitted, and the 26' was not in connection to any state requirement or specific recommendation. In reviewing the entire policy, staff recommends striking CEV.01.02(4) as it does not relate to a requirement or recommendation, and is in conflict with CEV.01.02(6), which is the preferred policy – prohibition of excavation except there are no other development alternatives on site.

### Takeaways

- 1) As part of staff's update, all policies were reviewed in the existing Coastal Management Element for consistency with statutory requirements. No changes to other policies are proposed at this time except for compliance with the Peril of Flood requirements.
- 2) We have to update the Comprehensive Plan pursuant to these state statutory requirements.
- 3) This is an opportunity to improve our Comprehensive Plan to proactively plan for our community and address citizen concerns around flooding, floodplain management and resiliency.



**CONSISTENCY WITH APPLICABLE FLORIDA STATUTES**

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Applicable Statutory Reference	Determination of Consistency
F.S. 163.3178(2)(f)	√

To reiterate the Florida Department of Economic Opportunity's guidance regarding these updates. Subpolicies of the Peril of Flood requirements (1)-(3) are strategies for implementing a redevelopment component that include programs, activities and land development regulations. It is up to local governments to establish policies that comply with these requirements. The statutory language does not direct explicitly what those requirements are. Subpolicies (4)-(6) above are easily adoptable as policies that reiterate these requirements.

**The proposed draft ordinance for the Planning and Zoning Board's review indicates by each proposed change how the requirements relate to F.S. 163.3178(2)(f).**

In addition, the proposed draft language would allow for future Adaptation Action Areas (AAA) to be established, but does not identify or create any specific AAA. The proposed policies are simply allowing for the County to utilize AAA as a planning tool to address flooding and sea level rise in the future. Establishing a specific AAA would require future Comprehensive Plan amendments.

**CONSISTENCY WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE**

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Proposed policies do not create any conflicts with existing Comprehensive Plan policies or the Land Development Code.

**CONCLUSION**

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Staff finds the requested action to be consistent with applicable Florida Statutes, the Nassau County Comprehensive Plan and Land Development Code. Therefore, staff recommends that the Comprehensive Plan Amendments be approved.

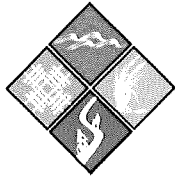
Submitted by:

Adrienne Burke, AICP, Esq.  
 Assistant Director





## ATTACHMENT A: CPA 2018-017 STAFF REPORT



NASSAU COUNTY  
DEPARTMENT OF PLANNING  
AND ECONOMIC OPPORTUNITY  
FLORIDA

### MEMORANDUM

---

**DATE:** August 23, 2018

**TO:** Taco E. Pope, AICP, PEO Director

**FROM:** Adrienne D. Burke, Esq., Asst. PEO Director

**CC:** Board of County Commissioners  
Michael S. Mullin, Esq., Interim County Manager/County Attorney  
Becky Bray, PE, Public Works Director  
Cameron Hansen, Road and Bridge Director  
Gary Larson, CBO, Interim Building Official  
Justin Stankiewicz, OMB Director  
Douglas Podiak, Facilities Director  
Sue Ann Alleger, CFM, Planner II  
James Ray, Emergency Management Mitigation Coordinator

**SUBJECT:** Floodplain Management and Community Resiliency Planning Activities

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#### Overview

As a coastal and riverine county, Nassau County is highly susceptible to coastal weather events and flooding. The vast number of wetlands across our county are a reminder of our topography and vulnerability to these types of events. We are already seeing and experiencing effects from storms like Matthew and Irma, to daily flooding in certain parts of the community after heavy rain. These issues impact community health, safety, and welfare, and touch all aspects of County infrastructure. With increased growth pressures facing our community, a comprehensive strategy to address these interrelated issues is imperative. Because these issues are complex and involve so many layers, working together across County Departments is especially important. The Planning and Economic Opportunity Department is already working on a variety of initiatives in this area, as mentioned below, and suggests several others as possibilities for tackling this increasingly important issue. These are starting points for discussion; PEO staff will continue to evaluate other opportunities to add.

#### Definitions

- **Floodplain Management** - a decision-making process that aims to achieve the wise use of the nation's floodplains. "Wise use" means both reduced flood losses and protection of the natural resources and function of floodplains. (FEMA)
- **Community Resilience** – measure of the sustained ability of a community to utilize available resources to respond to, withstand, and recover from adverse situations. (RAND)



## Planning Activities/Actions

- **Continue Community Rating System Community Participation – *In process***
  - Under the leadership of Sue Ann Alleger, our PEO CRS Coordinator, we successfully recertified our CRS status this year. We are continually looking for opportunities to increase our CRS rating, which would offer citizens even more of a discount on flood insurance policies. Currently we are a Class 8; moving to a Class 7 would result in an additional 5% flood insurance discount for citizens in a Special Flood Hazard Area. [www.nassaucountyfl.com/floods](http://www.nassaucountyfl.com/floods)
- **Update County Comprehensive Plan with “Peril of Flood” Statutory Language – *In process***
  - In 2015, state legislation added language to Comprehensive Planning requirements in F.S. 163.3178 regarding Coastal Management Elements. This “Peril of Flood” statutory language requires counties with these elements, of which Nassau is one, include sea level rise as one of the causes of flood risk that must be addressed. Other requirements include more comprehensively addressing flood risk overall. PEO staff will be working on these required amendments in Fall 2018.
- **Update Development Review Regulations – *In process***
  - PEO Staff is currently working on a substantive Land Development Code update, completely overhauling development review procedures. This significant undertaking will not only streamline and simplify processes for applicants and staff, but will also incorporate best planning practices, and more fully address issues related to flooding, drainage and stormwater. This change is also significant as it will incorporate the Roadway and Drainage Standards ordinance into the Land Development Code. Ms. Bray and the Engineering Department are concurrently working on suggested updates for that code language. Staff has been working on these updates since early Spring and due to the complexity and scale of these changes, it does take time. Staff is hopeful that initial drafts will be shared with the Planning and Zoning Board in Fall 2018.
- **Work with Building Department on Updates to Floodplain Management Ordinance – *In process***
  - PEO Staff is in discussions with the Building Department on potential updates to the County’s Floodplain Management Ordinance. This includes addressing freeboard requirements for new construction.
- **Apply for DEP Resilience Planning Grant – *In process***
  - PEO Staff is applying (due 9/7/18) to the Florida Department of Environmental Protection for a Resilience Planning Grant for a Phase I Vulnerability Assessment. This assessment would look at the County east of I-95 (excluding the island, as a preliminary vulnerability assessment was completed there by the Regional Council several years ago), and west of I-95, south and east of SR200/301. A vulnerability assessment looks at the “potential for loss of or harm/damage to exposed assets largely due to complex interactions among natural processes, land use decisions, and community resilience (NOAA, 2010).” These areas were chosen by staff as a Phase I assessment because they are the areas experiencing the most rapid growth, and they are areas for which Flood Insurance Studies (FIS) have not been done, so Base Flood Elevations (BFE) have not been established. Because BFE’s are unknown, a vulnerability assessment can be especially valuable until FIS are completed. A Phase II assessment for the rest of the County west of I-95 would be a secondary study.



- **Include Floodplain Management, Stormwater and Resiliency in All Planning Initiatives – In process**
    - PEO staff currently has a number of long-range planning initiatives underway. Because flooding, stormwater, and resiliency are not issues that can be isolated from any planning activity, these will be incorporated into all of our planning initiatives. These initiatives include: Western Nassau Heritage Preservation Committee, SR200/A1A Corridor Design Plan, Recreation Planning, and Conservation Land Acquisition planning.
  - **Increase Community Outreach and Engagement around Flood Risk and Resiliency – Suggested**
    - Community outreach and engagement is one of the core principles of the Community Rating System. The County should look for new and expanded opportunities to continue our outreach to the community about flood risk and resiliency, working with all related departments to do so. One positive step that will help the County in doing so for part of the County is a formalized partnership with the City of Fernandina Beach around floodplain management outreach.
  - **Update Comprehensive Plan and Land Development Code (General) – Suggested**
    - PEO Staff should evaluate the Comprehensive Plan for any other needed updates relative to natural resource protection, particularly as it relates to floodplain management best practices. Besides updating development review procedures, the Land Development Code also needs reviewed, especially considering any recommended Comprehensive Plan policy changes. Clearly identified needs, as an example, are a serious evaluation of wetland policy in the County and looking at implementing impervious lot coverage standards. State agencies such as the St. Johns River Water Management District and Florida Fish and Wildlife have offered technical assistance in reviewing suggested changes.
  - **Identify Grant Opportunities - Suggested**
    - There are many grant opportunities available relative to floodplain management and mitigation, drainage and resiliency. A coordinated approach to seeking and applying for these grants in conjunction with Emergency Management and OMB would be of benefit.
  - **Form Resiliency Task Force – Suggested**
    - One of the first steps in effective resiliency planning as recommended in the Florida DEP's Adaptation Planning handbook is forming a steering committee to work on these issues, because they cannot be siloed. As a suggestion, County departments and other identified community partners and technical experts, could meet quarterly, identify needed improvements and collaborate, and work on identifying and preparing for upcoming grant opportunities, etc. One specific example would be to work on projects like the vulnerability assessment outlined in the DEP grant application. This collective approach could also include looking at County infrastructure and facilities and preparing for future planning.
  - **Encourage More Staff to Obtain CFM Designation – Suggested**
    - Having more staff members with a Certified Floodplain Manager designation would not only help in Community Rating System participation, it would mean more staff members are educated and equipped to address floodplain issues throughout the County. This designation can be obtained by staff in a variety of departments that handle County infrastructure, building and planning.
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ORDINANCE NO. 2019 - \_\_\_\_

**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 \_\_\_\_\_, 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-dependant 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.02.1009**

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.~~

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

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~~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**

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~~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-dependant 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

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JUSTIN M. TAYLOR  
Its: Chair

ATTEST as to Chairman's Signature:

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John A. Crawford  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney

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Michael S. Mullin  
County Attorney