

ORDINANCE 2019 - _____

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA PROVIDING FOR REVISIONS TO THE
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS IN THE
CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR FINDINGS;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Section 163.3177(3), F.S. requires each local government comprehensive plan to contain a Capital Improvements Element providing for a Capital Improvements Element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities; and

WHEREAS, Section 163.3177(3)(a)(1) F.S. requires the Capital Improvements Element to contain a component that outlines principles for construction, extension, or increase in capacity of public facilities, as well as a component that outlines principles for correcting existing public facility deficiencies, which are necessary to implement the comprehensive plan. The components shall cover at least a 5-year period; and

WHEREAS, Section 163.3177(3)(a)(4) F.S. requires the Capital Improvements Element to contain of a schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility; and

WHEREAS, Section 163.3177(3)(b) F.S. clearly states that modifications to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan; and

WHEREAS, the Board of County Commissioners held a public hearing on November 18, 2019; and

WHEREAS, public notice of all hearings has been provided in accordance with Chapters 125 Florida Statutes.

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

SECTION 1. FINDINGS

This Ordinance is consistent with Chapter 163, Part II, Florida Statutes and the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular, Policies CI.01.02, CI.01.03, CI.01.04, CI.02.02, CI.07.04, and CI.08.03.

SECTION 2. AMENDMENT

The Five-Year Schedule of Capital Improvements, is hereby revised as set forth in Exhibit "A", attached hereto and made a part hereof.

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 take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

Adopted this _____ day of _____, 2019 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

JUSTIN M. TAYLOR
Its: Chair

ATTEST as to Chairman's Signature:

John A. Crawford
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney

Michael S. Mullin
County Attorney