

**ORDINANCE 2017 - \_\_\_\_\_**

**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 Nassau County Planning and Zoning Board, also in their capacity as Local Planning Agency, held a duly noticed public hearing to address the proposed revisions on October 17, 2017 and recommended approval; and

**WHEREAS**, the Board of County Commissioners held a public hearing on October 23, 2017; 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 \_\_\_\_\_, 2017 by the Board of County Commissioners of Nassau County, Florida.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

---

DANIEL B. LEEPER  
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