

ORDINANCE NO. 2019- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING ORDINANCE NO. 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY LAND DEVELOPMENT CODE; ADOPTING A NEW ARTICLE 43; ADOPTING BY REFERENCE AND APPROVING THE USE OF THE WILLIAM BURGESS CONTEXT AND CONNECTIVITY BLUEPRINT IN THE SUBSEQUENT IMPLEMENTATION PHASES OF THE WILLIAM BURGESS MIXED-USE ACTIVITY CENTER OVERLAY DISTRICT AS ADOPTED IN THE 2030 COMPREHENSIVE PLAN; AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 28, 2017, at the recommendation of the Local Planning Agency and after receiving no objection from the State of Florida, the Board of County Commissioners approved the creation of the William Burgess Mixed-use Activity Center Overlay District as part of Policy FL.02.05 in the 2030 Comprehensive Plan; and

WHEREAS, the William Burgess Mixed-Use Activity Center Overlay District directly implements the principles of the Vision 2032 Plan and 2030 Comprehensive Plan by creating the opportunity for the establishment of a transit oriented compact mixed-use community that promotes social engagement, a live/work environment and fiscal sustainability; and

WHEREAS, the William Burgess Context and Connectivity Blueprint expands upon the William Burgess Mixed-use Activity Center Overlay District by capturing the historical context of the area to establish a unique sense of place through the enhancement of an emotional attachment via local specificity that captures the quality-of-place and quality-of-life desired by citizens and businesses for retention, expansion and attraction; and

WHEREAS, the Planning and Zoning Board of Nassau County held publicly noticed workshops on the creation and implementation of the William Burgess Context and Connectivity Blueprint on September 18, 2018, October 2, 2018, November 8, 2018, November 20, 2018, January 15, 2019, February 5, 2019, February 19, 2019, February 26, 2019, March 5, 2019, and March 19, 2019; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this proposed ordinance on June 4, 2019 and voted to recommend approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners held public hearings on June 24, 2019 and July 8, 2019 to take public comment and consider the adoption of the proposed ordinance and, by reference, the William Burgess Context and Connectivity Blueprint in the implementation of the William Burgess Mixed-use Activity Center Overlay District.

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

SECTION 1. FINDINGS

This Ordinance is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular Policy FL.02.05, the William Burgess Mixed-use Activity Center Overlay District.

SECTION 2. AMENDMENT

- A. Article 43, William Burgess Mixed-Use Activity Center Overlay District, is hereby added to the Land Development Code as set forth in herein:

ARTICLE 43. - WILLIAM BURGESS MIXED USE ACTIVITY CENTER OVERLAY DISTRICT

Section 43.01. – Purpose and Intent

The William Burgess Mixed-use Activity Center Overlay District establishes a series of compact mixed-use activity centers consistent with the expressed goals in the Vision 2032 plan while also serving to alleviate traffic from the State Road 200/A1A Corridor, plan for future infrastructure, civic spaces/uses and projected population growth.

Development within the William Burgess Mixed Use Activity Center Overlay District shall:

- (A) Promote sustainable, compact, mixed use development patterns which include a mixture of residential, commercial, office, and employment-generating uses.
- (B) Promote a mixture of housing types at varying densities.
- (C) Promote multi-modal transportation including walking, biking, and future transit systems, including the identification and reservation of a future commuter rail station/transit station.
- (D) Identify and reserve lands for future transportation corridors, public schools and parks.
- (E) Identify and preserve environmentally sensitive lands and natural systems, including the floodplain, wetlands and areas located within the Coastal High Hazard Area (CHHA).

Section 43.02. - Applicability.

The William Burgess Context and Connectivity Blueprint (WB CCB) is the Nassau County adopted public policy which implements Policy FL.02.05, the William Burgess Mixed-use Activity Center Overlay District. The provisions defined in the WB CCB are applicable to all lands within the boundary of the William Burgess Mixed-use Activity Center Overlay District as defined in Comprehensive Plan Policy FL.02.05. The use of the terms 'William Burgess District (WBD)', 'the District', 'the Overlay', shall have the same meaning as the William Burgess Mixed-use Activity Center Overlay District. Further the terms, "this document", "this plan", "this code", "these regulations" or the "WBD design guidelines" throughout this document have the same meaning as the William Burgess Context and Connectivity Blueprint. The boundary of the WBD is shown graphically in Figure 1.1 of the WB CCB.

- (A) All development, new development and redevelopment, that is located within the WBD shall be consistent with the regulatory standards of the WB CCB unless expressly exempted therefrom. These regulatory controls shall apply to both private and public lands within the WBD.
- (B) The construction or replacement of a single family dwelling on an individual parcel of land existing as of July 8, 2019 shall not be subject to the design standards defined in the WB CCB. This exemption shall not apply to a parcel of land that has been rezoned and FLUM amended to a transect as defined in section 4.1.4 of the WB CCB.
- (C) Any Planned Unit Development (PUD) with a Development Order (DO) executed by the Board of County Commissioners (BOCC) prior to July 8, 2019 shall be subject to the standards defined in the approved PUD DO. Nothing within WB CCB shall supersede any existing provision in a valid PUD DO that was approved by the BOCC prior to July 8, 2019. However, where the PUD DO is silent and/or ambiguous the WB CCB shall control.
- (D) The East Nassau Community Planning Area ("ENCPA") Special District (T-7SD/T-7.1), including the ENCPA Conservation Habitat Network within T-1, is regulated by the ENCPA Master Land Use Plan and related text in Objective FL.13 of the 2030 Comprehensive Plan and the associated Policies, the Employment Center Detailed Specific Area Plan ("DSAP") Development Order, the ENCPA Mobility Agreement, Article 27 of the Land Development Code and the Market Street Preliminary Development Plan, as may be amended (the "ENCPA Approvals"). The lands controlled by the East Nassau Community Planning Area (ENCPA), the Employment Center Detailed Specific Area Plan (DSAP), and Market Street Preliminary Development Plan (PDP), are subject to the documents and DOs controlling development in those lands. Nothing within WB CCB shall supersede any existing provisions within the "ENCPA Approvals" that were approved by the BOCC prior to July 8, 2019. However, where any of the "ENCPA Approvals" are silent and/or ambiguous the WB CCB shall control.
- (E) In the event of a conflict between this plan and the SR200/A1A Access Management Overlay District, Article 35 LDC, the WB CCB shall control.

Section 43.03. – Transect Zoning Districts.

Within the boundaries of this overlay district, as defined above, the following transects may be adopted as zoning districts, subject to the adoption of the appropriate transect on the Comprehensive Plan Future Land Use Map (FLUM); and subject to the permitted residential densities and floor area ratios (FAR) listed in the table below and conformance with goals, principles and standards within the adopted guidelines and performance standards adopted for this district in the William Burgess Context and Connectivity Blueprint as described below and adopted by reference into this Code.

<u>TRANSECT</u>	<u>NAME</u>	<u>ALLOWED DENSITY</u>	<u>FAR (MAX)</u>
<u>T-1</u>	<u>Natural Zone</u>	<u>0 du/acre</u>	<u>0</u>
<u>T-1.5</u>	<u>Agriculture & Open Space Zone</u>	<u>1 du/20 acres (max)</u>	<u>.25</u>
<u>T-2</u>	<u>Rural Zone</u>	<u>1 du/5 acres (max)</u>	<u>.5</u>
<u>T-2.5</u>	<u>Rural Transitional Zone</u>	<u>1 du/acre (max)</u>	<u>.5</u>
<u>T-3</u>	<u>Sub-urban Zone</u>	<u>2du/acre (min) 5 du/acre (max)</u>	<u>1</u>
<u>T-3.5</u>	<u>Urban Transitional Zone</u>	<u>5 du/acre (min) 10 du/acre (max)</u>	<u>1.5</u>
<u>T-4</u>	<u>Urban Edge/Urban General Zone</u>	<u>8 du/acre (min) 15 du/acre (max)</u>	<u>2</u>
<u>T-4.5</u>	<u>Urban Corridor Zone</u>	<u>0 du/acre (min) 18 du/acre (max)</u>	<u>2</u>
<u>T-5</u>	<u>Urban Center Zone</u>	<u>10 du/acre (min) 25 du/acre (max)</u>	<u>2</u>
<u>T-7 (SD)</u>	<u>Special District Zone</u>	<u>0 du/acre 25 du/acre (max)</u>	<u>4</u>

Where residential and non-residential uses are vertically integrated within the same structure, Floor Area Ratio (FAR) calculation will exclude those portions devoted to residential dwelling units located above non-residential uses/spaces.

Section 43.04. - William Burgess Context and Connectivity Blueprint.

The William Burgess Context and Connectivity Blueprint, is hereby adopted by reference as of July 8, 2019, and is applicable to all properties within the District and shall establish specific incentives and design guidelines that will incorporate the goals, principles and standards for development of this District.

- B. The William Burgess Context and Connectivity Blueprint, is hereby adopted by reference pursuant to Article 43 of the Land Development Code (Ordinance 97-19, as amended) as set forth in Exhibit “A” herein, and is applicable to the property defined in Comprehensive Plan Policy FL.02.05 and Future Land Use Map Series Map FLUMS-10, as amended.

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.

PASSED and ADOPTED this _____ day of _____, 2019.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

JUSTIN M. TAYLOR,
Its: Chairman

ATTEST as to Chairman's Signature:

JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form and legality by the
Nassau County Attorney:

MICHAEL S. MULLIN,
County Attorney